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Let Them Eat Porn



I'd like to examine Bush obscenity policy, both in terms of the rhetoric used to justify it and the extension of the normative "family values" sexual project it supports. This is more than a mere abstract topic; there are actual people sitting in federal prisons right now because conservative law enforcers found the graphic depictions of sex they sold online "corrosive to society."

Whitney Strub



The Bush Administration's Marie Antoinettelike qualities have hardly gone unrecognized. While his constituency votes itself further and further away from any viable dream of affordable health care or economic security, the Republican mantra seems to be "let them eat social policy." And indeed, on this level conservatives are well fed, gorging on a steady diet of abstinence-only education, heterosexual marriage, intelligent design, and the incremental erosion of abortion rights.

The mass media have not been silent on these topics. But another delicacy served up by the Bush Justice Department to the President's conservative base is an entire buffet of obscenity prosecutions, most of which

receive marginal media coverage at best. The Department of Justice (DOJ) itself seems to prefer it this way, treating its spate of recent adult obscenity cases more or less like Smerdyakov, the bastard Karamozov whom etiquette deemed best left unmentioned. And for good reason: not only might a large chunk of the American public wonder where the President managed to find funds to increase the budget of the DOJ's adult-obscenity prosecution efforts while the federal coffers are depleted by an ongoing war, steady hand-outs to the wealthy, and austerity regarding apparently more trivial areas such as education, but also there's no need to publicize obscenity endeavors; conservative watchdog groups miss nothing, and so the message

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goes out to the base without ever needing to raise the eyebrows of those Americans for whom sexuality extends beyond maritally-sanctioned procreation.

In this essay, I'd like to examine Bush obscenity policy, both in terms of the rhetoric used to justify it and the extension of the normative "family values" sexual project it supports. This is more than a mere abstract topic; there are actual people sitting in federal prisons right now because conservative law enforcers found the graphic depictions of sex they sold online "corrosive to society." And if the producers of films such as Rape and Sodomize fail to generate much personal sympathy, it would be well to keep in mind that Jose Padilla, currently held in unconstitutional imprisonment in South Carolina, is also no saint. Civil libertarians rally to his cause not because they like the guy, but because due process of law is due process of law. Likewise, freedom of speech applies not just to courageous political dissidents from Emma Goldman to Philip Foner, but also to vile hatemongers from the Aryan Brotherhood to Michael Savage. And to coprophilia-porn merchants like Michael and Sharon Corbett. Or at least, it did until the smuthounds came knocking.

The Permanent Culture-War Economy

A simple glance reveals that pornography is currently thriving in America. It's been featured in a Showtime reality show and a dramatic series on Fox. Traci Lords has established a successful mainstream acting career, Ron Jeremy has reinvented himself as a loveable pop-culture icon, and Jenna Jameson has institutionalized herself as an industry, even drawing as co-author of her autobiography the guy who performed the same duty for such hallowed artists as Motley Crue and Marilyn Manson. Not one but two members of the porn industry ran for governor of California during the wild recall election of 2003, and both finished among the top 10. In the legal arena, porn also seems to be holding its own. Both the 1996 Communications Decency Act and the misleadingly named 1998 Child Online Protection Act were struck down by the Supreme Court. A federal district judge in Pennsylvania threw out the government's case against California-based Extreme Associates in early 2005, and as recently as September 2005 a Kansas county judge dismissed obscenity charges against the Lion's Den Adult Superstore in Abilene.

All of this gives conservatives much to rail against—they've got moral decay, the corruption of children, and activist judges to complain about, among other things. And as Tom Frank notes in his recent What's the Matter with Kansas, losing cultural battles often serves the interest of conservative leaders; it amplifies the outrage of their constituents, where an actual victory might dissipate that passion (i.e., if all gay people vanished tomorrow as the Rev. Fred Phelps would like, what would happen to his homophobic platform?). But Frank's model seems most relevant when conservatives are not in total power; when they control the executive, legislative and judicial

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branches of the government, as they now do, their supporters demand results. It is here that the Bush DOJ is feeding its base. Though Bush may wear a Roman helmet in Doonesbury, he's more like Caligula in reverse: not reveling in debauchery, but stomping out depravity; not feeding Christians to lions, but rather pornographers to Christians.

It all began slowly. When John Ashcroft appointed Andrew Oosterbaan chief of the DOJ Criminal Division's Child Exploitation and Obscenity Section (created after the 1986 Meese Commission report in order to perpetuate the conflation of obscenity and child abuse) in November 2001, Morality in Media expressed disappointment; Oosterbaan was, after all, a holdover from the Clinton Administration. When he persisted in following the Clinton-era pattern of prosecuting child-porn cases but allowing free rein to purveyors of material featuring and intended for adults, Oosterbaan incurred the wrath of the religious right, which hungered for a revival of the adult-obscenity cases that followed the Reagan-era Meese Commission and left porn-industry leaders shaken, with VCA's head sentenced to nine months in Alabama and Vivid's co-founders convicted of distributing obscenity in Mississippi in the late 1980s.

One problem existed: the 1990s had witnessed such a mainstreaming of porn that it's impossible to imagine Vivid (home of the ubiquitous Jenna Jameson) ever suffering a repeat conviction. So the DOJ tried to appease the religious right with the only victories it could win. Michael and Sharon Corbett, a West Virginia couple who ran the website girlspooing.com, were one easy target; charged with distribution of obscenity in March 2003 and facing up to twenty years in prison, the Corbetts pleaded guilty and received 18 and 13 months in federal prison, respectively. Also sentenced to 13 months was Joseph Tanner, the site's webmaster.

The religious right welcomed the charges; "The only 'community standards' where this stuff might be acceptable is Hell," declared the Concerned Women for America. But as insatiable as a Marilyn Chambers character, the Concerned Women found the imprisonment of the Corbetts acceptable only as a start; "Come on DOJ," the CWA egged, "Go after the big guys." President Bush tried to feed anti-porn activists with rhetoric in October 2003, declaring "Protection from Pornography Week," but to no avail. Their hunger only whetted by the Corbetts, conservatives demanded more bodies in prison. But neither the Pennsylvania indictment of the owners of Extreme Associates, which specializes in rape-porn and other unpleasantries, nor the Texas conviction of Garry and Tamara Ragsdale, distributors of the Brutally Raped series, would suffice; a lengthy article in Focus on the Family's December 2003 issue of its Citizen magazine condemned John Ashcroft for failing to pursue adult obscenity cases with sufficient gusto and singled out Andrew Oosterbaan as "the source of that timidity."

Though it's hardly necessary to substantiate a claim that the Bush administration is beholden to the religious right, its behavior at this juncture was telling. As dissatisfaction from the religious right intensified in



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volume, an outbreak of HIV in the California-based porn industry made media headlines. Though the outbreak occurred on the straight side of the industry, media reports frequently referenced the fact that the majority of porn-related HIV occurred in gay porn. This information offered Bush a perfect opportunity to wax moralistic about both porn and that favorite conservative scapegoat, homosexuality—perfect except for one thing: the media had already framed the crisis as one of workplace safety in the form of condom use, simply taking for granted the existence of porn production. A condemnation of the industry would place Bush alongside safe sex advocates, so—like Reagan before him when faced with the AIDS crisis—Bush said nothing. Instead, the DOJ quietly appointed Bruce Taylor “senior counsel” in February 2004, the same month Bush asked for more money to fight obscenity while slashing government programs elsewhere. This, finally, subdued the clamor of the religious right; Taylor has a long history of working with so-called “pro-family” groups, and Concerned Women for America declared itself “especially pleased” by his DOJ appointment.

With Taylor in place, the DOJ began a virtual round-up of the fringe-porn community. Soon after Garry and Tamara Ragsdale were sentenced to 33 and 30 months imprisonment in early 2004, the DOJ indicted three more Texas rape-porn distributors. In November 2004, Harold Foote Hoffman of Nitro, West Virginia was sentenced to 18 months in prison on obscenity charges involving what the DOJ called “depictions of sexual acts involving defecation and sexual acts involving bestiality.” That same month Ohio couple Ronald and Alina Urbassik were sentenced to 12 and 4 months for selling similar material. All of these parties faced much lengthier sentences and thus pleaded guilty to mitigate the extremity of their punishment in the face of near-certain conviction in their conservative locations, even though the Urbassiks had been running their business since 1990.

Despite this winning streak for the DOJ, when another case actually went to trial the results proved disappointing for conservatives. California-based Extreme Associates had its ten-count indictment dismissed in a Pennsylvania federal court in early 2005. The message to the DOJ? Simple: keep going after small fries in out-of-the-way locations; they’re more likely to lack recourse to expensive lawyers and also easier to convict. So, voila: the summer of 2005 saw two Montana men plead guilty for selling porn involving rape, feces and animals. Thomas Lambert was sentenced in June to 30 months and a \$35,000 fine.

Night of the Living Dead at the Rhetorical Graveyard

There are, of course, numerous grounds upon which one might object to pornography involving rape, feces or animals without invoking obscenity charges. Rape porn, although performed by paid and consenting parties, could be accused of fostering an ideological climate of violence against women; the use of bodily waste products raises questions about workplace safety from disease; and the possibility of animal abuse in films like *In Need*

of Dog (by West Virginian Hoffman) merits inquiry. The DOJ, unsurprisingly, pursues none of these trains of thought. Instead, its burgeoning war on porn is framed, part and parcel, as part of the normative sexual project the New Right has been trying to impose on American society ever since the Republican party first identified the political capital of sexual moralism in the 1970s battles over feminism, abortion, the Equal Rights Amendment and gay rights.

Thus we hear tired old tropes of non-prudery to legitimize prosecution. When future Savings and Loans swindler Charles Keating organized Citizens for Decent Literature in the 1960s, publicity material touted him as “no humorless puritan or hot-eyed reformer,” although branches of his group went on to force *Catcher in the Rye* out of school libraries. Likewise, while prosecuting *Deep Throat* star Harry Reems on extremely tenuous conspiracy charges regarding the film’s distribution, Memphis prosecutor Larry Parrish spoke dismissively of “Victorian prudery” in 1976. Now we have West Virginia U.S. Attorney Kasey Warner, who told the *Charleston Daily Mail*, “It’s not that there are a bunch of prudes in this office or the administration,” even citing his own 20-year subscription to *Playboy*. Apparently airbrushed pictures of bland co-eds fail to violate the conservative sense of propriety as much as the sexual deployment of defecation, but none of these pseudo-nonprudes have ever explained why they take such an interest in the sex-related transactions of informed and consenting adults.

Warner is also quoted in a June 2004 *Hustler* article as comparing pornography to “cancer, a highly contagious disease, a rabid dog, terrorism, or a weapon of mass destruction.” Though Warner declines to explain his ludicrous analogy, it’s clear what these otherwise unrelated topics share: they’re all bad. And scary. It’s also clear what they fail to share with porn: the volition of those affected. Cancer and WMD (when they actually exist) tend to affect unwilling parties, whereas a site like *girlspooing.com* tends to affect those who seek it out by typing its address into their web browsers. To cover for that rather obvious fact, Warner and other DOJ spokesmen invoke “the coarsening of society”—vague claims that are more difficult to directly challenge, since they have no substantive content. The DOJ’s case against *Extreme Associates* was based on “shared views of public morality,” while Acting Assistant Attorney General John Richter’s speech at the Summit on Pornography in May 2005 reiterated Warner’s argument in less outlandish terms. “One common thread in all we handle is that all crimes involve victims,” Richter explained; “Sometimes the victim is society as a whole.”

Of course, society as a whole never matters much to the Bush administration when it comes to things like welfare, health care and education, but perhaps Richter simply lifted his speech



from some Nixon-era speech before him; he also, after all, made the bizarrely obsolete claim that “Today, you don’t have to drive down the dark back alleys of a big-city to find hard-core pornography,” inexplicably overlooking the fact that, since the advent of home video in the late 1970s, you haven’t had to go beyond the walled-off backroom of your friendly local video store. Given that the Concerned Women for America



approvingly quote another DOJ official offering the similarly retrograde and utterly unproven assertion that porn can cause some viewers to commit “degrading, and sometimes violent, sexual offenses against others,” one begins to wonder which decade these people believe it to be. Of course, given that commonplace practices such as oral sex and light s/m constitute “degrading” and “violent” behavior to the religious right, it’s also likely that these claims are spoken in a sort of code, like Bush’s smirking and clumsy assertion that he’d never support a Supreme Court Justice who favored the Dred Scott decision during the 2004 presidential debates. Ordinary viewers probably scratched their heads and wondered who—besides possibly Antonin Scalia—would support an 1857 decision rejecting the legal personhood of African Americans, while prolife factions, who regularly compare the 1973 Roe v. Wade decision to Dred Scott, knew what he meant. So while mainstream Americans might oppose degrading and violent sexual behavior, they might not realize it’s referring to their own practices. All the backward-looking rhetoric, meanwhile, appeals to the idyllic past of “family values” that has never once represented the typical American experience yet continues to dominate GOP discourse.

Conclusion: Who Cares?

That being said, not all that many Americans are probably into rape simulation, scat, or bestiality, and it’s likely a majority would have no problem banning such behavior and its depiction entirely. So why should we care if a few perverts from the boondocks are locked up in the name of decency?

The first reason is simple freedom of speech. It’s not a freedom if it applies only to those who say nice and acceptable things. Sexuality has always been seen as something “other” in the realm of speech, distinct from political or religious material. But as Supreme Court Justice Hugo Black once wrote of the First Amendment, “I read ‘no law . . . abridging’ to mean no law abridging.” If Nazis, flag-burners, and even the wretched Jerry Bruckheimer have the right to foist their wares into the marketplace of ideas, then so do

crude and uncouth men and women filming willing participants using their waste products in unsavory ways.

A second reason to oppose the current anti-porn crusade is that it diverts DOJ resources from the pursuit of child pornographers, who have actual victims. The religious right seems curiously uninterested in child porn; Focus on the Family complained that "child porn is a higher priority" than adult obscenity in its critique of Ashcroft; as the group explains, child porn is "unspeakably evil. Yet more children are harmed each day in the United States by adult pornography than by child porn." This is indisputably true, as long as one is willing to equate a youngster coming across some dirty pictures on the internet with a child having his or her sexual abuse filmed in defining "harm." Concerned Women for America explains that "pedophiles commonly use adult obscenity to seduce children." This is probably true, though one is unlikely to hear CWA condemn the religious conventions priests have often exploited to victimize children and maintain their silence; in both cases, the crime is the molestation, not the peripheral details. Video games, beer and expensive gifts often fulfill the same function, and child abuse preceded all of these, as well. Regardless of what the fanatics assert, child-porn has victims; shit-porn does not.

But the final reason the DOJ crackdown should generate concern is that it's only the start. Academic frameworks from world-systems theory to poststructuralism emphasize the importance of margins and peripheries, and this is a case study in point. New Attorney General Alberto Gonzales may be less prudish than John Ashcroft (he finally removed the drapes from the bare-breasted "Spirit of Liberty" statue at the DOJ's Great Hall after 3 ½ years of Ashcroftian concealment), but he minced no words in declaring the DOJ "strongly committed to the investigation and prosecution of adult obscenity cases." While the feds have yet to move beyond the realm of fringe-porn, with true believers like Bruce Taylor at the helm it's only a matter of time before prosecutors begin their march toward the mainstream. What will be next: non-sexual bondage videos? Gay group-sex films? Depictions of anal sex? Money shots? It's anyone's guess at this juncture, but one thing remains certain: the Bush administration may not be able to regulate our bodies to the extent it would like, but it's doing its best to set up roadblocks on the pathway to sexual freedom—starting with the unpaved backroads, perhaps, but with both eyes locked on the entire information highway.

This is [Whitney Strub's](#) first contribution to Bad Subjects.

Images of Bush as nude celebrity women, circulated over the Internet around the 2000 election, credited to www.degraeve.com .

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