

## Justices to Rule on Constitutionality Of Federal Child-Pornography Statute

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WASHINGTON — The Supreme Court agreed to decide whether the federal statute barring child pornography violates the First Amendment's free-speech guarantee.

The case hinges on whether courts may interpret a technically flawed statute so as to make it enforceable.

A lower court ruled that the child-porn law is unconstitutional because its somewhat ambiguous language doesn't clearly require that prosecutors prove someone who distributed or received the pornographic material was aware that it depicted a person under age 18. The Justice Department appealed.

The department warned that the ruling — by the U.S. Appeals Court for the Ninth Circuit, which includes California and Nevada — will make it difficult to bring child-porn cases in Los Angeles and Las Vegas, where a large amount of pornography is produced. The appeal was supported by private antipornography groups that have accused the Clinton administration of being insufficiently aggressive in prosecuting child pornography.

The statute at issue prohibits transportation or receipt of material depicting a minor engaging in "sexually explicit conduct." But the San Francisco-based appeals court reversed the conviction of a Los Angeles pornography distributor, saying

the statute as written doesn't actually require proof that the defendant knew at least one performer was younger than 18. The appeals court said that the First Amendment requires that the defendant can only be found guilty if he has such knowledge.

While acknowledging that the lower-court interpretation may have been technically correct, the Justice Department asserted that Congress must have intended the statute to include the knowledge standard required by the First Amendment. (*U.S. vs. X-Citement Video Inc.*)

### Labor-Law Dispute

The Supreme Court agreed to decide whether a publishing-industry union may carve out a separate bargaining unit consisting exclusively of a printer's pressroom employees. The justices will hear the appeal of a Toledo, Ohio, advertising publisher that objected to a National Labor Relations Board ruling that favored a union seeking to represent a separate bargaining unit of about 40 pressroom employees.

The company argued in its appeal that the NLRB, without justification, departed from its traditional policy of opposing the division of a single lithographic work force into separate units. Employers sometimes resist multiple bargaining units because of the difficulty of dealing with multiple unions. (*NTA Graphics Inc. vs. NLRB*)