

How Adult Pornography Contributes To Sexual Exploitation of Children

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Introduction

Federal and state law enforcement agencies and prosecutors, Internet service providers, credit card companies, banks, and nonprofits are finally working together to curb sexual exploitation of children on the Internet. They are to be commended for doing so.

For the most part, however, these same government and private entities have turned a blind eye towards the explosion of hardcore adult pornography on the Internet and elsewhere. The latter does not depict actual children but does include hardcore depictions of sex with persons who look like children and with “teens.” Hardcore adult pornography also encompasses depictions of sex with animals, other family members, multiple partners (“gangbangs”), and prostitutes. It also depicts excretory activities and sexual violence against women, including rape and torture.

The explosion of hardcore adult pornography on the Internet and elsewhere is contributing to sexual exploitation of children in a variety of ways, including the following:

- Perpetrators use adult pornography to groom their victims.
- For many perpetrators there is a progression from viewing adult pornography to viewing child pornography.
- Johns act out what they view in adult pornography with child prostitutes and pimps
- use adult pornography to instruct child prostitutes.
- Children imitate behavior they view in adult pornography with other children.
- Perpetrators use adult pornography to sexually arouse themselves.
- Addiction to adult pornography destroys marriages, and children raised in one-parent
- households are more likely to be sexually exploited.
- Furthermore, while protecting children from sexual exploitation (abuse) should be top priority, it is by no means the only concern. In *Paris Adult Theater I v. Slaton*, 413 U.S. 49, at 57 (1973), the Supreme Court recognized that there are several "legitimate state interests at stake in stemming the tide of commercialized obscenity." These include:
 - Protecting children from *exposure to* pornography (at 57)
 - Protecting the quality of life and total community environment (at 58)
 - Protecting public safety (at 58)
 - Maintaining a decent society (at 59-60)
 - Protecting the social interest in order and morality (at 61)
 - Protecting family life (at 63)

The display of pornography is also a frequent component in workplace sexual harassment cases, and the time wasted viewing Internet pornography reduces worker productivity. See, e.g., "Increased Visits to Porn Sites At Work," *Industry News*, Wavecrest Computing, 2/24/09, available at <http://www.wavecrest.net/editorial/issues.html#pr27>, where we read:

According to a study by Nielson Online in October 2008, visits to porn sites at work is up 23 percent from the previous year. This means that almost one quarter of employees are visiting porn sites during the workday. "Hits to porn sites are highest during office hours than at any other time of day," according to M.J. McMahon, publisher of *AVN Online* magazine, which tracks the adult video industry. .Regardless, porn surfing at work poses a major legal liability risk for businesses. This type of activity puts the employer at serious risk of being sued by *other* workers who are offended or upset by being exposed to pornographic images. Such suits usually take the form of 'sexual harassment' or 'hostile workplace' litigation and can be very costly...In addition to the legal costs, businesses also have to be concerned about costs due to loss of productivity . According to Salary.com, the average employee wastes 2.09 hours a day on the Internet...Furthermore, as Roger Young, Special Agent, FBI retired, points out: It was my own experience from working obscenity cases as a Special Agent of the FBI

(1975 - 2001), as well as my understanding from speaking to other Agents who investigated these cases, that there is no such thing as *just* an obscenity case. Crimes associated with obscenity crimes include arson, bribery, conspiracy, domestic terrorism, drugs, extortion, involuntary servitude, jury tampering, kidnapping, mail fraud, money laundering, murder, obstruction of justice, prostitution, public corruption, racketeering, rape, robbery, sexual assault, sexual exploitation of children, tax evasion, and witness intimidation. In addition to these governmental interests, our nation's role in polluting the world with adult pornography is also making the war against religiously based terrorism more difficult [See, e.g., 3R. Burkholder, "Iraq and the West: How Wide is the Morality Gap," *GALLUP*, 11/25/03 ("Gallup's Poll of Baghdad asked a representative sample of adults to describe -- in their own words -- what, if anything, they most resent about the West. . More than a third (36%) of Baghdad residents said they believe Western culture has undermined moral standards by spreading sexually indecent influences ['pornography' and 'fornication'].") Available at <http://www.gallup.com/poll/9763/Iraq-West-How-Wide-Morality-Gap.aspx>)

But, some will say, unlike individuals that sexually abuse children or that view, possess or distribute child pornography, businesses that distribute adult pornography online are not breaking any laws. Perhaps ignorance of the law does explain why some who fight sexual exploitation of children turn a blind eye to the problem of hardcore adult pornography.

The truth of the matter is, however, that in 1996 Congress amended two sections of the federal criminal obscenity laws (18 USC 1462 & 1465) to clarify that distribution of obscene matter is prohibited on the Internet. In *Miller v. California*, 413 U.S. 15, 23 (1973), the U.S. Supreme Court has also stated: "This much has been categorically settled by the Court, that obscene material is unprotected by the First Amendment." The *Miller* Court (413 U.S. at 29) went on to define the term "obscene" in a manner intended to restrict the reach of federal and state obscenity laws to "'hard-core' pornography." Today, most adult pornography distributed commercially, whether online or off line, is "hardcore." Typical "hardcore pornography" (e.g., a Web site, DVD or magazine) consists of little if anything more than one depiction of hardcore sex after the other (i.e., it's "wall-to-wall" hardcore sex). But, some will say, the porn business is thriving, which is an indication either that "everyone" is viewing it or that the average American no longer deems hardcore pornography unacceptable.

Pornography defenders overlook at least three factors. First, much if not most hardcore adult pornography is consumed by a relatively small percentage of individuals who are addicted to it. Second, just because a person experiments with hardcore adult pornography for a period of time or on occasion succumbs to the temptation to view it does not mean he or she approves of what is viewed, especially when hardcore adult pornographers promote their products aggressively and often deceptively. Third, many visitors to "adult websites" are minors. In recent years, Morality in Media has commissioned Harris Interactive to ask questions about pornography in three different national opinion polls. The results of those polls are as follows:

- In 2005, more than three out of four (77%) adult Americans said they supported the
- Justice Department's then new effort to enforce federal obscenity laws,
- In 2006, almost three in four (73%) adult Americans said they did *not* consider it morally acceptable to view pornographic websites and videos.
- In 2008, three out of four (75%) adult Americans said they would support the next
- President were he to do all in his or constitutional power to ensure that federal obscenity laws are enforced vigorously.

According to a survey conducted by Pew Research Center ("Trends in Political Values and Core Attitudes: 1987-2007"), 70% of adult Americans *disagreed with* the statement, "nude pictures and X-rated videos on the Internet provide harmless entertainment for those who enjoy it." But, some will say, because of limited resources federal and state law prosecutors and law enforcement agencies are right to focus their energies almost exclusively on child molesters and child pornography. There are a number of problems with this particular "justification" for doing next to nothing to curb distribution of hardcore adult pornography.

In the first place, as elaborated on in this report, the explosion of hardcore adult pornography is contributing to sexual exploitation of children in various ways.

In the second place, children are not just harmed by predators; they are also harmed by exposure to hardcore adult pornography.

In the third place, a frequent result of a successful federal obscenity prosecution is a significant fine or forfeiture of property, which can offset in whole or part the cost of these cases.

In the fourth place, it isn't just children who are harmed by hardcore adult pornography. The remainder of this report explores six ways that the explosion of adult pornography on the Internet and elsewhere is contributing to sexual exploitation of children.

I researched and wrote the report because I am convinced that those who fight sexual exploitation of children but who turn their backs to the adult pornography problem are making a tragic mistake.