WASHINGTON - A federal appeals court agreed Tuesday with a lower court ruling that struck down as unconstitutional a 1998 law intended to protect children from sexual material and other objectionable content on the Internet.

The decision by the 3rd U.S. Circuit Court of Appeals in Philadelphia is the latest twist in a decade-long legal battle over the Child Online Protection Act, which now could head to the U.S. Supreme Court.

The law, which has not taken effect, would bar people from making harmful content available to minors over the Internet. The act was passed the year after the Supreme Court ruled that another law intended to protect children from explicit material online — the Communications Decency Act — was unconstitutional in the landmark case Reno v. American Civil Liberties Union.

In its ruling Tuesday, the federal appeals court concluded that the Child Online Protection Act also violates the First Amendment because filtering technologies and other parental control tools offer a less restrictive way to protect children from inappropriate content online. The court also ruled that the law is unconstitutionally overly broad and vague.

John Morris, general counsel for the Center for Democracy & Technology, a civil liberties group that filed briefs arguing against the law, said the measure would effectively force all Web sites to provide family-friendly content only — because there is no practical way of locking out children from sites that are inappropriate for them but lawful for adults.
Court affirms online content law unconstitutional - Yahoo! News

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