

The Advanced Obscenity and Child Pornography Conference 5/25/88

Our new efforts in obscenity enforcement are about the same thing that our unprecedented efforts in drug enforcement are about: the defense of human decency and dignity in the face of degrading, destructive habits that cause crime, that are themselves crimes, and that make billions of dollars for criminals.

The more I work on both of these problems — drugs and obscenity — the more I am struck by the similarities. Obscenity, like drugs, has its “gateway” materials, which sometimes lead sick individuals to the harder stuff. Obscenity, like drugs, has its addicts. Obscenity, like drugs, can lead to horrendous personality changes, often turning human beings into something not very human at all.

Of course, there are limits to the analogy. In the area of drug enforcement, we have recently institute a policy of “zero tolerance,” applicable to the “gateway” drugs as well as to the most dangerous substances. I am profoundly convinced that this policy is the best way to handle the demand side of the drug problem. But in matters involving obscenity, legitimate First Amendment protection applies to some pornographic materials. I have said many times that my job as Attorney General is not that of a censor, and I don’t mind saying it again.

But let it also be stressed that there is a legally identifiable category — called “obscenity” to distinguish it from other forms of bawdy literature — which is outside the scope of First Amendment protection, as the Supreme Court has made very clear. In *Paris Theatre v. Slaton*, in 1973, a case that dealt specifically with obscene films but which clearly has wider applicability, the Court declared:

We categorically disapprove the theory that obscene films acquire constitutional immunity from state regulation simply because they are exhibited for consenting adults only. Rights and interests other than those of the advocates are involved. These include the interest of the public in the quality of life, the total community environment, the tone of commerce, and possibly, the public safety itself.

Let us note well the particular values that the Court weighed in the balance against the notion that obscenity might be constitutionally protected: the quality of life; the community environment; the tone of commerce; and the public safety itself.

In deciding in this way, the Court was steering against an all-too-influential trend in modern thought: the notion that what is abnormal or anti-traditional must always prevail in a conflict with the normal and the traditional.

The Court recognized that — for example — the family that wants to take a stroll down Main Street has rights over and against the pornographer who wants to hawk his wares on the same street. It’s wrong to place the burden on the decent people, telling them simply to avert their eyes if they don’t like what they see. They shouldn’t have to avert their eyes in the midst of their own communities. The Constitution was intended to provide a framework within which decent, ordinary people could govern themselves — not to provide a grab-bag of “rights” for the morally alienated, with which to assault decent, ordinary people.

As prosecutors, you are at all times the friends of decent, ordinary people — people who want to live out their own piece of the American dream secure from the assaults of thieves, marauders, drug dealers, and obscenity pushers.

As you all know, my predecessor, William French Smith, appointed a commission to look into the obscenity problem, especially the link between obscenity and other crimes. Shortly after I became Attorney General, that commission delivered its report. By now you are undoubtedly familiar with the major findings of that commission. Among these conclusions are:

— that violence, far from being an altogether separate category of pornography, is pervasive throughout most of it;

— that there are empirically verifiable connections between pornography and certain violent crimes, including abuse and molesting of children;

— that the porn industry is a brutal one that exploits and often ruins the lives of its so-called performers as well as its consumers, and that the so-called performers often include abused children and people who have been plied with hard drugs;

— that whether or not it is directly imitated by those who consume it, pornography has a deleterious effect on what its consumers view as normal and healthy; indeed, all too many marriages have been destroyed this way, according to testimony taken by the Commission;

— that organized crime controls and profits from most of the production and distribution of obscenity.

It's a cop-out of the worst kind to say that, after all, you don't have to read the stuff. You don't have to take drugs, either — but a lot of people do, and the effects of that use are not confined to the users. It's the same with obscenity.

There are lots of people out there who are not impressed with the obscenity-merchants' defenses of their lucrative empires — for example, the notion that obscenity is a "victimless crime." It's not victimless for the women and children who are raped or molested by men whose crimes are inspired by obscenity. It's not victimless for the young wives who have had to seek divorce and medical treatment because their husbands made them do some of the things they read about in obscene literature. It's not victimless for the adolescents who have turned into rapists after listening to hours of telephone obscenity — nor for their victims.

You have come here this week for a noble purpose. Of course, obscenity enforcement is not the only challenge on your radar screens. You also have vital roles to play in the battle against drugs, against domestic terrorism, against organized crime, against corruption, against a whole host of other evils. But by spending this time in learning about the breakthroughs that have occurred recently in the enforcement of laws against obscenity, you are building your own ability to make a desperately needed contribution to the health and well-being of the people who depend on you.

All of our new initiatives against obscenity — the National Obscenity Enforcement Unit, the recent prosecutions that you will hear about, and the like — these things are not a personal project of Bill Smith or myself or anyone else. They are part of an awakening conscience on the part of Americans all across the land — an awareness that the dehumanized men, battered

women, abused children, and ruined lives that hard-core obscenity has left in its wake constitute a grave social crisis, one that law enforcement can help to solve.

Ultimately, of course, the goal of eliminating obscenity and all the exploitation, degradation, and desensitization that it brings with it, is to be realized at the personal and moral level, rather than the governmental and legal. We are in need of a new Great Awakening that will bring home to us once again the human dignity and the loving, family-centered values that are torn apart by obscenity. But I believe firmly that all levels of government can and must contribute.

G.K. Chesterton once wrote this about the pornographer: “He is either taking money to degrade his kind, or else he is acting on that mystical itch of the evil man to make others evil, which is the strangest secret in Hell.”

With that observation in mind, I hope we can put behind us the polyanna-ism of 1960s permissivism and the self-serving defenses of the obscenity-merchants themselves, and strike some decisive blows against human degradation, against human exploitation, against the making of billions off human weakness — in a word, against obscenity.

Thank you very much.