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Testimony in Support of HB 2054 – The Community Defense Act

Michael Schuttloffel

Executive Director, Kansas Catholic Conference

House Federal and State Affairs Committee

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9:00 AM

Mr. Chairman and Members of the Committee:

The Kansas Catholic Conference supports HB 2054, the Community Defense Act.

As other witnesses will explain in greater detail, it has been thoroughly documented that sexually oriented businesses generate increased crime, decreased property values, prostitution, drug trafficking, and human trafficking. The pornography industry speaks of rights; what of the rights of communities to protect themselves against this kind of blight?

The Community Defense Act will prevent sexually oriented businesses from being established within 1,000 feet of churches, schools, homes, libraries, and parks. The Kansas Catholic Conference strongly supports this language.

We believe it is important for the people's elected representatives to ensure that space remains in our society for decency to flourish. If there can be no possible regulation of the establishment of so-called "adult entertainment centers" next to our homes, schools, churches, and playgrounds, then what space will be left to the great majority of us that wish to avoid their well-documented negative secondary effects?

It strains credulity to believe that our Founding Fathers intended the Constitution to be an instrument of protection for sexually oriented businesses that wish to operate whenever, wherever, and however they like. It would come as a great surprise to Madison, Hamilton, and Adams that the Constitution guarantees pornographers the right to build next to churches and schools, as it also would to the many judges in the present day who have consistently ruled otherwise.

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When small towns do attempt to resist the reckless placement of these establishments, the pornography industry all too often uses its near-limitless resources to bully communities into submission. Hence the need for statewide regulation. According to the Catholic principle of subsidiarity, matters should be handled by the least centralized competent authority. One might call this a preference for local control. However, because smaller communities have in so many cases shown themselves to be unable to stand up to the enormous financial resources of the pornography industry, the intervention of a higher, stronger authority is necessary, in this case the state.

If we can and do prohibit prostitution, even within the confines of a private business, how can it be said that we cannot or should not place mild regulations on the location and operation of other forms of sexually oriented enterprise? Or does every regulation placed upon the sex industry traduce the Constitution?

We are particularly concerned about the nexus between sexually oriented businesses and human trafficking. Americans are becoming more aware of the serious problem of sex and labor trafficking in our country, and we are pleased to see that the Kansas Legislature is taking steps to combat human trafficking. We believe that passage of this bill will contribute to that effort.

The Community Defense Act places sensible, constitutional regulations on the operation of sexually oriented businesses. We ask for your support of this legislation and thank you for your consideration.