

One of the more encouraging developments of the congressional session was the firm and unequivocal way House Speaker Newt Gingrich and some other conservative Republicans, including Newport Beach's Rep. **Christopher Cox**, opposed the Internet censorship bill recently passed in a flurry of well-meaning but self-defeating ignorance by the Senate, led by Nebraska Democratic Sen. James Exon. Encouraged by Mr. Gingrich, Mr. Cox has developed a much more constructive and effective approach to the problem of cyberporn.

Rep. Cox has introduced an alternative that will almost certainly make it easier for parents to assure that their children will not have access to offensive material \_ without inserting the heavy hand of government regulation into the Internet. Here's why.

In two recent cases, courts have ruled that an on-line service that makes an attempt to control offensive material made available through its service is opening itself up to greater liability. Specifically, a court ruled that Prodigy, which has taken steps to filter out offensive or obscene messages and admonished users about civility and decent language, was fair game for a \$200 million libel suit by an investment bank allegedly libeled on one of the financial bulletin boards.

In a different case, **CompuServe**, which exercises no editorial control over the material users put onto the system, had a similar libel suit against it dismissed.

The Exon amendment passed by the Senate makes it a federal crime punishable by fines up to \$100,000 for anyone \_ not just children, but adults \_ to use a computer to make or make available a "comment, request, suggestion, proposal" that is obscene or indecent. But the bill also tells commercial on-line providers (in accordance with these court precedents) that they will be exempt from prosecution if they exercise "no control" over the information their subscribers get.

It's not hard to predict the result. A commercial on-line service with competent legal advice will adopt an "anything goes" policy. But federal regulators will be surfing the Net, trying to nab individual users who put up nasty material.

The proposal put forward by Rep. Cox and Oregon Democratic Rep. Ron Wyden, by contrast, overturns the court decisions and ensures that on-line providers who try to make their service

"family-friendly" will not be subject to additional liability for their "good Samaritan" efforts. It also bars the Federal

Communications Commission from economic or content regulation over the Internet, but encourages industry cooperation and innovation to develop new ways to improve user control over the information children and parents receive.

Bottom line? The market will be encouraged to provide and improve programs that will enable parents to effectively filter what their children are able to access without having to become hot-shot computer experts themselves.

That's a far better approach than abdicating parental

responsibilities to Uncle Sam, as would happen under the Exon amendment, and giving the government an opportunity to stifle innovation by trying to censor the Internet.

Messrs. Gingrich, Cox, and Wyden are to be congratulated for their constructive and intelligent approach. No responsible person wants children using the Internet to be assaulted by pornography. But Sen. Exon's heavy-handed approach wouldn't have done the job \_ indeed, it could have encouraged online providers not to search for solutions. The entire House should endorse the Cox-Wyden approach.