

TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES	iii
INTRODUCTION	1
I. CIPA VIOLATES THE FIRST AMENDMENT RIGHTS OF LIBRARY PATRONS AND THEREFORE CANNOT BE SUSTAINED AS A VALID EXERCISE OF CONGRESS'S SPENDING POWER	2
A. The Provision of Internet Access in Public Libraries Lies at the Heart of the First Amendment	2
1. Speech on the Internet Enjoys Maximum Constitutional Protection	3
2. Public Libraries Play a Fundamental Role in the Dissemination of Ideas and Information, Including Internet Speech	4
3. Blocking Software Does Not Mirror Traditional Collection Development in Public Libraries	7
B. The Uncontroverted Evidence Presented at Trial Establishes that the Blocking Software Used to Comply with CIPA Prohibits Library Patrons from Accessing a Vast Amount of Protected Speech	10
C. CIPA's Content-Based Restriction on Speech Fails Strict Scrutiny	15
D. CIPA Imposes an Unconstitutional Prior Restraint on Speech	27
1. CIPA's Basic Blocking Requirements Create an Ongoing System of Unlawful Prior Restraint	27
2. CIPA's Disabling Provisions Establish Additional Prior Restraints on Protected Expression	31
E. CIPA's Disabling Provisions Are Unconstitutionally Vague	33
F. CIPA Is Facially Invalid	37

