



*U. S. SENATE
JUDICIARY COMMITTEE*

Illegal Pornography and the Internet

**October 15, 2003
Written Testimony By
Donna Rice Hughes
President, Enough Is Enough**

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**ILLEGAL PORNOGRAPHY &
THE INTERNET**

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Donna Rice Hughes Biography

- President, Enough Is Enough
- Author, Kids Online: Protecting Your Children in Cyberspace (Bantam, 1998)
- Child Online Protection Act (COPA) Commissioner (1998-2000)
- Founder – www.protectkids.com and www.enough.org
- Internet safety speaker and advocate

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*Enough Is Enough
(EIE)*

- Our mission is to make the Internet safer for children and families.
- Our strategy involves a three-pronged approach of shared responsibility between the public (parents, schools and libraries), the technology industry, and the legal community (law enforcement and public policy).
- EIE is a national, non-partisan, non-profit organization (501c3).

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OVERVIEW

- The World Of CyberSex
 - What's happening?
- Just Harmless Fun?
 - Why should we care?
- The Search For Solutions
 - What should we do?

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THE WORLD OF CYBERSEX

INDUSTRY

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Cyber-Porn Beginnings

- Early 90's/Bulletin Board Services/ Newsgroups
- Barriers of access to all types of sexually-explicit material is virtually obliterated by the Internet
 - Anonymity
 - Ease of Access
 - Porn of choice (including black-market porn)
 - Inexpensive
 - Under law enforcement detection

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Free "Teaser" Images

- 74% of adult commercial sites display free teaser porn images on homepage, often porn banner ads
- 66% did not include a warning of adult content
- 11% included such a warning but did not have sexually explicit content on homepage
- 25 % prevented users from exiting site (mousetrapping)
- Only 3% required adult verification (COPA will remedy)

(Child-proofing on the World wide Web: A Survey of Adult Webusers, 2001, Jurnetrics. NRC, 2002)

Porn-Napping and Hijacking

- 40,000 expired domain names porn-napped (created a porn site in place of expired site) or hijacked (re-routed to existing porn site)
- New owners offer re-sale \$500-2,000 to expired domain prior owners (NRC, 2002)
- Hijacked to porn or gambling sites (Agency France Presse, 5/00/02)

Deceptive Marketing Practices

- Misspelled Words- (shareware vs. sharware)
- Innocent Word Searches- (toys, boys, pets, etc.)
- Stealth Sites- (whitehouse.com; coffeebeansupply.com; teenagershideout.com; http://clothingcatalog.com; watersports.com)
- Brand Name Misuse (Disney, Nintendo, Barbie, Levis, etc.)
- Unsolicited email - Spam

Pornographers' Use of Brand Names

- 26 popular children's characters, such as Pokemon, My Little Pony & Action Man, revealed thousands of links to porn sites
- 30% were hard-core (Evisonal, 2000)
- 25% of porn sites are estimated to use popular brand names in search engine magnets, metatags and links - Disney, Nintendo, and Barbie (Cyveillance Survey, 1999)

CHILD PORNOGRAPHY

- 140,000 images of child pornography online (National Society for the Prevention of Cruelty to Children, 10/8/03)
- More than 20,000 child porn images posted every week (National Society for the Prevention of Cruelty to Children, 10/8/03)
- More than half of the child porn sites reported to Internet Watch Foundation are hosted in the U.S. (National Criminal Intelligence Service, 8/21/03)

CHILD PORNOGRAPHY

- 20 children are estimated to have been abused for first time/more than 1000 images of each child created (National Society for the Prevention of Cruelty to Children, 10/8/03)
- More babies and toddlers are appearing on the net and the abuse is getting worse. It is more torturous and sadistic than it was before. The typical age of children is between 6 and 12, but the profile is getting younger. (Combating Paedophile Information Networks in Europe, March 2003)

PORNOGRAPHY- Tool used by Pedophiles

- to arouse the child
- to lower the child's inhibitions
- to demonstrate to their victims what they want them to do
- to convince the child that a particular sexual activity is okay

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THE WORLD OF CYBERSEX

CONSUMER

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INTERNET ACCESS
(As of September 2001)

- *143 million Americans (54 % of the population) have Internet access
- *90 % (47.4 million) of children between the ages of 5 and 17 use computers at home or school
- *75% of teens ages 14-17 use the Internet
- *65% of preteens ages 10-13 use the Internet

(CNN report, Commerce Department Study, 2/7/02)

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YOUTH AND INTERNET PORN: 2001

Among youth ages 15-17:

- 70 % have accidentally stumbled on porn online
 - "Very" or "somewhat" often (23%)
- 55% were "not too" upset
- 45% were "very" or "somewhat" upset

Of youth ages 15-24:

- 2 in 3 say being exposed to online porn could have serious impact on kids under age 18
- 59% think seeing pornography on the Internet encourages youth to have sex before they are ready

(Kaiser Family Foundation Study, 2001)

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National Center For Missing & Exploited Children Study: 2001

Youth Access to Pornography:

- 71% searching the Internet
- 29% IM or email
- Home- 67%
- School- 15%
- Library- 3%

(NCMEC, Online Victimization: A Report on the Nation's Youth (Sample of 1,501 youth ages 10-17 who use Internet regularly, June 2001)

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YOUTH AND INTERNET PORN: 2002

- Adult industry says some traffic is 20-30% children (SRC Report 2002, 3.3)
- 9 in 10 kids ages 8-16 have viewed porn online, mostly unintentionally, and when using the Internet to do homework (UK: News Telegraph, NOP Research Group, 1/17/02)
 - 11-year-old girl doing homework logs into a website labeled "Adolf Hitler pictures." She is faced with child pornography, "mysexfreepics".
 - Two brothers, aged 10 and 12, found homosexual images instead of pop band Boyzone.

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Overall Messages

- Advertising impacts attitudes & behavior
- Sex sells
- Pornography advertises sex:
 - Without relationship
 - Without commitment
 - Without consequences

(Just Harmless Fun? Special Report, Enough Is Enough!, 2000. Full report at enough.org)

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Portrayal of Women

- “The characteristic portrayal of women in pornography [is] as socially non-discriminating, as hysterically euphoric in response to just about any sexual or pseudosexual stimulation, and as eager to accommodate seemingly any and every sexual request.”

(Zillman & Bryant, 1984)

(Just Harmless Fun? Special Report, Enough Is Enough!, 2000. Full report at enough.org)

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Pornography's Missing Messages

- STD's: Waiting for the results of an HIV test
- Unwanted Pregnancy: A girlfriend pregnant at 16
- A student facing prosecution for date rape because he couldn't decode the word "no"
- His partner, traumatized
- Negative impact on families and marriages

(Just Harmless Fun? Special Report, Enough Is Enough!, 2000. Full report at enough.org)

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2.- Sexually-Oriented Businesses (SOB's)

- “You don't need a moral micrometer to recognize the sex industry turned Times Square into a slum.”
George Will, Newsweek, 1996
- Zoning of SOB's is constitutionally permitted because of “secondary harmful effects.”
 - Sexual offenses, property crimes, decrease in values
- Ever wonder what causes “secondary harm”?

(Just Harmless Fun? Special Report, Enough Is Enough!, 2000. Full report at enough.org)

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3. RESEARCH STUDIES

Two types of research on pornography:

- 1) Controlled research – lab conditions, controlled to neutralize extraneous variables: identifies causation
- 2) Correlational studies – observation of real world events: identifies correlation (i.e. that certain things happen together), not causation (i.e. that one thing caused the other)

(Just Harmless Fun? Special Report, Enough Is Enough!, 2000. Full report at enough.org)

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Controlled Research

- Correct test is the preponderance of the evidence
- Best approaches bring together multiple studies:
 - “review studies” (that compare the results of multi-original research studies)
 - “meta-analyses” (that aggregate original studies meeting stringent tests of comparability)

(Just Harmless Fun? Special Report, Enough Is Enough!, 2000. Full report at enough.org)

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Market Illustrates Trend

- The first three stages describe precisely the "progression" of the commercial "men's" magazine over the last thirty years:
 - Penthouse 1970 - NO full frontal nudity
 - Penthouse 2000 - oral sex, vaginal intercourse (PCV), anal penetration with object, female urination
 - 2001 - Vaginal & oral sex too tame-- progression to anal sex to maintain the excitement. Writer Martin Amis did an investigative piece for The Guardian newspaper, 2001.
 - Penthouse 2001, Bob Guccione explains the growing market for a thing called bukkake ("facials" with multiple males participating).

(Just Harmless Fun? Special Report, Enough Is Enough!, 2000. Full report at enough.org)

Biological Brain Responses

Why? Imprinting

- Adrenal hormone - Epinephrine - responds to emotional stimuli by locking in memories
- Hormone- Opioids - released by nerve endings in response to pleasure - reinforce the body's desire to repeat the process (1983 James McGaugh, Phd, American Psychologist)

(Just Harmless Fun? Special Report, Enough Is Enough!, 2000. Full report at enough.org)

Factors Particularly Affecting Children

- Why are there no controlled research studies on impact of pornography on children?
 - Because they would violate ethical and professional guidelines
 - Ethical Principles of American Psychological Association require "fully informed and competent decision to participate" with risks "understood by participants"

(Just Harmless Fun? Special Report, Enough Is Enough!, 2000. Full report at enough.org)

Teenagers

- Dr. Jennings Bryant, in a study of 600 American male and female teenagers, 91% males and 82% females exposed to hard-core porn. Over 66% of males and 40% of females wanted to try out some of the sexual behaviors. 31% of males and 18% of females admitted actually doing some of the things they had seen in pornography within a few days after exposure (Victor Cline, *Pornography Effects*).

(Just Harmless Fun? Special Report, Enough Is Enough!, 2000. Full report at enough.org)

Harms to Children

Kids Online: Protecting Your Children in Cyberspace, Rice Hughes 1998

- Interferes with a child's development and identity
- Shapes attitudes and Values
- Promotes Desensitization
- May incite children to act out sexually against other children
- Typical age of first exposure- 5 yrs old!

(Protecting Your Child In an Scared World, Larue York Tynedale, 2002)

JUVENILE PERPETRATORS

- Juveniles-
 - 48% of overall solicitations
 - 48% of aggressive solicitations
- Adult solicitors-
 - Most of the "adult" solicitors were ages 18-25
 - 24% of solicitations
 - 34% of aggressive solicitations

(NCCMEC, Online Victimization: A Report on the Nation's Youth (Sample of 1,501 youth ages 10-17 who use internet regularly, June 2001)

TECHNOLOGY PRONG

WHAT CAN THE TECHNOLOGY INDUSTRY DO?

- Develop technological solutions
- Implement technological solutions
- Industry Code of Conduct
- Choose not to offer newsgroups offering child pornography & obscenity
- Cooperate with law enforcement

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Toxic Environment

How do we protect ourselves, our children, from the secondary effects in a culture that allows such toxic material to flourish?

How do we protect our children from others who may act out violently against them because of their own exposure to pornography?

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Acting Out

- 11/98- 11-year-old Josh had been looking at graphic violent porn on the Internet for 20 minutes immediately before stabbing 8-year-old Maddie Clifton to death.
- 6/29/98- 13-year-old (boy) was in the Phoenix Burton Barr Library viewing porn on the Internet. He followed a 4-year-old into the bathroom and asked the younger boy to give him oral sex (Dangerous Access, 2000).

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LEGAL PRONG
GOVERNMENT & LAW ENFORCEMENT

- Aggressive enforcement of current laws (child porn, obscenity, child stalking laws)
- Federal, State, & Local cooperation & coordination
- Law enforcement training
- The public should not have to shoulder the burden of protecting against illegal content and criminal activity

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Legislation

- Child Online Protection Act (COPA)-Adult verification required on porn sites
- Child Internet Protection Act (CIPA)-Requires Schools & Libraries to filter
- Loopholes- New Laws and Rulemaking: Spam, Deceptive Marketing Tactics, Mousetrapping

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COPA Commission Recommendations (www.copa.org)

- Gov't at all levels should fund, with significant new money, aggressive programs to investigate, prosecute and report violations of federal and state obscenity laws, "including efforts to protect children from obscenity."
- Make available a list of Internet sources (no images) found to contain child porn and obscenity
- Pursuant to Congressional rulemaking enforcement- deceptive, unfair business practices (mousetrapping, deceptive meta-tagging, spam)

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DONNA RICE HUGHES

Donna Rice Hughes is an internationally known Internet safety expert and advocate. She currently serves as the volunteer President of Enough Is Enough, a national non-profit organization whose mission is to make the Internet safer for children and families (www.enough.org). She authored Kids Online: Protecting Your Children In Cyberspace (Revell, September 1998) and has her own Internet safety website (www.protectkids.com).

She is frequently sought out by the media, policy makers, law enforcement officials and industry leaders for her expertise on solutions that help children have a safe and rewarding experience online. She has given over 3,000 media interviews, appeared on virtually every national news program and is a regular commentator on Internet safety issues on *CNN*, *Fox News* and *MSNBC*. Additionally, she has been a featured guest on *Dateline*, *The Today Show*, *Oprah* and *20/20*. She has also authored numerous articles and editorials that have been published in *USA Today*, *The Los Angeles Times*, *The Philadelphia Inquirer*, and *McCall's Magazine*.

Donna served as story co-writer and technical advisor for the season finale episode of *Touched By An Angel*, which brought the message of Internet dangers and safety to prime time television. The show won the Nielson ratings for its time slot during May 2000 sweeps.

She has spoken extensively on Internet safety in educational and professional forums across the country including Johns Hopkins University, MIT, American University, University of Houston Law School, The Freedom Forum, The National Press Club and The Department of Justice at the Federal Prosecutors' Obscenity Symposium. She has also testified before the United States Congress, both House and Senate, on the issues surrounding Internet dangers and safety solutions.

From 1994 until July of 1999, Donna served as Communications Director and Vice President of Enough Is Enough where she played a pioneering role in the national effort to make the Internet safe for children and families. Donna served on the steering committee for the Internet Online Summit: "Focus on Children" in December of 1997. She proposed and led the Summit's adoption of an industry "ZERO Tolerance" policy against child pornography, which was endorsed by the White House and the Justice Department. She currently serves on the advisory board for the Get Net Wise initiative.

In 1999, Donna received a Congressional appointment from Senator Trent Lott to the Child Online Protection Act (COPA) Commission to examine technological solutions to protect children online. She served as co-chair of the COPA Hearings in July 2000 on filtering/ratings/labeling technologies. In 2002, Donna received the National Law Center for Children and Families "Appreciation Award" and the "Protector of Children Award" from the National Abstinence Clearinghouse.

Donna received a Bachelor of Science Degree from the University of South Carolina and graduated Magna Cum Laude and Phi Beta Kappa. Donna and her husband, Jack, live in Northern Virginia.