

September 10, 2007

President George W. Bush  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

**Re: APPOINTMENT OF NEW U.S. ATTORNEY GENERAL AND OTHER MATTERS  
REGARDING VIGOROUS ENFORCEMENT OF FEDERAL OBSCENITY LAWS**

Dear President Bush:

We understand that our nation faces many pressing problems, including the threat of terrorism; but our nation also faces a growing moral crisis, giving rise, among other things, to teen promiscuity, sexually transmitted diseases (including AIDS), abortions, children born to single mothers, divorces, sexual abuse of children, sexual harassment, rape, and trafficking in women and children. The human and taxpayer costs associated with these and other problems are incalculable.

It is clear that the explosive increase in the availability of pornography is fueling this moral crisis. It is also clear that there are federal obscenity laws already on the books that can be enforced against hardcore pornography and that the Supreme Court has repeatedly upheld these laws.

From 1987 to 1993, major progress was made in enforcing federal obscenity laws against commercial distributors of hardcore "adult" pornography. Federal obscenity laws were also strengthened by the enactment of the Child Protection and Enforcement Act of 1988. In 1996 Congress clarified that use of an interactive computer service to transport obscene materials is prohibited.

But while we applaud the progress your administration has made to-date in the war against obscenity, even the pornographers themselves expected to see far more curtailment of obscenity by now. In fact, the pornographers began preparing for a full retreat not long after your election, based on the successful efforts that had been implemented against obscenity during your father's term in office.

Our purpose in writing this letter is to encourage you to take steps necessary to bring about significant progress in this war against obscenity before your second term ends. You have spoken movingly about the need for cultural renewal; we believe that taking needed action now to clean up the glut of obscenity that pollutes our cultural environment would be a worthy legacy for your administration.

We note here that a poll conducted in 2005 by Harris Interactive found that 77% of adult Americans supported the Justice Department's then-reported new effort to enforce federal obscenity laws.

We urge you to begin by nominating a new U.S. Attorney General who fully understands the importance of enforcing federal obscenity laws and who is willing to take whatever steps are necessary to ensure that the Justice Department fulfills its responsibility to enforce federal obscenity laws.

We believe that Attorney Generals Ashcroft and Gonzalez meant well when each stated that enforcement of obscenity laws is a Justice Department "priority." By our count, however, there have been fewer than 20 obscenity prosecutions against commercial distributors of "adult" pornography since January 2001. That means the 94 U.S. Attorneys have initiated between two and three obscenity prosecutions per year during your presidency. That is hardly a reflection of a "priority." Both Attorney

Generals also appointed a capable and committed individual to address the criminal obscenity problem. Both then failed to fully support that individual when problems later arose because of resistance to enforcement of obscenity laws within the Department and at the FBI. When it comes to enforcing obscenity laws, it isn't enough to just "get the ball rolling." Follow up is also crucial.

We also urge you to address with FBI Director Robert Mueller the matter of the FBI's unwillingness to investigate all but a relative handful of obscenity cases.

On the one hand, the FBI expends tremendous resources combating crimes linked to the spread of obscenity – namely, sexual abuse of children and trafficking in women and children – while on the other hand, it refuses to devote more than token resources to combat obscenity. The FBI also expends considerable energy combating organized crime (which is still in the pornography business), tracking down serial killers (many of whom are addicted to pornography), and curbing crimes often associated with the breakdown of the family (pornography both prevents and ruins marriages).

Furthermore, as retired FBI Agent Roger Young points out: "There is no such thing as 'just an obscenity case.' It does not exist. Crimes associated with obscenity crimes include the following—arson, bribery, conspiracy, domestic terrorism, drugs, extortion, involuntary servitude, jury tampering, kidnapping, mail fraud, money laundering, murder, obstruction of justice, prostitution, public corruption, racketeering, rape, robbery, sexual assault, sexual exploitation of children, tax evasion, and witness intimidation."

If the Justice Department and FBI enforced obscenity laws vigorously, the resulting fines and forfeitures of property would also cover much of the cost of investigating and prosecuting obscenity crimes.

We believe FBI Director Mueller meant well when he assigned several agents located in Washington, D.C. to investigate obscenity crimes nationwide, but for a variety of reasons (including rapid turnover of staff, an FBI policy that only allows investigation of so-called "extreme pornography," and lack of cooperation from FBI Field Offices), these agents have not been able to accomplish much.

Undoubtedly, much of the lack of enforcement problem lies at the doorsteps of those U.S. Attorneys who lack the moral "backbone" to enforce obscenity laws, or who fail to comprehend that obscenity is not a "victimless crime," or who think enforcement of obscenity laws may hinder their careers; but the main problem has been the FBI's unwillingness to investigate all but a handful of obscenity cases.

We also urge you to make fighting obscenity one of your top priorities. President Reagan considered the problem important enough to invite national leaders concerned about pornography to meet with him at the White House. Also attending the meeting were the then Attorney General and Director of the FBI. Two results of that meeting were the formation of the Attorney General's Commission on Pornography and the formation of new Section in the Justice Department (now called the Child Exploitation & Obscenity Section) that successfully prosecuted hundreds of hardcore pornographers (before Attorney General Janet Reno brought enforcement of federal obscenity laws to a virtual standstill in 1994). Such a high profile meeting during your last year in office would speak volumes to the public as well as send a stern warning to the criminal networks that are profiting from such sleazy commerce.

We also urge you to speak publicly about the obscenity problem. You can talk about how the explosion of obscenity corrupts children, ruins marriages, contributes to sex crimes against children and adults, and undermines the right of Americans to live in a decent society. You can also talk about how being the "porn capital of the world" makes the war against religiously motivated terrorism more difficult.

And finally, we urge you to consider the impact of Internet pornography on youth. In the 1973 *Paris Adult Theatre I v. Slaton* case, the Supreme Court said that there are “legitimate governmental interests at stake in stemming the tide of obscene materials, *even assuming it is feasible to enforce effective safeguards against exposure to juveniles.*” The truth of the matter is, of course, that our nation is failing miserably when it comes to shielding minors from Internet pornography, as the following surveys show:

According to a study conducted by the Crimes Against Children’s Resource Center, the percentage of Internet users ages 10 to 17 who were exposed to unwanted pornography in the previous year increased from 25% in 2000 to 34% in 2005; and 13% of these youthful Internet users said they had “gone to an X-rated site on purpose,” compared to 8% in 2000. These increases occurred even though significantly more parents used filters in 2005 than in 2000.

According to a survey conducted in 2004 by the National Center on Addiction and Substance Abuse, 45% of teens have friends who regularly download pornography from the Internet.

According to Nielsen/Net Ratings for February 2002, nearly 16% of visitors to “adult” websites were younger than 18 years of age.

Because the Supreme Court has failed to uphold the Child Online Protection Act (COPA), the only laws that can be enforced against websites that allow visitors to view pornography free of charge (as teasers) and without proof of age are the obscenity laws. The Justice Department has received tens-of-thousands of citizen complaints about these teaser sites, but to date the Department has not acted on them.

We note here that the Congressionally created COPA Commission concluded in its October 2000 *Final Report*: “Law enforcement resources at the state and federal level have focused nearly exclusively on child pornography and child stalking. We believe that an aggressive effort to address illegal, obscene material on the Internet will also address the presence of harmful to minors material.”

This ought to concern a President and First Lady who have worked hard to protect our nation’s youth. Among other things, hardcore pornography depicts adultery, pseudo child porn, barely legal teens, teen sluts, gang bangs, group sex, unsafe sex galore, sex with animals, sex with excrement, sex with siblings, sex with she-males, male-on-male rape, and the degradation, rape and torture of women.

As you know, our nation was grounded in the concept of “ordered liberty,” not anarchistic license. And contrary to propaganda spewed forth by pornographers, the ACLU and the secular media, obscenity is not protected by the First Amendment. In the 1973 *Miller v. California* case, the Supreme Court said:

This much has been categorically settled by the Court that obscene material is unprotected by the First Amendment...[T]o equate the free and robust exchange of ideas and political debate with commercial exploitation of obscene material demeans the grand conception of the First Amendment and its high purposes in the historic struggle for freedom. It is a “misuse of the great guarantees of free speech and free press.”

Mr. President, we urge you to take a leadership role in addressing the expanding obscenity problem. The wellbeing of our nation, communities, families and children are at stake.

Sincerely,

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