

The Front Page

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The Question of Pornography

by Eric Shindler

Like it or not, adult bookstores are a major outlet for North Carolina's gay community. So on November 12, when the Obscenity Laws Study Commission meets to decide what changes to recommend in the state's pornography laws, there could be a great impact on our community. To help put things in perspective, *The Front Page* is running this two-part article. The first part discusses the legal background and the current anti-porn campaign in North Carolina. The second part, in our next issue, will deal with the touchy subject of child pornography and with the specific cases brought against bookstores in the past year.

North Carolina uses three separate methods to deal with the "problem" of obscenity. One state law prohibits the distribution or sale of an item previously determined by a court to be obscene. Another state law, the so-called "sex supermarket" statute, is unique to North Carolina and prohibits more than one "adult establishment" under the same roof. The third method, which is used by cities and counties in the exercise of their zoning authority, is to regulate obscenity by controlling the location of adult bookstores and theaters.

Each of these methods has been upheld by the North Carolina and United States Supreme Courts, and persons have been subjected to prosecution in North Carolina under all three. However, the operators of adult establishments have continued to operate, and anti-porn forces have decided that some legal loopholes need to be closed.

The focus of the Obscenity Laws Study Commission has been directed at the most famous "loophole"—the requirement of an adversary hearing before someone can be prosecuted for selling obscene material. The focus of the commission, therefore, has been on the first of the methods outlined above, the law which makes it a crime to sell or distribute obscene material. The commission has not spent too much time on the other two methods, probably for different reasons.

The "sex supermarket" law has been largely ineffective because adult bookstores have found ways to get around it. The intent of the law was to make adult bookstores unprofitable and thus drive them out of business. The idea was that if a bookstore could not sell magazines and also sell dildos

and poppers and other sex toys, and also have coin-operated movie booths, then the bookstores would go out of business. However, most bookstores have either dropped one of their product lines or, more commonly, added non-obscene material to their stock. By adding used books that nobody ever buys, these bookstores have managed—they hope—to avoid the "sex supermarket" law.

The municipal zoning ordinances have caused the bookstores some trouble (as we'll discuss next issue). However, no ordinance can legally prohibit all adult bookstores, and virtually every town of any size has at least one.

The anti-porn forces presumably have decided that if their goal is to stop all pornography, both zoning and the "sex supermarket" concept are doomed to failure. So they have turned their attention to the procedures mandated by the state's basic obscenity law, G.S. 14-190.1-11.

The obscenity law makes it a misdemeanor for anyone to sell obscene material, which is defined as any pictorial representation of either "normal" or "perverted" sexual intercourse or other sexual activity (such as masturbation). However, such material is obscene only if, taken as a whole, it is patently offensive in light of current community standards.

Most importantly, the obscenity law requires an adversary hearing before any criminal prosecution can be initiated. Before arresting anyone for selling obscene material, the law enforcement officer has to go to court with the material so the court can determine if it is obscene. Once the court has said that, yes, that item sold by that bookstore is obscene, the law enforcement officer then must return to the bookstore to see if the item in question is still being sold. The bookstore operator can be prosecuted only if he (or she) sells the item again, after the court's decision that it is obscene.

Even civil libertarians agree that the effect of the adversary hearing requirement is to make it impossible to prosecute sellers of pornography in North Carolina. However, Thomas L. Telford, representing the North Carolina Civil Liberties Union, argued at an August hearing before the Obscenity Laws Study Commission that the requirement protects North Carolina from an "intellectual reign of terror." He accused the anti-porn forces of attempting to impose their moral standards on others.

On the other hand, those against pornography argue that the adversary hearing requirement has made North Carolina "the smut capital of the nation," in the words of the Rev. Coy Privette, executive director of the Christian Action League (*Gastonia Gazette* 2/19/82). Privette's comment apparently stems from a report solicited by the *Raleigh News and Observer* (3/8/81) showing that the Carolinas lead the nation in the number of adult movie theaters per capita. Most theater owners contend that porno movies are popular here not because the obscenity laws are lenient but because Bible-thumpers like Privette have created an atmosphere of sexual repression.

Opponents of pornography disagree among themselves about the need to close loopholes in the state's obscenity law. Attorney General Rufus Edmisten told an anti-porn rally in Greensboro March 30 that it was time for law enforcement officials "to get with it" and enforce the law. He argued that the North Carolina laws had been upheld in the courts and the only new law the state needed was a tough law on child pornography.

However, the assistant attorney general primarily responsible for prosecuting pornography cases on appeal, Marvin

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St. John's MCC:

Members of St. John's MCC signed a petition to become a chartered church during its annual congregational business meeting on September 19. Following the procedures outlined by the Universal Fellowship of Metropolitan Community Churches (UFMCC), St. John's first became a "Study Group" (a church body with membership numbering less than 25) in 1976. Three years later the congregation, under the leadership of its founder, the Rev. Willie White, was granted "Mission" status.

The UFMCC requires a Mission to progress toward chartered church status by: (a.) Having an active membership of 35 or more; (b.) Supporting a full time pastor; (c.) Actively engaging in outreach and inreach programs and activities. St. John's MCC fulfills those requirements.

The petition will be acted upon by the district's Board of Home Missions during the fall conference to be held at Charlotte November 5, 6, and 7. Upon approval by the District, the application will be sent to the Board of Elders of the UFMCC for their approval.

Other business acted upon included the signing of another year's contract with their pastor, the Reverend June Norris; removing the church's office from the pastor's residence by renting a separate facility; approving the proposed budget for the final quarter of 1982 and selecting a committee to begin studying ways and means of raising funds for the purchase of church hymnals.

St. John's MCC provides a worship service with Holy Communion each Sunday at 2:45 pm. There's a coffee hour after the service with a pot luck dinner each fourth Sunday. There's also a Bible Study on Tuesdays at 7:30 pm and a secular Talk Time Thursdays at 8 pm. All activities take place at the corner of Wade Avenue and Dixie Trail, and are open to everyone...straight, white, black, etc...no one is excluded.

Signed for the Hearing Impaired

St. John's MCC's worship services are now being signed for the hearing impaired. Jack Adcox, who is transferring to Raleigh from MCC Princeton (NJ), has been appointed as the official interpreter.

From its inception in 1968, the Universal Fellowship of Metropolitan Community Churches has urged all church bodies to provide this valuable service for those who would otherwise be excluded from the fullness of the worship experience. The UFMCC's General Conference, which meets bi-annually, provides interpreters from various parts of the world to sign all business meetings and worship services.

St. John's MCC would encourage our community's participation in making known this new outreach to those who may benefit. Living behind a wall of silence can be a very lonely place. Signing penetrates that wall and tells those behind it... "We care!"

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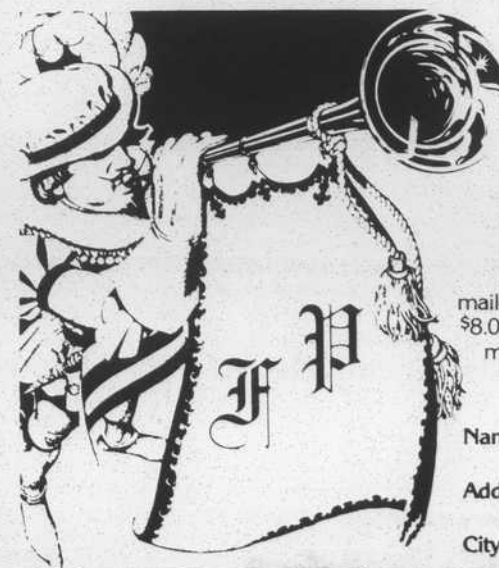
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