

Freedom of Speech

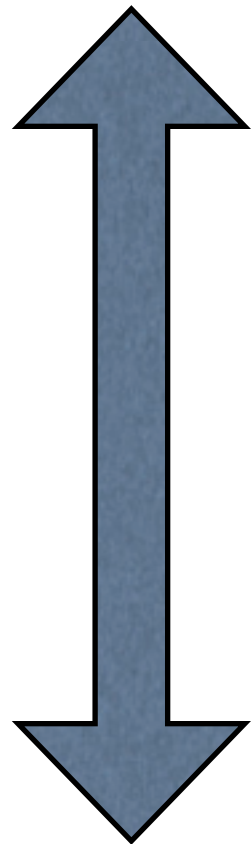
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CS 305: Ethics & Social Implications

Three Categories of Communication

Stronger

1st Amendment protection



1. Print Media (newspapers, books, etc.)
2. Broadcast (Television, radio)
3. Common Carriers (telephone, telegraph, postal system)

Weaker

Why Censor Broadcast media?

- Scarcity of media
- Broadcasts “come into the home”

Common Carriers

- Provide *communication*, not content
- Required to provide “universal access” in exchange for monopoly rights
- Barred from controlling content
 - Not responsible for legality of content
 - Contrast with print publishers and broadcasters

Categories are Outmoded

- Cable Television
 - ▶ Supreme court says “between print and broadcast”
- The web?
 - ▶ Is it like a newspaper, a shop, a telephone, a TV broadcast, a library, a bookshop, or a meeting room?
 - ▶

The Communications Decency Act (Telecommunications Act of 1996)

“no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.”

Title V, Section 230

Communications Decency Act

Signed by President Clinton on 8 February 1996, the CDA imposed criminal sanctions on anyone who:

knowingly (A) uses an interactive computer service to send to a specific person or persons under 18 years of age, or (B) uses any interactive computer service to display in a manner available to a person under 18 years of age, any comment, request, suggestion, proposal, image, or other communication that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs.

It further criminalized the transmission of materials that were “obscene or indecent” to persons known to be under 18.

- *Anti-indecency* provisions of the Communications Decency Act ruled unconstitutional in 1997.

Reno v. ACLU, 1997

- *Obscenity* provisions upheld.

Nitke v. Gonzales, 2005