

Uncommon Desires Newsletter



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Janet Reno, Clinton's Nominee for Attorney General: Child Advocate or Political Opportunist?

The Clinton Administration's third nominee for Attorney General, Dade County District Attorney Janet Reno, may not have employed an illegal alien baby-sitter, but she may not be the "staunch children's advocate" and "friend" to the Bill of Rights, as the Clinton Administration claims. Those claims are most seriously belied by the prosecution by Reno's office of Robert Fijnje, a 14-year-old Dutch boy who was accused a satanic ritual molestation of over a dozen children.

According to Mel Black, Fijnje's attorney, the case began when Fijnje was accused of molesting a toddler at the church day-care center where he was working. A single act was alleged: that Fijnje's put his finger in the vagina of a toddler. The case was initially referred to juvenile court, where Fijnje was interviewed by a sex offender treatment specialist. The specialist determined that Fijnje was not a sex offender. Fijnje also maintained his innocence of the charges.

Black said that Fijnje's refusal to admit the "truth" of the allegations, "thus taking away the option for treatment in the state's mind," resulted in Fijnje's being bound over to be tried as an adult. Black also suggested an additional reason for this particular treatment of Fijnje: the prosecution theorized that Fijnje's parents were implicated in some way in the alleged molestation and, by indicting Fijnje, might be forced to admit their involvement.

The investigation of the case by Reno's office was somewhat less than wonderful. (Reno was not directly involved in the day-to-day handling of the case.) Testimony regarding "satanic" abuse and multiple and ghastly molestations was elicited from Fijnje's alleged preschool "victims" by psychologists and "experts" whose coercive and manipulative techniques in this case were demonstrated at trial. (The prosecution's forensic specialists were equally lacking in the requisite expertise regarding alleged physical signs of sexual abuse.) Rather than question the wild allegations that resulted from these sessions (e.g., that Fijnje smeared the children with feces, murdered a baby and forced them to eat its arm, took the toddlers to his home, where they and his family all bounced naked on a trampoline on the roof, and once escaped from them by flying out the window), Reno's office saw the case as a unique press opportunity to wave the flag of "children's rights". Criticism from presiding Judge Norman Gerstein that her office was creating and exploiting "media hype" about the case had no effect on Reno's office. It must have been lost on Reno that the "perpetrator" of these alleged acts was a 14-year-old boy (and only 13 at the time the acts were supposed to have been committed).

In an act of unspeakable cruelty, Reno's office ensured that Fijnje was imprisoned pending his trial. He remained in prison for more than 20 months, eight of which, according to his father, were spent in solitary confinement. Fijnje was released only after his acquittal at trial. Not surprisingly, he moved back to Holland with his family. They had had enough of American-style justice.

The Fijnje case was not the first venture by Reno's office into allegations of satanic abuse. In 1984, Reno successfully prosecuted the "Country Walk" case, often cited by satanic-abuse advocates as "proof" that it actually exists. Journalist Debbie Nathan, among many others,

have urged the public and prosecution to take another look at the case, including the "confession" of Ileana Fuster, the wife and co-defendant of Francisco Fuster. Francisco Fuster was sentenced to several life terms and is currently rotting in a Florida prison.

According to Nathan, while the case was pending against the Fusters (who had run a day-care center known as "Country Walk"), Reno's office told Ileana that she would receive a generous sentence reduction if she testified against her husband. Ileana's lawyer was enthusiastic, but Ileana refused. Subsequently, she was put into an isolation cell, where she began receiving daily visits from two psychologists, who were often accompanied by Janet Reno. One of the psychologists, Michael Rappoport, characterized these sessions as "visualization and relaxation exercises" aimed at getting Ileana to "admit" and "remember" the children's charges. In a deposition, Rappoport compared his techniques to "hypnosis" and "reverse brainwashing." Although the sessions occurred with the consent of Ileana's attorney, he was not present during any of them.

Following the sessions, "Ileana confessed," Nathan reports, "in testimony often riddled with indications that her recollections were based on fantasy. For example, she testified that the memory of her husband raping her and the children with snakes emerged only after she had had 'bad dreams'." During hours of such testimony, according to Nathan, Reno huddled next to Ileana and held her hand. Reno also made Ileana out to look like a child-victim, since Ileana was 17 and her husband was in his 30s. The prosecution never explained to the jury that the age disparity was completely normal for a couple from Central America. After the trial, Ileana returned to her Central America. She will not talk publicly about the case. As for Francisco, there is a motion pending, charging Reno with having acted improperly by obtaining a tainted – and untruthful – confession.

Reno also supported a Florida statute, now law, permitting videotaped testimony in lieu of live testimony in cases involving child sexual abuse allegations. These laws, although they have been upheld by the United States Supreme Court, are antithetical to the Constitution. They mock the right of the defendant to a full cross-examination of complaining witnesses and they create the presumption of guilt, since (or so the reasoning goes) if the defendant were innocent of the charges, the child would not be fearful of testifying in person. These laws also permit the prosecution to shore up an otherwise weak case by rigging the presentation of evidence.

Both the Fijnje and Country Walk cases raise serious questions about Reno's ethics and judgment. Like her position on the death penalty – Reno says she personally opposes it, but as a prosecutor has sought its application 80 times – her commitment to "children's rights" and the Bill of Rights seem to be based on what is politically expedient. Although she has been characterized by numerous Miami attorneys as favoring pre-trial diversion, rehabilitation, and treatment over incarceration, her office's actions in the Fijnje case would seem to show a certain stubborn contempt for those defendants who dare to maintain their innocence. To be sure, Janet Reno will not have sole control over policy at the Department of Justice and – presumably – she will surround herself with a higher caliber of lawyer than staffs her Dade County office. Defense lawyers in Miami have generally been supportive of her – in part for political reasons and in part because her office has always been open to dialogue with defense counsel. This alone would be a vast improvement over the Reagan and Bush years.

"One-Time's Got No Case": New York Attorney Acquitted on Conspiracy Charges

New York Attorney Lawrence Stanley was acquitted on February 9th on charges that he had conspired with a client to ship "child pornography" from Raleigh, North Carolina to New York City. Stanley's acquittal, a significant defeat for the Department of Justice's *Child Exploitation and Obscenity Section* ends a 3-1/2 year witch-hunt against Stanley which began with raids on Stanley's office and home in 1989.

The charges against Stanley, whose practice of law includes representing individuals accused of alleged "child pornography" crimes, stemmed from his representation of Donald Marcus, a Raleigh, North Carolina resident, who was a gymnastics instructor and photographer. Marcus had sought Stanley's advice in early 1989, after Marcus received a warning from a local film lab not to bring his photographs in any more for processing. The photographs had been taken by Marcus during the summer of 1988 and depicted nude young girls. Stanley advised Marcus that even though his photographs were legal, law enforcement authorities could still obtain a search warrant to harass him. Stanley's prediction proved true: in early June, within a week after Marcus departed for France to spend another summer photographing young girls, North Carolina authorities executed a search warrant at his home, seizing photographs and personal property.

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When Marcus returned from France in August, 1989, he discovered that his house had been searched. He telephoned a Raleigh lawyer, Roger Smith, who advised Marcus not to return to his home. (It was Smith's firm that first advised Marcus that his 1988 photographs were legal.) Marcus also called Stanley, who told Marcus to come to New York, where they could deal with his problems at a safe distance.

Marcus arrived in New York the next day. However, his suitcase was still en route from France and Marcus was worried that it, too, would be seized. After several days of shenanigans by Customs and Postal agents posing as agents of American Airlines and DHL, a controlled delivery of the suitcase -- which was opened by law enforcement officials and was found to contain contraband photographs -- was arranged to Stanley's office. As described in a

Donald Marcus hoped to produce a book of his nude work.

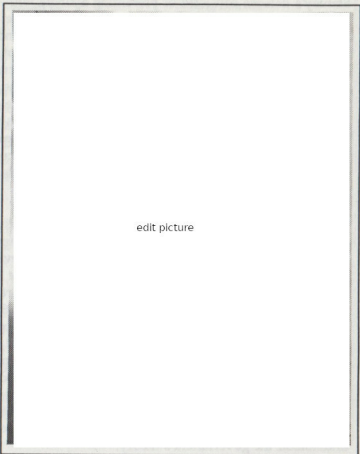
stipulation entered into by Stanley and the government for the purposes of trial, the suitcase contained unmounted slides depicting "minor females, between the ages of 8 and 15, photographed or posed in such a way so as to reveal their genitals, including the clitoris and vaginal opening." According to Stanley, this was an accurate description of "at least some" of the images.

When law enforcement officials arrived at Stanley's office, they had a warrant for Marcus' arrest. However, tired of waiting for his suitcase, Marcus had just left Stanley's office and never returned. (He probably noticed the seven agents in gumshoes, as well as the black sedans, and knew his number was up.) Marcus spent the night at a friend's house on Long Island and left for Paris the next day, where he is now a resident. Nearly 2-1/2 years

after the controlled delivery (and after the U.S. Attorney in Manhattan declined to prosecute), Stanley was indicted in the Brooklyn federal court for conspiring to ship Marcus' suitcase in interstate and foreign commerce through Kennedy Airport.

The sole issue at trial was whether Stanley knew that the suitcase contained contraband (i.e., child pornography). To prove Stanley's knowledge, the government had to show that someone actually told Stanley what was in the suitcase, since Stanley had never seen the contraband photographs.

The case went badly for the government from the beginning of the case through to the verdict. Prior to trial, the government was forced to concede that Stanley had nothing to do with the importation of the suitcase. To the contrary, the government's evidence actually showed that Stanley had advised Marcus *against* bringing *any* of his photographs into the U.S., even legal ones. During trial, the evidence offered by the government conclusively demonstrated that Stanley had no role in the interstate transportation of the suitcase containing the contraband. Although Marcus, upon Stanley's advice, had directed American Airlines to hold his baggage in New York and not send it to North Carolina, a miscommunication among American Airlines personnel resulted in the "interstate" shipment of the suitcase down to North Carolina and back again. That left the jury with only the conspiracy charge to consider.



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A French girl, age 14, photographed by Donald Marcus.

Stanley's defense consisted of presenting a single witness, defense attorney Roger Smith. Stanley and Smith had spoken about the Marcus case in a three-way conversation with Marcus several days prior to the controlled delivery and Smith told the court that Stanley had given Marcus sound legal advice. As to the issue of he and Stanley's knowledge of the contents of the suitcase, Smith testified that Marcus had been "incensed" that the government had executed a search warrant at his home, obtaining a search warrant based on photographs which the government admitted were completely legal. Smith said that Marcus implied during this conversation that the missing suitcase contained only similar images (*not* pornographic ones), along with model releases. Smith's testimony jibed with the testimony of the government's witnesses: that Marcus had lied to everyone -- including his closest friends -- about the true contents of the slides in the suitcase in order to obtain their help and cooperation.

Throughout the case, the government had made clear that its main strategy was to attempt to bring into evidence Stanley's work with this newsletter and the *NAMBLA Bulletin*, as well as his alleged desires for young girls. Because such "evidence" had nothing whatsoever to do with Stanley's knowledge of the contents of the suitcase, and due to the obvious prejudicial effect such "evidence" would have, the court refused to permit its introduction. The government was permitted, however, to introduce Stanley's curriculum vitae (showing his academic interest in the subject of child pornography and paedophilia and his association with *Paidika: The Journal of Paedophilia*) and his law review article, "The Child Porn Myth". That article is severely critical of certain aspects of the child pornography laws, as well as the government's overzealous enforcement policies in the area. The government believed that the law review article showed Stanley's expertise in the area of child pornography law and sting operations and therefore Stanley must have known that the suitcase contained contraband pictures. Neither the defense, the judge, or the jury understood the government's theory.

In the end, Stanley was acquitted. The jury understood the vindictive nature of the prosecution when, after having presented evidence of Stanley's innocence, prosecutors Robert Flores and Ruth Nordenbrook railed about his guilt. Particularly instructive in this regard was the rebuttal summation of Ruth Nordenbrook, which was reminiscent of Peter Sellers' performance as *Dr. Strangelove*. "Sure he's an expert, but they don't tell you what *kind* of expert he is," she warned. "This is a lawyer whose *sole* interest in the law is child pornography. He represents people accused of child pornography...." Although Stanley's interest in the law is hardly confined to the area of obscenity, he will continue to represent defendants in child pornography cases.

Canadian Moral Crusaders Fight to Ban NAMBLA Bulletin from Canada

Thanks to the allegedly "feminist" Legal Equality Action Fund (LEAF), sexual depictions of anyone which meet with Canadian censors' disapproval as "degrading" or "dehumanizing" may be banned from Canada. Included in this category are depictions of all sm sex, most anal sex, and anything else that offends the bluenoses. Gay male erotica, made for and by men, aren't exempt either: "We made the point that the abused men [sic] in these films were being treated like women -- and the judges got it," LEAF counsel Kathleen Mahoney told

This Magazine. "Anything that's violent or degrading is harmful, including lesbian or gay material."

The censors may now attempt to add the *NAMBLA Bulletin* to their list of harmful publications, although the *Bulletin* contains only words, with a few harmless non-erotic images of boys thrown in. Nevertheless, testified Vancouver Police Detective Noreen Wolff before a House of Commons Committee studying crime prevention, it should be banned from Canada:

The problem is, there is nothing really governing the written word. The written word in these magazines is part of it. It describes the sex with children.

Tory Bob Horner, the committee chairman, told Wolff that Parliament had passed legislation in the 1980s dealing with literature such as growing marijuana or how to rip off your drug dealer. "It was passed and now it is being challenged in the courts," Horner said. "That is the problem we face."

Wolff attacked the *Bulletin's* political position on age of consent laws and made the silly claim that the *Bulletin* was an instruction manual on having sex with young boys. "One recent article," Wolff said, "deals with the issue of lowering the age of consent. It continues by stating a young person 8 to 12 years old should be able to consent to erotic acts of fondling, fellatio and genital orgasm both active and passive. After age 12 a consent decree should no longer be necessary." Wolff said she had no idea how many copies of the *Bulletin* were distributed in Canada but warned (falsely) that the organization was trying to gain a foothold there.

In the meantime, Canadian authorities has been actively working to suppress the *Bulletin* in Canada. Nine copies, addressed to a bookstore in Vancouver, were seized in November 1991; and Toronto's Glad Day Bookstore ceased carrying the *Bulletin* after being pressured by Customs. In a recent letter to NAMBLA (addressed to its office in New York), Vancouver police threatened to bring charges against NAMBLA for distributing the *Bulletin* in Canada, although there appears to be no authority for such charges. NAMBLA has not been deterred, however, and continues -- legally -- to sell the *Bulletin* through the mail.

There have been no reports of seizures of *Uncommon Desires Newsletter*, but with the winds of censorship blowing so chilly, it can't be far behind.

Calling Sounds

out of a strange stirring after dusk
you say the night waves were
whispering your name
close by the jutting pier?
how can you be certain it wasn't just
the gliding sounds
of starlit-silver-fishes?
or perhaps the friendly man who'd earlier
waved to you on shore
now out trolling in his rowboat
calling? ...but most likely it was merely
splashings around the pilings
or maybe murmurings
up the launchramp -- ,
suggested words,
waves softly slapping,
murky in the warm night.
but how can you be so positive
they were saying "Sarah"
and then unmistakably "little Sarah,
come to me, Sarah...?"

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New Paraphilia Discovered Among U.S. Law Enforcement Agents.
(The Journal of Real Psychoabnormalities, Fall 1992, Vol. 2, No. 4, pp. 38-39).

New research has uncovered a new paraphilia that has been appearing with alarming frequency among law enforcement officers entrusted with enforcing United States law -- known as *saciophilia* (pronounced *sas' ero phi' lia*).

Psychologists have known for years about kleptomania -- or the irresistible impulse to steal. The primary lure of stealing is that it is socially taboo and legally forbidden. To be sure, this may have a sexual component, where the act of stealing, combined with the kleptophile's relationship to the particular objects to be stolen, produces sexual excitement. An example is the kleptophile who steals women's underwear.

But *saciophilia* occurs where the irresistible impulse is not to steal -- i.e. acquire something illegally -- but to search for and seize property, authorized by a judge or some responsible superior. The *saciophile's* belief that there is "probable cause" to search and seize is apparently necessary, in most cases, in order to complete the *saciophilic* act.

Behavioral experiments in which *saciophilic* and normal Postal Inspectors were given audio stimuli of actual search warrant situations have shown that when a search warrant is denied, the seizing impulse between *saciophiles* and controls is indistinguishable -- a base level of 3 on a scale of 1 to 10. Those who show base levels below 3, researchers say, usually seek -- or are eventually assigned -- desk jobs. (Response to *saciophilic* stimuli is measured by galvanic skin response, pulse, and pupillometry.) However, when the search warrant is granted, normals maintain the base line response, while *saciophiles* show consistent readings between 8 and 10 on the scale.

What is irresistible to the *saciophile* are the physiological changes and psychosexual arousal attained in a search and seizure situation occurring 'under color of law'. For the *saciophile*, "probable cause" to conduct a search and seizure is analogous to "consent" to engage in sex. Where there is entry onto a premises without probable cause, the normal *saciophile* will not show elevated levels of desire to search and seize.

Unfortunately, *saciophilia* often takes on coercive aspects of a constitutional dimension. As in "date rape," where the consent of the partner is absent or blurred at best, so in *saciophilia*, probable cause is often obtained on false pretenses, utilizing significant degrees of self-deception. In extreme cases (which appear most frequently in cases involving child pornography), the *saciophile* may become aggressive and will stop at nothing to obtain a search warrant. Researchers say that *saciophilia* may, in fact, be responsible for over 70% of the illegal searches and seizures in law enforcement today. *Saciophilia* is not a victimless crime.

Although the research is still in its early stages, a profile of the typical *saciophile* has begun to emerge:

1. Some *saciophiles* are attracted to particular subject-matter (e.g., drugs, child pornography, bestiality and sm pornography, counterfeit money). These are known as "fixated" *saciophiles*. The more common type of *saciophile*, however, is the "sociopathic"

sacirophile for whom the subject-matter to be seized is relatively unimportant.

2. Sacirophiles are obsessed with "profiling" their suspects, often going at great length to make normal, human attributes seem weird or to make nonsensical over-generalizations. Sacirophiles seem to enjoy creating folklore about the individuals they are investigating, collecting and exchanging rumors and anecdotes which are later used in search warrants and "official" reports. Sacirophiles use such folklore to stimulate themselves in sacirophilic fantasies and to achieve sacirophilic release when actual searches and seizures are not possible. Paedophilic sacirophiles, an identified subgroup, have been particularly active in this regard.

3. Sacirophiles have formed vast underground networks – on an international scale – to enjoy and share their sacirophilic experiences. Most of this falls under the guise of law enforcement, but many sacirophiles have been able to achieve vicarious satisfaction by associating themselves with "missing children" foundations and cults which aim to expose "satanic" abuse. There is ample evidence of American sacirophiles seeking out contacts with sacirophiles abroad through news bulletins, police reports, and "official" investigations.

4. Sacirophiles usually proudly declare their "expertise" in search warrants on the subject under investigation, even though attempts to proffer such expertise to serious scholars and academicians would meet with derisive laughter. Usually, the expertise consists only of being trained by other sacirophiles.

5. For some sacirophiles, actual "probable cause" is unnecessary, so long as the sacirophile feels he can lie about it with impunity on the witness stand. Typically, he will deny he was doing anything wrong and rationalizes his behavior by claiming "I was just doing my job." When cross-examined by defense lawyers in court proceedings, such sacirophiles will often answer the defense attorney's questions by "playing dumb". "Could you please repeat the question?" and "I'm not sure I understand your question" are the most common responses he will offer.

Researchers still have much to learn about sacirophilia -- particularly how to detect it early on in order to stop sacirophiles before they offend. Studies in the United States suggest that sacirophilia may cost American taxpayers in excess of \$20 billion each year. This figure does not, of course, include the less tangible damage inflicted upon individuals whose rights of privacy and freedoms of association and expression are compromised by sacirophiles. Nor does this figure estimate the incalculable damage to public morals caused by sacirophilic lawlessness. Hopefully, with more research, public funding, and -- most important -- public education, sacirophilia will be properly recognized as the serious problem it is and steps may be taken to eradicate it.

Britain's Obscene Publications Squad Targets Depictions of Children.

Scotland Yard's recently-expanded Obscene Publications Squad has mounted a full scale war against depictions of nude children, declaring that it has uncovered huge conspiracies and pornography "rings". A closer look at the cases, however, reveals a widespread attack,

not on depictions of children engaged in sexual conduct, but on merely nude and nudist-oriented images. The attack is easily understandable: because there is no *commercial* trade and very little underground commerce in such material, particularly in Britain, Scotland Yard must justify its new, bloated funding by finding cases to prosecute. With active assistance from U.S. law enforcement officials – evident in a number of cases – it may find success. And it may get further help from Parliament, which is considering new legislation to increase police powers in the area. Such moral crusading, politicians hope, will divert public attention from the real problems in Britain: social dislocation and discontent caused by a seriously flagging economy.

H&E Raided.

The offices of Peenhill, Ltd., which publishes *Health & Efficiency*, a nudist magazine with a tendency to present adult female nudes in kitschy "pin-up" styles, were raided by Scotland Yard in November in a purported attempt to find evidence of child pornography. *H&E* is the publisher of *Jeunes et naturels* and *Jung und Frei*, French and German versions of a

magazine which features depictions of children at nudist camps and beaches. But for the earliest issues, *J&N/J&F* does not contain close-up pictures or poses of children which might be deemed provocative (except to the truly perverted, of course). Most of the children are depicted in large groups, with their parents and other adults. The magazine is unquestionably legal in the United States, as well as in France, Germany, and the Netherlands.

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Stuart Collier, who writes for *News of the World*, one of the most notorious publications of the gutter press, reported that *H&E*'s "wealthy boss", Reginald Taylor, was being questioned by the Obscene Publications Squad and British Customs after *News of the World* published allegations (unsubstantiated) that the Peenhill publications were "being snapped up by pedophiles." Collier also reported that "hundreds of photos of naked children"

were seized from Peenhill's offices and that Customs officers had "intercepted pictures of naked children being sent to the magazine's offices from abroad." Not exactly a strange occurrence for a magazine whose purpose it was to publish such non-pornographic pictures.

According to *News of the World*, there had been complaints from "police, MPs, and members of the public" that *H&E's* classified section (*J&M/J&F* has no classified section) was being used as a "contact network by pedophiles". Such an assertion will appear absurd to anyone who

has answered *H&E* ads: the "young guys under 23" and the "girls" who have photos of themselves "and friends" are nothing more than offerings for materials depicting adults only, although not necessarily naturist in orientation. While one company, Rebelo Productions, offered videotapes depicting children, these videotapes did not contain depictions of any sexual conduct. Interestingly, one advertisement did appear to offer actual child pornography, but this was a sting operation jointly run by British and American law enforcement officials from a mail-drop in London.

Whether *J&M/J&F* is a legitimate "nudist" publication appears to be a matter of some contention. Some nudists apparently believe that *J&M/J&F* is aimed at adults who are sexually attracted to children. Yet, there is no evidence that nudists (and their children) are not the primary audience for the magazine. Moreover, the poor quality of the reproductions and the distance from which most of the images are taken, coupled with the fact that books of erotic photography depicting nude youths are readily available throughout the continent of Europe, would seriously put into question the erotic appeal of *J&M/J&F*. While it may be true that *some* adults who are sexually attracted to children may purchase issues of *J&M/J&F*, such adults may also purchase *Parents Magazine*, *Vogue Bambini*, and other magazines and catalogs which depict children. Yet no one would seriously contend that the latter magazines and catalogs should be censored. Indeed, it is only because *J&M/J&F* depicted children *nude* that there is any hue and cry. Nudists who criticize *J&M/J&F* because "perverts" might purchase it would do well to consider how that criticism might contradict other nudist claims, such as the claim that nudity is the "natural" and "healthy" condition of humankind and carries no negative moral consequences.

Child-portraitist Raided.

In a wholly unrelated action, British child-portraitist Ron Oliver was raided and his studios and offices were cleared out by the Obscene Publications Squad in January, 1993 on suspicion of creating "indecent" photographs of minors. The photographs which formed the basis for the allegations were straightforward, non-erotic nude portraits which were commissioned by Mr. Oliver's clients, who were the parents of the children depicted. The

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Indecency is surely in the mind of the censor.

bulk of Mr. Oliver's work does not depict any nudity at all, although Mr. Oliver is well-respected in Cap D'Agde, the nudist town in the south of France. A session by Mr. Oliver typically runs upwards of £5,000.

Echoing the persecution of Jock Sturges by American authorities, the Obscene Publications Squad removed around 20,000 negatives, hundreds of photographic prints, as well as Mr. Oliver's customer records, phone books, computer, and answering and fax machines. In an obvious effort to destroy Mr. Oliver's business, British authorities have refused to allow Mr. Oliver any copies of his customer records, address books, or any of the many non-nude photographs which he was (and still is) obligated to deliver to numerous clients. British authorities say this is necessary in order to take Mr. Oliver's parent-customers by surprise and possibly to investigate them for complicity in creating "indecent" photographs of minors. British authorities say that Mr. Oliver may not even have copies of the materials for at least six months to a year, although no crime has yet been charged.

The Wide Sweep of the British Law.

In the U.K., where there are no constitutional protections, any depiction of a child, even clothed, may be deemed "indecent" regardless of the context in which it appears. This might not be problematic, but for the fact that "indecent" is not a term of art and there are no criteria in British case law to guide its determination. In *Regina v. Owen* (1987), the Court of Appeal held that the age of the person photographed is relevant to a determination of indecency, but only found that if the image in question is "not intrinsically indecent" apart from the age of the subject, but *is* indecent when the age is taken into consideration, the offence has been committed. (The *Owen* case involved depictions of a topless adolescent girl.) Under the rubric of "indecency", it is clear that mere nudity of a child can and will qualify.

The Court of Appeal has also limited the evidence which a jury might consider relevant to the issue of "indecency". In *Regina v. Kerr* (1989), once proceedings are instituted under the Protection of Children Act 1978, the jury need only decide, first, whether the photograph was taken deliberately and intentionally and second, whether the photograph is "indecent". The circumstances in which the photograph is taken and the motivation of the photographer are, according to the Court, irrelevant to determining what is "indecent". The determination must therefore be a wholly subjective one.

The circumstances surrounding the creation of the image and the motivations of the photographer *may* be relevant, however, to whether the image -- once the jury decides that it is "indecent" -- should ultimately receive protection under the law. Section 1(4)(a) of the Protection of Children Act of 1978 permits a defendant to defend him or herself by proving that the allegedly "indecent" photograph was distributed, shown or possessed for a "legitimate" reason. [The other affirmative defenses in the Act are: that the defendant never saw the photographs and did not know or have any cause to suspect that they were indecent; or that the defendant was sent the allegedly "indecent" photographs without request and did not keep them for an unreasonable time.]

In a letter dated June 12, 1992, from the British Attorney General, Law Officer's Department, to the Rt. Hon. John Gummer (House of Commons), written for one of Mr. Gummer's constituents, the Attorney General attempted to clarify how the defense of "legitimate

reason" might operate:

In deciding whether a photograph is indecent, a jury must apply the dictionary meaning of "indecent", since the word is not defined in the legislation. The decision in *Regina v. Graham Kerr* established that a jury may not, for this purpose, consider anything else, for example the motive of the person who took the photograph. [However,] evidence of circumstances or motive is admissible if relevant to a defence of legitimate reason. In considering such a defence a court may consider any relevant and admissible evidence.

The operation of the legislation, in making the state of mind of the person who takes, distributes, shows or possesses such photographs irrelevant to the question of indecency (although relevant to the question of whether one of the defences provided by the legislation is made out), must be considered in light of the overall purpose of the protection of children from exploitation. [Emphasis added.]

Under British law, photographs created and possessed for medical purposes would obviously be considered to have been created and possessed for a "legitimate" reason. Other uses are not so clear. Whether nudist parents who create and possess "indecent" (read: nude) photographs of their children for a "legitimate reason" can certainly be argued, although nudists should not be optimistic about the prospects of such a defense. If the purpose of the statute is to protect the child from being the "victim" of an "indecent" image, then a lifestyle or philosophy within which such images are viewed as salutary or celebratory may cause further problems for nudist parents -- this time, with "child protection" workers. (Parents in the United States are not unfamiliar with such problems.) Similarly, serious, non-exploitative, but "indecent" (read: nude) art depicting children would be difficult to support under the law as written and interpreted. Surely it matters not a wit to the child "victim" of an "indecent" image, that the art world, or even the world over, viewed the image in question as an object of great beauty and meaning. These same censorious sentiments are expressed by censors, many of them undoubtedly well-meaning, on this side of the Atlantic as well.

The British "indecency" law suffers from some of the same ills as the "child pornography" laws in the U.S. The British law is inherently vague, dependent upon wholly subjective readings of the content and meanings of images. It is also overly broad in its sweep, criminalizing thought rather than deed. As applied, it will ensure that the child-subject of an allegedly "indecent" image will *feel* indecent and *become* a "victim". But then "victimhood" will have been inflicted only by the state.

Brief Notes

- *Thinking about underage sex*: Larry Welz, the creator of *Cherry Poptart*, discussed his popular comic book character in a recent issue of *The Gauntlet*. "There are certain things I don't mess with," Welz wrote. "The biggest one is Cherry's age. The idea is that she's a teenager, right? But if I depict her as being under eighteen, then she's a child.... [My publisher] wants me to have her in junior college instead of high school. I take my original line of defense which is to be generic. It's just a school. Might be a trade school, might be a fucking Vassar. But it makes me wonder...is the act of putting blots of ink on paper that is not even

all that white and that vaguely suggests the image of an underage girl having sex equivalent to the act of actually abducting an 11 year old girl, tying her up in the basement and forcing her to have sex while you torture her and shoot videos of it? That's a hideous crime, and anyone who does that should be shot in the head immediately. But what about allowing grown men and women to even think about the idea of an underage girl having sex? When nobody gets hurt in the process? Is that legal? We're talking mind control here." (No. 4, 1992. *The Gauntlet* is available from 309 Powell Rd., Springfield, PA 19064).

- *Probation revoked for legal sex*: A Jonesborough, TN man's two-year probationary sentence for alleged sexual battery of a 9-year-old girl was revoked in December and he was ordered to serve a six-year prison sentence after probation officers discovered that the man had been living with a 17-year-old girl. Steve H. Carder, 36, pled guilty in September 1990, receiving a sentence of 30 days in jail and two years probation. He had been living with the 17-year-old girl since several months before the plea-bargain was entered.

- *Lover of girl, 14, is freed*: A man who admitted having sex with a 14-year-old schoolgirl was freed by a judge to live with his teenage mistress -- and their baby. The 23-year-old man, who cannot be named to protect the identity of the girl, had a previous conviction for underage sex. But he was put on probation at Grimsby Crown Court after Assistant Recorder Peter Benson was told the girl -- now 15 -- had given birth to their son. (*Mirror*, January 30, 1993)

- *Lookout for "Thief of Children"*: Italy's contender at last year's Cannes Film Festival, *The Thief of Children*, tells of a young policeman assigned to take a 10-year-old boy and his 11-year-old sister to a home for

Sunday Afternoon

Suze is lying across me, her behind in my lap. Her arms and torso stretch out downward to the left, her legs downward to the right. Her vulva is raised as far as possible in this near-lewd abandon. I look at her and undress her with my eyes: I pull down the zippers on either hip and peel off the skin-tight pants to reveal silky flesh.

My right hand is resting on her thighs and I begin to move slowly, along her body. She lies there purring, stretching herself like a cat basking in morning sunlight. Over her hips, her belly, then across her girlish chest. She looks at me smiling. My sex throbs inside my pants, caught awkwardly, lasciviously in my shorts, and presses against her bottom. "Let's go upstairs," she exclaims.

I pick her up and she slides off my lap, grabs my hand, and leads me to the ladder. She pushes me ahead of her and I dive onto the bed, arranging myself comfortably. She dives in after me, into my arms. Lying on top of me, she kisses me on the cheek. Her intoxicating smell fills my nostrils. I close my eyes and draw her closer still.

I caress her behind with my fingertips. Perfect, full round. She fills her pants with a voluptuousness which is well beyond her years. Carefully, like I am touching fine china, I feel its curve toward that crevice of her sex. I feel the tops of her thighs, her calves, her back, her shoulders. I caress her face and hair and she coos in delight. We repeat this scene many times, as if we were rehearsing for a play or movie in which she longs to star.

It is dusk and time for us to return her to her parents. I carry her in my arms to the bus stop. "Hold me by my bum," she whispers. My hands reach across her bottom, but this doesn't seem to be what she's looking for.

"My be-hind," she says, a little louder. She takes my fingers and moves them in between her legs. It is warm and soft. "There," she sighs, leaning into me, her head on my chest.

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endangered children in Milan after their mother is charged with forcing the girl into prostitution. But the home turns the children away and, as the journey continues, the children and the young, unmarried policeman strike up a rapport. The unhappy voyage turns into a vacation and the three discover new freedom in their quiet friendship. The film was directed by Gianni Amelio.

- *Child star barred from own film*: Child star Gemma Clarke was barred from seeing a movie in which she starred -- *Damage* -- because of U.K. censors gave it an 18 certificate. Under U.K. law, the 13-year-old would have to wait five years before she could see the movie. But she'll have no problem if she travels to the film's opening in New York or if she waits for the videocassette. (*People*, Jan. 31, 1993)

- *A Little Paranoid About Nudity?* Linnea Smith, a Chapel Hill, N.C. psychiatrist, wife of North Carolina basketball coach Dean Smith, and a woman who obviously has little to do, has completed a letter-writing campaign to 56 advertisers who buy space in *Sports Illustrated's* annual swimsuit issue. It seems that she was perturbed by a photo in the 1989 special issue of a topless Christie Brinkley (wearing only exercise tights), posing with her infant daughter, Alexa. The girl is nude, with her back to the camera. "The Christie Brinkley one is the worst," Smith said. "It makes absolutely no sense at all. I was unable to ignore it after that." "I think we have to take very seriously the flood of media depictions," she said. "For the juvenile reader, there are very confusing depictions."

- *Food for Thought*: Roller says: "This week our local station has a week long series on 'child lures'. I guess the bright side is that society keeps repeating: 'Children are sex objects, but only to perverts.' The refrain 'children are sex objects' gets repeated over and over and then it gets amended with the perverts clause. If I told you over and over: 'Grapefruit is delicious, but only to perverts' what would stick in your mind? That grapefruit is delicious. I think the 'only to perverts' clause eventually drops off. Especially if the thing is an absolute, total taboo. That makes it stick out like the tree of life/knowledge, begging to be partaken of." [Andrew Roller (who is also responsible for the cartoon on the back cover) publishes *Naughty Naked Dreamgirls*, available for \$2 + age statement from Andrew Roller, 5960 Land Park Drive, Suite 253, Sacramento, CA 95822. Please be sure that checks are made payable to Andrew Roller.]

- "*Sexy Teenaged Girls*" *Topic of Discussion on InterNet Computer Bulletin Board* (January 19, 1993 / Newsgroups: alt.sex): "So, my question is: Do any of you out there fantasize about teenaged girls when you see them? We all know they can't (and shouldn't) be touched, but do you still think about them? ...Fuck yes! I know one girl who hangs around downtown...she's 12 years old, but she's got NICE tits! Amazing to have such nice ones at that age...you know? I would give anything to fuck her all night! God yes! Silly question, of course. I'll mentally undress (or physically if I have the consensual chance) anything with the barest hint of erect female nipples or a snatch (human, of course, although some animals are welcome), and in fact in my life I have done what probably a near majority of men have, which is fool around with a much younger woman. It's a natural imperative. Not only that, but they hang around you at a certain age as if they are waiting for it. I've got news for those who think they are just interested and aren't really hot to get licked and fucked silly. THEY ARE! And they don't run home and tell either, except maybe their sister if she says she is looking for some of the same. If you walk down the street, be aware, especially you all of academic and sheltered persuasion, that a great many of the men you

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see are "guilty" (although their "victims" don't see it that way) of felonious sex with a minor many years their junior and surprisingly young, many of them. The ones who know they want it seem to know they want it pretty early...."

- A Special thanks to the UDN reader who put our address on Internet. Keep spreading the word. Note, though, that Stephen Knox is not yet in jail. He's out awaiting word from the Supreme Court whether they're going to hear his case.

A U.K. Reader Writes:

In the article about Madonna [God bless her!], I read with interest the account of the writer's girl-friend who, from the age of nine "understood the power of Eros and where she stood..." [UDN 9]. Alas, the majority of girls do not grasp or seize that understanding until much later in life -- if at all. This gloomy thought was aroused by

the memory of some children's courting rituals I had the privilege of viewing some months ago.

Although not by nature or inclination a peeping tom, during rebuilding work I was temporarily able to overlook the hidden, derelict rear of a disused garage where local children used to hang out for *al fresco* amorous assignations. It used to depress me that the boys and girls were already so rigidly gendered that almost all their social interactions were predicated on stereotypes.

Obviously, I was especially interested in their sexual flirting -- though I had to restrain myself from running down and giving the boys a good shake. They were so uncouth and chauvinistic and -- just as bad -- the girls acceded to the role designated to them: passive and objectified. Withal, it was fun to watch: first, the smoking, badinage, and verbal teasing, then chasing and kissing. The girls pretended to be reluctant, dissimulating reluctance. Then the first magical topless moment. Almost as if in a kabuki play: stylized movements of feint and assignation, mock thrust and withdrawal (not literally, of course), embrace and struggle, girls dishabille and semi-nude. No assertive mini-Madonna's there, but lots of coy, world-weary (at 11 and 12!?), languid compliance with boys' lust.

Much to my disappointment, there was no fucking (though perhaps so-minded partners adjourned elsewhere to pursue private intimate coupling) and not even much sucking. As far as I could see (and I was watching intently), the girls masturbated the boys and the boys groped the girls' exiguous breasts. Better than nothing for an old rove like myself. They

were not, of course, aware of my oblique viewing position.

I was strongly tempted to interpose myself amidst their bacchanalian revelry. Fortunately (or not, as the case may be) I resisted that temptation, surely avoiding local prosecution and persecution.

La fille of dreams: Pascale Delafouge Jones.

[Editor's note: This is an excerpt from a longer article, written by a woman, which recently appeared in the *Evening Standard* (U.K.)]

No ringlets, no Shirley Temple gurgles. The look: smudgy gamine. Who cares, it says, about the beauty of my long-limbed gawkiness and crinkly auburn hair? Just give me freedom, to run wild, to day-dream, to be wilful. This is Pascale Delafouge Jones, star of *Elenya* at just 12 years old. The film is set in 1940, and war has come to the smoky dawns and thick woods of Elenya's Welsh village. Abandoned by her parents, she lives with an aunt who is embittered by her own lack of love. When Elenya comes upon a wounded enemy airman, she decides to harbour him, even though it means lying and stealing. Defying her community, she makes her own decisions and stands by them.

Pascale, now 13, is much like this herself. "I don't think I've matured because I was in the film," she insists. And she is probably right.

The Delafouge Joneses live near the village of Garndolbenmaen. The mountainous outlines of Snowdonia rise up on one side. To the other are views of Pembrokeshire and the sea. Black slate, green hills, rain, rain, and rain. Film director Steve Gough scoured Wales' schools before finding his leading lady.

At 13, Pascale has an impressive self-knowledge. Which emotions are the most uncomfortable? "When I'm trying to concentrate and I'm in a panic and a rush. Or when someone like a friend at school turns against you and you didn't expect it, it's a blow to your confidence.... It hurts, but I try to say that it's not the end of the world. I've got other friends."

She doesn't want to depend on others – this is something she has already worked out. In the film, she controlled the airman. "I had this power over him



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because he was very vulnerable. Whereas as Elenya I could stand up to my aunt more now because I had somebody there." Unlike her younger sister Elen, she hasn't got a best friend. Pascale prefers to hang out with a gang.

What will she do when she grows up? "No idea." Acting? No decisions, but "I wouldn't mind doing some more."

There are no pictures of boys in her room, only books and posters of Welsh myths. Has she got a boyfriend? "No," she blushes, looking away. Pascale stays in her own space and can be a touch surly. Rarely does she lift her head to make eye contact. This is all very alluring.

Mandy Smith, Bill Wyman's "wild child" girlfriend (later wife), was no victim

by Trevor Robertson

She's been in all the tabloids lately: a too-skinny, overly-made-up, plastic doll known as Mandy Smith, now heard to complain how Rolling Stone bassist, Bill Wyman, stole her innocence and ruined her life. Well, almost. For those of you who don't know her, Mandy is a woman who, as a young teenager, attracted Wyman's ever-wandering eye and, in turn, fell in love with him. It was a celebrated scandal of jailbait sex among the rich and (in)famous.

Mandy met Bill when she was 13 and he was 46. After she turned 14, she moved in with him and they had sex together for the first time. (We don't know whether it was her first time). Two years later, she left him, but he won her back and married her three years later. The marriage lasted for less than three years and Wyman recently paid her a settlement of just over half a million pounds. (Bill may be a Rolling Stone, he is far from wealthy.)

So, what did Bill see in Mandy? Was it her alleged "innocence" or "child-like" qualities? Perhaps, but Bill shows no sign of any serious attraction to adolescents and his extensive and rather public love-life shows a preference for dallying with adults. As he explained:

She wasn't an underage girl to me. She was a young woman. She was a mature woman.... I had plenty of opportunity to go with young girls if I'd wanted to, but they didn't interest me. I've been with married women. I've been with girlfriends of guys that I knew. I've done three in a bed. This was nothing to do with age; in fact, it put me off."

Photographs of Mandy at 14 pretty well confirm Bill's visual impression. Mandy looked older than her years -- a pseudo-sophisticated denizen of club life, over-dressed and prepared, a young woman impressed by glamour and wealth. Wyman became part of that fairy tale.

"I just panicked," Wyman told one tabloid, about the first time he saw Mandy. "I didn't have control of my emotions. I just know that this was one of the most important moments in my life and it happened instantly. I thought 'I've got to speak with that girl'.... It was



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Not Mandy -- a natural beauty.

just like I knew her before. As if I'd known her for years and years. Or as if I'd met her in some past life or something. She looked 18 or 20, but she told me she was 13. I kept reasoning with myself and thinking 'Come on Bill, buck out of it.'" At one point during their pre-marriage relationship, tabloid editorials urged police to arrest Bill for having sex with a minor and, on the advice of lawyers, Bill stayed out of England for several months. Scotland Yard supposedly investigated the allegations, but didn't bring any charges.

In the latest round of publicity surrounding their early relationship, the divorce (they only had sex four times while married, says Bill), and Mandy's ill health, Mandy was threatening to sue Wyman for her psychological and physical problems which she claims to have developed as a result of underage sex and from being on the pill at age 15: anorexia (coupled with a neurotic attachment to her mother), a pelvic inflammation, and PMS (pre-menstrual syndrome). Several tabloids reported that Mandy was "struck down by PMS after taking the Pill at 15," but PMS is not a long-term disease (hence the name) and Mandy's other problems are hardly related to having teenage sex.

At any rate, Mandy seems to have recovered from many of her problems in a very short time -- enough, at least, to announce her intent to marry her new love, Welsh soccer star Pat Van Den Hauwe (he's only 31). In the final analysis, I tend to agree with tabloid columnist Suzanne Moore, who recently wrote:

Some [girls] are perfectly capable of sexual relationships at an early age, some aren't. Some feel pressured into it, some genuinely want it. And surely if you are a man who has slept with over a thousand women, as is said about Wyman, you should have some inkling of whether or not the girl wants it.

So believe it (even if Moore doesn't): Mandy wanted the sex, consented to it, and played her part in creating and carrying on the relationship. As for Bill, if he was guilty of any crime, it was that of pretending that Mandy was a mature woman and then finding Mandy's adolescent neuroses tiresome and annoying. The underage sex just wasn't the issue.

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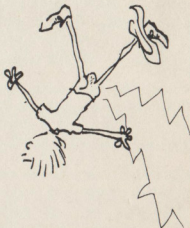


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WELL, SHE WOULD LOOK BETTER WITH BOOTS ON!



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