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The Law Office OF James J. Clancy
9055 La Tuna Canyon Road
La Tuna Canyon, California 91352

(818) 352-2069
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March 29, 2001

Express Mail No. EG841945625US

The Hon. John Ashcroft, **U.S. Attorney General**
Attention: Andrew Beach, Scheduler for the Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Beach;

The undersigned, who specializes in obscenity litigation, urgently requests an immediate Conference with the Attorney General (or his trusted, responsible "Desigee") in the Attorney General's Office in Washington, D.C., regarding the Cable T.V. problem in Los Angeles, California, which is (or should be) a matter of paramount importance to the George W. Bush Presidency^{1/}. My claim of an "urgency" is supported by my experiences as an attorney who has specialized in obscenity litigation and given assistance to law enforcement on such matters for the past 38 years^{2/}.

^{1/} I was a strong supporter of President Bush in the recent Florida and Supreme Court litigation in *Bush v. Gore*. Copies of my *Amicus Curiae Briefs*, which were filed on his behalf in the U.S. Supreme Court and in the Florida Supreme Court are enclosed as Exhibit A to this letter.

The urgent and serious nature of this problem has increased exponentially. I originally brought this matter to the attention of Attorney General Ashcroft in my Express Mail (EG841945571US) package and letter dated February 9, 2001, which enclosed three Exhibits containing sample pages from the "Time and Motion Study" of the A. T. & T. Cable transmission of the videotaped "101 Cheerleaders and I Jock", and a sealed 12"x14" envelope of confidential correspondence marked "for Attorney General John Ashcroft's eyes only". My Express Mail was received for by your Office on February 12, 2001 by H. Johnson. See in this regard, the Pon Office confirmation notice for my Express Mail at Exhibit B to this letter. In phone conversations this morning (Thursday, March 29, 2001) with the Attorney General's Office and others: the Executive Secretariat (202-514-2063); and the Mail Referral Unit (Eileen at 301-436-1021, and Russell at 202-514-4199), I learned that my February 9, 2001 Express Mailing could not be located. Apparently Attorney General Ashcroft has not yet seen the February 9th communication and its confidential enclosures. In view of this alarming discovery, I am sending Attorney General Ashcroft by Express Mail a bound volume of further subsequent correspondence (see Exhibit C to this letter) which reveals that the newly elected L.A. County District Attorney Steve Cooley has taken the position that such hard-core pornographic Cable T.V. transmissions by A.T.&T. are considered to be legal by the Office of the L.A. County District Attorney as being communications between "consenting adults". For a District Attorney to take an incorrect position of this nature on the important issue of "consenting adults" in the County of Los Angeles, which is the center of such unlawful national cable activity, is

The subject of the proposed Conference is the immediate need for the filing of a Civil (Common Law) Complaint for the forfeiture (*Astol Calero-Toledo v. Pearson Yacht Leasing Co.*, 416 U.S. 633, 40 L.Ed.2d 452, 94 S.Ct. 2080 [1974]) of the gross proceeds of ~~the unlawful business practice~~ of A.T.&T. in its "In Demand" "Adults **Only**" programs, in violation of (a) California State law, (b) Federal Common law, (c) International Treaty (obscenity), (d) Felonious "Pandering", see the *Reply Brief* of the undersigned as an *Amicus Curiae* in *Ginzburg v. U.S.*, 383 U.S. 463, 16 L.Ed.2d 31, 86 S.Ct. 942 (1966); reh. den. 384 U.S. 934, 16 L.Ed.2d 538, 86 S.Ct. 1440 (1966), and (e) the Federal Common Law on Federal Public Nuisances and the California State Public Nuisance Statute.

The alleged "unlawful business practice" is the ten hours of each day, seven days of each week, A.T.&T. "In Demand" "Adults Only" broadcast by Cable Television Channel 96 in Los Angeles, California, of more than 84 hard-core pornographic films during the period from January 27 through March 29, 2001, each of which is approximately 75 minutes in duration. The pay for viewing privileges is an extraordinary fee of \$1 1.95 per evening.

On a scale of 1-10, I would rate each of the 84 films as being a scale "10" hard-core pornographic film.

This proposed lawsuit is ready for filing and immediate trial and judicial relief by Ancillary Writs of Injunction and Mandamus in the U.S. District Court for the Central District of California or the Superior Court for the State of California. The trial evidence has been and is being surveilled and marshalled in this Office under my supervision by means of a videotape recorder. Videotape copies of the 80 films have been prepared with the superimposition of a "military" time/ date generator "stamp". The 80 timed-stamped copies and a representative "Time and Motion Study" of one of the videotapes (which is "the key" to success at the trial) will be available at the proposed Conference.

BACKGROUND

An innovative trial technique (pleading of trial facts) which has been approved by the California Appellate Courts, makes the trial issues in the proposed lawsuit simple and uncomplicated. The proposed lawsuit can be tried by any law school graduate with strong

absolutely deplorable. This startling disclosure makes my request for an immediate Conference in your Office a matter of the utmost importance and one that requires an immediate decision on the Attorney General's position. I implore Attorney General Ashcroft to grant my request for a conference on this Cable T.V. problem and an attorney billet on his staff in some capacity with respect to the obscenity issue.

Christian moral convictions. Because of the “quality defining” evidentiary nature of the “Time and Motion Study”, relief by a Writ of Mandamus and Injunction is attainable.

The prospective Defendants are A.T.&T., the *Hot Network*, the *Hot Zone*, *Vivid T.V.*, *Vivid Entertainment Group, Inc.*, *Bill Asher*, and other so-called “respected” members of the American business (stock market) community.

During the early 1970’s, I improvised the analytical “Time and Motion Study” process (technique) to place a focus on the nature of the obscene films and videotapes which were being brought to trial in the California Courtrooms. Its function was to expose immediately to the Court and the general public (by the use of a series of sequential timed photographic prints, which were “uleaded” as a part of the Complaint), the actual corrosive hard-core pornographic content of the motion picture positive print or videotape, which had theretofore been concealed procedurally from both the trial court and the general public until such time as the film or the videotape was introduced into evidence and viewed at the trial.

Without the “Time and Motion Studies” to show what the case was really about, the pre-trial arguments became a massive “spinning of wheels” which were restricted to a discussion of the theoretical “abstract” terms “free speech”, “pornographic”, “obscene”, etc.) The corrupt contents of the hard-core pornographic films or video tapes (and what the case was really about) was concealed from the general public. The “liberal” Justices were able to obfuscate (i.e., “get away with murder”) in their treatment of this important moral problem.

I personally drafted the City of Los Angeles Complaint that was used and also prepared the “Time and Motion Studies” which were pleaded by reference and incorporation in the *People ex rel. Busch v. Projection Room Theater* Public Nuisance Abatement Complaint. I agreed to do so upon the condition that ~~the City would agree to appeal when and if~~ the Trial Court struck the Complaint and granted the Defendant’s demurrer to the Complaint. The District Court of Appeal in the *Projection Room Theater* appeal specifically addressed and relied upon the “Time and Motion Studies” which were pleaded.

By making the “Time and Motion Study” a part of the allegations in the complaint, it effectively provided a substitute in place of the actual primary evidence (harmless videotape) which was lying on the table in the Courtroom and spread the lewd and pornographic themes and pictures on the record. See, in particular, the language used by the California Court of Appeal in *People ex rel. Busch v. Projection Room Theater*, 118 Cal.Rptr. at 430:

“ Suffice it to say that if the allegations of the complaints as supplemented by the exhibits are true, the motion pictures . . . exhibited at defendants' place of business constitute hard-core pornography and are obscene when judged by the standard set forth in section 311 of the Penal Code, as that section has been interpreted by the appellate courts of this state.” (My emphasis.)

By the use of such language, the Court was actually holding that these films were and are hard-core pornography as a matter of law and fact under California law (in as much as the record plead that a picture was taken every three seconds).

The *Projection Room Theater* case was rewarding to me, personally, because it established the correctness of my arguments to the law enforcement authorities and was completely successful in its objective in that case. The *Projection Room Theater* opinion is still the law in California with reference to the “Consenting Adults” defense. Under the *Projection Room Theater* decision, “Consenting Adults” do not have a right to view hard-core pornography on “Adults Only” pay T.V.! This U.S. Supreme Court is not going to reverse the reasoning that it employed in addressing the “Consenting Adults” argument, which was relied upon by the California Supreme Court in the *Projection Room Theater* case. Nor could the High Court do so, in light of the International Treaty against Obscenity which is currently in place! As a test case on a “consenting adults” plea in the Cable T.V. situation, this proposed civil lawsuit is worth the effort of the Federal Government to control the burgeoning problem of satellite and cable transmission of hard-core pornography.

Unfortunately, I seem to be the only person who fully understands and can contemplate the real potential of this evidentiary proposition, and its ability to require that the individual members of U.S. Supreme Court and other Courts personally address and direct their arguments to the gross nature of these A.T.&T. materials which are pleaded by reference and are a part of the actual complaint which would be before the High Court^{3/}. The objective of this proposed Conference is to change that comprehension. I am confident that I can achieve that objective.

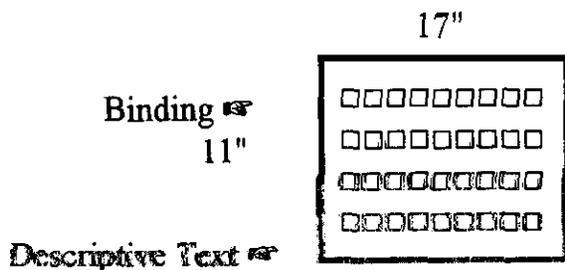
In my judgment, the “liberal” Justices on the High Court, faced with the public knowledge of what the case is about, will be required to abandon their customary rhetoric and address the red problem that the government faces, and the absolute need to stop A.T.&T. in its tracks and require it to disgorge the gross proceeds that it has derived from its unlawful operations (without subtracting its cost of doing business). That is the only

^{3/} Either on Appeal or pursuant to a Peremptory Writ of Injunction or Mandamus or Prohibition

deterrent that will keep other businesses from "taking a chance" and playing "follow the leader".

The "update" of the "Time and Motion Study" process, using digital and computer technology, has improved the process, cut the cost, and performed its function in a shorter period of time, while at the same time, requiring the services of only one individual—the computer operator. The use of the "Time and Motion Study" process simplifies the trial of a case of this magnitude. It does not require an expert to try the case, and it precludes a "liberal" Justice from putting a "spin" on his Judgment. The 11"x17" xerox copies of such "Time and Motion Studies allow a wide dissemination of the clinical description of the subject matter, which allow a relatively palatable public view of what does or does not constitute "Free Speech". The prototype has been manufactured, successfully tested, and is ready for immediate use. A simple "Time and Motion Study" of one of the A.T.&T. films will be available for examination at the Conference. Further, in a civil context with forfeiture, *collateral estoppel* can be devastating.

To utilize this important Projection Room Theater precedent and to resolve and finalize what would seem to be an enormously complex case requires only the preparation of "still photographs" for the 80 "Time and Motion Studies" (or such lesser total as may be chosen) to be derived from the 80 daily videotape surveillances to date (from January 29TH to March 28TH). With 10 hours for each daily videotape surveillance and a total of 84 different titles for the examination of the "freeze-frame motion" by the U.S. Supreme Court Justices in the Conference Room of the High Court, requires the production of one still digital photograph every 4.5 seconds from each copy of the 75 minute films which are time-stamped (from 0 minutes to 75 minutes) stills, which amount to 13 photos per minute x 75 minutes = 975 stills per each motion picture, which are arraigned with 36 photos (4 rows, 9 pictures per row) on each 11"x17" page, for a total of 27 pages for each of the 84 films (to date) which are "perfect" bound on the left 11" side:

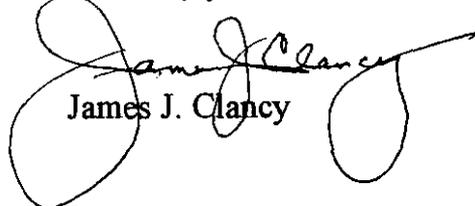


When the above described "Time and Motion Studies" are produced in the Courtroom pursuant to the above process, no lower or intermediate court can stop the

progress of the proposed lawsuit. Any adverse ruling by an intermediate Court will merely shorten the time for the case to get to the U.S. Supreme Court by Writ of Mandate, etc. All that is needed is the camera, and the necessary computer and printing equipment to accomplish that objective.

Alternatively, the same lawsuit and complaint can also be filed and tried in the California State Court, either with the cooperation of State Officials, or a private party with "Standing". I am one of those "private parties with Standing". See, in this regard, my attached letter of March 20, 2001 to Los Angeles Board of Supervisor Mike Antonovich, included in the bound volume at Exhibit C to this letter.

Sincerely yours



James J. Clancy

P.S.: The ultimate question is: what will the Justices of the High Court do when they are forced to face this massive deposit of moral corruption, and contemplate the role that A.T.&T. is playing in creating this crisis.

JJC/ejc

Encl: Exhibit A: Amicus Curiae Briefs of James J. Clancy, filed in *Bush v. Gore*.
Exhibit B: Express Mail (EG841945571US) receipt, dated 2/9/01 from James J. Clancy to Attorney General John Ashcroft.
Exhibit C: Bound Volume of additional supplemental correspondence of James J. Clancy.

Cc: Jerry Kirk, Religious Alliance Against Pornography (R.A.A.P.)
Carl F. Lindner, American Financial Group

App
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The Law Office Of James J. Clancy
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The Hon. John Ashcroft
U.S. Attorney General
Attention: Andrew Beach, Scheduler
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

May 20, 2002

Dear Andrew Beach;

Fifteen months ago (February 9, 2001), I made a major effort to obtain a private audience with Attorney General John Ashcroft. At that time, I felt he should be made aware of several "insights" regarding obscenity prosecution and the civil process that I knew would not be offered to him by those who were in control of the Attorney General's Office, which was and is geared to criminal prosecution of obscenity. Unfortunately, I was unable to penetrate the barrier which had been constructed about his personhood.

I am **attaching** with this letter at **Exhibit 1** and **Exhibit 2**, a copy of my correspondence, dated February 9, 2001, and March 29, 2001, which outlined the gist of what I wanted to say to him in March of 2001. I am also **attaching** at **Exhibit 3**, a copy of a response I received three weeks later from Mary Eileen Warlow of the Criminal Division. It told me what I did not want to hear. No one in the Office of the Attorney General was interested in what I had to say about the civil approach to this uroblem; i.e., treating "obscenity" as "contraband and as a "public nuisance", and taking on the Pornography Industry in civil litigation with the Industry's illegal monetary profits being subject to forfeiture.

I suddenly realized what the problem was. No one in the Justice Department was interested— everyone had given up on the subject matter and process I was talking about. Because of that fact, I was treated like a "pariah". I do not know that John Ashcroft personally is in that camp, but I will soon find out— depending on what steps the Justice Department takes in response to my having sewed the Attorney General's Office in my case **which is presently in the U.S. Supreme Court, entitled In Re Clancy, et al.**, No. 01-M46.

I was, and still am, amazed that no one in *the* Attorney General's Office has considered what the consequences will be politically, if it is revealed that during the past 20 months (October, 2000-May, 2002), the Attorney General's Office has not taken one step to oppose what American Telephone and Telegraph, Znc. (A.T.&T.) has been doing with

Hon. John Ashcroft

Re: Private Interview with the U.S. Attorney General

Page 2 of 4 pages, May 20, 2002

Attn.: Andrew Beach, Scheduler

The Law Office of James J. Clancy

its "In Demand" Pay-Per-View "Adults Only" Cable Channels. In my judgment, a videotape which revealed the extent of the base obscenity which is being exhibited on television by A.T.&T., and the fact that Hefner and *Playboy* are about to take advantage of this desuetude, would be devastating to the Republican cause! See, in this regard, the five videotapes which are enclosed (the P.B.S. *Frontline* Documentary "American Porn"; and A.T.&T. surveillance tapes: Part 1 and Part 2 for April 15, 2002, and Part 1 and Part 2 for April 30, 2002). I cannot bring myself to believe that President and Mrs. George Bush would understand that type of inaction. Perhaps I am wrong. I hope not.

I must assume that, for some reason which I do not understand, some one in the Attorney-General chain of command has failed in his or her responsibility to bring the matter to John Ashcroft's personal attention. I am therefore, bringing the matter to your personal attention, so that you in turn as his "scheduler" can personally inform the Attorney General. Accordingly, I am enclosing the four pleadings, and attaching the *Playboy* News Release, as reported by the L.A. Times in two articles, dated June 30 and July 3, 2001 at Exhibit 4, all of which I have filed in the U.S. Supreme Court as a Private Attorney General, which reflect my views in this matter. A copy of these pleadings has already been served on the Attorney General via his Office—the purpose of this copy of the four pleadings is to assure me that at least one set has been brought to the personal attention of John Ashcroft. I cannot bring myself to believe that he will not be able to "see the light".

It is my earnest hope that Attorney General John Ashcroft will see the "wisdom" of his intervening at this stage of the proceedings and simply "confess" harmless error, i.e., acknowledge that the record does in fact establish a "*primaefacie*" case of "desuetude" re the civil remedy of "public nuisance" which was approved in *Paris Adult Theatre I, et al. v. Slaton*, 413 U.S. 49, 37 L.Ed.2d 446, 93 S.Ct. 2628 (1973), and acknowledge the Original Jurisdiction of the U.S. Supreme Court to make a "probable jurisdiction" finding of fact, and issue the Rule Nisi which has been requested. If a majority of the High Court can be cajoled into making findings in that regard, a rehearing could be granted which would allow the Attorney General to pursue the matter as the Petitioner in the stead of *Clancy, et al.* I can assure you that type of news would be electrifying.

I am not surprised that what was unsuccessful 18 months ago has now resurfaced in the form of this dilemma I witnessed a similar situation 34 years ago during the Hearings before the Committee on the Judiciary U.S. Senate on the nomination of Abe Fortas to be Chief Justice and Homer Thornberry to be Associate Justice of the U.S. Supreme Court I had made a slide presentation on the "Judgments" of Abe Fortas in Obscenity cases, which I offered as a witness to defeat his appointment. For two weeks before the Hearings, I unsuccessfully sought the support of the entire conservative wing of the Senate. The

conservative element saw the merit of my presentation, but each member was unwilling to lend support for fear of what would happen to his reputation if the attempt was unsuccessful.

During the entire week of the hearings, I waited to be called as a witness. No such call was made. One Senator changed that result. When the hearings were closed on Friday, July 19, 1968, without my testimony, Senator Miller from Iowa, in response to my objection, sought out the Leadership on the floor of the Senate, and persuaded them to form a subcommittee to take a look at my slide presentation, which was accomplished on the next day, Saturday, July 20TH. After the slide presentation was made to the Subcommittee of Senators, the hearings were reopened on Monday, and I gave my testimony (see at Exhibit 5 the attached copy of the first two pages of the Report of the Hearing, which chronicles this series of events).

The slide presentation was later made into a 16mm film and shown to each of the 100 Senators in the basement of the Senate Building. Justice Fortas' Nomination (which was considered a "shoe-in") was subsequently defeated on the floor of the Senate on October 1, 1968. Thereafter, Republican Leader, Senator Everett Dirksen, and Democrat Leader, Senator Mike Mansfield jointly introduced a Bill in Congress to take the appellate jurisdiction of obscenity cases away from the U.S. Supreme Court. Unfortunately, Senator Dirksen died before the Bill could be heard in Congress.

In any event, if I am unable to get the U.S. Supreme Court to hear this matter pursuant to *In Re Clancy, et al.*, I intend to start back against *A.T.&T.* in a civil action in the trial court below, and with a videotape presentation of this "failed effort", a copy of which will be given to each member of Congress to buttress my argument for federal legislation to take such matters from the Appellate Jurisdiction of the U.S. Supreme Court, and to give that determination to the Supreme Courts of the 50 States.

As I see it, with the proper "orchestration", the matter will play out as follows: the computerized Time and Motion Studies of the *A.T.&T.* videotapes will disclose that all 10 of *A.T.&T.*'s "choices" (which have been demanded in the civil suit for *A.T.&T.*'s defense of the "*HotNetwork*" and "*HotZone*" videos) are *per se* obscene. I know enough about the nature of the films which are being shown to inform the Attorney General that this is certain to be the outcome. This result will require the High Court as a whole to come together as a body with the determination that the "*Hot Network*" and "*HotZone*" products are shining examples of Justice Potter Stewart's "I know it when I see it" and will be declared to be "contraband" *per se*. There is no way for the Court to escape that determination. The Court will, in fact, have to follow the scenario because the computerized Time and Motion Studies focus on this result. Thereafter, no one could risk playing one

of these films or anything like it on their Pay-Per-View. **The** immediate result will be the **demise** of the Industry's entire stock-in-trade.

John Ashcroft may well ask "How do I know for certain that what Jim Clancy says is true?" My answer to that question is that I will subject myself to cross-examination by the Attorney General and his designates at any hour of the day, at any day of the week for as long a period as may be required. I can assure you that, after such a cross-examination by any number of the best inquiring minds on his staff, he will no longer entertain any doubts.

I can truthfully state that I know more about "obscenity" than anyone would care to know, Let me frame this proposition from a different perspective; that is, I suggest that if the Attorney General does not follow my suggestion, he will live to regret it as one of the worst judgments made by the Bush (and Ashcroft) Administration. **An actual** judgment has got to be made by the Attorney General's Office, one way or the other. He must focus on the fact that Hefner and *Playboy* are watching from their "box office seats". See here, the **attached** news items on *Playboy*, dated June 30 and July 3; 2001 at **Exhibit 4** to this letter. It is with this thought in mind that I suggest that you give me the opportunity to address you on this matter.

John Harmer once wrote that I was "without guile". I had to look that word up in the dictionary to see what he was saying, before I would accept it as being descriptive of my mode of operation. If Attorney General Ashcroft affords me an opportunity to be cross-examined, I believe you will certainly find me to be "blunt" . . . but also "without guile".

Sincerely yours

James J. Clancy

JJC/cjc

Attachments:

- Exhibit 1:** Letter, dated February 9, 2001, ~~from~~ James J. Clancy to Attorney General John Ashcroft.
- Exhibit 2:** Letter, dated March 29, 2001, from James J. Clancy to Attorney General John Ashcroft.
- Exhibit 3:** Letter, dated ~~three weeks later~~ from Mary Eileen Warlow of the Criminal Division, U.S.A.G.O., to Mr. James J. Clancy.
- Exhibit 4:** Two L.A. Times News articles, dated June 30 and July 3, 2001, reporting on *Playboy's* announcement of its planned ~ ~ ~ *Sofia Adult* Movie Cable Channels.
- Exhibit 5:** Copy of the Index (first two pages of the Senate Judiciary Hearings) which chronicle the Testimony of "others" and James J. Clancy before the Senate Judiciary Committee, July 1968.

Enclosures:

- Five videotapes:** the P.B.S. *Frontline* Documentary "American Porn", and four (4) **A.T.&T.** surveillance tapes: Part 1 and Part 2 for April 15, 2002, and Part 1 and Part 2 for April 30, 2002.
- Four pleadings** filed to date in the U.S. Supreme Court, in In Re Clancy, et al., No. 01-M46.

APP
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Sent Express Mail 7/16 503PT
Delivered
7/19

July 16, 2002

Express Mail No. EH003949267US

The Hon. John Ashcroft
U.S. Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

CONFIDENTIAL
FOR THE EYES OF THE
U.S. ATTORNEY GENERAL
ONLY

Re: *In Re James J. Clancy, et al.*, U.S. Supreme Court, 2002 October Term, Confidential Draft of Motion for Leave to File an Amended Complaint, etc.; Amended Complaint.

Dear Attorney General John Ashcroft;

I agree with the remarks which you made at your 1999 Commencement Address at Bob Jones University See "Reasons for Filine This Private Attorney Generals' Amended Complaint" at page 14, paragraph 3 of the *Motion*.

I am enclosing a copy of this Private Attorney General's *Motion for Leave to File an Amended Complaint*, entitled *In Re Clancy, et al.*, which I intend to file in the U.S. Supreme Court after you have had an opportunity to review its contents and made a judgment in regard to this request.

I realize that many of the developing problems which have been complained about in my five pleadings were, in **part**, the responsibility of the previous Administration, **and** were "caused" by its refusal to act. I would willingly omit that part of the pleading's contents which adversely addresses the neglect of your office to react to this crisis, if you, as the U.S. Attorney General, will agree to intervene and reouest the U.S. Supreme Court to concede "Original Jurisdiction" and grant the Rule Nisi, so that this Private Attorney General might have an opportunity to **act upon** the Private Attorney Generals' "categorical contentions".

The *Playboy* Historical "crisis" is "real"! The collision that I refer to is inevitable

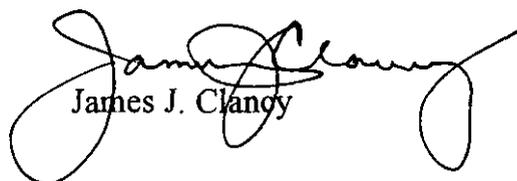
CONFIDENTIAL

Unfortunately, the individual Justices on the High Court do not hold themselves personally accountable for the unwillingness of the High Court to provide this Nation with “moral direction”.

I have vouched for the accuracy of the **trial facts** that I have recited regarding Huffman v. U.S. District Court, No. 73-1613 Misc., and Huffman v. Pursue, Ltd., No. 73-296, 420 U.S. 592, 43 L.Ed 2d 482, 95 S.Ct. 1200 (1975). Although there are a number of Attorneys names on the cover of the two Huffman pleadings, those Attorneys were not involved with the contents of those two pleadings while they were before the U.S. Supreme Court. I authored; printed; and paid for the same; and had the authority to make all of the decisions in connection with the content upon the Appeals and did so; and was reimbursed by Citizens for Decency through Law (C.D.L.) for my cost of the final product.

This is the first time in 27 years that these “nefarious” trial facts have been documented, and used to explain what is wrong with our Judicial System. We are not applying the Natural Law of “God”. “Something” does not come out of “nothmg”. It comes out of “something”.

Sincerely yours


James J. Clancy

JJC/ejc

Ends: Confidential Draft copy of Morion for Leave to File an Amended Complaint, etc.; Amended Complaint in In Re Clancy, et al., U.S. Supreme Court, 2002 October term.



APP
F





U.S. Department of Justice

Criminal Division

Deputy Assistant Attorney General

Washington, DC 20530-0001

April 20, 2001

James J. Clancy, Esquire
9055 La Tuna Canyon Road
La Tuna Canyon, CA 91352

Dear Mr. Clancy:

Your recent correspondence to Attorney General Ashcroft has been referred to the Criminal Division of the Department of Justice for response:

I hope you appreciate that Attorney General Ashcroft's schedule is extremely busy, and that we must therefore decline your request for a meeting with him. However, I want to assure you that problem of how best to combat the distribution of obscene materials, particularly over electronic media, is matter of serious concern to the Attorney General.

From your correspondence, I understand you are currently engaged with local authorities regarding the this problem, including the possibility of seeking relief using public nuisance laws. However, as part of your correspondence describes an particular evidentiary approach you have taken in pursuing these cases, ~~I have taken the liberty of forwarding your correspondence to our unit which deals with obscenity crimes.~~

Sincerely,

Mary Ellen Warlow
Mary Ellen Warlow
Acting Deputy Assistant Attorney General

900 PENNSYLVANIA AVE
10th
CC

May 3, 2001

5/14/01
1020 AM
202-514-2601
Christina
Andrew

202-514-0008 (DIRECT LINE)
BETWELL

202-514-9725

May 4 0630
Spine to Christine
1940
Child Support
Andy Beach
Michelle K...
* Jimmy Sal...
(122) 202-514-4935
202-514-4507
Sunder

APP
6



U.S. Department of Justice

Criminal Division

Child Exploitation and Obscenity Section

1400 New York Avenue, NW
Suite 600
Washington, DC 20530
(202) 514-5780 FAX: (202) 514-1793

Mr. James J. Clancy
Law Office of James J. Clancy
9055 La Tuna Canyon Road
La Tuna Canyon, California 91352

JUL 17 2002

Dear Mr. Clancy:

Your letter of May 20, 2002 has been referred to the Child Exploitation and Obscenity Section (CEOS) of the Criminal Division of the Department of Justice for a response.

The Attorney General shares your desire for strong and effective enforcement of the federal obscenity laws. Studies indeed show that most Americans do not want their homes besieged by an avalanche of obscenity, and they overwhelmingly support vigorous enforcement of federal laws against Internet obscenity. The Department of Justice recognizes that the Internet is perhaps the most pernicious medium for obscenity and the Department's commitment to prosecuting obscenity offenses focuses heavily on the use of the Internet as a medium for its distribution.

The Department has made substantial advancements in the enforcement of obscenity laws. To appreciate our progress, however, you must be mindful of where we started. The extent to which the obscenity has grown in this country has made a large amount of obscenity easily accessible by minors in American homes with few restrictions. The advent of the Internet has made child exploitation and obscenity a global reality that sees no boundaries and recognizes no jurisdictional lines. Additionally, the purveyors of obscenity have had nothing to fear for quite some time, which has likely contributed to its unchecked proliferation.

Adding to this bleak backdrop is the difficult reality that a framework for a law enforcement strategy against obscenity, especially obscenity on the Internet did not previously exist. Indeed, the resources for such a strategy did not exist. Very simply, we were virtually starting from scratch.

In a relatively short time, however, the Attorney General has done much to create the **architecture for a long future of effective enforcement** of our obscenity laws. First, the Attorney General has sent the clear and certain directive that enforcement of our obscenity laws is a priority. In fact, in order to develop a structure for **sustained, coordinated** and long-term enforcement, the Department recently convened the **Federal Prosecutors Symposium** on Obscenity which was attended by U.S. Attorneys and senior Assistant U.S. Attorneys. The overriding objective of the **symposium was to establish a national framework** for obscenity

investigations and prosecutions based on consensus, coordination and cooperation. Our plan has the primary goal of deterrence, born from effective, successful, and well-coordinated strategy.

While we have far to go in developing this national framework, the symposium was a tremendous start. Several U.S. Attorneys, obscenity-experienced federal prosecutors, and individuals from outside interest groups joined as faculty for the symposium. Bruce Taylor from the National Law Center made a presentation on the pornography industry - its history, recent trends, and current structure. Jay Sekulow from the American Center for Law and Justice made a terrific presentation on Obscenity and the First Amendment. And, Donna Rice Hughes gave the symposium a comprehensive and compelling overview of the pervasiveness, threat and harm of obscenity. Most importantly, however, the Attorney General himself addressed the symposium and indeed U.S. Attorneys and Assistant U.S. Attorneys across the country in a live simulcast. In strong, persuasive and impassioned words, the Attorney General made a call to arms in the fight against obscenity. His words were a clear and certain message that the Justice Department is again committed to enforcing vigorously the federal statutes criminalizing child exploitation and the distribution of adult obscenity.

The Attorney General has also committed significant resources to this priority. The Criminal Division recently dedicated nearly \$1 million of additional resources to CEOS, which has been used to implement a bold initiative to create a specialized investigative unit within CEOS to identify, target, investigate and prosecute significant "online" offenders of the obscenity laws. CEOS is now hiring several information technology specialists and investigators to work hand-in-hand with our lawyers to develop these cases. CEOS is coordinating with various federal law enforcement agencies to secure their support and participation in the venture. We expect to work in concert with US Attorneys offices across the country who also have an interest in prosecuting online obscenity offenses. With CEOS' new IT investigative and forensic resources, CEOS will provide training and investigative support for the efforts of these offices. Acting together, we hope to make real progress in driving obscenity from American homes.

As with any new and bold project, the lead time involved in identifying and hiring properly trained IT specialists and obtaining the computer equipment necessary to implement the initiative is likely to take some additional months. However, CEOS believes that this effort will result in a significant and sustained long-term benefit in the fight against the large-scale online distribution of obscenity and child pornography.

This should not be interpreted as an indication that CEOS will alone prosecute obscenity cases. CEOS is a small section and its attorneys are asked not only to conduct prosecutions, but to also develop and implement the Department's policy and legislative initiatives and to guide and train federal prosecutors across the country, all in the area of child exploitation and obscenity. Instead, the U.S. Attorneys' Offices will join CEOS in prosecuting the purveyors of obscenity. As I mentioned above, one of the purposes of the Prosecutors Symposium on Obscenity was to tap into the vast prosecutorial resources of the more than 90 U.S. Attorneys' Offices around the country and to enlist them in this initiative. We are confident that these

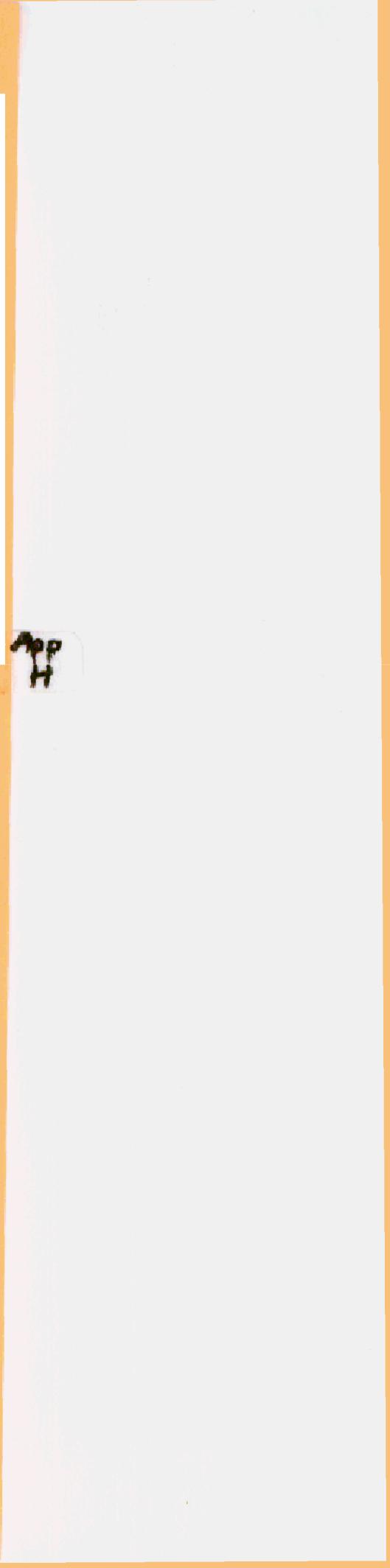
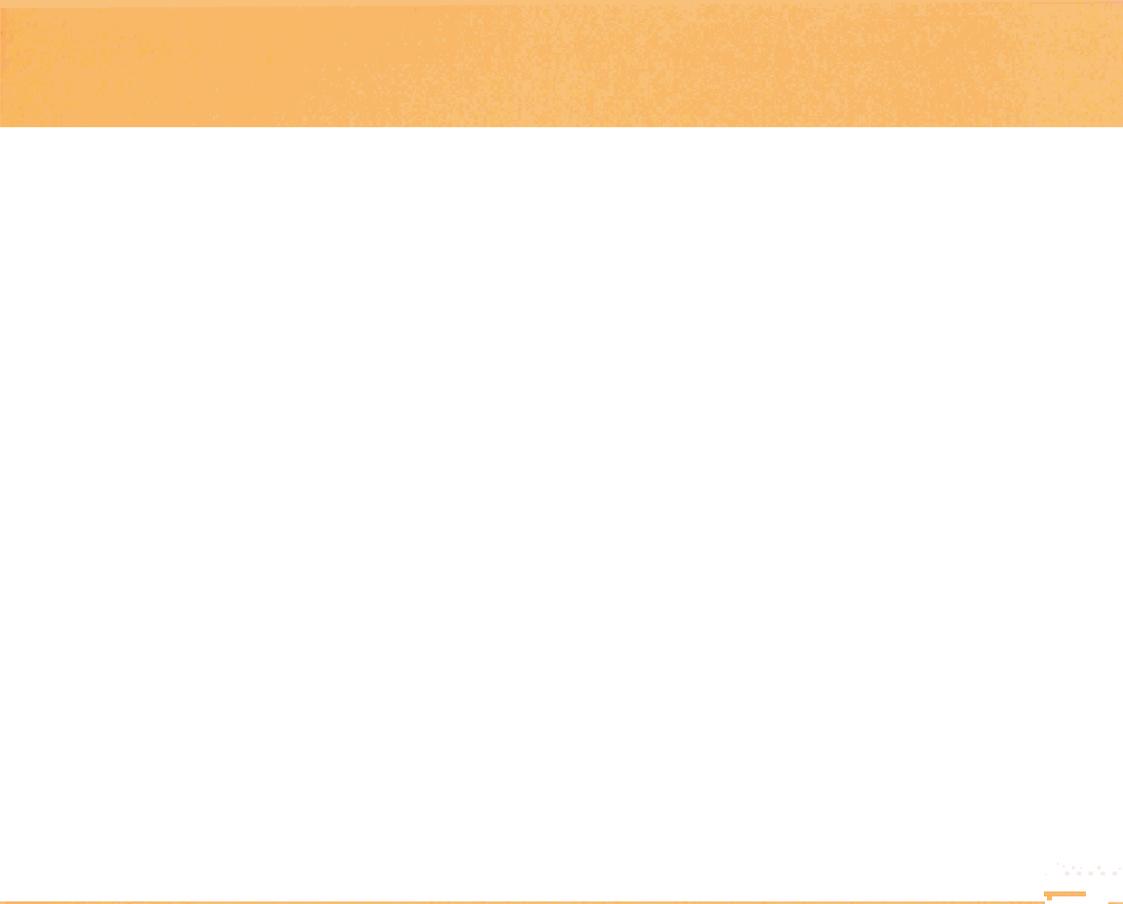
efforts will translate into an effective enforcement program.

The Department continually faces the task of **making** difficult decisions as it focuses its limited resources **in the** manner that it believes will have the greatest impact in the fight to enforce federal **obscenity** and child exploitation laws nationwide. We remain optimistic that the framework we **are setting** in place, and the **choices we** have made, will result in the most effective enforcement of our **obscenity laws**. **We appreciate** your continued interest in the **enforcement of our obscenity laws** and hope that **you** follow our progress.

Sincerely,

A handwritten signature in black ink, appearing to read "M. T. Oosterbaan".

Andrew G. Oosterbaan
Chief.



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THE LIBRARY OF CONGRESS

101 INDEPENDENCE AVENUE, S.E.

WASHINGTON, D.C. 20540-4680

MANUSCRIPT DMSION

April 18, 2002

Dear Mr. Clancy:

My colleagues and I were pleased to read in your letter of March 27th that you wish to give your papers to the Library of Congress. Your letter and the accompanying material only reached my office on April 17th. Currently all mail to congressional offices, including the Library of Congress, is quarantined to check for bioterrorism hazards and subjected to irradiation and inspection. 'Due to technical problems, there is a backlog awaiting treatment and delivery of mail is delayed. Consequently, it may be preferable to use e-mail (jhay@loc.gov) or fax (202-707-6336) when contacting the Library. If the nature of the material makes either of those options unworkable, contact me (202-707-1089) about other delivery options.

We would welcome your papers and you may be assured that we will maintain them in a fashion that will ensure that the James J. Clancy papers are organized for research and permanently available as a resource for scholars and researchers. The chief formal action that will need completing is our agreement on an "instrument of gift" to be signed by you and by the Librarian of Congress, Dr. James Billington. From the Library's point of view, the essential language is that conveying physical ownership of papers from you to the United States. We need, by the way, only ownership of the physical property: the Library does not require that literary rights (copyright rights) in your unpublished material also be conveyed. We regard that as an option for you. Many donors convey copyright to the public; researchers find this convenient because they do not have to concern themselves with getting permission for publication of lengthy quotations. Other donors, however, chose to retain copyright rights for themselves or their heirs for the length set by copyright law or for some lesser period.

The remaining issues usually dealt with in an instrument of gift clarify how the Library will administer the papers, and with those issues a number of options exist. If there is a need for some restriction on access, the restriction must be set forth clearly in the instrument. For example, ~~a provision that access is restricted to those who have the donor's written permission for five or ten years or the donor's lifetime is not unusual for~~ someone involved in public life. Or access can be allowed but only if the researcher agrees to ask for permission to publish material from ~~the papers~~. The key to ~~a good access clause is that its duration must be reasonable, its terms must be clear, and that if any judgment is to be exercised, this judgment is retained by the donor or the donor's literary executor.~~

Our instruments of gift also contain a clause regarding copying the papers. Most donors allow researchers given access to make single copies for research purposes. In addition, archivists during the organization of papers often find some material not appropriate for permanent historical preservation, usually duplicate copies. The instrument of gift should state what is to be done with this material. The three chief options are automatic disposal by the Library, automatic return to the donor, or offering the material back to the donor with the donor deciding at that point if the material is wanted back or should be disposed of by the Library.

The Library has draft language for these various options, and the language can be modified to meet special needs of the donor or particular circumstances of the papers. Earlier I sent a copy of one of those drafts to you. After you have considered what options you might want, contact me and I will have a draft instrument of gift prepared embodying your preferences.

Let me also note that you may wish to consult a tax attorney or accountant regarding the tax consequences (charitable deduction) of the gift of your papers to the United States. The matter of the timing of the transfer of ownership and of the form of the transfer (including restrictions) may also affect the tax consequences of a gift.

The Library can arrange to pack, pick up papers, and transport them to the Library at no expense to you. I regret to note that the Library does not possess a fund that would allow disbursement of secretarial help for screening and preparing a comprehensive guide to the papers prior to their reaching our archival staff here.

Once the papers are in our possession, a professional archivist will survey the papers and plan their organization. If the papers come with an inherent order, usually the organizing plan will be based on that order but where necessary an organization system will be created. Generally, papers are broken down into series and sub-series reflecting different aspects of the donor's life or different formats of material. Series are then organized by chronology, subject, or alphabetically depending on the nature of the material. The archivist then proceeds to organize the material, removing duplicates or inappropriate items, photocopying or microfilming material in danger of physical deterioration, and sorting and refiling material into acid-free folders and archival boxes, and labeling folders in accordance with the organizing plan.

Finally, the archivist prepares a register (finding aid) that describes in some detail the contents of each box down to the folder title level. The register also contains a schematic biographical note on the donor to assist researchers as well as a "scope and content" note describing the organizational arrangement of the collection and highlighting its contents. The register is prepared in a paper form for use by researchers in the Manuscript Reading Room: an electronic version is placed on Library of Congress's web site. We have found that the web version of a register has been highly effective in alerting researchers to the availability of a collection and assuring them that a research trip is justified for examination of the original material. The URL of the Manuscript Division web page is: <http://lcweb.loc.gov/rr/mss/>.

Again, the Library of Congress looks forward to providing an archival home for the James J. Clancy papers and to the **valuable** documentation your papers will provide on the **problem** and legal status of pornography.

Sincerely,

A handwritten signature in black ink that reads "John Earl Haynes". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Earl Haynes
20th Century Political Historian

Mr. James Clancy
9055 La Tuna Canyon Road
La Tuna Canyon, CA 91352



THE LIBRARY OF CONGRESS
ANGLO-AMERICAN ACQUISITIONS DIVISION
101 Independence Avenue, S.E.
WASHINGTON, D.C. 20540-4170

May 6, 2002

Dear Mr. Clancy:

On behalf of the Librarian of Congress, I am pleased to accept and to acknowledge your recent gift to the Library of the manuscript material more fully described below:

Clancy, James J.

Papers of James J. Clancy, 1981-2002.

Correspondence, legal documents, and video recordings relating to Clancy's work as a lawyer in anti-pornography litigation. 10 items.

We are grateful to be able to add these items to your papers conserved by the Library's Manuscript Division.

Because my letter is the Library's official acknowledgment of your gift, I also take this opportunity to confirm for you for tax purposes that the Library has not provided you with any goods or services in exchange for this donation. As required by the Omnibus Budget Reconciliation Act of 1993, please retain this letter as documentary evidence of that fact in support of any deduction you may claim for your gift. Thank you for your thoughtfulness and for your support of the Library of Congress. If I can be of any further assistance, please do not hesitate to contact me.

With best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Albin". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Michael W. Albin
Chief

James J. Clancy
9055 La Tuna Canyon Road
La Tuna Canyon, CA 91352



THE LIBRARY OF CONGRESS
ANGLO-AMERICAN ACQUISITIONS DIVISION
101 Independence Avenue, S.E.
WASHINGTON, D.C. 20540-4170

July 8, 2002

Dear Mr. Clancy:

On behalf of the Librarian of Congress, I am pleased to accept **and** to acknowledge **your** recent gift to the Library of the manuscript material more fully described below:

Clancy, James J.
Papers of James J. Clancy, 1998-2000
Six bound volumes containing correspondence, memoranda, and legal documents.

We are grateful to be able to add these items to the James J. Clancy papers conserved by the Library's Manuscript Division.

Because my letter is the Library's official acknowledgment of your gift, I also take this opportunity to confirm for you for tax purposes that the Library has not provided you with any goods or services in exchange for this donation. As required by the Omnibus Budget Reconciliation Act of 1993, please retain this letter as documentary evidence of that fact in support of any deduction you may claim for your gift. Thank you for your thoughtfulness and for your support of the Library of Congress. If I can be of any further assistance, please do not hesitate to contact me.

With best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Albin", written over a horizontal line.

Michael W. Albin
Chief

James J. Clancy
c/o Robin Gallagher
901 Cedar Fork Trail
Chapel Hill, NC 27514