



How to Kick Kiddie Soft Porn off the Internet: Wage and Hour Regulation for Reform of Child Sexual Abuse on Websites That Evade Pornography Laws

Rhett Torr Rique

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The practical difference between illegal porn sites and the “non-nude model” sites prevalent on the internet the author describes as ‘kiddie soft-porn’ is that the latter generally only display pages of “thumbnail” images of children who are ‘scantily’ clothed. Such sites are probably legal in USA. But as you will quickly learn from browsing these sites, the children are posed in a manner that is not neutral. These sites are ‘overweighted’ with costumes and camera angles that sexualize the child. The term “child pornography” is inherently contradictory. Adult pornography is based on instinctive behavior, and legally ‘consumed’ in private. Material that is classified as “child pornography” is always illegal. In the ‘grey area’ is material that includes child nudity and could be art, just as adult nudity can lawfully be incorporated into artistic expression. The problem becomes difficult because even fine art can be debased or debased material called art. In the U.S.A. the attempt to regulate pornography is complex because of the First Amendment, since forms of entertainment containing sexual themes or visual sexual content is considered a form of speech. Legal disputes are actually not about pornography but the legal term obscenity. Over the years a Fog of Fuzzy Concepts has developed as a result of attempts to create a legal definition of obscenity and poses an impediment to regulating exploitation of the material referred to as kiddie soft-porn. Because wage, hour and working conditions of children in employment can be regulated, this work proposes a way to use economic dis-incentives and financial liability under wage and hour laws to discourage its production in the first place. If wage and hour laws and regulations are extended to such sites and enforced as suggested a winnowing process will eliminate all but the few legitimate sites genuinely intended for careers in the modeling or glamour business and deter abuse of the internet. Contains sociological and anthropological analysis of origins of pornography and relation to modern broadcast by internet, presented in generally non-technical terms. Contains legal analysis of Constitutional law applied to obscenity and internet and discussion of limitations of existing rules as applied to kiddie soft-porn, presented in generally non-technical terms. Contains discussion of internet and internet commerce and proposals for regulation of domain names, presented in generally non-technical terms. Contains discussion of existing wage and hour law as applicable to child actors and proposals for change in law. Contains appendixes of web site addresses, bibliography and index.

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