Supreme Court Sides With Pornographers Again

by Phyllis Schlafly July 14, 2004

Google Ads are provided by Google and are not selected or endorsed by Eagle Forum

Do you ever wonder why the internet is so polluted with pornography? The Supreme Court just reminded us why: it blocks every attempt by Congress to regulate the pornographers.

From its ivory tower, the Court props open the floodgates for smut and graphic sex. Over the past five years, it has repeatedly found new constitutional rights for vulgarity, most recently invalidating the Child Online Protection Act (COPA).

This latest judicial outrage happened on the final day of the Supreme Court term, after which the justices headed out for a long summer break. Lacking teenaged children of their own, the justices closed their eyes to electronic obscenity polluting our children's minds.

For decades, pornographers have enjoyed better treatment by our courts than any other industry. The justices have constitutionally protected obscenity in libraries, filth over cable television, and now unlimited internet pornography.

The flood of pornography started with the Warren Court when it handed down 34 decisions between 1966 and 1970 in favor of the smut peddlers. In mostly one-sentence decisions that were issued anonymously (the justices were too cowardly to sign them), the Court overturned every attempt by communities to maintain standards of decency.

The judges' obsession with smut is astounding. Even though five Supreme Court justices were appointed by Presidents Reagan and the first Bush, graphic sex wins judicial protection in essentially every case.

Woe to those who transgress an obscure environmental law, or say a prayer before a football game, or run a political ad within two months of an election. They find no judicial sympathy, as courts now routinely restrict private property rights and censor political speech.

But the pornographers can do no wrong in the eyes of our top justices. The most explicit sex can be piped into our home computers and the Supreme Court prevents our democratically elected officials from doing anything about it.

COPA was enacted by Congress in response to the Court's invalidation of the predecessor law, the Communications Decency Act of 1996. But decency lost again when six justices knocked out COPA in Ashcroft v. ACLU.

COPA was badly needed, as filth plagues the internet, incites sex crimes, and entraps children. COPA banned the posting for "commercial purposes" on the World Wide Web of material that is "patently offensive" in a sexual manner unless the poster takes reasonable steps to restrict access by minors.

You don't need to look very far to find a tragic crime traceable to the internet. In New Jersey in 1997, 15-year-old Sam Manzie, who had fallen prey to homosexual conduct prompted by the internet, sexually assaulted and murdered 11-year-old Eddie Werner, who was selling candy door-to-door.

COPA did not censor a single word or picture. Instead, it merely required the purveyors of sex-for-profit to screen their websites from minors, which can be done by credit card or other verification.

But minors are an intended audience for the highly profitable sex industry. Impressionable teenagers are most easily persuaded to have abortions, and homosexual clubs in high school are designed for the young.

Justice Kennedy declared it unconstitutional for Congress to stop porn flowing to teens, shifting the burden to families to screen out the graphic sex rather than imposing the cost on the companies profiting from the filth. His reasoning is as absurd as telling a family just to pull down its window shades if it doesn't want to see people exposing themselves outside.

In a prior pro-porn decision, Kennedy cited Hollywood morals as a guide for America, but this time he relied on the prevalence of foreign pornography. "40% of harmful-to-minors content comes from overseas," he declared in holding that the other 60% of obscenity is wrapped in the First Amendment.

The Supreme Court insisted that individual internet users should buy filters to try to block the vulgarity. Should those who do not like air pollution be told to buy air masks?

The Supreme Court protects pornography in books, movies, cable television, and the internet, real or simulated, against all citizens' clean-up efforts. The Court is no longer the blindfolded lady weighing a controversy, but is dominated by media-driven supremacists forcing us down into a moral sewer.

This latest pro-porn decision was too much even for Clinton-appointed Justice Breyer. He said, "Congress passed the current statute in response to the Court's decision" invalidating the prior law; "what else was Congress supposed to do?"

The solution to these ills foisted on us by judicial supremacists is for Congress to exercise its constitutional powers to remove jurisdiction from the federal courts over pornography. The Court has abused its power, and it's Congress's duty to end the judicial abuse.