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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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STATE DOCUMENTS

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Legislative Update

Introduced Bills

Government Operations

Travel Agency Regulation (H.3493). This bill proposes amending Title 40 (Professions and Occupations) to provide regulation of travel agencies and their operations.

The agencies would be under the supervision of the Department of Consumer Affairs; agencies would have to register with the Department, satisfying certain requirements, most notably being bonded. In addition, the names and addresses of each owner, the chief executive officer and any operating officer would be supplied. The certificate of registration would be valid for a one-year period, and agencies would have to display it "in a prominent public place."

The Department could suspend or revoke the registration for several reasons, including fraud or false statements in obtaining the registration; violation of any provisions of the act or relevant regulations of the Department; intentional fraud or fraudulent practice. Such practices could include "intentional misleading advertising," misrepresentation, and false promises.

The preamble of the bill states that these regulations would be for the "protection of the public."

Repeal of Code Governing Masseurs, Masseuses "and the Like" (H.3506). This bill would repeal Chapter 29 of Title 40, which covers masseurs, masseuses and the like.

A "masseur" is—according to the Code—"a male person who applies manual or mechanical massage or similar treatment to the human body trunk or limbs..." A "masseuse" is a "female person so engaged."

Title 40 regulates a number of occupations and professions. They range from the normal, even humdrum, such as Accountants, to the more glamorous—Detective and Private Security Agencies, for example. There are also some professions which the average person might think of seldom, but which have not escaped the keen scrutiny of the state. See page 9 of this issue for more detail.

Retail Business License & Sales Tax: Exemptions (H.3503). At present, no business retail license is needed for persons who have a stall at a flea market or who put on yard sales—if the persons don't do these things for a living. This bill would add charitable organizations operating concession sales at festivals, if the proceeds of the sales are exempt under section 12-35-550 of the Code. The bill goes on further to add the gross proceeds of these concession sales to section 12-35-550 of the Code, provided that the festival is listed as a special event on the calendar prepared by PRT.

Section 12-35-550 exempts a number of proceeds from the sales tax, including textbooks, livestock, feed used for poultry or livestock, newsprint, religious publications, electricity to radio and television stations, certain medical supplies, and proceeds of the sale of merchandise by canteens operated by the Department of Corrections.

Industrial Commission (Again) (H.3513). In issue number five *Legislative Update* reported on H.3403, which would change the name of the state Industrial Commission to the Workers' Compensation Commission. This bill would do the same thing; it also adds that the current printed forms and stationery would be used until exhausted. (Not just really tired; exhausted.)

Alienation of Affections, Criminal Conversation (S.766). This bill would amend the Code so that no civil action could be brought for the torts (damages) of criminal conversation or alienation of affections. The bill would apply to causes of action for criminal conversation and alienation of affections after June 30, 1986.

According to *Black's Law Dictionary* alienation of affections consists of "the robbing of husband or wife of the conjugal affection, society, fellowship and comfort which inheres in the normal marriage relation." Criminal conversation is not talking with someone about committing a crime, but is an offense similar to alienation of affections: "defilement of the marriage bed, sexual intercourse of an outsider with husband or wife, or a breaking down of the covenant of fidelity.... Often abbreviated to *crim.con.*"

Training and Employment

Employment Revitalization Act (H.3496). Currently, training, re-training, technical and vocational education efforts in South Carolina are conducted by a number of different state agencies and organizations, including the Governor's Office. The Employment Revitalization Act would place responsibility for adult basic and secondary education with the State Board of Education, and all other vocational/technical training and education with the State Board for Technical and Comprehensive Education.

The TEC Board would be increased from eight members to ten members; one of the new members would have to have experience in secondary vocational schools, while the other member would have to have experience in federal job training programs. Term of the members would be six years, although the secondary vocational expert would have an initial term of three years.

The State Council on Vocational and Technical Education would double as the State Occupational Training Advisory Committee (SOTAC) and would make recommendations to achieve the following goals:

- 1) Improved coordination among the various state plans for adult vocational education, post-secondary education, and post secondary technical education.
- 2) Making these plans compatible with state economic development strategies.
- 3) Improving "articulation" between secondary vocational centers and post-secondary technical centers, and between the tec schools and the four-year degree schools.
- 4) Improving service to unserved and underserved groups.
- 5) Improving accountability systems and effectiveness.
- 6) Making continued improvements in the Employment Revitalization Act itself.

The TEC Board would coordinate its plans with the following groups: Economic Development Coordinating Council, State Council on Vocational-Technical Education, Commission on Higher Education, State Department of Education, and the Employment Security Commission.

In addition to the powers and responsibilities the Board has now, it would receive authority to administer federal funds for job training programs for special target groups and the general

population. The prime example of these programs would be the Jobs Training Partnership Act (JTPA) funded operations, now part of the Governor's Office, and amounting to around \$40 million per year.

The bill also provides for the Private Job training Review Committee to give advice on plans for short-term and innovative training. There would be seven members, three appointed by the Governor, two by the State Board of Education and two by the TEC Board. Staff would come from the Department of Education and TEC Board.

Finally, any state agency offering vocational, technical, occupational or adult basic and secondary programs would have to include the following in its annual report:

- 1) Summary of students served per year and cost per student.
- 2) Completion and placement rate.
- 3) Number of new programs stated and projected future job opportunities.
- 4) Number of programs discontinued.
- 5) How effective coordination efforts were.
- 6) How effective "articulation efforts" were.
- 7) How the programs offered coordinated with local and state-wide economic development efforts.
- 8) How well previously unserved or underserved groups or areas were brought into the program.

Farms

Farm Property Mortgage Foreclosure Moratorium (H.3531). This bill would provide methods to avoid foreclosures on farm property in South Carolina for a two year period, while maintaining the rights of persons holding mortgages. The purpose of the bill is stated as being "to regulate mortgage foreclosure procedure on farm property." It would do this in the following fashion.

First, there would be a State Board of Conciliation, with five members appointed by the Governor. Each county would also have a Board, with five members appointed by a majority of the legislative delegation. The duties of these boards would be to effect settlements between the holders of mortgages and the land owners.

Second, during the two years covered by the act, courts would have additional powers to deal with mortgage foreclosures. They could order a stay of foreclosure proceedings and have rent paid to the holder of the mortgage. They could grant additional time for the defendant in an action to prepare and present an answer. Further, the bill would provide that the powers of the court extend

not only to the foreclosure proceedings themselves, "but to every incident of the proceedings." This would permit extensions of time for sales, granting judgments without sale of property, conditional sales, and setting terms of sales as the court determines.

Should there be a public sale for foreclosure, the mortgagor (the person who took out the mortgage) can file with the court to grant an order allowing possession of the land for up to two years, providing that some payment is made to the holder of the mortgage. The court would make the decision, including a schedule and amount of payments. As conditions developed, the court could make revisions in its order.

For several years the farm economy has been severely and adversely affected by a serious depression. The bill notes just a few of the problems affecting farmers: "extremely low prices for the products of the farm, an almost complete lack of credit for farmers, and a general and extreme stagnation of agriculture."

See page 8 for some additional information on farming in South Carolina.

Economic Development

Tax Breaks for Research and Development (S.1009). This proposes to set a limit of \$300 for sales tax on "machinery for research and development," and would exempt from ad valorem taxes new research and development facilities or additions over \$50,000 in cost. The limitation would run from July 1, 1986 through June 30, 1991.

Research and development machinery would be those instruments, equipment and so forth used "directly and exclusively" for new products, new uses of existing products, or improving existing products.

Health & Safety

Smokeless Tobacco Warnings (H.3517). Smokeless tobacco—snuff, chewing tobacco and the like—is becoming more popular these days. Many doctors and health officials feel that it represents a real danger to those who use it. This bill would require DHEC to write regulations for health warnings to be placed on all smokeless tobacco products sold in South Carolina.

Schools

School Employees Criminal Arrest (H.3525). This bill would require law enforcement agencies to give prompt notice if they arrest school employees for certain crimes. These crimes would be any found in Chapter 3 of Title 16 ("Offenses Against the Person"); any in Chapter 15 of Title 16 ("Offenses Against Morality and Decency") and contributing to the delinquency of a minor, as defined in 16-17-490.

For public school employees, the district superintendent would have to be notified; in turn the superintendent would apprise the governing board of the arrest.

For private school employees, the principal or chief administrator of the school would be notified, and in turn would notify the governing board.

In cases of employees of day care facilities, the director of the center and the Department of Social Services would be informed of the arrest. The center director would inform the governing board, if any, of the facility.

Additionally, SLED is authorized to furnish criminal history of conviction of the crimes found in the sections noted above; schools and day care centers are required to request such histories before the initial hiring of a new employee.

No School Employees on State Board (H.3526, H.3527). Taken together, these two bills would amend the state constitution so that no employee of a public school district could be a member of the State Board of Education.

School Bus Drivers--Minimum Age (H.3529). At present there is no minimum age requirement for school bus drivers, other than the limit inherent in acquiring a driver's license. This bill proposes raising the minimum age to twenty-one for drivers. An exception is made for those under twenty-one who are now school bus drivers; they could continue.

Farming in South Carolina: Some Figures

The importance of farming to South Carolina is well illustrated by the latest *South Carolina Statistical Abstract*, published by the Division of Research and Statistical Services of the Budget and Control Board. While these figures are subject to change between the time they were gathered and the time they were printed, they represent a good perspective on the farm situation in South Carolina.

According to the *Abstract*, there are some 24,900 farms in our state. The average farm is 224 acres, and has a total value (land and buildings) of \$208,000. Each year that farm produces \$38,800 worth of agricultural products for market.

The counties with the largest number of farms are: Anderson, with 1,127; Florence, 1,269; Horry, with 1,593; Orangeburg, 1,240; Spartanburg, with 1,204; and Williamsburg, 1,076. The largest sized farms are found in Allendale, however: the average farm there has 842 acres.

The value of production for South Carolina farms declined from 1982 to 1983, as did total production. However, the value decline was also related to the decline in prices for farm produce. The figures below show the relative value of production for the eight major crops in our state.

Crop	Value of Production 1,000's of dollars	
	1982	1983
Corn	83,500	62,200
Wheat	57,800	34,100
Hay	33,800	27,000
Soybeans	227,700	184,000
Tobacco	219,200	204,100
Cotton	44,400	18,400
Peaches	46,300	16,100
Tomatoes	43,000	17,100

As even this brief survey shows, farming is still an a vital component of South Carolina's economy. At the same time, farms in South Carolina have been affected by the "farming crisis" which has reached almost epidemic proportions in the nation as a whole.

Title 40: Professions and Occupations

As noted earlier in this issue, a bill has been proposed to remove a chapter from Title 40; if passed, the bill would repeal the chapter which requires masseurs and masseuses to be regulated by the state. Some of the other occupations mentioned in Title 40 are worth some examination in their own right.

Junk Dealers (Chapter 27), who buy junk are required to "keep each article of junk" open for inspection by all persons for seventy-two hours following the purchase. This does not apply, however, to junk which is bought outside of the county where the yard is located.

The practice of Naturopathy is forbidden in this state by Chapter 31 of Title 40. Violators can be fined up to five hundred dollars, and/or imprisoned for up to one year by the court. "Naturopathy" is the treatment of disease through a combination of "natural medical substances," such as herbs and salts, and physical means, such as electrical treatment.

Chapter 41 governs Peddlers and Hawkers, Horse Traders and Fortunetellers.

Peddlers and Hawkers must have a license from the county to peddle and hawk. Should they be selling medicines, then each package or bottle must have the formula of contents "plainly written or printed on it, in the English language..." This formula must be approved in writing by a licensed and practicing physician of South Carolina, and a copy of the approval must also be on the bottle.

Both itinerant horse traders and itinerant fortunetellers are required to be licensed by Chapter 41. The offense for practicing either profession without the proper license: a fine up to \$100 or imprisonment for up to thirty days "for each and every offense." I see a dark cloud hanging over the head of many in the state....

Finally, while on the subject of fortunetelling, let us note the following section (690) from Title 16, Chapter 17 ("Offenses Against Public Policy"):

"It shall be unlawful to engage in the business, trade or profession of fortunetelling, palmistry, phrenology, clairvoyance or the prediction of future events by cards or other means or to offer to tell fortunes or predict future events by palmistry, astrology, clairvoyance, cards or other means as an inducement to promote some other business, trade or profession."

Lotteries: Winners & Losers, Questions & Answers

What is a Lottery?

In South Carolina, the word "lottery" evokes thoughts of large grand prizes, or more typically of a car giveaway. Charitable organizations hold lotteries to raise revenue for their group's cause. The lottery functions on a cycle of "more given, more gained." By pooling resources, the lottery players individually spend much less than the cost of the prize for a chance at winning it, while the lottery sponsor gains more than the actual cost—this is the revenue. The greater the value of the prize, the greater the revenue, due to increased participation. This seems like a wonderful principle and it was used often in early America. Yale and Harvard got their starts with money raised in lotteries. George Washington and Thomas Jefferson were two Americans who purchased lottery tickets in the early days of the United States.

These early lotteries were outlawed in the late nineteenth century because of widespread corruption. In 1961, New Hampshire heralded the start of the modern lottery era with the first state-run lottery since their earlier banning. Since 1961, eighteen states have joined the lottery ranks. Reasons for doing so usually consist of increasing state coffers to cover improvements and rising costs without raising taxes. Lottery revenues have been used to fund education, transportation, or state general fund accounts.

The modern lottery has several mediums, including "scratch-off" instant games, lotto, numbers game, on-line, and parimutuel games.

Lotto is an old Italian game in which players select a group of numbers from a larger field. A drawing is held to pick the winning numbers. If that combination has not been chosen by any player, the purse is added to the next game, and the jackpot builds.

In the *numbers game*, a bettor chooses a group of numbers that are then compared with a winning number drawn daily, biweekly, or weekly.

On-line games are any of a variety that use a retail terminal directly connected to a central computer.

Parimutuel players holding the winning numbers share equally in the prize, which is determined by the amount of the bet minus expenses and profit.

Some states have several of these games on a regular basis, but supplement them with occasional games to maintain or increase sales and interest. For many states, maintaining interest is a common problem. Large jackpots have become the usual, so new gimmicks are often needed to lure the lottery player. State governments have also become reliant on lottery revenues, as a result, lotteries have become a major marketing venture requiring experienced business personnel.

The Opposition to Lotteries

Opponents of lottery legislation have concerns in several areas connected with lotteries. Among them: regressive taxation, organized crime and morality.

The problem of regressive taxation is one that greatly concerns opponents because they believe that lower income groups are apt to purchase more lottery tickets than other groups. These low-income groups are already spending a greater proportion of their incomes than middle-class, or wealthy people, and they theoretically buy more consistently because the dream of lottery winnings present an escape from the cycle of poverty in which they exist.

Daniel Suits, an economics professor at Michigan State University, analyzed the issue for the U. S. Commission for Review of the National Policy Toward Gambling. "It uniformly shows," Suits says, "that as you go up the income scale, lottery purchases become [a smaller share]. That is a classic definition of a regressive income source. It's 2.5 to 3 times as regressive as the sales tax. That's a fact, and it hasn't been disputed."

Many religious leaders also see the lottery as a form of gambling, of which they do not approve. "It's bad public policy, bad social policy and bad moral policy for the state to huckster or be its own bookie for its people," says Weston Ware of the Baptist Christian Life Commission in Texas. Here in South Carolina, a coalition of religious leaders, particularly Baptists, represent this and other ideas.

Organized Crime?

Fear of organized crime stems from the illegal numbers rackets that exist in most major cities. Some people believe that by bringing a legalized form of gambling--the lottery--to an area, you are inviting organized crime. The organized crime numbers racket has better odds with greater payoffs that are tax-free, unlike the state lottery games, which often have seemingly insurmountable odds to beat and federal taxes on prize money.

The proof for any organized crime encroachment, though, is slim at best, or nonexistent for most state lottery officials. Relying

on 25 years of experience, lottery officials claim a definite absence of organized crime interest. Because state lotteries are closely monitored by the public, as well as by a state-run security agency, it is thought to be difficult and unprofitable for organized crime penetration. Ralph Batch, a former FBI agent, who has been involved in the Illinois, New Jersey, and Delaware lotteries says, ". . . if it was going on, it would have surfaced by now. We're in a fishbowl." It seems, then, that there is only conjecture about organized crime involvement and little proof for either side. The few cases of fraud that have surfaced in state lotteries have involved lottery employees, not organized crime.

The States

Many state lottery officials claim that most participants are middle class, and for some types of games, upper class. They also strongly disagree with the ideas that the lower classes should "be protected from themselves" in the purchasing of lottery tickets. These officials believe that most players agree on that point. One New York participant, an elderly Harlem resident, said this, "It's my choice. The big difference between Lottery and life is that in this game, everyone has the same chance."

Pennsylvania argues that the people who benefit most from lottery profits are those with low incomes. Studies are also depicted as showing that the the middle class plays more than the poor. Middle income is defined as being between \$15,000--\$30,000 per year.

Many believe that lotteries now attract a more affluent crowd without previous gambling experience. Washington reports that most of its lottery players are over 50 years of age and earn over \$35,000 a year. A New Jersey survey shows that 40% of its players have attended college. When jackpots increase in Massachusetts, so do ticket sales in Boston's financial district. Owen Hickey, current Colorado Lottery Director and veteran of Arizona and Pennsylvania lotteries says, "Americans don't like taxes, but they do like projects and services. Lotteries are an effective and traditional means of raising funds. It's not so much a question of morality as it is an American tradition."

Examples

There are four lottery states which are similar in population size to South Carolina. *Connecticut* has had a lottery since 1971. Gross sales have been \$1,713,796,861.50 through 1985 with \$715,711,919.50 going to the State's general fund. There has been a consistent increase in gross sales amounts with fiscal year 1984-85 having the largest increase.

The Arizona state lottery began in 1981. Arizona's population is somewhat smaller than South Carolina's, at 2.7 million, yet Arizona has had weekly sales averages of 2 million tickets. Arizona applies most of its lottery revenues to a local transportation assistance fund. Thus far the state has made about \$77,414,343.00 of which about half is distributed on the local level for transportation costs. The average Arizona lottery player is over 30 years of age, makes a minimum of \$20,000 a year, and has had at least a high school education.

The Colorado lottery had its first game in 1983. Net revenue through fiscal 1985 was \$114.8 million. For every dollar, 96.6 cents is returned to the economy. A ticket costs 3.4 cents to make, so that is the only consumed cost. 52.1 cents is returned as prize money. 30.3 cents goes to the Legislature for appropriation to recreation facilities and capital construction. The 8.4 cents spent on administrative overhead and employee payroll provides 116 jobs to Colorado. The 5.8 cents paid to the Lottery retailers is an important source of revenue to many businesses across the state. Continuing research shows that the educational and income levels of Colorado lottery players are gradually rising like those of the average Colorado adult.

Oregon began a lottery in May of 1985. At the end of fiscal 1985 Oregon had made \$14,504,160.00 with most of that going into a fund for economic development. Oregon now expects average sales to be \$40 million a year.

South Carolina

What does all this mean for South Carolina? Is lottery mania finally arriving here? Lottery proponents claim that lottery revenues would decrease necessary property and sales taxes, and would raise the funds allocated to social resources like education and indigent care without taking more money from taxpayers. Recent bills requesting a statewide referendum to judge state interest in a possible lottery has met with much opposition, however. Three of the four bills introduced this session request constitutional revisions to allow state conducted lotteries.

Two house bills consist of the joint resolution requesting a referendum of electors to judge their wishes concerning a state lottery (H.3348), and H.3383, which proposes an amendment to Section 7 of Article XVII of the Constitution of South Carolina to authorize lotteries conducted by the state.

S.0183 also proposes a constitutional amendment to Section 7 of Article XVII relating to lotteries, to authorize lotteries conducted by the state. Proceeds from this would go to the care of indigent persons with remaining amounts being used for educational purposes.

S.0102 presents amendments to the Code of Laws subject to the approval of S.0183. These amendments include the legalization of a state run lottery, and an appropriation to create one. Other amendments are the exemption of lottery prizes from gross income, and the exemption of gross proceeds from the lottery from the sales and use tax.

Conclusion

Many of South Carolina's newspapers agree that the state does not appear ready to tolerate a lottery. Religious opposition is one main reason for this. While lotteries do provide much needed revenue to state governments, concern remains over the costs of this revenue; who pays for most of this, and what does a lottery bring to the state, besides revenue? Moral arguments will continue to be the basis of lottery opposition throughout the country, and certainly in South Carolina.

Recent polls in the state seem to indicate that a majority of persons in South Carolina would be in favor of a state-run lottery. Whether this opinion will translate into legislative action is one question; another is what form the action might take. Enacted or not, lottery legislation will continue to be a topic of discussion.

This research report was written by Lynn Potts, a senior at the University of South Carolina, majoring in International Studies/History. Ms Potts is a legislative intern working with the House Research Office this semester.

Long-Distance Lust: Pornography by Telephone

Background

Last week the House considered and adopted H.3533, a concurrent resolution urging government action to combat what is often called "dial-a-porn," services which offer sexually suggestive messages via telephone calls.

As the resolution says, there are telephone numbers "whereby a person is able, for a fee or a charge, to dial the number and listen to a recording containing a pornographic message...." True enough, but that's not all; if you like, you can talk to a real person, and get your call tailored to your particular fantasies. All you need is a telephone.

A Long Way From Time and Temperature

In almost every city there are certain numbers which offer pre-recorded services: time and temperature for the day, dial-a-prayer, even dial-a-joke. Some of these are public services, others are amusing or at least harmless. Now, however, these automated telephone lines are being used for telephone sex. The situation developed during the early 1980's, when automated service lines were opened to any outfit that could pay for them; this included the long-distance numbers as well.

The system works this way. The dial-a-porn outfit (or the "service") makes some recordings that are supposed to be arousing, or stimulating. There is also a lot of sighing and moaning, which eliminates the need to invent much dialogue. This goes on for about a minute, and then the recording ends. At the end of the month the caller finds the cost of the service included on his telephone bill.

Calls can be made locally, or long-distance (the second type is mentioned specifically in the concurrent resolution). Long-distance calls have a greater cost, since both the service and the telephone company take their normal cut, and then long-distance rates have to be paid.

Obviously there can be no check on who makes the call. It could be a seventy-year old man, it could be a thirteen-year old kid. It could be someone who dialed the wrong number. Once the service is reached the tape plays and the costs are added up.

For More Specialized Tastes

Recorded messages are so--well, impersonal. There's no interaction, no individual attention. Although the services might change their tapes up to three times a day, their customers wanted more. The dial-a-thrill services were quick to remedy this situation.

For callers who want the personal touch (so to speak) there are numbers to dial where live ladies will talk about personalized fantasies. All that is needed is a credit card number that can be easily verified. Then the session begins, its content determined by the caller and delivered by the employee. Some services set a specific length of time per call; others allow the customer to listen as long as he likes. After all, he's paying for it.

And pay he does. According to an item in *Newsweek*, the personalized services were running as high as \$35 a call back in September, 1983. Given the free-market economy, that price could have gone up or down since then; it has probably risen.

Money Talks

The telephone sex services are money makers, both for themselves and the telephone companies. In New York City alone an estimated 500,000 to 750,000 calls a day are made. A single service run by the magazine *High Society* can gross up to \$3 million per year. The telephone company can make even more: \$9 million from charges paid by the combined services in the metropolitan New York area.

What about the women who do the talking? According to an article in *National Review* (the magazine of William F. Buckley, Jr.) the wages of this particular sin are small: \$6 to \$7 per call, more if a specific woman is specially requested. Apparently some of the women build up small but deeply-disturbed followings. And while the pay isn't much the work can be done at home and some women can make the calls and do the ironing at the same time.

Yes, Virginia, There is a Dial-a-Porn Number

In 1983 the state of Virginia was trying to cut back on its huge telephone bill. An analysis was made of the long-distance calls made by state employees. It turned out that in March alone over 2,500 went to a single New York City telephone number. It was the telephone sex service described above.

Calls came in from 84 state agencies, including the department of highways, the department of the visually handicapped, and a state geriatric hospital. Governor Charles Robb ordered the state

attorney general to press for repayment from state employees who made the calls. At the same time, Governor Robb noted with relief that none of the calls had come from the Governor's Mansion.

Isn't All This Illegal?

Doesn't this fall under the heading of making obscene telephone calls, something that is illegal? The Federal Communications Commission considered the matter, and determined that the services were not making telephone calls. The FCC promised hearings and a ruling in 1983, when public pressure first began to build on the issue. The result? Well, the services are still there, and, as H.3533 points out, so are the telephone bills.

I'm Sorry Sir, That Line is Busy

What can be done about aural sex? Is telephone erototalia here to stay? There are two troublesome aspects about controlling these services.

First, the philosophical question of free speech and censorship. Some might argue that the phone calls, while suggestive, are not obscene. The services are careful that their workers do not use those words which have been specifically singled out as obscene.

Because the calls are not clearly obscene by this definition, censoring them would be a matter of personal opinion. Imposing such an opinion upon the public would be a violation of the spirit of free speech inherent in American life. And censorship, opponents might say, only leads to more censorship.

On the more practical side, just how could calls to the services be controlled or regulated? The live services might be required to ask the customer's age, but this is hardly necessary. The customer has to give a credit card number, which means the service is certainly dealing with an adult (perhaps not mature, but certainly an adult).

The recorded services are unable to ask for age. Once the number is called, the tape is activated and that's it.

The problem has stirred interest and concern across the nation. Virginia Representative Thomas Bliley wrote to President Reagan to voice his indignation: "Not only do parents have to deal with the threat to their preadolescent children's psychological development, but with \$100-plus long-distance charges." Sentiments close to those expressed in the S.C. House resolution.

H.3533 asks government and the telephone company to look into this matter. It calls for the Department of Justice, the FCC, and AT&T to "take appropriate and concerted steps to bring to a halt" these sort of phone-sex services. Until they do, it will still be possible to "reach out and touch someone."