

**A Tribute Resolution Celebrating the 20th Anniversary of Victory in the
Communications Decency Act (CDA) Case**

Whereas America's libraries were among the first institutions to offer access to the internet, thereby creating an expectation of uncensored communication online;

Whereas the Communications Decency Act (CDA) was the first attempt by Congress to regulate the content of material on the internet, making it a crime to place content online that was “indecent” or “patently offensive” if that content could be accessed by minors under the age of 18;

Whereas in order to protect the free expression potential of the internet, the American Library Association filed a lawsuit challenging the legality of the CDA under the First Amendment and the Constitution;

Whereas Bruce J. Ennis, Jr., legal counsel for the American Library Association and the Freedom to Read Foundation, fiercely and ably argued the cause of free speech;

Whereas on June 26, 1997, the Supreme Court issued its unanimous decision, granting full First Amendment protection to online speech¹;

Whereas the court's opinion established two principles: first, that speech on the Internet is entitled to the highest level of First Amendment protection, identical to the First Amendment protections provided to books and newspapers; and second, that the government could not suppress speech that adults have a constitutional right to receive and speak to one another in order to deny minors access to speech that might possibly be harmful to minors;

Whereas the CDA decision is an important precedent for First Amendment advocates, establishing that the First Amendment applied to the internet with the same force and effect as books and newspapers;

Whereas the Court's conclusion that "the vast democratic fora of the Internet" merits full constitutional protection meant that libraries could make content available on the internet knowing that their digital materials enjoyed the same constitutional protections as the books on their shelves; now, therefore, be it

Resolved, that the American Library Association (ALA) on behalf of its members: salutes the court's opinion as, in the words of Bruce Ennis, nothing less than "the legal birth certificate for the Internet;" and, be it further

Resolved, that the American Library Association (ALA) on behalf of its members: observes this 20th anniversary with renewed commitment to the principle of free expression in all media for all people.

Adopted by the Council of the American Library Association
Tuesday, June 27, 2017, in Chicago, Illinois



Keith Michael Fiels
Executive Director and Secretary of the ALA Council

¹*Reno v. ACLU*, 521 U.S. 844 (1997) (consolidated with *American Library Association v. U.S. Department of Justice*.)