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Cc:	Andrew Davis; Melanie Barton; Tom Davis; Tim Scott; Ellen Weaver; Skip Hoagland; Lauren Martell; Sunday, Lynne W
Subject:	Federal Law Violation - Beaufort County School District - Obscene and Pornographic Materials in School Libraries
Date:	Friday, March 31, 2023 5:54:12 PM

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Candace,

Thank you for getting the information to me regarding the district position on reinstatement of obscene and pornographic materials in the Beaufort County School District and School Libraries, as well as individual school board members voting decisions on these materials. I will be working with the Federal Bureau of Investigation and the United States Department of Justice to open a formal investigation into the Beaufort County School District and each member of the board that voted to reinstate these materials into our school libraries. This also includes Dr. Mary Stratos, Dr. Frank Rodrigues and yourself. In addition, based on the job description, our school librarians are also responsible for all materials that are brought into circulation in the school libraries, and I will be submitting the names of each librarian that has taken part in circulation of these obscene and pornographic materials.

As I am sure you understand that purchasing these materials, placing them in our libraries, reinstatement into our schools, knowingly giving minors access to these materials (without parental supervision) is a violation of several state laws (below), but is also a violation of Federal Law as ***Section 1470 of Title 18, United States Code, prohibits any individual from knowingly transferring or attempting to transfer or give access to obscene matter using any means, or facility of interstate or foreign commerce to a minor under 16 years of age.***

Previously, the Supreme Court has ruled that, ***"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).*** Since there are laws in place, and at least 1 SCOTUS ruling, it is evident that there is support for this law.

Finally, I have brought this to the attention of the Beaufort County Sheriff's Department in the form of a formal complaint. This complaint was never investigated by our Solicitor, Duffie Stone, despite his agreement that these materials violate at least ***3 South Carolina Laws (SC Code 16-15-305, SC Code 16-15-345, SC Code 16-15-385)*** during multiple conversations.

Here is some information on how the Federal Government and SCOTUS perceive this matter:

Obscenity is not protected under First Amendment rights to free speech, and violations of

federal obscenity laws are criminal offenses. The U.S. courts use a three-pronged test, commonly referred to as the Miller test, to determine if given material is obscene. Obscenity is defined as anything that fits the criteria of the Miller test, which may include, for example, visual depictions, spoken words, or written text. Federal law makes it illegal to distribute, transport, sell, ship, mail, produce with intent to distribute or sell, or engage in a business of selling or transferring obscene matter. Convicted offenders face fines and imprisonment. Although the law generally does not criminalize the private possession of obscene matter, the act of receiving such matter could violate federal laws prohibiting the use of the mails, common carriers, or interactive computer services for the purpose of transportation.

Federal law strictly prohibits the distribution of obscene matter to minors. Any transfer or attempt to transfer such material to a minor under the age of 16, including over the Internet, is punishable under federal law. It is also illegal to use misleading website domain names with intent to deceive a minor into viewing harmful or obscene material. For example, using a cartoon character or children's television program in the domain of a website that contains harmful or obscene material may be punishable under federal law. In addition, visual representations, such as drawings, cartoons, or paintings that appear to depict minors engaged in sexual activity and are obscene are also illegal under federal law. It is important to note that the standard for what is harmful to minors may be different than the standard for adults, and offenders convicted of obscenity crimes involving minors face harsher penalties than if the crimes involved only adults

We have given the Beaufort County School District, Beaufort County School Board, Frank Rodriguez and Dr. Stratos ample time to correct this matter. We have even done the research to identify the specific materials that violate these laws at that time. Instead of working with parents to make sure the Beaufort County School District is operating within the law, they have chosen to intentionally lie to the media and violate their own policy of the review process in order to place the same books back into our schools and make them accessible to our children.

If Beaufort County School District will correct the course, perhaps the FBI and DOJ will. This will end when formal criminal charges are filed against any and all elected board members and district employees that are connected to this distribution of obscene and pornographic materials to minors. Then the civil lawsuits will follow.

Thank you,
Joseph Castagnino