

ADULT INDUSTRY UPDATE

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The voters have spoken and for the first time in many years, the political party out of power during the mid term elections, i.e. the Republicans, have lost several seats in Congress. Most political analysts attribute this unusual occurrence to the public's disgust with the politicizing of the Lewinsky probe. Perhaps our elected officials are beginning to get the message: "Stay out of our sex lives!"

Some areas of the country were not so fortunate, however. In central Florida, where I practice, the right wing fundamentalists have taken over two local governments, with less than half the electorate voting. These same voters also approved, by referenda, two significant restrictions on adult entertainment in central Florida. Apparently, it has become, in some areas, more important to restrict erotic communication behind closed doors than to preserve cherished First Amendment rights.

At the same time, the political losses by the conservatives nationwide did not deter Attorney General Janet Reno from pushing enforcement of the Child Online Protection Act seeking to block access by children to any "harmful" matters on the Internet. As this article is written, a hearing is currently being conducted in Philadelphia, Pennsylvania in the lawsuit brought by various free speech groups seeking to challenge the law. Currently, the government is trying to keep any references to the Starr Report, which is itself potentially harmful to minors, out of Court.

The Act is scheduled to go into effect on November 20, 1998, unless the federal court blocks its enforcement. If enforceable, the law will require that any free information accessible on the Internet that may be considered harmful to minors, be moved behind a "firewall" (age verification system). Notably, one of the Plaintiff's challenging the law is Art Net World Wide Corporation, the leading fine art vender on the web. Another is OB/GYN.net, a comprehensive international online resource center for professionals in obstetrics and gynecology. These entities obviously fear prosecution under the law despite that fact that they have no connection with the adult entertainment industry. These concerns illustrates the well-known "chilling effect" that vague censorship laws have on free expression. Although one's speech may not fall within the definition of material prohibited by the law, the fear of prosecution is significant enough to cause the individual to censor their speech to avoid any potential prosecution. This is, of course, the most disastrous effect of any censorship law since it blocks information from being disseminated into the marketplace of ideas. We can only hope that the Judges considering the validity Child Online Protection Act have similar courage to those courts striking down the doomed Communications Decency Act of 1996. Otherwise, we will be left with a dummed down medium, suitable only for the youngest children. With any luck, the Internet will not go the same way of broadcast television which industry executives will reluctantly admit is intentionally geared for the 14 year old mentality. Perhaps next month I will have the privilege of writing that the Internet remains free and that the Act has been enjoined.

Meanwhile, adult entertainment is becoming a staple in the media world. Adult video tapes consistently occupy a significant percentage of the market share, while adult DVD is just catching fire. Life is also getting better for the adult talent industry. Adult stars are now represented by

lobbyists, have formed trade organizations and finally have health insurance. Try as they might, the censors are fighting a losing battle in their attempt to stifle the healthy human interest in sexual expression.