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How closely should the government supervise the Internet? This week the Supreme Court wrestled with the question, and after listening to arguments, it is not at all clear what the justices believe. What they decide, however, will have broad implications for the future, and the nature, of the Internet and World Wide Web.

At issue is the Communications Decency Act, passed by Congress last year in reaction to concerns about the proliferation of pornography, and its exposure to children, on the ever-growing Internet. The Clinton administration, which was severely criticized in its earlier phase for indifference to the problem of child pornography, quickly signed on to the Act (which makes the sending of porn into cyberspace a crime) during last year's presidential campaign. And when a three-judge federal panel in Philadelphia struck down the Act as unconstitutional, the Justice Department filed an immediate appeal.

In the realm of free speech, the argument is basic. Opponents of the Act, who deplore any oversight whatsoever, cite the appeals court's assertion that the Internet is a "never-ending worldwide conver-

Kids, pornography and cyberspace

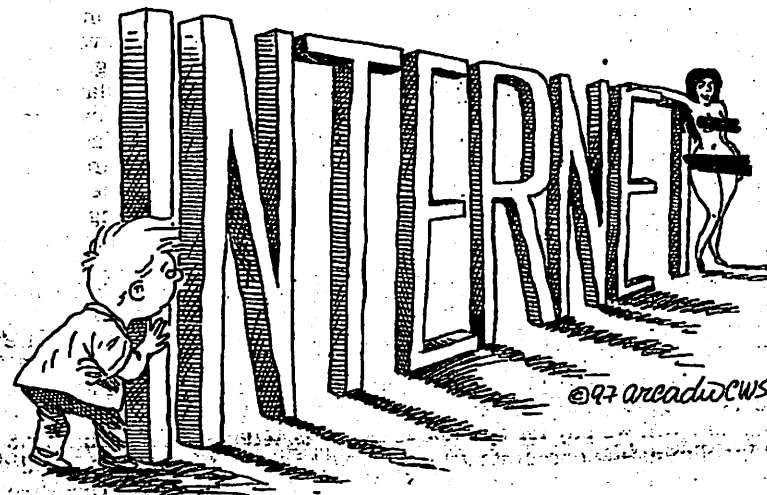
sation [that] deserves the highest protection from government intrusion." They are also concerned that technical measures designed to patrol content — filters, blockers, methods of censorship — would impose financial burdens on users and programmers, chilling the free-wheeling Internet climate.

It is true that the growth and extension of the Internet's scope and influence makes government regulation problematical at best. And it is certainly the case that government intrusion is fraught with a number of troubling possibilities: Who will define pornography when he sees it, and how can a law designed to protect children be administered in ways that preserve the rights of adults?

Still, it is difficult to contemplate the quality of the Internet, and shrug one's shoulders. As with any vehicle of mass communications, the lowest common denominator

has found a happy home: There is plenty of pornographic material to be found, and lots of web sites and chat rooms for perverts and deviants. I am not speaking, incidentally, of Playboy subscribers or homosexual theoreticians; there are tantalizing details about adult sex with children, animals, plants and double amputees, garnished with pictures and sweaty testimonials. This is not exactly Al Gore's information superhighway.

Most parents, I suspect, would agree that it is best if children could be insulated from access to such material. It is true, as free speech advocates maintain, that while pornography exists in abundance on the Internet, it is never an unwelcome intruder on the screen: You have to know what you want, and purposefully seek it out, after passing a series of stoplights and warnings. But the same argument could be made about pornography in gen-



eral — in print, on television, by phone, or whatever: The fact that it is not readily available to everyone, and is generally accessible to "adults" only, merely strengthens the case for some form of regulation.

It could be argued that, so far as pornography is concerned, society has reached a kind of working compromise. The anti-obscenity laws are on the books, but are selectively — indeed, sparingly — enforced. That is because, by common consent, the sale of pornography is informally

restricted by tacit agreement between producers and consumers.

Red light districts are largely gone from cities, but prostitutes exist for the people who want them. Video stores segregate porn from "Cinderella," and discriminate against minors in the rental of films. In any large bookshop you will find Edward Weston's photographs of naked women gamboling in the Southwestern desert, or Francis Bacon's visions of homoerotic delight, scattered among the shelves of coffee-

table books; but Hustler and Penthouse lurk behind the counter.

Yet supervising access has had no effect on the content of porn: So far as I know, the Larry Flynts and Bob Guccione of the world still say what they wish, and show what they like, but must live within the confines of a regulated market. No evidence exists that these minor restrictions have plunged them into poverty.

So the justices are likely to uphold the Act, in the hopes that such arrangements are adaptable to the Internet. This means that the letter of the law will not be closely observed — pornography will subsist in cyberspace — but the spirit of the Act will permeate the Internet. Programmers and on-line services will have to spend some money to ensure that obscene material is inaccessible to children. Prosecutors will have to decide what material on the Internet is worth their time and attention. And parents, as always, will have to be reminded that safeguarding their children from the seamier sides of life is their job, and not just another federal mandate.

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