

Approved February 25, 1986
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Jeanne Hoferer at
Chairperson

10:00 a.m. ~~pm~~ on February 11, 1986 in room 123-S of the Capitol.

All members ~~were~~ present ~~except~~: Senators Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present:

Mary Sue Hack, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Bob Knight, Wichita City Commissioner
Clark Owens, Sedgwick County District Attorney
Reverend Mike O'Donnell, National Federation for Decency, Wichita
Linda Stephens, National Federation for Decency, Topeka
Gayla Templeton, National Federation for Decency, Topeka
John Yeats, Pastor, Shawnee Heights Baptist Church

Senate Bill 178 - Crimes relating to obscenity and child pornography.

Senator Hoferer, who chaired the meeting in the absence of Senator Frey, called on Bob Knight who presented to the committee the background of the bill. He explained this was introduced by a group of Wichita senators to combat obscenity and pornography to the detriment of children, especially, in the Wichita area; but application is statewide. He stated there is a corollary between this and crimes against women and children and that the citizens of Wichita are becoming very concerned about the problem.

In answer to a question from a committee member concerning victimless crime, Mr. Knight felt there was no such thing in this regard, especially when property values decline because of adult bookstores and movie theaters.

Clark Owens presented a technical explanation of the bill and pointed out the specifics, comparing the present law in Kansas with several other states. He was of the opinion in citing various cases that the bill would be deemed constitutional (See Attachment I). A short discussion followed his presentation.

Reverend Mike O'Donnell, Linda Stephens, Gayla Templeton and John Yeats followed with testimony in the same vein (See Attachments II, III, IV).

Gayla Templeton informed the committee of a book, "Show Me", which is available in some public and school libraries, which, when used for so-called educational purposes, cannot be removed from the shelves. This matter was of special concern to her.

The meeting adjourned.

Copy of the guest list is attached (See Attachment V).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 2-11-86

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Gayla Tompkins	401 Fairview, Topeka	N.F.D.
Linda Stephens	3001 SW Gansboro	Topeka area chapter NFD
Gene Brooks	Emporia	Mulid
Cecil R. Brown	Wichita, Kans. 317 S. Handley	Citizens for Democracy
Edwin H. Wiechan	Wichita 926 E. Emporia	Citizen for Democracy
Brad W. Bennett	8529 W. Murdock	Wichita N.F.D.
Clark V. Owens	535 N. MAIN, WICHITA	DISTRICT ATTORNEY
Bradley Frost	48 Norfolk	Individual
BOB KNIGHT	455 N. MAIN	CITY OF WICHITA
Judy Anderson	Wichita	City of Wichita
Jim Cole	Topeka	Ks Co DA Assoc
Curtis Cole	Wichita, Ks	W. Sedg. Co. NFD
Belva Ott	Wichita	Dunn + Bradstreet Inc.
Donna Smith	Topeka	K.B.A.
Karlan Belal	Topeka	TAC-NFD
John [unclear]	Topeka	Citizen
Marilyn O'Donnell	Wichita	Sedgwick County National Federation of Democracy
John [unclear]	Topeka	K.C. Times
[unclear]	Lawrence	Exp. - Brown
[unclear]	KSNT	
Joe Roe	KWCH TV	WICHITA KS

SEDGWICK COUNTY DISTRICT ATTORNEY

18th Judicial District

Sedgwick County Courthouse
Annex — Second Floor
535 North Main
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CLARK V. OWENS
District Attorney

(316) 268-7281

HENRY H. BLASE
Chief Deputy

August 27, 1984

Limitations On Prosecution Of Obscenity Cases

1. Civil Injunction suits are unconstitutional as applied to movie theaters and book stores.

The Kansas nuisance abatement statute as applied to promoting obscenity has been held to be unconstitutional. This statute has become the most effective tool in controlling the problem of massage parlors being used as houses of prostitution. The civil injunction action was more effective than criminal prosecution.

In 1976, the Kansas Supreme Court ruled in the case of State of Kansas v. Motion Picture Entitled "The Bet", 219 Kan. 64 that the courts may no longer order movie theaters and book stores to be padlocked for violating the promoting obscenity statutes. This remedy that is so effective against massage parlors is not available to be used by prosecutors against theaters and book stores. This limitation cannot be changed by legislation. It would require either an amendment to the United States Constitution or the Kansas Supreme Court would have to reverse its interpretation of the Constitution.

2. The Kansas definition of obscenity is not as restrictive as it could be.

The Kansas definition of obscenity as set forth in K.S.A. 21-4301 is less restrictive than is permitted by the United States Constitution. In the State of Kansas, the following three elements must be proven to establish that a material is obscene:

(1) The average person applying contemporary standards would find that such material or performance, taken as a whole, appeals to the prurient interest, and

(2) That the material or performance has patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, and

(3) That the material or performance, taken as a whole, lacks serious literary, educational, artistic, political or scientific value.

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The foregoing definition follows the guidelines set forth in the landmark United States Supreme Court decision of Miller v. California, 413 U.S. 15, 37 L.Ed. 2d 419, 93 S Ct 2607 (1973) in all respects, except one. Section (2) of the Kansas definition only adopted one-half of the Miller definition. In that decision, the United States Supreme Court ruled that the states have the right to regulate the following types of material as being obscene:

"(a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated.

(b) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals."

In 1976, the Kansas Legislature amended the obscenity statute to comply with the Miller decision, however, was less restrictive. The Kansas Legislature failed to adopt subsection (b) and does not prohibit simulated acts set forth in subsection (a). Therefore, it can be concluded that the State of Kansas does not intend to prohibit representations of masturbation, excretory functions and the lewd exhibition of the genitals. This omission may have been an oversight, or intentional, but regardless the Kansas definition is not as restrictive as the Constitution permits. This loophole in the law may be corrected by amendment to the state statute and city ordinance, provided that the community desires that the law be more restrictive.

3. The projectionist and assistant projectionist at pornographic theaters are exempt from prosecution.

The Kansas obscenity statute set forth at K.S.A. 21-4301, provides that the projectionist and assistant projectionist at movie theaters may not be prosecuted for promoting obscenity unless they have a financial interest in the business. The theaters are using this exemption as a shield against prosecution. The theaters are organized as corporations and the only people that are physically present at the facility are the projectionist and assistant projectionist. Prosecutors are unable to prove that the directors of the corporation have knowledge of the content of the movies and are therefore left with a prosecution only against the corporation. We do not have effective control over the theater since we cannot put a corporation in jail.

The clerks of adult book stores may be prosecuted for promoting obscenity, but their counterparts in movie theaters are exempt by law. This projectionist exemption has been held to be unconstitutional by the Supreme Court of Ohio in Pack v. City of Cleveland, 438 N.E.2d 434 (1982), however, other states have held that it is constitutional.

The state statute could be amended to eliminate the projectionist exemption. The city ordinance governing the same cannot be amended until the state statute is changed since the statute specifically mandates that the city ordinance contain the exemption.

4. The owners of the adult movie theaters and book stores generally cannot be prosecuted.

In order to prosecute an individual for promoting obscenity it is necessary to prove beyond a reasonable doubt that the person charged has knowledge of the content of the particular magazine or movie that is the subject of the prosecution. The owners of the business hire clerks and projectionists to handle the pornographic magazines and movies. It is quite difficult, if not impossible, to prove that the owners had knowledge of the content of the magazines and movies that were sold. While this may seem to be a technicality, knowledge or "scienter" is an essential element of the crime.

The State of Delaware has found a partial solution to this problem. A Delaware statute, 11 Del. C. section 1363 provides:

"A person who disseminates or possesses obscene material in the course of his business is presumed to do so knowingly or recklessly."

This statute establishes a presumption that the owner knows the content of the magazines and movies that are sold in his store. This statute has been found to be constitutional by the Delaware Supreme Court in Gotleib v. Delaware, 406 A. 2d 270 (1979). Prosecuting the owner of the adult theater or book store is much more effective than prosecuting the clerks. Both the Kansas statute and the city ordinance could be amended to include this presumption.

5. The Kansas statute makes it very difficult to elevate the crime of promoting obscenity to a felony.

The Kansas statute, K.S.A. 21-4301 provides that a conviction for promoting obscenity on both the first and second offense is a misdemeanor. It is only on the third conviction that the crime is elevated to a felony. Even then the third offense must be committed within two years after a previous conviction for the new offense to be considered a felony.

To obtain more effective control over obscenity the state statute could be amended to provide that only the first conviction is a misdemeanor and any subsequent conviction be a felony. Depending upon the attitude of the public in providing strong sanctions against obscenity, the statute could even provide that the first conviction is a felony. This is a matter which requires the input of the community to determine as a matter of public policy how strong the sanctions should be. The city ordinance could not be amended in this regard since only misdemeanors may be established by city codes.

6. The Kansas statute does not prohibit the sale of artificial sexual devices.

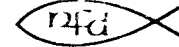
The Kansas statute which prohibits obscenity does not address the problem of artificial sexual devices. To be obscene under the state definition the material must represent an ultimate sexual act. Devices such as rubber penises, vaginas and vibrating dildos do not fall within this definition.

Some states have enacted statutes that specifically address artificial sexual devices. The State of Georgia prohibits as obscene material "any device designed or marketed as useful primarily for the stimulation of human genital organs". This statute has been held to be constitutional by the Georgia Supreme Court in Sewell v. Georgia, 233 S.E.2d 187 (1977) and the United States Supreme Court refused to hear an appeal of that decision in Sewell v. Georgia, 435 U.S. 982, 56 L.Ed.2d 76, 98 S Ct 1635.

Again, depending upon whether the community wishes to ban this type of product, both the state statute and city ordinance could be amended to prohibit the same.

7. The Kansas statute could be amended to prohibit child pornography per se.

The Kansas statutes do not have a specific provision for child pornography, but rather incorporate it in the general obscenity statute. The Kansas statute could be updated to provide for the more strenuous prohibition of child pornography as permitted by the United States Supreme Court decision of New York v. Ferber, 102 S Ct 3348 (1982). This decision allows for legislation to prohibit distribution of material which portrays children in sexual activity without the need to prove the other elements of the general obscenity statute. While there are no reports of the adult theaters or book stores selling child pornography in Wichita, this change could provide us with more effective control if it should occur in the future. Both state statute and city ordinance could be amended to include this provision.



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In his statements, Senator Denton stated,

"Pornography is a subject of great importance. It has been estimated that the pornography industry grosses yearly between \$400-600 Billion. The past decade has been a period of explosive growth for pornographic materials, which have been increasingly more bizarre and violent. Virtually no city in this country is untouched by the influence and presence of pornography."

There are more adult bookstores in the United States than McDonald's Restaurants. In Wichita, we have 5 adult bookstores and two movie theatres, plus many nude dancing establishments. These bookstores sell books ranging in price from \$3.00 to a book that sold for \$75.00, with many costing \$30.00 and up. Also, these establishments have what they call private video booths, where you buy tokens such as this one (to be presented to the committee) which will play a 30-second segment of a pornographic film on a closed circuit television. This has a choice of 12 different channels. Inside the booths (some have as many as 25 separate rooms), they view the film segments privately, where they can view oral, anal sex, sex with paraphernalia, and group sex. Most men, while viewing these film clips, masturbate and leave their semen on the walls. This information comes from personal observation as recently as yesterday. The book stores sell sexual paraphernalia such as synthetic genitals, and many types of video cassettes which can be taken home and viewed in the home. The material in the books range from oral and anal sex to homosexual and gay sex and even suggested some child pornography, such as we purchased yesterday. I will submit this as evidence to the committee for their judgement on the material.

Finally, why are we concerned about this problem? We have done much study on the effect of pornography on society, not through our expertise, but on the studies of others such as:

- 1) The Michigan State Patrol found that in 38,000 sexual assault cases on

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file in Michigan, 41% involved some use of pornographic materials purchased prior to the act, or during the act.

- 2) The University of New Hampshire researchers found states with the highest readership of men's magazines also have the highest incidence of reported rape.
- 3) A study of the University of Indiana's pornography researcher, Dolf Zillman, indicated massive exposure to pornography leads to sexual dissatisfaction in both men and women.
- 4) Research by the University of Pennsylvania researcher, Ann Burgess, has indicated the use of pornography to be related to the abuse of children.

"Children become easy targets for behavior planted by pornography. They are particularly vulnerable as targets for adults not only who are sexually disturbed, but who have difficulty with normal adult heterosexual relationships.

The use of pornography has been found to be intimately related to the sexual abuse of children, not only in the use of child pornography to lower the inhibitions of children and legitimize both normal and aberrant sexual behavior as natural for the child, as well as the adult viewer."

That final researched subject of the effect of pornography bothers us the most. Our children are potential victims of the habitual users of pornography. Dr. Elizabeth Holland who treats child abuse victims gives this story of corruption of pornography,

"I treated a family who came into my office -- they were brought in by police. There was a mother and father, middle twenties. There was a four-year-old boy and a three-year-old girl. It seems that the mother and father were producers of kiddie porn and they had used their children for two years for models. The children were required to strip naked and to engage in sexual acts with each other. To engage in sexual acts with adults. To engage in sexual acts with animals. I have seen 8 X 10 glossy prints produced by this family with this four-year-old boy and three-year-old girl engaged in sexual intercourse at the same time there was a dog with his hairy penis in the little girl's mouth and the little boy's penis in his mouth. And at the same time, the mother would take cups of blood and pour it over the children's heads. And you know, people buy this filth. There's a market for this. It's a multi-million-dollar business in our nation today. And because of this, these children have suffered



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untold harm."

While we understand that this legislation will not eliminate these perversions from our state. it is the beginning of criminalizing this cancer that causes much pain in our society. That is why we, of the Sedgwick County Chapter of The National Federation for Decency, and many other concerned citizens, beg you to bring the bill to the Senate floor and support its passage. Again, this is a vitally important legislation. If you would be interested in more information, we would consider it a privilege to be of any further assistance to you.

Thank you for your concern,

Michael O'Donnell
President
Sedgwick County Chapter
National Federation for Decency

II

Senators, members of decency organizations in Kansas, and distinguished guests committed to fighting pornography in Kansas:

Let's start with a definition of pornography...it is the literature of sexual deviancy. The pornography industry grosses directly \$4 billion annually. The reason it exists is because there is a demand for it. In 1970, the U.S. Senate vote of 60 against and 5 for the Commission Report produced by the Presidential (then Johnson) Commission on Obscenity and Pornography did not affect the media's acceptance of the "no harm in porn" idea and the report became the "Magna Carta" of the Porn Industry. The Commission Report stated that pornography was:

1. harmless, even of potential therapeutic and cathartic value
2. had no negative effects on adults or children
3. was not a social problem
4. its production and distribution should be free from any regulation or control

from (1985) Scott, Pornography- Its Effects on the Family, Community, and Culture, Washington, D.C., The Child and Family Protection Institute.

President Reagan signed the Child Protection Act into law in May 1984 and announced the formation of the Attorney General's Commission on Pornography. They are meeting now and will be addressing and correcting the false statements such as porn is not harmful etc. made in the 1970 Commission Report. Current research by Malamuth, Donnerstein, and Zillman as described in Scott (1) showed a negative desensitized effect of violent and non-violent porn on normal people as well as on the sex offender. Scott (2) mentioned that research by Martin Roth and Edward Nelson in 1982, emphasized that pornography does create an increased interest in sexual deviancy.

The pornography industry has left the decaying central areas of our cities and the sleazy areas of our towns that it inhabited 10 years ago and has become far more pervasive today...being found in the family marketplace. The variety of porn removed it from the red light district and into your home. Examples of the variety of porn are:

1. pornographic magazines in the family marketplace
2. dial-a-porn on your own home phone
3. computer transmissions of pornography on your home computer
4. satellite and cable transmission (Playboy channel, Rainbow service, and Pleasure channel) on your own TV because the FCC has failed to regulate U.S. broadcasting. This past fall, there has been a record increase in the number of prime time violence shows, sexually and verbally abusive imagery in the soaps, and sexual violence in rock videos that we as well as our children watch. This is a result of the "no-harm" effect of porn from the Commission Report.
5. XXX-rated movie theater in your neighborhood that features XXX-rated videos and live burlesque with autographed pictures of the featured burlesque queen handed out. May I remind you that 70% of all porn ends up in the hands of minors? 70%! (Henry Boatwright, Chairman of the U.S. Advisory Board for Social Concerns, 3)
6. Lastly, X-rated videos available at your neighborhood video rental center

Adult porn flourished following the passage of the Protection of Children Against Sexual Exploitation Act in 1977 and moved from dirty words and dirty pictures of the 1950's to heterosexual and homosexual intercourse, gynecologic portraits of Playmates of the month, group oral and anal sex, incest, sodomy, bestiality, sadomasochism (sex and violence), urination, and defecation. At this time, however, Scott (4) cited findings by Lanning and O'Brien that underground or black market child porn began to increase as a result of pedophiles (adults sexually molesting children) operating sex rings and cottage industries of child porn.

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What is the relationship between pornography and crime? Dr. [redacted] tor
line of the University of Utah found in a study he conducted that there are
stages of escalation to crime while feeding on porn. They are : (1) addiction;
(2) escalation from soft to hard porn; (3) trend to become desensitized and the
values change; and (4) drive to act out what porn has been seen. Scott(5) cited
from Citizens for Decency Through Law that police investigations nationwide
reported finding substantial porn collections in the homes of virtually every
pedophile they apprehended and arrested. The selling and buying of porn is
done at a cost.

What about the child victims of adults feeding on porn or the
child victims of pedophiles in the business of underground child porn? Children
are brought into porn as missing or runaway with or without parents knowledge.
Scott(6) reported from the FBI Bulletin of 1984 which stated that every year,
1 million children are photographed in sexually explicit poses or who perform
in sexual acts with other children or adults willingly or unwillingly. These
children came from two sources: (1) those sexually victimized outside the home
or as runaways without parent knowledge and (2) those sexually victimized with
knowledge of the parent. Dependent children are particularly vulnerable as a
target for the pedophile as these youngsters can't say no as an adult can Scott(7).
In Scott(8), Lanning has determined that children are also targets for adults
who have difficulty with normal heterosexual relationships, i.e., adults lacking
social skills and the ability to meet women. Some of these children will be
murdered to silence them as witnesses to sexual victimization or for the pedo-
philes own sexual gratification. Scott(9) cited findings by Dr. Gene Abel at
Columbia who discovered distressing statistics that child molestation was a
more serious and frequent crime than rape. The child molesters he studied were
each responsible for molesting an average of 68.3 victims and each molested on
an average 40 victims before the individual molesters were first reported to the
authorities. Abel found that the average rapist assaults only 23 victims, 1/3
that of the pedophile,

Scott(10) summarized the results of one study that points to children
not only being missing, but far more are being molested by neighbors and family
friends who have themselves been molested as a child. He reported that in the
majority of cases, adolescent and adult child molesters have viewed and fed
on porn (soft and hard core) as these materials have become increasingly pervasive.
Further, adult porn is used by the pedophile to show the child that sexual deviancy
is normal and natural and that it's o.k. to do what is shown in the pictures. The
child porn is used by the pedophile for sexual gratification.

Scott(11) cited Hustler 1982 which referred to the goal of many
pedophile organizations as a means of exchange and collection of information
from children's addresses to pseudo-scientific articles supporting sex with
children. These organizations include the North American Man/Boy Love
Association, whose motto is "sex by eight or it's too late", the Lewis Carroll
Collector's Guild, Pedophile Information Exchange, and the Childhood Sensuality
Circle. How many children are sexually victimized annually in the U.S.? Scott(12)
cited from the Committee on Sexual Offenses Against Children and Youths statistics
that revealed one in five females and one in ten males are sexually assaulted
yearly. What is the damage done to these children? Dr. Elizabeth Holland, a
pediatrician who treats sexually abused children has taken a stand in the fight
against porn. She stated and I quote "I cannot erase the hurt and the bewilder-
ment and the fear from the eyes of those who have been affected by pornography
as it exists today. And yet, the purveyors of pornography want to bring it into
my living room and into your living room and into the living room of anyone who
wants to plunk down a few dollars and feed on sickness and decay. I can't treat
the effects-I can't treat these children who have been abused. The damage is done.
I'm reminded of the disease of polio, which we fought for so many years. A child
who has polio and comes to me with a withered limb, it's lost it's function. Per-
haps, physical therapy will help a little, perhaps it won't. I can't treat the effects
of polio-but ~~it has~~ effectively been conquered in our nation. How? Through a

vaccine, and we now prevent it. Polio can be treated by prevention-not by treatment of its effects. Pornography? I cannot treat the effects of the pornographers on children. They will wear these handicaps for the rest of their life. But pornography can be prevented, It can be prevented, it can be conquered, and it can be stopped if we can enlist the help of good people throughout this land who are willing to stand up and be counted in this effort. Please join us and help stop the spread of this filth in our land." (13)

I urge you to do what you can to get SB #178 onto the floor of the Senate for a vote.

References

1. p.5 Scott (1985) *
2. p.4 Scott(1985)
3. Dallas Morning News 3/5/84
4. p.3 (1984) Scott. Preliminary Draft Pornography:an Update on Recent
Published and Unpublished Research, Washington, D.C.Aug.1984.
- 5.p.10 Scott(1985)
6. p.16 Scott(1985)
7. p.7 Scott(1984)
8. p.9 Scott(1984)
9. p.13 Scott(1985)
- 10.p.7 Scott(1984)
- 11.p.13Scott(1985)
12. p.19 Scott (1985)
13. p.6&7 NFD, Jr. October 1984

*1985 Scott, D.A. Pornography-Its Effects on the Family, Community, and Culture,
Washington, D.C., The Child and Family Protection Institute.

Prepared by Linda Stephens, President- Topeka Area Chapter National Federation for Decency.

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John 9 5

Senators, Ladies and Gentlemen:

I stand in support of S.B. 178 and express thanks to those specific Senators introducing this legislation.

I know, too, I'm joined by thousands of fellow Kansans who want the smut out of our State, our malls, our grocery stores, our convenience stores and our book stores. A Gallop poll in the late 1970's said that 79-80 percent of Americans oppose obscenity.

I must ask, "Why does it stay?". Primarily because most folks don't understand the awesomeness of pornography nor do they understand what can be done. But they do expect their elected officials to deal with obscenity and rid their communities of the smut. S.B. 178 is a step in the right direction and S.B. 234 (which has yet to receive a hearing in this committee) is even a better step.

We must understand porno is no longer "just a few naked women". It has become sex torture of little children. You can see for yourself what has developed since 1954 in the article I've copied for you. Dr. Judith A. Reisman, who conducted a study under a grant from the U. S. Department of Justice, conclusively shows the intent of obscene publications is to use children as the target for their perverted philosophy of sexuality. What's even more amazing is that the "soft porn" (Playboy, Penthouse and Hustler) are some of the most frequent exploiters of children. This is the stuff that's sold either under or over the counter in the bookstores at the mall, the drug stores, the convenience stores, and the video film centers.

The entire child smut industry is promoting a sick philosophy. When pornography first became legitimate child pornography was a fake. Now the use of actual children in disturbing porno pictures are readily available. (Cook County State Attorney Bernard Carey).

Lloyd Martin of the Los Angeles Police Department Sexually Abused Child unit says

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"Sometimes for the price of an ice cream cone a kid of eight will pose for a producer. He usually trusts the guy because he's getting what he can't get from his parents - love."

What's even worse (and SB 178 will help stop) is parents who sell their own children to pornographers and video producers (i.e. the couple in Security, Colorado, who were charged with selling their 12 year old son for \$3,000. to a porno producer).

Something must be done. Herbert Treudinberger, a child psychoanalyst in New York says that children used in these sexually deviate ways become sexually deviate adults. We don't need any more deviate behavior in our culture than we already have. We need good legislation (i.e. SB 178) to curb and retrain those people bent on making a buck through child pornography at the expense of a child. Today's perverted material clearly illustrates that pornographers will do and print anything for their addicts even if it means the purchasers will probably destroy the life of another person. For example Lust For Fun (sold in adult bookstores). This book is a child seducer's manual. It shows in detail how to pick up a little girl from a school yard or play ground; how to entice her home; how to lead her to undress and have sex, without being frightened; and then how to hide the traces.

Unless good legislation is passed like SB 178 (and I might add SB 234) more and more of this smut will be produced and marketed in our state. It's not good for our children. It's not good for families. It's not good for adults. It's not good for Kansas.

I know you all aspired to be Senators for you perceived that through elected office you could help our Kansas be a better place to live. Passage of SB 178 will affirm you as a person and a Senator.

a Report of the U. S. Commission of Obscenity and Pornography includes extensive police files:

1. Murder-Sexual Perversion. Male, aged 27, and female, aged 23, murder a girl, aged 10, and boys, ages 12 and 17. Prior to their death murderers employed torture and sexual perversion and tape recorded the events. Lewd photographs of young girls in pornographic poses and a library of pornographic and sadistic literature (DeSade) were found in the male's possession. Lee Ian Brady/Myra Hingley Moors case, December 9, 1965, and Lady Snow's book, "On Iniquity" by Scribner, discussing this famous Moors case.

2. Rape Case. Seven Oklahoma teenage male youths gang attack a 15-year-old female from Texas, raping her and forcing her to commit unnatural acts with them. Four of the youths, two the sons of attorneys, admit being incited to commit the act by reading obscene magazines and looking at lewd photographs. See Fellers Case, Oklahoma City, Feb. 1, 1966.

3. Assault. Male youth, aged 13, admits attack on a young girl in a downtown office was stimulated by sexual arousal from a stag magazine article he had previously read in a public drugstore, which showed naked women and an article on "How to Strip a Woman." See affidavit of youth, dated June 30, 1965.

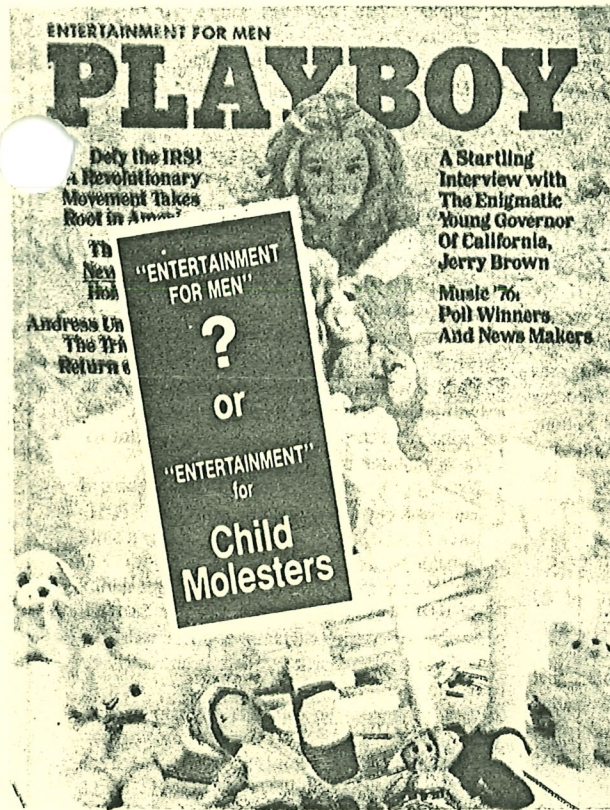
4. Attempted Rape-Juvenile Delinquency. A 15-year-old boy grabbed a 9-year-old girl, dragged her into the brush and was ripping off her clothes. The girl screamed and the youth fled. The next day he was picked up by police. He admitted that he had done the same thing in Houston, Galveston, and now in San Antonio. He said that his father kept pornographic pictures in his top dresser drawer and that each time he pored over them the urge would come over him. See Report of Capt. G. E. Matheny, Juv. Off., San Antonio, Texas, Police.

5. Juvenile Delinquency-Sex Perversion. Police officer making rounds in city park discovers minor boy committing act of sodomy on another minor boy. Center spread of "Playboy" was being used as means of excitation. See Juvenile Police Officer Frank Meehan, West Covina, Calif., 1964.

6. Juvenile Delinquency-Child Molestation. First Ass't State's Attorney Edward M. Booth, Jacksonville, Fla., writes in his letter of May 27, 1966. "We have four felony charges pending in our criminal courts at this time wherein adults are charged with various sexual offenses involving minor children. In each of these four cases, we have found that obscene literature and other pornographic materials were used to entice minor children ranging in age from 8 to 16 years, including both boys and girls, into indulging in various lewd and lascivious sexual acts with the adults involved... I have found that most cases involving sexual activities with minor children have obscene and pornographic literature and materials involved, and perhaps, this is true throughout the country...."

7. Juvenile Delinquency. A 17-year-old youth was picked up for writing a most obscene and suggestive letter to a 14-year-old girl. The youth took the officer to the neighborhood drugstore and showed him the books he had been reading: "Vengeful Virgin," "Sex Appeal," "How to Make Love," all available at 35¢ to a dollar on numerous newsstands. See Report of Capt. G. E. Matheny, Juv. Off., San Antonio, Texas, Police.

8. Juvenile Delinquency. A 14-year-old boy on the north side was arrested for making obscene telephone calls. He admitted that he had called over 200 women and girls. He had in his home a huge manila envelope stuffed with filthy pictures. These he had traced from pictures in such magazines as "Sun Bathing," "Nudist," etc., because he had looked them over many times but did not have the money to buy them. He further admitted that while talking to the women he had the urge to hurt them. See Report of Capt. G. E. Mathony, Juv. Off., San Antonio, Texas, Police.



Child Pornography Promoted In Top-Selling Erotic Magazines

“...the magazine, by portraying children as sexual objects, is almost placing society’s official imprimatur on the deviant—and illegal—practice of child sexual abuse.”

But among the 2,016 child cartoons, the magazines did illustrate 2,512 children as either receiving, initiating, or observing sex or violence.

“Contrary to intuition,” Dr. Reisman added, “most of the children in *Playboy*, *Penthouse*, and *Hustler* did not belong to the high school age group.”

Nearly half the children, she said, were between the ages of 3 and 11-years-old.

“The principal children in *Playboy*, *Penthouse*, and *Hustler* cartoons were physically depicted as natural, alive, human children two-thirds of the time. One-third of the time they were characterized in a range of ways, chiefly as unnatural offspring of human parents, children with exaggerated sexual parts, and as deformed, dismembered, or dead human children,” Dr. Reisman said.

Dr. Reisman also discovered that as the erotic magazines became more comfortable with portraying children in cartoons, the publications became more crass in displaying children in “child visuals.”

A child visual, simply put, is a pornographic photograph of an actual child or, what Dr. Reisman calls, a pseudo-child that is meant to be attractive. A pseudo-child is an adult—but very young looking—female who is dressed, or placed in props, or asked to pose in distinctively childhood presentations.

Examples include girls who are asked to wear mary-jane shoes, bobby socks, hair bows, ruffled dresses and blouses, barrets, pigtails, or who are asked to shave themselves.

In addition, the girls may be placed in such prop settings as oversized shoes or chairs, baby dolls and teddy bears, Fisher-Price toys, Raggedy Ann dolls, baby bottles, and adolescent bedroom settings.

Furthermore, the girls may be asked to suck their thumbs or lie in the fetal position.

And to further illustrate youth, the publications have used

such headlines as, “Cynthia Baby Face,” “The Farmer’s Daughter,” “Lolita: Back to School Issue.”

In its feature, “Father Knows Best,” *Playboy* even printed an article by a photographer who had been photographing his daughter—naked—for 21 years. *Playboy* even ran some of these photographs.

Dr. Reisman asked, “How many other fathers who have cameras will say to themselves, ‘I too have a young daughter in the house?’”

Dr. Reisman told *Liberty Report* that she believes the cumulative effect of displaying children as sexual objects heightens arousal for real children.

“The mind cannot disassociate in the brain a real child from a photo,” she said.

Because *Playboy* has cultivated a socially acceptable status and has given editorial space to such honored public figures as President Jimmy Carter, columnist William Buckley, economist John Kenneth Gailbraith, Jr., author Alex Haley, and a host of U.S. Congressmen, Dr. Reisman believes the magazine, by portraying children as sexual objects, is almost placing society’s official imprimatur on the deviant—and illegal—practice of child sexual abuse.

Interestingly, when Dr. Reisman announced her intention to study *Playboy* for its depiction of children as sexual objects, the magazine ceased running both child visuals and child cartoons.

During the years 1984 and ’85 not one child was featured in a visual or cartoon in *Playboy*.

But *Playboy* denies there is any association.

Said Burton Joseph, special counsel to *Playboy*, “*Playboy* makes efforts to cater to the interests of the reader and it makes sound editorial decisions. Has there been a decision to eschew certain characterizations? I think so. For instance, *Playboy* has made a decision not to carry gun ads.

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By Martin Mawyer

According to a recent study, the nation’s top-three selling erotic magazines—*Playboy*, *Penthouse*, and *Hustler*—have had a long history of depicting children in sexual and violent scenarios.

“From the very beginning, since 1954, children have appeared in sexual context with adults in these magazines,” said Dr. Judith A. Reisman, who conducted the study under a grant from the U.S. Department of Justice.

Her study, which examined 683 magazines, found 2,016 child cartoons and 3,988 child visuals in the magazines—though not all of the cartoons and visuals depicted children in sexual or violent scenarios.

“Of these, *Playboy* accounted for 3,045 cartoons and visuals, *Penthouse* for 1,180, and *Hustler* for 1,779, for a total of 6,004 child-linked images,” Dr. Reisman told the United States Commission on Pornography.

...Child Pornography

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“But no such editorial decision has been made involving children. I don’t think the policy of *Playboy* has changed, neither do I think it has ever encouraged children as sexual objects.”

Accusing Dr. Reisman with “Soviet-style research,” Mr.

Joseph said childhood depictions in *Playboy*’s 31-year history are “simply isolated cases in hundreds and hundreds of pages of editorial space.”

In the magazine’s editorial pages, however, *Playboy* completely denied depicting children in sexual contexts.

The publishers state, “If other magazines are publishing cartoons of ‘gang rapes of children, fathers sexually abusing daughters, benevolent or father figures raping or murdering young girls,’ *Playboy* never has, never will.” (*Playboy*, Oc-

tober, 1985)

Yet Mr. Joseph admits, “I have seen cartoons in *Playboy* that involve children. Dorothy (of the Land of Oz) sitting by the road with a sexual reference (she was gang raped by the Tin Man, Strawman, and the Lion) is an example. But you’ve got to understand that what makes humor funny is its incongruity with what is normal.

“Some are amused, some are bored,” he said.

And some are outraged.

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