

# Cities puzzled by obscenity laws

## analysis

By JACKIE KLEIN  
Film reels are still turning and stars are still cavorting in natural "adult" movie houses in and around Detroit.

In June, 1973, a U.S. Supreme Court decision knocked out previous lenient guidelines and passed the buck to local communities to decide what is "obscene."

Since then, the state has been sitting on the ruling, confusion continues to reign and X-rated movie houses are padlocked and unlocked like a sexy game of musical chairs.

With a state election rearing its political head, the Senate has finally proposed a bill designed to tell the local communities what its standards should be.

Whether the House will approve the measure or take a pre-election "damned if we do, damned if we don't" stance is anybody's guess.

In the meantime, escorted ladies for free and senior citizen for half-price can go to downtown Detroit and see the triple-X-header "Mardi Gras," "Bachelor in Distress" and "Swinging Thing."

If that doesn't strike your fancy, how about "Hot Shot Secretary," from the West Coast, "Sweet Sixteen," or the ever popular "Deep Throat," "Devil in Miss Jones" and "Behind the Green Door."

THE CHOICE IS yours because of

the fuzzy status of the state law. To understand it, said Southfield City Attorney Sigmund Beras, you must go back to the case of *Floyd Blass vs. the State of Michigan*.

The case which involved alleged distribution of "lewd" and "obscene" books, was under appeal in the U.S. Supreme Court and subsequently vacated, Beras said.

The Michigan Supreme Court had ruled the state powerless to act on "obscenity" violations except where juveniles were involved, an assault was made on individual privacy and pandering was involved.

"Books and movies were protected by first amendment rights," Beras pointed out. "The sky was the limit as far as adult businesses were concerned."

In June, 1973, the U.S. Supreme Court reversed its 15-year decision that a work must be "utterly without redeeming social value" to be considered obscene, Beras pointed out.

The Blass case was sent back to the Michigan Supreme Court for another look-see in view of the high court decision. The U.S. Supreme Court ordered a stay of proceedings when the Blass appeal was filed.

The City of Detroit, however, went under the new decision and issued violations while the stay was in effect. The charges were declared invalid.

ATTORNEYS FOR so-called "smut peddlers," said Beras claimed that until the Michigan Legislature revises its "obscenity" laws, the Blass decision is still valid and local ordinances are invalid.

Beras does not agree. "Local communities can enforce obscenity ordinances because the Blass case was vacated and local statutes aren't in conflict with state law."

Last March, attorney Stephen Taylor, who specializes in defending "adult" entertainment dealers, said, "The U.S. Supreme Court may find itself back in the role of super censor without a single workable definition of 'obscenity.'"

"The issue of what is obscene has been before the courts since 1957. It's one thing to define the term. It's altogether another thing to apply the definition."

"Society changes, social tastes change. But the first amendment right to free speech goes on forever."

TAYLOR CONTENDED that small communities like Southfield, which have passed "obscenity" ordinances, put a chill on first amendment rights. Nuisance abatement statutes con-

stitute prior restraint, he said, and getting neighbors to approve adult businesses is going in the back door.

According to Ralph Guerrini, special investigator for Oakland County Prosecutor L. Brooks Patterson, recent polls indicate the vast majority want more stringent enforcement of "obscenity" laws.

"Our aim is to regulate public morality and to prevent assault on the sensibilities of an unwilling public and kids," he said. "We don't make laws, we enforce them. That's not censorship."

Patterson focuses his attention on the commercialized aspects of hard-core pornography and has asserted the U.S. Supreme Court ruling on obscenity isn't within the area of constitutionally protected speech or press.

In the absence of clear cut state legislation, Patterson has established county-wide guidelines for obscenity.

Critics like Patterson agree that lenient obscenity laws are hard. Until the State of Michigan comes up with definitive controls, pornography will remain a gray area, they assert.

"When the Legislature comes up with some clear-cut guidelines, we will amend ours if necessary," Patterson said. "But until then, we'll continue to investigate and prosecute violations and recommend to district judges that criminal warrants be issued for non-compliance."



ROBERT RUMMEL

## Chamber hosts stadium talk

With construction of the new Pontiac Metropolitan Stadium underway, the Birmingham-Bloomfield Chamber of Commerce will present a progress update on this facility to its members and friends at 7:30 a.m. Tuesday at The Community House.

The program will include a slide presentation and the following panelists: Robert Rummel, executive director, Pontiac Stadium Authority; Edwin Anderson, executive vice president, The Detroit Lions; Harold Cousins, chairman of the Stadium Authority; Rolland Wilkening, executive vice president, Barton-Malow Co., general contractors for the stadium's construction; and Constantin Micuda, stadium architect with the Birmingham firm of O'Dell, Hewlett and Luckenbach, Inc.

Tickets for the chamber's breakfast may be obtained at its office in Merrillwood Mall, 251 E. Merrill, Birmingham, from 9 a.m. to 5 p.m. Thursday (Oct. 10) and Friday, as well as on Monday until noon. Tickets will not be sold at the door on the morning of the breakfast.

## Harvest fest to be held

WEST BLOOMFIELD—A harvest festival, consisting of a box social and bazaar, will be held from 5:30-8 p.m. Wednesday at the West Bloomfield United Methodist Church, 4100 Walnut Lake Road, West Bloomfield.

The church youth group will hold a bake sale and house plant sale in connection with the festival.

Proceeds of the event will be used to purchase new kitchen appliances for the church.

General chairmen are Mr. and Mrs. William Drescher. Mr. and Mrs. Howard Herbst are bazaar chairmen. Co-chairmen of the box social are Mr. and Mrs. Richard Samner and Mr. and Mrs. Bah Mosher.

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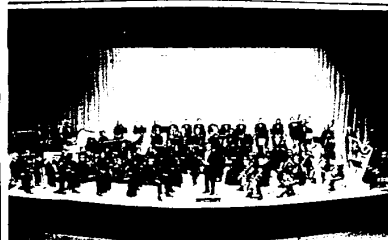
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