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CABLE PORN

The new frontier of the multi-billion dollar pornography business is not the newsstands, not primetime television, not adult bookstores, not even live sex shows. It is cable porn, which is out to capture an audience of millions who would not want to be seen patronizing an obscene show, but who will eagerly lap it up if they can enjoy it in the privacy of their own homes.

The cable revolution is such a new challenge that the Federal Communications Commission and Congress have not yet been able to figure out exactly how to protect the rights of the viewing public and of society. It's beginning to look as though the primary burden for protecting the public interest will fall on the local city councils.

The awarding of a cable franchise may soon become one of the most important decisions a city council will make. Here are some thoughts that a city council should consider before granting a community's franchise agreement.

The city council should have a clear statement of policy about so-called "adult" cable services which feature R-rated movies and pornographic programming during the evening hours on a continuous basis. The city councilmen should gird themselves for a battle with those who will argue that the First Amendment was designed to make the world safe for obscenity.

There is no reason why a city council cannot withold the city's franchise rights from cable companies that carry pornographic films. However, it is not sufficient to prohibit X-rated movies; just as objectionable are the optional pay channels that carry R-rated movies and soft-core pornography exclusively and on a continuous basis.

The city council should develop a statement of policy about the "public access" channels set aside for the exclusive use of individuals and community groups on a free, first-come, first-served basis. City councils should set limits of propriety and decency and fairness so that they uphold the right of the public to hear all sides of controversial issues without having to watch obscenity.

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Newsweek magazine told about the abuse of the public-access concept on a late-night New York City series called "Midnight Blue." It presents topless dancers, sado-masochistic skits, and visits to nudist colonies. Another series is "The Ugly George Hour of Truth, Sex, and Violence," featuring a porn actor who persuades women to disrobe before the camera.

Father Morton A. Hill, S.J., president of Morality in Media, is now on a 34-city tour to alert the American public about how rapidly pornography is moving into cable television. He said that Playboy and Penthouse are establishing cable services to sell sex programs to cable operators. The problem is made especially difficult because seven states have no obscenity laws, and the laws in many states pertain only to broadcasting, not to cable transmission.

A more important problem, according to Father Hill, is that federal law enforcement officials refuse to act. U.S. Attorney General William French Smith has refused to meet with him to discuss his refusal to enforce federal laws prohibiting the use of pornographic materials in interstate commerce.

Whether or not the Justice Department acts, the monkey will remain on the backs of the city councils. They are the people who will hear the complaints when citizens are outraged at what is coming into their homes.

And while the city councils are writing restrictions on cable porn into their cable franchises, they should be just as solicitous to protect the viewing public's right to hear contrasting views on controversial issues of major public importance on cable TV. That is the most important principle behind the F.C.C.'s Fairness Doctrine, and it should be extended to cable.

City councils should require that candidates for public office have substantially equal opportunities for access to cable TV during an election campaign. If incumbent officials have the opportunity to express their views on the issues of the day, challengers should have the chance, too. The right to respond to personal attacks should also be guaranteed.

The cable ordinance should also include a provision reserving to the City Council the right to penalize the cable company for violation of the franchise.

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