PS1 for 11/6/86#

ACLU STRIKES OUT ON MEESE ANTI-PORN PLANS#If the U.S. Department of Justice had any misgivings about releasing its seven-point program to begin aggressive enforcement of the laws against child pornography and obscenity, it should have been reassured by the sophomoric, knee-jerk reaction of its biggest critic, the American Civil Liberties Union. The ACLU has long been proud to be a defender of the rights of pornographers, but its recent news release shows that it had a hard time formulating any rational criticism of the Justice Department's new plan of action.

The new Department of Justice law enforcement program targets interstate and international trafficking in illegal materials. As the chief federal prosecutor, Attorney General Edwin Meese III is going after the organized criminal enterprises that operate the large-scale production and distribution of obscenity and abuse of children.

The Department of Justice will create a center for obscenity prosecution within the Criminal Division, along with a special task force of attorneys. The center will coordinate with the Organized Crime and Racketeering Strike Forces and with the National Center on Missing and Exploited Children in order

to eliminate the use and exploitation of children in the production of child pornography.

The Justice Department is asking each U.S. Attorney's office to go after international trafficking in child pornography and after interstate trafficking in obscenity. The Justice Department will give training to and share information with state and local law enforcement agencies engaged in obscenity prosecutions.

This all sounds so reasonable. The plan is actually long overdue, since the Attorney General's Commission on Pornography reported that obscenity cases have generally been given a low priority by prosecutors and so the anti-obscenity laws have gone unenforced for years.

For the last year and a half, the ACLU has kept up a steady drumbeat of attacks against the Pornography Commission. When its report was finally released in July, the ACLU accelerated its rhetoric, always trying to wrap the pornographers in the First Amendment.

But when Attorney General Meese announced his seven-point plan last week, the biggest complaint the ACLU could conjure up was that the Department is diverting "scarce law enforcement dollars and personnel" into "skirmishes" against pornography in a "war of uncertain duration." But nobody appointed the ACLU to decide how Justice Department dollars should be spent.

The ACLU complained that the Justice Department action was only a response to pressure from anti-pornography groups. That's right; the public, indeed, is demanding action, as evidenced by the 150,000 letters and 100,000 phone calls the Department has received since July.

The ACLU is afraid that the Justice Department actions will have the effect of frightening some persons away from publishing or distributing pornography. Maybe what the ACLU is really worried about is that, if pornography pushers' sales decline, they will not have such plush profits to donate to the likes of the ACLU.

In addition to beefing up its law enforcement, Attorney General Meese

announced that he will propose a legislative package designed to plug a few loopholes in the law. This includes legislation to require forfeiture of obscenity profits, to prohibit obscene programs on cable television, to forbid dial-a-porn, and to require producers, retailers and distributors to maintain records of consent and proof of age so we can be sure they are not guilty of child pornography.

The ACLU doesn't like that at all. The ACLU admits that child pornography is bad, but wants to make it difficult to prosecute the abusers of children, and even argues that it is all right for anyone to distribute the child pornography once it is produced.

The ACLU continues to mislead the American people into thinking that the materials under attack are just "dirty books." As Mr. Meese pointed out last week, none of the materials targeted for prosecution is entitled to First Amendment protection. What we are talking about is "child pornography, sado-masochistic scenes, rape scenes, depictions of bestiality or excretory functions, violent and degrading images of explicit sexual conduct, and other similar hard-core materials."

Even the non-prosecutable pornography is going out of fashion, and citizens are starting to assert their own First Amendment rights to say that it is unacceptable. Anyone has the First Amendment right to stand on a soapbox and utter racial slurs, but the public scorn that would follow such an exhibition has a chilling effect on any who might be tempted to push the First Amendment to its outer limits that way.

Likewise, although much adult pornography cannot be prosecuted, public scorn is fast making it socially unacceptable. The whining press release of the American Civil Liberties Union reveals that the ACLU must have realized that it is on the losing side of a great social issue.