

New Congress on Line to be Next Big Brother

By Bill Hobby

Hooray for the new Congress. They promised to take government off our back, and they've put it in our living room.

They promised to free us from regulation, and they've concocted one that can deprive some unwitting computer nerds of their liberty.

The amendment attached to an overhaul of federal communications law by the Senate Commerce Committee sets fines up to \$100,000 and jail terms of up to two years for anyone who transmits material that is "obscene, lewd, lascivious, filthy or indecent" over the Internet. Welcome, thought police.

As one columnist, Charles Levendosky of the Casper (Wyoming) Star-Tribune, put it, "It would melt the promise of this electronic Gutenberg."

Many of us are just now discovering the wonders of cyberspace as presented through the Internet. We're just learning to pull up reproductions of paintings in the Louvre, reference material from the Library of Congress, bills up for consideration in the Texas Legislature. We are travelers in a fantastic new world of knowledge and information.

This wonderful worldwide network of computers can answer our questions in seconds, whether we want to know about ancient Egyptian hieroglyphics or what happened today in the O.J. Simpson trial. So naturally our Big Brothers in Congress couldn't leave us alone.

Under the guise of protecting children from smut, the Senate has adopted one of the most draconian invasions of privacy ever.

It has never been clear to me why the government considers that it owns the airwaves. I have never seen the bill of sale or the certificate of title. Yet, while newspapers and other printed means of communication are protected from regulation by the First Amendment, electronic media have always been subject to arbitrary and capricious acts of Congress.

There was good reason for the federal government allocating frequencies so that broadcasters didn't interfere with one another. It is quite another thing to decide that broadcasting media must be owned by U.S. citizens, carry public service programming and adhere to the Federal Communications Commission's idea of fairness.

Now, just when most of these regulations are being repealed, Congress has decided it must control what you send over your personal computer. This is directly equivalent to opening your mail. No one wants to defend pornography. There is too much of it around, too much of it on the news stands and on television. But we have a defense. We don't have to buy it or watch it. We have the same defense on the Internet. We can heed the increasingly frequent warnings and just not download. (I don't know how to download photographs anyway. I have enough trouble finding Windows on State Government. I don't know how many 10-year-olds are computer literate enough to surf into the adult video sections.)

But the evil of pornography pales beside the great threat to our privacy and personal freedom that this legislation creates.

In print media, the courts have carefully balanced the issues, setting up stringent tests for defining pornography. The amendment the Senate passed does not define what is "obscene, lewd, lascivious,

filthy or indecent". Do we really want Newt Gingrich defining it? Or Janet Reno? Or the FBI?
There's a small technical problem. Information flows over the Internet in bits, 1's and 0's. Digital packages race over telephone wires. As Levendosky explains it, it's like "putting a normal letter into a shredder, then sending each strip to the recipient in separate envelopes along with hundreds of other envelopes each containing a strip from different pieces of mail."

The government can only monitor it at the point of sending or of receiving--by leaning over your computer.

What about some hamfisted novice who clicks his way into the wrong news group? Does he deserve two years in jail? Shouldn't we be worried about the rapers and robbers and murderers?

Senator Jim Exon, D-NE., the sponsor of the amendment, says that the information superhighway may one day transcend radio, television and newspapers as an information source.

"Therefore, I think this is the time to put some guidelines or restrictions on it," he said.
It's not clear to me, and I hope it won't be clear to the courts, why speech over electronic media should be subject to more severe restrictions than speech printed on paper.

Exon's amendment was adopted by voice vote, so it's not clear who exactly voted for it but we do know that not one courageous member of that committee stood firm against it.

These are the members of the Senate Commerce Committee chaired by Sen. Larry Pressler, R-SD:
Sens. Bob Packwood, R-OR; Ted Stevens, R-AK, John McCain, R-AZ, Conrad Burns, R-MT; Slade Gordon, R-WA; Trent Lott, R-MS; Kay Bailey Hutchison, R-TX; Olympia Snow, R-ME; John Ashcroft, R-MO; Ernest Hollings, D-SC; Daniel Inouye, D-HI; Wendell Ford, D-KY; Jim Exon, D-NE; John Rockefeller IV, D-WV; John Breaux, D-LA; Richard Bryan, D-NV, and Byron Dorgan, D-ND.

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