

January 13, 2020

The Honorable William Barr
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Barr:

I am writing to request clarification regarding current DOJ policy for the enforcement of existing obscenity laws — specifically *18 U.S.C. § 1460-1470* — and to inquire whether DOJ considers these statutes applicable to online pornography.

When these obscenity laws were enacted, they were intended to prohibit the physical transfer of obscene materials. However, as technology has advanced, the market for these materials has shifted away from physical locations, indisputably regulated under these statutes, to the Internet in the form of online pornography. Although DOJ's website includes fact sheets confirming that obscenity law applies to online material,¹ it appears to me that DOJ is not prosecuting a sufficient number of federal obscenity cases to discourage its proliferation.

As everyone knows, the online pornography industry has exploded. There has been a dramatic rise in illegal pornography production and distribution. Hotels, cable and TV companies, and Internet pornography distributors regularly sell pornography featuring horrific themes such as the rape of teenagers, incest, sexual assault, sex trafficking and slavery, suffocation, bondage, and even cartoon pornography targeted at minor children. Racism and misogyny are rampant. A 13-year-old with a smartphone now has unlimited access to his own personal theatre of sexual horrors.

Extensive evidence demonstrates severe harm caused to children and youth exposed to pornography; increasingly, studies find harm is caused to adults as well. Pornography exposure can impact brain development and functioning,² contribute to emotional³ and medical illnesses,⁴ shape deviant sexual arousal (e.g., animal and/or child pornography use),⁵ as well as problematic or harmful sexual behaviors such as child-on-child harmful sexual behaviors (occurring in schools, playgrounds, homes or other settings).⁶

Recent research indicates that pornography is potentially biologically addictive, which means the user requires more novelty, often in the form of more shocking material, in order to be satisfied.⁷ This addiction leads to increasing use of pornography featuring themes of risky sexual behaviors, extreme degradation, violence, animals and child sexual abuse images (i.e., child pornography).⁸

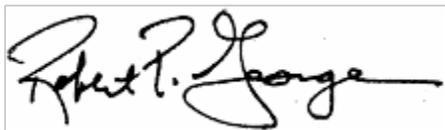
As a result, 15 state legislative bodies have passed resolutions declaring pornography to be a “public health crisis.”

The proliferation of online pornography and the great difficulty of filtering it so children and youth are not exposed is an issue of growing concern to the public, and particularly to families. Therefore, I would be grateful to DOJ for clarification of the following questions:

- How does DOJ define “obscenity”?
- Does online pornography qualify as “obscene”? What kinds of online pornography would qualify as “obscene”?
- Does DOJ believe online pornography is subject to regulation under *18 U.S.C. § 1460-1470*?
- What efforts have been undertaken to date by DOJ to prosecute violators of obscenity statutes, especially online offenders, under this administration?

Thank you for your attention to this matter.

Sincerely,

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and appears to read "Robert P. George".

Robert P. George
McCormick Professor of Jurisprudence
Director of the James Madison Program in American Ideals & Institutions
Princeton University

¹ <https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-obscenity>

² Simon Kuhn & Jurgen Gallinat, *Brain Structure and Functional Connectivity Associated With Pornography Consumption: The Brain on Porn* 71 JAMA PSYCHIATRY 827 (2014); Valerie Voon, Thomas B. Mole, Paula Banca, Laura Porter, Laurel Morris, Simon Mitchell, Tatyana R. Lapa, Judy Karr, Neil A. Harrison, Marc N. Potenza & Michael Irvine, *Neural Correlates of Sexual Cue Reactivity in Individuals with and without Compulsive Sexual Behaviors*, 9 PLoS ONE, July, 2014; Kyle Pitchers, Vincent Vialou, Eric Nestler, Steven Laviolette, Michael Lehman, & Lique Coolen, *Natural and Drug Rewards Act on Common Neural Plasticity Mechanisms with DeltaFosB as a Key Mediator* 33 THE JOURNAL OF NEUROSCIENCE 3434 (2013); Donald L. Hilton, *Pornography Addiction - A Supranormal Stimulus Considered in the Context of Neuroplasticity* 3 SOCIOEFFECTIVE NEUROSCIENCE & PSYCHOLOGY 20767 (2013).

³ Thomas Edward Kaspera, Mary Beth Shorta & Alex Clinton Milam, *Narcissism and Internet Pornography Use* 41 JOURNAL OF SEX & MARITAL THERAPY 481 (2015); Valerie Voon, Thomas B. Mole, Paula Banca, Laura Porter, Laurel Morris, Simon Mitchell, Tatyana R. Lapa, Judy Karr, Neil A. Harrison, Marc N. Potenza & Michael Irvine, *Neural Correlates of Sexual Cue Reactivity in Individuals with and without Compulsive Sexual Behaviors*, 9 PLoS ONE, July, 2014; Thomas M. Mick & Eric Hollander, *Impulsive-Compulsive Sexual Behavior*, 11 CNS SPECTRUMS 944 (2006).

⁴ Mary Anne Layden, lecture at the Pornography: A Public Health Crisis U.S. Capitol Symposium: Sexual Obesity: Research on the Public Health Crisis of Pornography (July 14, 2015); Valerie Voon, Thomas B. Mole, Paula Banca, Laura Porter, Laurel Morris, Simon Mitchell, Tatyana R. Lapa, Judy Karr, Neil A. Harrison, Marc N. Potenza & Michael Irvine, *Neural Correlates of Sexual Cue Reactivity in Individuals with and without Compulsive Sexual Behaviors*, 9 PLoS ONE, July, 2014.

⁵ Melissa Farley, Emily Schuckman, Jacqueline Golding, Kristen Houser, Laura Jarett, Peter Qualliotine & Michelle Decker, Paper presented at Psychologists for Social Responsibility Annual Meeting: Comparing Sex Buyers with Men who Don't Buy Sex: "You can have a good time with the servitude" vs. "You're supporting a system of degradation" (July 15, 2011); Kevin M. Williams, Barry S. Cooper, Teresa M. Howel, John C. Yuille, & Delroy L. Paulhus, *Inferring Sexually Deviant Behavior from Corresponding Fantasies: The Role of Personality and Pornography Consumption*, 36 CRIMINAL JUSTICE & BEHAVIOR 198 (2008). Kathryn C. Seigfreid-Spellar & Marcus K. Rogers, *Does Deviant Pornography Use Follow a Guttman-like Progression?* 29 COMPUTERS IN HUMAN BEHAVIOR (2013).

⁶ Michael C. Seto & Martin L. Lalumiere, *What is So Special about Male Adolescent Sexual Offending? A Review and Test of Explanations through Meta-Analysis*, 136 *PSYCHOLOGICAL BULLETIN* 4 (2010): 526-575; Ybarra et al., *X-Rated Material and Perpetration of Sexually Aggressive Behavior among Children and Adolescents: Is There a Link?* 37 *AGGRESSIVE SEXUAL BEHAVIOR*, (2011): 1-18; Kyriaki Alexandraki, Vasileios Stavropoulos, Emma Anderson, et al., *Adolescent Pornography Use: A Systematic Literature Review of Research Trends*, 14 *CURRENT PSYCHIATRY REVIEWS* 1 (2018). doi: 10.2174/2211556007666180606073617; Carl Göran Svedin, Ingrid Åkerman, and Gisela Priebe, *Frequent Users of Pornography. A Population Based Epidemiological Study of Swedish Male Adolescents*,” 34 *JOURNAL OF ADOLESCENCE* 4 (2011): 779-788; Chyng Sun, Ana Bridges, Jennifer Johnson & Matt Ezzell, *Pornography and the Male Sexual Script: An Analysis of Consumption and Sexual Relations* *ARCHIVES OF SEXUAL BEHAVIOR*, December, 2014; Kevin M. Williams, Barry S. Cooper, Teresa M. Howel, John C. Yuille, & Delroy L. Paulhus, *Inferring Sexually Deviant Behavior from Corresponding Fantasies: The Role of Personality and Pornography Consumption*, 36 *CRIMINAL JUSTICE & BEHAVIOR* 198 (2008); Kelly Cue Davis, Jeanette Noris, William George, Joel Martell & Julia Heiman, *Men’s Likelihood of Sexual Aggression: The Influence of Alcohol, Sexual Arousal, and Violent Pornography*, 2006; Malamuth, Centini, *Repeated Exposure to Violent and Nonviolent Pornography: Likelihood of Raping Ratings and Laboratory Aggression Against Women*, 2006; Mick & Hollander, *Impulsive-Compulsive Sexual Behavior* 32 *AGGRESSIVE BEHAVIOR* 581 (2006); Venessa Vega & Neil M. Malamuth, *Predicting Sexual Aggression: The Role of Pornography in the Context of General and Specific Risk Factors*, 33 *AGGRESSIVE BEHAVIOR* 104 (2006); Janet Hinson Shope, *When Words Are Not Enough: The Search for the Effect of Pornography on Abused Women* 10 *VIOLENCE AGAINST WOMEN* 56 (2004); Raquel Bergen & Kathleen Bogle, *Exploring the Connection between Pornography and Sexual Violence* 15 *VIOLENCE AND VICTIMS* 227 (2000); Azy Barak, William Fisher, Sandra Belfry & Darrel Lashambe, *Sex, Guys, and Cyberspace: Effects of Internet Pornography and Individual Differences on Men’s Attitudes toward Women* 11 *JOURNAL OF PSYCHOLOGY & HUMAN SEXUALITY* 63 (1999).

⁷ Matthias Brand, Jan Snagowski, Christian Laier, & Stefan Maderwald, *Ventral striatum activity when watching preferred pornographic pictures is correlated with symptoms of Internet pornography addiction*, 129 NEUROIMAGE 224 (2016); Paula Banca, Laurel S. Morris, Simon Mitchell, Neil A. Harrison, Marc N. Potenza, Valerie Voon, *Novelty, conditioning and attentional bias to sexual rewards*, 72 JOURNAL OF PSYCHIATRIC RESEARCH 91 (2016); Shane W. Kraus, Valerie Voon, & Todd Love, Christian Laier, Matthias Brand, Linda Hatch, & Marc N. Potenza, *Should Compulsive Sexual Behavior be Considered an Addiction?* ADDICTION (2016); Mateusz K. Gola, Malgorzata Wordecha, Guillaume Sescousse, Bartosz Kossowski, and Artur Marchewka, *Increased sensitivity to erotic reward cues in subjects with compulsive sexual behaviors*, 4 JOURNAL OF BEHAVIORAL ADDICTIONS (2015); Chatzittofis A, Arver S, Öberg K, Hallberg J, Nordström P, Jokinen J., *HPA axis dysregulation in men with hypersexual disorder*, PSYCHONEUROENDOCRINOLOGY 61:53 (2015); Ji-Woo Seok and Jin-Hun Sohn, *Neural Substrates of Sexual Desire in Individuals with Problematic Hypersexual Behavior*, FRONTIERS IN BEHAVIORAL SCIENCE (2015); Raju Hajela, *Neuroscience of Pornography Addiction: A Review and Update*, 5(3) BEHAVIORAL SCIENCES 388 (2015); Daisy J. Mehelmanns, Michael Irvine, Paula Banca, Laura Porter, Simon Mitchell, Tom B. Mole, Tatyana R. Lapa, Neil A. Harrison, Marc N. Potenza, and Valerie Voon, *Enhanced Attentional Bias towards Sexually Explicit Cues in Individuals with and without Compulsive Sexual Behaviours*, PLOS ONE (2014); Todd Love, Christian Laier, Matthias Brand, Linda Hatch, and Raju Hajela, *Brain Structure and Functional Connectivity Associated With Pornography Consumption*, 71 JAMA PSYCHIATRY 7 (2014); Donald L. Hilton, *Pornography Addiction - A Supranormal Stimulus Considered in the Context of Neuroplasticity* 3 SOCIOEFFECTIVE NEUROSCIENCE & PSYCHOLOGY 20767 (2013); Valerie Voon, Thomas B. Mole, Paula Banca, Laura Porter, Laurel Morris, Simon Mitchell, Tatyana R. Lapa, Judy Karr, Neil A. Harrison, Marc N. Potenza & Michael Irvine, *Neural Correlates of Sexual Cue Reactivity in Individuals with and without Compulsive Sexual Behaviors*, 9 PLOS ONE, July, 2014; Kyle Pitchers, Vincent Vialou, Eric Nestler, Steven Laviolette, Michael Lehman, & Lique Coolen, *Natural and Drug Rewards Act on Common Neural Plasticity Mechanisms with FosB as a Key Mediator* 33 THE JOURNAL OF NEUROSCIENCE 3434 (2013); Donald L. Hilton & Clark Watts, *Pornography Addiction; A Neuroscience Perspective* 2 SURGICAL NEUROLOGY INTERNATIONAL 2:19 2011; NORMAN DOIGE, *Chapter 4: Acquiring Tastes and Loves: What Neuroplasticity Teaches About Sexual Attraction and Love*, in THE BRAIN THAT CHANGES ITSELF (December 18, 2007).

⁸ Kathryn C. Seigfried-Spellar, *Deviant Pornography Use: The Role of Early-Onset Adult Pornography Use and Individual Tastes*, INTERNATIONAL JOURNAL OF CYBER BEHAVIOR, PSYCHOLOGY AND LEARNING (2016), doi: 10.4018/IJCBPL.2016070103; Kathryn C. Seigfried-Spellar and Marcus K. Rogers, *Does Deviant Pornography Use Follow a Guttman-like Progression*, 29 COMPUTERS IN HUMAN BEHAVIOR (2013): 1997-2003; Melissa Farley, Emily Schuckman, Jacqueline Golding, Kristen Houser, Laura Jarett, Peter Qualliotine & Michelle Decker, Paper presented at Psychologists for Social Responsibility Annual Meeting: Comparing Sex Buyers with Men who Don't Buy Sex: "You can have a good time with the servitude" vs. "You're supporting a system of degradation" (July 15, 2011); Ana Bridges, Robert Wosnitzer, Erica Scharrer, Chyng Sun & Rachel Liberman, *Aggression and Sexual Behavior in Best-Selling Pornography Videos: Content Analysis Update*, 16 VIOLENCE AGAINST WOMEN 1065-1085 (2010).