



U.S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General

Washington, DC 20530-0001

August 25, 1999

The Honorable Jesse Helms
United States Senator
310 New Bern Avenue, Suite 122
Raleigh, North Carolina 27601

Dear Senator Helms:

Thank you for your letters of April 9, 1999 and July 12, 1999, to Ms. Kathy Horvath regarding certain correspondence dated March 25, 1999 that you received from your constituent Dr. Wolfgang Hartmann. As expressed in his letter to you, Dr. Hartmann encountered what he described as "very dirty and absolutely insulting" postings made to various Internet news groups. Dr. Hartman apparently has two main concerns arising from the postings. First, Dr. Hartmann complains that the postings contained false and negative information about him. Second, Dr. Hartmann is unsatisfied with the response he received from his Internet service provider. Dr. Hartmann seeks advice on how to prevent future insulting postings.

Dr. Hartmann refers to 36 pages of documentation that was purportedly enclosed with his letter to you. We received the first eight pages of those enclosures, which pages were included with your letter dated July 12, 1999, but have not seen the remaining pages. Nonetheless, from his descriptions of the missing documents, it is unlikely that those materials would further inform us of material facts or issues. Although we cannot make any specific recommendations to Dr. Hartmann regarding his situation, the following information may assist him.

The federal government's regulation of free speech over the Internet is limited by the First Amendment to the United States Constitution. The First Amendment does not protect all speech, however. For example, the First Amendment typically does not shield one from liability for defaming another. Dr. Hartmann may wish to seek legal counsel to pursue civil remedies if he believes that he has been libeled or slandered in the news group postings. Dr. Hartmann or his counsel may also wish to review the Communications Decency Act of 1996, which makes it a crime to transmit an obscene communication "with intent to annoy, abuse,