

# Art and "Perversion": Censoring Images of Nude Children

Author(s): Lawrence A. Stanley

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On April 25, 1990, [Jock Sturges](#) returned home from swimming at the University of San Francisco pool to find his house and studio overrun by FBI agents and San Francisco police officers. Sturges was being investigated for producing "child pornography" – in this case, portraits of nude pubescent and prepubescent girls.<sup>[1]</sup> In a raid that lasted most of the day, law-enforcement officials removed nearly all of Sturges's camera, darkroom, and studio equipment, his computer and business records, personal diaries, correspondence, address books, a copy of [Nabokov's](#) *Lolita*, and hundreds of thousands of negatives and photographs, nudes and non-nudes alike.<sup>[2]</sup>

Sturges, whose work consists primarily of black-and-white portraits of girls and young women, about 60 percent of them nude, posed alone or with their siblings, friends, or parents, has a master's degree in fine arts from the San Francisco Art Institute.<sup>[3]</sup> His photographs, taken with an eight-by-ten camera, have been collected by the Museum of Modern Art, the Bibliotheque Nationale, and the Metropolitan Museum of Art, and have been shown in galleries throughout the United States and abroad.<sup>[4]</sup>

Sturges came to the attention of law-enforcement officials after Joe Semien, a photographer whom Sturges had hired to print a number of color slides for him, took Sturges's slides to a local film lab to have internegatives made.<sup>[5]</sup> An employee at the film lab viewed the slides and reported Semien to law-enforcement officials, as the employee believed he was obligated to do under a California statute requiring film labs to report images of children that might be "sexually stimulating."<sup>[6]</sup> The employee, whose decision to report was supported by five co-workers, characterized Sturges's work as "distinctly disturbing."<sup>[7]</sup> No one, however-including the government-claims that the photographs depict sexual activity of any kind.

According to Sturges, the 35-mm slides were outtakes from photo sessions, intended to be given as gifts to his subjects.<sup>[8]</sup> Had Sturges been an ordinary photographer with no ties, or only tenuous ones, to the art world, he would undoubtedly have been indicted, convicted, and sent to prison. However, not only has he received favorable commentary in the *San Francisco Examiner* and *San Francisco Chronicle*, *SF Weekly*, *the Nation*, *the Village Voice*, *the New York Times*, and on various local and national radio and television programs, but the San Francisco Board of Supervisors rallied to his side on July 9, 1990. The board passed a nonbinding resolution requesting that federal and local prosecutors cease and desist from their persecution of Sturges and prosecution of Semien, who was charged with violating California's child-pornography laws, based on his handling of Sturges's photographs. The resolution was signed by San Francisco's mayor on July 9, 1990, and resulted in the conditional dismissal of charges against Semien.<sup>[9]</sup>

**[Note from Newgon Organization: Attached in the journal copy (from *Art Journal*, via Sci-Hub), are 4 nude photographs by Jock Sturges, all featuring adolescent or late teen girls. We have moved them to an appendix at the end of this article and applied censors to protect any viewers in jurisdictions that are less tolerant in their attitudes towards adolescent bodies. Stanley credits Paul Cava Gallery in Philadelphia for all the photos]**

For fifteen months, federal officials combed through nearly twenty years of Sturges's correspondence with friends and family, reviewing his personal diaries, and telephoning and paying visits to his numerous acquaintances, business associates, and former models and their parents in the United States and Europe to inform them that Sturges was being investigated for "child pornography." Federal officials also engaged in a vicious disinformation campaign against Sturges, claiming that they had seized from his home "hundreds of photos of prepubescent girls with their genitals 'vividly displayed,' correspondence indicating that [Sturges] had sexual relationships with underage girls, and color slides of Sturges engaging in sex with a fifteen-year-old girl."<sup>[10]</sup> While such a campaign—not atypical in cases involving nude depictions of children—was intended by the government to create doubt and suspicion among Sturges's acquaintances, former subjects, and employers and to rally public opinion to their side, it eventually backfired, making Sturges a *cause celebre*. Not only did no one allege that Sturges had exploited them or their children or harmed them in any manner, but many of those who were questioned by the FBI found the agents intimidating and "humiliating."<sup>[11]</sup> Moreover, mistreatment by the FBI of Sturges's acquaintances and former subjects was not limited to adults. One man, whose family has been photographed by Sturges regularly for over a decade, told the *Village Voice* that the FBI had made an "invasive, frightening and upsetting call" to his preteen daughter.<sup>[12]</sup>

Throughout the investigation, federal officials and FBI agents on the case characterized the color slides in question as distinctly different from Sturges's other work—in fact, pornographic under U.S. federal law.<sup>[14,15,16]</sup> Although federal officials refused to discuss the specific contents of the color slides in question, one depicted a Dutch girl with her father on a nudist beach in an innocent acrobatic pose, in which her legs were wrapped around her father's waist and she was leaning backward, her arms stretching down toward the sand.<sup>[13]</sup> In this photograph, what was pornographic was truly in the mind of the accuser: an *imagined* juxtaposition of the genitals of the two subjects. As for the remaining photographs, it can only be assumed that they were equally innocuous, since in August 1991 the federal grand jury before whom prosecutors sought an indictment of Sturges on several felony counts of child pornography found insufficient evidence even to indict.

On July 3, 1990, George Dimock took two rolls of film to a lab in Rochester, New York, for processing. Dimock, a Ph.D. candidate in the cultural studies program at the University of Rochester whose resume boasts a master's degree in fine arts from the Rochester Institute of Technology and a stint as assistant director of the Krannert Art Museum at the University of Illinois, was engaged in an ongoing project to document his family. Some of the photograph she took depicted his two-and-one-half-year-old son nude. When Dimock returned to the lab two hours later to pick up his photographs, he was met by a detective and two policemen, who questioned him extensively about his relationship with his wife and son. Dimock then left, taking the photographs with him.

Three weeks later, refusing to be intimidated by his earlier experience, Dimock returned to the lab with another roll of film. That evening, he was visited by a social worker and several detectives who had a warrant to search his home for child pornography. Twenty-nine photographs were confiscated, including a snapshot hanging on the refrigerator door of Dimock's son and a friend standing naked in a baby pool. None of the photographs depicted sexual activity. Facing losing custody of their son and a prison sentence ranging anywhere from one to fifteen years for producing child pornography and endangering the welfare of a minor, Dimock and his wife agreed to supervision and investigation by social workers. In April 1990, eight months after the raid, the photographs were finally returned to Dimock and the case was closed.<sup>[17]</sup>

On March 12, 1989, agents of the United States Customs Service and Maryland police executed a search warrant on the home of Robert Sharp, who was the intended recipient of various West German magazines, including *Kinder der Sonne*, a popular nudist magazine sold at newsstands throughout Germany, and *Rosa Flieder* and *Philius*, two gay culture magazines sold throughout Europe. Law-enforcement officials confiscated as suspected child pornography three photographs (one by Jock Sturges and two by [Sally Mann](#)) and a book of drawings and photographs by [Graham Ovenden](#), titled *Aspects of Lolita* (published by St. Martin's Press), along with a small number of child-pornography magazines that predated federal and state laws proscribing such materials. Also taken in the raid was Sharp's passport. To date, Sharp has not been charged with any crime and the government refuses to return any of the seized items.<sup>[18]</sup>

Notable pornography prosecutions during 1990 focused upon the photographs of [Walter Chappell](#) and [Robert Mapplethorpe](#). In January 1990, federal officials in Maine instituted a forfeiture action against a photograph by Chappell titled *Father and Son*, which the government characterized as "a lascivious exhibition of adult male genitals touching a young child."<sup>[19]</sup> The photograph, which was discovered by customs officials in a routine border search, as it was being transported from Canada to its owner in the United States, shows Chappell with an erect penis holding his son. Neither Chappell's nor his son's face is visible in the work. Once the government learned that the photograph had been published in a book ten years earlier, by Harper and Row, a major American publisher, and after receiving a good deal of negative publicity, the prosecution was dropped.

In September 1990, a Cincinnati jury acquitted the Cincinnati Contemporary Arts Center and its director, Dennis Barrie, on charges of pandering obscenity and using minors in child pornography. The latter charges were based on the exhibition of two photographs by Robert Mapplethorpe of nude or partly nude children, taken with the permission of their parents and depicting no sexual activity.<sup>[20]</sup>

The current campaign to ban depictions of nude minors began around 1975, when the moral crusaders [Judianne Densen-Gerber](#) and [Anita Bryant](#), among others, stormed the country to "save the children" from alleged widespread sexual exploitation by perverts and pornographers.<sup>[21]</sup> These crusaders and their small cadre of purported "experts" generated so much hysteria and so distorted the issues and facts that it appeared to many that failure by the American public to respond swiftly, with draconian measures, could herald the end of civilization itself.

This is no exaggeration. During the late 1970s, Densen-Gerber falsely claimed, among other things, that more than 250 child-pornography magazines were being produced each month, that as many as 1.2 million American children were being kidnapped and/or forced into prostitution or to pose for child pornographers and perverts, and that child pornography was readily available in every adult bookstore in America.<sup>[22]</sup> Others who testified before Congress told tall tales of child snuff films and chains of bordellos throughout the United States, where children were kept under lock and key.<sup>[23]</sup> One reporter even claimed that "according to federal statistics," child pornography was a "highly organized \$46 billion national industry, "involving" a loose network of 2.4 million youngsters."<sup>[24]</sup> Of course, no such statistics existed. The veracity of such claims is belied by a number of studies that have demonstrated that commercial child pornography had almost completely disappeared from adult bookstores by early 1978, and that the total number of all issues of child-pornography magazines produced in Europe and the United States was well under one thousand, with somewhere between five thousand and eight thousand minors depicted in all such magazines. (Many of those depicted were simply nude and not engaged in any sexual activity.) No evidence of snuff films or American child bordellos has ever been found by law-enforcement officials.<sup>[25]</sup> As for noncommercial child pornography, it has always been and still is a relatively scarce commodity, produced by a small number of individuals for their own purposes or given to friends who share similar tastes.

Despite the facts, the religious right and anti-porn feminists had finally found a volatile issue through which to press their agenda to rid the United States of pornography and perversion. Bible-thumpers fulminated about Sodom and Gomorrah; law-enforcement authorities called for more funding and greater power to investigate citizens; and the anti-porn crowd proclaimed child pornography to be the logical conclusion of the "sexual revolution" of the 1960s, whose ultimate goal, they believed, was the complete subjugation of women and children to male sexual desire. Nearly every newspaper in the country carried editorials or articles supporting these crusaders. As in wartime, few asked the more difficult questions regarding actions at the frontlines. It was only important that the "war" be won.

In 1978, the first federal child-pornography law took effect, and, in the ten years that followed, it was amended twice to proscribe an ever-increasing list of activities. At the same time, law-enforcement-agency budgets to investigate child pornography mushroomed and a massive effort was begun to compile intelligence information on suspected perverts. States also began to pass their own child-pornography laws, some proscribing simple nudity or partial nudity, "erotic nudity," or photographs that might "sexually stimulate" the viewer.

In 1984, due to the government's singularly unimpressive arrest and conviction rate for child-pornography-related crimes and cries from the right for still tougher legislation, Congress amended federal law to prohibit the simple "receipt" of child pornography.<sup>[26]</sup> This move allowed the government to embark on a massive campaign to market and sell child pornography to unsuspecting individuals who were merely curious or who thought they had finally found what they were looking for. As a result, between 1985 and 1989, hundreds of individuals were arrested, convicted, and sentenced to terms ranging from probation to ten years in prison for purchasing one magazine or videotape from government agents posing as child-pornography dealers. Convictions under these sting operations may, in fact, comprise the vast majority of all child-pornography convictions.<sup>[27]</sup>

American efforts to suppress depictions of nude children have had far-reaching consequences abroad as well. The Dutch child-pornography law, passed in 1987 in response to American diplomatic pressure, prohibits depictions "of any person apparently under the age of sixteen involved in sexual conduct." The first conviction under that law came in December 1990, in the case of an American photographer, [Donald Mader](#), who was charged with exhibiting two photographs of nude children at a photographic exhibition at Amsterdam's Intermale bookstore and gallery in 1987. Thirteen other photographs by Mader were found to be innocent under Dutch law.

The Amsterdam conviction represents a dangerous trend at law to sexualize nudity. Although the court stated that the purpose of the law was to protect children from sexual abuse, no sexual conduct was depicted in the photographs. One photograph depicted the torso and penis of a boy; the other a smiling, nude teenager lying on his back. The legal condemnation of the photographs under Dutch law was convoluted, but not unfamiliar. Following the same line of reasoning put forth by the prosecution in the Mapplethorpe trial in Cincinnati, the Amsterdam court theorized that the photographer must have manipulated the children in some way in order to photograph them in those particular poses; it claimed that the photographs were "sexually arousing" - although the court never stated whom they were supposed to "sexually arouse," and, during the trial, it specifically ruled Mader's own alleged sexual attraction to his subjects inadmissible; and finally, the court stated that, contrary to the testimony of one of the subjects, who is now in his twenties, the children could not have consented to having their photographs taken because they were minors. It is unclear at this point what further steps Dutch authorities may take to suppress nude images of minors, but the decision was severely criticized by the Netherlands' leading newspapers and the arts community has rallied to Mader's side.

In light of the continuing moral panic, it should come as no shock that by the late 1980s law-enforcement authorities had begun to prosecute artists for alleged child pornography. Prior to 1989 prosecutions of artists or artworks were few in number. However, with the rush by the religious right to identify obscenity in the arts, such prosecutions have risen dramatically.



It was only from the mid-1960s through the 1970s that the public was able to enjoy its art relatively unmolested, following a series of victories in the late 1950s and early 1960s against the censorship of works of literature such as D. H. Lawrence's *Lady Chatterly's Lover* and Henry Miller's *Tropic of Cancer* (a book that withstood approximately sixty trials throughout the United States).<sup>[28]</sup> The intelligentsia was, at that time, highly supportive of freedom of expression. However, during the late 1960s and early 1970s, when censors became preoccupied with attempting to prevent the rise of the pornography industry, the intelligentsia all but withdrew from the censorship debate, uncomfortable with a form of "pornography" not their own. "Erotic art" or "erotica" perceived by the intelligentsia as nonexploitive, artistic, and loving-was defined in contrast to "pornography," which was perceived as crude, exploitive, and devoid of any qualities but its sexual content. This tactic, based as it was on elitist assumptions about the entitlement of the intelligentsia to express certain ideas with high-minded intentions, has backfired in the current campaign.

High-minded intentions notwithstanding, the photographs of a countless number of photographers may well run afoul of the child-pornography laws, which do not take into account considerations of art. While the intelligentsia debates the differences between pornography and erotic art, the Supreme Court opened the door to the widespread suppression of even "artistic" depictions of nude minors, after moral crusaders convinced the court that such depictions would "amount to [no] more than a tiny fraction of the materials within the statute's reach" and censorship of them would therefore have little or no social importance.<sup>[29]</sup>

The fear of male sexuality in particular is inherent in the current moral panic over depictions of child and adolescent nudity and sexuality; most of the artists under attack are male. Among antipornography feminists and the religious right, male sexuality has consistently been characterized as rapacious, violent, and exploitive and men have been assumed to be incapable-without a high degree of social control-of nonexploitive interactions with children. As Andrew Smith, the Santa Fe art dealer who represents Walter Chappell observed of the photograph *Father and Son*:

*“[It] is not obscene. It's not pornographic. [Censorship of it is] discrimination [against] the male nude. If this was a picture of a nude woman and child, there would be no trouble with it. People don't see men as capable of having tender emotions. Most people are frightened by male sexuality.”<sup>[30]</sup>*

There is a deeper issue, however, concerning minors and their proper place within the larger social discourse on sexuality. During the late 1960s and early 1970s, sexual liberationism, which dominated the media, if not the hearts and minds of the majority of Americans, defined sex as essentially healthy and pleasurable, an activity to be enjoyed by youth as well as adults. A countercultural movement based in substantial part in youth culture, sexual liberationism spoke to empowering youth sexually with information, access to contraception, and the right to engage at will in sexual activity. At the same time, sexual minorities that had previously been officially suppressed-gays, lesbians, and, to a limited extent, those attracted to minors-entered the public discourse to stake their claims to express their sexualities free from state intervention or social stigma.

With the rise of the religious right in the late 1970s and its partial convergence with cultural feminism in the anti-pornography movement, the dominant culture reasserted its sexual mores to stress the negative and dangerous aspects of sex; to reemphasize the primacy of the nuclear family over and against sexual minorities and the sexual-freedom ideology; and to construct a childhood free from sexual urges, behaviors, and problems. The enormous gulf between this vision and that of the now severely fragmented counterculture manifests itself in the current attacks on rap and rock-and-roll lyrics, the furor over "obscene" and "blasphemous" art, the attack on women's reproductive rights, widespread violence against, and political oppression of, sexual minorities, and the moral panic over depictions of nude minors.

This is not to say that genuine concern for the psychological and physical well-being of children is misplaced. Quite the contrary, although at the same time we must distinguish between thoughts and deeds, signs and signifiers. There is actually little connection between child pornography, as it is defined under U. S. federal law and the laws of most states to include erotic and nonerotic child nudity, and child sexual abuse. Child pornography depicting sexual activity between children and adults or among children is rarely produced and no longer commercially distributed either in the U.S. or abroad, yet child sexual abuse, particularly within the family, is still widespread. The furor caused by moral entrepreneurs over child pornography thus serves to deflect social criticism:

*“from deeper problems in American society, where girls are socialized as untouchable sex objects and boys are encouraged to measure their self-esteem and express their power in sexual terms; where children are kept in positions of subservience to adult wishes and needs, and are treated as convenient outlets for adult aggression; where children, are denied age-appropriate, sex-positive sex education; and where children, regardless of age or development, are treated as second-class citizens.”<sup>[31]</sup>*

With respect to the depiction, whether erotic or not, of nude children not engaging in sexual activity, the problem is purely symbolic. For many, the depiction of nude minors raises fears that such depictions may sexually stimulate some individuals or motivate them to act in a sexual way with a minor. Others perceive such depictions to be symbolic of sexual license gone awry. It is these fears that form the emotional center of the controversy. Thus, as the San Francisco newspaper columnist Jon Carroll asked, in an editorial addressing the Sturges case: "What if these photographs are used by people in ways that we consider perverted?" Indeed, what if the photographer actually has erotic feelings for his or her subject?

Cincinnati censors who attempted to suppress Mapplethorpe's photographs accused Mapplethorpe of taking advantage of and exploiting children who "grew up seeing him at family dinners."<sup>[32]</sup> Prosecutors and investigators in San Francisco accused Jock Sturges of being sexually aroused by his subject matter-as if this in itself would, if it were true, make him an evil person and his photographs reprehensible. But if the subjects depicted in nude photographs are in no way forced to pose nude and are in no way harmed by their interactions with the photographer, then what is in the mind of the photographer or the viewer is of no consequence. Moreover, as Carroll pointed out, an indictment of a photograph on the basis of what a photographer or viewer thinks about that photograph could indict *all* images of children, whether or not they depict nudity. It is this attempt to control thoughts, rather than punish misdeeds, that is most chilling in the current climate, where the possession of the sex-education book *Show Me!*, a copy of *Lolita*, or, for example, *David Hamilton's Private Collection* maybe reason for denunciation as a "pervert."<sup>[33]</sup>

If the rationale behind child-pornography laws is to protect children from involvement in specified activities that are inherently (or at least presumptively) harmful<sup>[34]</sup>-in this case, engaging in sexual acts for the purposes of creating visual depictions - then imputing harm to a child from the intention of the photographer or viewer, rather than from what the photographer does to or with the child in question, is simply irrational.

The test of "erotic intent" raises additional philosophical and conceptual problems. First, courts and juries can only guess the state of mind of the photographer at the time the depiction was made: "state of mind" generally can only be inferred from writings or statements made by the photographer in letters, diaries, telephone conversations, or in what the photographer has in his or her library.<sup>[35]</sup> Second, the casual connection between the inferred state of mind and the taking of a particular photograph is at best tenuous. Merely because a photographer is aroused by minors does not necessarily mean that his or her intent in taking a particular photograph (even assuming the photographer *has* a singular intent) is to arouse him – or herself or anyone else. Third, even where the photographer acknowledges an erotic component in the work created, this doesn't make him or her a criminal or a pornographer. Photographers may photograph nude minors for many reasons; for example, to portray the minor's innocence and vulnerability, to affirm the minor's sexuality, or to celebrate the emergence of the minor into majority. The photographer may also wish to explore his or her interpersonal dialogue with the subject as a parent, teacher, nurturer, or friend, or to comment on the social construction of sexuality or the development of gender identity. Fourth, regardless of whether a photographer has an "erotic intention" in creating a particular work, "erotic intent" may simply be read into the photograph by the viewer, based on the viewer's intentions, feelings, and experience. Likewise, the viewer may not perceive any erotic component at all, even when the photographer intends one.

It is for these reasons that the "real" intent of the photographer vis-à-vis a particular work is undiscoverable, just as the "real" meaning of a photograph can never be determined. Given the complexities of human endeavors, there is no way to work backward from a photograph to determine with certainty the interest or intent of the creator. Once "improper thoughts" become the litmus test of guilt, the actual photograph in question recedes into the background and the inquisition begins.

Those readers who harbor skepticism as to whether or not the current campaign against photographs of nude children has ventured into the dangerous area of thought control need only read statements from law-enforcement officials that "perverts" are hiding behind "nudism" and art, or hear social workers and psychologists seriously suggest that anyone who photographs children nude, even their own, is on some level acting out pedophilic sexual desires.<sup>[36]</sup> The denial of such charges, like the denial of the charge of witchcraft, is only further evidence of guilt. As U.S. Postal Inspector Robert Northrup succinctly stated, during his investigation of Alice Sims, a Virginia artist who was arrested, but never charged, for photographing her infant daughter and a friend in the nude, "*Art is anything you can get away with . . . This is all filth.*"<sup>[32]</sup>

## NOTES

1. Robert Atkins, "[Art Police Strike in San Francisco](#)," *Village Voice*, June 12, 1990, 75-76.
2. Ibid; letter, dated May 29, 1990, from Michael Metzger, Sturges's attorney, to Assistant United States Attorney Rodolfo Orjales; conversation with Metzger, July 1990.
3. Andrew O'Hehir, "Eye of the Beholder," *SF Weekly*, June 6, 1990, 10-12.
4. Resume of Jock Sturges, attached as exhibit to letter from Metzger to Orjales, May 29, 1990.
5. Atkins, "[Art Police](#)," 75-76.
6. A failure to report under the law could result in a one-year prison sentence and a \$2,000 fine. Liz Lufkin, "FBI Briefing Leaves Photo Labs in Dark," *San Francisco Chronicle*, June 27, 1990, E1-2.
7. Ibid.
8. Atkins, "[Art Police](#)," 75-76.
9. For coverage of the incident see Atkins, "[Art Police](#)," 75-76; Liz Lufkin, "Photographer's Life Put on Hold After Police Raid," *San Francisco Chronicle*, May 25, 1990, E3, 7; Jon Carroll, "Whose Eye? Which Beholder?" *San Francisco Chronicle*, May 29, 1990; O'Hehir, "Eye of the Beholder"; Bruce Shapiro, "[The Art Cops](#)," *Nation*, July 9, 1990, 40-41, 57; Catherine Bishop, "[Photos of Nude Children Spark Obscenity Debate](#)," *New York Times*, July 23, 1990, A8; and KCBS Newsradio 74 editorial, June 27, 1990. The resolution of the San Francisco Board of Supervisors was dated June 27, 1990. For dismissal of the case see Liz Lufkin, "Porno Charges Suspended in Photo-Lab Nude Kid Case," *San Francisco Chronicle*, July 14, 1990. "Conditional dismissal" usually means that the charges will be dismissed in six months on the condition that the defendant not be involved in a similar offense.
10. Jim Doyle, "No Indictment in Child Porn Case," *San Francisco Chronicle*, August 23, 1991, A2.
11. Shapiro, "[Art Cops](#)," 40; conversation with Jock Sturges, October 8, 1990.
12. Atkins, "[Art Police](#)," 76.
13. Remmelt Lukkien, "[Ze gedragen zich volkomen natuurlijk](#)," *de Volkskrant*, May 4, 1991, "Het Vervolg," 2.
14. 18 U.S.C. Section 2252, et seq.
15. [Federal Sentencing Guidelines Manual: 1990 Edition](#) (St. Paul, Minn.: West Publishing, 1989), 105, 236.
16. New York Penal Code, Section 263.1.
17. Conversation with George Dimock, September 15, 1991.
18. Conversation with Sharp, August 20, 1990.

19. Beem, "Government Censorship Hits Maine," *Maine Times*, June 29, 1990, 7. See also Beveridge, "Feds Confiscate Photo, File Suit," *Los Angeles Daily Journal*, July 2, 1990, 5. [Newgon Organization: [AP Link](#)]
20. These two photographs are reproduced in *Art Journal*\* 50 (Fall 1991). [\*Note from Newgon Organization: Always check the child erotica/obscenity laws in your jurisdiction. The legality of this journal may vary accordingly]
21. See, generally, Lawrence A. Stanley, "The [Child Porn Myth](#)," *Cardozo Arts and Entertainment Law Journal* 7, no. 2 (1989): 295-358; Charles McCaghy and Beranbaum, "Child Pornography: The Rise of a Social Problem" (Paper presented to the annual meeting of the American Society of Criminology, November 9-13, 1983).
22. Stanley, "[Child Porn Myth](#)," 311-15. These beliefs persist to this day in many sectors of American society.
23. Clifford Linedecker, *Children in Chains* (1981), 186; *Child Victims of Exploitation: Hearing Before the Select Committee on Children, Youth, and Family*, 99th Cong. 1st sess., 1985, 28.
24. Ronald Kermani, "Kid Porn: A Billion-Dollar Scandal," *Albany Times Union*, April 25, 1982.
25. Illinois Legislative Investigating Commission, *Sexual Exploitation of Children: A Report to the General Assembly*, August 1980; Stanley, "[Child Porn Myth](#)," 307-11.
26. The number of arrests and convictions prior to May 1984 was extremely low not because of any failure on the part of law-enforcement officials, but because the child pornography "problem" had been grossly distorted.
27. See Stanley, "[Child Porn Myth](#)," 322-35.
28. Walter Kendrick, *The Secret Museum: Pornography in Modern Culture* (New York: Viking, 1987), 209.
29. *New York v. Ferber*, 458 U.S. 746, at 765 (1984).
30. Beem, "Government Censorship Hits Maine," 7.
31. Stanley, "[Child Porn Myth](#)," 301.
32. Paula Span, "Who Are Those Naked Children?" *Washington Post*, May 20, 1990.
33. See, for example, statements of FBI Supervisory Special Agent Kenneth Lanning in *Transcript of Proceedings, U.S. Department of Justice, the [Attorney General's Commission on Pornography](#), Public Hearing*, Miami, Fla. (Nov. 20-22, 1985), 234-45; and Stanley, "Child Porn Myth," 335-43, regarding evidence of "predisposition" to consume "child pornography."
34. See 18 U.S.C. 2252, et seq.



35. Stanley, "[Child Porn Myth](#)," 335-43; Kenneth Lanning, [Child Molesters: A Behavioral Analysis for Law Enforcement Officers Investigating Cases of Child Sexual Exploitation](#) (Washington, D.C.: National Center for Missing and Exploited Children, 1987), 21. Lanning defines as "child erotica" anything in the possession of a suspect that contains a depiction of a child or discusses child sexuality, pedophilia, or incest in any context and urges law-enforcement officials to seize such items as evidence to be used against the suspect in a prosecution.
36. See, for example, *Commissioners' Round Table: Pornography*, 20. *Customs Today* 15, 35 (1985). The accusation of subliminal pedophilia was suggested to me by a number of professionals in 1989 at the Illinois Network for the Management of Abusive Sexuality in Peoria, Illinois, where I spoke on censorship and depictions of nude children. The comments came shortly after a display of fine-art photographs of nude or partially nude children by [Sally Mann](#), Joan Liftin, Starr Ockenga, [Cynthia Macadams](#), [Joel Meyerowitz](#), [Ralph Gibson](#), Edward Weston, and [George Platt Lynes](#), among others.
37. Elizabeth Hess, "Snapshots, Art, or Porn?" *Village Voice*, October 25, 1988, 32.

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[LAWRENCE A. STANLEY](#) is an attorney with a specialized practice in entertainment and obscenity law. He has published widely and in 1989 received the H. L. Mencken Award for Best Investigative News Story.

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**APPENDIX**

