

PROTECT CHILD HEALTH COALITION

Workshop on Repeal of Obscenity Exemptions (ROES) Legislative Efforts September 21, 2019

I. Overview of Educational “Obscenity Exemptions”

- A. Obscenity is Unprotected Under the First Amendment
- B. Special Protections for Minors: “Harmful to Minors” Laws in all 50 states
- C. Because of Kinseyan revision of the criminal law, Model Penal Code, 43 states have exempted schools, libraries, museums, etc. from prosecution for providing harmful materials to minors
- D. As a result, sexually explicit children’s books, CSE, sex demonstrations proliferate in schools, libraries.

II. PCHC Legislative Committee Effort to Draft Legislation to Repeal Exemptions, Beginning in 2019 In Targeted States: Ohio, Indiana, Idaho, Texas, Nebraska

The PCHC members from the 5 states that worked to implement ROES legislation in 2019 held a series of three conference calls in late August and early September to create the summary of lessons learned and recommendations for all states that will be pursuing ROES legislation in 2020 and beyond.

A. Lessons Learned In 2019

1. Most Legislators won’t take action without pressure from at least 2 dozen constituents
2. Only proof of porn on-line in school portals will activate parents & grandparents
3. Electronic evidence must be gathered from all quadrants of a state to increase the number of co-
4. Sponsors on the ROES legislation
5. Between 6 and 10 co-sponsors are required to build a minimum level of momentum when the ROES legislative bill is introduced
6. Upset parents (who won’t stop pushing back until the CSE curriculum is removed) are essential to gain a victory
7. A filibuster proof majority in your House & Senate are required to ‘guarantee’ victory
8. Tie the ROES legislation to the education of children (i.e. math / science / English / history) and ask, ‘How does CSE improve our children?’
9. Watch for SEL to be sly proponents of CSE curriculum (most SEL counselors are LIBERAL!)

10. Talk to your Attorney General & include the ALEC Report in your discussion (ALEC report available on Dr. Reisman's Website, drjudithreisman.com)
11. Find stakeholders that are in our camp to join your effort: Attorney General, District Attorney if your Attorney General is neutral or negative about your ROES legislation, State Board of Education member, Anti-sex trafficking members, child protection advocates, Home School Association, family policy groups, etc.
12. Emphasize – Emphasize – EMPHASIZE – **“There is NEVER a justification to show harmful materials minors”!**

B. Actions Taken in Each State

Idaho:

1. The bill was drafted and then sent by the House Education Committee Chair to the Attorney General with NO examples
2. Very few people or legislators understand this issue
3. We need to coach our sponsoring senator
4. Your sponsoring senator must have HIGH PASSION to pull this legislation thru the process into law

Indiana:

1. Senator Tomes is considering the potential sponsorship of ROES
2. We are printing a syllabus of the curriculum for a meeting with 30 people on Sept. 19 from 11 a.m. to 3 p.m. *(this included Dr. Reisman / several state legislators / and conservative group leaders)*
3. This will be a piecemeal process over multiple years
4. Debbie DeGroff's book will be a major asset to use

Nebraska:

1. Seven conservative senators were approached and all expressed gratitude for our level of preparation
2. All seven declined to sponsor for a variety of reasons
3. There were no constituents who were involved until the seventh senator was asked after a dozen constituents wrote or called him. He declined because “I would need at least 2 dozen parents to vote major concern before I would sponsor this type of legislative bill.”

Ohio:

1. Strategy focused on existing abstinence law rather than ROES
2. Amendment made to require SBOE to audit the curriculum and require school districts to report
3. Amendment included transparency for parents and provided action in situation of noncompliance
4. Attempt was made to include amendment into annual state budget but was not included
5. Amendment is being introduced through legislation
6. Removing the Obscenity Exemption Statute will be complicated due to the large number of exemptions (clergy / prosecutors / educators / Libraries / other professions)
7. We need TALKING POINTS for specific positive things we would gain

Texas:

1. A bill was filed and passed out of committee on partisan lines, never placed on House calendar for a 2nd reading
2. Placing repeal of the obscenity exemptions in the Republican party platform was very important to garner support
3. Visibility and education were worth it! Video of hearing will be used for awareness.
4. A district attorney that called the code “creepy” was present at the hearing by pure coincidence. He registered ON the bill. When the chair asked about being able to possess the material, he basically said that is fine if you don’t show it to children. People were confused about possession versus exposing children to the material.
5. Liberals were definitely trying to protect CSE.
6. We were instructed to gather stakeholders and make sure that there were no “unintended consequences.”
7. We went big and asked to strike ALL justifications for Harmful Materials to Minors. “Is there ever a reason to expose a child to Harmful Material?” NO...Therefore, the defense should be repealed completely.
8. Pose the question to every attorney, “Is there an attorney that would take a case in which a child was exposed to Harmful Materials?” NO. Therefore, the penal code statute is useless.
9. Considering an Interim study based on ALEC report

III. RECOMMENDATIONS FOR STATES THAT WILL INITIATE ACTION TOWARD PASSING ROES LEGISLATION IN 2020

- A. You need multiple co-sponsors -- the more you have, the higher probability that your bill will gain traction
- B. Gather evidence of sexually explicit materials accessible and/or targeted to children in public school classrooms, libraries, online databases and public libraries in all areas of your state and archive on-line in the cloud
- C. Highlight key portions of Debbie DeGroff's book to emphasize that these materials go beyond "sex education" to all aspects of the curriculum so that opt out or opt in will be ineffective.
- D. Use Salt & Light Pastors to identify courageous parents who will be willing to push back by speaking at school board meetings, gathering information from their individual schools, speaking to their legislators and, if necessary, become plaintiffs in lawsuit.
- E. It is critical to have over 50 parents/school system to acquire the attention and action of their Legislator to sponsor or co-sponsor the ROES legislation
- F. It is crucial that parents who are considering being plaintiffs be IRATE and unwilling to back down.
- G. Engage parents who are not teachers because teachers will be concerned about losing their job.
- H. Gather information and include testimony on how pornographic images & content negatively affects the child's developing brain.
- I. Gather information on the escalation of child on child sex abuse and present
- J. Create a messaging package to use in 2-minute sound bites
- K. Gather information regarding the connecting use of CSE in the public schools to sexual grooming of children by adults—SESAME information on teacher assaults, available state by state. <https://www.sesamenet.org/>
- L. Gather information regarding the connection between CSE and sexual grooming to human trafficking –FBI testimony by Michael Heimbach listing the way predators groom victims and comparing to what is in CSE. <https://archives.fbi.gov/archives/news/testimony/supreme-courts-child-pornography-decision>
- M. **Emphasize – emphasize – emphasize that using materials harmful to children is NOT education, it is sexual assault!**