The American Civil Liberties Union is trying to pour a little vinegar into the land of milk and honey.

The group yesterday filed a lawsuit in federal court against Utah's new Internet pornography law, claiming that it is unconstitutional.

Here's what Utah's law does, according to the Provo Herald:

- The state attorney general must create a database of Web sites containing "material harmful to minors."
- Internet service providers must use filters -- checked annually by the Utah Division of Consumer Protection -- to keep children from seeing the sites. ISPs must offer the filters by 2006. If they don't, they risk paying fines up to $10,000 a day.
- Internet content publishers and ISPs would be subject to the state's harmful-to-minors law, which would expose them to felony charges if they violate it.

Among the plaintiffs, the Herald reported, are small service providers Mountain Wireless Utah LLC and Computer Solutions International Inc., as well as the Comic Book Legal Defense Fund. The Salt Lake Tribune included this quote from a local bookseller: "There are a lot of books that are harmful to minors. And they're not all about sex,' said Sam Weller Zion Bookstore owner Tony Weller, who worries the law will quash his bookstore's Web site if Web users are offended by the covers and subjects of particular books."

What kinds of books? You know, the English Lit seminar kind written by coffee-house liberals sporting frizzy hair, shades and berets. See the Associated Press story: "Betsy Burton, owner of The King's English Bookshop and one of the 14 plaintiffs, said such a list could include her Web site because it links to descriptions and jacket art for books like Margaret Atwood's 'Oryx and Crake,' whose cover depicts female bodies in the nude."

It is the latest court battle over what is the right way to prevent children from finding sexually explicit content on the Internet while keeping it available to adults. I say "latest" because Congress and the nation's statehouses have failed to pass a law that can do this without trampling other rights. The AP sums it up nicely, noting that similar laws in Arizona, Michigan, New Mexico, New York, Pennsylvania, South Carolina, Vermont, Virginia and Wisconsin were struck down for a variety of reasons.

You can't blame elected officials for trying time and again to make some headway with this subject. Who could resist seeking the grail-like distinction of being the one who discovered how to keep kids from seeing online pornography, without bending, folding, tearing and mutilating the Bill of Rights? It's not just a goal that everyone can agree with, it's one that seems achievable in an age when people like me in our blue-state
enclaves note the thousands of scarlet miles between New York and L.A.

It's the kind of climate that allows the law's sponsor, state Rep. John Dougall, R-Highland, to say things like this (quoted in the Herald): "The ACLU has a history of protecting pornographers, even when they're targeting children." Dougall's comment reveals a devil-may-care attitude toward the Constitution that could result in many kinds of protected speech being ruled illegal. The tragedy there is that many people think it's okay if some works of art get caught in a net designed to block porn. To them it's regrettable but unavoidable collateral damage.

It's not collateral; it's unacceptable. And most hardcore conservatives -- never mind that strange combination of adjective and noun -- are big enough defenders of constitutional rights to know that laws like Utah's don't work. Hopefully the judges at the U.S. District Courthouse in Salt Lake City will concur.

Get Off My Lawn

The owners of do-it-yourself real estate site ISoldMyHouse.com want three members of the New Hampshire Real Estate Commission to give up their roles in the group's investigation to determine whether the Web site must get a state license. The AP reported that the Web site's parent company, East-West Mortgage Co. Inc. of Danvers, Mass., is getting unwanted state attention after the state Realtors association complained last August that the site is operating as an unlicensed broker.

"In December, Bank Commissioner Peter Hildreth ruled that ISoldMyHouse.com was performing a banking function for a mortgage company, so it did not need a real estate license. He dismissed the complaint," the AP wrote. "However, Attorney General Kelly Ayotte ordered the commission to keep investigating, and in February the Realtors association sued the banking commissioner over his decision. East-West Mortgage then asked that three of the five real estate commissioners -- Barbara Heath, Nancy LeRoy and Arthur Slattery -- excuse themselves from hearing its case because they are Realtors. Slattery and LeRoy also are past presidents of the Realtors association."

Here's more from the Manchester Union-Leader: "The commission did not notify East-West that it would be deciding the motion to recuse or any other matter affecting East-West's rights at its meeting on May 17, 2005," [East-West lawyers Christopher C. Gallagher and Jeanne P. Herrick] wrote. 'It did not provide East-West with an opportunity to present evidence or an opportunity to inquire into commissioners' connections with the association as would be likely to improperly influence their judgment. Such a disregard of East-West's rights suggests that the respondent's concerns regarding the commissioners' predilections are well-founded. In a telephone interview yesterday, Gallagher said, 'The situation is serious enough that if they don't grant the motion, then this is a preliminary step that would precede an appeal to the Supreme Court.'"

Keep in mind that this appears to be one more attempt by offline real estate agents to fight off the encroachment of -- gasp -- competition brought by the Internet. Online brokers' practices, as well as sites like ISoldMyHouse.com, are thriving as people take advantage of discount brokerage fees and the ability to sell their homes with a prefab kit rather than relying on the "full-service" options offered by realtors.

Also remember that the National Association of Realtors recently had to back off a proposal that would have hobbled online discount brokerages after the U.S. Justice Department reportedly told the Realtors that the move would provoke a government lawsuit.

You Are Worth a Lot of Money

Internet venture capitalists are discovering that people who need people can be the most filthy rich people of all. The New York Times ran a story on the trend: "In 2002, Tod Francis, David Sze and George Zachary
were a rare species in Silicon Valley. They were venture capitalists -- V.C.'s -- who believed that big money
could still be made investing in Internet companies that catered to consumers, despite the billions that
venture firms collectively lost in the late 1990's on a long list of now forgotten Web start-ups like
EthnicGrocer and the sports retailer MVP.com. These days, though, they have plenty of company. Every
other venture capitalist one encounters in Silicon Valley now seems eager to reinvent himself as an expert
who can spot hot new consumer-driven Internet ventures."

Reporter Gary Rivlin noted that many of the businesses that vaporized in the dot-com meltdown did so
because they specialized in isolated, people-oriented tasks -- think Webvan, the defunct online grocery store
-- but a more rational approach to such businesses is bringing them back into vogue.

"RazorGator, a site for finding tickets to sold-out sports and music events, received $26 million last month
from Kleiner Perkins Caufield & Byers, among others. Also last month, Thefacebook.com, a Web site
wildly popular with college students, got $12.7 million in financing from Accel Ventures," Rivlin wrote,
noting also that it's not always a game of shrewdness. "Venture has always been a business in which all but
the boldest run in herds, chasing the latest trends. The shift back to Internet ventures serving consumers is
also fueled by a paucity of promising investment opportunities in telecommunications and software right
now." We knew there had to be a rational explanation; it couldn't be all about us.

People Really Do Use the Internet

That's what Ocean County, N.J., officials discovered when a faulty circuit board at Verizon's central office
kept the county clerk's Web site from posting election results from this week's gubernatorial primary until
nearly 12 hours after polls closed Tuesday night. The Asbury Park Press reported that county residents were
less than thrilled with the tech team's repair speed. Clerk Carl W. Block provided a sample from his e-mail
in-box:

"Here's one: 'Where are the results? Nice job.'

"I feel that your department has let us down.'

"I was disappointed (the results) weren't there in real time. Now I'm really disappointed to see they're not
there this morning.'"

Look on the bright side, Mr. Block. Most people probably don't even know when their states' primaries
happen.

The Face That Launched a Thousand E-Mails

Florida Democrats, meanwhile, are trying to use GOP Rep. Katherine Harris's star power against her --
Internet-style. Here's the story from the Miami Herald:

"Just 24 hours after Harris declared her intention to challenge Democrat U.S. Sen. Bill Nelson for
reelection, the Democratic Senatorial Campaign Committee plastered Harris's picture on an e-mail sent
to several hundred thousand contributors and activists. ... The e-mail is the strongest signal to date that
Democrats hope Harris's appearance on the ballot will benefit them ... by stirring Democratic anger over the
2000 presidential election, which Democratic nominee Al Gore lost -- by 537 votes in Florida. The e-mail
recounts Harris's dual roles as Florida secretary of state and co-chair of President Bush's Florida campaign,
along with her decision to declare Bush the winner of Florida's 27 electoral votes -- despite Democratic
opposition and widespread voting irregularities."
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