

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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AMERICAN CIVIL LIBERTIES UNION, et al., )  
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 Plaintiffs, )  
 )  
 v. )  
 )  
 JANET RENO, in her official capacity as )  
 ATTORNEY GENERAL OF THE UNITED STATES )  
 )  
 Defendant. )

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VERIFICATION IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER

I, Christopher A. Hansen, Esq., provide the following statement:

1. I am one of the lawyers for plaintiffs in this case.

2. For the reasons discussed in more detail in the other affidavits submitted with this request, immediate and irreparable harm will result to plaintiffs if a Temporary Restraining Order is not issued.

3. Plaintiffs include organizations and people involved in every facet of interactive computer services such as the Internet (the brief submitted with this motion and the affidavits generally use the terms "computer communications system," "online medium," "online networks," and "cyberspace" to encompass the activities covered by the precise language of the Act). Plaintiffs include "information providers" or "speakers" who send material through interactive computer services either through public sites (such as World Wide Web pages) that can be accessed by anyone, or privately through e-mail. Plaintiffs include those who access material available on interactive computer services. Plaintiffs

include "access providers" or organizations that provide the means by which others can place information on interactive computer services, and can access information placed by others. Plaintiffs include high school teachers who teach students how to conduct research on the interactive computer services. Plaintiffs include both adults and minors.

4. Plaintiffs use interactive computer services to send, display, or access material that includes: (1) material that discusses sexual activity or sexual organs in order to provide educational information about safer sex practices, the means of avoiding transmission of diseases such as AIDS, or for literary or artistic reasons (some of this material uses common street terms for sexual activity or organs); (2) material that discusses human rights and civil liberties, including references to censored material and explicit descriptions of human rights abuses; (3) other material that contains strong, explicit language. Some plaintiffs are involved with one such category of speech; some are involved with more than one.

5. Some of this material might be considered to be "indecent" or "patently offensive" in violation of the Communications Decency Act (the Act).

6. As a result of the vagueness of the crimes created by the Act, none of the plaintiffs knows what speech or other actions might subject them to prosecution or what actions to take to prevent prosecution.

7. Some of the members of the plaintiff membership organizations will self-censor to avoid prosecution. Others who use interactive computer services will inevitably self-censor as a result of the Act, thus depriving plaintiffs of the right to read the censored material. Some access providers have advised some plaintiffs that they are concerned about their own criminal liability under the Act and may therefore be required to censor some of plaintiffs' speech on their

networks. Thus, plaintiffs are irreparably harmed because rights under the First Amendment will be infringed if the Act is not immediately enjoined.

8. All of the plaintiffs fear prosecution under the Act.

9. Some plaintiffs could stop using interactive computer services until they determined how to comply with the Act. However, first, plaintiffs do not know which methods will satisfy the Act. Second, such an action would prevent those plaintiffs who are adults and have an unquestioned right to access the material from obtaining that access, at least in the short term. Third, such an action would deprive the minor plaintiffs of access to important health and political speech which they have a right to access and which they do access in print and other media. Finally, it would be economically impossible for many of the plaintiffs to screen all of those who seek access to prohibited speech under the Act. They would have to censor their speech radically or go out of business.

10. Plaintiffs could try to censor their speech, bringing it down to the level that the most easily offended community in America thinks appropriate for minors. Given the vagueness of the Act's terms, any such attempt would obviously irreparably harm the First Amendment rights of all adults involved in interactive computer services.

11. When the ACLU and others announced their intention to file litigation challenging the Act, we were literally flooded with hundreds of requests for guidance by users of interactive computer services. We also received a large number of requests from organizations and individuals seeking to be plaintiffs. We could easily have added many additional plaintiffs.

12. Some of the plaintiffs, including the ACLU and Planned Parenthood, challenge 18 U.S.C. §1462(c) which makes it illegal to send or receive information

by common carrier about performing or obtaining abortions. The statute was amended by the Act to make it additionally illegal to send or receive that information by computer network. Chilling of speech about this subject obviously constitutes irreparable harm.

13. Plaintiffs' online communications has been widely available on interactive computer services, in some cases for years.

14. Neither the United States nor the public will be harmed by an order enjoining the enforcement of these provisions until further review of the Court.

15. Along with plaintiffs' request for a Temporary Restraining Order, we are submitting affidavits from virtually all of the plaintiffs explaining the nature of their interest in this case and the danger they face from the Act.

16. Either I or someone under my supervision has spoken to all of the plaintiffs. Each has seen the Complaint and verified the accuracy of the paragraphs applicable to them.

17. I intend to submit promptly affidavits from all plaintiffs who have not yet submitted affidavits.

18. My co-counsel, Stefan Presser, advises me that on Monday, February 5, 1996, he advised the U.S. Attorney for the Eastern District of Pennsylvania, Mr. Michael Stiles, that we would be filing this case, and seeking a TRO, on the date the Act was signed by the President.

19. We have today notified Mr. Stiles of this matter, supplied him with copies of the Complaint and all papers submitted in connection with the Request for a Temporary Restraining Order, and advised him of the opportunity to appear on this matter.

Pursuant to 28 U.S.C. §1746, I verify under penalty of perjury that the foregoing is true and correct. Executed this 8th day of February, 1996.

Christopher A. Hansen \_\_\_\_\_