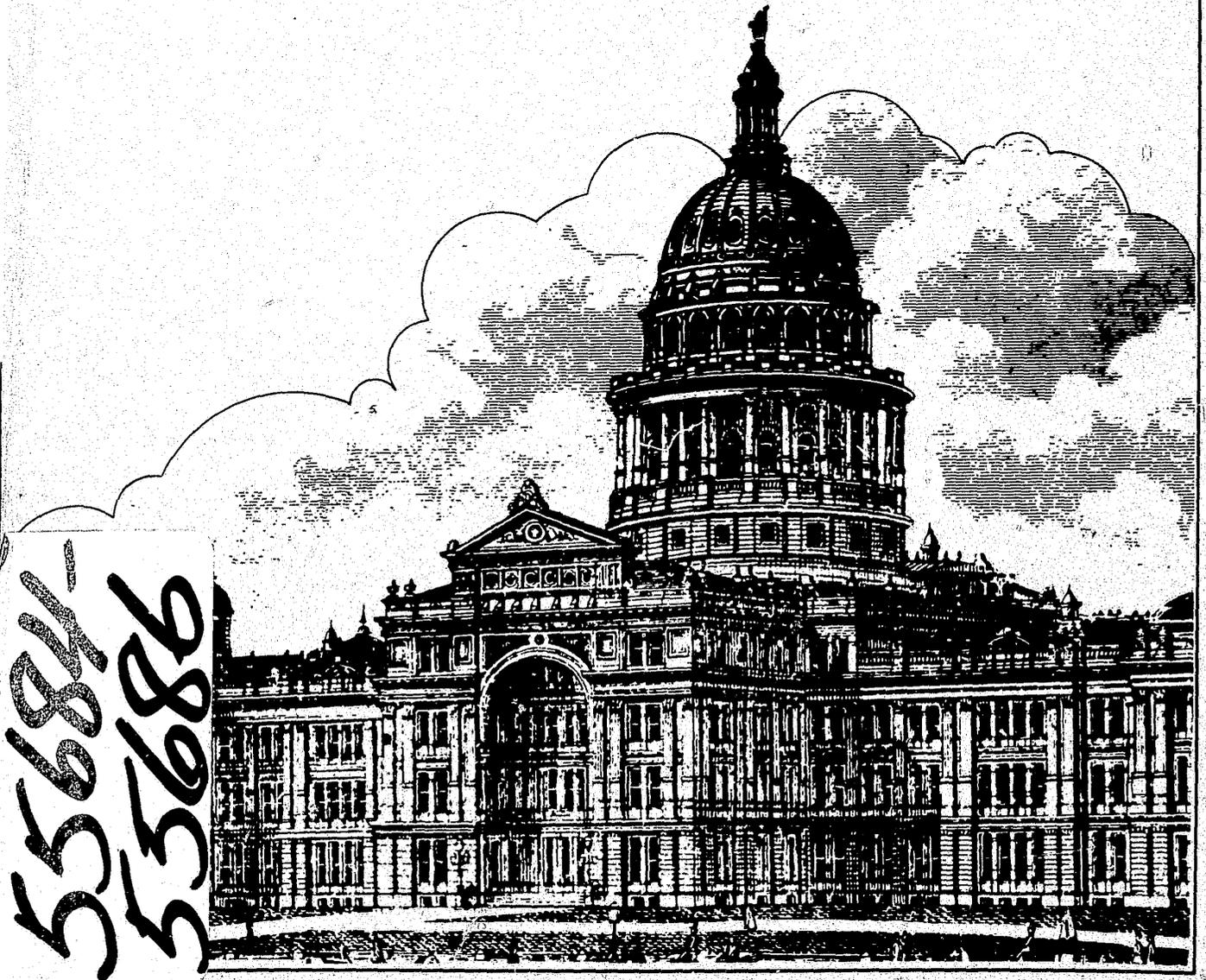


# *INTERIM REPORT*

## *Sixty Sixth Legislative Session*

*The Select Committee on*  
**CHILD PORNOGRAPHY:**  
*Its Related Causes and Control*

*Texas House of Representatives*



HOUSE SELECT COMMITTEE ON CHILD PORNOGRAPHY:  
ITS RELATED CAUSES AND CONTROL

NCJRS

MAR 22 1979

ACQUISITIONS



The State of Texas  
House of Representatives

Ralph Wallace  
State Representative  
District 97

October 19, 1978

The Honorable Bill Clayton, Speaker  
Members of the House of Representatives

Dear Mr. Speaker and Fellow Members:

We, the members of the House Select Committee On Child Pornography: Its Related Causes and Control, herewith submit the report of our studies, as required by the rules of the House.

We wish to express our appreciation to the many people who assisted in this study by extending their advice, services, or participation in our public hearings.

Respectfully submitted,

*Ralph Wallace III*  
RALPH WALLACE III, Chairman

INTRODUCTION

The House Select Committee on Child Pornography: Its Related Causes and Control was created to discover the various causes and influences which contribute to child pornography and the associated areas of sexual child abuse.

The Committee was appointed by Speaker of the House Bill Clayton on August 29, 1977, and was constituted as follows:

Representative Ralph Wallace  
Chairman

Representative Tom Uher  
Vice-Chairman

Representative Al Brown

Representative Ron Waters

Reverend Fred Bomar

Representative Bob Close

Mr. Bob Lanier

Representative Clay Smothers

Mrs. Margaret Formby

Representative Mike Millsap

Mrs. Chris Stanley

Committee Staff

Ricky McDaniel  
Committee Staff Director

Beverly Heinrich  
Committee Investigator

Jerry Johnson  
Administrative Assistant

Sandy Reagan  
Committee Clerk

The Committee held public hearings and formal meetings around the State to gather information from all interested parties. Dates of these formal hearings were:

September 13, 1977, Austin, Texas

November 17, 1977, San Antonio, Texas

April 9, 1977, Fort Worth, Texas

September 14, 1978, Houston, Texas

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The Committee and the report concentrate on three areas of concern under the charge:

- (1) Social research of child sexual abuse;
- (2) Criminal incidence of child pornography; and
- (3) Legal recommendations to eliminate child pornography and child sexual abuse.

In many areas of investigation it became apparent that research material simply did not exist. Because of this lack of existing documentation the report does not claim to be a definitive study into the problem of child pornography or the sexual abuse of children. The report is factual and provides a concise view of child pornography and the sexual abuse of children as it is documented in the State of Texas.

55685

SOCIAL ABUSE OF CHILDREN AND ADOLESCENTS

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SEXUAL ABUSE OF CHILDREN AND ADOLESCENTS

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## INTRODUCTION

Children have been sexually exploited from ancient times up until today (DeMause, 1974). These children are among the community's least protected children. In many instances they are victims of parental neglect, but more importantly, they are usually neglected by the community which has refused to acknowledge the existence of sexual abuse as a social problem (DeFrancis, 1969).

The reason society may refuse to face this problem and its implications may be that no society wants to admit openly that some of its members are sexual deviates.

These crimes are viewed as being so unpalatable, depraved, and primitive that it is easier to blind ourselves to them than to recognize that they do occur in our highly civilized society. Although combatting child abuse and neglect has emerged as a national issue and is publicly applauded and encouraged, sexual abuse has remained a taboo topic in many areas. Perhaps it is "too dirty", "too Freudian", or "too close to home" (Sgroi, 1975). The fact that it does occur, and in untold numbers, serves as a reminder that we have done little to protect our most defenseless citizens against these offenses.

As the news media has bombarded the public with the most sensational and gruesome cases of child sexual abuse, public attention has focused on punishing the offender while giving little

consideration to the emotional damage inflicted on the child victim. A system which provides the child and his family with a "day in court" has done little to offset the traumatic psychological effects of sexual abuse. In many instances, the jurisprudence system may, in fact, intensify the child's emotional state. These children are in need of expanded services to protect them against repeated offenses to help minimize the effects of the traumatic experience. To do this effectively, a coordinated, sensitive helping network which provides equal attention to both offender and victim is needed (De Francis, 1969).

In substantiating the need for services, this report will attempt to (1) Define the problem; (2) Give an account of the estimated incidence--both nationally and statewide; (3) Develop a victim profile; (4) Describe the sex offender; (5) Characterize the medical aspects of child sexual abuse; (6) Explain some predisposing factors and initial causes; (7) Discuss the psychological effects of sexual abuse--both short-term and long-term; and finally, (8) Make tentative recommendations to the Committee which would tend to prevent its occurrence and minimize the trauma when it does occur.

#### DEFINITION OF THE PROBLEM

In reviewing the literature an excellent definition of sexual abuse is provided by Berliner (1976):

"Sexual abuse of children is the sexual exploitation of a child who is not developmentally capable of understanding or resisting the contact or who may be psychologically or socially dependent on the offender."

It is helpful to view sex crimes perpetrated against children as one point in a continuum of injustices against children; neglect, abuse, and various forms of social and economic deprivation (Chaneles 1967). Sexual abuse is probably the most unreported and undiagnosed type of child abuse (Herjanic and Welbois, 1978). It involves any type of oral, manual or genital contact with a child, for which there is a whole array of legal terms. In a three-year intensive study of the sexual abuse of over 9,000 children in Brooklyn and the Bronx, New York, Vincent De Francis (1969) found that children were subjected to sexual offenses of all types varying from molestations as indecent exposure and fondling, to full intercourse in rape and incest. Included in this range of sexual acts were sodomy, carnal abuse and impairing the morals of a child. [(The equivalent Texas Statutes are: Sexual abuse with a child--fondling and molestation; rape of a child--rape or incest dependent upon relationship; contributing to the delinquency of a minor.) (Austin Child Guidance Center, 1977)] In 59% of the cases, the child was victimized in a single occurrence. The remaining 41% of the offenses were repeated and were perpetrated over periods of time ranging from weeks to as long as seven years (De Francis, 1969). It is this latter group of victims who experience the most devastating emotional damage from the experience.

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## INCIDENCE

It is difficult to assess accurately the incidence of sexual abuse because there are many inconsistencies in reporting offenses to law enforcement and child protective service agencies, and because many of the offenses go unreported. As Dr. De Francis points out:

The problem of sexual abuse of children is of unknown national dimensions but findings strongly point to the probability of an enormous national incidence many times larger than the reported incidence of physical abuse of children (De Francis, 1969).

However, several social scientists have been able to provide estimates. Estimates based on surveys indicate that between 25 and 35 percent of females are sexually victimized in this country (Kinsey, 1953; Landis, 1956; Gagnon, 1970), and from 5 to 30 percent of males (Landis, 1956; Brunold, 1964; Lloyd, 1976). The American Humane Association (1966) estimates 3,000 cases a year of sexual child exploitation in large urban areas, and 200,000 to 300,000 cases a year nationally of sexual abuse of girls ages 4 to 14. Lloyd (1976) estimates between 300,000 to 600,000 boys are involved in diverse types of prostitution in the United States. Rossman (1976) states that there are a million men in the United States who have participated in one or more sex acts with teenage boys (30 percent incest), 50,000 "criminally promiscuous pederasts...known as 'chickenhawks' who aggressively seek sex contacts with boys 12 to 16".

De Francis (1977) has noted that "an ultra-conservative

estimate would place the annual occurrence of reported sexual abuse as at least 100,000 cases". Sol Chaneles (1967) speculated from reported crimes in New York City that the national yearly incidence is at least 360,000 cases. Gebhard, et al, (1973) reported that four percent of the people in the United States have experienced an incestuous relationship.

A survey of 1,800 college students by McCaghy (1971) revealed that about one-third had childhood experiences with sexual deviates. McGaghy's survey seems to be confirmed by Rubin and Kirkendall's (1970) discussion of molestation:

Interviews with several thousand adult women indicated that from 20 to 24 out of 100 have had such sexual encounters in their childhood...

When considering the incidence of sexual abuse, it is important to recognize the wide gap between reported incidence and the actual occurrence of the crime. The reported incidence represents only the tip of the iceberg. The hidden, unreported incidence is thought to be much larger. De Francis reported in his study that the unreported cases were 3.5 times more numerous than the reported cases (De Francis, 1969) and Swift (1978) has estimated that 50 to 80 percent of all incidents go unreported. Although calculations of the gap between reported and unreported incidents vary among different researchers, there seems to be a general consensus that the incidence of sexual abuse far exceeds the frequency of reported cases (Lustig, et al, 1966; Cavallin, 1966; Weiner, 1962; Reimer, 1940; Weinberg, 1955).

Nationwide statistics are confirmed in Texas. From January 1, to December 31, 1976, there were 607 incidents reported to the Texas Department of Human Resources. This figure increased to 1,450 incidents in 1977. The 1977 figure represents approximately .0003% of the children and adolescents in our state who were reported as victims of sexual abuse. Given the relationship between incidence and reporting, it is conservatively estimated that from 1.0% to 1.5% of those under 18 years are subjected to sexual assault each year (Austin Child Guidance Center, 1977). Based on the 1977 Texas Employment Commission's decennial census update for 1977, of 4.5 million children and adolescents in Texas, it is estimated that there are from 45,000 to 67,500 victims in Texas each year.

The foregoing statistics are the most accurate figures available at the present time. There is, however, probably a considerable degree of overlap in reporting these figures, particularly among the police departments, rape crisis centers, medical personnel, Child Welfare (TDHR) and other social service agencies. It is known that statistics from Child Welfare (TDHR) are underestimated, because frequently other forms of abuse and neglect are involved and apparently there is a preference in reporting these other types of abuse and neglect. This could account for the significant increase in sexual abuse cases identified by TDHR from 1975 (4.7% to 1976 (12.5%). Thus, the rate of reporting may be the result of internal reporting procedures used rather than an

accurate indication of the rate of occurrence. Very often, for example, sexual abuse is masked in the physically abused child or goes undiagnosed in the male child victimized by a female as there is no physical damage (tearing, bleeding) which may occur from an assault by a male offender (Austin Child Guidance Center, 1977).

#### MYTH OF THE STRANGER

Law enforcement officials, psychologists, medical personnel, educators, and parents all seem prone to blame most crimes of child molestation upon the "stranger"--that unidentifiable someone who commits his act and quietly disappears before authorities can be notified. But the fact is that between 70 and 80% of all sexual molestations of children are committed not by a stranger, but by a person the victim knows and trusts, and, not infrequently, the offender lives in the same household (De Franics, 1969, Sgroi, 1975, Chaneles, 1967, Peters, 1976). Even though the statistics clearly indicate who is most likely to molest children, the community seems willing to discuss only those cases in which a "stranger" committed the crime. This practice tends to further becloud the public understanding of the problem.

This acquaintanceship of perpetrator to victim helps explain the usual absence of physical force in child sexual abuse. Furthermore, the fact that the trusted acquaintance is often an authority figure (father, uncle, babysitter, or friend of the family), may be part of the reason why cases of child sexual abuse emerge as

psychiatric problems later in life (Peters, 1976).

### VICTIMS

As one might anticipate, most studies have pointed out that victims of sexual abuse are girls, 10 girls: 1 boy (De Francis, 1969; Berliner, 1976; Jaffe, 1975). However, research by Swift (1978) points out that the male child is more likely to be the unrecognized victim of sexual abuse. Dr. Swift's research suggests "The startling possibility that boys may in fact be at higher risk for sexual victimization than girls," (Swift, 1977), particularly if we eliminate the category much more widely reported by females than males of encounters with exhibitionists. The suppression of this possibility was traced, by Dr. Swift, to the fact that:

"there appears to be degrees of deviance, with concomitant degrees of taboo, within the area of sexual exploitation of children. Homosexual attacks on children carry a double stigma since they violate the heterosexual norm as well as the prohibition of the use of the child as a sexual partner (Swift, 1977)."

Dr. Swift notes that these assumptions are shared by the children themselves, and help to account for the fact that the boys involved themselves see to it that their victimization is under-reported. The message to boys is that homosexual attacks are unspeakable events, more humiliating than the female "fate worse than death". Obviously, unreported attacks cannot be routed into the treatment system. In a paradoxical reversal of the adult double standard, boys may be discriminated against in the area of protection from and treatment of sexual exploitation (Swift, 1977).

No discussion of the victim can ignore the issue of participation by the victim in the sexual experience (De Francis, 1971). In the De Francis study approximately one-third of the children played a participant role (De Francis, 1969). But what does this participation involve? In cases where the victims play a participant role, the offender often pressures the victim into being an accessory to the sexual activity, that is, to go along with it at least once. The victim may be totally unaware that sexual activity is part of the offer. The perpetrator exploits children through the use of threats, force or enticement. Obviously, sexual involvement induced by physical or verbal coercion could not be considered consent. Enticement can involve the offering of money or candy or the misrepresentation of moral standards. Young children often do not have the ability to comprehend consent when confronted with pressure by material goods or when an adult misrepresents moral standards. Children may know that sexual experiences between themselves and adults are wrong, but a concept of sexuality has not been incorporated into their life style and they go along with the pressure from the adult in the situation.

The following example illustrates this ability to make a decision until it was too late:

He had me lay down...and then he showed me his penis and I remember his talking to me and telling me he was going to put that inside of me and he showed me where he was going to put it and he made me touch my vagina and he made me touch his penis.

That's when I decided there was no way--I looked at this thing and I looked at me and thought "no way". And I got upset and I tried to get away from him but he said "Oh, I'm going to throw you in the haystack, everything will be all right, everything will be okay." And he kept telling me that. Then he started to enter me and I can just remember the pain (Burgess and Holstrom, 1975).

It appears that these children were no less victimized than those who yielded to brute force. Reference to consent in these cases applies only to "psychological", not "legal" consent. That is why children are by law protected against consenting with respect to areas where, because of age, they are deemed incapable of informed consent; i.e., a consent predicated on full and complete understanding of the act. The issue was consent, therefore, is meaningful only in terms of describing the motivations of the child whose "psychological consent" was expressed (De Francis, 1971).

#### OFFENDERS

Several studies of sex offenders have found the ratio to be about 95 percent male to 5 percent female (De Francis, 1969, Berliner, 1976, and Frisbie, 1959). There is reason to believe, however, that this ratio does not represent the true picture. This statistic is suspect because cases of women who sexually exploit younger boys are rarely reported. Also, there is seldom corroborating physical evidence which often is obtainable in the male-female assault.

Sol Chaneles (1967) established the following tentative profile of offenders against children; eight out of ten offenders are

35 to 40 years of age. Seven out of ten are employed (usually in semiskilled or unskilled occupations or self-employed in a small neighborhood retail business). Nine out of ten are married with children. In general, they have completed at least the tenth year of school.

In 1965 a research grant was given to the Institute for Sex Research by the National Institute of Mental Health, United States Public Health Service, to study the sex offender. Over 1,500 men were interviewed by the Institute for Sex Research at Indiana University. A staff of scientists was sent to the California State Department of Corrections to draw a sample for their study (Bethschneider, 1972).

The study found that the offender was characterized by a poor adjustment between his father and mother, and, not surprisingly, a large number of divorces and separations. The typical offender as an adult, appears to be rather ineffectual, nonaggressive, dependent sort of man who drinks heavily, works sporadically, and is preoccupied with sexual matters. Indeed, as Beghard, et al (1975) explains:

his great emphasis on mouth-genital contact, variations of coital position, and lengthy foreplay--all statistically abnormal...A man who is this preoccupied with sex, who is often at home with the children during periods of unemployment (also the wife is frequently away working), and who drinks heavily, is a man ripe for an offense.

In addition to the foregoing characteristics, Henn, Herjanic, and Vanderpearl (1967) conclude in a study of 239 sex offenders that the child molester most likely has no psychiatric diagnosis

other than sexual deviation. In their sample, mental retardation and organic brain syndromes were not uncommon and the most common secondary diagnosis was alcohol abuse. It appears that alcohol, even without alcoholism, plays a major role in these offenses.

#### MEDICAL ASPECTS

The awareness of sexual abuse may first take place in a medical setting. However, it presents special problems to the physician and other medical professionals because of the difficulties in confirming the suspected diagnosis. The physician who fails to report is subject to penalty, but reporting entails the risk of being subpoenaed by the court without the tangible evidence that helps to substantiate a diagnosis in other forms of child abuse. Compounding the issue of concrete evidence is the physician's discomfort in dealing with personal and social issues for which he may feel ill-prepared (Herjanic and Wilbois, 1978).

Signs and symptoms that should arouse suspicion include the following:

- (1) Generalized child abuse (bruises, burns, fractures)
- (2) Vaginal or penile discharge
- (3) Lesions around mouth or anus
- (4) Painful urination or defecation
- (5) Itching or scratching of the genitals
- (6) Positive tests for gonorrhea, Trichomonas, Syphilis, sperm, or pregnancy
- (7) Bruises in the external genitalia, vaginal or oral regions
- (8) An unexplained history of choking on mucous-like secretions
- (9) Swollen or red cervix, vulva, or external genitalia

- (10) Semen around the genitals
- (11) Foreign bodies in the genital area
- (12) Clothing stained with semen or blood, or torn or otherwise stained in the pelvic region
- (13) Reported pain or soreness in the genital/anal region (Swift, 1978)

These medical indicators may not be present in all cases, or may be present in cases where no sexual abuse is involved. However, they serve as cues to alert the medical profession to investigate further.

When a physician sees some of the symptoms either singly or in constellation, the first reaction often is to focus in on the child while ignoring the total family dynamics. The next step in the physician's evaluation needs to include a consideration of the etiology of the symptoms. This can be clarified through a careful interview and physical examination.

Many children may be frightened by the sudden trip to the emergency room. In the absence of acute physical trauma, such children are in need of a quiet approach, and the physician and other medical personnel need to take time to relieve anxieties, to reassure and to explain. Gentleness is of the utmost importance. If a physician cannot calm a child, it would seem advisable to call in someone else, rather than intensify the trauma by forcing procedures on an uncooperative child with poor chance of adequate results. Some female children may have developed a phobia of men and may respond more favorably to a female physician or to a nurse. It is critical to emphasize that the support and care medical personnel display during this phase establishes a rapport upon which

counseling will rest.

#### PREDISPOSING FACTORS

The etiology of child sex abuse is unclear; in most cases the events cannot be reconstructed in a logical sequence. Because the perpetrator in most cases has known the victim for a period of time and has victimized the child on numerous occasions prior to the event which comes to public awareness, it is difficult to ascertain the predisposing factors surrounding the offense. But, in light of findings that 70 to 80 percent of cases of sex crimes committed against children occur within what are known as "affinity systems" (immediate family, relatives, close friends, and neighbors), some of the precipitating factors prevalent within these systems can be described (Chaneles, 1967).

Most families in which sexual abuse occurs are best with a multiplicity of problems; problems so overwhelming as to immobilize them in terms of seeking help voluntarily (De Francis, 1969). The extent of their problems makes them unable to deal with the pressing needs arising from their problem-ridden state. These problems engender an endless cycle of action and reaction which intensifies the need for outside intervention. In general, these are resistive, immobilized, unmotivated families which surface in their contact with the welfare system, and, as De Francis (1969) points out, they usually inflict an inordinate drain on public financial and social services. Further, their entrance into the public welfare system increases the likelihood of sexual abuse

occurs. Most frequently, the ill or disabled member is the mother. In terms of emotional health, only a small number of family members have an identified and treated mental illness (De Francis, 1969). In the De Francis study a history of criminal activity and delinquency was found to exist in one of eight households. Convictions ranged from disorderly conduct (drunk in public) to prostitution. Sex crimes, other than the precipitating crisis, were not infrequent. Delinquency is a common occurrence for many of these families and usually involves a series of delinquent acts--stealing, assaults, truancy, etc.--of siblings to the child victim (De Francis, 1979). Alcohol is a significant predisposing factor in sexual abuse of children--and especially so where the perpetrator is a member of the household, or a close relative. In contrast, drug addiction has not been found to be a common problem (De Francis, 1969). In 50% of the households De Francis studies there was one, or more, "illegitimate" children. Of perhaps greater significance however, is his finding that 33% of the families had a history of involvement in prior sex offenses, either as a victim or perpetrators (De Francis, 1969).

In examining the family constellation in sexual abuse it would seem important that we determine whether the sexual abuse occurred as a consequence of some parental dereliction of duty. Families in which sexual abuse occurs are characterized by a high incidence of neglect in relation to the general population.

It must be emphasized again, however, that these families are least able to conceal their problems because of their frequent contact with public agencies. Regardless of these families' vulnerability to reporting procedures, one cannot overlook the fact that in a majority of offenses parents directly or indirectly contributed to the circumstances of the sexual victimization of their children. Furthermore, many of these offenses might have been prevented if the parents had been more alert, more responsible and more protective (De Francis, 1969).

Parents contribute to sex offenses by acts of omission or by acts of commission; i.e., they fail to do things which they should do or they do things which they should not do. Acts of omission suggest the failure of parents to live up to duties and obligations imposed by the parent role. Three areas of omission seem to underlie circumstances favorable to the occurrence of child sexual abuse: (1) parents often fail to provide proper controls over children, particularly in terms of their comings and goings from the home; (2) parents fail to provide adequate supervision for children during periods when the parents are not at home; and (3) although many parents, especially mothers, have sufficient reasons to suspect that their children are being exposed to potential, if not actual sexual abuse, these parents take no action to protect the children (De Francis, 1969).

Acts of commission refers to a direct parental involvement in the offense, and the most direct act would, of course, be the incestuous relationship. Equally direct would be the quite common situation where one parent is the perpetrator and the other parent condones the act--thus setting the stage for the insidious web of incest.

### INCEST

Since sexual activity between family members is probably the most common form of sexual exploitation of children, it would seem appropriate to consider some of the family dynamics which are common in incestuous relationships. These include:

- (1) Limited contacts with the outside world by the family as a whole and by its individual members.
- (2) A pattern of rigid, restrictive control by the father of the social life of the children.
- (3) An inordinate participation by the father in the dynamics of family life and a concomitant over dependency on him by the mother.
- (4) A father whose behavior is characterized by frequency on him by the mother.
- (5) Characteristically first time marriages for both parents and no extramarital sexual activity.
- (6) Marriages of incest offenders are typically undertaken at an early age and are of long duration.
- (7) A large family with many young children.
- (8) The absence of acting-out behavior by the children.
- (9) Sudden change in the family environment, such as a move from a rural to an urban setting.
- (10) Serious confusion and role disturbance occurs in the family.
- (11) A mother with a non-fulfilled wife-husband relationship (Austin Child Guidance Center, 1977).

These characteristics, when viewed in isolation, may present a surface view of family stability and cohesion. As a result,

many incestuous families have not been identified as such by the various community agencies. When incest was first investigated some years ago, the cases reported were predominately drawn from the prison population. Therefore, it was assumed that incest occurred in the lower socio-economic level and was associated with crowded living quarters, marginal existences, strife-ridden homes, poor jobs and criminal tendencies (Weeks, 1976). Later, as child guidance clinics and private practitioners began reporting cases of sexual child abuse occurring in middle and upper socio-economic level homes, new light was thrown on the subject and new data were collected. It is agreed now that incest occurs in all levels of society, primarily in unbroken families.

Although alcoholism and financial difficulties sometimes characterize the adults engaging in incestuous activity, this is by no means the personality make-up of all the adults and many hold responsible positions and are considered "pillars of the community". Cases of father-daughter incest are reported involving judges, ministers, university professors, doctors, teachers, skilled workers, white collar workers, farmers, and unskilled labors (Weeks, 1976 and Peters, 1976).

What are the reasons for the low incidence of reporting of incest? In cases of parent-child incest, the chief reasons for the child to remain silent (particularly the young child 3-6 years) are the child's loyalty to the offending parent and the child's assumption that everything the parent does is right.

Coupled with this, however, is the child's response to the sexual activity. Because of the child's own stimulation and excitement, the child feels that he or she is responsible for the sexual act. Even though the child may fear the forbidden act, the child's guilt often leads him/her to remain silent lest he/she be punished by other adults. Also, there is fear of retribution from the same-sexed parent (Weeks, 1976).

Frequently, father-daughter incest is committed with mother's tacit approval, and in fact, there is often collusion in the whole family constellation about the incestuous activity. Many times the mother is eager to turn over the burdensome sexual role to her daughter/s and to this end mothers have been reported to take jobs that require them to be absent from the home in the later afternoon and evening hours. If the daughter/s reveal the sexual activity to older sisters or mothers, they are sometimes admonished to remain silent and given little support or understanding. Many of the mothers are afraid to report the incestuous activity to the authorities lest the father be sent to jail and the family lose the financial support of the father's job (Weeks, 1976).

A typical case is the following:

Sally, age 11, came to our child and adolescent psychiatric clinic, accompanied by her mother, with the chief complaint of crying spells, poor school attendance, and enuresis. During the course of the first interview, it was discovered that Sally had been having intercourse with her father regularly over the last two years. The mother had been aware of this activity, and further, had known that the oldest daughter had left home a couple of years before because of the same complaint. The mother was an inadequate, obese woman with little education who

stated that she tried to sleep with her husband so that he would leave the daughters alone, but she obviously abhorred the sexual act and was only too happy to be relieved of this and other domestic responsibilities by the daughters. When the clinic personnel explained the procedure that was to be followed in reporting the incest to the legal and welfare authorities, both mother and daughter objected and wanted to break contact with the clinic. Sally was placed in a foster home, but attempts to keep her there were thwarted by both child and family, who wanted her back home. The child was extremely ambivalent about the incest activity; it pleased her to think that her father preferred her to her mother, but it was disturbing to her development and maturation. Her relationship with her peer group was disturbed, particularly with boys, with whom she was very flirtatious. The family maintained only sporadic contact with the clinic despite heroic measures on the clinic's part... Weeks, 1976).

#### PSYCHOLOGICAL EFFECTS

The psychological effects of sexual abuse are not as readily discernible as those of physical abuse. The psychological effects of child sexual abuse seem to be related to the amount of violence employed, the number of occurrences, the depth of the child's relationship to the offender, and the family's and society's reaction to the offense. Immediate reaction to the offense may range from simple fright to vomiting and hysteria. In general, the best recovery is made by the child who is sexually assaulted without violence by a stranger (Schulz, 1973).

#### SHORT-TERM EFFECTS

Short term behavior indicators of sexual assault include the following:

- (1) Regressive behavior
- (2) Delinquent behavior
- (3) Sexual promiscuity

- (4) Poor peer relationships
- (5) Unwillingness to participate in physical and/or recreational activities
- (6) Running away
- (7) Drug and/or alcohol abuse
- (8) Confusion
- (9) Depression
- (10) Anxiety
- (11) Suspicion
- (12) Bad dreams
- (13) Restlessness
- (14) Personal behavior inconsistencies with prior behavioral patterns
- (15) Unexplained medical problems
- (16) Learning disabilities
- (17) Self mutilation (Texas Department of Human Resources, 1975)

Often the abuse is undetected and the child's problem is accentuated. Therefore, the cause is not known or understood and we treat the symptom, not the cause.

The greatest potential damage to the child's psychological functioning is caused by parental reaction to the event and society's need to use the victim to prosecute the offender. It is clear from studies of child sexual victims that it is not the sexual act itself that usually creates the trauma, but the child's parent's reaction upon its discovery, and the effect this has upon the child (Givvon and Prince, 1973). Parents overreact, develop hysteria, attack the assailant, attack the child victim, berate and punish the victim, demand that the child victim testify the the attack was unprovoked, or threaten court personnel unless the offender is sentenced speedily (Schultz, 1973).

There are many reasons why parents cannot cope with their child's being raped or molested. Most of the reasons are related to their own sexual conflicts and ambivalence. The parent some-

times projects his or her own sexual drives onto the child and secretly believes that the child was responsible for the act and should be punished. In other cases, the adult who rapes the child is a close friend, a relative, or the parent's lover, and the confusion, hostility, guilt, or ambivalence which the parent experiences immobilizes him or her, thus blocking the necessary support for the child. So many of the adverse psychological effects resulting from sexual abuse occur because there was no opportunity at the time of the assault for the child to express his or her feelings to an accepting adult, particularly one to whom the child is closely attached.

It is not only the parents who are sometimes unable to handle the situation appropriately. Often the "professionals" with whom the family comes in contact are also guilty. Unfortunately, the whole area of sexuality is so heavily laden with emotion, bias, and ambivalence that it is difficult for the situation to be viewed objectively by professionals, and often the child's emotional state is exacerbated by those very people who are attempting to help. This includes professionals in the police department, legal counselors, the courts, welfare personnel, and physicians.

Society, through its jurisprudence system, requires that a person charged with an offense has a right to trial and to confront and cross-examine his or her accusers. What sometimes does irreparable harm to the child is the necessity of repeating the details of the offense numerous times, to physicians, police, prosecutors,

defense attorneys, and to the jury, sometimes with the assaulter present. What, in the child's mind, is a short-lived traumatic event with no long-term permanent consequences, is blown out of proportion to its importance and forces the child to reorient his or her ideas toward an adult interpretation of the offense, and the child's role in punishing the offender. Most of these professionals have no training in nonthreatening methods of interviewing children and tend to use approaches appropriate for adults (Schultz, 1973).

It is interesting to note how this dilemma has been handled in Israel. There, by an amendment to the Law of Evidence passed by the Knesset in June, 1955, provision is made for a council of youth advocates who are appointed by a committee consisting of a judge of the Juvenile Court, an expert in mental health, an educator, and an expert in child care. In the cases of a sexual offense no child under 14 may be investigated, examined, or heard as a witness except with the permission of a youth advocate but the records of the youth advocate are admissible as evidence in court. In order to safeguard the alleged offender, it is provided that no person may be convicted on the unsupported evidence of a youth advocate alone and he may be required to re-examine the child to ask particular questions. But, here again, the youth advocate may refuse to do so if he believes it will do psychic harm to the child (Reifen, 1958).

## LONG-TERM EFFECTS

There is a dearth of information regarding long-term effects of sexual exploitation of children. The few attempts to identify long-range effects are clouded by: (1) lack of rigorous criteria for what constitutes damage or adjustment following the sexual episode; (2) logistical and ethical considerations blocking longitudinal studies or access to victims after the sexual episode; and (3) experimental bias (Swift, 1978).

Notwithstanding these limitations, several studies seem worthy of mention. A thirty-year follow-up study done by O'Neal, et al, (1960) of 354 child sex victims indicated that there were higher arrest records, a greater occurrence of psychiatric illnesses, and poor adult marital adjustment among the subjects studied. Prendergast (1974) found that of 150 sex offenders sentenced to Rahway State Prison in New Jersey, seventy-five percent had been sexually abused as children or adolescents. Such cycles of victimization are also apparent in juvenile delinquency. A study in Minneapolis, on hard core violent juvenile offenders, who had almost without exception, that each offender had a history of being physically or sexually assaulted as a child (Sexual Assault Service, Minneapolis, 1976).

The long-term effects of incestuous activity are reflected later in life-precocious adolescent sexual acting-out; unhappy marital relations; and fearful, abhorrent attitudes toward sex. Although there are reports that not all parent-child incest is

permanently damaging (Yoruroglu and Kempf, 1966), the majority of cases in the literature attest to the opposite effect (De Francis, 1979 and Kaufman, Peck, and Toguir, 1954).

These studies, along with others, raise important questions which can only be resolved by appropriate types of research. Asking children to report their experience of victimization is scientifically sounder in terms of accuracy of data than waiting 10 to 30 years and asking adults to recall these experiences (Swift, 1978). However, the continued volatility of the issue of sex education in the schools thwarts attempts to communicate with children directly about matters of sex. Hopefully, future research will help us answer the question: To what extent does sexual abuse by an authority figure interrupt or deter a child's development?

At present, we may only conjecture that the victim and family are left with bitterness, mistrust of authority, and hostility toward community institutions (Chaneles, 1967). Only through early detection, intervention, and education can we break this cycle and possibly gain a better understanding of sexuality in our society.

Sexual abuse is a multi-facted problem and there are no simple answers. This report has attempted to underscore the most salient aspects of the problem.

#### RECOMMENDATIONS

This section will attempt to make recommendations on how this information can be used.

The first recommendation is that hard data be regularly disseminated to involved personnel: (1) to public institutions and agencies; (2) to physicians; (3) to educators; and (4) to parents.

Juvenile department workers as well as police and sheriff departments, require factual information to make evaluations of the dangerous situations they come across in the line of duty. Law enforcement officials should be concerned with enforcing laws against sexual abuse. No report of sexual abuse should be handled by someone who is not familiar with the problem.

Physicians, similarly, require all current data available as first-line professionals dealing with child abuse.

Physicians are in a position to minimize the emotional trauma inflicted on child sex victims. Physicians should be aware that the social, psychological, and legal needs of the child sex victims are equally as important as physical trauma. If sexual abuse is not handled properly in the medical setting, it can store up psychological dynamite ready to detonate in a child's psycho-sexual development, courtship, or marriage. Physicians have the opportunity to defuse that time bomb (Joseph, 1973).

In addition, the Committee might wish to explore the option of stronger legal safeguards for physicians regarding requiring personal appearance for giving legal testimony.

Educators now know that a child's performance in school depends upon his/her home life. There is a growing need for school

teachers to know more about the behavior of their students. Education concerning the sexually abused child should be regularly included in the training curriculum of the public school teacher.

In view of the findings, parent groups will need to have access to information dispelling the "myth of the stranger" and clarifying the reality of sexual abuse.

There is a need for research in the following areas: education, law enforcement, prevention, treatment, legal and corrections.

The next recommendation is that legislators support research in addition to widespread dissemination of accurate data.

Research should be conducted to find out how much public school teachers know about the sexually exploited child. Do they know when a child is in danger of being exploited and what measures should be taken to report these incidences to the authorities?

Future research in the area of law enforcement should include attitude studies of police officers regarding the sexual abuse of children. Research in this area should be used in the instruction of officers regarding investigations, interrogations, and arrest of sexual offenders. Another research suggestion is determining the reciprocal attitudes of police officers regarding their perception of the caseworker's role in the community and the caseworker's views of the police officer.

New research with a preventive focus is recommended. Research in this area could develop programs to teach social skills to young children and to train them concerning their rights to their own

bodies, and how and when to resist sexual exploitation. The development of responsible sex education curriculum for schools would seem appropriate. The controversy this sensitive issue would inevitably arouse, could possibly be offset by testing pilot programs in communities eliciting parental involvement and support for introduction and use in the curriculum.

In terms of treatment, more research needs to be conducted to identify both the short-term and long-term impact of sexual assault on children. It would seem important to determine the consequences of removing the child from the home in cases of incest versus leaving the child in the home and treating the family as a unit. More varied treatment methods and facilities are needed. Research can determine the effectiveness of the various treatment modalities. Moreover, there is a clear need to focus more attention than previously on the sex victim, both in terms of prevention and treatment.

Research might also suggest alternatives to mandatory court appearance for child victims of sexual assault. Videotaping the child's testimony, greater use of expert witnesses (mental health professionals) in interpreting the child's behavior and testimony (as in the Israeli use of youth advocates), taking testimony in the judge's chambers, and cases being tried in Juvenile or Domestic Relations Courts (where the atmosphere is more attuned to the needs of the child), are some of the options to be explored (Swift, 1976).

### LEGAL RECOMMENDATIONS

By providing physicians with stronger legal safeguards we may be able to facilitate their fuller cooperation in providing substantive testimony.

Legal statutes in Texas were not designed with the needs of the child victim in mind. They were established to protect the community-at-large while assuring the accused full protection of his/her constitutional rights. However, some means must be found to protect the child's interest in cases of sexual victimization.

Also, the prospect of insensitive court procedures influence many parents and victims not to pursue prosecution. It would seem only equitable that an effort be "made to adjust procedures so as to safeguard all rights". Without reform in the procedures required for child witnesses to testify, child molesters will continue to prey on children with little concern for the penalties (Swift, 1976).

Research has already documented that little or no treatment has been given the sexual offender in the institutional setting. Indeed, as McGeorge notes, "I do not believe that true rehabilitation can be achieved and completed in a prison setting...There can be no doubt that imprisonment often fails to check sexual deviation." This suggests the need for research into the efficacy of indeterminate sentences for sexual offenders, the offender not to be released until there is reasonable guarantee, to be decided upon by a panel consisting of a psychiatrist, a psychologist, and an

experienced senior prison official, that he represents a menace no longer. Sympathy for the sexual offender, however, should not be to the degree that it results in overlooking the protection of potential victims (McGeorge, 1964). There is need for research in this area because many sex offenders do return to the community. It would be helpful to determine the answer to a number of questions. For example, what is the recidivism rate for the sex offender? What problems does the offender have when he returns home to the community? How does his/her family adjust?

#### CONCLUSION

Sexual abuse of children is certainly not the problem of any single profession. However, at present there exists no coordinated approach in combatting this social problem. Only through research, inter-agency cooperation, and the creation of a coordinated, comprehensive treatment network can the community unite in assisting the sexually molested child.

This report has been written to increase the Committee's awareness of the crime of sexual abuse of children. Because of the traumatic nature of the crime and the traditionally "unspeakable" attitude society has developed toward child sexual abuse, many myths have emerged. Hopefully, this report has helped to dispel some of those myths. It is intended that this report serve as a resource for you as you formulate legislation to deal with child sexual abuse.

We can no longer whisper about this crime. Public ignorance

breeds tolerance and inaction. So the community must not merely react to the crime, but must also act to prevent it. We must not tolerate or permit the conditions cited in this report to continue without taking steps to remedy the situation. The harsh realities of child sexual abuse demand that we increase community awareness of the problem and expand services to protect the child from its occurrence or its consequence.

SERVICES TO SEXUALLY ABUSED CHILDREN AND ADOLESCENTS

Prepared by

Wendy Corrigan

University of Texas at Arlington  
Graduate School of Social Work

## I. INTRODUCTION

This report was prepared for Representative Ralph Wallace, Chairman, Texas House Select Committee on Child Pornography. Its purpose is to identify and evaluate all existing agencies' programs available for juvenile victims of sexual abuse in Texas.

The survey was conducted by Wendall Corrigan, student, Graduate School of Social Work, University of Texas at Arlington. Valuable information was provided by Bobbie Mae Matthews, Program Manager, Protective Services for Children of the Texas Department of Human Resources and Dr. Sherry Payne, Director, Services to Exploited Youth Project, Austin Child Guidance Center.

## II. STATEMENT OF THE PROBLEM

Child sexual abuse, under Texas Statutes, consists of: sexual abuse with a child - this includes genital-oral or genital-anal contact; indecency with a child - fondling and molestation; rape of a child - juvenile rape or incest dependent upon relationship; and contributing to the delinquency of a minor.

In 1978, the National Center for Child Abuse and Neglect in Washington, D.C., conservatively estimated that 50,000 children are sexually assaulted every year, but because the majority of these cases are never reported, many professionals believe the number of victims is much higher. Very often, for example, the abuse is masked in the physically abused child or goes undetected in the male child victimized by a female.

In 1976 there were 607 incidents of child sexual abuse reported to the Texas Department of Human Resources. This figure increased to 1,450 incidents in 1977. Given the relationship between incidence and reporting, it has been estimated that there are from 45,000 to 67,500 victims in Texas each year.

## III. EVALUATION OF SERVICES

This report's appendix contains a list of all identified agencies and programs in Texas which provide services to sexually abused children. This list is very misleading because

there appear to be many resources available; however sexual abuse is often discovered by programs whose aim is to treat children with various other kinds of problems, including run-aways, pregnant teenagers, status offenders, and children experiencing mental and emotional problems. When child sexual abuse is revealed, professionals in these programs as well as school and family counselors, crisis workers, clergymen, and physicians often provide some services despite the fact that they have seldom had training in the specific area of sexual abuse intervention and are often unaware of the interpersonal dynamics of a family involved in incest. Although Rape Crisis Centers appear throughout the state, many are not funded and staff are often not trained to treat juvenile victims.

The Texas Department of Human Resources receives the greatest proportion of reported cases of child sexual abuse in the state. Sexual abuse is seen by TDHR under the broader category of "child abuse" and in most of the state, sexual abuse cases receive the same services as any other abused/neglected child referred.

Beginning in 1974, the Family Code made it a misdemeanor in Texas to know of the abuse of a child and not to report it. In 1975, the department reinforced this legislative action with a public information campaign to make citizens aware of the problem of child abuse and to inform them of their obligation to report it.

TDHR now has 1,350 workers throughout the state directly involved in the delivery of protective services to children. This staff works an average caseload of 58 cases for each worker; the Child Welfare League recommends a caseload of no more than 20 cases for each worker.

Although most TDHR regions have had some special training for the staff in dealing with sexual abuse, many protective services workers have had no training in this area. Specific sexual abuse treatment resources for victims and perpetrators are not evenly available statewide and medical services and foster care resources for victims who need to be removed from their homes are not provided.

In some areas of the state where specific treatment resources are available, or where staff training efforts have been intense, very effective programs are available. In the Austin-Travis County region, TDHR contracts for sexual abuse treatment services with a non-profit organization, Services to Exploited Youth Project (SEY). This project, the only one of its kind in the state, grew out of a request from the Austin Rape Crisis Center to the Austin Child Guidance Center. Sexual abuse services for juveniles were needed as 40 per cent

of all rape victims in Austin were under the age of 18. Project SEY was created in January 1977 and began providing crisis intervention and sexual abuse counseling services to Austin area juvenile rape victims and TDHR referrals. The latter includes victims of incest and their families as 50 per cent of the cases referred to SEY involve sexual abuse by a person related to the child.

Project SEY has treated 150 families with an estimated 450 individuals during the fifteen month period of January 1977 to March 1978, an overwhelming figure for the staff which consisted of a program director and two therapists. There have been no further incidences of sexual abuse reported in cases referred to this program.

At the present time, SEY is not providing medical examinations or professional legal knowledge or advice. Crisis intervention services to juvenile rape victims were discontinued in February 1978; and other ways of limiting the number of referrals accepted for services to an amount manageable by the staff are now being considered.

#### IV. SUMMARY OF FINDINGS

The survey findings may be summarized as follows:

1. The incidence of reported child sexual abuse cases continues to increase although it is not possible to determine whether or not the total incidence, reported and unreported, is on the increase.
2. Agency staff and individuals providing services to sexually abused children are generally untrained in juvenile sexual abuse intervention.
3. The caseloads of protective services workers far exceed recommended standards.
4. Some programs providing services to sexually abused children are not funded. Others lack the funds to provide a full range of services to meet the needs of the victimized child.
5. Medical and legal services are not provided.
6. Treatment resources are not evenly available statewide.

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5. Medical and legal services are not provided.

6. Treatment resources are not evenly available statewide.

## V. RECOMMENDATIONS

It is apparent to this committee's researchers and other professionals involved in the delivery of services to children that the need for child sexual abuse services in Texas is not being met. The following recommendations are therefore submitted in an effort to remedy this situation:

1. Develop a statewide program that includes funding for staff, crisis intervention and sexual abuse counseling for victims and their families, medical and legal services, short-term alternate living for crisis resolution and resources for longer term living needs. It should also provide investigation of child abuse without the child being faced with legal issues being paramount, and allow services for potential sexual abuse victims.

2. Fund and conduct research and needs assessment to determine where programs are most needed, identify children who are at high risk to sexual abuse, and determine alternatives to mandatory court appearance for victimized children.

3. Offer training to all protective services workers and other professionals responding to the sexually abused child.

4. Provide prevention oriented education programs for school age children and adults.

VI. APPENDIX

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ABILENE, TX 79604  
915/698-3016

ABILENE YOUTH CENTER  
EVERETT E WOODS  
BOX 5749  
ABILENE, TX 79605  
915/698-2320

RAPE CRISIS CENTER  
CAROLYN HERRING  
PO BOX 122  
ABILENE, TX 79604

TDHR  
BEULAH W LOVE  
317 PECAN  
ABILENE, TX 79604

TDHR  
DEBORAH L COOK  
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610 E SECOND STREET  
ALICE, TX 78332

TDHR  
BENNIE J GALLEGOS  
209 WEST HOLLAND  
ALPINE, TX 79830

AMARILLO MHR REGIONAL CENTER  
CLARK E WOOLDRIGE  
7201 EVANS STREET  
AMARILLO, TX 79106

CATHOLIC DIOCESE OF AMARILLO  
J A COMISKEY  
1522 S VAN BUREN  
AMARILLO, TX 79102

RAPE CRISIS AND SEXUAL ABUSE  
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804 S BRYAN - SUITE 218  
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TDHR  
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PROJECT SEY  
SHERRY PAYNE  
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AUSTIN, TX 78704  
512/476-6015

AUSTIN RAPE CRISIS CENTER  
SYLVIA CALLOWAY  
2434 GUADELUPE  
AUSTIN, TX 78705  
512/472-7273

AUSTIN STATE HOSPITAL  
B SUTTON  
4110 GUADELUPE  
AUSTIN, TX 78751

CENTER FOR BATTERED WOMEN  
DEBORAH MEISMER  
PO BOX 5631  
AUSTIN, TX 78763  
512/472-4878

JUNIOR HELPING HAND  
N ELIASON  
406 W 38TH STREET  
AUSTIN, TX 78705

MHMR CENTER - AUSTIN-TRAVIS COUNTY  
LARRY J MILLER  
1430 COLLIER  
AUSTIN, TX 78704

MIDDLE EARTH  
LARRY C WATERHOUSE  
500 W 6TH STREET  
AUSTIN, TX 78701  
512/472-1187

SETTLEMENT CLUB  
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1600 PEYTON GIN ROAD  
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TEXAS EDUCATION AGENCY  
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GOLDEN TRIANGLE BAPTIST ASSN  
M ADAMS  
3555 STAGG DR  
BEAUMONT, TX 77701

MHMR OF SOUTHEAST TEXAS  
ROGER PRICE  
590 CENTER  
BEAUMONT, TX 77701  
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TEMPLE EMANUEL SISTERHOOD  
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TDHR  
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BETTY J WILLIAMS  
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BEEVILLE, TX 78102

TDHR  
NINA G YOUNG  
331 N WASHINGTON  
BEEVILLE, TX 78102

TDHR  
WILLIAM R TAYLOR  
JERRIS K Z KULHANEK  
20 SOUTH HOLLAND  
BEEVILLE, TX 77418

CENTRAL TEXAS CHILD ABUSE & NEGLECT  
DEMONSTRATION ORGANIZATION  
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TDHR  
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3RD FLOOR FEDERAL SAVINGS BLDG  
BRENHAM, TX 77833

TDHR  
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PHYLLIS R PLY  
101 SOUTH D  
BROWNFIELD, TX 79316

TDHR  
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JOHN S JACOBSON  
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PO BOX 1267  
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CENTRAL TEXAS MHMR CENTER  
ROY H CRONENBERG  
308 LAKEWAY  
BROWNWOOD, TX 76801

TDHR  
GARY C BAILEY  
3RD FLOOR COURTHOUSE  
BROWNWOOD, TX 76801

TEXAS YOUTH COUNCIL STATEWIDE  
RECEPTION CENTER  
DAN BARGER  
PO BOX 1267  
BROWNWOOD, TX 76801

BRAZOS VALLEY MHMR CENTER  
LINDA S DAVIS  
202 E 27TH STREET  
BRYAN, TX 77801

TDHR  
JEAN M MARSICO  
302 E 24TH  
BRYAN, TX 77801

TDHR  
HENRY A NOLAN  
139 E JACKSON  
BURNET, TX 78611

TDHR  
DEBORAH S MINSHEW  
202 S CAPITAL  
CANTON, TX 75103

TDHR  
BRENDA K LEE  
402 PENNA STREET  
CARRIZO SPRINGS, TX 78834

TDHR  
VICKIE V ALLEN  
NEW COURTHOUSE ROOM 112  
CARTHAGE, TX 75633

TDHR  
VICKIE L ROGERS  
COUNTY COURTHOUSE  
PO BOX 71  
CENTER, TX 75935

TDHR  
LILLIAN P HARRISON  
1ST FLOOR COURTHOUSE  
CHILDRESS, TX 79201

TDHR  
ANNA B MCNABB  
CTHSE ANNEX 419 S SULLY  
CLARENDON, TX 79226

TDHR  
CARLOS NORTHAM  
JOANNE WALDREP  
308 N CEDAR  
CLARKSVILLE, TX 75462

TDHR  
PAMELA D DAVIS  
COURTHOUSE ROOM 5  
CLEBURNE, TX 76031

TDHR  
KAREN K PHIFER  
121 FENNER ST  
CLEVELAND, TX 77327

TDHR  
CHRISTINE A PHILLIPS  
CO COURTHOUSE BASEMENT  
COLDSRING, TX 77331

TDHR  
CYNTHIA A HOLDRIDGE  
136 E 3RD STREET  
COLORADO CITY, TX 79512

TDHR  
HELEN D JURRIES  
435 SPRING STREET  
COLUMBUS, TX 78934

TDHR  
TERESA N MANESS  
103 N THOMPSON STREET  
CONROE, TX 77301

TDHR  
BETTY C HENSLEY  
104 E DALLAS AVE  
COOPER, TX 75432

LINDA OLIVER  
RT2 BOX 3320  
CEDAR CREEK ESTATES  
COPPERAS COVE, TX 76522

CRISIS INTERVENTION SERVICES  
HOTLINE  
KATHY MCCORD  
PO BOX 3075  
CORPUS CHRISTI, TX 78404

NUECES COUNTY MHMR COMMUNITY  
CENTER  
WILLIAM S LAMBKIN  
1630 SOUTH BROWNLEE  
CORPUS CHRISTI, TX 78404  
512/888-5321

NUECES HOUSE  
JENEANE WICKS  
1200 TENTH ST  
CORPUS CHRISTI, TX 78404

TDHR  
JIMMIE D LEHRMAN  
1901 TROJAN  
CORPUS CHRISTI, TX 78404

CORSICANA STATE HOME  
CAREY COCKERELL  
PO BOX 610  
CORSICANA, TX 75110

TDHR  
THELMA D PRYOR  
3RD FLOOR COURTHOUSE  
CORSICANA, TX 75110

TDHR  
DOROTHY D DAVIS  
COURTHOUSE  
COTULLA, TX 78014

CROCKETT STATE HOME  
JERRY DAY  
PO BOX 411  
CROCKETT, TX 75835

TDHR  
VALERIE D MOSES  
603 E GOLIAD  
CROCKETT, TX 75835

TDHR  
TARESA J PIGG  
COURTHOUSE ROOM 100  
CROSBYTON, TX 79322

TDHR  
SANDRA A DELEON  
315 N 1ST STREET  
CRYSTAL CITY, TX 78839

TDHR  
JUDY E BLACKWELL  
212 N ESPLANADE  
CUERO, TX 77954

TDHR  
LOYE D BARDWELL  
201 JEFFERSON  
DAINGERFIELD, TX 75638

TDHR  
CLARA S MURPHY  
307 1/2 DENROCK  
DALHART, TX 79022

BUCKNER BAPTIST HOME  
R C CAMPBELL  
5200 BUCKNER  
DALLAS, TX  
214/328-3141

CATHOLIC DIOCESE OF DALLAS  
J A CATON  
3915 LEMMON AVE  
DALLAS, TX 75219

CASA DE LOS AMIGOS  
TIM JAMES  
2640 BACHMAN  
DALLAS, TX 75220  
214/358-4504

CHRISTIAN SERVICES OF THE  
SOUTHWEST  
D FRASIER  
3330 WALNUT HILL LN  
DALLAS, TX 75229

CLIFF HOUSE  
P THOMPSON  
1545 S EWING  
DALLAS, TX 75219

DALLAS COUNTY MHMR CENTER  
BOB L CARPENTER  
1200 STEMMONS TOWER NORTH  
2710 STEMMONS FRWY  
DALLAS, TX 75207  
214/630-6100

DALLAS HOUSE  
CAROL BLOCKER  
2800 OAKLAWN  
DALLAS, TX 79904

DALLAS WOMEN AGAINST RAPE  
4434 W NORTHWEST  
DALLAS, TX 75247  
214/630-7700

EMMA LEE DOYLE  
8616 NORTHWEST PLAZA #304  
DALLAS, TX 75225

JULIETTE FOWLER CHILDRENS HOME  
T BOUCHARD  
PO BOX 1404  
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MENTAL HEALTH ASSN OF DALLAS  
D A BARNES  
2500 MAPLE AVE  
DALLAS, TX 75201

PARENTS ANONYMOUS OF TEXAS  
B BIGGINS  
2500 MAPLE AVE  
DALLAS, TX 75201

SAINT JOSEPH CENTER  
A J SCHWAB, JR  
901 S MADISON  
DALLAS, TX 75208

TDHR  
L J PATE  
2922 FOREST AVE  
DALLAS, TX 75215

TDHR  
BILLIE R BETZEN  
4811 HARRY HINES BLVD  
DALLAS, TX 75235

TDHR  
CYNTHIA B MCKENZIE  
6434 MAPLE AVE  
DALLAS, TX 75235

UNIVERSITY OF TEXAS  
H F EICHENWALD  
5323 HARRY HINES BLVD  
DALLAS, TX 75235

TDHR  
WILLIAM L COVERT  
MARJORIE G CARLSON  
COURTHOUSE BASEMENT  
DECATUR, TX 76234

TEXOMA REGIONAL MHMR CENTER  
JAMES E SNOWDEN  
203A GRAYSON DRIVE  
DENNISON, TX 75020  
214/786-2902

TASK FORCE ON RAPE  
CAROL STABEL  
311 BRYAN  
DENTON, TX 76201

TDHR  
RITA J BLANCHARD  
COURTHOUSE ANNEX  
DENTON, TX 76201

TDHR  
DORA E RANDALL  
203 BLISS (REAR)  
EAGLE PASS, TX 78852

TDHR  
JOSEPH HOUSSON  
201 WEST MAIN 5TH FLOOR  
EASTLAND, TX 76448

ASSOCIATED CITY COUNCIL ECONOMIC  
DEVELOPMENT CORPORATION - HEAD  
START  
J V SANCHEZ  
1304 S 25TH  
EDINBURG, TX 78539

TDHR  
LYNZA BARNETT  
403 COURTHOUSE  
EDINBURG, TX 78539

TDHR  
BONNIE Y FREEMAN  
JACKSON CO SRV BLDG  
EDNA, TX 77957

CATHOLIC COUNSELING SERVICES  
A J REARDON  
1013 E SAN ANTONIO AVE  
EL PASO, TX 79901

EL PASO CENTER FOR MHMR SERVICES  
DELLA HADDAD  
149 N REYNOLDS  
EL PASO, TX 79990

EL PASO HOUSE  
CARLOS QUINTANA  
4424 ARLEN AVE  
EL PASO, TX 79904

RAPE CRISIS CENTER  
CHERYL MEIN  
730 YANDELL  
EL PASO, TX 79902

SAINT MARGARETS CENTER FOR CHILDREN  
A HOLDEN  
491 ST MATTHEW ST  
EL PASO, TX 79907

TDHR  
MARY E MADRID  
5150 EL PASO DRIVE  
EL PASO, TX 79905

TDHR  
HARRY KINCAID  
ROBERTA B HART  
4824 ALBERTA CTHSE ANNEX  
EL PASO, TX 79905

TDHR  
DIANE B GRISHAM  
ALEXANDER BLDG  
HWY 195 TEXAS STREET  
EMORY, TX 75440

TDHR  
DIANE S VERNON  
1601 W ENNIS AVE  
ENNIS, TX 75119

TDHR  
CARLOS S ZAPATA  
201 E MILLER  
FALFURRIAS, TX 78355

PLEASANT HILLS CHILDRENS HOME OF  
THE ASSEMBLIES OF GOD  
E G ALDRIDGE  
RT 2 BOX 110  
FAIRFIELD, TX 75840

TDHR  
CATHERINE G CUMMINGS  
COURTHOUSE 1155 C ST  
FLORESVILLE, TX 78114

TDHR  
JACKIE L BARNES  
105 W CALIFORNIA  
FLOYDADA, TX 79235

BROOKE ARMY MEDICAL CENTER  
M F MARLEY  
PO BOX 66  
FORT SAM HOUSTON, TX 78234

TDHR  
MARGARET E FREEMAN  
1303 W DICKENSON  
FORT STOCKTON, TX 79735

CATHOLIC DIOCESE OF FORT WORTH  
K SPICER  
1404 HEMPHILL  
FORT WORTH, TX 76104

CHILD STUDY CENTER  
S G MADDOX  
1300 W LANCASTER  
FORT WORTH, TX 76102

MENTAL HEALTH EDUCATION & RESOURCE  
CENTER  
B W COON  
807 W 7TH STREET  
FORT WORTH, TX 76102

PARENTING GUIDANCE CENTER  
DOROTHY ST JOHN  
1409 SUMMIT  
FORT WORTH, TX  
817/332-6348

RAPE CRISIS SUPPORT OF TARRANT CO  
VICKIE FOSTER  
PO BOX 1811  
FORT WORTH, TX 76101  
817/338-4211

TARRANT COUNTY YOUTH CENTER  
J WHITLEY  
RT 10 BOX 614-A  
FORT WORTH, TX 76135

TDHR  
ALLENE S MARGOWSKI  
2526 JACKSBORO HWY  
FT WORTH, TX 76114

TDHR  
711 W 7TH STREET  
FORT WORTH, TX 76102

TDHR  
ROGER B MCNELLIE  
308 E 4TH STREET  
FORT WORTH, TX 76102

TDHR  
DICKIE W NABORS  
3128 s RIVERSIDE DRIVE  
FORT WORTH, TX 76119

TRAVELERS AID ASSN OF TARRANT CO  
G J GOOD  
212 BURNET ST  
FORT WORTH, TX 76103

TRINITY VALLEY MHMR AUTHORITY  
TOMMIE DUNCAN  
1319 SUMMIT AVE  
FORT WORTH, TX 76101  
817/335-5371

TDHR  
BETTY S YEZAK  
210 COURTHOUSE ANNEX  
FRANKLIN, TX 77856

TDHR  
KARLEEN CARLISLE-FARNHOF  
COURTHOUSE BASEMENT  
FREDERICKSBURG, TX 78624

GAINESVILLE STATE SCHOOL  
TOM RIDDLE  
PO BOX 677  
GAINESVILLE, TX 76240

TDHR  
BOBBY D BASHAW  
3RD FLOOR COURTHOUSE  
GAINESVILLE, TX 76240

FAMILY SERVICE CENTER OF  
SILVESTER COUNTY  
D H HECK  
509 TEXAS BLDG  
GALVESTON, TX 77550

GALVESTON RAPE CRISIS CENTER  
SHELLEY SEKULA  
UTMB BOX 210  
GALVESTON, TX 77550

GULF COAST REGIONAL MHMR CENTER  
JOHN BILLINGS  
507 TREMONT  
GALVESTON, TX 77553

TDHR  
ALTHEA KETCHUM  
CO COURTHOUSE ANNEX  
GALVESTON, TX 77550

TDHR  
LLOYD E DAVIS  
1914 SEALY  
GALVESTON, TX 77550

UNIVERSITY OF TEXAS  
J R HEBELER  
GALVESTON, TX 77550

GATESVILLE STATE SCHOOL  
CALVIN CRENSHAW  
PO BOX 417  
GATESVILLE, TX 76528

TDHR  
BOBBT R HAYWORTH  
102 S LUTTERLOH  
GATESVILLE, TX 78528

TDHR  
JOHN J MONARCHI  
100 WEST 3RD STREET  
GEORGETOWN, TX 78626

GIDDINGS STATE SCHOOL  
JOHN D DODSON  
PO BOX 600  
GIDDINGS, TX 78924

TDHR  
PAMELA O DEROVEN  
301 E BUTLER STREET  
GILMER, TX 75644

TDHR  
JANICE B ALLEN  
COMMUNITY CENTER  
GLEN ROSE, TX 76043

TDHR  
MARY G SMITH  
CO CTHSE BASEMENT  
GOLDTHWAITE, TX 76844

TDHR  
324 1/2 SAINT GEORGE  
GONZALES, TX 78629

TDHR  
TOMMY S SMITH  
COUNTY COURTHOUSE  
GRAHAM, TX 76046

TDHR  
ANN SOMERS  
1417 DENSMAN  
GRAND PRARIE, TX 75050

TDHR  
MARJORIE S MOORE  
2314 N JOHNSON  
GREENVILLE, TX 75401

TDHR  
AMANDA DOYLE  
ROCK BUILDING  
GROVETON, TX 75845

TDHR  
HENRY H AHRENS, JR  
CITY OFFICE BLDG  
HALLETTSVILLE, TX 77964

TDHR  
514 SOUTH E ST  
HARLINGEN, TX 78550

TDHR  
JUDY K MCCARY  
COURTHOUSE 1ST FLOOR  
HEMPHILL, TX 75948

TDHR  
VICTORIA S GRAZIER  
CTHSE 3RD FLOOR  
HEMPSTEAD, TX 77445

TDHR  
BOBBY J FORSYTHE  
325 FAIRPARK AVE  
HENDERSON, TX 75652

TDHR  
STEPHEN P WELLS  
DEAF SMITH CO CTHSE - 4TH FL  
HEREFORD, TX 79045

TDHR  
LUAN M JACKSON  
109 WEST ELM  
HILLSBORO, TX 76645

TDHR  
PATRICIA H LAWRENCE  
2002 AVENUE M  
HONDO, TX 78861

BURNETT-BAYLAND HOME  
R J CUELLAR  
6500 CHIMNEY ROCK  
HOUSTON, TX 77081

CATHOLIC COMMUNITY SERVICES  
BETTY LOUIS  
1111 LOVETT  
HOUSTON, TX 77006  
713/526-4614

CHELSEA HALL  
CARSON BROWN  
#4 CHELSEA PLACE  
HOUSTON, TX 77006

CONSORTIUM C  
S B MCKENTY  
PO BOX 863  
HOUSTON, TX 77001

CRIS  
JANIS ARMSTRONG  
3323 YOAKUM  
HOUSTON, TX 77006  
713/526-8597

CRISIS HOTLINE  
GEORGE DAVIS  
PO BOX 662  
HOUSTON, TX  
713/227-2976

FAMILY CONNECTION CRISIS HOME  
BOB NAVARRO  
2001 HULDY  
HOUSTON, TX 77019  
713/523-6825

FAMILY OUTREACH CENTER  
JENNIFER STANSBURY  
8880 BRAESMONT  
HOUSTON, TX 77096  
713/665-0385

FAMILY SERVICE CENTER OF HOUSTON  
AND HARRIS COUNTY  
GINGER MAINE  
3635 W DALLAS  
HOUSTON, TX 77016

HOPE CENTER FOR YOUTH  
PHIL TORTE  
HARVARD AT 12TH  
HOUSTON, TX  
713/868-2634

HOUSTON RAPE CRISIS COALITION  
ANN D HIBBERT  
4040 MILAM SUITE 301  
HOUSTON, TX 77006  
713/526-5710

HOUSTON TRAVELERS AID SOCIETY  
A L MCCAY  
5501 AUSTIN  
HOUSTON, TX 77004

JEWISH FAMILY SERVICE  
R H FRED  
4131 S BRAESWOOD BLVD  
HOUSTON, TX 77025  
713/667-9336

JAMES L MCCARY  
1300 ST JOSEPH, PROF BLDG  
HOUSTON, TX 77002

MHMR AUTHORITY OF HARRIS COUNTY  
EUGENE WILLIAMS  
2501 DUNSTAN  
HOUSTON, TX 77005  
713/526-2871

RAPE TREATMENT DETECTION PREVENTION PROGRAM  
LINDA CRYER  
1115 N MACGREGOR  
HOUSTON, TX 77025  
713/222-4261

TDHR  
LEALLIA T KING  
2472 BOLSOVER  
HOUSTON, TX 77005

TDHR  
MAE E KING  
9910 HOMESTEAD  
HOUSTON, TX 77016

TDHR  
ELIZABETH BRANDT  
7100 NORTH LOOP EAST  
HOUSTON, TX 77018

TDHR  
BARBARA W JOHNSTON  
CLIFTON L RANSOM  
2913 LOUISIANA  
HOUSTON, TX 77006

TDHR  
LINDA JONES  
4040 MILAM  
HOUSTON, TX 77006

TDHR  
VIRGINIA C FAITH  
6500 CHIMNEY ROCK  
HOUSTON, TX 77036

TDHR  
CHARLES B KRENZLER  
5417 CRAWFORD  
HOUSTON, TX 77004

TDHR  
TERRI K KIWAN  
KAREN L DITMORE  
3202 LOUISIANA  
HOUSTON, TX 77006

TDHR  
WALTER H EWING  
2915 LUELL  
HOUSTON, TX 77016

TDHR  
GEORGE MEZA  
8150 SOUTH LOOP EAST  
HOUSTON, TX 77017

TDHR  
NANCY E COOK  
600 CROSSTIMBERS  
HOUSTON, TX 77022

TDHR  
VERNA M MCKENTIE  
340 N SIDNEY  
HOUSTON, TX 77003

TDHR  
BENNIE M FARMER  
6053 BELLFORT  
HOUSTON, TX 77033

TDHR  
MARGARET S MORMAN  
3600 N MAIN  
HOUSTON, TX 77009

TEXAS INSTITUTE OF FAMILY  
PSYCHIATRY  
PETER A OLSON  
2503 ROBINHOOD  
HOUSTON, TX 77005  
713/526-6493  
713/792-4355

TEXAS SOCIETY OF ADLERIAN  
PSYCHOLOGY  
W D SALISBURY  
3535 WHEELER AVE  
HOUSTON, TX 77004

TDHR  
BARBARA N SHORT  
1206 10TH STREET  
HUNTSVILLE, TX 77340

TDHR  
COUNTY COURTHOUSE  
JACKSONVILLE, TX 75766

TDHR  
JAMES P CASHMAN  
102 COURTHOUSE ANNEX  
JASPER, TX 75951

TDHR  
KAREN K NIXON  
114 AUSTIN STREET  
JEFFERSON, TX 75657

TDHR  
BETH F STATESIR  
AGRICULTURE BLDG  
JOURDANTON, TX 78026

TDHR  
DAVID P LYTLE  
211 EAST CALVERT ST  
KARNES CITY, TX 78118

TDHR  
HANNAH MCDANIEL  
COUNTY COURTHOUSE  
KAUFMAN, TX 75142

TDHR  
JACK F RICHISON  
100 SHERMAN SQUARE  
KERRVILLE, TX 78028

CHRISTS HAVEN FOR CHILDREN  
J T BRYANT  
PO BOX 467  
KELLER, TX 76248

WINKLER COUNTY CHILD WELFARE AGENCY  
N W WESTMORELAND  
188 S POPLAR  
KERMIT, TX 79745

TDHR  
MARGARET L BALLEW  
PENTECOST ROAD  
KILGORE, TX 75662

COMMUNITY RAPE CRISIS CENTER  
SHARON S HOWERTON  
PO BOX 65  
KILLEEN, TX 76541

TDHR  
LAWRENCE M PARKER  
402 N 8TH  
KILLEEN, TX 76541

TDHR  
MARY E BUENTELLO  
723 E YOAKUM ST  
KINGSVILLE, TX 78363

TDHR  
BARBARA J PENN  
CITY HALL  
KIRBYVILLE, TX 75956

TDHR  
SAMUEL B WHITE, SR  
606 EAST MAIN  
KNOW CITY, TX 79529

TDHR  
RICHARD B MESSER  
COUNTY COURTHOUSE  
KOUNTZE, TX 77625

WILFORD HALL USAF MEDICAL CENTER  
E O LEDBETTER  
LACKLAND AFB, TX 78236

TDHR  
MARSHA J MAXEY  
254 N JEFFERSON  
LA GRANGE, TX 78945

TDHR  
DAVID P STEPHENS  
LAMESA COURTHOUSE  
LAMESA, TX 79331

TDHR  
1ST FLOOR COURTHOUSE  
LAMPASAS, TX 76550

SACRED HEART CHILDRENS HOME  
SISTER MARIA TERESA  
3317 SACRED HEART DR  
LAREDO, TX 78040

TDHR  
DOLORES COLMENERO  
LYDIA E CLEMONS  
1500 ARKANSAS  
LAREDO, TX 78041

TDHR  
2600 CEDAR AVE  
LAREDO, TX 78041

TDHR  
JERRY WATSON  
1212 HOUSTON  
LEVELLAND, TX 79336

TDHR  
BEVERLY W NUSSBAUMER  
COURTHOUSE BASEMENT  
LIBERTY, TX 77575

TDHR  
BARBARA P PEEK  
106 N TAYLOR  
LINDEN, TX 75563

TDHR  
NANCY K MANGUM  
LAMB COUNTY CTHSE  
LITTLEFIELD, TX 79339

TDHR  
M JANE CLARK  
3RD FLOOR COURTHOUSE  
LIVINGSTON, TX 77351

TDHR  
ELIZA MAY  
112 N MAIN STREET  
LOCKHART, TX 78644

SABINE VALLEY REGIONAL MHR CENTER  
FRANCES H WILLIS  
321 GUM STREET  
LONGVIEW, TX 75601  
214/758-8243

TDHR  
TOMMY W MARSHALL  
3211 W MARSHALL AVE  
LONGVIEW, TX 75601

BUCKNER BAPTIST CHILDRENS HOME  
WW MCELREATH  
129 BRENTWOOD  
LUBBOCK, TX 79416

CHILDRENS HOME OF LUBBOCK  
F I STUMBO  
PO BOX 2824  
LUBBOCK, TX 79408

LUBBOCK REGIONAL MHR CENTER  
RON WHITTINGTON  
1210 TEXAS AVE  
LUBBOCK, TX 79401  
806/763-4213

RAPE CRISIS CENTER  
BECKY MAHAN  
LUBBOCK, TX 79457  
806/763-7273

TDHR  
MARY JO LYTLR  
JONNETTE M WALKER  
701 MAIN  
LUBBOCK, TX 79408

TDHR  
BETTY J MARTIN  
800 BROADWAY RM 302  
LUBBOCK, TX 79408

DEEP EAST TEXAS REGIONAL  
MHMR SERVICES  
WAYNE LAWRENCE  
4101 SOUTH MEDFORD DR  
LUFKIN, TX 75901  
713/639-1141

RAPE CRISIS COMMUNITY RESOURCE  
RAY BUSH  
911 S CHESTNUT  
LUFKIN, TX 75901

TDHR  
SUZANNA S BRISCOE  
OLD CITY HALL  
LUFKIN, TX 75901

TDHR  
MINERVA O REESE  
102 N 20TH STREET  
MCALLEN, TX 78501

TDHR  
PATSY D ROESSLER  
805 N MCDONALD  
MCKINNEY, TX 75069

TDRH  
JANET L DEAN  
COURTHOUSE 1ST FLOOR  
MADISON, TX 77864

TDHR  
SUSAN G CHANEY  
251 LIVE OAK  
MARLIN, TX 76661

TDHR  
PAMELA M MONTGOMERY  
T&P HOSPITAL BLDG  
1602 WEST GRAND  
MARSHALL, TX 75670

TDHR  
KATHERINE A ANDERS  
102 WEST MORGAN STREET  
MERIDIAN, TX 76665

PARENTS ANONYMOUS OF TEXAS  
B GILBREATH  
2333 GREENHILL  
MESQUITE, TX 75150

HIGH SKY GIRLS RANCH  
J K DANIELS  
PO BOX 188  
MIDLAND, TX 79701

PERMIAN BASIN COMMUNITY CENTERS  
FOR MH AND MR  
ROBERT DICKSON  
3701 NORTH BIG SPRING  
MIDLAND, TX 79701  
915/563-0271

TDHR  
BEVERLY A ACKER  
2301 NORTH BIG SPRINGS  
MIDLAND, TX 79702

TDHR  
MAXINE F BANKS  
112 SOUTH JOHNSON STREET  
MINEOLA, TX 75773

TDHR  
SHERRY D BREWER  
401 N OAK  
MINERAL WELLS, TX 76067

TDHR  
ELIZABETH F RIGGAN  
1900 SOUTH STOCKTON  
MONAHANS, TX 79756

WEST TEXAS CHILDRENS HOME  
DON SHEPARD  
DRAWER Q  
MONAHANS, TX 78756

TDHR  
RONALD K HARDEN  
303 EAST 11TH STREET  
MOUNT PLEASANT, TX 75455

NACOGDOCHES COUNTY OUTPATIENT  
CLINIC  
JO MCKINNEY  
MONUD ST  
NACOGDOCHES, TX 75961

TDHR  
JOHN G SAUNDERS  
202 EAST PILLAR  
NACOGDOCHES, TX 75961

TDHR  
JOHN F AVANT  
COURTHOUSE ANNEX  
NEW BRAUNFELS, TX 78130

TDHR  
WINIFRED B WASHBURN  
COUNTY OFFICE BLDG  
NEWTON, TX 75966

ECTOR COUNTY DEPARTMENT OF  
JUVINILE PROBATION  
M E PETTY  
1401 EAST YUKON RD  
ODESSA, TX 79762

TDHR  
BEVERLY K MAHON  
THOMAS L HOSIER  
BRUCE M CARTER  
3603 ANDREWS HIGHWAY  
ODESSA, TX 79760

TDHR  
MARILYN D HODGE  
308 CYPRESS ST  
ORANGE, TX 77630

TDHR  
PAMELA C WILLIAMS  
811 N MALLARD  
PALESTINE, TX 75801

TDHR  
DANNY H JACKSON  
JERRY WOMACK  
THIRD FLOOR CTHSE  
PAMPA, TX 79065

CATHOLIC CHILDRENS HOME  
SISTER M VALENTINA  
PO BOX 906  
PANHANDLE, TX 79069

TDHR  
PAMELA A RUSSELL  
400 4TH STREET  
PARIS, TX 75460

TDHR  
OLIVER T DAWSON  
COURTHOUSE BASEMENT  
PARIS, TX 76119

TDHR  
LAURIE J NOWLIN  
411 N WILLOW  
PEARSALL, TX 78061

TDHR  
MARY V EXUM  
1705 WEST FOURTH  
PECOS, TX 79772

TDHR  
BETTY J LEWIS  
510 SOUTH MAIN  
PERRYTON, TX 79070

TDHR  
MARY S PENDERGRASS  
211 MILL STREET  
PITTSBURG, TX 75686

CENTRAL TEXAS COMPREHENSIVE  
COMMUNITY MHR CENTER  
JOHN C THOMAS  
2700 YONKERS  
PLAINVIEW, TX 79072  
806/296-2726

TDHR  
WILLIAM G GARDNER  
628 N ASH  
PLAINVIEW, TX 77640

TDHR  
MICHAEL D SPELL  
246 DALLAS AVE  
PORT AUTHUR, TX 77640

TDHR  
RANNY C VOIGHT  
440 AUSTIN  
PORT ARTHUR, TX 77640

TDHR  
LOUISE B DILLOW  
119 WEST POWERS  
PORT ISABEL, TX 78578

TDHR  
MARY S DELANEY  
201 WEST AUSTIN  
PORT LAVACA, TX 77979

TDHR  
SUSAN VALDEZ  
115 N AVENUE N  
POST, TX 79356

TDHR  
COURTHOUSE BASEMENT  
QUANAH, TX 79252

TDHR  
REBECCA A MARROQUIN  
213 W BERMUDA  
QUITMAN, TX 75783

TDHR  
MARIAN H PUENTE  
471 W HIDALGOVE  
RAYMONDVILLE, TX 78580

NATIONAL COUNCIL OF JEWISH WOMEN  
P J ROSENSTEIN  
699 ARAPAHO CENTRAL PARK  
RICHARDSON, TX 75080

TDHR  
REBECCA A BAILEY  
910 MORTON  
RICHMOND, TX 77469

TDHR  
JUAN J OLIVAREZ  
BASEMENT COURTHOUSE  
RIO GRANDE CITY, TX 78582

TDHR  
ONOFRE J GARZA  
103 N FOURTH RM 1  
ROBSTOWN, TX 78380

TDHR  
HELEN M RICHEY  
1807 RATH  
ROCKPORT, TX 78382

TDHR  
LANS S STARKEY  
COURTHOUSE ANNEX  
RUSK, TX 75785

MHR CENTER FOR GREATER WEST TEXAS  
JAMES M YOUNG  
244 NORTH MAGDALEN  
SAN ANGELO, TX 76901  
915/655-5674

TDHR  
SONJA THIEMAN  
MARY J PARKER  
318 N BELL  
SAN ANGELO, TX 76902

ALAMO AREA VOLUNTEER ADVOCATE  
PROGRAM  
RORY RODRIQUEZ  
125 BOEHMER  
SAN ANTONIO, TX 78204  
512/221-6522

BEXAR COUNTY MHMR CENTER  
AARON LIBERMAN  
611 NORTH FLORES  
SAN ANTONIO, TX 78205  
512/225-4011

CRISIS CENTER OF SAN ANTONIO AREA  
LS SCHOENFELD  
PO BOX 28061  
SAN ANTONIO, TX 78228  
512/732-2141

FAMILY SERVICES ASSOCIATION OF  
SAN ANTONIO  
E F CHRISTMAN  
230 PEREIDA ST  
SAN ANTONIO, TX 78210

MEXICAN BAPTIST CHILDRENS HOME  
J I MILLER  
7404 HWY 90 W  
SAN ANTONIO, TX 78227

NATIONAL COUNCIL OF JEWISH WOMEN  
M E HAYES  
1407 JACKSON-KELLER NO 5  
SAN ANTONIO, TX 78213

SAN ANTONIO CHILD ABUSE COUNCIL  
M LAPPIN  
2135 BABCOCK  
SAN ANTONIO, TX 78229

SUNNY GLEN CHILDRENS HOME  
J W CALVERT, JR  
PO BOX 1373  
SAN BENITO, TX 78586

TDHR  
DOROTHY N LEPERE  
519 FAIR AVE  
SAN ANTONIO, TX 78223

TDHR  
MARILYN DONGHO  
120 N MESQUITE  
SAN ANTONIO, TX 78202

TDHR  
MARY E GALAVIZ  
214 DWYER  
SAN ANTONIO, TX 78204

TDHR  
EUGENE P FRIZZELL  
CO COURTHOUSE 1ST FLOOR  
SAN AUGUSTINE, TX 75972

PAUL C WEINBERG  
DEPT OB-GYN  
UNIV OF TEXAS MEDICAL SCHOOL  
7703 FLOYD CURL DR  
SAN ANTONIO, TX 78284

TDHR  
EVANGELINA G PINA  
315 SOUTH GUNTER  
SAN DIEGO, TX 78384

TDHR  
RONALD W MASSEY  
102 NORTH LBJ  
SAN MARCOS, TX 78666

TDHR  
CAMILLE G JOHNSTON  
201 EAST LIVEOAK  
SEGUIN, TX 78155

TDHR  
MARILYN J THRASHER  
113 W 2ND STREET  
SHAMROCK, TX 79079

SSGT DELIA HUNTER CANE  
HEADQUARTERS SHEPPARD TECHNICAL  
TRAINING CENTER  
SHEPPARD AFB, TX 76311  
817/851-2177

RAPE TASK FORCE  
BONNIE VANOVERBEKE  
2910 N PICKETTS  
SHERMAN, TX 75090

TDHR  
CAROLYN ROBINSON  
COUNTY COURTHOUSE  
SHERMAN, TX 75090

TDHR SODVILLE ROAD  
PO BOX 1430  
SINTON, TX 78387

TDHR  
LAWRENCE BROWN  
207 S RACHAL  
SINTON, TX 78387

PECAN VALLEY MHRM REGION  
WILLIAM S LAMBKIN  
1481 S LOOP SUITE 4-C  
STEPHENVILLE, TX 76401  
817/968-4181

TDHR  
ANNABETH BELL  
203 E COLLRGE  
STEPHENVILLE, TX 76401

TDHR  
BETTY W GOWEN  
228 HINNAUT ST  
SULPHUR SPRINGS, TX 75482

TDHR  
RONALD L PLENTL  
OLD TEXAS BANK BLDG  
SWEETWATER, TX 79556

TDHR  
WANDA J STEWART  
LYNN CTY COURTHOUSE  
TAHOKA, TX 79373

TDHR  
MARGARET M WILSON  
COUNTY OFFICE BLDG  
TAYLOR, TX 76574

BELL COUNTY REHABILITATION CENTER  
R F SCHAUB  
200 MARLAND WOOD ROAD  
TEMPLE, TX 76501

MARJORIE BOLTON - RAPE RESOURCE  
3918 ROBINHOOD DRIVE  
TEMPLE, TX 76501

CENTRAL COUNTIES CENTER FOR MHRM  
SERVICES  
STEVEN B SCHNEE  
302 SOUTH 22ND STREET  
TEMPLE, TX 76501  
817/778-4841

NORTHEAST TEXAS MHRM CENTER  
J J GONZALES  
615 OLIVE STREET - SUITE 4  
TEXARKANA, TX 75501

TDHR  
FRANCES R BERRY  
1401 RICHMOND ROAD  
TEXARKANA, TX 75501

TDHR  
CHARLES R ANDERSON  
4TH AND TEXAS AVE  
TEXARKANA, TX 75501

TDHR  
JOE H DIKE  
MARGIE S SIBLEY  
522 9TH AVE NORTH  
TEXAS CITY, TX 77590

TDHR  
BRENDA N OVERBECK  
105 HOSPITAL AVE  
TULIA, TX 79088

MHMR REGIONAL CENTER OF EAST  
TEXAS  
R A THOMSON  
10TH FLOOR BRYANT BLDG  
305 S BROADWAY  
TYLER, TX 75702  
214/597-1351

TDHR  
KELLY J SPRATLAN  
110 SOUTH SPRING ST  
TYLER, TX 75701

TDHR  
1607 WEST ERWIN  
TYLER, TX 75712

TDHR  
LEW W DAVENPORT  
100 N CAMP  
UVALDE. TX 78801

TDHR  
JOHN E PERRYMAN  
COUNTY COURTHOUSE  
VERNON, TX 76384

GULF BEND MHMR CENTER  
TOM G KELLIHER  
2105 PT LAVACA DR  
VICTORIA, TX 77901

TDHR  
ARTHUR R WEARDEN  
1ST FLOOR COURTHOUSE  
VICTORIA, TX 77901

TDHR  
THOMAS A OLIVA  
190 CAMP ST  
VIDOR, TX 77662

CENTRAL TEXAS REHABILITATION  
CENTER FOR CHILDREN AND ADULTS  
E PETTIS  
1501 N 18TH  
WACO, TX 76707

HEART OF TEXAS REGION MHMR CENTER  
DEAN MABERRY  
1401 N 18TH  
WACO, TX 76703

TDHR  
WINIFRED T BOND  
201 WEST WACO DRIVE  
WACO, TX 76703

TDHR  
KATHLEEN A MCGILVRAY  
822 AUSTIN AVENUE  
WACO, TX 76701

TEXAS YOUTH COUNCIL  
R CANNING  
3501 N 19TH  
WACO, TX 76708

WACO RAPE CRISIS CENTER  
NANCY ELLIS PAUL  
PO BOX 464  
WACO, TX 76703  
817/752-1113

WACO STATE HOME  
BOB DRAKE  
PO BOX 5117 - MITCHELL STATION  
WACO, TX 76708

TDHR  
GRACE L SMITH  
1313 W MAIN ST  
WAXAHACHIE, TX 75165

TDHR  
ELIZABETH BURLSON  
110 THROCKMORTON ST  
WEATHERFORD, TX 76086

TDHR  
EDITH A RILEY  
COUNTY COURTHOUSE  
WELLINGTON, TX 79095

TDHR  
ANTHONY W LUCASZEK  
1600 E HWY 83  
WESLACO, TX 78596

TDHR  
BETTY P LUCO  
110 EAST BURLESON  
WHARTON, TX 77488

GIRLSTOWN USA  
M W COOPER  
PO BOX 35  
WHITEFACE, TX 79379

MARY BOYD  
3301 MIAMI  
WICHITAW FALLS, TX 76509  
817/767-7122

FIRST STEP INCORPORATED  
PO BOX 773  
WICHITAW FALLS, TX 76307

WICHITAW FALLS COMMUNITY  
MHMR CENTER  
JAMES R ZUG  
1800 ROSE STREET  
WICHITAW FALLS, TX 76301  
817/322-1196

TDHR  
ALICE L PASCHALL  
OLD CITY HALL  
WINNSBORO, TX 75494

TDHR  
MELINDA A STRYKER  
3RD FLOOR COURTHOUSE  
WOODVILLE, TX 75979

55686

EXTENT OF CHILD PORNOGRAPHY IN TEXAS

Prepared by

Beverly Heinrich

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## INTRODUCTION

The House Select Committee on Child Pornography: Its Related Causes and Control was directed "to conduct in-depth studies, to take and receive testimony and to pursue all possible research avenues in an effort to develop legislation and other recommendations for the 66th Legislature designed to inhibit and completely halt the production, distribution, and exploitation of children involved in pornography."

Even a casual glance at child pornography reveals the sexual abuse of children. In an effort to determine the extent of sexual abuse and the involvement of pornography, eighteen counties in Texas with populations over 100,000 were chosen in which to study the records of law enforcement and prosecutorial agencies as well as active field agencies. All were contacted by mail, and many were contacted personally. In the law enforcement agencies, juvenile sexual offense reports were read to determine age, race, and sex of both the victim and the offender. Pertinent to the study was the relationship of the offender to the victim and the type of abuse involved.

The following counties were chosen according to their population in the 1978 Texas Almanac:

Bell, 156,781	Bexar, 912,934
Brazoria, 124,380	Cameron, 176,931
Dallas, 1,388,615	El Paso, 424,479
Fort Bend, 76,245*	Galveston, 182,244
Harris, 1,975,016	Hidalgo, 227,853
Jefferson, 241,246	Lubbock, 197,248
McClennan, 154,267	Montgomery, 87,213*
Nueces, 248,422	Potter, 93,462*
Tarrant, 728,951	Wichita, 119,515

\*Because of their rapid growth and close proximity to Harris County, Fort Bend and Montgomery County were chosen. Potter County was studied because several cases of child pornography had been filed in this area.

Since sexual offense reports were not expected to reveal a high involvement of pornography, arresting and investigating officers were interviewed to determine the extent and type of pornography in sexual offenses investigated by them. Officers were further questioned as to their past training, future training desired, availability of adult and child pornography, and their experience with inter-related agencies.

A related cause to the exploitation of children in pornography is the use of adult pornography with children. Consideration of the availability of adult pornography in these communities through local outlets was necessary since child pornography has also been made available in these establishments. Vice divisions in the police and sheriff's department provided a count of their local establishments. The United States Justice Department, U. S. Postal authorities and U. S. Customs provided excellent information on the influx of pornography and the prosecution of federal cases. As the study progressed, the closely interwoven problem of runaways, who quite often leave home because of sexual abuse and may indulge in sexual practices as the result of being a runaway, became more apparent.

For the purposes of this report, "hard core" pornography is that which contains sexual conduct, i.e., the mouth or genitals of one person touching genitals or anus of another

person. Much of the child pornography viewed does not contain sexual conduct, but may depict nudity, "spread eagle" positions of juveniles, or an adult with a child in some phase of activity prior to penetration. It must also be pointed out that a portion of child pornography is commercial obscenity, handled by vice divisions, while some may be pictures taken of juveniles for ones' own use depicting sexual abuse, which could be handled by the juvenile divisions or divisions investigating crimes against persons.

Portions of the information in this report are incomplete and at best provide only a sampling and a highly conservative estimate of the over-all problem. We wish to acknowledge the cooperation of all agencies, including police departments, sheriff's offices, district attorneys, U. S. Postal authorities, U. S. Customs Service, Department of Human Resources, and the United States Department of Justice. They have provided us with the information which is the basis of this report. Without their assistance and cooperation, this report could not have been compiled.

Further, we wish to express our deepest gratitude to the Texas Department of Public Safety, Intelligence Division, Houston, whose officers spent many hours in cities throughout the State, and to their fellow officers for their cooperation.

## CHILD PORNOGRAPHY IN TEXAS

The child pornography found in the State of Texas consists of books, pamphlets, playing cards, comic books, photographs, and films which vividly depict children in sexual poses and/or explicit sexual acts with each other or with adults and animals. Some of the materials depict children in a playful attitude as though they were experimenting for the first time. "Boy Scout Manual" shows 40 pages of homosexual conduct. The film "Little Ones in Love," by Color Climax Corporation, Rodox Color Technik, features a boy and girl approximately 11 or 12 years old, undressing, fondling, and finally engaging in oral and vaginal intercourse. Throughout the movie, the girl giggles, obviously embarrassed, unable to hold her head up and face the camera. She instinctively places her hands from time to time over her face and genitals. As in many of the child films, it is apparent that directions are being given to the children from the person directing the film. The sexual inexperience of the children in some cases is obvious.

Many of the films show children obviously unwilling to participate, as they may be held down or pushed in to action by other children or adults. "Nymph Sex," a 1973 film from Copenhagen, features two Mexican girls, a man, and a woman. When the little girl, approximately 6 years old, positioned on the man and engaging in intercourse, attempts to get away, the woman keeps pushing her back into position. When the

same child tries to hold her legs together to avoid penetration by the man, the woman and the other girl hold her legs apart with obvious force.

Much of the materials have clear themes of sado-masochism. The pamphlet, "Child Discipline", a good example of this theme, advocates adult sexual satisfaction through the spanking of children. Children are represented as powerless and the adults all-powerful. The dominant theme is that sexual abuse of children is enjoyable and socially sanctioned by the sexually liberated members of society. Articles in the "Incest" magazine series encourage families to have sex together. Quoting from the same series, "The family that lays together, stays together." The series goes even further to advertise for families who may want to trade their children for sexual purposes.

It is interesting to point out that the same sado-masochistic theme prevails in a monthly cartoon in Hustler Magazine. "Chester, the Molester" is a full-page color depiction of the intent of sexual molestation of children.

Some of the titles available in the State are:

Lollitots	Silver Boy Treasury
Moppets	Young Boys and Bondage
Teen Love	Young and Ready
Jill Grows Up	How to Pice Up Boys
Boy Flesh for Ted	Ding Dong School
Stud Sucker	The Boy Lovers

Many of the titles are too obscene to print.

The book Show Me was considered in some communities as pornographic. Show Me was produced in Germany as an aid to those who want to teach education. It clearly depicts nudity, sexual conduct, excretion, and erections. Some communities have banned the book or required that it not be openly displayed. Show Me was confiscated along with other child porn in two separate sexual abuse cases.

Much of the child porn may be nudity which is not prosecutable under the present Texas Commercial Obscenity Statute, in that it does not show sexual conduct. One picture for example features an elderly man with an erection taking off the clothes of a six-year-old girl. Non-commercial porn may feature anything from nudity to sexual conduct. These pictures are made by those involved in sexual abuse of the child and may or may not be sold or traded with others.

Patrol officers interviewed expressed concern about the careless display of pornography and the equally careless disposal of magazines. Officers said they pick up magazines along the side of the roads, behind shopping centers and even stacked with the newspapers children collect for the school newspaper drive. Patrol officers report they have stopped speeders and upon inspection of the automobile find pornography present including child porn. One officer stated that one traffic offender had child porn and photographic equipment in the trunk. Most cities reported difficulty with soft-core displayed in stores where children have access to them or may be able to view them.

RECOMMENDATION #1: That the State adopt a display law, prohibiting the open display of sexually explicit material in commercial establishments generally accessible to minors.

## SOURCES OF CHILD PORNOGRAPHY

### Adult Pornography Outlets

The Texas Organized Crime Prevention Council in 1977 reported that pornography, distributed through about 225 establishments in Texas, grosses up to \$41.7 million each year. Approximately 60% of the annual pornography gross is related to the sale of printed materials, 35% to the showing of films, and 5% to the sale of paraphernalia.

According to the cities responding to this study, there are 116 adult bookstores, 66 arcades, 45 thirty-five millimeter movie houses, 54 clubs and 11 massage parlors, which either have on-premise viewing of films or pornography for sale. Arcades may offer on premise viewing of films and sometimes items for sale. This makes a total of 292 outlets in the following cities:

Killeen	Rogers
San Antonio	Brownsville
Harlingen	Dallas
Galveston	Houston
Pasadena	Edinburg
McAllen	Beaumont
Groves	Lubbock
Waco	Corpus Christi
Amarillo	Eules
Fort Worth	Wichita Falls

Houston has the greater portion of those outlets with a total of 160. Of the 14 distributors reported from these cities, 10 of them are located in Houston, 1 in the Valley area and 2 in San Antonio.

Prior to the passing of the zoning ordinance, Dallas had 54 bookstores. Dallas now has approximately 7 bookstores, 8 arcades, and 2 clubs showing explicit films. While Corpus

Christi reports 4 bookstores, 4 arcades and only 1 thirty-five millimeter theater, the pornography shown in the theater and arcades and available for sale does not have sexual conduct. These outlets feature nudity, simulated sex, and masturbation. If the current Texas obscenity laws were conformed to the Miller Opinion, many individuals in Corpus Christi believe juries would give convictions on simulated sex and masturbation which are both provided for in Miller.

Information provided by the vice divisions of police and sheriff's departments reporting, indicates that child pornography has been available in the past in all major cities, including Houston, Dallas, Fort Worth, Amarillo, and smaller cities such as Brownsville, McAllen and Killeen. These materials have been sold over the counter. At the present time, no city reports having child porn available over the counter. One city in Texas reported only one case of child porn, however, in reading the Commercial Obscenity porn inventories for that city, five separate seizures revealed child porn. Porn inventories were not available in all cities.

Officers interviewed in major cities all believed child porn is still available if you know the right person. When asked, "If you were determined to purchase child porn, do you think you could find a source of supply?", all except two officers responded, "Yes." Adult books also contain advertising for mail order obscenity dealers. The individuals need only reply to that advertising in order to have materials sent directly to his home.

RECOMMENDATION #2: That the Commercial Obscenity Statute be revised to conform to the Miller opinion to include not only commercial sale and distribution of porn, but also promoting and providing pornographic materials. Further, that the statute include not only sexual conduct, but also nudity appealing to the prurient interest and simulated sex.

## Mail Order Child Porn

Individuals attempting to be placed on mailing lists since the publicity given the Washington hearings, this Committee, and various media presentations, have had a difficult time receiving child porn. In short, the "heat is on." Some individuals on long established child porn list report they have not received any advertising from these companies in recent months.

It is physically impossible for the Postal Inspection Service or the Postal Service to know the volume of obscene materials being mailed into Texas from dealers in other states to Texas customers who have ordered such materials. Usually these items are sent by first-class mail, which is not subject to inspection or opening, except by court order and/or wrapped in an innocuous manner.

Those receiving child porn through the mail are probably on long established lists. One way we know that those lists exists and that child porn has been coming into Texas in large amounts, is through cases filed in other states. One such case was filed on F. & S. Distributors, Los Angeles, California. Mechanical difficulties with a computer developed in the midst of printing child porn, netted a list of 3,000 names of men across the United States. Of those names, 1,400 were Texans from cities throughout the State. A mailing list was confiscated in the Roy Ames case, Houston, which is discussed further under the heading of U. S. Mails, along with a discussion of sexual abuse by mail.

The following information was gathered from records at the Fort Worth Division Headquarters of the U. S. Postal Inspection Service and relates to the period of September 1, 1975, to March 31, 1978:

- 905 Prohibitory orders issued to mailers of "pandering advertisements" based upon receipt of complaints by postal customers in the State of Texas.
- 6 New obscenity dealer cases issued for investigation.
- 14 Obscenity dealer cases closed (including cases which were open prior to September 1, 1975).
- 0 Obscenity dealer cases involving child pornography.

The obscenity investigations initiated since September 1, 1975, were in the following cities: Alief, Cleburne, Dallas, Houston, Fayetteville, and San Antonio. No conviction has resulted from obscenity dealer investigations since September, 1975, in Texas.

The Postal Inspection Service is charged with the enforcement of Title 18, United States Code, Section 1461, which is the federal statute dealing with the mailing of obscene matter. Under this law, the use of the United States Mails to transport obscene materials is a felony offense, punishable by up to five years imprisonment and/or a fine of up to \$5,000 (per count) for the first such offense. Additionally, under this law, the mailing of written or printed advertisements giving information as to where or from whom obscene matter may be obtained is prohibited and is a felony offense. The Postal Inspection service actively investigates firms which sell obscene materials through the mails and which mail

advertisements (solicited or unsolicited) giving information as to where obscene materials can be obtained. Complaints of this nature can be made to the local office of the Postal Inspection Service, or by letter direct to the Postal Inspection Service Office at the city in which the mailing was made.

It is important to note that the Postal Inspection Service can not make a determination as to whether any particular item or mailing is obscene. That determination must of course be made by the courts. The Postal Inspection Service investigates cases involving the mailing of allegedly obscene material and refers the results of those investigations to the Department of Justice for prosecutive consideration. Whether prosecution is undertaken is a decision made by the Department of Justice.

There are two basic ways in which the Postal Service can protect citizens from the unwanted receipt of unsolicited sexually oriented advertisings sent through the mails:

1. Citizens may visit any post office and complete Postal Service Form 2201. On the form the individual can also list the names of any minor children residing in the home. After the names have been on the list for a period of 30 days, any firm which mails sexually oriented advertising to those individuals automatically violates the provision of Title 18, U. S. Code, Section 1735, which is a felony offense punishable by imprisonment up to five years and by a fine of up to \$5,000 per count for the first offense. Any citizen on the list who receives such advertising should report same to the Inspection Service for investigation of possible violation of 18 USC 1735.

2. A citizen receiving an unsolicited sexually oriented advertisement, which is IN THE OPINION OF THE RECIPIENT "erotically arousing or sexually provocative" should take the advertisement (together with its mailing envelope) to his local post office and complete Form 2150. The Postal Service will send a "prohibitory order" to the firm which mailed the advertisement, directing them to refrain from any further mailing of any kind to the complaining citizen.

The last "major" commercial dealer case prosecuted in the State of Texas was the case of Roy Clifton Ames in Houston. That case, which received considerable local publicity, involved the production of obscene films and other materials in Houston, and the sale of these materials through the mails using addresses in New York and California. The majority of the materials in question were of a homosexual nature, and local Houston residents, including several young teenage boys, were used as "models." This case probably earned the City of Houston the title of "Kid-Porn Capital of the World." Four and one quarter tons of porn and equipment were initially confiscated. Later two additional tons were seized by Houston Police Department.

Roy Ames and his associate, Leonard Edward Cunningham, recruited boys from the Houston area and paid them to perform homosexual acts with each other and with adults while Ames filmed and took still photos of them in local residences and motels. Advertisements for the products were placed in sexually oriented magazines, with requests for merchandise being sent to a New York address and a California address. Requests were then mailed from the two addresses to Houston where orders were filled, showing the return address of either

of the two cities where requests were originally received. However, envelopes were postmarked in Houston. Ames plead guilty and was sentenced to twelve years in federal prison. He could have received up to twenty years and fines totaling \$25,000 on each of the four counts of conspiracy and mailing obscene matter. Cunningham entered a guilty plea and received a sentence of six years.

RECOMMENDATION #3: Public education encouraging citizens to file Form 2201 prior to receiving unsolicited materials. Further, encourage citizens receiving unsolicited offensive materials to refer it to their post office and file a prohibitory order, rather than simply discarding or ignoring the material. The prohibitory order is valuable to the Postal Inspection Service as an investigative tool. It can be the means by which the Service first becomes aware of the activities of a mail order obscenity dealer. The number of prohibitory orders filed against a given dealer can serve as a good indication as to the scope or volume of that dealer's mail order business.

## Individuals Making Their Own

One of the most common types of child pornography is that which is made by individuals of their own children or neighborhood children. These photos are sometimes passed to friends and have even been sold for commercial reproduction. One very strange type of "homemade" porn could neither be classified as child porn nor adult porn. One individual had 18 or more composition notebooks in which he glued pictures cut from heterosexual and homosexual adult commercial materials. He wrote various comments on the pages. Approximately every four pages, he wrote, "I want to f--- a four year old." He had a prior conviction of molesting a minor. He lives across the street from an elementary school in one of our Texas cities.

In addition to the photographing of children in explicit poses and the commercial sale of child pornography, adult heterosexual and homosexual pornography may be used with children to show them what to do in sexual acts. All types of pornography may be used with a child to convince him that the type of conduct shown is acceptable. Many abusers actually leave pornography out in their residence or in their vehicle to open up the subject with a child. Families have used pornography with their children and introduced neighborhood children to pornography. Some of these sessions progress to sexual activity. Some deviates may use pornography for their own stimulation and never use it with a child.

RECOMMENDATION #4: That the Legislature enact laws against those who use children in pornography and that the Legislature act quickly in passage of a child pornography statute.

## Foreign Sources

There are 300 ports of entry in the United States. In the calendar year 1976, the U. S. Customs Service in the Port of New York made more than 14,000 seizures relating to pornography. It has been estimated by U. S. Customs officials handling these matters that up to 60% of the material seized contained child pornography. In one commercial shipment alone, 3,000 magazines, all dealing with child pornography were seized in New York. A number of 8 millimeter motion picture films dealing with child pornography were seized during the same year. These films can easily be reproduced and may also be considered for commercial use. The U. S. Customs Service is given the authority for barring proscribed pornography under 19 U. S. Code 1305. This law allows for forfeiture only. There are no provisions for criminal charges against the sender of obscene materials.

The two foreign mail branches of U. S. Customs in Texas are located in Houston and Dallas, both of which come under the Houston District. The District Director of U. S. Customs, Mr. Harry Kelly, of Houston, informed us that shortly after the Corll-Henley murders, child pornography began to arrive in the Houston port. This pornography, from all indications, is being routed through Sweden and Copenhagen and is arriving on KLM flights from Amsterdam. Most of the pornography consists of short movies and magazines addressed to individuals. Mr. Kelly does not feel that any of the materials coming into this

district are for reproduction for commercial use.

The following amounts of pornography were interdicted in Houston Customs office between October 1, 1977, and August 1, 1978:

Child Pornography (including incest)	178 magazines 25 films
Non-child Porn (adult, homosexual, animal)	53 magazines 2 films
Advertisings (all types)	269 pieces

Child pornography constitutes 77% of magazines being sent to Texas, and 92% of the films. The films arrive packaged in soup and pudding boxes of all flavors. The advertisements are one letter-size page, folded, depicting approximately 20 magazine covers and films, divided into four categories: homosexual, heterosexual, incest and child porn. One half of the advertising includes children in pornography. The materials are priced at about \$10 per magazine and \$40 to \$60 per film.

The amount of advertisements is presently causing an overload of paper work. The procedure used to process the advertisings requires a letter, Assent to Administrative Forfeiture, be sent to the addressee by Certified Mail with Return Receipt Requested. If the addressee chooses not to sign this letter and return it, proceedings are initiated by the U. S. Attorney's office. All other Customs personnel interviewed in Texas report no pornography, intercepted except for individuals coming back into the States from Mexico carrying small amounts, obviously for their personal use.

RECOMMENDATION #5: That an investigation be conducted on the federal level to determine those ports of entry not enforcing 19 USC 1305. That appropriate action be taken to close all ports of entry to obscene materials.

## DISTRIBUTION OF PORNOGRAPHY

Houston is probably the key distribution center for the State according to the reading of Commercial Obscenity Offense Reports in other cities. A Fort Worth defendant stated that he drove to Houston and picked up the porn for his store. Several boxes seized from his location were marked "To Be Picked Up," and believed to be destined to other outlets. Hidalgo and Cameron County pornography is primarily distributed from Houston with a small amount from Dallas. There is one distributor located in the Valley area. One film confiscated in that area came attached with a note, "Not Enough Cut From This Film, Houston Vice Division." Hidalgo County officials seized boxes postmarked Houston and California. It is believed that pornography coming into Amarillo comes from the west coast possibly through Las Vegas and Albuquerque, while one shop in Amarillo is supplied by a Dallas operation.

The adult pornography, child pornography and prohibited advertisings interdicted by U. S. Customs at Houston originates principally with:

Lettrex  
Postbus 1135  
Amsterdam 1000, Holland

This material arrives on KLM flights from Amsterdam. (From all indications, much of the materials are routed through Sweden and Copenhagen.) Adult material viewed in Cameron County were the same as those being interdicted in Houston

by U. S. Customs. The child pornography was not the same. One of the child pornography books taken in this county, written in Spanish, depicted scenes more common to Spain than Mexico. Another film seized by U. S. Customs in Houston had Mexican participants and scenery, yet bore the label of a Copenhagen production company. The leader of the film bore the symbol, "Processed by Kodak".

In three commercial distribution cases filed in the Valley area, there is every indication to believe that Texas is exporting pornography to Mexico, both adult and child pornography. Several large seizures have been made. Some believe that pornography may even be traded for drugs. At all border points, U. S. Customs Agents report only small amounts of pornography are interdicted as tourists return to the U. S. from Mexico, usually one or two pieces at a time.

RECOMMENDATION #6: That an appeal be made to appropriate government officials to stop the importation of pornography from Amsterdam and/or any other foreign country.

RECOMMENDATION #7: That authorities be allowed to seize and submit materials held to be obscene involving juveniles to the Department of Human Resources Investigation Division for analysis, cataloguing and destruction.

RECOMMENDATION #8: That the State require persons engaged in various activities related to the sale or distribution of films, photographs, slides or magazines depicting minors engaged in sexual intercourse, masturbation, sodomy, bestiality, oral copulation, or nudity (if such nudity is to be depicted for the purpose of

sexual stimulation or the sexual gratification of any individual who may view depiction), to keep confidential records of the names and addresses of the persons from whom such material is obtained. Disclosure, except to law enforcement officers, or failure to keep such records, would be a third degree felony.

## ORGANIZED CRIME AND PORNOGRAPHY

The criminal justice community in the State believes that up to 80% of the pornographic distribution activity in Texas is organized. Law enforcement officials in many areas of the State indicate knowledge of connections between local pornography dealers and groups in other states.

The members of the 1973 Special Grand Jury submitted a report as a result of their investigation of pornography and organized crime in San Antonio, and certain areas of the Southwestern and Southeastern states. As a result, thirty-four indictments were returned. Quoting from that report:

".....there is good reason to believe that organized crime exists in Bexar County and that it exists in the sale, distribution and exhibition of pornography not only in Bexar County, but in most metropolitan cities of Texas and throughout the Southwest and Southeastern part of the United States.

We believe that eleven of the thirteen "adult" or pornographic movie houses and all the adult book stores in Bexar County are controlled by either intrastate or interstate crime syndicates; one group of which appears to have definite mafia connections while another group is strongly suspected of organized mob connections.

During the course of our investigation, we discovered coin operated machines designed to exhibit 8 millimeter film and commonly known as "peep shows" were located at three of the local theaters. These "peep shows" in San Antonio are owned and operated by a West Coast pornography king pin who was recently convicted on several counts of interstate transportation of pornography. We also found that his operation in Texas includes over one hundred sixteen (116) of these "peep shows" and are located in most major cities throughout Texas. The manager of this operation is a two-time convicted felon. These men receive both city and state vending machine licenses for the operation of these machines which were used for the sole purpose of exhibiting hard core pornography. "Hard core" pornography includes but is not limited to sodomy, bestiality, homosexuality and child molestation.

There exists we find, a number of respectable members of our community who profit from this destructive activity, with full

knowledge thereof, yet claim innocence of wrongdoing because they remove themselves three or fourfold from the licensed operators. These respectable members of our community are the landlords of San Antonio's "adult" theaters and bookstores.

The Grand Jury has discovered from expert testimony that approximately 90% of the pornography in the United States appears to be controlled by three groups all operating with the blessing and cooperation in the national crime syndicate.

One of these groups operates two of the three adult bookstores in San Antonio, and the majority of the adult bookstores in Texas. The other adult bookstore in San Antonio buys a large amount of its obscene material from this operation.

Further the peep shows found in these bookstores are manufactured and operated by a subsidiary corporation of this group. These peep shows were found to show hard core pornography. Each machine has a city and state vending machine stamp. This subsidiary corporation also has a state vending machine license. In addition to obscene books and materials, these bookstores also sell hard core 8 millimeter film and paraphernalia designed for perverted sexual use.

In addition, testimony has shown that these locations are among the most favorite meeting places for various deviate groups.

The Grand Jury further notes that this operation literally monopolizes the distribution of printed obscene material in Texas from its distribution point in Houston.

A Memphis base operation owns three adult movie houses in Bexar County at the present time. During the course of this investigation, it was found that these theaters have shown exclusively 16 millimeter color sound hard core pornographic films. This group has approximately seventy-five theaters across the United States. We have heard evidence of ties with at least one of the above mentioned national groups. San Antonio is the State headquarters for this chain. The president of this operation admits to the production of some of the films shown in these theaters. Inspection of these theaters by police officers and a visit by members of the Grand Jury to one of the theaters have shown violations of the Fire and Health Codes, including Non-existence of fire and exit lights, locked fire doors, empty cigarette packs, and cigarette butts on the floor of the theater, male sperm on the seats, floors and walls of the theaters, and used prophylactics on the floor of the interior of the theater. Evidence that the management encourages homosexual and heterosexual rendezvous in

this theater is noted by the prophylactics machines in the restrooms, used prophylactics on the floor, and complete darkness in the theater.

The Grand Jury has found little or no evidence that teenagers and persons under twenty-one years of age are systematically excluded from these theaters. To the contrary, a seventeen year old boy has testified that he has frequented at least three of these adult theaters since he was fifteen and has had both sodomy and masturbation performed on him by adult males. Further testimony of an ex-employee of one theater close to San Antonio College showed that teenage prostitutes applied their trade at his establishment providing patrons with acts of sodomy and intercourse for a price within the theater. Further another ex-employee of yet another theater testified that male prostitutes in number "cruise through his theater" soliciting male patrons at \$10 a trick. The same person testified that a fellow employee was himself a male prostitute and made extra money by soliciting patrons. A former female employee of one of these institutions who had provided live entertainment, told the Grand Jury that she allowed male patrons, at a price, to engage in oral sodomy with her on the stage before the other patrons. This was further corroborated by police officers who witnessed the act.

The Grand Jury has further found that persons involved in the sale and distribution of pornography hide behind dummy corporations and false names. On many occasions have failed to withhold income tax from employees and pay Social Security Tax, Franchise Tax, and Admission Tax to the State government. And further that due to the use of dummy corporations, false names and false addresses it is very difficult for law enforcement officers to ferret out the king pin of these porno operations.

The Bexar County Special Grand Jury further called upon the "city council and state legislature to enact local ordinances and state laws prohibiting the display and sale of pornographic material in San Antonio and the State of Texas."

The 65th Legislature passed into law the Organized Criminal Activity Bill, but failed to include under Chapter 346, Title 11, Section 71.02 an item dealing with obscenity.

RECOMMENDATION #9: That further investigations into organized crimes link with pornography and child sexual exploitation be conducted throughout the State under the direction of the Texas Organized Crime Prevention Council.

RECOMMENDATION #10: That Chapter 346, Title 11, Section 71.02, be amended to include a sixth item of obscenity.

RECOMMENDATION #11: That the State allow the lessor to void any lease of property if such property is subsequently used for obscene purposes.

RECOMMENDATION #12: That owners of adult bookstores, adult movie theaters, modeling studios and massage parlors be required to file affidavits of ownership with the Attorney General's office. These affidavits must contain correct names, current addresses and phone numbers of the corporate officials, partners, sole proprietors or authorized representatives, in order that these persons assume the criminal and civil responsibility of their establishments. Failure to file, falsification, forgery or improper filing would result in an automatic cease and desist order to be filed, prohibiting any further commercial activity at the establishment.

## SEXUAL OFFENSES AGAINST CHILDREN

The following are offenses against children according to the Texas Penal Code, Section:

21.09, Rape of a Child, sexual intercourse with a female under 17 years of age, a second degree felony.

21.10, Sexual Abuse of a child, deviate sexual intercourse with a child 17 years of age or younger, with the intent to arouse or gratify the sexual desire, is a felony of the second degree.

21.11, Indecency with a Child, can either be sexual contact with the child or exposing of the anus or any part of the genitals knowing the child is present, with the intent to arouse or gratify the sexual desire of any person, a third degree felony.

21.03, Aggravated Rape, must carry along with the rape, threat of serious bodily injury or attempts to cause death, threats of death, serious bodily injury, or kidnapping, first degree felony.

21.05, Aggravated Sexual Abuse, must carry along with the sexual abuse, serious bodily injury or attempts to cause death, threats of death, serious bodily injury, or kidnapping, first degree felony.

25.02, Incest, sexual intercourse or deviate sexual intercourse without regard to legitimacy, in short, related by blood, marriage, or adoption, felony of third degree.

25.06, Solicitation of a Child, entices, persuades, or invites a child younger than 14 years to enter a vehicle, building, structure, or enclosed area with intent to engage in or propose engaging in sexual intercourse, deviate sexual intercourse, or sexual contact with the child, a Class A misdemeanor, if the child is taken out of the country, a felony of the third degree.

**CONTINUED**

**1 OF 3**

Offense Reports, totaling 1001, read in the police departments of Dallas, Houston, Pasadena, Amarillo, Corpus Christi, Lubbock, Arlington, and Fort Worth, revealed the following types of offenses committed against children and the total for each type:

Rape of a child	298	27%
Aggravated rape	58	5%
Attempted rape	52	5%
Sexual Abuse	140	13%
Aggravated Sexual Abuse	8	1%
Indecency with a child	508	47%
Incest	4	.004%
Prostitution	10	1%
Totals	1,078	

It is possible that even the figures from law enforcement agencies may be a highly unreliable source as to estimating the extent and type of sexual abuse occurring against children. In some cases, the offense reports would be entitled Indecency With a Child, Sec. 21.11, when the narrative of that report would describe rape or attempted rape. There may be no indication as to the charges that were actually filed by the prosecutors office. Many of the narratives of these reports indicated that past rape and sexual abuse had occurred.

Some examples of sex offenses from these reports are as follows:

Adult homosexuals introduced teenage boys to other adult homosexuals. The adults would pay the young boys with money or drugs. When arrest warrants were served by the police department, they seized 96 loose photos of nude juvenile males, 200 negatives of nude boys, 8 homosexual magazines, and 1 photo album containing an assortment of photos of nude juveniles. One of the witnesses in the case (juvenile) indicated that one of the adults brought juvenile Mexican boys from Mexico for sexual purposes.

A junior high school band teacher used young boys to bring other young boys to his house for parties. At the parties the juveniles were furnished pills, marijuana, and beer, then the teacher approached them for sexual favors.

The actors in this case attempted to set up a 14 year old female with a 56 year old man in Louisiana. The deal was for the actors to collect the money for bringing the juvenile to the old man and pay her later. The operation was not completed as the girl's mother found out about the plan before the girl was turned over to the man in Louisiana.

A 16 year old boy engaged in oral and anal sodomy with a male age 45. When the subject was arrested, he had in his possession a quantity of marijuana, Quaaludes, 24 reels of porno film on small reels, 7 on medium size reels, and 6 on large reels, 42 homosexual magazines, and an assortment of pictures and negatives of young boys. The same 16 year old male was involved with another male, age 34. When this subject was arrested, he had in his possession a quantity of marijuana, Quaaludes, and homosexual magazines and photos of young boys.

A prostitution case involved a male age 15. Four adult males were arrested. Officers seized a quantity of marijuana, 91 homosexual magazines, 11 reels of porno movies, numerous photos of young boys committing homosexual acts, and one scrapbook containing photos of women and children in various sex acts.

The actor in this case was a 25 year old male. It involved three females, ages 10 and 11. The actor committed several acts of sexual abuse with the young girls. When arrested, he had in his possession several photos of the young girls, 17 adult magazines, 11 porno movies, assorted pipes and marijuana smoking paraphernalia, and a large quantity of marijuana and narcotic capsules.

A 16 year old victim in this case was accosted at a bus stop by a 25 year old male who grabbed her from behind, choked her until she was unconscious. She woke up in an old room, threatened by the offender, who raped her and fled.

A 1977 Bexar County Grand Jury heard a case and found they had to release a defendant from a felony charge because, even though he had the intent to arouse and gratify his sexual desire, the female that was molested was under the age of ten. They wrote Representative Chris Miller and asked that she sponsor a change in the Texas Penal Code redefining sexual contact. At the present time Chapter 21, of the Penal Code reads:

(2) "Sexual contact" means any touching of the anus or any part of the genitals of another person or the breast of a female 10 years or older with intent to arouse or gratify the sexual desire of any person.

As the law now stands, if a female is nine years of age or younger, technically, she doesn't have a "breast." Any sex maniac can touch, fondle, squeeze and bite the breast of a nine year old or younger female without fear of felony prosecution.

Under the present Section 25.06, Sale or Purchase of Child, the penalty for the first offense is a Class A Misdemeanor, a fine up to \$2,000 and/or up to one year in jail. Both officers and case workers thought this was a very low penalty for such an offense. The second offense for a sale or purchase of a child is a third degree felony, a fine up to \$5,000 and/or from two to ten years in prison.

At the present time Section 19.03 of the Penal Code, Item 2, states:

(2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated rape, or arson:

Under this section of the Penal Code murder by aggravated rape would be a capital offense. Murder by aggravated sexual abuse probably occurs as frequently as by aggravated rape. By the addition of aggravated sexual abuse to this section, it would then be a capital offense.

Some consideration needs to be given to the reporting of juvenile sexual offenses. At the present time the Uniform Crime Report does not show sexual crimes against children. Rape and aggravated rape of children are totaled with rapes of adults.

Additionally a study reported in the September 8, 1978 issue of the Journal of the American Medical Association said, "Child sexual abuse is a more frequent and severe problem than presumed." Researchers stated that sexual abuse of children is a growing concern nationally and that a number of communities show the number of reported cases has been growing dramatically. Fifty-eight percent (58%) of all doctors who responded to the questionnaire said they did not report cases of child sexual abuse, even though they are required to do so by law. Reasons given by the physicians covered a wide range. They included belief that reporting the abuse might harm the family and that the problem could be handled more easily privately. The doctors all said that they were dissatisfied with the manner in which state social service agencies handle the cases.

The research team sent a questionnaire to 300 general

practitioners and pediatricians in the Seattle area. They received replies from 96, of whom 51 reported seeing at least one identifiable sexually abused child annually. They reported seeing an average of two and as many as five cases within the last year. In addition, each of them saw at least one case and as many as seven that were thought to have involved sexual abuse but which were not reported to the physician as such.

The trauma from the experience was considered to be minor in only seven percent (7%) of the cases reported. The others ranged from possibly serious to very serious. Sixty-two percent (62%) of the children were referred to a counseling program. Seventeen percent (17%) were referred to a state agency and twenty-one percent (21%) were counseled in the physician's office. The researchers said that even though the trauma of the victimized child tended to be serious, only thirty-two percent (32%) of the physicians indicated that they urged the family to report the incident. Less than half, forty-two percent (42%), responded that they would report any child abuse case involving sexual activity.

RECOMMENDATION #13: That Chapter 21 of the Penal Code definition of "Sexual Contact" be changed to read:

(2) "Sexual Contact" means any touching of the anus or any part of the genitals of another person or the breast of any person with the intent to arouse or gratify the sexual desire of any person.

RECOMMENDATION #14: That the penalty for sale or purchase of a child be raised to a third degree felony for the first offense,

and a second degree felony for the second offense.

RECOMMENDATION #15: That the Penal Code, Section 19.03, Capital Murder, Item (2) be amended to include aggravated sexual abuse.

RECOMMENDATION #16: That the Federal Bureau of Investigation be requested to devote a section of the Uniform Crime Reports to sex crimes against children.

RECOMMENDATION #17: That a bill be passed requiring doctors and hospitals to report sexual abuse with a penalty of a third degree felony for failure to report.

RECOMMENDATION #18: That child abuse be reported to both Department of Human Resources and local law enforcement agencies.

## Child Prostitution

The perpetrators of sexual abuse of children use inducements such as money, drugs, and representations of friendship to entice their young victims. In some instances, even parents are inducing or permitting their own children to participate in these practices. Such conduct on the part of persons serving in place of parents, such as step parents, foster parents, etc., is even more common. Street prostitution of juveniles (turning a trick for a fee) has occurred in over one half of the counties reporting:

Bell	Nueces
Bexar	Potter
Cameron	Tarrant
Harris	Dallas
Jefferson	

The location for juvenile male prostitution is primarily centralized around bus stations, game rooms, restrooms, and homosexual districts. Female juvenile prostitutes are reported to operate around bus stations, truck stops, game rooms and in districts where adult prostitution takes place. Some work out of their own homes as in a number of cases filed particularly where the mother was absent from the home.

All officers interviewed believed child prostitution to be a much larger problem than arrests indicate. They believe the problem to be growing. Most felt that child prostitutes were primarily runaways who trade out for drugs, food, and shelter. Some felt that child prostitution was difficult to investigate particularly when a pimp was involved since

juvenile prostitutes will rarely testify against their pimp. Juvenile street prostitutes are more easily detected than those supplied by mail order service or phone service. Additional information is supplied in the section titled "Mail Order Sexual Abuse."

Several ex-boy prostitutes in the Houston area were willing to open their date books. These books revealed the names, addresses, and phone numbers, some of which were unlisted numbers of wealthy businessmen, doctors, lawyers, public officials and even people in the media. These ex-boy prostitutes were able to give information which clearly indicated they had a relationship which enabled them to have knowledge of the intimate lives of these men. One young man shared the information that he had been picked up in the Montrose area of Houston, taken to another city for sexual purposes. According to this source, the man he serviced had elaborate audio-visual equipment and a large collection of films and video tapes, probably made on his own equipment of the young boys brought to his home.

Testimony was given during the Washington hearings indicating that children were smuggled from Mexico for prostitution. During this study, no law enforcement agency was able to give any information indicating they had handled illegal juvenile aliens for prostitution. One Puerto Rican juvenile prostitute was deported. Narcotics officers in several cities stated they had found Mexican

girls with drug dealers. These juveniles were used by the drug dealers for sexual activity, but not for compelling prostitution. If juveniles are being brought into the State for prostitution, they are either taken further into the United States or it remains undetected.

It is indicated from several cases including the Corpus Christi case, that children in Mexico are used for prostitution and for individuals who may want to take photographs of these juveniles. These photographs are rarely confiscated at the border as it usually is in the form of undeveloped film.

In some cases of child prostitution and other sex offenses, the defense attorney may turn the child's testimony to prove the child gave consent to the act, thereby becoming an accomplice to the crime.

RECOMMENDATION #19: That a bill be passed to amend the accomplice law (Section 54.03, Family Code, and Sec. 7.01, Penal Code) to exclude children testifying in sexual abuse cases.

## INCEST

Health, Education and Welfare Department figures for 1976 indicate as high as 5% of the nations children are incest victims. In another study funded by the National Institute of Drug Abuse, 44% of the women presenting themselves for drug abuse treatment were cross-generational incest victims, 75% before they were twelve, 45% before they were nine, and 25% with their mother's knowledge. This study indicated that there is a definite relationship between incest in the young female and subsequent anti-social behavior and acting out.

The Department of Human Resources, Protective Service Division, handles most of the communities incest cases. Dallas Police Department has a division to handle intra-family sexual abuse cases. Under the Family Code, dual reporting to both police departments and Protective Services is not required. However, Dallas has a unique arrangement. Charts on the following pages give figures for sexual abuse on validated cases handled by the DHR.

The Department of Human Resources reporting for the eighteen county area shows 836 sexual abuse cases, 789 of which were perpetrated by a member of the family, making 95% of child welfare sexual abuse cases incestuous. Totals of perpetration of intra-family sexual abuse for 1977 are:

Father	297	38%
Mother	199	25%
Step Parent	171	21%
Foster Parent	1	-
Grandparent	13	2%
Brother	18	2%
Other Relative	90	11%

TEXAS DEPARTMENT OF PUBLIC WELFARE  
 PERPETRATOR-VICTIM CORRELATIONS  
 FROM VALIDATED REPORTS  
 SEXUAL ABUSE  
 PERPETRATOR OF SEXUAL ABUSE

COUNTY	PERPETRATOR S AGE GROUP					SEX			PERPETRATOR S ETHNIC GROUP					TOTAL
	UNDER 18	18-25	16-35	36-45	OVER 45	MALE	FEMALE	ANGLO	NEGRO	HXAMR	HMIND	ORIEN	OTHER	
BELL	0	5	6	7	2	14	6	16	1	0	1	2	0	20
BEXAR	1	2	26	27	17	53	20	33	9	29	0	0	2	73
BRAZORIA	0	1	2	9	0	11	1	10	0	1	0	0	1	12
CAMERON	2	1	8	16	7	20	14	4	0	30	0	0	0	34
DALLAS	9	15	66	66	20	121	55	129	25	20	2	0	0	176
EL PASO	3	2	4	10	9	23	5	7	4	17	0	0	0	28
FORT BEND	1	0	2	0	0	3	0	0	0	3	0	0	0	3
GALVESTON	3	4	3	5	10	17	8	14	6	5	0	0	0	25
HARRIS	8	10	99	68	49	157	77	121	55	53	0	3	2	234
HILDALGO	1	1	6	6	4	16	2	5	0	13	0	0	0	18
JEFFERSON	2	3	7	12	12	23	13	19	11	6	0	0	0	36
LUBBOCK	0	4	17	3	2	18	8	11	0	15	0	0	0	26
MCLENNAN	0	2	3	11	2	16	2	6	4	8	0	0	0	18
MONTGOMERY	0	0	3	3	0	5	1	6	0	0	0	0	0	6
NUECES	3	5	5	18	4	31	4	11	2	22	0	0	0	35
POTTER	2	8	9	6	5	23	7	25	2	3	0	0	0	30
TARRANT	0	2	16	16	14	45	3	33	10	5	0	0	0	48
WICHITA	0	1	5	7	1	12	2	11	1	2	0	0	0	14
TOTALS	35	66	287	290	158	608	228	461	130	232	3	5	5	836

TEXAS DEPARTMENT OF PUBLIC WELFARE  
 VICTIM PROFILE INFORMATION  
 FROM VALIDATED REPORTS  
 FINALIZED DURING THE PERIOD FROM 1/01/77 THRU 12/31/77  
 SEXUAL ABUSE

COUNTY	NUMBER OF VICTIMS					SEX		VICTIM'S ETHNIC GROUP					TOTAL	
	0-2	VICTIM'S AGE GROUP				MALE	FEMALE	ANGLO	NEGRO	MXAMR	AMIHD	ORIEH		OTHER
		3-6	7-10	11-14	15-18									
BELL	1	2	4	5	3	1	14	11	1	0	1	2	0	15
BEXAR	1	5	13	24	18	14	47	19	7	31	0	0	4	61
BRAZORIA	0	0	3	4	5	1	11	10	0	1	0	0	1	12
CAMERON	0	2	4	8	6	2	18	5	0	15	0	0	0	20
DALLAS	2	15	27	43	45	13	119	89	24	17	1	0	1	132
EL PASO	1	4	5	6	9	3	22	6	3	16	0	0	0	25
FORT BEND	0	1	0	1	0	1	1	0	0	2	0	0	0	2
GALVESTON	2	4	6	9	2	3	20	12	5	6	0	0	0	23
HARRIS	3	17	45	54	54	17	156	89	46	36	0	1	1	173
HILDALGO	0	0	5	7	4	0	16	4	0	12	0	0	0	16
JEFFERSON	1	1	4	11	11	0	28	14	8	6	0	0	0	28
LUBBOCK	0	6	4	0	4	3	11	8	1	5	0	0	0	14
McCLENNAN	0	2	4	8	4	4	14	6	4	8	0	0	0	18
MONTGOMERY	0	0	2	1	3	0	6	6	0	0	0	0	0	6
NUECES	0	3	8	14	11	10	26	10	3	23	0	0	0	36
POTTER	0	7	3	7	5	3	19	15	2	5	0	0	0	22
TARRANT	1	11	13	15	7	4	43	30	10	7	0	0	0	47
WICHITA	0	2	2	4	4	4	8	10	1	1	0	0	0	12
TOTALS	12	82	152	221	195	83	579	344	115	191	2	3	7	662

TEXAS DEPARTMENT OF PUBLIC WELFARE  
 PERPETRATOR-VICTIM CORRELATIONS  
 FROM VALIDATED REPORTS  
 FINALIZED DURING THE PERIOD FROM 1/01/77 THRU 12/31/77  
 SEXUAL ABUSE

COUNTY	PERPETRATORS RELATIONSHIP TO VICTIM													TOTAL
	FATHER	MOTHER	STEP PARENT	ADOPT PARENT	FOSTER PARENT	GRAND PARENT	BRO-THER	SISTER	OTH RE-LATIVE	SCHOOL	D. CARE	INSTU	OTHER	
BELL	4	6	3	0	0	0	0	0	0	0	0	0	7	20
BEXAR	30	20	8	0	0	1	0	0	3	0	0	0	11	73
BRAZORIA	4	1	6	0	0	0	0	0	1	0	0	0	0	12
CAMERON	10	14	2	0	0	0	2	0	0	0	0	2	4	34
DALLAS	52	47	50	0	0	0	10	0	6	0	0	0	11	176
EL PASO	16	5	4	0	0	0	0	0	1	0	0	0	2	28
FORT BEND	1	0	0	0	0	0	0	0	0	0	0	0	2	3
GALVESTON	6	4	4	0	0	6	0	0	3	0	0	0	2	25
HARRIS	93	65	49	0	0	3	3	0	7	0	3	0	11	234
HIDALGO	8	2	3	0	1	0	2	0	2	0	0	0	2	18
JEFFERSON	12	11	4	0	0	0	0	0	3	0	0	0	6	36
LUBBOCK	11	8	1	0	0	0	0	0	4	0	0	0	2	26
McCLENNAN	12	2	3	0	0	0	0	0	0	0	0	0	1	18
MONTGOMERY	2	1	3	0	0	0	0	0	0	0	0	0	0	6
NUECES	15	3	3	0	0	3	0	0	4	0	0	0	7	35
POTTER	8	7	4	0	0	0	0	0	2	0	0	0	9	30
TARRANT	6	1	22	0	0	0	1	0	2	0	2	0	14	48
WICHITA	7	2	2	0	0	0	0	0	2	0	0	0	1	14
TOTALS	297	199	171	0	1	13	18	-	40	-	5	2	90	836

During the course of this study, 1001 police offense reports reports were read dealing with the sexual abuse of children. While these reports do not show as high a rate of intra-family sexual abuse as the cases handled by Child Welfare, they do show a considerable rate of abuse by people who have ready access to the child in his or her home or neighborhood. The following figures show intra-family and intra-environmental sexual abuse according to police reporting in limited number of cities:

Father	43
Stepfather	40
Mother's boyfriend	20
Uncle	22
Cousin	14
Grandfather	4
Brother	8
Neighbor	40
Family friend	217
Babysitter	10
Scoutmaster	9
Pastor or Priest	4
Total	<u>431</u>

These figures are very low as many reports indicate victims and offenders are school mates, perpetrator resides in the same apartment house, and in some cases victim was a willing participant to offense, all indicating that victim and offender were not strangers.

Many of these cases indicated the mothers had knowledge of the relationship. Some of the fathers said they were teaching their children about sex while some said they used sex as punishment. Very few cases are prosecuted. Offense reports frequently said, "Mother refused to prosecute".

Officers interviewed felt that from 10% to 25% of the sexual abuse crimes are being reported, most of which they felt were incest. Sexual assault of a minor is a reportable crime in Texas. If the perpetrator is a family member or caretaker of the child, or if a family member or person responsible for the child's care permitted the perpetrator to have access to the victim or has knowledge that the abuse occurred, then the situation must also be reported. The Family Code allows for penalties for failure to report child sexual abuse to police and protective services. By failure to report, effective intervention is denied to the victim.

Many incest victims are threatened personally with serious bodily injury or death or the perpetrator threatens another member of the victim's family in order to keep the victim from disclosing the abuse. The present Section 25.02, Incest, makes no provision for aggravated incest.

In some cases the victim is removed from the home only to have the perpetrator victimize another member of the family. No provision is made in the present law for a second offense.

RECOMMENDATION #20: That a public awareness program be initiated to emphasize the penalties for non-reporting of suspected child sexual abuse cases.

RECOMMENDATION #21: That an additional section be added to Title 6, Chapter 25, Texas Penal Code to create a new offense of aggravated Incest that would be a felony of the first degree.

RECOMMENDATION #22: That Section 25.02, Texas Penal Code be amended to make provisions for the second incest offense whether the second offense be committed against the same child or another child with a penalty of a second degree felony.

## Mail Order Sexual Abuse

The sexual abuse of young boys has been advocated through the mails. Magazines available in adult bookstores have had advertisements for boys for sexual use. John D. Norman, a convicted sodomist who served a four year term in the Illinois State Prison, allegedly heads a nationwide ring that sends young boys across the country to serve a network of pedophile clients. When Norman was arrested, a mailing list of more than 30,000 clients was seized by Dallas police in 1973. It included clients around the country, some of them prominent people. That list was forwarded to the State Department in Washington where it was subsequently destroyed.

Working since 1955, Norman called his children Cadets. His clients were called Dons. Homes they were sent to were called Delta Dorms. He had a newsletter that he would send to subscribers telling them when certain Cadets would be available. Norman's operation continued during the time he was in Cook County jail. Unknown to jail officials, they said, Norman used the jail's printing facilities to send out three newsletters about the project to homosexual clients throughout the country and to people who answered his advertisements in homosexual publications. When jail officials stopped the jail operation, Norman said he carried correspondence with more than 7,000 persons. The Chicago police also confiscated from Norman a large collection of pornography and a list of 5,000 names and addresses which they

say identified clients of his various foundations. Norman's closest associate is Phillip R. Paske, a convicted murderer and thief whom police say is now on probation and is carrying on Norman's Delta Project in his absence.

Another case in which mailings were made that included Texas, was that of Dyre Grossman, a New York teacher. Grossman's plot to establish homosexual pornography camps in several states with the help of state and federal aid was exposed by Michigan State Police with the arrest of Gerald Richards, now serving time in Jackson Prison. They found in his possession a letter purportedly from Grossman suggesting prospective sites for "child care" organizations. The letter speaks of how lucrative such "child care" sites could be, explaining that counties would pay up to \$150 per month per boy; state agencies would pay up to \$400 per month per boy; and federal agencies would pay up to \$700 per month per boy. The letter and other information obtained by police suggest government funds could be used to help support current or potential child care operations. Texas was among the states suggested by Grossman as a good site for such "child care" organizations. Authorities in Tennessee and Louisiana have already admitted that the welfare departments were duped into making payments to help support children used for homosexual and pornographic purposes, in the belief they were aiding legitimate charitable organizations. Not until police raids closed down a Boy Scout Troop in Louisiana and the camp in Tennessee did the states realize the kind of

camps they were subsidizing. Grossman is currently considered a fugitive from justice, with federal flight warrants issued for his arrest on two counts of criminal sexual conduct with boys. Whether he has been apprehended since this information was obtained is not known.

RECOMMENDATION #23: That a task force be formed to investigate intra-state transportation of juveniles for sexual abuse for pleasure or profit, as well as sexual abuse in institutions, camps, clubs, etc., and its relationship to organized crime.

RECOMMENDATION #24: That a procedure for background investigation for previous sex offenses be established and that this procedure be required by the employer of all personnel working with children.

RECOMMENDATION #25: That serious consideration be given to the creation of Regional Medical Examiners Offices for the State. Counties would supply staffing under the Regional Examiner to be trained and to conduct investigations under his supervision.

## Death by Sexual Abuse

Dr. Joseph Rupp, Nueces County Medical Examiner, is a qualified expert to testify in sexual abuse cases. He has some 30,000 slides of various forensic subjects, 500 on sex abuse deaths. He lectures extensively on child abuse and sex crimes. He believes pornography causes sexual abuse.

Prior to the creation of the Medical Examiner's office in Nueces County, he said there were no cases of death by sexual abuse diagnosed or prosecuted. Since the office was created seven years ago, there have been seven or eight cases, all convictions. He says there have been 15 murders with sexual overtures. Two deaths in the past two years created considerable community concern about the problem of sexual abuse and pornography. One was the death of a young boy, sodomized and strangled to death after being abducted on the way home from school. Another was the death of an 18 year old girl with a vibrator in her rectum, laceration marks on her wrist, and stuffed in a refrigerator. Gags and strips of cloth were present in the room along with pornographic magazines. Some of them were depicting bondage and sadomasochism similar to the murdered girl's situation.

Dr. Rupp believes death investigations are a "national scandal". Texas has more medical examiners than any other state, but still is not completely covered by Medical Examiners Offices. Texas, because of the area and diversity, does not lend itself to a Statewide Medical Examiner, but would lend itself well to Regional Medical Examiners. Doctor

Rupp has assisted in proposing legislation in the past which was unsuccessful.

He said it is difficult to get a conviction on murder without a medical examination. In addition to the undetected child abuse and sexual abuse deaths, he believes thousands of drug abuse deaths are going undetected. Of all counties studied, Nueces County, with Corpus Christi as its principle city, law enforcement agencies showed a greater determination to keep informed of the pornography problem. Presently there are only four adult porn outlets, featuring soft core pornography and simulated sex. In responding to a comment about the lack of hard-core in the community and the positive attitude of the Corpus Christi Police and the prosecutor, Dr. Rupp responded, "Remember we have worked at it."

We were unable to contact the six or seven medical examiners in the State as Dr. Rupp suggested. No information was requested from the homicide divisions as to sexual abuse deaths, murders committed by juveniles because of sexual abuse or suicides with sexual implications. Therefore, we have no figures on deaths with regard to sexual abuse. One case we did become aware of was a juvenile, convicted of murder. He told officers after the trial that his mother forced him to have sex with her and that was the reason he killed her. Another young adult woman, who recently committed suicide, left information that her father had had sexual relations with her for some time and that her mother had photographed them together.

## Investigations with Pornographic Involvement

Because of the newness of the proportions of the problem of pornography involvement in sexual abuse of children, there are indications that case workers and police officers in the past have not given it serious consideration. A number of officers confided in the interviews, "I never thought to ask if someone took pictures or showed the child pictures." June Klien, Regional Administrator for the Texas Department of Human Resources states,

"Traditionally, workers have not questioned families in regard to the use of pornography unless the presented evidence indicated that pornography had contributed to the problems identified in the family. This may be an area which our staff will need to explore more thoroughly in future referrals involving sexual abuse."

When officers were asked what training they desired in the future, the majority responded, "How to effectively question a child." Department of Human Resources likewise suggested the need for additional training such as, "How to talk with the child to get needed information."

The importance of investigating pornography involvement in a sexual abuse case can best be illustrated by a case filed in Corpus Christi. It began with a child on a school playground pointing out a man passing by the school and saying that the man was a homosexual. The teacher heard his remark and began to ask him about it. As a result the incident was reported to authorities and the sexual abuse of many children, maybe as many as 10, was discovered.

Assistant District Attorney, Eric Brown, suggested to investigators that statements be taken from the children as to any pictures they may have been shown. Several children mentioned "the comic book." Based on the statements of the children, the Sheriff's Department Task Force secured and executed a search warrant. While inspecting the house of the suspect, deputies seized a number of men's magazines, toys, cameras, approximately 95 photographs of clothed and naked youngsters, "the comic book", brochures advertising films and magazines, travelogues to Mexico and a notebook with phrases in English with Spanish translations. Phrases were such as: "I want to take a bath with you" and "Take off your clothes." Sheriff's deputies arrested a 60 year old man who had a prior conviction of statutory rape of a girl in 1966. Parents of the children involved may have even known about the abuse. There is some indication that some of the parents may have "borrowed" money from the suspect.

Investigators report that the major problems of investigating the intra-state movement of juveniles for sexual abuse for profit is lack of man-power and money. Many investigations may begin in one city and lead to another. A tremendous amount of time is involved in these investigations. In some cases police departments in other cities may not be able to take up the investigation. The pressure of other vice or juvenile investigations may cause officers to drop from these investigations. There are

approximately five current investigations involving the intra-state transportation of juveniles in the State.

RECOMMENDATION #26: That the Criminal Justice Institute of Sam Houston State University develop for implementation a training course for law enforcement officers and prosecutors on the unique problems of juvenile sexual abuse, problems of interrogation, investigation, arrest and prosecution. Upon approval of such training course, at least one officer from each municipality, town or city per population of 40,000, be certified by this training course.

RECOMMENDATION #27: In that many child abuse cases may be detected at school but not reported, at least one person (preferably a counselor) from each certified Texas school should be required to attend the sexual abuse training course as specified in Recommendation Number 26.

## Investigations by Department of Human Resources

Under the Family Code, Section 34, the Texas Department of Human Resources was designated to handle sexual offenses against children as well as child abuse and neglect cases. Currently the Protective Service Division of the DHR receives the report and commences with the investigation and appropriate social services. This may present a conflict with the provisions of the Penal Code, wherein sexual offenses are defined. The Department of Human Resources does not give any guidelines for social workers on what constitutes a criminal violation. In that respect it appears that the current handling of intra-family sex offenses by the DHR would treat those offenses as social problems rather than violations of criminal codes. Current policy further indicates that sexual abuse occurring outside the family are criminal offenses while those within the family are social problems. The Family Code, Section 34.05, Investigation and Report of Receiving Agency states:

(e) The agency designated by the court to be responsible for the protection of children or the department shall make a complete written report of the investigation. The report together with its recommendations, shall be submitted to the juvenile court or the district court, the district attorney, and the appropriate law enforcement agency, if sufficient grounds for the institution of a suit affecting the parent-child relationship are found.

Article 7223 of the DHR policy states:

If local staff cannot investigate all reports of abuse or neglect, or cannot investigate all report within the time limit required above, the protective services supervisor must request help from DHR's Investigation Division or from local law enforcement. The Protective services supervisor should request help from the Investigation Division when that expertise is needed to protect the child.

It appears that the decision as to whether or not a criminal violation has occurred rest with the Protective Service case workers.

Within the Department of Human Resources, there is an Investigation Division of over a hundred highly qualified investigators who are well schooled in both the Penal Code and the Family Code. Present DHR policy allows for investigators to be called on to enter an investigation when case workers may require their expertise. Considerable time may have lapsed between the initiation of the investigation and the entrance of the Investigation Division into the case. In sexual abuse cases this is a less than ideal situation.

It is possible to conform to the Family Code and still uphold the statutes of the Texas Penal Code by allowing the Investigation Division to receive the initial reporting and commence the investigation of sexual abuse cases to first determine if there is a criminal violation. When no criminal case exists the Investigation Division would then refer the case to Protective Services. It might be that a team of one investigator and one case worker could work together on these cases from their initial reporting. Less time would be lost and by so handling, there is less chance of valuable evidence being lost. Keeping in mind that treatment will also be recommended to this Committee, a criminal indictment will give more leverage for judges, juries and case workers to place and keep the family in treatment.

Due to the present size of the Investigation Division, it would be necessary to increase the number of investigators. By relieving Protective Services of the responsibility of investigating sexual abuse, this would also lessen the case load per case worker. In some regions, DHR case workers are carrying case loads of as many as 70 cases per worker.

The present policy of the Department of Human Resources makes no provision for emergency removal of children who are victims of incest. Emergency removal would definitely be indicated in cases of rape and sexual abuse against very young children as well as sexual offenses occurring over a long period of time. Section 17.01 of the Family Code, Taking Possession in Emergency states:

An authorized representative of the State Department of Public Welfare, a law-enforcement officer, or a juvenile probation officer may take possession of a child to protect him from an immediate danger to his health or physical safety and deliver him to any court having jurisdiction of suits under this subtitle, whether or not the court has continuing jurisdiction under Section 11.05 of this code. The child shall be delivered immediately to the court.

According to Section 15.02, Involuntary Termination of Parental Rights, allows termination of parent-child relationship when the parent has:

- (D) knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child; or
- (E) engaged in conduct of knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child;

RECOMMENDATION #28: That section 34.05 of the Family Code be amended to mandate the Investigation Division of the Department of Human Resources to initiate all investigations of child abuse.

RECOMMENDATION #29: That an advisory Commission be created for the purpose of:

- (1) Oversee the investigations of juvenile sexual abuse.
- (2) Determine investigative policy and procedures.
- (3) Coordinate agencies.
- (4) Approve and establish treatment program standards.
- (5) Establish professional standards for those providing services to the sexually abused child and offender.
- (6) Certify training programs in investigations, prosecutions and detections.
- (7) Initiate studies into causes, prevention and treatment.
- (8) Initiate public awareness campaigns.
- (9) Establish procedures for background investigation of those providing juvenile supervision.
- (10) Evaluation and accountability of those programs providing services to sexually abused children.

RECOMMENDATION #30: That statutory provisions be provided for emergency removal of a juvenile by a certified peace officer or Department of Human Resources Investigator where probable cause exists.

## Rape and Sexual Abuse Examinations

Rape examinations throughout the State vary greatly in cost and in payment. In some cases the victim pays, the County pays, or in some instances the police department pays. Cost may range from as low as \$27.00 to over a hundred dollars. No provision is made in the law for examinations of sexual abuse victims which include oral and anal sodomy.

Rape Crisis Centers have been extremely helpful to the police departments in many cities. Lubbock Rape Crisis, under the direction of Beck Mahon, has some eighty volunteers who assist victims through police reporting, rape examinations, and preparation for testimony in the event the case is prosecuted. Counseling is given to the members of the family in addition to the victim. Lubbock Rape Crisis has made arrangements for the local teaching college and women's clinic to make examinations. Prior to the making of these arrangements, the Lubbock Police Department had a difficult time finding professional help willing to make examinations and to testify.

RECOMMENDATION #31: That the Department of Human Resources provide through contract services medical examinations and immediate medical treatment for victims of sexual abuse and rape and that records of such examinations be made available to local law enforcement agencies and the Department of Human Resources Investigation Division.

## RUNAWAYS

The number one problem facing police juvenile divisions is what to do with a runaway. They do not have facilities for status offenders, but definitely feel runaways should not be taken out of the criminal justice system. Many small police departments stated that they let runaways go simply because they do not have facilities and man-power to handle them. Officers report that frequently runaways are harbored by individuals who are not subject to any penalties.

Corpus Christi Police Department has been aware of the growing importance of the juvenile runaway problem. Chief of Police W. C. Banner states,

"On many occasions, interviews with runaway children have revealed that they themselves have been the victims of crimes such as incest, mental and physical abuse, and conditions that are not conducive to the proper environment of a child.

Runaways seem to be an ever increasing problem and some type of positive action must be initiated to reduce the number of runaways. These children often become the victims of other crimes and indeed become involved in committing criminal acts themselves. Many are arrested for crimes such as burglary, shoplifting, paint sniffing, and other drug violations, after they have been reported as runaways.

One possible solution to this problem may be to establish runaway shelters, with the restriction that local law enforcement agencies are notified at the time a runaway is taken in. This will save time spent looking for runaways, perhaps prevent them from becoming victims of crimes, or committing crimes, and cause them to get proper counseling and guidance when it is needed most."

Uniform Crime Report shows approximately 170,000 runaways for the nation reported in 1976. Most officers believe this

to be a very low figure for the number of runaways in the nation. Most of the officers interviewed believe that about 75% of the juveniles running away from home for the first time are reported. Repeaters are less likely to be reported. Officers in every city said there were places for juveniles to go or to make contact, such as game rooms, crash pads, parks, etc. One officer pointed out that some time in the past runaways would congregate and live together. Today the trend is to live with an adult for which they trade sexual favors for room and board. He felt there was less sexual abuse when juveniles lived together since they tended to look out for each other.

Harry F. Connick, New Orleans District Attorney, writes of the experiences of two young people, which might be all too common:

"To my knowledge, there were several incidences involving a young runaway from Texas who, from what we have been able to gather, participated in sexual activities with the adult males here in the city of New Orleans. Also, one of the adult males took a young man to some place in Texas and engaged in sexual activity with him there and then returned to New Orleans."

One officer reported that he could not get a search warrant to search for a runaway child. A mother in another city called him and told him she believed her daughter to be working in a massage parlor. The officer went to the massage parlor to talk to the madam in charge who had previously harbored a minor in her establishment. The madam would not let him search. The daughter evidently called her mother and told her the police were looking for

her. The mother then called the officer and reported the conversation. The officer went to a magistrate and was refused a search warrant. He felt he had probable cause. The Penal Code makes no provision for a search warrant for a minor who might be harbored by another party.

RECOMMENDATION #32: That a study be undertaken to determine the extent of sexual abuse as a contributory factor to the runaway problem and the sexual exploitation of juveniles after leaving home.

RECOMMENDATION #33: That Section 51.15 Sub Section (b) of the Family Code be amended to provide that photographs of juveniles may be taken without court permission and filed by the law enforcement agency taking them

RECOMMENDATION #34: That the state provide temporary facilities for the care of runaways.

RECOMMENDATION #35: That a bill be passed making it a Class A misdemeanor for any person not a member of a child's family to harbor a runaway child from police, parent or guardian, except to protect the child from an immediate danger to his health or physical safety.

RECOMMENDATION #36: That Article 18.02, (Search Warrants) Texas Penal Code, be amended to include a juvenile.

## JUDICIAL SYSTEM AND PROSECUTION

Rep. John Conyers, Subcommittee on Crime of the Committee on the Judiciary, Washington, said, "If we have learned anything from the \$5 billion spent by the Law Enforcement Assistance Administration over the last eight years, it is that the solution to crime in our society cannot be found in the criminal justice system." How true that statement is in the area of sexual abuse of children is subject to question. It may well be that the criminal justice system has not been given a chance in this area.

Currently the Department of Human Resources is the designated authority for handling intra-family sexual abuse. In some counties the DHR shares records freely with law enforcement agencies. In other areas such as Harris County, police officers reported, "no access to Child Welfare records hinders any effort to apprehend a repeat abuser." Very few incest cases are prosecuted. Many times the mother of the child refuses to prosecute, even when she has knowledge of the sexual activity. Juries are made of citizens who are in need of education as to the ever increasing complexities of sexual abuse. Judges perhaps would give stiffer penalties after being made aware of the extent of the problem.

Our present judicial system is such that children who are molested, children who are victims of intra-family sexual abuse, incest, very seldom receive justice or protection. In that respect, the judicial system is inadequate

to their needs. If the present laws are ineffectual in cases of sexual molestation of children, both strangers and persons known to the children, it must be assumed they will be as ineffectual in cases of sexual abuse of children through pornography.

The difficulties of a child testifying in a case are compounded by lengthy delays in trying the case. The trauma in testifying may be greater than the trauma of the abuse, according to case workers and juvenile officers. Consider how the criminal justice system operates against children who are sexually abused;

1. Few cases are pursued on the strength of the evidence alone unless an adult family member, usually the mother, is willing to press charges on behalf of the child. Usually the mother will ally herself with the father and refuse to act as an advocate for the child in court by serving as complainant against her husband.
2. When charges are filed, accused perpetrators are often released immediately on low bond pending trial with no enforceable injunction to stay away from the family. The likelihood that he will harass and pressure the family to drop the charges and recant their allegations is very great. If the defendant does stay away from the family, he may also cease to support his wife and children. Law enforcement and social agencies have little protection or concrete assistance to offer this family.
3. Cases that do go to court may take a considerable length of time to be processed and heard. Frequent appearances in court and continuances may prolong the intra-family crisis. Frequently the result may be withdrawal of allegations and dropping of charges.
4. The evidence collection and adversary court process may require the child victim to repeat his or her testimony frequently before and during the trial and to undergo cross-examination by a defense attorney whose sole interest is to discredit damaging evidence against his client, the suspected perpetrator.

We need to make changes in our criminal justice system to ensure more sensitive and appropriate handling of intra-family sexual abuse.

RECOMMENDATION #37: That in cases of sexual abuse of a juvenile, the child's testimony be given in closed judicial chambers in the presence of only the judge, prosecution and defense attorneys. Further that this testimony be videotaped to be presented to the jury in closed session. Outside of the judge, jury and respective attorneys for the prosecution and defense, the defendant would be the only other person allowed to view such testimony.

## Federal Prosecution

A U. S. General Accounting Office study recently released reports that the majority of U. S. Attorney's offices sampled by GOA investigators said they only prosecute "major" obscenity cases. The reason given by a Department of Justice spokesman: Lack of "money and manpower resources." A prosecutor can opt to prosecute or not. This gives U. S. Attorneys, who work for the Department of Justice, a tremendous amount of power within the framework of Department policy.

Federal jurisdiction is limited to situations involving importation, use of the mails, or use of facilities of interstate commerce. There were 34 defendants convicted in all categories for the entire United States during the fiscal year of 1977. As of February 28, 1978, there were 53 obscenity cases involving 100 defendants pending in the federal court system. These cases include all situations. In the obscenity area, the Department of Justice has determined that priority should be given to cases involving large-scale distributors who realize substantial income from multi-state operations, cases in which there is evidence of involvement by known organized crime figures and cases based on legally obscene material involving the use of children.

Approximately 90% of the traffic in hard-core pornography is coming into Texas, across State line, in violation of the federal law prohibiting interstate transportation of

obscene material. No figures for the prosecution of inter-state transportation cases in Texas were given by the Justice Department.

RECOMMENDATION #38: That the President of the United States and the United States Attorney General be asked to adopt a policy of vigorous enforcement of federal anti-obscenity laws and the Mann Act.

## Federal Prosecution, U. S. Mail

The following figures show the number of cases filed, pending, and terminated in the State of Texas involving the U. S. Mail, under Title 18, Section 1461:

Year	Total	Filed	Terminated	Pleas	Convicted	Acquittals	Dismissed	Pending
1975	17	5	13	1	6	3	3	4
1976	13	9	9	2	1	-	6	3
1977	2	1	-	-	-	-	-	1
1978	2	-	2	1	1	-	-	-

As a general rule, mail order dealers in obscene materials can be prosecuted whether in the state where they are physically located (where the mailings are actually made), or at the point of delivery of the mailings. Naturally, the mails are used at both locations (the place of mailing and the place of delivery). Under 18 USC 1461, it is illegal to mail obscene materials by mail. Therefore, the mail order dealer has committed an offense at both "ends" of the mailing.

The U. S. Department of Justice, in addition to deciding whether a given case will be prosecuted, also decides the district of venue (location) where prosecution will actually take place. The decision as to the location where prosecution will be initiated is considered on a case by case basis. As an example, a commercial mail order obscenity dealer operating in Los Angeles, California, could be indicted and prosecuted at Los Angeles, where the mailings were being made, or he could be indicted and prosecuted at some Texas location where obscene mailings were delivered. The same situation would likewise apply where a Texas-based commercial

obscenity dealer were involved (i.e., he could be prosecuted in Texas or in any other state to which his materials were delivered). No figures were given on prosecutions in other states which may have involved Texas-based dealers or Texas deliveries.

#### Federal Prosecution, The Mann Act

Since the Washington hearings in 1977 on the sexual exploitation of children, the Mann Act has been revised to include juvenile males who may be transported across state lines for prostitution.

The following figures show the number of cases filed, pending, and terminated in the State of Texas under Title 18, Section 2422:

Year	Total	Filed	Terminated	Pleas	Convicted	Acquitted	Dismissed	Pending
1975	3	2	2	-	-	2	-	-
1976	3	3	2	-	2	-	-	1
1977	2	-	2	1	1	-	-	-
1978	1	1	-	-	-	-	-	1

Local authorities in several cities report interstate transportation cases they referred to the Federal Bureau of Investigation that were not, in their opinion, investigated. They were not able to give any reason for the lack of investigation.

## State Prosecution

Of the total 839 validated cases processed by the Department of Human Resources in the eighteen counties studied charges were filed in 135 cases. We have no information as to the disposition of those cases. Offense Reports occasionally indicated whether charges were filed and the case prosecuted, but no information as to the specific charge and disposition of those cases was given.

The District Attorneys in the State were slow in responding to our requests for information. Some explained that the information was not readily available. Dallas County District Attorney provided us with an eight inch stack of computer printouts which contained most of the desired information. Time and staffing did not permit analysis of this material, however, we will continue to compile whatever data is received.

## COMMUNITY TASK FORCE

From opinions taken in interviews with officers and supervisors, Dallas County appeared to have better working relations within agencies who handle sexual abuse. This probably is the result of a task force formed in 1973 to deal with all child abuse.

In 1973, the City of Dallas experienced a shocking series of physical child abuse cases resulting in the deaths of several children. This series of incidents brought to light an apparent lack of communication and/or coordination between the City, County and State related agencies that participated in the handling of child abuse cases. The medical profession complained that their diagnosis went unheeded. Accusations were levied at Child Welfare questioning their efficiency and methods of handling suspected abuse cases. The established procedure, if any, of the Dallas Police Department and the District Attorneys Office in the handling of child abuse cases were said to be a source of confusion. The situation degenerated to a point that each participant justified its method of handling child abuse cases and placed the blame, if any, elsewhere.

In an effort to provide a neutral forum in order to alleviate the immediate problem, the Medical Health Association of Dallas County scheduled meetings which were attended by representatives of various agencies. A task force was appointed to study the problems existing

in the handling of suspected child abuse cases.

This task force requested various agencies having contact with suspected child abuse cases to provide the committee its written policy. The requests were sent to the District Attorney, Juvenile Courts, Police Department, State Department of Public Welfare, the Dallas Independent School District, and Hospitals. The committee reviewed the present written policies of those agencies. As a result of their study some of the agencies rewrote their previous policy and in some cases the committee wrote guidelines for the agencies.

Most importantly, the interagency cooperation followed by the introspective analysis by each agency of its child abuse policy, shows interagency cooperation can readily be achieved with the spirit of cooperation and a sincere desire for improvement that has been present in the aftermath. These achievements have succeeded in remedying the situation that was prevalent in early 1973. They also have provided and will continue to provide a foundation for further refinement and development in the future.

They made the following immediate and long-range recommendations:

Immediate Recommendations:

1. Semi-annual meetings between all agencies to review present policies and past performances in handling child abuse cases. Inter-agency exchange of policy changes would be perfected at that time or on special occasions during the interim. The Mental Health Association of Dallas County, by past experience, would be an ideal catalyst in bringing this to reality.
2. Dissemination of child abuse identification literature to all day care centers and to the faculties of all school districts in Dallas County, especially the kindergarten and lower grade school levels.

3. All day care centers develop or be furnished with a suggested standardized policy and rules of how to handle a child abuse case. This could readily fall on the licensing section of the Department of Human Resources.

4. Department of Human Resources continue to hold training classes for new case workers and review courses for experienced workers with participation by the District Attorney's Office, Dallas Police Department, and representatives of Parkland Hospital and Children's Medical Center.

5. The medical institutions of Dallas County should form a task group with the following goals:

- a. Each hospital formulate written policies and procedures for the handling of child abuse cases.
- b. Develop a standardized referral form that would coordinate with the Department of Human Resources Central Child Registry in Austin and the Dallas Police Department so as to minimize information gathering in the early stages of a case.
- c. Guidelines for the participation of the medical social worker.

6. The setting up of an interagency committee between the District Attorney's Office, Dallas Police Department and Department of Human Resources to review exceptional cases where the further criminal prosecution of a parent would prevent the possibility of rehabilitation and preservation of the family unit.

7. Mental Health Association of Dallas County continue to provide a forum and be a facilitator in the systematic recording of current community resources available to the Dallas County Child Welfare Unit in dealing with child abuse.

#### LONG RANGE RECOMMENDATIONS:

1. All organizations or agencies handling abuse cases implement orientations and in-service training programs to increase their ability to detect and handle such cases.

2. Introduction of courses covering basic facts about child abuse in the curriculum of educational institutions, including medical, legal, social worker, law enforcement, teachers, school administrators, nurses, etc.

3. The Dallas Bar Association should consider setting up a course of instruction dealing with the role of the ad-litem attorney in child abuse cases.

4. A study of the policy utilized by the smaller cities' police force lying within Dallas County with an indirect goal of formulating a standardized procedure.

7. A task force of interagency representatives and concerned citizens be appointed to inquire into and determine the feasibility of the development of a multi-discipline team to be utilized on a consulting basis in the child abuse area.

8. A follow-up study on the results of the rehabilitating efforts as well as the effectiveness of the policies in force.

RECOMMENDATION #39: That local communities form Community Task Forces similar to the task force of Dallas County to evaluate present written policies of agencies who handle sexual abuse cases. That guidelines and policies be coordinated to achieve greater emphasis and cooperation in the handling of sexual abuse cases, with or without pornographic involvement.

## CONCLUSION

No attempt was made in this study to show the correlation between the number of adult pornography outlets in a community and the rate of sexual abuse. Indeed the absence of adult outlets in a community in no way should suggest the absence of child pornography. The vast majority of child pornography comes through the mails or is made by individuals, and as such, every community is subject to having a source for child pornography.

Abuse for profit is manifested in child prostitution and child pornography and has created a multimillion dollar industry built on physical and psychological brutalization of thousands of our young citizens. Child pornography should not be the major focus of our concern. It is the brutalization of our children, suffering perverted physical and psychological abuse, that has brought us to this point, and the reading and viewing of materials depicting such acts is but a spinoff of the underlying victimization.

There is not much else that can be depicted in the field of pornography, except children. What else is there after books and films with every sort of sexual activity, men defecating into another man's mouth, German Shepherd dogs having sexual intercourse with women, women utilizing eels in their body and sex with torture. The market has found a new direction in child pornography. The act of selling these materials is guaranteeing that there will be additional abuse of children.

Enough can not be said as to the need for cooperation be-

tween agencies. The best illustration is a case filed in Los Angeles where nine men have been indicted on charges of running an international child prostitution ring. One man was arrested for allegedly using his own seven year old daughter. One of the parties charged in the indictments was a family counselor who placed disabled children in foster homes. Another person named was a childrens' counselor. Authorities claim children were bought and sold. The children were taken to homes or motels where they viewed movies depicting sexual activities and then themselves were photographed. One child's picture was identified in a magazine from Copenhagen. This case could possibly have been first reported as incest and handled by child welfare. Police may have received information as to the making of pornographic pictures. Without cooperation between agencies or a state agency to handle all aspects of the investigation, the entire scope of the crime would not have been detected.

While the problem may involve violent, forcible attacks on a child, a vast amount of evidence shows that child sexual abuse cases often involve nonviolent, nonforcible contact between the victim and the perpetrator. We need to dispel the myth that perpetrators are strangers to the child. Indeed, most child sexual abuse cases involves intra-family perpetrators--fathers, mothers, step parents, uncles, mothers' boy friends, etc.--people who have access to the child in his or her home or environment.

It is impossible to assist the child victim unless we identify his or her plight, report, and investigate it properly.

We must accept the premise that special training and skills are absolutely essential for police officers, Department of Human Resources investigators, and child protective service personnel who may be involved in these cases. Treatment programs will have to establish a successful track record before most judges will be willing to shorten criminal sentences or accept participation in the program as a condition of the perpetrator's probation, rather than being sent to jail. Although a successful family treatment program may, in time, attract voluntary or even self-referred clients, it will be necessary to build in an authoritative incentive to participate in order to begin treatment programs in most communities. Professionals who seek to establish effective sexual abuse treatment programs will have to work cooperatively and persuasively with those in the criminal justice system.

With the appointment of this committee, Texas has taken the lead in this area of exploitation of children, with or without pronographic involvement. States throughout the nation are watching to see what this Committee does and ultimately what the State of Texas does to protect and treat the sexually abused child and his family. We look forward to the 66th Legislature to enact laws and to make recommendations that will result in a concerted and constructive approach to this tragic problem.

## RECOMMENATIONS

RECOMMENDATION #1: That the State adopt a display law, prohibiting sexually explicit materials in commercial establishments generally accessible to minors. (See Enclosed Model Statute)

RECOMMENDATION #2: That the Commercial Obscenity Statute be revised and brought in line with the Miller opinion to include not only commercial sale and distribution of pornography, but also promoting and providing pornographic materials. Further, that the statute include not only sexual conduct, but also nudidy appealing to the prurient interest and simulated sex. (See Enclosed Model Statute)

RECOMMENDATION #3 Public education encouraging citizens to file form 2201 prior to receiving unsolicited materials. Further, encourage citizens receiving unsolicited offensive materials to refer it to their post office and file a prohibitory order, rather than simply discarding or ignoring the material. The prohibitory order is valuable to the Postal Inspection Service as an investigative tool. It can be the means by which the Service first becomes aware of the activities of a mail order obscenity dealer. The number of prohibitory orders filed against a given dealer can serve as a good indication of the scope or volume of that dealer's mail order business.

RECOMMENDATION #4: That the Legislature enact laws against those who use children in pornography and prostitution and that the Legislature act quickly in passage of a child pornography statute. (See Enclosed Model Statute)

RECOMMENDATION #5: That an investigation be conducted on the federal level to determine those ports of entry not enforcing 19 USC 1305. That appropriate action be taken to close all ports of entry to obscene materials.

RECOMMENDATION #6: That an appeal be made to appropriate government officials to stop the importation of pornography from Amsterdam and/or any other foreign country.

RECOMMENDATION #7: That authorities be allowed to seize and submit materials held to be obscene involving juveniles to the Department of Human Resources Investigation Division for analysis, cataloging and destruction.

RECOMMENDATION #8: That the State require persons engaged in various activities related to the sale or distribution of films, photographs, slides or magazines depicting minors engaged in sexual intercourse, masturbation, sodomy, bestiality, oral copulation, or nudity (if such nudity is to be depicted for the purpose of sexual stimulation or the sexual gratification of any individual who may view the material) and to keep confidential records of the names and addresses of the persons from whom such materials are obtained. Disclosure, except

to law enforcement officers, or failure to keep such records would be a third degree felony.

RECOMMENDATION #9: That further investigations into organized crimes link with pornography and child sexual exploitation be conducted throughout the State under the direction of the Texas Organized Crime Prevention Council.

RECOMMENDATION #10: That Chapter 346, Title 11, Section 71.02, be amended to include a sixth item of commercial obscenity.

RECOMMENDATION #11: That the State allow the lessor to void any lease of property if such property is subsequently used for obscene purposes.

RECOMMENDATION #12: That owners of adult bookstores, adult movie theaters, modeling studios and massage parlors be required to file affidavits of ownership with the Attorney General's office. These affidavits must contain correct names, current addresses and phone numbers of the corporate officials, partners, sole proprietors or authorized representatives, in order that these persons assume the criminal and civil responsibility of their establishments. Failure to file, falsification, forgery or improper filing would result in an automatic cease and desist order to be filed, prohibiting any further commercial activity at the establishment.

RECOMMENDATION #13: That Chapter 21 of the Penal Code definition of "Sexual Contact" be changed to read:

- (2) "Sexual Contact" means any touching of the anus or any part of the genitals of another person or the breast of any person with the intent to arouse or gratify the sexual desire of any person.

RECOMMENDATION #14: That the penalty for sale or purchase of a child be raised to first offense, a third degree felony, and the second offense, second degree felony.

RECOMMENDATION #15: That the Penal Code, Section 19.03, Capital Murder, Item (2) be amended to read:

- (2) The person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated rape, arson, or aggravated sexual abuse.

RECOMMENDATION #16: That the Department of Public Safety be requested to devote a section of the Texas Uniform Crime Report to sex crimes against children.

RECOMMENDATION #17: That a bill be passed requiring doctors and hospitals to report sexual abuse with a penalty of a third degree felony for failure to report.

RECOMMENDATION #18: That child abuse be reported to both Department of Human Resources and a local law enforcement agency.

RECOMMENDATION #19: That a bill be passed to amend the accomplice law (Section 54.03, Family Code and Section 7.01, Penal Code) to exclude children testifying in sexual abuse cases.

RECOMMENDATION #20: That a public awareness program be initiated to emphasize the penalties for non-reporting of suspected sexual abuse cases.

RECOMMENDATION #21: That an additional section be added to Title 7, Chapter 25, Texas Penal Code to create a new offense of Aggravated Incest that would be a felony of the first degree.

RECOMMENDATION #22: That Section 25.02, Texas Penal Code be amended to make provision for the second incest offense whether the second offense be committed against the same child or another child with a penalty of a second degree felony.

RECOMMENDATION #23: That a Task Force be formed to investigate intra-state transportation of juveniles for sexual abuse for pleasure or profit, as well as sexual abuse in institutions, camps, clubs, etc., and its relationship to organized crime.

RECOMMENDATION #24: That a procedure for background investigation for previous sex offenses be established and that this procedure be required by the employer of all personnel working with children.

RECOMMENDATION #25: That serious consideration be given to the creation of Regional Medical Examiners Offices for the State. Counties would supply staffing under the Regional Examiner to be trained and conduct investigations under his supervision.

RECOMMENDATION #26: That the Criminal Justice Institute of Sam Houston State University develop for implementation a training course for law enforcement officers and prosecutors on the unique problems of juvenile sexual abuse, problems of interrogation, investigation, arrest and prosecution. Upon approval of such a training course, at least one officer from each municipi-

pality, town or city per population of 40,000, be certified by this training course.

RECOMMENDATION #27: In that many child abuse cases may be detected at school but not reported, at least one person (preferably a counselor) from each certified Texas school should be required to attend the sexual abuse training course as specified in recommendation number 26.

RECOMMENDATION #28: That Section 34.05 of the Family Code be amended to mandate the Investigation Division of the Department of Human Resources to initiate all investigations of child abuse.

RECOMMENDATION #29: That an advisory commission be created for the purpose of:

- (1) Oversee the investigations of juvenile sexual abuse.
- (2) Determine investigative policy and procedures.
- (3) Coordinate agencies.
- (4) Approve and establish treatment program standards.
- (5) Establish professional standards for those providing services to the sexually abused child and offender.
- (6) Certify training programs in investigations, prosecutions and detections.
- (7) Initiate studies into causes, prevention and treatment.
- (8) Initiate public awareness campaigns.
- (9) Establish procedures for background investigation of those providing juvenile supervision.
- (10) Evaluation and accountability of those programs providing services to sexually abused children.

RECOMMENDATION #30: That statutory provisions be provided for emergency removal of a juvenile by a certified peace officer or a Department of Human Resources investigator where probable cause exists.

RECOMMENDATION #31: That the Department of Human Resources provide through contract services medical examinations and immediate medical treatment for victims of sexual abuse and rape and that records of such examinations be available to local law enforcement agencies and the Department of Human Resources Investigation Division.

RECOMMENDATION #32: That a study be undertaken to determine the extent of sexual abuse as a contributory factor to the runaway problem and the sexual exploitation of juveniles after leaving home.

RECOMMENDATION #33: That Section 51.15 Sub Section (b) of the Family Code be amended to provide that photographs of juveniles may be taken without court permission and filed by the law enforcement agency taking them.

RECOMMENDATION #34: That the State provide temporary facilities for the care of runaways.

RECOMMENDATION #35: That a bill be passed making it a Class A misdemeanor for any person not a member of a child's family to harbor a runaway child from police, parent or guardian, except to protect the child from immediate danger to his health, or physical safety.

RECOMMENDATION #36: That Article 18.02 (Search Warrants) Texas Penal Code, be amended to include a juvenile.

RECOMMENDATION #37: That in cases of sexual abuse of a juvenile, the child's testimony be given in closed judicial chambers in the presence of only the judge, prosecution and defense attorneys. Further, that this testimony be videotaped to be presented to the jury in closed session. Outside of the judge, jury and respective attorneys for the prosecution and defense, the defendant would be the only other person allowed to view such testimony.

RECOMMENDATION #38: That the President of the United States and the United States Attorney General be asked to adopt a policy of vigorous enforcement of federal anti-obscenity laws and the Mann Act.

RECOMMENDATION #39: That local communities form Community Task Forces similar to the task force of Dallas County to evaluate present written policies of agencies who handle sexual abuse cases. That guidelines and policies be coordinated to achieve greater emphasis and cooperation in the handling of sexual abuse cases, with or without pornographic involvement.

LEGISLATIVE RECOMMENDATIONS

Prepared by

Jerry Johnson

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I.

CONSTITUTIONAL PROVISIONS ON OBSCENITY  
AND THE  
TEXAS OBSCENITY STATUTES

## OBSCENITY AND THE SUPREME COURT

Before analyzing existing state obscenity and child pornography laws, one must first become acquainted with the constitutional guidelines set forth by the Supreme Court. The most recent of these obscenity guidelines was set forth in 1973 in the case of Miller v. California. In its decision, the Court reiterated the basic assumption that obscene material is not protected by the First Amendment. Kois v. Wisconsin, 408 U.S. 299, 92 S.Ct. 2245, 33 L.Ed. 2d 312 (1972); United States v. Reidel, 402 U.S., at 354 91 S.Ct., at 1411-1412; Roth v. United States, supra, 354 U.S., at 485, 77 S.Ct., at 1309. The Court also recognized the legitimate interests of states in prohibiting dissemination or exhibition of obscene material when there is danger of offending unwilling adults or minors. Stanley v. Georgia, 394 U.S. 577, 567, 89 S.Ct. 1253, 1249, 22 L.Ed. 2d 542 (1969); Ginsberg v. New York, 390 U.S. 629, 637-643, 88 S.Ct. 1274, 1279-1282, 20 L.Ed 2d 195 (1968); Interstate Circuit, Inc. v. Dallas, supra, 390 U.S., at 690, 88 S.Ct., at 1306.

Because it was amended that obscene material did not enjoy First Amendment protection and that states have legitimate interests in preventing its distribution, the Court then attempted to produce specific standards which would be used to identify so-called obscene material as opposed to that material legitimately protected by the Constitution. The following is a transcript of those standards set by the Court:

"As a result, we now confine the permissible scope of such regulation to works which depict or describe sexual conduct. That conduct must be specifically defined by state law, as written or authoritatively construed. A state offense must also be limited to works which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way, and which, taken as a whole, do not have serious literary, artistic, political or scientific value.

"The basic guidelines for the trier of fact must be: (a) whether 'the average person, applying contemporary community standards' would find that the work, taken as a whole appeals to the prurient interests; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. We do not adopt as a constitutional standard the 'utterly without redeeming social value' test of Memoirs v. Massachusetts. If a state law that regulates obscene material is thus limited, as written or construed, the First Amendment values applicable to the states through the Fourteenth Amendment are adequately protected by the ultimate power of appellate courts to conduct an independent review of constitutional claims when necessary."

The three pronged Miller test deserves several observations:

I. Whether the average person, applying contemporary community standards would find that the work, taken as a whole appeals to the prurient interest.

First one should observe that obscenity is to be determined by the average person. This appears to be in accordance with Court findings that "expert" witnesses are unnecessary in the determination of obscene works. The Court relies on the judgment of jurors as to what the "average person" (however vague) would find appeals to the prurient interest. This test also demands of the jurors the application of "contemporary community standards".

Miller clearly states that the term "community" is not to be construed as national standards.

"To require a state to structure obscenity proceedings around evidence of a 'national community standard would be an exercise in futility."

The community was then further refined to include localities under Hamling v. United States; 94 S.Ct. 2901:

"Miller" rejected the view that the First and Fourteenth Amendments require that the proscription of obscenity be describing such standards as 'hypothetical and unascertainable. '...But in so doing the Court did not require as a constitutional matter the substitution of such smaller geographical area into the same sort of formula; the test was stated in terms of the understanding of 'the average person, applying contemporary community standards.' ... When this approach is coupled with the reaffirmation in Paris Adult Theatre I v. Slaton, ...of the rule that the prosecution need not as a matter of constitutional law produce 'expert' witnesses to testify as to the obscenity of the materials, the import of the quoted language from Miller becomes clear. A juror is entitled to draw on his own knowledge of the views of the average person in the community or vicinage from which he comes for making the required determination, just as he is entitled to draw on his knowledge of the propensities of a reasonable person in other areas of the law.

Here the Court appears to make allowances for different standards within the State.

It should be kept in mind, however, that materials which may be susceptible to regulation under this, and the following Miller test are protected under the First Amendment if the Court finds those materials to have "serious literary, artistic, political, or scientific value."

II. Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law.

The Court proceeded to give examples of what may be regulated by the states:

"(a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated.

(b) Patently offensive representation or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals."

The Court narrowed state offenses to "hard-core" sexual conduct:

"Under the holding announced today, no one will be subject to prosecution for the sale or exposure of obscene materials unless these materials depict or describe patently offensive 'hard-core' sexual conduct specifically defined by the regulating state law, as written or construed."

The glaring feature in this test is the absence of any reference to the material as a whole. Consequently one could assume that any material with a passage or depiction of something patently offensive, no matter how minor that part is to the entire work, is susceptible under this test.

III. Whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

The Court now returns to an evaluation of the totality, and not parts of the work. This is the only test which is not subject to community standards and is obviously a means by which appellate Courts may intervene in the case of materials otherwise

found "appealing to the prurient interest" and "patently offensive".

This should not automatically cause one to assume leniency on the part of the Court or jury as to what has "serious value". The change the Court made in rejecting "utterly without redeeming social value" and replacing it with "lacks serious literary, artistic, political and scientific value" was significant. The former requires the state to prove a negative--that the material in question is totally void of any social significance, no matter how obscure. The latter allows the state to merely prove a deficiency in the "nature" of the work--although it may have value, if the value is not of a "serious" nature, then that material is subject to state law.

Now one must understand that according to Miller, all state offenses are to be limited to materials which can pass the preceding tests. This was the point raised by District Judge Jack Roberts concerning Texas' recently enacted child pornography law. In a Memorandum and Opinion Order declaring this law overboard and unconstitutional the Judge made these comments on Section 43.25 of the Texas Penal Code:

"The State fails to include in Section 43.25 the most basic requirement--that to constitute an offense the photograph or motion picture must be obscene."

In Congress, the Senate Committee on the Judiciary, when considering the Protection of Children Against Sexual Exploitation Act of 1977, voiced a similar concern in its committee report.

"The committee recognizes that the sale and distribution of such material (child pornography) cannot be approached in the same manner as its production. Attempts to prohibit the sale and distribution of such material necessarily involve an evaluation of the content of the materials in question. Consequently, the Supreme Court in Miller v. United States has held that in determining whether material is obscene and loses its first amendment protection, the material must be judged in its entirety. Therefore, the Committee is of the view that an attempt to make illegal the sale and distribution of material regardless of whether such material taken as a whole is obscene, would run counter to present Federal constitutional law as enunciated by the Supreme Court in Miller.

However, there are some of the opinion, especially in light of the Ginsberg decision, that special provisions may be considered when minors are involved.

It has long been recognized that the state has a valid special interest in the well-being of its children. Prince v. Com. of Massachusetts, 321 U.S. 158 (1944). A state may regulate the materials that juveniles view and read even if they could not be proscribed for adults.

In Ginsberg v. New York, 390 U.S. 629 (1968), the U.S. Supreme Court upheld a New York criminal statute that made it unlawful to knowingly sell harmful material to a minor. The defendant in Ginsberg contended that the state statute violated the First Amendment. In response, the Court stated that the statute applied only to sexually oriented material that was found obscene under a constitutionally acceptable definition of obscenity. There was no First Amendment violation since, as the Court had noted in prior decisions involving "general" (adult) obscenity statutes, obscene

material is not protected speech under the First Amendment. The Ginsberg opinion also noted that the state had ample justification to sustain its regulation of an activity that was not protected by the First Amendment. The Court noted two state interests that justify the New York limitations on the commercial dissemination of obscene material to minors. First, the legislature could properly conclude that those primarily responsible for children's well-being are entitled to the support of laws designed to aid discharge of that responsibility. Second, the State has an independent interest in protecting the welfare of children and safeguarding them from abuse.

Admittedly, Ginsberg, which deals with the sale of pornographic material to children, is not directly applicable to child pornography where the obscene matter depicting children is being sold to adults rather than children. However, based on this Supreme Court ruling, Judge Roberts said the following concerning the Texas child pornography statute:

"If the statute (Section 43.25 Penal Code) were limited to prohibiting the depiction of minors actually engaging in sexual conduct, or even if the statute merely prohibited the observance of actual sexual conduct to minors, the Court would likely have no hesitation in declaring its constitutionality. See Ginsberg v. New York, 390 U.S. 629 (1968)."

In Ginsberg, Justice Brennan included the following:

"Different factors come into play, also, where the interest at stake is the effect of erotic expression upon children. The world of children is not strictly part of the adult realm of free expression. The factor of immaturity, and perhaps other considerations, impose different rules. With-

out attempting here to formulate the principles relevant to freedom of expression for children, it suffices to say that regulations of communication addressed to them need not conform to the requirements of the first amendment in the same way as those applicable to adults."

The limits of the states' authority to protect its children were not clearly enunciated in Ginsberg. This presents the lawmaker with a special problem--to prohibit materials made at the obvious expense of a child's well being while maintaining adherence to Miller guidelines. Fortunately, the majority of child pornography in circulation is of such repugnant nature that it would certainly be deemed "obscene" by most juries. However, Lollitots, a child nudist magazine which preached adolescent sex and contained pictures of children engaged in sexual conduct, was only successfully prosecuted in 1977 in California.

## TEXAS OBSCENITY LAWS

Repeated testimony informed the committee of the need to revise the Texas Obscenity statutes to conform to Miller standards. Research done by the National Obscenity Law Center indicates that approximately 20 states have adopted obscenity definitions in accordance with the Miller guidelines. There are, however, many other facets involved in producing a strong, effective obscenity law.

Almost half (23) of the states possess laws which provide for civil injunctions against commercial establishments which house obscene materials or performances. Most of these laws allow a judge to issue a restraining order only after determining that sufficient notice had been given to the person(s) restrained or remedy is not given. There are usually further provisions for prompt hearings and judgments on the part of the court. Texas does not have such laws concerning commercial obscenity. Another 8 states allow for the seizure and destruction of obscene matter when confiscated. To provide for the destruction of obscene materials the majority of states use laws similar to those concerning the confiscation of gambling equipment and drugs. There are no specific provisions for the seizure and destruction of obscene material in Texas. In fact, some Houston police officers believe that Roy Ames, convicted child pornographer, will have, when released from prison, a legitimate claim to the two tons of kiddie porn found in his possession.

Some cities have attempted to utilize civil sanctions in the form of nuisance laws to shut down porn establishments. The following is an excerpt from the Annual Report of the Texas Organized Crime Prevention Council:

"The Dallas and Harris Counties District Attorney's Offices, as well as others, have begun petitioning for permanent nuisance injunctions against establishments with a history of obscenity convictions. Though sometimes questioned as to their constitutionality, these injunctions have recently been sanctioned by the Fifth Circuit Court of Appeals. Undoubtedly, this type of civil injunction will be used to a greater extent by other district attorneys throughout the State in the future."

Some witnesses have testified in favor of a state-wide nuisance law which would include criminal sanctions--something that cities and counties cannot do.

These factors, however, are secondary in comparison with the importance of the general obscenity statute itself--its definitions and provisions. Father Morton Hill, coauthor of the Hill-Link Report and former member of the Presidential Commission on obscenity and Pornography, noted this in his testimony before the committee:

"I respectfully submit that you must begin with a good, effective general obscenity statute. In actual fact, a good general statute would cover child pornography, but it is understandable that, to be on the safe side, a legislature in its wisdom would opt to legislate specifically against child pornography...laws on child pornography inevitably make use of the word obscene, and when the word is used it refers back to the general obscenity statute."

Texas' general obscenity fails quite short in complying with the standards set out by Miller. Father Hill went so far as to call the current law unworkable.

Texas law strays from Miller at the outset in its definitions of obscenity. In Section 43.21 Texas law defines "obscene" with these words: "obscene means having as a whole a dominant theme that...". The phrase "dominant theme" is not a part of the Miller test. Miller simply states "Works, which taken as a whole".

Following this, Texas law again deviates from The Court's standards in the statute's wording of the first Miller test. The Penal Code reads: "(a) appeals to the prurient interest of the average person applying contemporary community standards". The subtle deviation from Miller makes all the difference in trial because the defense bar is able to use to great advantage this concept of saying to the jury, "Ladies and gentlemen, you are all average adult persons and yet you have developed no morbid interest in this material. You have not been aroused by this material. Therefore, obviously the test is not met, because if you are average and this material does not appeal to you, doesn't excite with you an active prurient interest on a conscious level, then it doesn't meet the test". This is an extremely successful argument because if the juror doesn't buy it, he generally is confused by it.

However, Miller reads: "Whether the average person, applying contemporary community standards would find that the work taken as a whole, appeals to the prurient interest." In other words, it is not a matter of appealing to the prurient interest of the average person but rather the average person is to be the judge of what appeals to the prurient interest.

Father Hill outlined several other weaknesses in the Texas Obscenity Law which would allow for a greater freedom in the trafficking of pornography.

"In subdivision (6) of Subsection 43.21--the definition of sexual conduct is incomplete. It does not pick up the word 'simulated' which Miller uses (i.e., patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated), nor does it pick up Miller's 'lewd exhibition of the genitals'.

"Perhaps the most serious defect of the Texas law is that it prohibits only 'commercial distribution' of obscenity. This makes any other sort of distribution legal. Nothing in Miller requires this. In fact, state laws that do not restrict themselves to 'commercial distribution' have been upheld. One of the most recent is Ward v. Illinois (97 S.ct. 2085, June 9, 1977), which says 'Sell, delivers or provides ...'. If you prohibit only commercial distribution, a person could stand on a street corner and distribute obscene material. Or, a ring of deviates could film children in obscene performances and freely distribute the films among themselves.

"Subsection 43.23, subdivision (b) holds that it is an affirmative defense to prosecution that the 'obscene material was possessed by a person having scientific, educational, governmental, or other similar justification.' The phrase 'or other similar justification' may be attacked as vague. This section sets the age of a minor at 'under the age of 17 years', so it legalizes the hiring of 17 year old boys or girls to act in obscene performances.

"Subsection 43.24 dealing with the distribution to minors retains the obsolete phrase 'utterly without redeeming social value'. This phrase was rejected in Miller.

"Subsection 43.25 seems to be your present child pornography law, and again limits the distribution of this heinous material to 'commercial' distribution. In addition, in this subsection the affirmative defense again includes persons having 'other similar justifications'."

The preceding facts overwhelmingly indicate that some action is needed in order for Texas law to comply with constitutional

guidelines on obscenity. Two avenues of legislative action are evident: (1) to individually amend those specific parts of the Penal Code's obscenity provisions which are found deficient; and (2) to rewrite, in its entirety, Texas' general obscenity statutes using strict Miller language.

The committee staff feels that a comprehensive revision would better serve Texas' interests than an attempt at piecemeal conforming legislation. It is important, especially in the area of obscenity, for state law to be consistent and uniform. Complete revision would help insure this consistency.

II

STATE CHILD PORNOGRAPHY LEGISLATION

## STATE CHILD PORNOGRAPHY LEGISLATION

At the time of the Congressional hearings, twenty states had already passed laws against child pornography. The states' performance in the area of minors and obscenity is relatively good. All fifty states have provisions for some form of protection of minors from pornography. According to an outline of a current study by the National Obscenity Law Center, forty-three states have laws against providing "harmful materials to minors". Also, twenty-two states regulate the admission of minors to pornographic book stores, sex shows, etc. At least twenty states prohibit the use of minors in either the production, dissemination, and/or advertising of obscenity.

Yet the problem of child pornography is of a specific nature. The public outrage is not only that children are used as actors, but also that this act of abuse is preserved in a photo and may be spread among a number of other pediphiles. Because of this, many believe that an effective child pornography law must include prohibitions against both production and dissemination. Realizing the previously mentioned problems of regulating the dissemination of child pornography without providing that the material is obscene, any action providing otherwise appears inadvisable--especially if it is in the intent of the committee to pass a law without doubts as to its constitutionality.

However, of the thirty-one states that have passed child pornography laws and the twenty-two states that have provisions concerning its dissemination, only eight specify that the "child pornography" disseminated be declared obscene. This means that fourteen states prohibit the distribution of material which contains children engaged in sexual conduct, without providing that the material must be obscene. The basis for these states' actions could best be summarized as follows: (1) The Ginsberg decision established that standards for obscenity are not uniform in all respects, as applied to all individuals or places, particularly where children are involved; (2) If confined to materials involving actual sexual conduct, the state may prohibit dissemination in accordance with the states' right to protect children; and (3) It can be argued that production and dissemination constitute the same offense--the sexual exploitation of a child--where the material propagates the further production, and the further abuse, of children.

It is generally recognized, however, that the vast majority of child pornography found in the United States and Texas, would easily be found obscene by most juries. In fact, Lollitots, a child nudist magazine, was successfully prosecuted in California; a state where child pornography must first be declared obscene before being banned.

The Appendix contains copies of the child pornography laws of the twenty-two states containing provisions on dissemination and commercial distribution. Also there is a brief synopsis of each with comments. The Appendix also contains copies of statutes of those remaining states which have passed some sort of child pornography legislation.

In correspondence with those states without specific child pornography laws, the state's Attorneys General cited that either (1) Child pornography was not a problem in their state; or (2) Existing law was adequate in dealing with the problem. The following are typical comments:

"At this time Arkansas does not have any special laws dealing with child pornography and in light of federal action on this subject, we do not anticipate any need for such laws at the state level at this time. We believe our present obscenity laws, together with the sexual offenses portion of the Arkansas Criminal Code, will adequately cover any local situation which might arise."

JOHN M. FINCHER  
Assistant Attorney General  
State of Arkansas

"As far as I am aware, we do not have a significant problem either with the importation or manufacture of obscene material involving children in Utah. Because of a vigorous initial response by prosecutors and police, and very limited market acceptance, ...porno outlets...find themselves walking a tight-rope which does not include displaying or disseminating child pornography."

THEODORE L. CANNON  
Assistant Attorney General  
State of Utah

These comments should not, however dissuade the committee from recommending provisions on child pornography. There is a great difference between the mere pandering of obscenity and the heinous crime of exploiting children in obscene acts. The main thrust of child pornography legislation is not aimed at the impulsive rapist--there are current provisions for sex crimes--but at those who knowingly and intentionally exploit young children by inducing them to perform sexual acts, which are preserved by film and later commercially distributed.

III

FEDERAL LAWS CONCERNING  
OBSCENITY AND PORNOGRAPHY

## FEDERAL LAWS CONCERNING OBSCENITY AND PORNOGRAPHY

There are presently five federal laws which prohibit distribution of obscene materials in the United States. One prohibits any mailing of such material (18 U.S.C. Sec. 1461); another prohibits the importation of obscene materials into the United States (19 U.S.C. Sec 1305); another prohibits the broadcast of obscenity (18 U.S.C. Sec 1464); and two laws prohibit the interstate transportation of obscene materials or the use of common carriers to transport such materials (18 U.S.C. Sec. 1462 & 1465). In addition, the 1968 federal Anti-Pandering Act (39 U.S.C. Sec 3008) authorizes postal patrons to request no further mailing of unsolicited advertisements from mailers who have previously sent them advertisements which they deem sexually offensive in their sole judgment, and it further prohibits mailers from ignoring such requests. There is no present federal statute specifically regulating the distribution of sexual materials to children.

Five federal agencies are responsible for the enforcement of the foregoing statutes. The Post Office Department, the Customs Bureau, the Federal Communications Commission investigates violations within their jurisdictions. The F.B.I. investigates violations of the statutes dealing with transportation and common carriers. The Department of Justice is responsible for prosecution or other judicial enforcement.

IV

CONGRESSIONAL ACTION  
AGAINST CHILD PORNOGRAPHY

## FORWARD

The existence of child pornography was brought to national attention in 1977, after the exposure of several child pornography and child prostitution rings in Chicago by the Chicago Tribune. Congress subsequently began hearings and investigations of nationwide child pornography markets. Various news accounts, particularly a documentary run by the "60 Minutes" program, subsequently raised national awareness of the child pornography/prostitution problem.

The following is a detailed narrative, taken from committee reports, describing the subsequent actions taken by both Houses of Congress

## CONGRESSIONAL ACTION AGAINST CHILD PORNOGRAPHY

### HOUSE

At the beginning of the 95th Congress, a series of bills, with more than a hundred co-sponsors, was introduced that addressed the problem of sexual abuse of children. Primary sponsors of these bills, each of which carried the title of "Child Abuse Prevention Act", were Congressman Dale Kildee (D-Michigan) and John Murphy (D-New York). With one exception, the bills contained identical substantive provisions providing criminal penalties for sexual abuse of children as defined in the bills. However, some of the bills placed these provisions as amendments to the Child Abuse Prevention and Treatment Act located in Title 42, U.S.C.; these were referred to the Education and Labor Committee. H.R. 3913, 3914, 5326, 5474, 5499, 6351, 6734, 6747, 7254, 7468, 7522, 7843 and 7895 were identical and amended Title 18 to prohibit the sexual exploitation of children and the transportation in interstate and foreign commerce of photographs or films depicting such exploitation. All of these bills were referred to the Judiciary Committee. H.R. 4571, the bill that amended Title 42 and was identical in every other aspect to those above (except H.R. 5522, which dealt with traveling shows of children) was referred to the Education and Labor Committee.

Congressman Conyers on June 28, 1977, introduced H.R. 8059 to amend Chapter 117 (commonly called the Mann Act) of Title 18, United States Code, for sexual purposes. That bill was referred solely to the Subcommittee on Crime.

The Subcommittee on Crime held a series of hearings on H.R. 3913 and H.R. 8059 beginning on May 23, 1977, when the Subcommittee members heard from Professor Frank Osanka of Lewis College, who is one of the Country's leading authorities on the problem of sexual abuse of children. Dr. Judianne Denson-Gerber, a crusader on the issue, appeared also. Finally, Charles Rembar, who is an attorney with extensive knowledge of first amendment problems relating to obscenity gave testimony.

On Wednesday, May 24, 1977, Investigator Lloyd Martin from California, who heads up one of the most active sexual abuse squads in a local police force, appeared to discuss enforcement problems on the local level to give detailed testimony concerning the type of children involved and how they are drawn into activity. Mr. Robert Leonard, a member of the National District Attorneys Association from Flint, Michigan, came to Congress to detail the strides the nation's prosecutors have taken to address the problem. Finally, from the American Civil Liberties Union, Ms. Heather Florence, who is a member of the Communications Media Committee, which studies current issues with impact on First Amendment rights, evaluated the bills before the Sub-

committee, and expressed ACLU opposition to certain provisions of H.R. 3913.

On June 10, 1977, the members of the Subcommittee and those of the Select Education Subcommittee sat together for an important hearing on the bills H.R. 3913 and 4571. The majority of witnesses who appeared were from government agencies that have jurisdiction over, and the responsibility for the enforcement of federal obscenity statutes. Each subcommittee wanted to hear the statements of representatives of the Department of Justice, the United States Postal Service and the United States Customs Service to make a determination as to the need for and enforceability of the bills before them. Mr. John C. Keeney, Deputy Assistant Attorney General of the Criminal Division, U.S. Department of Justice, gave cogent and informative testimony.

The final hearing occurred on September 20, 1977, at which time was heard a representative of the National Conference of State Legislatures, Kenneth Maddy. The organization was commissioned to survey the individual states and ascertain the content of their laws in order to help us determine how the states under present law are coping with the problem, and in what areas they would turn to the Federal Government for assistance. Invited was Larry Parrish, a former U.S. Attorney from Memphis, Tennessee, to tell of his experience in prosecuting under present Federal obscenity law, and Delaware State Attorney General Richard Wier, who informed the committee how his state came to enact a new

obscenity law encompassing child pornography. A county prosecutor, Robert Gemignani, described the operation of a local prosecutor's office in obscenity cases.

On September 27, 1977, the Subcommittee members met to markup H.R. 8059, Mr. Conyers' bill which would have amended 18 U.S.C. 2423 to apply to minors transported across state lines for sexual purposes. The Subcommittee reported the bill to Committee by a 4 to 0 vote. The Committee met on September 29, 1977, to markup H.R. 8059, as reported from Subcommittee with amendments and favorably reported H.R. 8059, with amendments, unanimously by voice vote.

On October 25, 1977, the House considered H.R. 8059 under suspension of the rules and it was passed by a vote of 420-0. The House then considered and read the Senate Bill, S. 1584 and struck out everything after the enacting clause and inserted in lieu thereof the provisions of H.R. 8059 as passed. Later the same day, Congressman Ashbrook offered preferential motion to instruct the conferees to accept a provision in the Senate version known as the "Roth Amendment". That language prohibited the transportation, sale or distribution for sale of material depicting the sexual exploitation of a minor. The language was similar to language in the bill H.R. 6693, inserted by Congressman Kildee, which was accepted by the House September 27, 1977, in the Child Abuse Prevention and Treatment Act reported out of the Education Labor Committee. H.R.

6693 later went to conference with its companion bill in the Senate and the particular language reference was dropped from the Conference report. Mr. Ashbrook's motion carried by a vote of 358-54.

#### SENATE

In the first months of the 95th Congress four bills dealing with sexual exploitation of children were introduced in the Senate. Three of the bills--S. 1011, S. 1499, S. 1585--were referred to the Committee on the Judiciary. One bill--S. 1040 was referred to the Committee on Human Resources.

On May 6, 1977, the Committee on Human Resources passed a resolution condemning child pornography and urging the Committee on the Judiciary to hold hearings for the purpose of considering legislation designed to eliminate the exploitation of children in pornographic materials.

On May 27, 1977, the authorization of the Chairman of the Committee, the Subcommittee to Investigate Juvenile Delinquency held its first hearing into the sexual exploitation of children in Chicago, Illinois. The hearing was chaired by Senator Culver and attended by Senators Mathias, Wallop and Percy.

The Subcommittee heard testimony from nine witnesses, most of whom had either been directly involved in the business or else had conducted investigations of it. The witnesses included two convicted child pornographers, Guy Strait and

Gerald Richards; a 17 year old boy (whose name was not disclosed) who had worked the streets for two years as a prostitute and who had acted in several pornographic films; a police sergeant, Ronald Kelly, who had conducted one of the few successful arrests of persons engaged in the production of pornographic movies involving children; and an under cover investigator, Jack Lehmen, who had infiltrated an interstate boy prostitution ring. The Subcommittee also heard from local officials, Chicago Acting Mayor Michael Bilandic and Cook County States Attorney Bernard Carey who explained some of the law enforcement and prosecution problems dealing with sexual exploitation of children. Finally, the Subcommittee heard from two reporters for the Chicago Tribune, George Bliss and Michael Sneed, whose in-depth investigation of child pornography and prostitution have done so much to bring the problem to the attention of the Congress and the nation.

On June 13, 1977, S. 1011, S. 1499 and S. 1585 were jointly referred to the Subcommittee to Investigate Juvenile Delinquency and the Subcommittee on Criminal Laws and Procedures. On June 16, 1977, there was a joint hearing of the two Subcommittees in Washington, chaired by Senator Culver and attended by Senators Mathias and Wallop. The Subcommittee heard from Senator Roth, the chief sponsor of S. 1011, from Deputy Attorney General Peter Flaherty, who presented the position of the Department of Justice and from two constitutional experts,

Professor Paul Bender of the University of Pennsylvania Law School and Assistant Professor Martin Guggenheim of the New York University Law School and who is associated with the ACLU's Juvenile Rights Project.

On June 28, 1977, the Subcommittee to Investigate Juvenile Delinquency reported out by poll S. 1585 with a committee amendment. The Chairman of the Subcommittee on Criminal Laws and Procedures, Senator McClellan, subsequently indicated that his Subcommittee did not plan to consider the legislation and would not object to consideration of the Juvenile Delinquency Subcommittee's report by the full Judiciary Committee.

On September 14, 1977, the Committee on the Judiciary considered S. 1585 and unanimously agreed to report S 1585 with an amendment in the nature of a substitute with a recommendation that the bill as amended do pass.

#### CONFERENCE

The Senate, disagreeing to the House amendment, a conference was held on November 21, 1977. Conferees from the House included Subcommittee members and the Chairman of the Judiciary Committee, Congressman Peter Rodino, along with Congressman Dale Kildee of the Education and Labor Committee. Conferees from the Senate included Senators Culver and Mathias from the Judiciary Committee. The major points of difference between the House and Senate versions were resolved as follows: (1) The Senate version contained a section on the prohibition of transportation

sale or distribution for sale of material depicting sexual exploitation of minors. The House bill did not. The House agreed to accept the Senate language but to insert the word "obscene" requiring that the Supreme Court obscenity standard be used to determine whether the material should be banned.

(2) The Senate bill contained an amendment offered by Senator Bayh to prohibit certain activities relating to "live performances" and the House amendment contained no comparable provision. The Senate agreed to omit the language recognizing that the activity sought to be prohibited would come entirely under the new Mann Act section. (3) The Senate and House versions differed in their penalty provisions. The penalties for engaging in this activity became \$10,000 and/or 10 years in jail except in Sections 2251 and 2252 of the bill where mandatory minimum sentences appear. (4) The Senate bill amended existing Federal obscenity law to increase the penalties of each violation that involved the sexual exploitation of minors and the House amendment did not. There was no need to keep the Senate provision after an obscenity standard was written into Section 2252 of the law.

Having achieved a compromise, the Senate receded from its disagreement to the amendment of the House and the Conferees unanimously approved the Conference Report reported November 2, 1977, entitled the Protection of Children Against Sexual Exploitation Act of 1977.

As reported by the conference committee, S. 1585 would make three related changes in Title 18 of the United States Code. First it would add a new section 2251 that would make it a Federal Crime to cause any child under the age of 16 years old to engage in sexually explicit conduct for the purpose of producing materials that are to be mailed or transported in inter-state commerce. It also adds a companion section that prohibits the sale or distribution of any obscene materials that depict children engaging in sexually explicit conduct if such materials have been mailed or transported in inter-state commerce. Finally, it amends section 2423 of Title 18 to prohibit the inter-state transportation of both males and females under 18 years of age for the purpose of engaging in prostitution or other sexually explicit conduct for commercial purposes. In reference to the instructions to the conferees, a majority of the House conferees voted to accept the Roth Amendment with the qualifying language that the printed or visual medium be "obscene". The Senate receded and a compromise was struck.

Both Houses of Congress acted carefully to avoid unnecessary infringement on First Amendment rights not wishing to present to the country a law which was in danger of being declared unconstitutional by the Supreme Court. The Supreme Court's standard for obscenity as established in the Miller case requires that (1) The average person applying contem-

porary community standards would find that the work, as a whole, appeals to a prurient interest in sex; (2) The work depicts in a patently offense way sexual conduct; and (3) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Insertion of the work "obscene" eliminates serious questions as to the constitutionality of the Roth Amendment and eliminates the possibility the Justice Department may make a policy decision not to prosecute under the Roth Amendment because it would not withstand constitutional challenge. It allows the Supreme Court, if it subsequently adopts a less stringent standard for obscenity, to automatically read these new standards into the law. It does not make any significant difference in the desired application of the Roth Amendment because the material appears to be, in almost all cases, obscene under the current Miller standard.

The Senate approved the Conference report on November 4, 1977, unanimously.

The House; on January 24, 1978.

Senate bill 1585 was signed into law as Public Law 95-225 on February 6, 1978.

**CONTINUED**

**2 OF 3**

V

LEGISLATIVE RECOMMENDATIONS  
HOUSE SELECT COMMITTEE ON CHILD PORNOGRAPHY

## THE HOUSE SELECT COMMITTEE RECOMMENDATIONS

### COMMERCIAL OBSCENITY

#### RECOMMENDATION

That the Commercial Obscenity Statute be revised to conform to the Miller opinion to include not only commercial sale and distribution of pornography, but also promoting and providing pornographic materials. Further, that the statute include not only sexual conduct, but also nudity appealing to the prurient interest and simulated sex. (See Enclosed Model Statute)

#### RECOMMENDATION

That the Legislature enact laws against those who use children in pornography and that the Legislature act quickly in passage of a child pornographic statute. (See Enclosed Model Statute)

#### RECOMMENDATION

That Chapter 346, Title 11, Section 71.02, Penal Code, be amended to include a sixth item of obscenity.

#### RECOMMENDATION

That the State adopt a display law, prohibiting the open display of sexually explicit material in commercial establishments generally accessible to minors. (See Enclosed Model Statute)

RECOMMENDATION

That further investigations into organized crime's link with pornography and child sexual exploitation be conducted throughout the State under the direction of the Texas Organized Crime Prevention Council.

RECOMMENDATION

That authorities be allowed to seize and submit materials held to be obscene involving juveniles to the Department of Human Resources Investigation Division for analysis, cataloguing and destruction.

RECOMMENDATION

That the President of the United States and the United States Attorney General be asked to adopt a policy of vigorous enforcement of federal anti-obscenity laws and the Mann Act.

RECOMMENDATION

That an investigation be conducted on the federal level to determine those ports of entry not enforcing 19 USC 1305. That appropriate action be taken to close all ports of entry to obscene materials.

#### RECOMMENDATION

That an appeal be made to appropriate government officials to stop the importation of pornography from the Netherlands or any other foreign country.

#### RECOMMENDATION

That owners of adult bookstores, adult movie theaters, modeling studios and massage parlors be required to file affidavits of ownership with the Attorney General's office. These affidavits must contain correct names, current addresses and phone numbers of the corporate officials, partners, sole proprietors or authorized representatives, in order that these persons assume the criminal and civil responsibility for their establishments. Failure to file, falsefication, forgery or improper filing would result in an automatic cease and desist order to be filed, prohibiting any further commercial activity at the establishment.

#### RECOMMENDATION

That the State require persons engaged in various activities related to the sale or distribution of films, photographs, slides or magazines depicting minors engaged in sexual intercourse, masturbation, sodomy, bestiality, oral copulation or nudity (if such nudity is to depicted for the purpose of sexual stimulation or the sexual gratification of any individual who may view

the material), to keep confidential records of the names and addresses of the persons from whom such materials are obtained. Disclosure, except to law enforcement officers, or failure to keep such records would be a third degree felony.

RECOMMENDATION

That the State allow the lessor to void any lease of property if such property is subsequently used for obscene purposes.

RECOMMENDATION

That local authorities be allowed to enjoin the activities of any commercial establishment dealing in obscene material or performances.

RECOMMENDATION

That public education encourage citizens to file Form 2201 prior to receiving unsolicited materials. Further, encourage citizens receiving unsolicited offense materials to refer it to their post office and file a prohibitory order, rather than simply discarding or ignoring the material. The prohibitory order is valuable to the Postal Inspection Service as an investigative tool. It can be the means by which the Service first becomes aware of the activities of a mail order obscenity dealer. The number of prohibitory orders filed against a given dealer can serve as a good indication of the scope or volume of that dealer's mail order business.

THE HOUSE SELECT COMMITTEE RECOMMENDATIONS

SEXUAL ABUSE

RECOMMENDATION

That the Penal Code, Section 19.03, Capital Murder, Item (2) be amended to read:

- (2) The person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated rape, arson, or aggravated sexual abuse.

RECOMMENDATION

That Chapter 21.01 of the Penal Code definition of "Sexual Contact" be changed to read:

- (2) "Sexual Contact" means any touching of the anus or any part of the genitals of another person or the breast of any person with the intent to arouse or gratify the sexual desire of any person.

RECOMMENDATION

That an additional section be added to Title 7, Chapter 25, Texas Penal Code to create a new offense of Aggravated Incest that would be a felony of the first degree.

RECOMMENDATION

That Section 25.02, Texas Penal Code be amended to make provisions for the second incest offense whether the second offense be committed against the same child or another child with a penalty of second degree felony.

RECOMMENDATION

That repeat offenders of sexual crimes involving children receive a mandatory sentence of not less than five years imprisonment with no probation and no parole.

RECOMMENDATION

That a bill be passed to amend the accomplice law (Section 54.03, Family Code and Section 71.02, Penal Code) to exclude children testifying in sexual abuse cases.

RECOMMENDATION

That the penalty for sale or purchase of a child be raised to a third degree felony for a first offense, and a second degree felony for the second offense.

RECOMMENDATION

That a bill be passed making it a Class A misdemeanor for any person not a member of a child's family to harbor a runaway child

from police, parent or guardian, except to protect the child from immediate danger to his health and physical safety.

RECOMMENDATION

That a bill be passed requiring doctors and hospitals to report sexual abuse with a penalty of a third degree felony for failure to report.

RECOMMENDATION

That the Criminal Justice Institute of Sam Houston State University develop for implimentation, a training course for law enforcement officers and prosecutors on the unique problems of juvenile sexual abuse, problems of interrogation, investigation, arrest and prosecution. Upon approval of such training course, at least one officer from each municipality, town or city per population of 40,000, be certified by this training course.

RECOMMENDATION

That a Task Force be formed to investigate intra-state transportation of juveniles for sexual abuse for pleasure or profit, as well as sexual abuse in institutions, camps, clubs, etc., and its relationship to organized crime.

RECOMMENDATION

That Article 18.02 (Search Warrants), Texas Penal Code, be amended to include a juvenile.

RECOMMENDATION

That statutory provisions be provided for emergency removal of a juvenile by a certified peace officer or a Department of Human Resources investigator where probable cause exists.

RECOMMENDATION

That Section 51.15 Sub Section (b) of the Family Code be amended to provide that photographs of juveniles may be taken without court permission and filed by the law enforcement agency taking it.

RECOMMENDATION

That in cases of sexual abuse of a juvenile, the child's testimony be given in closed judicial chambers in the presence of only the judge, prosecution and defense attorneys. Further, that this testimony be videotaped to be presented to the jury in closed session. Outside of the judge, jury and respective attorneys for the prosecution and defense, the defendant would be the only other person allowed to view such testimony.

RECOMMENDATION

That the Department of Public Safety be requested to devote a section of the Texas Uniform Crime Report to sex crimes against children.

RECOMMENDATION

That child sexual abuse be reported to both Department of Human Resources and a local law enforcement agency.

RECOMMENDATION

That procedure for background investigation for previous sex offenses be established and that this procedure be required by the employer of all personnel working with children.

RECOMMENDATION

That professional standards for persons providing services to sexually abused children be developed and instituted.

RECOMMENDATION

In that many child sexual abuse cases may be detected at school but not reported, at least one person (preferably a counselor) from each certified Texas school should be required to attend a sexual abuse training course.

RECOMMENDATION

That local communities form Community Task Forces similar to the task force of Dallas County to evaluate present written policies of agencies who handle sexual abuse. That guidelines and policies be coordinated to achieve greater emphasis and cooperation in the handling of sexual abuse, with or without pornographic involvement.

RECOMMENDATION

That a public awareness program be initiated to emphasize the penalties for non-reporting of suspected sexual abuse cases.

### RECOMMENDATION

That an educational program and public awareness campaign for adults and school age children be conducted informing the children, and the general public, of the child's right not to be abused and the many forms of sexual abuse, their legal, physical, and emotional effects of sexual abuse.

### RECOMMENDATION

That serious consideration be given to the creation of Regional Medical Examiners Offices for the State. Counties would supply staffing under the Regional Examiner, to be trained and conduct investigations, under his supervision.

### RECOMMENDATION

That an advisory commission be created for the following purposes:

- (1) Oversee the investigations of juvenile sexual abuse.
- (2) Determine investigative policy and procedures.
- (3) Coordinate agencies.
- (4) Approve and establish treatment program standards.
- (5) Establish professional standards for those providing services to the sexually abused child and offender.
- (6) Certify training programs in investigations, prosecutions and detections.
- (7) Initiate studies into causes, prevention and treatment.
- (8) Initiate public awareness campaigns.
- (9) Establish procedures for background investigation of those providing juvenile supervision.
- (10) Evaluation and accountability of those programs providing services to sexually abused children.

RECOMMENDATION

That Section 34.05 of the Family Code be amended to mandate the Investigation Division of the Department of Human Resources to initiate all investigations of child sexual abuse.

RECOMMENDATION

That the Department of Human Resources be allocated funds or matching funds to increase the size of the Investigation Division to investigate reports of child sexual abuse.

RECOMMENDATION

That the Department of Human Resources be mandated by law to provide treatment services to the sexually abused child.

RECOMMENDATION

That the Department of Human Resources conduct a needs assessment and propose a budget reflecting the anticipated costs of implementing treatment services to the sexually abused child. This study would include an evaluation of where services are needed most and contain a priority schedule for implementation of such services.

RECOMMENDATION

That criteria be established for treatment programs to the sexually abused child and that the Department of Human Resources contract these services through local and regional programs which meet the

criteria. An effective treatment model should include detection, investigation, crisis intervention, therapeutic services, support services, follow-up and evaluation. Also, to determine the efficacy of these services, a program will be required to develop and implement criteria for their evaluation and accountability.

RECOMMENDATION

That the Department of Human Resources provide for contract services, medical examinations and immediate medical treatment for victims of sexual abuse and rape and that records of such examinations be available to local law enforcement agencies and the Department of Human Resources Investigation Division.

RECOMMENDATION

That the State provide temporary facilities for the care of runaways.

RECOMMENDATION

That a study be undertaken to determine the relationship of reported cases of juvenile sexual abuse to unreported cases.

RECOMMENDATION

That a study be undertaken to determine the extent of sexual abuse as a contributory factor to the runaway problem and sexual exploitation of juveniles after leaving home.

RECOMMENDATION

That a study be undertaken to determine if there is a cause-effect relationship between victims of juvenile sexual abuse and the adult perpetrator of sex crimes,

RECOMMENDATION

That a study be undertaken to determine if there is a relationship between the viewing of pornography and acts of violence on women.

RECOMMENDATION

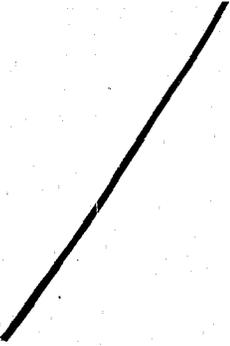
That further study be conducted on the current court procedures in juvenile sexual abuse cases. The study should concentrate on methods to ease the trauma experienced by juvenile witnesses and how these procedures could be improved.

RECOMMENDATION

That further study be conducted to provide methods for uniform reporting of child abuse, juvenile offenses, and runaways by law enforcement agencies and the Department of Human Resources.

RECOMMENDATION

That further study be conducted in the area of sexual abuse; both victim and offender. The Committee also endorses the study of the incarcerated sex offender as described in Senator Chet Brooks' proposed legislation to the 65th Legislature (Senate Bill 782 enclosed) in the hope that a better understanding may be achieved of the causes and control of sexual abuse.



ACKNOWLEDGEMENTS

HOUSE SELECT COMMITTEE ON CHILD PORNOGRAPHY:  
ITS RELATED CAUSES AND CONTROL

ACKNOWLEDGEMENTS

Corpus Christi Police Department  
Chief Bill Banner

Dallas County District Attorney  
Henry Wade

Dallas Police Department  
Chief Don Byrd  
Assistant Chief Bob Pope  
Capt. Bill Newman, Juvenile Division

Hunt County District Attorney  
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Nueces County Attorney  
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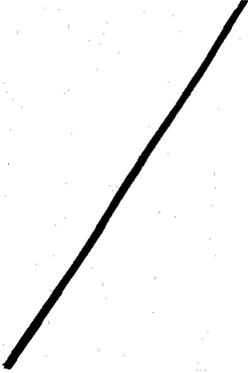
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Sgt. Paul Kuykendall  
Roy Duff  
Ed Daniels  
Cleon Walden  
James Wilson

U. S. Customs  
Harry Kelly, District Director



WITNESSES FOR PUBLIC HEARINGS  
OF  
HOUSE SELECT COMMITTEE ON CHILD PORNOGRAPHY:  
ITS RELATED CAUSES AND CONTROL

WITNESSES FOR THE AUSTIN HEARING ON SEPTEMBER 13, 1977

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FORMER U.S. ATTORNEY OF THE  
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SOUTHERN DISTRICT OF TEXAS  
AUSTIN, TEXAS

WITNESSES FOR THE SAN ANTONIO HEARING ON NOVEMBER 17, 1977

JIMMY R. ALLEN  
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SAN ANTONIO, TEXAS

JAMES E. DESPRES  
POLICE OFFICER  
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PEGGY JONES  
NATIONAL CONGRESS FOR  
ELEMENTARY EDUCATION  
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MAYOR OF SAN ANTONIO  
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DOROTHY ROGERS, PHD.  
SCHOOL PSYCHOLOGIST  
SAN ANTONIO, TEXAS

DAVID E. WISE  
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WITNESSES FOR THE FORT WORTH HEARING ON APRIL 9, 1978

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FR. MORTON HILL, S.J.  
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NEW YORK, NEW YORK

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CITY COUNCILMAN  
FORT WORTH, TEXAS

WOODY WEBB  
CITY COUNCILMAN  
FORT WORTH, TEXAS

MAX FLUSCHE  
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FORT WORTH, TEXAS

ROBERT BROWN  
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LOU EVANS  
SHERIFF'S DEPARTMENT  
FORT WORTH, TEXAS

CHERYL PHILLIPS  
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AL BROWN  
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KAY LOVE  
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MIKE SCHATMAN  
FORT WORTH, TEXAS

ROGER NORMAN  
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JUDGE BOB ASHMOR  
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WITNESSES FOR THE HOUSTON HEARING ON SEPTEMBER 14, 1978

TOM HENDERSON  
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ALBERT THIBODEAUX  
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HOMER JOSEPH COMEAUX  
GOLDEN TRIANGLE CITIZENS  
FOR DECENCY THROUGH LAW  
GROVES, TEXAS

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**END**