

New pornography law: effects on business practices

Sponsors' long term target: sex crimes

By ANDY TRINCIA
State and National Editor

North Carolina's new pornography law is not out to stop people from reading *Playboy* or seeing movies such as *Rambo*, but it is designed to stop hard-core pornography and sex crimes involving females and minors, the law's principal sponsor said Tuesday.

"We're not going after *Rambo*, *Playboy* and *Penthouse*," said Rep. Richard Wright, D-Columbus, in a telephone interview from his Tabor City law office. "The law is designed to stop the hard-core stuff that most of us have never seen. The law, however, does not authorize the Gestapo to go into people's homes and seize pornographic materials."

Wright, who sponsored the law that went into effect Oct. 1, said he introduced it as a bill in late May. Although it passed the N.C. House supported by 80 co-sponsors out of 120 General Assembly members, Wright said the bill struggled through the Senate.

"It was held up in the Senate for about four weeks, but we managed to get it out without major surgery," Wright said.

"I sponsored it basically because for eight years I saw how incompetent it was," he said. "Before 1977 it was very much like the rest of the states. The old law was so open-ended that there were no convictions of purveyors of the hardest core pornography you could imagine."

The new law, however, has aligned North Carolina with pornography laws in other states, Wright said. The new

law is similar to California's law, he said, but was also based on cases in Kansas, Ohio and the District of Columbia.

Wright said, "I think we'll see a decline in business in hard-core pornography stores and a decline in the percentage of violent sex crimes involving females and minors."

He added that most sex crimes involved people who found stimulation from pornographic materials. "Some 70 percent of the people convicted of these crimes have material on their person or in their dwelling," he said. "I won't even begin to describe to you the degree of hard-core materials that were available before the new law."

John D. Simmons, deputy state attorney general, said the new law, which was more enforceable, would have an impact on businesses selling pornographic materials in the near future and would institute long-term effects.

"In the near future, lots of (pornographic) materials will come off the shelves, which are not within the definition of obscenity because of the fear of prosecution," he said. "It may put an end to hard-core pornography businesses. It says the state won't endorse pornography. We'll always have pornography, but now it won't be as easy to acquire."

L.P. Watts, professor at UNC's Institute of Government, said the old law made violations a misdemeanor while the new law makes violations a Class J felony with a maximum penalty of a three-year prison sentence.

Some video store owners to fight law

By LAURIE WILLIS
Staff Writer

X-rated videos have been removed from the shelves of video stores statewide as a result of the N.C. pornography law which went into effect on Oct. 1.

Video stores have experienced sales decreases, some more than others, said David F. Kirby, a partner in the Kirby, Wallace, Creech, Sarda, and Zaytoun law firm that is representing N.C. video stores in a lawsuit protesting the new law.

"Of the 100 clients we're representing statewide, some have reported their sales rentals off by as much as 60 percent, but the average drop is 30 percent," Kirby said.

The video stores have removed their X-rated tapes and some have removed their R-rated tapes for fear of prosecution, Kirby said.

The law has two statutes, the adult obscenity statute and the minor obscenity statute, Kirby said. The lawsuit his firm filed contends that the statutes are overbroad in their reach.

"The statutes prohibit or outlaw what is constitutionally protected expression," he said.

Materials of sexual encounters not considered obscene by adults or minors are obscene according to the law, Kirby said.

"That's our main argument ... (the law) brings into prohibition what are obviously not obscene acts."

Ashley Stanford, an employee of Show & Tell Video Tapes in Chapel Hill, said he considered the law unconstitutional and did not think it would hold up in court.

"I think it's an invasion of freedom of privacy," he said.

Stanford also said he did not think the law was very well written.

"It's vague and it has affected some businesses I don't think the legislators intended to affect, such as family video stores and theaters," Stanford said.

Family video stores are being hurt by the law, he said.

"Our sales have dropped 20 percent, but luckily X-rated videos weren't our biggest sellers," Stanford said.

R-rated videos sold best at Show & Tell Video Tapes, he said.

Stanford said he had received numerous complaints from customers about the law.

"Their (the customers) main argument is that they don't like the government legislating what they can and can't see," he said.

Show & Tell Video Tapes was not involved in the lawsuit and did not plan to get involved, Stanford said.

Jean Watson, manager of North American Video in Carrboro, said her store had experienced a 10 to 15 percent drop in sales. But it was not a significant drop, she said.

House

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such as parking and square footage requirements; maintain or enhance adjoining properties or be deemed a necessity; and fit in with the general purposes of the town's growth.

Bocchini said he didn't expect any problems with obtaining the permit.

"We can show city council that we can make the house an attractive place for people to live in," he said. "We are surrounded by fraternities and we are not interrupting any part of the neighborhood."

Bocchini said rent for the new house members would be low because Phi Kappa Sigma did not have to borrow much money for the purchase of the house.

"We have a considerable sum of capital from our housing corporation that doesn't need paying back," he said. Although the house will be a con-

venience, it was not the key to the fraternity's survival, he said.

"We have always emphasized to people that are rushing that a house does not make a fraternity," he said.

Theaters change admission practices

By KENNETH HARRIS
Staff Writer

As a result of North Carolina's new pornography law, theater managers are requiring that parents accompany children under the age of 18 to R-rated movies, and in some instances, managers are firing their employees who are under age.

Under the old law, it was a misdemeanor to show obscene materials to minors. Before court action could be taken, a hearing was held to determine if the material was obscene. The new law has strengthened the state's powers.

At present, there is a prison sentence of at least two years if a person is convicted of showing obscene material to minors. In a misdemeanor offense, the state could not prosecute distributors of pornographic material who lived outside the state. District attorneys now have the power to prosecute dealers of pornographic material in other states.

For area theaters, the new law requires owners to turn away children under 18 or to have parents give their consent.

The Ram Theater's recorded movie listing states: "For all R-rated movies, no one under 18 admitted without parental consent or parental accompaniment. ID is required."

"It's an abridgement of the First Amendment," said Jim Steele, manager and part owner of the Varsity Theater.

John Jordan, manager of the Carolina Theater, said for theater managers "it's the same old law," only authorities are trying to enforce it better. "It's protecting everyone that way," he said.

Jordan said he is requiring parents to sign consent forms for children under 18. If the parents want to leave their children at the theater, Jordan has to meet with the parents and have them sign the forms before the children can enter the theater.

"We check ID for all R-rated movies basically," he said. "We have to."

In some instances, parents would leave their underage children outside the theater and the children could not enter, Jordan said. But, he added, it occurs more in Durham and Raleigh theaters because Chapel Hill contains mostly college students.

The Varsity Theater, an independent theater, does not receive many of Hollywood's latest releases, but it shows classic and foreign films.

"Our pictures are not very attractive to the junior high and earlier audi-

ences," Steele said. He still objects to the law.

"It would seem to me in a case of child pornography that the production might be a punishable offense," he said, adding that he disagrees with the regulation of a movie "once it has been produced at the exhibition level."

"I would rather see people exercise better taste in choosing what they go see than to have the government tell you what to do," Steele said.

According to Jordan, the new law has not had any effect on ticket sales. He said he will not have to adjust the times of the movies to account for possible delays by parents signing consent forms.

Because his theater shows foreign films, which often are not rated, Steele said he has to be more selective with the movies he will present.

"A couple of movies I've considered showing but have held off," he said. "We're not showing any films that might be considered questionable."

The new law makes exceptions for movies that have artistic or literary value or express a political idea. Each community sets its own standards for obscenity. Some managers said they would be more selective about their movies although they expected few problems in Chapel Hill.

"It will have a definite effect on the movies we chose to show in the future," Jordan said. He added that the theater will begin to show more foreign and independent films that have won awards based on their artistic value. He said he expects the films to do well in the area.

"We don't feel it represents us in that respect," said Cecil Allen, director of advertising for Eastern Federal Corporation. Eastern Federal Corporation operates the Plaza Theater.

"We don't feel that we're going to be impacted," Allen said. This law is going to have an impact on adult theaters. In Chapel Hill, we just don't program any X or triple X (movies). The impact on us is so little at this point."

Steele said he is extremely cautious because by being a small independent theater, he cannot afford a law suit. He said he will not show questionable films until a test case concerning the pornography law comes to court.

As a result of the law, some theater managers have had to fire their employees who are under the age of 18. Others require employees to obtain

parental consent to work.

Jordan said he has received parental consent for his employees under 18.

"Their parents have given written consent so that their child may work here as long as the child doesn't view the film while working," he said. If he intended to hire anyone under 18 in the future, Jordan said he would have to obtain written consent from the prospective employee's parents before he could hire the minor.

"We request that they do not go into the auditorium when one of these films is showing," Steele said.

Rob Fleeger, manager of the Ram Theater, said he had to fire his employees who were under 18. He added, however, that ticket sales have not been affected by the law.

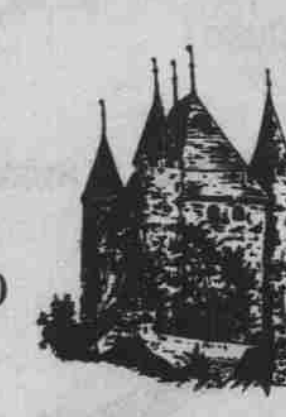
Marion Jones, general counsel for Carmike Cinemas, the company who operates the Ram Theater, said that IDs will be checked closely and that no one under 18 will be employed until the state has had time to react to the new law.

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