

Kiddy Porn or Family Photo??

Can you tell the difference between a kiddy pornographic photo and a family photo? If you cannot tell the difference or do not know the legal difference, you should not be taking photos of your minor children or grandchildren.

The child pornographic laws have changed. While I applaud child pornographic laws, I also believe that we (the public) are entitled to specific definitions of what is child porn.

Presently child porn is in the eye of the beholder. What Grandma might consider "cute", a hardened criminal investigator might consider child pornography.

The test is not what is in the mind of the child or the person taking the photo. The test is can a law enforcement officer create a sexual fantasy out of this photo?

Consider the following:

Consider a family backyard cookout. A photo of a boy and girl (brother and sister) six to eight years old both with little to no clothes in the wading pool and holding sausages to be grilled. They are not touching each other or doing anything with the sausages.

If you had been there, you would have heard the boy say, "I want this one".

Is this child porn? A photo lab in Burbank California decides to error on the safe side and calls the police. The safe side is to call the police because if he does not and it is child porn, he could be liable also.

The Burbank police decide the photos are disgusting, not funny, indecent, degenerate and criminal. The police took one look and decided YES this is child pornography and they set out to arrest the couple (the parents).

At this time there is no way to legally differentiate between family snapshots of a naked child and child pornography.

From the moment a child is born, parents and grandparent alike are recording for posterity some of our most embarrassing moments. At around six months, we are photographed lying on our tummy, naked. At nine months to fourteen months, we are photographed naked sitting on a potty. Get the picture??

David Urban took photos of his wife and 15-month-old grandson, both nude as she was giving him a bath. A photo lab turned him in and he was convicted by a Missouri court.

A gay couple decided to shave their bodies and then take pictures of their lovemaking. A photo clerk at Walgreen's decided one of them looked to young and called police. The couple is suing the Fort Lauderdale Police.

It seems that we as a nation are confused when it comes to protecting kids from sexual predators. In our hast to protect the children we have completely and utterly failed to clearly define and execute the laws governing child pornography

This was not much of an issue in the past. About 10 cases or so in the last 12 years were reported in the press. However, more and more parents and grandparents are being arrested via the hard un-denying evidence photos provide.

Innocent family situations are no longer innocent. William Kelly was arrested in Maryland after dropping off a roll of film that unknown to him included nude photos of his ten year old daughter and younger children that they had taken of each other at bed time.

Cynthia Stewart took a picture of her eight-year-old daughter taking a bath. She was arrested because in the background of the picture was a showerhead. The prosecution some how decided the shower head proved the eight year old was masturbating.

All these parents and grandparents are now sex offenders. They have to register with the police department, and are subject to the laws requiring sex offenders live a certain distance from any school, park, church, library or any place children might congregate. Not only does it affect where they can live but also it affects their ability to get employment.

This type of law puts all of us at risk of being arrested as sex offenders. It also radically limits the idea of free speech protection by insisting that a photo of a child is equivalent to molestation. Legally, it is not what is in the picture that counts. It is what is in the mind of the beholder that counts legally. It is actually necessary to fantasize a sexual context to the photo in order to make it child porn.

Exactly what is it we as a nation want to put an end to? Just how far are we, as a nation, willing to go to achieve our goal of keeping our children safe from pedophiles? Are we willing to reach into every home and examine every family album? Are we willing to create a nation of convicted pedophile parents and grandparents?

By not defining child pornography, we are asking everyone and no one to decide what child porn is. We are leaving it up to others that may not have the family values we have. In fact, we could be leaving it up to a closet pedophile to decide. If the test is can we put this photo into a sexual fantasy, then yes, every photo we take of a child is child pornography.

So how do we know which pictures we should hide and which we can show to our friends? My advice to you is DO NOT TAKE PICTURES OF CHILDREN. A grandmother can take a picture of her grandkids jumping into bed with pj's on and some nut can make a sexual fantasy out of it. Some dad can take a picture of his daughter licking an ice cream cone and some nut (police officer) can make a sexual fantasy of it, especially if the child is wearing a bathing suite.

I implore you to write your congressperson. Tell them we need stronger child porn laws. We need porn laws that are well defined as to what is child porn. We do not need a nation of grandparents and parents in jail for creating and capturing memories.

About the Author

Pancho Villa - a bleeding heart liberal Revolutionary.

Work with nature - plant a tree for more oxygen and less pollution.

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