

# **Federal District Court Grants Preliminary Injunction Against Online Censorship Law**

## **Ruling blocks laws that imposed severe restrictions on Internet content**

FOR IMMEDIATE RELEASE

October 27, 2010

CONTACT:

Michael Bamberger, Esq., SNR Denton, 212-768-6756 [michael.bamberger@snrdenton.com](mailto:michael.bamberger@snrdenton.com)

David Horowitz, Media Coalition, 212-587-4025 x11, 917-701-5552 [horowitz@mediacoalition.org](mailto:horowitz@mediacoalition.org)

Christopher Ott, ACLU of Massachusetts communications director, 617-482-3170 x322, [cott@aclum.org](mailto:cott@aclum.org)

BOSTON -- Today, U.S. District Judge Rya W. Zobel granted a preliminary injunction against the online censorship law that went into effect in Massachusetts earlier this year. Massachusetts booksellers, trade associations, and the American Civil Liberties Union of Massachusetts filed suit in July to block the law because it imposes severe restrictions on constitutionally protected speech on the Internet, on the grounds that such material might be "harmful to minors." The Court enjoined the law because it did not require that such material was purposefully sent to a person the sender knew to be a minor.

"We are obviously pleased with the court's decision," said John Reinstein, legal director for the ACLU of Massachusetts. "It lifts a burden from the plaintiffs, who rely heavily on broad-based communication about issues or materials that touch on sexuality and reproduction." Michael Bamberger of SNR Denton, lead counsel for plaintiffs, said, "Given the breadth of the definition of what is harmful to minors, all of which is not obscene and which adults have a constitutional right to receive, the injunction was necessary to ensure that all Internet communications were not reduced to the level of what is appropriate for children."

"The problems with this law show the danger of legislating out of fear, and in a hurry," said Carol Rose, executive director of the ACLU of Massachusetts. "This case is a reminder that we need to remain ever-vigilant in the defense of basic civil liberties against lawmakers who try to capitalize on cases involving children to expand government power in ways that could be used to silence booksellers, artists, healthcare providers, and the rest of us."

Signed in April by Governor Patrick and effective June 12, the law, Chapter 74 of the Acts of 2010, imposed severe restrictions on the distribution of constitutionally protected speech on the Internet. The law could make anyone who operates a website or communicates through a listserv criminally liable for nudity or sexually related material, if the material can be considered "harmful to minors" under the

law's definition. In effect, it bans from the Internet anything that may be "harmful to minors," even though adults have a First Amendment right to view it. Violators can be fined \$10,000 or sentenced to up to five years in prison, or both.

Plaintiffs in the suit against state attorney general Martha Coakley and Massachusetts district attorneys are the American Booksellers Foundation for Free Expression, the ACLU of Massachusetts, the Association of American Publishers, the Comic Book Legal Defense Fund, the Harvard Book Store, the Photographic Resource Center, Porter Square Books, and licensed marriage and family therapist Marty Klein.