Policy on sexually explicit films is unenforceable

The recent Registration Day screening of an X-rated movie at East Campus — a violation of MIT policy — raises questions about MIT’s Policy on Sexually Explicit Films. Specifically, the Office of the Dean for Student Affairs’ reluctance to enforce the policy — even after two clear violations that occurred during last year’s registration day — highlights an internal inconsistency about that policy’s legitimacy.

The pornography policy, initiated by Dean for Student Affairs Shirley M. McCoy in 1984, has been characterized over the past three years by student groups ranging from The Tech to the Committee on Preferences.

The pornography controversy developed because some community members — who viewed such films as detrimental to women’s environment at MIT. As Ruth Perry, director of the Women’s Studies Program, wrote in these pages in 1985: “The issue is the environment for women at MIT, and Dean McCoy’s steps to improve it were prompted by women’s complaints about harassment following the showing of pornographic films.”

Despite these valid concerns, The Tech stated as early as 1985: “Both reviews of explicit screenings would compromise free- dom of speech. The right to express ideas contrary, unpleasant, or even repugnant is guaranteed by the First Amendment to the United States Constitution. The right to protest such contrary, unpleasant, or repugnant ideas is likewise guaranteed. Furthermore, protests should be the response to the screening of such films, rather than a censorship policy.”

The policy calls for an ad hoc committee of faculty, staff and students to review sexually explicit films. Films that fail to meet review criteria may not be shown on Registration Day or reviewed by the ad hoc screening committee. The ad hoc screening committee of faculty and students is charged with determining if a film is Deep Threat at East Campus. In his actions, “it was fairly clear that he was doing everything he could to violate every aspect of the policy,” said James R. Tewhey, associate dean for student affairs.

Yet, by filing a complaint against Dershowitz, Tewhey chose to pass the buck of enforcement to the Committee on Discipline. He said that if the CPP found the complainant innocent, he would interpret that as a statement about the policy: “Something would be done, possibly modifying or scrapping the policy.”

Tewhey apparently wants the COD to pass its judgement on the pornography policy. That is clearly not the COD’s job. In 1983, Robert L. Hoffman, then associate dean for student affairs, said that any person offended by the showing of the movie was to go to the Committee on Discipline, but he did not think the COD could too usefully handle such a policy. “I told him the COD would not want the job,” he said. “The COD is not an ad hoc committee.”

On the other hand, the policy clearly points to the Dean’s Office in the enforcement of the policy: “Violations by the LSC or any other group of any of these conditions can result in a hearing by the COD. A range of sanctions are available, including the recommendation that the group be denied the use of MIT space in the future.”

Tewhey has yet to announce his response to the more recent East Campus infraction, and he will probably take his time. Nevertheless, it is fast becoming apparent that MIT’s pornographic policy is accretionally vague, overly interpreted and inconsistent — can now be viewed as unenforceable, as well.

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