

The DA Discusses Pornography

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the effect of law for society in general.

I believe that when you start creating and permitting a general moral decay of society, you are going to find an effect on our whole attitude toward crime. I hate to think what it would lead to.

Fr. T.: In determining whether a book is obscene or a movie pornographic you have the standard of the law to hold against it. What are the main points of the New York State law against pornography?

Mr. L.: There is a clear definition set down in our penal law. Let me quote it for you: "Any material or performance is obscene if, considered as a whole its predominant appeal is to prurient, shameful or morbid interests in nudity, sex, sadism or masochism; and b— it goes substantially beyond customary limits of candor in describing or representing such matters; and c— is utterly without redeeming social values". This has been put into the State Law from the U.S. Supreme Court decision.

Now with children the law is a little more helpful as far as the prosecution is concerned. A person can be guilty of disseminating indecent materials to minors when "with knowledge of its character or content he sells or loans, for monetary consideration, any picture photograph, drawing, sculpture, motion picture film or image of a person or a portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse, and which is harmful to minors." This is why a lot of these films are restricted so that no one under a certain age is allowed to get in, because the theater operator knows that he could be prosecuted more easily under this section than under the general obscenity section of the law.

Fr. T.: As district attorney, are you presently receiving more complaints from citizens about the movies, especially at some drive-ins, than two or three years ago?

Mr. L.: Yes, more of the citizens are getting concerned. And the sheriff is getting complaints, on the movies, too. Let me get one thing straight, Father, — When I'm dealing with the law I'm not stating that we intend to do anything or will do anything, with a movie just because it is X-rated. We must make a determination, at least in our own minds first, that it does come under the definition of the penal law. If a crime is being committed, then it's my obligation to hold the person committing the crime responsible.



Harps Benefit

Father Martin Barry, an Irish priest serving with the St. Patrick Mission Society in Kenya, is the object of a Harps Club benefit Saturday night, Oct. 17. He will get the profits from a dance that starts at 9 p.m. at the club house. Desmond Penrose's Irish Dancers will perform, and there will be a baked foods sale.

COURIER 2

Fr. T.: What's the current method of checking out the alleged obscene nature of a movie?

Mr. L.: One of the problems we have had in prosecution is that of "search and seizure", of going into a theater and taking a film. The courts have ruled we can't do that for the fact that there has to be an adversary hearing first to determine its obscenity.

We now have a new tool: we call it a "continuity", where we can send someone in — and we're getting citizens' help in this — with a tape-recorder and a camera and tape the actual dialogue and every minute or two take a photograph of what appears on the screen. The tape is then transcribed and the photos are put in their proper sequence so that I do have something that will show the item as a whole.

I can show this to a grand jury or another jury as evidence of what was shown and can make the judgments of obscen-

ity without seizing the film.

Fr. T.: What cautions would you offer about parental screening of films and reading for their children. As a priest I know that many parents do not know what the kids are being exposed to today.

Mr. L.: Too many times parents are willing to say: "Let the law enforcement officers do it, let the schools do it, let the clergy do it." But the basic responsibility still rests with the parents.

The parents and the community as a whole can determine what is to be shown in the community. I think it's a case of supply and demand. If there's no demand for this filth there will not be any supply of it. They can do a lot more than we can.

The commission's report said: "Let's make it all right for adults but not for kids". But if its being passed around to adults, the kids are going to get it.



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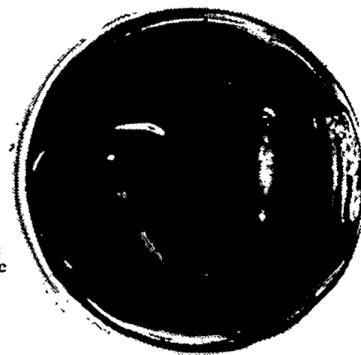
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