



# DOJ - Obscenity Prosecution News

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### DOJ Link -

The Department of Justice Website:

[www.usdoj.gov/](http://www.usdoj.gov/)

### Obscenity Prosecution Links -

CEOS home page:

<http://www.usdoj.gov/criminal/ceos>

*Welcome to the Child Exploitation and Obscenity Section (CEOS) website. Created in 1987, the mission of the Child Exploitation and Obscenity Section (CEOS) is to protect the welfare of America's children and communities by enforcing federal criminal statutes relating to the exploitation of children and obscenity.*

## Obscenity Symposium: Milestone 3

The third annual Investigating and Prosecuting an Obscenity Case Symposium took place at the National Advocacy Center (NAC) in September, 2004. DOJ's Child Exploitation and Obscenity Section (CEOS) and the Executive Office for United States Attorneys (EOUSA) put on three days of sharing, training, and updates on law, technology, and criminal procedure.

Federal prosecutors and investigators obtained the latest information on case law, investigative procedures and techniques, statutory provisions and elements, technical considerations, trial techniques, and constitutional challenges.

The program for this third symposium was to cover obscenity law and prosecutions from an advanced perspective to serve the needs of experienced members of the federal law enforcement community, including the FBI, Postal Inspection Service, Bureau of Immigration and Customs Enforcement (ICE), plus DOJ Criminal Division attorneys and Assistant United States Attorneys from various Federal Districts.

The first such seminar and symposium was held in 2002, to provide the guidelines, background, and information exchange necessary to undertake a renewed prosecution effort to enforce federal obscenity statutes. The Attorney General addressed the attendees and spoke of the need for fair and determined enforcement of these criminal laws. Some of his message is reprinted below, as a reminder of the serious governmental interest involved in such cases. The second symposium was held in 2003 and brought together several prosecutors and investigators who were new to this area of law and provided basic and advanced training in statutory, investigative, and trial issues.

In each of these assemblies, the participants were provided the latest and most complete analysis of the statutes and case law. DOJ attorneys, guest lecturers, and veteran investigators from the federal and state law enforcement community gave the attendees information and guidance on the state of the law and of the issues facing the criminal justice system in modern-day obscenity law enforcement.

The excellence of the work done on the many obscenity cases brought into the court system over the past three years is indicative of the importance and quality of the assistance and education provided by the Department at these symposia.

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## FBI squad on Adult Obscenity Initiative

In 2004, the Federal Bureau of Investigation assigned Special Agents of its Washington Field Office to form a squad to work on an Adult Obscenity/Innocent Images Initiative. The agents have experience on cyber crime squads and in criminal investigation areas. This squad assembles, for the first time, a specialized unit for ongoing obscenity investigations into the unlawful interstate traffic in obscene materials, including online obscenity and related offenses under any and all provisions of the United States Code.

While the details of their investigations cannot be disclosed, the Department is pleased with the Bureau's commitment to this important endeavor.

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## CEOS renews obscenity prosecutions

Since the beginning of 2001, the Department has significantly increased its obscenity prosecutions. There have been 40 obscenity convictions (of persons or entities) Department-wide since 2001. The Department currently has obscenity indictments pending against 19 persons or entities. The focus of the Department's efforts is in the Child Exploitation and Obscenity Section (CEOS). From calendar years 1993 through 2000, CEOS handled only 4 obscenity prosecutions. From calendar year 2001 through February 1, 2005, CEOS has obtained convictions in 11 obscenity prosecutions involving receipt, distribution, or transfer of images of adult obscenity, and related charges; has pending indictments in 5 cases; and is currently handling approximately 15 active investigations, with many more in preliminary stages. These numbers reflect a more than 675% increase in CEOS obscenity prosecutions over the prior eight years.

CEOS deserves a lot of the credit for this renewal of federal law enforcement, along with the United States Attorneys with whom CEOS partnered to begin again this serious prosecution work to continue fulfilling the policy of the Department and the Administration to enforce these laws for the protection of America's communities, their families, and their children.

The renewal of obscenity prosecutions during this Administration is a direct result of the emphasis placed on the importance of obscenity law enforcement by the President and Attorney General. It is significant that, after September 11<sup>th</sup>, 2001, the Department of Justice maintained its commitment to enforce many domestic criminal statutes that affect the quality of life, the tone of commerce, and the welfare of the family, including violent crime, drugs, corporate fraud, use of the Internet as a criminal tool, and obscenity, as well as child pornography, sexual abuse, and trafficking in women and children for prostitution and servitude.

It is also noteworthy that CEOS, the Main Justice component responsible for the Criminal Division's prosecution efforts regarding child exploitation and obscenity, had to be re-staffed with a new Chief and trial attorneys, who began forging

CEOS page on Federal  
Obscenity Law & Prosecution:

[www.usdoj.gov/criminal/ceos/obscenity.html](http://www.usdoj.gov/criminal/ceos/obscenity.html)

***CEOS posts public and educational information on federal statutes prohibiting the sexual exploitation of children, obscenity, trafficking, and other crimes within their prosecutive jurisdiction and responsibility. Information and press releases on cases, from indictment to trial to appeal, are also available for public access.***

*U.S. v. Wedelstedt, et al.*,  
link to DOJ Webpage of Press  
Releases for 2005:

[http://www.usdoj.gov/criminal/press\\_room/press\\_releases/2005\\_3888\\_1\\_wedelstedt031405.pdf](http://www.usdoj.gov/criminal/press_room/press_releases/2005_3888_1_wedelstedt031405.pdf)

[http://www.usdoj.gov/criminal/press\\_room/press\\_releases/2005\\_3888\\_2\\_wedelstedtcharges031405.pdf](http://www.usdoj.gov/criminal/press_room/press_releases/2005_3888_2_wedelstedtcharges031405.pdf)

***Follow the above links to DOJ's Press Release of 3-14-05, announcing the charges in this case, and to the Indictment returned by the Grand Jury on 3-11-05, charging Defendants Edward Wedelstedt, Goalie Entertainment Holdings, Inc., Vivian Schoung, Arthur Boten, James Martinson, Jeffrey Parris, Leroy Moore, Sr., and Beverly Van Dusen with racketeering, obscenity, and tax offenses. The case is being prosecuted by the Office of the U.S. Attorney for the Northern District of Texas and the DOJ Criminal Division's Child Exploitation and Obscenity Section.***

working relationships and case collaborations with many new U.S. Attorneys and investigative agents. CEOS has initiated many new obscenity cases, along with all of the other cases and initiatives they manage for child protection and exploitation. Several of the initial cases involved extremely violent or deviant materials, which had become available in the marketplace since 2000 and could not be ignored, by the public or by law enforcement.

The initiatives of the Criminal Division and the U.S. Attorneys' offices to address this pressing problem has laid a groundwork for future collaborations, sharing of expertise and resources, and mutual respect for the dedication and knowledge gained through these initial cases and by the training and study that characterized the preparation of the CEOS trial teams and AUSAs who prosecuted those cases. The creation of an in-house technical expertise within CEOS was also a major factor in the ability of the Department to identify and analyze the activities of offenders, against many of whom complaints were made, and to bring the evidence of their offenses into grand juries and district courts. The High Tech Investigation Unit (HTIU) was formed by CEOS Chief Drew Oosterbaan and is a working partner with investigators from the FBI, Postal Inspection Service, ICE, and local police departments, who have traditionally worked together to investigate federal child exploitation, obscenity, and racketeering crimes.

As evidence that the Department and federal agencies are committed to enforcing federal obscenity statutes against all levels of corporate and individual offenders, as well as the use of various technologies and methods of trafficking in obscene materials, the 38 adult obscenity convictions adjudicated from 2001-04 involved large and small scale Internet-Web operations, mail-order fulfillments, and common carrier shipments, as well as the operator of several "adult" hard-core pornographic obscenity book + video stores. Furthermore, the addition of the FBI-WFO squad assigned to work with CEOS and the USAOs on the Adult Obscenity/Innocent Images Initiative is an unprecedented development in the history of federal obscenity law enforcement that may not be fully appreciated now, but will both enhance and incorporate the expertise and prosecution function to which CEOS and the Criminal Division are dedicated.

The cases prosecuted over the past four years illustrate the ability of the Department, the United States Attorneys, and the Criminal Division's Child Exploitation and Obscenity Section to find the offenders, invoke federal felony statutes against the offenses, and present the cases for adjudication by the courts to punish those who commit these obscenity crimes.

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## U.S. v. Coil, history repeated

On Friday, June 11, 2004, the lead defendants entered guilty pleas before U.S. District Judge Harry Lee Hudspeth in the Western District of Texas at Austin in the case of *U.S. v. John Kenneth Coil, et al.* Trial was set to begin Monday, June 14, on racketeering, obscenity, and tax fraud and falsification charges.

*U.S. v. Extreme Associates, et al.*, link to DOJ Webpage of Press Releases for 2005:

[http://www.usdoj.gov/criminal/press\\_room/press\\_releases/2005\\_3815\\_crm-obscenityCharges021605.pdf](http://www.usdoj.gov/criminal/press_room/press_releases/2005_3815_crm-obscenityCharges021605.pdf)

***Follow above link to DOJ's Press Release of 2-15-05, announcing that the Justice Department is taking an appeal to the U.S. Court of Appeals for the Third Circuit from the U.S. District Court's dismissal of the obscenity Indictment against Defendants Extreme Associates, Inc., Robert Zicarri, and Janet Romano. The case is being prosecuted by the office of U.S. Attorney for the Western District of Pennsylvania and the DOJ Criminal Division's Child Exploitation and Obscenity Section.***

*U.S. v. Coil, et al.*, link to U.S. Attorney's Webpage of Press Releases for 2004:

[www.usdoj.gov/usao/txw/press\\_releases/2004.html](http://www.usdoj.gov/usao/txw/press_releases/2004.html)

***Follow above link to USAO-WDTX press releases for 6-14-04 on the Coil pleas and 9-17-04 on the Coil and co-defendants' sentencings.***

Owner-operator John Kenneth Coil pled guilty to obscenity under 18 U.S.C. § 1465 for interstate transportation of an obscene film entitled "Nympho Bride" and to a count of Mail Fraud under 18 U.S.C. § 1341 for mailing a fraudulent tax return in a scheme to defraud the IRS. He agreed to disclose information on his enterprise and operations to law enforcement, to testify truthfully, and to forfeit all his enterprise properties within the State of Texas, amounting to over 40 pieces of realty and hard-core pornography stores throughout the State. He was sentenced to serve 63 months and forfeit over \$8 Million in properties that were used in furtherance of these offenses. Seven of his employee or family member associates also pled guilty to committing or facilitating various tax or tax evasion offenses. Two received jail terms, one for 42 months and another for one year and one day, and the other five received probation for three years.

The Factual Basis filed by the U.S. Attorney's Office in support of the Plea Agreement names all the films charged as obscene in the Indictment, which were hard-core adult pornography videos characterized as typical and representative of the inventory at the "adult" bookstores and video-stores, depicting ultimate sexual conduct between adults with penetration clearly visible. (See also the Press Release on Coil's plea.)

The case was prosecuted by the office of the Honorable Johnny Sutton, United States Attorney for the Western District of Texas (AUSA Mark Marshall and Special AUSA Tim Gallagher, an Assistant D.A. of Dallas County), and DOJ Criminal Division's Child Exploitation and Obscenity Section (Trial Attorney Ben Vernia), with pre-trial assistance from the Criminal Division's Bruce Taylor, Senior Counsel to the Assistant Attorney General, the Honorable Christopher Wray.

The investigation was led on the RICO and obscenity offenses by the Bureau of Immigration and Customs Enforcement (ICE) and on the tax evasion and tax fraud offenses by the Criminal Investigation Division of the Internal Revenue Service (IRS). Investigative assistance was also provided by several police departments and prosecutors' investigators from several states, including the Dallas D.A.'s Office, Dallas Police Dept., Austin Police Dept., and L.A.P.D.'s Pornography Unit.

After several years of diligent and dedicated investigation by ICE and IRS agents and the commitment of DOJ, CEOS, and the USAO, this result underscores how successful law enforcement and the use of the federal laws can bring traffickers in hard-core obscenity to justice in the courts.

This was a major victory for the Department's obscenity enforcement efforts and the policies of the President and Attorney General. The effect of these convictions and forfeitures will be an undeniable message of deterrence to the hard-core obscenity syndicates and those associated with them in obscenity offenses, as well as an encouraging message of determination for the public, the courts, and the law

enforcement agencies.

The Coil cases in Austin show that operators of the major hardcore obscenity distribution networks are still subject to federal laws, that federal and state investigators can still find the evidence of their crimes, and that the Department and United States Attorneys can still bring them to justice in the Federal courts.

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## Farewell to Arms for the General



For the past four years, the Honorable John Ashcroft has been our Attorney General and has served the American people well by stressing the importance of vigorous federal prosecutions of all federal crimes - across the Country and across the board.

As we welcome the Honorable Alberto R. Gonzales as the new Attorney General of the United States and look forward to following him into the battle for criminal justice in America for another four years, it is fitting that we note the battlefield we have been on and remember a few words from our General.

Since 2001, the prosecutors in the Criminal Division and in the U.S. Attorneys' offices have pursued all types of crimes, and the combined deterrence has been historic. Not only is violent crime down to thirty-year lows, the economic and drug offenses and use of drugs among our children have been reduced by amounts that most people could not have anticipated. General Ashcroft also took on crimes that affect the American economic and social fabric, including corporate fraud, computer crimes, trafficking in persons, and obscenity. He helped us prove to a Nation that the Department would take on the terrorists, but would not ignore those who exploit our fellow citizens at home. We need to be safe in our Country, but also safe in our homes and protected from the influences of criminal and anti-social offenses that challenge our ability to enjoy the freedoms we fight so hard for.

General Ashcroft answered the call of the Supreme Court in fighting for the "right of the Nation and of the States to maintain a decent society," as stated by Chief Justice Warren in 1964 and repeated by Chief Justice Burger in the 1973 landmark decision of *Paris Adult Theatre I v. Slaton*, 413 U.S. at 59. The Court also recognized, at 58: "In particular, we hold that there are legitimate state interests at stake in stemming the tide of commercialized obscenity, even assuming it is feasible to enforce effective safeguards against exposure to juveniles and to passersby. Rights and interests 'other than those of the advocates are involved.' These include the interest of the public in the quality of life and the total

DOJ Criminal Division's 2004  
Annual Report:

[www.usdoj.gov/criminal/CRM/AnnualReport2004.pdf](http://www.usdoj.gov/criminal/CRM/AnnualReport2004.pdf)

*The DOJ Criminal Division's Annual Report for 2004, on pp. 37-48, narrates the activities and accomplishments of CEOS and its partners in the U.S. Attorney's offices and federal investigative agencies to enforce federal laws against child sexual exploitation, adult obscenity, trafficking, and related crimes.*

## Public Participation Tipline Links -

NCMEC's online tipline for child pornography, child exploitation, and child access to adult obscenity, CyberTipline.com. The National Center for Missing and Exploited Children is a non-profit agency that cooperates with federal and state law enforcement and prosecution agencies.

<http://www.cybertipline.com>

*Online complaints are made here when people know of child pornography that depicts minors engaging in sexually explicit conduct or they know of adult pornography sent to or accessed by minors. These complaints could save a life. They go directly to law enforcement.*

MIM's online tipline for adult obscenity and pornography, ObscenityCrimes.org. Morality in Media is an independent, non-profit organization that collects these public complaints and forwards them to federal authorities.

<http://www.obscenitycrimes.org>

*Online complaints are made here when people know of or receive adult obscenity (hard-core pornography), usually in spam, hijacked search results, or misleading email or URLs. These complaints could save a community. They go to a non-profit, which sends them to CEOS + USAOs.*

community environment, the tone of commerce in the great city centers, and, possibly, the public safety itself."

Attorney General John Ashcroft took those words to heart and repeated them to federal prosecutors when he personally reminded us all of his commitments to public decency and respect for the dignity of men, women, and children. As a clear sign of his priorities, General Ashcroft flew down to address those of us who attended the Federal Prosecutors' Symposium on Obscenity at the National Advocacy Center on June 6, 2002, and encouraged us to strengthen our efforts and take on this modern criminal law challenge. His words were strong. In his remarks, he stated:

"Obscenity invades our homes persistently through the mail, phone, VCR, cable TV, and now the Internet. This multi-million dollar industry with links to organized crime has strewn its victims from coast-to-coast. Never before has so much obscene material been so easily accessible to minors.

"The Internet is perhaps the most pernicious medium for obscenity. The Internet is a double edged sword: on one hand, it is an amazing tool that provides children a wealth of educational resources and gives them access to cultures and ideas that are beyond their everyday experiences. On the other hand, it also serves as a conduit for child exploitation and obscenity that respects no boundaries and recognizes no jurisdictional lines.

"It is estimated that nine out of ten children between the ages of eight and sixteen have been exposed to obscene material on the Internet. In most of these cases, this exposure is accidental and occurs when a child - often in the process of doing homework - uses a seemingly innocent sounding word to search for information or pictures.

"In addition to harming children directly, obscenity has tremendous consequences for our broader society. For instance, clinical and experimental evidence show a correlation between exposure to sexually violent materials and an increase in aggressive behavior directed towards women.

"Child molesters often use obscene material to seduce their prey, to lower the inhibitions of the victim, and to serve as an instruction manual. Pedophiles and sexual predators have perverted the intent of the Internet: they use it to distribute obscenity, engage in sexually explicit conversations with children, and seek potential victims in chat rooms.

"Most Americans do not want their homes besieged by an avalanche of obscenity and they support overwhelmingly vigorous enforcement of federal laws against Internet obscenity. The Supreme Court has

agreed that obscenity is an appropriate subject for law enforcement.

"In the 1973 case *Paris Adult Theater I v. Slaton*, for example, the Supreme Court rejected categorically the theory that obscene films deserve constitutional immunity from criminal prosecution simply because they are exhibited solely for consenting adults. The Court made it clear that the rights of obscenity advocates are not the only ones to be considered. The interest of the public in the quality of life, the total community environment, and public safety must also be taken into account.

"The Court remarked that, "Apart from sex crimes . . . there is a 'right of the Nation and of the States to maintain a decent society.' The sum of experience . . . affords an ample basis . . . to conclude that a sensitive, key relationship of human existence, central to family life, community welfare, and the development of human personality, can be debased and distorted by crass commercial exploitation of sex."

"To prevent such debasement, the Department of Justice is committed unequivocally to the task of prosecuting obscenity. ...."

\* \* \*

"Vigorous enforcement of the federal statutes criminalizing the distribution of adult obscenity by U.S. Attorneys is critical - and so I encourage further collaborative efforts between the U.S. Attorneys and CEOS. By joining forces, we will be able to replicate the success the U.S. Attorneys have had in the area of child pornography enforcement. This collaboration will foster the atmosphere for ongoing, systemic and aggressive obscenity investigations and prosecutions that we need in order to crack down on purveyors of obscenity.

"Any plan to combat obscenity must begin with the realization that the primary goal is deterrence, born from a well-coordinated and well-executed strategy. We may not be able to eradicate completely the criminal behavior associated with obscenity, but we can and we will change the pattern of behavior by aggressive law enforcement."

*Thank you General Ashcroft and may we follow the lessons we learned under your leadership and redouble them under the leadership of our new General Gonzales, for the good of our fellow citizens, families, and friends, both home and abroad.*

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