



THE PORN RING AROUND CORPORATE WHITE COLLARS: *GETTING FILTHY RICH*

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PORNOGRAPHY, PROFITS AND PROSECUTION:

Pornography earnings are estimated at \$10 billion to \$14 billion a year in the United States (the lower figure is according to *Fortune* magazine) and \$56 billion worldwide. *Forbes* magazine breaks down the global profits this way: adult videos, \$20 billion; sex clubs, \$5 billion; magazines, \$7.5 billion; phone sex, \$4.5 billion; escort services, \$11 billion; cable, satellite and pay-per-view TV, \$2.5 billion; CD-ROMs and DVD ROMs, \$1.5 billion; Internet (sales and memberships), \$1.5 billion; novelties, \$1 billion; and others, \$1.5 billion.¹

Some mainstream corporate giants, allured by immense profits, have reached a new low trying to reach a new high on Wall Street. Profiting from porn-peddling is a dirty ring around the white collars at **AT&T, MCI, Time-Warner, Comcast, Echo Star Communications, GM's DirecTV, Hilton, Marriott, Sheraton, Radisson, VISA, MasterCard and American Express.**² The corporate prospectus and reports to shareholders of these "Porn-Wallers" will never mention that videos such as "Throbbing Threesome," "AC/DC Sex-Alternative," or "Spring Break Pantyhoes," are revenue producers. It is no surprise that most corporate leaders are unwilling "to speak publicly about the sex side of their businesses."³

The bottom-line is summed-up by an underwriter at Centrex Securities: "I'm not a weirdo or a pervert, it's not my deal. I've got kids and a family. But if I can see as an underwriter going out

¹ Janet M. LaRue, "Porn Nation," *World and I* magazine, Aug. 1, 2001, p. 44.

² This paper does not include all mainstream corporations involved in pornography distribution. Revenues are estimates based on various news sources.

³ Timothy Egan, "Wall Street Meets Pornography," <http://www.nytimes.com/2000/10/23/technology/23PORN.html>.

and making bucks on people being weird, hey, dollars are dollars. I'm not selling drugs. It's Wall Street.”⁴

The false assumption is that selling porn, unlike selling drugs, is always legal. However, the boards of directors and shareholders should ponder their profits in light of the fact that the pornography they distribute and advertise as “hard-core” is prosecutable under federal and most state laws.

The Supreme Court used the term “hard-core” in *Miller v. California* to identify pornography that can be prosecuted as obscene: “A majority of this Court has agreed on concrete guidelines to isolate ‘hard core’ pornography from expression protected by the First Amendment.”⁵ The *Miller* Court also included porn with simulated sex acts as prosecutable.

Any person, including a corporation, who distributes obscenity in violation of federal law (18 U.S.C. §§1460-1470) commits a felony and is subject to asset forfeiture – that includes all assets with any nexus to illegal activity. Obscenity is also a predicate offense under the federal RICO statutes, 18 U.S.C. §§ 1961-1968.

It is incomprehensible that any of these corporations would ever show their “adult” videos at the company Christmas party or annual shareholders’ meeting, or permit employees to view the videos on the job. How strange to market a product that if displayed on corporate premises or at corporate functions creates the potential for losing millions of dollars to sexual harassment and hostile work environment claimants.⁶ There should be an even greater concern for violating criminal laws.

HOTELS AND PORNOGRAPHY:

⁴ Brendan I. Koerner, “A Lust for Profits,” *U.S. News & World Report*, March 27, 2000, p. 44.

⁵ 413 U.S. 15, 29 (1973).

⁶ Pornography in the workplace can constitute, or be evidence of, sexual harassment in violation of state and federal civil rights laws, and create or contribute to a hostile environment in violation of Title VII's general prohibition against sexual discrimination in employment practices. *See* 42 U.S.C. § 2000e-2; 29 CFR § 1604.11; 18 U.S.C. § 242; 42 U.S.C. §§ 1981, 1982.

Hotel chains such as **Marriott** and **Hilton** earn about **\$190 million per year** from in-room pay-per-view porn videos.⁷ “[I]f you go to a businessman’s hotel, you’ll see a very high percentage of adult programming. In fact, it probably generates 80 percent of the profits of that system. ... The hotel operator keeps 5 percent to 10 percent of that revenue for himself, and remits the rest to the **LodgeNet** or the **On Command** [companies that provide pay-per-view service to the hotel industry].”⁸ According to *The New Wall Street*, “[B]ased on estimates provided by the hotel industry, at least half of all guests buy adult movies. Hotels such as **Marriott**, **Hilton**, **Sheraton**, etc., all offer in-room adult pay-per-view movies.”⁹ “Estimates by analysts cited in the *Los Angeles Times* suggest that adult features generate approximately half of total hotel pay-per-view revenue in the United States, approximately **\$250 million annually**.”¹⁰

On Command and **LodgeNet Entertainment**, both listed on Nasdaq, provide porn to 1.5 million hotel rooms. **On Command** generates \$23 a room each month for the 835,000 hotel rooms it reaches. Analysts say at least half the revenue comes from porn.¹¹ That calculates to more than **\$115 million**. **LodgeNet** reportedly makes **\$180 million** from pay-per-view porn¹² “For the hotel, it’s extremely profitable because there’s no cost.”¹³

The mainstreaming of pornography has adversely impacted obscenity prosecution. In 2001, a Provo, Utah, video storeowner was prosecuted for peddling obscenity. The defense attorney discovered that the **Provo Marriott** offered pay-per-view sex videos and sells 3,000 a year. He then discovered that Provo’s local cable TV and satellite TV companies distribute 20,000 X-rated movies a year. He introduced the information as evidence of “acceptable” community standards,

⁷ Timothy Egan, “Wall Street Meets Pornography,” <http://www.nytimes.com/2000/10/23/technology/23PORN.html>.

⁸ “Frontline: American Porn,” PBS interview with Dennis McAlpine, August 2001, at <http://www.pbs.org/wgbh/pages/frontline/shows/porn/interviews/mcalpine.html>.

⁹ “Invest In Sex?,” *The New Wall Street*, Oct. 17, 2002, <http://www.i-ops.com/wallstreet/story.htm>.

¹⁰ Private Media Group, Inc., http://www.prvt.com/prod_broadcasting.asp.

¹¹ Richard C. Morais, “GDP: the sex sector,” *Forbes*, April 10, 2000.

¹² <http://www.forbes.com/forbes/99/0614/6312214a.htm>.

¹³ “Frontline: American Porn,” PBS interview with Dennis McAlpine, August 2001, at <http://www.pbs.org/wgbh/pages/frontline/shows/porn/interviews/mcalpine.html>. Asked why Hilton Hotels and others

and the misguided jury acquitted the storeowner in minutes. Jurors, like corporate leaders, mistakenly assume that if it is so widely available it must be legal. Drug-dealers know better.

While porn is offered at most Marriott hotels, calls to Marriotts in and around Salt Lake City, Utah, revealed that most do not offer “adult” pay-per-view. Maybe Mormon owner Bill Marriott knows that “Kinky Kouples Sex Games,” which was listed on the “adult” menu at the Covington, Kentucky, Marriott on August 29, 2002, won’t play well near church headquarters.

With the help of veteran porn-fighters Phil and Vickie Burress of Citizens for Community Values in Cincinnati, Ohio, a guest of the **Marriott Hotel Northeast** in Mason, Ohio, filed an obscenity complaint with the local prosecutor. The hotel ceased making “adult menu” pay-per-view selections available to guests after the hotel was advised by the Warren County, Ohio, prosecutor that, in his opinion, some of the video offerings are prosecutable under Ohio’s obscenity law. William O’Brien, attorney for the hotel, responded in a letter made public:

After reviewing the matter, we think, at the present time, the appropriate decision for our Hotel is simply to not make available to customers the movies that would be found in the adult menu. Please note, we are not able to remove the adult menu (thus the titles of the movie will appear). We can, will, and have modified the system, however, so that no movies listed under the adult menu will be shown.

A few hotel chains, such as the **Omni**, have placed principle above the bottom line:

Even with the lure of big profits, the privately held Omni decided to stop offering pornography from its entertainment system. ‘As a father of two sons, I was uncomfortable with the late-night entertainment available,’ says Omni’s owner and chairman, Bob Rowling. ‘We didn’t want to generate revenue on pornography.’ ... And the entertainment companies that provide the movie channels for hotels were not interested in offering a system for Omni that excluded porn, fearing a dip in profits. ‘After heavy negotiations we did find a company,’ says Peter Strebel, Omni Vice President for Marketing, striking a deal with **LodgeNet**, which agreed to exclude the adult channels they offer in other hotels. By shutting out the pornographic movies, the Omni chain of 80 hotels was able to add its family movie offerings – and has in fact experienced an increase in movie-rental profits. Every day mail gets hoarded into this office. It’s almost like Christmas,’ says Strebel of the more than 50,000 letters of encouragement the hotel has received since banning the video pornography.¹⁴

weren’t willing to talk to PBS about offering “adult” pay-per-view, McAlpine said: “Let sleeping dogs lie. If there’s no fear being caused by showing adult programming or any other kind of programming, why bring it up?”

¹⁴ James Harder, “Dirty Money – Porn 500,” *Insight Magazine*, Dec. 15, 2000.

CABLE AND SATELLITE TV AND PORNOGRAPHY:

“Hard-core sex programming brings TV distributors nearly double the profit of Hollywood films. And consumers who pay to watch sex on TV seem to prefer the more-explicit stuff: so called buyrates for hard-core porn are more than double that of soft-core porn.”¹⁵

GM’s DirecTV porn video offerings reportedly generate nearly **\$200 million** in revenue. **DiracTV** sells more graphic sex films every year than Larry Flynt.¹⁶ According to a *Forbes* 2000 article, “The U.S. adult cable and satellite industries generate **\$310 million** in annual revenue.”¹⁷

On October 12, 2002, the Web page for DirecTV listed “2001 revenues of \$8.3 billion.”¹⁸ GM’s Web page on October 12, 2002, updated information about “GM’s plan to split off Hughes [the parent company of DirecTV] and merge the company with EchoStar Communications Corp.”¹⁹ Robert Mercer, senior manager of communications at **DiracTV**, has acknowledged that their porn offerings, including “the Playboy Channel, the Hot Zone and the Hot Network,” are profitable. In “defending the decision to carry hard-core porn,” Mercer claimed, “We do have standards. We don’t show violence or underage, that kind of thing,” presumably meaning sadism and child pornography.²⁰

“The number two satellite company, **Echostar**, makes more money selling adult pay-per-view than all of Playboy’s combined Internet, magazine and cable businesses.”²¹ To estimate how much Echostar makes, consider that Playboy’s Form 10-K filed with the U.S. Securities and

¹⁵ Leslie Cauley, “AT&T to Offer Hard-Core Adult Movies In Drive for Digital-Cable Subscribers,” *The Wall Street Journal*, May 31, 2000, B16.

¹⁶ Timothy Egan, “Wall Street Meets Pornography,” <http://www.nytimes.com/2000/10/23/technology/23PORN.html>. “Adult” video sales and rentals is estimated at \$4.2 billion annually according to *The New York Times*, May 20, 2001, p. 51. See *The New Wall Street*, “Invest In Sex?,” Oct. 17, 2002, <http://www.i-ops.com/wallstreet/story.htm>.

¹⁷ <http://www.forbesfinder.com/forbessearch/search.asp?act.search=1&q1=porn+business&RD=dm&mt=porn+>.

¹⁸ <http://www.directv.comDTVAPP/learn/AdultProgramming.jsp>.

¹⁹ http://www.gm.com/company/investor_investor_information/financial_data/earnings/02_q2/index.html.

²⁰ James Harder, “Dirty Money – Porn 500,” *Insight Magazine*, Dec. 15, 2000.

²¹ “Invest In Sex?,” *The New Wall Street*, Oct. 17, 2002, <http://www.i-ops.com/wallstreet/story.htm>.

Exchange Commission on March 21, 2002, listed total net revenues from “entertainment,” “publishing,” and “online” for 2001 at **\$269.4 million**.²²

“Other major players in the x-rated business include **Time Warner**.”²³ Time Warner’s “Channel Line-Up effective September 2002,” includes “Playboy, SPICE and SPICE 2.”²⁴ In 1999, Vivid Entertainment, one of the biggest producers of hard-core porn, bought two hard-core pay-per-view channels from Playboy. In 2000, Vivid “sold the two channels back to Playboy plus its own channel, for **\$70 million**.”²⁵

According to Mark Kreloff, president and CEO of New Frontier Media, one of the largest providers of “adult” entertainment, “the average home purchases 2.5 to 3 adult movies per month at \$7.95 to \$10.95 per 90 minutes.”²⁶

AT&T is offering hard-core porn over the Hot Network cable channel, and it isn’t product puffing to call it “hard-core.” Maybe AT&T stands for “Adult Trash & Titillation.” AT&T is supposedly selling off the porn business to **Comcast** but AT&T’s name will still be connected. “AT&T’s proposed merger with **Comcast Cable** will reach 22 million subscribers in the United States, making the merged company the largest distributor of pornography in the country.”²⁷ According to a writer for *The New York Times*, **AT&T** and **MCI Worldcom** have led the 1-900 phone-sex market, which generates almost **\$1 billion per year**.²⁸

“Too many Fortune 500 corporations with Washington clout, from **AT&T** to **AOL Time Warner**, make too much money on porn—whether through phone sex, chat rooms or adult video.”²⁹

²²<http://ccbn.tenkwizard.com/filing.php?repo=tenk&ipage=1683318&doc=1&total=&attach=ON&TK=PLA&CK=1072341&FC=00000&BK=FFFFFF&SC=ON&TC=FFFFFF&TC1=FFFFFF&TC2=FFFFFF&LK=3399FF&AL=cc3366&VL=cc3366>.

²³<http://www.forbesfinder.com/forbessearch/search.asp?act.search=1&q1=porn+business&RD=dm&mt=porn+>.

²⁴ <http://www.timewarnersandiego.com/digital/channels.asp>.

²⁵ “Dirty Business: Porn Profits Attract Blue-Chip Corporations,” http://www.abcnews.go.com/sections/business/Nightline/porn_020325.html.

²⁶ “Adult-Program Provider Revenue Up 59 percent,” *The Denver Post*, Aug. 13, 2000.

²⁷ “Dirty Business: Porn Profits Attract Blue-Chip Corporations,” http://www.abcnews.go.com/sections/business/Nightline/porn_020325.html.

²⁸ Timothy Egan, “Wall Street Meets Pornography,” <http://www.nytimes.com/2000/10/23/technology/23PORN.html>.

²⁹ Frank Rich, “Naked Capitalists,” *The New York Times*, May 20, 2001, Section 6, p. 51.

This vast telecommunications company has done its homework, buying up Internet pipelines, and investing in broadband capabilities. Proving they aren't in porn just for a little quick cash, Fortune 500 companies such [as] AT&T are settling in for what [they] clearly regard as the bigger profits to be made from a long-term stake in the market. Whether public knowledge of these porn ties will force a retreat remains to be seen.³⁰

Dennis McAlpine, an investment analyst with expertise in regard to the entertainment industry, commented on AT&T's porn revenue:

If you look at how much money is coming in from adult, remember there's virtually no cost to AT&T for carrying it. And if he's generating **\$10 million, \$20 million a month**, that's virtually all found money going into the bottom line. So it can be a significant amount. **Twenty million dollars times 12 months**—that's a lot of bread. ... What AT&T does is they count the amount of money that gets generated from the programming. When the consumer pushes the button and says, 'I want to see this program tonight, I'm paying \$8 for it,' AT&T keeps track of that. At the end of the month, or shortly thereafter, they go to Playboy and they say, 'Well, you had X number of people watching the program, generate X number of revenue. Here's your piece of the revenue.' And they split up the pie the way they're supposed to. Typically, about six months later there is a reconciliation, where they go through the numbers and make sure they've got everything done the way that they were supposed to.³¹

"A former AT&T cable executive, Jon Radloff, said the adult pay-per-view market was 'very profitable' for AT&T, but not something the company wanted to draw attention to. 'We wanted to provide it, but it wasn't something that we touted in our advertising campaigns.'"³²

In August 2000, retired FBI agent Bill Kelly wrote to AT&T advising the company that, in his opinion, its Hot Network hard-core porn offerings violate the federal obscenity laws. Kelly spent much of his career investigating and busting the porn industry. AT&T's response - everybody's doing it:

The Hot Network is offered by many of our competitors and other cable companies, including **General Motors' DirecTV** national satellite service, **Cox Communications, Comcast Corporation, Cablevision Systems, Charter Communications, MediaOne, Insight Communications**, and video services operated by telephone companies such as

³⁰ James Harder, "Dirty Money – Porn 500," *Insight Magazine*, Dec. 15, 2000.

³¹ "Frontline: American Porn," PBS interview with Dennis McAlpine, August 2001, at <http://www.pbs.org/wgbh/pages/frontline/shows/porn/interviews/mcalpine.html>.

³² "Corporate America Gets Rich Off Pornography," *Capitol Hill Blue*, June 27, 2002, <http://chblue.com/Article.asp?ID=2895>.

GTE, SNET, and US WEST. The **Dish Network**, owned by **Echo Star**, offers similar and even more explicit programming services.³³

AT&T will have to spend some of its porn profits defending a newly filed lawsuit: “A public-interest attorney with a reputation for fighting obscenity has filed suit to ban what he claims are pornography broadcasts by AT&T. ... ‘What they are showing on the air is probably the most pornographic material I’ve ever seen—the most pervasive, corrosive crap, 24 hours a day,’” according to James Clancy, 80, who is demanding that AT&T “forfeit profits made from porn.” The complaint alleges that “AT&T adult cable broadcasts from October 2000 are unlawful according to state and federal public nuisance and obscenity laws.”³⁴

AT&T and other white-collar porn distributors might want to check to see if they’re offering any videos by VCA Pictures, one of the biggest producers of hard-core porn. Russell Hampshire, owner of VCA, spent nine months in federal prison in 1988 for shipping obscene videotapes across state lines to federal agents in Alabama.³⁵

CREDIT CARD COMPANIES, THIRD-PARTY PAYMENT PROVIDERS AND PORNOGRAPHY:

Adult Video News claims that the largest credit card company makes about **\$35 million per month** from e-porn.³⁶ “An article posted on the hosts4porn.com Web site, a resource site for online smut sellers, says that \$3-\$4 billion are spent annually on the purchase of access to adult sites. And that 90 percent of the purchases on the Internet are through credit card transactions.”³⁷ **Visa**, **Mastercard** and **American Express** logos appear on numerous hard-core porn Web sites, including some devoted to sex and excretory functions and bestiality.

Because merchant banks such as **American Express** have labeled smut-site proprietors as ‘high risk,’ obtaining a merchant account can be quite difficult and an expensive task for start-ups. ... In order to get past this problem, many porn site owners sign up with what are

³³ Letter to Bill Kelly from Daniel E. Somers, President & CEO, AT&T Broadband, P.O. Box 5630, Denver, CO, 80217-5630, August 2000.

³⁴ Dana Bartholomew, “Attorney Files Suit on Porn,” *The Los Angeles Daily News*, Oct. 8, 2002, p. N5.

³⁵ Frank Rich, “Naked Capitalists,” *The New York Times*, May 20, 2001, Section 6, p. 51.

³⁶ Ed Rampell, “By the Numbers,” http://www.avonline.com/20003/corecontents/cc0300_01.shtml.

³⁷ “Passing the Buck Won’t Help,” *Financial Times Limited*, June 12, 2002.

called third-party payment providers like **ccBill** and **iBill**, which provide solutions for merchants selling intangibles without an Internet merchant account. In essence, these outfits allow the porn wallahs (and, of course, others) to outsource the billing functions, which suits the CP customers quite well. As third-party payment providers use their own merchant accounts (they charge a commission, of course, something like 13.5 percent of the revenues), the Web porn aficionados get innocuous credit card account statements that do not reveal the fact that they've been up to funny business! The credit card companies and card-issuing banks too have no way of verifying the nature of a transaction if it is routed through a third-party payment provider.³⁸

AVN Online reported on October 17, 2002:

Following closely on the heels of **VISA's** announcement that it will begin charging 'high risk' merchants initial and recurring fees to use its services, **PayPal** revealed today in a letter to its Webmaster clients that **MasterCard's** fees will be even steeper. According to PayPal, on November 1 **MasterCard** will begin charging all merchants who process charges through an Internet Payment Service Provider, or so-called 'third-party processor,' an initial fee of \$1,000 and an annual renewal fee of \$500. ... Earlier this month, **MasterCard** ordered that adult online merchants remove its logo from their Web sites.³⁹

CONCLUSION:

The mainstreaming of hard-core pornography by major corporations is largely the result of the eight-year failure of the Clinton/Reno Justice Department to enforce the federal obscenity laws. It creates the false assumption that when hard-core pornography is blatantly pandered and openly marketed, it must be legal, and if it's legal, why not cash in? The effect of the Clinton/Reno "hands-off" policy toward obscenity enforcement is evident:

And we keep talking about this line being moved back. How much of that, to some extent, was due to sort of how the Department of Justice [DOJ] and obscenity law was practiced during the Clinton administration? The bottom line was that, because DOJ or obscenity laws or local communities let the programming go without challenging it, basically people were able to move that line. If somebody had stood up and said, 'This programming is bad, we're going to challenge it in court,' it would have probably slowed the whole thing down. Part of this, I think, reflects the norms of society. They've become much more accepting of this type of programming.⁴⁰

³⁸ *Id.*

³⁹ http://www.avnonline.com/issues/200210/newsarchive/101702_lead.shtml. [Some hard-core Web sites visited on Oct. 16, 2002, were still displaying the MasterCard logo.]

⁴⁰ "Frontline: American Porn," PBS interview with Dennis McAlpine, August 2001, at <http://www.pbs.org/wgbh/pages/frontline/shows/porn/interviews/mcalpine.html>.

Month after month, the trade publication of the porn industry, *Adult Video News*, praised the Clinton Justice Department for not enforcing the federal obscenity laws. The March 2000 issue asked, “How likely is it, would you say, that we are going to enjoy the same benevolent neglect that the industry has enjoyed under Janet Reno? Regardless of who is elected, our fortunes are going to change.”⁴¹

If a major drug cartel in a monthly publication had repeatedly praised the Drug Enforcement Agency for its “benevolent neglect” toward enforcing the federal drug laws, the American people and Congress would not have tolerated it, and certainly not for eight years. Yet, the Reno Department of Justice refused to enforce an entire section of the federal criminal code.

The Bush/Ashcroft Department of Justice has stated that enforcement of federal obscenity laws is a priority. Some preliminary steps have been taken in the right direction; however, vigorous and consistent enforcement must commence immediately because the cost of delay is too high. Free teaser images of hard-core porn available to children at tens of thousands of Web sites leave no doubt that smut peddlers know no bounds of decency or self-restraint.

On October 15, 2002, Acclaim Entertainment, using the tagline “Keeping It Dirty,” announced the November 19 launch of a video game, “BMX XXX.” It is billed as “the first major release to feature full-action nudity, and prostitutes and pimps as major characters,” including “copulating pink poodles and a variety of racing-bike stunts.” Acclaim tried to market the game through “Wal-Mart Stores, Toys “R” Us, and KB Toys.”⁴² To their credit, all refused. Approaching children’s toy companies to market a pornographic product is another adverse result of mainstreaming pornography and the brazenness of the porn industry to exploit it to their greedy and unscrupulous advantage.

⁴¹ <http://adultvideonews.com/legal/leg0300.html>, visited April 11, 2000.

⁴² “Retailers Rebuff ‘XXX’ Game,” http://news.com.com/2100-1040-962057.html?tag=fd_top_8.

Vigorous and consistent law enforcement is essential but inadequate to eliminate illegal pornography. Americans who care about the kind of society we leave to our children and grandchildren can and must use their moral and economic clout on corporations that are chasing porn profits and refusing to stop. Investors must demand corporate policies that exclude trafficking in pornography. There is no constitutional obstacle in the way of private companies refusing to market pornography, even if it is not illegal obscenity. Furthermore, the Supreme Court has ruled that there is no right of privacy to acquire or view obscene material in a public place, even when it is limited to consenting adults:

Nothing, however, in this Court's decisions intimates that there is any 'fundamental' privacy right 'implicit in the concept of ordered liberty' to watch obscene movies in places of public accommodation. ... Moreover, we have declined to equate the privacy of the home relied on in *Stanley* with a 'zone' of 'privacy' that follows a distributor or a consumer of obscene materials wherever he goes. ... The idea of a 'privacy' right and a place of public accommodation are, in this context, mutually exclusive. ... In this case we hold that the States have a legitimate interest in regulating commerce in obscene material and in regulating exhibition of obscene material in places of public accommodation, including so-called 'adult' theaters from which minors are excluded.⁴³

Enron, WorldCom, Tyco, and Martha Stewart have learned the hard way that corporate greed doesn't play well in Peoria or at the Department of Justice. It plays less well when it buttons a dirty collar around a "family-friendly" image that sacrifices public decency, health and safety by trafficking in illegal pornography.

In particular, we hold that there are legitimate state interests at stake in stemming the tide of commercialized obscenity. ... These include the interest of the public in the quality of life and the total community environment, the tone of commerce in the great city centers, and, possibly, the public safety itself. ... Even supposing that each of us can, if he wishes, effectively avert the eye and stop the ear (which, in truth, we cannot), what is commonly read and seen and heard and done intrudes upon us all, want it or not. ... As Mr. Chief Justice Warren stated, there is a 'right of the Nation and of the States to maintain a decent society'⁴⁴

⁴³ *Paris Adult Theatre I v. Slaton*, 413 U.S. 49, 66-67, 70 (1973).

⁴⁴ *Id.* at 57, 58, 59, 60 (quoting *Jacobellis v. Ohio* 378 U.S. 184, 189 (1964) (dissenting opinion)).