

OPINION

Texas law on minors' access to porn isn't as good as it seems

The state has a legitimate interest in preventing minors from accessing porn online. Who could be against that? Certainly not Texas, which overwhelmingly passed a law requiring porn sites to verify the age of users seeking access. Sort of like showing your ID when you're buying alcohol or cigarettes.

Actually, it's not like that at all.

The Texas law's constitutionality was up before the Supreme Court on Jan. 15 in *Free Speech Coalition v. Paxton*. I'm on the coalition's side. Not that I've ever accessed pornography online, but tens of millions of adults do, and they have every right to, at least according to the district court that enjoined the Texas law from taking effect because giving your drivers' license to a porn site as a condition for access unreasonably burdens adults' free-speech rights.

But the New Orleans-based 5th U.S. Circuit Court of Appeals — the country's most conservative — reversed the district court, refused to apply the strict scrutiny that laws restricting adults' free speech are supposed to be subject to, and upheld the law.

Will the Supreme Court protect the freedom of adults to access such speech privately, without having to provide documents online that will make the site a target for hackers and blackmailers?

The porn industry doesn't challenge the state's right to try to protect kids from porn, but the Texas law only applies to porn sites doing business in Texas, not to foreign sites, social media sites or search engines that can access the same images; it only applies to sites where more than one-third of their content is "sexual material harmful to minors"; it doesn't stop kids from using virtual private networks to access sites, nor does it do anything to discourage



SUSAN ESTRICH

kids from resorting to the much more extreme and dangerous sites on the dark web.

But it means that every adult who wants to look at images they have every right to see has to first sacrifice their anonymity and privacy. Unlike every other vendor, the sites don't want to identify and track their users any more than their users want that. Pornhub stopped doing business in Texas rather than collect driver's licenses or passports from everyone there who accessed the site.

When a state regulates free speech, even for a very good reason, it is required to use the least restrictive alternative to do so. For example, employers use content-filtering software, which parents can easily install on their kids' computers and phones.

Alternatively, the state could require device-based age verification, which refers to any approach to age verification where the personal information that is used to verify the user's age is either shared in-person at an authorized retailer, inputted locally into the user's device, or stored on a network controlled by the device manufacturer or the supplier of the device's operating system. The user will then be prevented from accessing age-restricted content over the internet unless they are age-verified.

Texas did not consider these options before settling on a "solution" that could only be upheld by jettisoning the strict scrutiny that has long been applied to content regulation of protected speech. To this observer, the high court seemed sympathetic to what the state was trying to do but also concerned with the 5th Circuit's rejection of precedent and with the implications of weakening or abandoning strict scrutiny. That concern is well-placed. State legislatures that are concerned with minors' access to porn would be well-advised to do a better job of considering alternatives that Texas ignored.

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EVERYBODY'S COLUMN

Trump continues his sleight of hand

I know it is impossible for legacy media to look away from the intellectual and political train wreck that is Donald Trump. No matter how inane, incongruous, and insane his pontificating gets, the media that's been bought by oligarchs continues its efforts to "sane-splain" him to us.

Trump's most recent blathering would have us believe we are willing to go to war with Greenland and Panama. But experience tells us Trump's word salad approximates the chaff fighter aircraft use to confuse anti-aircraft missiles. He knows nothing will come of his specious bombast. He vomits this stupidity to distract from the rogues' gallery he wants to inhabit his administration.

Trump doesn't want to be questioned about his "concepts of a plan" regarding health care. He doesn't want anyone to question his lack of an economic plan other than cutting taxes for the 1%. He doesn't want to be pinned down on his promises to end conflicts in the Middle East and Ukraine. He would rather dangle his stupidity in front of us to delay the realization that not only was a felon elected president for the first time in history, but a stupid, amoral, grifter as well.

If he hasn't thought of it already, the carnival barker will soon be trying to get the cult to buy new world maps. God help us.

Steve Banko
Buffalo

Reject plan for logging in Zoar Valley MUA

The membership of the Buffalo Ornithological Society (BOS) at our Jan. 8 meeting voted unanimously to object to the planned logging of hundreds of acres of the Zoar Multiple Use Area in Zoar Valley by the New York State Department of Environmental Conservation and the Connecticut and New York Chapters of the National Audubon Society. We urge you to reject this plan.

The BOS, established in 1929 and a member of the New York State Ornithological Association (NYSOA), contributes to the scientific study of birds, their habitats, and conservation needs. The well-reported decline of birds across the world is attributed significantly to habitat loss, both quantity and quality, in their breeding grounds and migration routes.

The Zoar Valley forests are home to species protected by law. Mature and old growth forests host diverse wildlife, while fragmented forests have more predation, parasitism and less vertebrate diversity than intact habitats. Many warblers require large tracts of relatively undisturbed hardwood and mixed forest with a closed canopy, according to the Atlas of Breeding Birds of New York State.

Logging at Zoar Valley will seriously damage the habitat; roads and clear-cuts invariably bring water runoff and contaminants to the soil, erosion and invasive species. There is no conservation reason to cut down mature trees, future old growth to support birds.

We hope science and concern for birds, whose future health is linked to ours, will triumph over other agendas.

Marilyn Feuerstein
Amherst

Advocates for disabled ask for your help

We are worried about our son Craig's

future and know many other parents who have loved ones with intellectual and developmental disabilities are as well.

The Developmental Disabilities Alliance of WNY Family Committee is looking for your help. The system that is supposed to serve our loved ones is difficult to navigate, has long waiting lists, does not allow agencies to pay staff a fair wage, and is unresponsive to many individuals' needs.

To help address this injustice, we have recently become involved in a statewide effort of providers, parents, and self-advocates to help design a more equitable, adequately funded, and responsive system. It is called the Coalition for Whole Person Supports (wholepersonsupports.org).

We have Western New York representation on the advisory, input, and steering committees that are starting to design a system that meets the needs of more individuals and families, and hope to recommend these changes to the governor's office.

They need you to follow this process as plans unfold and offer your feedback and input on what would help assure your loved one will have a more secure future. Please follow us on Facebook and email your thoughts to us at ddawnyfamilycommittee@gmail.com.

We are counting on the many caring families in Western New York to help us build a strong network that will become a force for change.

Max Donatelli

Member of the DDAWNY Family Committee core team
Hamburg

MINDS Act must be passed by Congress

As our nation continues to remain politically divided, it is in these differences that we start to realize that we have more in common than we originally believed.

As a young adult coming of age in the 21st century, I now know that in most unexpected occurrences in life, it is not necessarily the situation itself, but a matter of how well-equipped a person is to handle it. But for someone who suffers from mental illness, this concept is easier said than done.

With a little help from a reliable support system, nothing is out of the realm of possibility. And what distinguishes me from roughly 37 million individuals living in the U.S. is that I am fortunate enough to not be living in poverty. This is why I am urging Congress, specifically Sens. Chuck Schumer and Kirsten Gillibrand, to pass the Mental Health and International Development and Humanitarian Settings (MINDS) Act.

If passed, the U.S. would be pioneers on the international stage in recognizing the needs of those with mental health issues, and by extension, they will be empowering their citizens to reach their full potential without experiencing emotions of alienation and worthlessness. Contemporary research by sociologists across the country has shown that poverty and mental illness go hand in hand. For a nation that prides itself on uniting the public, all of us have the potential to create lasting change for generations.

I urge Congress to pass the MINDS Act today.

Michael Berg
Buffalo

As Trump returns, so does America's Second Gilded Age

Some see Donald Trump's second inauguration as a glorious new beginning; others see it as a dispiriting surrender to the nation's worst tendencies.

Historians, however, might view Jan. 20, 2025, as the apotheosis of a Second Gilded Age.

The times we live in echo the original Gilded Age, roughly from 1870 to 1900. Now, as then, wealth is increasingly concentrated in the hands

of a very few. According to the St. Louis Federal Reserve, the richest 1% of Americans hold about 31% of the nation's total wealth — up from 23% in 1990. The bottom 50% hold just 2.4% of total wealth.

In the first Gilded Age, a few tycoons amassed unimaginable riches — men such as John D. Rockefeller, Cornelius Vanderbilt and J.P. Morgan. When they spoke, presidents listened.

On Monday, as a billionaire reassumed the nation's highest office, in attendance were three wealthiest human beings on the planet, according to the Forbes and Bloomberg: Elon Musk, Jeff Bezos (who owns The Post) and Mark Zuckerberg.

Musk spent an estimated \$277 million last year to boost Trump's campaign for the presidency. That money, far less than one one-thousandth of Musk's net worth, bought him constant access to Trump at his Mar-a-Lago estate — and soon, reportedly, an office in the White House complex.

Capitalism is the American way, and today's tycoons should not be punished for being good at it. But upward mobility is also the American way, and government has a key role to play in making such mobility possible.

Trump connected with many voters who no longer have the confidence that their children's lives will be more affluent than their own. These voters put their faith in Trump to put them and their communities back on a rising path.

But Trump promises to double down on policies that have made the rich richer and the poor poorer.

Trump has long admired President William McKinley, the last president of the Gilded Age. Elected in 1896, McKinley accommodated the super-rich "robber barons." He protected U.S. industry with high tariffs; and he took no major action to regulate or break up monopolies that stifled competition. He also pursued expansionism, seizing Puerto Rico in the Spanish-American War and annexing the Republic of Hawaii.

Trump, too, has said he will impose steep tariffs on imported goods — which effectively will be a regressive tax that takes money away from the middle class and the poor. He again promises to cut taxes for the rich. And he plans to grant the business community's fondest wish by drastically slashing oversight and regulation. Concepts such as monopoly and conflict of interest appear alien to him.

And as for manifest destiny, Trump has his eye on Greenland. (I doubt he'll get it.)

Under McKinley, the concentration of wealth and power reached a peak. His successor, Theodore Roosevelt, reversed the nation's course. He used the Sherman Antitrust Act of 1890 to break up monopolies and foster competition. He settled a coal miners strike by intervening on the miners' side. He regulated rates railroads could charge for moving freight. He pushed Congress to pass legislation giving the federal government the power to enforce safety standards for food and drugs.

Trump portrays himself as a champion of the working class, but I'll believe him when he stops trying to fleece his supporters by selling them \$40 American flag flip-flops, \$55 MAGA hats and ugly red \$200 sneakers.

He's back for what will be four long years. If you love everything about him, enjoy the ride. If you don't, spend this time planning and working to bring the Second Gilded Age to its end.

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