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National Coalition for Sexual Freedom

Contact: Susan Wright, susanw@ncsfreedom.org, 917.848.6544

NATIONAL COALITION FOR SEXUAL FREEDOM

NCSF and Barbara Nitke File Amicus Brief in " United States vs. Extreme Associates"

NEW YORK CITY (May 26, 2005) The obscenity case against Extreme Associates was dismissed by a Federal judge in Pittsburgh, PA, in January, 2005. But the battle isn't over yet: U. S. Attorney Mary Beth Buchanan has appealed to the U.S. Court of Appeals for the Third Circuit. NCSF and Barbara Nitke have joined the fight challenging the constitutionality of obscenity laws by filing an Amicus Brief in the appeal.

In his historic decision on Extreme Associates, U.S. District Court Judge Gary Lancaster ruled that obscenity laws are unconstitutional as applied to this prosecution based on the Supreme Court decision "Lawrence v. Texas" which abolished sodomy laws. "Lawrence v. Texas" said in effect that the government can no longer use "public morality" as a rationale for suppressing what adults may legally do in private.

The NCSF and Nitke Amicus Brief supports Judge Lancaster's opinion and makes the following points:

- 1) The government cannot pick and choose which subjects of speech it wants to regulate and limit. Under this argument, the government should not be allowed to restrict SM pornography more strictly than vanilla pornography.
- 2) Obscenity is judged by "local community standards" which cannot be applied on the internet because that means the most restrictive community in the U.S. could impose its view of obscenity on the entire internet.
- 3) As a result of "Lawrence v. Texas" the government can no longer criminalize private "activities" such as consensual sodomy. Therefore, the government cannot be allowed to criminalize "speech" (words and images) regarding those activities. What justifies this attempt by the government to ban speech which discusses and describes activities which are now legal?

To read NCSF and Nitke's Amicus Brief, go to the NCSF website:
http://www.ncsfreedom.org/pdf/Extreme_Motion_and_Brief.pdf

For more information on the NCSF and Barbara Nitke Communications Decency Act lawsuit, go to: <http://www.ncsfreedom.org/CDA/index.htm>

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