

Uncommon Desires Newsletter

edit picture

Number Two

October 1991

British Authorities Convict Photographer on Charges of Taking and Possessing "Indecent" Photographs of a Child

Photographer/painter Nick Ellerby was convicted on August 1, 1991 for making and possessing "indecent" photographs of a child, based on four photographs which Ellerby had taken of a young girl. The four photographs were among several dozen others taken by Ellerby, all with the permission of the girl's parents. (For earlier story, see UD Newsletter #1.)

The case underscores both the inadequacy of the British law and the need throughout the West to establish an objective standard in the criminal law which will serve both to protect children from sexual harm and to permit artists and photographers (amateur and professional) to make intelligent decisions with regard to photographing children without massive self-censorship and without jeopardizing livelihood and personal freedom.

Under British law, there is no definition or indication as to what is "indecent" and the jury in Ellerby's case was not instructed to follow any particular criteria in making their determination. [On the other hand, the definitions of "lascivious" under U.S. law may be no more helpful. -- Ed.] Moreover, Ellerby was not permitted by the court to argue his lack of criminal intent or to present evidence that he is an artist and that images similar to the ones for which he was convicted can be found in scores of photography books and on postcards and posters throughout the United Kingdom and the EC, as well as the United States. In fact, the entire trial essentially consisted of the prosecutor's bald assertions that the photographs were "indecent" because the girl wasn't wearing knickers and that she was of a tender age. There were no allegations that the girl had been coerced into any sexual conduct.

Particularly disturbing to the judge in the case was a photograph in which the girl depicted was seated on a chair with her right knee up and her right foot perched on the edge of the chair. She was nude except for a towel around her middle. Despite the fact that both the girl and the chair were fully visible in the photograph -- that is to say, there was no close-up of any particular part of the girl -- the judge noted that he found himself "focusing on the girl's genital area" and thus found the photograph "very sexual". The second photograph depicted the girl, again with only a towel around her middle, lying on the floor with her legs close together, propping her head up with one arm and the other arm raised upward. The two other pictures depict the girl wearing a tutu which was translucent so that her genitals were partly visible through the material. There was no explanation as to why these particular photographs were selected for prosecution and why others -- also depicting the girl nude or partially nude -- were ignored.

While the case probably has no precedential value, it sends a clear message to the Crown prosecution that it is "open season" on semi-nude photographs of children. U.K. photographers beware!

Knox Motion to Dismiss Denied, Knox Convicted for Possession and Receipt of Pictures of Clothed Minors Under Fed "Child Porn" Law

U.S. District Court, Middle District of Pennsylvania, U.S. v. Knox, 4:CR-91-74, Judge McClure, Reagan Appointee, Presiding.

This brilliant piece of legal scholarship proves once again that bigots make lousy judges. Knox brought a motion to dismiss his indictment for receiving and possessing "depictions of minors engaged in sexually explicit conduct" based on the seizure by federal witchhunters of three videotapes sold by Nather of Las Vegas. The videotapes, obviously intended for sexual arousal, depicted minor females approximately between the ages of 11 and 17 at swimming pools, modeling sessions, and cheerleading meets. On a number of occasions -- in nearly every case unbeknownst to the models -- the camera focuses in on the genital area, covered by bathing suits or panties, of the models. In no case was any model nude. While such depictions may well be socially unacceptable, there is certainly nothing intrinsically harmful about such material. Nevertheless, the judge found the videotapes prosecutable. This latest of erotophobic decisions is excerpted below:

"Sexually explicit conduct" covers "exhibitions of the genitals OR the pubic area" (emphasis added). Therefore, an exhibition of the genitals is not required. A prosecution under the statute could proceed on the theory of an exhibition of the pubic area alone. The government is proceeding under such a theory with regard to the Nather tapes.

This is a case of first impression. To this date, no court has addressed the applicability of the statute with respect to an exhibition of the pubic area. In order to determine whether the Nather tapes contain such an exhibition, the meaning of "exhibition of the pubic area" must first be determined. The legislative history provides no guidance in this matter. Consequently, we must look to the plain meaning of the words themselves. "Exhibit" means "to present, to view; to show; to display; to show publicly" (Webster's Unabridged Dictionary 1976). "Pubic" is defined as "of, relating to, or lying in the region of the pubes or the pubis." (id) Although "pubes" and "pubis" have different definitions, they both refer to the same area of the human anatomy. "Pubes" refers to the "hair which appears on the lower part of the hypogastric region at the age of puberty or the lower part of the hypo-gastric region." (id.) "Pubis" is defined as "the ventral and anterior, the three principal bones composing either half of the pelvis."

Thus, the pubic area would appear to be the region of the human anatomy in close proximity to the genitals. It follows that an exhibition of the pubic area would occur where there is a display of the region in close proximity to the genitals. The Nather tapes were fraught with instances of the camera zooming in on the area of the girls' genitals. Although in every instance the girls' genitals were covered by either underpants or a bathing suit, the area in close proximity to the genitals, specifically the

uppermost portion of the inner thigh area closest to the girls' genitals, was clearly exposed. Based on the aforementioned, the court cannot conclude as a matter of law that the Nather tapes do not contain an exhibition of the pubic area.

Lolita

Vladimir Nabokov

Humbert gloats: his young nymphet
is "ineffable" (and yet
Eff-able as she can get);

Twelve-year-old Lolita, kept
By this horny nympholept,
Clear across the country schlepped

In and out of cheap motels;
Humbert nibbles, squeezes, smells,
(She O.D.'s on caramels);

At fifteen, mature and wise,
"Screw you!" tarnished Lolita cries,
Running off with other guys

One of whom gets her with child;
This makes Humbert really wild
Seeing Lola thus defiled,

Gun in hand he stalks the chap,
Finds him, kills him, zap-zap-zap!
Then he beats the legal rap

By succumbing in his cell
Waiting trial, It's just as well:
He has earned his private hell.

Not for him apotheosis
In whose frog-eyed diagnosis
Life is just a *pederosis*.

copyright 1980 Maurice Sagoff

Knox appeared in a non-jury trial on November 14 before Judge McClure and was convicted both for receipt and possession of the videotapes. Predictably, the "trial" had the feel of a kangaroo court. [For hizzoner's benefit, as he is evidently taken with dictionary definitions, a "kangaroo court" means "1. A self-appointed or mob-operated tribunal, usually disregarding or parodying existing principals of law, human rights, etc.," or "3. a humorous burlesque of judicial procedure..." Random House Unabridged Dictionary.] Knox will obviously appeal this miscarriage of justice.

One thing is certain: the issue at stake is not just a matter of "erotica". The "uppermost portion of the inner thigh closest to the genitals" is visible on nearly every occasion a female (of any age) dons a bathing suit. Boys tend to sport this fashion as well, at least when they are dressed (or is that undressed?) for swim meets. (A walk on the beach must be a veritable descent into the pits of perdition for Judge McClure.)

Of course, the decision presents all sorts of new opportunities for law enforcement officials and social workers. Federal and state thought police could, if the decision holds up, investigate and prosecute anyone who takes a photograph or videotape of a child in which this unspeakable portion of human anatomy is displayed. Families will have to be particularly careful with their vacation photos. Likewise, social workers could

immediately begin counseling both minors who appear in public in this lascivious fashion and the irresponsible parents who allow them to do so.

In all seriousness, though, what is striking about the decision is the judge's apparent inability to understand simple dictionary definitions. The definitions of "pubes" and "pubis" clearly implicate the pelvis, not the thighs, which are part of the legs. The "pubic area" would, by definition, be the lower part of the hypogastric region or the bones comprising the pelvis -- not the legs, nor the stomach, nor the hand scratching a lower hypogastric itch.

Anyone wishing to contribute to the Knox defense should send a check to and/or contact Knox's attorney, Josh Locke, Esq., 106 Walnut Street, Harrisburg, PA 17101, telephone (717) 232-2559, fax (717) 234-7025. Additionally, pressure should be exerted on all American Civil Liberties Union affiliates to get involved in the case following Knox's almost-guaranteed conviction. An appeal will be impossible without financial support. If convicted, Knox will face a mandatory term of not less than 5 years in prison (under federal sentencing guidelines). And if he is convicted, there will undoubtedly be a flood of similar prosecutions.

Sturges Jury to Feds: Stay Out of San Francisco

On August 16th, a federal grand jury in San Francisco rejected all government pleas to indict photographer Jock Sturges on child pornography charges. The surprise move came after eighteen months of investigation, during which government officials vilified Sturges both privately and in the press and spent some hundreds of thousands of dollars harassing Sturges' friends, associates, and former subjects and their families.



edit picture

It is rare in American jurisprudence for a grand jury to fail to return an indictment. This is because grand juries are mandated to indict if there is reasonable evidence to go forward with a prosecution, regardless of whether they believe the government is likely to win its case. Moreover, since defendants and their attorneys are barred from grand jury proceedings, the presentation of evidence before grand juries is generally manipulated by prosecutors.

In refusing to return an indictment of Sturges, the grand jury explicitly rejected the government's claims that literally hundreds of thousands of Sturges' pictures contained "lascivious exhibitions of the genitals" and belied the government claim that they had evidence that Sturges had engaged in sex with minors. The government apparently had seized from Sturges' home erotic photographs of Sturges when he was still in his teens, posing with a girlfriend who was over the age of 16. However, these photographs were never the focus of any government action and hardly constitute evidence that Sturges was or is a pervert. If anything, they would tend to show the man to be merely heterosexual.

In an attempt to manipulate the press and the public, the government was able to suppress the grand jury decision for nearly a month, leaking the failure to indict to one reporter through whom the government repeated its slanderous assertions about Sturges. Plans are in the works for a civil suit against various government officials and agencies for damage caused to Sturges' apartment and work.

The Sturges case, of course, has no precedential value, but it will probably make the Feds a bit more hesitant to go after well-established artists, at least in San Francisco. Even so, Sturges says that the experience has left him censoring his work so as not to find himself in court again.

[Note: Sturges appeared at the New York Camera Club on October 16 and, for the first time, showed several of the color slides which were the center of the controversy. They were surprisingly tame. One slide showed a girl sitting with her father on the beach. Another showed a girl standing, nude and unselfconsciously, several feet away from Sturges, who was obviously lying down when he took the shot.]

Florida Judge Strikes Down "Age Of Consent" Law

[Source: *Sex & the Law*, Society for the Scientific Study of Sex, Vol. 1, No. 1.]

A little over one year ago, on July 13, 1990, Broward County, FL, Circuit Judge Leonard J. Fleet declared Florida's "statutory rape" law unconstitutional under the Florida Constitution's right-to-privacy provisions in a case involving consensual sexual intercourse between a 15-year-old female and two males, ages 19 and 21. Under Florida's statutory rape law, consent is irrelevant to a determination of guilt or innocence. In his opinion in *State of Florida v. Phillips and Williams*, Judge Fleet cited minors' rights as justification

for his decision:

Florida appears to be very ambivalent on just what a minor is capable of deciding. An unwed pregnant mother, regardless of age, can give valid consent to medical and surgical services for herself, can execute a valid consent to the adoption of her child, and can decide whether to continue to terminate her pregnancy.

The Judge also noted that a 15-year-old may be tried as an adult in a criminal case and could be held to adult standards in other aspects of criminal prosecutions. On this basis, Judge Fleet questioned the legislature's right to "arbitrarily establish an age beneath which one cannot consent to become sexually active."

Judge Fleet's decision came after Johnny McCray, Jr., attorney for defendant Williams, brought a pre-trial motion to dismiss the case, based on his reading of *In re T.W., a Minor*, 551 So.2d 1186, the Florida Supreme Court decision upholding a minor's right to an abortion without parental consent. McCray theorized that "if a 15-year-old can consent to an abortion, then a 15-year-old who engaged in sexual intercourse can consent to that, too." McCray and Susan L. Porter, attorney for co-defendant Phillips, played the Court a videotape, made by defendant Phillips, of the alleged "victim" and defendant Williams having sex in order to show that the sex was consensual.

According to the National Law Journal, "prosecutors and rape-victim advocates...believe the ruling will open the door for defense lawyers to traumatize teenagers by trying to prove they consented to sex." But Bruce S. Rogow, a Fort Lauderdale attorney and professor at Nova University, sees it another way: "[T]he irrebuttable presumption [that no girl under 16 could consent to sexual intercourse] has always been a problem. I prefer a case-by-case analysis." The traumatization at the hands of defense attorneys is not the only alternative: lawmakers might consider alternatives such as limiting cross-examination, for example, on the minor's prior sex life, and shifting burdens of proof.

The Phillips case, "the first challenge of its kind in the nation," is likely to be overturned on appeal for obvious reasons, so individuals are not encouraged to test other applications of the law.

Brief Notes

- *"Girl-Love" in the 19th Century: A Compendium of Source Materials* is available from UDN for \$6.00, postage paid. This pamphlet is the first in a series planned over the next several months.

- Black Sparrow Press has released Gerard Malanga's "Three Diamonds," a collection of poems and photographs covering about a 10 year period of Malanga's career. Although Malanga is best known for his collaborations during the 60s with Andy Warhol, he has published numerous books of poetry dedicated to girls and young women. A number of



edit picture

the poems that appear in this volume (and several of the photographs) appeared first in "Autobiography of a Sex Thief," most copies of which were destroyed by the publisher due to a copyright problem with one of the photographs. Unfortunately, the photographs in this volume are rather poorly reproduced and several of the best photographs which appeared in "Autobiography" are not included here. Still and all, the images represent a range of desire rarely admitted to and Malanga has an original vision. Notable poems: "To An Unknown Youth" ("There's this text wch begins: / Sweet child, / little girl with well shaped legs / you cannot touch the thoughts / I put over and under and around you...."), "Joan Miro and His Daughter Doloris," "Series II"; and "3:ii:81 n y c -- The Naked Aura" ("Aura -- 11-yr old Eurasian: -- / You are not eleven / you are precocious / you are an atmosphere...") "Three Diamonds" will be available from UDN in January 92.

- Tin Machine II, the second LP by David Bowie's latest configuration, contains a song about child prostitution in the Philippines, called "Shopping for Girls". The song properly empathizes

with the child prostitute, who is often the only wage-earner in her family and keeps the family from virtual starvation. Although the allusions to drug addiction are inaccurate for child prostitutes in the Philippines ("These are children riding naked on their tourist pals / while the hollows that pass for eyes swell from withdrawal / as he lies on a mattress in a rat-infested room / talking 'bout his family and the cold back home), the pain of these children is no less. And Bowie puts it together honestly and directly:

Where the frangipani scents the air
she mouths a word that breaks his stare
he grunts his reply in a garrulous croak
that's a mighty big word for a nine year old

Between the dull cold eyes and the mind unstable
no-one over here reads the papers pal
between the dull cold eyes and the mind unstable
he's a clean trick and he's shopping for girls

You gaze down into her eyes for a million miles
You wanna give her a name and a clean rag doll.

- Aperture, the American photographic book publisher, has announced plans to publish two books next year depicting child nudity -- Sally Mann's "Family Pictures" and a book by Jock Sturges. Aperture can be credited with taking a high moral (and hence radical) stance on a politically-dangerous subject. Remember that while Sturges' case was dismissed in San Francisco, these book will be sold across the U.S. in many less favorable venues.

- An American insurance company currently has an ad campaign comprised entirely of images of little girls and young women, with a voice-over of the song "Thank Heaven for Little Girls". If anyone has recorded this on VHS, please contact UDN, since we would like a copy of it for our archives.

- Most recently heard joke about girl-love from a reader in London: What do Bill Wyman and a tortoise have in common? They both got there before the hare (hair).

- A reader from Chicago writes:

I recently returned from a business trip to X where I was staying in a rather touristy hotel. One afternoon I was standing outside the hotel and waiting for a taxi, absentmindedly staring at a beautiful young girl, about 12 years old, who was about 20 feet away and with her parents. The taxi driver that picked me up recognized me from my series of regular trips and asked me if I liked what I saw. We got to talking and it turned out that he liked near-adolescent girls and was active with a number of them. He asked me if I was interested. Of course I was, although I had never done it



edit picture

before.

The next afternoon -- it was a Saturday -- I waited for him to fetch me at the hotel. At 2:00 he came and told me that we would go for a ride. We drove through the back streets behind the hotel toward the center of town. Most of the houses were small and poorly constructed, but not poverty by any means. Then we came to a slightly better neighborhood (the houses were detached and semi-detached) and pulled up in front of a small bodega. The taxi driver told me to wait. I could see him inside talking to an older man, about 60 or so.

A few minutes later, the taxi driver came out with a girl of 12. She was a very adolescent 12 -- a bit plump, high, well-developed breasts (for that age), a freshness about her complexion, with brown hair and light skin. She was dressed in a white sweatshirt (the evenings are fortunately a bit cool in X) with the teddy bear and blue jeans. Her hair-style could have placed her in any number of American cities. She didn't speak a word of English, but smiled when she got in the back of the cab next to me. The taxi driver got in and explained that he had to get permission to take her with us from her grandfather and that it would cost me \$40. About 5 minutes later, we pulled up in front of a rather large white house and the driver asked me to wait. The girl (Marita) explained in Spanish (which I speak reasonably well) that we were picking up a friend of hers. We talked for a few minutes about X and what I was doing there and what she did at school and so on. Then the driver came back with the second girl who was smaller, a little bit boyish, with dark skin and black hair. She looked slightly older (she was actually 14). He said that the two girls would cost \$80. This was pretty expensive for my budget and the girls were a few years older than what I would prefer, but it was a rare opportunity, to say the least. When she got in the car, she immediately kissed me on the lips, something that surprised me a great deal. Her name was Estrella. She wore a blue and green flower-print dress.

Since it was now quite dark, the driver said that we would have no problem going to the "love" motel. These hotels are common in South America: a two-story structure with garages downstairs and rooms upstairs, very small windows which begin only above your head. You drive into the complex (which could consist of perhaps twenty or thirty units), pull into a garage, go upstairs and pay your money through a chute. You never see a soul and they never see you. This way, people can carry on affairs and it's nobody's business.

Anyway, we went upstairs and the taxi driver told us all to take showers. He would wait in the outer room. Unfortunately, he said, we only have one hour. I wondered whether I would be aroused with these girls. They were strangers and there was obviously no time to establish any sort of relationship prior to sex. I had never been to a prostitute in my life, probably because I find sex to be sensational only when there is a real connection. Anyway, we showered and then went over to the bed. Neither girl seemed embarrassed by the situation, although I could tell that Marita hadn't had much sexual experience, if any.

When I got into bed in between the two girls, I was immediately hard. Estrella had a beautifully soft, strong little body, with round little breasts which fit into the palm of my hand, a beautiful round behind, and a small sex with a tuft of black pubic hair. In contrast, Marita was somewhat plump and, although her breasts were larger than Estrella's, she hadn't a trace of pubic hair. Also, her labia menora were completely undeveloped, which gave the impression that the crevice of her sex was always exposed unless she crossed her legs. Intercourse was not a possibility with these girls, although from my explorations, it was clear that intercourse was at least physically possible. Marita was mostly passive and didn't seem particularly interested in the sex, which is hardly surprising. She was also obviously inexperienced and probably hadn't been with more than a few men. Estrella, however, seemed really enthusiastic. I went down on her for about 10 minutes (until she came). She said that no one had ever done that before, which I believed both from her reaction (she asked me to do it again 20 minutes later) and from what the taxi driver had said. She went down on me with an impressive skill. She was also very cuddly.

The next day, the taxi driver arranged to pick me up at 2:00. From the hotel, we went and picked up Estrella, then drove to a public outdoor pool to get Marita. The pool was jam-packed with people, probably about 6-700. Marita was standing just outside the fence, with (she said), her aunt, her younger sister, and a friend. We waved to them and she came over to the taxi and got in. Apparently, they all knew what was going on.

A few things struck me about this situation. The two girls were not from poor families and they didn't appear to be wanting of anything, at least not any more than your average lower-middle class American adolescent. Marita's family ran a grocery store. Estrella's father was a welder and relatively well-paid. Both girls were well-dressed, lived in decent neighborhoods, lived with their families (and even grandparents), went to school, etc. In fact, they differed very little from girls their age in the States. Marita was obviously doing the sex just for the money. When we were leaving, the taxi driver told her that if she didn't want to be involved in the sex that it was perfectly okay. She insisted that she didn't "mind" it. Marita then said she was going to use the money to buy a sweater she wanted. Estrella said she fought constantly with her mother about typical things -- staying out late, spending too much time with her boyfriend, etc. It seemed to me that she not only liked the money, but enjoyed rebelling, at least in secret, against her mother. She also enjoyed at least some of the sex, particularly oral sex (in both directions).

Estrella reminded me of a girlfriend I had when I was 14. She was 12 and knew some older guys (in their early 20s) who sometimes gave her spending money or did favors for her if she went down on them or masturbated them. I also knew some other girls when I was in junior high school who used to go out with men who were in their late 20s and even early 30s. I think that this behavior isn't at all uncommon among adolescent girls, and I'm not talking about incest or rape, but simply adolescent girls choosing with whom they wish to consort sexually. I don't think that there is anything "natural" about age-identical relationships -- or age-disparate ones, for that matter. That's not to say that

adolescents involved in scenes of this sort can't be harmed by it in some way. Many undoubtedly are. But perhaps the new-found political consciousness of the 80s in which every adolescent girl or boy involved in sex with adults for money or otherwise is a victim is just another example of our will to deny our sexuality.

edit picture

Editorial

It doesn't take a genius to figure out that friendly letters from businesses selling child pornography come from none other than the U.S. Government. The last sting we saw came out of the U.K., from the U.S. government posing as a "Stuart Billingsley (III)" in Kensington, London. The letter, typical of sting operations, is sent to "targets" (read: prey) in an envelope with British postage and a London postmark, but the letter smells American. "All videos contain boys and girls aged 6 to 15 engaged in sex action" should be enough to tell you that receipt of such items are prohibited by U.S. law and violations carry minimum jail terms of 18 months in the federal slammer. Several individuals were sent this incarceration offer after corre-

sponding with a government agent posing as "Miss Michelle Jarrett," who purports to be age 13 and looking for "older men who are interesting and like to teach." (Sounds kinda weird to me.) If, by some mistake, you do order such materials and it is delivered to your house, don't accept it under any circumstances. This may not prevent your eventual incarceration, but it will make it that much more difficult for the government. (By the way, DHL Worldwide Express is a favorite sting delivery company for the government, so by all means boycott DHL!)

From time to time UDN receives letters from some poor souls out there who still think that they can meet children or find willing children with permissive parents through the mail. Some think that UDN must know of some sex clubs featuring young girls or that

we know "confidential sources" for child pornography. It is these individuals who are most vulnerable to the temptations of a sting. To make matters clear, UDN's position is as follows:

UDN is not a contact service and will not put anyone in touch with anyone. (Sorry prisoners.) The editors of UDN think its pretty creepy to correspond with others through the mail to exchange pornographic pictures or search for willing children with whom to have sex. The editors of UDN think its a good idea to explore your desires in legal ways only.

At the same time, know the law and be aware of changes that are taking place in it. Things are not getting better. The possession (of 3 or more items) and receipt of depictions (of one item) of minors with exposed genitals may be illegal, depending upon the context in which the photographs were taken or who possesses them. With the Knox case, possession and receipt of clothed depictions of children may also be illegal. The federally-mandated sentence for receipt of one item containing "child pornography" is 18 months imprisonment. Federal judges may not give a lower sentence, but they may give a higher sentence. Although there is no federally-mandated minimum sentence for possession of 3 or more items containing "child pornography," possession is a felony punishable by up to 5 years in prison. If you insist on possessing questionable depictions, be prepared to fight, lose, and go to jail. (This is called being realistic.)

erotoklix: after the bath

come over here a see and lie down on top of me
i just took a bath, i'm still wet
doesn't matter
ok
lay your head on my chest
my hair's still wet
doesn't matter
ok
i'll dry it, it smells good
mmm
the skin on your back is so smooth and especially here
mmm...i can hear your heart beat, thump-thump, thump-thump
i love you lying on top of me
it's getting hard again, it's bumping you-know-where,
why does it always get hard?
it likes it when somebody leans against it
somebody, anybody?
no, just you
it's like a little animal
yeah
if i had breasts they'd poke your chest
mmm
when will i get breasts?
when they're ready
can i get up now, i want to dry my hair
i thought i was going to
i'm in a hurry, got to get home, remember?
yeah

copyright 1989 Anon.

Do not write to sting addresses unless you are sure you know what you are doing and aren't vulnerable to any raids. It is possible that the federal witchhunters will use any pretext to come into your house: a letter of inquiry or introduction to your sexual preferences sent to a sting operation; the receipt of a catalog containing non-pornographic books pertaining to children; the receipt of a nudist magazine; the receipt of Uncommon Desires Newsletter; the receipt of correspondence from someone who was busted for alleged child porn or sex; the seizure by the Feds of a letter written by you which was possessed by someone busted for alleged child porn or sex, etc. Under the series of decisions by the wonderful Burger and Rhenquist Supreme Courts, you have no rights under the Fourth Amendment. Your house may be unreasonably searched and your property may be unreasonably seized. You have only the right to remain silent.

On another note, a review of *UDN #1* in *Anarchy: The Journal of Desire Armed* incorrectly noted that we ceased publication Uncommon Desires partly because our mailing list was taken by the Feds. What actually happened was that an old mailing list (dating from 1988) consisting of only a handful of current subscribers was seized from the offices of our lawyer. It wasn't the only copy, of course. The Feds were ordered to return the list and agree that the list would not be used for any purposes. Do we believe them? Of course not. But the law is pretty clear that subscription lists of legal publications are protected by principles of privacy embodied in the Bill of Rights. Are those rights guaranteed? Of course not, especially because having "rights" usually means that unless you have enough money and time to enforce them in court, they are meaningless. But at the same time -- they're all we've got.

Federal Witchhunters On the Loose (Again) in Irvine, CA

Three slides taken by Laguna Beach photographer Marilyn Lennon at a professional workshop led by world-famous photographer Joyce Tenneson in Santa Fe, New Mexico were turned over to the Irvine, CA cop squad in charge of drooling over pictures of children. The slides depicted an unidentified 12-year-old female nude from the waist up. The lower portion of her body was wrapped in fabric, like many a Joyce Tenneson photograph. The lab owner, Betty Farrell of Irvine Photo Graphics alerted police after the Lennon brought the slides to the lab to be printed. Farrell claims that the police asked her to contact them if she received "anything involving nudity of minors." Like any good nazi, she complied, even though the law did not compel such a report.

About two hours after dropping the slides off at the lab, Lennon returned home to find a message on her answering machine from Irvine police informing her that they were holding her slides as part of an investigation. There is obviously so little child abuse in Irvine that they were able to act so quickly. Lennon was later told that the photographs "could be sold to arouse pedophiles" and that the Santa Fe Police Department had been contacted and urged to investigate the workshop. The Santa Fe police would not comment as to whether there was any investigation, but Doug Merriam, managing director of the work-

shop, believes the workshop might be fined for violating child labor laws because the girl (and her mother) were paid to model during the workshop. "I don't see how I could be guilty of anything under the circumstances," Lennon said. Lennon is right as far as the pictures go, but it is certainly conceivable, although doubtful in this particular instance, that Lennon could be prosecuted under laws which "protect" minors from what are perceived by a confused and paranoid public as morally compromising situations -- like being asked to appear topless or nude in a photograph.

Under California law, commercial photo labs are required to report "any film, photograph, videotape, negative or slide depicting a child under the age of 14 years engaged in an act of sexual conduct." Among the "sexual acts" described is "exhibition of the genitals, pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer." [Good luck trying to untangle that one! - Ed.] Matt Herron, a San Francisco writer and photographer, who organized the Photo Law Reform Group in San Francisco during the Jock Sturges affair, noted that "[e]ssentially, that allows the viewer [read: police] to interpret the law. If the viewer is offended, then you've broken the law." Sturges concurred: "It's a hopeless piece of legislation as it stands. It is so phenomenally subjective."

Deanne Tilton-Durfee, an alleged child abuse "expert" and executive director of the Inter-Agency Council on Child Abuse and Neglect, said in support of the law: "It's all gray lines from one end of the spectrum to the other [but the reporting laws are] an incredibly useful way to save a lot of children."

One just wonders from whom she thinks she is saving them....

Illustrations in this Issue of UDN from:

Stratz, Dr. C.H. *Die肖enheit des weiblichen Korpers*. Verlag von Ferdinand Enke, Stuttgart, 1910. / Stratz, Dr. C.H. *Die Rassens肖enheit des Weibes*. Stuttgart: Verlag von Ferdinand Enke, 1922.

Cover: Dreizehnjaehriges (13) Maedchen aus Barcelona.

Page 5: Brustknospe. 12 jaehriges Maedchen.

Page 8: Papuamaedchen von etwa zehn (10) Jahren (Aufn. Pasteur).

Page 9: Maedchen von 12-1/2 Jahren aus Maedchen.

Page 12: 12 jaehrige Amerikanerin. Halsband der Venus.

A Re-Make of 'Lolita'?

It's a minefield, a move that's guaranteed to offend everyone."

That's how screenwriter James Dearden ("Fatal Attraction") describes his task of adapting Vladimir Nabokov's "Lolita" for filming in the 1990s. Carolco Pictures International paid \$1 million to the Nabokov estate to acquire rights to film a new version of the tale of 40ish professor Humbert Humbert's obsessive lust for a 12-year-old girl. Adrian Lyne ("Fatal Attraction," "9-1/2 Weeks") will direct.

Recall that the 1962 adaptation of the novel, directed by Stanley Kubrick and starring James Mason and Sue Lyon, raised Lolita's age to 15, with a pedicure [or is that a pedo-cure? - Ed.] as the film's most erotic scene. And, in observance of the prevailing Hollywood moral code, an epilogue was added in which Humbert Humbert was said to have died of a heart attack -- properly punished for his implied lechery.

Agent Irving (Swiftly) Lazar, who made the original "Lolita" sale for \$250,000 and also handled the new deal, feels the novel is "more makeable as a movie today because when it was sold [30 years ago] there were all these prohibitions and censorship. You could not show two people in bed together. Now, the sexuality of the original piece could be more explicit."

Dearden tells us he'll meet with Lyne shortly to discuss just such touchy issues.

"Perhaps it's much more honest if you show [the intimacy]," speculates Dearden from London's Shepperton Studios, where he's just wrapped "A Kiss Before Dying" as writer-director. "Obviously, you don't want to [get into] pedophile pornography and the exploitation of children's images. This film is in a very different light....I see it as a story of a doomed love affair, ultimately a tragic love story.

"If you're honest, it's possible for a man of 40 to be infatuated with a girl of 12 or 13 or 14. It's really not that abnormal to be attracted to a young girl. It's really the image of youthful beauty that's a temptation and damnation for Humbert Humbert's weakness. There's a kind of hopelessness about his infatuation.

"She's not his victim. If you think about it, Lolita comes out on top. Humbert Humbert is destroyed by it."

Report from the L.A. Times

Uncommon Desires Newsletter is published six times a year and is available by subscription only at \$20.00 U.S./35 Dfl. per year, including postage. For subscriptions or further information, write to Postbus 408, 1000AK Amsterdam, The Netherlands. For U.S. customers, all issues of *UDN* will be sent from within the United States.