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Opinion

In defense of porn

by Mubarak Dahir

In another disturbing move by George W. Bush's administration to appease the conservative and religious right that make up a strong base for his presidential re-election bid, the federal government is now spending millions of dollars to "crack down" on pornography.

This is an important civil liberties issue for gays and lesbians. I hope our political and community leaders don't get squeamish over the subject of sex and public relations and shy away from tackling this issue.

The Justice Department is dedicating the time and resources of 32 prosecutors, investigators and even some FBI agents in order to file "obscenity charges" in courts all around the country. It's the first time in more than 10 years that the federal government has filed or pursued such cases.

About a year and a half ago, however, Attorney General John Ashcroft — who is a religious zealot himself — met privately with conservative groups to reassure them that going after porn was a priority for the Justice Department.

"We want to do everything we can to deter this conduct by producers and consumers" of adult entertainment, Drew Oosterbaan, chief of the division in charge of obscenity prosecutions at the Justice Department, told the *Baltimore Sun*.

"Nothing is off the table as far as content." And they mean nothing. The government has made it clear they are going to go after any target they think they can get into a courtroom, including "soft" porn that runs on major cable channels (like HBO's "Real Sex"), subscription porn through your television or computer, and adult stores that sell X-rated videos and magazines.

The landmark decision on obscenity cases was handed down by the Supreme Court in 1973. It ruled that something is "obscene" only if an average person applying "contemporary community standards" is patently offended.

In today's world of cable television programming and the Internet, just who makes up the "community" that decides if something is "obscene" or not is a very difficult question indeed. Arguably, anything that is bought or sold through the television or the Internet has a national audience as its "community."

In order to subvert that, however, the Justice Department is playing a rather disingenuous game. In one recent case, a department official ordered adult tapes from a Hollywood company. That same company had handily defeated an obscenity charge in a local court. But the federal prosecutors ordered the tapes from Pittsburgh and are leveling their charges in the courts there, betting they get a more anti-porn jury in Pittsburgh than Hollywood.

The issue of "community standards" and what is "offensive" is not one to be taken lightly by gays. In the past, one strategy the government has taken is to prosecute more "extreme" pornography — things like sex murder scenes and rapes — in order to meet the requirement of offending the community. The strategy is to get a win in one case, hoping to put a chill on other producers and consumers.

It's conceivable that the government would include gay pornography in this strategy, with the hopes that more people would find it "offensive" than straight porn.

Undeniably, gay men are a big segment of the consumers of adult entertainment. And the government shouldn't be able to tell us what we can and cannot view in our own homes.

On the most basic level, this is simply a First Amendment issue, and thus it affects all of us, including gays and lesbians. The government shouldn't be playing Big Brother and telling adults what they can and cannot view or read in private, just because George Bush and John Ashcroft and their right-wing cronies think it's bad.

But for us as gays and lesbians, the issues around these kinds of anti-sex crusades are more personal and go deeper.

The fight for gay and lesbian civil rights is deeply rooted in the fight for sexual freedom and liberation. It is sex, after all, that separates us from straight America.

We should not and cannot shrink from this battle because it involves sex. In fact, that's why we have to take it on.

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