



Government should not be prying into and punishing relationships between consenting adults

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The National Gay and Lesbian Task Force, Inc., applauds yesterday's 3–0 decision by the United States Court of Appeals for the Sixth Circuit striking down a federal statute commonly known as "Section 2257" because its extensive regulation of visual depictions of adult sexual activity imposes an unconstitutional restriction on free speech.

In a reaffirmation that "[a]dult sexual conduct . . . is in fact constitutionally protected," the court held that Section 2257 far overreaches the federal government's goal of preventing child pornography. The court held that the First Amendment free expression rights implicated by Section 2257's restrictions are so fundamental, and the restrictions and penalties imposed so severe, that they outweigh the government's purported interest in preventing child pornography.

The Department of Justice recently proposed regulations to implement Section 2257, which would have effectively ended adult social networking Internet sites. The Task Force, Inc., set up an online action center informing the community of the threat and urging people to file formal objections to the regulations. The online action center was viewed by visitors more than 85,000 times, and the Department of Justice received thousands of objections as a result.

This welcome court decision affirms that the government should not be prying into and punishing relationships between consenting adults under the guise of fighting child pornography. Section 2257 and the regulations proposed are part of our government's hypocritical and punitive views about sex, sexuality and reproductive rights. All of this — from abstinence-only sex education programs to the elimination of funding for accurate and explicit HIV prevention programs — disproportionately impact lesbian, gay, bisexual and transgender people.

We applaud the Free Speech Coalition for its work in combating this onerous and dangerous statute. We thank the thousands of members of our community who said 'no' to this assault on civil liberties by filing formal objections with the Department of Justice.

Background on Section 2257

Under the auspices of combating child pornography, Section 2257 imposes expansive record-keeping requirements on visual representations of adult sexual activity. Among other restrictions, it requires that detailed personal identification information be affixed to all photographs and videos; that the identifying information be maintained by both the picture-takers and any entity publishing the pictures, such as social networking sites; and that the government be allowed to enter the premises where the records are kept at least once every four months to inspect them. Violations are felonies punishable by up to five years in prison with a maximum of 10 years for a second offense.

Connection Distributing, a publisher of adult social networking magazines, and plaintiffs who wished to publish photographs in Connection's magazines anonymously, and without having to create or maintain the extensive records required by Section 2257, challenged the law.