

## **ADULT INDUSTRY UPDATE**

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The legal climate for the adult entertainment industry is heating up, particularly in relation to adult web sites. There have been at least two more individuals who have lost their jobs simply because they were involved with adult Internet sites. Wendy Gesellschaft and Herbert Robinson have both retained our firm to challenge their terminations in direct retaliation for their exercise of First Amendment rights. George and Tracy Miller, as reported in last month's ASM article are still fighting with the Scottsdale, Arizona hospital who terminated them and destroyed their nursing careers. A final administrative decision upholding the termination was issued by the hospital this month clearing the way to the courthouse. Meanwhile, the City of Tampa, Florida voted to close down the infamous Voyer Dorm web site under the municipal zoning ordinance. Not surprisingly, Voyer Dorm is headed to court.

Does Whitehouse.com tarnish the image of applesauce? That is the bizarre question posed to a federal court in New York by the attorneys for Whitehouse.com, a sizeable porn site. The site drew complaints from, amongst obvious others, the National Fruit Product Co. who distributes White House brand applesauce. The fruit company claimed that the sex site "dilutes and tarnishes the distinctive quality of our client's famous mark in violation of the Federal Trademark Acts." In short, it wants the domain name.

Australia's pathetic attempt at censoring the Internet drew criticism from Nadine Strossen, President of the ACLU who claims that the new laws are making Australia the world's Internet "village idiot". Australian communications minister Richard Alston counters: "Australians believe promotion of 'individual freedoms' must be bound by the wider social good." Something is going down, down under: or is it? The newest Internet censorship act on the federal level is the "Neighborhood Children's Internet Protection Act." This bill, introduced by Senator Rick Santorum, R-Pa, would require public schools and libraries to either install blocking software on Internet-accessing computers "dedicated to student use", or adopt an Internet use policy that would protect minors from "inappropriate material." Who decides what is inappropriate? According to the bill, it is the "school board, library or other authority responsible for making the determination." Of course, the bill does not define "inappropriate".

At some point, this County, and the world for that matter, is going to have to come to grips with the fact that sexually explicit material is available on the Internet, and there is nothing they can do to stop it. Governments can pass all the knee jerk censorship legislation they want, but it is not going to prohibit the Red Light District in Amsterdam from doing live video feeds on the Internet. Punishing employees for viewing or participating in adult web sites on their off time will only further disenfranchise a large portion of the sexually-active segment of society resulting in, inevitably, more poverty and crime. Wake up Senator Santorum and Minister Alston! You can't cram morality down peoples' throat through censorship. Again, why is it always sex that you try to censor? Have you seen the violence and hate disseminated world wide on the Internet? Why is that speech okay, but it is the erotic speech that has got to go? Perhaps your efforts should be refocused.

I guess we should feel lucky that we have a First Amendment, at all. In Vancouver, BC, the Vancouver police and Canadian Mounties raided the offices of Starnet Communications, a publicly traded netporn and casino company searching for evidence of illicit porn trafficking and illegal betting. “The raid followed an 18 month investigation,” said police spokeswoman, Ann Drennan. No arrests have yet been made. Relatedly, in Salt Lake City, Utah, a magazine shop was fined \$2,500.00 for distribution of pornographic material, a class A misdemeanor. The police report states that undercover police officers purchased videos that contained “sexually graphic material” from the magazine store on at least 14 different occasions. Now that is efficient use of tax dollars! Needless to say, attorneys for the magazine shop filed suit in the United States District Court against the police and prosecutors for violating its constitutional rights. The lawsuit seeks 1.1 million dollars in damages.

All this government action hasn’t stopped the adult Internet industry from its expansive growth. The Interactive 2000 adult webmaster convention, scheduled for October 1, 1999 in Miami, Florida, promises to be the biggest ever. We keep watching, because we know the government does too.