

ADULT INDUSTRY UPDATE

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During a recent layover at Miami International Airport on the way to Cancun, Mexico for an adult video industry retreat sponsored by Adult Video News, I read that the Miami International Airport had banned the sale of *Cigar Officianado* Magazine because the cover story was flattering to Cuba. I searched far and wide for a copy of the magazine at the airport, only to be told that it was not for sale and it had been censored. Ironically, Cuba, itself, had banned previous issues of the magazine for their own reasons. This is, of course, allowed in a communist society. What surprised me is that there was no mention in the newspaper article of any First Amendment implications to the airport's action, and the word censorship never appeared in the article. Several days later, after the civil rights violation became obvious, the Airport Administrator reversed her ban. She was quoted as saying that she did not consider such "lofty concerns" as the First Amendment and Free Expression when she decided to ban the magazine from the airport.

This knee jerk censorship reaction when it comes to communist sympathizers is similar to the way sexually-oriented materials are treated. The government often does not consider such "lofty concerns" as the First Amendment when censoring sexually-oriented speech. Even officials in the City of Miami, while recognizing its First Amendment violation at the airport, have continued their efforts at stifling sexually-oriented speech by passing a new ordinance seeking to restrict zoning for adult businesses, even after their last ordinance was struck down as unconstitutional. There is a move a foot to try to make pornography the exception to the First Amendment, just as drugs were made the exception to the Fourth Amendment in the late 80's and early 90's. Courts have been more and more willing to say that sexually-oriented speech is "low grade" speech entitled to less protection and other types of "important" speech. Once we start assigning values to types of speech, we have lost all sight of our founding fathers' intent in writing the First Amendment which states that Congress shall make no law abridging the freedom of speech. The Fourth Amendment's protections against unreasonable search and seizure have become virtually a faded memory with all of the terrible decisions in the recent past eroding the Fourth Amendment's protections whenever suspected drugs are involved. *Miranda* warnings, under the Fifth and Sixth Amendment, have been nullified by a recent Circuit Court of Appeals decision stating that the warnings are no longer required. A decision carving out an exception from First Amendment protections for pornography would be devastating, but entirely possible given the current political climate.

A Republican administration is virtually guaranteed in the year 2000, with George W. Bush leading in the polls over Al Gore, and at least fourteen million dollars ahead in financing. Gore is already feeling the political heat generated by his administration's *laziee faire* stand on pornography, prompting him recently to blame teen pregnancy rates on sex in the media. Whether caused by Gore trying to get ahead in the polls, or the new Republican administration's stance on moral issues, a censorship crackdown is coming. With the vast majority of the federal judges appointed during the Reagan/Bush administration, all strict conservatives, the courts will likely be unavailing when this new legislation is challenged. Clinton's attempt to appoint federal judges have largely been blocked by the Republican-controlled congress. While the U.S. Supreme Court has demonstrated that it is friendly to First Amendment principles by striking down the Communications Decency Act of 1996, a lot of damage can be done to Free Speech before the Supremes ever hear a case.

All is not doom and gloom, however. As my last article pointed out, several major First Amendment victory's have been scored in the last year or two. There will always be some intellectually honest judges willing to uphold fundamental constitutional rights, even in the face of intense political pressure. Those on the front lines in the adult entertainment industry, must remain strong in the face of the inevitable government censorship actions. Moreover, those who enjoy adult entertainment need make their views known in the political process, and express their opinions at the ballot box.