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U.S. Department of Justice

United States Attorney
Southern District of West Virginia

May 8, 2003

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Sandy Rios, President
Janet M. LaRue, Chief Counsel
Concerned Women for America
1015 Fifteenth Street, N.W.
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Washington, D.C. 20005

Dear Meses. Rios and LaRue:

Thank you for your letter of April 30, 2003, requesting complaint status reports and urging attention to the problems of obscenity and pornography. This Administration and this United States Attorney's Office take these issues very seriously. Attorney General John Ashcroft has made the prosecution of child pornography and obscenity a high Departmental priority.

This office is following his lead. There are several lawyers on my staff who regularly investigate and prosecute child pornography cases, and I am proud to say we have developed a certain expertise in prosecuting these cases. Presently pending in this District is a major obscenity prosecution against a man and woman in Lewisburg, West Virginia, who were using the internet to sell obscene movies. This case is being pursued very energetically by the newly reorganized Child Exploitation and Obscenity Section at the Department of Justice, in conjunction with this Office.

Just yesterday, we obtained a two felony count indictment against James Dorman Jr. for attempting to have someone he believed to be a 13 year-old girl produce and mail to him pornographic pictures of herself. Last year we obtained felony convictions and substantial jail sentences for Brent McGucken, a Putnam County, West Virginia, teacher who possessed child pornography, and Allen Tanner, a South Charleston man who also possessed child pornography on his computer. In both of these cases, evidence of actual child molestation also surfaced. Federal authorities locally, with active involvement by our Federal prosecutors, have also been involved in the investigation of Philip Andrews Duvall, a coach at Duval High School in Lincoln County, for sexual exploitation crimes. Duvall is currently under state charges for crimes against one of his students. These cases, which are now public, represent only a small portion of the effort ongoing in this District.

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While I cannot comment specifically about pending investigations, I can assure you both the FBI and the United States Postal Inspection Service have agents exclusively dedicated to the active investigation of child pornography crimes in this District. They will continue to pursue these offenders through undercover operations, internet surveillance and the execution of search warrants on home computers.

Despite the extremely high priority I place on pornography and obscenity prosecutions, I must be frank with you: We simply do not have the funding, personnel, or court time to prosecute every complaint which is filed, every pornographic internet site or e-mail mass mailing, and every lead we develop outside of the complaints to which you refer. We must focus first not on the easy cases or those which will produce the most numbers, but, instead, on those cases which will best hit the most dangerous purveyors of this trash and on those cases which will best disseminate the deterrent message. Further, while I recognize Concerned Women for America as an extremely important public policy organization, and while I am very proud of our record and efforts, it is not cost effective to use our limited time and resources to research, produce statistics, respond, constantly explain prosecutive decisionmaking, and regularly report our efforts to the many well-intentioned organizations requesting reports on obscenity and other priorities such as terrorism, violent crime, drugs, white collar crime, guns, political and governmental corruption, and corporate fraud. If, in fact, there is doubt as to our commitment to, and success in meeting, the goals of your organization, I sincerely invite you to visit our offices in Charleston, West Virginia, to see personally the anti-pornography and obscenity efforts which are underway here, and to talk to the prosecutors who lead our effort and of whom I am most proud.

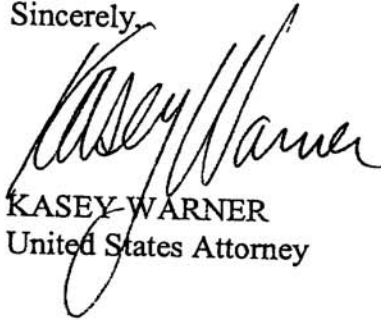
You probably are aware of the many obstacles we face in this fight. The prosecution of obscenity is legally complicated and is also opposed by many wealthy, organized and established interests. You may also know that only last year the Supreme Court found that portions of new child pornography legislation were unconstitutional. Because of that decision, our verdict in the Allen Tanner case is still on appeal, and investigations of child pornography cases everywhere have gotten more complicated and demanding of investigative agents. Also, because these cases almost always involve computer equipment, expert analysts and technicians are required in almost every case.

Nonetheless, this administration and my office remain committed to the issues you have addressed in your letter to me. Certainly you are aware of new legislation signed by the President -- the "PROTECT" act - drafted as a "fix" to the problems created by recent court decisions and to give law enforcement better tools with which to investigate and prosecute these cases. This gives us a valuable tool, and we are well aware much work lies ahead.

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Again, thank you for your letter to me and for your interest in this pervasive and difficult problem.

Sincerely,



KASEY WARNER
United States Attorney

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