

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

JOHN B. THOMPSON,

Plaintiff,

v.

Case No. 07-21256 (Judge Adalberto Jordan)

THE FLORIDA BAR and
DAVA J. TUNIS,

Defendants.

**PLAINTIFF'S THIRTEENTH RESPONSE TO THE COURT'S
SHOW CAUSE ORDER**

COMES NOW plaintiff, John B. Thompson, hereinafter Thompson, as an attorney on his own behalf, and further responds to this court's September 24, 2007, Order to Show Cause and states:

Below and incorporated herein is a letter to the US Attorney for the Southern District of Florida as a logical consequence of this court's finding of "obscenity" against Mr. Kent. If this court will not follow the logic of its alleged concern about "children," and the trafficking in obscenity by this "officer of the court," then plaintiff will do so.

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October 1, 2007

The Honorable Alex Acosta, US Attorney
Southern District of Florida
99 N.E. 4th Street
Miami, Fl. 33132 Fax (305) 530-7679

Re: Obscenity Trafficking Via www.normkent.com and www.nationalgaynews.com and www.justusboys.com

Dear Mr. Acosta:

As you know, U.S. District Court Judge Adalberto Jordan, Southern District of Florida, has found to be “obscene,” in an order he entered on September 24, 2007, certain materials presently being distributed by a Florida Bar-licensed attorney via the above Internet web sites.

You have no choice whatsoever but to initiate a criminal investigation of this individual and his activities in this regard. As you know, you came into your U.S. Attorney position promising to prosecute obscenity trafficking.

Here is information provided to the public at the U.S. Justice Department’s web site at http://www.usdoj.gov/criminal/optf/links/citizens_guide.html:

The Supreme Court has held: "Transmitting obscenity and child pornography, whether via the Internet or other means, is... illegal under federal law for both adults and juveniles." Reno v. ACLU, 521 U.S. 844, at 878 n. 44 (1998).

Federal law prohibits the distribution of obscenity through the facilities of interstate or foreign commerce. More specifically, it is a crime to use the mail to send or receive obscene materials, to import obscenity, to ship or receive obscenity by a common carrier, or to transport obscene materials across state lines for sale or distribution, including by computer. See 18 U.S.C. sections 1461, 1462, and 1465. It is also illegal to broadcast obscene materials, or engage in the business of selling obscene materials that have traveled through interstate or foreign commerce. See 18 U.S.C. sections 1464, 1466. If on federal property, a military base, or on in Indian Country, it is a crime to sell or possess obscenity with the intent to sell. See 18 U.S.C. section 1460. (While even the mere possession of child pornography is a crime, private possession of obscenity is not, although the act of receiving obscenity could violate the statutes prohibiting use of the mails, carriers, or interactive computer services for the purpose of transporting such material.)

There are also federal laws making it a serious crime to distribute obscenity toward minors. Federal law prohibits a person from using the mail, or any of the means of interstate commerce, including a computer, to knowingly transfer obscene materials to someone the person knows is under 16 years of age. See 18 U.S.C. section 1470. For example, it would be a crime to knowingly email an obscene picture to a 15 year-old. Two other statutes for online child protection prohibit knowingly using an interactive computer service to display obscenity or child pornography in a manner that makes it available to a person under 18 (see 47 U.S.C. section 223(d) –Communications Decency Act of 1996, as amended by the PROTECT Act of 2003) and knowingly making a commercial communication via the Internet that includes obscenity and is available to any minor under age 17 (see 47 U.S.C. section 231 –Child Online Protection Act of 1998). In addition, a new law also prohibits the use of Internet domain names with the intent to mislead a minor into viewing material that is harmful to minors, or mislead any person into viewing obscenity. See 18 U.S.C. section 2252B. For example, a pornographic Website cannot use a domain name suggestive of a cartoon character or children’s television show with intent to mislead a minor into viewing harmful material.

Prior to the entry of Judge Jordan's order, I informed you of this ongoing criminal trafficking in obscenity by this attorney. I have brought to your specific attention the www.justusboys.com site which features material that one user thereof states is of special interest to pedophiles. The recent arrest of Florida-licensed assistant U.S. Attorney Atchison serves to underscore the linkage between Internet obscenity trafficking and on-line targeting of minors for actual molestation.

If you do not proceed in these regards by five o'clock p.m. Wednesday, October 3, 2007, I shall proceed to secure a federal court order to compel you to do so.

Regards, Jack Thompson

Copy: US District Court File, 07-21256

I HEREBY CERTIFY that this has been served upon record counsel this 1st day of October, 2007, electronically.

/s/ JOHN B. THOMPSON, Plaintiff
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