



By Jim McMahon
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Cyberporn can be regulated

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With the proliferation of computer bulletin boards, in a flash people can connect to information about labor unions, model rocketry, psychic phenomenon, computer dating services, movie reviews, crime prevention, computer hacking, self-help groups, software piracy, religion, or pornography.

Yes, while the overwhelming number of bulletin boards are run by law abiding people, there are some using them for illegal acts.

That raises a key question: Should obscenity be regulated in cyberspace? Yes — and it can be done. Obscenity is regulated in other spaces worldwide. The mere fact that the images are stored electronically and available on demand makes them no less palatable or offensive than if they were for sale at the corner store. In fact, given the

anonymity of cyberspace they may be even more available. At least at the corner store a child has to face an adult to make a purchase.

As society attempts to develop the codes of conduct for the new information superhighway, the process can be like eating sausage: it tastes good but you don't want to watch it being made.

Our legal system is dealing with acts not considered 20 years ago, and certainly not 200 years ago when the Constitution and the Bill of Rights were written.

The rules, designed for simpler times, now must solve problems in another, more complicated era.

Recently, a jury in Memphis convicted a

Milpitas couple on obscenity charges, after they sent materials via a telephone and modem connection from their BBS to the personal computer of an investigator in Tennessee. I testified in that case and found three of the defense arguments did not hold water.

First, the defendants said the North American Free Trade Agreement prevented Tennessee from bringing criminal charges because a citizen of Canada or Mexico, distributing obscenity across state or national lines, would be beyond the reach of our law enforcement. In effect, they contend-

ed, U.S. bulletin board owners are treated unequally compared with their competitors in Canada or Mexico because our laws are more restrictive.

But I just returned from teaching a class in British Columbia to police officers and constables of the Royal Canadian Mounted Police. The images involved in the Tennessee case would violate their laws as well.

The United States has dealt with this issue before. Operation Long Arm, a 1993 U.S. Customs Service attack on the distribution of child pornography sent into the United States from Europe, resulted in the service of 42 simultaneous search warrants in more than 30 states. Agents seized materials being shipped into the U.S. via computer.

Two cases were prosecuted, in Los Gatos and San Jose, resulting in felony convictions. Although the defendants were working outside the United States, they were investigated and punished by their respective nations.

Second, the Milpitas couple contended that "contemporary community standards" are based on where the product is produced and sold, not where it is purchased. Therefore, they said, the community standards of California, not Tennessee, should dictate whether their material was obscene. But the object in question, in this case a

computer-readable file of a picture, was purchased when it arrived in Tennessee.

The defense never disputed that a search warrant had to be signed by a magistrate in San Francisco, the district where it was to be served. Here, in reportedly one of the most liberal of all areas of the nation, the magistrate felt there was probable cause to search for obscene material. Federal agents did find such items. The proof is in the guilty verdicts.

Finally, the defendants alleged that the images did not violate obscenity laws. Much ado has been made in the media that "only in the Bible Belt" could this material have been found obscene. I strongly disagree. I have been a police officer for more than 20 years. I have investigated sexual assaults, rapes and child molests. I've been to murder scenes, grisly accidents, shootings and stabbings.

I have also seen the photos listed in the indictment as obscene in the case of the Milpitas couple. I have watched portions of the video tapes sold by these people across the state lines. There is absolutely no doubt in my mind that a jury from San Francisco, San Jose, Oakland, Los Angeles or any other community in California would have returned exactly the same verdicts as the jury in Tennessee.

The defendants would have us believe the images charged were as innocuous as those found in Playboy. This is absolutely untrue. They involved incest, bestiality, horrendous genital torture, urine and feces — and more.

The idea that this sort of product is available to anyone with a modem and a credit card, regardless of age, should be abhorrent to any parent and member of this community.

The reality is that kids do have access to this abomination, and access is too easy. A reasonably intelligent 8-year-old can log onto a computer system, dial a modem and connect to a bulletin board or network. A few well-placed answers and a credit card number, and access is theirs. The child would have to falsify a signature, electronic or otherwise, but that's no bar at all. For several years I

worked as an undercover officer infiltrating pedophile groups and befriending child molesters. Often I posed as a 12- or 13-year-old and I was never was thrown off a BBS. What can we do as responsible adults and parents? Cyberspace is a great place to learn, explore and gaze into the future. If you are a parent, join your son or daughter at the computer screen and explore together. Remember, when you provide the keys to the family car, you are responsible to make sure the child drives safely. Similarly, when you hand over the keys to the superhighway, drive along. Teach responsible net etiquette. Discourage the use of pirated software games and programs. Make computing a family event that everyone can enjoy. Report people who abuse the system, offer stolen goods, or solicit behaviors that are injurious to others. Many police agencies have officers who may only be part-time computer cops, but have a strong commitment to encouraging the new frontier. If something seems wrong, call and ask.