



# The Phyllis Schlafly Report

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## The New Pornography Commission Report

At last we have a report of a governmental Commission on Pornography to replace the report of the 1970 Commission. The 1986 report isn't perfect; it doesn't begin to say all that could be said about how pornography addicts those who use it and harms its victims. But, as a point of reference, it totally replaces the report of the 1970 Commission which was used by the media and the pornographers as a "magna carta" to flood our nation with deviant, depraved, sexually violent, and sadistic materials.

The bad news in the report of the Attorney General's 1986 Commission on Pornography is that the laws against obscenity are widely flouted by the hucksters of perverted and prurient materials. The good news in the report is that we can eliminate this glut of smut if prosecuting attorneys would merely enforce our current laws.

There is *no* First Amendment right to distribute obscene materials. Laws prohibiting the distribution of obscenity *are* constitutional and have been upheld time and time again. It's tragic that nonenforcement is so common.

The eleven Pornography Commissioners were a very diverse group, professionally and ideologically. They included a psychologist, a psychiatrist, a judge, a lawyer, a couple of professors, and a couple of experts in child abuse. It is remarkable that this mix of Commissioners was unanimous in urging that prosecution of obscenity "be treated as a matter of special urgency" and that such prosecutions "be placed at the top of both state and federal priorities." Only one professor and one editor dissented from some of the other conclusions.

"The evidence is unquestionable," the 500-page report says, "that with few exceptions the obscenity laws that are on the books go unenforced. Federal law enforcement is limited almost exclusively to child pornography and to a few major operations against large pornography production and distribution networks linked to organized crime."

The Pornography Commission concluded that "substantial exposure" to pornography "bears some causal relationship to the level of sexual violence, sexual coercion, or unwanted sexual aggression." The Commis-

sion found that one of the largest categories of consumers is the adolescents.

The Commission found that the causes of the pornography problem are, in this order, organized crime (which controls the distribution of pornography), the failure of law enforcement at both the federal and the local levels (only 100 persons have been indicted on obscenity charges in the last eight years), and citizen apathy.

Citizen action can pick up where law enforcement leaves off and raise community standards. That's what we have witnessed with the successful, months-long boycott of the 7-Eleven convenience stores by a coalition of anti-pornography groups led by the National Federation for Decency.

As the Commission report pointed out, "A citizen's right to free speech means that he can organize and speak out even against those pornographic materials that are not proscribed by law but that he does not want to be in his community." Suggested targets of protests are convenience stores, hotels that offer pornographic movies to guests, cable television networks with sexually explicit programming, and the FCC for permitting obscene TV programs.

When Southland Corporation, the nation's largest convenience-store owner, announced that it will no longer sell *Playboy*, *Penthouse* and *Forum* at its 4,500 company-operated 7-Eleven stores, that was a tremendous achievement for the anti-pornography movement. In recent months, 12,000 retail outlets have stopped selling pornography, and one-third of the porn magazines have dropped in circulation. *Playboy's* circulation has slumped nearly 20 percent in the last two years and will decline even further because the 7-Eleven stores account for one-fifth of *Playboy's* over-the-counter sales.

*Penthouse* has produced a video for the Periodical & Book Association of America in order to encourage booksellers to continue to carry pornography despite public protests. The video claims that "while only 15% of all magazines sold are 'adult' titles -- 40% of all magazine profits come from them." Porn magazines that cost 50¢ to produce can sell at retail for \$10 or

more. Porn video cassettes that dealers buy at \$15 are priced to sell at retail for \$80 to \$95 each. That's why many stores are so eager to carry porn.

The publication of the 1986 Pornography Commission report makes it impossible for the media to continue to cite the 1970 Pornography Commission report as though it were "gospel" on this subject. Actually, the 1970 report was dishonest from the start, designed by the pornography peddlers to pursue their own profits, defective in its research, and ridiculous in its conclusions.

The 1970 Presidential Commission on Obscenity and Pornography was appointed and staffed by Lyndon Johnson. When its report was finally released in 1970, it was so contrary to fact and common sense that the U.S. Senate overwhelmingly rejected it. On a roll-call vote, only five Senators supported it. (Incidentally, two of those five later became presidential nominees: George McGovern and Walter Mondale.)

The Commission's outrageous conclusions, which were rejected so overwhelmingly, were that pornography (a) was harmless and might even have "cathartic" value, (b) was not a social problem, and (c) should be free from regulation or control. Those theories were scientifically unfounded and contradicted even by the Commission's own data. Those conclusions were also contradicted by both the 1969 report of the prestigious National Commission on the Causes and Prevention of Crime (chaired by the late Milton Eisenhower) and by the subsequent prestigious 1972 Surgeon General's Report on Television Violence and Social Behavior.

In fairness to the LBJ Commission, it should be said that those who wrote its report never saw the horrendous pornography so widely available today; it could not be bought in the United States in 1970. In any event, it can now be said that the 1970 report is obsolete, as well as that it has long since been discredited.

### Victimizing Women

When the Commission on International Women's Year, funded by 5 million federal tax dollars, held its famous boondoggle in Houston on November 18-21, 1977, it passed 25 resolutions on issues which were deemed of importance to women by Chairman Bella Abzug and her feminist friends who stage-managed that media event. Pornography was not one of the 25; the feminists did not identify it as a "woman's issue."

Most feminists still dodge this issue, but there are significant cracks in their formerly united front of silence. For example, in 1984 the feminist-dominated Illinois Commission on the Status of Women held forums on pornography at which academicians and researchers presented evidence of the connection between the \$7 billion pornography business and violence against women.

Daniel Linz, psychologist at the University of Wisconsin, presented his research which shows that exposure to violent pornography can lead to antisocial attitudes and behavior. He said it can increase the

viewer's acceptance of the rape myth (i.e., that women enjoy rape), increase the willingness of a man to say that he would commit a rape, decrease sympathy for a rape victim, and increase violent behavior against women.

Andra Gomberg, attorney and spokesman for Feminists Against Pornographic Propaganda, reported that her group believes that there is a definite link between pornography and violence, and that society has the responsibility to take action. She showed pornographic pictures from magazines and movie advertisements which glamorize violence against women, battering, bondage, child molestation, rape, and even murder.

Dr. Pauline Bart, sociologist of the Department of Sociology and Psychiatry at the University of Illinois in Chicago, stated that pornography is "pro-rape propaganda." She pointed out that the basic premise of advertising is that what you see or hear affects what you do; therefore, when violent sex is portrayed as enjoyable to women, it promotes assaults.

Dr. Bart is one of the many modern researchers who repudiate the notion that pornography is harmless or even beneficial in enabling men to drain off harmful sexual desires. She said pornography socializes men to believe that women enjoy pain, brutalization, and are sexually insatiable; and *that* sets the stage for the physical and mental abuse of women. Dr. Bart's research shows that 35% of females believe that some of the recent increase in the rate of rape can be attributed to pornography, whereas only 16% of men think so. She cited a study by Diana Russell of women in the San Francisco area: 10% of the women questioned said a husband or boyfriend had asked her to perform acts he had seen in pornographic films.

Dr. Bart reported that modern research confirms a correlation between pornography and violence against women in the same way that studies show a correlation between smoking and lung cancer. There may be no proof positive that smoking causes a particular lung cancer, but the smoking-cancer correlation is beyond dispute; and so is the porn connection.

Joan Omar, director of a shelter for battered women in Chicago called the Greenhouse, stated from her experience that pornography trains males "to see women as objects and less than human; therefore, no act of violence is too horrible to perform on a woman." She described how pornography "teaches men to believe what they have seen in pornographic images: women love pain, they enjoy being degraded and tortured. They have no worth other than to satisfy men's wants."

She showed a typical ad for a movie in major Chicago newspapers depicting a woman in bikini underwear, on her knees, tethered to a wall, with the headline "she loved to be scared." The movie was not playing at porno houses, but in suburban neighborhood theaters.

Exposure to pornography desensitizes and addicts the viewer. This is true whether the pornography is

"hard-core" portrayal of graphic sexual violence, or "soft-core" portrayal of consensual sex, or "neutral" sex-education materials.

Pornography is the tool of the sex offender. Dangerous offenders, such as pedophiles, incest fathers, and rapists, develop a fondness for more and more deviant materials. The President's Task Force on Family Violence reported in 1984 that "an alarming number of rape and sexual assault offenders report that they were acting out behavior they had viewed in pornographic materials."

Soft-core as well as hard-core pornography leads to callousness toward women and to the trivialization of rape as a criminal offense. Pornography desensitizes the normal person, as well as disturbed people. They begin to accept the use of force in sexual relations.

Pornography has adverse effects on marriage. Users of pornography frequently lose faith in its viability, especially because (like many other drugs) they do not believe pornography is having any effect. They become dissatisfied with normal sexual relations, acquire bizarre notions about what women want and expect, begin to view non-monogamous relationships as normal, and then seek a variety of sexual partners.

### The FCC'S Role in Pornography

An analysis of the policies, statements, and actions of the Federal Communications Commission (FCC) over the last four years shows a consistent refusal to enforce the law against indecency and even obscenity on television, cable television, and radio. That's why broadcasters and cable-casters have been able to get by with ever more shocking levels of indecency, immorality, and violence beamed right into our homes.

The Federal Criminal Code provides a penalty for "whoever utters any obscene, indecent or profane language by means of radio communication." The Supreme Court upheld this law and extended it to television in the 1978 case of *FCC v. Pacifica*.

This standard for the electronic media is stricter than the obscenity standard (set by the Supreme Court in *Miller v. California* in 1973), which applies to the print media, and properly so, for many reasons. Television is a pervasive presence in our culture. It is vastly more powerful in changing attitudes and affecting behavior, is easily accessible to children, and is so very expensive that individuals cannot possibly compete with station owners and managers in electronic communication.

The Cable Communications Act of 1984 declared it the joint responsibility of the FCC and the Justice Department to enforce the obscenity standard for cable television, and also left the door open for the FCC to promulgate regulations to enforce a higher decency standard. In practice, neither agency has ever prosecuted a single case of obscenity on television, and the FCC told the Attorney General's Commission on Pornography on October 16, 1985 that it has no intention of doing so.

The FCC's policy of non-action is out of sync with

the law. U.S. law, starting with the 1934 Communications Act and continuing through Supreme Court decisions, is that the airwaves are a national resource which belong to the American people, and that radio and television stations must act in the public interest. Yet, the FCC policy is non-enforcement of any standard under a "policy of maximizing the freedom of action of broadcasters in the marketplace."

In practice, this means allowing television and radio owners and managers to do whatever they want or think is profitable, without any FCC-enforced obligations of decency or fairness. This means that broadcasters and cable telecasters are given unlimited rights. There is no longer any requirement for character references for prospective broadcast license holders; all an applicant needs is "luck, expertise and money." That attitude would not bar ownership even by organized crime. The reality today is that ownership of stations is becoming concentrated in the hands of a very few people.

Without enforcement of the law against obscenity and indecency, cable television carries hard-core obscenity such as the Playboy channel, the independent TV stations try to compete by offering uncut R-rated movies, and primetime network television tries to retain its market share by offering raunchier and raunchier programming.

The moral standards of prime-time network TV are low enough. It isn't too much to ask that the Federal Communications Commission hold cable at least to the minimal standards of network television.

The FCC has pulled the wool over the eyes of some conservatives by waving the buzz word "deregulation." Deregulation of the airlines has been good because it brought about competitive low fares, which in turn enabled millions of Americans to ride on a plane for the first time.

But try asking those millions of Americans if they want "deregulation" of safety rules about air travel to follow deregulation of fares, and you'll get a thunderous "NO." Likewise with television and radio; price deregulation is welcome, but decency deregulation is unacceptable.

### The Cancer of Cable Porn

A Chicago newspaper columnist related the story of a 9-year-old girl who went to a slumber party with her friends. The children stayed awake past bedtime, as girlfriends are wont to do, and then they turned on the television. This gave the 9-year-olds their first experience with pictorially explicit sex, and it had a traumatic effect. You can imagine the reaction of the mothers the next day who were asked by their daughters why men and women with no clothes on were crawling all over each other.

What the little girls saw was a pay-TV channel which came via satellite. The way it works is that everybody in the area receives a scrambled signal on this channel and, if you pay the prescribed fee, your channel is unscrambled and the picture comes in clear.

But the slumber party took place in a household which did not subscribe to pay-TV or have any pay-TV accessories. The station manager explained, "We don't know why [it happened]. Something must have broken down electronically."

Millions of people subscribe to cable television because they want to get CNN, CBN, C-SPAN, the super-stations, or sports. Complaints are widespread that pornographic programs bleed onto their sets without their consent or payment. This has even happened on my own television set. This doesn't happen everywhere, but it's happened often enough to refute the argument that you can avoid pornography by not inviting it into your home. It can come as an uninvited guest and psychologically damage your children.

Another technique used by some cable porn stations is to offer the channel free to all cable viewers for an introductory period of three months. They hope that viewers will become addicted rapidly and then be willing to pay for the cable porn when the free period expires.

Pornography is *not* a "victimless crime." The principal victims are women and children. The victims are also the men who become addicted and thereby unable to enjoy normal sex in a stable marriage.

### Pornography in Libraries

Child pornography (which is pictures of children performing sex acts) is the one kind of pornography that is noncontroversial in polite circles. When this subject is brought up in debate or discussion, most people agree that it should be prohibited.

It wasn't always thus. A few years ago, some people quite openly argued, despite the laws against child pornography, that the First Amendment was broad enough to clothe the pimps who persuaded children to model in sex acts. Then came *New York v. Ferber*, the U.S. Supreme Court decision of 1982, which firmly established the principle that there can be no constitutional protection for child pornography.

This decision upheld the constitutionality of the laws in half the states. Most of the other states have since acted to toughen their laws in line with the *Ferber* decision. Likewise, Congress almost unanimously passed the Child Protection Act, signed by President Reagan in 1984, which strengthened federal laws as far as the *Ferber* decision allowed.

What made *Ferber* different from other Supreme Court pornography decisions is the rule that child pornography is illegal *per se* and can be punished even though it does not meet the Court's *Miller* definition of obscenity. Prosecutors need prove only that the child who is photographed performing a sex act is under age 18.

The Supreme Court gave two reasons for making all child pornography illegal. First, child pornography is always produced without the informed consent of the person being photographed; that person is unable to give consent because he or she is a minor.

Second, child pornography, once produced, is a

tool that child molesters use in the seduction of other children. Abundant evidence proves that pedophiles do not use violence toward their victims; they instead use pictures of other children performing sex acts in order to persuade their victims to perform sex willingly.

The decision and laws against child pornography were fought vigorously by St. Martin's Press in New York, which is the publisher of a 1975 book of child pornography called *Show Me!* by Fleischhauer-Hardt and McBride. This book is clearly illegal under the new anti-pornography laws and the *Ferber* decision because it contains numerous larger-than-life-size photographs of young children performing a variety of sex acts too explicit to describe here. The publisher lost the case and ceased publication.

FBI Special Agent Kenneth Lanning called *Show Me!* "the single item most commonly found in the possession of pedophiles in the United States." A New York postal inspector described it at the Attorney General's Pornography Commission hearing by saying, "That's like their [the pedophiles'] Bible."

After *Ferber* upheld the New York state law, the publisher testified at a hearing of the U.S. Senate Juvenile Justice subcommittee. He admitted that the children photographed in his book were under age 16, but he tried to persuade Congress to allow him to continue marketing the book in states which had not yet legislated the *Ferber* standard.

The *Show Me!* publisher lost again, and Congress passed the Child Protection Act of 1984 which follows *Ferber* guidelines. *Show Me!* became illegal to sell, distribute or receive throughout the United States, and bookstores were so informed. *Show Me!* is no longer advertised in pornographic magazines such as *Hustler*, and no longer sold openly in porn shops where it was previously a best-selling item.

But that's not the end of the story. Although *Show Me!* cannot be sold legally anywhere in the country, it is still available for the asking in some public libraries. The American Library Association and many of its members have the peculiar attitude that libraries should be exempt from the pornography laws that apply to everyone else. In many states, the American Library Association has even lobbied state legislators to include a specific exemption for libraries from the anti-pornography laws. Librarians want a unique right to evade anti-pornography laws.

Public libraries are maintained with taxpayers' money and they should be subject to the ultimate supervision of the taxpaying public. Check your local public library and find out whether it is obeying the laws against child pornography.

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