

**COMMUNITY PROTECTION COMMITTEE'S  
FINAL REPORT  
ON VICE IN HAMILTON COUNTY  
with  
RECOMMENDATIONS**

**TO  
THE HAMILTON COUNTY EXECUTIVE  
THE BOARD OF COMMISSIONERS  
THE MAYOR  
THE MEMBERS OF  
THE CHATTANOOGA CITY COUNCIL**

**May 1997**

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## INTRODUCTION

The final recommendations in this report represent a thoughtful and deliberate, two and one-half year effort to review vice-related laws and law enforcement activities in Hamilton County and its municipalities. **It is this committee's fervent hope that the recommendations presented in this report will be acted upon, and not simply filed away.** The governmental bodies who established this committee are reminded that this report was prepared by local citizens that they appointed. These individuals took this responsibility as established in County Resolution 794-18 with the utmost seriousness. The committee members were volunteers and were not in anyway compensated for any expenses or the countless hours spent in meetings with expert speakers and law enforcement officials. The appointed citizens consider it an honor to have been selected and were motivated to participate for one reason ... "out of love and concern for their community."

## MISSION

**The primary mission that was identified by the committee is the renewal of efforts to protect children and families as it relates to the public health and safety of the overall community.**

## COMMUNITY PROTECTION COMMITTEE MEMBERS

Representing the Hamilton County Executive:	Landon Howard
Representing the Hamilton County Board of Commissioners:	Joe Contarino, M.D. Robert Finch Hoyt Samples
Representing the Mayor of the City of Chattanooga:	Gene Hunt
Representing the Chattanooga City Council:	Mike Mahn Tina Pruett-Pelletier Sheila Russell (Deceased)

## THE RESOLUTION

On July 6, 1994, the Hamilton County Board of Commissioners passed Resolution 794-18, which states the following:

"A RESOLUTION TO REQUEST FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES TO RENEW EFFORTS TO ENFORCE CRIMINAL AND VICE-RELATED LAWS, TO REQUEST FEDERAL AND STATE LEGISLATORS TO ASSIST IN THE STRENGTHENING OF RELATED LAWS, TO REQUEST LOCAL GOVERNMENTS TO ASSIST IN THE UNIFORM DEVELOPMENT AND ENFORCEMENT OF APPROPRIATE REGULATIONS, TO CREATE A COMMUNITY PROTECTION COMMITTEE "CPC" AND AUTHORIZE APPOINTMENTS THERE OF.

WHEREAS, like most urban communities in America, Chattanooga and Hamilton County continue to experience vice, including prostitution and pornography, which poses a continuing threat to the health, safety, and well-being of all families, and to visitors, with a detrimental effect upon economic development and opportunity; and,

WHEREAS, to the extent current laws need strengthening, new federal and state legislation may be required; and,

WHEREAS, the cooperative effort of local government authorities may be necessary to uniformly develop and enforce appropriate regulations; and,

WHEREAS, the enforcement of existing laws requires investigation by law enforcement agencies at each level of government, and prosecution by appropriate authorities; and,

WHEREAS, it is appropriate for this County Commission to study these matters and coordinate this effort with the City of Chattanooga and other municipalities through a special committee as provided herein;

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNTY BOARD OF COMMISSIONERS IN SESSION ASSEMBLED:

1. That we do hereby request all federal, state, and local law enforcement agencies to renew their commitments to the enforcement of existing vice-related laws; and,
2. That we do hereby request all federal, state, and local legislators to enact such new legislation as may be necessary to protect all citizens from vice; and,
3. That we do hereby request all federal and state prosecutors to renew their effort to appropriately prosecute all violations of these laws; and,

4. That we do hereby establish the Community Protection Committee ("CPC") for the purpose of reviewing federal, state, and local efforts relating to the removal of vice in Hamilton County, and to make recommendations to this body, and to federal, state, and local governments on or before December 15, 1994, and,
5. That we do hereby authorize the County Executive to confer with the Mayor of the City of Chattanooga and designate a coordinator of the CPC, and request the assistance of the staff of both City and County Governments in this effort; and,
6. That we do hereby authorize the Chairman of this Commission to appoint three (3) citizen members to the CPC, based upon nominations from Commissioners representing Districts 1, 2, and 3, Districts 4, 5 and 6, and Districts 7, 8, and 9, to serve with three (3) designees from the Chattanooga City Council, and
7. That we do hereby invite the Chairman of the State Legislative Delegation, the United States Attorney, the District Attorney General, the Sheriff, the Chief of Police for the City of Chattanooga, and the Mayor of every municipality within Hamilton County to serve or to each designate a representative to serve on the CPC; and,
8. That we do hereby request the County Clerk to provide a copy of this Resolution to Tennessee's United States Senators and the Congressional Representative of the Third District, to the United States Attorney, to members of the Hamilton County State Legislative Delegation, to the District Attorney General, to the Sheriff, and to the Mayors of each municipality in Hamilton County; and,

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

## COMMUNITY PROTECTION COMMITTEE RECOMMENDATIONS

The committee recommends the following as related to **Hamilton County, Tennessee**:

1. Use zoning regulations to limit and restrict the establishment of sex-oriented businesses in the unincorporated areas of Hamilton County. (Adopt an ordinance similar to the City of Chattanooga.)
2. Impose reasonable gross receipt taxes on sex-oriented businesses which could be used to fund additional enforcement such as a Child Abuse Task-Force. Such officers should work with the Domestic Violence section of the Hamilton County Sheriff's Department.
3. Appropriate funding to train a Special District Attorney to be proactive in the prosecution of obscenity in Hamilton County. (This could be done with a private grant to match public funding.)
4. Develop a computer network in the Hamilton County Sheriff's Department to track child sexual abuse and obscenity cases. Such a network would be accessible to all municipalities in the county including the Chattanooga Police Department.
5. Ensure compliance with Tennessee State Law (T.C.A. # 68-10:104, 107, 108), which states that all persons arrested for prostitution must report to the county health department to be tested for sexually transmittable diseases. All local law enforcement agencies should increase their efforts to use the ticket stub system that requires Hamilton County Health Department test.
6. Establish a standing committee to assist in the implementation of the recommendations set forth in this report and monitor the impact of this report with regard to the health and well-being of the community. The Hamilton County Commission should establish this committee.

The committee recommends that the **Hamilton County Sheriff's Department** and the **City of Chattanooga Police Department** work jointly to:

1. Establish a Child Sex Abuse Task-Force which will receive on-going training related to sex crimes and computer sex crimes; and
2. Educate the public to the interrelationship of child sexual abuse, domestic abuse, and pornography, in conjunction with existing community organizations.

The committee recommends the following as related to the City of Chattanooga:

1. **Strengthen zoning laws to make it unlawful for sex-oriented businesses to open and operate within 500 feet of any playground, residential property, church or religious temple, public park, hotel/motel, museum, tourist attraction (a business that pays the Tennessee State Amusement Tax), historic building or landmark, and teen social clubs.** According to Assistant Chattanooga City Attorney Phil Noblett, Chattanooga's current zoning laws prohibit adult establishments from setting up a business within 500 feet of a church or residential property. A recently passed city ordinance does not allow sex-oriented businesses within 500 feet of a teen social club.
2. **Continue the current disbursement policy for adult businesses.** According to Noblett, Chattanooga's strategy for dealing with adult business is a disbursement policy, which means that such businesses are prohibited from clustering. Instead, they are spread throughout the community. Other cities, such as Detroit and Boston, have established red light districts. For communities that have one district, crime is typically high in the area and is too dangerous for even the police to patrol.
3. **Revoke any applicable grandfather clause protection after a sex-oriented business is closed for any reason for any ten consecutive day period.**
4. **Hire additional vice officers for the Chattanooga Police Department to enforce laws related to the four primary areas that are currently covered by only one officer; and**
5. **Use zoning laws to restrict businesses that sell alcohol from operating within 500 feet of any adult establishment.**

The committee recommends that **smaller communities within Hamilton County**, including Collegedale, East Ridge, Lookout Mountain, Red Bank, Signal Mountain and Soddy Daisy, should:

1. **Establish zoning ordinances that would limit and restrict the establishment of sex-oriented or adult businesses within the boundaries of their municipalities; and**
2. **Work closely with the Hamilton County Sheriff's Department to track child sexual abuse and obscenity cases.**

The committee recommends the following as related to the State of Tennessee:

**1. Strengthen the State's Public Indecency Law (T.C.A. 39-13-511) to:**

**Eliminate the reverse severability clause in the current Tennessee Statute. (Under the present statute, any portion of the law that is found to be unconstitutional would make the entire statute unconstitutional. By eliminating the reverse severability clause, the courts may declare a part of the law unconstitutional and while the remaining part of the statute would stay in place.)**

**2. Strengthen the State's Obscenity Law (T.C.A. 39-17-902) to:**

**Make it a felony to wholesale obscenity. Repeat offenses and sale of obscenity to a minor should be a more serious felony.**

**3. Encourage an officer exchange program between cities and the Tennessee**

**Department of Safety to assist with the enforcement of local ordinances concerning sex-oriented businesses.**

**4. Encourage the Tennessee Bureau of Investigation to review activities related to organized crime and the sex industry and its possible influences and connections in various cities across the State.**

**5. Encourage the Tennessee State Legislature to pass a strict statute that would make it a felony for an adult to solicit sex from a minor. The law should also be written in such a way that would make it a felony for any adult to use pornography to solicit sex from a minor.**

**6. Encourage the Tennessee State Legislature to pass a law that allows local governments to reasonably restrict the hours of operation for sex-oriented businesses. (Similar to the hours of operation ordinance that is in affect for the City of Chattanooga.)**

**7. Revoke any applicable business licenses of any sex-oriented business that sells pornography to a minor.**

**The committee recommends that counselors who care for sex victims and sex addicts join with public policy citizens groups and:**

- 1. Visit civic groups and churches educating citizens about the harm of pornography and sexually-oriented businesses, and about what they can do to help support and implement the plans contained within this report; and**
- 2. Prepare a list of professional counselors and declare each May as “Pornography Victims Month.” During May, launch a high profile outreach to help sex victims and sex addicts by encouraging them to seek counseling.**

**The committee encourages realtors, title attorneys and holders of real estate to incorporate the purpose for a building in a lease, and include restrictions on transfer of property for certain types of businesses.**

**A BRIEF OVERVIEW OF  
COMMUNITY PROTECTION COMMITTEE (CPC) ACTIVITIES**

- July 1994**                    The Hamilton County Commission passes Resolution 794-18 establishing the Hamilton County Community Protection Committee. The purpose of the resolution is "to request federal, state, and local law enforcement agencies to renew efforts to enforce criminal and vice-related laws, to request federal and state legislators to assist in the straightening of related laws, to request local governments to assist in the uniform development and enforcement of appropriate regulations, to create a Community Protection Committee (CPC) and authorize appointments..."
- December 1994**            Coordinator appointed by the County Executive.
- March 1995**                Resolutions (395-23 & 395-58) authorized the appointment of three County Commission representatives to the CPC.
- September 1995**        City of Chattanooga Mayor appointed representative to the CPC.
- November 1995**         Chattanooga City Council appointed three CPC representatives.
- January 1996 -  
May 1996**                CPC met bi-monthly to hear National and Local Experts, and Law Enforcement Officials.
- June 1996 -  
December 1996**        Community Protection Committee prepared final recommendations.
- May 1997**                 Community Protection Committee presents report.

## EXPERT TESTIMONY

Phil Burress	President, Citizens for Community Values (Cincinnati, OH)
Lt. Roy Glenn	Chattanooga Police (Retired Head of the Vice Department)
William Kelly	Federal Bureau of Investigation (Retired) - A 25 Year F B I. Veteran With Over 1,000 Obscenity Investigations
Chris Kidwell	Family Practice Counselor (Chattanooga, TN)
Gene Malpas	United States Justice Department, Child Exploitation & Obscenity Section (Washington D.C.)
Gene McConnell	Director of Victim Assistance for National Coalition for the Protection of Children and Families (Cincinnati, OH)
Carolyn McKenzie	Executive Director, Citizens for Community Values (Memphis, TN) Public Health Nurse
Phil Noblett	Assistant City Attorney City of Chattanooga
Bruce Taylor	President and Chief Counsel, National Law Center For Children and Families (Fairfax, VA) Former Senior Trial Attorney for the Justice Department, Child Exploitation & Obscenity Section (D.C.)

## PARTICIPANTS WHO ATTEND ONE OR MORE MEETINGS

The committee gratefully acknowledges the participation of the following professionals who offered their time and input at the CPC's meetings.

Dr. Mike Butters	Psychologist
John Cupp	Hamilton County Sheriff
Susan M. Galeas	Children's Advocacy Center Executive Director
Dee Anne Irwin	Hamilton County Assistant District Attorney Child Sex Abuse
Connie Patterson	Children & Family Services
Tina Pelletier	Rape Crisis Center
Debbie Morse	Hamilton County Sheriff's Department Child Sex Abuse Officer
Jack Sokohl	Tennessee Crime Fax
Barry Steelman	Hamilton County Assistant District Attorney Obscenity Cases
Rebecca Stern	Hamilton County Assistant District Attorney Domestic Violence
Rodney Strong	Hamilton County Assistant District Attorney Juvenile Court
Roger Thompson	University of Tennessee at Chattanooga Criminal Justice Professor
Martha Whitmire	Research Consultant
Judy Wilson	Students Taking a Right Stand (S.T.A.R.S.) Executive Director

## THE REPORT

### Community Protection Committee Rationale

To begin the process of reviewing vice-related activities in Hamilton County, the committee first asked the following two questions:

1. **Is the presence of vice-related activities harmful to the community?**
2. **If "yes" is the answer to the first question, how does it bring harm to the community?**

To answer this question, the committee first reviewed Resolution 794-18 and the specific quote that states, "like many urban communities in America, Chattanooga and Hamilton County continue to experience vice, including prostitution and pornography, which poses a continuing threat to the health, safety, and well-being of all families, and to visitors, with a detrimental effect upon economic development and opportunity."

The CPC began the review by specifically looking at "prostitution" and "pornography" and its relationship with "harmful effects on the community."

## Prostitution

After listening to expert testimony and reviewing extensive information on the subject, the **CPC has concluded that prostitution does pose a danger to Chattanooga, Hamilton County and the nation.** The Attorney General's Commission says:

It is estimated that there are **between 400,000 and 500,000 adult women**, who have been used in prostitution in America. A recent study found:

- ...the average age a woman began working as a prostitute was seventeen,
- 63% of the prostitutes had run away from home;
- 80% were victims of sexual abuse...;
- 83% had no savings or other financial resources.

These women, who are subject to every form of rape, sexual assault, and battery, and whose lives are totally controlled by their pimps, are used and abused by pornographers for the creation of their wares. It is impossible for the most sexually explicit books, magazines, or films to be produced without acts of prostitution (US AGC 297)

According to (former) Chattanooga Vice Officer Lt. Roy Glenn:

**In Chattanooga four people control the escort services. Most Chattanooga escort services are fronts for prostitution.** One person will control fourteen escorts. Revenue is split 50/50 between the girl and the pimp. Street prostitutes are typically supporting a drug habit, while escorts are doing their activity for the money.

After hearing testimony from Officer Glenn, it was the CPC's conclusion that Chattanooga's one vice officer has made a gallant effort to enforce laws related to this illegal activity. **But, it is clear that manpower shortages in this department prevent full enforcement of laws related to prostitution in Chattanooga.**

## **Prostitution - A Danger To Public Health:**

It is the conclusion of the CPC that **prostitution is a danger to public health in Chattanooga, Hamilton County, and the nation.** One of the primary dangers is related to the spread of sexually-transmittable diseases (STDs), but other dangers are prevalent, including the physical and emotional harm that are often experienced by women and minors that participate in this activity.

The spread of STDs is at epidemic proportions in the United States. The increase in **prostitution and sex-oriented businesses** fosters an environment that **encourages the continued spread** of these sometimes fatal **diseases**. In the United States today:

- In 1993 Aids was leading killer among 25-45 year olds,
  - 1 in 5 Americans is presently infected with an STD,
  - 45 million Americans are infected with an incurable STD,
  - 12 million new STD cases are reported each year (33,000 daily);
  - Approximately 50 different kinds of STDs exist, with 20 at an epidemic level;
  - STDs infect 3 million teenagers each year,
  - Some STDs like AIDS are incurable and can eventually kill, and
  - 80% infected with an STD do not develop the initial symptoms but are contagious.
- (McKenzie)

**One of the greatest dangers is the threat of STDs on children in the United States. STDs strike more children per year than polio did in the eleven year epidemic between 1942 and 1953.** (Minnery)

A look at one Tennessee community could very well be a glimpse into the future of many American cities that do not pursue aggressive enforcement of vice-related crimes and sex-oriented businesses.

**Shelby County, Tennessee:**

- spends \$1.2 million annually to operate a sexually-transmitted disease clinic;
- ranking for primary and secondary syphilis went from 10th in 1985 to 2nd in 1990;
- 33% of all prostitutes jailed tested positive for venereal disease during 1990;
- 13% of prostitutes tested positive for HIV and within the next three to five years, each died after receiving medical care at taxpayer expense **Estimated medical costs per person was \$500,000.**
- has 85% of the state's morbidity rate for sexually-transmittable disease,
- In one topless club eight out of nine females tested positive for VD.

The growth in STDs is correlated to the increased availability of pornography and the increase in the number of sex-oriented businesses in Shelby County.

In 1994, the **Shelby County** medical community **spent \$4.5 million** for 1,300 **uncompensated** (uninsured) **HIV/AIDS patients**, which represented 42% of the known Shelby County patients. (McKenzie)

**Hamilton County Tennessee:**

As reported by the Tennessee AIDS Program, **AIDS cases in Hamilton County reported since 1982 totaled 333 as of June 30, 1995. The total number of HIV cases as reported between January 1, 1992 and June 30, 1995 totals 319. Refer to the following chart.**

(Tenn Aids).

	<u>AIDS Cases</u>	<u>HIV Cases</u>	<u>Total Cases</u>
Brainerd	52	49	101
Highland Park/E Main	54	45	99
East Brainerd	<u>45</u>	<u>32</u>	<u>77</u>
Total Case in these three Areas	151	126	277
Total Case in Hamilton County (Includes 22 Areas)	443	400	843

*These three areas make-up only 14% of the area but contains 33% of the AIDS HIV case in Hamilton County.*

## Obscenity Addiction and the Danger Posed To the Community

In addition to the dangers caused by STDs, **the CPC concluded that the presence of obscenity is also a danger to the community in regard to crime.** The most prevalent crimes are **rape of women** and **sexual abuse of children.**

In considering whether obscenity was addictive and, therefore, posed a threat to the community, the CPC called on testimony of experts and a convicted perpetrator of sex crimes. The committee heard from Gene McConnell, Director of Victim Assistance. McConnell was himself a confessed pornography addict, who in an attempt to satisfy his desires, was arrested for attempted rape and later convicted of aggravated assault. He testified that:

pornography can, and often does, result in violence. It communicates that women are objects and that they ultimately enjoy being raped and humiliated. And since objects can be used and discarded, the men are free from feeling any remorse when doing so.

Increasingly, the most prevalent forms of pornography, as well as an increasingly prevalent body of less sexually explicit materials, fits this description. Some of this material involves sadomasochistic themes, with the standard accouterments of the genre, including whips, chains, devices of torture, and so on. (US AGC 39)

"But another theme of some of this material is not sado-masochistic, but involves instead the recurrent theme of a man making some sort of sexual advance to a woman, being rebuffed, and then raping the woman or in some other way violently forcing himself on the woman. In almost all of this material, whether in magazines or motion picture form, the woman eventually becomes aroused and ecstatic about the initially forced sexual activity, and usually is portrayed as begging for more. (US AGC 39)

The Attorney General's Commission described what is more commonly known as the "**rape myth:**"

Substantial exposure to material of this variety is likely to increase the extent to which those exposed will view rape or other forms of sexual violence as less serious than they otherwise would have, will view the victims of rape and other forms of sexual violence as significantly more responsible, and will view the offenders as significantly less responsible. We also conclude that the evidence supports the conclusion that substantial exposure to material of this type will increase the proposition that women like to be forced into sexual practices, and, once again, that the woman who says "no" really means "yes." (US AGC 40)

Both clinical and experimental settings conclude that sexually violent materials increase the likelihood of aggression. More specifically, the **research shows a causal (not casual) relationship between exposure to material of this type and aggressive behavior toward women.** (US AGC 39)

A well-known Sex Addiction Specialist, Dr. Victor Cline, Professor of Psychology at the University of Utah, identified a **four-step progression from addiction to pornography:**

1. **Addiction** - men become trapped in a vicious cycle, and they keep going back for more;
2. **Desensitization** - materials once thought taboo become acceptable, and
3. **Escalation** - the need for more explicit and/or rougher materials;
4. **Acting Out** - some will act out fantasies on unwilling spouses, children, dating partners, acquaintances, and even strangers. (Cline)

### Rape

Rape is increasing at an alarming rate. The rape rate and the actual number of rapes doubled between 1960 and 1970, doubled again between 1970 and 1980, and increased again in the decade of the 1980's. This increase coincides with the availability and severity of hard-core pornography (US Bureau). The National Victim Center estimates that at least one woman is raped every 46 seconds. **Eighty-six percent of convicted rapists said they were regular**

**users of pornography, with 57% admitting direct imitation of pornographic scenes they enjoyed during commission of their rapes (Marshall)**

A Federal Bureau of Investigation **survey of serial killers found that 81% said that hard-core pornography was their "highest sexual interest,"** making pornography one of their most common profile characteristics. (Hazelwood)

On an interview conducted to the A&E Television Network, Jerry Elsner, Executive Director for the Illinois Crime Commission, commented,

A certain element of people are attracted to this particular activity. People who go there night after night after night, and buy the pornography when they leave. (They) buy the pornographic films, go home, hide in the basement, watch dirty movies all night. They are a threat to everyone in the community. They tend to congregate at these watering holes, like a watering hole in the desert. This is where their friends are at. This is where their peers are at. One degenerate in the neighborhood is bad. Having 200 is really bad. (Investigative Reports)

## Victims Inside Sex-Oriented Businesses - Performers & Customer

According to Phil Burress, Executive Director of Citizens For Community Values based in Cincinnati, Ohio, "the porn industry is unlike any other. It takes advantage of victims, because most dancers/strippers have been victims of child molestation. **Sex-oriented businesses attract two different types of dysfunctional groups: performers (exhibitionists) and customers (voyeurs).** (Burress)

"Jane," a former Memphis showbar stripper, explained how the lure of up to \$1,000 per week in a newspaper advertisement trapped her in an endless world of fear and depression. She stated,

they begin with you working as a waitress and convince you that the tips would be better as a dancer. At first when you start dancing the money is good, because they put you with the best customers, and I find out later that they pay you from the house... Once you start getting the money, you get nice things and get in debt. Then the money slowly gets smaller, and they tell you that you have to perform more acts and take more clothes off to keep the money coming from the customers. (Jane)

"Jane" also stated that many of the girls that she worked with fell into this trap. **Out of fourteen women who worked with "Jane"; thirteen were sexually abused as children; twelve were on drugs; and thirteen were on alcohol.** (Jane)

In a Shelby County Commission Hearing on September 1991, the Memphis Vice Squad Commander stated that violations were found in all (adult) clubs. Violations included fondling of dancers to full sexual intercourse with women dancing totally nude

Shelby County Sheriff's Deputies stated that they worked undercover in almost all clubs and violations included the following:

- Obscenity violations.
- Physical contact with patrons.
- Numerous occasions of sexual intercourse.
- Variety of other sexual misconduct, including fellatio.
- Solicitation offered for hire.
- Undercover narcotics buys.
- Different acts of violence, and
- Runaway juveniles and allegations of white slavery

Another Shelby County Deputy stated that the most common crime inside the (adult) club was prostitution. The deputy:

- Furnished commissioners with photos showing sexual conduct between a patron and dancer.
- Stated that 90-95% of the dancers used drugs, including powdered cocaine, crack, and methamphetamine, and
- Clubs do not report crimes because they do not want police involved. (McKenzie)

In a recent Federal Court decision regarding criminal activities in one of **Chattanooga's showbars**, similar activities were reported by undercover agents acting on behalf of the Chattanooga Police Department. In the Opinion of Judge Allen Edgar, police officers, have either experienced themselves or observed a considerable amount of bodily contact between patrons and dancers. Many clubs offer sofa/couch, or "**VIP**" dances, where the patron is taken to a remote semi-private area. In these "dances," the female dancers sometimes do such things as sit in the patron's lap, place their breasts against the patron's face, while physical contact is maintained, gyrate in such a manner as to **simulate sexual intercourse**, breathe heavily into a patron's groin area, and **bite and gnaw at**, as well as fondle, the **genitals of male patrons**. There have also been

instances where dancers, both during the semi-private dances and on a stage, have pulled patrons' faces into their vaginal areas. In one instance, a dancer performed a "whipped cream" dance wherein patrons were allowed to spoon feed themselves with whipped cream that had been spread on the breasts, vaginal, and anal areas of the dancer. In other instances, males have placed a peeled banana between their legs while female "dancers" have eaten the banana.

The "six foot rule" is obviously directed at preventing this kind of conduct. It cannot be said that this conduct is protected as free expression. A trip to one of Chattanooga's adult cabarets can be much more than merely watching an erotically expressive dance. It can be a publicly displayed, tactile, body contact, sexually experience. Some of this conduct would violate Tennessee's public indecency statute, which prohibits, among other things, the public fondling of genitals. TENN CODE ANN. § 39-13-511(a)(1)(A)(iii). Although no actual sexual intercourse is involved, **contact titillation at adult cabarets is tantamount to prostitution**, which is defined in Tennessee as "engaging in, or offering to engage in, sexual activity as a business."

Dr. Chris Kidwell, a local Family Practice Counselor in Chattanooga, testified that victims also include patrons of adult business establishments. Dr. Kidwell testified, "pornography does produce aggressive and addictive behavior as well as depression." Dr. Kidwell counsels with several men who are addicted to pornography. Kidwell stated

One man has a wife and children, yet his addiction controls him. He spends \$400 to \$800 per month to support his destructive habit. He frequents a local showbar and is willing to give up everything in his life for the sake of pornography, even though he may lose his family. (Kidwell)

## Pornography And Its Harmful Affects On Children

According to a United States Justice Department Report, "**One in three girls and one in seven boys will be molested by the age of 18.**" "Pedophiles use pornography to lower the inhibitions of the child, to desensitize the child to this type of (sexual) activity," explains Ralph Bennett, former head of the Sexually Exploited Child Unit, Los Angeles Police Department. Bennett added, "That's how pornography is used by child molesters and pedophiles." (McConnell)

McConnell confessed that he "was first molested by another male in his church at nine years of age." He first became acquainted with sex-oriented businesses when his wife was six months pregnant. Eventually his sex habit was costing him \$400 per week. His desire for greater sexually deviant satisfaction eventually led him to criminal behavior. According to McConnell, it all began when he was molested as a child. (McConnell)

McConnell testified,

**the largest single group of consumers of pornography is the 12 to 17 year-old male.** The material draws them in, and distorts their attitudes about healthy sexual behavior. This is the time during a boy's life when his hormones are developing, and he is wanting to discover his sexual identity. Family upbringing, exposure to pornography, and early sexual experience will determine a boy's sexual identity for the remainder of his life.

McConnell cited the importance of the findings of U. S. Attorney General's Commission which said:

perhaps the most significant potential harm in soft-core pornography exists with respect to children. We all agree that at least much, probably most, and maybe even all material in this category, regardless of whether it is harmful when used by adults only, is harmful when it falls into the hands of children... We have little doubt that

much of this material does find its way into the hands of children, and to the extent it does we all agree that it is harmful... For children to be taught by these materials that sex is public, that sex is commercial, and that sex can be divorced from any degree of affection, love, commitment, or marriage is for us the wrong message at the wrong time. (US AGC 45)

McConnell added,

**for some boys, the pull of this material becomes almost inescapable.** Once men become engrossed with or addicted to these sexual stimulants, adult businesses step in to fill their needs. They draw an addict into a progressive cycle from adult bookstores, to strip bars, to massage parlors, and, eventually, prostitutes who are always available around these establishments. Women prostitutes are usually victims of sexual abuse that resulted from pornography.

Again McConnell quoted his findings in the Attorney General's Commission Report,

**... early exposure to pornography was related to greater involvement in deviant sexual practices** among groups of criminal offenders and a comparison group of male students. This was particularly true for what they called "serious deviance," primarily rape. The **age-of-exposure variable appears to be critical** as these authors found that exposure to pornography was a strong predictor of **sexual deviance** among the early age of exposure subjects... Among 476 male reformatory inmates between sixteen to twenty-one years old, a similar association was found between early age of exposure to pornography as well as high exposure and sexual deviance. (US AGC 265-266)

## The Dangers Of Exposing Children To Pornography

There were **585 cases of child molestation reported in Hamilton County during 1994, and 475 cases reported during 1995.** According the national statistics, the highest percentage of child sexual abuse cases involve children under the age of 6. In more than 80 percent of child sexual abuse cases, the children are abused by someone they know. (Galeas)

**Pornography, especially child pornography, is used by pedophiles for four reasons:**

1. to **stimulate** themselves,
2. to **destroy the consciences and lower the inhibitions and resistance** to sexual activity in their intended child victims;
3. as **teaching tools** for the victim child to imitate or model in their real life sexual encounter with the adult; and
4. to **blackmail** child victims. (Lanning)

**Child molesters report anywhere from 30 to 60 victims each, before they are arrested for the first time. The typical serial molester will sexually abuse 380 children in a lifetime.** (Abel)

McConnell said:

As it pertains to conveying those same ideas to children, the largest single group of consumers of pornography is the adolescent male. It's naïve to think that the things we see and hear don't affect us. We all admit that good music, good movies, and good books add a lot to our lives. They can relax us, educate us, move us, or inspire us. Obviously, good images do good things to us. It's not hard to believe that bad images can do bad things to us.

Sexually oriented businesses know that society casually calls pornography “adult” material. Consequently, some boys grow up thinking that this is how adult men relate to women, when in fact, pornography only spawns toxic ideas about women and sexuality. The material draws them in and distorts their attitudes about healthy sexual behavior. Since family upbringing, exposure to pornography, and early sexual experience will determine a boy’s sexual identity for the remainder of his life, it is critical that the boy be fully educated as to these toxic ideas and the relationship between pornography and sexual victimization and violence.

Another identified danger posed by pornography is its use by pedophiles. According to Gene Malpas, an attorney in the Child Exploitation and Obscenity Section of the United States Justice Department, stated;

**Pedophiles use pornography to solicit sex from children.** If a pedophile wants to have sex with a female child, they will use pictures of young females having sex. They entice them to discover what sex is, like those in the pictures. Pedophiles tell children that this is what mommy and daddy do, and they have fun doing it. Similar techniques are used by pedophiles to obtain sex from male children... Pornography, both child and adult, is used by molesters to stimulate themselves, to lower the inhibitions of child victims, and to teach the children exactly what the molester wants. Pictures are taken of the child during molestation to blackmail the child into keeping the secret and to serve as a substitute for the molester when the child is not there.

According to Dr. William Marshall, in 1988 **87% of molesters of girls and 77% of the molesters of boys admitted to regular use of hard-core pornography.** According to the Attorney General’s Report, a **1983 survey of current and former female prostitutes indicated that 60% had been sexually abused as juveniles (US AGC 231).**

This following diagram from the United States Attorney General's Commission explains one of the most common ways a child is introduced to pornography and sexual activities:

**Cycle of Pornography**

- (1) Pornography is shown to the child  
for "sex education."
- (2) Attempt to convince child explicit sex is acceptable, even desirable.
- (3) Child porn used to convince child that other children are sexually active -- it's okay.
- (4) Child pornography desensitizes -- lowers child's inhibitions.
- (5) Some of these sessions progress to sexual activity.
- (6) Photographs or movies are taken of the sexual activity (US AGC 138)

Malpas stated that out of 900 to 1,000 child sexual abuse cases that he had prosecuted, less than 1% did not involve the use of pornography to violate children. Malpas said that regulating these businesses will save hundreds of young children from sexual abuse, and, eventually, save the community. Unfortunately, the government is losing the battle. **Today, there are 25,000 adult businesses in the United States. In comparison, there are 9,000 McDonald's restaurants.** (Malpas)

**Sexual Abuse Counseling Cost For Children**

Average Cost Per Hour For Professional Counseling	\$	65.00
<u>Minimum</u> Number Of Hours Needed For Counseling		40
Cost for Counseling Per Victim	\$	2,600.00
Number of reported Child Sexual Abuse victims in <u>Hamilton County</u> in 1994		585
Annual Cost to Taxpayers		\$1,521,000.00

Hamilton County District Attorney's Office estimated the prosecution and court cost to the tax payer for a relatively short jury trial could easily be \$10,000 or more. If the perpetrator is indigent, the tax payer also pays for the defense attorney.

## Sex-Oriented Businesses And Organized Crime

**"A direct connection exists between organized crime and sex-oriented businesses,"**

stated William Kelly, Special Agent for the Federal Bureau of Investigation (Retired).

"Pornography ranks number three behind drugs and gambling as a revenue source for crime families," added Kelly. "They make more money off pornography than the combined gross revenue from the three major television networks, including ABC, NBC and CBS. It is estimated that annual revenue from pornography ranges from \$7 billion to \$10 billion, and organized crime takes in most of this money." (Kelly)

Officer Glenn testified. **"Organized crime has historically been involved in 95% of the adult businesses establishments... One of Chattanooga's showbars is suspected to have connections with criminal influences or a network from out-of-state."** Glenn added, "Aggressive prosecution of unlawful acts keeps the growth of vice activity down. The danger is that such businesses attempt to grow and will eventually affect legal business activities." (Glenn)

Officer Glenn continued,

In some cases, organized crime does exist in illegal business activities such as prostitution. Organized crime interlinks various criminal activities in an attempt to set up money laundering opportunities. For example, a "crime family" is linked to activities from Seattle to Memphis, and, possibly even, Chattanooga. The principle way to attack these criminal enterprises is with the Internal Revenue Service. To prosecute, it usually takes one year to eighteen months of steady work to build a case.

An example of how organized crime and sex-oriented businesses work in a community was described by Ms. Melody Bastin, a former owner of five adult bookstores, an adult theater, and a private club that featured live and X-rated entertainment. Ms. Bastin explains,

The industry relies on the fact that most people are virtually unaware of the type of material they are being offered for sale. The decent, upstanding citizens of the

community are not their customers -- but they are the people who legislate for or against their existence. As long as the majority of the citizens in any community remain unaware of exactly what sexual aberrations are being promoted by sexually-oriented businesses, they are safe to conduct business. The adult industry seeks to cloud the issue of what is being sold by whether or not they have a right to sell it. The industry is fully aware that it caters to the prurient interests of a few and every sexually-oriented business owner knows this as he carefully chooses your community. **The adult industry looks for two things in a community before determining to open their business. First, an apathy toward existing adult material. And second, a legal system that has not exhibited a desire to deal with this issue until it becomes necessary.** Any action you take that fails to effectively regulate sexually-oriented businesses will not serve your community, it will only serve to increase the profits of those who seek to harm the community and further their own interests. (Bastin)

According to the US AGC, "organized crime families from Chicago, New York, New Jersey, and Florida control 85-90% of the films and videos that are produced... Few pornographers can operate in the United States independently without some involvement with organized crime."(US AGC 294, 301-302) According to Malpas, "Organized crime controls the product development, distribution and, normally, holds a stake in local adult establishments." Special Agent Kelly agreed,

In my opinion, based upon twenty-three years of experience in pornography and obscenity investigations and study, it is practically impossible to be in the retail end of the pornography industry without dealing in some fashion with organized crime either the Mafia or some other facet of non-Mafia never the less highly organized crime.  
(US AGC 294)

The US AGC explained.

The nature of the pornography business provides inviting opportunities for skimming on every level. There is often dishonesty among producers, wholesalers, distributors.

retailers, and others who attempt to cheat each other. The often "cash only" business creates immense opportunities to launder money received from other organized crime activity. (US AGC 289)

In an interview on the A&E Television Network, Mayor Rudolph Guiliani, of New York City stated, "wherever you have a flourishing established sex industry business, organized crime is going to be interested in infiltrating. It offers lots of opportunities to expand their other businesses." (Investigative Reports)

The Federal Bureau of Investigation reported that,

**organized crime involvement in pornography... is indeed significant, and there is an obvious national control directly and indirectly by organized crime figures of that industry in the United States. Few pornographers can operate in the United States independently without some involvement with organized crime. Only through a well coordinated all-out national effort from the investigative and persecuting forces can we ever hope to stem the tide of pornography. More importantly, the huge profits gathered by organized crime in this area and redirected to other lucrative forms of crime, such as narcotics and investment in legitimate business enterprises, are certainly cause for national concern, even if there is community apathy toward pornography.** (US Justice-Extent)

**"Left unchecked, organized crime, in a traditional sense, can suck the lifeblood out of a community.** Many times, their enterprises have been viewed as "service" oriented or victimless crimes. However, it tears at the moral fiber of society and through unbridled corruption, it can weaken the government." (US AGC 301)

Burruss added, **"When communities decided to fight back, it usually happens after porn businesses are well established. The fight for their removal will cost the community a tremendous amount of money in legal costs.**

## Sex-Oriented Businesses And Their Adverse Secondary Effects

After reviewing significant amounts information involving land-use studies from other cities and listening to several experts on the subject, **the CPC concluded that the presence of sex-oriented businesses decreases the value of land and, therefore, decreases the amount of tax revenue collected from the area where sex-oriented businesses exists**, and there is no reason to believe that this would not be true in Chattanooga and Hamilton County.

Burruss said, "After sex-oriented businesses become established:

1. **Crime goes up (prostitution, drug dealing, robbery, etc.);**
2. **Good businesses abandon the area because their customers go elsewhere;**
3. **Property values fall;**
4. **The tax base is eroded;**
5. **Law enforcement agencies lose revenue for their budgets; and**
6. **The community becomes a miserable wasteland."**

According the Chattanooga Regional CrimeFax, in Chattanooga during the first six months of 1996, domestic crime accounted for 30% of all crime. Reviewing sixteen Chattanooga zip code areas, the four zip codes with sex-oriented businesses experienced 27% of the total domestic violence crimes. **34% of all crimes in Chattanooga were committed in the same four zip coded areas. The most dangerous street in Chattanooga is Rossville Boulevard, which has the highest concentration of sex-oriented businesses in the community.**

(Sokohl)

Land-use studies that measure the impact of sex-oriented businesses were done in several cities. Each of these cities concluded that such businesses were responsible for an increase in crime and a decrease in property values:

**Garden Grove, CA (1981 - 1990).** On Garden Grove Blvd., seven adult businesses accounted for 36% of all crime in the area. In one case, a bar opened within 500 feet of an sex-oriented business and serious crime within 1,000 feet of that business rose 300% during the next year.

**Indianapolis, IN** (1986). Between 1978 - 1982, crime in study areas (68 sex-oriented businesses on 43 sites) was 46% higher than the city as a whole. Sex-related crimes were four times greater when sex-oriented businesses were located near residential areas versus commercial areas.

**Phoenix, AZ** (1978). Sex offenses, including indecent exposure, were 500% greater in neighborhoods with sex-oriented businesses. Excluding indecent exposure, the sex offenses were still 132% greater in these neighborhoods. Property crimes were 43% higher.

The land-use studies conducted by these cities listed above represent numerous studies that have been conducted over the past 15 years which link sex-oriented businesses to a lower quality of life for residents of the community in which the businesses operate. Because both state and federal courts recognize the very real presence of the "adverse secondary effects" associated with adult businesses, they have given cities the right to draft ordinances which closely regulate these businesses. (Burruss)

Burruss added, "land-use ordinances are the means to fight the establishment of adult or porn businesses. Communities that are "experiencing" the growth of porn businesses should do a land-use study to see how the establishment of such businesses has affected tax revenues."

According to Lt. Roy Glenn, **local municipalities such as East Ridge, Red Bank, and Soddy Daisy need to strengthen their zoning laws.** "There are no zoning regulations to prevent adult establishments from being anywhere in these small towns." (Glenn)

## Charting The Effects Of Sex-Oriented Businesses In A Community (Burruss)

### Sex Industry Establishes

#### Pornography

##### A. Legal Soft Core

1. Harmful To Minors
2. Child Molester Tools

##### B. Prosecutable

1. Degradation to Women
2. Rape & Sexual Violence
3. Organized Crime

#### Escort/Prostitution

Sexually Transmitted Diseases

Many Begin As Children

#### Strip Clubs

Organized Crime

Drugs

### End Results

1. Increased Crime
2. Decreased Property Values/Tax Base Eroded
3. Advocates Sexual Dysfunctional Attitudes  
(Voyeurism, addiction, exploitation & abuse of children and women.)
4. Health - Spread of Sexually Transmitted Diseases
5. Growth In Organized Crime Influence

### Countering The End Results

#### Educational Programs

1. Effects On Children
2. Addiction
3. Transmittable Diseases
4. Link To Child Sex Abuse
5. Sexual Violence

#### Law Enforcement

1. Increase Officers
2. Strengthen Laws
3. Sex Abuse Officer Training
4. Enact Ordinances

#### Business\Community Action

Responsible reporting of pornography at the scene of sex crimes.

## Establishing A Community Standard

Through strict enforcement and prosecution of Tennessee's Obscenity Law by Hamilton County's District Attorney, Hamilton County and Chattanooga can legally set standards for obscenity. The CPC recommends the allocation of resources necessary to train a Special Prosecutor in the proper pursuit of illegal activities related to vice in Hamilton County.

The single most important fact learned by the CPC is that **OBSCENITY IS NOT PROTECTED** by the First Amendment to the Constitution and the United States Supreme Court has upheld this as legal precedent.

The following opinions are considered the law of the land for the United States:

The question of whether obscenity is protected speech under the First Amendment first reached the Supreme Court in 1957 with the landmark case of *Roth vs. United States*. In his opinion for the majority, Justice William Brennan said, "this Court has always assumed that obscenity is not protected speech and press." Justice Brennan wrote,

All ideas having even the slightest redeeming social importance -- unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion -- have the full protection of the guarantees, unless excludable because they encroach upon the limited area of more important interests. But implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance. (US AGC 314)

Malpas, who has prosecuted 900 to 1,000 child sexual abuse cases, confirmed, "It is legal for a community to set standards on what can be sold. In 1973, the United States Supreme Court ruled that local communities may set the standard on what is obscene in a jury trial."

The principle that obscenity is excluded from the First Amendment protection was restated by the Court in *Miller v. California* in 1973. In *Miller*, Chief Justice Warren Burger wrote, "This much has been categorically settled by the Court, that obscene material is unprotected by the First Amendment." (U S AGC 314)

***Miller v. California* establishes the following three-prong test which a local jury uses to determine if material is obscene:**

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

**In *Miller*, the court also gave examples of the types of sexual conduct state statutes could define for regulation under the second prong of the test. They include:**

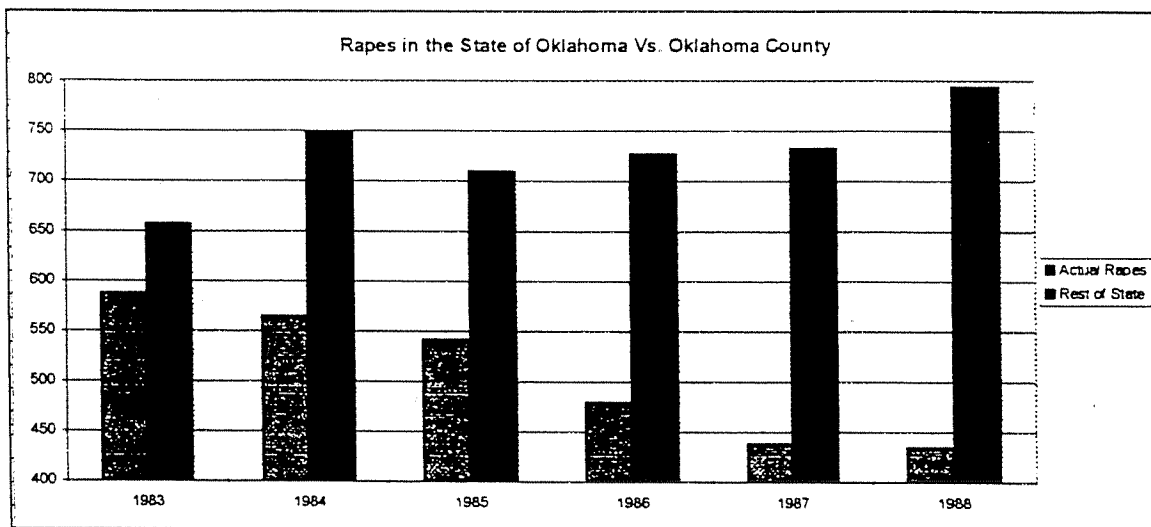
patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; and

patently offensive representations or discretion of masturbation, excretory functions, and lewd exhibition of the genitals.

The Supreme Court found in *Miller* that while First Amendment limitations on the powers of the states do not vary from community to community, there should be no fixed standards as to what appeals to the prurient interest or what is patently offensive. The Court said an attempt to ascertain a national community standard would be an "exercise in futility" and resolved that, "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." (US AGC 315-316)

## Results From Enforcement Of Obscenity Laws And Strict Zoning Regulations

Oklahoma City, OH, is one of the best examples of a community that strictly enforced obscenity laws during the late-1980s. As the results of this effort, Oklahoma County lowered the rape rate by 27% over a six-year period. From 1983 - 1989, the police and Oklahoma County District Attorney Robert H. Macy's office closed more than 150 sex-oriented businesses. While rape increased in the remainder of Oklahoma and the nation, reported rapes declined for six years in a row in Oklahoma County. (Oklahoma)



In a letter, District Attorney Robert H. Macy, stated:

In 1984, when we first discussed the issue of sex-oriented businesses as being a cause factor in rapes, frankly I was a skeptic. To me it was the old question, which came first the chicken or the egg? It was my belief that anyone that patronized these businesses was already sick. The enforcement of the 1984 Oklahoma State Law regarding the sale of obscene material has completely changed my opinion. Hard-core pornography acts on a person's mind in the same way as drugs. People who continually consume this material will in many cases eventually become involved in unacceptable sexual acts or behavior, including violence directed at women and children. Oklahoma County has enjoyed a steady decrease in the number of rapes, amounting to a total decrease of 27%. Not only is this a dramatic reduction in the number of women and children that experienced the

horrors of rape, it has also resulted in the freed up personnel and financial resources by reducing the number of rape trials conducted by my office. As long as I am District Attorney in Oklahoma County, you can be assured we will continue our policy of vigorous prosecution concerning violators of all Oklahoma Obscenity Law.

New York City, Mayor Guiliani agrees.

What's involved is crime reduction, economic development. This does not have anything to do with censorship. If people in some private way want to express themselves in different ways, that's not for me to decide. But, when they start expressing themselves in ways that destroy property values, increase crime, bring in organized crime, and start to destroy a city, then you have to have the discretion to do something about it.

## Law Enforcement Manpower Issues

**The one major problem area identified by the CPC was the lack of trained manpower in the Hamilton County Sheriff's Department and the Chattanooga Police Department. Additional manpower resources are also needed in the District Attorney's Office, particularly a Special Prosecutor who can receive specific training in the area of obscenity prosecution.**

The Chattanooga Police Department has just one officer who is responsible for criminal activities related to vice (prostitution, pornography, gambling, cults and deviant behavior). The Hamilton County Sheriff's Department and other smaller municipalities such as Red Bank, Soddy Daisy and East Ridge do not have **any** officers who are specifically trained and charged to monitor vice activities. Therefore, these departments rely solely on the Chattanooga Police Department in an advisory capacity.

According to Lt. Roy Glenn,

It usually takes one year to eighteen months of steady work to build a case. The vice department is spread thin, therefore the manpower issue is critical. Given the limited resources available at present, the Chattanooga Police Vice Department has exhibited excellent performance. For cases prosecuted, Chattanooga vice has a 97% conviction rate. The problem is that under Tennessee State Law, the District Attorney must give permission to issue a citation. This brings us to another problem, which is the lack of resources or staff to launch investigations. Unfortunately, vice is grossly understaffed. Four officers are needed for each section's enforcement areas including: prostitution, pornography, gambling, cults, and deviant behavior. Video slot machines will take in as much revenue as drug revenues. In Hamilton County alone, it is estimated that gambling activity takes in \$20 million dollars a year.

Lt. Glenn added, "The real danger is with local municipalities such as East Ridge, Red Bank, and Soddy Daisy and the Hamilton County Sheriff's Department, who have dedicated personnel, but need additional training in the vice enforcement area."

Bruce Taylor, President and Chief Counsel of the National Law Center for Children and Families, stated that, "Chattanooga should have at least two vice officers. **In most cities the size of Chattanooga, a sex crime or vice unit consists of six to eight officers.**"

### Other Areas Of Concern

"Tennessee has some good laws on obscenity, but most of its communities are not using the laws. Chattanooga has good ordinances that, if used, should shut most of the adult establishments down," according to Bruce Taylor, Executive Director of the National Law Center for Children and Families. Taylor added, "Tennessee needs to strengthen its law to make every violation for wholesaling a felony." Fines and penalties resulting from prosecution of such cases can be used to increase law enforcement efforts.

Taylor, who has prosecuted more obscenity cases than anyone in the history of our country, strongly recommends that Tennessee strengthen its stalking law. He commented, "It should be a stiff felony for any adult to contact a child for the solicitation of sex." The following is a "model" child stalking law provided by the National Law Center.

(a) Every person who knowingly contacts or communicates with, or attempts to contact or communicate with, any minor person under the age of eighteen years, with knowledge or reason to know said person is a minor, for the purpose of or with intent to engage in any unlawful act upon or with any minor, including child or sexual abuse, child pornography, a crime of violence or theft, any unlawful interference with custody or control over a minor, or any other act for which any person can be charged with a criminal offense under a state or federal law, is guilty of a felony and upon conviction shall be fined not more than \$25,000 or imprisoned for not more than 10 years, or both.

(b) As used in this section, "contacts or communicates with" shall include direct and indirect contact or communication, by any means, including in person or through an agent or agency, and includes the use of any print medium, the mails, a common carrier or communication common carrier, any electronic communications system, any telecommunications, wire, computer, or radio communications device or system.

The CPC also discovered that Tennessee's State Law against obscenity contains a "reverse severance clause," which puts Tennessee counties in danger of having no obscenity law at all. It is strongly recommended that the Tennessee State Legislature remove this clause.

Given the dangers of child sexual abuse in Tennessee, every effort should be made to prevent the sale and distribution of pornography to minors. Such activity should be considered a felony in Tennessee. Most importantly, any person in authority or adult who uses pornography to solicit sex from a minor should be charged with a felony.

## COMMUNITY PROTECTION COMMITTEE CONCLUSION

All members of the Community Protection Committee cherish the individual freedoms granted to everyone in this country by the United States Constitution. We unanimously agree that we recommend additional police and additional laws not for the purpose of restricting individual freedom. But, one person's perception of absolute freedom cannot infringe on another individual's inalienable rights, which include life, liberty, pursuit of happiness, property, and the freedom from fear. We believe that the recommendations in this report are reasonable and balance the rights of the few with the good of the many.

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\*\* Information provided by the National Law Center for Children and Families.