

## **ASSISTANT SECRETARY OF DEFENSE**

4000 DEFENSE PENTAGON WASHINGTON, D.C. 20301-4000

Mr. Patrick A. Trueman Ms. Dawn Hawkins Morality in Media, Inc. 1100 G Street NW #1030 Washington, DC 20005

JUL 2 2 2013

Dear Mr. Trueman and Ms. Hawkins:

This letter responds to your June 3, 2013, letter concerning the removal of all items of pornography on Department of Defense (DoD) property. This matter falls under my purview, and I have been asked to respond.

Section 2495b of title 10, United States Code, prohibits the sale or rental of sexually explicit material on property under DoD jurisdiction. In accordance with section 2495b, DoD established the Resale Activities Board of Review to review material offered for sale or rental on property under DoD jurisdiction and to make recommendations to the Secretary of Defense regarding what material should be prohibited from sale or rental in accordance with section 2495b(a). Any material that is found to be sexually explicit, as defined by section 2495b, is not offered for sale or rental on property under DoD jurisdiction. If such materials are already on store shelves, they are removed. All adult sophisticate material approved for sale is displayed on top shelves behind privacy panels, out of the reach of children.

The Resale Activities Board of Review previously reviewed the publications cited in your letter and determined that, based on the totality of each magazine's content, they were not sexually explicit under the definition in section 2495b(e). Therefore, the sale of these magazines on DoD property is permissible.

Section 2495b prohibits the sale or rental of sexually explicit material on property under DoD jurisdiction. However, it does not prohibit DoD civilian employees and military personnel from purchasing or renting sexually explicit materials on property not under DoD jurisdiction.

On a somewhat related note, we are deeply aware of the current national dialogue surrounding the military and serious issues such as sexual assault and other violent acts within the ranks and in our communities. The Department is committed to providing a safe and healthy environment on our installations for the entire military community.

Thank you again for your letter and for your concern for our Service members.

Sincerely,

F. E. Vollrath