

PCHC Webinar:

What Are Obscenity Exemptions & Why Must They Be Repealed?

By

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And

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Materials Defined As Obscene Are Not Protected by the First Amendment.

Roth v. United States, 354 U.S. 476 , 485 (1957)

- A cornerstone of our Constitutional Republic is “freedom of speech” as stated in the First Amendment to the Constitution.
- Over the years, the concept of “freedom of speech” has expanded beyond spoken or written words to include “expression” of all types, *e.g.*, literature, art, political activity, photographs, broadcasts, internet postings, as courts have attempted to protect innovative methods of self-expression from censorship.
- Throughout history, there have been limited categories of speech that are not protected by the First Amendment, which means that the government can ban the activity.
 - Obscenity
 - Libel/Slander/Defamation
 - Insulting or “fighting” words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace, *e.g.*, yelling “fire” in a crowded theater.

Modern Definition of “Obscenity”:

Material which deals with sex in a manner appealing to “prurient interest.”

“Prurient interest” means “material having a tendency to excite lustful thoughts.”

Roth v. United States, 354 U.S. 476 , 485 (1957)

Legal Test for Determining If Material is Obscene:

1. Whether ‘the average person, applying **contemporary community standards*** would find that the work, taken as a whole, appeals to the prurient interest;
2. Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
3. Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

*“It is neither realistic nor constitutionally sound to read the First Amendment as requiring that the people of Maine or Mississippi accept public depiction of conduct found tolerable in Las Vegas, or New York City.”

Miller v. California, 413 U.S. 15, 24, 31-32 (1973).

Federal Agencies & Supreme Court Opinions Establish Need For Increased Protection for Minors

- Congress established the Federal Communications Commission (FCC) to monitor the airwaves (radio, TV, etc.), establish standards to prevent obscene/indecent “speech” from being broadcast and enforce the standards through fines, penalties.
- The FCC paid particular attention to the effect of obscenity/indecenty on children with regulations against even “fleeting” expletives during times when children would be in the audience.
- Broadcasters challenged the regulations, but the Supreme Court upheld them as reasonable to protect children from exposure to indecent content:
 - “One cannot demand a multiyear controlled study, in which some children are intentionally exposed to indecent broadcasts (and insulated from all other indecency), and others are shielded from all indecency.”
 - “[C]hildren mimic the behavior they observe—or at least the behavior that is presented to them as normal and appropriate. Programming replete with one-word indecent expletives will tend to produce children who use (at least) one-word indecent expletives. Congress has made the determination that indecent material is harmful to children...”

States Enact Statutes Offering Increased Protection to Minors:

“Harmful for Minors” Laws, *e.g.*:

“Indecent [or harmful] for minors” means:

- (i) Appealing to the prurient interest in sex of minors;
- (ii) Patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors; and
- (iii) Lacking serious literary, artistic, political, or scientific value for minors.

“**Harmful to minors**” means that quality of any description or representation, in whatever form, of nudity, sexual activity, sexual conduct, sexual excitement, or sadomasochistic abuse, when both:

- (a) To the average adult applying contemporary state standards with respect to what is suitable for minors, it both:
 - (i) Appeals to the prurient interest, when taken as a whole. In order for an item as a whole to be found or intended to have an appeal to the prurient interest, it is not necessary that the item be successful in arousing or exciting any particular form of prurient interest either in the hypothetical average person, in a member of its intended and probable recipient group or in the trier of fact. AND
 - (ii) Portrays the description or representation in a patently offensive way.
- (b) Taken as a whole does not have serious literary, artistic, political, or scientific value for minors.

“Harmful to Minors” Laws Impose Criminal Fines, Jail Time For Those Found Guilty of Providing Obscene/Indecent Materials to Minors

- Even if material would not be considered obscene or indecent under contemporary community standards for adults, a person could still face fines and/or jail time if the material meets the definition of “harmful to minors.”
- States established exemptions for people in law enforcement, medicine who might need to use the materials as part of investigation of a crime or treatment of victims.
- Some states also exempted scientists and universities from prosecution for use of materials for scientific/educational research by adults.
- However, 44 states have gone further and provided that there is no criminal liability if the materials are used for “educational” purposes, as part of courses of instruction and/or in libraries in K-12 schools, not just university research.
- Therefore, a person providing obscene/indecent materials to a child faces fines and jail time for “harming” the child, EXCEPT when the person is a teacher, librarian, lecturer, consultant, etc. providing the materials in an “educational” context.

Basic Types of Obscenity “Exemptions” in 44 States

- It shall be an affirmative defense that the act charged was done for a bona fide medical, scientific, educational, legislative, judicial, or law enforcement purpose.
- No employee, director, or trustee of a bona fide school, museum, or public library, acting within the scope of his or her regular employment, is liable to prosecution for a violation of this subchapter for disseminating a writing, film, slide, drawing, or other visual reproduction that is claimed to be obscene.
- The purchase, distribution, exhibition, or loan of any work of art, book, magazine, or other printed or manuscript material by any accredited museum, library, school, or institution of higher education is exempt.
- A person does not violate this section if the person is, or is acting as, an employee of a bona fide public school, college, or university or **a retail outlet affiliated with and serving the educational purposes of a school**, college, or university and the material or performance was disseminated in accordance with policies approved by the governing body of the institution.
- The law does not apply to any public library or to any library operated as a part of any school, college, or university.

Origin of the Obscenity Exemptions

Section 251.4(3) of the American Law Institute's Model Penal Code, proposed in 1957, adopted in 1962:

It is an affirmative defense to prosecution under this Section that dissemination was restricted to:

- (a) institutions or persons having scientific, educational, governmental or other similar justification for possessing obscene material; or
- (b) non-commercial dissemination to personal associates of the actor.

What Is the American Law Institute Model Penal Code?

- A compilation of model laws regarding criminal conduct created **by a select cadre** of legal scholars, judges, social scientists, psychiatrists, other academics.
- Not laws themselves, but suggested laws that states could adopt.
- Claimed the “need” to “modernize” criminal laws based on new “scientific” information.
- Sex laws were criticized as outdated based on the alleged science of the Kinsey reports, *Sexual Behavior in the Human Male (1948)* and *Sexual Behavior in the Human Female (1953)*.
- Kinsey and team helped design new sex offense laws with Kinsey quoted as authority in all 197 footnotes cited for liberalizing or eliminating sexual offense laws.
- 1955 Draft of sex offense liberalizations; 1957 obscenity exemption provisions; 1962 final version.
- Virtually all states adopted liberal sex offense statutes; 44 adopted education exemptions, etc.
- States that did not adopt exemptions: Arizona, Alaska, Missouri, New Jersey, Oklahoma, Rhode Island.

READ: STOLEN HONOR STOLEN INNOCENCE FOR DETAILS OF THE FOLLOWING....

NEW

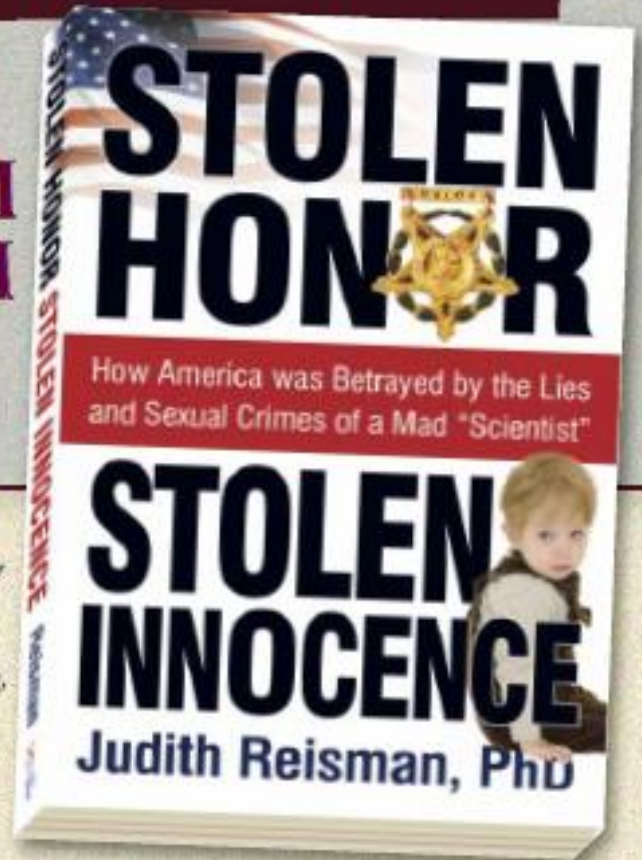
FROM NEW REVOLUTION PUBLISHERS!

HOW A TRULY MAD SCIENTIST SECRETLY TOOK AMERICA FROM PURITY TO PROMISCUITY, FROM DEVOTION TO DEVIANCE

By Judith A. Reisman, Ph.D.

You might have heard the bit of folk wisdom that says if a farmer sees a turtle sitting on top of a fence post, he can be sure it did not get there by itself. My behind-the-scenes research into America's moral decline has confirmed the farmer's astuteness: this disaster did not just happen, it was planned. The sexual revolution was based on an academic fraud so breathtaking, on a hidden agenda so sinister, and on sex crimes so unspeakable, that I've devoted my life to exposing them and to undoing the devastation they caused.

The (truly) mad scientist who secretly spawned this revolution was Prof. Alfred Kinsey, pervert extraordinaire and author of the famous Kinsey Reports on human sexuality of 1948 and 1953. Crammed with shocking statistics, these



THE ALI MODEL PENAL CODE (MPC) REMOVES PROTECTIONS FOR WOMEN & CHILDREN

U.S. Justice System 1948 - Today: Experts Usurp Jury of One's Peers

1948
COMMON LAW
 Only lawful sexual congress is marital heterosexual coitus.

1949-1953
Kinsey Reports (KR): The Advent of "Consent"
 KR falsely claim that 95% of white men would be sex offenders, were the common law enforced:

- 69% frequent prostitutes (prostitution is illegal)
- 85% have pre-marital sex (fornication is illegal)
- 50% commit adultery (adultery is illegal)
- 10%-37% are somewhat homosexual (sodomy is illegal)

While of white women KR falsely claim that:

- 0% are harmed by rape
- 50% have pre-marital sex (fornication is illegal)
- 26% commit and 50% desire adultery (adultery is illegal)
- 87% of pregnant single women abort (abortion is illegal)
- 25% of wives abort (illegal)

Of children, KR falsely claim that 100% are orgasmic from birth, hence:

- Children can benefit from sex with adults and even incest (illegal)
- Children need early, explicit school sex education (illegal)
- Children need masturbation, hetero/homosexual acts taught (illegal)

Of parole, KR falsely claim that sex offenders rarely repeat sex crimes.

1953
 Rockefeller Funds ALI Model Penal Code

1957
 Herbert Wechsler, *Harvard Law Review*, Call for ALI MPC

1955
AUTHORS / REPORTERS of ALI MPC
 Herbert Wechsler, Chief (Lawyer) Morris Ploscowe, Assoc. (Judge)
 Louis B. Schwartz, Assoc. (Lawyer) Paul Tappan, Assoc. (Lawyer/Sociologist)

ALI MPC #4 "Sex Offenses" Draft Sent To States

1958
 Four Books Call for "Science-Based" Sex Law Reforms

- Sex Habits of American Men, A Symposium on the Kinsey Report Edited by Albert Deutsch
- American Sexual Behaviour and the Kinsey Report Morris Ernst & David Loth
- The Ethics of Sexual Acts Rene Guyon (French Pedophile Jurist)
- About the Kinsey Report Edited by Donald Porter Geddes & Enid Currie

ALI MPC ADVISORS/THERAPUTIC SCIENCES

SOCIOLOGY/ENGLISH:

Ernest W. Burgess, Professor of Sociology, University of Chicago, Chicago, Ill.
 Kenneth D. Johnson, Dean, New York School of Social Work, New York, N. Y.
 Thorstein Sellin, Professor of Sociology, University of Pennsylvania, Philadelphia, Pa.
 Lionel Trilling, Professor of English, Columbia University, New York, N. Y.

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Lawrence Z. Freedman, M.D., School of Medicine, Department of Psychiatry and Mental Hygiene, Yale University, New Haven, Conn.
 Manfred S. Guttmacher, M.D., Chief Medical Officer, Supreme Bench of Baltimore, Baltimore, Md.

OTHERS:

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 Thomas D. McBride, Philadelphia, Pa.
 Timothy M. Pfeiffer, New York, N. Y.
 Floyd E. Thompson, Chicago, Ill.
 Harrison Tweed, President, The American Law Institute, New York, N. Y.
 Herbert F. Goodrich, Director, The American Law Institute, Philadelphia, Pa.

1956 WI 1962 IL 1963 MN 1963 NM 1967 NY 1969 GA 1970 KA 1971 NJ 1956 OR 1970 MD 1972 MA 1971 CN 1972 CO 1972 ID 1974 KY 1978 MS 1973 MO 1979 MI ALL OTHER STATES

ALI MPC #4 "Sex Offenses" Draft Adopted/Adapted By All States

STATE LEGISLATURES



Sex-related Laws	Before the MPC	After the MPC
Age of Consent	16, 18, 21 years old	Can be 12 to 18* *(Some drafters suggested 10)
Rape	Death in 18, Life in 22	6 months to 4 years
Statutory Rape	Death in 16 States	0 months to 2 years
Seduction	Prison and/or Fines	Legal (consent)
Adultery	Prison and/or Fines	Decriminalized
Divorce	Fault: Alimony, estate	No Fault or Alimony
Obscenity	Illegal	Legal in Schools, libraries
Abortion	Criminal, Prison	Legal
Sodomy	Criminal, Prison	Legal, taught in school

Legal and Social Science Statements Citing Need for MPC

1948 Judge Morris Plowscoe, an author of the MPC:

[Kinsey's report showed that] "enforcement of the prohibitions of sex legislation [are a] failure, our sex crime legislation is completely out of touch with the realities of [life]. "[T]he law attempts to forbid an activity which responds to a wide human need."

1950 The Group for the Advancement of Psychiatry:

Age of Consent Should Be Lowered. Some children by "age 7" could have full responsibility for sex with an adult. "Kinsey's data were the points by which we steered."

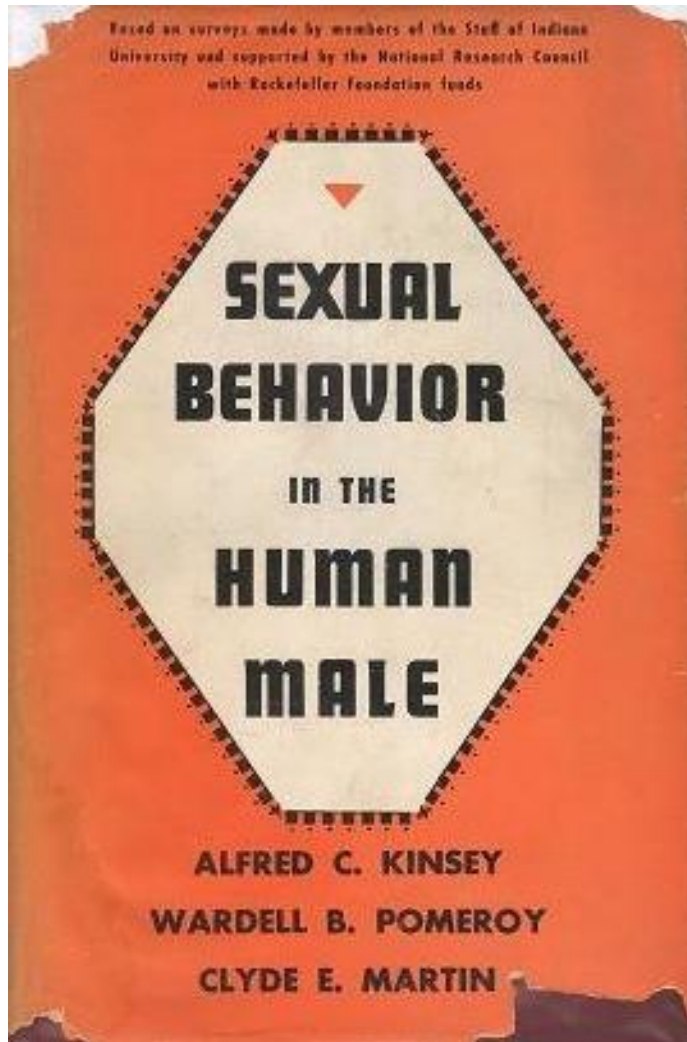
1953: The Illinois Commission on Sex Offenders:

"The cultural tendency to overprotect women and children [is often]... more detrimental to the... victim than the offense itself." "[T]he Kinsey findings... permeate all present thinking on this subject."

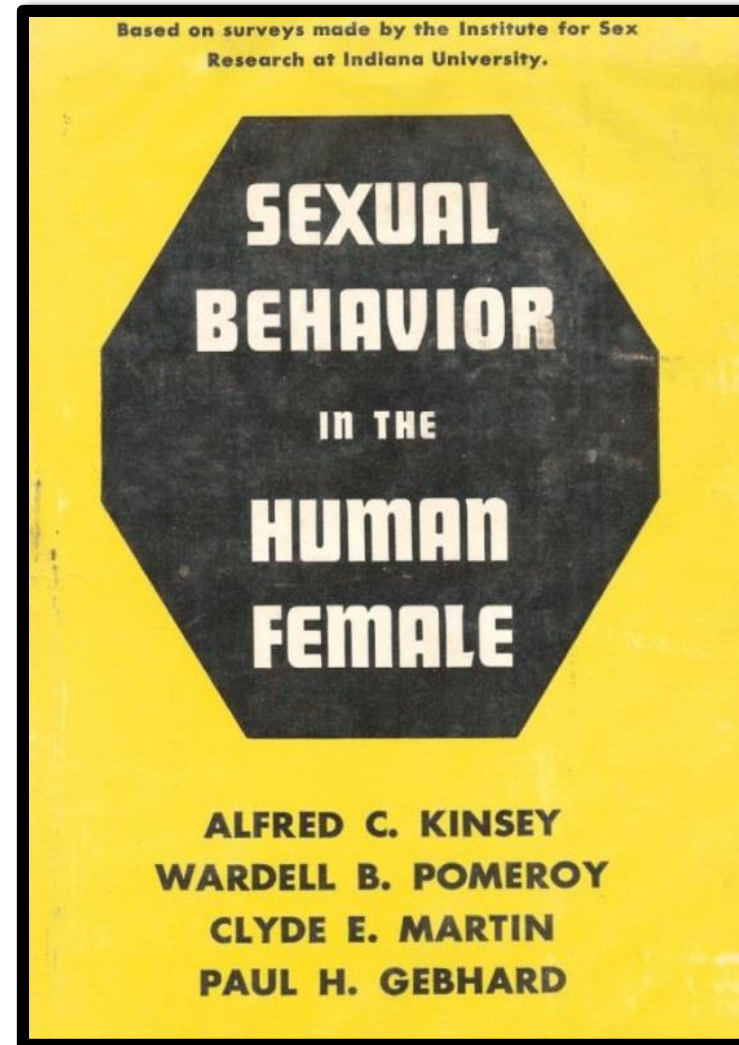
For all citations, see Reisman, SHSI.

The Foundation for the Transformation of the Law Leading To the MPC & Obscenity Exemptions: Alfred Kinsey's Reports

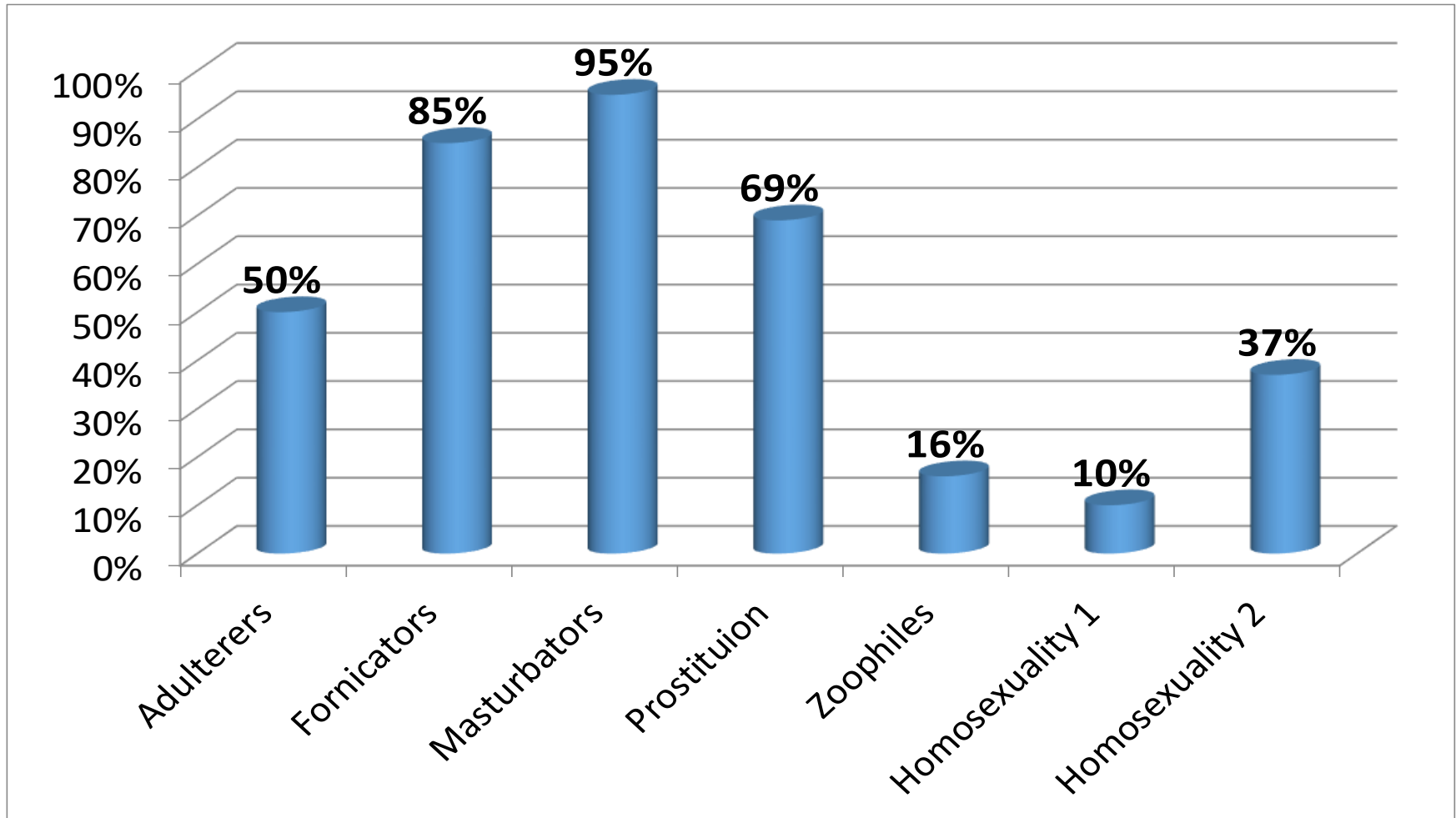
1948



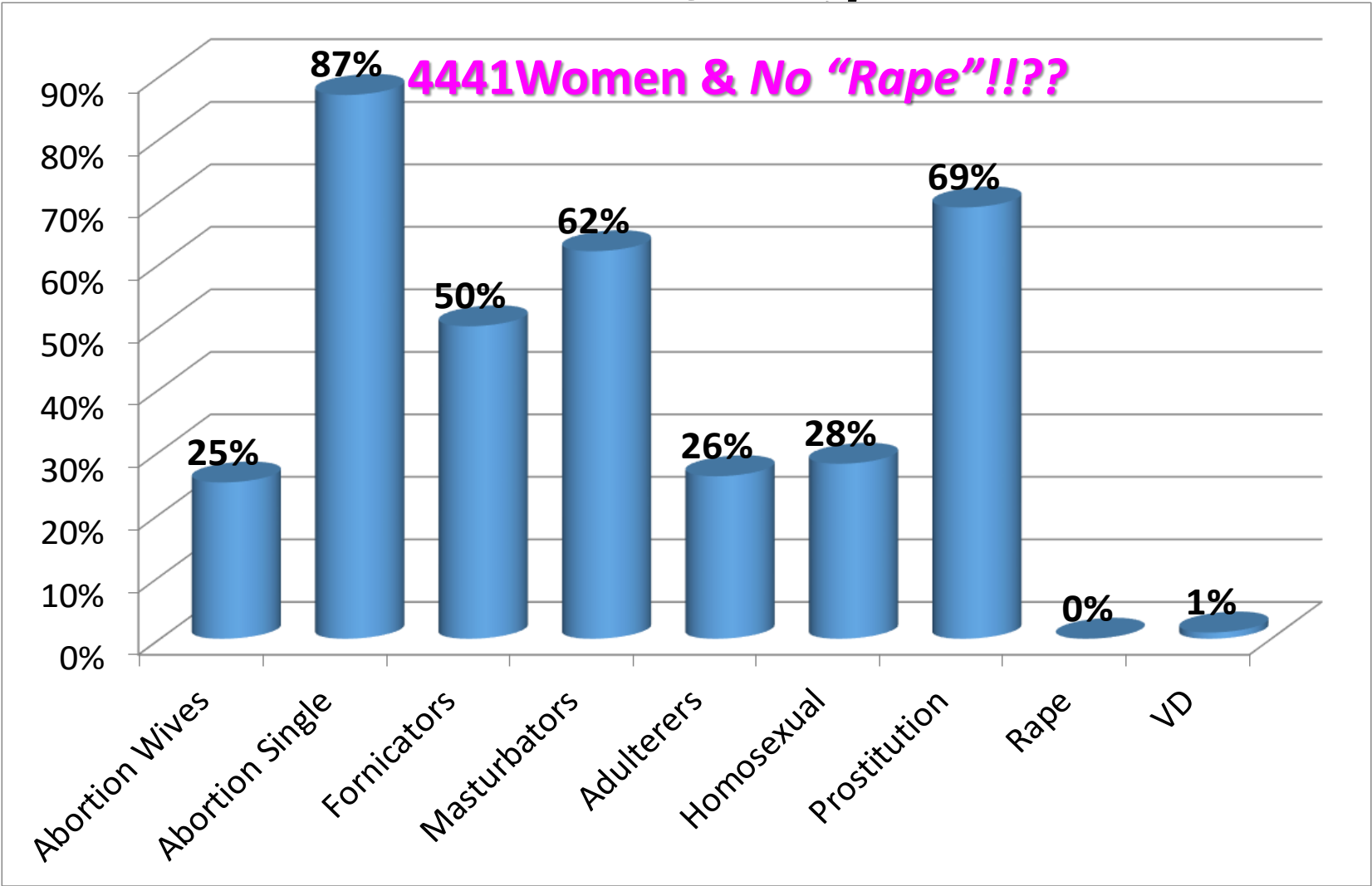
1953



Kinsey Claimed That in Pre-WWII and WWII America, Most Men Engaged In Illegal Sexual Activity, So Laws Must Change



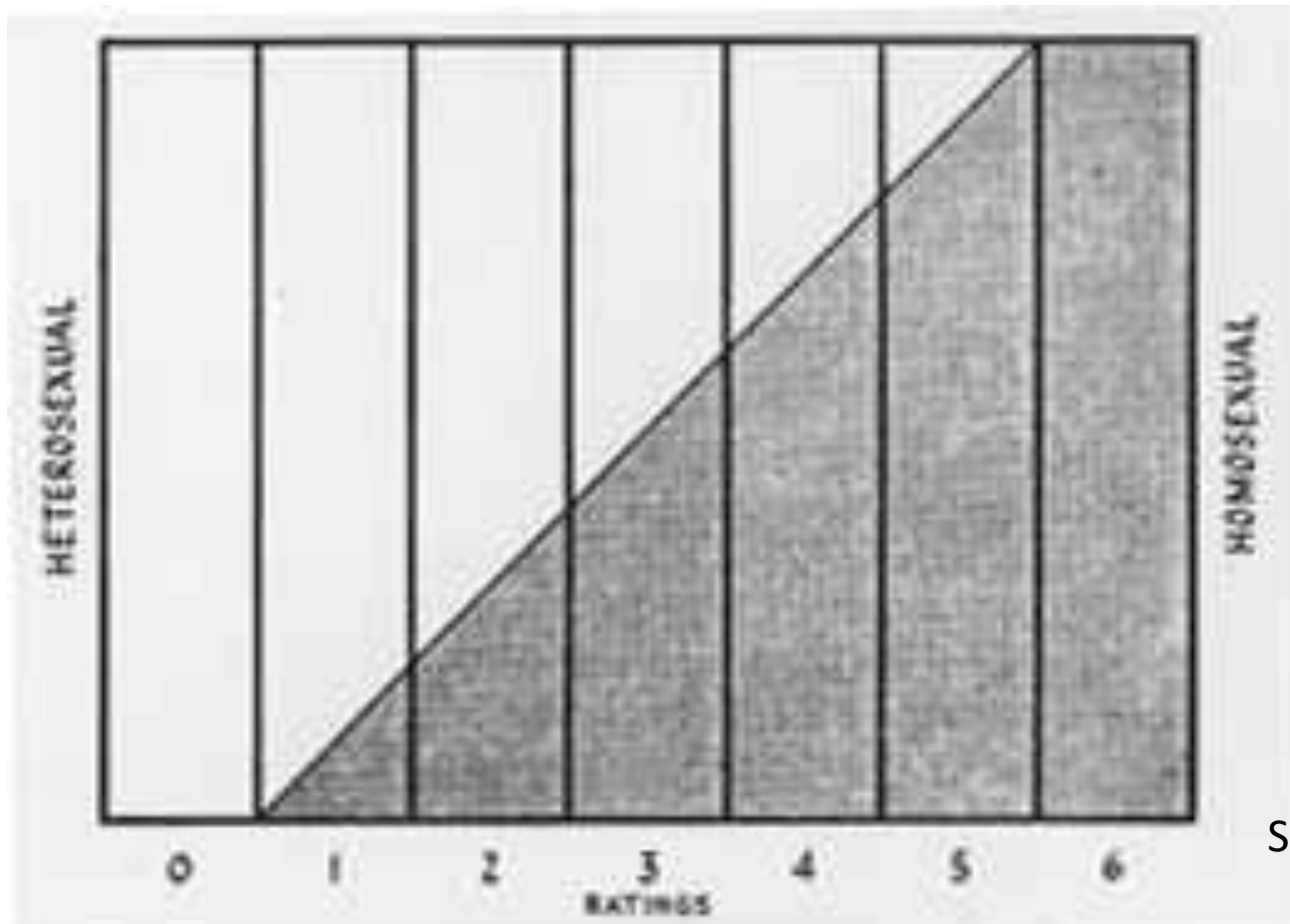
Kinsey Claimed Most Women in pre WWII and WWII America Engaged In Illegal Sexual Activity, So Laws Must Change



See: Reisman, SHSI

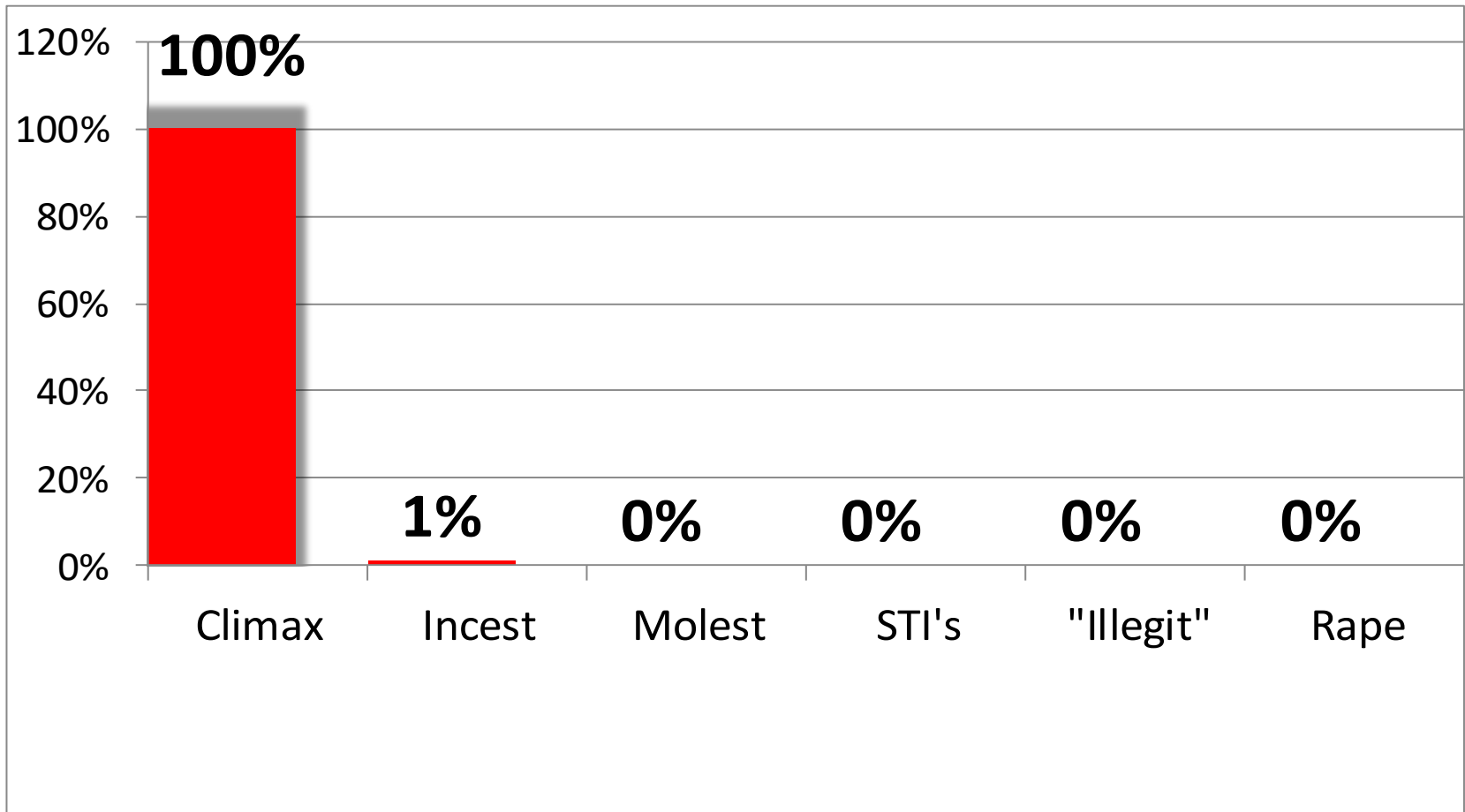
Kinsey's Claims Upon Which MPC based:

- All sex acts at any age and with any other person or animal are normal, not harmful
- Sexuality is fluid throughout life
- 10-37% of Boys/Men are Homosexual at some point (“being homosexual” includes one encounter, including being raped while drugged)



See: Reisman, SHSI

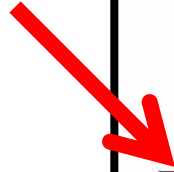
Kinsey Claims Upon Which MPC Based: Infants/Children Are “Sexual From Birth,” Enjoy Sex if “Helped” by Adults



See: Reisman, SHSI

Kinsey's Basis For His Claim That Children Are Sexual from Birth

AGE WHEN OBSERVED	PRE-ADOLESCENT EXPERIENCE IN ORGASM					
	TOTAL POPULATION	CASES NOT REACHING CLIMAX	CASES REACHING CLIMAX	CUMULATED POPULATION	CUMULATED CASES TO CLIMAX	PERCENT OF EACH AGE REACHING CLIMAX
2 mon.	1	1	0			
3 mon.	2	2	0			
4 mon.	1	1	0			
5 mon.	2	1	1			
8 mon.	2	1	1			
9 mon.	1	1	0			
10 mon.	4	1	3			
11 mon.	3	1	2			
12 mon.	12	10	2			
Up to 1 yr.	28	19	9	28	9	32.1
Up to 2 yr.	22	11	11	50	20	57.1
Up to 3 yr.	9	2	7	59	27	
Up to 4 yr.	12	5	7	71	34	
Up to 5 yr.	6	3	3	77	37	
Up to 6 yr.	12	5	7	89	44	63.4
Up to 7 yr.	17	8	9	106	53	
Up to 8 yr.	26	12	14	132	67	
Up to 9 yr.	29	10	19	161	86	
Up to 10 yr.	28	6	22	189	108	



See: Reisman, SHSI

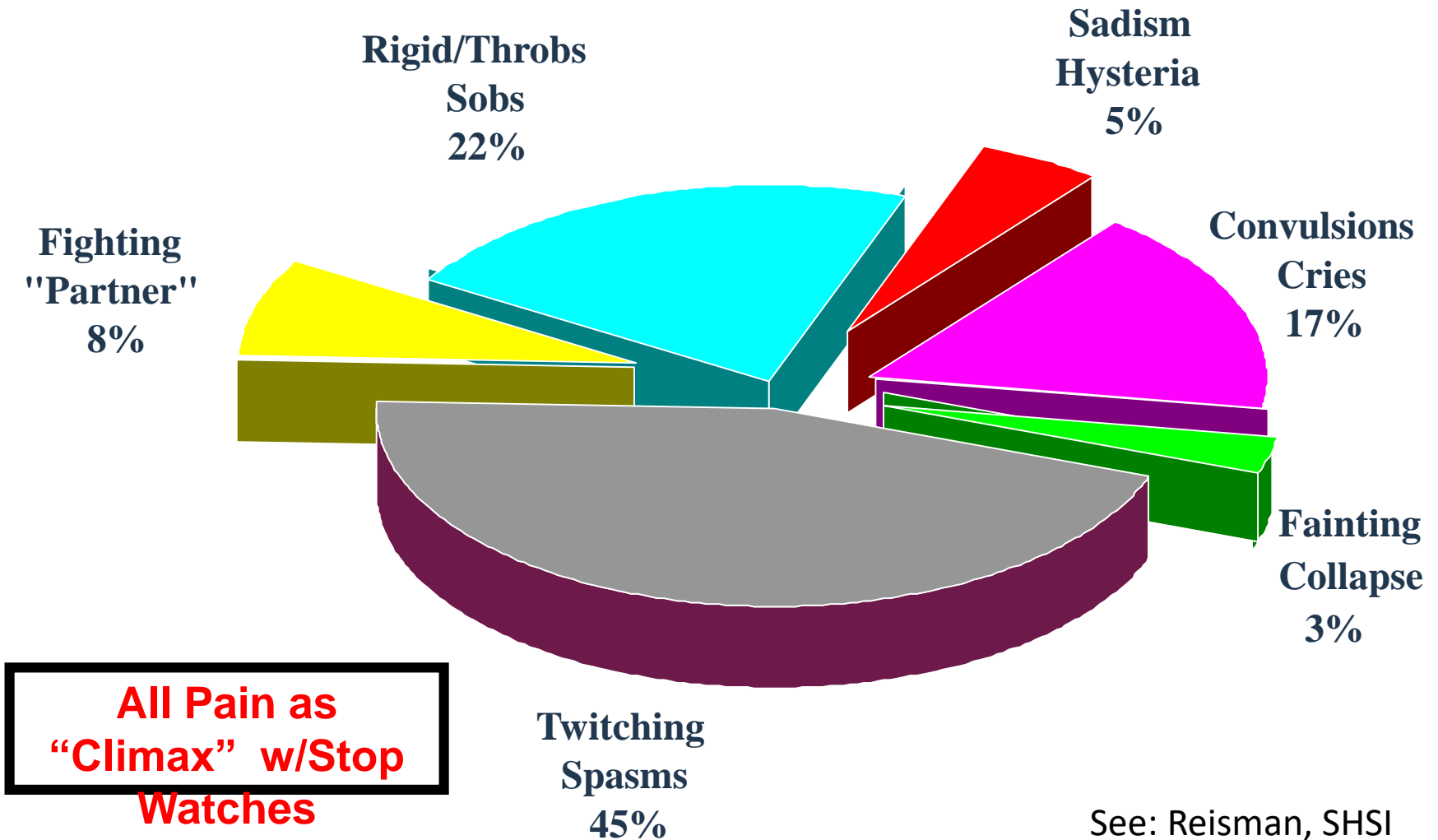
Kinsey's Basis For Claiming Children Are Sexual from Birth

AGE	NO. OF ORGASMS	TIME INVOLVED	AGE	NO. OF ORGASMS	TIME INVOLVED
5 mon.	3	?	11 yr.	11	1 hr.
11 mon.	10	1 hr.	11 yr.	19	1 hr.
11 mon.	14	38 min.	12 yr.	7	3 hr.
2 yr.	{ 7	9 min.	12 yr.	{ 3	3 min.
	{ 11	65 min.		{ 9	2 hr.
2½ yr.	4	2 min.	12 yr.	12	2 hr.
4 yr.	6	5 min.	12 yr.	15	1 hr.
4 yr.	17	10 hr.	13 yr.	7	24 min.
4 yr.	26	24 hr.	13 yr.	8	2½ hr.
7 yr.	7	3 hr.	13 yr.	9	8 hr.
8 yr.	8	2 hr.		{ 3	70 sec.
9 yr.	7	68 min.	13 yr.	{ 11	8 hr.
10 yr.	9	52 min.		{ 26	24 hr.
10 yr.	14	24 hr.	14 yr.	11	4 hr.

Table 34. Examples of multiple orgasm in pre-adolescent males

Some instances of higher frequencies.

Kinsey's Basis For Claiming Children Can Enjoy Sex If Helped by Adults: His Definitions of "Orgasm"



Kinsey According to IU, Rockefeller, Media:

- The Kinsey team: academic, conservative, husbands and fathers.
- Kinsey conducted valid scientific and statistical research that tells “real” truth about American sexuality.
- Kinsey is Republican, faithful, family man, pillar of community
- Donahue: “Kinsey was to sexuality what Freud was to psychiatry, what Madame Curie was to radiation, what Einstein was to physics. ... “We’ve based an entire generation of education of sexologists on Kinsey and [you’re saying] Kinsey was a dirty old man.” “NO!” Kinsey was “married once, nuclear family kind of guy.”

Hidden Truth:

- Kinsey was adulterous, bi/homosexual, obsessive masturbator, S&M, pornography addict, and pedophilic activist.
- He used deviant populations to represent “average” Americans, manipulated data to validate and legalize his own deviance.
- His “team” included a Nazi pedophile & a serial pedophile w/ about 800 victims whose diaries were used to create “data” on “child sexuality.”

Legal Scholars Using Kinsey Claims As Catalyst for Change:

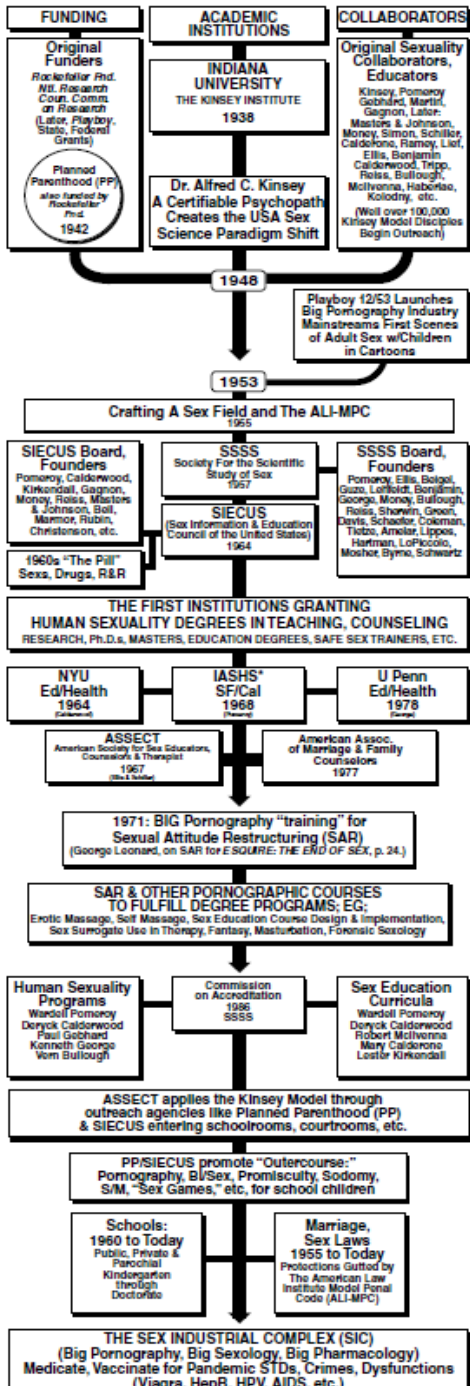
- **Judge Plowscoe, author of MPC, 1962:** “[A] girl at puberty fully understands ...sexual intercourse and the fiction of non-consent, which the law sets up, does not correspond to the facts.”
- **1962 Vanderbilt Law Review:** “Even at the age of four or five, [her] seductiveness may be so powerful as to overwhelm the adult into committing the offense.” “The affair is therefore not always the result of the adult’s aggression; often the young female is the initiator and seducer.”
- **Georgia Law Review, 1969:** Child molestation is a “relatively minor crime.” The “absurdity of enforcing most of our sex laws...should be obvious, even to the most prudish Neo-Puritans.”
- **Missouri Law Review 1973:** “Rape and child abuse...carry extremely severe punishment.” “Those few who are punished are dealt with cruelly, to the satisfaction of no one except a shrinking frenetic fringe of maniacal moralists.”
- **New Jersey Law Journal 1983:** “[T]he older term “rape” was fraught with negative emotion and [is] unrealistic for this era...” “There is no justification for the perception that the female is a unique creature, harmed in some unique way by untoward sexual behavior.”

See: Reisman, SHSI

That Kinsey Based Worldview Birthed The MPC and the “Obscenity Exemptions” Which Birthed “Sex Ed”

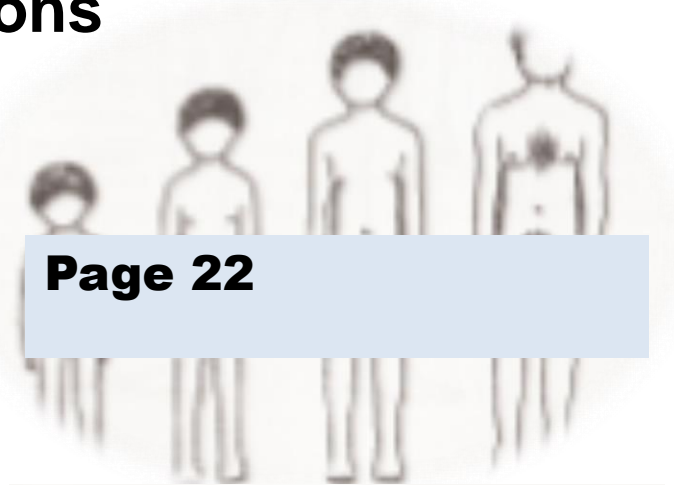
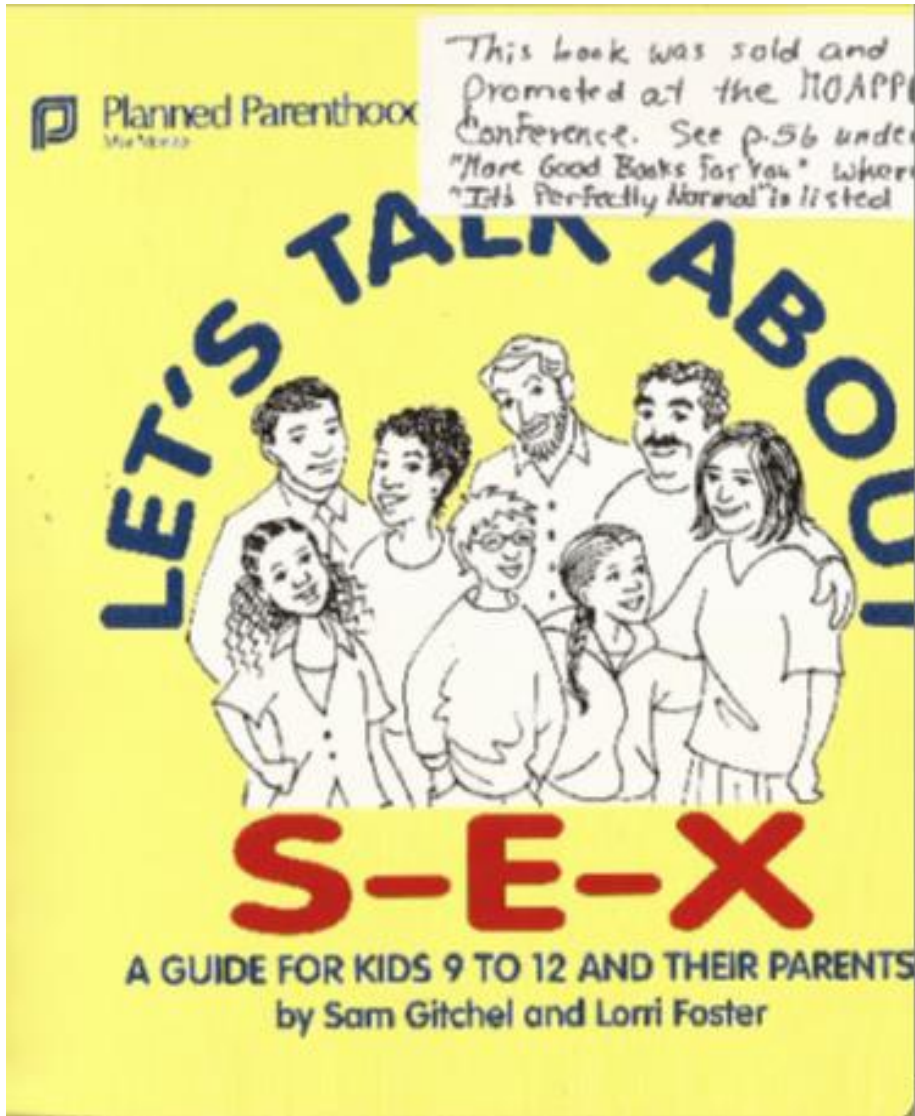
- Kinsey-based and funded, Planned Parenthood supported organizations, e.g., SIECUS., Institute for the Advanced Study of Human Sexuality (IASHS) begin training “sex educators” to replace parents as primary educators on human sexuality.
- As states adopt obscenity exemptions, newly minted “experts” convince school boards that they must implement “sex education” courses taught by these “authorities” because parents are incompetent and afraid.
- “Sexperts” create lesson plans, books and materials advocating the Kinsey worldview that children are sexual from birth and should learn about all kinds of sex acts in explicit detail.
- Obscenity exemptions permit these materials to proliferate and expand to include “young adult” novels, lectures, films, textbooks and internet content in all subject areas. This means that “opting out” of “sex ed” does not protect children from these materials.

Scientific Authority for the Sex Industry Complex (SIC) in the 20th - 21st Century



Hugh Hefner, a virgin in college, age 22, is sexually radicalized reading Kinsey. He says, "I will be Kinsey's pamphleteer!!" The pornography revolution begins with Playboy, 1953!

Examples of Materials Permitted in Schools Via Obscenity Exemptions

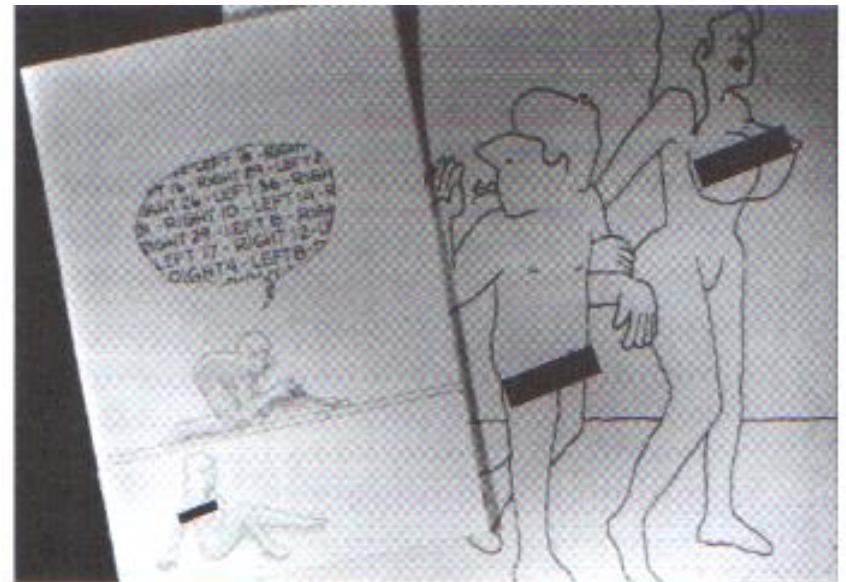


Examples of Materials Permitted in Schools Via Obscenity Exemptions

Planned Parenthood, 1974: “*You’ve Changed the Combination*”

- “Do you want a warm body? Buy one. That's right. There are women who have freely chosen that business, buy one.
- “Sex is best between friends... [H]ave sexual relationships only with friends...If she’s young, always ask.”
- Do you want a virgin to marry? Buy one. There are girls in that business too. Marriage is the price you'll pay, and you'll get the virgin. Very temporarily.”

See Reisman, SHSI, *Sexual Sabotage*, Kinsey, *Sex & Fraud*: Drjudithreisman.com

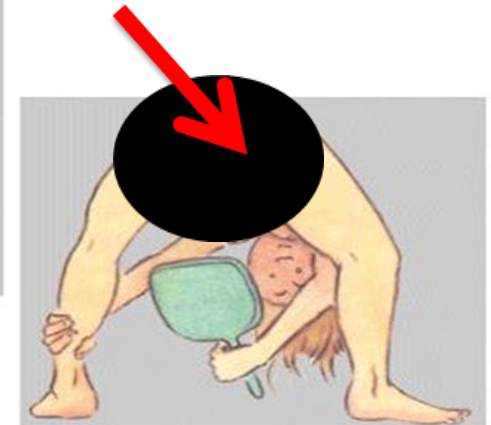
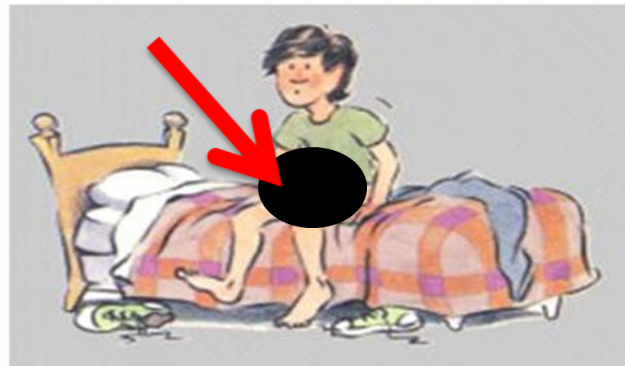
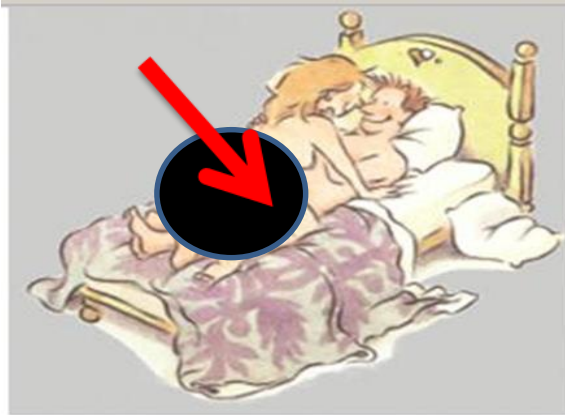
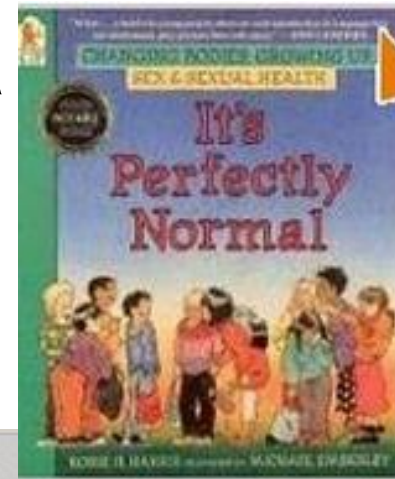


This Planned Parenthood booklet, “*You’ve Changed the Combination*,” typifies the organization’s use of the Kinsey Model in sex education circa 1974. (The author has blacked-out some explicit imagery.)

Examples of Materials Permitted in Schools Via Obscenity Exemptions

It's Perfectly Normal

Changing Bodies, Growing Up, Sex, and Sexual Health (The Family Library)



Some of the “Young Adult” Literature Available in School Libraries Thanks to the Obscenity Exemption



Some Materials Available To Middle Schoolers via Internet Research Portals on School Library Websites:

Condom Game



Do you know how to apply a condom?

Arrange the steps required to apply a condom by clicking and dragging each condom in its right position.

GETTING INTO KINK

THE STORY OF E.



Just Say Yes pro sex

Sex is everywhere – on beer commercials, billboards, and in music lyrics. But most messages we get tell us that sex is something dirty that we shouldn't talk about or an act of violence. Most of us learn that our bodies, and our sex, are things to be ashamed of. Most of us learn that sex means a man on top of a woman, and that the only other choice is abstinence. But sex can be lots of things.

Women have sex with women, men have sex with men, women have sex with men – and sometimes the best sex is with yourself!

women have sex with women, men have sex with men,

- JustSayYes
- LetsTalk
- Resources
- talkback
- Search



Perverts, meet the **Ambrosia Vibe 2.0** Touch Response Bionic Strap-on Vibrator generously sent to us by the good folks at **ORGASMATRONICS**



Study Shows That **BDSM Practitioners** Are Mentally Healthier

Being Transgender Is Perfectly Normal