

Harris from Paris

Chapter except from the book, *Hollywood Blue*, written by Harris Gaffin

How Adam & Eve Became Big

It's true. Hollywood porno's largest catalogue company with a mailing list of one million, really does get distributed from North Carolina. And the \$90 million a year company is owned by one guy. Who is this guy and how did he get started? There's virtually no information about him in Los Angeles. I wracked my brains how to research it then came up with a great idea. Why not call him?

Phil Harvey was in the military before the Vietnam War and then worked for CARE in India's school feeding program.

"It became particularly clear that family planning was an important program," Phil says. "We were transferring massive amounts of food and it was not helping."

He returned to the United States in 1969 and entered a Masters degree program at the University of North Carolina in Chapel Hill. As part of his thesis work, he wrote about the affects on planned parenthood and the population. In other words, condoms could help people control the number of kids they had.

Next he experimented selling condoms by mail-order. However, there was still a law from 1873 making mailing any sexual material illegal. He consulted with lawyers and with the post office and learned that enforcing this law was not a high police priority. Yet, because it was clearly illegal, no one else was doing it.

He knew nothing about business and advertised condoms in local college newspapers. The response was fabulous.

"We noticed that more money was coming in than was going out and thought that was good," Phil says.

Next, they rented a room above the Chapel Hill Bank, raised \$10,000 in capital and bought Julian Simon's book, 'How to Start and Operate a Mail-Order Business.' His partner, Tom Black went to Africa to start the overseas operations.

'What else can you sell?' the book asked. They tried digital watches, ship building kits, jewelry, leather goods, handbags, belts, books.

"It was all a big yawn," Phil says.

They tried contraceptives, sex guides and sex aids. All the erotic material went off the charts.

"It became fairly clear, fairly quick that people who wanted condoms wanted sexual content material," he says. They built a catalogue page by page, adding lingerie, sex toys, vibrators, oils, gels and creams. Then came video.

"VCR clearly became America's way to watch sexually explicit material," Phil says. It was compact, mailable and customers could enjoy it in the privacy of their own home. It became their single biggest category. They screened 150-200 videos a month.

The review process is the key to their business. First, they screen out illegal material. Then anything borderline they send to two outside sex therapist counselors who specialize in educating couples on human sexuality. They review all material before it is released and make sure sex is depicted cheerfully between consenting adults. They exclude sex between generations where perhaps sexual favors were extended to someone of more power and authority. The sex therapists then sign a paper stating that they find the material useful to improve communications between couples. "This seal of approval is good legally and good for ourselves that what we sell is useful to people," Phil says.

One of their best selling titles is, "Ordinary Couples, Extraordinary Sex."

They revise their catalogue six times a year. Lotions and other goods are produced to Adam & Eve specifications. They sell only in the United States.

Everyone talks Internet mass-marketing as the perfect way to promote catalogue items. People forget big sales figures require a big warehouse. Adam & Eve buys video titles by the thousands at catalogue prices, \$3 per box compared to \$15 per box wholesale.

They are just warming up. In recent years they have begun sponsoring videos. They were partners with VCA in cable. Everyone works with Adam & Eve, a company owned by one guy in one of the most sexually conservative states in the US.

How Adam & Eve Became Bigger

In the 1980s the government went after all big pornographers with the intent to drive them out of

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business by prosecuting in several places simultaneously which most defendants did not have the resources to fight.

The government pointed their guns at Adam & Eve and launched a three prong attack with the State of Utah, the State of North Carolina and in local North Carolina Alleman's County where the Sheriff's office joined the raid of the premises. The government likes to prosecute in Utah because it is one of the most anti-sex states and they have a better chance of conviction. Adam & Eve was not selling in Alleman County so government officials had to buy the material elsewhere and bring it there.

Thirty five undercover agents and sheriffs, armed with shotguns and two machine guns, raided Adam & Eve's offices. They sealed the doors, separated the workers from the supervisor, did not abuse anyone physically but made it difficult to consult a lawyer, one-by-one photographed and interviewed each employee. The government photo copied subpoenas. To be legal, each subpoena must be signed by a judge. They sent everyone home and told them, "Don't come back today," to intimidate the employees into quitting.

"We were afraid they would never not return," says owner Phil Harvey. "But they returned the following day, mad as hell."

In March, 1987 the government case went to trial. In the first round, the judge was obviously very disturbed that the government was putting people out of business by threats. He then chastised the officers for their excessive behavior.

Other companies including Vivid and VCA agreed to plea bargain. Vivid paid a heavy fine and got out of mail order. VCA's Rush Hampshire, facing indictments of his wife and employees basically fell on the grenade, took a nine month minimum security prison sentence as well as paid a heavy fine. Phil Harvey, by now far larger than both companies combined refused to plea bargain and instead, countered with a civil suit against the government. The fight lasted for 18 months and took place in Utah, Denver and Washington DC courts.

The Minister who brought the indictment was a key government witness. Upon cross examination, it became obvious that what he described as 'community values' was something he arranged with the district attorney, not concerned members of the community. The minister said

anybody who worked for Adam & Eve was unfit as a neighbor. These were clearly working people. The jury smelled a politically motivated attack. Then it was brought out that the material would not be here if it had not been organized by the government. That's not an illegal tactic but juries don't like it.

"He was a bad, bad witness for them," Phil says. "The government's attitude was, 'We'll break you. You'll go broke and we get you.'"

A jury acquitted Adam & Eve in less than 10 minutes.

Then Adam & Eve sued, challenging the constitutionality of efforts to put legitimate freedom of speech out of business just because it was sexual material.

"To the government, it became clearer and clearer as well as for the Feds, this was a bad case to prosecute and continue. We would win our civil suit against them," Phil says.

In 1993 they reached a settlement. There was a new attorney in Utah who didn't want the case and it was dropped. Adam & Eve agreed to drop their civil suit and the government agreed that all prosecution for activities from 1986-1993 would be null and void.

"We will fight and not roll over," Phil says. "We believe in what we are doing."

The government spent millions of dollars on the case on 50 federal attorneys working full time for almost two years plus state attorneys from Utah, Alabama, Kentucky, North Carolina other states.

Adam & Eve spent \$3 million in lawyers fees and in return got a lot of free publicity while the government decimated their competition for them.

Since then, Rob Showers who led the charge, was fired for irregularities in his travel expenditures, using taxpayer's money for his personal business. The commission fell in disrepute and changed it's name to NOEU, National Obscenity Enforcement Union so that it could continue to get taxpayer funding. Patrick Truman left the Justice department and joined Donald Wildman's pro-censorship organization, apparently using his Justice Department position to pursue his own anti-pornography agenda.

"They think they're doing the Lord's work," Phil says.

Since the lawsuit, or favorable decision, there have been no further multiple prosecution cases. //end//1,420 words

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