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National Coalition for Sexual Freedom

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EXPERT WITNESS REPORTS SUBMITTED IN NITKE V. ASHCROFT

New York, December 18, 2003 - The National Coalition for Sexual Freedom has submitted expert witness reports for their landmark Communications Decency Act lawsuit, Nitke v. Ashcroft (Case No. 01 Civ. 11476). John Wirenius, attorney for plaintiffs NCSF and photographer Barbara Nitke, provided 31 expert witness reports and witnesses who will testify before the three-judge panel for the Southern District of New York.

The expert witness reports support the plaintiffs' contention that "local community standards" cannot be accurately applied to the Internet and, therefore, cannot be used to determine what is obscene. If the most restrictive communities can control what is placed on the Internet, then everyone will be restricted to that standard. The Internet is a world-wide phenomenon, therefore websites should not be held to standards specific to geo-location because community standards vary significantly from region to region and community to community.

Expert witness reports were submitted that establish self-censoring by artists because of the vagueness of this law. The importance of anonymity because of the frequent persecution of sexual minorities was also established as well as the social importance of sexually explicit speech in both art and education.

"This phase of the trial is critical because the evidence is on the table," said John Wirenius, First Amendment attorney and author of First Amendment, First Principles: Verbal Acts and Freedom of Speech. "The plaintiffs are providing the scientific grounds for our contention that visitors to the Internet cannot be tracked, and therefore limiting content on the Internet will limit free speech. The government is obligated to show, if they can, why our experts are incorrect."

By law the government had 30 days from the date plaintiffs identified their expert witnesses to the court to file notice of the identities of rebuttal experts and written summaries of their anticipated testimony. To date the government has filed no such notice, and the deadline has passed.

The following Experts and Witnesses filed reports:

1. Artists Who Have Self-Censored

Barbara Nitke - professional photographer and co-plaintiff in CDA lawsuit
Patrick Califia - prolific author of essays, fiction and poetry
Deborah Christian - science-fiction/fantasy author
Nina Hartley - adult film star

Theresa Reed - writer, editor, and reviewer of adult videos and books
Candida Royalle - adult film star and producer of erotic films
Michele Serchuk - fine art photographer
Tristan Taormino - columnist, adult film producer and performer

2. Educational Organizations that have Self-Censored

Dov Hechtman for TES - TES is a New York-based pansexual, educational and social SM membership group

Glenda Rider for FIST - FIST is a Baltimore City educational and social SM membership group for women

3. Social Importance of Sexually Explicit Speech

Arthur C. Danto - Ph.D., Johnsonian Professor Emeritus of Philosophy at Columbia University, art critic for The Nation, and a contributing editor of Artforum

A.D. Coleman - Ph.D., critic of photography, art, mass media and new communication technologies

Betty Dodson - artist, author, sex educator and international authority on women's sexuality

Deborah Addington - author, teacher, creative writer, activist and freelance journalist

Gloria G. Brame - Ph.D. in Human Sexuality, author, sex and relationship expert

Michele Buchanan - anthropology professor

Charles Moser - Ph.D., MD., author of numerous peer-reviewed articles about SM

Carol Queen - Ph.D. in Sexology, author and editor

David Steinberg - photographer, columnist, editor and publisher

Linda Williams - author and professor of Film Studies and Rhetoric at the University of California, Berkeley

4. Importance of Anonymity

Eva Norvind - M.A. in Human Sexuality and Health Education from New York University

Katherine Ramsland - Ph.D. in forensic psychology, clinical psychology, and philosophy

5. Geo-Location and the Internet

Ben Laurie - technical director and consultant, expert witness for YAHOO! in the French courts

Seth Finkelstein - anti-censorship activist and programmer, recently hailed by the Library of Congress's Copyright Office

6. Variations in Community Standards

Jeffrey J. Douglas, Esq. - Chairman of the Board of the Free Speech Coalition

Leigha Fleming - Director of Constituency Services for National Coalition for Sexual Freedom

Robert Thomas - convicted in Memphis, TN for speech deemed inoffensive that was posted in the Bay Area in 1996

Carleen Thomas - convicted in Memphis, TN for speech deemed inoffensive that was posted in the Bay Area in 1996

Howard Rheingold - author and editor about technology, society and creativity

Susan Wright - Spokesperson for National Coalition for Sexual Freedom

For more information on the CDA Lawsuit, go to:

<http://www.ncsfreedom.org/CDA/index.htm>

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The National Coalition for Sexual Freedom (NCSF) is a national organization committed to creating a political, legal, and social environment in the United States that advances equal rights of consenting adults who practice forms of alternative sexual expression. NCSF is primarily focused on the rights of consenting adults in the SM-leather-fetish, swing, and polyamory communities, who often face discrimination because of their sexual expression.

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