

Culture Proposal #1

## Making the Internet Safe for Kids

**The thin veil separating a child from explicit, hard core pornography on the Internet is answering “yes” to the anonymous question “are you 18 years of age or older.” That is a standard we would never accept for tobacco, alcohol, or driving. We must help families protect their kids from the coarse and pervasive influences of Internet pornography by replacing the ‘porn standard’ with one that keeps Internet porn away from kids.**

### THE PROBLEM

#### Children have unfettered access to hardcore Internet pornography

In the past, hardcore pornography was relegated to shabby “adult” bookstores on the outskirts of town. Children would rarely, if ever, come across explicit pornography. Today, Internet porn is shockingly pervasive. A Google search of the word “porn” elicits 251 million pages of content. Typing “XXX” uncovers 350 million pages. Internet porn is available to anyone with a computer regardless of age, and parents feel helpless. Parents need to have more control in keeping the coarsest influences in society from their children’s lives.

#### Children regularly view Internet pornography.

The average age at which a child is first exposed to Internet pornography is 11.<sup>1</sup> As many as 20% of all porn web visits are by kids under the age of 18.<sup>2</sup> And 42% of online youth have been exposed to online pornography in the past year, with 66% reporting only unwanted encounters with pornography while online.<sup>3</sup>

#### Purveyors of Internet porn profit by attracting children to their websites.

Quantity, not quality, of customer is what many operators are after, so any age consumer does the trick. Most pornography websites earn their profits through free “teaser” affiliate sites.<sup>4</sup> Advertising revenue for affiliate sites is driven by the number of visitors who click through to the pay site.<sup>5</sup> This is strictly a volume business- the more visits to the affiliate site, the more likely someone clicks through and the higher the profit. That is why some porn sites attract children by purposely using web addresses that are commonly misspelled words of interest to kids—like Teletubbies or Disneyland.<sup>6</sup>

Profits from pornography in this country are immense. Pornography generated earnings of more than \$13 billion in the U.S. alone in 2006—roughly the combined annual revenue of ABC, NBC, and CBS.<sup>7</sup>

## **There are no effective safeguards in place to protect children.**

If a child tries to buy liquor or cigarettes without the proper identification, a store clerk will turn that child away. Similarly, local laws generally require a barrier to separate adult DVDs from mainstream DVDs in stores to keep kids out.

The online porn industry operates differently. Many sites don't require any age verification at all to see graphic pornography, and those that do operate under the so-called 'porn standard,' which is an honor system age verification mechanism that is used by nearly all explicit websites. Under the porn standard, the only thing separating a child from viewing hardcore pornography is answering "yes" to an anonymous online question "Are you 18 years of age or older?"

Existing parental controls and content filters, although of value, do not fix the problem. Only half of all parents report owning such technology, and for tech-savvy kids, turning the filter off and on is fairly simple.<sup>8</sup> Sixty percent of teens and young adults say they know how to disable filtering software.<sup>9</sup>

## **THE SOLUTION**

### **Replacing the 'Porn Standard' and creating a Child Protection Trust Fund**

We need to replace the current honor-system 'porn standard' with a standard that works and requires all websites that display pornography to use it. We also should impose a 25% excise tax on pornographic websites for sales of online pornography in order to generate revenue for a Child Protection Trust Fund. These proposals are based on a bill introduced in Congress by Senator Blanche Lincoln of Arkansas and Representative Jim Matheson of Utah, The Internet Safety and Child Protection Act (ISCPA).

#### **The proposed 'porn standard' requirement would put all operators of free and pay pornographic websites on notice that they must effectively keep kids out.**

The ISCPA would require all commercial pornographic websites to verify the age of users. Age verification can be accomplished through a variety of means, including the use of credit card numbers, government identification (like a Social Security number), or a code number that adults key in when they log on.

#### **Purveyors of online pornography—not taxpayers- would fund the proposed Child Protection Trust Fund.**

This proposal—a 25% excise tax on the sale of online pornography and paid by the operator of the pornographic website—also is part of the ISCPA. It would require pornographers to pay for policing the Internet and going after predators, rather than making the taxpayer foot the bill.

#### **The proposed Trust Fund could be used to protect children from Internet porn, as well as sexual predators, child pornographers and sex trafficking.**

The Trust Fund, modeled on the ISCPA, would prioritize enforcing the new 'porn standard' requirement. Funds would also support state Internet Crimes Against

Children Task Forces, a fully operational cyber tip line, research and development of new filtering technologies, educational training, and other child Internet safety activities.

## THE ROLLOUT

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Ideas for launching and publicizing the crackdown on children's access to Internet pornography

- **Hold a press conference with a group of parents, child development specialists, librarians, teachers, PTA members, clergy members, etc.**

At the press conference, you could provide a screen shot or other visual of the 'porn standard'—the standard question at pornographic websites asking if the viewer is 18 years old.

## CRITIQUES & RESPONSES

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Replacing the 'Porn Standard'

### ***It is unconstitutional.***

This is new constitutional territory. The Internet Safety and Child Protection Act is directed at obscene materials that do not receive First Amendment protection. This does not limit adult access to on-line pornography and does not restrict the content of these websites. It does not restrict in any way the placing of obscene material on the Internet. Finally, the First Amendment does permit the government to regulate even protected speech as long as it does so in the least restrictive means possible to achieve a compelling interest. The Internet Safety and Child Protection Act is narrowly tailored to cover only already regulated pornographic websites and explains clearly how to fulfill its mandate of restricting access to minors.

This bill is like thousands of zoning laws around the country that prevent someone from opening a strip club in a residential neighborhood or that stop underage children from purchasing adult magazines and videos. The law simply requires common-sense safety measures to protect children from viewing these materials—the same measures already used on websites that sell liquor.

### ***This will lead to federal taxation of the Internet.***

This sets no taxation precedent whatsoever. Every time you buy a plane ticket on the Internet, you pay a federal tax. That's because there is a federal tax on air travel. This simply puts a federal tax on pornography—a tax that could raise several billion dollars to track down sex predators, child pornographers, and sex traffickers.

***Age verification will have no effect because porn sites operated in foreign countries will not comply.***

A vast segment of the pornography on the web, particularly at the most accessible sites, is domestic, so this would have a huge impact on a big piece of the online porn problem. Moreover, if America leads, others will follow. Much of the pornography produced on the Internet is home grown. This is a lucrative, American business. But if America changes its laws, other countries are sure to take notice. This is a problem for kids everywhere.

***There are already laws that should keep Internet pornography out of kids' reach.***

There is one federal law that makes it a crime to knowingly transfer, by any means of interstate commerce, obscene materials to someone the person knows is under 16 years old.<sup>10</sup> Another federal law makes it a crime to knowingly use an interactive computer service to display obscenity or child pornography in a manner that makes it available to a person under 18.<sup>11</sup>

However, these laws are ignored and unenforced on the Internet.

## APPENDIX

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### Detailed Proposal to Replace the 'Porn Standard'

Below find detailed information about the Internet Safety and Child Protection Act, introduced by Senator Blanche Lincoln of Arkansas and Representative Jim Matheson of Utah.

#### **Requires that:**

- An operator of a regulated pornographic website to verify (using Federal Trade Commission (FTC)-certified software) that any user attempting to access its site is age 18 or older;
- A bank, credit card company, third-party merchant, Internet payment service provider, or business that performs financial transactions for such a website to process only age-verified Internet pornography credit card transactions;
- The FTC to require use of appropriate age-screening software and maintain a list of websites that do not comply; and
- Violations of the age verification requirement to be treated as a Federal Trade Commission Act violation.

#### **Amends the Internal Revenue Code and imposes upon:**

- The operator of a regulated pornographic website for any Internet pornography display or distribution a tax equal to 25 percent of the amounts charged.

#### **Establishes in the Treasury the Internet Safety and Child Protection Trust Fund into which such taxes shall be deposited. Requires Trust Fund amounts to be allocated (in order of priority) for:**

- Federal agencies to enforce this Act;
- The Office of Juvenile Justice and Delinquency Prevention to ensure that the cyber tip line is fully operational and staffed 24 hours a day;
- States to support Internet Crimes Against Children Task Forces;
- Companies to support research and development into new filtering technologies;
- State agencies to support educational training; and
- Specified federal agencies, nongovernmental organizations, and nonprofits to support child Internet safety activities, including combating sex trafficking and sex crimes against children.

## Endnotes

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<sup>1</sup> Bella English, "The Secret Life of Boys: Pornography is a Mouse Click Away, and Kids Are Being Exposed to it in Ever-increasing Numbers," *The Boston Globe*, May 12, 2005.

<sup>2</sup> Jerry Ropelato, "Internet Pornography Statistic," Internet Filter Review.

<sup>3</sup> Janis Wolak, JD, Kimberly Mitchell, PhD, David Finkelhor, PhD, Crimes Against Children Research Center, University of New Hampshire, "Unwanted and Wanted Exposure to Online Pornography in a National Sample of Youth Internet Users," *Pediatrics*, February 2007.

<sup>4</sup> David Kesmodel, "The Lifeblood of Online Porn," *Wall St. Journal*, July 20, 2006.

<sup>5</sup> David Kesmodel, "The Lifeblood of Online Porn," *Wall St. Journal*, July 20, 2006.

<sup>6</sup> Dawn Kawamoto, "Man Arrested in Domain Deceit," *CNETnews.com*, September 2, 2003.

<sup>7</sup> Data are from the Internet Review Filter, <http://internet-filter-review.toptenreviews.com/internet-pornography-statistics.html>.

<sup>8</sup> Amanda Lenhart and Marry Madden, Pew Internet and American Life Project, "Teens Privacy and Online Social Networks," April 18, 2007.

<sup>9</sup> Kaiser Family Foundation, *Generation Rx.com: How Young People Use the Internet for Health Information*, June 19, 2005.

<sup>10</sup> 18 U.S.C. section 1470.

<sup>11</sup> 47 U.S.C. section 223(d).