

Friday, September 29, 2006

George Bush's Injustice Department - Returning to the dark ages of obscenity prosecutions for the written word.

Karen Fletcher allegedly posted disgusting fantasy stories on the Internet about pedophilia, torture of children, and murder of children. The federal prosecutor in Pittsburgh (part of George Bush's Justice Department) obtained a six-count obscenity indictment against Ms. Fletcher, on September 26. For added chill, the indictment seeks forfeiture of Ms. Fletcher's computer equipment. The last time I checked, the First Amendment robustly protects free speech, even such abhorrent speech as that alleged to have been posted by Ms. Fletcher. This obscenity prosecution, under 18 U.S.C. § 1462 goes forward in the same federal courthouse where last year First Amendment lawyers Lou Sirkin and Jennifer Kinsley won a smashing Constitutional victory against the obscenity laws. However, that victory was short-lived, when the Third Circuit reversed. *U.S. v. Robert Zicari*, 431 F.3d 150 (3rd Cir. 2005). With this prosecution, the Justice Department regresses to the old days of chilling obscenity prosecutions against mere words, even against such great literary works as *Ulysses*, *Howl*, and *the Tropic of Cancer*. In other words, do not trust that the Bush administration will stop at bringing to bring obscenity prosecutions even against brilliant literary works. Sadly, no guarantee exists that a Democratic Justice Department would have done any different. Tweedledee and Tweedeldumb. Jon Katz.

Posted by Jon Katz in First Amendment at 00:00