

# INFORMATION

from Focus on the Family

## Resources for Fighting Pornography

Dr. James Dobson has stressed many times that the fight against pornography is a winnable war. Based on his experience with the U.S. Attorney General's Commission on Pornography, Dr. Dobson believes our society can be free from illegal obscenity if concerned citizens take a stand.

This information sheet can help you organize and target your efforts where they will be the most effective.

*“. . . if My people, who are called by My name, will humble themselves and pray and seek My face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their land.” —2 Chronicles 7:14, NIV*

### Know the Issue

Pornography is a broad term encompassing most sexually-explicit material—magazines, videos, Web sites, photos, etc. There are two important legal classifications of pornography which are important to understand as you make your voice heard on this issue.

### **Obscene material**

Obscene material—what the Supreme Court defines as hardcore pornography—is *illegal* and enjoys no First Amendment protection. The Supreme Court ruled that to be considered obscene,

- (1) [A]n average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest;
- (2) the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and (3) the material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

The Court further defined what communities could consider obscene:

- Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated.
- Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.

These definitions of illegal material describe much of the pornography now being distributed and sold online and in adult bookstores. It already violates the law. The only problem is lack of enforcement!

## **Indecent material**

Indecent material, or pornography that does not meet the definition of obscenity, is *legal* in the United States, *but with certain limitations*. Neither obscene nor indecent pornography can be shown to minors. In many states indecent material is also prohibited from being displayed in public areas. Some states have been updating their laws to prohibit playing pornographic DVDs in cars.

**On broadcast television and radio**, obscenity is prohibited at all times. Indecency is also limited to times when children are not likely to be watching or listening. The Supreme Court has defined this "safe harbor" as existing between the hours of 6 a.m. and 10 p.m.

The Federal Communications Commission (FCC) defines broadcast indecency as "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities."

It is important to note that these standards do not currently apply to cable television, but Congress has shown increasing interest in regulating cable content.

You can find more information about obscenity, indecency, and federal laws in the section dealing with pornography at [www.citizenlink.org](http://www.citizenlink.org).

## Get Organized

The task of cleaning up pornography at the national, state, or even local level can seem daunting or impossible. While one person *can* make a difference, working with others multiples each person's individual efforts.

You can find like-minded individuals at church, home schooling groups, civic organizations or among your neighbors. Don't try to tackle everything at once. Set one or two priorities and work at them until you achieve results. Then move on to the next most important objective.

## Federal Efforts

Efforts at the federal level typically focus on three pressing issues: 1) the proliferation of obscenity, 2) the growth in broadcast indecency and 3) the disturbing increase in child pornography. Within these efforts, the focus centers on passing and enforcing good laws.

## **Addressing Obscenity**

The Department of Justice is responsible for enforcing all federal obscenity laws. United States law prohibits transmitting, distributing, selling, or disseminating obscene material across state lines. This includes the mail system, TV and radio, telephones, the Internet, wireless devices, and obscene videos or DVDs that are shipped to stores from state to state.

Although Congress occasionally passes new laws, existing obscenity law is more than adequate to wage a vigorous and successful campaign against illegal hardcore pornography. Following the recommendations of Attorney General's Commission on Pornography released in 1986, the Department of Justice conducted a very successful war against illegal hardcore pornography for several years in the late 1980s and early 1990s.

Unfortunately, just as online pornography started to become a problem in the early 1990s, Attorney General Janet Reno deemphasized obscenity prosecutions. The current Attorney General, Alberto Gonzalez, has shown some interest in prosecuting obscenity, but few major initiatives have occurred in more than a decade.

Reinvigorating federal obscenity prosecutions requires the active, sustained and vocal pressure of average Americans fed up with rampant proliferation of obscene material in society. Pressure must be applied to the White House, Department of Justice and to members of Congress.

### **Who to Contact and What to Request**

#### **A. Write to the president** and recommend that he:

- Direct the Attorney General to focus obscenity enforcement efforts against large, mainstream obscenity producers and distributors in order to cripple the industry, rather than focusing on small-time operators selling only the worst of the worst material.
- Appoint U.S. attorneys who will wage a vigorous battle against child pornography, obscenity and indecency laws in their federal districts, and will not allow these crimes to go unpunished.

The correct address, salutation and closing are:

The President	Dear Mr. President:
The White House	
Washington, DC 20500	Very respectfully yours,

#### **B. Contact the U.S. Justice Department** to:

- Register complaints about specific pornographic businesses or Web sites.
- Encourage the investigation of "white-collar" pornographers, such as satellite providers and hotel chains that offer in-room pay-per-view pornography. You do not *need* to make a complaint about a specific hotel chain or satellite provider, but you do want to encourage investigation of these types of businesses responsible for the mainstreaming of pornography.

U.S. Justice Department  
Child Exploitation and Obscenity Section  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
(202) 353-1555  
www.usdoj.gov  
Email: askdoj@usdoj.gov

You may also write the Justice Department if you receive unsolicited pornographic material in the mail. Then go to your post office and complete form 1500 to be put on a list of people who do not want to receive sexually explicit material in the mail.

You can also file obscenity complaints at [www.obscenitycrimes.org](http://www.obscenitycrimes.org).

#### **C. Contact your U.S. senators and representatives** and encourage them to:

- Hold the Justice Department accountable for enforcing the nation's obscenity laws.
- Hold hearings to determine the harm of pornography to individuals, families, and society.

The correct salutations and closings are:

Senators

The Honorable ...  
United States Senate  
Washington, DC 20510

Dear Senator:  
  
Sincerely yours,

Representatives

The Honorable ...  
House of Representatives  
Washington, DC 20515

Dear Representative:  
  
Sincerely yours,

For up-to-date information on pornography legislation in Congress or to locate contact information for your congressman, visit Focus on the Family's citizen "Action Center" link on [www.CitizenLink.org](http://www.CitizenLink.org).

**Addressing Broadcast Indecency**

Current law prohibits broadcasting indecent material on TV or the radio between the hours of 6 a.m. and 10 p.m. Until recently, this law was rarely enforced against TV programs. There have been occasional fines against radio stations for several years.

In 2005 President Bush appointed Kevin Martin as Chairman of the Federal Communications Commission (FCC). Since taking this post, Chairman Martin has added an online indecency report form, put in place procedures for investigating complaints and has demanded that complaints be handled within a specified period of time. He has made the FCC more responsive to consumer complaints than ever before. We should seize this opportunity to petition the government to clean up TV and radio.

**Write to the FCC** and ask for prompt enforcement of the laws against indecency and obscenity in radio and television. Your complaint must be of a specific nature, and you should include the date, time, channel and nature of the offensive material.

Federal Communications Commission  
445 12th Street S.W.  
Washington, DC 20554  
(888) CALL-FCC  
[www.fcc.gov](http://www.fcc.gov)  
Email: [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

You can also use the FCC's online report form for broadcast indecency complaints:  
<http://www.fcc.gov/eb/oip/Compl.html>

**Addressing Child Pornography**

Due to the destructive and harmful nature of this material, which might be more accurately called a photographed record of child sexual abuse, even *possession* of child pornography violates federal law. Accordingly, citizens are not allowed to seek out or research this material, even with the purpose of helping law enforcement.

In recent years, the United States has stepped up its enforcement of federal child pornography laws and strengthened international treaties to facilitate greater global cooperation on investigation and prosecution.

The federal government has joined with the National Center for Missing and Exploited Children to provide a way for citizens to report violations of child pornography laws. To make a report, visit [www.missingkids.org](http://www.missingkids.org).

### **State and Local Efforts**

Some of the greatest impact citizens can have is in their own communities. At the local level, people often have greater access to their elected leaders and can often find more like-minded citizens who share their concerns. Similar to efforts at the federal level, state and local efforts often focus on passing and enforcing good laws and ordinances, but often community pressure can achieve significant results apart from passing more laws.

### **Passing Good Laws**

One of the greatest dangers to a community is having a sexually-oriented business (SOB) move into town, especially near schools, churches, or neighborhoods where children live and play. Although the Supreme Court has ruled that an SOB has the right to exist—provided it doesn't violate other laws—the Court has also ruled that communities can pass ordinances restricting where it can locate, what hours it can open, and regulating what type of conduct is allowed within the business.

These ordinances can be strict, but must be flexible enough to allow a business to actually set up shop. However, if a town has a strong ordinance, it is likely that an SOB will locate in another town where the rules aren't strict or don't exist at all.

To help your town set up an SOB ordinance, gather necessary research, such as land use studies, that show the negative secondary effects of adult business. You can find these courtesy of the National Law Center for Children and Families at: [www.nationallawcenter.org](http://www.nationallawcenter.org).

You can also request help from Scott Bergthold, considered by many to be the country's foremost attorney dealing with adult business law.

Law Office of Scott D. Bergthold, P.L.L.C.  
Jordan Executive Building  
6830 McCutcheon Road  
Chattanooga, TN 37421  
423.899.3025 Office  
423.899.3029 Fax  
[www.adultbusinesslaw.com](http://www.adultbusinesslaw.com)

### **Enforcing Existing Laws**

Phil Burress, President of Citizen for Community Values in Ohio, says three ingredients are necessary for a community to clean up pornography: 1) active and concerned citizens, 2) a police force willing to investigate obscenity crime, and 3) a district attorney or local prosecutor willing to take violations to trial.

The most important ingredient is the work of an active and concerned citizenry. If the local community isn't concerned about illegal pornography, it is unlikely the police force or prosecutor will be either. Active citizens can also work together to put into office police chiefs and prosecutors who are willing to take these types of cases if the current office holders are unwilling to do their jobs.

### **Contacting the Local District Attorney**

The name and phone number for your area's district attorney should be listed in your phone directory under the section entitled "Government Listings." In some communities, the district attorney is also known as the solicitor general or commonwealth attorney. Local libraries also have this information.

Do not call or go to the district attorney's office on your own. Instead, go with a group from your church, a coalition of churches or other private citizens. District attorneys understand that calls for action from groups translate into votes and greater political pressure.

Send the most committed, articulate and recognizable members of your group to speak with the district attorney. These folks should be prepared to make specific charges about obscenity laws violations, including the name and address of the violator. If you only have time to send a letter, express support for efforts to enforce obscenity and indecency laws in your state. You may also file a complaint about a specific X-rated theater, bookstore or video rental store's violation.

### **Citizen Pressure**

Sometimes cultural polluters in the community are not breaking laws, but cause problems nonetheless. This can include video rental stores with adult films in the general sections or on lower shelves so children can see them, sexually-explicit magazines in the supermarket check-out aisle, sexually-explicit displays at the local mall or gas station, and billboards for sexually-oriented businesses.

Efforts to curtail these abuses involve getting organized with like-minded folks, contacting the manager of the offending establishment, possibly contacting the organization's national headquarters, gathering petitions, picketing, contacting local news media, and other initiatives to generate awareness and apply pressure for the business to change its policy.

Don't discount the positive effect these types of clean-up operations can have. Even exposure to this type of sexually-explicit material can lead to tremendous harm to young children. Plus, by cleaning up these "less noxious" offenders, you will have a better chance of convincing a jury what your community standards are when an obscenity case goes to trial.

### **Organizations**

The following pro-family organizations provide educational resources, host local campaigns to eliminate pornography, recommend speakers for group events, organize boycotts of advertisers promoting pornographic material and, in general, work hard to help communities clean up the streets and airwaves. These organizations are primarily funded by private donations and need your support to continue their work.

### **American Decency Association**

The mission of the American Decency Association is to educate its members and the general public on matters of decency; to initiate, promote, encourage and coordinate activity designed to safeguard and advance public morality consistent with biblical Christianity.

American Decency Association  
P.O. Box 202  
Fremont, MI 49412  
(231) 924-4050  
[www.americandecency.org](http://www.americandecency.org)

### **Citizens for Community Values**

CCV is a grassroots organization of citizens who are concerned for the well-being of the community, the strength of its families, and the future of its children.

Citizens for Community Values  
11175 Reading Road, Suite 103  
Cincinnati, Ohio 45241  
Phone: (513) 733-5775  
[www.ccv.org](http://www.ccv.org)

### **Enough Is Enough**

Enough Is Enough is an advocacy organization whose mission is to make the Internet safer for children and families. The Web site contains great research and information on how to protect children from pornography and sexual predators online.

Enough Is Enough  
746 Walker Road, Suite 116  
Great Falls, VA 22066  
(888)744-0004  
[www.enough.org](http://www.enough.org)

### **Morality in Media, Inc.**

Morality in Media endeavors to make the public aware of the collapse of television decency standards. It publishes a helpful newsletter that reports on obscenity cases across the United States, and sponsors a yearly "White Ribbon Against Pornography" campaign.

Morality in Media  
475 Riverside Drive  
New York, NY 10115  
(212) 870-3222  
[www.obscenitycrimes.org](http://www.obscenitycrimes.org)

## **National Coalition for the Protection of Children and Families**

This national coalition is committed to mobilizing communities to combat hard-core and child pornography. It holds training seminars, and provides resources and a speakers bureau.

National Coalition for the Protection of Children and Families  
800 Compton Road, Suite 9224  
Cincinnati, OH 45231  
(513) 521-6227  
[www.nationalcoalition.org](http://www.nationalcoalition.org)

## **National Law Center for Children and Families**

The National Law Center is a resource to those who enforce state and federal obscenity and child exploitation laws and to provide information to community leaders and concerned citizens on the laws and their enforcement at the local and national levels.

The National Law Center for Children and Families  
3819 Plaza Drive  
Fairfax, VA 22030-2512  
(703) 691-4626  
[www.nationallawcenter.org](http://www.nationallawcenter.org)

## Focus on the Family Resources

### **Online**

CitizenLink: [www.citizenlink.org](http://www.citizenlink.org)

Pure Intimacy: [www.pureintimacy.org](http://www.pureintimacy.org)

### **Videos**

#### **Fatal Addiction: Ted Bundy's Final Interview with Dr. James Dobson**

Taped shortly before his execution, convicted serial killer Ted Bundy shared great insights into the ills of pornography with Dr. Dobson. *Suggested donation: \$20 (VI040)*

### **Audiocassettes**

The following are available from Focus on the Family for a suggested donation of \$7 each.

**“Combatting Pornography I-II”** (CS244 A-B)

**“A Look at Ted Bundy I-II”** (CS472 A-B)

**“Pornography in America: The Real Story I-II”** (CS261 A-B)

**“Pornography Kills I-II”** (CS452 A-B)

**“Pornography: Winning the Battle I-II”** (CS747 A-B)

### **Books**

For copies of the following, please check your local library or Christian bookstore.

*The Mind Polluters* by Dr. Jerry Kirk (Thomas Nelson)

*The Case Against Pornography* by Rev. Don Wildmon (Victor Books)

*Pornography: A Human Tragedy* edited by Tom Minnery (Christianity Today)

***Final Report of the Attorney General's Commission on Pornography*** with an introduction by  
Michael J. McManus (Rutledge Hill Press)  
***Youth, Pornography, and the Internet*** by the National Research Council (National Academy  
Press)

To request any of these resources for yourself, family or friends, simply call, write or visit us  
online at:

Focus on the Family  
Colorado Springs, CO 80995  
1-800-232-6459  
[www.family.org](http://www.family.org)

Be sure to include the item code(s) of the item(s) you wish to receive.

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