

# Porno deadline

## Video store owners ponder edict

By Pat Murphy  
staff writer

Facing a mid-August deadline to remove sexually explicit films from their shelves or risk prosecution under Michigan's obscenity laws, Oakland County video store owners are responding in various ways.

Many are consulting lawyers, hoping to avoid expensive litigation. Some are complying — in a minimal way. Others are simply taking a wait-and-see approach.

Meanwhile, some area members of the American Family Association, a national anti-obscenity organization, fully support the campaign to ban what they consider to be obscene films.

"I approve of the prosecutor's action," said Patricia Jacques, a mother in Rochester Hills. "Pornographic material degrades women and promotes violence."

Jacques agrees with the American Family Association contention that individuals do not have the right to obscene material — even in their homes — any more than they can legally use cocaine in private.

AT THE CENTER of the brewing controversy is Oakland County prosecutor Richard Thompson, who last month sent a letter to video store owners reminding them of Michigan's anti-obscenity laws and saying owners could be prosecuted if they rent tapes that contain or depict sexual conduct.

In the letter, dated July 10, Thompson asked video store owners to remove any objectionable material from their shelves.

In a separate letter, Thompson advised local police agencies they must enforce state obscenity laws.

He also suggested a 30-day grace period in which video store owners could comply with his request.

Some police departments — and many video store owners — interpret the 30-day grace period as a kind of deadline. Whether it's flexible or not, the deadline expires next week.

"We've already pulled some rentals from our store," said the co-owner of a video store in Troy. "We're hoping that if we get rid of the more objectionable rentals, the prosecutor (and any anti-pickets) will leave us alone."

The co-owner, who asked not to be identified, said most of the 350 or so video rental stores in Oakland County have already removed films that depict sex involving violence, children or animals.

But they resist any pressure to force them into removing other films as an infringement on the constitutional rights of their customers. They also resist any infringement on their right to that substantial market.

"IT'S DIFFICULT to say how many of our customers rent sexually explicit films," she said. "But we have a substantial number, men and women. It's their right to rent sexually explicit films."

Dennis Bowdoin, owner of the Movieland Video in South Lyon, estimates he's lost as much as 45 percent of his business over the last four weeks because he removed sexually explicit films to comply with the prosecutor.

"Adult films make up about three percent of my inventory," Bowdoin said. "But customers who go across the county line (into Livingston or Wayne counties) go elsewhere to

rent adult films. They also get their other rentals while they're at it."

Marie Quigley, co-owner of Movieland Video in Farmington, said she and her husband had not removed any additional films from their stock because of the prosecutor's warning.

For one thing, the store does not carry sexually explicit films involving violence, kids or animals. But it does carry sexually explicit films, Quigley said Monday. "Of 34 films returned today (following the weekend), I'd say 11 are sexually explicit."

"We have quite a few customers (including women and police officers) who pick up family films for the youngsters, and something X-rated for themselves."

Quigley said her store doesn't intend to remove any more films. "We really don't think anything's going to happen. We'll have to wait and see."

Carl Rubin, a lawyer who specializes in First Amendment cases from his office in Southfield, said he has received calls from several nervous video rental store owners.

They don't want any trouble, Rubin said. But neither do they want the prosecutor — or anyone else — dictating to them or their customers about the kind of movies they can watch.

RUBIN DISAGREES with Thompson's interpretation of the law, noting that numerous court cases have upheld the right of people to watch sexually explicit films.

But there are cases already pending in Oakland County that address the issue of obscenity, Rubin said. "I wish the prosecutor would wait until those cases are resolved before he infringes on the rights of citizens or legitimate businesses."

Thompson, in the meantime, declines to say what he will do next week when his deadline expires. "I'm just going to wait and see what happens," he said. "I expect most video store owners will comply with my request — like the legitimate businessmen they are. But who knows?"

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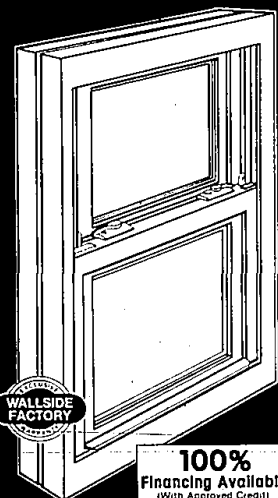
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