

# Laws Against Pornography

How to Stop the Illegal Distribution of Obscene Materials

By Bill Fortenberry

Did you know that pornography is against the law? There are five different federal laws banning the sale and distribution of pornography within the United States as well as several state laws. Many of these laws were passed over ten years ago, but the media and liberal democrats have purposely ignored them. It is extremely difficult to find any reference to these laws online and even harder to learn how to report violations of these laws. Most of the agencies entrusted by Congress with the enforcement of these laws have adopted a solely informative role instead. They are very willing to present statistics and recommend filters, but none of them want to admit that they can investigate and prosecute based on citizen complaints. Because of this reticence, I have compiled a list of resources that we can use to stop this blight on our country's character.

## Federal Laws Against Pornography

The federal government has passed into law six different statements prohibiting the distribution of obscenity (the legal term for pornography) within the United States. One of those laws is currently suspended while the courts determine its constitutionality, but the others have all been upheld by the Supreme Court. The five laws currently upheld are:

### The Communications Decency Act

- Law requiring age verification for pornographic websites
- <http://www4.law.cornell.edu/uscode/47/223.html> paragraph (d)
- Class E Felony
- Two years imprisonment
- \$250,000 fine for individuals
- \$500,000 fine for organizations

### Title 18 Section 1462

- Law against the transportation of obscene material (also applies to the internet)
- <http://www4.law.cornell.edu/uscode/18/1462.html>
- Class E Felony
- Five years imprisonment
- \$250,000 fine for individuals
- \$500,000 fine for organizations

### Title 18 Section 1465

- Law against the production of obscene material
- <http://www4.law.cornell.edu/uscode/18/1465.html>
- Class E Felony
- Five years imprisonment
- \$250,000 fine for individuals
- \$500,000 fine for organizations

### Title 18 Section 1468

- Law against distributing obscenity by cable or subscription services
- [http://www4.law.cornell.edu/uscode/18/usc\\_sec\\_18\\_00001468----000-.html](http://www4.law.cornell.edu/uscode/18/usc_sec_18_00001468----000-.html)
- Class E Felony
- Two years imprisonment
- \$250,000 fine for individuals
- \$500,000 fine for organizations

#### Title 18 Section 2252

- Law banning the use of misleading domain names by pornographic sites
- [http://www.law.cornell.edu/uscode/html/uscode18/usc\\_sec\\_18\\_00002252---B000-.html](http://www.law.cornell.edu/uscode/html/uscode18/usc_sec_18_00002252---B000-.html)
- Class E Felony
- Two years imprisonment
- \$250,000 fine for individuals
- \$500,000 fine for organizations

#### Federal Racketeering Laws

- Law against dealing in pornography across state lines (also applies to the internet)
- [http://www4.law.cornell.edu/uscode/18/usc\\_sec\\_18\\_00001961----000-.html](http://www4.law.cornell.edu/uscode/18/usc_sec_18_00001961----000-.html)
- [http://www4.law.cornell.edu/uscode/18/usc\\_sec\\_18\\_00001963----000-.html](http://www4.law.cornell.edu/uscode/18/usc_sec_18_00001963----000-.html)
- Class C Felony
- Twenty years of imprisonment
- Forfeiture of all property used in racketeering activities
- Fined double the amount of profit gained through racketeering activities

#### What The Courts Define As Obscenity

The Supreme Court has established a three part definition of obscenity which is banned by the laws mentioned above. Material is considered obscene if:

1. When taken as a whole, it appeals to the prurient interest in sex; and
2. Depicts or describes hardcore sexual content in a patently offensive manner; and
3. When taken as a whole, lacks serious literary, artistic, political, and scientific value.

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=413&invol=15>

#### State Laws Against Pornography

Most states also have laws against obscenity. For a listing of the laws in your state, go to <http://www.moralityinmedia.org/nolc/index.htm?statutesIndex.htm>. For example, North Carolina has passed the following laws against obscenity:

##### General Statute 14-190.1

- Law against disseminating obscenity (also applies to the internet)
- [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_14/GS\\_14-190.1.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-190.1.html)
- Class I Felony

##### General Statute 14-190.15

- Law against disseminating harmful materials to minors (also applies to the internet)

- [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_14/GS\\_14-190.15.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-190.15.html)
- Class 1 misdemeanor

#### NC Law on the Protection of Minors from Harmful Materials

- [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter\\_19/Article\\_2.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_19/Article_2.html)

#### NC Racketeering Laws

- Law against dealing in pornography (also applies to the internet)
- [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByChapter/Chapter\\_75D.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_75D.html)
- Forfeiture of all earnings and property associated with crime.

### **Reporting Illegal Pornography**

We cannot expect the wicked to enforce these laws voluntarily, nor can we expect the laws to enforce themselves, and like the judge in scripture, our bureaucracy often moves only at great importunity. To provide the government with the proper impetus, a letter referencing these laws and providing information on violations of these laws can be sent to the appropriate government agencies. The more of these letters that are sent, the more likely they will be to produce the desired results.

This enemy must be attacked on all fronts, from the magazine in the checkout line to the adult content on TV as well as the large-scale pornographic publishers in America. Distributing pornography across state lines is a federal offense, so most of the magazines found in the checkout line can be reported to federal as well as state authorities.

It is important that you inform those against whom you will be filing a complaint. Most gas station attendants and supermarket managers simply do not know that the material displayed on their shelves is illegal. Informing them of your intentions to file a complaint will often be the only action necessary to have the offensive material removed.

### **Federal Addresses For Complaints**

Attorney General Eric Holder  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

U.S. Department of Justice  
10th & Constitution Ave., NW  
Criminal Division, (Computer Crime & Intellectual Property Section)  
John C. Keeney Building, Suite 600  
Washington, DC 20530

U.S. Department of Justice, Criminal Division  
Child Exploitation and Obscenity Section (CEOS)  
1400 New York Avenue, 6th Floor  
Washington, D.C. 20530

Federal Bureau of Investigation  
J. Edgar Hoover Building  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535-0001

U.S. Department of Justice  
Organized Crime and Racketeering Section  
1301 New York Avenue, NW - Suite 700  
Washington, DC 2005

### **State Addresses For Complaints**

Your state's attorney general  
Your district attorney  
Your state's bureau of investigation

### **Sample Letter 1**

The format below may be used to report obscenity crimes to federal agencies. For state agencies, you will need to substitute the applicable state laws in place of the federal laws. For your complaint to be properly filed, you should send a separate letter for each report, but multiple letters can be included in the same envelope. I also recommend that you send a copy of all letters to the Morality in Media organization (<http://www.moralityinmedia.org>). This will let each agency know that your complaint is being properly and publicly documented. The names and addresses of adult entertainment companies can be found at <http://www.hoovers.com>. It is not necessary for you to actually view any pornographic material before making a complaint.

(Date)

(Your Address)  
(Your Phone Number)

(Recipient's Address)

Dear Sir:

I would like to thank you for all of the hard work that you have been willing to invest in service to the citizens of this country. Let me assure you that your efforts are greatly appreciated by those who benefit from them. I would like to assist you in this great task by requesting that your office investigate and prosecute Playboy Enterprises Inc. (680 N. Lake Shore Dr. Chicago, IL 60611) for the following offenses:

1. This company is in direct violation of the Communications Decency Act in that they use an interactive computer service to display in a manner available to a person under 18 years of age, obscene material including ultimate sexual acts and lewd exhibition of the genitals.

2. This company is in direct violation of Title 18 section 1462 of the United States Code in that they knowingly use an interactive computer service for carriage in interstate commerce of obscene, lewd, lascivious, and filthy publications of ultimate sexual acts and lewd exhibition of the genitals.
3. This company is in direct violation of Title 18 section 1465 of the United States Code in that they knowingly produce obscene, lewd, lascivious and filthy publications of ultimate sexual acts and lewd exhibition of the genitals with the intent to distribute these publications in interstate commerce, or use an interactive computer service affecting such commerce.
4. This company is in direct violation of the racketeering laws set forth in Title 18 Chapter 96 of the United States Code in that they have used income gained from a pattern of racketeering activity in the operation of an enterprise which is engaged in interstate or foreign commerce. The income thus used has been gained through actions which are indictable under sections 1462 and 1465 of Title 18 of the United States Code.

Thank you once again for your hard work in this area. Please acknowledge receipt of this complaint and keep me informed of your progress in these investigations. I look forward to hearing of your successful prosecution of this company that seeks to bring harm to our communities.

Sincerely,

(Your Name)

CC: Morality in Media, 475 Riverside Drive, New York, NY 10115

### **Sample Letter 2**

(Date)

(Your Address)

(Your Phone Number)

(Recipient's Address)

Dear Sir:

I would like to thank you for all of the hard work that you have been willing to invest in service to the citizens of this state. Let me assure you that your efforts are greatly appreciated by those who benefit from them.

According to NC General Statute 14-190.15, it is unlawful in North Carolina to sell, furnish, present, or distribute to a minor material that is harmful to minors. The North Carolina Law on the Protection of Minors from Harmful Materials defines material harmful to minors as any picture, photograph, drawing,

or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse; and which

- a. Predominantly appeals to the prurient, shameful or morbid interest of minors,
- b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable materials for minors, and
- c. Is utterly without redeeming social importance for minors.

Nudity is further defined by this law as the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

Sexual conduct is also further defined as acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

In accordance with the North Carolina Law on the Protection of Minors from Harmful Materials, I am seeking adjudication that the following material is harmful to minors and a permanent injunction against any respondent prohibiting him from selling, commercially distributing, or disseminating in any manner such material to minors.

Please find attached to this letter a photograph of the cover of the February, 2009 issue of the (insert name) magazine which is sold and displayed in gas stations, supermarkets, and grocery stores throughout North Carolina including Wal-mart, Food Lion, Ingles, and Bi-Lo. According to the laws referenced above, the cover of this magazine is harmful to minors in that it displays nudity by showing the female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

Please proceed in accordance with the public policy of this State which requires that all proceedings prescribed in the North Carolina Law on the Protection of Minors from Harmful Materials shall be examined, heard and disposed of with the maximum promptness and dispatch.

Thank you once again for your hard work in this area. Please acknowledge receipt of this complaint and keep me informed of your progress in these investigations. I look forward to hearing of your successful prosecution of those who seek to bring harm to our communities.

Sincerely,

(Your Name)

CC: Morality in Media, 475 Riverside Drive, New York, NY 10115

**Conclusion**

Pornography is against the law. We have been given the weapons to successfully combat this danger to our communities. All that remains is for us to take up our weapons and wield them. Please use the information that I have presented to send as many letters of complaint as you can and encourage your friends to do the same.