

## *Penthouse* appeal of military ban is denied

■ In June, the U.S. Supreme Court turned down *Penthouse* publisher General Media Communications' appeal of a lower court decision that banned the sale of sexually explicit material on military bases. Without comment, the court let stand the 2nd U.S. Circuit Court of Appeals' November 1997 ruling in support of the Military Honor and Decency Act, established in 1996. That ruling had reversed the decision of New York Federal Judge Shira A. Scheindlin, who had struck down the Military Honor and Decency Act in January 1997, writing, "Society is bet-

### NEWSquote

**EVEN HIS SUPPORTERS acknowledge that in Florio's hands, truth is a fungible commodity."**

—From "The Buzz Factory," a profile of Condé Nast CEO Steve Florio in the July 20 issue of *Fortune*.

ter served by protecting our cherished right to free speech, even at the cost of tolerating speech that is outrageous, offensive and demeaning."

Lawrence Savell, a media law and Constitution specialist with the New York firm of Chadbourne & Parke, agrees with Scheindlin and says he worries about the precedent the Supreme Court decision might set. "It's a scary thing when you can discriminate among different types of publications based on the content or viewpoint being expressed," he says. "Does this signal an increased willingness to accept increasing restrictions on the exercise of free speech?"

In a statement, *Penthouse* publisher Bob Guccione said the Supreme Court decision "hands right-wing zealots another victory in their agenda of dictating what Americans should see or read," and vowed that his company would continue to lobby Congress to repeal the ban.—Neil Cassidy