blinder racks behind the counter. Other merchants have elected to discontinue the sale of material altogether.

When discussions with retailers prove ineffective, pickets and economic boycotts are an alternative method of citizen action. Pickets and boycotts serve to publicly identify merchants which sell these types of materials. If utilized appropriately, they can be an effective means of communicating public opposition to such material and alerting retailers that every option available will be exercised to discourage their circulation.

It is well established that citizens have a constitutional right to boycott for political purposes. In *Missouri v. National Organization For Women*,[7] the state of Missouri brought an action against the National Organization for Women (N.O.W.) when they organized a campaign for a convention boycott of states which had not ratified the Equal Rights Amendment. The court held that such boycotts were a legitimate means of petition, protected by the First Amendment.[8]

This issue was later addressed by the Supreme Court in *NAACP v. Claiborne Hardware Co.*[9] In this case, a local branch of the NAACP launched a boycott of white merchants in Claiborne County, Mississippi, to secure compliance by both civic and business leaders with a list of demands for racial equality. In 1969, those merchants filed suit against the NAACP for injunctive relief and damages. The Supreme Court upheld the NAACP's actions stating:

In sum, the boycott clearly involved constitutionally protected activity. The established elements of speech, assembly, association and petition, though not identical, are inseparable. (citation omitted). Through exercise of these First Amendment rights, petitioners sought to bring about political, social, and economic change.[10]

While pickets and boycotts are constitutionally permissible, and in some instances socially desirable, citizens exercising these practices should be sensitive to the competing rights of others who adopt an opposing viewpoint. This approach is not only socially responsible but is effective advocacy.

Moreover, the visibility of pickets and lawful boycotts will undoubtedly attract both media and corporate attention. It is important, therefore, that the community action organization carefully articulate their concerns. A rational and logical discussion of these issues is the best method to evoke constructive debate geared toward an acceptable resolution of the pornography problem in the community.

Most importantly, retailers are in business to make money. They realize that their success is a direct product of consumer satisfaction and community patronage. Citizen pickets and boycotts are a sign of community dissatisfaction. Therefore, retailers are unlikely to view organized pickets and lawful economic boycotts lightly.

These types of citizen initiatives can also be effective against cable and satellite television companies who show offensive or sexually explicit programs. Cable operators are not required to offer sexually explicit subscription services.[11] The economic realities of consumer dissatisfaction with such programming may be felt when customers cancel subscriptions or potential subscribers notify the cable company that they are not subscribing to the basic service because sexually explicit programming is offered on the system. Citizen groups should also actively participate in the cable franchising process by informing local officials and cable company representatives what type of cable programming the community is willing to patronize.

Advertisers may also be influential in furthering grassroots initiatives. Advertisers are in the business of promoting positive public relations. If an advertiser believes that sponsoring a program, advertising in a particular magazine, or using provocative advertisements will have a negative impact on sales, it may reconsider this advertising program.

Community action organizations can also utilize numerous outlets for public comment offered by the media. Newspapers and magazines usually have "letters to the editor" columns which invite comment on current or topical issues. Radio and television talk shows may offer audience participation. These outlets offer a means of reaching large segments of the community.

Another important grassroots measure is organized involvement in the legislative process. Citizen action is essential to the enactment of local pornography-related legislation. Citizens should determine if their community has nuisance, zoning and anti-display laws and if said laws would serve the particular needs of the community.[12] Nuisance laws prohibit certain illegal activities from taking place in pornographic establishments and often result in closing down the operation if a violation is found. Zoning laws regulate the way land can be used in the community.

Finally, anti-display laws regulate the method by which pornographic materials can be publicly displayed. Statutes or ordinances may be enacted or restrict the display of sexually explicit materials to minors. In order to conform to constitutional requirements, such laws should apply only to materials that are obscene as to minors[13] and should also contain reasonable time, place, and manner restrictions.[14]

In light of the legislative options available, communities can constitutionally exercise control over the location of pornographic establishments as well as the display of pornographic materials by retailers.

Citizens should contact their legislators, law enforcement officials, community leaders and media representatives to discuss the role such statutes might play in controlling the distribution of pornography in their community. Citizen action groups should educate these individuals and organizations as to how such laws could ease the circulation of pornography in their community. Only by making the control of pornography a community objective, and endorsing legislation toward that end, will the citizen action group realize its goals.

SUGGESTION 11: Citizens can exercise their economic power by patronizing individual businesses and corporations which demonstrate responsible judgment in the types of materials they offer for sale.

Citizens should recognize individual businesses and corporations which exercise sound judgement in the selection of their book, magazine and video tape inventory. Businesses which elect not to produce, or distribute pornography in an effort to uphold or reinforce community standards should be commended. The same logic applies with equal force to radio and television stations which offer pornographic or offensive programming. Citizens can use their economic power by patronizing those businesses and corporations which support a standard of quality in the community. Such patronage and subscription will serve as further evidence to merchants that the local community has set its standard with respect to such material.

SUGGESTION 12: Parents should monitor the music their children listen to and the recording artists and producers should use discretion in the fare they offer to children.

Concern has been expressed over many of the lyrics heard in contemporary rock music. Many popular idols of the young commonly sing about rape, masturbation, incest, drug usage, bondage, violence, homosexuality and intercourse. Given the significant role that music plays in the lives of young people, and considering the fact that even pre-teenagers often listen to such material several hours a day,[15] this issue was considered carefully by the Commission. Two conclusions ensued.

First, it is recommended that parents closely monitor the music heard by their children. An effort should be made by parents to evaluate the lyrics expressed on radio and television, in rock videos and on pornographic records. Considerable concern has also been expressed about the violence and sexual explicitness portrayed on the covers of such albums. Some of the album covers displayed to the Commission appeared to exhibit depictions satisfying the legal standard for obscenity.

Second, in order to facilitate this parental involvement, the Commission endorses the agreement reached in November, 1985, between the Parents Music Resource Center and the Recording Industry Association of America. By the terms of this voluntary arrangement, the recording industry agreed to label albums containing explicit sex, violence, drug or alcohol abuse with the words, "explicit lyrics" or "parental advisory," or else the actual lyrics would be printed on the album jackets.

The Commission strongly recommends that the recording artists and producers use greater discretion in the music they offer to juveniles. As a first step, however, this voluntary agreement will help parents and teachers take a more active role in limiting their children's exposure to this material.

SUGGESTION 13: All institutions which are taxpayer funded should prohibit the production, trafficking, distribution, or display of pornography on their premises or in association with their institution to the extent constitutionally permissible.

Federally funded or assisted institutions should be prohibited from producing, trafficking, distributing, or displaying pornography except for certain well defined legitimate purposes. These institutions include, but are not limited to, hospitals, schools, universities, prisons, government office buildings, military installations and outposts, and mental health facilities. We recognized that in many areas governmental action may, as a matter of constitutional law, be taken only with respect to materials that are legally obscene, and we do not suggest that institutions go beyond their constitutional limitations. In other cases, however, of which schools are the most obvious example, content-based restrictions of the material available in the institutions need not be limited to the legally obscene, and we recognize not only the right but the responsibility of such institutions to control content consistent with the needs of the institution.

SUGGESTION 14: Businesses can actively exercise their responsibility as "corporate citizens" by supporting their community's effort to control pornography.

As "corporate citizens," businesses should be responsive to community sentiment regarding the production and distribution of pornographic materials. Many different types of businesses are involved in the various stages of production and retail distribution including film processors, typesetting and printing services, delivery services, warehouses, commercial realtors, computer services, cable and satellite companies, recording companies, hotels, credit card companies and numerous others. These businesses have a responsibility to exercise due care to insure that they are not contributing to the moral detriment of their community. Businesses can be encouraged to insure that they are not being unknowingly used as an instrument for the spread of obscene or pornographic material which the community has requested not be produced or sold on moral, social or other legitimate grounds.

Corporations are encouraged to conduct site inspections of their inventory to safeguard against the sale of material which offend the community standard. In the case of credit card companies, a review of the types of businesses that their "merchant" members are conducting might be useful. Information and entertainment companies such as cable and satellite systems, computer network services and recording companies should monitor their systems for obscene or other material which offends the community they serve. Broadcasters, advertisers and retailers should diligently protect children and unwilling adults from exposure to sexually explicit communications.

A second role for corporations, as members of local communities, is to actively support citizen action efforts to curb the proliferation of pornography in the community.

Moreover, corporations, as part of their more general social responsibility, are encouraged to establish and participate in pornography "victim" assistance programs.[16] They can do this by contributing to social service agencies who specialize in or deal with sexual abuse.[17] They can also provide direct financial assistance, in the form of scholarships and vocational programs, to "victims" of pornography.[18]

Finally, corporations can sponsor local educational programs on pornography and its effects on the community. These programs could then be provided to schools, businesses, legislators, law enforcement officials, churches, and other interested groups.

Corporations can and do have an impact on community standards and law enforcement practices. It is up to corporations to act as responsible citizens to ensure that their community is not just a location for another retail outlet, but a worthwhile place to live.

IV. Conclusion

Citizen and community involvement in law enforcement and the formulation of legal initiatives is an age-old tradition. Citizens create laws through their elected officials and delegate enforcement of these laws to police, prosecutors and judges.

When the law enforcement mechanism inadequately addresses a particular problem, citizens and communities must explore other avenues. Many times citizens must on their own publicly advocate a community environment which reflects their view of an ideal place to live.

This Commission encourages citizen and community involvement. Examples abound of where citizens have made a difference in the quality of life in their community. "Neighborhood Watch" programs, where citizens protect each others' homes is a prime example of positive citizen efforts. Mothers Against Drunk Driving is another example in which citizen action has made communities across the country a safer place to live. This Commission applauds such efforts and encourages others to improve the quality of life in their community.

References

1. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." U.S. Const. amend. I.
2. See Recommendations for Law Enforcement Agencies in Part Three.
3. Civil laws include nuisance laws and may include zoning.
4. In some jurisdictions a civil action brought on behalf of the community is done through the city attorney's office, in other jurisdictions the civil action is purely private in nature.
5. The term "Adults Only" is meant only to describe the nature of the material presented and not necessarily the age of the patrons.
6. See the discussion in Recommendations for Law Enforcement Agencies about LECCs.
7. 620 F.2d 1301 (8th Cir. 1980).
8. Id. at 1319.
9. 458 U.S. 886 (1982).
10. Id. at 911.
11. See Chapter 2 of Part three for a discussion of the regulation of cable and satellite systems.
12. See Chapter 7 in Part Three and Chapter 6 in this Part for a detailed legal discussion of the use of effectiveness of these laws.
13. See *Ginsberg v. New York*, 390 U.S. 629, 645-47 (1968).
14. See *Young v. American Mini-Theatres*, 427 U.S. 50, 63 (1976).
15. Washington, D.C., Hearing Vol. I, Kandy Stroud, p. 243-44.
16. See Chapters 1 and 2 of this Part for a discussion of victimization.
17. See Chapters 1 and 2 of this Part which discusses the numerous forms of victimization associated with pornography.
18. Id.

I can do all things through Christ who strengthens me.

--Philippians 4:13