

HARD~CORE HARM: WHY YOU CAN'T BE SOFT ON PORN

*By Jan LaRue, Chief Counsel
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America has become a nation of pay-per-view peeping toms. Voyeurism is an immensely profitable commodity as people spend millions watching other people have sex. And filthy rich pornographers dupe the public with the myth that pornography is harmless and the sex industry is good for the economy.

What they don't want you to know about is the loss column—pornography contributes to anti-social behavior and crime, especially sex crimes; it contaminates public health, destroys marriages and families, defiles religious communities, hinders education and depletes educational resources, increases abortions and taxes, weakens the economy. In neighborhoods afflicted with sex businesses, it destroys the value of houses and drives out legitimate businesses.

Although you may never look at pornography, it is hurting you and those you love in ways you may never have considered. "Even supposing that each of us can, if he wishes, effectively avert the eye and stop the ear (which, in truth, we cannot), what is commonly read and seen and heard and done intrudes upon us all, want it or not."¹

As Diane told her story at the National Press Club in Washington, D.C., in 1992, I stood next to her watching tears fill the eyes of veteran reporters:

I've always felt that pornography was bad, that it was harmful. But I felt that it didn't affect me personally. No members of my family ever read pornography. My husband's family didn't read pornography. We live in a small, close-knit community. Pornography is not an issue there. I basically felt immune to its effects.

A year ago in April, my world was shattered by the effects of pornography. My three-year-old daughter was raped and violated in every manner you can imagine by a 12-year-old boy. When they arrested the young man, we were told that they would surely find sexual abuse in his background. And that this is the reason he did it on my daughter. After a thorough psychosexual evaluation, they came to one conclusion. There was a single motivating factor in what he did to my baby. He was exposed to pornography at a very vulnerable time in his life.

What he saw on those pages not only gave him the ideas of what to do and how to do it, but it gave him the permission to treat females in a degrading and debasing manner. Since he was only 12 years old, he needed to look for a female who was younger than he, who wouldn't fight back. And so he raped and molested my daughter.

¹ *Paris Adult Theatre I v. Stanton*, 413 U.S. 49, 59 (1973).

I've heard it said that pornography is a victimless crime. I'm writing to you as a victim of pornography. My little girl is a victim of pornography. My husband is a victim of pornography. Even my four other children are victims. How do you explain to a 14-year-old boy that his favorite little sister has been raped and violated in such a heinous manner?

And from my heart I can tell you that this young man was a victim. He came from a good family. This wasn't a boy who was in a gang. He'd never been in trouble with the law. He came from an intact family in a small community where everybody knows everybody. His parents sent him to a youth camp thinking that they were going to enrich his life with these two weeks in a summer youth camp. At that point, he was exposed to pornography. He is a victim. His family is a victim. His mother loves him as much as I love my little girl. And his mother is as shattered as I am. Something is seriously wrong in this country when we protect the rights of a handful of men to make billions at the expense of women and children.

For many, pornography is like the sewer system flowing past their property—something you don't think about it until it backs up into your home—an up-close and personal threat to you and your family.

Many moderates, libertarians and liberals say, "Pornography—what's the harm? I care about more important issues." If those issues include murder, rape, child molestation, incest, public health, intact marriages and families, religious life, abortion, education, the economy and taxes, then it's impossible to be moderate about pornography.

Tom Paine said, "A thing moderately good is not so good as it ought to be. Moderation in temper is always a virtue, but moderation in principle is always a vice."

Hard-core pornography is piped into homes, hotels and corporations in every metropolis and hamlet via cable and satellite television, dial-a-porn and cyberspace—and unfiltered Internet access brings it into public schools and libraries to our children and grandchildren.

The \$10 billion-a-year U.S. pornography business is bigger than the combined revenues of all the professional football, baseball and basketball franchises. It's greater than the take at all the nation's movie box offices. Americans spend more on strip clubs than Broadway productions, regional theater shows and classical orchestra performances combined.²

Six years ago there were about 30,000 pornography Web sites. Today it's closer to 300,000. The pornography on these sites includes sex with torture, sex with animals; sex with chains, handcuffs, gags and whips; sex with urine and excrement, orgies, and raped and mutilated women. The porn industry tries to hide behind fig-leaf clichés such as "consenting adults" and "privacy," despite the fact that virtually every Web site displays scores of free hard-core teaser images accessible to kids. It is an industry that will do anything for money.

² Janet M. LaRue, *World & I*, August 2001, 44.

Retired FBI agent Roger Young, who brought porn king Reuben Sturman to justice after spending 10 years investigating his mammoth porn empire, told me why he continues to combat pornography even in his retirement:

Although I investigated obscenity and related matters for over 23 years as a Special Agent for the FBI, what I have observed on the Internet is without a doubt some of the most degrading, sexually explicit, debased, humiliating, hard-core types of pornography I have ever seen. Now because of the Internet and with more and more children online every day, an increasingly large number of preteen children are being exposed to unsolicited hard-core pornography. I continue to be amazed regarding the number of citizens in our country who are not aware or educated about the harmful effects of obscenity, much less truly understand its definition. Throughout my career in the FBI I learned of the many residual effects regarding obscenity that include numerous crimes, negative financial impact on communities, and devastating psychological and emotional effects on individuals and families.

1. PORNOGRAPHY CONTRIBUTES TO ANTI-SOCIAL BEHAVIOR, CRIMINAL CONDUCT, AND CONTAMINATES PUBLIC HEALTH. [See Appendix 1.]

A. Anti-Social Behavior and Crime

A study announced by LifeSite News on March 13, 2002, found that viewing pornography is harmful to the viewer and society. In a meta-analysis (a statistical integration of all existing scientific data), researchers have found that “using pornographic materials leads to several behavioral, psychological and social problems.”

“Our findings are very alarming,” said Dr. Claudio Violato, one of the co-authors of the study. Dr. Violato, Director of Research at the National Foundation for Family Research and Education (NFFRE) and a professor at the University of Calgary, said, “This is a very serious social problem since pornography is so widespread nowadays and easily accessible on the Internet, television, videos and print materials.”

“There has been some debate among researchers about the degree of negative consequences of habitual use of pornography, but we feel confident in our findings that pornography is harmful,” Violato noted. “Our study involved more than 12,000 participants and very rigorous analyses. I can think of no beneficial effects of pornography whatsoever. As a society we need to move toward eradicating it.”

The authors of the study concluded that exposure to pornography puts viewers at increased risk for developing sexually deviant tendencies, committing sexual offenses, experiencing difficulties in intimate relationships, and accepting of the rape myth. Dr. Elizabeth Oddone-Paolucci and Dr. Mark Genuis, researchers at the National Foundation for Family Research and Education, are co-authors of the

study that was published in the scientific journal *Mind, Medicine and Adolescence*.³

Sexual misconduct allegations have even reached law enforcement personnel in Pennsylvania, where more than 100 accused state troopers led Gov. Ed Rendell to order State Police Commissioner Jeffrey B. Miller to investigate the complaints that have come to light as part of a civil suit against former trooper Michael K. Evans. Evans pleaded guilty two years ago to sexual crimes against women and teenagers while on duty and is in state prison. According to *The Morning Call*, June 17, 2003:

The state police have in their files 118 internal reports of sexual misconduct by troopers from 1995 to 2001. They cover a wide range of incidents, from viewing pornography on the job to sexual assault of female inmates and suspects. Both members of the public and female troopers made complaints. A female cadet reported that male troopers took her clothing while she was in the shower and then photographed her nude.⁴

Doctors know the impact of pornography. Dr. Mary Anne Layden of the University of Pennsylvania Health System said: "I have not treated a single case of sexual violence that did not involve pornography." She adds, pornography is often "a permanently implanted addictive substance" and that "it's even harder for the porn addict to go into remission than the cocaine addict."⁵

According to FBI records, "[Jeffrey] Dahmer said he didn't kill again for 10 years. Instead, he tried every other way possible to satisfy his urges. When asked what kept him going, he told the interviewers: 'Heavy drinking, pornography, masturbation.'"⁶

The National Council on Sex Addiction and Compulsivity estimates that 2 million Americans are addicted to cybersex. According to "Online Sexual Compulsivity: Getting Tangled in the Web," a study released March 1, 2000, "Cybersex addicts cruise sex sites for 11 hours or more a week, a sign of 'destructive behavior,'" says Dr. Al Cooper. "This is a hidden public health hazard exploding, in part, because very few are recognizing it as such or taking it seriously."⁷

Sex crimes by children on children that involve pornography are increasing, and pornography is a major factor. [See Appendix 2.] According to *The Final Report of the Attorney General's Commission on Pornography*, a primary pornography consumer

³ "Study Proves 'Pornography is Harmful,'" Lifesite Daily News, 12 March 2002, as found at <http://www.lifesite.net/Idn/2002/mar/02031203.html>.

⁴ *The Morning Call*, 17 June 2003, as found at http://www.mcall.com/news/nationworld/all-b4_2trooper-1jun11,0,7904841.story.
<http://pqasb.pqarchiver.com/mcall/>.

⁵ Judith Reisman and Dennis Jarrard, "Are Campus Pornography Courses Sexual Abuse?" *Human Events*, as found at <http://www.c-a-s-e.net/Are%20Courses%Sexual%Abuse.htm>.

⁶ Kenneth Pringle, "Inside the Mind of Jeffrey Dahmer," APBNEWS.COM, 10 August 2000, as found at <http://www.apbnews.com/media/gfiles/dahmer/dahmer0814.htm>.

⁷ A. Cooper, D.E. Putnam, David L. Delmonico, Ron Burg, "Online Compulsivity: Getting Tangled in the Web," *Sexual Addiction and Compulsivity: The Journal of Treatment and Prevention*, March 2000, 25.

group consists of boys aged 12 to 17. Rob Jackson, a Christian therapist, has treated an 8-year-old cybersex addict.

Judith Reisman, Ph.D., has studied and written extensively about the impact of pornography on the human mind:

This list of health-based neurological observations about the instinctual brain-imprinted response to pornographic sights and sounds indicates that viewing pornography is a biologically significant event that overrides informed consent and that it is *harmful* to children's "plastic" brains because it compromises their grasp of reality and thus their mental and physical health, their well-being and their pursuit of happiness.⁸

Who can forget the videotaped image of 2-year-old James Bulger as he was led out of an English shopping mall to his death while holding hands with the two 10-year-olds who would become his murderers?

Mimicking *Child's Play 3*, a horror video rented by the father of one of the killers, the two boys splashed James with blue paint, battered his face and placed his tiny body on train tracks to be severed—all scenes in the film. Further, although it could not be determined conclusively, some forensics experts believed little James may also have been sexually assaulted. The father had rented hundreds of horror and pornography videos, laying down the brain structure for a brutal killer.⁹

According to *The Toronto Sun*, November 26, 1993, the kidnapping and murder of the toddler caused the British to become alarmed about media effects. The Sky Television satellite network canceled its scheduled showing of *Child's Play 3* and at least one British video store destroyed all of its copies.

Further, pornography perpetuates the rape myth. Women in porn never mean "No." Porn ads and Web sites describe women as "sluts," "whores" and "bitches," whose worth is determined by their body parts.

The Final Report of the Attorney General's Commission on Pornography reported that rapists are 15 times more likely than nonoffenders to have had exposure to "hard-core" pornography during childhood or from 6 to 10 years of age.

Patrick Carnes, a nationally recognized expert in sexual addictions, found: "Among 932 sex addicts, 90 percent of the men and 77 percent of the women reported pornography as significant to their addictions. The study also revealed that two common elements in the

⁸ Judith Reisman, "Stimulating images, damaged minds," WorldNetDaily.com, 8 June 2002, as found at http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=27896.

⁹ Shirley Lynn Scott, "The Death of James Bulger," *Court TV*, as found at http://www.crimelibrary.com/notorious_murders/young/bulger/1.html?sect=10.

early etiology of sexually addictive behavior are childhood sexual abuse and frequent pornography accompanied by masturbation.”¹⁰

- According to testimony before the Subcommittee on Juvenile Justice, Committee on the Judiciary, U.S. Senate, in 1984, the FBI found that 81 percent of serial masochistic murderers said that hard-core pornography was their “highest sexual interest.” Michigan state police detective Darrell Pope found that of the 38,000 sexual assault cases in Michigan (1956-1979), in 41 percent of the cases pornographic material was viewed just prior to or during the crime.
- Dr. William Marshall of Ottawa, Canada, who treats imprisoned sex offenders, found that 86 percent of serial rapists studied admitted to consumption of hard-core porn, with 57 percent admitting imitation of actual scenes from the material in the commission of their crimes.¹¹
- One software filter company has a list of 1,003 Web sites with rape in the title. On June 18, 2003, the U.S. Attorney for the Northern District of Texas announced the unsealing of a grand jury indictment that includes charges of selling and distributing obscene videotapes depicting rape scenes through the Internet and the U.S. mail. The Web page was named ‘The Rape Video Store,’” with tapes titled “Real Rape Video Series” and the “Brutally Raped Video Series.”

Pedophiles use adult pornography to desensitize, educate and seduce children. Dr. Marshall also found that 87 percent of those who molest girls and 77 percent of those who molest boys, among those he has studied, admitted to regular use of hard-core pornography.¹²

- John Rabun, Vice President and COO of the National Center for Missing and Exploited Children, testified to the following:

The Police/Social work team of the Exploited and Missing Child Unit (EMCU) of Louisville, Kentucky, investigated 1,400 cases of children suspected of being victims of sexual exploitation. More than 40 major cases involved the successful prosecution of adults involved with over 12 children each. One case involved 320 children. At the time of the arrest and/or service of search warrants, all 40 of these adult predators were found with various forms of adult pornography, and in most cases child nudes and/or child pornography were also found. Over four years, the EMCU team learned to expect to always find adult pornography since it was used for: (1) the offender’s own arousal; (2) self-validation of his own sex deviations;

¹⁰ Patrick Carnes, *Don’t Call It Love: Recovery from Sexual Addictions*, (New York: New York, Bantam, 1991).

¹¹ Dr. William Marshall, “A Report on the Use of Pornography by Sexual Offenders,” 1983, Ottawa, Canada, for Canada Federal Department of Justice, as found at http://www.familyfirst.org/policy_briefing/03legislature/lb111.shtml.

¹² *Ibid.*

(3) extortion of child victims or other adults; and (4) deliberate and planned lowering of inhibitions of child victims.¹³

The Cybertipline operated by the National Center for Missing and Exploited Children has received 778 reports of “unsolicited obscene material sent to a child” from September 1, 2002, through June 15, 2003.

The *Chicago Tribune* reported on February 2, 2001: William Ray Nichols, 52, a business executive from Gallatin, Tennessee, drove to the Fox Valley Mall in Aurora, Illinois. He believed he would meet the girl he had been talking with and sending pornographic pictures to over the Internet, police said.¹⁴

The *Los Angeles Times* reported on February 2, 2001: A Glendale man was sentenced to six months in jail for attempting to seduce a 13-year-old boy over the Internet, authorities said. Aldo Jimenez, 19, pleaded no contest in Van Nuys Superior Court to one count of attempting to send harmful matter (sexually explicit photos) with intent to seduce a minor, said Sandi Gibbons, a spokeswoman for the Los Angeles County district attorney’s office.¹⁵

The New York Times reported on January 30, 2001: A former New York City schoolteacher was indicted on 52 counts of sexual abuse, rape and sodomy, after police discovered videotapes of him having sex with two students in school. Anthony Correnti, 26, of West Islip, was charged with abusing five girls, ages 13 to 16, in Suffolk County between 1997 and January 2001. The investigation began this month with reports that Mr. Correnti had sent naked pictures of himself to a 13-year-old girl, whom he is alleged to have had sex with later. The police executed a warrant to search his house and obtained computer images and short movie clips from his computer. They also found a 31-minute videotape of him having sex two years ago with two 14-year-old female students in a classroom at the High School for Environmental Studies in Midtown.¹⁶

Pornographers and their defenders try to rebut the correlation between porn and sex crimes with absurd analogies such as, “What if the perpetrators had coffee drinking in common, would coffee be to blame?” There are significant differences:

No studies link coffee drinking and sex crimes. We have no anecdotal reports from coffee addicts who have a desire to rape and molest women and children after drinking coffee. We have no therapists or law enforcement personnel who have documented the link between coffee drinking and sex crimes. Coffee cans don’t contain pictures of men drinking coffee and promoting rape. Coffee companies don’t inundate e-mail with

¹³ John Rabun, VP and COO for the National Center for Missing & Exploited Children, Testimony to the Subcommittee on Juvenile Justice, Committee on the Judiciary, U.S. Senate, September 12, 1984.

¹⁴ *CCV Bulletin*, (Cincinnati, Ohio: Citizens for Community Values), 30 March 2001, as found at <http://www.safeplace.net/ccv/bulletin/2001-03-30.htm-26k>.

¹⁵ Los Angeles Police Department Press Release, “Internet Predator of Children Arrested,” 5 January 2001, as found at http://www.lapdonline.org/press_releases/2001/01/pr01008.htm.

¹⁶ Editorial in the *Massapequa* [New York] *Post*, March 21, 2001, as found at <http://www.massapequapost.com/News/2001/0321/Opinion/01.html>.

sexually explicit content. Coffee ads don't call women sluts, whores and bitches, and they don't show naked women on their knees performing sex acts on a naked "Juan Valdez" who's drinking a cup of Colombia's finest.

B. Public Health

Carolyn McKenzie describes herself as a "friend and counselor" to entertainers in the "adult" industry in Memphis, Tennessee. She has a bachelor's degree in nursing from the University of Rhode Island, spent three years as an Army nurse with a tour of duty in Vietnam, and has been a public health nurse. Carolyn has personally helped 39 women and two men leave the industry. I met this wonderful woman and some of those she has rescued at a conference in Memphis several years ago. On December 3, 2002, she testified about her experiences before the Ohio Senate Judiciary Committee on Civil Justice, as it considered a bill to regulate sexually oriented businesses:

In 1991, I became aware of the public health and safety issues that were prevalent in the sexually oriented businesses in our community after I went out on patrol with an undercover agent one evening. By 3:30 that morning, I had gone through five book stores, two strip clubs, and one so-called modeling studio. That experience caused me to start a local organization with the purpose of educating the community about these businesses. I also began working with our law enforcement officials, our district attorney's office, the health department, and our state legislature to pass laws that would eliminate the negative impact these businesses were having on our community. ...

I refer you back to my "initiation" when I visited these places with an undercover officer. These photos represent what goes on in many peep booths and, I dare say, many strip bars today as well. Body fluids are everywhere—everything from semen, urine, and feces on the walls, on floors, and on the chairs. They are absolute cesspools, and they are full of infectious materials that, in a day of AIDS, must not be tolerated. ...

One day there was a news report about what we were doing in Memphis and a woman called me literally in tears—I still have it on my tape recorder—and said, *"Unbeknownst to me, my husband was using pornography and it had led him to the adult bookstores and eventually to the peep booths. He now has full-blown AIDS. I am left to care for him as he dies and then raise our children alone."* She said, *"Don't stop what you're doing. It's too late for me and my family, but maybe it won't be too late for someone else."*¹⁷

¹⁷ Testimony of Carolyn McKenzie on SB 251 before the Ohio Senate Judiciary Committee on Civil Justice, 3 December 2002, as found at <http://www.ccv.org/images/Carolyn%20McKenzie%20testimony-OH.PDF>.

Pornography depicts unhealthy and dangerous sexual behavior. Portrayals of unsafe sex increase transmission of STDs. One porn “star” told a reporter for *Talk* magazine, “We’re up to Hepatitis G in the industry.”¹⁸

An ABC *Primetime* special, “American Porn,” featured Michelle, who began appearing in pornography as an 18-year-old who had been reared in a Mormon family. Viewers saw Michelle spiral downward physically, emotionally and morally as she rose to “stardom”:

Michelle went on more shoots over the next few months. Then her agent sent her on a job where she would have sex with male actors in prison outfits—12 of them. Once again, she tried to back out, telling the director it was “sick,” but once again she was talked into it. She had sex—all kinds—with the 12 men. “It was really hard because I really felt like a piece of meat ... in a lion’s cage, 12 lions.... I had to do a lot of things I can’t imagine anyone wanting to do.” She was paid \$4,000. ...

The *Primetime* producers who had been following her noticed changes. At 18, she had said she would never use drugs, but now *Primetime* learned that she was sometimes high on marijuana during her scenes. She was working without condoms, though she said the risk of AIDS was never far from her mind—or her prayers. “The fans don’t like to see condoms. ... If I would have said I want to use condoms every time, I really wouldn’t get any work,” she explained. She contracted chlamydia, which can make you sterile. And anal sex—which she had to be talked into during her first shoot—was now her specialty. “Funny, isn’t it? Something I didn’t want to do and now I’m known best for it,” she told *Primetime*. No longer a fresh face in the business, she found she had to agree to even riskier sex acts to earn the same money.

During interviews with *Primetime*, Michelle kept the happy smile she had always had—even when describing things that many people would find disturbing. However, her composure cracked when Diane Sawyer asked why she always smiled. Tears came to her eyes as she said, “Because I like to hide—hide everything, you know?” Then she began to cry, explaining that she hides her real emotions because she wants to show everyone how happy she is. “And I’m not happy. ... I don’t like myself at all,” she said.

Michelle confessed she often felt physical revulsion during her scenes: “My whole entire body feels it when I’m doing it and ... I feel so—so gross.” While pretending to be enjoying the sex, she said, she was in fact counting the minutes, telling herself, “Hey, I only have this much time left. Don’t worry about it. Get the check. Gonna go deposit it in your bank.” She admitted: “You get addicted to the money.”¹⁹

¹⁸ Martin Amos, “To Millions of American Men, These Women are Movie Stars,” *Talk*, February 2001, 134.

¹⁹ “Love on a Porn Set,” ABC News, 15 July 2003, as found at http://www.abcnews.go.com/sections/primetime/DailyNews/porn_love_030123.html.

Homosexual pornography is ubiquitous on the Internet and freely accessible to kids. Physically attractive men (mostly homosexual) and pretty women (mostly heterosexual) engage in dangerous and unhealthy sex acts. Adolescents and teenagers, who are already struggling with changes in physical development and sexuality, will likely find homosexuality more acceptable as a result of exposure to the material. It is not unreasonable to conclude that viewing pornography, especially homosexual pornography, will influence vulnerable kids to engage in behavior that puts them at greater risk of contracting HIV and other fatal or incurable STDs. Many will be deceived into believing that they are homosexual or bisexual and choose to practice a dangerous and deadly lifestyle as a result.

The prevalence and popularity of “barebacking” (unprotected anal sex) greatly increases the risk of HIV and sexually transmitted disease (STD) infections.²⁰

A World Wide Web search on June 20, 2003, utilizing the “Google” search engine and the term, “bareback sex,” produced links to 32,500 Web sites. One homosexual porn site boasts, “The best GAY BAREBACK SEX on the net,” and the URL includes “gay-teens.”

A majority of urban U.S. gay men admit engaging in anal sex without using condoms, according to a study published in the *American Journal of Public Health*, June 2003, Vol. 93, No. 6:

From January 1999 to February 2001, HIV-negative MSM [men who have sex with men] were recruited in six U.S. cities: Boston, Chicago, Denver, New York, San Francisco and Seattle. Men were considered eligible if they were age 16 or older and reported having engaged in anal sex with one or more men during the past year. Among the 4,862 individuals screened, 4,716 (97.0 percent) were found to be negative for HIV antibodies and eligible for study participation; 4,295 (91.1 percent) enrolled. ...

With regard to specific sexual risk, 45.2 percent of the men reported engaging in “unprotected” receptive oral sex with ejaculation, 48.0 percent reported engaging in “unprotected” receptive anal sex, and 54.9 percent reported engaging in “unprotected” insertive anal sex. One-fifth (21.2 percent) of the men reported engaging in all three behaviors.

Almost 13 percent of the men reported having had a specific STD in the six months before they enrolled in the study. The STD most frequently reported was chlamydia (4.2 percent), followed by gonorrhea (3.3 percent), genital or rectal warts (3.1 percent), and anogenital herpes (2.6 percent). Nonspecific STD symptoms were reported by 10.6 percent of the men.

²⁰ Terry Beswick, “Bareback ‘Outings’ Spark Debate Over Well-known Secret,” *The Bay Area Reporter* [San Francisco, CA], 27 July 2000, as found at <http://www.aegis.com/news/bar/2000/BR000705.html>.

The *Journal of the International Association of Physicians in AIDS Care* includes the following editorial condemning the “anarchy” of barebacking:

There is a more pernicious form of high-risk sex called “barebacking” which may threaten the social order. Barebacking is the latest sexual fetish in which the sexual act is eroticized by the risk of becoming HIV-infected or re-infected. If advertisements on the Internet and in some gay and other sex-oriented publications are any accurate indication, there are tens of thousands of individuals whose sexual gratification is based on the risk of the “gift” of HIV as it is officially termed in barebacking argot. The “gift” in some of these advertisements is often referred to in sacramental terms as if communion with the human immunodeficiency virus is somehow parallel to communion with God.²¹

Michaelangelo Signorile, editor at large for *The Advocate*, a leading publication for homosexuals, decried barebacking and the publications that promote it in a commentary in 1999:

Witness the February cover of *Poz* magazine, which depicted young, naked, smiling bareback activist Tony Valenzuela [atop a saddleless horse, with a cover line that refers to the “boys who bareback.”] It was similar to a women’s magazine like *Cosmopolitan* putting a busty blond model on the cover under the headline “The Girls Who Go All the Way.” The message was clear: The boys who bareback are leading more exciting, daring, fun lives, and the rest of you poor souls are wimps and dullards, doomed to mediocrity unless you too can go as far as they do. . . .

So perhaps prevention should now go in the other direction and bring the balance back. Perhaps prevention should be about fear. Maybe if, instead of just seeing hot bodies having sex, people saw and read about the difficult drug regimens, the hunchbacks, the fat deposits, the soaring cholesterol levels, the nausea, and the diarrhea, it might make them think more about staying safe. Maybe if people saw, through prevention efforts, real-life stories of those for whom the drugs don’t work, people who are desperately trying everything to no avail, there might be a change in behavior. Maybe if people saw in safer-sex campaigns how those infected with drug-resistant strains of HIV spiral downward quickly into sickness, it might affect their decisions around bareback sex.²²

The disease risks are not for men only. In 2002, I met a young porn “star” when we appeared together for a taping of a British TV special about pornography. Although she expressed revulsion for men having sex with men in pornography, she acknowledged doing “lesbian” porn even though she is a heterosexual who lives with a boyfriend. She

²¹ Gordon Nary, Editorial, *Journal of the International Association of Physicians in AIDS Care*, June 1998, as found at <http://www.thebody.com/iapec/edit698.html>.

²² Michelangelo Signorile, “Don’t fear the fear,” *advocate.com*, as found at http://www.advocate.com/html/stories/0499A/0499_sig_sex.asp.

was influenced to do “lesbian” porn by seeing other women do it and because it pays more.

Medical literature indicates that women who engage in sex with both men and women increase the risk of transmission of STDs. Dr. Jeanne Marrazzo, an assistant professor of medicine at the University of Washington School of Medicine and nationally recognized expert on lesbian health, states: “About 90 percent of women who have sex with women have been sexually active with men at some point in their lives.”²³

Dr. Katherine Fethers, who led an Australian study on bisexual women, reported in *Sexually Transmitted Infections*, a specialty journal published by the *British Medical Journal*:

Ninety-three percent of the women who reported having sex with another woman also reporting having sex with men within the past year. These bisexual women were found to be more likely than strictly heterosexual women to have injected drugs, had sex with homosexual or bisexual men. and had more than 50 male sexual partners in their lifetime.²⁴

Attorney Glen Lavy filed an *amicus* brief in the case of *Lawrence v. Texas* in the U.S. Supreme Court on behalf of Texas Physicians Resource Council, Christian Medical And Dental Associations, and the Catholic Medical Association. Lavy addressed the public health implications of sexual conduct between women:

Although the risk of transmission of certain STDs between women remains unclear, it has been reported that human papillomavirus (HPV) occurs among women who self-identify as lesbian, as do trichomoniasis and anogenital warts among those who report never having had sex with men. ... In addition, “probable female-to-female transmissions of HIV have been reported in the medical literature since 1984.” ...

A majority of respondents reported multiple episodes of unprotected sex every month that involved the potential exchange of body fluids linked to the transmission of HIV and other STDs (i.e., vaginal secretions and semen) as well as possible exposure to blood through menstrual fluid and engaging in S/M activities. Furthermore, women who self-identify as lesbian or bisexual reported other factors often associated with the transmission of HIV and other STDs, including the previous diagnosis of STDs and multiple sex partners. In fact, 26 percent reported a previous STD diagnosis.²⁵

²³ Walter Neary, “All Women Should be Getting Regular Pap Tests, Study Shows,” *University Week*, 19 July 2001, as found at http://depts.washington.edu/uweek/archives/2001.07.JUL_19/_article9.html.

²⁴ Melissa Schorr, “Bisexual Women More at Risk: May Serve as ‘Bridge’ to Bring STD’s to their Female Partners,” ABC News, 10 October 2000, as found at <http://abcnews.go.com/sections/living/Dailynews/lesbianstds001023.html>.

²⁵ Glen Lavy, *Lawrence v. Texas amicus* brief, as found at http://www.lexis.com/research/retrieve/frames?_m=3d83f964c22f6eedd40738a43c9f3a41&csvc=fr&cform=free&_fmtstr=XCITE&docnum=1&_startdoc=1&wchp=dGLbVtb-LSlbt&_md5=261f53ae66f7e9126785482297048931.

2. PORNOGRAPHY DESTROYS MARRIAGES AND FAMILIES.

Pornography adulterates God's gift of sex, which is meant to be the ultimate giving of oneself in marriage and for procreation. Pornography supplants love with unbridled and self-centered lust and degradation. It objectifies people, devalues and exploits them. Adultery, incest, child abuse, rape, murder and divorce rates increase because of involvement with pornography.

Porn addict Ray Bauer of St. Louis, Missouri, often forced his wife of 29 years to watch hard-core movies and then bound and tortured her. In April 1986, Mrs. Bauer shot her husband to death after one particularly violent torture episode. Her back, chest, and buttocks were heavily scarred with whip marks. Police searched the house and found her husband's extensive collection of violent sado-masochistic pornography and instruments of torture.²⁶

Park Elliott Dietz, M.D., Ph.D., M.P.H., who served on the 1986 Attorney General's Commission on Pornography, described how his opinion on the moral impact of pornography changed as a result of his work with the Commission:

I, for one, have no hesitation in condemning nearly every specimen of pornography that we have examined in the course of our deliberations as tasteless, offensive, lewd and indecent. According to my values, these materials are themselves immoral, and to the extent that they encourage immoral behavior they exert a corrupting influence on the family and the moral fabric of society.²⁷

In his commencement address at Georgetown University in Washington, D.C., in June 2003, Francis Cardinal Arinze said that the family "is scorned and banalized by pornography."²⁸

Christian therapist Rob Jackson commented on the effect of porn and sex addiction on the family of the late Bob Crane, star of the '60s TV show, *Hogan's Heroes*.

It's important to remember that sex addiction happens within a family system. Often a spouse is "codependent" or enabling. In those cases it can be difficult for a spouse to accept that he or she has some culpability in what happens in [her] spouse's double life. As parents, like Crane, introduce porn early into a child's life, psychosexual boundaries cannot develop properly. Over time a child, like [Crane's son] Scotty, can become implicitly connected and accepting of the family system's secret, or as in this case, lewd enterprise.

It's not uncommon to see that addicts and co-addicts seemingly have equal portions of dysfunction; severe addicts marry severe co-addicts. Research by Pat

²⁶ "Woman Kills Porn-Addict Husband," *National Federation for Decency Journal*, May/June 1986, 7.

²⁷ *Final Report of the Attorney General's Commission on Pornography* (Nashville, TN: Rutledge Hill Press, 1986), 491-492.

²⁸ Julia Duin, "Criticism of Gays Riles Georgetown," *The Washington Times*, 30 May 2003, A1.

Carnes has shown that approximately 80 percent of spouses of addicts were sexually exploited as children. When a father has severe addiction and the mother is somehow tolerant or even supportive, a child is at a higher risk for becoming a “Scotty.”²⁹

A few months ago, a listener called into a radio talk show on which I was speaking about the harms of pornography. He said that looking at porn improved his sexual relations with his wife. I asked him if it wasn't true that when he was having sex with his wife, the images of the women he looked at in porn were popping into his mind. He said, “I won't deny that's happening.”

It defies reason to think that bringing a stranger into the marital relationship through pornography enhances intimacy. No husband or wife wants his or her spouse fantasizing about another person during their sexual relationship. That isn't love—it's a form of spousal abuse when the spouse's body is merely a vehicle for selfish gratification while engaging in adultery.

According to the American Psychiatric Association, 20 percent of porn addicts divorce or separate because of their addiction.

Pornography contributes to the most villainous acts of incest. A grandfather convicted of raping his 15-month-old granddaughter and videotaping it, admitted his involvement with Internet porn.³⁰ A father, within a few hours of downloading Internet porn, stabbed his 12-year-old son in the head because the boy refused to perform a sex act.³¹ *The Edmonton* [Alberta, Canada] *Sun* reported this on January 4, 2001: “A Spruce Grove man admitted yesterday to touching his 8-year-old daughter sexually and possessing child pornography, as well as a plan to have a pedophile associate rape and smother her.”³² ABC News reported on May 29, 2003: “Crystal's parents were away on vacation when she made a disturbing discovery on her father's computer: nude pictures—and she was the subject.”³³

3. PORNOGRAPHY DEFILES RELIGIOUS COMMUNITIES.

Pornography leads to idolatry and a depraved mind. Lust replaces *agape* (God's love) and *phileo* (brotherly love), and people of faith suffer the loss.

Jesus said in Mark 7:21: “For from within, out of the heart of men, proceed the evil thoughts, adulteries, fornications, murders, adulteries ... licentiousness. ... All these evil things come from within and defile the man.” Ephesians 4:19 bears truth to the addictive

²⁹ Jan LaRue, “Porn, Sex and Murder—Bob Crane's Fatal Focus,” (Washington, D.C.: Concerned Women for America), 26 November 2002, as found at <http://www.cwfa.org/articledisplay.asp?id=2849&department=LEGAL&categoryid=pornography>.

³⁰ Dawn Howe, *The Salt Lake Tribune*, 21 February 2001, B3.

³¹ Jan LaRue, “Let's End ‘Victims of Pornography’ Month,” 4 April 2003, as found at

<http://www.cwfa.org/articledisplay.asp?id=3838&department=LEGAL&categoryid=pornography>.

³² *CCV Bulletin*, as found at <http://www.safeplace.net/ccvbulletin/2001-01-30.htm>.

³³ “Dad's Secret Photos,” 29 May 2003, abcNEWS.com, as found at

http://abcnews.go.com/sections/primetime/GoodMorningAmerica/pt_voyeurdad030529.html.

nature of pornography when it speaks of those who “being past feeling, have given themselves over to licentiousness, to work all uncleanness with greediness.”

The Late Joseph Cardinal Bernardin addressed the corrupting influence of pornography on religion:

Human life is diminished when women or men, and especially children, are exploited in the production of pornography, whether in print, film or television. A sacrilegious note is added when the sacred persons and symbols of religion are exploited. Diminishment of human dignity also occurs in the lives of those who purchase or use pornography. Even more serious diminishment can occur because pornography is not so much an outlet for the baser instincts of the human person, but a stimulant. Violence, degradation and humiliation are simply not compatible with the true sexual nature of the human person.³⁴

For too long, pornography, like abortion, has been a word rarely spoken from pulpits in America. Much of the church is in denial, thinking that Christian people aren't involved or tempted. Very few churches have ministries for porn addicts, victims and performers. Thankfully, women who've come out of the sex industry because they've become Christians are going back to the strip clubs and women working in porn to share Christ's love with them:

Former exotic dancers such as Victoria Teague, Lynn Foy Linnen and Kimberley Drake are telling of their former lives and reaching out to those caught in the industry that generates billions of dollars each year. ... Drinking and using drugs after being raped as a teenager, Teague was one of an estimated 6,000 women in Atlanta working in porn, prostitution and exotic dancing. She was a dancer for almost five years before she became a Christian through Perimeter Presbyterian Church in Duluth, Georgia. Now married, she leads the church's outreach to the exotic-dancing community and in the last two years has seen 13 conversions and four women recommitting their lives to Christ. “We first point everybody to Christ,” Teague said. “The main emphasis is on spiritual discipleship.” Through her Victoria's Friends ministry, she has become known to managers of many of the clubs, which she visits with “Mary Magdalene” baskets containing blankets, chocolates and scarves for the girls. “It's a free gift—like Jesus,” Teague said. “A lot of the girls will cry.” The ministry offers life skills and job training, and partners with a live-in facility to help dancers make a new start. ... “Nobody starts out intending to do porno,” she recalled. “But the more you stay in the culture, the easier your inhibitions come down.” ... “The hardest thing for most of these girls is to let go of the money,” said Finnen, who offers job placements between \$8 and \$10 an hour. “On average they make \$500 to \$1,000 a night.” But “most girls have an addiction to some drug. None of them save a penny.”³⁵

³⁴ Joseph Cardinal Bernardin, “Address for National Consultation on Obscenity, Pornography and Indecency,” Cincinnati, OH, 6 September 1984, as found at <http://www.priestsforlife.org/magisterium/bernardinantipornog.html>.

³⁵ “Ex-Performers Minister to Adult Entertainment Industry,” Charisma Online News Service, 18 June 2003, as found at <http://www.charismanews.com/online/articledisplay.pl?ArticleID=7755>.

Christian parents naively assume that their Christian kids aren't tempted by pornography. Far too many Christian homes, churches and schools permit unrestricted Internet access.

A recent survey of pastors who have Internet access revealed the following³⁶:

- 43 percent of them have at some time visited a porn site;
- 7 percent said that occurred more than a year ago;
- 9 percent that occurred once in the past year;
- 21 percent said they visit porn sites a few times a year; and
- 6 percent said they do so a couple of times a month or more.

Pornography is a growing problem for Christian clergy, according to Focus on the Family:

This is a growing concern among clergy. Almost one of every seven calls we receive on our Pastoral Care Line is regarding Internet pornography. Some pastors are just dabbling, some are headed down the road to addiction, and some are crying for help trying to break free from the addiction.³⁷

The Dayton Daily News reported on January 29, 2003: Alan Turner, a Trotwood minister, whose lawyer said he has been a "sex addict" since age 10, sought treatment rather than face trial in a Brookville police-run Internet sting that presented a virtual 14-year-old boy in a chat room. Turner started looking at pornography at age 10 "and since that time has had compulsive desires to look at it. ... Throughout high school, college and even seminary ... sex was on his mind all the time."³⁸

According to the Associated Press, on May 19, 1999, the dean of the Harvard Divinity School was forced to resign after pornography was found on his computer.³⁹

Pornography is no small contributor to the sex scandal rocking the Catholic Church. The SNAP Survivors' Network Web site mentions two accused priests involved in porn:

The Rev. William J. Erbacher, 55, former pastor of St. Lawrence Catholic Church on Franconia Road in Fairfax County who, according to Father Haley's July deposition, embezzled from church collections and collected homosexual pornography. Since last month, he has been at St. Stephen the Martyr in Middleburg, Virginia, where he is said to be 'assisting the pastor.' The Rev. Daniel E. Hamilton, 59, former pastor of St. Mary's Parish in Fredericksburg, had an extensive collection of bondage pornography kept at the rectory. Father

³⁶ "The Leadership Survey: Pastors Viewing Internet Pornography, How widespread is it," LeadershipJournal.net, Winter 2001, as found at <http://www.christianitytoday.com/le/2001/001/12.89.html>.

³⁷ The Parsonage, a Web site of Focus on the Family, as found at: <http://www.family.org/pastor/faq/a0011334.html>.

³⁸ Rob Modic, "Minister admits to being 'sex-addict,'" *Dayton [Ohio] Daily News*, 29 January 2003, B4.

³⁹ "Harvard Divinity Dean Quits," Associated Press, 19 May 1999, as found at <http://www.concordtx.org/wrldnews/harvard.htm>.

Hamilton resigned two months ago, after a judge refused to seal Father Haley's deposition.⁴⁰

According to *The Boston Herald*, documents released in the Archdiocese of Boston abuse scandal reveal a boy victim's allegation that the Rev. Richard A. Buntel "befriended him and introduced him to alcohol and marijuana, later feeding him cocaine and exposing him to 'violent pornography.'" ⁴¹ *The Herald* also reported that the infamous Rev. Paul Shanley used pornography and writings by the North American Man/Boy Love Association (NAMBLA) to seduce a 16-year-old boy: "He introduced me to other men and essentially prostituted me to them," he said. "He had all sorts of things in his apartment, NAMBLA literature and pornography, and he would show me this and try to figure out ways to turn me on." ⁴²

Sexual abuse by clergy affects all denominations. "Six years after an Episcopal bishop committed suicide after a sex scandal, the church faces new charges that a rector in Plymouth seduced a female parishioner after she approached him with hope of reconciling her marriage, according to *The Boston Herald*" ⁴³. The woman alleged that the rector admitted "to having a homosexual affair and to becoming increasingly interested in Internet pornography."

4. PORNOGRAPHY INCREASES ABORTIONS.

Pornography increases sexual promiscuity, which results in unwanted pregnancies and more abortions. More babies die and more women are injured.

Dr. Dietz also wrote about the impact of pornography on abortion: "We do not need research to tell us that such persons [who follow the patterns of social behavior promoted by pornography] on the average contribute more than other persons to rates of illegitimacy, teenage pregnancy, abortion, and sexually transmitted diseases."⁴⁴

InterPress News Service (IPS) announced a report, "Sterile at Age 12, AIDS at 14," released by the government of Mexico, February 10, 1998:

An estimated 5,000 children are currently involved in prostitution, pornography and so-called sex tourism in Mexico, according to Elena Azola, an independent expert who specializes in the issue. ... A large proportion of the minors contract sexually transmitted diseases, which leave them either infertile or infected with AIDS. Many girls become pregnant, and are forced by circumstances to have abortions. All suffer serious psychological problems, the document states.⁴⁵

⁴⁰ George Archibald, "Police, bishop clash in sex, theft scandals," *The Washington Times*, 12 November 2002, A01.

⁴¹ Tom Mashberg and Jack Sullivan, "Church Covered Decades of Abuse," *The Boston Herald*, 5 June 2002, 1.

⁴² Tom Mashberg, Robin Washington, "Alleged Victim Links Priest to Man-boy Sex Group," *The Boston Herald*, 7 April 2002, 1.

⁴³ David Weber, "Woman Charges Plymouth Rector Seduced Her," *The Boston Herald*, 2 July 2001, 12.

⁴⁴ *Final Report of the Attorney General's Commission on Pornography*, 488-491

⁴⁵ Diego Cevallos, "Rights Mexico: Sterile at Age 12, AIDS at 14," InterPress News Service (IPS), 10 February 1998, as found at <http://www.aegis.com/news/ips/1998/IP980202.html>.

Bob Crane was a sex and porn addict who secretly videotaped his affairs and showed them to his small son. According to his wife, Crane admitted, “By 1965, I’d paid for eight abortions.” Crane’s sex and porn addiction led to his murder when his assailant struck a fatal blow to his head with a camera tripod.⁴⁶

Pornography mocks pregnancy. Pregnant and lactating women are exploited in porn. One Web site, titled “preggo whores,” displays lewd and sexually explicit photos of women in full-term pregnancy.

5. PORNOGRAPHY HINDERS EDUCATION AND DEPLETES EDUCATIONAL RESOURCES.

The Supreme Court has reasoned that if a good education has a beneficial effect on people, logic dictates that obscenity will lead to antisocial behavior:

If we accept the unprovable assumption that a complete education requires the reading of certain books, . . . and the well nigh universal belief that good books, plays, and art lift the spirit, improve the mind, enrich the human personality, and develop character, can we then say that a state legislature may not act on the corollary assumption that commerce in obscene books, or public exhibitions focused on obscene conduct, have a tendency to exert a corrupting and debasing impact leading to antisocial behavior? “Many of these effects may be intangible and indistinct, but they are nonetheless real.”⁴⁷

Exposure of children to Internet pornography through schools and libraries results in sexual harassment and sex crimes committed against other students. The Supreme Court ruled in *Davis v. Monroe County Board of Education* that pervasive, unpunished, student-on-student sexual harassment in public schools was a Title IX violation. Having to pay damage awards diverts scarce education funds and further weakens education.

“A 16-year-old student arrested for showing obscene images that he accessed on school computer to a classmate,” according to *The Palm Beach Post*, February 15, 2001.⁴⁸

“A 16-year-old charged with burglary for repeatedly breaking into school to view porn on the Internet,” according to the Associated Press, December 12, 2002.⁴⁹

Copley News Service reported on May 31, 2001: “School superintendent admits browsing porn sites on school’s computer but says he broke no laws.”⁵⁰

⁴⁶ Denise Noe, “A Hero Called Hogan,” Crime Library, 2003, as found at http://www.crimelibrary.com/notorious_murders/classics/bob_crane/1.html.

⁴⁷ *Paris Adult Theatre I v. Stanton*, 413 U.S. 49, 63.

⁴⁸ *CCV Bulletin*, as found at <http://www.safeplace.net/ccv/bulletin/2001-02-24.htm>.

⁴⁹ *Ibid.*

⁵⁰ *CCV Bulletin*, as found at <http://www.safeplace.net/ccv/bulletin/2001-06-12.htm>.

The Detroit News reported on February 3, 2000, that a public school teacher with AIDS showed his 14-year old student pornographic material on his classroom computer and X-rated movies in an effort to seduce the boy, according to police. Other students were in class at the time.⁵¹

The St. Petersburg Times reported on April 27, 2003: “Pasco County [Florida] sheriff’s deputies responding to a break-in at Calusa Elementary School early Saturday arrested a man found inside a portable classroom. According to arrest reports, deputies who responded to reports of a burglary at the school about 1:30 a.m. peered through a window and saw Matthew Cory Anderson, 18, of Mockernut Lane, Port Richey, inside, viewing pornography on a computer.”⁵²

The Salt Lake Tribune reported on January 4, 2001: “In the past three years, 17 Utah educators have been suspended or dismissed by the state Office of Education for inappropriate Internet use, including accessing pornography on school computers, sending threatening or sexually explicit e-mails or visiting chat rooms.”⁵³

Some of America’s largest and most prestigious universities are offering courses for credit that require student involvement with pornography. At Wesleyan University, students are required to do a pornographic performance, make a porn video, or write a pornographic story. New York University, the University of Massachusetts at Amherst, Penn State, Vanderbilt, Northwestern, San Francisco State, UCLA, UC Berkeley, UC Santa Barbara and Arizona State have such courses. The University of Indiana caused a public outcry this year when it was learned that a Los Angeles porn company filmed scenes for a pornographic video on campus using 20 to 30 students.

Internet porn is turning America’s public libraries into virtual “peep shows” open to children and funded by taxpayers. Thankfully, the U.S. Supreme Court upheld the Children’s Internet Protection Act on June 23, 2003, which requires public libraries that accept certain federal subsidies for Internet access to utilize software filtering to block access to obscenity, child pornography and, for minors, material harmful to minors.

KFMB.Com, San Diego, California, reported on April 24, 2003:

X-Rated at the Library: Child Safety Alert: Your neighborhood library is supposed to be a safe haven for children. A place where kids can go after school to read and do research. But our LOCAL 8 hidden camera found children may be getting more of an education than you may think at the local library. One man views pornography over the Internet on a computer at a local library. And he’s not alone. Downloading pornography has become a popular pastime at libraries. LOCAL 8 took hidden cameras inside libraries throughout the county from

⁵¹ *CCV Bulletin*, as found at <http://www.safeplace.net/ccv/bulletin/2000-02-15.htm>.

⁵² “Man arrested in school break-in,” *The St. Petersburg Times*, 27 April 2003, as found at http://www.sptimes.com/2003/04/27/Pasco/Man_arrested_in_schoo.shtml.

⁵³ *CCV Bulletin*, as found at <http://www.safeplace.net/ccv/bulletin/2001-01-30.htm>.

Oceanside to Escondido, San Diego to Chula Vista. Over and over again, we found men surfing the Internet for porn.⁵⁴

Much of the blame for the misuse of libraries belongs to the American Library Association (ALA) and its adamant opposition to libraries using software filters on Internet terminals. In its Bill of Rights, the ALA, a private trade association, states that children have a right to access *any* material regardless of age—despite the ALA’s admission that obscenity and child pornography are not protected by the First Amendment. And *any* material includes child porn, bestiality, sexual torture, orgies and bathroom sex.

The ALA Code of Ethics states: “We ... advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.” Yet, the ALA’s no-filters policy has contributed to a hostile work environment for library employees and patrons. Nonetheless, the ALA opposes the hostile work environment lawsuit filed by 12 librarians against the Minneapolis library because of daily exposure to Internet pornography and the conduct of porn surfers. The lawsuit seeks damages of at least \$400,000 each, plus workplace changes. The librarians claim that as soon as Internet service began, the screens began displaying “virtually every imaginable kind of human sexual conduct.” One librarian said of their working conditions, “We were living in hell,” according to the Associated Press, March 25, 2003.⁵⁵

6. PORNOGRAPHY AND SEX BUSINESSES WEAKEN THE ECONOMY.

Porn and sex businesses bring urban blight, devaluation of property, loss of customers and profits, and legal liabilities for sexual harassment and hostile business and work environments.

The Supreme Court recognized in the 1986 case *Renton v. Playtime Theatres, Inc.*, and in *City of Erie v. Pap’s A.M.*, that reducing the adverse secondary effects of sex businesses, including increased crime, drug abuse, urban blight, and decreased property values, is a legitimate reason for municipalities to regulate sex businesses more stringently than other businesses. The porn industry tries to deflect the deleterious effects by pointing to pornography’s contribution to the gross national product and tax revenues.

David Sherman, former Midwest manager of *D’eJa’ Vue* strip bars, testified about sexually oriented businesses before the Ohio Senate Judiciary Committee on Civil Justice on December 3, 2002. Sherman described criminal activity that he had personally witnessed, including tax evasion and/or fraud, drug use and drug dealing, prostitution, employment of underage entertainers, entertainers conspiring with clients to commit

⁵⁴ “X-Rated at the Library: Child Safety Alert,” KFMB.Com, San Diego, California, 24 April 2003, as found at http://www.kfmb.com/family_first/details.php?storyID=15295.

⁵⁵ “Librarians sue over being subjected to Internet porn,” *USA Today*, 26 March 2003, as found at http://www.usatoday.com/tech/news/techpolicy/2003-03-26-library-porn_x.htm.

other crimes, government corruption, counterfeit money, money laundering. He also knew club owners who were convicted felons:

Having been involved in the adult entertainment industry for 14 years, I'm very aware of the consequences that this business can have on all involved. I held every position from doorman to corporate regional director and ran those businesses throughout the Midwest, Southwest, West Coast and Florida. Much of the activity of the adult entertainment industry is illegal and criminal. In addition, there are tremendous negative effects on entertainers, communities, local businesses as well as families.⁵⁶

New York City, as numerous other cities, has spent enormous time and money ridding Times Square of its porn emporiums by defending the city's adult-business ordinances in the courts, and the city prevailed. As a result, Times Square is a family-friendly and prosperous area.

Thirty-two land use studies of "adult" businesses document the adverse secondary effects of the businesses on their surrounding communities.⁵⁷ Following is a quote from the summary of the Newport News, Virginia, land use study:

A very high percentage of realtors indicated that having "adult uses" nearby can reduce the number of people interested in occupying a property by 20 to 30 percent; this would hurt property values and resale of adjacent residential property. Realtors expressed concern for personal safety, increased crime, noise, strangers in the neighborhood, and parking problems. Merchants associations surveyed supported strengthening the city's regulations of "adult uses" and expressed a common concern that additional "adult uses" would contribute to deterioration of their areas.

A few years ago, officers of the Organized Crime and Vice Section of the Los Angeles Police Department asked this writer to speak to the Los Angeles City Council on the legal right of the City to rezone a homosexual sex club. Many of the residents living near the club, desperate to be relieved of the club's intolerable impact, shared their experiences with the Council. They spoke of finding used condoms and hypodermic needles on their property; men urinating in their yards; cars illegally parked in their driveways, with drivers who refused to move them and sometimes threatened the residents; loud noise throughout the night; and traffic congestion. The club deprived these residents of the quiet use and enjoyment of their property. Many were seniors on fixed incomes who had invested years of resources and work into homes they loved, only to find they were now devalued beyond remedy.

⁵⁶ David Sherman, "Sexually Oriented Businesses: An Insider's View," Proponent Testimony on SB 251, Ohio Senate Judiciary Committee on Civil Justice, 3 December 2002, *CCV Bulletin*, as found at <http://www.ccv.org/images/David%20Sherman%20testimony-OH.PDF>.

⁵⁷ National Law Center for Children and Families, Summaries of [Sexually Oriented Businesses] Land Use Studies: *Crime Impact Studies by Municipal and State Governments on Harmful Secondary Effects of Sexually Oriented Businesses*, as found at www.nationallawcenter.org/SOB%20Summaries.htm.

Citizens holding a rally against sex businesses in Garden Grove, California, asked me to speak at the rally. We concluded by walking past the string of “adult” bookstores, peep shows, and strip clubs on Garden Grove Boulevard. I met a family whose home backed up to one of the businesses. Their 5-year-old daughter had found a used condom in their yard and brought it into the house to ask Mom what it was. The little girl nodded her head as her parents told me the story. I met another family whose children found on their property video box covers with hard-core pictures. Another mom told me that she had seen men sit on the curb near her home and masturbate. And I met a new friend, Herb, who is living with AIDS and had traced his infection to the many incidents of anonymous sex he had in the peep show booths. The adverse secondary effects of sex businesses have faces. The Garden Grove Land Use Study, September 12, 1991, documents the impact of the sex businesses on the City and its residents.⁵⁸ Here’s a segment from the study:

Crime increased significantly with the opening of an adult business, or with the expansion of an existing business or the addition of a bar nearby. The rise was greatest in “serious” offenses (termed “Part I” crimes: homicide, rape, robbery, assault, burglary, theft and auto theft). On Garden Grove Boulevard, the adult businesses accounted for 36 percent of all crime in the area. In one case, a bar opened less than 500 feet from an adult business, and serious crime within 1,000 feet of that business rose more than 300 percent the next year.

The Planning Commission of a coastal city in California asked me to participate on a citizen advisory committee to make recommendations to the City Council for the adoption of an ordinance to regulate “adult” businesses. I arrived early for a meeting and decided to observe the parking lot of one of the two “adult” bookstores with peep show booths. I sat in my car and watched a stream of cars pull into the parking lot. Men went into the store for a short time and left carrying no purchases. I was amazed to watch a driver, who wore a light jacket and jeans, exit his SUV, pull down the tail gate so that he could sit on it while he removed his jeans to put on a pair of gym shorts over his underwear. The man’s conduct is called an “adverse secondary effect” and it’s one of the reasons cities may regulate “adult” bookstores in ways they may not regulate a Barnes & Noble.

Another member of the advisory committee described herself as a liberal. She wasn’t convinced that the sex businesses needed any special regulations until one day when she encountered an adverse effect up-close and personal. She watched a nude man in a car parked on her street who was trying to have a meaningful encounter with a full-size inflatable “woman” he had purchased in the “adult” bookstore near her home. Then there was the guy who left the same store, ran across the street into another business, and raped and robbed the female clerk.

E-commerce customers are lost because of online pornographers’ unscrupulous business practices such as “page hijacking,” “mouse-trapping” and “spamming,” credit card and wire fraud perpetrated on Web site visitors.

⁵⁸ Ibid.

In 1999, a Federal Trade Commission (FTC) task force began investigating complaints of Web pornographers' "page-jacking" and "mouse-trapping"—when an Internet user is directed, through deception, to a Web site and trapped there by disabling his computer's Web browser. The FTC announced a court settlement with an e-porn company for doing just that.

The FTC and the New York state attorney general filed suits in August 2000 against scores of porn Web sites for billing thousands of Web users for supposedly free services and for billing other consumers who have never visited the sites at all.

Just before Christmas 2000, Envisional, a company in the United Kingdom that specializes in searching the Internet for trademark violations, reported that it had found nearly 12,000 examples of well-known toy names buried in the metatags of pornography Web sites, 30 percent of which were hard-core. "The pornographers are believed to be using the toy names to drive traffic to their sites, obtaining more 'hits' which in turn enable them to push up their advertising rates," according to *The London Financial Times*.⁵⁹ *The London Independent* reported on November 17, 2000, "Leading toy manufacturers including Mattel are preparing to use legal action."

The No. 1 and No. 4 search terms used by search engines are "sex" and "porn," according to an Alexa Research study reported in *Business Wire*, February 14, 2001. According to *SexTracker*, 70 percent of all Internet porn traffic occurs during the hours of 9 a.m. to 5 p.m.

As a result, corporations are experiencing reduced productivity because of the time employees waste by porn surfing during work hours. Websense has estimated that U.S. corporations lose more than \$54 billion per year because of employees' abuse of Internet privileges.

Porn surfing also gives rise to potential damage awards in the millions to hostile work environment and sexual harassment claimants. Whether exposure occurs in a public library, school, nonprofit group, or business, workplace pornography and computerized "cyberporn" are sources of potential legal liability for those vested with management or control over the respective work environments.

The viewing of pornography in public places creates an offensive, uncomfortable and humiliating environment for co-workers. Pornography in the workplace can constitute, or be evidence of, sexual harassment in violation of state and federal civil rights laws, and create or contribute to a hostile environment in violation of Title VII's general prohibition against sexual discrimination in employment practices.⁶⁰ Xerox, the world's

⁵⁹ Fiona Harvey, *London Financial Times*, 16 November 2000, 17.

⁶⁰ See 42 U.S.C. § 2000e-2; 29 CFR § 1604.11; 18 U.S.C. § 242; 42 U.S.C. §§ 1981, 1982. See "Pornography, Equality, and a Discrimination-Free Workplace: A Comparative Perspective," 106 *HARVARD LAW REVIEW*, 1075-92 (1993); *Robinson v. Jacksonville Shipyards*, 760 F. Supp. 1486 (M.D. Fla. 1991).

biggest copier maker, fired about 40 employees in 1999 for looking at pornographic Internet sites during work, according to Cnetnews.com, October 6, 1999.⁶¹

In a *Fortune* magazine article, “Addicted to Sex: Corporate America’s Dirty Secret,” Patrick Carnes, a nationally recognized expert in sexual addictions, said: “Most of my patients are CEOs or doctors or attorneys or priests. We have corporate America’s leadership marching through here.” Stephen Pesce, a New York City psychotherapist, agrees: “The sex down on Wall Street is unbelievable, with the prostitution and the porn.”⁶²

American employers aren’t the only ones suffering losses due to decreased employee productivity. The BBC reported:

The majority of sackings for Internet misuse are due to workers downloading porn, says a new survey. A quarter of U.K. companies have dismissed employees for Internet misconduct. And 40 percent of all complaints came from co-workers, a survey of more than 500 personnel managers found. A total of 69 percent of dismissals were for workers surfing pornographic Web sites, according to the research published on Tuesday. Nearly three-quarters of firms questioned had dealt with Internet misuse, with chat rooms and personal e-mails coming second and third respectively in terms of most frequent complaints.⁶³

According to Reuters:

A group of Swedish chambermaids are seeking protection from male hotel customers who become “over-excited” after watching pornography on television. In an article published in today’s *Aftonbladet* daily, the group, members of the Swedish Hotel Workers Federation, called for the maids to be given alarms to use in case of attack. “Chambermaids are always having to come face to face with over-excited guests watching porn movies,” they said, demanding the maids be allowed to work in pairs. The group said their work had become physically disgusting since hard-core pornography was shown in hotels.⁶⁴

Major hotel chains offering pay-per-view porn are going to discover that whatever profits are derived from peddling porn will be exceeded by lost bookings when travelers choose a “clean hotel” that doesn’t offer “adult” pay-per-view.

Citizens for Community Values (CCV) in Cincinnati, Ohio, launched the “Clean Hotels” Web site, www.cleanhotels.com, on December 17, 2002. A survey of 26,000 hotels by CCV revealed that 71.4 percent do not offer in-room pay-per-view “adult channels.” It is estimated, however, that 70 percent of all hotel rooms in America have in-room pornographic movies because most of the big hotel chains offer “adult” pay-per-view.

⁶¹ “40 Fired for Sex-site Abuse,” 6 October 1999, as found at <http://www.money.cnn.com/1999/10/06/companies/xerox/index.htm>.

⁶² Betsy Morris, (<http://www.fortune.com/fortune/articles/0,15114,3754572,00.html>).

⁶³ “Workers Sacked for Surfing Porn,” BBC News Online, 9 July 2002, as found at http://news.bbc.co.uk/2/low/uk_news/2117250.stm.

⁶⁴ *CCV Bulletin*, as found at <http://safeplace.net/ccv/bulletin/2000-04-24.htm>.

Visitors to the “Clean Hotels” Web site are able to identify hotels that do not pander sex videos.

7. PORNOGRAPHY AND SEX BUSINESSES INCREASE TAXES AND WASTE GOVERNMENT RESOURCES.

A. Increased Taxes

On March 18, 2003, the U.S. attorney for the Eastern District of New York announced the indictment of three persons and five companies for “bilk[ing] consumers out of \$230 million in bogus ‘free tours’ of adult entertainment Web sites” in *U.S. v. Martino*. Richard Martino is an alleged member of the Gambino organized crime family. According to the press release from the U.S. Department of Justice (DOJ), “the defendants tricked users into providing credit or debit card information, purportedly as proof of age, and promised that the card would ‘not be billed.’” Charges also include money laundering (a scheme to avoid payment of taxes).

Law enforcement officers assigned to investigate the porn industry and organized crime testified before the Attorney General’s Commission on Pornography in 1986 about money laundering and tax violations in the porn industry:

There are tremendous profits in the pornography industry. These profits are of the type than can be easily hidden from the Internal Revenue Service, because of the cash transaction and the policy of no cash receipts for merchandise. ...

The nature of the pornography business provides inviting opportunities for skimming on every level. There is often dishonesty among producers, wholesalers, distributors, retailers and others who attempt to cheat each other. The often “cash only” business creates immense opportunities to launder money received from other organized crime activity.⁶⁵

The “King of Porn,” Reuben Sturman, with ties to the Gambino crime family, owed \$29 million in back taxes, according to the IRS.

The *Las Vegas Review Journal* reported:

A Las Vegas strip club owner and two other men have been sentenced in Illinois for skimming more than \$2 million from adult bookstores. Salvatore “Sam” Cecola, 52, of Barrington, Illinois, must begin serving a 46-month prison sentence January 20. He owns Club Paradise, 4416 Paradise Road. U.S. District Judge Charles Kocoras, who sentenced Cecola, also ordered the man to pay the cost of his prosecution and a \$10,000 fine. Cecola has maintained homes in Las Vegas and Illinois. Cecola was named in a federal indictment with convicted felon Frank Panno, 64, an Illinois pornography operator whose business associates own sex

⁶⁵ *Final Report of the Attorney General’s Commission on Pornography*, 295-298

shops in several states. Kocoras sentenced Panno to 57 months in prison and ordered him to pay the cost of his prosecution. The prison sentence is scheduled to begin November 15.

Cecola, Panno and 50-year-old Chicago resident Raymond Magray were convicted earlier this year of conspiracy to defraud the United States for their skimming activities in Illinois and Wisconsin. In addition, Cecola was convicted of filing false individual income tax returns for 1989 through 1993. Those returns failed to report the skimmed income, prosecutors said. Panno also was convicted of failing to file personal income tax returns for 1989, 1993 and 1994, and filing false returns for 1990, 1991 and 1992. According to a statement from the U.S. attorney's office in the Northern District of Illinois, the defendants participated in a scheme to skim receipts from two adult bookstores—one in Downers Grove, Illinois, and one in Bristol, Wisconsin—between about 1984 and 1995. The scheme resulted in a tax loss of more than \$600,000 from the two stores, according to the statement.⁶⁶

David Sherman also testified about the prevalence of tax evasion among pornographers and owners of sex businesses:

The most frequent crime is tax evasion and/or fraud. I would say 80 percent of people involved in adult entertainment at almost every level are guilty of this. This is a cash flow business, and most people are not employees but independent contractors. Most customers, for obvious reasons, do not want receipts. Often managers and owners will tell entertainers how to obtain welfare for their children while dancing, so welfare fraud is also rampant.⁶⁷

The urban blight caused by sex businesses results in lost customers and revenue to nearby legitimate businesses. The lost revenue reduces the tax base and causes increased tax rates.

The Newport News, Virginia, land use study on the impact of sex businesses, conducted in 1996, includes the following:

A very high percentage of realtors indicated that having "adult uses" nearby can reduce the number of people interested in occupying a property by 20 to 30 percent; would hurt property values and resale of adjacent residential property. Realtors expressed concern for personal safety, increased crime, noise, strangers in the neighborhood, and parking problems. Merchants associations surveyed supported strengthening the city's regulations of "adult uses" and expressed a common concern that additional "adult uses" would contribute to deterioration of their areas.⁶⁸

⁶⁶ Jeff Simpson, "Black Book Investigation," *Las Vegas Review Journal*, September 27, 1997, as found at http://www.reviewjournal.com/ivri_home/2001/Aug-24-Fr-2001/business//16843704.html.

⁶⁷ David Sherman.

⁶⁸ Land use studies.

B. Wasted Government Resources

Web pornographers regularly engage in “porn-napping,” a form of cyber-squatting that seizes upon domain names that other Web site operators have allowed to lapse. Sen. Orrin Hatch’s official Web site is the latest victim, according to the Associated Press, June 20, 2003: “When Orrin Hatch’s ‘Exploring Utah’ Web page boasted about his state’s natural wonders, he didn’t have in mind the photos of bare-breasted women that constituents saw when they clicked on the page’s Utah-related search engine. Hatch spokesman Adam Elggren said the senator’s office found out about the errant Web link late Thursday and had it fixed a few hours later.”⁶⁹ Other “porn-napping” victims that have fallen prey to pornographers are a Michigan United Way affiliate, a Chicago power company, a Florida sheriff’s office and a city in Illinois.

Consider the cost to taxpayers in the case of the “Pussycat Theater,” which operated in Los Angeles from 1977 to 1994. During that time, the LAPD made 2,000 arrests for lewd conduct on the premises. The conservative estimate is that every arrest required four hours of police work for two officers at a minimum of \$55 per hour for each officer. This does not include the substantial costs of a supervisor’s review, prosecution, court proceedings, and probation for each of the 2,000 incidents. Lewd conduct on the premises of sex businesses is a common occurrence. Multiply the cost by the thousands of such businesses across the country, and you can get an idea of the burden on government resources.

A consultant hired to improve security for the Clinton White House computer network “found massive pornographic video files passing through the system’s Internet firewall, including bestiality, gay and teen sex,” according to WorldNetDaily.⁷⁰ Media have also reported that sex films were shown on Clinton’s Air Force One and that pornography was strewn around Camp David. It is no exaggeration to say that porn and sex addiction led to the president’s impeachment.

A sampling of 16,000 IRS employees disclosed they used about half their online time at work to visit sex sites, gamble, trade stocks, participate in chat rooms and do other non-work-related activity, the Treasury Department’s inspector general said.⁷¹

Twenty-eight employees of the Minnesota Department of Administration will be disciplined for keeping “inappropriate material,” including pornography, on their work computers.⁷²

⁶⁹ Robert Gehrke, “Porn site link removed from Sen. Hatch’s Web page,” *Raleigh News and Observer*, 20 June 2003, as found at <http://newsobserver.com/24hour/technology/story/923230p-6429304c.html>.

⁷⁰ Paul Sperry, “Web-porn scandal rocks White House,” *WorldNetDaily*, 9 August 2000, as found at http://www.wordnetdaily.com/news/article.asp/ARTICLE_ID=20755.

⁷¹ Lance Gay, “IRS online time gets personal,” May 10, 2001, Scripps Howard News Service, as found at <http://www.s-t.com/daily/05-01/05-13-01/d06bul10.htm>.

⁷² Kermit Pattison, “Cybercrime Alerts,” Associated Press, 17 February 2001, as found at <http://www.mail-archive.com/cybercrime-alerts@topica.com/msg00329.html>.

A former county manager for Stokes County, North Carolina, resigned after officials found he had spent 60 percent of his time downloading more than 27,000 pornographic photos onto his office computer. It's no wonder that Stokes had failed to implement a county policy regulating employee use of the Internet.⁷³

Cascade County, Montana, Justice of the Peace Michael Smartt engaged in misconduct and violated judicial ethics by spending workdays surfing pornographic Internet sites and sexually accosting a Sidney man in his home, according to a complaint filed with the state Judicial Standards Commission.⁷⁴

The city of Chicago installed filtering software on all city computers because employees were wasting so much time porn surfing, including child pornography. Yet, there is no filtering in the Chicago libraries where the kids are online. A *Chicago Tribune* editorial called it "A Library of Liberal Lunacy"⁷⁵ and a *Chicago Sun-Times* op-ed described it well: "Kids Can See the Raunchiest Porn at Chicago Public Library." When will the people of Chicago decide that tax funded smut for kids won't be tolerated in their kind of town?

CONCLUSION

Children, women and men will continue to be victims of sexual abuse, exploitation and pornography addiction as long as the majority of the public fails to grasp the many ways that pornography harms everything they value. American cities will continue to be blighted and crime-ridden, good businesses will suffer and residents will see their property values plummet so long as the status quo continues.

John Stuart Mill, the ultimate believer in freedom of thought and action, said, "A person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury."

Pornographers cause evil and reap the profits while the rest of us suffer injury.

Parents and all who care about children need the assistance of law enforcement to protect our homes, churches, schools, businesses and communities from the corruption of pornography. The Supreme Court has affirmed that "parents and others, teachers for example, who have this primary responsibility for children's well-being are entitled to the support of laws designed to aid discharge of that responsibility."⁷⁶

President Bush and Attorney General Ashcroft have publicly stated that obscenity enforcement is a priority of this administration. They have the responsibility to insure that the DOJ, including all

⁷³ Charles Oliver, "Daily Brickbat," Associated Press, 23 May 2003, as found at <http://www.reason.com/brickbats/bb-2003.shtml>.

⁷⁴ "Smartt loses fight against judicial Commission," Associated Press, 5 July 2001, as found in *The Montana Lawyer*, August 2002, at <http://www.montanabar.org/montanalawyer/august2002/smartt.html>.

⁷⁵ Steve Chapman, "The Internet law that no one missed," *Chicago Tribune*, 26 June 2003, 27.

⁷⁶ *Ginsberg v. New York*, 390 U.S. 629, 639 (1968).

94 U.S. attorneys and all relevant federal investigative agencies, consistently enforces the obscenity laws to the fullest extent possible.

William P. Kelly (FBI, retired), another agent who continues to combat pornography in his golden years, worked on the biggest nationwide obscenity bust in history, MIPORN (Miami Pornography). It began in 1980 and concluded in 1987 with the convictions of 45 major pornographers. In Bill's words, "MIPORN turned out to be the most significant attack ever put forth by the federal government against the porn industry." Amazingly, the Assistant U.S. attorney who won every case assigned to her, Marcella Cohen (now Marcella Auerbach), had never prosecuted an obscenity case before cutting her teeth on the big guys. The only case the government lost was due to Marcella's absence from the trial. She was giving birth at the time.

Another hero of the porn wars who continues the fight, although retired, is Bob Navarro. Bob served 28 years with the Los Angeles Police Department, including 20 years in the Pornography Unit in the Organized Crime and Vice Division. He retired as officer-in-charge of the unit. Bob and his officers were also deputized as federal marshals and participated in federal obscenity investigations.

We worked hand-in-hand with the FBI, Customs and the Postal Service on many cases and many task forces. One of the most successful task forces was code-named "Operation Woodworm." Twenty-six Los Angeles-based companies were prosecuted in federal courts for interstate transportation of obscene material. The owners of several major distributors spent time in federal prisons and were fined millions of dollars.⁷⁷

The DOJ can do it again. And unless it does, "a sensitive, key relationship of human existence, central to family life, community welfare, and the development of human personality, will continue to be debased and distorted by crass commercial exploitation of sex."⁷⁸

The Department of Justice is justly accountable for our injury because of its inaction—the failure to vigorously enforce the federal obscenity laws against major Internet pornographers.[See Appendix 3.] The fallout of DOJ's nonenforcement has resulted in mainstream corporate giants allured by immense profits that have reached a new low trying to reach a new high on Wall Street. See also "Corporations Respond to CWA" and "AT&T: Getting the Porn Ring Out of Its Collar."

APPENDIX 1: RECENT VICTIMS OF PORNOGRAPHY

- "A military jury Wednesday gave a 25-year prison sentence to a lieutenant colonel who admitted killing his wife during an argument about his use of the Internet to view pornography, an Army spokesman said."⁷⁹

⁷⁷ Jan LaRue, "A Veteran Vice Cop's Viewpoint on Pornography," (Concerned Women for America: Washington, D.C.), as found at <http://www.cwfa.org/articledisplay.asp?id=3323&dapartment=LEGAL&categoryid=pornography>.

⁷⁸ *Paris Adult Theatre v. Stanton*, 63.

⁷⁹ Florence Peace, "War College Officer Pleads Guilty to Murder," Associated Press, 30 October 2002, (http://www.dcmilitary.com/army/pentagram_40/national_news/19748-1.html).

- Seven-year-old Danielle Van Dam, murdered last year in San Diego County, California, by a porn addict, became another victim of the “victimless” crime⁸⁰, as did the kidnapped and murdered 5-year-old Samantha Runnion of Orange County, California. Media have reported that the mother of Samantha’s accused murderer said that she saw porn on his computer.⁸¹
- “Father stabs his 12-year-old son in the head for refusing to perform a sex act less than one hour after downloading pornography from the Internet.”⁸²
- “Pedophile with backpack full of pornography assaults child in library.”⁸³
- “Two girls, ages 11 and 12, post pictures of themselves nude on the Internet, saying they were influenced by pornography on the Internet.”⁸⁴
- “Man charged in Oregon nun’s murder had just left the only strip joint in Klamath Falls before he attacked the women.”⁸⁵
- “Study shows pedophiles start as young as nine, often exposed to pornography and violence.”⁸⁶
- “A barrage of Internet pornography has turned the downtown library into a hostile work environment for a dozen librarians, according to claims in a new federal lawsuit. The 12 sued the city library system Monday in U.S. District Court in Minneapolis, alleging they endured an intimidating, hostile and offensive workplace that violated state and federal law. The lawsuit seeks damages of at least \$400,000 each, plus workplace changes. ... ‘We were living in hell, and they were unwilling to acknowledge the problem,’ said [Wendy] Adamson. ... The issue arose soon after Internet access was installed in 1997. Almost immediately, the librarians claimed, the screens began displaying ‘virtually every imaginable kind of human sexual conduct.’”⁸⁷
- “A man was arrested for masturbating while on the computer in the children’s department at the Cleveland Public Library downtown Wednesday. According to security officers at the library, a security camera caught 23-year-old John Titter with his hands down his pants at the library. ... Titter was busted in October 2002, for downloading child pornography at the Mayfield Village Library.”⁸⁸
- “Pasco County [Florida] sheriff’s deputies responding to a break-in at Calusa Elementary School early Saturday arrested a man found inside a portable classroom. According to arrest reports, deputies who responded to reports of a burglary at the school about 1:30 a.m. peered through a window and saw Matthew Cory Anderson, 18, of Mockernut Lane, Port Richey, inside, viewing pornography on a computer.”⁸⁹

⁸⁰ “Westerfield’s Son Describes Finding Porn,” CNN.com, 24 July 2002, as found at <http://www.cnn.com/2002/LAW/07/24/westerfield.trial/>.

⁸¹ Arlene Sawicki, *The Illinois Leader*, “Another precious little girl,” 24 July 2002, as found at <http://www.illinoisleader.com/news/newsview.asp?c=1411>.

⁸² “Stabbing Trial Opens,” *The Pittsburgh-Post Gazette*, 12 June 2002, D8.

⁸³ Angie Gaddy, “Man Convicted of Molesting 6-Year-Old Girl,” *The Spokesman-Review*, 2 October 2001, B1.

⁸⁴ “Girls, ages 11 and 12, post nude pictures of themselves on Internet,” Associated Press, 17 January 2002, as found at http://www.seacoastonline.com/2002news/1_17_sb2.htm.

⁸⁵ Brian Cole, “Ill fate led to nuns meeting assailant,” *Herald and News*, 3 September 2002, as found at http://www.heraldandnews.com/articles/2003/04/11/news/top_stories/ill.txt.

⁸⁶ “Paedophiles Start as Young as Nine,” *Asia Intelligence Wire*, Domestic News, 10 September 2002.

⁸⁷ “Libraries sue over being subjected to Internet porn,” Associated Press, as published in *USA Today*, 26 March 2003, as found at http://www.usatoday.com/tech/news/techpolicy/2003-03-26-library-porn_x.htm.

⁸⁸ Lydia Esparra, “Man arrested for masturbating at library computer,” WKYC.com, Cleveland, 10 April 2003 (<http://www.wkyc.com/news/news/fullstory.asp?id=4665>).

⁸⁹ “Man arrested in school break-in,” *St. Petersburg [Florida] Times*, 27 April 2003, as found at <http://pqasb.pqarchiver.com/sptimes/index.html?ts=1061410629>.

- “Cybersex compulsive” is a term coined in a 2000 study, “Online Compulsivity: Getting Tangled in the Web,” to define at least 200,000 American adults who visit Internet sex sites at least 11 hours per week. According to researchers Al Cooper, David Delmonico and Ron Burg, writing in the journal, *Sexual Addiction and Compulsivity*: “This is a hidden public health hazard exploding in part because very few are recognizing it as such or taking it seriously.”⁹⁰

⁹⁰ “Online Compulsivity: Getting Tangled in the Web.”

APPENDIX 2: KIDS, CRIMES AND PORN

1. Three high school students, ages 14 to 19, are charged as adults in the brutal sexual assault of an adult entertainer. Montgomery County police said the three Walt Whitman High School students skipped class on the morning of November 8 and, posing as adult video producers, lured a 25-year-old woman from an Internet escort service to one of the students' homes in Bethesda. When the woman arrived, prosecutors say they clubbed her with a baseball bat, attempted to cover her mouth with a cloth that emitted "medicinal odor," then sexually assaulted her with the bat and another object.⁹¹
2. A 15-year-old boy has been charged with 692 felony counts of distributing child pornography on a Web site that he operated from his parents' home in Independence, Kentucky. Material includes hundreds of images of infants, children and animals in sex acts.⁹²
3. Four high school boys in Boca Raton, Florida., ages 15 to 17, are facing charges of lewd and lascivious battery and sexual performance by a child based on allegations that they videotaped themselves having sex with a 14-year-old girl. Police said the boys wrote up a contract for the girl that included plans to charge other students to view the tape on a home computer, and encouraged her to submit the tape to a porn company for a contest.⁹³
4. Two girls, ages 11 and 12, took pictures of themselves in the nude, scanned them onto a computer, and sent them to participants in an Internet chat room. Marlboro, Massachusetts, police investigated the incident after rumors about the photos began circulating at the girls' school. The girls told police they were influenced by pornography on the Internet.⁹⁴
5. A 16-year-old Holland, Michigan, boy who pled guilty to a charge of using the Internet for promoting child pornography. Police said the teen operated up to seven chat rooms that contained 40,000 pornographic images, some depicting children as young as age 7.⁹⁵
6. Deputies arrested a 16-year-old Woodlands Academy student Friday after the boy allegedly accessed an obscene Internet site from a school computer and showed images to a classmate, according to a St. Lucie County sheriff's report.⁹⁶
7. "16-year-old pleads guilty to using the Internet to promote child porn."
8. The son of an Orange County assistant sheriff and two other teenagers were charged with the videotaped gang rape of an unconscious 16-year-old girl.⁹⁷
9. Two DeRidder High School football players are accused of having oral sex with a 14-year-old girl during biology class, police said. A teacher and about 30 students were in

⁹¹ "Three Bethesda High School Students Accused of Sex Crime Charged as Adults," Associated Press, 18 November 2002, as found at <http://www.insidebaltimore.com/news/capital-beltway/high-school-sex-crime1118.shtml>.

⁹² "Teen Faces 692 Child-Porn Charges," Denver's ABC 7, 31 January 2002, as found at <http://www.thedenverchannel.com/news/1215255/detail.html>.

⁹³ Jon Burstein, "Teenager Jailed in Porn Tape Case; Video Brings Student Adult Felony Charge," *Sun-Sentinel* [Fort Lauderdale, FL], 3 February 2002, 1B.

⁹⁴ Joe Sulman, "Police: Nude Photos are isolated incident," *The Boston Herald*, 17 January 2002, as found at <http://www.metrowestdailynews.com/HiasysTools/Search/search.bg?mode=all&q=ages+11+12+nude+pictures&Go=GO>.

⁹⁵ Dennis Niemiec, "Police Count on Young Sleuth," *Detroit Free Press*, 11 January 2001, as found at http://www.freep.com/news/locaway/net27_20011127.htm.

⁹⁶ "16-Yr-Old Student Arrested for Internet Obscenity On School Computer," *The Palm Beach Post*, Martin-St. Lucie Edition, 15 February 2001, as found at <http://www.safeplace.net/ccv/bulletin/2001-02-24.htm>.

⁹⁷ "Three Teens charged in videotaped gang rape of girl," *San Diego* [California] *Union-Tribune*, 13 July 2002, A6.

the class at the time, DeRidder police Lt. Kenneth Pine said. He would not say how many saw the alleged sex act.⁹⁸

10. Greensboro police are conducting an investigation into the illegal employment of underage girls as “dancers” at late-night parties in the area. The parties, according to a teenager who danced at some, are little more than fronts for prostitution.⁹⁹
11. The rape of a 9-year-old boy by a 12-year-old is being blamed on a song by homophobic rapper Eminem. The older boy, now 13, was convicted in a Manchester court Wednesday of sexual assault. His trial was told Wednesday that lyrics from the rapper’s song “Ken Kaniff” from the Shady Slim album may have played a significant part in the assault. The 9-year-old was forced repeatedly to perform oral sex on the older boy. The song graphically describes forced sodomy.¹⁰⁰
12. An 18-year-old Appleton, Wisconsin, man was convicted of creating his own child pornography Web site beginning when he was 16 years old. In addition to his conviction for possession of child pornography, Eric Eickhoff also pleaded no contest in April to a charge of second-degree sexual assault of a child. Eickhoff admitted to authorities that he downloaded pictures of children as young as five posing nude and engaging in various sexual acts. Eickhoff also admitted having sexual intercourse with a 13-year-old girl about once a week for nine months in 1999.¹⁰¹
13. Controversy over Internet access in public libraries took a new twist last week when Chehalis, Washington, police officers spoke with a 17-year-old youth in connection with exposing himself to an 11-year-old girl in the Chehalis Timberland Library while viewing pornography. The 17-year-old confessed last week to taking part in the incident.¹⁰²
14. A 16-year-old student was arrested for showing obscene images that he accessed on a school computer to a classmate.¹⁰³
15. After being asked to leave a public library because they were viewing pornography on the Internet, three teenage boys intentionally set fire to the building and caused \$100,000 in damages.¹⁰⁴
16. In 1983 there were 22 treatment centers for juvenile sex offenders in the U.S.; by 1993 there were 755.¹⁰⁵

⁹⁸ “Police: Two football players accused of oral sex in class,” Associated Press, 23 March 2002, as found at <http://www.dadi.org/ftbalsex.htm>.

⁹⁹ Stan Swofford, “Police Investigating Use of Underage Party ‘Dancers,’” *Greensboro News and Record*, 14 February 2002, A1.

¹⁰⁰ Nigel Bunyan, “Eminem Lyrics are Blamed for Sex Attack,” *News Telegraph* [United Kingdom], 29 August 2002, as found at <http://news.telegraph.co.uk/news/main.jhtml?xml=/news/2002/08/29/nemin29.xml>.

¹⁰¹ “Appleton teen sentenced for child porn Web site,” *Milwaukee Journal Sentinel*, 5 June 2001, as found in the *CCV Bulletin*, <http://www.safeplace.net/ccv/bulletin/2001-06-12.htm>.

¹⁰² *CCV Bulletin*, as found at <http://www.safeplace.net/ccv/bulletin/2001-06-12.htm>.

¹⁰³ “Schools,” *The Palm Beach Post*, 15 February 2001, 2B.

¹⁰⁴ Deborah O’Neil, “3 teens charged in library fire,” *St. Petersburg* [Florida] *Times*, 21 July 2000, state section, 1.

¹⁰⁵ Diana Marder, “When the Child Abuser is a Child ...,” *The Philadelphia Enquirer*, 17 January 1993, A01.

APPENDIX 3: CURRENT FEDERAL OBSCENITY PROSECUTIONS

CWA has compiled a list of all federal obscenity prosecutions of which we are aware. The list includes investigations, prosecutions and convictions from January 2001 to date. As you will see, the following cases involve only the most extreme and deviant forms of pornography. The prosecution bar set this high is having no effect on the “mainstream” porn producers and distributors. The DOJ must prosecute major companies, including the “white collar” corporations that are trafficking in hard-core material that is prosecutable under the Supreme Court’s ruling in *Miller v. California*, 413 U.S. 15 (1973), which includes:

Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals. . . . Sex and nudity may not be exploited without limit by films or pictures exhibited or sold in places of public accommodation any more than live sex and nudity can be exhibited or sold without limit in such public places. At a minimum, prurient, patently offensive depiction or description of sexual conduct must have serious literary, artistic, political, or scientific value to merit First Amendment protection.¹⁰⁶

The following cases *began* as obscenity investigations:

1. *U.S. v. Ragsdale*, June 18, 2003, Northern District of Texas: A grand jury indictment was unsealed that includes one count of conspiracy to mail obscene material and two counts of selling and distributing obscene video tapes depicting rape scenes through the Internet and the U.S. mail. “The Web page was named ‘The Rape Video Store,’” with tapes titled “Real Rape Video Series” and the “Brutally Raped Video Series.”
2. “Extreme Associates,” April 9, 2003, Western District of Pennsylvania: *Adult Video News* (AVN) reported that federal agents and LAPD officers served federal search warrants at the “Extreme Associates” offices in North Hollywood, California, seizing records, model releases and identification and three copies each of five deviant/fetish videos. Robert Zacari, owner of Extreme, commented on the investigation: “Mind you, this business has not seen a major federal obscenity investigation in over 10 years.”
3. *U.S. v. Corbett*, April 9, 2003, West Virginia: According to the indictment, the Corbetts’ Web site offered for sale and delivery, via the U.S. mail, a total of 53 video tapes and DVDs, 40 minutes to 2 hours in length, depicting graphic and sexually explicit scenes of defecation and urination.
4. *U.S. v. Gravenhorst*, March 25, 2003, New Hampshire: Gravenhorst was convicted of six counts of enticing a minor to have sex, four counts of sending obscene material over the Internet to a minor, and one count of using a computer service to send obscene material across state lines. The case stemmed from a complaint from a 16-year-old girl who told police she was sexually assaulted by a man she met online.
5. *U.S. v. Farris and EMI Enterprises*, November 7, 2002, Eastern District of Kentucky: Gary Farris and EMI Enterprises were charged with using the U.S. mail to deliver a

¹⁰⁶ *Id.* at 25-26.

videotape titled “#90 Extreme Underground,” which “depicts the physical and sexual abuse and mutilation of several women.” The complaint alleged that Farris operated a Web site named “taboomovies.net.” He pleaded guilty December 2, 2002.

6. *U.S. v. Funderburk*, 2002, Eastern District of Virginia,: “Funderburk pled guilty to a charge of distributing an obscene video, which depicted bondage and rape.”
7. *U.S. v. King/Wasserman*, 2001, Texas: This case began as a result of a federal magistrate receiving porn spam via e-mail, which the magistrate referred to the U.S. attorney’s office.

The following cases *began* as child pornography/sexual exploitation investigations and included or resulted in an obscenity charge.

1. *U.S. v. Huggins*, April 3, 2003, East St. Louis, Illinois: David B. Huggins, 42, faced up to 15 years in prison after pleading guilty to downloading child pornography off the Internet on his home computer. Instead, because of an ex-FBI agent’s misleading statements on a search warrant, Huggins was allowed to plead guilty to the lesser charge of knowingly using a computer service to transport obscene material in interstate commerce.
2. *U.S. v. Klazura*, February 2003, District of Kansas: This case began in March 2002 as a child pornography prosecution. After Klazura’s lawyer, accused the government of trapping Klazura into a criminal action, the U.S. attorney offered a plea for the lesser obscenity charges, stemming from the two pictures of nude adult women found on his home computer. Klazura pled guilty to obscenity and was sentenced.
3. *U.S. v. Cauble*, October 9, 2002, Kokomo, Indiana: This case began as a child pornography investigation. A search of Cauble’s computer revealed adult obscenity, including bestiality, as well as child porn. The indictment charged that Cauble used his computer to receive and possess child pornography (13 counts) and to receive obscene material (four counts). There is no mention of any investigation or indictment of the pornography Web site where the obscene material was accessed.
4. *U.S. v. Vetter*, July 5, 2002, Columbia, South Carolina: This case began as a child pornography investigation. Neither the indictment nor the conviction involved any child pornography or obscene pornography. United States attorney J. Strom Thurmond Jr. announced in a press release that Christine A. Vetter, age 21, of Central, South Carolina, pleaded guilty in federal court in Anderson, South Carolina, to mailing indecent and filthy items, a violation of 18 U.S.C. § 1461.

In the following case, fraud charges were brought against “adult” Web site operators but *no* obscenity charges are included in the indictment.

U.S. v. Martino, March 18, 2003, Eastern District of New York: The U.S. attorney announced the indictment of three persons and five companies for “bilk[ing] consumers out of \$230 million in bogus ‘free tours’ of adult entertainment websites.” Defendants Richard Martino (an alleged member of the Gambino organized crime family), Norman Chanes and Bruce Chew, along with the five companies were “charged with conspiracy to commit mail and wire fraud, conspiracy to commit credit card fraud, and conspiracy to

commit money laundering. The indictment also seeks forfeiture of up to \$230 million in assets, and specifically seeks forfeiture of the defendants' multimillion-dollar homes in New York and California as substitute assets." According to the DOJ press release, "The defendants tricked users into providing credit or debit card information, purportedly as proof of age, and promised that the card would 'not be billed.'"