

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by CHAIRMAN MILLER at \_\_\_\_\_  
Chairperson

1:30 a.m./p.m. on February 24, 1987 in room 526S of the Capitol.

All members were present except:

Representative Roper & Peterson-E  
Representatives Roe, Charlton & Hensley

Committee staff present:

Lynda Hutfles, Secretary  
Mary Galligan, Research  
Mary Torrance, Revisor  
Raney Gilliland, Research

Conferees appearing before the committee:

Representative Marvin Smith  
Rachel Littman, Attorney General's Office  
Linda Stevens, National Federation for Decency  
Jim Mullins, Lawrence  
Mark Roberts, National Federation for Decency  
Michael O'Donnell, Wichita  
Beth Kolb  
Shari Halloran  
Charles White, Topeka  
Reverend Taylor, Kansan's for Life at its Best  
Rich Hayes, Palmer News, Inc.  
Representative Ron Fox  
Bill Hanzlick, Kansas Fish & Game  
Richard Harrold, Fish & Game  
Representative George Teagarden  
Barbara Reinart, Kansas Peace Officers Association

The meeting was called to order by Chairman Miller.

Representative Roenbaugh made a motion, seconded by Representative Rolfs, to approve the minutes of the February 23 meeting. The motion carried.

HB2287 - Displaying materials or performances harmful to minors

Representative Smith explained the bill and why he introduced it. He said it was time to serve notice on the publishers, producers and distribution promoters that Kansas wants limits on sales to minors of improper materials. See attachment A.

Rachel Littman, Attorney General's Office, gave testimony in support of the bill although she did say the Kansas Supreme Court might find problems with the constitutionality of the bill.

Linda Stevens, Topeka Area Chapter National Federation for Decency, gave testimony in support of the bill to protect minors under 18 years of age from sexual violence portrayed in kid's comic books. See attachment B.

Jim Mullins, a manufacturer's representative and salesman from Lawrence, stated to the committee that he was in full support of the bill.

Mark Roberts, President of the Manhattan Chapter of the National Federation for Decency, gave support to HB2287 because it will define and regulate the open display of material that is offensive to children. See attachment C.

Reverend Michael O'Donnell, Grace Baptist Church of Wichita, gave testimony in support of the bill and passed around some magazines (Husler and Video-X-rated) which are being observed and sold on the newstands. See attachment D.

Beth Kolb, gave testimony in support of the bill and expressed her concern that minors can purchase magazines such as Penthouse without being questioned or asked for an I.D. See attachment E.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal & State Affairs,  
room 526S, Statehouse, at 1:30 a.m./p.m. on February 24, 1987

Shari Halloran gave testimony in support of the bill because of her concern of the offensive and harmful comics which are on the shelves right next to the children's comics. See attachment F.

Charles White, preschool teacher from Topeka, gave testimony in support of the bill. See attachment G.

Reverend Taylor told the committee that he was in support of the bill.

Rich Hayes, Palmer News, Inc., explained to the committee why he was opposed to the bill. He said that KSA 21-4301a prohibits the promoting of obscenity to minors. Existing law is being violated. He said this bill is not a display measure; it is a sales ban. The same problem will occur with checking age as occurs with the sale of liquor to minors. What is harmful to minors definition will vary with whom you ask the definition. The net effect of this bill is to restrict adult reading.

Hearings were concluded on HB2287.

HB2265 - Boating under the influence of alcohol or drugs

Representative Ron Fox explained the bill and why it was introduced. The boating while intoxicated laws are very lax and something needs to be done.

Bill Hanzlick, Kansas Fish & Game, introduced Richard Harrold, Boating Law Administrator.

Richard Harrold, Fish & Game, gave testimony in support of the bill because it will allow officers to enforce an area of the boating statute that has been almost unenforceable in the past. See attachment H.

Reverend Taylor, Kansans for Life at its Best, gave testimony in support of the bill. See attachment I.

Representative George Teagarden supported the bill and suggested an amendment which would include penalties for hunting while intoxicated.

Representative Fox did not object to having this amendment included in his bill.

Barbara Reinart, Kansas Peace Officers Association, supported the bill.

Hearings were concluded on HB2265.

The meeting was adjourned.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2/24

(PLEASE PRINT)  
NAME

ADDRESS

WHO YOU REPRESENT

NAME	ADDRESS	WHO YOU REPRESENT
<i>Leslie N. Khunwood</i>	<i>Topeka</i>	<i>Rep Hassler (Antem)</i>
<i>Sally Streff</i>	<i>Topeka</i>	<i>AP</i>
<i>John P. Wolf</i>	<i>Lawrence</i>	<i>University of Kansas</i>
<i>Mike Hine</i>	<i>Sedg Co</i>	<i>Sheriff Sedg Co-KSA</i>
<i>JAMES H FOUNTAINE</i>	<i>RENO CO</i>	<i>SHERIFF</i>
<i>Larry Tesler</i>	<i>Reno Co</i>	<i>SHERIFF'S DEPT.</i>
<i>Ray Dunningway</i>	<i>Jefferson Co.</i>	<i>SHERIFF</i>
<i>Gretchen Hous</i>		<i>Div. of Budget</i>
<i>Rod Lake</i>	<i>Topeka</i>	<i>KASR</i>
<i>Mike Pagon</i>	<i>Wichita</i>	<i>Sedwick Co.</i>
<i>Rita Noll</i>	<i>Topeka</i>	<i>AG</i>

STATE OF KANSAS

MARVIN E. SMITH  
REPRESENTATIVE, FIFTIETH DISTRICT  
SHAWNEE AND JACKSON COUNTIES  
123 N E 82ND STREET  
TOPEKA, KANSAS 66617-2209



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER EDUCATION  
TAXATION  
TRANSPORTATION

FEBRUARY 24, 1987

HB 2287  
HOUSE FEDERAL AND STATE AFFAIRS

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

THANK YOU FOR ALLOWING US TO APPEAR ON HB 2287.

FOR SOME TIME THE CALIBER OF MATERIALS IN SOME COMIC BOOK  
FORMAT, MAGAZINES, FILMS AND OTHER VISUAL MATERIAL HAS BEEN  
DETERIORATING.

LAST FALL ONE OF MY CONSTITUENTS MAILED ME SOME TRASHY  
COMIC BOOK MAGAZINES AVAILABLE TO CHILDREN.

WHEN THE SHAWNEE COUNTY LEGISLATIVE DELEGATION MET IN  
DECEMBER, A SHAWNEE COUNTY CITIZEN BROUGHT BEFORE US HER CONCERN  
ABOUT MATERIALS AVAILABLE IN THE TOPEKA COMMUNITY THAT WERE  
HARMFUL TO MINORS.

IT WOULD SEEM LOGICAL FOR KANSAS TO HAVE LEGISLATION THAT  
SHOULD DETER THE AVAILABILITY OF MATERIAL AND PERFORMANCES  
HARMFUL TO MINORS. KANSAS' NUMBER ONE PRIORITY IS OUR CHILDREN  
AND GRANDCHILDREN. WE SPEND MORE MONEY ON EDUCATION THAN ANY  
OTHER BUDGET ITEM.

WE HAVE JUST PASSED IN THE HOUSE OF REPRESENTATIVES LEGIS-  
LATION DECLARING WE ARE CONCERNED ABOUT THE DRUG PROBLEM AND  
DRUG TRAFFIC.

HB 2287-House Federal and State Affairs  
Marvin E. Smith  
Page 2

THIS PROPOSED LEGISLATION, HB 2287, WILL COMPLEMENT OUR ENDEAVOR TO PROVIDE A BETTER ENVIRONMENT FOR CHILDREN AND YOUTH. SURELY, THE TIME IS RIGHT FOR KANSAS TO DECLARE "WE HAVE VALUES CONCERNING MATERIALS AND PERFORMANCES THAT WOULD BE HARMFUL TO MINORS." IT'S TIME TO SERVE NOTICE ON THE PUBLISHERS, PRODUCERS AND DISTRIBUTION PROMOTERS THAT KANSAS WANTS LIMITS ON SALES TO MINORS OF IMPROPER MATERIALS.

I WOULD APPRECIATE YOUR FAVORABLE CONSIDERATION OF HB 2287.

To: House Federal and State Affairs Committee      February 24, 1987      1:30 pm  
From: Linda Stephens, Chairperson, Topeka Area Chapter National Federation for Decency

My concern for HB 2287 comes from 2 actual cases: sexual violence portrayed in kid's comic books (Alien Encounters) and from the 1981 \$182,000 judgment (in Herceg and Vines vs. Hustler magazine) awarded to the family of a 14 year old who died as a result of following a practice described in one of the past issues of Hustler magazine, a sexually explicit magazine available at most commercial establishments in towns throughout the state of Kansas. Research articles documenting this deadly practice have been included with my testimony.

Mr. Paul McCommon of Citizens for Decency Through Law, Inc. stated "statutes and ordinances to regulate the sale or display of books and films "harmful to minors" have been used in several states and cities since before 1970 and are a workable tool to protect minors. These laws do not prevent adults' access to non-obscene materials---they merely prohibit material which is "harmful to minors" from being on display in commercial establishments and on motion picture screens where minors could view them. If the material in a store is out of sight, covered, under the counter, or in a separate "adults only" section; then no violation occurs. Further, these laws provide needed protection for children without unreasonably restricting the rights of adults to view or purchase this material." (Personal Communication, 1986).

The Attorney General's Report from the Commission on Pornography of 1986 stated that states can enact anti-display laws and the Report's example is Wichita' anti-display law which is the basis of HB2287. Chapter 15 on anti-display laws states " anti-display laws regulate the method by which pornographic materials can be publicly displayed. The report cites the case of Wichita harmful to minors ordinance as being upheld in the 10th Circuit Court of Appeals in 1983. The court found the ordinance to be a reasonable time, place, and manner restriction justified by the government's interest in protecting minors. "(page 192-193, Attorney General's Report on the Commission on Pornography, Rutledge Hill Press, 1986.)

I have included with the materials I have given to you copies of the 1985 North Carolina law. Focus if you will on Section G.S.14190.9 and Section G.S. 14190.10 which deal with display and sale of material harmful to minors. This law has withstood constitutional muster for 2 years.

I hope the committee will report HB 2287 favorably to the full House and support this regulation to protect minors under 18 years of age.

## DEATH DURING DANGEROUS AUTOEROTIC PRACTICE

ROBERT R. HAZELWOOD\*, ANN WOLBERT BURGESS† and A. NICHOLAS GROTH‡

\*Behavioral Science Unit, Federal Bureau of Investigation Academy, Quantico;

†Department of Nursing Research, Boston University School of Nursing, Boston; and

‡Sex Offender Program, Connecticut Correctional Institutions at Somers, Somers, U.S.A.

**Abstract**—A study of 70 reported deaths during dangerous autoerotic practice revealed that while 21 were accurately initially classified as accidental deaths, 19 were first misclassified as suicide, 7 as murder and 23 as undetermined cause. Five criteria for death during dangerous autoerotic practice includes evidence of: apparatus to alter physiological status coexisting with a self-rescue mechanism; solo sexual activity or intent; sexual fantasy aids; prior dangerous autoerotic practice; and no apparent suicidal intent. Findings suggest education regarding this type of death to determine more reliable statistics and further study regarding child and adolescent males as high risk for this practice and the relationship of this practice to gender and developmental sequence.

Autoerotic death is a rather obscure type of death which results from solo sex-related activities in the context of a life-jeopardizing practice. It has been difficult to gather dependable statistics on the number of people who die this way for three reasons; (1) lack of established criteria to identify and label this type of death; (2) problems in categorizing the mode of death; and (3) lack of access to large numbers of cases to be able to study the phenomenon. The diagnostic dilemma exists because the victims represent a neglected population group for epidemiologists, clinicians and law enforcement all of whom may encounter such a case in their daily work.

There is no consensus of consistency as to a label for this type of death. Documentation of death during dangerous autoerotic practice was made as early as 1791 [1]. Since that time, the terminology used in the professional literature to describe and discuss this type of death has included sudden death [2], suicide without motivation [3], sex hanging [4], plastic bag asphyxia [5], sexual asphyxia [6, 7] and autoerotic death [8]. Among the bondage practitioner community, the term used is "terminal sex" [9]. The most comprehensive historical review of the topic was by Dietz [1] who suggests that the phenomenon deserves a proper historical name and proposes Kotzwarraism after an 18th century musician who could not be revived following his participation in an autoerotic episode during hanging.

There is difficulty in interpreting the mode of death intended by the victim. For example, a man is found hanging and the cause of death is determined to be asphyxiation but the mode could be suicide or a sexual accident during a dangerous autoerotic act. Also, there are several possible categories for classification of the death. For example, Rosenblum and Faber [9] observe that within the *International Classification of Diseases*, used by most United States agencies to classify deaths, there were a minimum of 5 categories under which sexual asphyxia deaths could be listed.

There are methodological problems in researching this type of death in terms of gathering sufficient number of cases in an unbiased manner. Dietz [1]

cautions that there is a tendency to get biased samples when cases are collected unsystematically due to the unusual and dramatic features found in the deaths. The cases reported in the literature have most often been obtained from the Registry of Forensic Pathology [10], medical examiner records [11] or clinical practice. Clinicians writing on sexual asphyxias have reported statistics within their own jurisdiction, such as Stearns [3] estimating 1-2 per year in Massachusetts between 1941-1950 and Litman and Swearington [12] reporting 25 cases in Los Angeles between 1958-1970. Her Majesty's coroner, Sir David Paul [13] estimates 4 deaths per year from a population at risk of over two million. In projecting United States national statistics, Rosenblum and Faber [9] estimate 250 deaths per year while law enforcement investigators suggest the number is at least 500 and increasing [14].

One can speculate that as people become more knowledgeable on the subject and less secrecy and taboo exist regarding this type of sexual practice, more cases may be reported. The purpose of this paper is to report on a pilot study initiated through the Behavioral Science Unit of the Federal Bureau of Investigation Academy with the intent to analyze common characteristics of the deaths and to begin to describe themes and patterns.

### METHOD

The Training Division of the Federal Bureau of Investigation issued a mandate to its staff in the Spring of 1978 to initiate original in-depth research as one method of increasing the Bureau's knowledge base in areas relevant to the law enforcement community. In response to this directive, Special Agent Robert R. Hazelwood undertook a project to study autoerotic death. Over a one year period all FBI agents and law enforcement officers attending the various training classes at the Academy were briefed on the subject of autoerotic death and requested to send cases from their jurisdiction from the time period 1970-1980 to the Unit. The first 70 cases to be

received were analyzed for this paper. Of these 70 cases, the majority were white males [63] with three black males, three white females and one black female. The victims ranged in age from 9 to 77, with the majority being between the ages of 9 and 29 and slightly less than one-third of the sample ranging from 30 to 77. Over half were reported never to have been married, while 40% were reported to have been married at least once. More victims were regarded as middle class than as lower socio-economic class. Data collection included death scene photographs, a death or autopsy report, and the police report. In all instances, the deaths were ruled auto-erotically related either by a medical examiner or coroner.

### FINDINGS

Dangerous autoerotic activities combine ritual and endangerment with erotic gratification through fantasy. This behavior is complex because it requires an apparatus to alter the physiological status and, because of its potential lethality, a self-rescue mechanism relying on the practitioner's judgment. Death during such activity may result from: (1) a failure with the physiological mechanism, (2) a failure in the self-rescue device, or (3) a failure on the part of the victim's judgment and ability to control a self-endangering fantasy scenario.

The analyses of data from 70 cases suggest five criteria for determining death during dangerous autoerotic practice:

1. Evidence of a physiological mechanism for obtaining or enhancing sexual arousal and dependent on either a self-rescue mechanism or the victim's judgment to discontinue its effect;
2. Evidence of solo sexual activity;
3. Evidence of sexual fantasy aids;
4. Evidence of prior dangerous autoerotic practice;
5. No apparent suicidal intent.

#### *Apparatus altering physiological status*

In each sample case, an apparatus or device was identified as being used by the victim to heighten the erotic sensation and/or to alter the stream of consciousness in order to expand the sexual fantasy. In hanging an alteration in pressure to the neck (via the carotid arteries or vagus nerve) is created, interfering with the blood flow to the head producing a transient hypoxia. The danger is that while the pressure to the neck may increase sexual sensations, "bilateral pressure upon the carotid sinuses will result in immediate unconsciousness due to a reflex drop in blood pressure mediated by the carotid baroreceptors" [9]. While the most common method utilized by the victims in this study was hanging [44], other more exotic and bizarre means were identified. These included: neck compression involving bondage activity (6); airway obstruction [12]; electrocution [5]; chest compression [4]; and oxygen exclusion with gas or chemical replacement [2]. The materials used by the victims in their death-producing activity included ropes, chains, plastic bags, masks, hoods, restrictive containers, chemicals and electrical devices. Also, elaborate self-

bondage may be employed in combination with ligatures.

The self-rescue mechanism is important to identify. It may involve nothing more than the victim's judgment to stand erect, thereby lessening the pressure around his neck; or it may be as involved as an interconnection between the binding ligatures and those around the neck, thereby allowing the victim to control the physiological mechanism by moving his body in a particular way or by pulling on a key point. The danger is that the practitioner, although taking careful precautions not to block the airway, may unintentionally apply slightly too much pressure to his neck, resulting in a vicious cycle of baroreceptor reflex, unconsciousness, complete hanging, asphyxia, and death [9].

The following case illustrates death by a chemical inhalent, self-bondage, and failure in judgment.

A 23-year-old single white male college student was discovered in an apartment he shared with another male. At the time of his death he was wearing only a pair of athletic shorts. His hands were secured in a "yoke" which rested across his shoulders. This restraining device consisted of two pieces of  $1\frac{1}{2} \times 4\frac{1}{2} \times 37"$  wood secured at one extreme by a spring-load hinge. Two holes measuring  $2\frac{3}{4}"$  each had been cut to accommodate the neck. These holes were lined with gray rubber stapled to the wood. Situated between the large hole and one of the wrist holes was a hasp and padlock. Approximately  $2\frac{1}{2}$  feet from the victim's body was a set of keys, one of which fit the padlock securing the yoke.

The victim was wearing a full gas mask with a hose leading from the mask to a metal canister. The canister bottom had been pried open and taped over with masking tape. The canister contained 13 cotton balls, one wadded wash cloth, two sheets of toilet paper, and a small bottle containing chloroform. The victim had depended on his ability to unlock the padlock securing the yoke which he wore, but apparently lost consciousness or dropped the keys prior to releasing the yoke mechanism.

#### *Evidence of solo sexual activity*

Secrecy appears to be an important dynamic in dangerous autoerotic practice. Many victims engaged in the practice away from their personal residence (motel, wooded area), but those who practiced in their own home took added precautions by locking doors, waiting until family members were out of the home, or selecting a seldom used part of the home. The father of one victim stated:

Four or five months ago my son had locks installed on his door. It was common for him to go upstairs every night after work and before dinner and lock his door.

The presence of ejaculate, while not conclusive, may indicate masturbatory activity. The victim may be nude or partially nude with the genitals exposed and/or tissue or cloth wrapped around the penis. Sexual stimulators found in this sample included vibrators, dildos, a table leg, tampons, shampoo tubes, and suppositories. The practice of auto-sadistic acts included infibulation involving attachments piercing or otherwise inflicting pain on the genitals and/or breasts. The examination of one man's penis revealed a surgical-like incision in the foreskin to accommodate a washer-type device which was in place at the time of his death.



*Evidence of sexual fantasy aids*

Fantasy plays a key role in dangerous autoerotic practice. Three indicators of ritualistic fantasy were noted in this sample: attire of the victim, props found either at the death scene or victim's residence; and the use of bondage.

*Attire.* All of the victims in this sample were classified according to their attire when discovered dead: normative attire [20]; non-normative attire [30] such as opposite sex clothing, uniform or costume; or no attire [20]. The fairly equal numbers of victims in each of the attire classifications suggests a wide variance that attire serve in the practitioner's sexual fantasies. The attire or lack of it may be viewed as a means to communicate a character, situation, or role. The character may be realistic, idealized, or alien to the victim. The role may be that of her, villain, or victim; or one's self-image may be enhanced (an aviator's suit), reduced (nudity), or changed (opposite sex clothing) to suit the victim's particular desires. The following case illustrates a fantasy that changes gender role:

A 40-year-old married salesman was discovered in the basement of his residence totally suspended from a floor joist with a large piece of rope ending in a hangman's noose encircling his head. The body was dressed in a white T-shirt, a white panty girdle with nylons, and a pair of women's open-toed shoes. A woman's girdle was over the victim's head and his hands were bound with a belt.

*Props.* A wide variety of props were utilized by the victims in this study and are believed to be related to either the practitioner's fantasy (erotic literature, diaries, films) or to the practice (handcuffs, knives, ropes). Visual aids included opposite sex and same sex photography and photographs. One victim took photos of friends and relatives and superimposed them on nudes in magazines. Reflective devices serve to allow the victim to observe self in a specific role, plot, or character of a fantasy scenerio and a positioned camera will document the scene. In one instance, a 15-year old boy was found hanging, and around his neck, a miniature knife and scabbard were attached with a string, while a larger version of the knife was on his waist belt. Near his body lay two western style CO<sub>2</sub> BB guns. His parents reported that he loved to play cowboy but because his friends were no longer interested in participating, he often played (and fantasized) by himself.

Book titles may explain a special interest (escapology) and records ("Staying Alive") or games (Risk) may underscore an issue. Sketches and diaries belonging to the victim may illustrate the detail and development of the fantasy and may indicate the sadistic component as in a victim's sketchbook depicting women being shot or stabbed. An unusual amount of specific clothing, shoes, or other articles suggests a fetish potential and was often in evidence in this sample.

*Bondage.* The use of materials or devices to physically or mentally restrain or humiliate oneself for erotic arousal is sometimes referred to as a subculture of masochism and those individuals who involve themselves in this activity are known as discipline or bondage practitioners. Bondage was present and/or practiced in two-thirds of this sample, which suggests the

importance of the behavior to fantasy reconstruction. One victim's wife stated that her husband was tied in ritualistic conformity to his favorite bondage picture, duplicating every twist, knot, and wrapping of the rope. The bondage materials utilized by the victims in this sample included ropes, handcuffs, chains, hoods, leather, rubber, gags, blindfolds, wire and belts. The following case illustrates the use of attire, props and bondage.

The victim, a 32-year-old married father of three, was discovered dead on his bed by his 11-year-old daughter. The victim was dressed in pantyhose, a lady's sweater, and a brassiere. His hands were restrained to his sides by a soft belt. A sanitary pad was in his mouth and a pink brassiere was wrapped over the mouth and around the head. His scrotum was swollen and exhibited two round areas resembling old cigarette burns. A similar type burn was located on the inner aspect of the left thigh near the scrotum. The cause of death was determined to be accidental asphyxiation due to mechanical obstruction of the nasal pharynx and oral cavity. Because of the slack in the belt restraining his wrists, it would have been possible for the victim to slip his feet between his arms thereby allowing him to remove the gag. Apparently his judgment was impaired due to his asphyxial stage.

*Evidence of prior autoerotic practice*

Prior dangerous autoerotic practice may be documented by the following factors:

1. In those instances where hanging (neck compression) is the apparatus utilized to alter the physiological status of the victim, abrasions from previous episodes may be noted on the suspension point.
2. The complexity of the physiological apparatus suggests prior practice. In several instances, the victims had permanently affixed padding to the ligature or device to preclude trauma to the practitioner's neck during the activity.
3. Confirmed victim practice of autosadistic activities are another clue. One victim's wife reported that her husband practiced bondage and requested her participation which included the use of restraints and flagellation.
4. Additional fantasy props or apparatus located in the victim's automobile, residence, or place of employment indicates a ritualistic devotion to such activity.
5. Confirmation by family members or friends of prior practice has been reported in the literature [9]. In speaking with family members of this sample of victims, three patterns were noted: (1) denial of any knowledge of such practice; (2) denial with qualification; and (3) acknowledgment of such practice. Several family members were aware that the victim was involved in some type of non-normative activity but may not have related it to autoerotic practice. One father noted that his son was always tying knots and doing tricks. The brother of another victim commented on his brother's death: "As long as I could remember, he had a rope next to his bed".

*No apparent suicidal intent in the victim*

Usually, there is no apparent indication of suicidal intent and the death surprises friends, relatives, and associates. In resolving questionable modes of death, the psychological autopsy [15] is useful in providing

data. More often than not the victim is described as being in good spirits and having a future orientation. Victims also are described as being in good physical health, physically active, as well as being intelligent and independent. Autopsy findings rarely reveal the presence of drugs or alcohol in the victim's body. In a few cases an insignificant amount of alcohol was present, and in several cases, marijuana in small amounts was located.

#### DISCUSSION

A major finding of this pilot study was the difficulty in classifying the mode of death. A death certificate, by law, must contain a statement about the *cause* of death—for example, asphyxia. Additionally, most states require that the *mode* of death be certified as natural, accidental, suicidal or homicidal—usually abbreviated as NASH. The cause of death is unrelated to the mode of death and a death in which mode is unclear is described as equivocal [16].

Two cases illustrate an equivocal suicide and an equivocal homicide with the criteria applied to determine the deaths were autoerotically related.

*Equivocal suicide.* A 22-year-old man was found partially suspended in the bathroom of his apartment by the security police called to investigate his failure to report to work. He was fully dressed with trousers zipped and buttoned. A bath towel and rope were around his neck and tied to a water pipe. Ropes hung down on either side of the victim. He was found leaning against the wall and not totally suspended in the air. The bathroom mirror was propped open so he could view himself.

The hanging was considered equivocal for four reasons: he had recently sought psychiatric evaluation; his mother was diagnosed with terminal cancer; he had recent news that a girlfriend had married; and he had recently failed to obtain a car loan.

The case was determined to be autoerotic death because of the hanging to enhance sexual arousal and the escape mechanism of the ropes to be used to regulate the pressure to the neck; the solo nature of the activity; the mirror prop as a fantasy aid; neck padding indicating prior practice; and no confirmation of suicidal ideation in the psychological evaluation.

*Equivocal homicide.* The victim, an 18-year-old white male, residing in his parents' home, was discovered dead in a 30-pound garbage can located in his garage. His parents and brothers were away on vacation at the time of his death. In order to extricate the body from the garbage can, it was necessary to utilize a hammer and chisel. The body, when freed from the can, was clothed in a T-shirt, a pair of jockey shorts, and sneakers. The victim's hands were loosely bound with buckled roller skate straps and rested between the back of his feet and his buttocks. Abrasions were noted on his knees and around his mouth. There was no evidence of alcohol or drugs contained in the body and no other trauma was present. The victim was determined to have died from suffocation caused by the compression of his lungs and contributed to by his panic.

The parents of the victim refused to accept his death as being accidental and were of the opinion that it was murder in connection with a robbery. The investigating agency reenacted the scene on two occasions, having an officer of the same build and weight insert-

ing himself into a similar garbage can by placing the heels of his feet on one lip of the can and the buttocks on the opposite lip of the can and pulling the knees to the chest thereby slipping into the can. The officers accounted for the abrasions on the knees as being caused when the victim slipped into the can. The abrasions around the mouth were accounted for by the fact that a roll of chicken wire was lying on its side beside the garbage can and a portion of the wire extended partially over the mouth of the can.

The case was determined to be autoerotic death because of evidence of self-immobilization for sexual arousal and endangerment and an escape mechanism whereby the victim intended to grasp the chicken wire with his mouth and tip the can over; the solo nature of the act; evidence of roller skate straps and a book on escapology found in the victim's room; and no suicidal ideation. It is hypothesized that the victim intended to grasp the chicken wire with his mouth and tip the can over, however, the role of wire did not support his efforts.

It is essential that deaths attributable to dangerous autoerotic practices be recognized and accurately reported if the true magnitude of this problem is to be determined. In only 21 of the cases in this sample was the death initially classified as accidental. The death was misclassified as suicide [19] when hanging was the physiological mechanism used. Murder was the original classification [7] when body compression or bondage activities were employed. In 23 cases, the deaths were initially reported as undetermined or sudden death.

The second major finding relates to the gender and age focus of the victims. The extraordinary prevalence of males practicing dangerous autoerotic acts, a fact also supported in the literature [9], is consistent with the general observation that males more than females participate in a wide variety of unconventional sex practices. We can speculate that gender role identity is less well defined for males and that sex and aggression are not well integrated life issues. For example, men commit more crimes of aggression than women, are more involved and interested in pornography, and commit suicide more frequently than women.

Many of the victims in this sample were in the child or adolescent age range. Adolescence is marked by sexual maturation and therefore sexual outlets become avenues of expression of aggressive interests and activities at this age. Conventional masculine daredevilness may be viewed as normative male behavior. Adolescence is also a developmental period of testing out one's independence, adventure seeking and exploration, however, without necessarily the wisdom and maturity to fully appreciate the risks involved. To the extent that risky, thrill-seeking behavior may be normal for males, Rosenblum and Faber suggest the possibility of a "developmental sequence in which childhood preoccupation with ropes develops into asphyxially oriented adolescent masturbation, eventually resulting in a full-blow adult sado-masochistic bondage syndrome" [9].

In summary, we believe that male children and adolescents are a high risk population for this type of sexual behavior and that research should be directed to gain an understanding of the origin of dangerous autoerotic practice and to determine linkages between

ritual fantasy and dangerous behavior. Also, we hope that by addressing this issue the secrecy around the topic will be diminished so that not only will there be accurate identification of such deaths but that practitioners of this activity can become more accessible to clinicians prior to a fatal accident.

*Acknowledgements*—The authors wish to thank the contributors who provided the sample for this study and wish to acknowledge the assistance of Thomas S. Gary and Fred Hosea in tabulating one phase of the data.

#### REFERENCES

1. Dietz P. E. Kotzwarrism: sexual induction of cerebral hypoxia. Paper presented at the *American Academy of Psychiatry and Law*, annual meeting, Baltimore, Maryland, November 1979.
2. Garder E. Mechanism of certain forms of sudden death in medico-legal practice. *Medico-Legal Rev.* 10, 120, 1942.
3. Stearns A. W. Cases of probable suicide in young persons without obvious motivation. *J. Maine Med. Ass.* 44, 16, 1953.
4. Ford R. Death by hanging of adolescent and young adult males. *J. Forensic Sci.* 2, 171, 1957.
5. Johnston J. M., Hunt A. C. and Ward E. M. Plastic-bag asphyxia in adults. *Br. Med. J.* 2, 1714, 1960.
6. Brittain R. The sexual asphyxias. In *Gradwohl's Legal Medicine* 2nd edn (Edited by Camps F. E.), pp. 549-552. Williams & Wilkins, Baltimore, 1968.
7. Coe J. I. Sexual asphyxias. *Life-Threatening Beh.* 4, 171, 1974.
8. Gregersen M. Autoerotische Todesfälle. *Sexualmedizin.* 4, 690, 1975.
9. Rosenblum S. and Faber M. M. The adolescent sexual asphyxia syndrome. *Am. Acad. Child. Psychiat.* 17, 546, 1979.
10. Walsh F. M., Stahl C. J. and Unger H. T. Autoerotic asphyxial deaths: a medico-legal analysis of forty-three cases. In *Legal Medicine Annual: 1977* (Edited by Wecht C. H.), pp. 157-182. Appleton Century Crofts, New York, 1977.
11. Office of the Chief Medical Examiner, Department of Health, Commonwealth of Virginia. Accidental strangulation during perverse sexual activity. Bulletin No. 38, 1955.
12. Litman R. E. and Swearingen C. Bondage and suicide. *Archs gen. Psychiat.* 27, 80, 1972.
13. Paul Sir D. Personal communication, January 29, 1980.
14. Pope D. H. Personal communication, April 21, 1980.
15. Hibbler N. The psychological autopsy. *Forensic Sci. Digest.* 5, 42, 1978.
16. Hatton C. L., Valente S. M. and Rink A. (Eds) *Suicide: Assessment and Intervention*, p. 134. Appleton Century Crofts, Englewood Cliffs, NJ, 1977.

THE NEW COMPREHENSIVE NORTH CAROLINA LAW ON OBSCENITY, MATERIAL  
HARMFUL TO MINORS, CHILD EXPLOITATION AND CHILD PROSTITUTION

G.S. §14-190.1. Obscene literature and exhibitions.

- (a) It shall be unlawful for any person, firm or corporation to intentionally disseminate obscenity. A person, firm or corporation disseminates obscenity within the meaning of this article if he or it:
- (1) Sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
  - (2) Presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
  - (3) Publishes, exhibits, or otherwise makes available anything obscene; or
  - (4) Exhibits, presents, rents, sells, delivers or provides; or offers or agrees to exhibit, present, rent or to provide: any motion picture, film, filmstrip, or projection slide, or sound recording, sound tape, or sound track, or any matter or material of whatever form which is a representation, embodiment, performance, or publication of the obscene.
- (b) For purposes of this article any material is obscene if:
- (1) The material depicts or describes in a patently offensive way sexual conduct specifically defined by subsection (c) of this section; and
  - (2) The average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the material taken as a whole appeals to the prurient interest in sex; and
  - (3) The material lacks serious literary, artistic, political, or scientific value; and
  - (4) The material as used is not protected or privileged under the Constitution of the United States or the Constitution of North Carolina.
- (c) As used in this Article, 'sexual conduct' means:
- (1) Vaginal, anal or oral intercourse, whether actual or simulated, normal or perverted; or
  - (2) Masturbation, excretory functions, or lewd exhibitions of uncovered genitals; or
  - (3) An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.
- (d) Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other especially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be especially for or directed to such children or audiences.

- (e) It shall be unlawful for any person, firm or corporation to knowingly and intentionally create buy, procure, or process obscene material with the purpose and intent of disseminating it unlawfully.
- (f) It shall be unlawful for a person, firm, or corporation to advertise or otherwise promote the sale of material represented or held out by said person, firm or corporation as obscene.
- (g) Violation of this section is a Class J felony.
- (h) Obscene material disseminated, procured, or promoted in violation of this section is contraband.

G.S. §14-190.2. Coercing acceptance of obscene articles or publications.

No person, firm, or corporation shall, as a condition to any sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical or publication require that the purchaser or consignee receive for resale any other article, book, or publication which is obscene within the meaning of G.S. §14-190.1; nor shall any person, firm or corporation deny or threaten to deny any franchise or impose or threaten to impose any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept such articles, books, or publications, or by reason of the return thereof. Violation of this section is a misdemeanor punishable by imprisonment for up to one year and a fine of up to one thousand dollars (\$1,000.00).

G.S. §14-190.3. Preparation of obscene photographs, slides and motion pictures.

Every person who knowingly:

- (1) Photographs himself or any person, for purposes of preparing an obscene film, photograph, negative, slide, or motion picture for the purpose of dissemination; or
- (2) Models, poses, acts, or otherwise assists in the preparation of any obscene film, photograph, negative, slide or motion picture for the purpose of dissemination,

shall be guilty of a misdemeanor punishable by imprisonment for up to one year and a fine of up to one thousand dollars (\$1000.00).

G.S. §14-190.4. Employing or permitting minor to assist in offense under Article.

Every person 18 years of age or older who intentionally, in any manner, hires, employs, uses, or permits any minor under the age of 16 years to do or assist in doing any act or thing constituting an offense under this Article and involving any material, act or thing he knows or reasonably should know to be obscene within the meaning of G.S. §14-190.1 shall be guilty of a Class I felony.

G.S. §14-190.5. Dissemination to minors under the age of 16 years.

Every person 18 years of age or older who knowingly disseminates to any minor under the age of 16 years any material which he knows or reasonably should know to be obscene within the meaning of G.S. §14-190.1 shall be guilty of a Class I felony.

- G.S. §14-190.6. Dissemination to minors 12 years of age or younger. Every person 18 years of age or older who knowingly disseminates to any minor 12 years of age or younger any material which he knows or reasonably should know to be obscene within the meaning of G.S. §14-190.1 shall be punished as a Class H felon.
- G.S. §14-190.7 Indecent Exposure. Any person who shall willfully expose the private parts of his or her person in any public place and in the presence of any other person or persons, of the opposite sex, or aids or abets any such act, or who procures another to perform such act; or any person, who as owner, manager, lessee, director, promoter or agent, or in any other capacity knowingly hires, leases or permits the land, building, or premises of which he is owner, lessee, or tenant, or over which he has control, to be used for purposes of any such act, shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.
- G.S. §14-190.8. Definitions for certain offenses concerning minors. The following definitions apply to G.S. § 14-190.9, displaying material harmful to minors; G.S. §14-190.10, disseminating or exhibiting to minors harmful material or performances; G.S. §14-190.11, first degree sexual exploitation of a minor; G.S. §14-190.12, second degree sexual exploitation of a minor; G.S. §14-190.13, promoting prostitution of a minor; and G.S. §14-190.14, participating in prostitution of a minor.
- (1) Harmful to minors. That quality of any material or performance that depicts sexually explicit nudity or sexual activity and that, taken as a whole, has the following characteristics:
    - a. The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest of minors in sex; and
    - b. The average adult person applying contemporary community standards would find that the depiction of sexually explicit nudity or sexual activity in the material or performance is patently offensive to prevailing standards in the adult community concerning what is suitable for minors; and
    - c. The material or performance lacks serious literary, artistic, political or scientific value for minors.
  - (2) Material. Pictures, drawings, video recordings, films or other visual depictions or representations but not material consisting entirely of written words.
  - (3) Minor. An individual who is less than 18 years old and is not married or judicially emancipated.
  - (4) Prostitution. Engaging or offering to engage in sexual activity with or for another in exchange for anything of value.

- (5) Sexual activity. Any of the following acts:
- a. Masturbation, whether done alone or with another human or animal.
  - b. Vaginal, anal, or oral intercourse, whether done with another human or an animal.
  - c. Touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female.
  - d. An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a person clad in undergarments or in revealing or bizarre costume.
  - e. Excretory functions.
  - f. The insertion of any part of a person's body, other than the male sexual organ, or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure.
- (6) Sexually explicit nudity. The showing of:
- a. Uncovered, or less than opaquely covered, human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast; or
  - b. Covered human male genitals in a discernably turgid state.

G.S. §14-190.9. Displaying material harmful to minors.

- (a) Offense. A person commits the offense of displaying material that is harmful to minors if, having custody, control, or supervision of a commercial establishment and knowing the character or content of the material, he displays material that is harmful to minors at that establishment so that it is open to view by minors as part of the invited general public. Material is not considered displayed under this section if the material is placed behind 'blinder racks' that cover the lower two-thirds of the material, is wrapped, is placed behind the counter, or is otherwise covered or located so that the portion that is harmful to minors is not open to the view of minors.
- (b) Punishment. Violation of this section is a misdemeanor and is punishable by imprisonment for up to six months and a fine of at least five hundred dollars (\$500.00). Each day's violation of this section is a separate offense.

G.S. §14-190.10. Disseminating harmful material to minors: exhibiting harmful performances to minors.

- (a) Disseminating Harmful Material. A person commits the offense of disseminating harmful material to minors if, with or without consideration and knowing the character or content of the material, he:
- (1) Sells, furnishes, presents, or distributes to a minor material that is harmful to minors; or
  - (2) Allows a minor to review or peruse material that is harmful to minors.

- (b) Exhibiting Harmful Performance. A person commits the offense of exhibiting a harmful performance to a minor if, with or without consideration and knowing the character or content of the performance, he allows a minor to view a live performance which is harmful to minors.
- (c) Defenses. Except as provided in subdivision (3), mistake of age is not a defense to a prosecution under this section. It is an affirmative defense under this section that:
  - (1) The defendant was a parent or legal guardian of the minor.
  - (2) The defendant was a school, church, museum, public library, governmental agency, medical clinic, or hospital carrying out its legitimate function; or an employee or agent of such an organization acting in that capacity and carrying out a legitimate duty of his employment.
  - (3) Before disseminating or exhibiting the harmful material or performance, the defendant requested and received a driver's license, student identification card, or other official governmental or educational identification card or paper indicating that the minor to whom the material or performance was disseminated or exhibited was at least 18 years old, and the defendant reasonably believed the minor was at least 18 years old.
  - (4) The dissemination was made with the prior consent of a parent or guardian of the recipient.
- (d) Punishment. Violation of this section is a misdemeanor and is punishable by imprisonment for up to two years and a fine.

G.S. §14-190.11. First degree sexual exploitation of a minor.

- (a) Offense. A person commits the offense of first degree sexual exploitation of a minor if, knowing the character or content of the material or performance, he:
  - (1) Uses, employs, induces, coerces, encourages, or facilitates a minor to engage in or assist others to engage in sexual activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity; or
  - (2) Permits a minor under his custody or control to engage in sexual activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity; or
  - (3) Transports or finances the transportation of a minor through or across this State with the intent that the minor engage in sexual activity for a live performance or for the purpose of producing material that contains a visual representation depicting this activity; or
  - (4) Records, photographs, films, develops, or duplicates for sale or pecuniary gain material that contains a visual representation depicting a minor engaged in sexual activity.



- (b) Inference. In a prosecution under this section, the trier of fact may infer that a participant in a sexual activity whom material through its title, text, visual representations, or otherwise represents or depicts as a minor is a minor.
- (c) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.
- (d) Punishment and Sentencing. Violation of this section is a Class G felony. Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least six years and shall be entitled to credit for good behavior under G.S. 15A-1340.7, except that such credit shall not reduce the time served to less than three years. A person so convicted shall serve a term of not less than three years, excluding gain time granted under G.S. 148-13. The sentencing judge shall not suspend the sentence and shall not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the person sentenced.

G.S. § 14-190.12. Second degree exploitation of a minor.

- (a) Offense. A person commits the offense of second degree sexual exploitation of a minor if, knowing the character or content of the material, he:
  - (1) Records, photographs, films, develops, or duplicates material that contains a visual representation of a minor engaged in sexual activity; or
  - (2) Distributes, transports, exhibits, receives, sells, purchases, exchanges, or solicits material that contains a visual representation of a minor engaged in sexual activity.
- (b) Inference. In a prosecution under this section, the trier of fact may infer that a participant in sexual activity whom material through its title, text, visual representations, or otherwise represents or depicts as a minor is a minor.
- (c) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.
- (d) Punishment and Sentencing. Violation of this section is a Class H felony. Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least four years and shall be entitled to credit for good behavior under G.S. §15A-1340.7, except that such credit shall not reduce the time served to less than two years. A person so convicted shall serve a term of not less than two years, excluding gain time granted under G.S. §148-13. The sentencing judge may not suspend the sentence and may not place the person

Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentences being served by the person sentenced.

G.S. §14-190.13. Promoting prostitution of a minor.

- (a) Offense. A person commits the offense of promoting prostitution of a minor if he knowingly:
  - (1) Entices, forces, encourages, or otherwise facilitates a minor to participate in prostitution; or
  - (2) Supervises, supports, advises, or protects the prostitution of or by a minor.
- (b) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.
- (c) Punishment and Sentencing. Violation of this section is a Class G felony. Notwithstanding any other provision of law, except a person sentenced and committed as a youthful offender, a person convicted under this section shall receive a sentence of at least six years and shall be entitled to credit for good behavior under G.S. §15A-1340.7, except that such credit shall not reduce the time served to less than three years. A person so convicted shall serve a sentence of not less than three years, excluding gain time granted under G.S. §148-13. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the persons sentenced.

G.S. §14-190.14. Participating in prostitution of a minor.

- (a) Offense. A person commits the offense of participating in the prostitution of a minor if he is not a minor and he patronizes a minor prostitute. As used in this section, 'patronizing a minor prostitute' means:
  - (1) Soliciting or requesting a minor to participate in prostitution;
  - (2) Paying or agreeing to pay a minor, either directly or through the minor's agent, to participate in prostitution; or
  - (3) Paying a minor, or the minor's agent, for having participated in prostitution, pursuant to a prior agreement.
- (b) Mistake of Age. Mistake of age is not a defense to a prosecution under this section.
- (c) Punishment and sentencing. Violation of this section is a Class H felony. Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least four years and shall be entitled to credit for good behavior under G.S. §15A-1340.7, except that such credit shall not reduce the time served to less than two years.

A person so convicted shall serve a term of not less than two years, excluding gain time granted under G.S. §148-13. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the person sentenced.

G.S. §14-190.15. Warrants for Obscenity Offenses. A search warrant or criminal process for a violation of G.S. §14-190.1 through 14-190.5 may be issued only upon request of a prosecutor.

This act shall become effective October 1, 1985, and shall apply to offense committed on or after that date.

In the General Assembly of North Carolina read three times and ratified, this 11th day of July, 1985.

Spivey, but that provision was scrapped in a conference committee after all fee bills were lumped into an omnibus.

Lamb County District Clerk Raylynn Britt testified before McFall that the state's district clerks favored a fee increase to help offset their operating deficit, which was \$15 million in fiscal 1984. The legislature raised the fee from \$25 to \$75 effective Sept. 1 but allowed the counties to keep only \$35. The remaining \$45 goes to the state's general revenue fund, ostensibly to help offset its deficit.

The state comptroller's office estimated that the state would gain \$11 million from the increase in each of the next two fiscal years. Dan Junell, a young associate of Spivey's, quoted a legislative estimate, made when

stand for it."

McFall struck down the amended Article 3927 and new Article 3928b as unconstitutional on all three of the grounds Spivey offered in his prepared order.

TURN TO PAGE 3

## 'Story incited dangerous sex act'

# Magazine liable in teen's death

By GARY A. HENGSTLER  
TTL Editor

HOUSTON—A \$182,000 judgment against *Hustler Magazine* is quite likely the first ever in the nation to hold a publication liable for the content of an article when a reader is harmed by attempting to perform actions described in the article.

If the judgment holds up on appeal, it will mark a significant breakthrough for media law and personal injury attorneys who have attempted to expand liability in this area where acts of violence are imitated by readers of publications or viewers of television programs.

The case is *Herceg and Vines*

*v. Hustler Magazine*. It was tried in the U.S. District Court for the Southern District in Houston before Senior Judge Woodrow Seals.

Diana Herceg's 14-year-old son had been reading a *Hustler* article explaining a sexual practice known as autoerotic asphyxia.

The act apparently involved simulation of hanging one's while masturbating. The boy was found Aug. 6, 1981 hanging by a belt from his bed's closet. A copy of the magazine's article describing sexual practice was found at his feet.

TURN TO PAGE 10

# State rep begins court bid with bang

By BONDA BAKER  
TTL Staff Writer

AUSTIN—Former state Rep. Jay Gibson of Odessa began his bid for the Texas Supreme Court last week by accusing Justice Raul Gonzalez of planning to accept a \$1 million campaign contribution from a Houston-based group trying to change what it perceives as a pro-plaintiff stance on the court.

Gibson, a lawyer, said he will seek the Democratic nomination for the seat held by Gonzalez, who denies he would accept such a hefty donation from the Texas Supreme Court Justice Committee.

Larry Thompson, the Houston lawyer who leads the group, wants to raise \$1 million each for two of four Supreme court races next year. A memo written by Thompson in June said the group planned to give Gonzalez "substantial monetary support."

Said Gibson, "I believe that our judges should be elected — not appointed — and certainly not appointed — for life. I enter this race independent of any preconceived ideas about how I will decide on the important issues that are coming before the court in the next two years."

"Seats on the Supreme Court should not be for sale to the highest bidder," he said.

Gonzalez, the first Mexican American to serve on the court, accused Gibson of being unqualified and racist.

"He's a 35-year-old ex-legislator who got beat by a Republican and is looking for a job," Gonzalez told the *Austin American-Statesman*. "Does that qualify him for this high job? I think he's banking that many people will not vote for a Hispanic, and I refuse to believe that."

Gonzalez was appointed to the court last year by Gov. Mark White. He hopes to be the first Mexican American elected to a statewide office in Texas.

He said he would never accept

TURN TO PAGE 10



REP. JAY GIBSON

THIS SAD SITUATION HAS HAPPENED MANY TIMES SINCE THE ARTICLE IN HUSTLER WAS WRITTEN

BULK RATE  
U.S. POSTAGE  
POSTVILLE, TEXAS  
PERMIT NO. 1

THE TEXAS LAWYER  
11004 Moore Blvd.  
Austin, Texas 78758-9998

THE TEXAS LEAD

602257 SUBSS  
SUBSCRIPTIONS  
JANUARY 1984  
\$11.00 PER YEAR  
\$1.00 PER COPY

# Magazine liable in teen's death

ON PAGE 1

George and Andy Vines, a labor and friend who dismembered the body, read the magazine, alleging the publication of the article incited the act to attempt the dangerous act. She sought \$1 million for *Hustler* and Vines read for \$1,000 based on the emotional distress incurred upon discovering the body of his friend.

On Oct. 25, a jury of six awarded Hertzog \$169,000 in damages and \$13,000 to Vines as court costs.

Houston attorney Mike Eastmyer of Haynes & Palleseder represented the plaintiffs. He argued that *Hustler* was liable because it incited a minor to attempt the act which resulted in a death and that the minor was treated under Texas statutes.

He told TTL the key element of the case, which was missing in other national cases which failed, was incitement. In that regard, a leading California case is helpful to him even though the case failed.

The case was *Olivia v. National Broadcasting Corp.*, 126 Cal. App. 3rd 488, 173 Cal. Rptr. 34 (1982). In that case, the film "Born Innocent" depicted the rape of a girl in a particularly graphic and unusual manner. Subsequent to the film, Olivia was sexually raped. She contended that the showing of the film prompted her assailants to copy the brutality portrayed in the film.

When NBC was summary judgment, a California appeals court held that whether the film incited the assailants was a fact question and that the judge could not simply view the movie and grant summary judgment based on law. When the case returned for trial, plaintiffs admitted they could not prove incitement. The second summary judgment was upheld.

"Olivia actually helped us," Eastmyer said. "We had experts that could prove incitement" for the jury.

Eastmyer said he "had discovery from *Hustler* which showed that they knew their mail subscribers included people under the age of 18." He said a survey done for *Hustler* demonstrated the breakdowns of the subscribers.

"The marketing materials provided by *Hustler* showed that the magazine had to know that their market included adolescents," he said, "and any marketing expert testified to this. And, indeed, the way the magazine is set up, it is geared for the adolescent market."

Eastmyer said the judge would not permit plaintiff's motion to have his opinion as to incitement. He said (the stand) Bob Rogers, editor of the *Bryan Daily*

was a "how-to" article, that it was dangerous to children and that it would incite children to commit the act depicted therein."

Austin attorney Jack Price, who represented *Hustler*, was unavailable for comment. A *Houston Chronicle* report, however, said Price argued that the article contained 22 warnings against attempting the sex practice which involved depriving the brain of oxygen to increase orgasm.

Eastmyer, however, said the warnings were, in the testimony of Rogers, "(a) contradictory and (b) they are arranged in such a manner as to actually urge adolescents on."

Eastmyer said a psychiatrist he called to the witness stand reaffirmed Rogers' testimony. "The warnings themselves were actually part of the incitement," he said.

"I probably was the case with their expert," he continued. "They had given him photocopies of just the first two pages of the article. They didn't even give him glosses, and there's a picture with the article which they admitted was part of the article."

"There was physical shock on his face when I handed him the glossy," Eastmyer said. "Because he had testified in deposition that there was no erotica in the article. The picture was probably ninety percent of the incitement. It's a picture of four women masturbating with a scene. Over the top of the picture is the title of the article which was 'sex play.'"

"There is also verbiage which states that the whole purpose of this article is to throw away the inhibitions, to help people learn new acts and become better lovers. This article was only one of a series *Hustler* had begun."

Eastmyer agreed that the thrust of his argument was that the *Hustler* article was specifically geared to spur adolescents to act on the "how-to" article. In that sense, the case could be likened to *Wyman v. RKO General, Inc.*, 15 Cal. App. 3rd 40, 123 Cal. Rptr. 468 (1975). In that case, a radio station offered a prize to the person who, based on periodic clues given by the station, could get to a certain destination first. In their bid to be first to get the prize, two managers recklessly drove their car and collided with another vehicle, killing one. The radio station was held liable for negligently inciting the reckless conduct.

"The article was geared to getting adolescents to try the act," Eastmyer said. "Remember, this is part of a series, the September article was also in the room and also open. It was on the bed. It was also entitled 'sex play' and had no warnings at all. It dealt with bizarre sex acts around the world."

If you're training kids like Pavlov dogs, the dog doesn't know when the button's been changed and there is a scene there. I mean if you get a bone every time you push the button, even if you put up a warning sign saying 'no bone here this time,' the button's still going to be pushed."

Eastmyer said the article on astrototic epilepsy really was a guide for learning how to perform the act. "There were many paragraphs with no warning," he said, "but in the article, the boy lives."

"In other words, they describe an explicit act, and in that explicit act, the boy lives. This is followed by a statement that it's long been known that binding is sexually stimulating. Well, there's no disclaimer to that anywhere. That just say do it. And the warnings don't say, 'don't try astrototic epilepsy.' It just says 'don't try this method.' This method of what?"

"As the expert testimony explained, the warnings were inconsistent at best and utilizing at worst. The whole context of the article and *Hustler* was such that it would incite children to do it."

Eastmyer said he relied on the Texas statutes dealing with harm to a child, Tex. Penal Code Sec. 22.04 (Verbal Sapp. 1985) and section 22.05. "I think I should have been allowed a common law harm-to-a child holding even if I didn't have a statute," he said.

The Houston attorney said a crucial turning point came when he asked *Hustler's* expert witness whether he "would allow your child in a dark room with the movie playing to read this article. The witness said he would only if he or his mother were present. As soon as he fledged, that was it."

As the case stands now, *Hustler* has filed for judgment a.o.v. and a new trial.

Eastmyer also distinguished the case from other attempts to hold the media liable on the basis of negligence. "The evidence showed this was further than negligence," he said. "It actually indicated that the incitement was intentional in nature. They know what their market was, and they went after that market. They intentionally put material before that market which was dangerous for that market and unlawful. So it's stronger than negligence."

Previous attempts to hold the media liable have centered on claims of negligent publication or broadcast where it is alleged that the media should have foreseen viewers imitating the depicted actions.

"Traditionally these cases have failed because of First Amendment concerns. A typical case was *DeFilippo v. National Broadcasting Corp.*, 446 A2d 1036

man explained how people were "banged" in the movies. Appearing on the NBC "Tonight Show," the spokesman banged host Johnny Carson, showing viewers how it was done. He also cautioned against trying the stunt.

Nicky DeFilippo, 13, tried the stunt and died from hanging in rejecting claims against NBC brought by the parents, the Rhode Island Supreme Court said. "The main problem is permitting relief to the DeFilippos is that the incitement cannot be measured precisely and this difficulty lies at the core of our holding. Nicky was, as far as we are aware, the only person who is alleged to have imitated the action... In such case, we cannot say that the broadcast constituted an incitement... To permit the plaintiffs to recover on the basis of one minor's actions would invariably lead to self-censorship by broadcasters in order to remove any matter that may be criticized and lead to a lawsuit."

Eastmyer focused his First Amendment arguments on *Brandenburg v. Ohio*, 395 U.S. 444 (1969) in which the U.S. Supreme Court said: "The constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force of law except where such advocacy is directed to exciting or producing imminent lawless action and is likely to incite or produce such action."

The idea of extending *Brandenburg* to hold media liable for imitative acts of violence was raised in a 1979 law review article: Hilker, *For Liability of the Media for Audience Acts of Violence: A Constitutional Analysis*, 52 S. Cal. L. Rev. 529 (1979).

"I think that is (the *Hustler* article) is the same thing as yelling fire in a crowded theater of children," Eastmyer said. "Hustler created the harm and ought to be responsible and liable for it."

"The jury issues were clear," he said, "and they clearly followed the *Brandenburg* test. The only issue that could go up on appeal is whether there is sufficient evidence for incitement or not. Since *Brandenburg* was followed, I'm not sure there is a constitutional issue involved."

Eastmyer said he has received several phone calls and inquiries from attorneys across the U.S. about the trial. He agreed that the theory on which he relied is rooted in Blackstone's view that there should be no prior censorship of the press but that the press would then be liable for damages flowing from publication.

"If you look at the Texas constitution," he said, "it says there should be no prior restraints on freedom of the press. Then it has a converse and continues 'holding

they print.' It has always been my feeling that the original founders wanted no government restraints or very few government restraints on freedom of the press, but that they always thought that the press ought to be responsible for the acts that it causes."

He agreed that the "pendulum is swinging back to the other way" toward giving the press less latitude in reporting than it previously enjoyed in the years following the 1964 *N.Y. Times v. Sullivan* decision. This, he said, is "in part because the public is tired of irresponsible attempts at journalism."

Eastmyer said he thinks the proper balance will ultimately be struck. "Hopefully, for both you and me, it will end somewhere in the middle," he said, "because I don't want to do away with the First Amendment."

Another aspect of the case which has possible precedential value is the treatment of Vines. "The law professors who have called me have suggested that the more proper law in the case is the bystander recovery," he said. The judgment breakdown awarded Mrs. Hertzog \$69,000 actual and \$100,000 punitive damages. Vines was awarded \$3,000 actual and \$10,000 punitive damages for the emotional distress he suffered in discovering the body of his friend.

Eastmyer said the recovery of damages by Vines is an extension of *Sanchez v. Schindler*, 651 S.W.2d 249 (Tex. 1983), permitting recovery of damages for mental anguish without proof of an accompanying physical manifestation demonstrating the severity of the alleged anguish. While *Sanchez* deals with a parent's claim for damages for the loss of companionship of a child, the award to Vines is unusual in that he was not a member of the family.

## Court bid begins with bang

FROM PAGE 1  
a \$1 million contribution from anyone but would accept some money from the committee as he would from any other contributor.

A three-term legislator, Gibson was chosen as one of the 10 Best Legislators in the state by *Rxas Monthly* magazine in 1983. He is a partner in the Odessa law firm of Fowler, Fowler and Gibson.

Gibson received the Black Caucus Award after the 1983 legislative session.

Committee treasurer Richard Eliason said the committee has not decided whether to support Gonzalez. Thymeson could not

was a typical 14-year-old at Traverse City Junior High School. He was a Boy Scout, a member of the school orchestra, a kid who liked spending time with his parents, and visiting grandparents.

## Related story on Page 3

His parents, Roger and Jackie Storch, were the first to say, "It couldn't happen to my kid."

Until it did.

Two weeks ago, Jackie and her 12-year-old son found Andy dead from suffocation, following what appeared to be suicide. Upon investigation, police say he may have died from a sexual practice known as autoerotic asphyxiation. Translated, it means cutting off the oxygen supply to the brain while masturbating, a technique said to heighten sexual arousal.

The Storchs don't know where Andy learned this, but assume it must have been at the school. They say, however, that his friends claim they know nothing about it.

And though the police report lists an accidental death, investigators said several clues have pointed to his little-known practice: ropes and bags found in Andy's bedroom, the fact he was naked from the waist down with a large leaf bag over his head, and a "Purple Rain" cassette



Andy Storch  
...victim of bizarre death

tape in his tape deck at the time.

Mary Torbet, a social worker with the Traverse City Schools, said she has heard through community rumors that kids have learned the practice through a song from the Prince "Purple Rain" album, which is said to describe the technique when played backward. (She has not substantiated this, however, and a local record store employee said the rumors are "ridiculous." While one of the songs on the album mentions masturbation, none refers to auto-

porter said an informal survey she conducted showed that seven of 10 local high school and junior high students have heard of the practice. Annually, autoerotic asphyxiation claims the lives of 1,000 youths nationwide, according to Torbet.

While grieving the loss of their son, the Storchs want to help others avoid a similar tragedy. But they aren't sure how.

"I have one more boy at home, and I'll be damned if I know what to do," Roger said. "The meeting held Monday night, to inform parents and community members and to discuss their feelings...on the topic was a first step. But it can't stop here."

"It's good so many turned out, but I wonder how many stayed away because they thought it wouldn't affect them," he said. "Now where do we go? The thousands who didn't show up - how do you make them aware?"

"I had a good relationship with Andy and the sad part was it was getting better," he said. "People who think they have a good relationship with their children had better step back and look again. Maybe it could be better. You've got to talk to your kids, keep the lines of communication open."

Continued on Page 3

it." but Torbet say tential, and it rmed to agree s don't sense y don't talk a know.

Many families ing about a ay doors get cl ents. "Let yo a comfortable e we can't ha won't tell us."

Catha from sui C have occurer Eg as 7 or 8 yet Eigh adulthood, Every young, it entation, and ents it may be d aspect. In yo ally includes riors, she said. ety-seven perc ationwide are.

've heard that e because the: n to us," as 'at the meeting re're enlighten n't go home an p to our kids."

Traverse City, Oct 19, 1985  
at our request after we heard about

## Clearing the record

This space is reserved for correcting errors that appear in the Record-Eagle news columns. We urge readers to report factual errors they may find by calling 933-6333. Ask for the news desk.

A documentary film on autoerotic asphyxiation shown at Traverse City Junior High School Monday evening was from NBC-TV. The wrong network was listed in a story published Tuesday.

his death from Bob's sister who lives in Traverse City. They found a paper ball size book in his room after his death. It was about bondage & bizarre sex practices.

B1

# The Adolescent Sexual Asphyxia Syndrome

Stephen Rosenblum and Myron M. Faber, M.D.

**Abstract.** The syndrome of self-hanging while masturbating to achieve sexual gratification is known as "sexual asphyxia." Its origins are obscure, but probably date back to the 1600s. The syndrome accounts for at least 250 deaths per year in the United States alone. Reported victims range in age from 11 to well over 60 years, but most are adolescents. Though typically perceived as happy, well-adjusted people, they are found hanging by the neck, often wearing women's clothing, apparently having died while masturbating. Few living practitioners have been interviewed. The case report of one is presented here. A developmental model is proposed to explicate the differences and similarities between adolescent and adult practitioners.

## REVIEW OF THE LITERATURE

The earliest references to the practice of sexual asphyxiation are found in literary rather than medical publications (Melville, 1928; Resnik, 1972). The Marquis de Sade (1791) provided a most graphic description of the practice in *Justine*.

Priapism has long been associated with execution by hanging. English brothels in the 1600s experimented with the technique of sexual asphyxiation as a cure for impotence (Hirschfield, 1948; Resnik, 1972). Several more recent articles (Brittain, 1968; Litman and Swearingen, 1972; *Playboy*, 1976; Resnik, 1972) describe prostitutes who profess to be specialists in this area.

Mr. Rosenblum is a fourth year medical school student at the College of Human Medicine, Michigan State University, East Lansing, Mich. Dr. Faber is Associate Professor of Pediatrics at the University of California at San Diego, and Director of Adolescent Medicine at Balboa Naval Hospital.

The authors would like to thank Dr. Werner Spitz, Chief Medical Examiner of Wayne County, Michigan, for permission to use his medical photographs; as well as Mrs. Patricia Kaplan, Ms. Carol Lowe, and Ms. Sandra Howorth for their secretarial support.

Reprint requests should be sent to Dr. Faber at Balboa Naval Hospital, San Diego, CA 92134.  
0002-7138/79/1803-0546 \$01.16 © American Academy of Child Psychiatry.

Anthropologists have observed similar asphyxial practices among Eskimo children (Resnik, 1972), the Yaghans of South America (Stearns, 1953), the Celts (Sade, 1791), and the Shoshone-Bannock Indians (Melville, 1928). It is said (Henry, 1971) to be a frequent practice among some Orientals for the sexual partners to grasp each other's throat in a strangling gesture, which sometimes results in fatalities. Resnik (1972) personally noted several games in which excited children choke each other by compressing the neck or chest.

The earliest medical reference to sexual asphyxia seems to be that of Boismont in his 1856 monograph on suicide. He describes the case of a 12-year-old boy who was found hanging by a cord attached to a stable rack with his feet resting on the edge of the manger. His father quickly cut him down and was able to revive him. The child later stated that he had had no desire to end his life; rather, the idea of the hanging had come to him quite suddenly and he had been seized by an irresistible urge to try it out.

In 1947 the following case report appeared in Keith Simpson's *Forensic Medicine*: "A naked youth was found in a lavatory hanging half off the edge of the seat, the penis turgid and dribbling semen, suspended from the neck by a rope to the inlet pipe of the cistern above. Several front page nudes from a picture newspaper were laid out in a half ring in front of him on the floor. Death was due to vagal inhibition and must have taken place suddenly, without warning. These cases must not be mistaken for suicides; they are accidental deaths" (p. 99).

Stearns (1953) reported that Simpson considered these deaths to be masochistic. Stearns's study of this bizarre type of death led him to suspect a syndrome.

Gutheil (1954) noted: "Of special importance are cases of strangulation masochism, which invariably is accompanied by transvestism . . . unfortunate accidents often occur to such individuals when, through the constriction of the carotid vessels a cerebral anemia ensues, consciousness is lost and relaxation of the rope is no longer possible" (p. 234). The relationship between transvestism and hanging behavior was further explored by Shankel and Carr (1956) in the first case presentation of a living practitioner of sexual asphyxia to appear in the literature.

Only three other case reports (Edmondson, 1972; Herman, 1974; Litman and Swearingen, 1972) of living adolescent survivors exist in the medical literature. Of the three only the case presented

by Edmondson depicts an adolescent whose hanging behavior was clearly sexual in nature. All other case reports on sexual asphyxia have been compiled essentially by "psychological autopsy," in that the behavior is typically not discovered unless the victim is unlucky enough to die in the process. Rare reports (Gwozdz, 1970; Rupp, 1973) of adult deaths due to sexual asphyxia would tend to suggest that adults engage in far more bizarre and ritualized behavior than adolescents.

Both Ford (1957) and Usher (1963) presented case reports involving sexual asphyxia deaths. Of the six cases presented by Ford, four were in the adolescent age group; and Usher's was a 17-year-old boy. All the adolescent victims presented were considered to be otherwise normal and happy teen-agers.

Death by sexual asphyxia appears to be an almost exclusively male phenomenon. In an extensive search of the literature we were able to find only one case presentation of a female death while purposefully engaged in asphyxia for sexual gratification (Sass, 1975). Interestingly, many features of this death were identical with those found in typical male sexual asphyxia deaths. The victim was 35 years of age.

Several reports (Litman and Swearingen, 1972; Wright and Davis, 1976) describe apparent sexual asphyxia deaths that were in fact homicides. The victims in these cases were murdered and then bound and hanged in a way that would mislead the authorities into thinking the deaths were due to this bizarre sexual practice.

The rationale or motivation of those who practice sexual asphyxia has perplexed most of the authors who have investigated the subject and is poorly understood. Edmondson (1972) felt that the hanging behavior fulfills a masochistic need for punishment rising out of guilt associated with masturbation. Gwozdz (1970) proposed that "perhaps this is the only way in which this type of person can experience simultaneously a feeling of dependency (his female counterpart) and still be in command of his own life (his male counterpart)" (p. 3f.). Brittain (1968) also supports this view.

Resnik (1972) preferred to explain sexual asphyxia in both physiological and psychodynamic terms. He proposed that "constriction of the neck . . . results in (1) a disruption of the arterial blood supply resulting in a diminished oxygenation of the brain (a condition of anoxic anoxia) and (2) an increased carbon dioxide retention (a condition of relative hypercapnia). *Either will heighten sensations through diminished ego controls that will be subjectively perceived*

as giddiness, light headedness, and exhilaration. This reinforces masturbatory sensations" (p. 10).

Unfortunately, while a gradual application of pressure to the neck may result in enhanced sexual sensation, bilateral pressure upon the carotid sinuses will result in immediate unconsciousness due to a reflex drop in blood pressure mediated by the carotid baroreceptors. Moreover, "a pull of as little as seven pounds will diminish flow through the common carotid artery to a mere trickle . . . [which] is more than enough to produce rapid unconsciousness within seven seconds" (p. 11). Thus, while practitioners of sexual asphyxia may take elaborate precautions in the belief that they will not endanger themselves so long as they prevent actual choking (a blocked airway), they may in a moment of excitement unintentionally apply slightly too much pressure to their neck, resulting in a vicious cycle of baroreceptor reflex, unconsciousness, complete hanging, asphyxia, and death.

Resnik preferred to explain sexual asphyxia as a product of castration anxiety, possibly arising from earlier oral-level conflicts produced by a mother who feeds her child so enthusiastically that partial asphyxiation becomes associated with the pleasure of feeding. In his schema, the penis is represented by the neck which is symbolically "castrated." Ejaculation thereby relieves anxiety by symbolizing survival of attempted castration.

Although death due to sexual asphyxia is well known to medical examiners, coroners, forensic pathologists, and law enforcement agencies, the statistics available in the literature are scattered and inconsistent. Stearns (1953) found 1 to 2 per year in Massachusetts between 1941 and 1950, and 6 such deaths in 5 years were reported (Henry, 1955) in the state of Virginia. In the years 1965-69 7 such deaths were reported in Ft. Worth, Texas, representing approximately 1 in 200 deaths when vehicular crashes were excluded (Gwozdz, 1970). Litman and Swearingen (1972) reported 25 cases in Los Angeles between 1958 and 1970. We are aware of at least 3 such deaths in the tricounty area surrounding Lansing, Michigan in the last 6 months. Litman, Swearingen, and Resnik agree on an estimate of at least 50 such deaths per year in the United States.

In our attempts to establish an accurate estimate of a national incidence, we personally contacted the medical examiner's office or the coroner's office in the cities of New York, Chicago, Detroit, and Los Angeles. Most large cities organize mortality statistics according to the ICDA code. Since there is no specific category in



the code for deaths by sexual asphyxiation, there is no way to obtain an accurate estimate of the number of such deaths. A close examination of the ICDA code reveals at least five possible categories under which sexual asphyxia deaths could conceivably be listed. Thus, while the coroners we contacted were quite familiar with this type of death, they could offer only rough estimates of its incidence.

The problem is further compounded by the lack of consensus as to whether these deaths should be considered accidental or suicidal: Ford (1957) felt that they should be considered accidental without suicidal intent, as do Sass (1975) and Brittain (1968). Resnik (1972) concluded that as a form of repetitive self-destructive behavior, not unlike drug addiction or alcoholism, they could be considered suicides. Litman and Swearingen (1972) take a middle position, stating that they are "a mix of suicide and accident," and Stearns (1953) could not decide. Moreover, the Fourth U.S. Circuit Court of Appeals, ruling on a case involving sexual asphyxia (*Richmond News Leader*, 1976; *Runge v. Metropolitan Life Insurance Co.*, 1976), found that the insured's death was not suicide, that he was not murdered, and that he did not die of natural causes, but that he did not die by "accidental means" because the man "naturally and deliberately" undertook an act where "death . . . was a natural and foreseeable, though unintended, consequence of . . . [the] activity" (p. 6).

In view of the confusion surrounding the classification of these deaths, we believe that the statistics for sexual asphyxia deaths in the literature are conservative. A number of these deaths may go unreported due to their sensitive nature. Based on the data available, it would seem reasonable to estimate that at least 250 deaths occur per year in the U.S. alone. Even if we were able to ascertain exact mortality data for this type of death, we would still be left with the task of inferring how many living practitioners exist, since no one knows how frequently the practice is fatal.

#### CASE REPORT

The patient is a 15½-year-old white male who was referred to one of us (MMF) by the police after having revealed his practice in the course of interrogation for an apparently unrelated misdemeanor. Approximately 3 years prior to the consultation, the patient visited a male cousin and the two participated in mutual masturbation. In-

itially, they masturbated while looking at *Playboy* magazine together, and subsequently they included ejaculating into bras and panties that were taken from the cousin's sister. Over the next 3 months, the patient revisited his cousin several times and continued to participate in masturbatory activity with him. At a subsequent visit, the cousin suggested that he knew of an unusual way of ejaculating, and that he would demonstrate it for him if he liked. He proceeded to suspend himself from a door with his belt, and ejaculated while hanging. Shortly thereafter, the patient and his cousin hanged themselves together, and at this time the cousin gave the patient some female clothing to take home with him. The patient later tried it himself and subsequently managed to obtain additional underwear, bathing suits, bras, and panties, by stealing from his sister and nearby stores.

After several visits to the clinic, the patient felt comfortable enough to describe in detail the process of self-hanging. He strips completely, puts on various articles of female clothing (most commonly a bra and panties), and views a large assortment of sexually explicit magazines. He then loops his belt through its buckle, places the loop around his neck and over the clothespole in his closet, and holds the belt in his other hand. Since he is 5 feet 5 inches tall, and the clothesbar is exactly 4 feet from the ground, he *must* lift his legs to be able to hang himself. He always places a towel around his neck before putting the belt over it, in order to avoid producing any marks or bruises.

Further questioning revealed that he had also hanged himself in the barn and from a tree in the forest. The nature of the act and the preparations have remained unvaried. Hanging is accomplished for ½ to 2 minutes and almost without exception is accompanied by ejaculation. Initially, he hanged himself once every other week, but most recently has done it as often as two to four times a week.

Family history reveals that his mother and father have an extremely unhappy marriage. His mother is 43, and is a very dominant punitive, demeaning individual. She reinforces his behavior as evidenced by the report that (1) she has known about this masturbatory practice for a long time, but always avoids a confrontation with her son; (2) she often listens at his door, but does not intervene during the act; (3) she washes the female clothing that he uses and returns it to his room.

His father is 48 and has many medical problems. He is openly

rejecting of the patient, and their only interaction involves occasional punishment, which occurs under the direction of the mother. He too reinforces this behavior. Approximately a year ago the clothesbar from which the patient hangs broke, and his father fixed it without asking any questions. There are four female siblings, but only the 19-year-old lives at home with the patient.

Past history reveals that this patient was preoccupied with ropes even as a child. He now constantly works on fan belts and bike chains at home. He wears two neck chains, one wrist chain, and has many more chains at home. At one time, he tried hanging by twisting the chains, but was not successful.

He is intermittently depressed, particularly when his mother is away. Hanging apparently relieves his depression briefly. He has had some suicidal thoughts, though not recently; when asked how he would accomplish it, he stated that he would get hit by a car.

When asked about his reasons for practicing this type of self-hanging, he responded that: (1) he wants to get his mother angry; (2) it relieves his depression, at least for a short while; (3) it makes him feel good; and (4) he wants to get his family "riled up" so that he can do more with his dad and get the family working together on things.

This patient was seen on four occasions, and a contract to interrupt the process was arranged. The authors' part of the contract was to attempt to arrange psychotherapy and foster care placement in a family where the father would be an active person willing to "deal" with him and where there would be an older boy who could be his brother.

These objectives were accomplished shortly thereafter. He has only been in therapy for approximately a year and, to the best of our knowledge, no longer practices sexual asphyxia.

#### DISCUSSION

A striking feature of the medical literature on sexual asphyxia is the remarkable similarity of the various descriptions of the scene of death and of the personal characteristics of the victims. The features most frequently found at the scene of death appear in table 1. The data gleaned from the three other reports of adolescent survivors are fairly consistent with the post-mortem data and provide additional insight into the families of practitioners (table 2).

Table 1

Common Features of the Scene of Death



1. The absence of a suicide note.
2. The victim is either totally or partially naked and/or his genital organs are prominently exposed.
3. He may be partially dressed in women's underclothing.
4. Ropes, belts, or other bindings are arranged so that compression of the neck could have been produced voluntarily.
5. A scarf or towel has been placed around the neck, under the rope to protect against rope burns.
6. The body, extremities, and/or genitals are bound with ropes, chains, or leather.
7. Pornographic material (especially pictures) is present nearby.
8. Evidence of masturbation (semen) is apparent.
9. There is evidence that this is repetitive behavior (e.g., a permanently installed bar, grooves on a rafter, or other apparatus).
10. The victim is found suspended by the neck, with his feet on the floor, while sitting in a chair, or lying in a bed.
11. The act appears to have been performed alone, usually behind locked doors or when privacy was assured.

Table 2  
Common Characteristics of Living Cases

Characteristics	Rosenblum & Faber	Herman (1974)	Edmondson (1972)	Shankel & Carr (1956)
Male	+	+	+	+
Adolescent	+	+	+	+
Caucasian	+	+	+	+
Hanging from low height	+	+	+	+
No suicide evidence	+	+	+	+
Sexually explicit material present	+		+	+
Transvestism	+		+	+
Binding of body	+		+	+
Heterosexual background	+	too young	+	+
Significant depression	+	+		
Academic problems	+		+	
Preoccupation with ropes and chains as a child	+	+		
Parents have unhappy marriages	+			+
Dominant mother	+			+
Punitive mother	+			+
Mother reinforces the behavior	+	+		+
Rejecting father	+			+
Physically ill father	+		+	

Table 1 should be considered neither as all-inclusive of what may be found at the scene of death nor as a set of criteria that must be met before a death is judged due to sexual asphyxia. Rather, the list should be viewed as a series of clues as to the nature of any unexpected asphyxial death, particularly if the victim is an adolescent male. The more clues that can be found at the scene of death, the higher our index of suspicion should be that the death resulted from sexual asphyxia.

Victims are typically described in the literature as otherwise well adjusted, high achievers who were not perceived as depressed or suicidal by family or friends. The discrepancy between this description and the data presented in table 2 could mean that the few survivors who have been interviewed are not representative of the entire group, but are a more pathological subset. During adolescence, risky, "thrill-seeking" behavior is probably the norm. The risks of sexual asphyxia are not well known, and it could therefore be viewed as no more pathological than driving a car or motorcycle at high speeds.

Though the literature is sparse in this area, it would also seem to

indicate that although adolescent males are the most frequent victims of sexual asphyxia, there is a sizable group of adults and preadolescent boys who are involved in similar practices. Reported cases range in age from 11 years to well over 60 years (Boismont, 1856; Brittain, 1968; Herman, 1974). Moreover, case reports of adult practitioners differ in several significant areas from reports of adolescents.

In their article on bondage and suicide, Litman and Swearingen (1972) describe the bizarre and often dangerous world of adult sadomasochism. Each man had developed his own individual fantasy world which he translated into ritualized sadomasochistic sexual behavior. Various forms of bondage and pain were common features in the sexual practices of all of the people interviewed, as well as in the two fatal cases of sexual asphyxia presented. Of the nine men interviewed, eight had experimented in the past with nooses and strangulation, mostly self-hanging. "Apparently self-asphyxiation is a common component added early in the development of the bondage syndrome. Most bondage practitioners know about hanging thrills but are frightened and stay away from the obvious danger to life. Several said that they are saving hanging for the ultimate scene or eventual suicide" (p. 84). Thus, adult practitioners, in contrast to adolescents, have a clear death orientation and are certainly depressed, if not suicidal. The death orientation of these people is implicit in the name the bondage community has given to sexual asphyxia: "terminal sex."

A second incongruity between adolescent and adult practitioners of sexual asphyxia is that the adolescents perform the act alone and are apparently heterosexual in orientation, while adults often practice it in pairs and are primarily homosexual in orientation. Litman and Swearingen (1972) attest to the vast underground network linking the bondage community by underground newspaper advertisements for clubs and individuals interested in partaking in bondage practices.

The rationale behind the apparent shift from a heterosexual to a homosexual orientation in adulthood may lie in the instinct for survival. Self-immobilization, self-hanging, and autoerotic masturbation are clearly a greater danger to life than bondage with others participating. Partnerships can therefore spell the difference between life and death. Finding a partner willing to participate in bondage is apparently easier within the homosexual community than through relationships with women (Litman and Swearingen,

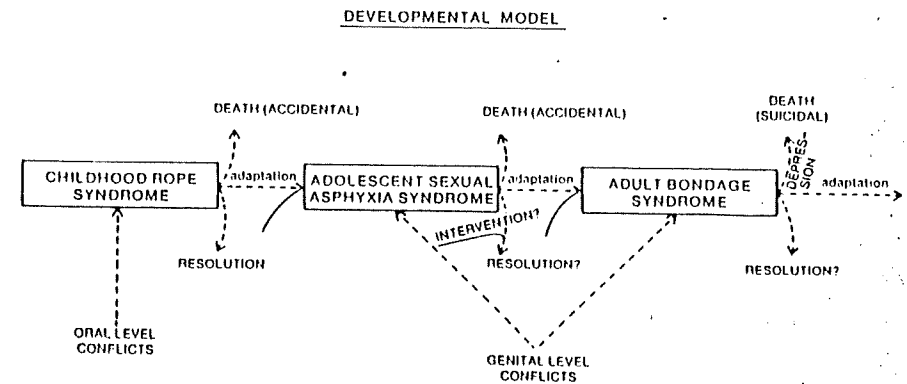
1972). Thus, the age-dependent shift away from solo autoerotic activity and heterosexual orientation toward homosexual activity with partners may well be adaptive in terms of survival.

Unaccounted for by the literature on both adolescent and adult forms of sexual asphyxia is the sizable group of hanging deaths that occur in children. We have previously mentioned two 12-year-old boys (Boismont, 1856; Herman, 1974) who survived hanging attempts. Both boys and their families denied suicidal intent. Five of the 25 "unmotivated" hanging deaths presented by Stearns (1953) were of boys 12 years of age or younger. Usher (1963) describes a group of "older children, most frequently boys, who are hanged in the course of adventurous games or experiments in self suspension with a variety of ligatures" (p. 234).

Whether or not these deaths among children are purely accidental or are sexual in nature is open to conjecture. The notion that such "accidents" represent pregenital acting out of sexual conflicts is supported by several of the adults interviewed by Litman and Swearingen (1972) who claimed that, as children, they had vivid fantasies of being tied up by a woman. Both the boy in the case presented by Herman (1974) and the 15-year-old boy we interviewed had played with ropes frequently since early childhood. The child in Boismont's case (1856) claimed that he had been seized by an irresistible urge to try it; whereas Stearns (1953) cited cases in which the hanging death was preceded by seeing a hanging in a movie.

#### *A Possible Developmental Model*

Despite the paucity of research in this area, the existing evidence tentatively suggests the possibility of a developmental sequence in which a childhood preoccupation with ropes develops into asphyxially oriented adolescent masturbation, eventually resulting in a full-blown adult sadomasochistic bondage syndrome (see figure 1). It is not presumed that any one individual must follow this entire sequence; rather, there are many possible entrance and exit points along the way. An entrance point may be defined as any point in the sequence when the behavior is adopted, which may occur during childhood as rope play, in adolescence as solo sexual asphyxial masturbation, or during adulthood as part of a larger bondage syndrome. An exit point may be defined as the time the behavior stops, either through accidental death in the case of children or adolescents, resolution (spontaneous or through intervention), or through suicide.



The theme of the proposed model is that of a behavioral evolution based upon adaptation to psychosexual need and physical and social realities. Basically, the person develops deviant sexual needs as a response to intrapsychic conflict and then must either adapt to the physiological reality imposed by his behavior (asphyxiation) or die in the process. The form of adaptation available is in turn limited by social realities (e.g., it is easier to find a homosexual partner). The degree to which this adaptation succeeds or fails, both physiologically and emotionally, determines whether the person lives or dies. If he miscalculates his physical tolerance, does not find a partner to protect him, or gets too depressed, he will die. Failure to provide for physiological needs leads to an accidental death, whereas failure to provide for emotional needs may lead to suicide. Since the data available suggest that adolescent practitioners are usually not depressed or suicidal, whereas their adult counterparts are quite depressed and suicidal, it would seem that the risk of a sexual asphyxial death being suicidal rather than accidental increases with age. This is supported by the evidence that most adults perform this with partners for protection and are less likely to die unintentionally.

Conversely, since the adolescent is most likely to perform the act alone, he is at greatest risk of unintentional death. This notion is supported by the case reports in the literature being comprised primarily of adolescent victims. The greatest effort at intervention should be aimed at the adolescent group.

## REFERENCES

- BOISMONT, A. B. DE (1856), *Du suicide et de la folie suicide*. Paris: Germer Bailliere.
- BRITAIN, R. (1968), The sexual asphyxias. In: *Gradwohl's Legal Medicine*, ed. F. E. Camps. Bristol: John Wright, pp. 549-552.
- EDMONDSON, J. S. (1972), A case of sexual asphyxia without fatal termination. *Brit. J. Psychiat.*, 121:437-438.
- FORD, R. (1957), Death by hanging of adolescent and young adult males. *J. Foren. Sci.*, 2:171-176.
- GUTHEIL, E. (1954), The psychological background of transsexualism and transvestism. *Amer. J. Psychother.*, 8:231-239.
- GWOZDZ, F. (1970), The sexual asphyxias. *Foren. Sci. Gazette*, 1:2-3.
- HENRY, R. D. (1955), Accidental strangulation during perverse sexual activity. *Medico-Legal Bull.*, #58. Virginia State Health Dept., Richmond, VA.
- (1971), Sex hangings in the female. *Medico-Legal Bull.*, #214. Virginia State Health Dept., Richmond, VA.
- HERMAN, S. P. (1974), Recovery from hanging in an adolescent male. *Clin. Pediat.*, 13:854-856.
- HIRSCHFIELD, M. (1948), *Sexual Anomalies*. New York: Emerson.
- LITMAN, R. E. & SWEARINGEN, C. (1972), Bondage and suicide. *Arch. Gen. Psychiat.*, 27:80-85.
- MELVILLE, H. (1928), Billy Budd, Foretopman. In: *The Shorter Novels of Herman Melville*, ed. B. Evans. Greenwich, Conn.: Fawcett Publications.
- The Playboy Advisor. *Playboy*, 23:39, Sept. 1976.
- RESNIK, H. L. P. (1972), Erotized repetitive hangings. *Amer. J. Psychother.*, 26:4-21.
- Richmond News Leader*, Insurance refusal upheld here, Richmond, VA., March 8, 1976.
- Runge v. Metropolitan Life Insurance Co.* Opinion of U.S. Court of Appeals for the Fourth Circuit. Case No. 75-1702. Decided March 5, 1976.
- RUPP, J. C. (1973), The love bug. *J. Foren. Sci.*, 18:259-262.
- SADÉ, MARQUIS DE (1791), *The Complete Justine, Philosophy in the Bedroom and Other Writings*, tr. R. Scaver & A. Wainhouse. New York: Grove Press, 1965.
- SASS, F. A. (1975), Sexual asphyxias in the female. *J. Foren. Sci.*, 20:181-185.
- SHANKEL, L. W. & CARR, A. C. (1956), Transvestism and hanging in a male adolescent. *Psychiat. Quart.*, 30:478-493.
- SIMPSON, K. (1947), *Forensic Medicine*. Baltimore: Williams & Wilkins.
- STEARNS, A. W. (1953), Cases of probable suicide in young persons without obvious motivation. *Maine Med. Assn. J.*, 44:16-23.
- USHER, A. (1963), Accidental hanging in relation to abnormal sexual practices. *Newcastle Med. J.*, 27:234-237.
- WRIGHT, R. K. & DAVIS, J. (1976), Homicidal hanging masquerading as sexual asphyxia. *J. Foren. Sci.*, 21:387-389.

## A Model for Staff Training Psychiatric Hospital Treatment of Adolescents

Paul G. Rossman, M.D.

*Abstract.* In hospital settings which emphasize the importance of the treatment process, ward staff often function as central adult adolescent patients can gradually identify. The need for training to develop requisite feelings of competence and confidence is widely felt. This paper offers a model for a group training approach for ward staff with adolescents. The techniques include a style of thinking, recognition of personal anxiety, the uses of didactic information, and group learning.

In recent years there has been increasing recognition of the role of ward staff members in the hospital treatment of adolescents (Easson, 1969; Krohn et al., 1970; Green, 1965; Miller, 1973). Successful hospital treatment is linked, in part, to the establishment of therapeutic relationships between staff members and their adolescent patients (Orvin, 1974). Research on clinical outcome emphasizes the importance of the adolescent's perception of staff members who are interested in patient care (Moos, 1974).

This paper offers a model for training ward staff in the hospital treatment of disturbed adolescents. In the 1960s, Seligman (1966), "the thorniest problem in the treatment of children is the training of the staff" (p. 1).

Dr. Rossman is Chief, West Unit, Butler Hospital, and Assistant Professor, University Medical School.

The author wishes to thank Drs. Derek Miller, Andrew Watson, and Bruce Miller for their views of this manuscript.

Reprints may be requested from Dr. Rossman, 345 Blackstone Boulevard, Boston, MA 0002-7138/79/1803-0559 \$01.09 © American Academy of Child and Adolescent Psychiatry

c

TO THE FEDERAL AND STATE AFFAIRS COMMITTEE  
Kansas House of Representatives

February 24, 1987

Mr. Chairman and Members of the Committee:

My name is Mark Roberts. I am from Manhattan, the father of three children, and the President of the Manhattan Chapter of the National Federation for Decency.

Many citizens of Manhattan are in support of House Bill 2287 because it will define and regulate the open display of material that is offensive to our children.

Currently, in Manhattan, convenience stores and book stores openly display material containing frontal nudity. Game and comic-book stores feature comic books containing abusive and violent sexual acts, fornication, adultery and bestiality. This material is openly displayed for sale next to displays of cartoon comic books for children.

As children witness the aggressive marketing of material containing perverted sex and violence, they accumulate, again and again, the impression that this type of behavior must be okay because, "here it is," out in the open where anyone can see it.

The supervision of a child's reading is best left to parents. But parental control or guidance cannot always be provided in public places. Society is obligated to protect the welfare of children by reasonable regulation of the material displayed before them.

I hope the committee will act favorably on House Bill 2287.

Mark Roberts  
825 Davis Drive  
Manhattan, Kansas 66502

*Attachment C*



# GRACE BAPTIST CHURCH

1414 W. Pawnee • P. O. Box 17052  
Wichita, Kansas 67217 • (316) 264-6644

February 24, 1987

REV. MICHAEL O'DONNELL  
PASTOR

Dear Representative:

I want to thank you for allowing me a few moments to share with you why I feel it is important to see House Bill No. 2287 become law. I am grateful that this bill is an ordinance in our city, but we do come in contact with people who ask how they can see this ordinance become law in their community. That is why we feel that a State law will be beneficial in making a state wide effort to limit the access of pornography to minors. While we realize that most stores do make a real effort to not allow the sale of pornographic material to minors, it is accessible at least from the cover, and sometimes in proximity by being allowed to be placed any where. Some of the important factors we see in this bill are:

- 1. Section 1. (a) (1) Makes it clear that this bill deals with the places where the general public can be exposed to the material. (bookstores, convenience stores, and other types of business)
- 2. the exemption clauses from line 0037-0062 are important so that there can be legitimate uses of nudity for study purposes.
- 3. the action clauses are inexpensive, and should not effect the ability of the consumer (over 18) to purchase material.

As a Community action group we do hope that family related businesses cease their sale of pornography we still feel it is important that this bill become law. Our reason is that while the material will still be available it will be put out of the reach of children, and concerned parents will not worry when "Johnny" goes to the convenience store for a candy bar he will not be confronted with filthy books that can be harmful to them.

While this is not the forum to argue the effects of pornography on adults, I do feel that it is appropriate to inform you of the depiction of children in these magazines and why we feel they should be either withdrawn by the owners of the establishments (at their consent), and the enforcement of laws to insure that this material is kept from minors on their property. However to show that even material such as playboy is harmful to children we have given you a recent article on the promotion of child abuse by these magazines.

Again I want to thank you for your time, and encourage to send this bill on to the house for what we hope will be their acceptance, and shortly see this bill become law.

Sincerely yours,  
*Michael O'Donnell*  
Michael O'Donnell

Attachment D

# Study Reveals Porn Magazines Promote Sexual Abuse of Children



Judith A. Reisman, Ph.D.

**J**udith Reisman has finished her study of *Playboy*, *Penthouse*, and *Hustler* magazines. It is full of complicated phrases: "child magnets," "pseudo-children," "adult receiver," "pairing of stimuli," and "child/adult juxtaposition."

What?

A dictionary will not help. A remedial English course would be useless. And a degree in syntactics would be a waste of time. But don't worry, when all the scholarly verbiage is stripped away, the conclusion of the report is quite simple: The nation's most popular pornographic magazines promote the sexual and violent abuse of children.

In a study funded by the Department of Justice, and which took nearly two years to complete, Reisman researched 373 issues of *Playboy*, 184 issues of *Penthouse*, and 126 issues of *Hustler* magazines.

Her findings?

Children were depicted in photos, illustrations, and cartoons 6,004 times!

"I had anticipated only half that number when we started the study," Reisman said. "And I was very shocked that children had emerged in these magazines so early—that they were there in 1954. That shocked me."

***"These materials have been validating the concept of the child as being seductive and wanting sex with adults."***

Reisman was referring to a 1954 *Playboy* issue that depicted a small boy offering money to a naked woman in bed for sex.

"Even if the children in these magazines were neutral—that is, even if they were in little dresses and gowns and tops and were not committing sexual acts—that would be of enough concern. But we found that of the 6,004 images, the majority showed children in a sexual or violent context.

"These children were much more likely to be associated with having sex with adults. And the children were portrayed as unharmed and enjoying the sexual interactions.

Among the 6,004 child depictions:

- 1,675 children were either nude or displayed with a naked adult.
- 1,225 children were involved in some type of genital activity.
- 989 children were involved in sexual activity with adults.
- 792 adults were portrayed as



**“I was very shocked that children had emerged in these magazines so early—that they were there in 1954.”**

pseudo-children, that is, adults were dressed to appear as children.

- 592 children were featured in violent or forceful situations.
- 267 children were associated with animals or objects.

“All of this is communication,” Reisman said. “All of this is education—an education that has been delivered to this society for over 30 years.

“The core of that education is this: Children are seductive and craving for sex.

“These materials have been validating—over and over, month after month—the concept of the child as being seductive and wanting sex with adults. This is not accurate sex information. But it is the sex education that these magazines have delivered for three decades.”

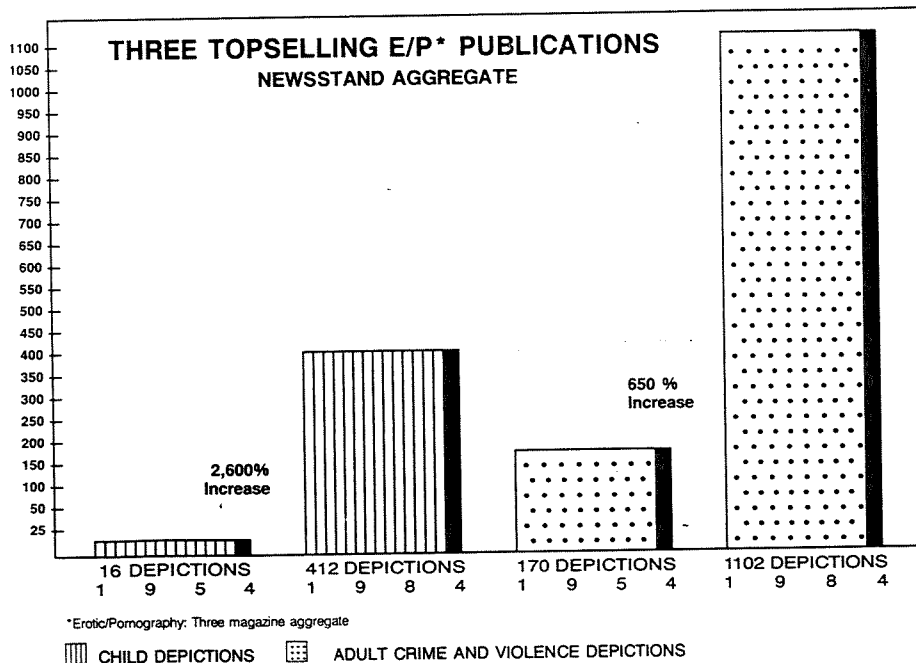
But when the statistics and numbers are swept aside, what did Reisman find?

ne of the most disturbing findings was the use of pseudo-children in the magazines.

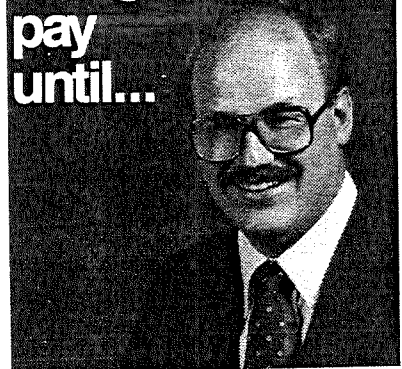
On the front cover of *Playboy's* April 1976 issue, for instance, an adult female is dressed in a party skirt, holding a stuffed rabbit, surrounded by rag dolls and teddy bears, sitting in a white rocking chair, and wearing Mary-Jane shoes. She is wearing nothing from the waist up.

Typically, the producers of the magazines have a number of ways of displaying the pseudo-child. The adult may either be in diapers, a fetal position, an oversized rocking chair, or sucking on a finger or thumb. More often, the adult is surrounded by children's objects—Fisher-Price toys, baby bottles, coloring books, toy trains, lots of stuffed animals. Occasionally, the adult is cast in a fairy-tale setting. One of the more elaborate—and expensive—fairy-tale settings appeared in a *Hustler* publication. The setting was titled, “In the Land of Aaahs.” The scenario showed Dorothy (of the fictional classic “Wizard of Oz”) in many sexually explicit interactions with the Lion, Tin Man, and Straw Man.

Reisman believes that displaying children—or adults dressed as children—in these magazines tends to create a sexual arousal for real children. In more technical terms, Reisman says, “The presence of children in a sexually explicit context is very dangerous. The pairing of stimuli can potentiate an arousal to the one stimuli when the other is not present.”



**“I never thought I could combine real ministry and good pay until...”**



... I discovered a career with Zondervan. The opportunity to make a significant spiritual impact on many lives makes it absolutely unique. And the highly-regarded company—Zondervan—is an added plus.

“In our life, only two things stand the test of time: the Word of God and people. Everything else is ‘chaff’. If you can have a job that combines the Word of God and people... well, that’s a pretty powerful field to be in. You can be effective in your life now, and for eternity!

“I’m excited about the program because you can create and control your own future. No one’s going to lay you off, no one’s going to transfer you to another town.

“Another nice thing is the complete benefit package... a feature often missing from other business opportunities.

“The flexibility is another big plus. I started part time because I was frustrated trying to find part-time work that fit my time schedule and offered decent pay. Five hours a week or fifty, \$5,000 or \$50,000 a year—it’s up to you.

“It’s a ‘portable’ program, too. Wherever you want to live or work, you can. You move only when and if you want to.

“And anyone can do it. I know husbands and wives who work together as a team. Single women. Homemakers. Students. Retirees.

“In fact, I like to call it the world’s best business opportunity for a Christian because you get paid what you’re worth without sacrificing the important ministry aspects of life.”

—Bill Gibbs, Washington

Would you like to find out how you can build a Christian business of your own, without an investment? If so, simply complete and mail the coupon below. We’ll send you an information portfolio about this unusual opportunity combining ministry and a rewarding career.

**CLIP AND MAIL FOR FREE FACTS!**

Mr. Bill Gibbs  
c/o Zondervan • Dept. J27X  
P.O. Box 6130 • Grand Rapids, MI 49516

Please rush my free information portfolio.  
I understand I am under no obligation.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Don’t miss out. Mail this coupon today! Offer limited to U.S. and Canadian residents only.

Enjoy the dramatic heating of good food. Realize the...  
**HOW TO BUY**  
**FREE**  
 your books from:  
 To name Advertising  
 Box 17, Menlo Park, CA. 94025

# I FIRE WRITERS!

... Fire them with enthusiasm for developing God-given writing talent and extending their ministry in this exciting profession. You can "get fired" too! Write for my **FREE STARTER KIT**



**Norman B. Rohrer, Director**  
**CHRISTIAN WRITERS GUILD**  
 260-F Fern Lane  
 Hume, California 93628

Send me your FREE Starter Kit. Show me how to develop my writing talent and how to sell.

MR MRS MISS

ADDRESS

CITY STATE ZIP

**Luxurious Contemporary Custom Homes that retail for \$17.00 Per Sq. Ft.**



Modern technology, excellent craftsmanship, and American ingenuity has resulted in a housing design with standard features not found in homes selling at twice the price.

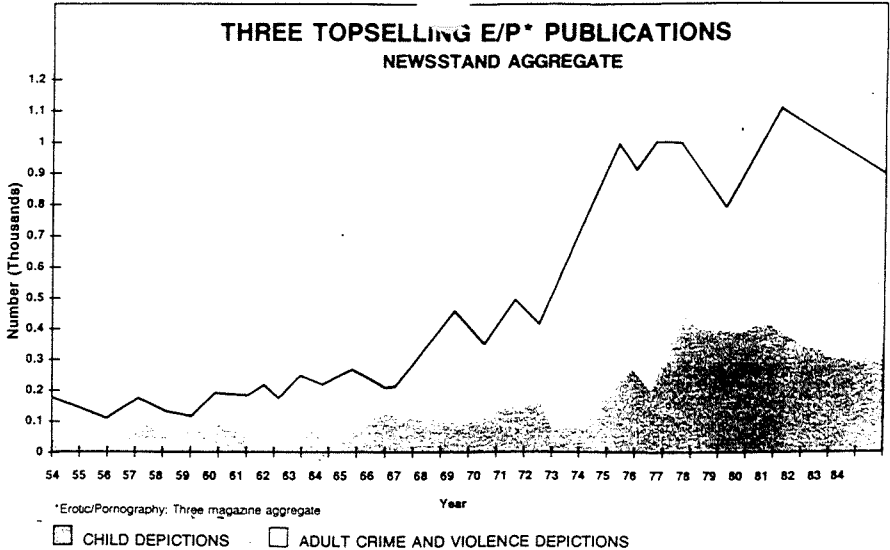
- Fully Insulated
- Thermo Pane Windows
- Cathedral Ceilings
- Exterior Decks
- Quality Construction
- FHA and VA Accepted
- Built-In Computer Center which allows the home to perform many functions for the occupants.
- Interior Design Flexibility

EAGLE'S NEST HOMES is seeking one district representative to establish retail sales.

- Unlimited Income Potential
- Protected Territory
- Factory Training
- No Real Estate License Required
- Investment Secured by Model Home

Individual selected must have the ability to purchase or mortgage a \$21,000 model home. Home may be lived in or used as an office.

Call Mr. Fund collect (404) 479-9700  
 Eagle's Nest Homes, Inc.  
 P. O. Drawer 1569  
 Canton, GA 30114-1169



Another disturbing finding is the apparent callousness the magazines displayed toward the violent sexual abuse of children. For instance, in an August 1975 issue of *Playboy*, an advertisement for *OUI* magazine (owned by *Playboy* at that time) stated: "How One Family Solved Its Discipline Problem." Pictured above this heading is a naked young girl handcuffed and sitting on a bed with unusually battered bedposts. The text reads: "This is Jane. When she is nice, she is very, very nice. But when she is naughty, she has to be punished. Lately, Jane has been very, very naughty.

"That's why, in the current issue of *OUI* magazine, Jane is pictured in a variety of poses that restrict her movement. It was movement that got Jane into trouble in the first place. So you see, it's for her own good. And not incidentally, your pleasure."

The advertisement suggests sado-masochistic sex toward siblings.

Equally revolting are the numerous cartoons that desecrate children.

In a *Penthouse* (December 1977) cartoon, a toddler is shown splattered on

the floor, riddled with bullet holes. Santa stands above him, holding a machine gun, and saying, "That'll teach you to be a good boy."

In *Hustler's* December 1976 issue a doctor is shown crushing an infant with his hands after a woman has just given birth. The doctor asks the mother, "So, you can't pay your bill, heh, Mrs. Jones?"

Other disturbing findings include incest in cartoons and pictorials (two such examples include the features, "Father Knows Best" in *Playboy*, and "Mother and Daughter" in *Penthouse*); he use of fairy-tale themes in cartoons—including Peter Pan, Santa Claus, Snow White, Little Red Riding Hood; and the promotion of bestiality, sado-masochism, and drugs. For example, a *Playboy* satire on the Boy Scouts suggests a merit badge for "free-basing."

Reisman's report (which bears an exhaustive government title, "Images of Children, Crime and Violence in *Playboy*, *Penthouse* and *Hustler*") recommends that her findings be disseminated to public agencies, educators, policymakers, parents, and juveniles.

"If the public becomes aware of what we have found in these magazines, we will see a dramatic change in the acceptability of these magazines," Reisman said.

She predicted, "I think we would see a tremendous boycott. I think we would see an overwhelming response by the public to take action. We would see communities protecting themselves from these kinds of materials. This report has the potential of fermenting a tremendous amount of community concern and change."

**"If the public becomes aware of what we have found, we will see a dramatic change in the acceptability of these magazines."**

■ Martin Mawyer

Mr. Chairman and members of the committee:

My name is Beth Kolb. I am a resident of Shawnee County. On May 3rd & 4th, 1986, my family and I stayed at the Manhattan Holiday Inn. During our stay there, my 13 year old son was able to freely purchase, without question, the May issue of Penthouse magazine at the Holiday Inn gift and magazine shop. He was not asked for I.D. (I have the issue purchased with me today for your review.)

I did not discover this fact until 2 days later. My son told me the circumstances of the sale. He walked into the gift shop, saw the magazine by the cash register, and bought it. No questions asked.


After discerning the facts, I called the Shawnee County Attorney's office. They directed me to the Riley County Attorney's office. They directed me to the city police. I talked to Sgt. Campbell. He investigated my complaint. He questioned the manager of the Holiday Inn (Mr. Fritz Pyle). He claimed to know nothing about what was sold in the gift shop since the shop space is leased independently by outside people. The sales people said they would try to not let such a sale happen again.

I could have carried this disgusting situation of sale of sexually explicit material to a minor further by pressing my complaint. Sgt Campbell would have helped me do so. As with most people, I expected someone else to take responsibility. I did not pursue it, however, because of lack of finances to hire an attorney.

Since that time, I was appalled and shocked to find out how easy it was for my 13 year old son to buy this type of sexually explicit material. I don't want this to happen to anyone else's child nor to the rest of my children. I ask you, which is more important: making a dollar or protecting a child's mind?

Please enact legislation to regulate the accessibility and sale of sexually explicit materials to children. I want my children's minds protected from the unnecessary garbage sold in commercial establishments that are frequented by minors.

I hope this committee will act favorably on HB 2287.

  
Mrs. Beth Kolb  
2-23-87

F

CONCERNING HOUSE BILL #2287

Mr. Chairman and Members of the Committee: My name is Shari Halloran. I am here as a concerned citizen and mother. I support House Bill #2287 for the following reasons:

1. I came today to inform you of my concern of the offensive and harmful comics which I have discovered on the shelves right next to children's comics. I wish to see these pornographic comic books removed before they affect the direction of our youth which will corrupt how they perceive themselves, their family and future mates.
2. I believe material such as this should not be available for youth to have access to. Kansas should have a strong law against such material that undermines traditional family values.
3. For your benefit, I have brought three of the comics for evidence for you to observe. I have marked pages for the committee to quickly view the explicit graphic detail that I wanted to bring to your attention.
4. As a responsible society I think our state should rid themselves of material like this, so therefore I support House Bill #2287.

Thank You,

Shari Halloran  
5125 SE 45th  
Tecumseh, KS 66542

(913)-379-0433

*Attachment F.*

6  
Mr. Chairman and Members of the Committee:

I am Charles White and I live in Shawnee County.

In teaching preschoolers one learns very quickly that they see with great intensity. Young children are also extremely curious. When a child's eye is caught the curiosity is stimulated. Further exploration is almost guaranteed.

A parent has a responsibility to the child. It is a balance of protecting and teaching the child. We do not put a toddler in a lion's cage and then provide him with a book on how to tame lions. We choose to protect the child until it is prepared to learn lion taming. We do not choose to sacrifice children to lions with or without instruction manuals. With sex, the issue is the same, though more complicated: Education or Protection? Yet only six blocks from my home in a public store I beheld a 4-year-old looking at a magazine cover of two naked ladies. The mother was purchasing a comb and did not notice what had captured the eyes and mind of her child.

The most disturbing aspect of the display of this sexually oriented material is that display implies approval. The child truly believes that Daddy and Mommy are in charge, the boss of everything. If that magazine didn't belong in the store my Mommy and Daddy wouldn't let it be there. Children trust adults and believe they have more power than they do.

We now have transvestite bubble gum cards, comic books which depict and even advocate sexual violence, incest, child sex, homosexuality, etc. We have R-rated previews at children's movies, R-rated magazine covers and video cassette packaging. No one knows exactly how many depictions of sex a 4-year-old is exposed to each day. It is far too many. I have visited

*Attachment G.*

many preschools in Topeka. Play in the bathroom is no new thing to parents or teachers but because of these materials, play is far from innocent. One child can teach a whole class in a very short time. The preschools I know of have all adopted strict bathroom policies to protect children.

Unfortunately, I am not the boss in the grocery store or filling station or movie theater. I can't tear things up or put them in brown paper bags. The parent really NEEDS legislative assistance in this area. By the act of a merchant my child draws the assumption that I approve of what the merchant approves of, even if I do not notice what the child is viewing.

The sex merchandiser should have no right to spread his wares so carelessly that it filters into the eyes and minds of 4-year-olds.

Then we should consider the problem of sexual abuse. I feel that the pervasiveness of sexually oriented material in our every day world makes it seem normal to the child. I do not want 4-year-olds to think sex is normal. I want them to learn at the proper time that it is special.

The bottom line is that preschoolers are not able to receive explanations about much that they now see in Kansas. They require protection. Parents cannot provide that protection. Parents NEED legislative assistance. I hope you will provide it for them for all of us. I hope this committee will act favorably on HB 2287.

# Kansas Fish & Game

HEADQUARTERS  
BOX 54A, RT. 2, PRATT, KS 67124



(316) 672-5911

## POSITION PAPER

### KANSAS FISH & GAME COMMISSION

#### SUPPORTS HB #2265 FOR THE FOLLOWING REASONS

1. We support this legislation because it will allow our officers to enforce an area of the boating statute that has been almost unenforceable in the past.
2. We support this legislation because it will hopefully cut down on the number of recreational boating accidents on public water.
3. We receive numerous complaints annually about boaters operating under the influence on our state waters. This legislation will allow our officers to handle these complaints more effectively.
4. Our officers are continually on the watch for D.W.I. subjects. They have the basic training necessary to handle these situations. Very little additional training will be necessary.
5. The U.S. Coast Guard is writing a B.U.I. section that will apply to those states that don't have a B.U.I. statute.

#### RECOMMENDED CHANGES:

1. Page 6, line 0207. We recommend that the \$30 be increased to \$100 and additionally the individuals rights to operate a vessel be suspended for six months or both. This would provide more of a deterrent.
2. Page 3, line 0090. We recommend to include the Kansas Fish & Game Commission.

Prepared by Richard Harrold  
Boating Law Administrator  
KANSAS FISH & GAME COMMISSION

EQUAL OPPORTUNITY EMPLOYER

*Attachment H.*

February 24, 1987  
Hearing on House Bill 2265  
House Federal & State Affairs Committee

Richard Taylor  
KANSANS FOR LIFE AT ITS BEST!

The Third Special Report on ALCOHOL & HEALTH to the U.S. Congress from the National Institute on Alcohol Abuse and Alcoholism contained these facts:  
Of all fatal accidents occurring on the roads today, 59% involve alcohol. Two-thirds of these fatal accidents involve an alcoholic. 83% of fire deaths, 69% of drownings, 63% of home accidents, 36% of pedestrian accidents, 55% of arrests are linked to alcohol. Alcoholism accounts for 37.4% of admissions to state and county mental hospitals. Violent behavior attributed to alcohol accounts for 64% of murders, 72% of assaults, 34% of rapes, 50% of other sex crimes, 33% of suicides, 56% of fight or assaults in the home, and 70% of child abuse.

Alcohol is involved in 69% of drownings. Why? Dr. Morris Chafetz has helped the liquor industry for many years. Yet as pro-liquor as he is, in his book, LIQUOR THE SERVANT OF MAN, we read the following:

In any case, it is not necessary to see a man drink himself to death in order to observe the interesting spectacle I am about to describe. For it is under the influence of alcohol that we are a witness to the retracing of the whole life history of the race — in one man, in one evening — all the way back down the evolutionary stairway. First, his herd-group tendencies disappear (these are the last tendencies man has acquired and are recognizable as the following: consideration of other people, restraints, refinements and niceties). Next to go are anxiety, prudence, modesty, reserve, and all the rest of what psychologists call "group logic," the orthodox rules of group or civilized conduct. Older, more basic impulses push up from below: jerky speech, roaring laughter, excessive sentimentality. By now he has gone a good way down; he has left the herd and is imitating the procedures of the hulking man with the one-inch forehead who was his forebear. Psychically he is roving alone — coarse, reckless, predatory, dangerous, and possibly criminal, because the criminal life of today comes close to the normal life of primitive man.

(Alcohol is a drug. It is our number one drug problem. Alcohol causes more human misery than all other drugs combined. For the bill to be technically correct, places that mention "alcohol or drugs" and "alcohol and drugs" should be amended to read "alcohol or other drugs" and "alcohol and other drugs.")

The hulking man with a one-inch forehead is operating too many boats in Kansas. Passage of House Bill 2265 should reduce their number.

I served aboard ship as a Gunnery Officer in the Navy during World War II. Water is beautiful, but demands our respect. If persons are injured in a car or motorcycle crash, they are laying beside the road in a friendly environment. Many survive. If a person is injured or thrown from a boat, they are in a hostile environment. Most drown.

Every person who enjoys our lakes, who wants to live in freedom from the hulking man with a one-inch forehead who is operating too many boats in Kansas today, should support House Bill 2265.