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Gary M. Klein  
*Willamette University*

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**H**ow can a piece of legislation be called indecent when it draws a standing ovation from Congress and praise from stand-up comedian Lily Tomlin?

Tomlin's stage character of Ernestine, the telephone operator who took great pride in her prudish upholding of decency on the *Rowan & Martin's Laugh-in Comedy Hour*, was resurrected as part of a media event that accompanied President Clinton's signing of major new telecommunications legislation on Feb. 8, 1996.

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## The Telecommunications Act of 1996: The Indecency of it All!

By Gary M. Klein

Management/Business Economics Librarian  
Mark O. Hatfield Library  
Willamette University

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Lily Tomlin clearly knew that her satiric routine ushered in the Telecommunications Act of 1996. But, did she know that it also ushered in an adjunct piece of legislation that now is casting a cloud over the Internet, academic computing, and libraries?

Less than one day after President Clinton signed the Communication Decency Act of 1996 (CDA), twenty organizations, including the

Planned Parenthood Federation of America, the Human Rights Watch, the National Writers Union, and the Clarinet Communications Corporation, joined together in filing a lawsuit to challenge it.

Why is this of concern to the Hatfield library? Because, quite simply, we provide our students unlimited Internet access, including access to the very resources that are criminalized under the CDA. Since this legislation makes it illegal for minors to gain access to certain types of electronic resources, librarians could be prosecuted for helping Willamette students.

Furthermore, in its current form, the Communications Decency Act does not define what it terms "patently offensive" nor what it terms "indecent," an omission that lends the bill considerable ambiguity. However, it clearly spells out that almost any electronic transmission of abortion information is automatically declared indecent and subject to prosecution.

Aside from abortion, the CDA does not offer any precise definitions of indecency, nor of what is patently offensive. Yet, the Internet providers are subject to the CDA's provisions if a minor "may" have access to offending materials, regardless of the nature of the student's request.

Thus, if a student under the age of 18 writing a term paper on the ethics of abortion turns to an Internet resource, the Communications Decency Act can suddenly be called into action. The CDA clearly states that people found responsible for violating its restrictions "shall be fined under Title 18, United States Code, or imprisoned not more than two years, or both."

Ironically, if this same abortion information were obtained from printed sources, then no crime would have been

committed because those publications are protected by the First, Fourth, Fifth and Ninth Amendments of the United States Constitution. Although abortion is a valid topic for a student to explore, dispensing information on abortion to minors over the Internet has become a crime.

Who ever thought that turning to electronic resources could be a crime? Will libraries and computer laboratories all across the country have to start "carding" their students before connecting them to Internet resources?

The role of libraries and librarians in an academic setting is to help students to find information by whatever means are appropriate and provide resources that students can analyze, digest, and synthesize and from which they can learn. With this new legislation taking effect the minute that President Clinton signed it, however, librarians may have to start censoring their recommendations, otherwise they could land in prison for two years.

New York State's legislators recently signed into law an even stronger bill that criminalizes any electronic transmissions of nudity, whether visual, textual or spoken. Museums are up in arms over the New York bill because it does not offer any provision for artwork, such as a critic's discussion of Marcel DuChamps' *Nude Descending a Staircase*. I wonder how the Vatican would feel if New York's legislation was used to declare the ceiling of the Sistine Chapel indecent because it includes nudity?

How far will legislators go in defining indecency?

And who will police the Internet connections available from the Hatfield library's InfoStations when students start turning their Web browsers to the Vatican's artwork, where anyone in the world can view Michelangelo's artistry? **Q**

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*"Everyone is in favor of free speech. Hardly a day passes without its being extolled, but some people's idea of it is that they are free to say what they like, but if anyone says anything back, that is an outrage."*

*—Winston Churchill*