

# ***Playboy Magazine and the Oak Lawn, Illinois Public Library***

Laura Rizzardini, M.A.

October 2, 2005

## EXECUTIVE SUMMARY

### **Introduction**

The public library in Oak Lawn, Illinois has subscribed to *Playboy* magazine for 32 years on behalf of its patrons (Oak Lawn Public Library 2005). Currently, only patrons aged 18 or older may read the magazine, but they must read it in the library. These patrons are required to leave an identification card with a librarian while they have the magazine in their possession (Oak Lawn Public Library 2005).

The policy of the library board of trustees permits citizens of Oak Lawn to request the removal of publications. However, the trustees have sole and final authority about the content of the library's collection (Oak Lawn Public Library 2004). On June 21, 2005, it unanimously rejected a citizen's request for removal of *Playboy* magazine from the library (Napolitano 2005). This report documents the results of a survey of patrons of the Oak Lawn Public Library. It was conducted to offer them an opportunity to express their opinions about this subscription to *Playboy* magazine.

### **Methodology**

An independent survey research firm conducted the survey during *Fall on the Green*, a community event in Oak Lawn. The one-page questionnaire included 15 questions. Respondents described themselves by providing their age, length of residence in Oak Lawn, gender, and whether or not they were registered voters. Ten closed-ended questions requested the opinions of the respondents about library's subscription to *Playboy* magazine. The sole open-ended question provided an opportunity for the

respondents to comment about *Playboy* magazine, the library's subscription, the survey, or the questionnaire.

## **Results**

The average age of the respondents was 46.7 years (sd=13.0), but they ranged in age from 18 to 77. The average length of residence in Oak Lawn was 18.7 years (sd=15.6), but ranged from .5 to 58 years. Nearly all of the respondents (96.9%) were registered voters at the time of the survey. Almost two-thirds (64.6%) of the respondents were women. However, no significant differences existed between the age or length of residence of the men and the women.

Most of the respondents (83.5%) agreed that the Village of Oak Lawn should comply with all laws that prohibit the viewing of pornography in public places. Further, most (79.3%) thought that readers of *Playboy* magazine should purchase their own subscriptions. A minority of the respondents (28.2%) agreed that tax money should be used for a subscription to *Playboy* magazine for the Oak Lawn Public Library.

Similar, but minority percentages of respondents thought the library should continue to subscribe to *Playboy* magazine (37.6%) and that patrons should be able to read it in the library (39.5%). Very few (2.4%) agreed that all issues of the magazine owned by the library should be available to patrons of any age. About one-half (53.8%) of the respondents thought that only patrons over age 17 should have access to issues of the magazine owned by the library. However, about one-half (51.2%) of them agreed that no one should be able to read *Playboy* magazine in the library. In addition, nearly one-half (45.7%) of the respondents thought that the library should destroy all its issues of *Playboy* magazine. Somewhat over one-half of them (58.7%) agreed that a child is safe

when alone at the library. Like age and length of residence, no significant differences in opinion about the presence of *Playboy* magazine in the Oak Lawn Public Library existed between men and women.

Respondents also wrote comments in the space provided after a final question, “I would like to add.” The majority (29 or 58.0%) of the comments advocated the removal of *Playboy* magazine from the library. For example, “My son was exposed to by a man in the library.” The remaining 20 remarks (40.0%) recommended that the Oak Lawn Public Library keep its subscription to *Playboy* magazine. In the words of one patron, “Freedom of speech is a right. I do believe it should be policed with underage people.”

### Survey Limitations

Although this survey did not include a random sample of Oak Lawn residents, the respondents’ age and gender were similar to those characteristics of the village’s population at the time of the 2000 United States Census. At that time, the median age of Oak Lawn’s citizens was 41.5 years. The median age for these survey respondents was 45.0 years. In 2000, more than one-half (53.1%) of Oak Lawn’s citizens were women. The majority (64.6%) of the respondents to this survey were also women.

Another methodological weakness was the use of a questionnaire that had not been previously validated by pilot or other research studies. However, a reliability analysis of the questions that used a Likert scale of responses (strongly agree, agree, disagree, or strongly disagree) revealed that these ten questions do constitute a strong measure of opinions about *Playboy* magazine in the Oak Lawn Public Library ( $\alpha=.91$ ).

## **Conclusion**

Both male and female patrons of the Oak Lawn Public Library would prefer that its subscription to *Playboy* magazine be discontinued. They don't want their tax money to be spent in this way. Instead, they want readers to buy their own subscriptions. Although they are unsure about the destruction of the library's current holdings of the magazine, they want to restrict the patrons who have access to it by their age. Still, they are unsure whether this magazine should be available even to patrons over age 17. They feel somewhat confident that a child alone is safe in the library, but they would rather that library patrons didn't read *Playboy* magazine in the library.

Given that the board of trustees of the Oak Lawn Public Library has decided to continue the library's subscription to *Playboy* magazine, how can these patrons ensure that their wishes are respected? How can library patrons throughout the United States exercise some authority over the operations of their tax-funded local libraries?

**Recommendation 1:** Individual Oak Lawn Public Library patrons can file a formal *Citizen's Request for Reconsideration of Library Materials*.

**Recommendation 2:** Patrons can contact the mayor and their state representative to inform them about their concern with their library's collection.

**Recommendation 3:** Patrons can routinely request that their library purchase specified books or periodicals.

**Recommendation 4:** Patrons can donate preferred books or periodicals to their local libraries.

**Recommendation 5:** Patrons can become and remain informed about the contents of their local library's collection.

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The policy of the library board of trustees permits citizens of Oak Lawn to request the removal of publications. However, the board members have sole and final authority about the content of the library's collection (Oak Lawn Public Library 2004). On June 21, 2005, the members of the library board unanimously rejected a citizen's request for removal of *Playboy* magazine from the library (Napolitano 2005; Pierce 2005). This report documents the results of a survey of Oak Lawn residents and/or patrons of the Oak Lawn Public Library. It was conducted to offer them an opportunity to express their opinions about this subscription to *Playboy* magazine.

### **Background**

As of 2000, the population of Oak Lawn, Illinois was 55,245 people. More than one-fifth (21.9%) of them were under 18 years of age. (United States Census Bureau 2005). A village ordinance and a state law define obscenity and prohibit the distribution of

obscene materials in the Village of Oak Lawn. The entire text of each of these items is reproduced in the appendix, but their identical definition of obscenity is as follows:

Any material or performance is obscene if: (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and (3) taken as a whole, it lacks serious literary, artistic, political or scientific value (Village of Oak Lawn 2005).

*Playboy* magazine has been published in the United States since 1953 (Beggan and Allison 2003; Ehrenreich 1983). According to Ehrenreich, it initiated and fostered a cultural movement that encouraged men to rebel against marriage and to objectify women.

*Playboy's* visionary contribution – visionary because it would still be years before a significant mass of men availed themselves of it – was to give the means of status to the single man: not the power lawn mower, but the hi-fi set in mahogany console; not the sedate, four-door Buick, but the racy little Triumph; not the well-groomed wife, but the classy companion who could be rented (for the price of drinks and dinner) one night at a time (Ehrenreich 1983).

The magazine's cultural importance in American society is confirmed by more recent research with male readers of *Playboy* magazine,

The magazine was an important historical development in shaping modern, especially American, ideas about sexuality. At least some readers credit *Playboy* with a significant role in shaping their views of sex and their sexual identities. Moreover, readers see this influence in a very positive light (Beggan and Allison 2003).

Does *Playboy* magazine offer healthy and affirming information to men and to women? This question is best answered by reviewing the contents of the magazine. According to a published, systematic review, the magazine routinely includes interviews with major athletes, but has also advocated drug abuse and depicted violent sexuality.

The magazine has regularly included illustrations of children that associate them with sex, violence, and substance abuse (Reisman 1989).

Today, *Playboy* magazine is not only available at the Oak Lawn Public Library and on newsstands, but on the Internet. The publisher does not restrict or warn its potential viewers about the content, so its prohibition to children is solely the province of parents. A perusal of the website offers the visitor an overview of the current issue and the next month's issue. It also includes a graphic image of the magazine's cover page with a photograph of a scantily-clad young woman. Portions of the current issue are available for viewing at no charge. To see the entire issue, the viewer must purchase it or subscribe to the magazine.

The October of 2005 issue includes photographs of several naked female college students and a young female practitioner of witchcraft. The textual promotion of them is sexually suggestive. One young woman is featured not as a "model" as in a fashion magazine, but as a "playmate." The viewer must click on links to see these pictures, but some of them can be viewed at no charge. Interviews with celebrities George Carlin and Ozzy Osbourne are printed in this issue as are pieces about auto racing fans and cultural changes in the recreational habits of college students. Also promoted are items about the sexual fantasies of young college women and video games. The latter item includes naked photographs of female players. Lastly, an advice column is advertised.

The November of 2005 issue will feature nude photographs of the three current woman friends of *Playboy* magazine founder Hugh Hefner and of a new "playmate." A graphic image of the three woman friends in minimal clothing and sexually suggestive poses is placed next to the textual overview of this issue of the magazine. Actress Kelly

Monaco, a former “playmate,” a female New England Patriots football team cheerleader, and “pillow talk with Audra Lynn” will also be featured. The website promotes interviews with former athlete Barrett Robbins and celebrities Jamie Foxx and Steve Carell, too. Items about fall coats for men and playing the game of pool are mentioned (*Playboy Magazine* 2005).

## **Methodology**

In order to learn the opinions of Oak Lawn citizens about their library’s subscription to *Playboy* magazine, an independent survey research firm conducted a survey during *Fall on the Green*, a community event in Oak Lawn. This event began on Friday evening September 9, 2005. It continued throughout the following afternoons and evenings of Saturday and Sunday. An interviewer passively and actively recruited respondents at a table at the fair. A banner on the table’s canopy announced the survey while two placards on the table provided details about the topic under consideration. Several clipboards prepared with cover letters, blank questionnaires, and pens were stacked near the placards. The interviewer also greeted adults walking by the table or approached them with a prepared clipboard.

The cover letter explained the purpose of the study, stated the village and state laws which define obscenity, and specified the restricted, password-protected online location for publication of the survey report, and provided information about the survey research firm. While respondents or non-respondents could provide their names and e-mail and postal addresses for a mailing list, the questionnaire was anonymous. It requested no names or contact information. Respondents also folded their completed questionnaires themselves and inserted them into the slot of a locked, metal box.

The one-page questionnaire included 15 questions. Respondents described themselves by providing their age, length of residence in Oak Lawn, gender, and whether or not they were registered voters. Ten closed-ended questions requested the opinions of the respondents about library's subscription to *Playboy* magazine. These questions concerned the laws, financing, reader restrictions, and child protection issues that are associated with *Playboy* magazine. Respondents could also indicate whether or not they thought the library should continue to include the magazine in its collection. The sole open-ended question provided an opportunity for the respondents to comment about *Playboy* magazine, the library's subscription, the survey, or the questionnaire. A copy of the cover letter and questionnaire are in the appendix.

## **Results**

Of the adults over age 17 who completed the questionnaire, 5 of 133 respondents did not answer the question about their length of residence in Oak Lawn. These questionnaires were not included in any analyses of the results. The responses of twelve individuals who patronized the Oak Lawn Public Library, but did not live in Oak Lawn, were included.

### Age

The average age of the respondents was 46.7 years (sd=13.0), but they ranged in age from 18 to 77. While less than 10 percent (8.3%) of them were under age 30, more than one-quarter (26.4%) of the respondents were under age 40. More than one-half (56.2%) of them were ages 40 to 59. Less than 20 percent (17.4%) of the respondents were age 60 or older. As might be expected, older respondents were more likely than

younger ones to have lived in Oak Lawn for longer periods of time, but this association was only a moderately strong one ( $r=.440$ ,  $p=.01$ ).

### Length of Residence

The average length of residence in Oak Lawn was 18.7 years ( $sd=15.6$ ), but ranged from .5 to 58 years. More than one-third of the respondents had lived in Oak Lawn for 20 or more years (39.1%) or 6 to 19 years (36.7%). Less than 20 percent (14.8%) of them had been residents for five years or less. Oak Lawn Public Library patrons who resided outside of Oak Lawn represented less than 10 percent (9.4%) of the respondents. **Chart 1 illustrates these findings.** Nearly all of the respondents (96.9%) were registered voters at the time of the survey.

### Men and Women

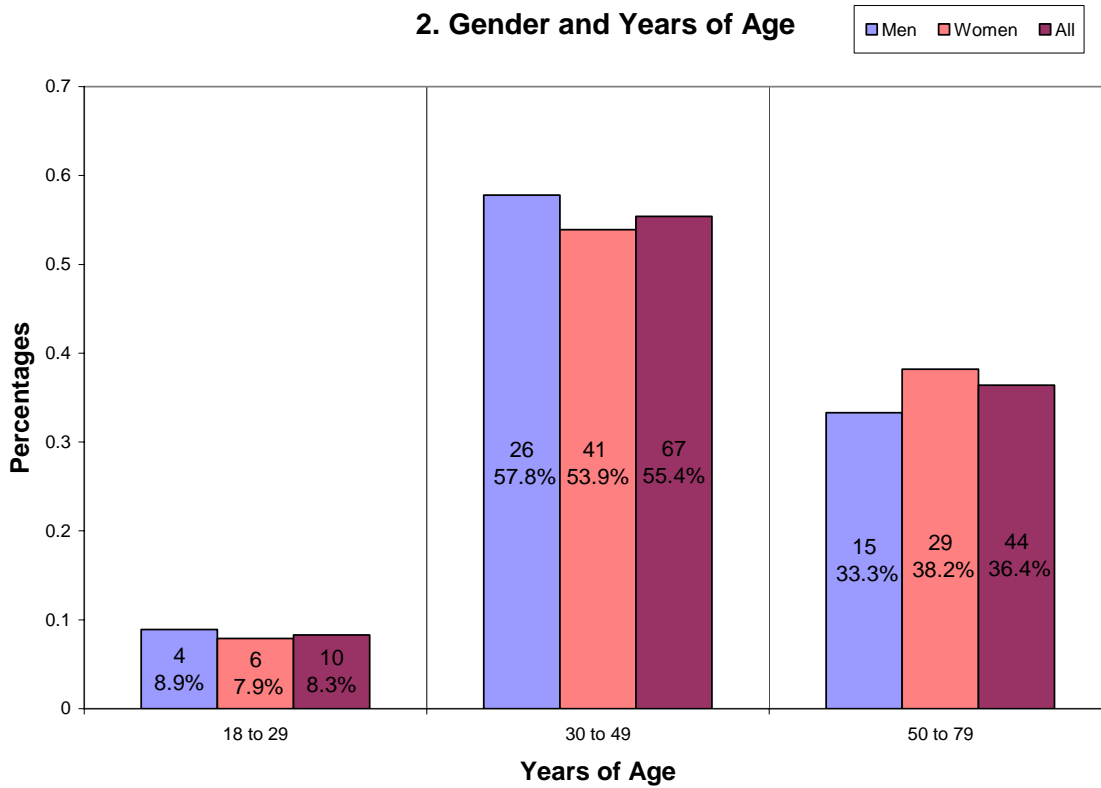
Almost two-thirds (64.6%) of the respondents were women. However, no significant differences existed between the ages of the men and the women. Similar percentages of the men (8.9%) and the women (7.9%) were ages 18 to 29. About one-half of the men (57.8%) and the women (53.9%) were ages 30 to 49. Lastly, about one-third of the men (33.3%) and women (38.2%) were ages 50 to 79. **Chart 2 illustrates these findings.**

No significant differences in the length of residence in Oak Lawn between the men and women existed, either. Only a small minority of the men (6.7%) and women (9.8%) patronized the Oak Lawn Public Library, but lived outside of Oak Lawn. Less than 20 percent of the men (17.8%) and women (13.4%) had lived in Oak Lawn for five years or

### 1. Gender and Years of Residence



### 2. Gender and Years of Age



less. Similar percentages of the men (42.2%) and women (34.1%) had been residents for 6 to 19 years. Comparably, 33.3% of the men and 42.7% of the women had been residents for 20 or more years. **Chart 1 illustrates these findings.**

### Opinions about *Playboy* Magazine

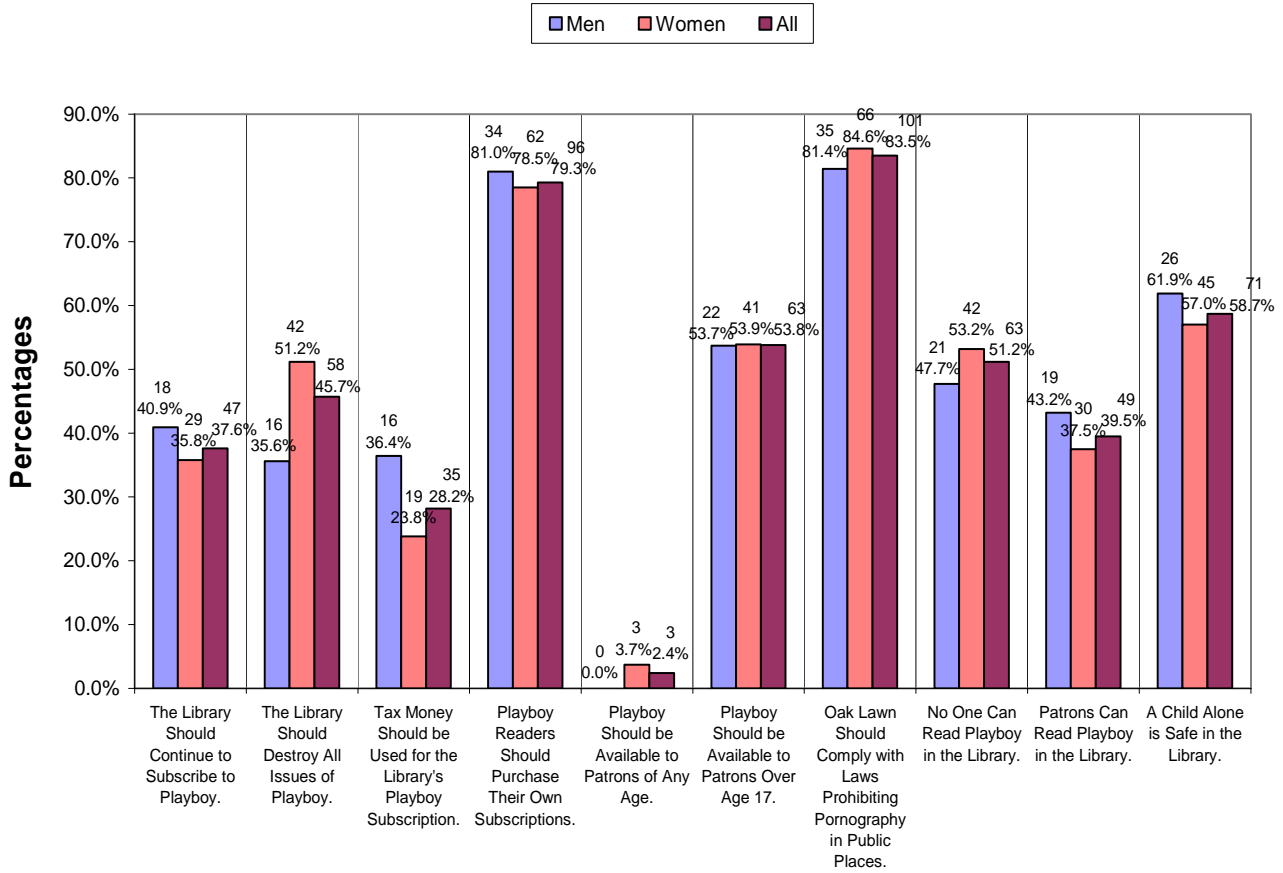
Most of the respondents (83.5%) agreed that the Village of Oak Lawn should comply with all laws that prohibit the viewing of pornography in public places. Further, most (79.3%) thought that readers of *Playboy* magazine should purchase their own subscriptions. A minority of the respondents (28.2%) agreed that tax money should be used for a subscription to *Playboy* magazine for the Oak Lawn Public Library.

Similar, but minority percentages of respondents thought the library should continue to subscribe to *Playboy* magazine (37.6%) and that patrons should be able to read it in the library (39.5%). Very few (2.4%) agreed that all issues of the magazine owned by the library should be available to patrons of any age. About one-half (53.8%) of the respondents thought that only patrons over age 17 should have access to issues of the magazine owned by the library. However, about one-half (51.2%) of them agreed that no one should be able to read *Playboy* magazine in the library. In addition, nearly one-half (45.7%) of the respondents thought that the library should destroy all its issues of *Playboy* magazine. Somewhat over one-half of them (58.7%) agreed that a child is safe when alone at the library. **Chart 3 illustrates these findings.**

### Men and Women

Like age and length of residence, no significant differences in opinion about the presence of *Playboy* magazine in the Oak Lawn Public Library existed between men and women. Most men (81.4%) and women (84.6%) agreed that the Village of Oak

### 3. Opinions About *Playboy* Magazine in the Oak Lawn Public Library



Lawn should comply with all laws that prohibit the viewing of pornography in public places. Additionally, most men (81.0%) and women (78.5%) thought that readers of *Playboy* magazine should purchase their own subscriptions. In contrast, minorities of men (36.4%) and women (23.8%) agreed that tax money should be used for a subscription to *Playboy* magazine for the Oak Lawn Public Library.

Over one-third of the men (40.9%) and women (35.8%) thought that the library should continue to subscribe to *Playboy* magazine. Similar percentages of men (43.2%) and women (37.5%) agreed that patrons should be able to read it in the library. No women and only three men (3.7%) agreed that all issues of the magazine owned by

the library should be available to patrons of any age. About one-half (53.7%) of the men and women (53.9%) thought that only patrons over age 17 should have access to issues of the magazine owned by the library. Still, about one-half (47.7%) of the men and women (53.2%) agreed that no one should be able to read *Playboy* magazine in the library. More than one-third of the men (35.6%) and about one-half of the women (51.2%) that the library should destroy all its issues of *Playboy* magazine. Somewhat over one-half of the men (61.9%) and women (57.0%) agreed that a child is safe when alone at the library. **Chart 3 illustrates these findings.**

### Respondents' Comments

On 53 of the 133 completed questionnaires, respondents wrote comments in the space provided after a final question, "I would like to add." Three of these responses are not included in these results because the respondents did not indicate whether or not they lived in Oak Lawn or patronized the Oak Lawn Public Library. One of the included responses was only a commentary on the survey. The majority (29 or 58.0%) of the comments advocated the removal of *Playboy* magazine from the library. The largest number (11 or 37.9%) of them revealed the respondents' concern for the safety of children in the library. For example,

My son was exposed to by a man in the library.

Who's to say a person reading a *Playboy* magazine at the library wouldn't encourage a youth to read it; we must keep our children safe and protected.

Hugh Hefner and *Playboy* are responsible for sexual aggression against women-children and the family.

A smaller, but important number of respondents (5 or 17.2%) thought the library's subscription to *Playboy* magazine was a poor use of tax money. In their own words,

*Playboy* degrades all women and children, and harms the family unit and community. Counter-productive to the use of tax dollars.

If *Playboy* is an approved subscription, who's to say what other magazine of this type will be requested and paid for with our tax dollars. We don't need more porn.

A similar proportion of respondents (4 or 13.8%) thought this subscription did not fulfill the purpose of the library. As they stated,

There's a time and place for everything. The public library and *Playboy* don't go together.

The library is for providing healthy education and entertainment – really not included is sex magazine.

A few respondents (3 or 10.3%) remarked that is important for patrons to have a voice about this matter. These comments included, "Glad there was a booth at the Fest" and "I hope this helps." Two respondents (6.9%) would like *Playboy* magazine removed from the library because it is pornography. As stated by one of them, "I wouldn't do it myself and a viewer opening (the) magazine on (a) table is in open view and I would not support a private viewing room in (the) budget." Lastly, four respondents (13.8%) just stated their opposition to the library's subscription in their own words. For example,

I'm disappointed in your lack of judgement and this is not a "freedom of speech" issue! Have the guts to say no more! The ACLU can't make you or fight you to keep this in our Library.

No *Playboy* mag. in library

The remaining 20 responses (40.0%) recommended that the Oak Lawn Public Library keep its subscription to *Playboy* magazine. The largest number of them (10 or 50.0%) gave freedom of speech or information as their reason for this opinion. In their own words,

Freedom of speech is a right. I do believe it should be policed with under-age people.

I strongly oppose censorship of legal materials.

Book burning is dangerous!

No one has the right to tell people what (they) can and cannot read.

A smaller, but important number of responses (6 or 30.0%) stated that *Playboy* magazine isn't harmful. For example,

My family feel(s) safe at the library – we would like it to stay the same.

I am more concerned about things that glorify violence and war.

*Playboy* is not obscene. The magazine should be available, behind the counter, to those over 17 years old.

A few respondents would like to keep the magazine in the library out of concern for the rights of adults (2 or 10.0%). As stated by one,

Everyone who has kids wants everything kid safe like adults have no rights above kids. I think that is reversed and if you can't watch, trust or will lie to them about reality then that is your problem not the whole community. When you're older and taxed "for the kids" constantly. Ever(y) speed limit and stop sign "for your safety" - American's start looking out for yourselves-

Similarly, two respondents (10%) advocated parents' responsibilities (2 or 10.0%) for their children. For example,

Parents should be responsible (as well as the library staff) of ensuring that their underage children do not view inappropriate material. Parenting starts at home, not the library.

## **Discussion**

The findings reveal that the male and female respondents did not differ in age, length of residence in Oak Lawn, or their voter registration status. Most respondents were age 30 or older. The majority of the respondents had been residents of Oak Lawn

for more than five years. Nearly all of them were registered voters. More importantly, the men and women did not differ in their opinions about the subscription to *Playboy* magazine held by the Oak Lawn Public Library. Overall, most of the question responses as well as the majority of the comments supported the removal of the magazine from the library. The following paragraphs will consider these responses from the various perspectives presented by the survey questions.

### Laws and Finances

Most patrons of the Oak Lawn Public Library want the Village of Oak Lawn to comply with all the laws that prohibit the viewing of pornography in public places. As described and documented above, the village and its library are governed by a state law and a local ordinance that define obscenity and prohibit its distribution. These statutes also mandate that the local community must decide whether or not a particular publication meets its standards. If the citizens of Oak Lawn deem that *Playboy* magazine is obscene, they may demand that it become unavailable at their library. An important number of comments from the minority of respondents who would like the library to retain the magazine revealed that they do not define it as pornography.

A similar majority of library patrons do not want their tax dollars to be used for the purchase of this magazine. Most patrons think that readers of *Playboy* magazine should pay for their own subscriptions. The written remarks of an important number of respondents suggest they think their tax dollars could be better utilized. Certainly, these subscriptions are readily available to individuals who could then read the magazine in the privacy of their homes. Readers can also purchase single copies of the magazine

at locations throughout the United States. Finally, this magazine is also available on the Internet.

### Reader Restrictions

Given the above preferences of the survey respondents, it might be expected that nearly all of them do not want *Playboy* magazine to be available to library patrons of any age. Further, the respondents are ambivalent about its availability to patrons over age 17. They are also ambivalent about anyone at all reading the magazine on the library's premises. Most respondents would prefer that library patrons do not read the magazine there. The comments of an important number of respondents that defined *Playboy* magazine as pornography or inappropriate for the library support their preference for readership restrictions.

### Protection of Children

Just over one-half of the respondents think a child is safe when alone in the library. This somewhat indecisive finding is reflected in their ambivalence about the destruction of the library's current holdings of *Playboy* magazine. Without question though, most respondents would like the Oak Lawn Public Library to stop subscribing to *Playboy* magazine. This finding is further supported by the comments of a substantial number of these patrons. They want the magazine removed from the library primarily due to their concern about the safety of children.

### Survey Limitations

Although this survey did not include a random sample of Oak Lawn residents, the respondents' age and gender were similar to those characteristics of the village's population at the time of the 2000 United States Census. At that time, the median age

of Oak Lawn's citizens was 41.5 years. The median age for these survey respondents was 45.0 years. In 2000, more than one-half (53.1%) of Oak Lawn's citizens were women. The majority (64.6%) of the respondents to this survey were also women.

Another methodological weakness was the use of a questionnaire that had not been previously validated by pilot or other research studies. However, a reliability analysis of the questions that used a Likert scale of responses (strongly agree, agree, disagree, or strongly disagree) revealed that these ten questions do constitute a strong measure of opinions about *Playboy* magazine in the Oak Lawn Public Library ( $\alpha=.91$ ).

## **Conclusion**

Both male and female patrons of the Oak Lawn Public Library would prefer that its subscription to *Playboy* magazine be discontinued. They do not want their tax money to be spent in this way. Instead, they want readers to buy their own subscriptions. Although they are unsure about the destruction of the library's current holdings of the magazine, they want to restrict the patrons who have access to it by their age. Still, they are unsure whether this magazine should be available even to patrons over age 17. They feel somewhat confident that a child alone is safe in the library, but they would rather that library patrons didn't read *Playboy* magazine in the library.

Given that the board of trustees of the Oak Lawn Public Library has decided to continue the library's subscription to *Playboy* magazine, how can these patrons ensure that their wishes are respected? How can library patrons throughout the United States exercise some authority over the operations of their tax-funded local libraries?

Recommendation 1: Individual Oak Lawn Public Library patrons can file a formal *Citizen's Request for Reconsideration of Library Materials*. The policy of the Oak Lawn

Public Library requires a library staff committee to review the material in question. An appeal of this committee's ruling to the library board of trustees can also be filed. Library patrons in other localities might ask their libraries for copies of their policy about the removal of library materials.

Recommendation 2: Patrons can contact the mayor and their state representative to inform them about their concern with their library's collection. As nearly all of the Oak Lawn Survey respondents were registered voters, their elected representatives will be interested to know that this issue is important to them. Library patrons elsewhere may find that their local officials will be pleased to hear from them.

Recommendation 3: Patrons can routinely request that their library purchase specified books or periodicals. The library staff will then be better informed about the wishes of their patrons. Their use of the limited funding for library acquisitions will be more reflective of their community's standards.

Recommendation 4: Patrons can donate preferred books or periodicals to their local libraries. The limited space on a library's shelves ensures that unacceptable publications are less likely to be included there.

Recommendation 5: Patrons can become and remain informed about the contents of their local library's collection. Readers may not be aware of library holdings offensive to them because they do not read them. Library staff can be an important resource about a library's collection.

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## **Appendix**

### Village of Oak Lawn Ordinance

#### **10-5-6-3: OBSCENITY:**

A. Obscene Defined: Any material or performance is obscene if:

1. The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
2. The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
3. Taken as a whole, it lacks serious literary, artistic, political or scientific value.

B. Prohibited: It shall be unlawful for any person to commit obscenity. A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

1. Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
2. Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene; or
3. Publishes, exhibits or otherwise makes available anything obscene; or
4. Performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
5. Creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations or any other jurisdiction; or
6. Advertises or otherwise promotes the sale of material represented or held out by him to be obscene.

C. Interpretation of Evidence: Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audience if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience. Where circumstances of production, presentation, sale, dissemination,

distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value. In any prosecution for an offense under this Section evidence shall be admissible to show:

1. The character of the audience for which the material was designed or to which it was directed;
2. What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
3. The artistic, literary, scientific, educational or other merits of the material, or absence thereof;
4. The degree, if any, of public acceptance of the material in this State;
5. Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
6. Purpose of the author, creator, publisher or disseminator.

D. Prima Facie Evidence: The creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies or the possession of more than three (3) copies of obscene material shall be prima facie evidence of an intent to disseminate.

E. Affirmative Defenses: It shall be an affirmative defense to obscenity that the dissemination:

1. Was not for gain and made to personal associates other than children under eighteen (18) years of age;
2. Was to institutions or individuals having scientific or other special justification for possession of such material.

F. Prosecution: In the event that any person commits any offense listed in this Section, and said offense is also an offense under the Illinois Compiled Statutes, and, because of prior convictions against said person under State law said offense would be prosecuted as a felony if brought under the State law, said person shall not be charged and prosecuted under this Section, but shall be charged and prosecuted under the applicable State law. (1951 Code 17-2-1; Ord. 87-3-13)

State of Illinois

720 ILCS 5/11-20 **Obscenity**

11-20. Obscenity. (a) Elements of the Offense. A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

(1) Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or

(2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene; or

(3) Publishes, exhibits or otherwise makes available anything obscene; or

(4) Performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or

(5) Creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or

(6) Advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(b) Obscene Defined.

Any material or performance is obscene if: (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(c) Interpretation of Evidence.

Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its

prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

In any prosecution for an offense under this Section evidence shall be admissible to show:

(1) The character of the audience for which the material was designed or to which it was directed;

(2) What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;

(3) The artistic, literary, scientific, educational or other merits of the material, or absence thereof;

(4) The degree, if any, of public acceptance of the material in this State;

(5) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;

(6) Purpose of the author, creator, publisher or disseminator.

(d) Sentence.

Obscenity is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony.

(e) Prima Facie Evidence.

The creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than 3 copies of obscene material shall be prima facie evidence of an intent to disseminate.

(f) Affirmative Defenses.

It shall be an affirmative defense to obscenity that the dissemination:

(1) Was not for gain and was made to personal associates other than children under 18 years of age;

(2) Was to institutions or individuals having scientific or other special justification for possession of such material.

(g) Forfeiture of property.

(l) Legislative Declaration. Obscenity is a far-reaching and extremely profitable crime. This crime persists despite the threat of prosecution and successful prosecution because existing sanctions do not effectively reach the money and other assets generated by it. It is therefore necessary to supplement existing sanctions by mandating forfeiture of money and other assets generated by this crime. Forfeiture diminishes the financial incentives which encourage and sustain obscenity and secures for the State, local government and prosecutors a resource for prosecuting these crimes.

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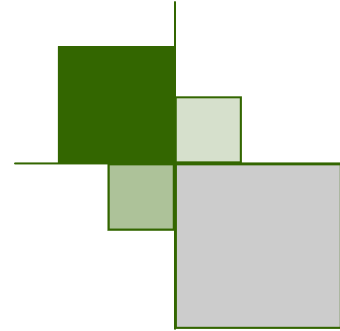
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September 9, 2005



Hello:

Currently, the Oak Lawn Public Library purchases a subscription to *Playboy* magazine with tax funds. While this magazine is available only to patrons age 18 or older, they may read it in the library. The position of the library board is that some Oak Lawn residents like to read *Playboy* magazine in the library. The board also contends that *Playboy* magazine offers useful information to its readers.

Illinois state law [ILCS 5/11-20] and Village of Oak Lawn ordinance [10-5-6-3] define obscenity as follows:

Any material or performance is obscene if:

- (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

It is illegal to distribute obscene material in Oak Lawn and in Illinois.

This survey is intended to learn your opinions of the availability of *Playboy* magazine at the Oak Lawn Public Library. It will require only about 15 minutes to complete the questionnaire.

*The survey is anonymous; you do not have to provide your name or any contact information to participate.*

The survey results will be available for viewing only at <http://www.oaklawnsurvey.741.com> between October 16, 2005 and November 15, 2005. At the site, you will need to enter this user name (ours54) and password (ibscutws) and click the "login" button to see a report summary, the statistical findings, and the entire report.

I am an independent social research consultant with a residence outside of Oak Lawn. My purpose in conducting this survey is to give residents of Oak Lawn a voice about the availability of *Playboy* magazine at the Oak Lawn Public Library. You can read more about me and my work at <http://www.lrizzardini.com>.

Sincerely,

**Laura Rizzardini**

## Survey of Oak Lawn Residents About *Playboy* Magazine

**This survey is intended to learn your opinions about the availability of *Playboy* magazine in the Oak Lawn Public Library. If you want to participate, please complete the questionnaire here at the Oak Lawn Survey Booth. When you have finished the questionnaire, please fold it into thirds and put it in the locked Oak Lawn Survey Box on the table.**

**Please check the box under the one response to the right that best describes your opinion about each statement.**

|  | Strongly Agree | Agree | Disagree | Strongly Disagree |
|--|----------------|-------|----------|-------------------|
| 1. The Oak Lawn Public Library should continue to subscribe to <i>Playboy</i> magazine.  |                |       |          |                   |
| 2. All issues of <i>Playboy</i> magazine owned by the Oak Lawn Public Library should be available to library patrons of any age. |                |       |          |                   |
| 3. Only patrons over age 17 should have access to issues of <i>Playboy</i> magazine owned by the Oak Lawn Public Library.        |                |       |          |                   |
| 4. The Oak Lawn Public Library should destroy all its issues of <i>Playboy</i> magazine.   |                |       |          |                   |
| 5. No one should be able to read <i>Playboy</i> magazine in the Oak Lawn Public Library.   |                |       |          |                   |
| 6. A child is safe when alone at the Oak Lawn Public Library.  |                |       |          |                   |
| 7. The Village of Oak Lawn should comply with all laws that prohibit the viewing of pornography in public places.                |                |       |          |                   |
| 8. Tax money should be used for a subscription to <i>Playboy</i> magazine for the Oak Lawn Public Library.                       |                |       |          |                   |
| 9. Readers of <i>Playboy</i> magazine should purchase their own subscriptions.   |                |       |          |                   |
| 10. Patrons should be able to read <i>Playboy</i> magazine in the Oak Lawn Public Library.                                       |                |       |          |                   |

**Please fill in the blanks to answer these questions about yourself.**

11. I have lived in Oak Lawn for \_\_\_\_\_ years.

12. My age is \_\_\_\_\_ years.

**Please check the box next to the correct response.**

13. I am a:     Man     Woman

14. I am a registered voter.     Yes     No

**Please use the space below for your comments about this issue.**

15. I would like to add:

***Thank you for participating in this survey.***