

# OBSCENITY LAW

*United States obscenity law deals with the regulation or suppression of what is considered obscenity. In the United States, discussion of obscenity revolves.*

It is also illegal to knowingly make a commercial communication via the Internet that includes obscenity and is available to any minor less than 17 years of age See 47 U. The practice of obscenity law involves prosecuting and defending cases that challenge and interpret obscenity laws. Obscenity law concerns itself with banning or suppressing speech that violates standards of good taste and decency. In the United States Court of Appeals for the Fifth Circuit ruled a similar Texas statute violated the constitutional right to privacy that was recognized by the U. Because the poem "Howl" contains pornographic slang and overt references to drugs and homosexuality, the poem was and is frequently censored and confiscated; however, it remains a landmark case. The judges wrote that a work was obscene if any isolated excerpt in it was offensive. British common law, cited in *Regina v. California*, before a state bans a form of expression on the grounds that it is obscene, it must establish that the material, when taken as a whole: appeals to the prurient interest in sex is patently offensive in light of community standards, and lacks serious literary, artistic, political, or scientific value. Instead, it touted reliance on community standards of a more local nature, which threw the arduous task of defining obscenity back upon the States. The states are free to establish more liberal interpretations of obscenity, but they may not apply standards that are any more exacting. In this photo, activists demonstrate in the streets of downtown Cincinnati, Ohio, on September 24, , as jury selection began in the obscenity charges against the Contemporary Arts Center for exhibiting photographs by late artist Robert Mapplethorpe. In , *Reno v. What About the First Amendment?* Some state authorities issued injunctions against such films to protect "local community standards"; in New York, the print of *Deep Throat* was seized mid-run, and the film's exhibitors were found guilty of promoting obscenity. California established the three-tiered Miller test to determine what was obscene and thus not protected versus what was merely erotic and thus protected by the First Amendment. Because no actual injury occurs when a mere preference is violated, alleged violations of obscenity law are not actionable actions require an injury. *Miller v.* For defense attorneys, practice in the field involves defending freedom of speech and constitutional rights. California, U. Supreme Court adopted the three-part test that remains in place today. Supreme Court , in *Grove Press, Inc. Harry Reems* co-star of the film "*Deep Throat*" is shown in this booking photo. Obscenity v. Thus, for example, a book about human biology could have been banned simply because it explained sexual intercourse. Courts throughout the nation have wrestled with this topic for ages. Application of test[ edit ] In U. What qualifies as obscene? Courts reached contrary results when considering identical material. The other side is if the court finds that there is "no designated public forum" where government officials have the right to exclude and or censor the work. Cyr, born Marie Van Schaack, with pasties In the Miller decision the use of the words "contemporary community standards" means that the law evolves along with social mores and norms. If the case becomes a constitutional question for a state appeals court or federal court, an obscenity attorney is likely to be an attorney with experience in appellate work and constitutional law issues. Attorneys who practice obscenity law have to balance all of these considerations as they advocate for public interests or on behalf of their private clients. In the United States, the suppression or limitation of what is claimed to be an obscenity raises issues of rights to freedom of speech and of the press protected by the First Amendment to the Constitution of the United States. United States , the Supreme Court adopted the same obscenity standard as had been articulated in a famous British case, *Regina v.* Practice Area. Obscenity laws are generally criminal laws. In addition, visual representations, such as drawings, cartoons, or paintings that appear to depict minors engaged in sexual activity and are obscene are also illegal under federal law. *Hicklin* California, U. Federal law prohibits the possession with intent to sell or distribute obscenity, to send, ship, or receive obscenity, to import obscenity, and to transport obscenity across state borders for purposes of distribution.