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#### DESERET NEWS

P. O. BOX 2220, SALT LAKE CITY, UTAH 84110

PHONE (801) 237-2188

WENDELL J. ASHTON
PUBLISHER

March 15, 1983

Faith Ryan Whittlesey Assistant to the President for Public Liaison The White House Washington, D. C. 20500

Dear Ms. Whittlesey:

Thank you very much for your letter of March 10, 1983, inviting me to participate in a discussion with President Reagan regarding the growing problem of pornography, on Monday, March 28, 1983, at 2:30 p.m. in the White House.

I am honored, and plan to attend.

Thank you so much.

Sincerely,

Wender History

/dhs



#### national religious broadcasters

CN 1926 Morristown, New Jersey 07960 (201) 575-4000 Ben Armstrong, Ph.D., Executive Director

March 17, 1983

Ms. Faith Ryan Whittlesey Assistant to the President for Public Liaison The White House Washington, D. C. 20500

Dear Faith,

Thank you for your good letter of March 10. I will gladly accept your invitation to be with the President on Monday, March 28, 1983, at 2:30 p.m. in the Cabinet Room.

It will be a joy to continue the discussion we had at the White House on July 27 on the subject of the growing pornographic problem.

I was born on October 18, 1923; my Social Security number is 134-14-0976. I will enter through the White House Northwest Gate by 2:15 p.m. as suggested.

Cordially yours,

Ben Armstrong Executive Director

BA:es

cc: Carolyn Sundseth

Lile Pornography

### United States Senate

WASHINGTON, D.C. 20510

November 23, 1983

JOYCE:

POTUS should be signing this bill in the coming days but I wanted you all to have this information so that you can be sure to let your pornography group know about this action.

Also, Morton might want to keep in touch with FCC re: implementation of these regulations.

As you will note, the Senate took up the House-passed FCC authorization bill which already included the anti-dial-a-porn language. It passed in the last hours of Congress (rather insignificantly I might add) by voice yote

Let me know if you need any more information -- I have a truck load.

Miss you guys.

Gina

(TIIIA



## United States Senate

WASHINGTON, D.C. 20510

November 17, 1983

MEMORANDUM FOR SENATOR PAUL TRIBLE

FROM:

GINA BESSEY

SUBJECT:

DIAL-A-PORN AMENDMENT TO FCC AUTHORIZATION

The amendment that you will be offering to S. 607 will amend Section 223 of the Communications Act of 1934 (47 U.S.C. 223) to limit the dial-a-porn industry by:

- -- Raising the fine for prohibited telephone calls from \$500 to \$50,000.
- -- Clarifying that present law applies to all prohibited utterings -- regardless of who places the call -- when the hearer is under 18.
- -- Allowing the FCC to assess civil fines of up to \$50,000 per diem if the deemed violation is for commercial purposes; and,
- -- Allowing FCC or Justice to seek court injunction to prevent further violations of Section 223 of Communications Act of 1934.
- -- Requiring the FCC to act on all pending complaints within 90 days after enactment.

#### The amendment would not:

- -- Alter current judicial, legislative, or administrative obscenity standards.
- -- Change present law which exempts the common carrier from liability unless they are the party offering the "service."



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

Vol. 129

WASHINGTON, FRIDAY, NOVEMBER 18, 1983

No. 161-Part II

# Senate

Mr. TRIBLE. Mr. President, I am pleased that the amendment proposed by my colleague in the House, Congressman Blilley, and myself to the Federal Communications Commission Authorization Act which legislatively prohibits the activities of dial-a-porn and similar services has been accepted. This amendment was cosponsored by my colleagues, Senators Warner, Denton, Jepsen, Hawkins, and Nickles.

Dial-a-porn is a pornographic tape operated by High Society Life, a hard-core pornographic magazine in New York. This service receives as many as 500,000 calls a day, 20 percent of which are interstate calls. It nets an average of \$10,000 daily for the company—substantially more than its income from magazine sales. For the company, this service has become a multimillion dollar a year industry.

Because of the nationwide advertising of this number and its dissemination in the schools, minor children have been exposed to the offensive and damaging messages. This problem has become a national nuisance—one which this Congress must address. Our children are our most important national resource, and we must not shirk our duty to protect them from those who would exploit them and expose them to pornographic materials.

Recently the Supreme Court has acted to protect our children in two cases where substantial first amendment questions were raised by the defendants.

In Federal Communications Commission v. Pacifica Foundation (438 U.S. 726, 98 S.Ct. 3026, 57 L.Ed.2d 1073) (1978) the Supreme Court determined that certain "dirty words" were indecent and could be prohibited during certain hours from broadcast on radio without violating the first amendment. The Court, speaking through Justice Stevens, noted that radio broadcasting is "uniquely accessible to children" and that "the government's interest in the 'well-being of its youth' and in supporting 'parents' claim to authority in their own household' justified the regulation of otherwise protected expression." (438 U.S. at 749.) Justice Stevens concluded: "The ease with which children may obtain access to broadcast material \* \* \* amply justif(ies) special treatment for indecent broadcasting." (Id)

Last year, in New York v. Farber (—U.S.—, 102 S.Ct. 3348, —L.Ed.2d—) (1982) the Supreme Court determined that pornographic publications which exploit children, even when not legally obscene, can be prohibited. Justice White wrote for the Court that "we have sustained legislation aimed at protecting the physical and emotional well-being of youth even when the laws have operated in the sensitive area of constitutionally-protected rights." (102 S.Ct. at 3354.) The Court concluded: "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance." (Id at 3355.)

The dial-a-porn situation is not identical to either of these cases. However, the basic principle in all three situations is identifical: that government has an overriding responsibility to protect innocent children, and this responsibility extends to cases where first amendment issues are raised.

The Communications Act of 1934 currently focuses on protection for the innocent victim of the offensive telephone calls. Since the dial-a-porn number is relatively novel, there is some question as to whether the utterer of the speech which violates the act must be the originator of the call. In coordination with Congressman

ment of Justice to seek proper remedies. Congressman BLILEY and I have determined that the only solution is to propose clarifying language to the act. The language that has been included in the FCC authorization was agreed to by Congressman BLILEY and myself with the assistance of the Office of the General Counsel at the FCC and the members and staffs of the House Telecommunications Subcommittee and the House Judiciary Committee.

Specifically, the language would: raise the fine for obscene telephone messages from \$500 to \$50,000; clarify that the Communications Act does apply to the dial-a-service industry (regardless of who places the call); permit the FCC to asess a civil fine of up to \$50,000 per day if the violation is for commercial purposes; allow the FCC or the Department of Justice to seek a court injunction to prevent further violations of section 223 of the Communications Act; and require the FCC to act on all pending complaints within 90 days after enactment of this provision.

Finally, I wish to clarify two points relating to this amendment.

Representatives of the Bell Operating Companies have expressed concern about being prosecuted under this amendment. I have studied this matter carefully and I do not believe that this would be the case. This amendment requires that the dependant knowingly makes or allows to be

BLILEY and others, I have sought to made a communication which violates work with the FCC and the Depart- section 223 of the Communications Act. All common carriers are prohibited from listening to, or affecting the content of the telephone conversations; therefore the knowingly element will never be met by any common carrier which is obeying the law and the FCC regulations.

For the RECORD, I wish to make perfectly clear that it is not the intent of Congress that a common carrier be prosecuted under this amendment when it is otherwise abiding by the

law and FCC regulations and when the telephone calls which are found to violate section 223 are at the initiative of a party which has no financial or other relationship with the common carrier other than that of carrier-customer.

Also, I wish to clarify that the term for commercial purposes" in this amendment does not require that the party alleged to be in violation of section 223 be receiving a direct profit from the calls; rather, calls which promote, advertise, or publicize a product, a service, or other commercial activity would meet this broad "for commercial purposes" test.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the

bill. The bill (H.R. 2755) was ordered to a third reading, was read the third time, and passed.

# AREA/STATE

Richmond Times-Dispatch

Comics / Entertainment / Obituaries / TV

Monday, April 18, 1983

# Men's magazine message has touched some parents

By Bonnie V. Winston Times-Dispatch staff writer

Maureen Heck of Richmond didn't know until her phone bill arrived recently that her 11-year-old child was calling a New York number that featured a sexually explicit, taped message.

Her child, an elementary school pupil, got the number from a young friend who said "he could cail and listen to funny noises," Mrs. Heck said. "My child didn't understand the message, so he called again."

With her discovery, Mrs. Heck joined a growing number of parents across the country who were shocked to find their children calling the number of the controversial promotion gimmick of High Society, a "men's magazine" featuring nude women.

Meanwhile, as objections multiply, state and federal regulatory agencies say use of the number is legal and they can nothing do about the messages.

In the recording, a woman's voice says on what page she communications experts, not legal experts."

can be seen in the current issue, then talks explicitly of

Sometimes, the recording ends with the numbers of two other, similar recordings that also are part of the promotional effort. All three change daily.

Since making her discovery, Mrs. Heck has complained to the FBI, the State Corporation Commission, the state attorney general's office and Del. Franklin P. Hall, her representative.

G. Richard Wainwright, Chesapeake and Potomac Telephone Co. district manager, says C&P has had "more than the usual number of complaints from parents who've suddenly found this number on the bill.

"Unless some legal authority determines that it is an illegal operation and shuts it down, there is nothing we can do. It is not up to us to determine what is legal and illegal. We must provide telephone service to everyone. We are

Wainwright cited the definition of an obscene phone various sexual acts for the remainder of the one-minute call, outlined on page 18 of the Richmond phone directory. He said the law covers calls to unwilling parties, not calls willingly made to hear obscenities.

> And, in a recent three-paragraph news release, C&P reminded users that the call is billed like any other longdistance call.

> Anne Lawman, an SCC utility service representative, says she was told more than 7 million calls were made to the number in its first week.

> She has begun a file of complaints about the number, which she said has been circulated at Scout meetings and

> "One lady had to discontinue her telephone service because she couldn't control her teen-agers calling the number while she was at work," Mrs. Lawman said. "She had 39 calls billed to that number in one month. Of course, the telephone company is cleaning up on it."

(The cost of a call from Richmond to the New York

recording is 58 cents per minute at daytime rates, 34 cents at evening rates and 23 cents at night and weekend rates.)

Mrs. Lawman added that the SCC has no jurisdiction to act against the magazine.

Like the SCC, Michael Clendenin, assistant vice president of New York Telephone Co., said there is nothing his firm can do.

"We are literally in the middle of it, until some court decides. Right now, we are in very murky First Amendment areas," he said.

The messages began Feb. 1, he explained, after High Society won some Dial-It numbers in a public lottery held by the New York Public Service Commission.

The lottery was held after American Telephone & Telegraph Co, had to divest itself of certain holdings, including the Dial-It network of "976" numbers that can handle about a half-million or more calls daily.

Other Dial-It numbers deliver sports information,

Continued on page 3, col. 2

# Water report draws fire in New Kent

By Overton McGehee Times Dispatch state staff

LANEXA - The Peninsula's cold war fight over water may soon go underground



Jackson plans 7-state campaign to register blacks

speech, he urged blacks to register to vote, run for office and be willing to have lofty goals. He told young people, "Don't put dope in your veins. Put hope in your brains."

# 3 Virginians die in accidents

Three Virginians were killed recently in road accidents, state police

Otoniel Dejesus, 31, of Fort Belvoir died at 10:45 p.m. Friday at Mount Vernon Hospital in Alexandria, 45 minutes after the car he was driving was involved in a collision on U.S. 1 in Fairfax County, about eight miles south of the Alexandria line.

Eugene Breeding, 57, of Davenport was struck and killed by a hit-and-run driver at 11:40 p.m. Friday on state Route 80 near Davenport. State police said Breeding was walking on the side of the road when hit.

James Eugene Darnell, 17, of Fort Blackmore died at 6:20 p.m. Saturday at the scene of an accident on state Route 65, 21/2 miles east of Clinchport in Scott County. Authorities said hewas a passenger in a pickup truck that ran off the road on a curve and overturned.

With these deaths, 199 people have been killed on Virginia highways this year. Last year at this time, 184 had been killed.

### U.Va. survives without Easters

Continued from first page

other schools gathered for parties.

Attendance there was sparse Friday, in part because the field was covered with mud from recent rain.

Other events included dances and administratively approved fraternity parties. Police called those "nothing out of the ordinary."

Only a few problems were reported at Saturday's concert. Police made several drunken-driving arrests and

licer and amount on aumorizing dilli trilli 3 the tirret a and a pent the finish \$43.2 million for investigations by congressional committees.

Rep. J. Kenneth Robinson, R-7th, was among only 54 voting March 2 against the math and science act, to high unemployment in their districts. But Olin voted against the amendment, along with conservatives Herbert H. Bateman, R-1st; Thomas J. Bliley Jr., R-3rd; Dan Dan-

from the freeze resolution.

Boucher and Olin were the only Virginians supporting the nuclear freeze resolution that the House approved March 16.

# Message touches parents

Continued from first page

weather, horoscopes and prayers.

High Society's Dial-It use, however, has prompted Suffolk County, N.Y., to sue the magazine, its publisher, New York Telephone and the Federal Communications Commission, and to file a formal complaint with the FCC and the New York PSC.

Martin Ashare, chief deputy of the Suffolk attorney's office, said he hopes the FCC will take jurisdiction. He said he has gotten complaints from parents in Louisiana, California, Wisconsin and Kentucky.

"Our claim is because this equipment can handle 5,600 calls per minute on sophisticated technology and it's available to children, that makes it different," Ashare said. "I am no prude, but this is not right."

"You can control magazines like Playboy and other printed material. You can control who buys them from a drugstore," said Gay Ludington, a

staff attorney with the FCC enforcement division. "But kids can just pick up the phone. ...

"The only thing is, parents have to control their kids better. Even if the telephone number is printed only in the magazine, kids can Xerox the heck out of the magazine or pass it around."

She said her office also has handled complaints, including those from Rep. Thomas J. Bliley Jr., R-3rd, and other congressmen.

Meanwhile, Lou Montesano, editor of High Society, responds, "We can't control who people give the number to. The only place we know the numbers are attainable is in the magazine itself."

The magazine, which he said is sold mostly at newsstands, can be bought only by those over 18. "People have called in to get the numbers and we don't even give them out over the phone. We can't be sure the person

calling is over 18."

Though the messages advertise the magazine, he conceded that he can't say if they have boosted its monthly circulation of 400,000 to 500,000.

He said he knows about parents' complaints from reporters. But in spite of the complaints, "we will continue this service," he said, adding that the magazine considers the recordings "adult entertainment, not pornography."

If children continue to circulate the numbers, it should be "dealt with between parent and child," Montesano said. "I don't feel it's any different than a child listening to music or television programs that a parent doesn't approve of."

# Body of fisherman found

#### Times-Dispatch state staff

MATHEWS — The body of Thomas E. Maddox, 30, presumed drowned when he didn't return home from a fishing trip last month, was recovered yesterday afternoon near Minters Point on Mobjack Bay, Deputy Sheriff Mark Barrick said.

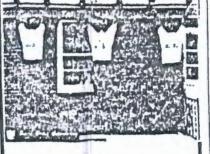
Maddox and his two stepsons, Grant Hackett, 20, and Ralph llackett, 23, went on a fishing trip March 26 in a small aluminum boat. They were reported missing the next day, sparking a search by the Coast Guard.

the Mathews Sheriff's Department and rescue squads. The boat was found overturned the next day.

The Hacketts' bodies were found last Monday on Mobjack Bay. All the bodies have been sent to the state medical examiner's office for

Barrick said Maddox, who rented a home in Mathews, worked at the Yorktown Naval Weapons Station. He said the other two men also were with the Navy but did not know their positions.

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## New York Tribune

2B / THURSDAY, SEPTEMBER 29, 1983

### HOWARD HURWITZ

# Parents in Utah sue N.Y. Telephone for its Dial-a Porn service

a Bell has reason to hang her head in shame. One of her offspring has become a pimp. How else would you describe the New York Telephone Co., a Ma Bell subsidiary, which is reaping \$50,000 a day from Diala-Porn, the most popular of its 44 dial-it numbers?

Linked with N.Y. Tel in a pornographic embrace is High Society, a skin magazine. High Society has been salivating over a \$10,000-a-day income from the turds it has whipped into a national diet for juveniles, the near-deprayed and the deprayed.

diet for juveniles, the neardepraved and the depraved.

N.Y. Tel is pandering a 30second telephone message
(changed four times daily) that is
being dialed 500,000 times a day.
The number can be reached from
anywhere in the nation, 24 hours a
day, seven days a week. All can hear
a female voice "depicting,
describing and narrating actual or
simulated sexual conduct and sexual excitement." (This quote was
taken from a complaint filed in a
Salt Lake county district court by a
group of parents.)

Why are Utah parents suing N.Y. Tel, Mountain Bell, High Society and the assorted John Does and Jane Does responsible for the scummy scripts and tumescent acting that have transformed telephone wires into sewers?

The parents complain that their children are making long-distance calls to Dial-a-Porn "without [the] Plaintiffs' knowledge and consent." Apart from recovery for skyrocketing phone bills, the parents seek \$1 million because of the defendants' "intentional, willful, malicious, reckless and outrageous" conduct. They allege that the "injured minor children or some of them will require extensive mental health therapy for various undetermined periods of time."

Lest anyone surmise that the parents' moral position will be undermined by an easy buck, the parents have agreed to place any award in a controlled fund to further the aims of Family Alert. The Utah-based group sponsoring the complaint has raised funds for the legal action from parents in 30 states.

The Utah experience is being

replicated nationwide. The Dial-a-Porn number is inscribed in school toilets. It is dialed by schoolchildren, government office workers, employees in private industry and others. Employers no longer wonder why their long-distance phone bills have soared. If Ma Bell had no conscience she would rejoice.

Dial-a-Porn' has not gone unnoticed in New York, the land of its birth. Last spring Suffolk County Executive Peter Cohalan asked the Federal Communications Commission to shut down the phone service because it was "obscene" and available to children.

The FCC replied that obscene phone calls were a criminal matter and should be prosecuted by the Department of Justice. The DOJ and the FCC have played pass-the-buck for six months. They merit the "plague on both your houses" evoked in another context.

Congress is now in the act as an outcome of an amendment to the FCC's \$91.2 million budget authorization for next year. The amendment authorizes federal regulators to impose civil fines of up to \$50,000 a day for operators of obscene Dial-a-Porn telephone services. The amendment was approved in the House Energy and Commerce committee by a 39-2 vote. It remains for the House and then the Senate to move the bill to the president's desk.

It is in the public interest for Congress, courts or an executive agency to stun N.Y. Tel and the skin outfit with a prodigious fine. I would add imprisonment for those responsible for Dial-a-Porn. The U.S. Code provides for jailing obscenity law violators.

We may expect the panderers to claim First Amendment rights for material that would have been banned in Sodom and Gomorrah as unacceptable by community standards. But the U.S. Supreme Court has declared that obscenity is not protected by the First Amendment. Other defenses may be devised. If the past record of prosecutions is a guide, sex may go out of style before Dial-a-Porn is interred with other active wastes.

By happenstance, Ma Bell is under court order to divest itself of N.Y. Tel (and 21 other telephone subsidiaries) on New Year's Day. Happy New Year, Ma Bell! You will soon be rid of a bird that has fouled its nest and befouled the nation.

€ 1983 HLH. School Management Co

Dr. Howard Hurwitz is a national radio-TV commentator on education.

# Dial-a-moneymaker

It started with the time and weather in the 1930s. Now callers can get stories, jokes, betting results and horoscopes from recorded telephone messages at a cost of 15 cents to more than \$2, plus the long-distance charge. A new FCC ruling will make the business even bigger. Here are some dial-it services: 1806

# Children Santa: A story, ad for New York toy store, (212) 976-3636

#### Horoscope

Horoscopes-By-Phone: Jeane Dixon's forecast; a different number for each sign

Humor A Dial A-Joka: Cornedy routine, ad-for New York club, (212) 976-3838 Playboy Party Line, Sexual Jokes, (312) 976-4242

#### Personal, sexual

Dial-a-porn: Sexually explicit mes-sage, (212) 976-2727 Playboy Advisor Sexual advice, (312) 976-4343 (9///nois)
Oul magazine: Sexual message, (900) 720-2222 (7.00)

### Entertainment

Rolling Stone Music Hotline Gos-sip, tour information, trivia quiz, (900) 410-7625 Dial-A-Soap: Mini scap opera (212)

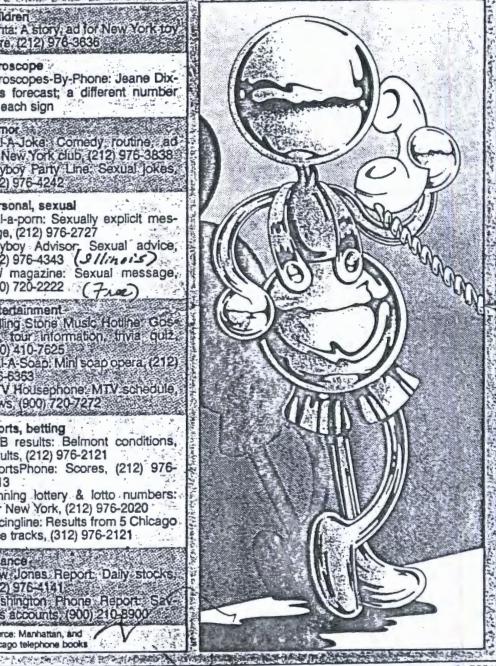
976-6363 MTV Housephone: MTV schedule news, (900) 720-7272

Sports, betting
OTB results: Belmont conditions, results, (212) 976-2121 SportsPhone: Scores, (212) 976-1313

Winning lottery & lotto numbers: For New York, (212) 976-2020 Racingline: Results from 5 Chicago race tracks, (312) 976-2121

Finance Dow Jones Report: Daily stocks; (212) 976-4141; Washington Phone Report: Savings accounts (900) 210-8900

Source: Manhattan, and Chicago telephone books



By John Sherlock, USA TODAY

### **COVER STORY**

# Freedom to say anything pays off 14/1/83

Dial-it services have come a long

By Barbara Palmer USA TODAY

NEW YORK - The most sought-after phone number in ecast; a different number sign

oke: Comedy routine, ad York club, (212) 976-3838 Party Line: Sexual Jokes 3-4242

l, sexual rn: Sexually explicit mes-2) 976-2727

Advisor, Sexual advice, 4343 (೨///۱۹۰۲) azine: Sexual message, 2222

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sephone: MTV schedule

tting Its: Belmont conditions, |2) 976-2121 ne: Scores, (212) 976-

ork, (212) 976-2020 Results from 5 Chicago , (312) 976-2121

Report: Daily stocks 141 Phone Report: SaVis, (900) 210-8900



By John Sherlock, USA TODAY

### **COVER STORY**

# Freedom to say anything pays off 147/83

Dial-it services have come a long way from time and temperature By Barbara Palmer USA TODAY

NEW YORK — The most sought-after phone number in New York these days isn't the one for Mayor Ed Koch or Yoko Ono or Woody Allen. It's the unlisted number for High Society magazine's "living centerfold hot line," more commonly known as "dial-aporn."

Since it began last February, this 57-second, X-rated tape has received as many as 500,000 calls a day. It also has prompted an investigation by the Federal Communications Commission and a flurry of protest from angry parents across the USA who have been getting enormous long-distance phone bills thanks to dial-a-porn.

Dial-a-porn is just one of a growing number of dial-its that have come on the scene since January, thanks to an FCC ruling that the phone company no longer may control the content of information disseminated by telephone.

Though anyone can hook up a recorder-player to a telephone and get a listing in a phone book — Dial-a-prayers, for instance, are sponsored by churches — commercial dial-its work through the phone company and the caller is charged for each call. A dial-it service might have commercials before or during the recording.

cials before or during the recording.

The effect of the FCC ruling, communications experts say, will be to revolutionize the dial-it business. Besides the latest news, weather and sports, callers eventually will be able to pick up their phones and get recorded information



# New information market

Continued from IB

on how to fill out income tax forms, improve a tennis game, get rid of garden pests and discipline children.

The next generation of commercial dial-It services, industry experts add, will be geared toward more specialized interests and, eventually, will have the capacity for two-way communication.

Recorded information on preparing your income tax return, for instance, might end with the message, "If you want further assistance, stay on the line." The caller then could talk to an accountant about a problem and charge the advice on his phone bill. Or a caller might be able to dial a film archive and order a movie to be shown on his TV for a fee that also would show up on his phone bill.

"What we're really talking about is a whole new market for information," says Bob Thleringer, district product manager for Central Services Organization, the reorganized Bell system's new technical assistance, market research and consulting arm

It might also require a new set of standards. As Gloria Leonard, publisher of High Society magazine, puts it, "I tell parents who complain about our hot line that they'll have to monitor their children's phone behavior in the same way they monitor what they watch on TV."

Dial-it services have come a long way since Ma Bell first offered recorded time information to Atlanta customers in 1933. In addition to nearly 3 billion calls to time and weather in 2,100 cities last year, there were 500 million calls to other dialits services, producing about \$40 million in phone company revenue.

in phone company revenues.

New York Telephone Co., which pioneered dial-it services, has 44 dial-it lines offering prayers, jokes, horoscopes and even a soap opera, in addition to the latest information on major league sports, lottery and race track results and the Dow Jones industrial average. At Christmas, you can Dial-a-Santa. During the rest of the year, the same number reaches a recorded children's story.

Diala-Soap, a 57-second telephone soap opera that began in New York in July, plans to expand its daily installments on the lives of six characters associated with the fictional America Magazine to Chicago next month and to Philadelphia next year. And High Society's hot line, which has spawned at least eight imitators, expanded to Philadelphia a month ago and hopes to start up soon in Baltimore, Detroit and Los Angeles.

Phone Programs Inc., a New York company that produces dial-it services, recently added a Playboy Advisor line and a Playboy Party Line to its Sportsphone and racing and lottery hot lines in Chicago.

"It's a hit business," says Mark Kriss, senior analyst for the Yankee Group, a

Boston-based market research and consulting firm. "You have to appeal to a mass audience. I hate to say it, but what it really comes down to is sex, entertainment and gambling, and financial information as a form of gambling."

Recognizing the profit potential, many companies have jumped into dial-it services. By Thieringer's estimates, the number of companies producing telephone information programs has gone from "virtually none a year ago to 10 or 15 major companies and 300 to 400 mom and pop operations today."

An obvious attraction is that the phone company acts as bill collector for the information provider. Each time someone calls dial-a-porn, for instance, 15 cents is added to his phone bill. Of this, the phone company turns over 8 cents to High Society and keeps 7 cents.

Although the vast majority of programs are only 57 seconds long, many producers also sell one or more commercials that run at the beginning or in the middle of the recorded message.

In Denver, for instance, four consecutive calls to time and weather brought four different ads: one for an art show, one for a lawyer, one for a restaurant and one for a local TV channel.

Dial-its also offer a secret advantage for office workers. "Many offices prohibit employes from watching television on the job, but very few have a rule against being on the telephone," notes Dick Hume, president of National Phonecasting Inc.

On the other hand, because of large phone bills run up by employes calling the dial-it numbers from work, many businesses have restricted access to the dial-it exchange, which is 976 in most cities.

Hume's company, in a joint venture

Hume's company, in a joint venture with Gannett Co. Inc, which publishes USA TODAY, produces a recorded Wall Street Report in New York, Atlanta, Chicago and Detroit and this month plans to introduce a 57-second dial-it news update sponsored by New York's WINS all-news radio station.

For the most part, information providers can charge whatever they want for the call. Among the current generation of dial-it services, the cost of producing a program depends largely on how often it must be updated. Sportsphone in New York and Chicago, for instance, is updated 70 times a day.

Regional phone companies expect their share of the revenues to be \$700 million a year by 1985. Thieringer predicts that by next year dial-its will be avallable in many new markets, including Los Angeles; San Francisco; Sacramento, Calif.; New Orleans; Baltimore; Miami; and Washington, D.C., bringing the total to 60.

Says Thieringer. "You name a major city and we're going to be there."



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# Sexy Phone Calls Have Parents Buzzing Mad

by I'm concerned because this isn't just 'hell' and 'damn it' on the telephone. This is hard-core porn.

> A Springfield parent, talking about High Society's recorded phone message

# Kids Dial Skin Mag's Steamy Message

By SALLY ANN STEWART

Youngsters listening in on a sexy conversation are burning up the telephone wires between Northern Virginia and New York City.

And, at almost 60 cents a call, parents are being surprised with larger-than-usual phone bills.

The recorded telephone message is a promotion for the New York City-based magazine High Society, which features photos of nude women. The number is usually busy, but if callers are persistent, they are treated to the throaty voice of a woman

who says, "Hi, I'm Lisa, one of the girls in May's High Society. You can see me on page 26."

After a few suggestive phrases, Lisa breathes heavily and makes noises as though she's engaging in sexual activity.

"Call back for another round," Lisa suggests. Apparently, many Fairfax schoolchildren are taking her suggestion to heart.

Les Phillips, a community relations manager for C&P Telephone Co., said company officials have received "a number of complaints" about the record-Please see CALLS, A9

If the klds are getting the number, they're getting it by looking at their father's magazine.

> Kevin Goodman Managing Editor. High Society:

Battle fthe

A Gift for Mrs. Cook



Fletcher, Grotos

# Over Phone Calls

#### CALLS From A1

ed message. But there's nothing the local phone company can do about the recording "hecause New York is not under our jurisdiction," Phillips

"The sales promotion is of an undesirable nature, there's no doubt about that," Phillips said.
"But there's nothing we can do except fulfill our obligation to inform our community that this is not a free call.

One Springfield parent — who asked not to be identified — said she called the phone company to question a mysterious call to New York that appeared on her phone bill. The bill adjuster told her about the recording and the woman's husband called it to hear for himself.

"I'm concerned because this isn't just 'hell' and 'damn it' on the telephone. This is hard-core porn," the woman said.

"The phone company said they aren't doing anything illegal, but it would seem that there would be something they could do - put a notice in the billings or something. It may legally be OK, but morally, it should be changed," she said.

If a person receives an obscene phone call, Phil-

lips said, the caller can be prosecuted for harassment. But if a person dials a number to listen to a sexually suggestive recording, there is no breach of

# Candy Scoops Could Be Changed.

#### **CANDY From A1**

doesn't allow the consumer to touch the candy. Instead, the consumer pulls a lever and a small amount of candy comes out of the bottom of the 'gravity feed" type of dispenser.

Store employees can fill the dispenser by opening a slot in the top, but a locking bar that slides across the row of dispensers prevents customers from opening the slot.

Gotkin said other candy companies have developed similar dispensers. "The industry is trying very hard to protect consumers" and to guard against a "Tylenol kind of incident," he said.

"Sabotage is one of our biggest concerns."

State health officials say the Farley company's dispenser is a good one. But they say they have no reason to ban the bucket and scoop containers.

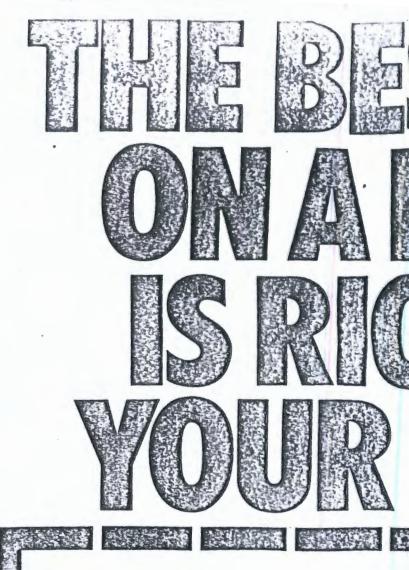
"Both (containers) are acceptable," said Arthur D. Dell'Aria, assistant supervisor for food inspection. The bucket and scoop "is an acceptable method when used and maintained in a safe and

Arlington County health director Dr. Martin Wasserman said the bucket and scoop containers

haven't yet caused any disease outbreaks.

Spokesmen for Safeway and Giant stores admit that the current containers in use aren't perfect. They say the stores are looking for a new method of dispensing bulk candies and other products, but so far no acceptable designs have come along.

"We've looked at those new dispensers and we're not satisfied with them yet," said Ernie Moore, spokesman for Safeway stores. The gravity feed containers have "a problem with overflow," and customers can't control the amount of the product that comes out, he said.



If you have any of the phones in this picture, you can now take advantage of a special offer from the Bell System.

You can own your phone, instead of leasing it. Pay for it once or in easy monthly installments. And it's yours. This means you could save money in the long run. You know the quality of the phone you have: it's Bell.

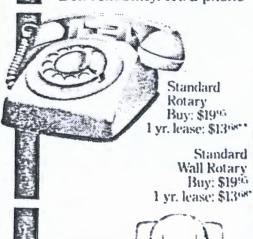
That means it's backed by Bell reliability. It's a phone

you're already happy phone that's already itself to you.

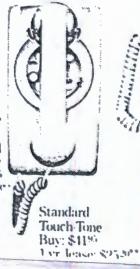
Doesn't it make se own it?

Of course, you can leasing if you choose maintenance include you want to own the your home, just call 1 800 554-3400, or fi coupon and send it i

It's the best deal of And it's right in you







STATEMENT OF REP. THOMAS J. BLILEY, JR. ON "DIAL-A-PORN" AMENDMENT

Mr. Chairman, this amendment deals with a problem that is probably familiar to most of the members of the Committee: dial-a-porn. Dial-a-porn is an obscene telephone recording service run as a promotional and money-making activity for High Society, a hard-core smut magazine in New York City.

The problem is caused by the fact that the new technology which dial-a-porn employs can handle over 36,000 calls per hour. This feature, combined with the widespread advertising of the number by High Society and its dissemination in schools has lead to a large number of calls to this number by children as young as ten. The problem is not limited to the New York area, parents as far away as New Mexico, Utah and Colorado have complained as have many other parents elsewhere.

Along with a number of others I have taken numerous steps to have this problem address in the current statutory and legal framework, but thus far we have been frustrated not because anyone disagrees that the transmissions are obscene, but because we have not yet been able to get a hearing on the merits of our complaint.

In February of this year Suffolk County, New York went to court to stop dial-a-porn. The suit was dismissed, without prejudice, because the County had not exhausted its administrative

remedies. Suffolk County accordingly filed a petition with the Federal Communications Commission asking them to suspend the service. I joined in support of that petition.

When the Subcommittee held oversight hearings in preparation for the legislation now before us I brought this petition to the Commission's attention, and they promised an expeditious examination.

I wrote to the Justice Department, as did Paul Trible who is a member of the Commerce Committee in the Senate, asking them to investigate and attempt to stop the service.

After two months of consideration the FCC's common carrier bureau dismissed the complaint and "sent"the matter to the Department of Justice. I would note that the FCC's action fell short of even an official referral which would have implied an FCC request for action.

After the Common Carrier bureau's dismissal I requested and got a meeting with FCC Chairman Mark Fowler and General Counsel Bruce Fein. Fowler continued to support the FCC's inaction on several grounds, including lack of statutory authority to deal with the question.

After that meeting I wrote the President asking him to intervene since the matter seemed to have gotten stalled somewhere between FCC and Justice. Just last week, then, the Department

of Justice wrote back to FCC that Justice was not the proper agency to act and the the Commission should proceed with administrative action. Thus far the Commission has not responded.

My colleagues, I recount these activities to show that myself and others have taken every reasonable step to get a hearing of our complaint, yet in four months we have gotten exactly nowhere.

The amendment I am offering today would not predetermine the result of any action, though I am confident that if the transmissions involved in dial-a-porn do get to court they will be found obscene. What the amendment would do is clarify that this kind of service is covered by obscenity standards, and it would fix responsibility for determining and punishing obscenity.

Obscene telephone messages from \$500 tp \$50,000; clarify that the law applies to recordings, and regardless of who places a call; allow the FCC to assess a civil fine of up to \$50,000 per day if the violation is for commercial purposes; and, allow the FCC to Department of Justice to seek a court injunction to prevent further violations of Section 223.

My amendment would not in any way alter current obscenity standards and decisions of the supreme court or other courts.

I would not in any way involve common carriers, unless the carrier itself originated the obscenity. The amendment would not allow

monitoring of telephone conversations for obscenity. In other words, the amendment has been carefully crafted to comply with existing standards on obscenity and free speech and to avoid any violation of the First Amendment.

The Amendment was originally drafted by the Office of General Counsel at the FCC. Commission Chairman Fowler offered several criticisms which we address. The Amendment was discussed at length with the staff of the Telecommunications Subcommittee, and again, several changes were made. No legislation is perfect, but I have attempted to draw this amendment as narrowly as possible while still address the problem of how we even get a hearing on obscenity complaints.

I would like to thank the Chairman of the Subcommittee and his staff for their cooperation in drafting this amendment, and to commend him for his willingness to work something out in this area which I know he feels is very delicate.

I urge the Committee to adopt this amendment.

#### 2755, AS REPORTED

# OFFERED BY MR. TRIBLE

In lieu of the material proposed to be inserted by the \_\_ amendment, insert the following:

1	SEC. 8. (a) Section 223 of the Communications Act of
2	1934 (47 U.S.C. 223) is amended
3	(1) by striking out ''\$500'' and inserting in lieu
4	thereof ''\$50,000'';
5	(2) by inserting ''(a)'' before ''Whoever''; and
6	(3) by adding at the end thereof the following new
7	subsection:
8	"(b)(1) Whoever knowingly
9	''(A) in the District of Columbia or in interstate
10	or foreign communication, by means of telephone, makes
11	(directly or by recording device) any obscene or
12	indecent communication for commercial purposes to any
13	person under eighteen years of age or to any other
14	person without that person's consent, regardless of
15	whether the maker of such communication placed the call;
16	or .
17	''(B) permits any telephone facility under
18	such person's control to be used for an activity
19	prohibited by subparagraph (A),
20	shall be fined not more than \$50,000 or imprisoned not more

1 than six months, or both.

and the

- 2 ''(2) It is a defense to a prosecution under this
- 3 subsection that the defendant restricted access to the
- 4 prohibited communication to persons eighteen years of age or
- 5 older in accordance with procedures which the Commission
- 6 shall prescribe by regulation.
- 7 ''(3) In addition to the penalties under paragraph (1),
- 8 whoever, in the District of Columbia or in interstate or
- 9 foreign communication, intentionally violates paragraph
- 10 (1)(A) or (1)(B) shall be subject to a fine of not more than
- 11 \$50,000 for each violation. For purposes of this paragraph,
- 12 each day of violation shall constitute a separate violation.
- 13 ''(4)(A) In addition to the penalties under paragraphs
- 14 (1) and (3), whoever, in the District of Columbia or in
- 15 interstate or foreign communication, violates paragraph
- 16 (1)(A) or (1)(B) shall be subject to a civil fine of not
- 17 more than \$50,000 for each violation. For purposes of this
- 18 paragraph, each day of violation shall constitute a separate
- 19 violation.
- 20 ''(B) A fine under this paragraph may be assessed
- 21 either--
- 22 ''(i) by a court, pursuant to a civil action by the
- Commission or any attorney employed by the Commission
- 24 who is designated by the Commission for such purposes,
- 25 or

- 1 ''(ii) by the Commission after appropriate
- 2 administrative proceedings.
- 3 ''(5) The Attorney General may bring a suit in the
- 4 appropriate district court of the United States to enjoin
- 5 any act or practice which violates paragraph (1)(A) or
- 6 (1)(B). An injunction may be granted in accordance with the
- 7 Federal Rules of Civil Procedure.''
- 8 (b) Section 223(a) of the Communications Act of 1934 (as
- 9 redesignated by subsection (a) of this section) is amended
- 10 in paragraph (2) by inserting ''facility'' after
- 11 ''telephone''.
- 12 (c) The Federal Communications Commission shall issue
- 13 regulations pursuant to section 223(b)(2) of the
- 14 Communications Act of 1934 (as added by subsection (a) of
- 15 this section) not later than 180 days after the date of the
- 16 enactment of this Act.
- 17 (d) The Commission shall act on all complaints alleging
- 18 violation of section 223 of the Communications Act of 1934
- 19 which are pending on the date of the enactment of this Act
- 20 within ninety days of such date of enactment.

#### THE WHITE HOUSE WASHINGTON

December 6, 1983

MEMORANDUM TO: LINDA FRICK

FROM:

Joyce Thomann

SUBJECT:

Tracked Mail, Re: Pornography

I spoke with Steve Galebach of OPD this morning regarding your note.

Steve advised me that the President yesterday issued a strong statement to the Federal law enforcement officers advising them that he wanted them to aggressively pursue pronography complaints. Steve is now in a position to send the new Presidential statement to all those who inquire about the issue.

Please continue to send all the "pornography" mail to Steve Galebach, OPD for tracking and response.

:jet

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blackwell or from Shartley to OPD when

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One gets thru to you?

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directly starting tomorrow— oh.

# THE WHITE HOUSE WASHINGTON

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BISHOP'S OFFICE

1845 HADDON AVENUE

CAMDEN, NEW JERSEY OSIOI

November 18, 1983

Dear Mr. President,

I know of your concern about the traffic in pornography and that you have formed a White House working group to coordinate and investigate enforcement of the laws against obscenity. I urge you to use your own great influence in publicly expressing your concern about pornography traffic so that enforcement of the laws will be expedited.

With prayerful wishes, I am

Sincerely,

George H. Guilfoyle

The Honorable Ronald Reagan President White House Washington, D.C. 20500

# THE WHITE HOUSE WASHINGTON

Date:	
To: 12/6	Maiselle
The attached is for your:	,
☐ Information	
☐ Appropriate Action	
Review and Return:	
☐ With Comments	•
Do you wan  green "notes  or just of	+ tees Sale

LINDA FRICK Correspondence, Staff Assistant Room 96, x7610 Linda
Linda
Records updated, any
questions, please call
Pat.

Doyon have a letter ready laces PAGE CORRESPONDENCE TRACKING STATUS REPORT AS OF 01 DEC 1983. RECID: 174986 TO: PRESIDENT REAGAN DOC DATE: 830930 FROM: BALKE, VICTOR H., THE RIGHT REV. MEDIA: LETTER CROOKSTON, MN 56716 TITLE: BISHOP OF CROOKSTON SUBJECT: EXPRESSES HIS CONCERN WITH THE PORNOGRAPHY TRAFFIC - REQUESTS THAT THE ATTORNEY GENERAL ENFORCE EXISTING ANTI - OBSCENITY LAWS ACTION ASSIGNED: DISPOSITION: OFFICE: PLSHOR CODE: ORG DATE: 831005 RSPN: CODE: \_\_ DATE: PLBLAC RSR 831006 CLOSED PER WILL CATTAN 831011 PLGALE RSA 831011 TO: PRESIDENT REAGAN RECID: 188173 OP ID: CJ DOC DATE: 831007 FROM: BARON, DAVID, RABBI SHERMAN OAKS, CA 91403 MEDIA: MAILGRAM ADDITIONAL NAMES: 0001 ORG: TEMPLE BNA! HAYIM SUBJECT: THEY VIEW WITH GREAT ALARM U. S. INTELLIGENCE REPORTS REGARDING IMMINENT DEPLOYMENT IN SYRIA OF RUSSIA SS 21 SURFACES TO SURFACE MISSILES - FEAR FOR THREATS IT WOULD POSE TO ISRAELI SECURITY AND THAT OF OUR MARINES ACTION ASSIGNED: DISPOSITION: OFFICE: PLGALE CODE: ORG CODE: \_ DATE: 831115 RSPN: DATE: 99D0D RAR 831121 ATTN: RICHARD DUDLEY

AGE 2	CORRESPONDENCE TRACKING STATUS REPORT	AS OF 01 DEC 1983
FROM: BLACK, MARYROSE, MS. BERKELEY, CA 94705	OP ID: CJ	DOC DATE: 831024 MEDIA: LETTER
ORG: CALIFORNIA CHRISTIAN COLISRAEL SUBJECT: WANTS TO KNOW WHY WOUNDED NOT SENT TO ISRAEL ACTION ASSIGNED:	ED IN BERIUT WERE	therwas auswered ared copy was not deurite leutras files.
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FROM: BLEND, STANLEY, MR. SAN ANTONIO, TX 78216 TITLE: PRESIDENT	OP ID: CS	DOC DATE: 831108 MEDIA: LETTER
ORG: THE JEWISH FEDERATION O	F SAN don't ever remanu	her seeing, but could have recessary letter that was sent back but still do not remember it or have

PAGE	3			CORRE	SPONDENCE TRACKING	STATUS REPORT			AS	OF 01 DEC 1983
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PAGE 4	CORRESPONDENCE TRACKING	S STATUS REPORT	AS OF 01 DEC 1983
RECID: 179253 FROM	TO: FAITH WHITTLESEY  : HOROWITZ, MIKE, MR.	OP ID: CS	DOC DATE: 830705 MEDIA: LETTER
SUBJECT ACTION AS OFFICE: P		CFILE 13 DISPOSITIONS RSPN:	code: c DATE: 831014
ORG	TO: PRESIDENT REAGAN  : KRAFT, GERALD, MR. WASHINGTON, DC XXXXX  : PRESIDENT  : B'NAI B'RITH INTERNATIONAL  : WELCOMES THE CONTINUING U. S. SUPPORT FOR THE MAY 17 SECURITY AGREEMENT BETWEEN ISRAEL AND LEBANON	+ you con	DOC DATE: 831104 MEDIA: TELEGRAM  By showing?—  Lee don't have in Porce—  Seat to leat, Ry
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PAGE 5		CORRESPONDENCE TRACKING STATUS REPORT		AS OF 01 DEC 1983
RECID: 170154	TO: PRESIDENT REAGAN M: MAHER, LEO T., THE MOST SAN DIEGO, CA 92138	REV.	OP ID; LW	DOC DATE: 831004 MEDIA: LETTER
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RECID: 176167 FRO	TO: PRESIDENT REAGAN M: MANDEL, BARBARA, MISS NEW YORK, NY 10010		OP ID: LW	DOC DATE: 831027 MEDIA: MAILGRAM
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D: 169509 FROM:	TO: PRESIDENT REAGAN SANCHEZ, ROBERT F., MOS ALBUQUERQUE, NM 87108	ST REVEREND	OP ID: LW	DOC DATE: 830926 MEDIA: LETTER
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PAGE	10	CORRESPONDENCE TRACKING STATUS	REPORT	AS OF 01 DEC 1983
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JUN 1 0 1983

WASHINGTON, D.C.

Dear Mr. Blackwell:

I was pleased to have the opportunity to participate with you in the White House meeting on obscenity. It provided an excellent forum from which to address the issue of better enforcement of obscenity laws which I believe is of great moral importance.

The Customs Service is now taking steps to improve our enforcement efforts in this area, but to be truly effective in combating pornography, I feel it is essential that our efforts be conducted in a coordinated manner. Toward this objective I strongly encourage the formation of a working group among the Postal Service, the Justice Department, FBI, and the Customs Service with strong support from the White House. This joint working group would be charged with the task of coordinating the efforts of all federal agencies that enforce obscenity laws. We are ready to name a high level Customs official to participate in this endeavor to define the problems of pornography enforcement, as well as to develop a joint strategy to correct them. We must work together to reach our mutual goal of identifying and targeting for prosecution the largest importers and distributors of pornography and others in the country who are violating the obscenity laws at will.

Again, I look forward to your participation in a multiagency effort dedicated to the vigorous enforcement of antipornography laws. I would be delighted to meet with you or your representatives in the near future to discuss this matter in more detail.

Yours Faithfully,

Mr. Morton Blackwell White House Washington, D.C. 20500



#### THE COMMISSIONER OF CUSTOMS

. JUN 1 0 1983

WASHINGTON, D.C.

Dear Mr. Blackwell:

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Yours Faithfully,

(Signed) William von Raab

Mr. Morton Blackwell White House Washington, D.C. 20500

cc: Mr. Lowell Jensen, Department of Justice

Mr. William Webster, Director, FBI

Mr. William Bolger, Postmaster General