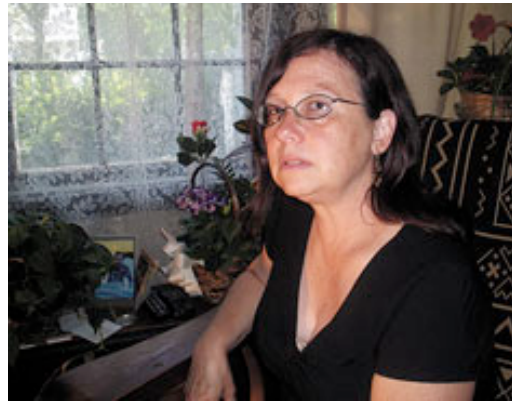


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The Naked Truth

Time Warner Aired Porn On Christmas Morn, But It Was the Public-access Folks Who Got Screwed.

By Dan Harkins



DRIVEN TO ACCESS Wilcher loved the freedom on cable.

Christmas morning, 2004. Akron-area Catholics tuned in to Time Warner's public access Channel 15 at 8 a.m. for a homey holiday tradition, a televised morning Mass with Bishop Anthony Pilla. What they got was full-blown penetration.

It was Illmatic TV, one of the racier, amateur-produced shows normally airing between 10 p.m. and 6 a.m. — the block when, more often than not on the weekends, somebody was going to be either showing off a thong, ranting about police brutality or preaching peace to the midnight breeze. Porn filled in a lot of gaps.

There had been complaints to City Council members, but the Christmas surprise forced the issue. Time Warner claimed simple human error. Some, however, speculate that it was no accident at all, but rather a planned shock intended to lay the groundwork for clamping down on the public accessers and their damned rights.

Whatever the case, Akron public access hasn't been the same since. New rules were laid down March 1, 2005, with the mayor's blessing, turning a vibrant (albeit dingy) marketplace of ideas into some boring-ass television.

Rose Wilcher, a self-described "aging hippie," took a shine to producing her own shows in the mid-'90s, when she spotted a friend, Anthony Hudson, airing his own on Channel 15 with a mix of black pride and sexual freedom. She was inspired. She started helping out, and it wasn't long before she saw how un-free public access was becoming. First the free studio at Summit County Public Library was closed. Then free delivery of tapes from Time Warner payment centers to Canton was scrapped.

But it was a good time, Wilcher says, an open venue to air grievances and decry hypocrisy. Hudson once coupled the audio from a council meeting with video of girls on stripper poles. At the end of the show, though, he broke another new rule championed by Time Warner regional vice president Bill Jasso forbidding the airing of phone numbers. So Hudson concocted a math

problem, the answer to which was his number. He was knocked off the air for 90 days.

In the last year, the rules have packed a greater punch, says Wilcher, who has since broken out on her own with FreedomJournalTV and its diverse line-up of peace- and justice-related shows. Just a few months after Father O'Malley's Porn Hour, citing the increasing cost of inserting tapes in players and the stress of managing such a mixed bag of nuts, Jasso ushered in a new \$25 per segment fee and a requirement that all shows be produced locally.

Wilcher was appalled.

"These rules don't apply to people with the most money," she says. "They apply to the very people these types of channels are set up for, people who can't afford anywhere else to get their message out. The Christmas porn, all of it was done by design."

Wilcher filed for a federal injunction. It was denied. U.S. District Judge David Dowd Jr. then dismissed Wilcher's lawsuit, saying that the fees didn't rise to a level that would deny her free-speech rights. An appeal is pending.

"We took this case on because we think there's a principle at stake here," Wilcher's attorney, Warner Mendenhall, told the Akron Beacon Journal after the verdict. "Is Time Warner acting in cahoots with the city of Akron to make this decision a state action?"

Before the rule changes, Hudson had 20 shows on the channel in a week; Wilcher had 22. Now they're down to one and two, respectively.

For nearly two decades, Mayor Don Plusquellic has championed Akron with a combination of brains and brawn. For six of those years, Bill Jasso was his spokesman. In 1994, Jasso returned to Time Warner for his current gig overseeing the franchise agreements in Northeast Ohio and Western Pennsylvania municipalities. His Time Warner bio has him still working for the city's police department as a media-relations advisor.

"It's that revolving-door issue," says Joe Finley, who was Akron's Ward 2 Councilman when the new rules started. "I don't think it's illegal, but it's certainly inappropriate. Still, [Plusquellic] can do what he wants. He has a bully pulpit, and he's not using it to fight for the public on this issue."

Finley testified on behalf of Wilcher in federal court. What it all comes down to, he says, is how "porn gave them the excuse they needed to tighten controls on the channel."

But current Ward 1 Councilman Dan Horrigan, who's also the chairman of Council's Public Utilities Committee, says Time Warner and the mayor's office haven't done anything untoward. Horrigan says the law forbids making any distinctions between acceptable viewing and smut, "but whether the public should subsidize that, I don't know. I don't think \$25 proves to be too high a

hurdle. It's not that the needs of a few aren't important, but sometimes the needs of the many need to be looked after, too."

Jasso says too few producers were taking up too much space, and the whole thing was getting costly. He claims he hasn't worked with city police in about three years, and doesn't understand why anyone would question whether his relationship with Plusquellic could be detrimental to the quality of the city's franchise agreement.

"People who believe that there is something going on here enjoy creating conspiracy theories," Jasso says. "I worked for Don for six years, and I left that position 12 years ago. I now work for Time Warner Cable. There's no conflict. I live in Akron. I'm interested in seeing that this becomes a better community, quality-of-life-wise."

Regarding the holiday porn, he says it's "absurd" to claim it was intentional. "I'm sure there's never been a typo in the Free Times," he says. "I just don't understand why this is still a story, except that it bugs the heck out of one person. But, if you look at it, everybody who's still complaining has at least one show on Channel 15."

"This did not come out of a desire to have a chilling effect on what these people do, but rather how Time Warner approached us and said they need to be compensated for the custodial work they do," says Mark Williamson, Plusquellic's current spokesman. "Is the mayor happy seeing porn on there? Were any of us? No. I'd defend free speech with everything I have, but, of course, I'd rather see community TV used for something more productive. What are you doing with your life if you're putting five porn shows a week on public access?"

Plusquellic wants to see Akron featured on Akron's station, Williamson says. Apparently, all of Akron: "I want porn stars from Akron. I don't want to see porn stars from LA."