

# Judge allows lawmakers' input in child-porn case

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A federal judge yesterday allowed 234 members of Congress to take part in oral arguments in a child-pornography case pending before the 3rd U.S. Circuit Court of Appeals in Philadelphia.

Judge Robert E. Cowen's ruling involves a "friend of the court" brief filed by the lawmakers urging the appeals court to reaffirm the 1991 conviction of Stephen A. Knox, 38, of State College, Pa., for receiving and possessing child pornography.

The brief, endorsed by 173 Republicans and 61 Democrats, also calls on the court to deny a motion by the Justice Department for a new trial in the Knox case.

A hearing is scheduled for April 27.

In January, Justice Department lawyers — with the support of Attorney General Janet Reno — asked the Supreme Court to send the case back to a federal district judge for retrial based on the Clinton administration's changed interpretation of federal child-obscenity laws.

The government's new position was denounced by several members of Congress, who argued that the administration systematically moved to weaken child pornography laws, leaving children vulnerable to sexual abuse and exploitation.

The Senate voted 100-0 for a crime bill amendment criticizing the administration's stand on

child-pornography laws. The unanimous vote said Justice Department reinterpretations of the laws failed "to protect children's rights to be free from exploitation."

A House resolution called on President Clinton to "repudiate" ongoing efforts by the Justice Department to reinterpret federal child-pornography laws and to order Miss Reno to "vigorously prosecute" the sexual exploitation of children.

"It has become increasingly clear that despite the Clinton administration's rhetoric about protecting children from exploitation and abuse, the administration's recent actions pose a real threat to the general welfare of our children," House members said in a

statement.

Yesterday's ruling was praised by Sen. Charles E. Grassley, Iowa Republican, who — along with Sen. Howell Heflin, Alabama Democrat — has led the fight against the Justice Department's new pornography position. Mr. Grassley said he was "gratified" by the ruling.

"The action taken last fall by the Justice Department could open a gigantic loophole for underworld child pornographers and endanger the lives of all children victimized by this industry," said Mr. Grassley, co-sponsor of the Child Protection Act of 1984.

The controversy surfaced after Knox appealed his federal court conviction to the Supreme Court. The Justice Department then filed

a brief taking a position that reversed previous Reagan and Bush administration pornography interpretations.

Justice lawyers argued that nudity or "visibility" of body parts through or beneath clothing was required for a child-pornography conviction and that for material to be classified as pornographic it must "depict a child lasciviously engaging in sexual conduct."

The department told the Supreme Court that the appeals court erred in upholding Knox's conviction by ruling "that simply focusing on the midsection of a clothed body may constitute an 'exhibition' of the unrevealed body parts beneath the garments."

The Supreme Court vacated the Knox case and returned it to the

3rd Circuit on Nov. 1. The appeals court previously upheld the conviction.

Knox was appealing his conviction and prison sentence for possessing and receiving through the mail videotapes showing partially clothed girls ages 8 to 17 in sexual poses. They wore bathing suits, leotards and underwear. It was his second conviction for child pornography.

The matter quickly became a mounting embarrassment for Mr. Clinton, who publicly distanced himself from Miss Reno when he responded to the Senate vote by chastising her for helping the man convicted of possessing child pornography win a round before the Supreme Court.