

Make no mistake - It's about censorship

by Marc Sperberg

The lines are drawn between proponents of free speech and those who feel the government is responsible for limiting exposure to immoral or objectionable material. The broadness of these defi-

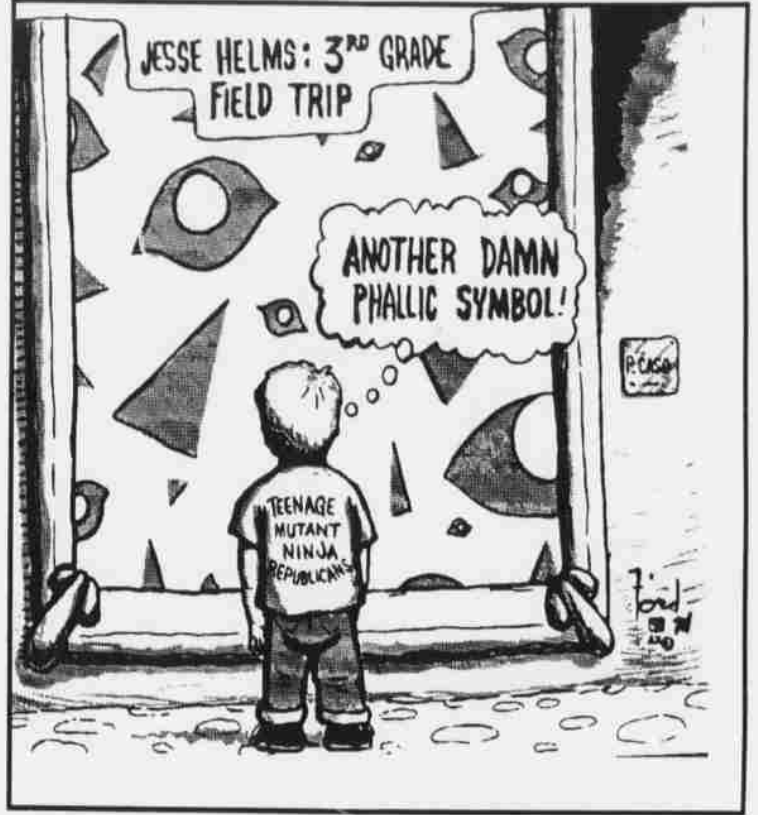
issues facing 2 Live Crew in regards to the violent themes some feel their lyrics suggest. The main issue regarding the 2 Live Crew case is obscenity and the present Miller Standards regarding the

must provide a preponderance of evidence supporting the claim that the law should be changed to protect homo-erotic photography (Mapplethorpe's work), when the existing Miller Standards on pornography would deny it constitutional protection.

It seems safe to say, in summary of the First Amendment issue regarding censorship of the arts, that cases such as 2 Live Crew and Mapplethorpe must pass these tests before any further consideration of their merit continues. Assuming a case passes these tests, which both 2 Live Crew and Mapplethorpe's exhibit did recently, let's address the issue of the National Endowment of the Arts (NEA) sponsorship of these types of artistic expression.

One key issue involved is whether "sponsorship," or more importantly lack of sponsorship, is censorship. Many say that the NEA's decision not to sponsor an artist does not stop him from producing that type of art. They are simply denying him taxpayer's money to produce what is considered outside the realm of common morality. Opposition to this can be found in a speech given before the recent senate hearings by Timothy S. Healy, former president of Georgetown University.

"It might be well to clarify one semantic difficulty," Healy said. "The debate is about censor-



ship, and any effort to say it is not, is misleading."

The question of sponsorship, or censorship (you decide), and the

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chilling effect the NEA may, or may not, create through its actions is further clouded by the issue of endorsement. When the government supports a project such as Mapplethorpe's homo-erotic photography, what is the message being sent to the Ameri-

can public and the world? One side of the debate says the government represents an advocacy of that which it endorses. The opposition feels that the message is one of tolerance for minority views, even when those views are objectionable to the majority.

So what does all this mean? It means that the outcome of the upcoming congressional debate on this issue will undoubtedly affect us all, either in what we create as artists and scholars, or in what we can be exposed to as members of society.

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itions has not made the debate over "art censorship" any easier for either side. Both sides seem to agree that the first amendment will be a key player in the debate.

The first consideration is the legality of the issue under existing statutes. The Supreme Court has historically provided us with methods for deciding when freedom of speech is or is not protected by the First Amendment. First, it must be determined if the speech (in this case artistic expression) has characteristics that would exclude it from First Amendment protection. The determination made must weigh, in light of Brandenburg vs. Ohio, whether the speech "incites... imminent lawless action," or is deemed obscene by the current obscenity standards found in Miller vs. California.

This raises the question of whether some types of art, in the very nature of their content, fail these tests, thus denying them protection. This was one of the

regulation and sale of pornography. Though obviously containing some obscene lyrics, the value judgement of whether 2 Live Crew is, or is not, lacking artistic merit is ultimately left up to the individual state's determination.

This brings up the second instance in which freedom of speech may be denied First Amendment protection. This "test" is commonly referred to as "the balancing test."

This is actually more of an approach than a standard. It addresses the conflicts between individual rights and government ends. This says the framers had many intentions in mind when they wrote the constitution, and subsequently the Bill of Rights, but they never intended to elevate individual rights to a "preferred" position over government ends. This doctrine mandates a case by case evaluation of controversies with a heavy presumption in favor of the validity of existing legislation. For example, one

In this corner: wrestling vs. soap operas

by Calvin Jackson

Wrestling is a soap opera for men.

Soap operas contain mystery, deceit, power, excitement, treachery, good guys, bad guys, and a constantly changing plot.

Professional wrestling has all *"Whereas wrestlers may grunt and groan and sweat, soap stars grunt and groan and weep."*

these as well, it just substitutes sports action for all the sex, lust, and greed a soap opera requires to achieve high ratings. In fact, soap operas and wrestling are so similar, it's impossible to insult one without insulting the other.

Take the usual complaint that wrestling isn't real and that it insults a person's intelligence

when it is promoted as though it were.

Of course the stuff isn't real! Everyone knows that. The wrestlers know it. The producers know it. The fans all know it. The point is: so what?

Soap operas are fiction, as well, yet millions of devoted viewers tune in each day to see what happens. The same goes with wrestling. Everyone knows the matches are fake, but a real match isn't nearly as exciting as a choreographed, well rehearsed match with all the grunts and groans in just the right places.

Another complaint aimed at professional wrestling is that the acting is deplorable. Wrestlers are only hired on the basis of their builds, and to the extent to which they sweat and allow themselves to have their heads slammed into

things.

Soap operas, however, are not necessarily renowned for hiring on the basis of acting ability either. Crying profusely is a big part of acting in a soap opera. Whereas wrestlers may grunt and groan and sweat, soap stars grunt and groan and weep.

Some say that wrestling is a bad influence on America's youth.

They say that all that nasty violence will adversely affect a young child's development into a mature, caring adult. But stop and consider what the typical soap opera would teach children:

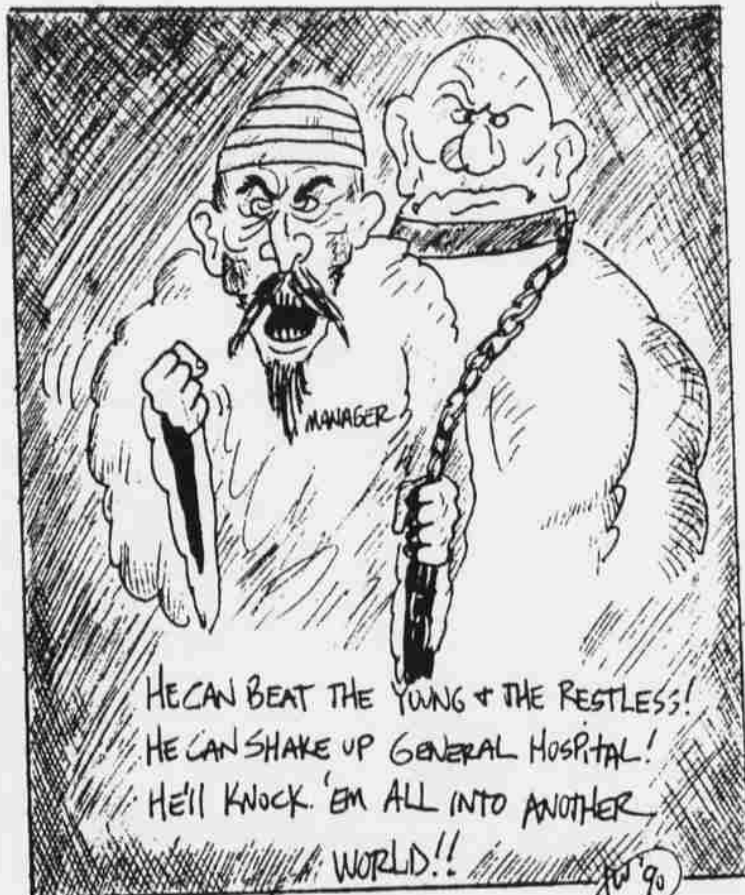
adultery is normal (and sometimes punishable by bullets), sexual manipulation is OK, deceit is good, greed is common, everybody lusts after everybody else, and those who don't are corrupt with power and want to take over the town/community/hospital in which the soap is set.

One final point is the extent to which people become addicted

to soaps. My aunt, for example, owns three VCR's for the sole purpose of recording all the soaps all day long. When she gets off work she comes home and watches soaps until 2 a.m., at which time she falls into a troubled stupor full of greed, lust, revenge running amuck through the town/community/hospital in which her dreams are set.

I don't know of any 53-year old men acting in such a manner towards wrestling. Perhaps this is because wrestling isn't on as often.

Let's hope so. Perhaps more programs should follow this example, so that more people would spend their time a little more productively instead of wasting away in front of a glowing box.



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