

An attack on democratic rights

Former CompuServe executive convicted in Internet censorship case

James Brookfield
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The May 28 conviction of a former CompuServe executive in Munich, Germany highlights growing attempts to bring the Internet under government control and to restrict the exchange of information and opinion on the computer network. While the executive, Felix Somm, was officially tried for fostering the dissemination of pornography, this charge was groundless and served simply as a smokescreen for an attack on democratic rights.

Judge Wilhelm Hubbert sentenced Somm to a two-year suspended jail sentence and a fine of 100,000 German marks (US\$57,000). Ignoring the pleas not only of the defense attorneys, but even the prosecutors, for acquittal, Hubbert handed down the sentence just 10 minutes after the closing arguments. “Even on the Internet,” Hubbert reportedly said, “there can be no law-free zones. The accused is not a victim. He abused the medium.”

The judge’s comment is completely arbitrary within the context of the case. The pornographic material in question was placed on the Internet by persons completely outside the control of Somm and CompuServe.

The verdict will have far-reaching effects. In a phone interview for this article Stanton McCandlish, program director for the Electronic Frontier Foundation, an Internet civil liberties group, said, “Negative consequences can be expected for all ISPs [Internet Service Providers], who will now be forced to censor to avoid lawsuits, as a result of this case.”

Even legislators and business executives protested the decision, which they see as a threat to Internet-related commerce and other operations in Germany. They are, however, predicting a reversal of the case on appeal.

While such an outcome cannot be excluded, the Somm case highlights the growing international attempts to curtail use of the Internet. Often using the bogeyman of “pornography,” governments around the world have begun to prepare other restrictions on Internet use. In 1996 the US Congress passed a “Communications Decency Act” which, had it not been overturned later by the Supreme Court, would have mandated fines of \$250,000 and jail sentences of up to two years for making “indecent” material available on the Internet.

A more detailed assessment of the verdict in the Somm case will appear soon on the *World Socialist Web Site*.



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