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Military's porn ban questioned

By Peter Eisler, USA TODAY

WASHINGTON — Ten years after Congress banned sales of sexually explicit material on military bases, the Pentagon is under fire for continuing to sell adult fare, such as *Penthouse* and *Playmates In Bed*, that it doesn't consider explicit enough to pull from its stores.

Dozens of religious and anti-pornography groups have complained to Congress and Defense Secretary Robert Gates that a Pentagon board set up to review magazines and films is allowing sales of material that Congress intended to ban.

"They're saying 'we're not selling stuff that's sexually explicit' ... and we say it's pornography," says Donald Wildmon, head of the American Family Association, a Christian anti-pornography group. A letter-writing campaign launched Friday by opponents of the policy aims to convince Congress to "get the Pentagon to obey the law," he adds.

ON DEADLINE: Dept. of Defense responds

In an Aug. 15 letter to the groups, Leslye Arsht, a deputy undersecretary of Defense, said the Pentagon's Resale Activities Board of Review uses appropriate guidelines to review material for sale.

This year, the board reviewed *Penthouse* and several Playboy publications and determined that "based solely on the totality of each magazine's content, they were not sexually explicit," Arsht wrote. However, the board did decide to bar the sale of several videos found by the anti-pornography groups at military stores, including *Girls Night In* and *Wet*.

The Military Honor and Decency Act of 1996 bars stores on military bases from selling "sexually explicit material." It defines that as film or printed matter "the dominant theme of which depicts or describes nudity" or sexual activities "in a lascivious way."

Challenged as a First Amendment violation, the law was upheld by a U.S. appeals court in 2002.

"The (Pentagon's) lawyers ... determined that for a magazine to be found lewd and lascivious, a certain percentage of the content would have to fall under that category," says Steve Sellman, a retired Pentagon official who chaired the resale board in the late 1990s. "We looked to see how much of (a magazine) was articles or advertising that had no sexual content."

About 67% of the 473 "titles" reviewed have been barred, the Pentagon says.

Defense officials "don't want to take porn away from soldiers," says Patrick Trueman, a former federal prosecutor who now works with the Alliance Defense Fund, a Christian legal group. "They say, 'well, 40% of this magazine is sexually explicit pictures, but 60% is writing or advertising, so the totality is not sexually explicit.' That's ridiculous."

Rep. Roscoe Bartlett, R-Md., who sponsored the law, says the military is skirting Congress' intent. He notes the material also could contribute to a hostile environment for female military personnel. "If soldiers want to read that stuff, they can walk down the street and buy it somewhere else," Bartlett says. "I don't want (the military) to help."

Nadine Strossen, a New York Law School professor who heads the American Civil Liberties Union, says the law effectively censors what troops get to read in remote areas or combat zones. "We're asking these people to risk their lives to defend our Constitution's principles ... and they're being denied their own First Amendment rights to choose what

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they read," she said.

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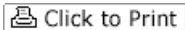

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