

January 26, 2011

Hon. Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

Dear Attorney General Holder,

Concerned Women for America (CWA) is the largest public policy women's organization in the country, and we are writing to ask for a full investigation of MTV and its parent company Viacom for their involvement in "Skins," a show involving minors that can only be described as highly sexualized and pornographic.

The over half-a-million members of CWA, many of whom are moms and dads, are outraged to learn of the content of this show and are rightfully concerned for their children's safety.

"Skins" features depictions of minors engaging in highly explicit sexual conduct.

The Parents Television Council (PTC) has called this show, "the most dangerous program ever" for children.¹ Here is PTC's account of a scene in the show's first episode where *minors* engage in the following dialogue:

Stanley: "It's totally normal for a kid of 16 not to have had sex."

Tony: "It's embarrassing, Stan. So we go to a party and get some girl racopiously spliffed up, in a confused state, and she comes to believe, however momentarily of course, that you're attractive, and she bangs your brains out."

Stanley: "Michelle said tonight at the party..."

Katie: "You're going to dope me into outer space and then bang my brains out. ... Later we'll get bumping."

Stanley: "At the party."

Katie: "At the party with a pile of drugs."

Stanley: "You got it."

¹ PTC Action Alert, Parents Television Council, "MTV's Skins: The Most Dangerous Program Ever?" (January 12, 2011) (available at <http://www.parentstv.org/ptc/publications/emailalerts/2011/0112.htm>.)

Katie: “Oh, and Stanley, I only like really great narcotics, you understand?”²

MTV has already expressed concerns about its own show, and our research shows that their concerns are well-founded. Based on the statutes cited below, “Skins” appears to violate federal law. Child pornography laws cannot be negated by letting viewers know in advance that material in a television show is inappropriate and harmful to children. If a criminal statute has been violated, then the violators must be punished according to the law. If a law has been broken, admitting the error and editing the film does not negate the criminal action. It is not enough to simply admit that certain actions were wrong.

Sexual Exploitation of Children

“Skins” appears to violate 18 U.S. C. §§ 2251 dealing with the “sexual exploitation of children.”

As you are well aware, the relevant section reads:

Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce... with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e)...³

Subsection (e) provides that:

Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned not less than 15 years nor more than 30 years... Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title.⁴

For the purpose of this title, a minor is anyone under the age of 18.⁵

While the show’s producers may argue that this material is not illegal because it does not show the children *actually* engaging in the act, the Department of Justice’s own website addresses the topic:

Notably, the legal definition of sexually explicit conduct does not require that an image depict a child engaging in sexual activity. See

² Press release, Parents Television Council, “Teen Sex, Drugs and Alcohol,” January 18, 2011, accessed at <http://www.parentstv.org/PTC/publications/emailalerts/2011/0118.htm>.

³ 18 U.S.C. §§2251(a)

⁴ 18 U.S.C. §§2251(e)

⁵ 18 U.S.C. §§2256(1)

18 U.S.C. § 2256(2). A picture of a naked child may constitute illegal child pornography if it is sufficiently sexually suggestive.⁶

And the fact is you cannot get more “sexually suggestive” than this show. The show’s advertisement illustrates the point:



“Sexually explicit conduct” is defined under 18 U.S.C. §§2256 as:

[A]ctual or simulated—

- (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
- (ii) bestiality;

⁶ Citizen’s Guide to United States Federal Child Exploitation Laws, Department of Justice, Child Exploitation and Obscenity Section (accessed January 24, 2011 at http://www.justice.gov/criminal/ceos/citizensguide_porn.html)

- (iii) masturbation;
- (iv) sadistic or masochistic abuse; or
- (v) lascivious exhibition of the genitals or pubic area of any person⁷

This definition makes clear that actual or simulated acts are on par when it comes to the sexual exploitation of children. The seriousness of MTV's potentially criminal behavior should not be minimized by the fact that these were "actors." These actors were not older than 18 and just looking younger, these were minors engaging in "sexually explicit conduct" for a show directed at minors to the benefit of a corporation.

Distribution of Material Involving the Sexual Exploitation of Minors

"Skins" may also potentially violate 18 U.S. C. §§ 2252 dealing with the distribution of such materials. This section applies to any one who "knowingly transports or ships... knowingly receives, or distributes..."⁸ material involving the sexual exploitation of minors. Subsection (b)(1) provides for "a fine under this title and imprison[ment] not less than 5 years and not more than 20 years..."⁹

MTV and Viacom are the worst offenders of this kind as they seek to profit from the sexual exploitation of children openly and the show's creator has made it very clear. PTC reported *Skins* creator Bryan Elsley told *Adweek* that "what *Skins* delivers is kids. That's what it delivers to advertisers."¹⁰

Child Pornography

It also appears that "Skins" may violate 18 U.S.C. §§ 2252A dealing with certain activities relating to child pornography. This title prohibits the distribution, reproduction, promotion, and possession of child pornography. It provides for a fine and imprisonment "not less than 5 years and not more than 20 years."¹¹

Child pornography is defined under 18 U.S.C. §§2256(8) as:

[A]ny visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where —

- (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- (B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

7 18 U.S.C. §§2256 (2)(A)

8 18 U.S.C. §§ 2252(a)(1),(2)

9 18 U.S.C. §§ 2252(b)(1)

10 Press release, Parents Television Council, "Teen Sex, Drugs and Alcohol," January 18, 2011, accessed at <http://www.parentstv.org/PTC/publications/emailalerts/2011/0118.htm>.

11 18 U.S.C. §§ 2252A(b)(1)

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.¹²

“Skins” appears to fall squarely within this definition, regardless of the spin MTV and Viacom try to give it.

Conclusion

Given these facts, CWA members respectfully ask that you take a strong stance against the sexual exploitation of children and commence a full investigation into this matter. We ask that you do everything in your power to stop MTV from continuing to exploit children in its future episodes of “Skins.”

We also ask that you take this opportunity to educate the public and prosecute this matter to the fullest extent of the law, thus sending a clear message to other potential violators that these types of exploits will not be tolerated.

Respectfully,

Penny Nance
Chief Executive Officer
Concerned Women for America

¹² 18 U.S.C. §§2256(8)