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The Internet: Pornography's Ally, People's Nightmare

What is the cost of trauma? Not the physical and mental toll that the survivor endures, but the monetary value. How much is trauma worth?

For victims of child pornography, their abuse is valued at a minimum of \$3,000.

Until the age of nine, Amy, whose real name is protected for privacy purposes, was sexually abused by her uncle. He lived next door to her family's house; he built her trust and then exploited her in the basement of his home. A home that Amy still cannot bring herself to enter to this day. A home where she was raped and photographed.

When Amy was nine years old, her uncle was arrested. In state court, he pled guilty to one count of rape and two counts of child abuse, receiving a twelve-and-a-half-year sentence. In federal court, he received a concurrent twelve-year sentence, pleading guilty to one count of child pornography (Bazon). With her uncle behind bars, Amy was left with the challenging task of piecing her life back together. Diagnosed with both PTSD and depression, how could she move on? How could she trust, love ... how could she live with what had happened?

These questions haunted Amy for years. They gnawed and clawed their way to the forefront of her mind, reaching their prominence when she was seventeen years old. At seventeen, Amy learned that her uncle had shared these images, her images, with other people. She came to the shocking realization that people continue to exploit her trauma every day—people she has never met. Amy's photos are available across the internet for anyone to find, to see, to exploit.

Amy recalls, "I just felt so full of shame" (Bazon, par. 28). Who has seen her at her most vulnerable moments? In the article, "The Complex Experience of Child Pornography Survivors," researchers examine how the knowledge of continued exploitation impacts victims of child pornography. They study the psychological effects of enduring continued trauma. For survivors of child pornography, "the lack of control over the ongoing sharing of their abuse images and the public accessibility of those abuse images can be one of the most difficult aspects of the abuse to overcome" (Gewirtz-Meydan et al. 239). In their study, they found that almost half of respondents identified that the knowledge of the continued sharing of abusive images presented challenges different from the abuse itself (Gewirtz-Meydan). Survivors of child pornography have the grueling challenge of enduring perpetuated trauma, haunted by the fact that they continue to be exploited by strangers. The accessibility of these photos is a major issue; due to technological advancements, these images are all too easy to share and download. Distributing these compromising images on specific pornography websites, or any way via the internet, continues the cycle of abuse for victims of child pornography because they must live with the fact that their exploitation is actively shared and watched.

For Amy, this is one of the hardest aspects of her trauma to overcome: "I think what bothers me the most is that my child sex abuse images are being used to groom and entice other kids to be abused. That hurts me so much. I feel so helpless for those kids, those future victims on and on forever" ("Victims Respond," par. 8). This is evidence that the sharing of child

pornography via the internet immortalizes feelings of trauma and abuse. How can a survivor of child pornography overcome the fact their exploitation is used as a tool to continue a cycle of violence and manipulation?

At age seventeen, Amy came to this appalling realization when the Justice Department sent her a crime-victim notice (Bazelon). Someone had been caught with pictures of her; her pictures are engrained into a web of exploitation. Amy says, “I know that my pictures are still out there forever haunting me not letting me ever forget” (“Victims Respond,” par. 8). With this crippling, sickening awareness, Amy scrambled to find some way, any way, to help her heal. Therefore, Amy and her family sought help from James Marsh, an accredited lawyer who works with survivors of sexual abuse, in the hopes that she could find a sense of justice under the law.

Together, Marsh and Amy began their fight for restitution. They found the missing piece of their puzzle hidden within a provision of the Violence Against Women Act (VAWA; Bazelon). In 1994, VAWA represented the first U.S. legislation that criminalized domestic violence and sexual assault (“Violence Against Women Act”). Buried within this legislation, Marsh found a provision that “gave the victims of sex crimes, including child pornography, the right to restitution” (Bazelon, par. 29). Therefore, under the Violence against Women Act, Amy had a right to restitution if she could prove that anyone seeing her abusive images perpetuates her trauma.

One of Amy’s cases made it to the Supreme Court in the form of *Paroline v. United States*. Doyle Randall Paroline had been caught with child pornography, including two images of Amy (5). In a previous ruling, the district court denied that Amy had claims to restitution. However, in a 5-4 decision with two dissents, the Supreme Court ruled in favor of Amy in 2014. Their ruling stated that Amy, and other victims of child pornography, have the right to restitution if they can prove the “defendant’s offense proximately caused the victim’s losses” (1). Essentially, if victims can demonstrate that the digitalization and continued exploitation of their images perpetuates their trauma, they are entitled to restitution.

During the trial, Amy gave a compelling speech on how the immortal life of these images continues to haunt her. She laments,

“Every day of my life I live in constant fear that someone will see my pictures and recognize me and that I ...will be humiliated all over again. It hurts me to know someone is looking at them—at me—when I was just a little girl being abused for the camera. I did not choose to be there, but now I am there ...forever in pictures that people are using to do sick things. I want it all erased. I want it all stopped. But I am powerless to stop it just like I was powerless to stop my uncle.... My life and my feelings are worse now because the crime has never really stopped and will never really stop.... It’s like I am being abused over and over and over again” (12).

As Amy pleads to the court, she emphasizes the idea that every time someone views her images, it continues the cycle of violence. She cannot heal if the abuse has not stopped. The ruling in *Paroline v. United States* demonstrates that the continued sharing of child pornography is a national problem, one that has a lasting traumatic impact. Amy won the right to restitution

because money can help her access needed trauma resources, but at the end of the day, it can never erase what happened to her.

The Supreme Court ruling resulted in the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (AVAA). This act was created on the *Paroline v. United States* claim that “every viewing of child pornography is a repetition of the victim's abuse” (“Amy, Vicky, and Andy,” par. 3). Guaranteeing survivors of child pornography a minimum of \$3,000 restitution, this act provides survivors the ability to receive recognition of their continued trauma. Since it has been established that this vicious cycle exacerbates an individual’s abuse, the assumption is that this money will be used to access trauma resources and counseling. With the passing of AVAA, her act, Amy says she “finally began to feel that [she] had some power” (“Victims Respond,” par. 6). Amy’s continued fight to demonstrate that the sharing of child pornography is a legitimate form of trauma has led to important first steps in the legal field of child pornography legislation.

However, the Amy, Vicky, and Andy Child Pornography Victim Assistance Act also establishes the need for an advancement in child pornography legislation. While it is beneficial that the continued trauma of child pornography survivors has been recognized, it is essential that legislation takes the form of preventative measures, in addition to restitution. There needs to be legislation that directly addresses how technology allows for the continued sharing of child pornography, and there needs to be proactive measures taken on pornography sites to prevent the initial sharing of pornographic images of children.

In the past, before the invention of the internet, the spread of child pornography was better regulated; the images were not immortalized. In fact, Carissa Hessick, a law professor at the University of North Carolina, claims legislation was so successful that in the early 1990s “the commercial circulation of child pornography images [had] essentially ceased” (4). Yet, in 1991, when the internet became readily available for public use, there was a drastic spike in the distribution of child pornography. To emphasize this point, in 1994, 61 defendants in federal court were sentenced for child pornography offenses (Bazon). In 2011, there were 1,880 (Bazon). However, the number of individuals sentenced nowhere near represents the number of children who continue to suffer in this cycle of abuse. In 2019, the National Center for Missing and Exploited Children reported 69.2 million images and videos of child pornography (“The Children of Pornhub”). 69.2 million. These horrifyingly large numbers and rapid growth demonstrate the role that the internet and technology play in this issue.

Currently, of course, there is legislation that renders child abuse and child pornography illegal. In fact, since the internet is such a common arena for the spread of child pornography, these violations fall under federal jurisdiction (“Citizen’s Guide”). The government recognizes the role the internet and technology play in providing quick and easy access to child pornography. However, the lack of regulation on internet sites and pornography websites have a large part in the continued sharing of these images. This is a major problem because, as stated in *Paroline v. United States*, every time an image is shared, it causes emotional distress to the victim.

Amy recognizes that there is little that can be done in her case: “I know that not even the United States Congress can make that go away. You can’t erase my pictures and you can’t change the terrible things that happened to me and are happening today” (“Victims Respond,” par. 9). Yet, by enacting legislation that regulates pornography websites, other children’s continued trauma may be prevented.

One of the major issues is that numerous pornography websites, like Pornhub, allow for content to be directly downloaded to a personal device (“The Children of Pornhub”). In his 2020 *New York Times* article, “The Children of Pornhub,” Nicholas Kristof highlights the gross lack of regulation on pornography websites. It is appallingly easy to find videos of children being sexually exploited. Since people can download content directly from the site, it is very difficult to know exactly who has what content. One woman that Kristof interviewed in his article claimed that “Pornhub became [her] trafficker” (par. 7). Sites like Pornhub continue the cycle of violence that these children have endured. As Kristof notes, “Pornhub has recently offered playlists with names including ‘less than 18,’ ‘the best collection of young boys’ and ‘under- - age’” (par. 33). A logical conclusion to this important issue is to create heavier regulations for pornography websites. Content should be reviewed before it gets uploaded, and the download features should be disabled. The law should be harsher in preventing the spread of these videos and images.

In his other article, “An Uplifting Update, on the Terrible World of Pornhub,” Kristof acknowledges that the solution is not simple. It will require a wide range of action in the form of government regulations and criminal prosecution. Still, some hope is on the horizon with currently proposed legislation that will tighten restrictions on pornography websites. On December 17, 2020, Jeff Merkley introduced the Stop Internet Sexual Exploitation Act (SISEA) to the Senate. SISEA would require that all uploads of sexually explicit conduct on online platforms have verified consent from all participants and that all participants are of legal age to consent to sexual acts (Merkley). Additionally, all online platforms publishing pornographic images must explicitly state how an individual can request to remove content from an upload site (Merkley). When SISEA was introduced to the Senate, it was read twice and subsequently referred to the Committee on Commerce, Science, and Transportation (Merkley). No action has been taken since the initial introduction. It is imperative that SISEA remain at the forefront of legislative priorities because with this bill, there will be stronger regulations to prevent the internet spread of child pornography. This is an important step in stopping the perpetuated cycle of trauma that survivors of child pornography face as their images are distributed across the internet.

Preventative legislation is the next critical step in working toward a world where the role the internet plays in the cycle of abuse for child pornography survivors ends. Amy continues to receive crime-victim notices in the mail, constant reminders that her past continues to haunt her present. She has fought in over 150 court cases, winning over \$1.6 million dollars (Bazon). However, no amount of money will allow Amy to truly heal from what happened to her. Every crime-victim notice, every court case, every dollar is a stark reminder that she continues to be exploited. Amy’s trauma should not simply be worth \$3,000. It should be worth change.

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