Community Standards and the Clinton Scandal

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Kenneth Starr’s report to Congress with details of President Clinton’s sexploitation of Monica Lewinsky “did more in two weeks than I have done in a quarter of a century to make pornography available to a wider audience,” declared porno-king Larry Flynt in the Washington Times, (December 22, 1998). Clinton’s adulterous sexcapades have gone a long way toward making sex a “public” act. Sexual acts once considered “private,” yet, now published abroad over the internet, radio, and television, have been discussed nationally with nary a blush. Hustler publisher Flynt boasts in the Clinton-Lewinsky sex scandal for good reason. But not because sexual perversions and adultery are being publicized as never before, it has provided a windfall at law for pornographers like Flynt.

From our founding, Americans knew a dirty picture when then saw it. The test for obscenity, said President Abraham Lincoln on March 3, 1865, was anything that “tended to stir the sexual impulses or lead to sexually impure lustful thoughts.” This definition was acceptable until the 1957 Alberts and Roth cases. In that fateful year, the ACLU pressed the fraudulent Kinsey sex data into service, citing it before the U.S. Supreme Court as proof that a new classification of obscenity — pornography — is harmless. The high court accepted the ACLU’s Kinseyan-based cases, and established a new test: “whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to purient interest.” In the ensuing legal muddle, pornographers’ fantasies have fallen under the protection of the First Amendment, which was never intended to protect obscenity. Since 1957, courts have sought to measure dirty pictures by concepts in current vogue as opposed to yesterday’s “outmoded,” albeit more honest, standards. This court decision and the legal gains made since by and for pornographers pale in the light of the future possibilities the Clinton/Lewinsky scandal offers the sex industry. Clinton champion Flynt chortles knowing what will largely go unnoticed by the public — that Clinton’s dishonorable conduct has sacked the nation’s collective “community standards of decency.” The average person’s ability to be shocked and outraged has been irrevocably lowered by Clinton’s reckless and immoral behavior and its public dissemination.
Flynt realizes that this situation brings us perilously close to striking down the few remaining sexual taboos left in the law and in the national consciousness. He understands that, as the legal bar lowers, the more expansive are his new market opportunities to peddle the perverse images once rejected as illegal, indecent and destructive.

The thriving obscenity industry in America also owes the Clinton administration for its vigorous defense of the pornographer’s interpretation of the First Amendment, which would strike down all obscenity laws. The Clinton administration, much more than standing down on enforcing the present obscenity laws, has sought to open new frontiers for legalizing perversions. An illustration of this is the revolutionary 1994 Knox child pornography case.

Knox, a prior offender of pornography laws, had videotapes of little girls “between the ages of ten and seventeen” who were clothed in form-fitting attire. According to the U.S. Court of Appeals, “The photographer would zoom in on the children’s pubic and genital area.” The video advertisement read, “it is almost like seeing them naked (some say better).” Attorney General Janet Reno, America’s champion charged with defending the law protecting children, vigorously took the side of the child pornography user Knox! Attorney Ronald D. Ray and I submitted an amicus brief in support of the children in the Knox case. Thankfully, the Philadelphia Court of Appeals sided with Reisman and Ray against the pornography industry and the Attorney General. The Clinton Justice Department has rejected prosecuting obscenity violations at the rate of 68 percent in 1993, 95 percent in 1994, 100 percent in 1995 and 70 percent percent in 1996. The Acting Deputy of the Child Exploitation and Obscenity Enforcement Section called the decision to disregard obscenity prosecutions a boon for the sex industry.

Yes, Bill Clinton is the pornographer’s political and philosophically ally, which is why Flynt picked up the cudgel and began exacting retribution from the “radical right wing” for impeaching the sexual predator in the White House. Flynt is disclosing the sexual peccadilloes of Bob Livingston, Bob Barr, and other high-ranking elected officials, further advancing Clinton’s deflection of perjury and obstruction charges by reducing the issue to “simply” sex. Former Clinton aide Dick Morris said, “I would bet my bottom dollar” that the White House is connected to Flynt’s “scorched earth” revelations, which have targeted — with one exception — only Republicans. Mr. Flynt provides great cover as the Clinton team aggressively pursues the
“politics of personal destruction,” while the president, as the finger-wagging paternal voice of reason, publicly warns against “spiraling down into a place where personal destruction rules the day.”

In the meantime, establishment pollsters claim that Americans are yawning over Clinton’s sex scandal — a hopeful sign to Flynt and his partners in perversity that this sexually coarsened society is abandoning the protections of a moral standard based on chastity and marital faithfulness. A society that trades in the “community standard” based on love, honor, and duty and instead embraces the Kinseyan and pornographer’s standard of “anything goes,” makes, not love, but power the ultimate aphrodisiac. Inextricably this new social disorder moves society toward the sexual objectification of its most powerless. The American sex industry, ever anxious to expand to the lucrative markets of exploiting the powerless for the love of money, can now begin to reasonably consider the legalization of “the last taboo”: the sexual objectification of little children. The nation’s “contemporary community standard” in current vogue per the Clinton scandal will soon bring a new urgency to the question: “Parents, do you know where your children are?”