

## Pornography Report Unveiled

After more than a year of looking at dirty films and magazines, trudging through malodorous peep joints, and listening to sordid testimony from "victims" of pornography, the Attorney General's Commission on Pornography has released a massive report calling for a national assault on smut.

The commission, headed by Virginia attorney Henry E. Hudson, acknowledged the findings run counter to those of the 1970 presidential commission on pornography. The new report, noting a growing emphasis on violent sex and a shift from magazines to moving pictures, says it is "clear that the conclusion of 'no negative effects' advanced by the 1970 commission is no longer tenable."

The commission, with its \$500,000 budget, could not afford to fund any research so it had nothing new to report. It concluded, though, from reviews of existing research, that "in both clinical and experimental settings, exposure to sexually violent materials has indicated an increase in the likelihood" of sexual aggression. It states "with somewhat less confidence" that portrayals of the humiliation and degradation of women may lead to dehumanizing attitudes toward women. The effects of nonviolent materials are "less clear," says the report, but in any case, the amount of "highly sexual" material that is neither violent nor degrading "is in fact quite small. . . ."

Most of the 92 recommendations are aimed at federal and state lawmakers, proposing new laws and stricter enforcement of old ones. The commission was particularly concerned about child pornography and recommends measures ranging from a "national data base" on child porn to making possession of such materials a felony.

The commission, largely peopled by conservatives, has received much derisive coverage in the press but, despite complaints from the American Civil Liberties Union, the report does not appear to have aroused fears of an attack on the First Amendment.

Perhaps the most coherent criticisms so far are contained in comments by commission members Judith Becker, who directs the Sexual Behavior Clinic at New York Psychiatric Institute, and *Woman's Day* editor Ellen Levine. They observe that time and resources were far too short to do a thorough job, and "no self-respecting investigator would accept conclusions based on such a study. . . ." They say the conclusions from available research are overdrawn: "social science research has not been designed to evaluate the relationship between exposure

to pornography and the commission of sexual crimes; therefore efforts to tease the current data into proof of a causal link between these acts simply cannot be accepted."

They further note that the commission's recommendations focus almost exclusively on law enforcement, whereas "the core issues are more usefully viewed as health and welfare concerns."

The \$35, two-volume report, which contains 131 pages of "specific materials," was enjoying brisk sales after its release at the Government Printing Office. But it may stand more as a reflection of the times than as a guide to future public policy. ■

CONSTANCE HOLDEN

## Vaccine Compensation Proposals Abound on Capitol Hill

A host of proposals are circulating on Capitol Hill to set up a system to compensate individuals injured inadvertently by childhood vaccines, but legislators are deeply divided over the best solution. The proposals also represent an effort to prevent vaccine manufacturers from going out of business because of rising liability costs.

At least four different draft proposals and three bills are under discussion. Legislators are hoping to resolve several controversial issues before the current session ends this fall, but some key staff aides say they are not optimistic.

Childhood vaccines, particularly the DPT shot that protects against diphtheria, pertussis, and tetanus, seriously harm a very small percentage of children even though the products have been properly manufactured. Litigation expenses and court awards have driven up the cost of DPT to more than \$11 a shot, of which \$8 is set aside to cover liability expenses.

Federal legislators, parents, the American Academy of Pediatrics, and vaccine manufacturers all agree that a no-fault system should be established to provide a swift and equitable way to compensate victims injured by vaccines. But from this point, the various players part ways.

Representative Henry Waxman (D-CA), and Senator Paula Hawkins (R-FL) have introduced bills that would allow families of an injured child to take their grievances to a special federal judge and obtain quick compensation for vaccine-related injuries as defined by the bill. The money for compensation would be raised through a surcharge on vaccines, but how the tax should be distributed among manufacturers is hotly debated.

Hawkins, Senator Christopher Dodd (D-CT), and other senators are circulating another proposal for a no-fault system in which the victim's family would negotiate directly with the vaccine company. Under that plan, a company would pay for economic losses and \$100,000 for other damages. If the family rejects the offer and successfully sues the company, the manufacturers would have to pay for economic losses, and up to \$350,000 for pain and suffering. This proposal avoids two pitfalls of the other plan—defining injuries associated with vaccines and the allocation of the surcharges. Furthermore, it caps damages.

There is wide disagreement over a victim's right to sue the manufacturer. Waxman and Hawkins say it should be retained. The Administration opposes a compensation system altogether.

Waxman and Hawkins also each favor tightening the current government standards for vaccines, their aides say, and would request an expert panel of scientists to develop them. The revised standards, according to a proposal favored by vaccine manufacturer Merck & Co., Inc., could then be used as a complete defense against punitive and compensatory damages if a firm has complied in manufacturing. But Waxman and Hawkins oppose the Merck plan because it would set a poor precedent. Use of a government standard as a complete legal defense has not been allowed before under federal or state product liability law, according to Senate aides. Critics fear that producers of other products would request the same legislative treatment.

Under the no-fault plan, money for compensation would be raised through a surcharge on all childhood vaccines. The revenues would be placed in a trust fund. Hawkins, Waxman, and companies say that most of the surcharge should be borne by the makers of DPT vaccine since their product causes the most injuries. But the American Academy of Pediatrics advocates a uniform tax on all childhood vaccines.

One of the main political problems with compensation legislation is that Hawkins, who has pushed for some type of remedy for the past year, has circulated several proposals with her name on them since she introduced her own bill last year. To some of the other parties involved, it is unclear what Hawkins wants exactly. A staff aide to Hawkins concedes this is a problem, but adds that "we want to look like we're ready to negotiate. We're willing to look at any proposal rather than have compensation legislation die in committee." On the House side, the health and environmental subcommittee, which Waxman chairs, will hold a hearing on his bill on 25 July. ■ MARJORIE SUN