

Approved January 27, 1988
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m./p.m. on January 25, 1988 in room 515-S of the Capitol.

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

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Office of Revisor of Statutes

Conferees appearing before the committee:

Representative Marvin E. Smith
Senator August Bogina
Dennis Moore, Kansas City District Attorney
Clark Owens, Sedgwick County District Attorney
Chris Cooper, Kansas City Coalition Against Pornography
James W. Mullins, ACTV, Lawrence
Michael O'Donnell, Sedgwick County Chapter American Family Assoc.

The chairman announced due to shortage of time the out of town conferees will be called first to testify on the bills, and local conferees may come back tomorrow for the hearing.

HOUSE BILL 2287 - Displaying materials or performances harmful to minors.

SENATE BILL 467 - Standards for determining what constitutes obscenity.

Representative Marvin E. Smith, the sponsor of the bill, testified, Kansas number one priority is our children and grandchildren. We spend more money on education than any other budget item. It would seem logical for Kansas to have legislation that should deter and restrict the availability of material and performances harmful to minors. A copy of his statement is attached (See Attachment I).

Senator August Bogina, prime sponsor of Senate Bill 467, appeared in support of the bill. He stated the bill will allow local law enforcement officers to enforce the law more evenly, more surely and swiftly.

Dennis Moore, Kansas City District Attorney, testified in support of the bills. He stated the U.S. Supreme Court Decision, Pope v. Illinois, is important in Kansas because the statute in Illinois is similar to the Kansas statute. His proposal to conform to the language of the U.S. Supreme Court Decision is embodied in Senate Bill 467.

Clark Owens, Sedgwick County District Attorney, testified in support of both of the bills. He stated Dennis Moore who testified before him very well set out reasons for the change in the bill. He said he thinks the statute does need to be amended to comply to the Pope v. Illinois Decision. He requested the committee act on the bill as quickly as possible and make the effective date upon publication in the Kansas Register.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on January 25, 1988, 19 .

House Bill 2287 and Senate Bill 467 continued

Mr. Owens said Wichita has a municipal ordinance that is similar to House Bill 2287 and it is a very successful law to enforce. The provision in the bill that the bottom two-thirds of the magazine be covered does not prohibit sale of this material, but does protect children. This bill will be a transition for merchants to get use to it. The bill will bring about better control of this type of material to children.

Chris Cooper, Kansas City Coalition Against Pornography, testified the hard-core pornography industry has grown, virtually unchecked in the last 17 years, jumping from a \$200 million industry to an \$8 billion industry which the F.B.I. believes to be 85% controlled by organized crime. Copies of his statement and attachments are attached (See Attachment II).

James Mullins, ACTV, Lawrence, testified evidence has overwhelmingly shown that pornography is a serious problem in our country today, and the state of Kansas does not have effective laws to deal with it. Copies of his handouts are attached (See Attachment III).

Michael O'Donnell, Sedgwick County Chapter American Family Association, testified in support of the two bills. He stated, we believe Senate Bill 467, as written, will settle the debate over the constitutionality of the state obscenity law and will allow prosecutors to proceed with full confidence in winning convictions of hard-core pornography establishments. Regarding House Bill 2287, statutes and ordinances to regulate the sale or display of harmful books and films have been used in several states and cities since 1970 and are workable tools to protect minors. Copies of his statement and attachments are attached (see attachment IV).

The meeting adjourned.

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

Copy of testimony concerning Senate Bill 111 presented to the committee on January 21, 1988, by Galen Davis is attached (See Attachment VI).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 1-25-88

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Aim Clark	Topeka	KCDAA
Beth Galt	"	_____
Dobbe Kling	16300 Lone Elm - Olathe	_____
Rosemary Davidson	7455 Monticello ^{Shawnee KS}	_____
Jimmy Coss	2831 ^{Jawrence} Main St	1st Southern Bapt. ^{church}
Jany Buggs	Topeka	Palmer News
Kirk Hase	Topeka	Palmer Cos.
Joe Bismack	Topeka	Palmer Cos.
Ron Stewart	2540 Jayon ^{Topeka}	Care Centers Inc.
Ken Coss	Topeka	K-NEA
Michael O'Donnell	Wichita	Dunes Baptist Church
Ronald W. Bennett	Wichita	American Family Association
John Hall	Topeka	Citico
Rep Marvin E. Smith	Topeka	House
Rep. Ken Mullenkamp	Russell Springs	House
JAMES W. MULLINIS	3506 W. 10TH PL	ACTV
Kathrynne Sughree	Dodge City	Repro.
Michelle Francis	Dodge City	Repro
Melissa W. Reynolds	Dodge City	Repro
Wanda Haudley	Dodge City	Repro
Jeana Haudley	Dodge City	_____
Kinda Stephens	Topeka	TRC-WFO
Marion Habbett	Topeka	Concerned Citizens
Gerard Habbett	Topeka	"
Sharon Reynolds	Dodge City KS	" "

Attach. V

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

January 25, 1988

HB 2287
Senate Judiciary

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 comic book format, magazines, films and other visual material has been deteriorating.

Prior to the 1987 Session one of my constituents mailed me some trashy comic book magazines available to children. When the Shawnee County Legislative Delegation met in December of 1986, a Shawnee County citizen brought before us her concern about materials available in the Topeka community that were harmful to minors.

Kansas' number one priority is our children and grandchildren. We spend more money on education than any other budget item. It would seem logical for Kansas to have legislation that should deter and restrict the availability of material and performances harmful to minors.

Last year in the 1987 Session we passed legislation declaring we are concerned about the drug problem and drug traffic. HB 2287 will complement our endeavor to provide a better environment for children and youth.

House Bill 2287:

1. Is essentially the same legislation as Ordinance #36-172 of the Code of the City of Wichita, Kansas.
2. Was upheld by the U.S. District Court of Kansas.
3. Was upheld by the Tenth Circuit Court of Appeals. M.S. News and Co. vs Casado on November 16, 1983.

In addition:

Attch. I

1. Kansas statutes only prohibit materials and performances that are obscene to adults.
2. Courts have consistently held that the government may regulate materials and performances that are obscene to minors. This is based on the notion that children need greater protection and are more vulnerable than adults.
3. The Kansas Statute which prohibits obscenity to minors has one major flaw! It only protects minors from material and performances which are obscene as to adults.
4. The following are states and cities that have display laws that have been challenged and upheld: (taken from Citizens for Decency Through Law, Inc.)
 - New Mexico
 - Pennsylvania
 - Rhode Island
 - Minneapolis, Minnesota
 - Nashville, Tennessee
 - Norfolk, Virginia
 - Wichita, Kansas
5. The following states and cities have similar display laws that have not been challenged:

Alabama	Missouri
Arizona	Montana
Buffalo, New York	Nebraska
Colorado	Nevada
Delaware	New York
Florida	North Carolina
Georgia	South Carolina
Indiana	South Dakota
Iowa	Tennessee
Louisiana	Texas
Maine	Vermont
Massachusetts	Virginia

6. The Virginia Statute was appealed to the U. S. Supreme Court. It was struck down by the Fourth Circuit Court of Appeals.
 - a. Many believe the Supreme Court will uphold the Virginia law because it would have simply dismissed or affirmed the Fourth Circuit Court if in agreement.
 - b. Instead, the appeal was heard and a decision is due soon.
7. Attorney General Ed Meese's Report on Pornography, the chapter on "Display", refers to the Wichita, Kansas Ordinance, M.S. News vs Casado and was upheld by the Federal Court of Appeals Tenth Circuit.

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 display of improper materials to minors.

I would appreciate your favorable consideration of HB 2287.

Mr. Chairman, if there are questions I will try to answer them, however, since we are limited on time and you have testimony of others to hear, I will be happy to make myself available for questions at a later time.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

February 27, 1987

The Honorable Robert H. Miller, Chairman
House Federal and State Affairs Committee
Statehouse, Room 115S
Topeka, Kansas 66612

RE: House Bill #2287

Dear Representative Miller:

I was unable to testify in regard to my support of the above-referenced bill due to a previous commitment. Assistant Attorney General Rachel Lipman advised the committee I was in favor of the bill and I am writing to reenforce my support.

I think it is important we take every step possible to protect our children. The courts seem to look differently on legislation which protects children from obscenity and that which applies to adults. There are always legal issues involved when questions concerning the first amendment are involved, but it is my opinion, HB #2287 is a constitutional protection of children.

Very truly yours,

COPY

Robert T. Stephan
Attorney General

RTS:dp

bcc: Mrs. Linda Stephens



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

January 28, 1987

Mrs. Linda Stephens
P.O. Box 67004
Topeka, Kansas 66667

Dear Mrs. Stephens:

Thank you for your letter and for the memorandum concerning "harmful to minors" or "display" legislation. I wish to advise you I have joined as an amicus in regard to this matter in the Georgia case. I agree with the position of the Georgia Attorney General and have supported his cause.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert T. Stephan".

Robert T. Stephan
Attorney General

RTS:dp



**STAND TOGETHER
OPPOSING PORNOGRAPHY**
Coalition Against Pornography—Kansas City

KANSAS SENATE JUDICIARY COMMITTEE
HEARING TESTIMONY OF CHRIS COOPER
DIRECTOR OF THE COALITION AGAINST PORNOGRAPHY
KANSAS CITY REGARDING SB 467

CO-CHAIRMEN

CLARENCE M. KELLY
Former Director, F.B.I.
Former Chief of Police-Kansas City

RICHARD A. LANE
2nd Presbyterian Church

EXECUTIVE DIRECTOR

CHRIS COOPER

The hard-core pornography industry has grown, virtually unchecked in the last 17 years—jumping from a \$200 million industry to an \$8 billion industry which the F.B.I. believes to be 85% controlled by organized crime.

The Kansas City area has gone from 20 to 200 outlets for hard-core pornography from 1970 to 1987. Even the "Family" video stores rent or sell movies which have been found obscene across the country where the laws have been enforced.

Common themes in this material include rape, sadomasochism, incest, group sex, sodomy, and implied child molestation. The hard core porn bookstores carry even more perverted material including urination, defecation, vomiting, enemas and bestiality.

The Supreme Court of the U.S. has categorically determined that obscenity is not protected by the 1st amendment. In fact, obscenity is not speech at all, but rather a surrogate for sex. For example, we don't allow the "dirty-old man" in the trench coat to expose himself in a shopping mall. Our founding fathers did not give their lives to protect that action any more than for that same man to take a photograph of himself and mail it unsolicited to 10,000 Kansas residents. In either case, his actions are a surrogate for sex rather than a protected form of speech.

Furthermore, the local community has the right to maintain a decent society. The burden is on the local community to determine, within strict Supreme Court guidelines, what is and is not obscene.

However, Kansas now has no enforceable obscenity law due to the 1987 U.S. Supreme Court decision "Pope vs. Illinois". Kansas is safe haven for the criminal pornographers as long as the Kansas Obscenity Law stands uncorrected relative to the Pope vs. Illinois decision.

Unless the law is corrected immediately, the strong anti-

pornography effort in the Metropolitan Kansas City is likely to drive more hard-core pornographers across the state line into Kansas.

1984 research studies by Zillman & Bryant in a midsize Midwestern town compared the responses of 2 groups of 80 people each. The first group watched 1 hour/week for 6 weeks of situation comedy. The second group watched 1 hour of typical hard-core porn video tape rented from a family video store-for 6 weeks. Follow-up questionnaires revealed the porn had the following effect on attitudes:

- * The greatest sexual joy comes without enduring commitment.
- * Partners expect each other to be unfaithful.
- * There are health risks in repressing sexual urges.
- * Promiscuity is natural.
- * Children, especially daughters, are liabilities and handicaps.

A follow-up study in 1986 also showed:

- * Exposure to pornography diminished satisfaction with the physical appearance of the respondent's sexual partner
- * It reduced satisfaction with the partner's affection, sexual behavior, and sexual curiosity and innovations.
- * It reduced the overall satisfaction with the respondents present intimate relationship.
- * It enhanced the importance of sex without emotional involvement.

With the uncontrolled spread of obscenity and its direct attack on the family and the promotion of unsafe sex and promiscuity, its no wonder we have a huge divorce rate, 1.1 million teen-age pregnancies and 12 million new cases of sexually transmitted diseases in 1987.

In fact, more babies were born in 1987 with sexually transmitted diseases than all the babies affected by the polio epidemic in the entire decade of the 1950's.

This is an emergency! Please vote on this bill immediately so we can again have a constitutional and enforceable obscenity law so the criminal pornographers can be brought to justice.

I also respectfully request that you place an emergency provision on this bill so it will become law at the earliest possible date. Thank you.

Chris Cooper
Executive Director
Coalition Against Pornography-Kansas City
318 East 55th Street
Kansas City, MO 64113
816/333-2660



Park Elliot Deitz

... was one of eleven commissioners on the 1986 U.S. Attorney General's Commission on Pornography. Dr. Deitz earned his degrees in medicine (M.D.), public health (M.P.H.) and sociology (Ph.D.) from the Johns Hopkins University. Dr. Deitz is Professor of Law, of Behavioral Medicine and Psychiatry and Medical Director of the Institute of Law, Psychiatry and Public Policy at the University of Virginia in Charlottesville.

The following are excerpts from Dr. Deitz' final statement at the conclusion of the Commission's study.

Vice Centers. Pornography is a medical and public health problem because pornographic retail outlets of the "adults only" variety are the most visible service stations of the vice industry. The peep-show booths, with their locking doors, are the self-service pumps, as evidenced by the body fluids on their floors and walls. The openings in the walls of the booths allow anonymous and casual sexual contact, making it impossible to trace the donors and recipients of sexually transmitted diseases. These establishments draw muggers to a pool of victims who are somewhat disinclined to report a robbery to the police. These establishments signal members of the community and visitors that full vice services may be available nearby through prostitutes and drug dealers and, if not so directly available, are a phone call away through the advertisements found in tabloids, periodicals, and sex-for-sale guides. If these were the only adverse health consequences of pornography, the most straightforward remedy would be to prohibit retail sales except through the mail. But these are not the only adverse health consequences of pornography.

Sexual Disinformation. Pornography is a medical and public health problem because so much of it teaches false, misleading, and even dangerous information about human sexuality. A person who learned about human sexuality in the "adults only" pornography outlets of America would be a person who had never conceived of a man and woman marrying or even falling in love before having intercourse, who had never conceived of two people making love in privacy without guilt or fear of discovery, who had never conceived of tender foreplay, who had never conceived of vaginal intercourse with ejaculation during intromission, and who had never conceived of procreation as a purpose of sexual union. Instead, such a person would be one who had learned that sex at home meant sex with one's children, stepchildren, parents, stepparents, siblings, cousins, nephews, nieces, aunts, uncles, and pets, and with neighbors, milkmen, plumbers, salesmen, burglars, and peepers,

who had learned that people take off their clothes and have sex within the first five minutes of meeting one another, who had learned to misjudge the percentage of women who prepare for sex by shaving their pubic hair, having their breasts, buttocks, or legs tattooed, having their nipples or labia pierced, or donning leather, latex, rubber, or child-like costumes, who had learned to misjudge the proportion of men who prepare for sex by having their genitals or nipples pierced, wearing women's clothing, or growing breasts, who had learned that about one out of every five sexual encounters involves spanking, whipping, fighting, wrestling, tying, chaining, gagging, or torture, who had learned that more than one in ten sexual acts involves a party of more than two, who had learned that the purpose of ejaculation is that of soiling the mouths, faces, breasts, abdomens, backs, and food at which it is always aimed, who had learned that body cavities were designed for the insertion of foreign objects, who had learned that the anus was a genital to be licked and penetrated, who had learned that urine and excrement are erotic materials, who had learned that the instruments of sex are chemicals, handcuffs, gags, hoods, restraints, harnesses, police badges, knives, guns, whips, paddles, toilets, diapers, enema bags, inflatable rubber women, and disembodied vaginas, breasts, and penises, and who had learned that except with the children, where secrecy was required, photographers and cameras were supposed to be present to capture the action so that it could be spread abroad. If these were the only adverse health consequences of pornography, the most straightforward remedy would be to provide factually accurate information on human sexuality to people before they are exposed to pornography. If only we could agree on what that information is, on who should provide it to the many children whose parents are incapable of doing so, and on effective and acceptable means by which to ensure that exposure not precede education. In the absence of such a remedy, the probable health consequences in this area alone are sufficient to support recommendations that would re-

duce the dissemination of that pornography which teaches false, misleading, or dangerous information about human sexuality. And these are not the only adverse health consequences of pornography.

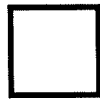
Encouraging Social Behavior with Adverse Health Consequences. Pornography is a medical and public health problem because it encourages patterns of social behavior which have adverse health consequences. The person who follows the patterns of social behavior promoted by pornography is a person for whom love, affection, marriage, procreation, and responsibility are absolutely irrelevant to sexual conduct. We do not need research to tell us that such persons on the average contribute more than other persons to rates of illegitimacy, teenage pregnancy, abortion, and sexually transmitted diseases. If these were the only adverse health consequences of pornography, the most straightforward remedy would be to more effectively encourage responsible sexual behavior, if only we knew how. In the absence of such a remedy, the probable health consequences in this area alone are sufficient to support recommendations that would reduce the dissemination of pornography. And these are not the only adverse health consequences of pornography.

Fostering Attitudes with Adverse Health Consequences. Pornography is a medical and public health problem because it increases the probability that members of the exposed population will acquire attitudes that are detrimental to the physical and mental health of both those exposed and those around them. The social science evidence adequately demonstrates that even in experimental samples of mentally stable male college students, exposure to violent pornography leads to measurable, negative changes in the content of sexual fantasies, attitudes toward women, attitudes toward rape, and aggressive behavior within the experimental setting. Analogous results of exposure to nonsexual media violence have been well-documented for even longer. Although too few experiments have clearly tested the effects of degrading pornography, there are suggestions in the few existing studies that exposure to degrading pornography has negative effects in the experimental setting, including eliciting anxiety, depression, and hostility. Biographical accounts of individuals go beyond the experimental evidence in attributing changes in male sexual attitudes and demands to pornography, including nonviolent pornography, and in documenting adverse consequences to women and children of the behavior of these men. Some of these accounts include persuasive examples of direct and immediate imitation and of long-term modeling effects. Moreover, the existing population-based evidence for the United States shows a correlation between circulation rates of magazines containing pornography (primarily of a non-violent type) and rates of reported rape in the fifty states during the same time period, even after many other factors were statistically controlled. In my opinion, we know enough now to be confident in asserting that a population

exposed to violent pornography is a population that commits more acts of sexual brutality than it otherwise would and to suggest somewhat less confidently that the same is probably true of a population exposed to degrading pornography. Even if these were the only adverse health consequences of pornography, there would be no straightforward remedies for these consequences short of reducing the exposure of the population to violent and degrading pornography. And these are not the only adverse health consequences of pornography.

Instruments of Sexual Abuse. Pornography is a medical and public health problem because it is used as an instrument of sexual abuse and sexual harassment. Pornography of all types is used in the sexual abuse of children to instruct them on particular sexual acts and to overcome their resistance by showing them what adults do and by intimidating them about the painful things that might be done to them if they fail to comply. Pornography of all types is used to instruct women in the sexual behaviors that men desire of them but which they have "failed" to provide, forcing women who have or see no other options to choose between the feelings of inadequacy that accompany refusal and the feelings of self-loathing that accompany compliance. Pornography of all types is used to harass women in the workplace and to remind them into whose world they are intruding, leading to feelings of shame, disgust, and powerlessness. Even if these were the only adverse health consequences of pornography, there would be no straightforward remedies for these consequences short of reducing the quantity of pornography in circulation. And these are not the only adverse health consequences of pornography.

Presumed Corruption of Children. Pornography is a medical and public health problem because it falls into the hands of children, who must be assumed vulnerable to adverse mental health consequences unless and until proved otherwise. Although experiments to test this assumption pose potentially insurmountable ethical dilemmas, it should be possible to design studies to examine the responses of children who have been exposed to pornography in other ways, such as negligent parental storage. Such studies would require safeguards to protect the child against any further harm and a suitable control group, such as children whose parents possess pornography to which the children were not exposed. To date, the effects of exposure on young children are unknown, but it would be as imprudent to assume no negative health consequences of pornography as it would to make such an assumption about a drug that had not been properly tested. Even if the assumed harms to exposed children were the only adverse health consequences of pornography, there would be no straightforward prevention or remedy for these consequences short of reducing the quantity of pornography in circulation. And these are not the only adverse health consequences of pornography. ■



The following are excerpts from the testimony of Andrea Dworkin before the 1986 U.S. Attorney General's Commission on Pornography. Ms. Dworkin testified on behalf of other victims whose voices were not able to be heard.

My name is Andrea Dworkin. I am a citizen of the United States, and in this country where I live, every year millions of pictures are being made of women with our legs spread. We are called beaver, we are called pussy, our genitals are tied up, they are pasted, makeup is put on them to make them pop out of a page at a male viewer. Millions and millions of pictures are made of us in postures of submission and sexual access so that our vaginas are exposed for penetration, our anuses are exposed for penetration, our throats are used as if they are genitals for penetration. In this country where I live as a citizen real rapes are on film and are being sold in the marketplace. And the major motif of pornography as a form of entertainment is that women are raped and violated and humiliated until we discover that we like it and at that point we ask for more.

In this country where I live as a citizen, women are penetrated by animals and objects for public entertainment, women are urinated on and defecated on, women and girls are used interchangeably so that grown women are made up to look like five- or six-year-old children surrounded by toys, presented in mainstream pornographic publications for anal penetration. There are magazines in which adult women are presented with their public areas shaved so that they resemble children.

Asian women in this country where I live are tied from trees and hung from ceilings and hung from doorways as a form of public entertainment. There is a concentration camp pornography in this country where I live, where the concentration camp and the atrocities that occurred there are presented as existing for the sexual pleasure of the victim, of the woman, who orgasms to the real abuses that occurred, not very long ago in history.

In the country where I live as a citizen, there is a pornography of the humiliation of women where every single way of humiliating a human being is taken to be a form of sexual pleasure for the viewer and for the victim; where women are covered in filth, including feces, including mud, including paint, including blood, including semen; where women are tortured for the sexual pleasure of those who watch and those who do the torture, where women are murdered for the sexual pleasure of murdering women, and this material exists because it is fun, because it is entertainment, because it is a form of pleasure, and there are those who say it is a form of freedom.

Certainly it is freedom for those who do it. Certainly it is freedom for those who use it as entertainment, but we are also asked to believe that it is freedom for those to whom it is done.

We see pornography having introduced a profit motive into rape. We see that filmed rapes are protected speech. We see the centrality of pornography in serial murders. There are snuff films. We see boys imitating pornography.

We see the average age of rapists going down. We are beginning to see gang rapes in elementary schools committed by elementary school age boys imitating pornography. We see sexual assault after death where frequently the pornography is the motive for the murder because the man believes that he will get a particular kind of sexual pleasure having sex with a woman after she is dead.

When your rape is entertainment, your worthlessness is absolute. You have reached the nadir of social worthlessness. The civil impact of pornography on women is staggering. It keeps us socially silent, it keeps us socially compliant, it keeps us afraid in neighborhoods; and it creates a vast hopelessness for women, a vast despair. One lives inside a nightmare of sexual abuse that is both actual and potential, and you have the great joy of knowing that your nightmare is someone else's freedom and someone else's fun.

I am asking you to help the exploited, not the exploiters. You have a tremendous opportunity here. I am asking you as individuals to have the courage, because I think it's what you will need, to actually be willing yourselves to go and cut that woman down and untie her hands and take the gag out of her mouth, and to do something, for her freedom. ⁷⁶³ ■

GALLUP POLL RESULTS - SEPTEMBER 1987 COMPARED TO NOVEMBER 1987

1. For each one of these issues, please tell me if you feel it is a very important problem, a somewhat important problem or if it is not an important problem facing Kansas City today.

		Very Important	Somewhat Important	Not Important	Don't Know
a. Violent Crime	September	75%	23%	1%	1% = 100%
	November	75%	22%	2%	1% = 100%
b. Drug & Alcohol Abuse	September	82%	15%	2%	1% = 100%
	November	78%	19%	1%	2% = 100%
c. Hard Core Pornography	September	48%	33%	11%	8% = 100%
	November	59%	22%	15%	4% = 100%
d. Environmental Pollution	September	39%	48%	9%	4% = 100%
	November	39%	42%	16%	3% = 100%

2. Thinking about the availability of pornography, do you think the sale of hard core pornography should be allowed:

		Yes	No	Don't Know
a. In Kansas City?	September	27%	69%	4% = 100%
	November	22%	72%	6% = 100%
b. In Your State?	September	28%	70%	2% = 100%
	November	22%	71%	7% = 100%
c. In Your Neighborhood	September	19%	79%	2% = 100%
	November	18%	79%	3% = 100%

3. Now, thinking about pornographic magazines, movies, video cassettes, and books that depict sexual violence, please tell me if you believe the following are true or not true:

		True	Not True	Don't Know
a. They provide a safe outlet for people with sexual problems	September	19%	71%	10% = 100%
	November	17%	71%	12% = 100%
b. They lead some people to commit rape or sexual violence	September	69%	24%	7% = 100%
	November	74%	18%	8% = 100%
c. They provide entertainment	September	55%	42%	3% = 100%
	November	45%	50%	5% = 100%
d. They lead to increase in the rate of sexually transmitted diseases	September	65%	28%	7% = 100%
	November	62%	27%	11% = 100%

4. To the best of your knowledge, in Kansas City today, is it currently illegal to buy or sell some types of hard core pornography?

	Yes	No	Don't Know
September	47%	25%	28% = 100%
November	46%	26%	28% = 100%

5. Would you favor or oppose having law enforcement agencies prosecute the producers and distributors of:

		Favor	Oppose	Don't Know
a. Non-violent, hard core, pornographic movies?	September	59%	36%	5% = 100%
	November	64%	30%	6% = 100%
b. Magazines that show nudity?	September	41%	54%	5% = 100%
	November	44%	45%	11% = 100%
c. Magazines that show adults having sexual relations?	September	58%	39%	3% = 100%
	November	61%	32%	7% = 100%
d. Magazines or Movies that show sexual violence?	September	79%	19%	2% = 100%
	November	77%	18%	5% = 100%
e. Child pornography?	September	92%	7%	1% = 100%
	November	92%	7%	1% = 100%

6. During the past month there has been a campaign against pornography in Kansas City called Stand Together Opposing Pornography or S.T.O.P! Before this interview, were you aware of this campaign?

Yes = 74% No = 26% Total = 100%



Cindy was raped

Cindy's third-grade teacher singled her out as gifted. He spent extra time with her and with her parents—practically becoming part of the family. Soon he was taking her on field trips.

But instead of going to the museum, he started taking innocent little Cindy to motels...



Linda was murdered

Linda had a smile that could brighten a room. She was popular in school, loved by family and friends, and she was looking forward to college.

But one night, on the way home, three men grabbed her. Terrified, she screamed and clawed at her attackers. But they pushed her into a car and raced off...



Billy was kidnapped

Everyone liked Billy at the corner market. So Carol, his mother, let him run-around while she shopped. But this time, as the clerk rang up the total, Billy didn't come running up to his mother.

That's when the box boy remembered seeing Billy with a stranger...

THREE TERRIBLE TRAGEDIES. ONE COMMON HORROR.

WARNING!

In order to describe a serious problem the Kansas City area faces, this Special Supplement contains material not intended for children. Parental discretion is advised.

Fragmented newspaper text visible in the background, including words like "warning", "children", "parental", "discretion", "advised", "serious", "problem", "area", "faces", "special", "supplement", "contains", "material", "not", "intended", "for", "children", "parental", "discretion", "is", "advised".

PORNOGRAPHY DESTROYS...

These stories are true, and to protect the victims and their families, we are disguising most identities.

Cindy

Cindy went along with her trusted teacher, like most young, impressionable children would. She had no reason to suspect anything. Even when he started playing games with her. Games like "hide the quarter."

Soon he was showing her magazines filled with pictures of adults having sex with kids. Showing her these to break down her defenses, to convince her that "sex games" are okay.

Cindy didn't think this was right. She felt dirty. She didn't want to play those games. But there were more pictures, and more magazines to persuade her. In fact, there are nearly 250 different child pornography magazines available—many even in Kansas City.

Can you imagine the horror and anguish of Cindy's parents when they found out their precious daughter had been raped? And what about the torment that will haunt Cindy for the rest of her life?

We can no longer close our eyes to this problem. Because pornography is easily available all over town. It's too easy to get hold of it and use it against our children. Cindy's father sums it up:

"After my daughter was cross-examined in court for three days, she said to me, 'Daddy, you can't protect me anymore, can you?' I was crushed; what could I tell her?"

Linda

Linda's captors took her to a motel, and drugged her into semi-consciousness. Then, while she struggled as best she could, the three men repeatedly raped her—photographing the whole thing.

Why? These men had been hired to do a job. They were working for a pornographer, and they had chosen Linda because they were instructed to "use a blonde."

But by morning Linda's abduction was well publicized. And the men were afraid Linda would identify them. So they took her to a secluded spot—and while she pleaded for her life, they shot Linda in the head.

The most frightening thing is that this tragedy is not one in a million. In Los Angeles alone, 30,000 children were molested last year. And across America hundreds of thousands of women and children will be exploited by pornographers in the next 12 months.

Linda's mother, Dixie, knows how personal these cold statistics can be. Dixie now travels the country, pleading for all of us to stand together and stop this from happening to others:

"Pornography is creeping into all of our lives and we do nothing because we think it's not going to hurt us."

Billy

Billy knew better than to talk with strangers. And yet, he was nowhere to be found. Carol tried to calm herself, but she couldn't. Her worst fears were coming true. In a panic, she ran outside, screaming for Billy, blind to everything except her lost child.

The police combed the city for days, but to no avail. Days turned into months, prolonging Carol's torment. But still no Billy.

You've seen the pictures of missing children like Billy on milk cartons. Have you ever wondered where they disappear to?

The thought is frightening, but undoubtedly some of these children have been used to produce hard-core child pornography.

The awful fact is that pornography has changed. It is no longer a harmless pastime. It's claiming innocent victims. In the last three years, it has doubled in volume to an \$8-billion-a-year business.

And it is behind much of the rape and sexual violence that we read about in the papers and see on TV. Only now, it's beginning to creep into even the best neighborhoods.

Something terrible is happening to Kansas City

Read on to learn...

The effects of pornography on behavior 5

Blue smoke and mirrors 6
What national leaders are saying 8

Lessons from the national S.T.O.P! campaign 9

... The shocking truth is—doctors and law enforcers are now finding that pornography is linked to violent sex crimes...

Here is a summary of the research on pornography conducted by law enforcers and the medical community. It is presented by Dr. Victor Cline, a clinical psychologist and professor at the University of Utah.

The Effects of Pornography on Behavior

by Dr. Victor Cline

A great deal of research has been conducted in the last 10 years on pornography that shows women being attacked, raped, knifed and sexually brutalized by male assailants.

It has been found that men who use this material undergo very real behavioral changes. They:

- are aroused aggressively
- develop an appetite for more

deviant, bizarre, or violent types of pornography

- are less concerned about rape as a criminal offense
- begin to believe the rape myth that "women want to be raped"
- and devalue institutions such as monogamy and marriage.

In a study by Seymour Feshback at UCLA, male students were exposed to heavy doses of violent pornography. Afterwards, 51 percent indicated the likelihood of raping a woman if assured they would not be caught.

But that was a hypothetical situation. In the real world of police work, Michigan police found that in more than 15,000 sex crimes on file, the perpetrators either had pornographic material on them or had just used pornography.

Another study of convicted sex offenders reached similar conclusions:

57 percent of the criminals were actually trying out ideas they had seen in pornography.

As a clinical psychologist, I have treated hundreds of these sex offenders. And I have repeatedly found a four-step pattern that explains why they did what they did.

First: There can be an addictive effect to pornography. The person gets hooked and needs to keep coming back for more to get the sexual "turn-on."

Second: There is an escalating need for rougher and more sexually shocking material in order to get the same stimulation as before.

Third: There is a desensitization to the material's effect. The person may not even know it, but what was at first gross, shocking and disturbing becomes, in time, ordinary and acceptable.

And fourth: There is an increased

tendency to start acting out the sexual activities seen in the pornography. What was at first fantasy, in time, becomes reality.

What if this awful fantasy became reality?

A hard-core film shows two young Girl Scouts in their green uniforms, selling cookies door to door. At one house, they are invited in by a sexually aggressive man. He seduces the girls and subjects them to a number of brutal and extremely explicit sexual acts. The girls are shown to be eagerly enjoying this sexual orgy.

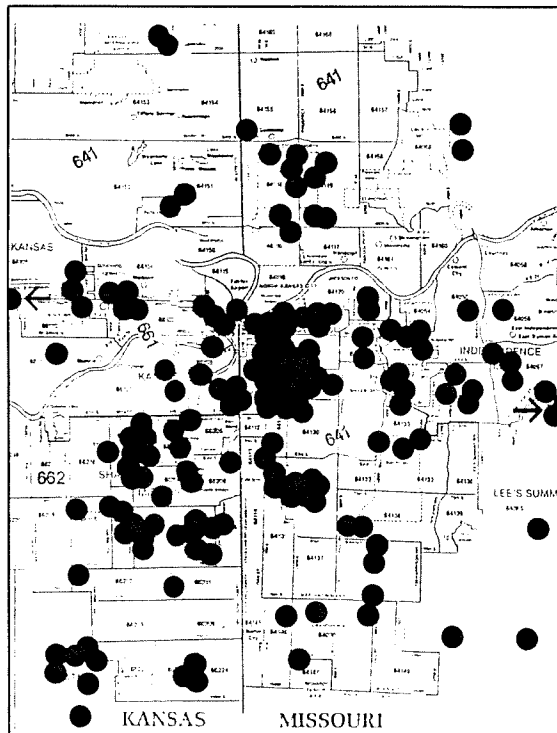
They are selling the rape myth

What happens when an already disturbed man obtains and watches such a "Girl Scout film"? A film that whispers in the ear, "women and even young girls want to be raped, they enjoy being tortured during sexual encounters, and when they say no they really mean yes."

What can happen from this film? Certainly no good. What would happen if the film weren't available? Certainly no harm.

... And one of the many innocent victims could be one of your loved ones, because hard-core pornography has overrun even the best neighborhoods...

This map of the Kansas City metropolitan area shows 177 stores that sell hard-core pornography.



Did you know...

Neither Kansas nor Missouri will allow restaurants, hairdressers or acupuncturists to operate without a license. But state officials don't regulate sex shops—many of which are called adult bookstores. Isn't it about time they crack down on these businesses?

Organized crime controls about 85 percent of all pornography. They have eliminated most of the competition. And they pump their pornography profits into other lucrative forms of crime—narcotics, prostitution and gambling. If pornography is so "legitimate," why do underworld bosses control it?

A prostitute may come into your home. A verbal prostitute, selling sex over the phone to anybody—even a child—who calls one of the hundreds of 976 numbers. What ever happened to the barriers that society set up to protect our children?

THIS STUFF ISN'T SHAKESPEARE

There are clearly stated laws that define pornography.

1957: In Roth v. U.S., the high court ruled that to be judged obscene, the material must be "utterly without redeeming social importance."

1973: In Miller v. California, the court changed that definition and ruled that material is illegal if:

- the average person, applying local community standards,

would find that the material appeals to the prurient (lustful) interest,

- and it depicts or describes sexual conduct in a patently offensive way,
- and, taken as a whole, it lacks serious literary, artistic, political or scientific value.

These are the laws that govern Kansas City.

So why do people still defend hard-core pornography?

Because they treasure their First Amendment rights. They worry about a few backwoods extremists who would—if allowed—censor legitimate literary and artistic works.

This is an understandable position. We all love this country, and the laws that keep it free. But we know that the majority will always prevail. And so we are rightfully concerned about the freedoms of women and chil-

dren who hard-core pornographers hook on drugs, sexually exploit for profit, and finally toss out with the trash.

We are just as concerned about the rights of women who, these days, are afraid to take an evening stroll for fear of being attacked.

We know that some pornography is legal. But too much of it is not. And we can STOP the illegal stuff now—for the sake of our women, our children, our families, and our community.

... Thank God, things are changing.
Now tens of thousands of responsible but fed up people are choosing public safety over hard-core pornography...

Civic leaders, religious groups, businessmen and law enforcement officers in Kansas City are now uniting in an all-out campaign to STOP violent and obscene pornography.

S.T.O.P!

STAND TOGETHER OPPOSING PORNOGRAPHY

When enough of us stand together—we can provide the public support our police and district attorney need to take on the pornographers, prosecute them, and shut them down for good.

Thousands of local citizens have joined with us to say yes to our freedoms and no to hard-core pornography—the kind that encourages sexual violence against women and children.

We are standing together because we're mad! We're not going to take it anymore. We want hard-core pornography stopped. Now! We want the laws enforced. Now! We want the distributors cleaned up or cleared out of Kansas City. Now!

And we can accomplish all this in the next 24 months. But we must have your support right now, as the S.T.O.P! campaign gets under way. If you can commit your support to us now, we can succeed in the same way that others have succeeded across America.

In Atlanta, Cincinnati, and Fort Wayne, leaders of S.T.O.P! have virtually eliminated all X-rated movie theaters, adult bookstores, and obscene video outlets. More than 525 pornographic bookstores have been closed down in North Carolina. Oklahoma City shut down nearly all adult bookstores and theaters. Even New York City's Times Square now has

only 61 sex shops, compared with 121 sex shops six years ago.

Clearly, the national mood is changing. We are no longer "averting our eyes." Because none of us want to see America the Beautiful become America the Obscene.

Gallup Poll confirms,
"WE WANT A CHANGE!"

92%

of us want an end to child pornography

76%

of us don't want magazines showing sexual violence

only

4%

believe there should be no legal restrictions on sexually violent material and child pornography



An Open Letter to the Good People of Kansas City:

It has been almost two years since President Reagan and Attorney General Meese threw the full force of their offices behind our campaign to eliminate hard-core pornography, city by city, across America.

But we face such a horrifying burden. You see, even as you read this supplement to the Star, a woman is being savagely beaten and raped. Adding to the brutality of this act is the rapist's perverse belief that his victim will actually enjoy the forced sexual activity and beg for more.

Where did he get that distorted idea? From a video he saw that depicted a woman being raped. The story line made it seem like the woman really wanted to be raped—even when she refused the man's advances. She was shown becoming an active participant, enjoying the sex act and actually helping prolong the episode.

This is the kind of "entertainment" that is being viewed from one end of Kansas City to the other!

The Supreme Court has already outlawed this material. Kansas has laws against it. Missouri has a strong law against it. But it continues to spread.

However, if we stand together and demand that the laws be enforced, then we can eliminate hard-core pornography from our streets.

I urge you to join with tens of thousands of other Kansas Citizens. Your support for this battle on behalf of family values and morals and safety for women and children is not only welcome, but desperately needed now!

Clarence M. Kelley
Clarence M. Kelley
Co-Chairman of S.T.O.P!

WHAT NATIONAL LEADERS ARE SAYING



Dr. James Dobson Focus on the Family: Member, Attorney General's

Commission on Pornography "I'm not sure we can ever completely heal the scars left on our families and society by pornography. But I do know that we must stop this terrible evil before more innocent lives are destroyed. I urge you to support S.T.O.P!"



Joseph Cardinal Bernardin Archbishop of Chicago

"I applaud the efforts of S.T.O.P. to draw people of all faiths together in the fight against the common enemy of pornography."



C. Davis Weyerhaeuser The Weyerhaeuser Company

"Now S.T.O.P! gives concerned Americans a voice to speak out against pornography's violent and degrading sexual exploitation of women and children."



Art Linkletter

"Somehow, Americans must be convinced of the threat of pornography before it's too late."

...Pornography destroys marriages, homes, families, children...

- TEB A HUNT ROBERTS S HUNT MARGARET O HUNTFOOD H GELMAN & BERNARD HARTIN... [The list continues with hundreds of names and addresses, including: TEB A HUNT, ROBERTS S HUNT, MARGARET O HUNT, FOOD H GELMAN & BERNARD HARTIN, etc.]

THOMAS - FRANK D STEVENS - DONALD STEVENS - RICHARD A ANDREY STEVENS - ... ROBERT STEVART - ALLAN A MELISSA STEWART - SHARON STEWARD - PHYLIS V STEWARD - ROBERT STEWARD B - ZANIER - MISS STEUBER - ...

... ROBERT STEWARD B - ZANIER - MISS STEUBER - ... STEWART - ALLAN A MELISSA STEWART - SHARON STEWARD - PHYLIS V STEWARD - ROBERT STEWARD B - ZANIER - MISS STEUBER - ...

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You might be shocked to find out what's causing so much sexual violence in Kansas City.

U.S. Attorney General's Pornography Commission Report:
Violent, hard-core pornography causes violent sex crimes.

This year alone, more than \$8 billion worth of hard-core pornography will be produced in the U.S.—the kind of pornography that is used to glamorize rape and child molestation.

The kind that police in one state found incited over 15,000 specific cases of sexual assault.

The kind that nearly 80 percent of child molesters use to convince unsuspecting children that "sex games" are okay.

The kind that is easily available in 177 stores in the Kansas City area.

THERE OUGHT TO BE A LAW

The amazing fact is that laws already exist. Obscene pornography is illegal. It is not protected by the U.S. Constitution. The Supreme Court is clear on that.

A Gallup Poll shows that 76 percent of all adults want a ban on violent pornography. And yet the laws are not being enforced. Why?

Simply because "we the people" have been silent. And as a result, our police and courts have not made pornography a priority.

That's all changing!

Civic leaders, religious groups, businessmen and law enforcement officers in Kansas City are now uniting in an all-out campaign to STOP violent and obscene pornography.

S.T.O.P! STAND TOGETHER OPPOSING PORNOGRAPHY

When enough of us stand together—we can provide the public support our police and district attorney need to take on the pornographers, prosecute them, and shut them down for good.

Won't you please take that stand! For the sake of Linda, Cindy, Billy and all the others who have been hurt by hard-core pornography... please add your name to the growing list. With your support, we can make Kansas City a safe and decent place to live.



**Be sure to see our compelling television program,
"PORNOGRAPHY IN KANSAS CITY—What Can Be Done About It,"
on Monday, October 26, at 7 p.m. on Channel 41.**

J. Mullens
1-25-88

HB-2287

January 25, 1988

Mr. Chairman and Members of the Committee.

In the business world, there are many problems to solve and few solutions. The trick is to determine the right course of action leading to a good solution, taking into consideration most of the factors involved. This is also true concerning our state laws.

Evidence has overwhelmingly shown that pornography is a serious problem in our country today, and the state of Kansas does not have effective laws to deal with it.

If we look at the problem of pornography in relation to our children and its effect on them, several questions arise. Who is being harmed? Why is this happening? And, what can the state of Kansas DO?" After reading and viewing the pornography material available to our children TODAY, even the most ardent critics are being convinced that something must be done about this problem.

WHO IS BEING HARMED? The children of the state of Kansas are being harmed. Studies have been commissioned and have proven conclusively that pornography harms innocent victims, especially children.

Legal pornography, currently sold to adults, is being used by child molesters to break down the resistance of children. They see pictures of people in sexual situations and are convinced by adults that it is OK for them to do the same thing. The results are obvious. Studies have shown that one in four girls and one in five boys will be sexually molested before the age of 16. Law enforcement professionals, in the vast majority of cases, find pornography in the hands of sexual offenders.

Our detractors, say "But this is legal material for adults." We say, "You are right" but this material should not be used to harm the future of our country--- namely, our children. Our children are losing their innocence. They are being exposed to sadomasochism, homosexuality, violent sex and other deviant acts at an age when they are too immature to make sound judgments on sexual behavior. These are their formative years, when their sexual identity is being formed.

WHY IS THIS HAPPENING? Because law enforcement officials have their hands tied by a lack of laws protecting children. We need to give the courts the correct tools to do the job. A large percentage of citizens want laws to protect their children. A Gallup poll released in August, 1986 revealed how Americans feel towards pornography.

1)73% favor a ban on the sale and rental of video cassettes displaying sexual violence.

2)74% favor a ban on theaters depicting sexual violence.

Attach. III

3)73% want a ban on magazines showing sexual violence.

What can the average citizen do? Other than asking proprietors not to sell or rent pornographic material or boycotting their business, not very much. We don't have the power of the state behind us.

WHAT CAN THE STATE OF KANSAS DO? We need you to pass the right kind of laws and demand their proper enforcement. Attached is a letter from Mr. James E. Flory, District Attorney Douglas County, to Senator Frey, which strongly recommends passage of HB-2287. Please listen to the law enforcement community. WE NEED YOU TO AMEND SB-467 AND TO PASS HB-2287.

I hope and pray this committee will report SB-467 and HB-2287 favorably to the full Senate. We need to protect our children. They are too young to protect themselves.

OFFICE OF DISTRICT ATTORNEY

JUDICIAL & LAW ENFORCEMENT CENTER

111 E. 11th STREET • LAWRENCE, KS 66044

TELEPHONE 913-841-0211

CHILD SUPPORT DIVISION 913-841-0211 EXT. 318

JAMES E. FLORY
DISTRICT ATTORNEY

SEVENTH JUDICIAL DISTRICT
DOUGLAS COUNTY, KANSAS

December 8, 1987

Mr. Robert Frey, Chairman
Senate Judiciary Committee
Capitol Building
Topeka, Kansas 66612

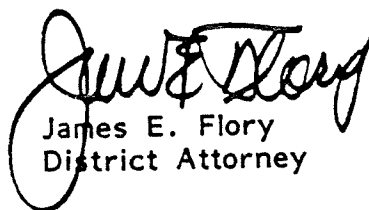
Re: House Bill No. 2287

Dear Senator Frey:

I am writing concerning House Bill No. 2287 which passed the House of Representatives earlier this year. I have reviewed this bill in consideration of the most recent U.S. Supreme Court decision, Pope v. Illinois, and I believe the bill is constitutional. The Pope decision reaffirms the United States Supreme Court's earlier rulings that obscene materials are not protected by the First Amendment.

I strongly recommend the passage of this legislation, which will help to protect our children from exposure to obscene materials. As the U.S. Supreme Court unanimously ruled in 1982, Farber v. New York, in rejecting challenges to New York's child pornography statute, there is a "compelling" and "surpassing" interest in protecting children against this form of exploitation. Your favorable attention to this legislation will be greatly appreciated.

Very truly yours,



James E. Flory
District Attorney

cc: Senator Wint Winter

JEF:ca

Mr. Robert Frey, Chairman
Senate Judiciary Committee
Capitol Building
Topeka, Kansas 66612



January 25, 1988

Dear Senator Frey and Fellow Committee Members:

My name is Michael O'Donnell. I pastor Grace Baptist Church in Wichita, Kansas and I am President of the Sedgwick County Chapter of the American Family Association (formerly known as the National Federation for Decency). This is the fourth time we have driven from Wichita to address state legislature committees considering bills against pornography. We were here in 1985 when you were studying the state obscenity bill known as SB 178 and returned in 1986 to testify in favor of this bill which became law in 1986. Then, in 1987, we spoke to the House Judiciary Committee to vote for HB 2287, the bill prohibiting the sale and open display of materials defined as " harmful to minors " and it passed the House of Representatives by a 95-25 vote. Today we are here to urge you to pass the re-written version of the state obscenity law, now known as SB 467 and to pass HB 2287 out of your committee with your endorsement for the full legislature to vote these two bills into state law.

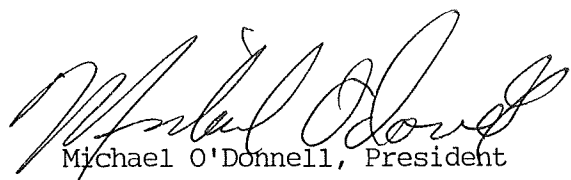
We believe SB 467, as written, will settle the debate over the constitutionality of the state obscenity law and will allow prosecutors to proceed with full confidence in winning convictions of hard-core pornography establishments. We have monitored the X-rated bookstores and theaters in our community and found the merchandise and health conditions appalling. After our complaints on two bookstores selling sexual devices in clear violation of the law, the police vice squad made purchases of an inflatable sex doll and vaginal vibrator. A case is now being prepared against one of the bookstores and we are prepared to testify in court, if necessary. These stores sell and rent videotapes of men and women engaged in oral vaginal and anal intercourse with one or more partners in heterosexual and homosexual liaisons. The magazines for sale also are photos of sexual acts involving penetration of the same variety shown in the films. There are video booths on the premises which are hardly more than closets with a folding chair and a TV monitor running continuous sex films while the male viewer pays with quarters and masturbates. This constitutes a public health hazard and we have heard of homosexual contacts being made and people having sex behind the doors of these booths. As long as these activities go unchecked, we have potential breeding grounds for AIDS.

National surveys have revealed that 1/2 of grammar and jr. high children have seen one or more x-rated video tapes and many have modeled behavior seen in the films to sexually abuse younger brothers and sisters and neighbor children. Research by Dr. Victor Cline found the individuals he treated who had their lives disrupted by their involvement with pornography manifested a four stage syndrome: 1. Addiction; 2. Escalation; 3. Desensitization; and 4. Acting Out. As a marriage and family therapist, Dr. Cline has seen the sad and tragic outcomes when husbands and fathers get involved in pornography. It is a direct attack on the family and marriage relationship. Not only is it contributing to the breakup of homes but it helps create future generations of porn addicts, some of who go on to become serial rape murderers. With the right legislation and when obscenity laws are aggressively enforced, cities like Atlanta, Cincinnati, and Ft. Lauderdale have effectively eliminated hard-core pornography. In a Cincinnati neighborhood, there was an 83% decrease in rape, robbery, and assault after the X-rated bookstores and theatres were closed down. Let's give our law enforcement officials the best laws available to combat obscenity trade which the Supreme Court has already ruled as not protected speech. Vote for SB 467, please.

Attch. IV

Re: HB 2287. Statutes and ordinances to regulate the sale or display of " harmful " books and films have been used in several states and cities since 1970 and are workable tools to protect minors. Display laws are an effective solution to the common problem presented by commercial establishments which display pornographic material so that it is accessible to, and viewable by, children. These laws provide needed protection for children without unreasonably restricting the rights of adults to view or purchase material that is not legally obscene. The display law in Wichita, which HB 2287 is based on, has stood the Constitutional test of the United States Court of Appeals for the Tenth Circuit when it was appealed in 1983 in M.S. News v. Casado. Our chapter used it to complain about a convenience store openly displaying on its racks a magazine cover showing two nude women embracing in an erotic lesbian pose. A vice detective was able to go to the store manager and persuade him to put the salacious magazine behind a blinder rack or at least so the bottom two-thirds of the magazine was not visible. 70% of pornography ends up in the hands of children, so we need to make sure commercial establishments are checking the ages of customers they are selling " soft-porn " to, just the same as they are supposed to check ages for cigarette sales. We have expressed our concern to video store owners who rent sexually violent tapes containing scenes of nudity, sadomasochistic abuse, death, and torture and sexual conduct, as defined by HB 2287, but have been told they will continue to rent to minors and employ minors to rent and sell the material as long as there no law against it. Clearly, HB 2287 is needed for those so called " family businesses " who don't care how they warp the minds of our youth as long it is profitable.

Thank you for your consideration,



Michael O'Donnell, President
 Sedgwick County Chapter/
 American Family Association
 P. O. Box 9012
 Wichita, Kansas 67277
 telephone: (316) 264-6644 or
 (316) 721-1661

Local/State

Obscenity law may get second test

By Sid Spaeth
Staff Writer

A Sedgwick County prosecutor today will consider filing charges against a Wichita adult bookstore for selling sexual devices, opening a second front in the legal battle over the state's nascent obscenity law.

If prosecuted, the charge would expand debate over the 1986 obscenity statute, which has been shrouded in doubt since the U.S. Supreme Court ruled in May that a similar Illinois law was flawed.

The state's first prosecution under the statute — dealing with the sale of allegedly obscene magazines in Wichita — remains unresolved and has already brought a challenge to the law's constitutionality.

Deputy District Attorney Hank Blase, however, said there should be no legal doubt about the prosecution of individuals selling illegal sexual devices.

Wednesday morning, undercover vice officers entered an adult bookstore in western Wichita and purchased an inflatable sex doll and vaginal vibrator. Police Lt. Ed Naasz said the devices violate the state's obscenity statute and the case will be presented to the district attorney's office today for possible prosecution.

The state's first prosecution under the obscenity statute was filed in Sedgwick County in April, when prosecutors charged the owner of an adult book store and two clerks with selling obscene magazines to undercover police officers.

A motion to dismiss those charges was argued before District Court Judge Paul Clark in



Blase ... Says police report on the alleged illegal sexual devices will be checked.

Decency group surveys bookstore

● BOOKSTORE, from 1B

August, but he has yet to issue a ruling. A trial date has been set for late January.

The case was expected to augur a crackdown on adult bookstores, but District Attorney Clark Owens said he would probably wait to file other cases until the law was tested.

While the obscenity portion of the law remains cloudy, Blase said the sexual device provision "does not come under the same definition (as the obscene material). In my opinion, there is no question we can prosecute under that."

The Kansas Legislature in 1986 recast its obscenity law, enabling owners and managers, as well as clerks, to be charged with promoting obscenity by selling some pornographic materials or by selling sexual devices, which are "designed or marketed primarily for stimulation of human genitals," Blase said.

Valerie K. Washington, identified by prosecutors as the owner of Adult Entree', 220 E. 21st, and two clerks became the test case when they were charged with selling adult magazines to undercover police.

Stephen Joseph, the lawyer for Washington and the two clerks, argued in Sedgwick County District Court in August that charges should be dismissed, citing a U.S. Supreme Court ruling that cast doubt on the definition of obscenity in the laws of Kansas and dozens of other states.

The high court ruled in May that an Illinois judge had erroneously instructed a jury to use community standards to decide whether adult material lacked "serious literary, artistic, political or scientific value."

Community standards, the court ruled, should be used to test two other aspects of the law, but national standards should be the basis for the material's literary, ar-

tistic, political or scientific value.

While Blase admits a portion of the state statute is unconstitutional, he said the district court could construe the main portion of the Kansas law as being under the court-accepted standard.

Today, Blase will look at police reports on the purchase of allegedly illegal sexual devices.

Police made the purchases after receiving tips from two members of the Sedgwick County chapter of the National Federation for Decency, who had reconnoitered two city adult bookstores.

The Rev. Michael O'Donnell, president of the chapter, said the obscenity definition may be bogged down in the courts, but "certainly devices are something that can be prosecuted."

O'Donnell and Brad Bennett, another group member, each inspected one Wichita adult bookstore to determine if sexual devices were being sold.

"We were hoping we could see

some cases brought against these places," said O'Donnell, pastor of Grace Baptist Church in Wichita. "Right now, they realize they are not going to be prosecuted."

Naasz said police had warned adult bookstore owners to "clean up their act and comply with the statutes" before Wednesday's buys. But, acting on a tip from Bennett, detectives entered the bookstore and purchased two sexual devices — the inflatable doll and a genital vibrator, which were on open display, police said.

O'Donnell said his group believes the sale of sexual devices should be prosecuted because the devices "are tools of perversion; that is the only way to say it."

He said, "There are direct correlations between pornography and sexual crimes. Whether or not someone who uses these devices will go out and rape somebody, we can't say. But the law says they are illegal, and I don't think we can ignore it."

● BOOKSTORE, 6B, Col. 1

Adult bookstore owner charged

By Sid Spaeth 1-8-88
Staff Writer

The manager of a west Wichita adult bookstore was charged Thursday in Sedgwick County District Court with selling two sexual devices to undercover police officers.

The charges represent the second attempt by state prosecutors to convict someone of violating Kansas' 1986 obscenity statute. An earlier prosecution under the law — aimed at the owner of an adult bookstore and two clerks for allegedly selling pornographic magazines to undercover police officers — has been challenged as unconstitutional after the U.S. Supreme Court ruled a similar Illinois law

invalid.

District Court Judge Paul Clark has not yet ruled on a motion to dismiss the earlier charges.

Deputy Sedgwick County District Attorney Hank Blase said, however, he thinks the constitutional challenge of the obscenity law should not affect prosecutions of persons selling sexual devices.

The state's first prosecution for the sale of sexual devices was aimed at Randy L. Hughes, 31, 546 N. Doris, who was charged Thursday in Sedgwick County District Court with two misdemeanor counts of promoting obscenity.

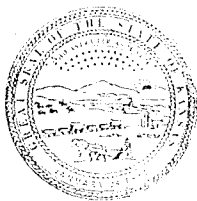
Hughes, who identified himself to police as the manager of the store, sold an inflatable doll and a

vaginal vibrator to undercover police officers on Dec. 23, said Wichita police detective Mark Princ.

Police made the purchases at the Video Rental and Entertainment Center, 7805 W. Kellogg, after receiving a tip from a member of the Sedgwick County chapter of the National Federation of Decency, who had spotted the items in the store during a surveillance of adult bookstores.

The state's obscenity law forbids the sale of some pornographic materials, and of sexual devices which are designed or marketed primarily for the stimulation of human genitals.

STATE OF KANSAS



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Mike Hayden *Governor*

Testimony Concerning SB 111
Presented To
The Senate Judiciary Committee
January 21, 1988

Mr. Chairman, members of the committee, my name is Galen Davis, I am Governor Mike Hayden's Special Assistant on Drug Abuse.

I appreciate the opportunity to testify before you today in favor of Senate Bill 111.

On Wednesday January 6, Governor Hayden and Attorney General Robert Stephen called for additional legislation to strengthen this states laws against driving under the influence. The ultimate goal of these measures is to protect the health and safety of Kansas citizens by reducing the incidence of drinking and driving, and alcohol related crashes, injuries, and fatalities.

Again, on January 12, in the Governor's Legislative Message Presented to the 1988 Legislature, he requested your support for 7 legislative measures to combat drunk and drugged driving.

One of those 7 measures recommended by the Governor and Attorney General was to establish a new law that make it a Class E felony crime to cause bodily injury to an individual in an auto crash where the driver was under the influence of alcohol or other drugs.

It is my understanding that SB 111 would meet that recommendation.

Additionally, I would like to ask that this bill, if made law, be placed in Article 34 of Chapter of Kansas Statutes Annotated.

Attach VI

According to KSA 21-4606a this placement would remove the presumption of probation that is associated with the first time conviction on an E felony crime.

I believe the sentence prescribed for a Class E felony of 1 year minimum with a 2 to 5 year maximum is appropriate for this crime. Especially when you remove the automatic presumption of probation.

The mixture of alcohol or other drugs in a person and that person in a car combine for a very dangerous threat to all of our safety.

The Kansas Department of Transportation in a report dated March 27, 1987 tells us that in 1986 there were 4,234 injuries caused by alcohol related auto crashes. That's up from 3,811 in 1985 and the most alcohol related crash injuries since 1982.

Statistics only tell a piece of the pain and suffering caused by driving under the influence. In many cases innocent victims are forced to live the rest of their lives trapped in bodies broken by injuries as the result of an alcohol related crash.

Statistics can't describe the surgeries, the rehabilitation, the time off work, and the trauma the innocent victims and their families endure literally for the rest of their lives.

Clearly, driving under the influence is a crime against us all - because we have no sure way for any one of us to protect ourselves from the drunken driving of another. Killing another person while driving under the influence in this state is a serious crime.

We believe that causing great bodily harm, disfigurement or dismemberment while committing the crime of driving under the influence is also a serious offense against us all and worthy of being classified a Class E felony crime with no presumption for probation on first offense.

I appreciate the opportunity to appear before you today and thank you very much for considering my remarks.