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CABLE PORNOGRAPHY

Cable pornography has a lot of people confused as to whose rights have a right to be respected. The pornographers seem to think that they have some sort of exclusive right to the benefits of the First Amendment at the expense of the public and of people in the privacy of their homes.

Most people would admit that you don't have a right to expose yourself on the public street. The notion that an exhibitionist could force his way into your home and expose himself to your children while you are not there would be ridiculous.

But that's the kind of "right" demanded by the pushers of cable TV porn. They demand the "right" to come into your home and not only expose their unclad bodies on your TV set, but expose action films showing every kind of sexual and violent depravity.

They say you have your right to switch the channel? That's not good enough. Your children may be watching the tube while you are not home -- or while you are in the kitchen getting dinner.

The problem is that some cable TV stations are showing explicit hard-R and unrated sex films. The porn peddlers plan to push harder and harder-core pornographic films on the American public as fast as they can get by with it.

Their arrogance is amazing. Al Goldstein, owner of the cableporn series "Midnight Blue," stated publicly, "Escapade/Playboy is going to open the door for guys like me. Me, I'm into decadence and debauched excess. And so are a lot of other people." By 1990 he plans to have triple X on the home screen.

Hugh Hefner, owner of Playboy Channel, has declared that "the cable market is where home entertainment is going." He promises original programming that will be "hotter and more erotic than ever."

HBO has started original "adult" programming with a series entitled "Eros America." Bluemax Channel has begun the first uncensored, X-rated satellite movie service. ON-TV Service is getting around the no-X policy by showing unrated films and editing X films only very slightly.

Public Access TV in New York was heralded as the first opportunity to use the medium of television for the benefit of the community. Today it is full of sex and sadism, with some of the vilest and most revolting performances ever shown.

"It's just a matter of time before that product [deviant acts] becomes available on cable television," warns Sgt. Don Smith of the Los Angeles Police Department who has followed the progression of pornographic magazines from nude girls down to those featuring bondage, torture, sado-masochism and bestiality.

Where is the law? Indeed, that is a good question. We have federal, state and local laws against obscenity. The Supreme Court in 1973 in Miller v. California ruled that "obscene material is not protected by the First Amendment," and that something is obscene if it appeals to the prurient interest, portrays sexual conduct in a patently offensive way, and lacks serious social value taken as a whole.

The public expects television standards to be higher than those of newsstands and "adult" movie houses. NBC was deluged recently with a public outcry against the off-color jokes and language of Joan Rivers.

The Court ruled in 1978 in FCC v. Pacifica that "indecent language in broadcasting can be prohibited," and it defined "indecency" as "nonconformance with accepted standards of morality." This case established that regular television may not broadcast the obscene, the indecent or the profane.

Unfortunately, this rule has never been applied to cable TV, and the Justice Department has decided that cable TV is not governed by the federal broadcast law. The Federal Communications Commission is simply closing its eyes to the problem of cable TV porn.

Several states have tried without success to pass a cable TV law. Two important test cases are now being appealed to higher courts after the anti-porn law was declared unconstitutional by lower courts: the Utah Cable Television Programming Decency Act and the Miami (FL) Cable TV Obscenity Ordinance.

The opinions and interpretations which treat cable TV differently from broadcast TV for purposes of pornography are specious and unpersuasive. If we don't have at least as much regulation on cable TV as on conventional TV, our homes will be inundated by unwelcome porn, and there will be no way to keep it away from teenagers.