

Congress of the United States
Washington, DC 20515

FOR IMMEDIATE RELEASE: December 20, 2005
CONTACTS: April Boyd (Kerry), 202-224-4159
Sheridan Watson (Isakson), 202-224-7777

**Kerry, Isakson Push for Tougher Penalties For
Child Internet Pornography**

Downloaded songs carry a penalty three times greater than exploited children

WASHINGTON - Senators John Kerry (D-Mass.) and Johnny Isakson (R-Ga.) today introduced legislation to dramatically increase penalties for anyone who downloads child pornography off the Internet. The current penalty for downloading songs off the Internet is *three times* the penalty for downloading pornographic materials of children and infants. Their bill also will fix the law to allow adults to sue those who download images of them taken when they were children.

According to the National Center for Missing and Exploited Children, child pornography has become a multi-billion dollar internet business. Every year, the Center's *Cybertipline* receives tens of thousands of calls reporting child exploitation and pornography on the internet.

"It's really a sad statement that we have tougher penalties for downloading music than for downloading sick images of infants and children. These are the youngest, most vulnerable victims in our society, and it's our moral responsibility to protect them," said Senator Kerry.

The bipartisan bill, "Masha's Law," which is named after a 5-year-old Russian orphan who was sexually abused by the American man who adopted her, was authored by Kerry and is co-sponsored by Isakson.

"What happened to Masha was a terrible tragedy that should never be repeated. Unfortunately, reminders of her horrific ordeal remain posted on the Internet for all to see every day," Senator Isakson said. "We must impose more severe penalties against those who download these disgusting images of our nation's innocent children."

Kerry was inspired to write this legislation after learning of Masha - a 5-year old girl adopted from a Russian orphanage in 1998 by Matthew Mancuso, who began sexually abusing Masha the first night she spent with him. Mancuso began disseminating Masha's pictures over the Internet almost immediately, which is what led law enforcement to his home, where they were shocked to find that the victim was Mancuso's adopted daughter. Subsequently, Masha was removed from the home and Mancuso was arrested, tried and convicted. He was found guilty of 11 counts of child sexual abuse stemming from his abuse of Masha, but her images - hundreds of them - are on the Internet and being downloaded around the world. And while the man who sexually abused Masha and posted the pictures on the web is in jail, the damage will continue until people stop downloading pictures of her off the Internet.

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Under current law, a victim of child exploitation is entitled to civil statutory damages in U.S. District Court in the amount of \$50,000. If someone downloads a song off the Internet, federal copyright law provides for statutory damages to be awarded to the copyright holder in the amount of \$150,000. Kerry's legislation increases the statutory damages a victim of child exploitation can recover to at least \$150,000. This increased penalty will serve as a deterrent to those who disseminate and possess child pornography, as well as a means of compensating victims of this terrible abuse.

The legislation will also fix a flaw in the current law that prevents adults from suing those who download images of them taken as minors. The current statute states that "any minor who is a victim of a violation [of the act] may sue in United States District Court." This language has been interpreted literally by a federal district court to restrict recovery to only those victims who are under 18 at the time of the crime. Thus, when victims turn 18 they cannot recover against their perpetrators even if pornographic images of them as children are still being distributed via the Internet. Kerry's legislation would clarify the statute to include victims of child pornography who are injured after they turn 18 by the downloading of their pornographic images.

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