

Viewing Online Child Porn 'Legal,' NY Appeals Court Rules

It's not illegal to watch child pornography online—at least not in New York. That's the conclusion New York's top court came to on Wednesday.

James D. Kent was convicted on two counts of procuring pornographic images and 134 counts of possessing a sexual performance by a minor and sentenced to prison in August 2009. The New York Court of Appeals upheld those convictions against the Marist College professor.

But a majority of the judges ruled state law does not forbid the more than 100 illegal images stored in the Web cache of Kent's work computer and dismissed one of the two counts of promoting a sexual performance of a child and one of dozens of counts of possession of child pornography. Kent maintains his innocence.

Judge Carmen Beauchamp Ciparick wrote: "Nonetheless, that such images were simply viewed, and that defendant had the theoretical capacity to exercise control over them during the time they were resident on the screen, is not enough to constitute their procurement or possession. Rather, some affirmative action is required (printing, saving, downloading, etc.) to show that defendant in fact exercised dominion and control over the images that were on his screen."

In response to the ruling, which decriminalizes the purposeful viewing of child pornography on the Internet, Patrick Trueman, president of Morality in Media, is speaking out in defense of children. As he sees it, child pornography is the photographic record of the sexual abuse of a child so it is a singular outrage that the highest court in New York State has

decriminalized the act of viewing of child pornography by computer.

“Children live with shame and hurt from knowing that a record of their abuse circulates on the Internet. Each time these photos are viewed, the child is revictimized. Some children never recover from the experience,” Trueman says.

“Child pornography should be treated as a very serious violation of the human dignity of the victims and those who take enjoyment from the despicable act of viewing such material should be harshly punished. What the New York court has done is to give permission to pedophiles and child molesters to continue the sexual molestation and recording of child sex abuse.”

Morality in Media is calling on the United States Attorney for the Southern District to immediately move to arrest and prosecute the defendant for violating federal child pornography laws.

“We demand that the attorney general and the administrator of the Office of Juvenile Justice and Delinquency Prevention authorize the New York City and State, Internet Crimes Against Children Task Forces to take over all child pornography possession cases currently being prosecuted by New York State Prosecutors and investigated by the Task Forces until this opinion is overturned,” Trueman said. “The New York State Legislature has its work cut out for it and it should act immediately.”