

Dealing with Pornography

A Practical Guide for Protecting
Your Family and Your Community



family research council
Washington, DC



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A handwritten signature in black ink that reads "Tony Perkins". The signature is stylized with a large, sweeping initial "T" and a cursive "P".

President
Family Research Council

Dealing with Pornography

A Practical Guide for Protecting Your Family and Your Community

by patrick a. trueman

Pornography is seemingly everywhere. If you want it, you can obtain any variety of softcore, hardcore, and child pornography. Sexually explicit programming can easily be found on cable and satellite television and is creeping into network TV. You can find pornography in magazine shops, video shops, drug stores, gas stations, convenience stores, hotels—and especially on the Internet.

The Internet has become a pornography free-for-all. Anyone—even a child—with little computer knowledge can find any manner of pornography using almost any common search engine. E-mailing porn spam is still a major problem despite a federal law prohibiting it.

Online porn sites get about three times more visits than the top Web search engines—about 18.8 percent of all Internet visits by U.S. users, according to Secure Computing. In 2003, there were 260,000,000 pages of pornography on the Internet.¹ The figure rises dramatically every day. Many of America's largest corporations are reaping huge profits from porn-related sales.²

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Popular media refer to pornography as “adult material,” sexually explicit magazines are called “men’s magazines,” and porn shops are called “adult video” shops, giving the false impression that involvement in pornography is a normal adult activity. With pornography so widely available, one might conclude that it is normal and healthy for individuals and good for society. This pamphlet will refute that premise and provide ideas and resources for protecting your family from pornography and combating porn in your community.

The Dangers of Pornography

Despite the fact that funding for research on the effects of pornography is sadly lacking, there exists research suggesting its dangers. Opponents of pornography, however, rely primarily on nonscientific tools to fight the spread of pornography in their communities and in their homes—tools such as common sense and the powers of observation.

Neighborhoods where porn shops or theaters have been allowed to locate typically decline and become magnets for crime. A similar process may be observed in the lives of individuals who become involved with pornography; decline is soon seen in family life as well as in work and personal relationships.

Pornography’s negative effects are perhaps most importantly observed in spiritual matters. In nearly twenty years of work against pornography, I have been told repeatedly by former addicts that pornography kills a spiritual life. Indeed, it is impossible to have a spiritual life and be involved in pornography. Here is God’s word about pornography:

“You have heard that it was said, ‘Do not commit adultery.’ But I tell you that anyone who looks at a woman lustfully has already committed adultery with her in his heart.” (Matthew 5:27-28).

Pornography is a gateway to the fantasy world of adultery as well as to actual adultery, spousal alienation, divorce, family breakdown, and numerous other ills. Yet why are so many becoming entrapped by pornography? I believe it is, in large part, because pornography is profoundly seductive. Viewing even a single pornographic image may trigger a powerful reaction in one's mind and a seemingly unquenchable desire to seek more images. Normal inhibitions against viewing pornography and illicit sexual conduct may become broken. Pornography "addiction," once unheard of, is now common and widely discussed in popular media.

Rape, incest, sadomasochism, orgies, adultery, sexual humiliation, and other perversions are staples of pornographic content. Common sense tells us that viewing such material is not healthy for children or adults. Yet even softcore pornography is harmful. It is a gateway to harder materials and the ills that such materials bring. But it is harmful in and of itself, because it leads to adulterous desires. Moreover, for many viewers, it leads to an unhealthy, harmful comparison between the women in the pornographic images and the spouse of the viewer. Spousal alienation follows.



Pornography can also lead to a sense of entitlement in men—the presumption that one has a right to see women unclothed, and that there is something wrong with women who remain chaste. This leads to problems for many young men of dating age; they are more interested in sex than in developing a normal relationship. Pornography can also sow confusion in women, who may be made to feel less attractive if they refuse the sexual advances of their boyfriends.

Man is made by Almighty God to sexually desire woman. It was part of His glorious plan to populate the earth. However, man was commanded to constrain himself and to confine his sexual activity to marriage. Viewing pornography is clearly outside God's plan for our lives.

What, then, can we do to keep pornography out of our lives and the lives of our family members? What can we do to halt its distribution in our communities? Are we allowed to do so? Is pornography illegal? If I want to file a complaint with law enforcement concerning pornography, which agency do I contact? What is the difference between “pornography” and “obscenity” and other terms that relate to sexually explicit material?

These are all important questions, and this pamphlet will attempt to answer them. You should be reassured, however, that you can do something significant to stop pornography from entering your home and community. It doesn't matter whether the material is legal or illegal. Think of yourself as “in charge” of your home and community and decide that, if pornography will enter those venues, it must go through you. You have that power.

Defining Pornography

Pornography is a general term referring to sexually explicit material. It may be “softcore” or “hardcore,” legal or illegal. What it is may determine your response to it. Softcore pornography normally refers to sexually



explicit depictions of adults who are not engaged in sexual acts or displaying genitals or the pubic area in a lewd or lascivious manner. Hardcore refers to pornography that depicts or describes sexual acts—whether actual or merely simulated—and/or lascivious depictions of genitals or pubic areas. The U.S. Supreme Court treats hardcore pornography as synonymous with the legal term obscenity. Obscenity may be words as well as depictions. The Supreme Court has indicated that obscenity may include “erotic depictions of ultimate sexual acts, normal or perverted, actual or simulated; masturbation; excretory functions; lewd exhibition of the genitals; or sadomasochistic sexual abuse” (*Miller v. California*, 413 U.S. 15, at 25 [1973]). Citizens often wonder what is or is not obscene and thus illegal. The answer is that it depends on federal and state laws and on community standards. It does not matter that the material was sold to or distributed by consenting adults.

Taking the Profit Out of Porn

Citizens can control whether pornography, both legal and illegal, is allowed into their community. For example, if your local drug or convenience store owner is selling pornographic magazines, he is doing so for one reason: profit. You can influence whether he will make a profit and thus whether he will continue to sell the material. You need not be a lawyer to make a determination of the legality of the material. Please do



not purchase the material to examine its contents. In fact, you should never purchase or view pornography. An educated guess from the covers of such material will tell you whether it is pornography. That is all you need to know before you approach the store owner.

Mention to the owner (if available) and to the sales clerk that you wish the store would stop selling pornography and say that you prefer not to shop at stores that do. Make your statement non-threatening. Countless times I have been told that I am the first person ever to say anything about the pornography. You will find the same if you speak up, but make sure that you are not the last.

Maximize your efforts by getting others—your family members, members of your church, Bible study, or neighborhood—to also request that the establishment remove the pornography. I have been told by store owners on several occasions that “people must like pornography because no one complains.” Then, soon after, I’ve been told, “Everybody seems to be opposed to our sales of pornography,” after only a few people have spoken up. The reality is that store owners get relatively few complaints about their selection of products, so your complaint will register.

When I have talked to store clerks, they often have agreed with me that pornography should not be sold in the establishment, and most have offered that they are uncomfortable selling it. Most store owners, too,

are naturally unenthusiastic about selling pornography, especially if they are active in their community or church. Only a few complaints may be all that is needed to motivate them to remove the material. For other owners it won't be so easy. It may take repeated complaints to convince them to stop selling pornography.

Yet, think about this: how much profit is the establishment making from sales of such material? Probably not much. So your job of getting it removed is not as hard as you may think. A concerted campaign over a few weeks or months by you, your family members, church group, and a few friends will cause the owner to consider the profit from the pornography versus the loss he is experiencing from the decline in shoppers, and you will succeed. Citizen action is a powerful tool.

If your community has a pornography shop or video store selling hardcore material, your job will be more difficult. That is because owners of such businesses have likely calculated the risks that their business may incur. They may consider fines and even jail time to be the cost of doing business. You will have a major battle ridding your community of such establishments, but it is worth the effort. Publicity and picketing are two successful tools for you. One community succeeded in getting a porn shop to close by distributing cookies with a gentle anti-pornography message to customers.

In order to succeed, you will likely need a sustained, highly public campaign that incorporates visits to public officials, utilizes pickets, employs paid and earned publicity, and involves churches and community organizations. Phil Burrell, president of Citizens for Community Values (www.ccv.org, 513-733-5775), has been enormously successful in cleaning up his Cincinnati community and will be happy to offer suggestions on how to do the same for yours.

Your Legal Options Regarding Obscene Material

You also have a legal remedy. However, although the law may be on your side, you may find that law enforcement is not. Some prosecutors won't enforce the law. Nevertheless, if you believe that illegal activity is happening in your community, it is your right as a citizen to have it redressed. There are federal and state laws that prohibit obscenity, but, as many have discovered, obscenity laws mean nothing if they are not enforced. Concerned citizens should have a twofold approach: visit your local authorities to discuss the sale of pornography in your community and contact the federal authorities.

First, call your local police department and ask to speak to the person in charge of vice. Not all departments will have a vice squad, but they will have someone who investigates prostitution, gambling, and other matters that are typically classified as vice. Ask for a meeting and go with a group of concerned citizens, if possible. You will normally find that officers who work vice will be understanding and concerned about the condition of the community.

Ask questions about the porn establishments: Have the police been inside? Is hardcore pornography sold? Since "obscenity" is, as stated above, a legal term, an officer may not wish to characterize the material as "obscene" but may well say it is hardcore, which is all



you need to know. If the officer has not been in the establishment and has no reports on what is there, he may suggest that you find out for yourself by visiting the places. Don't.

You should not attempt to become an investigator yourself. That is for trained professionals under color of authority. You may subject yourself to physical harm or spiritual harm by doing what should be police work. The officer with whom you meet may want to initiate investigations but may not have authority to do so. Ask him about what steps he may take once your meeting ends. Follow up in the following weeks to learn if the police department will act.

Second, meet with your county or district attorney. This is the person who will prosecute the pornography distributors if he believes that illegal acts have been committed. Typically this is an elected official who may be concerned not only about the community but about the next election. You need to ask this person whether he will prosecute obscenity if the police find material that they believe meets the requirements. Some will respond positively, while others will have a set of excuses.

Here are some excuses that I have heard:

- “We have ‘real’ crime in our community, and I must concentrate on that.”
- “They wouldn't sell it if people didn't want it.”
- “Juries are too liberal, and you will not get a conviction.”

What you want to judge is whether the prosecutor, even if pressured to do his job, will help or hurt you. If the prosecutor reveals a strong bias against obscenity enforcement or will not do the necessary work to win the case, don't push him. You don't want him setting a bad precedent with a loss or reaching a meaningless plea agreement with the pornographer/defendant that will allow him to continue after he pays a small fine.

It is preferable for the case to be prosecuted by federal authorities. But for those local prosecutors who will bring a case, let them know that there is help available to prosecute—and they will need it. Obscenity cases are complicated, and most prosecution offices will not have prosecuted one before. Also, defendant pornographers may be able to call upon nationally prominent pornography defense attorneys—and the porn industry may even pay his bills. A prosecutor will likely find

Resources for Prosecutors

Bruce Taylor (202-514-2535) is a top attorney with the U.S. Department of Justice who has prosecuted more obscenity cases than anyone else in the country. There has hardly been an obscenity case in the last twenty years in which Bruce has not been involved. He loves to talk to prosecutors willing to take on obscenity distributors and will help them win.

The National Obscenity Law Center of Morality in Media (www.moralityinmedia.org, 212-870-3222) is another good source. They maintain a legal brief bank with jury instructions and other materials that will help a prosecutor, such as the Obscenity Law Reporter, which is an up-to-date resource of all relevant obscenity cases. They also have a complete list of state laws on pornography that citizens may find helpful.

The Community Defense Counsel (CDC) (www.communitydefense.org), a project of the Alliance Defense Fund, can also be of help. On the Community Defense Counsel website you will find an obscenity prosecution manual designed for prosecutors, and numerous other valuable resources.

The Department of Justice's Child Exploitation and Obscenity Section (CEOS) (202-514-5780) may provide help to county as well as federal prosecutors.

himself in a battle royal with the defense lawyer, who will file numerous pretrial motions and employ tricky, perhaps extralegal trial tactics.

Contacting Federal Authorities

In addition to contacting local authorities to prosecute purveyors of what you believe to be obscene materials, you also have a right to contact federal authorities. Here is how to do that: call your United States Attorney, who is located in one or more of the larger cities in your state. Every state has at least one. This individual is appointed by the President of the United States to prosecute federal crimes in your area and is part of the U.S. Department of Justice (DOJ). You may find a list of U.S. Attorneys at DOJ's website: www.usdoj.gov/usao/office/index.html.

Federal law prohibits interstate distribution of obscenity. Thus, whether the material is distributed by mail, express delivery, cable television, the Internet, or some other way, federal law makes the act of distribution illegal. Typically, a U.S. Attorney gets few citizen complaints, so he will likely pay attention when you call. There will not be a formal complaint process for you to follow.

Request a meeting with the U.S. Attorney himself. U.S. Attorneys are often hoping to use their position for political advancement. Numerous U.S. Attorneys have gone on to become governors, senators and members of Congress. They will not likely turn you down for a meeting, especially if you come with a group of concerned citizens. If the U.S. Attorney won't meet with you, ask to speak to his chief deputy or criminal division chief.

Get a commitment at the meeting to prosecute. Beware, though: U.S. Attorneys may not want to take on a single store owner or prosecute what they believe to be a small case. They may want to refer you to the local prosecutor. In my opinion, however, it may

be much more appropriate and “easier” for the U.S. Attorney to do the prosecution. He will have many more resources and can call upon obscenity prosecution experts at the Department of Justice in Washington. The U.S. Attorney’s case will look different from a county prosecutor’s, because the U.S. Attorney has jurisdiction to prosecute not only the store owner but also the producer and distributor of the obscenity, who may be located somewhere a county prosecutor does not have jurisdiction. A win by the U.S. Attorney will be a major victory and may cause all distributors of potentially obscene material to cease distributing such materials anywhere in the state.

If your U.S. Attorney refuses to help, call the Department of Justice’s Child Exploitation and Obscenity Section (CEOS) at 202-514-5780. CEOS has prosecution authority to bring federal cases anywhere in the country.

Of course, it is not just obscenity in stores that people find disturbing. Such material on the Internet may have a larger impact on your family and your community. For reasons already mentioned, Internet obscenity is perhaps best prosecuted by a U.S. Attorney rather than a local prosecutor. A good citizen service has been established by Morality in Media of New York for filing online complaints regarding Internet obscenity at www.obscenitycrimes.org. That site is filled with other useful information. Your U.S. Attorney will receive a copy of your complaint. But be sure that you also arrange a visit with the U.S. Attorney, as mentioned above.

The Federal Trade Commission will also allow you to file an online complaint regarding unsolicited pornographic e-mails or “spam.” You will find a link at www.ftc.gov. It is best to both file online and contact your U.S. Attorney.

What to Do About Child Pornography

Child pornography, defined as sexually explicit material involving children, is illegal under federal law and in all states. It is a federal crime to make, send, receive, or even merely possess child pornography. Normally, laws define child pornography as a depiction of a person under the age of 18 in a lascivious pose with the focus of the depiction on the genitals or pubic area or engaged in a sexual act. The kind of pictures that parents take of their children in the bath tub are not child pornography, unless, of course, the children are posed in a lascivious manner and the focus of the picture is on the genitals. The Internet is filled with child pornography. However, once again, do not attempt to “investigate” it, or you may find yourself the subject of a criminal investigation.

If you unintentionally come across on the Internet what you believe to be child pornography, file a complaint with the CyberTipline of the National Center for Missing and Exploited Children (www.missingkids.com). This federally funded organization, best known for its work finding missing children, cooperates with the FBI and other federal agencies and will make sure that your complaint is investigated by the appropriate federal or state law enforcement agency. On their website they also have important information on protecting your kids from predators. Books or magazines containing child pornography as well as photos or photo albums can be called to the attention of your local police, county attorney or district attorney. Your U.S. Attorney can prosecute as well, but most cases are handled locally. Again, do not handle any material you find; it is best to have an investigator come to pick it up.



What to Do When Pornography Is Available to Kids

Many states have “harmful to minors” laws, which are intended primarily to restrict children’s access to pornography. Such laws cover material that may not be obscene for adults but which is obscene for children (normally under the age of 17 or 18). They apply a lesser standard than “obscene for adults” material. “Harmful to minors” laws require that such material may not be sold to children or even exhibited to minors. It must be kept behind blinders in stores. Should you find such material in the open or accessible to kids, ask your police department or county attorney whether it is permitted under your state law. Of course, whether the law allows such displays or not, please encourage the store owner to stop selling it.

Cleaning Up Your Library

Parents should take responsibility to know whether their public library is free from pornography on the shelves—and especially on the public-access computers. The federal Children’s Internet Protection Act (CIPA), which was upheld by the U.S. Supreme Court in 2003, requires libraries that receive federal funds for Internet access to install filtering software to block pornography. Most libraries would rather have federal money than pornography, but many libraries still refuse to use filters and are giving up the federal

subsidies. The American Library Association (ALA) actively opposes the use of filters. The ALA and ACLU may favor availability of porn in all libraries, but your community will not.

Ask your librarian if the library has a policy requiring its computers to have blocking software. If it doesn't, find out why—and who is responsible. Then meet with the appropriate officials. If necessary, start a campaign to replace those on the library board who support pornography. Publicity is a key to your efforts. Taxpayers will want to know why library officials are trading porn for federal funding and why they insist on providing free porn to children as well as to adult porn seekers. Members of the library board will insist they are against censorship. They may advise you to monitor your own children or keep them out of the library if you don't want them to view porn or have predators looking at it in front of your kids. It is unfair, un-American, and outrageous to cause children to stay out of public libraries just so users can access porn at taxpayers' expense.

Practical Steps to Protect Your Family From Internet Porn

Get good filtering software immediately. I use Besafe Online (www.bsafehome.com) because it is the best I've found. It is also inexpensive and easy to use, and it generates a monthly report sent via e-mail to me indicating every website my computer attempted to access. Thus, I know everything my children are accessing online. If for some reason you do not have filtering software, at minimum you should turn on the parental controls provided by your Internet service provider.

The "History" file on Internet Explorer automatically saves the web address of each site that is visited, enabling you to keep tabs on where your child goes online. Check this often. However, the History file is not foolproof because it can be erased.

Place the computer in a well-trafficked area such as a kitchen or family room. Also, guard yourself; you do not need to check out porn websites “just to know what’s there.” Don’t tempt yourself, even once!

Responding to Porn on Cable and Satellite TV

Cable and satellite television companies bring potentially obscene material to thousands of American homes, making the companies liable to prosecution. Such companies also “bleed” such material into homes of non-subscribers. Federal law gives cable customers the right to instruct their cable company to “without charge, fully scramble or otherwise fully block the audio and video signals of programming” of each channel carrying sexually explicit and indecent programming into their home.

You must contact your cable operator to be protected. A simple letter mentioning Section 504 of the Telecommunications Act of 1996, 47 U.S.C. § 560 requesting blockage of each channel carrying sexually explicit and indecent programming will do.

It isn’t just the pay-per-view and porn channels on cable or satellite that pose a pornography problem. HBO, Showtime, Cinemax, and other cable networks carry programming with pornographic content. These are “premium” channels, but why pay extra for porn?

Work-related travel presents a particular problem for many because most hotels include these channels. Before entering your room, say a prayer for extra help in steeling your resolve to avoid pornography. Normally, a broadcast schedule for the premium channels will be included in your room. Review it before turning on the TV so you will know if you should avoid the channels altogether. Most hotels today also include pornographic movies for rent on your TV. Avoid those hotels, if possible. A list of porn-free hotels can be found at www.cleanhotels.com.



How to Respond to Pornography and Indecency on Network TV

There is growing concern about the content of network television programming, but there is hope for those who want to clean it up. The Federal Communications Commission (FCC) enforces federal laws on indecency. The FCC defines indecency as “language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community broadcast standards for the broadcast medium, sexual or excretory organs or activities.” The indecency concept encompasses patently offensive sexual or excretory references that do not rise to the level of obscenity.

For decades, the broadcast indecency law applied 24 hours a day, but the FCC now prohibits indecent programming, both on television and radio, only from 6 A.M. to 10:00 P.M. Visit the FCC’s website for information on indecency and obscenity at www.fcc.gov/parents/content.html. You may file a complaint with the FCC if you believe you have found indecency on radio or TV by writing to the FCC Enforcement Bureau, Investigations and Hearings Division, 445 12th Street SW, Washington, D.C. 20554, or you may file online at fccinfo@fcc.gov or call toll-free at 1-888-CALL-FCC (1-888-225-5322).

In addition to filing complaints with the FCC, citizens can have a powerful impact on television content by urging commercial sponsors of offensive programs to stop advertising. For nearly three decades, Don Wildmon, chairman of the American Family Association, has used this strategy. AFA's phenomenally successful Action Alert (www.afa.net/activism) puts more than 200,000 citizens in e-mail contact with such sponsors with a few clicks of the mouse.

The Parents Television Council (www.parentstv.org) is another great resource.

What to Do about Unsolicited Pornographic Mailings

Video and DVD distributors of potentially obscene material often mail unsolicited "sexually oriented advertisements" (SOAs) to home addresses. This practice is illegal if they do not put a warning on the envelope. Your U.S. Attorney is responsible for enforcing federal law pertaining to warnings on unsolicited SOAs in the mail. Even if the envelope has the warning, it is still a federal crime if the material advertised or the advertisement itself is obscene. You can also have yourself removed from the advertiser's list by taking the mailing, including the envelope, to your local post office and filling out the two "SOA" forms, one to stop that particular advertiser and the other form to stop all sexually oriented advertisers from mailing to your home. Thirty days after filing the form, the advertiser is prohibited from sending similar ads to you in the future. You may list your spouse's name as well as your children's on the form so that no one in the family is bothered again.

Help for Those with a Pornography Problem or Addiction

If you or someone close to you has a problem with pornography, there are several counseling agencies that offer hope. Focus on the Family recommends Pure Intimacy (www.pureintimacy.org). Several pro-family groups have referrals or references for people addicted to pornography, including Citizens for Community Values (www.ccv.org) the American Family Association (www.afa.net), and the National Coalition for the Protection of Children and Families (www.nationalcoalition.org). There are other ministries willing to help. The biblical injunction “be sure your sin will find you out” holds true: sooner or later your parent, spouse, children, or co-workers will discover your secret. Get help now. You won’t regret it!

Remember, the protection of your family and your community is your responsibility. Don’t let the pornographers take charge. Be vigilant and use the tools in this pamphlet to achieve success.



endnotes

1 “N2H2 Reports Number of Pornographic Web Pages Now Tops 260 Million and Growing at Unprecedented Rate,” press release, N2H2 (now Secure Computing), September 23, 2003.

2 Timothy Egan, “Wall Street Meets Pornography,” *New York Times* (October 23, 2000). See also, James Harder, “Porn 500,” *Insight on the News* (February 28, 2005).

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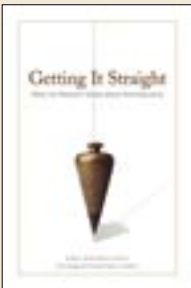


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