



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR

OFFICE OF MIDTOWN ENFORCEMENT

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New York, N. Y. 10036

CARL B. WEISBROD  
DIRECTOR

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WILLIAM H. DALY  
DEPUTY DIRECTOR

January 19, 1982

Mr. David Webb  
Organizer  
NCROPA  
15 Sloane Court West  
Chelsea, London SW34TD  
Great Britain

Dear Mr. Webb:

Mayor Koch has asked me to respond to your November 2 letter regarding the control of obscenity.

As you indicated, there are penal laws in New York and, indeed, throughout the United States which prohibit the sale, display and dissemination of obscene materials and performances. Obscenity is not protected speech under the First Amendment to the United States Constitution. The well established constitutional doctrine prohibiting the prior restraint of speech, however, prevents the state (or municipality) from using obscenity convictions as the basis for closing a business for the future.

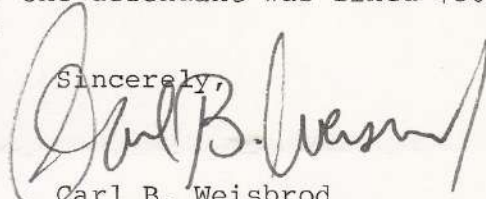
The obscenity laws -- as other laws -- are being enforced in New York City. They are being enforced in a professional and constitutional manner. In contrast with allegations leveled against prior City administrations, we are not engaged in a campaign of unconstitutional harassment but rather, in a firm, fair, constitutional effort to enforce the law.

I have checked court records as to the dispositions of arrests made at Show Palace (670 Eighth Avenue) on September 19, 1981.

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Of the five defendants arrested and charged with participating in or promoting obscene performances, one case was ACD'd (Adjourned in Contemplation of Dismissal); two defendants were conditionally discharged (after guilty pleas); one defendant was fined \$50.00 and the other was fined \$100.00.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl B. Weisbrod". The signature is written in dark ink and is positioned above the typed name and title.

Carl B. Weisbrod  
Director

CBW:dmd