

FOR IMMEDIATE RELEASE
Wednesday, February 7, 2001

VERMONT CYBER-CENSORSHIP LAW CHALLENGED

BURLINGTON, VT – In a complaint filed today in federal district court, a broad range of individuals and entities who are speakers, content providers, and access providers on the Internet said that a Vermont law criminalizing online communications violates free speech rights and the Commerce Clause of the United States Constitution.

The law, signed by Governor Howard Dean last year, criminalizes any nudity or sexual content communicated on the Internet and accessible in Vermont, as long as someone finds the content to be “harmful to minors.”

The plaintiffs point out that, since all speech on the Internet is accessible in Vermont regardless of the geographic location of the person who posted it, under the Act’s broad definition the Act threatens Internet users nationwide and even worldwide. Further, since it is impossible to screen out Vermont minors from the recipients of Internet communications, in order to comply with the Act all material must be suitable for all minors, preventing the dissemination of speech that is constitutionally protected for adults and older minors.

The plaintiffs named in the lawsuit all expressed concern that the law would prohibit them and their members – at the risk of jail or fines – from communicating valuable information on a wide range of topics, including art, literature, women’s health and free speech.

One of the lawyers for the plaintiffs, Michael A. Bamberger of Sonnenschein Nath & Rosenthal, stated that “similar content-based restrictions by New York, New Mexico, Michigan and Virginia have been struck down or enjoined by the federal courts as unconstitutional. This law is no different. It restricts speech by and to the adult population in the guise of protecting minors.”

In addition, Bamberger said, “the Internet, like our railways and highways, provides channels for interstate commerce that may not be burdened by inconsistent laws from state to state. The Commerce Clause prohibits a law such as this which imposes Vermont standards on persons posting web pages or sending messages in California or New York.”

The plaintiffs in the case are American Booksellers Foundation For Free Expression; American Civil Liberties Union of Vermont; Association of American Publishers; Freedom to Read Foundation; National Association of Recording Merchandisers; Northshire Information, Inc.; PSINet, Inc.; Recording Industry Association of America, Inc.; and The Sexual Health Network, Inc. The defendants are Vermont Governor Howard Dean, Vermont Attorney General William H. Sorrell, and the State’s Attorney of each of the fourteen counties in Vermont.

Lawyers representing the plaintiffs are Charles Platto of the Law Offices of Charles Platto, PLC, Norwich, Vermont, Michael A. Bamberger of Sonnenschein Nath & Rosenthal in New York, and David Putter of Putter & Edson of Montpelier, Vermont, representing the ACLU of Vermont.

For further information, contact Charles Platto (802-649-8400; cplatto@plattolaw.com) or Michael Bamberger (212-768-6756; mab@sonnenschein.com). The complaint is posted at **www.mediacoalition.org**.