

Berkman, Gordon, Murray & DeVan

Attorneys and Counselors at Law

55 PUBLIC SQ STE 2200
CLEVELAND OH 44113-1949

J. MICHAEL MURRAY
LORRAINE R. BAUMGARDNER
MARK R. DeVAN
STEVEN D. SHAFRON
WILLIAM C. LIVINGSTON

BERNARD A. BERKMAN
(1929-1985)

(216) 781-5245
www.bgmdlaw.com

Fax (216) 781-8207
wlivingston@bgmdlaw.com

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Chairman P. Scott Lipps
Vice Chairman Don Manning
Ranking Member Janine Boyd
Members of the House Health Committee

My Name is Bill Livingston and I am an attorney at Berkman, Gordon, Murray & DeVan in Cleveland Ohio. Our law firm regularly represents clients in the adult industry in free speech matters.

In one such case, we represented the Free Speech Coalition which includes artists, sex educators, photographers, performers, commercial producers of adult expression, and persons engaged in the dissemination of sexually explicit materials, and challenged federal statutes and regulations that imposed burdens on the adult business and the production of non-obscene constitutionally protected expression.

A trial was held in the federal district court in Philadelphia where testimony from many participants in the adult entertainment industry was elicited. We have submitted excerpts from the testimony of those witnesses for your consideration. We submit that their trial testimony demonstrates the legitimacy of this industry and that the problems that H.R. 180 attributes to the adult entertainment industry are not causally connected.

In addition, we note the written testimony submitted by Dr. Marty Klein. Dr. Klein is a licensed marriage and family therapist and certified sex therapist. He has taught at Stanford Medical School, has given two Congressional briefings on sex education and has trained professionals and policymakers in over thirty countries in the area of sexual health.

As an expert in this field, Dr. Klein testifies that H.R. 180 contains inaccuracies. For example, pornography is not primarily violent, it does not damage marriages, and recent data from the U.S. Centers for Disease Control sets forth that young people are not increasingly engaging in risky sexual behaviors. Further, none of the hallmarks of true addiction are found with pornography use and the American Medical Association, American Psychiatric Association, American Association for Sexuality Educators, Counselors and Therapists and the World Health Organization all reject the concept of biological addiction to pornography.

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Moreover, there is no evidence that pornography increases the demand for sex trafficking or leads to medical illness. Indeed, there is no correlation between pornography and those problems and the rate of sexual violence in the U.S. has actually declined in the last ten years.

Dr. Klein concludes his written testimony by asserting that if good-decision making in connection with sexual health is the goal of the Ohio Legislature then supporting medically-accurate sexual education is the appropriate method to achieve that goal; not passing a resolution declaring pornography a public health crises.

Finally, it bears repeating that the expression that H.R. 180 seeks to have the legislature declare as a public health crises, is constitutionally protected.

For all of these reasons, H.R. 180 should be rejected by this Committee.

Very truly yours,

BERKMAN, GORDON, MURRAY & DeVAN



William C. Livingston

WCL/bm