



U.S. Department of Justice

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June 9, 2003

Sandy Rios, President
Janet Larue, Chief Counsel
Concerned Women for America
1015 Fifteenth Street, N.W., Suite 1100
Washington, D.C. 20005

Re: Obscenity Complaints to the Eastern District of Missouri

Dear Ms. Rios and Ms. Larue:

I am in receipt of your letter dated April 30, 2003. Your letter inquires about the status of obscenity investigations and prosecutions in this district. Specifically, your letter inquires about the status of investigations of complaints sent to us by Morality in Media (MIM) from its website.

As you are aware, the investigation and prosecution of obscenity and child pornography cases is a priority of this administration and this office. In his June 6, 2002, speech to the Federal Prosecutor's Symposium on Obscenity attended by one of the senior Assistant U.S. Attorneys in this office, Attorney General John Ashcroft stated that "[t]he Department of Justice is unequivocally committed to the task of prosecuting obscenity." In the Eastern District of Missouri, we are equally committed to enforcing obscenity and child pornography laws.

Unfortunately, I cannot respond to your request for information concerning ongoing investigations because various statutes and regulations prevent me from doing so. I am also not able to comment on reasons that particular complaints have not been prosecuted for the same reasons. However, rest assured that I have requested various federal agencies to investigate complaints about obscene material in the Eastern District of Missouri. I believe that these agencies have and will continue to pursue such matters aggressively. However, investigating and prosecuting complaints such as those sent to us by MIM presents many challenges, including:

- 1) Determining and identifying the source and distributors of the obscenity. Frequently, the source and distributors are located outside of the United States and, therefore, are beyond our reach;
- 2) Venue may not lie in this district;
- 3) Jurisdiction may not exist in federal court;

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- 4) There is insufficient information to support an investigation and/or insufficient evidence to support a conviction;
- 5) The information is often not timely;
- 5) The content does not violate federal law under the standard of Miller v. California; and
- 7) The anonymity and mobility of the Internet makes offenders more difficult to identify and locate.

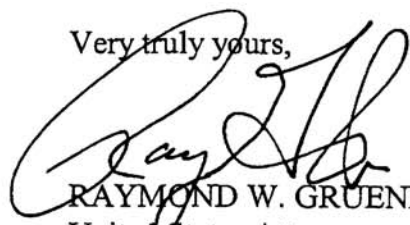
These issues prevent us from prosecuting most, if not all, of the complaints referred to us by MIM from its website.

Nevertheless, we will aggressively prosecute obscenity and child pornography cases where the evidence will support a conviction in this district. I have two professional prosecutors who work in conjunction with the Child Exploitation and Obscenity Section of the Department of Justice to investigate and prosecute these cases.

We have had some recent successes in this area. For example, Kenneth Buehre, a previously convicted child molester, was sentenced to a 15 year imprisonment for possessing child pornography. Paul W. Hilton (a.k.a. fat hairy molester) was sentenced to 5 years in prison for transportation of child pornography. Just last week, James Beine, a former priest, was sentenced to 57 months in prison for possession of child pornography. (Please note that there is no parole in the federal system.) The sentences are appropriately severe and will likely become even stiffer in the future. As you know, Congress substantially increased the penalties for obscenity and child pornography offenses with passage of the PROTECT Act which went into effect on April 30 of this year.

We appreciate your correspondence and your interest in this subject. Rest assured that we will continue, with the help of local and federal law enforcement, to investigate those individuals who violate the federal obscenity and child pornography laws and prosecute and incarcerate these offenders where the facts and law allows us to do so.

Very truly yours,



RAYMOND W. GRUENDER
United States Attorney

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