

Approved January 28, 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 26, 1988 in room 514-S of the Capitol.

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

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:

Austin K. Vincent, Topeka Chapter of The National Federation  
For Decency  
Gene Olander, Shawnee County District Attorney  
Brenda Braden, Office of Attorney General  
Linda Stephens, Topeka Area Chapter of The National Federation  
For Decency  
Ron Stewart, Private Citizen  
Charles White, Shawnee County Citizen  
Eric Rucker, Shawnee County Commissioner  
John Yeates, Private Citizen  
Richard F. Hayse, Palmer Companies, Inc.

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

SENATE BILL 467 - Standards for determining what constitutes obscenity.

Austin K. Vincent, Topeka Chapter of The National Federation For Decency, stated Senate Bill 467 is essential, and I hope it is on its way to passage. In regard to House Bill 2287 the U.S. Supreme Court has established the concept of "variable obscenity" under which expression, though not obscene as to an adult may be found obscene as to minors. Kansas is one of only eleven states not to enact higher standards of obscenity for minors. A copy of his statement is attached (See Attachment I).

Gene Olander, Shawnee County District Attorney, appeared in support of the bills. He stated he is appearing on behalf of the Kansas County and District Attorneys Association as legislative chairman, and on behalf of the District Attorneys of Shawnee County. He said if Kansas is going to have an obscenity law, it should be constitutional. The two proposed amendments to House Bill 2287 proposed by Mr. Vincent are important for survival. I don't think this will put any burden on the distributors of this material. We are talking about quality of life in Kansas. I am interested in making Kansas a better place to live, and I think this bill will do that.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 514-S, Statehouse, at 10:00 a.m./p.m. on January 26, 1988

House Bill 2287 & Senate Bill 467 continued

Brenda Braden, Office of Attorney General, appeared on behalf of the Attorney General. She testified they would very definitely urge adoption of Senate Bill 467. I hope that until this law is passed there is no excuse for not prosecuting. She testified on House Bill 2287 I do believe you can uphold a standard on harmful to minors. They do support the two amendments already suggested.

Linda Stephens, Topeka Area Chapter of the National Federation for Decency, testified the organization believes in the dignity of men, women and children and seeks to inform the community of Topeka about the issues regarding pornography. Copies of her handouts are attached (See Attachment II). She urged the committee to support Senate Bill 467. She passed around magazines to the committee members. She also submitted the testimonies of Fred Jordan, Mrs. Beth Kolb and Marcia C. Stevenson. Copies of these testimonies are attached (See Attachments III, IV, V).

Ron Stewart, private citizen, testified he is a father and businessman. The industry is grossing \$8 billion with 85% of this going to the underworld which comes out to \$44 million per day. He stated you are responsible people here today, and I am asking for you to provide the means to raise those standards. I am asking you to regulate the type of material that is being passed around the table now.

Charles White, Shawnee County Citizen, passed around magazines to the committee members he said will be sold in our grocery stores, and the stores don't know that is in the package. Mr. White appeared in support of both bills. Copies of his handouts are attached (See Attachment VI).

Eric Rucker, Shawnee County Commissioner, urged the committee to pass legislation that is constitutional in the area of what is artistic and educational material. He strongly supports both bills.

John Yeates, private citizen, expressed strong support for both bills. He testified our State's children need you to promote a healthy view of sexuality by encouraging the full Senate to pass both of these bills. Our Kansas children need you to develop and promote laws to curtail obscenity. Copies of his handouts are attached (See Attachment VII).

Richard F. Hayse testified in opposition on behalf of Palmer Companies, Inc. He testified no one wants to expose children to adult ideas and materials until they are of an age and maturity to make rational choices in the conduct of their lives. There has always been great caution in this country in imposing restrictions on the free exchange of ideas within our society, including especially restrictions on unpopular ideas. The obscenity laws try to walk a tight rope between the conflicting goals. The Kansas Attorney General has already commenced prosecution against those accused of promoting obscenity and promoting obscenity to a minor under existing state laws. A copy of his statement is attached (See attachment VIII). Mr. Hayse also stated this is just a display bill. How do you expect a local retailer to

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON COMMITTEE,  
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on January 26, 1988

House Bill 2287 & Senate Bill 467 continued

keep this material out of sight? The retailers and the wholesalers don't know what is in those magazines. The people he works for are trying to review the material and control this at the wholesale level. This may pass adult obscenity standard but might not pass harmful to minors bill. This is putting the retailer where they can be prosecuted for a criminal act for something they know nothing about. In response to a question Mr. Hayse stated the real effect of House Bill 2287 concerns material that has sexually oriented publications in the market place. This will restrict availability of material to the general public. It is important in regard to the constitutionality of these bills potential liability of state to pay attorneys fees. Further committee discussion was held with him.

The meeting adjourned.

A copy of the guest list is attached (See Attachment IX).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 1-26-88

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
<del>Key</del>	214 SW 6 <sup>th</sup> St 102	KNOW -
Larry Briggs	Topeka	Palmer News
Joe Simpson	Topeka	Palmer Cos
Ken Hayse	Topeka	Palmer Cos.
Benee Hodges	Lawrence	intern/Sen. Daniels
Ruth A. Klein	Topeka	Sen. Sest
ANN FREERING	TOPEKA	INTERN/SEN JONNSTON
Linda Stephens	Topeka	DR - MFD
Jim Clave	Topeka	KCDAA
Deedra Allison	Hutchinson	RCEC
Angie Roeco	Hutchinson	RCEC
Laurie Southards	Hutchinson	RCEC
Ron Stewart	2540 Jason Topeka	
Chris Hildenbrand	Hutchinson	RCEC
Sam M. Parker	Topeka	Dist atty
Ma. Hauber	- "	Capital Journal
<del>John Lee</del>	Topeka	Citizen
<del>Paul Hunt</del>	"	MFD
Brenda Braden	Topeka	AQ
Narrit Lang	Topeka	Wesley Broadcast
L. Linenberg	Topeka	UPI
Sally Streff	Topeka	AP
Richard Lamb	Topeka	KASB
Ben Ketchum	Topeka	TW
J. Small	TOP	Palmer Companies

attach TX



AUSTIN K. VINCENT

ATTORNEY AT LAW

1108 BANK IV TOWER  
TOPEKA, KANSAS 66603

(913) 233-4122

TESTIMONY OF AUSTIN K. VINCENT, LEGAL COUNSEL FOR THE TOPEKA  
CHAPTER OF THE NATIONAL FEDERATION FOR DECENCY IN SUPPORT OF  
HB 2287, THE HARMFUL TO MINORS ACT, ON JANUARY 26, 1988.

- I. KSA 21-4301a prohibits exhibition to minors of material obscene as to adults. The only difference is that the penalty for promoting obscenity to minors is greater than when an adult is the recipient. Therefore, a minor may legally buy any material or view any expression that an adult may legally view.
- II. The U.S. Supreme Court has established the concept of "variable obscenity" under which expression, though not obscene as to an adult may be found obscene as to minors and restricted from such minors. Ginsberg v. New York, 390 U.S. 629 (1968) upholding a "harmful to minors" law which prohibited distribution to minors. Kansas is one of only eleven states not to enact higher standards of obscenity for minors.
- III. The Wichita "harmful to minors" ordinance is patterned after the law approved in the Ginsberg case. HB 2287 is virtually identical to the Wichita ordinance challenged and upheld by the U.S. Court of Appeals, Tenth Circuit in M.S. News Company v. Casado, 721 F.2d. 1281 (1983) as a reasonable time, place and manner regulation justified by a substantial governmental interest in the protection of minors. The Tenth Circuit found that the "harmful to minors" law was:
  - A. Not overbroad. Adults still have full access to material not obscene to adults.
  - B. Not unconstitutionally vague. The law provides fair warning of what is prohibited.
  - C. Not violative of equal protection. Distinguishing between commercial and non-commercial institutions bears a rational relationship to a legitimate state interest.
  - D. Not a prior restraint. There is no significant risk that one may be prosecuted for engaging in protected conduct.
- IV. U.S. Court of Appeals, Eighth Circuit, reached same conclusion upholding an ordinance requiring that material "harmful to minors" be displayed in a sealed wrapper. Upper Midwest Booksellers Ass'n v. City of Minneapolis, 780 F.2d. 1389 (1985)

Attach. I

V. American Booksellers Ass'n, Inc. v. Virginia, 802 F.2d. 691 (Fourth Circuit, 1986) appears to reach a different holding, until one reads the opinion. The Wichita ordinance and HB 2287 do not suffer from "the most serious flaw" found by the Fourth Circuit in the Virginia law.

A. The court struck down for overbreadth a statute prohibiting display when a minor may find any way to "examine or peruse it." The court noted that the real problem with this provision is that "the language is broad, and it does not provide any potential defenses or methods of compliance."

B. HB 2287 differs materially from the Virginia law in two significant ways:

1. Merchant violates HB 2287 only if material displayed in such a way that minors, as part of the invited general public, will of necessity be exposed to the offending material, not when highly inquisitive juvenile gets access through extraordinary efforts, as provided under the broad language of the Virginia law.

2. The "display" provision has the specific compliance provision of "blinder racks." The Fourth Circuit Court recognized this difference in footnote 8 of its opinion where it states "...the statute upheld in M.S. News Co. v. Casado, 721 F.2d. 1281, is distinguishable from the Virginia statute which we review in that it specifically provides that material kept behind 'blinder racks' was not deemed to have been 'displayed'."

C. Additional protections of First Amendments rights in HB 2287 and not found in the Virginia law include affirmative defenses for:

1. Use of material in approved course of instruction for schools and colleges.

2. Library use under regular library policies.

3. Exhibition of nudity for scientific, medical, educational or cultural purpose in school, museum and library.

4. Good faith mistake as to the age of the minor.

VI. HB 2287 includes a scienter or knowledge requirement. Merchant must "knowingly" sell or display material harmful to minors before he can be convicted. If they in good faith don't know, they cannot be convicted.

A. Merchants make these determinations now when they set up "Adults Only" sections or voluntarily use blinder racks.

B. Casado at 1290 states how merchants "know":

"...the Constitution does not require impossible standards'; all that is required is that the language (of the law)'conveys sufficiently definite warning as to the proscribed conduct when measured by common understanding and practices....'"

Roth v. United States, 354 U.S. 476, 491 (quoting United States v. Petrillo, 332 U.S. 1,7-8(1947)).

VII. Suggested Amendments include adding "reasonable person" standard to "serious value" test IAW Pope v. Illinois and a Severability Clause.

Dear Friend:

Our intention in making this pamphlet available to you is to further acquaint you with the purpose and mission of the Topeka Area Chapter of the National Federation for Decency.

The Topeka Area Chapter NFD is a broad-based group of folks from the Topeka area who believe in the dignity of each person. We have established as a chapter because of the porn problem in our country and local community. The chapter works to oppose any assault on human dignity, including abuse, degradation, and exploitation of women and children. We are part of a network of many decency organizations through out the United States, concerned with community values and work to eliminate all illegal forms of porn to insure the dignity of the family, women and children. **YOU CAN HELP!**

#### TAC - NFD Board Members

Mr. Kent Vincent, *Legal Counsel*

#### Board Members:

Mrs. Linda Stephens, *Chairman*

Mrs. Joan Miller, *Secretary*

Mrs. Marcelline Schott, *Treasurer*

Rev. Mark Patton

Major Everett Jordan

Rev. John Yeats

Mr. John Fisher

Mr. Elwyn Miller

#### Committee at Large

Mrs. Cindy Kurtz, *Communications*

TAC-NFD formed as a chapter under the umbrella of NFD, Tupelo, Mississippi, on September 20, 1985. TAC-NFD joins with several other decency organizations in Kansas- Sedgwick Co. NFD, K-CAP (Kansas City area), Manhattan NFD, Liberal NFD, Lawrence Concerned Citizens for Community Values (ACTV).

## TOPEKA AREA CHAPTER NATIONAL FEDERATION FOR DECENCY

### A Statement of Purpose

1. To educate the general public about the issues, problems, tragedies as well as solutions to pornography.
2. To demand and assist enforcement of current obscenity laws, by monitoring businesses and filing complaints against obscenity violators, and to co-operate with law enforcement officials and civic leaders in their efforts to maintain the traditional standards of our community.
3. To serve as a resource group for elected officials to aid in the regulation or restriction of the pervasive pornography industry.
4. To oppose censorship and raise community standards in the Topeka area by working to provide and insure the dignity of every man, woman and child.

### What is TAC - NFD doing to solve the problem?

1. We actively attempt to communicate to our community about the problems of pornography through seminars, workshops, media events, literature, and our local area newsletter.
2. We encourage responsible family marketing through our "CLEAN STORE CAMPAIGN". We recognize several businesses throughout the city that do not sell nor distribute obscenity. We honor these proprietors with our special "Clean Store" stickers. These stickers signal its safe for your family to shop without the danger of exposure to pornography.

3. We assist individuals, institutions and businesses in selective marketing. The theme "Don't buy where porn is sold or distributed" has helped a large segment of our community to be more selective with their spending. There are certain hotels, bookstores, and pharmacies that are losing clients over the issue of irresponsible marketing of pornography in print, video, and satellite transmission.

4. We assist responsible state legislators to adopt constitutionally sound obscenity laws. These laws are primarily directed to protect minors by regulating or restricting the pornography industry.

5. We sponsor information about the destructive influence of pornography and what can be done about it on KJTY-FM 88.3. The NFD report is heard Monday thru Friday at 2:45 p.m.

### FACTS ABOUT PORNOGRAPHY

1. Hard-core (degrading to women and sexually violent) porn and child porn are illegal and were unanimously condemned by the 1986 Attorney General's Commission on Pornography.
2. Pornography industry is an \$8 - \$12 billion annual business, largely controlled by organized crime.
3. State police in Michigan found that pornography is used or imitated in 41% of the sex crimes they investigate.
4. Hard core violent pornography contributes to violent sexual assault and child abuse. Consider:
  - a. Professor Ann Burgess, of the University of Pennsylvania, reported that child pornography is often used by child



molesters to convince children that deviant sex acts are normal, breaking down their resistance to sexual advances.

b. In a Cincinnati neighborhood where adult book stores and X-rated theaters were closed, there was an 83% decrease in major crimes such as rape, robbery and assault.

C. Dr. Victor Cline, University of Utah, reported there is a progression of effect of repeated viewing of violent sexual presentations as follows 1) addiction 2) escalation 3) desensitization and 4) acting out what was seen.

5. There are an estimated 20,000 adult bookstores in the United States.

6. **Women Against Pornography** statistics report 38% of all U.S. females will experience some form of sexual abuse before they reach the age of 13.

7. Gallup Poll (April 1986) determined that 92% of Americans said the sale or rental videos featuring sexual acts involving children should be banned.

76% of Americans said that magazines showing sexual violence should be banned.

74% of Americans said movies depicting sexual violence should be banned.

Only 4% of Americans believe there should be no legal restriction on sexually violent magazines.

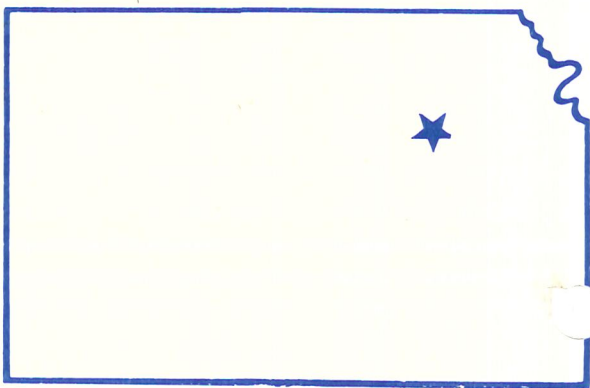
8. In Miller vs. California 1973 decision, the Supreme Court said obscenity is **not** protected by the First Amendment.

9. 70% of pornography ends up in the hands of minors. . . Henry Boatwright of the U.S. Advisory Board on Social Concern.

10. The Supreme Court 1973 decision, Paris Adult Theater vs. Slaton, noted that a free market for obscene material had a tendency to affect adversely our quality of life, the total community environment, and the tone of commerce in our cities. The court stressed there is no right to display obscenity in public places or to distribute it in the market place.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

*For a tax deductible gift, please make checks payable to:*  
**TOPEKA AREA CHAPTER NATIONAL FEDERATION FOR DECENCY**  
P.O. Box 67004, Topeka, Kansas 66667



*Linda Stephens*  
478-4556



**Topeka Area Chapter  
National Federation  
for Decency**

P.O. Box 67004  
Topeka, Kansas 66667

— Please Clip And Mail —

**Topeka Area Chapter National Federation for Decency**  
Yes, I would like to be a member of the Topeka Area Chapter  
Please send me more information.

Testimony submitted to the Senate Judiciary on Jan. 25, 1988 by Linda Stephens, TAC-NFD, PO Box 67004, Topeka, Kansas 66667.

Senators, fellow members of pro-family organizations in Kansas, and distinguished guests:

I am the President of the Topeka Area Chapter of the National Federation for Decency, a pro-family and pro-decency organization representing some 230+ Shawnee County and surrounding area citizens. TAC-NFD believes in the dignity of men, women, and children and seeks to inform the community of Topeka about the issues regarding pornography. I am also a parent and am concerned about the types of pornographic merchandise available to children in the family marketplace.

"Pornography is the literature of sexual deviancy. Each type of sexual deviance is clinically termed a "paraphilia". Each of these sixty different specialized paraphilias- psychiatric disorders such as exhibitionism, voyeurism, fetishism, transvestitism, pedophilia, homosexuality and sadomasochism-has its own specifically tailored literature: at least one, and sometimes more specialty magazines(backed up by films, videotapes. and trade newsletters) offered through specialty distributors that cater to it.(1)

The pornography industry grosses directly and indirectly \$10-12 billion annually. The reason it exists is that there is a demand for it. The pornography industry has left the decaying central areas of our cities and towns that it inhabited 10-15 years ago, and has become far more pervasive today...being found in abundance in the family marketplace. Further, technology has improved such that the types of porn available remove it from the red light zoned district and put it in your home. Examples of the variety of porn are:

1. Pornographic magazines and books in the family marketplace
2. Dial-a-porn on your own home phone
3. Computer networks for pedophiles
4. Satellite and cable TV transmissions of pornography (Playboy channel, Rainbow Service, and Pleasure channel)
5. XXX-rated movie theaters in your neighborhood that feature XXX-rated movies and live burlesque
6. X-rated and unrated videos available at your local neighborhood video rental center

the Attorney General's Report from the 1988 Commission on Pornography unanimously condemned sexually violent porn and porn degrading to women, as well as child porn. When the subject changed to Non-violent and Non-degrading Material (which were not condemned) the subject of harm to children surfaced and was answered in the following. "We have little doubt that much of this material does find its way into the hands of children, and to the extent that it does, we all agree that it is harmful. We may disagree about the extent to which people should, as adults, be tolerated engaging in sexual practices that differ from the norm, but we all agree about the question of desirability of exposing children to most of this material, and on that our unanimous agreement is that it is undesirable. For children to be taught by these materials that sex is public, that sex is commercial, and that sex can be divorced from any degree of affection, love, commitment, or marriage is for us the wrong message at the wrong time. We may disagree among ourselves about the extent to which the effect on children should justify large scale restrictions for that reason alone, but again we all agree that if the question is simply harm, and not the question of regulation by law, that material in this category is with few exceptions, generally harmful to the extent that it finds its way into the hands of children."(2)

As to the harmful effects of pornography on children, I would bring to your attention the following information.

1. Auto-erotic asphyxiation: the practice of hanging oneself while masturbating. In 1981, a \$182,000 judgment was made against Hustler magazine in the death of a 14 year old male. "Many pornography magazines, FBI researchers argue, along with their literary cousins, the detective magazines, are rape and murder manuals and guides to auto-erotic death. In fact, auto-erotic fatalities of adolescents and young adults labeled as suicides are often accidents occurring while the victims masturbate with a rope and a soft-core pornography magazine in their hands as they attempt to experience the asphyxial orgasm described in the magazine."(3) "Some of the victims were found with a copy of magazines like Hustler at their feet, that contained discussions of the practice of auto-erotic asphyxiation."(4) In a research paper discussion of props and sexual paraphernalia in deaths associated with auto-erotic asphyxiation, "a wide variety of fantasy aids-commercial erotica and pornography, books, records, sketches, diaries, mirrors, were found with the victim or in his residence and are believed to be related to enhancing and expanding the fantasy scenario."(5)

2. Sexually explicit comic books: a sample of one purchased at a Topeka store is included with this testimony. Dr. Fred Wertham, former senior psychiatrist for the Department of Hospitals in New York City, conducted a ten year study of the effect of so-called comic books with a heavy emphasis on sex and violence on children. In this study called the Seduction of the Innocent, Dr. Wertham says this material results in "moral disarmament." He added, "The more subtle this influence is the more detrimental it may be. It has an influence on character, on attitude, on the higher functions...and on the intuitive feeling for right and wrong. To put it more concretely, it consists of blunting the finer feelings of conscience, of mercy, of feeling for other people's suffering, and of respect for women as women and not merely as sex objects to be bandied around or as luxury prizes to be fought over."(6)

3. Dial-a-porn: lawsuit filed by Citizens for Decency Through Law, Inc. on behalf of the two victims involved. The \$10 million suit is against the telephone company (Pacific Bell) and the two California phone sex provider services. (Article is enclosed with this testimony)

4. Redeemable Sex Rings: Dr. Harold Voth of the Topeka V A

Hospital presented a paper at a policy forum on the effects of pornography. Dr. Voth states, "Pornography has been shown to play a central role in the formation and perpetuation of sex rings and syndicates. The children are taught techniques and are aroused by these materials. The traumatic effects on the child are severe and long lasting. Zillman states that it is naive to believe exposure to pornography does not influence behavior. With an experimental group of 160 subjects he has shown that exposure to the standard pornographic fare increases callousness toward women, trivializes rape, and suggests other anti-social relationships with pornography."(7)

In a research paper, Burgess, et.al. characterized sex rings as follows: "In all rings, adult pornographic books are used for instruction." Further, "pornography is also important to understanding the consequences of betrayal to the group." Burgess continued, "Adult pornography as defined by the children was available in all rings to teach, show, or induce the children into sexual activity or pornographic modeling." As to the harm involved, Burgess concluded, "For those children who remain in the ring but upon disclosure manifest internalizing processes marked by anxiety, depression, guilt, and social withdrawal the struggle for recovery requires a tremendous amount of working through of experiences beyond the issues of early sexual arousal and abuse."(8)(I have included a copy of the research article with this testimony.)

In a personal communication with legal counsel, Mr. Paul McCommon, Citizens for Decency Through Law, Inc., Mr. McCommon writes, "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 minor's 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. Furthermore, these laws provide needed protection for children without unreasonably restricting the rights of adults to view or purchase this material."

The Attorney General's Commission on Pornography Report of 1986 stated that states can enact anti-display laws and the Report's example is Wichita's anti-display ordinance 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 the 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."(9)

The North Carolina obscenity law passed in 1985 includes sections G.S.14190.9 and 14190.10 which deal with display and

sale of material harmful to minors. This law has been challenged in the courts and been upheld as constitutional. I have included copies of this harmful to minors section with my testimony.

Finally, the following conclusion of the Supreme Court from the Paris Adult Theater v. Slaton decision has impact on legislation being considered today. "The sum of experience, including that of the past two decades, affords ample basis for legislatures to conclude that a sensitive key relationship of human existence, central to family life, community welfare, and the development of human personality, can be distorted by crass commercial exploitation of sex. Nothing in the Constitution prohibits a state from reaching such a conclusion and acting on it legislatively."(9)

I urge you to act favorably on the passage of HB2287 from the Senate Judiciary to the floor of the Senate for a vote.

#### References

1. Scott, David A., Pornography-Its Effects on the Family, Community, and Culture, Child and Family Protection Institute, Washington, D.C., 1985. p. 2.
2. Final Report of the Attorney General's Commission on Pornography, Nashville, Tennessee, Rutledge Hill Press, 1986. p.45 and p. 46.
3. Scott, David A., Pornography, Its Effects on the Family, Community and Culture, Child and Family Protection Institute, Washington, D.C. 1985.p, 7.
4. Ibid. p. 10.
5. Burgess, A. and Hazelwood, R.R., 1983, Autoerotic Asphyxial Deaths and Social Network Response., Amer.J.Orthopsychiat.53(1) p.169.
6. Bauer, Gary, L., Anti-Pornography Legislation Briefing, The White House, Washington, D.C. Nov. 10,1987,p.2& 3.
7. Voth, H., 1985, The Effects of Pornography, Policy Forum, 2:14,p.8.
8. Burgess, W., et. al. Response Patterns in Children and Adolescents Exploited Through Sex Rings and Pornography, Amer. J. Psychiatry 141:5, p.656-662. 1984.
9. Final Report of the Attorney General's Commission on Pornography, Nashville, Tennessee. Rutledge Hill Press, 1986. p 192-193.
10. Ibid. p.122.



TOPEKA AREA CHAPTER

### SHAWNEE COUNTY STATEMENT

We the citizens of Shawnee County have become increasingly concerned about the effects of all forms of pornography upon our communities and society. We are appalled that the entertainment media has become a major tool for the degradation of true human sexuality through its emphasis on casual promiscuity and its portrayal of sexual violence.

We have observed the personnel within the pornography industry become honored celebrities. We see the commerce of our nation support this destructive trend by pouring millions of dollars into the advertising coffers of the pornography industry. Most important we see responsible men and women in our communities and society condone this philosophy by their silence.

We call upon the citizens of the communities of Shawnee County to stand in opposition to the rapidly growing pornography industry and its increasing effect upon our total society.

Our nation cannot afford a lifestyle which annually produces one million unwed pregnant teenagers, 1.5 million abortions, massive psychological damage and rampant rates of divorce and venereal disease. It cannot afford to use 500,000 children under 18 years of age each year in prostitution and pornography.

We call upon the members of the Shawnee County business community to cease the sale and circulation of pornographic videos, magazines, records, or anything pornographic seen or heard. We call upon them to recognize their responsibility in this urgent matter of national and local significance.

We recognize that this situation largely exists because we have been silent far too long. In the signing of this statement of concern, we commit ourselves to the reaffirmation of principles which promote human dignity, protect our children and women from sexual exploitation, and provide healthy roles for the expressions of human sexuality.

Shawnee County Statement

Jessie Grange  
Lola A. Cramer  
Juanita Webster  
Alberta Westover  
Lyla Schrock  
Dorothy Maddox  
Doug Hanna  
Brenda Hanna  
Margaret Clark  
Beverly Baldwin  
Donna Sturgeo  
Wyona Skirvin  
Jackie R. Skirvin  
John J. Arthur, Jr.  
Darlene Polly  
Toelie Denninck  
Jeanie Roten  
Ernest G. Hedges  
Betty Russell  
Sherlbyne Martinson  
JoAnn Hedges  
Lois V. Sweatt  
Bobby Sweatt  
Peggy Bachnøier  
Fred Jinks  
Rev. Louis Weinstein  
Virginia Weinstein  
Henry Blackwood  
Grace Blackwood  
Rev. Thomas D. Kinnan  
Marvin A. Bisel  
Donald Metcalf  
Hauer P. Stephens  
Linda L. Stephens  
Doris K. Haas  
Steve Kurtz  
Francis A Perkins  
Larry W. Friend  
Mildred E. Woolaway  
Wanda P. Haldeman  
Terry Strickland  
Blaine Fultz  
Richard Scroggan  
Pat Dean  
Linda Gibbens  
Randy Copeland  
Thomas J. Holdeman  
Della Smith  
Keith Smith  
Dale Florence  
Betty Florence  
Carol Phillips  
Sandra S. Boller  
Duane Dreasher  
Sandra A. Dreasher  
Delores Baldock  
Carrie Daves  
Marsha Mendel  
E. Kay Uhlich  
Maxine Hyson

Jay H. Gibbens  
Marjorie A. Martin  
Darrel D. Martin  
Karen Rosene  
James Bundy  
Karen Hoffman  
Larry G. Beckett  
Karen S. Beckett  
Mary Ann Johnson  
Alan D. Johnson  
Rev. Ed Rotz  
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Betty Albright  
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# **= People Make A Difference =**

## **CDL SUES DIAL-A-PORN COMPANIES**

On October 14, CDL attorneys filed a \$10 million lawsuit against Pacific Bell and various California dial-a-porn companies. One of the defendants has already been convicted of repeated sex-related felonies.

The suit involves a 12-year-old San Francisco boy who accessed sex calls from a telephone in a local church study. During the course of one afternoon, he was exposed to both homosexual and heterosexual anal and oral intercourse, bondage, sadomasochism, bestiality, rape, incest, and urination sex imagery. This was his first introduction to human sexuality.

One week later, he orally sodomized a 4-year-old girl at a day-care center.

The suit was filed on behalf of the children and their parents. CDL Legal Counsel **Benjamin W. Bull** is representing them.

The suit alleges, among other

things, that Pacific Bell and the dial-a-porn providers were negligent in exposing these harmful messages to children and that they are obscene and harmful to minors. It is also alleged that since they were aware of these harmful qualities and persisted in exposing children to them, their conduct constituted an intentional and negligent infliction of emotional distress.

Both children are undergoing psychological counseling and therapy. Thus, the suit continues to allege that the sex calls transform the telephone into a dangerous instrument, breaches standards for product liability, is a nuisance, and incites children to engage in unlawful sex acts.

Finally, the suit alleges that Pacific Bell violated federal law by failing to require advance access codes or credit card numbers from callers to protect against children gaining access.

Bull states that this suit is the first of its kind in the country and should serve as a model for others who are injured by dial-a-porn. He states, "The suit is aimed at bringing down the multi-billion dollar telephone sex industry on the West Coast and protecting children and adults who are victimized by this hideous monster."

The suit requests the Superior Court of California to enjoin dial-a-porn because of its harmful effects, especially to children.

This case was profiled October 29 on Geraldo Rivera's television show, "Geraldo." It will also be featured in a two-hour Geraldo Rivera special on organized crime and pornography, which will air December 1 and feature interviews with the parents of both families, CDL attorney Bull, and local co-counsel Bernard Walter.

(Note: Copies of the court papers filed in Superior Court are available through the CDL office.) ☆

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## Response Patterns in Children and Adolescents Exploited Through Sex Rings and Pornography

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*A study of 66 children and adolescents exploited by adults through sex rings and pornography shows that three-fourths of the victims demonstrated patterns of negative psychological and social adjustment after the rings were exposed. More than 61% of the victims had been ring members for more than a year and slightly more than half of the victims had been used in pornographic photographs. Victims who integrated the exploitation were those who had spent the least amount of time in the ring and who were least likely to have been involved in pornography. Boys were the sexual preference of the adult male ringleaders.*

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The past decade has seen an increase of clinical literature on the sexual victimization of children and adolescents, especially on the individual victim's

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responses to rape by a stranger or an acquaintance (1-3) and incest (4-6). More recently, reports of sexual abuse involving one adult and several children have begun to surface (7), especially when pornography is involved (8). Information from groups of children about their sexual experiences with a single offender and with the use of pornography have become available as a result of the passage in 1978 of a federal statute to protect children against sexual exploitation. This legislation focused national attention on the social problem of child pornography and enabled law enforcement agents to investigate cases and to begin to identify child and adolescent victims.

This type of adult-child sexual involvement, sometimes termed a sex ring (7), is defined by the number of adults involved and by their use of the children in the sex ring. A solo ring consists of one adult who is sexually involved with small groups of children. There is no transfer of the children or of photographs to other adults. A syndicated ring includes several adults who form a well-structured organization for the recruitment of children, the production of pornography, the delivery of direct sexual services, and the establishment of an extensive network of customers. In a transitional ring there may be more than one adult with several children, but the organizational aspect of the syndicated ring is missing. The transitional rings may be moving toward the organizational status of the syndicated ring; for example, the photographs may be sold.

This paper presents data on 66 children and adoles-

cents involved with 14 adults in 11 that came to the attention of the criminal justice system between 1978 and 1981. We analyzed interview data gathered 2 years after the rings were exposed to assess the children's adjustment. Data available at the time of disclosure and 2 years afterward provide a description of the children's lives both during and after their involvement in the rings.

### CHARACTERISTICS OF THE RINGS

Entrance into a sex ring introduces children to an elaborate socialization process that not only binds them to the ring but locks them into patterns of learned behaviors. The maintenance of children in the ring is through a distortion of a belief system that convinces the child the activities are "normal" and strongly discourages any challenges to the behavior. This explains, in part, why children do not reveal their involvement to parents and authorities ("I was scared not to do what he said") and why it is so difficult to leave ("All the other kids were doing it"). The leader uses a peer network that forces a pattern of adaptation which perpetuates sexually aggressive and potentially sadistic behaviors.

In the organized rings the sexual abuse of the children by the adult is compounded by the adult's supporting the children's exploitation of each other. The adult acts benevolently and pits the group members against one another, encourages them to act out, and vicariously enjoys the peer sadism. There is a definite hierarchy within the group and the older, stronger children in a ring harass and abuse the smaller, weaker, and more vulnerable ones. For example, in teaching the boys boxing one adult ringleader would routinely overmatch one boy against an opponent 25 pounds heavier. In another case a 54-year-old man who was well known to the community and who had just received an award for "devoting 25 years to the youth of the community" as coach of the baseball league was arrested for child molestation following a federal investigation into interstate transportation of child pornography. Many of the 17 boys involved in the ring had been recruited around age 12, but some were as young as 10 years. Each day after school at the man's house a sexual ritual was enacted in which the boys would sit in a circle drinking beer and smoking marijuana while the man talked in a monotone. Then, after disappearing behind a curtain as drum music played, the man would leap out barefoot and wearing a samurai outfit, which was the signal for the boys to take off their clothes. Use of sexual language would escalate and sexual acts between the boys, including mutual masturbation and oral and anal sex, would begin. The man would take Polaroid photographs of the sex and at the end of the ritual one boy would be designated to have sex with the man. This ring also played "war games" that included punishment for the "prisoners." There was a clear outcome to the game:

The sexual acts went beyond sodomy to include sadism, exhibitionism, degradation, and humiliation (urinating into the mouths and onto the faces of others).

In all rings adult pornographic books are used for instruction. The introduction of child pornography into a ring further links the child to the group, and its lucrative outcome is a powerful reinforcement to the group ("I just used him [the adult] for money"). Pornography is also important to understanding the consequences of betrayal of the group ("Would you like your mother to see this picture?"). It also adds a peculiar dimension to the group dynamics by providing special attention for the children. The modeling activities of the adult, who poses, teaches, and acts as mentor, further strengthen the group cohesion by appealing to the child's needs for attention, approval, and affection. The use of alcohol and drugs, together with promises of extra money for the photographs, plays a key role in enticing the child. Thus, the child is bound by seemingly good forces as well as fearful, negative ones. Pornographic materials found in the home of a 31-year-old ringleader included videotapes of three teenage boys doing pornographic commercials, 22 photographs of a 10-year-old boy undressing, and hundreds of photos of young boys kissing and fondling one another while dressed as women.

The "business" enterprise locks the child into the group, increases the demand for secrecy, and raises the penalty for any member who dares betray the group. The children begin to pressure each other; extortion is increased now that each has resources. Pressure is reduced when a member can bring in a new child. It is not unusual for children to recruit their younger siblings; in this study 20 (32%) of the 66 children were related by blood.

### THE SAMPLE

Of the 84 child and adolescent victims initially identified by law enforcement agents, counseling notes were available on 66 victims, 62 of whom were subsequently interviewed as part of the follow-up study. Thirty-two children had two parents in the home and 30 had a single parent in the home. The 66 children and adolescents ranged in age at the time of disclosure from 6 to 16 years. There were 49 boys, with a mean ( $\pm$ SD) age of  $10.97 \pm 2.04$  years, and 17 girls, with a mean age of  $11.24 \pm 1.60$  years. All the children except one were white.

Six solo rings operating in the Northeast and Midwest included 29 prepubescent children; four transition rings operating in New England included 34 children; and one syndicated ring operating between the Midwest and the West Coast included three pubescent girls. Children were involved in the rings from less than a year up to 4 years. Adult pornography, as defined by the children, was available in all rings to show, teach, or induce the children into the sexual

activity or pornographic modeling. In eight rings the children were used in pornography and the adults used the material for their own stimulation as well as for trading among their associates; in four of the eight rings child pornography was sold commercially and money paid to the child by the adult. The adults were "legitimate" in the lives of the children; they included a neighbor, a school bus driver, a coach, a scout leader, a grandfather, a teacher, and an apartment manager.

Psychotherapeutic involvement with the children and families was primarily limited to crisis intervention. Forty-three children received crisis counseling that ranged from one to 10 sessions; four children also received psychotherapy for 1 year; and 19 victims had no mental health intervention either because the families refused at the time the rings were exposed or because they were not contacted by an agency.

## METHOD

Parents and children who agreed to participate in the follow-up study took part in a semistructured interview conducted by us or by a designated clinician in their part of the country. The interview schedule consisted of seven parts. Part A was used to reestablish the relationship between the clinician, the child, and the parent. Open-ended questions included, How did you feel when I recontacted you? What has happened in your life and your family since we last talked? and Over the past year what has happened to you and your family? Part B included descriptive data completed by the clinician on the child's demeanor, emotional state during the interview, mannerisms, and style of conversation, feelings about the follow-up study, issues discussed but not recorded on the form, and the questions asked by the child.

Part C of the interview contained a checklist of symptoms that included items on eating habits, sleeping pattern, bed-wetting, nightmares, headaches, nail-biting, speech impediment, seizure history, temper tantrums or hyperactivity, phobias, isolation behavior, worries over body image/personal appearance, self-mutilation, physical victimization, and sexual victimization. Other items included daydreaming/fantasizing, episodes of running away, rebelliousness/stubbornness, lying, stealing, fire setting, destruction of property, accident proneness, destruction of own property, cruelty to animals, cruelty to other children, assaultive behavior toward adults, serious illness or accident without aftereffects, permanent injury/handicap, chronic illness, medications prescribed for health problems, drinking history, use of nonprescription drugs, psychiatric history, criminal history, and school history.

Part D contained a series of three questions about each sexual act and pornographic activity: Did something happen to you? How do you feel about it now? and How did you feel about it then? Young children were asked to select the appropriate card depicting

visual cues for the affective states of happy, sad, angry, fearful, neutral, or other. Part E included questions about the exposure of the ring and who found out about the activities. Part F included questions about people to whom the child talked about the experience and about their feelings. Part G, a modified questionnaire on posttraumatic stress response, focused on intrusive imagery and avoidance techniques. The last part of the interview included open-ended questions to resolve any unsettled issues raised during the meeting and to end the interview. Questions included, How did you feel about talking with me today? How does it feel now? Is there anything we can do for you? and Whom do you have to talk with when you have questions?

## TYPES OF RESPONSE PATTERNS

We discovered four patterns of response to stress based on the overt behavioral adjustment of the child at follow-up. The areas evaluated included the child's demeanor and ability to relate his or her participation in the ring's activities, belief patterns (statements from the child about sexual involvement with the adult), symptoms of distress (a symptom checklist), and biopsychosocial performance (health and adjustment to school or work and to family, classmates, peers, and authority figures). The four response patterns are integration of the event, avoidance of the event, repetition of symptoms, and identification with the exploiter.

*Integration of the event.* In this response pattern, the child has mastered the anxiety about the exploitation. When asked about the event the child neither avoids nor encourages discussion but is able to talk of the event with reasonable objectivity. The child believes the adult was not only wrong but was responsible for initiating the behavior. Criminal prosecution of the adult is viewed positively ("He should stay in prison forever"). The child has a future orientation, reestablishes friendships with a new peer group, and shows evidence of making age-appropriate adjustments with peers, family, and school. For example, Mary, age 14 at the time of exposure of a sex ring that had been operating about a year with four other girls, separated from the other girls in the ring and developed new friends in a new neighborhood. Initially dropping out of school, she returned to complete high school and maintained a part-time job. She began dating boys her own age.

*Avoidance of the event.* In this pattern of response, the anxiety about the exploitation remains sealed off either consciously or unconsciously. When asked about the event the child denies and refuses to recognize that the event occurred and may not be able to give a clear picture of it. The child often has a stoic demeanor and actively avoids discussion ("It is better to forget about it"). The child is still afraid of the offender and tends to have a present orientation. So long as the child is not under stress, life is managed as if nothing has happened. Stress and a breakdown of

the avoidance patterns may bring forth symptoms reminiscent of the reactions at the time of disclosure; sometimes depression and self-destructive behaviors appear. Relationships with peers may well have been terminated, family relationships may be strained, school difficulties may persist, and minor antisocial acts may surface.

The child does not have a sense of right and wrong and believes that other children are not exploited. Thus, the child refuses to talk about the event. Unconsciously the child feels responsible, feels badly, and feels that he has injured himself and his family. For example, Jimmy, age 17, was introduced to drugs and sex at age 12. He dropped out of school in the 11th grade, became heavily involved with drugs, and was arrested three times for breaking and entering. While he did not make a connection between the ring activities and the deterioration of his behaviors, he viewed himself as "bad and a loser."

*Repetition of symptoms.* In this response pattern the acute posttraumatic stress disorder becomes chronic. The symptoms may be related to the event or they may be a compound reaction to previous victimization or other traumatic events. There may be a cumulative reaction to additional stressful events, such as the separation of parents or the death of a family member. The child's role and anxiety over being powerless are increased and the child is unable to master and exert control over the anxiety generated.

When asked about the event, the child with recurrent symptoms becomes quite anxious. He feels guilty and blames himself—not the adult—for participating in the ring. The child is not in control of thoughts about the event; the event is still operant and conscious. Family relationships are often unstable, peer relationships may not be reestablished, and the child is not successful in socializing with children of the same age and may associate with younger children. The child may drop out of school, continue sexually explicit behaviors, or be repeatedly victimized.

The child believes he is to blame, that he should have known better, and that he should have told his parents. The child is oriented to the past and may be hopeless about the future, believing that it is not possible to make up for what has happened. For example, Sherry, a 15-year-old girl, was involved in a pornographic sex ring for 3 years. She dropped out of school in 9th grade due to a pregnancy and was arrested several times for shoplifting. She reported that she felt very depressed and that she had thought of committing suicide.

*Identification with the exploiter.* In this response pattern the child has introjected some characteristic of the anxiety caused by the exploitation and assimilates the anxiety through impersonating the aggressor. The child transforms himself from the person threatened into the person who makes the threat. The child masters the anxiety by exploiting others and adopting an antisocial position toward peers, school, and family.

In talking about the event the child who identifies with the exploiter minimizes the exploitation and pornography, resents the interference of the authorities, and feels there is "much ado about nothing." The child maintains emotional, social, and economic ties with the offender and feels sorry or angry that the adult was exposed and convicted. The problem and "hassle" are seen as caused by the authorities and interveners ("Why don't you get off my case?"). The child has difficulties with authorities, especially in school, and often drops out after disclosure. Use of drugs and alcohol, which was part of the ring ritual, continues and increases. There is a shift in the child's belief system that supports the antisocial behavior (e.g., Everything is for gain. Nobody is really hurt. They asked for it. Sex between adults and kids is OK.). The child is oriented only to the present. For example, Billy, age 16, was arrested for the rape and assault of a 15-year-old female classmate. After the girl refused his sexual advances, Billy raped her and battered her head with a hammer.

#### DATA ANALYSIS

Data analysis consisted of three phases. First, we tallied responses to questionnaires on ring activities, symptoms of distress, and the report of the child or parent on the victim's current involvement with family, school, and peers. Second, each child was initially placed in one of the four response categories. One of us who knew the child presented the interview data and all available information and all four of us applied the characteristics of the response pattern. In 56 cases (90%) there was total agreement with the initial rater; in six cases negotiations were necessary before we reached consensus. Areas negotiated included clarifying the child's belief about the rightness or wrongness of the adult's and the group's activities and the relevance of the distress symptoms and the acting-out behavior. Third, the qualitative data were then quantified by determining the number of children in each of the outcome classifications. Frequency of outcome classification was then compared with age, length of time in ring, and exposure to pornography by means of chi-square analysis.

One methodological limitation is that the sample consisted of cases in which law enforcement agents referred the children for mental health or victim services. The children also represented a sample in which parents and children granted permission for research interviews. Also, data on the child's activity before, during, and after involvement in the ring were elicited by self-report of the child or parent, were retrospective in nature, and were recorded in counseling notes. It is possible that information was withheld, that the response patterns derived from this sample represent one end of the continuum, and that a sample where the sex ring had not been exposed would yield a different pattern of adjustment. Also, children whose parents

would not permit participation in a study might present a different picture of psychosocial adjustment. The categories must therefore be understood as an early exploratory effort to organize information on a silent population of victims.

The clinical questions asked were, Do children used in sex rings and pornography develop characteristic symptoms and, if so, is the stressor event generally outside the range of usual human experiences? The analysis of data supports an answer of "yes" to both questions.

## RESULTS

### *Impact of Ring Event*

*Predisclosure impact.* No attempt was made to conduct a systematic review for signs of stress during the sex ring activities. However, children and parents did report symptoms when asked open-ended questions about the ongoing nature of the event. The general symptoms reported fell into the classification system identified by Rosenfeld (9): 1) genital complaints such as urinary tract infections, genital soreness, or anal irritation; 2) common childhood problems such as headaches, loss of appetite, stomachaches, short vomiting spells, difficulty in sleeping, marked daydreaming, and fantasizing; 3) alterations in behavior such as a sudden change in school behavior, declining grades, withdrawal from peer activities, and arguing with siblings, parents, and peers; and 4) acting-out behavior such as stealing, setting fires, and using sexually focused language, dress, and mannerisms.

*Disclosure impact.* Following exposure of the ring there was a marked change from vague complaints to a specifically defined acute posttraumatic stress response. Reports of symptoms were derived from counseling notes written at the time of disclosure and may well represent an underreporting of symptoms.

Forty-five of the children reported reexperiencing the event through intrusive thoughts and flashbacks. Children reported "thinking of it [the event] unexpectedly," and feeling nervous when certain things reminded them of the event. Vivid memories and dreams occurred, most often that the offender would return and retaliate or carry out the threats made during the child's participation in the ring ("I'll get you if you tell," or "It will kill your mother to know"). Night terrors that would awaken the child included scenes where people with weapons injured the child ("He kept stabbing the knife in my neck").

Forty-one children showed diminished responsiveness to others and the environment. There was reduced involvement of the children with their daily activities ("I feel like shutting the rest of the world away"). Children said they were less trusting of people and that they felt they did not need people in their lives. Peer stress was particularly intense and precipitated with-

drawal from friends and school activities ("I want to wear a paper bag over my head"). Children often refused to attend school and in a few cases hours spent in detention hall increased. Some parents told their children not to associate with other former members of the ring and some families moved out of their neighborhoods.

There were examples of in-group conflict if exposure occurred without consensus of the group; children were ambivalent about whom to talk to regarding details of the exposure. The pressure on the child was intensified by newspaper and television coverage of the ring ("They told the scout troop number on TV"). Classmates were reported to ridicule, label, and stigmatize the former ring members ("I had to quit the varsity team"). Children either retreated from the other former ring members, became more aligned with them, or withdrew from all peers due to an increased feeling of estrangement from all people. Some children became very withdrawn and their parents became concerned about possible suicidal intent. Other adolescents increased their use of drugs and alcohol ("He's stoned before school even begins").

Forty-nine children developed new symptoms not present before exposure of the ring. Children who externalized their stress reaction showed symptoms of excessive autonomic arousal, especially hyperalertness. There was an increase in fist fighting and in hypermasculine risk-taking behaviors such as jumping from roofs, weaving bicycles through traffic, picking fights with "tough kids," and holding onto bumpers of moving cars. The children said they lost their tempers easily and disliked "being startled."

There were signs of increased internal tension such as somatic complaints, bed-wetting, and general malaise. Sleep disturbances were common; children were unable to fall asleep for fear they would die before they awakened, or that they would wake up during the night and be unable to fall back asleep. Parents reported their children having crying spells and being moody, irritable, and preoccupied with the event ("I just look at her and know what she is thinking"). Guilt about participating in the ring was expressed along with naiveté ("I didn't know it was illegal"). Children avoided the topic with others, reported difficulty concentrating, and noted a marked increase in daydreaming and fantasizing.

### *Follow-Up of Event*

The children were categorized according to whether or not the event had been integrated into their life style functioning. As shown in table 1, one-fourth of the sample (N=16) were categorized as having integrated the event and three-fourths were categorized as nonintegrative either due to an avoidance pattern (N=17), continuing symptoms (N=16), or identification with the exploiter (N=13).

There is some indication that a portion of this sample, those in the repetitious symptom category,

TABLE 1. Patterns of Stress Response of 62 Children Exploited in Sex Rings by Sex, Participation in Pornography, and Length of Time in Ring

Characteristic	Stress-Response Pattern			
	Integra- tion of Event	Avoid- ance of Event	Repeti- tion of Symptoms	Identifi- cation With Ex- ploiter
Sex <sup>a</sup>				
Male	13	13	8	11
Female	3	4	8	2
Participation in pornography <sup>b</sup>				
Yes	6	7	9	12
No	10	10	7	1
Time in rings				
Less than 1 year	10	11	3	0
More than 1 year	6	6	13	13

<sup>a</sup> $\chi^2=3.09$ ,  $df=3$ ,  $p>.20$ .

<sup>b</sup> $\chi^2=7.28$ ,  $df=3$ ,  $p=.06$ .

$\chi^2=11.31$ ,  $df=3$ ,  $p=.01$ .

continued to be victimized and abused. Three of the girls and three of the boys became involved in prostitution. For those children who manifested externalizing processes and identification with the exploiter, serious acting-out behaviors have been documented. Five children repeated a similar act on a young child (such as inserting an object vaginally, sodomizing a younger brother, or urinating on a classmate) and six were convicted of felony crimes. Three children were known to be working as pimps and two became involved in such group organizations as a neo-Nazi party.

*Pornography and time in the sex ring.* The longer children were used in sex rings and for child pornography, the more likely they were to be bound to an exploitative cycle. The cycle is evidenced through the child's either remaining symptomatic or identifying with the exploiter. We examined the variables of involvement in pornography and time in the sex ring independently in relationship to response pattern and sex and in relationship to each other. There was a significant relationship between time in the ring and participation in pornography ( $\chi^2=34.20$ ,  $df=3$ ,  $p=.001$ ).

The majority of the children ( $N=38$ , 61.3%) participated in ring activities for more than a year, while 24 children (38.7%) participated less than a year. There was a significant relationship between time spent by the children in the sex rings and the response patterns of identification with the exploiter and repetition of symptoms ( $\chi^2=13.25$ ,  $df=3$ ,  $p=.004$ ). Children involved in sex rings less than a year had about a 50% chance of integrating the experience or avoiding the event after 2 years, while children in the rings more than a year had a three-to-one chance of remaining symptomatic or identifying with the exploiter.

Slightly over half ( $N=34$ , 54.8%) of the children were used in pornography, while 28 (45.2%) were not used for pornographic purposes. There was a significant relationship between involvement in pornography

and the response pattern of identification with the exploiter ( $\chi^2=10.605$ ,  $df=3$ ,  $p=.015$ ). When this comparison is broken down to the use of pornography with those who integrated the experience and those who were classified as identifying with the exploiter, pornography has a strong association with this latter response pattern. The data suggest that when children are used for pornography and are in the sex ring for more than a year the two variables appear to be strongly associated with the development of deviant and symptomatic behaviors.

*Sex and response patterns.* Almost three-quarters ( $N=45$ , 72.6%) of the children were boys and 17 (27.4%) were girls. Participation in a sex ring has a deleterious effect on both boys and girls. Sex of the child did not significantly influence the stress response pattern.

## DISCUSSION

This study identified a silent population of sexually victimized children and adolescents. The majority of these victims would not have been seen by mental health workers had there not been a collaborative arrangement between law enforcement agents, mental health staff, and court victim assistance personnel.

Two of our important observations are 1) the predominance of boys as the sexual preference of adult males, and 2) the theme of minimizing the seriousness of sexual exploitation of boys ("The boys will do OK" and "It's all part of growing up"). These statements attempt to normalize the event ("This happens to boys a lot") and suggest that adult sex patterns which are superimposed on adolescents are not psychologically harmful.

Statements from the children and adolescents themselves clearly reveal that involvement with sex rings and pornography had an impact on their lives. Although the exploiter builds in certain social rewards for the child's participation in the activities, there is a psychological price paid for the attention, money, drugs, and alcohol in terms of holding the child hostage to the ring. Recent studies of the posttraumatic effect of dog bite in infancy (10) and of kidnapping (11) have emphasized that the structure of the traumatic event carries over to the child's cognitive-behavioral patterns; it can cause restricted development in the child and be manifest in therapeutic play activities (12).

For those children who remain in the ring but upon disclosure manifest internalizing processes marked by anxiety, depression, guilt, and social withdrawal the struggle for recovery requires a tremendous amount of working through of experiences beyond the issues of early sexual arousal and abuse. Although no conclusions can be drawn about the causal or interactive aspects of pornography and sex ring activities in regard to response patterns, further research is indicated.

## CHILDREN AND ADOLESCENTS EXPLOITED THROUGH SEX RINGS

In summary, we find that a child's or adolescent's involvement in a sex ring represents much more than a sexual triumph for the adult. Money and heightened emotional arousal are obtained through the unchallenged position of power held and easily sustained by the adult at the expense of the young person.

We wish to alert clinicians to the possibility of sex ring or pornographic involvement among children and adolescents who manifest sexual anxiety, gender confusion, avoidant behaviors, acting-out behaviors, or antisocial behaviors like drug and alcohol abuse. It is important to rule out sexual abuse as a contributing or causal factor. Prevention efforts need to be focused on educating children, parents, and professionals to the possibility of sexual victimization of young people by male adults who have legitimate access to children through occupation, volunteer groups, or the neighborhood.

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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.

My name is Fred Jordan. I am a detective with the Kansas City, Missouri Police Department. I have been a law enforcement officer for 21 years. For 14 of those years I have been involved in criminal investigations. For 8 years I was assigned to the Sex Crimes Unit where my investigative responsibilities involved investigations of rape, sexual child abuse and exploitation and child pornography. For the past two years I have been assigned to the Special Investigations Division working undercover child pornography investigations and vice activities. Most recently I have been assigned to a Federal Task Force on pornography.

In 1987 I testified before the Missouri Senate Judiciary Committee on new legislation purposed dealing with child pornography. I have been asked by The Coalition Against Pornography to come here and testify as to my experience with respect to the subject of pornography and more specifically, my thoughts on the proposed revisions of the Kansas Obscenity Statutes.

It has been my experience that law enforcement officers and the communities they serve face the following problems with respect to the sale and distribution of obscene material:

In those neighborhoods where adult bookstores, and other businesses that engage in the sale and distribution of such material, there is usually an increase in street crime and prostitution.

An increase in prostitution near such businesses is common and is frequently sanctioned and promoted by owners and/or operators of such businesses.

Sexually obscene material depicts woman as submissive sex objects and lacks any seductive qualities normally associated with heterosexual sexual relationships. The sale and distribution of magazines, movies and video tapes found in such businesses have a tendency to fuel the imagination and desires of men who have a propensity to commit crimes, often violent crimes, against women. Many of these magazines, movies, and video tapes have as their themes: rape, bondage, and sadomasochism.

Homosexual magazines, movies, and video tapes draw to the place of business those persons with alternative sexual life styles, often resulting in homosexual acts being performed within the confines of the private viewing booths in such establishments, or in nearby parking lots. The congregating of homosexuals or bi-sexuals in and around such establishments generates problems for police due to the fact that such persons often become targets for robberies and assaults as well as other criminal offenses.

Sexually obscene material can become addictive. Like drugs, sexually obscene material for the viewer may reach a point where the viewer is desensitized and requires more exciting and sexually explicit acts, i.e., child pornography, bestiality, sadomasochism, etc.

Purveyors of obscene material are profit motivated. Because of the large profits that distribution and sales of such material provide, the business lends itself to organized crime infiltration. Organized crime figures may take over the operation, become suppliers, or use the business as a means to launder money. With organized crime involvement, the profits may be channeled into other criminal activity.

Once magazines, movies or video tapes are sold or rented, the business has no control over where this material may end up, or who may come into contact with it, such as minors or very young children. As with the liquor laws, the enactment of laws restricting the sales and distribution of obscene material to minors does not guarantee that minors will not come into possession of, or be subjected to obscene material. However, laws governing the nature of such material will lessen the impact and influence that obscene material might have on young persons who come into contact with it.

Law enforcement officers must work within the frame work of the laws that govern their authority. In order to properly perform their task, they must have laws that are constitutionally sound and effectively designed to meet the needs of the communities they serve. It is imperative that law enforcement officers and law makers work together to fulfill the needs of the communities they serve.

Detective Fred Jordan  
Kansas City, Missouri  
Police Department

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.

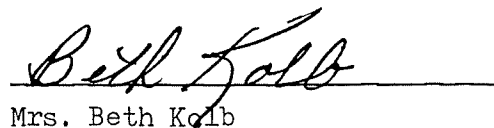
After discerning the facts, I called the Shawnee County Attorney's office. They directed me to the Riley County Attorney's office. They directed me to the city police. I talked to Sgt. Campbell. He investigated my complaint. He questioned the manager of the Holiday Inn (Mr. Fritz Pyle). He claimed to 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

Attach. IV

January 23, 1988

Members

Senate Judiciary Committee  
State Capital Building  
Topeka, Kansas 66606

Dear Members of the Senate Judiciary Committee,

I understand that there is a Harmful to Minors Bill with applicability to Dial-A-Porn before the Legislature to begin consideration before the Senate Judiciary Committee on Monday morning.

I would like to add my written testimony in support of this bill.

When we received our December 1987 phone bill, I noticed that on the AT & T section of the bill there were a long list of "900 Service" calls. There were 14 calls to the numbers: 900 410-3600, 900 410-3700 and 900 410-3800. The costs were \$.50 for 1 minute, \$.85 for 2 minutes and \$1.20 for 3 minutes. The total cost for these calls and one call from the month before came to \$11.70. Thinking that no one from our home had placed these calls, I called AT & T to find out what "900 Service" had been called. I was told that the numbers were for a "Swinger's Hotline."

After questioning my 14 year old son, he admitted that the calls were his and that he had gotten the number from a teenage friend. I understand that in other cases, listening has gone on to the acting out of what was heard. In California, a young girl was molested by a 12 year old boy who had been listening to Dial-A-Porn. We are grateful that it went no further with our son and that he has stopped the calls. The 14 calls suggests to me that this kind of pornography can be quite addictive.

I believe that we are an average American and Kansan family with four children (14 year old boy, 11 year old girl and 6 year old twin boys), and that our 14 year old is probably above average in many ways. He is a friendly, respected boy with many friends and high moral standards. I strongly believe that if he got involved in this, anyone could. Although the cost did not amount to a large amount, it was a waste (not even considering the damage it it could have done). I have heard that in some cases the cost has come to more than \$1,800 a month.

I also called the number to see what my son had been exposed to. It was a poorly recorded message in a woman's voice of total filth and degradation to humankind, using words and phrases in ways that I could never have imagined. It contained a graphic description of a sexual experience, also describing both the sexual anatomy of both male and female with gross, sexually explicit, perverted details. It was totally disgusting to me.

I strongly protest the use of telephone lines for the purpose of Pornography especially to minors. As a proud Kansan, I believe that our children should not have access to this kind of temptation by telephone.

Please support this bill for the children of Kansas! The choice I see is not for 1st Amendment Rights of freedom, but between the almighty dollar or the loss of innocence of our children. I, again, ask that you support HB 2287. Thank you for your consideration.

With sincerity,

*Marvin C. Stevenson*

*1135 Prairie Rd.  
Topeka, Kansas 66604*

*Attch'd*



OCT 19 87

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AT&T COMMUNICATIONS ITEMIZED CALLS

NO	DATE	TIME	PLACE CALLED	AREA	NUMBER	*	MIN	AMOUNT
1	9 21	750PM	WICHITA KS	316	684 8671	E	1	.29#
2	9 21	828PM	WICHITA KS	316	684 8671	E	38	8.46#
3	9 24	355PM	MILFORD NH	603	673 4730	D	2	.64
4	9 24	754PM	WICHITA KS	316	684 8671	E	47	10.45#
5	10 01	214PM	GARDNER KS	913	884 2228	D	3	.89#
6	10 10	915PM	TOPEKA KS	913	272 7780	NS	1	
		COLLECT FROM	BARTVL OK	918	337 4104			1.69
7	10 11	1111PM	900SERVICE	900	410 3600	N	4	1.55
8	10 14	259PM	WICHITA KS	316	268 1354	D	2	.79#
9	10 16	1024AM	ST LOUIS MO	314	367 9995	D	3	.86
10	10 16	642PM	TOPEKA KS	913	272 7780	ES	4	
		COLLECT FROM	BRANSHW MO	COIN	417 338 9367			2.20
11	10 17	1105AM	TOPEKA KS	913	272 7780	NS	2	
		COLLECT FROM	BRANSHW MO	COIN	417 338 9316			1.81
								<b>29.63</b>

AT&T COMMUNICATIONS ITEMIZED CALLS EXCLUDING TAX



NOV 19 87

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AT&T COMMUNICATIONS ITEMIZED CALLS

NO	DATE	TIME	PLACE CALLED	AREA	NUMBER	*	MIN	AMOUNT
1	10 21	415PM	900SERVICE	900	410 3600	D	1	.50
2	10 21	420PM	900SERVICE	900	410 3800	D	1	.50
3	10 21	421PM	900SERVICE	900	410 3700	D	2	.85
4	10 21	423PM	900SERVICE	900	410 3600	D	1	.50
5	10 25	108AM	900SERVICE	900	410 3600	N	2	.85
6	10 25	110AM	900SERVICE	900	410 3800	N	2	.85
7	10 25	315PM	900SERVICE	900	410 3800	N	2	.85
8	10 31	1143PM	900SERVICE	900	410 3800	N	3	1.20
9	11 04	1049PM	900SERVICE	900	410 3800	E	1	.50
10	11 04	1050PM	900SERVICE	900	410 3700	E	2	.85
11	11 04	1052PM	900SERVICE	900	410 3600	E	1	.50
12	11 04	1053PM	900SERVICE	900	410 3800	E	2	.85
13	11 04	1054PM	900SERVICE	900	410 3700	E	2	.85
14	11 10	546PM	900SERVICE	900	410 3800	E	1	.50
15	11 18	142PM	HUTCHINSON KS	316	662 2305	D	2	.79#
16	11 18	148PM	HUTCHINSON KS	316	669 9311	D	4	1.47#

*Swingers Hotline*



DEC 19 87

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AT&T COMMUNICATIONS ITEMIZED CALLS

NO	DATE	TIME	PLACE CALLED	AREA	NUMBER	*	MIN	AMOUNT
1	11 26	811PM	BELLEVILLE KS	913	527 2027	EC	5	
		CR CARD FROM	LINCOLN NE	402	464 9111			1.56
2	12 02	242PM	900SERVICE	900	410 3600	D	1	.50
3	12 08	947AM	OVERLANDPK KS	913	649 5942	DC	2	
		CR CARD FROM	STMARY KS	COIN	913 437 2397			1.32#
4	12 08	955AM	LEAVENWTH KS	913	651 2052	DC	1	
		CR CARD FROM	STMARY KS	COIN	913 437 2397			1.00#
5	12 11	1105AM	TOPEKA KS	913	272 7780	DC	5	
		CR CARD FROM	LVNWRT KS	COIN	913 651 9015			1.99#
6	12 12	1148AM	MILFORD NH	603	673 4730	N	1	.16
7	12 17	151PM	MILFORD NH	603	673 4730	D	2	.64
8	12 17	303PM	MILFORD NH	603	673 4730	D	4	1.22

AT&T COMMUNICATIONS ITEMIZED CALLS EXCLUDING TAX

**8.39**

Mr. Chairman and Members of the Committee

I am Charles White and I live in Shawnee County. My primary concerns as a writer for parents magazines is that parents receive the legislative assistance they need. The field of law is new to me. It is only in following this piece of legislation that I have come to realize that murder is not a crime because God says it is. Murder is a crime because the lawmakers agree that it is a crime. God does not send you to jail. The State sends you to jail.

This system of basing our law on what is agreed between human beings has given us extraordinary freedom. We are free to decide what behaviour is legal or illegal.

This freedom to decide for ourselves what is right or wrong has become a trap. The trap is that we have pinned ourselves to taking personal responsibility for the lives of others. This means making decisions. Murder is a crime because it was declared to be a crime by men and women such as yourselves. This is the basis of all Law. Just as those men were asked to declare murder illegal you are being asked to declare certain pictorial and verbal illustrations to be illegal. Just as murder cannot be perfectly defined being subdivided into manslaughter, voluntary and involuntary, with a Jury to make the final discernment so obscenity cannot be perfectly delineated.

The fact that it is easy or difficult to define does not make it any less of a crime. Just as the personal convictions of those lawmakers were called into play in making certain acts resulting in death illegal so your personal convictions are being called into play. There is no other basis for Law than you personal convictions.

There is no outside help. There will be no dictionary to give you a definition. There are no professional opinions to be given. You are on your own. Do not look for help. There is none. Each of you is in a very lonely position.

There is another reason that many lawmakers have avoided this issue. That second reason is that two principles are in opposition to each other. Under our constitution we are guaranteed personal freedoms and the freedom of the press. The consequences of controlling freedom of speech can be horrible. The constitution however lists the right to life before the right to liberty. Since murder (a liberty) cuts off the right to life it is a crime. The issue is the same. Do the pictures or words in question have a negative effect on life. A corpse is a graphic representation of the harmful effect of murder. It is easy to look at a corpse and see

Attch. VI

that life has been injured. The evidence is readily visible.

By pinning a recent picture of a child or grandchild in the upper corner of the material which is suspect of being pornographic we gain a new perspective. This physical joining of the pornography and the victim is sort of like having the corpse in the courtroom. It makes the crime against life more apparent. Crimes against life supercede the liberty of the publishing houses.

There remains a third point in making SB 467 a law. Historically much of our code of law originates with the God of a man called Moses. Law making in those days was a matter of prayer. I would take this opportunity to ask that those of you who have a faith in the God of Moses to pray for guidance as you consider SB 467. I trust that you will find yourselves <sup>led</sup> ~~let~~ to find in favor of SB 467.

Those of you who have no faith in God are in a more difficult position. I ask you to exercise the authority you have been elected to exercise. I appeal to you on behalf of the next generation to find in favor of SB 467.



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.

Monday, 1988  
25th of January

SENATE JUDICIARY COMMITTEE

RE: HB-2287 Displaying materials or performances harmful to minors

SB-467 Standards for determining what constitutes obscenity

May I express to the Committee a word of appreciation for giving these two constitutionally sound bills a hearing. It is this kind of legislation that enhances the quality of life in our great State of Kansas.

Tomorrow you can expect to hear from the opponents of these two bills. In last year's hearings across the rotunda on HB2287, the opponents testified to the effect that the proponents were opposed to sex.

Before the opponents perjure themselves before this informed and knowledgeable committee may I share with you that the proponents of these two bills are just about the sexiest folks you ever laid eyes on: One) do a head count on the number of legitimate children between the opponents and the proponents and see who wins; Two) the proponents composed of the vast majority of Kansas residents have a substantially healthier view of sexuality than what is perpetrated through the various media vehicles of the pornography industry.

The very reason I personally got involved with this issue is because of the devastating impact it has on minors. I was a customer in a pharmacy near my home. As I went to the store to fill a prescription, I found three children ten to twelve year olds, two boys and one girl. They were huddled around the most recent copy of "OUI." Those obscene rags never seem to stay on the back shelf.

I grieved at how those vulnerable, impressionable minds assimilated the perverted images. Now instead of a potentially healthy view of sexuality these children must wade through the maze of obscene images "legally" displayed and available to Kansas minors.

You are key leaders. Our State's children need you to promote a healthy view of sexuality by encouraging the full Senate to pass both of these bills. Our Kansas children need you to develop and promote laws to curtail obscenity

John Yeats  
4231 S. E. Minnesota  
Topeka, Kansas 66609  
(913) 267-1965

Attch. VII

## PORNOGRAPHY HAS CREATED A MYTHICAL WOMAN

The major proportion of pornographic production is focused on the female of the species. She is examined in the minutest detail and theoretically by the time the reader gets through he should be an authority on the subject of womanhood.

Unfortunately for the would-be student of femininity the woman of pornography is a "woman who never was" - a myth.

The female portrayed in these pages exists only in the mind of the author or the artist.

She is a masculine wish-fulfillment. As the personification of feminine lust she spends her days tracking down males who will satisfy her sensuous desires.

Graphic evidence of this misrepresentation is demonstrated in the manner in which bestiality is portrayed in many of these writings. The predominant theme is the lust of the woman who is so concupiscent that she will stop at nothing.

But virtually no pictures of men involved in bestiality.

The real facts of bestiality are far otherwise.

Kinsey noted this in his research. His investigations had shown that boys growing up on farms were close to animal life and had apparently noted the similarity between animal and human anatomy and physiology. Moreover, in the discussion with other boys, and listening to adult men, sexual contacts with animals, actual or fictionalized, often became the subject for discussion.

The result of this, and other factors, was that seventeen per cent of farm boys, in the Kinsey survey, showed they had sexual contact with some form of animal life to the point of orgasm.

By way of contrast, only 1.2 per cent of Kinsey's female sample had ever been aroused erotically by an animal, and only a small proportion of these attempted actual coitus.

But Kinsey noted that in the archives of folklore and mythology there were frequent portrayals of females being involved with a wide variety of animal life.

Kinsey offered his explanation as to how this came about:  
"Much of this interest in rare or non-existent forms of sexual performance may represent the male's wishful thinking, a projection of his own desire to engage in a variety of sexual activities, or his erotic response to the idea that other persons, especially females, may be involved in such activities... Human males, and not the females themselves, are the ones who imagine that females are frequently involved in sexual contacts with animals of other species. In fact, human males may be responsible for initiating

some of the animal contacts and especially the exhibitionistic contacts in which some females (particularly prostitutes) engage."  
(1)

Modern pornography has maintained the myth. If it were a realistic portrayal of sex that it claims to be, pornography would portray masculine bestiality instead of dealing almost exclusively with the fantasy of female bestiality.

## FAMILY LIFE IS UNDERMINED BY PORNOGRAPHY

Looking over all the damage done by pornography one casualty stands out preeminently - the family.

The message of pornography is anti-family. The emphasis on sex without relationship, its attack on the concept of a wholesome, well-rounded love, the downgrading of commitment to a mate that provides a setting within which children can be raised, all of these and a dozen other facets of the material cut away the very foundations upon which the structure of family life is built.

But the attack is even more insidious than it first appears, as it emerges as a massive propaganda campaign which, if carried to its logical consequences, will completely alienate young Americans from our traditional concepts of family life.

It has long been the custom of American male college students to screen stag films at surreptitious gatherings away from the watchful eyes of the school authorities. But no need of that anymore in many colleges. Pornography has quit going around to the grademen's entrance and has gone straight up the front steps of the main administration building. It is rapidly becoming so respectable that it may not be long before a puzzled parent will hear the news that Jeannie has signed up for an interesting course, Communication 3442, "The Use of the Media for Eroticism."

Two characters, of whom one is a former writer for the filthiest of all the underground newspapers and the other active in publishing ventures, have been cutting quite a swath in the pornographic field. They started by running an Erotic Movie Festival in New York, and then teamed up with a lecture bureau, claimed to be "the world's largest lecture agency," with the objective of bringing pornography to the campus.

A newspaper reporting the project headlines it "Pornography Wises Up and Goes to College." The program consists of 45 minutes of erotic shots with ten minutes of comments by the two self-confessed experts in erotica.

The content of the presentations comes from a selection of the films submitted for the Erotic Film Festival and is heavy on elaborate camera shots. One of the presenters discussing a five minute examination of the human genitals says, "To really appreciate this, you should have a picture on a forty foot screen."

Coincidental with this development, courses are being offered on many college campuses today typically titled "Alternatives to Family Life." The editor of THE JOURNAL OF MARRIAGE AND THE FAMILY, who reviews books on family and marriage and across whose desk most of the recent publications on the subject come, states, "Publishers are knocking themselves out to print books that predict marriage is finished and offer alternatives to marriage and the family. (3)

One of the most widely used volumes which is required reading in these types of courses on something like 150 campuses from Maine to California is THE FAMILY IN SEARCH OF A FUTURE. Some of the alternatives to family life suggested in this volume are group marriage, homosexual marriage, sex outside marriage, communal families and polygamy. One chapter in this book dealing with the subject of polygamy speaks of "a new era when it is taken for granted that both men and women want variety in their relationships. Individuals look with an almost condescending smile upon the earlier period in which the standard assumption was that one would love only one person at a time." (4)

Just put yourself in the shoes of an impressionable kid in his freshman year at college. Newly conscious of his freedom from the strictures of his home and not objective enough yet to really appreciate his parents and their values, he is becoming vividly aware of a pulsating sexuality. At this critical moment he is surfeited by a flood of materials depicting all the variants of human sexuality. He makes a visit to the "select series" in the student union where they are screening the juicy morsels from the erotic film festival, and to his ears there come the stories of the antics of other students in co-ed dorms or those living off campus in pairs, communes, or other types of association.

Stories whip around the campus about these various activities, and they naturally surface in class discussions or conversations with faculty members. The professors, ever on the alert for news of "needs" of students eagerly watching for some opportunities to introduce "innovative courses," discover their opportunity.

With the bewildering speed that characterizes many of the changes in curricula that take place on American college campuses, a new course is introduced. Students are enrolled in a study of alternatives to the traditional forms of family life.

The ping-pong effect continues. Students, inundated with cheap pornography, talk about experiments with alternatives to family life. Teachers respond with new courses about other possible ways of coming at the problem. Students return to their own circles to quote the professor as an authority on the subject and use his prestige as a means of introducing others to these new experiments.

Two professors at a large state university asked about a course on "ALTERNATIVES TO FAMILY LIFE" responded by enunciating a real problem, "There is no solid research evidence yet to tell us how the 'ALTERNATIVES TO MARRIAGE' work or to what extent they've caught on." The professor admitted they had to rely heavily on fiction - books like THE HARRAD EXPERIMENT!

THE HARRAD EXPERIMENT is a book about a fictionalized college in which students were assigned to rooms they share with a person of the opposite sex, and in the course of the book they allegedly tell about their activities in a series of journal entries. Anyone who

has taken time to read this volume knows the highly imaginative nature of the portrayal. It is as the good professor acknowledges - fiction.

Of course fiction has a part to play in the college curriculum - in the English department, where literary skills are being taught - but hardly in the sociology, psychology, or family life departments. In these social sciences we need hard facts, and many of them are available.

For example, in a two-hundred-year period, from 1680 to 1880, the new and growing country of America witnessed a series of socialistic experiments that aimed at setting up what Holloway calls "Heavens on Earth" in this new country. These pioneering efforts at communal living, at their height involved more than a hundred-thousand men, women, and children who lived in a hundred communities scattered across the United States.

There are excellent documented accounts of the checkered careers of these groups and their ultimate demise.

In my own research of modern day communes I found plenty of evidence of what was going on, how short-lived they are and the devastating aftermath of these alternatives to family life as they left damaged kids in their train. But this factual information is ignored and classes are studying fiction. Is this part of the strange new world where fact is fiction and fiction is fact? Does it matter that impressionable students are encouraged in completely uncharted new ways of life because, "The professor seemed to indicate it's okay."

Sigmund Freud is often credited with propagating a theory that gave rise to many of the ideas of freer sexual expression, but a closer examination of his writings shows that his main emphasis was upon the environment within which the child spent his early years of life and its relationship with its parents during this time period.

Historically the family has been a microcosm of a wider society within which the family members have learned relationship skills that will prepare them for the broader experiences of life. Fundamental to a good family unit is a husband and wife committed to each other, and providing not only an economic basis but a warm loving climate for the development of personality within which the children will see models of masculine and feminine roles and examples of man-woman relationship.

To present an adequate picture of family life demands the denial of the false fictions of pornography.

"PORNOGRAPHY, THE SEXUAL MIRAGE"

John W. Drakeford/Jack Hamm



## SEX IS DIVORCED FROM LOVE IN PORNOGRAPHIC PRESENTATIONS

Although the pornographer may use such expressions as "making love," "let me give you love," "love child," or "the act of love," love is one of the four-letter words about which the pornographer has virtually no knowledge and he is an expert in the use of four-letter words.

The implication of most of these writings is that the words "sex" and "love" are synonyms. However, there is a tremendous amount of evidence to show that this is not so.

\*Sex is basically physical, stemming from body chemistry and capable of response to purely physical stimulation: on the other hand, even though love includes the physical, some of the greatest love affairs have involved very little physical contact.

\*The sexual response mainly concerns only one aspect of conscious process - the emotional; love at its best consists not only in how the individual FEELS, but how he THINKS and how he ACTS.

\*Sex is fundamentally selfish and the sexually aroused person may seek satisfaction without consideration of anybody else; love is a concern for someone else and the lover will forego sexual experiences in the interest of his beloved's welfare.

\*Both man and beast share sexual drives; love is a cultural development that has no counterpart in animal or insect life.

\*Sex in its most urgent forms does not discriminate; love sees a partner with whom relationships grow and develop.

With these distinctions in mind we can see that in the development of mankind the wedding of the concepts of sex and love as a viable unitary human experience has been one of the greatest moves forward, and any effort to separate them might well be a step back to barbarism.

Writing in a magazine on human sexuality a recent author told the story of the Marquesan Islands. Although a factual report by an anthropologist and entitled "Love Marquesan Style," it turned out to be an account of the way in which love and sex can be divorced.

These islanders are said to be sex experts. Children are initiated into sexual practices in their early days and learn how to gain the greatest pleasure from sensual experiences.

The writer of the article claims that in the early days when the European whalers and traders came to the South Seas the stories of the sexual capacities of these natives, like those of the sirens of old, lured the crews of the ships to the Islands. They brought venereal disease with the aftermath of decimation of goodly proportion of the population.

Twenty years after his original contact with the depopulated islands the author revisited the scene and discovered population boom as the ancient sex patterns were reintroduced and the writer notes with approval, "Sex is what brought their assassins to the islands - and now sex was going to give them a place in the sun."

After commending all this "Freedom from inhibition and sexual hangups" the author notices one slight difficulty, "I have never found, in the many years that I have voyaged through the island of Polynesia, an instance where a native woman fell deeply in love with her lover. She doesn't seem to have the emotional depth, or capacity to become seriously involved in permanent attachments with her lover." (5)

Is this good?

The sociopath or psychopathic personality presents the psychotherapist with a stubborn challenge. One of his major problems is that he cannot develop any depth of relationship with people and sees them only as objects for exploitation.

This is a primitive society, and one of the reasons it is primitive is that men and women have never learned about the bonds of fidelity which provide the basis for the development of family life.

One of the tragedies of our age is our mobile rootless society. What people need more than anything else -- even sex -- is a sense of a secure relationship.

A writer in a "soft core" porno magazine for women seeks to teach his female readers the delights of sensuality. In an unaccustomed note of candor he tells them, "Detaching love from sex may be the first step," and urges these gals to, "...enjoy the prospect of sex independent of the deep relationship demanded by love."

A cartoon in a typical porno-publication shows a girl and man stretched out on the floor of the apartment. He has called to take her out on a date and apparently they went into a sexual embrace. The girl is saying, "You mean that's it. That's our date?"

This is pornography's message -- sex without love -- without relationship -- just sex that's all.

STATEMENT ON BEHALF OF PALMER COMPANIES, INC.  
IN OPPOSITION TO HOUSE BILL 2287

1. No one wants to expose children to adult ideas and materials until they are of an age and maturity to make rational choices in the conduct of their lives.
2. There has always been great caution in this country in imposing restrictions on the free exchange of ideas within our society, including especially restrictions on unpopular ideas. The obscenity laws try to walk tight rope between the conflicting goals.
3. This law overlaps with existing legislation governing promotion of obscenity to minors (K.S.A. 1987 Supp. 21-4301 and 21-4301a).
4. The Kansas Attorney General has already commenced prosecution against those accused of promoting obscenity and promoting obscenity to a minor under existing state laws. (See attached Associated Press article "Obscenity Charges Filed.")
5. Other statutes or ordinances which purport to limit display of adult materials have been overturned in Indiana, Arkansas, Georgia, Florida, and in Washington where the unconstitutional parts of the measure were stricken.
6. On January 25, 1988, the U.S. Supreme Court issued its opinion upholding an injunction against enforcement of the Virginia display law, sending that case back to the Virginia courts for further proceedings. Much of the language in the Virginia law is identical to the language in House Bill 2287.
7. The Fourth Circuit Court of Appeals in the Virginia case had awarded the attorney fees of the booksellers to be paid by

*Attach. VIII*

the State of Virginia, finding a violation of §1983 of the U.S. Civil Rights Acts.

8. It is extremely important to understand that this bill is not just a display restriction as it has been popularly referred to in some news media reporting.

9. Passage of House Bill 2287 would create yet another set of standards for commercial establishments across Kansas to attempt to comply with, adding to the considerable confusion already existing in this area.

10. The proposed bill purports to define what is "harmful to minors" but mysteriously excludes any mention whatsoever of violence or brutality or similar subjects which most of us would freely agree are extremely harmful to children.

11. House Bill 2287 is really an attempt by a segment of the population to impose its views of morality and ethics on the rest of the population by restricting the availability of materials with a sexual content not only to children, but ultimately to adults as well.

12. In light of existing criminal laws which are being updated in Senate Bill 467, in light of the U.S. Supreme Court decision enjoining enforcement of the Virginia law, in light of the potential liability of the state for awards of attorney fees, and in light of the substantive deficiencies in the language of House Bill 2287, the Committee is respectfully requested not to vote to pass this bill to the floor of the Senate.

**Submitted by: Richard F. Hayse**  
**on behalf of Palmer Companies, Inc.**  
**Dated: January 26, 1988**

12 Friday, January 22, 1988

The Topeka Capital Journal

## Obscenity charges filed

By the Associated Press

Attorney General Bob Stephan announced Thursday that he had filed criminal complaints against two New York firms, charging each with promoting obscenity and promoting obscenity to a minor.

Instant Action, Inc. of Ronkonkoma, N. Y., was charged in Cherokee County District Court with two counts of obscenity for allegedly mailing unsolicited material to a Galena teenager in October.

Venus Distributors, Inc., of Lakeland, N.Y., was charged in Shawnee County District Court with two obscenity counts for mailing material unsolicited to a Topeka teenager in November.

In each case, Stephan said, the material sent describes graphically pornographic video tapes the companies are offering for sale.

"In both of these cases I believe the advertisements themselves are obscene and I have charged the companies for sending the ads into Kansas," Stephan said.

"To make matters worse, many of the complaints I have received are about solicitations mailed to teenagers" the attorney general continued, "and we have charged the companies with additional counts for promoting obscenity to minors."

Each count on first offense carries a penalty of a fine of up to \$2,500 and a year in the county jail.

K.S.A. 1987 Supp.  
21-4301a

K.S.A. 1987 Supp.  
21-4301