

Federal Laws

CDA: The Communications Decency Act of 1996, a part of the Telecommunications Act of 1996, was the first attempt by the U.S. Congress to protect children on the Internet from pornography. CDA prohibited knowingly sending or displaying “indecent” material to minors through the computer, defined as: “any comment, request, suggestion, proposal, image, or other communication that, in context, depicts or describes, in terms of patently offensive as measured by contemporary community standards, sexual or excretory activities or organs.” The Act was immediately challenged by a law suit by the ACLU and blocked by a lower court. A year later the U.S. Supreme Court struck down the indecency provisions of the CDA in the historical cyberlaw case of *Reno v. ACLU* (1997). The Supreme Court held that a law that places a “burden on adult speech is unacceptable if less restrictive alternatives would be at least as effective in achieving” the same goal. However, the court reaffirmed the application of obscenity and child pornography laws in cyberspace—an important victory for the protection of children online.

COPA: The Child Online Protection Act (COPA) of 1998 was an effort by the U.S. Congress to modify the CDA in response to the Supreme Court’s decision in *Reno v. ACLU*. The law sought to make it a crime for commercial websites to make pornographic material that is “harmful to minors” available to juveniles. The purpose of COPA was to protect children from instant access to pornographic “teaser images” on porn syndicate web pages, by requiring pornographers to take credit card numbers, adult verification numbers, or access codes to restrict children’s access to pornographic material and to allow access to this material for consenting adults only. Despite the critical need for measures to protect children from accessing harmful materials, the law was immediately challenged and blocked by lower courts, and has become the subject of an epic legal battle, still raging today. The permanent injunction against the enforcement of COPA remains in effect today. The government has not announced whether it will appeal the case to the U.S. Supreme Court for a third time.

COPPA: The Children’s Online Privacy Protection Act of 1998, which went into effect in April 2000, requires websites that market to children under the age of 13 to get “verifiable parental consent” before allowing children access to their sites. The Federal Trade Commission (FTC), which is responsible for enforcing COPPA, adopted a sliding scale approach to obtaining parental consent. The sliding scale approach allows website operators to use a mix of methods to comply with the law, including print-and-fax forms, follow-up phone calls and e-mails, and credit card authorizations.

CIPA: The Children’s Internet Protection Act (CIPA) of 2000 requires public schools and libraries receiving federal e-rate funds to use a portion of those funds to filter their internet access. They must filter out obscenity on library computer terminals used by adults and both obscenity and harmful-to-minors materials on terminals used by minor children. CIPA was upheld by the U.S. Supreme Court as constitutional in June 2003.