

ONLINE CHILD PORNOGRAPHY

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

SEPTEMBER 19, 2006

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

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CONTENTS

Hearing held on September 19, 2006	Page 1
Statement of Senator Burns	2
Statement of Senator Ensign	40
Statement of Senator McCain	1
Statement of Senator Pryor	37

WITNESSES

Allen, Ernie, President/CEO, The National Center for Missing & Exploited Children (NCMEC); accompanied by John Shehan, Program Manager, CyberTipline, NCMEC	19
Prepared statement	21
Brown, Michael J., Sheriff, Bedford County, Virginia	13
Prepared statement	16
Cooper, Sharon W., M.D., Adjunct Professor of Pediatrics, Chapel Hill School of Medicine, University of North Carolina	28
Prepared statement	31
Fisher, Alice S., Assistant Attorney General, Criminal Division, Department of Justice; accompanied by James E. Finch, Assistant Director, Cyber Divi- sion, Federal Bureau of Investigation	4
Prepared statement	5

APPENDIX

Response to written questions submitted by Hon. John McCain to:	
Ernie Allen	50
Michael J. Brown	49
Sharon W. Cooper, M.D.	53
Alice S. Fisher	45

ONLINE CHILD PORNOGRAPHY

TUESDAY, SEPTEMBER 19, 2006

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 2:36 p.m. in room SR-252, Russell Senate Office Building, Hon. John McCain presiding.

OPENING STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR FROM ARIZONA

Senator McCAIN. Well, good afternoon. Senator Stevens wanted to be here, but because of the consideration of the defense appropriations bills, he is not able to be here. He hopes to be able to stop in at some time if possible.

This afternoon's hearing brings to the Committee's attention what some have called an epidemic of child pornography on the Internet. I say "child pornography," but that label does not describe accurately what we are talking about today. As emphasized by a recent Justice Department report, "child pornography" does not come even close to describing these images.

What we are really talking about is recorded images of child sexual abuse. These images are quite literally digital evidence of violent sexual crimes perpetrated against the most vulnerable among us. Experts are also finding that the images of child sexual exploitation produced and distributed today, often online, involve younger and younger children. As Ernie Allen emphasizes in his prepared testimony on behalf of the National Center for Missing & Exploited Children, known as NCMEC, 83 percent of offenders surveyed in a recent study were caught with images of children younger than 12 years old. Thirty-nine percent had images of children younger than 6 years old. Almost 20 percent had images of children younger than 3 years old.

These are not normal criminals and I cannot fathom the extent of the physical and emotional harm they cause their victims.

The violence of the images continues to increase as well. As Dr. Cooper states in her prepared testimony, the images she has reviewed in her professional capacity often depict sadistic, gross sexual assault and sodomy. Sheriff Brown's Internet Crimes Against Children Task Force also has direct experience with these increasingly violent and disturbing images of child sexual exploitation.

The graphic description of these images by some of the witnesses in their prepared testimony is difficult to stomach and almost impossible to grasp as the actions of human beings, and I do advise

everyone in this room that the matters discussed today are not appropriate for children. However, as policymakers it is our duty to face these matters head-on so that we can understand the extent of this evil and determine how best to fight it.

It is also our duty to bring these issues to light so that parents around the country know exactly what dangers their children face. It is also important to stress that, though the focal point of this hearing is online child pornography, the actual exploitation occurs in the off-line world. Children can be sexually abused by people who have access to them at school and, unfortunately, even in the children's own homes. I hope our witnesses will talk about how parents and communities can protect children from sexual exploitation in addition to discussing what law enforcement is doing to combat this crime.

I note with some disappointment that we do not have Internet companies represented today, although they were invited to participate. I want to emphasize, Internet companies were invited to participate and chose not to. They are certainly a crucial component of our effort to eradicate child pornography and I trust that the Committee, under the leadership of Chairman Stevens, will pursue further hearings to assess the private sector's contribution.

I want to thank the Chairman, Senator Stevens, for the courtesy of the gavel this afternoon. I turn now to Senator Burns if he has any opening statement.

**STATEMENT OF HON. CONRAD BURNS,
U.S. SENATOR FROM MONTANA**

Senator BURNS. Mr. Chairman, thank you very much and thank you for chairing this hearing. I do not know of anybody that I would rather have chairing this one especially.

I want to thank our panel for showing up today. I recognize it is our responsibility in the Senate to give the prosecutors and the police the tools that they need, which is why earlier this year I joined Senator John Kyl in introducing the Internet Safety Act, which was included as a part of the Adam Walsh Child Protection and Safety Act signed into law in July. Among other things, this new law increases penalties for child pornography, sex trafficking, and sexual abuse offenses, cracking down on these horrific crimes. In addition, it will increase the financial resources needed to prosecute the offenders and prevent this unspeakable and disgusting form of child abuse.

Earlier this year the Commerce Committee passed the most comprehensive telecommunications bill in a decade. This legislation addresses many issues and fixes many problems consumers have faced, ranging from how do we communicate with one another to how we will view television in the future. One area of this bill I would like to comment on is the language I personally added to protect our most precious resource, and that is our children.

Far too often, pornographic websites use web addresses which are very similar to other, non-pornographic websites. When a child, for example, makes a mistake and types in a ".com" instead of a ".gov" or ".org", sexually explicit photos will appear on the screen. This language requires all pornographic website operators to have a home page that is free of explicit pictures or words. These folks

will no longer be allowed to have a pornographic image or material of any kind on their home page. This goes a long way in preventing our children from accidentally stumbling across obscene pictures without restricting adult access.

This bill also outlaws the embedding of any words, symbols, or images into the source code of websites with the intent to deceive another person into viewing material that is obscene. These simple steps will help prevent children from unwittingly stumbling across these harmful images and materials online.

As we offer legislation to move our Nation forward into new territories of dealing with communications, we must protect our kids from the dangers that may come their way. Little we do will be more important. So I applaud the Chairman for holding this hearing today.

There are just some common sense changes in the law that are merely the first steps in a much larger battle against child pornography. Today we are here to talk about that very subject. We have done much to protect them, but much more can and still needs to be done in order to stop these disgusting crimes and put the perpetrators where they belong. Take them out of society, put them in jail. I have said it before and I will say it again: They are our resource, these children. They are our future. Each and every one of us need and we must do everything in our power to protect them.

Mr. Chairman, thank you for having this hearing today and I look forward to the testimony.

Senator MCCAIN. Appearing before the Committee today are four individuals who are on the front lines of our Nation's effort to stop the sexual exploitation of children: Ms. Alice Fisher, Assistant Attorney General, the Criminal Division of the U.S. Department of Justice. Ms. Fisher asked that Jim Finch also appear before the Committee. Mr. Finch is Assistant Director of the FBI's Cyber Division and he is prepared to answer any questions that members may have regarding child pornography investigations. Welcome, Mr. Finch.

Mr. FINCH. Thank you, sir.

Senator MCCAIN. Sheriff Mike Brown of the Bedford County, Virginia, Sheriff's Office and Director of the Blue Ridge Thunder Internet Crimes Against Children Task Force; Mr. Ernie Allen, who is the President and CEO of the National Center for Missing & Exploited Children; and Dr. Sharon Cooper, who is the CEO of Developmental & Forensic Pediatrics. Dr. Cooper had a scheduling conflict that kept her from attending in person. She is joining us via video conference from the campus of the Pennsylvania State University at Harrisburg. We thank her for her efforts to provide the Committee with her insight. Dr. Cooper, we will ask you to testify last and we will try and ask you questions first so that you can get off-line if you need to.

Is Dr. Cooper with us?

[No response.]

Senator MCCAIN. Well, we hope to get Dr. Cooper with us between now and when it is her turn to testify—oh, Dr. Cooper, are you with us?

Dr. COOPER. Yes, I am, sir. Thank you.

Senator MCCAIN. Can you bear with us while we have the other witnesses give their opening statements and then we will hear from you, if that is agreeable?

Dr. COOPER. That is fine, sir. Thank you very much.

Senator MCCAIN. Thank you for joining us today.

We will begin with the Assistant Attorney General, Ms. Alice Fisher. Welcome, Ms. Fisher.

STATEMENT OF ALICE S. FISHER, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE; ACCOMPANIED BY JAMES E. FINCH, ASSISTANT DIRECTOR, CYBER DIVISION, FEDERAL BUREAU OF INVESTIGATION

Ms. FISHER. Thank you, Mr. Chairman. Good afternoon, Senator Burns. Thank you so much for inviting me to testify about this problem, a very serious problem facing our country today. I am very honored to testify in front of this Committee and with leading lights in this effort such as Ernie Allen, Sheriff Brown, and Dr. Cooper, who are committed and dedicated to this issue every day.

Thank you so much, the Congress, for the Adam Walsh Act and helping with the amendments that you mentioned this morning, Senator Burns. Every added tool that we get at the Department of Justice is so important to combatting this problem. This hearing in and of itself raises public awareness over this issue and it is so important.

As you noted, the danger to our children is so immense. Whereas before pedophiles and child pornographers were pushed underground, meeting in the back rooms of bookstores, sending their products through the mail, now they roam freely on the Internet, thousands of them every day, offending and graphically depicting children, and it is just terrible. It is horrific. The images, as you have noted, are getting to be of children that are of younger and younger age, and they are images that are more and more graphic. They use technology such as commercial websites, peer-to-peer chats, f-serves, webcams, et cetera, throughout the Internet, sending and producing and obtaining and distributing these pictures.

While I think most Americans understand the heinousness of this crime, these images which I have seen are shocking. They turn the stomach and they boggle the mind. There are images of infants and toddlers that are on streaming videos and these toddlers are being molested. People traffick in these things. They trade them, they sell them. It is an epidemic that we are facing in this country.

Let me focus you on four things that the Department is trying to focus on in how we approach this effort. We are doing a series of initiatives such as Project Safe Childhood that the Attorney General announced earlier this year and that you codified in the Adam Walsh Act. That is a collaborative effort with state, local, and Federal law enforcement and prosecutors getting together on a district by district basis to eradicate this problem. They are looking at community outreach and education and increasing prosecutions. They are also training each other on the forensic capability to better equip us to go after this problem.

We are striving to ensure that our technology is up-to-date with those who are trafficking in child pornography on the Internet. We are launching nationwide initiatives, such as taking down a com-

mercial website with child pornography and taking those leads and sending them out to the 93 U.S. attorney's offices and to State and local prosecutors across the country, so they can go after the customers. So we are not only looking at the websites, we are looking at the possessors that facilitate it as well.

We are doing aggressive prosecutions of individuals and making sure that we obtain stiff penalties, many of which you have provided to us in the laws that you have passed. In fact, one individual in Virginia just got a 150-year sentence for trafficking in child pornography.

Just to step back and give you a recent example that I think brings this problem home, there was an individual in the District of Columbia by the name of Bruce Schiffer who was sentenced in August of this year to 25 years in prison. Mr. Schiffer had 11,000 images of child pornography. He selected files to be uploaded and downloaded to the public. He published it on the Internet. He tried to entice young boys to take pictures of themselves and their friends and to be more and more sexually graphic in the depictions.

When they went to do a search warrant on his home, they found letters of correspondence between him and inmates about some of his activities. He talked about wanting to rape children, his desire to do so with boys in between the ages of 6 and 16. They found a clown suit in his closet. They found a Mapquest route that showed the route from his place of work to a boys shelter.

This is indeed an epidemic, as you said. We must go after individuals like this and bring the penalties that you have given us to bear against them. There is no question that it is going to take all of us, our educators, our communities, Congress, prosecutors, law enforcement across the country, to be committed and dedicated. We certainly are at the Department of Justice and the Attorney General reminds us of this every day. He has made it a leading priority for the Department.

So thank you very much for letting me come testify today.

[The prepared statement of Ms. Fisher follows:]

PREPARED STATEMENT OF ALICE S. FISHER, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE; ACCOMPANIED BY JAMES E. FINCH, ASSISTANT DIRECTOR, CYBER DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. Chairman, Senator Inouye, and distinguished Members of the Committee, thank you for inviting me to testify before you today about the sexual exploitation of children on the Internet and the efforts of the Department of Justice and others to protect our children from this horrific abuse. As the Attorney General has made clear, protecting our children from sexual exploitation on the Internet is one of the highest priorities of the Department of Justice. The Department is committed to using every available means to identify, investigate, and prosecute those who use the Internet to sexually exploit our children. The Criminal Division, alongside the U.S. Attorneys' Offices, has taken a leading role in this effort.

Of course, the Department of Justice is not alone in this fight. Congress has played an absolutely indispensable role, most recently with the passage of the landmark Adam Walsh Child Protection and Safety Act of 2006. Let me take this opportunity to thank you for passing this important piece of legislation. In addition, Federal law enforcement agencies such as the Federal Bureau of Investigation (FBI), the Department of Homeland Security's Immigration and Customs Enforcement (ICE), and the United States Postal Inspection Service (USPIS), as well as state and local law enforcement agencies nationwide, have made invaluable contributions to protecting our children. Finally, non-governmental organizations such as the National Center for Missing & Exploited Children, have played a critical role, not only contributing greatly to public awareness of the threats of sexual exploitation on the

Internet, but also in assisting law enforcement by facilitating reporting of these crimes and identifying and locating children so that they can be rescued.

The Problem

While the Internet is one of the greatest inventions of the last century, unfortunately, it has also largely contributed to the exacerbation of the child pornography epidemic. As if the creation of shocking images of child sexual abuse were not awful enough, it is only the beginning of a cycle of abuse. Once created and then posted on the Internet, images of child pornography become permanent records of the abuse they depict and can haunt the victims literally forever. Notably, advances in technology have made it both easier for offenders to distribute these images to each other, and more difficult to remove these images from the Internet. Worse still, pedophiles rely on these images to develop plans of action for targeting their next victims, and then use the images to entice them. What is more, because these offenders often compete to see who can produce the most unthinkable photos or videos of raping and molesting children, the Internet has led to the victimization of younger and younger children.

It is critical to recognize that virtually all images of child pornography depict the actual sexual abuse of real children. In other words, each image literally documents a crime scene. Most Americans, of course, innately understand that child pornography is a heinous crime. Even so, I believe very few realize just how graphic, sadistic, and horrible these images have become and the dangerous environment the market for child pornography has created for children.

These images make your stomach turn. Images have been produced, for example, of young toddlers, including one in which a baby is tied up with towels, desperately crying in pain, while she is being brutally raped and sodomized by an adult man. Likewise, videos are being circulated of very young daughters forced to have intercourse and oral sex with their fathers.

With the market for child pornography becoming increasingly prolific and characterized by an escalating level of abuse, children face greater danger from sexual predators than ever before. Before the Internet, pedophiles were isolated. Now, with large communities on the Internet dedicated to pedophilia and the exchange of child pornography, the illicit sexual desires and conduct of these individuals are validated and encouraged. This emboldens offenders to produce, receive, and distribute more shocking, graphic images, which increasingly involve younger children and even infants. The compulsion to collect child pornography images coupled with the validation and encouragement found on the Internet may lead to a compulsion to molest children or may be indicative of a propensity to molest them. Indeed, constant exposure to child pornography can break down the natural barriers to contact offenses.

The scope of the danger facing our children via the Internet is immense. By all accounts, at any given time, thousands of predators are on the Internet prowling for children. The explosive increase in child pornography fueled by the Internet is evidenced by the fact that from 1998 to 2004, the National Center for Missing & Exploited Children's CyberTipline experienced a thirty-fold increase in the number of child pornography reports.

The challenge we face in cyberspace was recently underscored by a new national survey, released in August 2006, conducted by University of New Hampshire researchers for the National Center for Missing & Exploited Children. The study revealed that a fully one-third of all children aged 10 to 17 who used the Internet were exposed to unwanted sexual material. Much of it was extremely graphic.

The survey also revealed, however, that we are making progress. It found that there has been some reduction in the number of children who have received an online sexual solicitation. One in seven children surveyed this time had received an online sexual solicitation, which is an improvement over the one in five children who received such solicitations in the last survey, conducted 5 years ago. We are hopeful that this means that parents and kids are becoming more aware of the dangers online, and more responsible in the way they use the Internet. That said, we have a lot of work to do. One in seven kids receiving solicitations is one in seven too many. And this most recent survey showed that there has been no letting up of aggressive online sexual solicitations, where the most depraved of the pedophiles actually try to make in-person contact with a child.

In short, the opportunities for predators that have been created by the Internet demand an overwhelming response from law enforcement.

The Department of Justice Response

At the Department of Justice, we take the responsibility of attacking the problems resulting from predators' increased abuse of the Internet very seriously. The Department is constantly seeking to improve the quality and impact of its cases by taking

a systematic approach. Indeed, over the last decade, the Department has significantly increased its efforts by dramatically increasing the number of prosecutions of child exploitation crimes. I would like to highlight four different approaches the Department has taken to ensure that our children are protected from the predators who seek to victimize them. First, the Department has launched a series of initiatives and partnerships—including the Attorney General’s Project Safe Childhood initiative—designed to ensure that we have an army of people equipped to combat this epidemic. Second, we are striving to ensure that our investigative techniques adapt to the ever-changing methods by which the predators seek to purvey these images and evade detection by law enforcement. Third, working with our partners at the Federal, state, and local levels, we have launched high-profile nationwide investigations that not only have resulted in a large number of convictions but also have the potential for maximum deterrent effect. Fourth, we continue to aggressively prosecute individual offenders, with a special emphasis on those who have a history of sexually exploiting children.

Project Safe Childhood and Strategic Partnerships

The Attorney General significantly expanded our efforts to address the sexual exploitation of children on the Internet this year by launching the Project Safe Childhood initiative. Project Safe Childhood will help law enforcement and community leaders develop a coordinated strategy to deter, investigate, and prosecute sexual predators, abusers, and pornographers who target our children. It will do so by creating, on a national platform, locally-designed partnerships to investigate and prosecute Internet-based crimes against children.

The Attorney General has said that he sees this initiative as a strong, three-legged stool. One leg is the Federal contribution led by U.S. Attorneys; another is state and local law enforcement, including the outstanding work of the Internet Crimes Against Children task forces funded by the Department’s Office of Justice Programs; and the third is non-governmental organizations, like the National Center for Missing & Exploited Children—without which we would not have the CyberTipline and victim advocates.

No leg of this stool can stand alone. Indeed, one of Project Safe Childhood’s key benefits will be in raising the level of coordination among all state, local, and Federal law enforcement as well as non-governmental organizations, and the sharing of knowledge and information that coordination will foster.

The Attorney General has asked that each Project Safe Childhood task force begin with three major steps to put this important program into action. The first step is to build partnerships and capitalize on the experience of our existing partners. U.S. Attorneys will engage everyone with a stake in the future of our children. Together, they will inventory the unique nature of the challenge and the resources available in the community. Second, these partners will work together as U.S. Attorneys develop a strategic plan for Project Safe Childhood in their area. Third, we will be ensuring accountability by requiring semi-annual progress reports. The Attorney General wants to know that Project Safe Childhood is having a measurable impact in terms of locking away criminals and identifying and rescuing child victims.

In the Department’s Criminal Division, we are working in tandem with our Project Safe Childhood partners around the country in order to effectively protect children from these crimes in every neighborhood nationwide. The Criminal Division’s Child Exploitation and Obscenity Section (CEOS), for example, is contributing its specialized expertise, participating in training programs and prosecuting cases jointly with the U.S. Attorneys’ Offices. One of the main benefits of Project Safe Childhood is the coordination of scarce law enforcement resources so that when leads from nationwide operations are sent out to the field, state and local law enforcement in the area where the target is located will be able effectively to investigate and prosecute those leads. CEOS is helping to develop and coordinate these local programs and national operations, and then working with the U.S. Attorneys’ Offices and with Federal, state, and local law enforcement across the country to ensure that these operations have maximum impact.

In addition to Project Safe Childhood, the Department has launched a number of other initiatives to protect children from exploitation. The first of these is the Innocence Lost Initiative, which combats domestic child prostitution. The Innocence Lost Initiative is a partnership between the Criminal Division’s CEOS, the Violent Crimes and Major Offenders Section of FBI Headquarters and the National Center for Missing & Exploited Children. As of July 26, 2006, the Innocence Lost Initiative has resulted in 228 open investigations, 543 arrests, 86 complaints, 121 informations or indictments, and 94 convictions in both the Federal and state systems. As part of this initiative, the Department has developed an intensive week-long training program on the investigation and prosecution of child prostitution cases, held

for members of multi-disciplinary teams from cities across the United States. The Department is also playing a leading role in the prosecution of Innocence Lost Initiative cases, either by helping to stand-up Innocence Lost task forces around the country, directly prosecuting the cases with the local United States Attorneys' Offices, or providing coordination, advice, and assistance to prosecutors in cases where it is not directly involved.

Another important part of our efforts is our initiative to protect children from child sex tourism, undertaken by the Department in conjunction with Immigration and Customs Enforcement (ICE). Child sex tourism occurs when offenders travel to foreign countries and sexually exploit children, and is another form of sex trafficking of children. As with our efforts to increase the prosecution of child prostitution cases through the Innocence Lost Initiative, we have been working to increase the number of child sex tourism cases investigated and prosecuted in order to address the serious offense of Americans sexually exploiting children in foreign countries. Since the passage of the PROTECT Act in April 2003, which facilitated the prosecution of these cases, there have been approximately 55 indictments and 36 convictions, with more than 60 additional investigations currently underway. We also provide training and advice to foreign governments regarding their domestic trafficking laws and prosecution efforts in order to combat trafficking on a global level.

The Department of Justice is also actively enforcing record-keeping and labeling requirements designed to ensure that minors are not filmed engaging in sexually explicit activity. These requirements are contained in Section 2257 and the new 2257A of Title 18 and were enacted to prevent the sexual exploitation of minors by requiring producers of sexually explicit conduct to obtain written identification showing that the performers are adults and also to label materials identifying a custodian of those records. The FBI, at the direction of the Attorney General, has begun to conduct random administrative inspections of producers to ensure that they are obtaining and maintaining the necessary documents. In addition, we are prosecuting offenders criminally. The Department's Obscenity Prosecution Task Force recently obtained a guilty plea from Mantra Films, doing business as Girls Gone Wild, in which the company admitted that it failed to maintain appropriate records and agreed to pay considerable fines and restitution. A related company agreed to the appointment of a corporate monitor to ensure future compliance by Girls Gone Wild. Producers of sexually explicit materials know that they will be prosecuted if they do not comply with this important law that protects our children from sexual exploitation.

Sophisticated Investigative Techniques

Child pornography is distributed over the Internet in a variety of ways, including: online groups or communities, file servers, Internet Relay Chat, e-mail, peer-to-peer networks, and commercial websites. The Department of Justice investigates and prosecutes offenses involving each of these technologies.

Sophisticated investigative techniques, often involving undercover operations, are required to hold these offenders accountable for their crimes. For example, an investigation of a commercial child pornography website is launched on multiple fronts. We must first determine where the servers hosting the website are located, which can change from day to day to locations virtually anywhere in the world. Then, in order to find the persons responsible for operating the website, we must follow the long and complex path of the financial transactions the offenders use to profit from the sale of child pornography, whether by credit card or other means. Finally, we must address the thousands of customers of the website, because research tells us that many will pose a dangerous threat to children. This requires detailed information about all aspects of the transaction in order to determine the identity and location of these offenders. As many of these cases require coordination with law enforcement from other countries, involve complex technical issues, and can touch virtually every Federal district in the United States, it is essential that these complex cases be handled by law enforcement agents and prosecutors with a broad reach and the necessary specialized expertise.

To defeat the misuse of these various technologies, the Department of Justice must match, or even exceed, the innovation being shown by the online offenders. Along with our critical law enforcement partners, the Department has greatly enhanced its ability to respond to—and indeed anticipate—the misuse of technological advances by these offenders. The Department's Child Exploitation and Obscenity Section, for example, has created a group of computer forensic specialists, called the High Tech Investigative Unit (HTIU), who team up with expert prosecutors to ensure the Department of Justice's capacity and capability to prosecute the most technologically complex and advanced offenses committed against children online. The

HTIU's computer forensic specialists provide expert forensic assistance and testimony in districts across the country in the most complex child pornography prosecutions conducted by the Department of Justice. They also conduct numerous training seminars to disseminate their specialized knowledge around the country.

Among its technological advances, the HTIU has developed a file server investigative protocol and software programs designed to quickly identify and locate individuals distributing pornography using automated file-server technology and Internet Relay Chat. Because file servers, or "f-servers," provide a highly effective means to obtain and distribute enormous amounts of child pornography files, 24 hours a day and 365 days a year, with complete automation and no human interaction, this trafficking mechanism is a premier tool for the most egregious child pornography offenders. The protocol recommends standards for identifying targets, gathering forensic evidence, drafting search warrants, and making charging decisions. It is designed for both agents and prosecutors to ensure that all aspects of these relatively complex investigations are understood by all members of the law enforcement team. The software program automates the process of stripping from the computers used as file-servers all of the information necessary to make prosecutions against all of the individuals sharing child pornography with the file-server computer.

These advances in investigative technologies are achieving success. For example, the HTIU's file server initiative contributed to the successful prosecution by the U.S. Attorney's Office for the District of Columbia and the Criminal Division in the case of *United States v. Schiffer*. In this case, which was investigated by the FBI, the defendant pled guilty in October 2005 to one count each of using his computer to advertise, transport, receive, and possess child pornography. By operating his personal computer as a file server, the defendant allowed selected files to be downloaded and uploaded by the public to and from his computer. He even published on the Internet an advertisement aimed at young boys that enticed them to photograph themselves or other boys, so that he could collect and disseminate more sexually explicit images. Among the items seized from the defendant's bedroom, pursuant to a search warrant, were two boxes of catalogued correspondence between the defendant and roughly 160 prison inmates, the vast majority of whom had either sexually assaulted or murdered children. In his letters, he discussed his "desire to rape children," preferably boys between 6 and 16. Schiffer also wrote in detail about taking in runaways and "making use of them." Investigators also found a clown suit and a printout of a Mapquest route from his place of work to a boys' shelter.

On August 30, 2006, the defendant was sentenced to 25 years in prison for the high tech advertising and distribution of more than 11,000 images of child pornography. In addition, upon his release, the defendant will be required to abide by strict conditions, including no computer use except in the context of authorized employment, no possession of pornographic images, and supervision by a probation officer for life. In sentencing this defendant, the Honorable Paul L. Friedman captured the devastating impact of the defendant's crimes in words that I would like to read to you today: "by advertising and exchanging these images, the defendant was expanding the market for child pornography, and that market is made up of kids who are being exploited, and thus it is damaging to the whole community of children." We could not agree more with Judge Friedman.

United States v. Mitchel, investigated by the FBI and prosecuted by the Criminal Division in conjunction with the United States Attorney's Office for the Western District of Virginia, is another recent success story. This case involved child pornography websites that sold membership subscriptions to offenders looking to obtain videos of minor boys engaging in sexually explicit conduct. The defendant was sentenced on July 14, 2006 to 150 years in prison based on his guilty plea to offenses involving the production, distribution, sale, and possession of child pornography.

Large Scale Investigations

In order to crack down on the pervasive problem associated with online child pornography, it is critical that we focus on major investigations. For that reason, we are currently coordinating 18 multi-district operations involving child pornography offenders and the Internet. These national investigations have the potential for maximum deterrent effect on offenders. Nearly each one of the eighteen investigations involves hundreds or thousands, and in a few cases tens of thousands, of offenders. The coordination of these operations is complex, but their results can be tremendous.

For example, several of our nationwide operations have resulted from FBI investigations into the distribution of child pornography on various eGroups, which are "members-only" online bulletin boards. Notably, as of January 2006, the FBI's investigation has yielded over 180 search warrants, 89 arrests, 162 indictments, and over

100 convictions. Another example of a high-impact national operation targeting Peer-to-Peer technology is the FBI's Operation Peer Pressure, which, as of January 2006, has resulted in over 300 searches, 69 indictments, 63 arrests, and over 40 convictions.

The Department has had substantial success in destroying several major child pornography operations. In one such case, announced by the Attorney General on March 15, 2006, law enforcement—as part of an undercover investigation—infiltrated a private Internet chat room used by offenders worldwide to facilitate the trading of thousands of images of child pornography, including streaming videos of live molestations. The chat room was known as “Kiddypics & Kiddyvids,” and was hosted on the Internet through the WinMX software program that also allowed users to engage in peer-to-peer file sharing. The case has resulted in charges against 27 individuals to date in the United States, Canada, Australia, and Great Britain (13 of these 27 have been charged in the United States). One of the 27 charged defendants is a fugitive. Seven child victims of sexual molestation have been identified as a result of the investigation, and four alleged molesters are among the 27 defendants charged to date in the continuing investigation. This investigation is international in scope and results from the Department's partnerships with Immigration and Customs Enforcement, state and local authorities, and international law enforcement agencies.

In *United States v. Mariscal*, investigated by the United States Postal Inspection Service and prosecuted by CEOS and the United States Attorney's Office for the Southern District of Florida, the defendant received a 100-year prison sentence on September 30, 2004, after being convicted on seven charges, including conspiracy to produce, importation of, distribution of, advertising of, and possession with intent to sell child pornography. The defendant traveled repeatedly over a seven-year period to Cuba and Ecuador, where he produced and manufactured child pornography, including videotapes of him sexually abusing minors, some under the age of 12. As a result of his arrest, his customers across the country were targeted by the U.S. Postal Inspection Service in Operation Lost Innocence. As of August 2006, Lost Innocence has resulted in 107 searches, 64 arrests and/or indictments, and 51 convictions.

An excellent example of how one child pornography investigation into the activities of individuals involved in a commercial website operation can lead to the apprehension of hundreds of other offenders is the *Regpay* case. This case was prosecuted by the United States Attorney's Office for the District of New Jersey working together with CEOS, and led to Immigration and Customs Enforcement's (ICE) *Operation FALCON*. Regpay was a Belarus-based company that provided credit card processing services to hundreds of commercial child pornography websites. Regpay contracted with a Florida company, Connections USA, to access a merchant bank in the United States. In February 2005, several Regpay defendants pled guilty to various conspiracy, child pornography, and money laundering offenses. Connections USA and several of its employees also pled guilty in connection with this case. After exploiting customer information associated with the Regpay websites, ICE launched Operation Falcon, an international child pornography trafficking investigation. As a result, ICE was able to generate numerous additional leads identifying offenders who had purchased child pornography from the Regpay websites.

As I noted at the outset, the images these predators create, collect, and disseminate depict actual sexual abuse of real children. The Department's nationwide efforts thus extend beyond the challenge of tracking down the perpetrators: we are also taking steps to identify and rescue the victims depicted in the images of child pornography. One method for achieving this goal is already underway. The FBI Endangered Child Alert Program (ECAP) was launched on February 21, 2004, by the FBI's Innocent Images Unit, and is conducted in partnership with the Department's Criminal Division. The purpose of ECAP is to identify unknown offenders depicted in images of child pornography engaging in the sexual exploitation of children. Since ECAP's inception, seven of these “John Doe” subjects have been profiled by *America's Most Wanted*, and with the assistance of tips from viewers, six have been identified. More importantly, 35 victims (so far) in Indiana, Montana, Texas, Colorado, and Canada have been identified as a result of this initiative. All of the victims had been sexually abused over a period of years, some since infancy. The Department will continue to ensure that this program is utilized to its maximum potential.

Prosecutions of Individuals

In addition to contributing to the success of major operations, the expertise and assistance that the Criminal Division provides in child exploitation cases—whether from experienced prosecutors or from specialized computer forensic specialists—is absolutely critical to the successful prosecution of individual defendants who pose

real threats to children. In short, our involvement in individual cases makes a real difference in protecting children. The offenders we incarcerate often have a history of sexually exploiting children. Keeping them off the street has undoubtedly prevented untold numbers of children from becoming victims.

The following are just a few examples of some of our cases against these repeat offenders:

- In *United States v. Wilder*, the Criminal Division worked with the United States Attorney's Office for the District of Massachusetts to prosecute a repeat child pornography offender. After this defendant had been released from prison for a prior child pornography offense, he violated the terms of his supervised release by committing additional child pornography offenses. Not only was he re-incarcerated for violating the terms of his supervised release, but we prosecuted him for those new offenses. He was convicted on March 21, 2006, following a jury trial. As a repeat offender, he faced a mandatory minimum sentence of 15 years in prison, which he received when he was sentenced on June 28, 2006.
- In *United States v. Wilson*, the Criminal Division and the United States Attorney's Office for the Southern District of Indiana prosecuted a defendant who was caught with a 14-year-old runaway girl and who was convicted in state court for molesting her. Using metadata, link file analysis, chat logs, e-mail, and other forensic evidence, the HTIU was able to pin the child pornography specifically to the defendant, which precluded a possible defense argument that the child pornography did not belong to him. On December 8, 2005, the defendant was sentenced to 99 months' Federal incarceration and supervised release for life.
- In *United States v. Whorley*, the Criminal Division worked with the United States Attorney's Office for the Eastern District of Virginia to secure the conviction, on December 1, 2005, of a convicted sex offender on 74 counts of receiving obscene material and child pornography. Among his other offenses, the defendant downloaded 20 images of Japanese anime cartoons from the Internet depicting prepubescent minors engaged in sexually explicit behavior. We believe this case was the first charged under 18 U.S.C. § 1466A, which criminalizes obscene visual representations of the sexual abuse of children of any sort, including drawings and cartoons such as the anime cartoons the defendant downloaded. On March 10, 2006, the defendant was sentenced to 240 months' imprisonment, to be followed by 10 years' supervised release.
- Finally, in *United States v. LaFortune*, the United States Attorney's Office for the District of Massachusetts and the Criminal Division prosecuted an offender who had previous convictions for raping his own children and for advertising child pornography. He was convicted of advertising, transporting, receiving, and possessing child pornography and, on March 10, 2006, was sentenced to 35 years' imprisonment.

The Adam Walsh Child Protection and Safety Act of 2006

As I noted at the outset of my remarks, Congress has demonstrated both exemplary leadership and invaluable support for the Department's efforts generally, and for Project Safe Childhood in particular, by passing the Adam Walsh Child Protection and Safety Act of 2006. The Adam Walsh Act, signed by the President in July, will help us keep our children safe by preventing the sexual exploitation of children and by enhancing penalties for such crimes across the board. Let me highlight three areas in which this historic legislation bolsters our efforts at the Department of Justice to protect children:

First, the new law establishes the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking Office, and it assigns the Office numerous important functions relating to the sex offender registry. The SMART Office will be led by a Presidentially-appointed Director. The Department of Justice is working now to establish this Office, and it will be immensely valuable to our ongoing efforts to protect children from these offenders.

Second, the new law provides additional statutory authority for Project Safe Childhood initiative that I described a few minutes ago. We at the Department of Justice very much appreciate Congress's expression of support for this key initiative.

Third, the new law provides that in child pornography prosecutions, the child pornography must remain in the control of the government or the court. In passing this law, and by enacting findings explaining that child pornography constitutes *prima facie* contraband, and that each instance of viewing an image of child pornography is a renewed violation of the victim's privacy and a repetition of the victim's abuse, Congress has taken a great leap forward in protecting the children depicted in these

images. While this law is currently being challenged by defendants in child pornography cases, we are optimistic that the courts will agree that it does not detract from defendants' ability to prepare for trial and should thus be upheld.

In conclusion, protecting children from sexual exploitation over the Internet is one of the Department of Justice's highest priorities. The Department of Justice is unequivocally committed to investigating and prosecuting offenders who seek to sexually exploit our children. We thank you for your invaluable support for our efforts and look forward to working with you as we continue to hold those who would harm our children accountable to the fullest extent of the law.

Mr. Chairman, I again thank you and the Committee for the opportunity to speak to you today, and I would be pleased to answer any questions the Committee might have.

Senator McCAIN. Thank you very much, Ms. Fisher. I appreciate your being here. It is a strong statement.

Mr. Finch, do you have anything to add to that?

Mr. FINCH. Good afternoon, Senators.

The FBI treats the exploitation of children as one of its highest priorities. These crimes are addressed through the Innocent Images National Initiative, which is currently composed of 36 undercover operations spread across the country. Additionally, the Innocent Images Unit, based miles from here in Calverton, Maryland, works hand in hand with the Department of Justice Child Exploitation and Obscenity Section to address these matters on a national and an international level.

Our successes include: peer-to-peer initiative, which to date has generated over 400 cases and 90 arrests; our e-groups initiative, which has resulted in over 100 arrests; and our e-cap initiative, which has led to the identification of over 30 victims.

We work very closely with our Federal, state, and local partners. Through Project Safe Childhood, this interaction has been formalized and strengthened. I recently visited the FBI spaces in Pittsburgh, where members of ICAC are collocated with their FBI counterparts. This situation is duplicated in many jurisdictions across the country.

Now, the FBI continues to address commercial websites as a priority. There has been much discussion about ICE's Operation Falcon, for example. This has been extremely successful. However, the Operation Falcon is a direct descendent of the FBI's investigation known as Regpay, which was an investigation into commercial child pornography websites that ultimately led to Eastern Europe.

Our investigations indicated that most commercial website administrators reside and operate from what they perceive as safe havens outside the borders of the United States. In response to this, the Cyber Division of the FBI created the Innocent Images International Task Force as a vehicle for engaging countries where we believe we could have the most significant impact on removing the source of much of the material that the offenders crave. To date over 19 countries have participated, sending over 35 officers to serve alongside FBI agents at our offices in Calverton.

Finally, we provided training to all officers who work with our FBI Innocent Images Task Force. As we sit today, there are I believe 25 FBI, state, local, and international officers receiving FBI training at our facility in Maryland.

Thank you, Senators.

Senator McCAIN. Thank you.

Welcome, Sheriff Brown.

**STATEMENT OF MICHAEL J. BROWN, SHERIFF,
BEDFORD COUNTY, VIRGINIA**

Mr. BROWN. Thank you for allowing me to speak today, Senator McCain and Senator Burns. With your permission, Senator, I have a pretty famous, well-known investigator that works for me in Bedford County in the ICAC Task Force. He could not be here today, but he has created a DVD that I would certainly respectfully ask to be played.

Senator MCCAIN. We would like to see it now if our staff can arrange that.

[A video was shown, the sound track of which is as follows:]

Mr. O'NEAL. Senator McCain and honorable Members of this Congressional Committee, I am truly sorry that I could not be with you in person today, but I had other commitments that I could not cancel. However, I have asked my close friend Sheriff Mike Brown to respectfully request that my comments be offered to you today for your consideration.

I am a member of Sheriff Brown's Internet Crimes Against Children Task Force, Operation Blue Ridge Thunder, and a spokesperson for the Department of Justice Internet Crimes Against Children Task Forces, all 46. I am a sworn deputy sheriff in the Commonwealth of Virginia and I also work with the Miami Beach Police Department's Cyber Crime Unit.

I have worked with Sheriff Brown's unit for over a year now and have come to respect his investigators, as well as other ICAC investigators, for the great job they do in protecting our children of this country from the sexual predators who prowl the Internet looking for their next victim.

I have seen things while working in this unit that make me very sad. I have seen things that make me very mad. I have seen images and videos of young children, mainly females, some as young as a year old, being sexually assaulted in every way imaginable. I have seen images of females 10, 11, 12 years of age in dog collars being raped. I have seen images of children, boys and girls, performing oral sex on adult males or other children of their own age. Yes, I am mad, very mad, Senator.

Members of the ICAC Task Force see these images every day. They used to be just one-dimensional images. Now it is video streams. If you know where to look, it could be live streaming video. One of the most sought-after videos at this time is one of an adult male having sex with what appears to be a 2, 3-year-old female. He removes her diaper at the start of the video.

I could go on with descriptions of sexual acts with young children that I have seen that would make you sick, but I know you have a busy day and you need to get on with this Committee meeting. In closing, let me say that the computer age has opened a whole new world of learning and exploration for our children. However, we all need to be aware that the information superhighway also has a very dark side. Sexual predators lurk on the Internet looking for their next victim, waiting to lure innocent children into their web of deviance. Law enforcement throughout this country is doing a great job of combatting Internet crimes against children, especially the ICAC Task Forces around the country. These men and women are experts, they are dedicated professionals and some of

the hardest working personnel I have ever had the opportunity to work with. The only problem as I see it is that there are not enough of these dedicated men and women working on this problem.

In closing, please give consideration to the efforts of these cyber cops, especially the ones in the child protection arena. Thank you for listening, and again I apologize for not being able to be there in person. Thank you for the great job you do. And Senator, can I have your autograph?

[Laughter, and end of video.]

Senator MCCAIN. Sheriff Brown, please extend our appreciation to Mr. O'Neal for all that he does. He is a role model obviously to millions and millions of young Americans.

Please proceed, Sheriff Brown.

Mr. BROWN. Thank you, Senator. My name is Mike Brown. I am a retired Federal Agent and currently serving as the Sheriff of Bedford County, Virginia, home of the National D-Day Memorial. Since 1998 I have directed a Department of Justice Internet Crimes Against Children Task Force, what we refer to as the ICAC, ICAC Task Force, named Operation Blue Ridge Thunder.

You, the Committee, asked what appropriate controls might be placed on child pornography on the Internet and how the government can help. First allow me to give you an idea of what goes on in this cesspool of child pornography on the Internet, what we hear and what we see, and I will be as polite as possible in describing some of the stuff that we see. On any given day an ICAC Task Force member, an investigator assigned to any of the 46 task forces in this country will view, as an example, the following.

The investigators are looking at a computer screen, at a young female, as young as 3, 4, or 5 years of age. There is a look of stark fear on her face. She is being forced to perform any number of graphic sexual acts on an adult male or males—oral sex, vaginal sex. Many of the images have other adult males doing equally disgusting things to this young girl.

Image after image, video after video, Senators, hundreds, hundreds of thousands of them, are available on the Internet. In most of the videos and in the images, the cameraman has the young female facing the camera. All of her and his genitalia are graphically displayed close-up, wide angle, et cetera. Unable to stop the rape, she does the only thing she could do to protect herself: She shuts her eyes. Most parents understand this gesture. When our children are very young they think that by closing their eyes they become invisible. They stand in front of us, thinking that if they cannot see us we cannot see them. This game ends with a lot of giggling, tickling, laughter, and hugs. This little girl's attempt to be invisible will end in a very different way.

ICAC Task Force investigators and other investigators working in local, state, and federal cyber units see these images every day. It used to be just one-dimensional images and I do not know how I say "just," but now it is video streams, and if you know where to look it can be live video streams—adults violating young children, as young as 1, 2, 3, 4, 5 years of age.

One of the most sought-after videos, which Shaq mentioned, Detective O'Neal mentioned in his video, at this time is one of an

adult male attempting to sexually penetrate what appears to be a 2 to 3-year-old female, and he removes her diaper at the start of the video.

Investigators routinely pose, all investigators across the local, state, and Federal Government, pose as children, young teens and like-minded adults when we go into the chat rooms on the Internet. Posing as a child, they simply place their profile in a chat room, usually that of a 12, 13, 14-year-old female, and then just sit back and wait. In a nanosecond, they begin to be hit on by the sexual predators surfing the web for their next victim.

These sexual predators more often than not simply open the conversation with: What are you wearing? How big are your breasts? And again, I am being very polite. Do you want to have sex? Are you a virgin? Would you like someone to urinate, defecate on you? Would you do that to me? The predator then offers or just sends porn pictures, sometimes adult, often child.

When posing as a like-minded adult, our investigators are often engaged by parents, if you can imagine, or caretakers wanting them to share in the abuse and/or sexual exploitation of the children in their care. These parents and caretakers are often the persons responsible for the manufacturing and distribution of the horrific pictures and videos available on the web today.

You ask about controls and what the government can do to help. The controls are already there, I believe, in the form of the Federal laws found in Chapter 110, Title 18, United States Code, which prohibits all aspects of the child pornography trade, including production, receipt, transportation, distribution, possession, and also other codes dealing with the enticement of children to engage in unlawful sexual acts.

We would ask that you support these code sections with the following, just to mention a few: ensure through hefty fines that communications services providers report the presence of child pornography on their systems and do so in a timely manner:

Improve data retention requirements for all ISPs. We would certainly want 6 months as a minimum; 1 year would be preferred.

Encourage foreign governments to crack down on child porn, which I know we are doing, but a little more twisting of the arm, to crack down on their country and to work with their law enforcement agencies, not only our Federal partners, but also our national ICAC teams.

Pursue efforts to ensure that taxpayers' dollars are never used to fund Internet access without appropriate transactional logging to allow the location of individuals that use that access in the exploitation of children.

I would encourage continued support of the ICAC efforts to coordinate child exploitation investigations through the ICAC data network. That is a new system that is being—hopefully it will be on-line, hopefully within 6 months or so, to help us in our investigations. Currently we have over 6 million types of cases on this, on our current system, computer system.

Additionally and probably the most important is, please consider increasing financial support to the ICAC program. The ICAC Task Forces are making tremendous progress in the investigation and prosecution of individuals using the Internet in their criminal ac-

tivities involving child pornography. All 46 task forces maintain conviction rates that would be the envy of any law enforcement agency in this country. I am not sure that we need more task forces, but we certainly need additional personnel, training, and equipment within these task forces.

In closing, at this time I would like to extend a formal invitation to you, Senator, and to you, Senator Burns, to visit, or someone on your staff; I know you probably do not have the time; to visit, to drive down to Bedford—it is only 3½ hours south of D.C.—and to visit one of your task forces, the ICAC Task Force, Operation Blue Ridge Thunder, at their undercover location, which is located just outside of Lynchburg, Virginia. I think you will leave or your staff person will leave with a sense of urgency to do whatever is necessary to protect the most precious commodity that we could ever have and that is our children.

Thank you, Senator.

[The prepared statement of Mr. Brown follows:]

PREPARED STATEMENT OF MICHAEL J. BROWN, SHERIFF, BEDFORD COUNTY, VIRGINIA

Senator McCain and distinguished Members of this Committee, thank you for inviting me to testify before you today.

My name is Mike Brown; I am the Sheriff of Bedford County, VA, home of the National D-Day Memorial. I am a retired Federal agent with 42 years of law enforcement experience on a local, national and international level.

Since 1998, I have directed a Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Internet Crimes Against Children Task Force . . . or, to shorten that a bit . . . an ICAC Task Force named Operation Blue Ridge Thunder. Our task force is responsible for Virginia and West Virginia, with the exception of five counties in Northern Virginia which are ably protected by the Virginia State Police ICAC Task Force.

I will not take up your time, nor my allotted time, by giving you a lot of statistics . . . your staffers are quite capable of researching this subject and providing you with reams and reams of stats, charts and graphs about children and the Internet, porn and the Internet, sexual solicitation over the Internet, unwanted exposure to sexual material, etc.

You asked that I address what, if any, appropriate controls might be placed on child pornography on the Internet, and how the government can help.

First, let me give you an idea of what goes on in this cesspool of child porn on the Internet . . . what we hear and a description of what we see.

On any given day an ICAC Task Force Investigator, assigned to any of the 46 task forces, will view the following:

The investigators are looking at a young female, as young as 3 to 4 years of age (the images can be either digital images or videos) . . . there is a look of stark fear on her face. She is being forced to perform any number of graphic sexual acts with an adult male or males . . . oral sex, vaginal sex, anal sex; many of the images have another adult male ejaculating on this young girl, most of the time on her face. Image after image . . . video after video . . . hundreds of thousands of them!

Parry Aftab, Cyber-Lawyer described the scene best, and I paraphrase:

“In most of the videos the cameraman has the young female facing the camera. All of her, and his, genitalia are graphically displayed in the video . . . close-up, wide angle, overhead, side . . . a flash or special lighting is clearly being used and shone in her face to illuminate the graphic rape. The little girl was not only being painfully molested, she was forced to bear the additional humiliation of being filmed at the same time. Unable to stop the rape, she did the only thing she could do to protect herself: She shut her eyes.

Most parents understand this gesture. When our children are very young, they think that by closing their eyes they become invisible. They stand in front of us, thinking that if they can't see us, we can't see them. ‘Mommy, can you see me?’ is the game of the day, and we all pretend that we can't. We call out to them, ‘Where are you? We can't see you!’ pretending to look everywhere for them. The game ends with lots of giggling, tickling, laughter, and hugs. This little girl's attempt to be invisible would end very differently.⁵

Welcome to the world of child pornography on the Internet.

ICAC Task Force investigators, and other investigators working in local, state and Federal cyber units, see these images every day . . . it use to be just (forgive me, how do I say “just”) one-dimensional images, now it's video “streams”, and if you look hard enough it can be live “stream” video. One of the most sought-after videos at this time is one of an adult male attempting to sexually penetrate what appears to be a 2 to 3 year old female. *He removes her diaper at the start of the video. Investigator O'Neal mentions this in his recorded comments to this Committee.*

There is a 40-second video clip, according to Department R, Russian Police (Unit in charge of hi-tech crimes), where two sexual predators have sex with a young girl (10–12 years old?) after which they stab her, cut off her ears and smash her face to a bloody pulp. This clip, as reported by the Russian police, was first noticed by the U.S. authorities. U.S. police experts assert that the video footage represents real activity, not imitation.

Our investigators routinely pose as children, young teens, and like-minded adults, in chat rooms on the Internet. Posing as a child they simply place their profile in the chat room, usually a 12, 13, 14-year-old female . . . and then just sit back and wait. In a nanosecond they begin to be “hit” on by the sexual predator surfing the web for his next victim. Sometimes the predator takes his time and tries to schmooze his way in. More often that not, they simply open the conversation with, “What are you wearing, how big are your breasts (and I'm being polite), do you want to have sex, if I send you a video cam would you masturbate for me, would you like to see me masturbate, how far have you and your boyfriend gone . . . oral sex, anal sex, vaginal sex, are you a virgin, do you like to perform oral sex, how big is your boy friend's penis, would you like to have sex with a real man with a big penis, would you like for someone to urinate/defecate on you” . . . and then offers or just sends porn pictures . . . sometimes adult, often child.

When posing as a like minded adult they are often engaged by parents or caretakers wanting them to share in the abuse, and/or sexual exploitation of children in their care. These caretakers and parents are often the persons responsible for the manufacturing and distribution of the horrific pictures and videos available on the web today.

Welcome to the world of child pornography on the Internet.

What Can Our Government Do?

Now to address what, if any, appropriate controls might be placed on child pornography on the Internet, and how the government can help.

The controls are already there in the form of our Federal law, codified at Chapter 110 of Title 18, 2251, United States Code, which prohibits all aspects of the child pornography trade, including its production, receipt, transportation, distribution, advertisement, possession, and enticing children to engage in unlawful sexual acts.

We can support these code sections with the following, just to mention a few:

- Federal courts that ensure the application of the appropriate punishment for convicted persons.
- Ensure, through hefty fines, that communication services providers report the presence of child pornography on their systems, and do so in a timely manner.
- Improve data retention requirements for all ISPs (6 months min., 1 year preferred).
- Encourage foreign governments to crack down on child porn in their country and to work with our law enforcement agencies, not only our Federal agencies, but our national ICAC Task Forces.
- Pursue efforts to insure that taxpayer dollars are never used to fund Internet access without appropriate transactional logging to allow the location of individuals that use that access in the exploitation of children. How can we in good conscience demand that corporate Internet service providers log transactions if our own government, be it municipal, state, Federal, or educational institutions fail to do the same.
- I would encourage continued support for the ICAC effort to coordinate child exploitation investigations through the ICAC Data Network. The computer systems used to facilitate our reactive and proactive investigations now represent over 6 million transactions involving criminal exploitation of children. The volume of information is overwhelming and we must fight to leverage technology as a force multiplier, giving us greater capabilities with our limited manpower.

In my forty-two years of law enforcement experience I don't think I've ever worked with a more dedicated and professional group of criminal investigators . . .

investigators like Flint Waters* (WY), Dave Peifer (PA), Ronnie Stevens (NY), Scott Christensen (NE), Mike Harmony (VA) . . . and, retired legend, Sergeant Nick Battaglia (CA). And, being from the Federal system I know what a good administrator is, and the ICAC Task Forces have two of the best . . . OJJDP's Administrator Bob Flores, and Ron Laney, Director, Child Protection Division, OJJDP. I salute them all!

An Invitation

At this time I would like to extend a formal invitation to this Committee, or someone on your staff, to drive down to Bedford, its only about 3.5 hours southwest of D.C., and visit one of your ICAC Task Forces, Operation Blue Ridge Thunder, at their undercover location just outside of Lynchburg, Virginia. You will leave this location with a sense of urgency to do whatever is necessary to protect our most precious commodity . . . our children.

I invite you to look at the attached information for the ICAC Task Forces and view the brief remarks that follow. This is a clear representation of the work that the ICAC are doing and what they have and can do in the future.

	1998-2002	2003	2004	2005	2006	Totals
Travel/Enticement	1,810	581	835	3,429	4,349	11,004
CP Manufacture	322	116	3,933	34,062	1,724	40,157
CP Distribute	2,836	768	9,724	154,545	4,040	171,913
CP Possession	5,617	11,726	6,783	6,306	5,042	25,474
Totals*	10,028	3,637	24,138	****198,883	16,423	253,109
Arrest	1,418	1,474	1,575	1,623	1,744	7,834
Victims ID**	N/A	N/A	141	275	1,135	1,551
Technical Support***	N/A	3,563	4,871	6,143	6,784	21,361
Forensic Examinations***	NA	2,594	2,770	6,131	8,406	19,901
LEO/Pros. Trained***	N/A	5,487	14,561	12,502	16,413	48,963
Case Referrals	1,980	1,205	4,718	3,869	3,689	15,461

*2006 Stats thru July 2006.

**Victim ID Collection Started 2004.

***Data not available.

****Task Forces started collecting P2P Transaction Data, stopped after only 2 months. 6 Million Transactions in 24 Months.

The 2006 stats are only through July of 2006. The ICAC program is on pace to hitting some milestones, to include breaking 2,000 arrests in one fiscal year, as well as breaking the 8,000 mark since the program's start.

Please note: Traveler/Enticement cases indicate a significant increase from FY05 to FY06. So far in FY06 there are almost a 1,000 more cases of traveler/enticement over last year. That's about a 32 percent increase already this year, with several months' worth of data not in.

Additionally, in my opinion it is very noteworthy that the number of victims identified as a result of ICAC cases has increased . . . a total of over 1,500 in just 2 years. To clarify; these are child victims who have been identified as a result of an ICAC investigation.

Lastly, the number of *Forensic Exams* the ICACs have already completed in FY06 is staggering . . . knowing how much data is due for the remainder of this fiscal year. If I were to guess, this number will break 10,000. I would also assume that this is due, in large part, to the increased number of computers being seized on any given case which, in turn, is increasing the number of exams needing to be completed.

Senator McCAIN. Thank you, Sheriff. I am going to do everything I can to make time to come and visit you.

Welcome, Mr. Allen.

*This man could be making a million dollars in the private sector, but he chooses to stay in the public sector helping keep our children safe from the sexual predators that prowl the Internet.

**STATEMENT OF ERNIE ALLEN, PRESIDENT/CEO,
THE NATIONAL CENTER FOR MISSING & EXPLOITED
CHILDREN (NCMEC); ACCOMPANIED BY JOHN SHEHAN,
PROGRAM MANAGER, CYBERTIPLINE, NCMEC**

Mr. ALLEN. Thank you, Mr. Chairman, Senator Burns, Senator Pryor.

In 1998 you in the Congress asked the National Center for Missing & Exploited Children to create a CyberTipline, a 9-1-1 for the Internet regarding child sexual exploitation. Last week we handled our 417,000th report from the public, from Internet service providers. We are handling reports regarding online enticement of children for sexual acts, reports which have increased 150 percent in the past year. We are handling reports regarding child prostitution, child sex tourism.

Senator Burns, you mentioned misleading domain names. Under the PROTECT Act, that is now a crime that is required to be reported to our CyberTipline. We are handling those reports.

And of course we handle reports regarding child pornography. Our CyberTipline analysts view the images and content, triage the content, use a variety of search tools and techniques to try to identify who the distributor is, and then provide that information to the appropriate law enforcement agency for the investigative followup. FBI, ICE, the Postal Inspection Service, all assign agents and analysts who work out of our center, and we work closely with Mr. Finch and the Innocent Images National Initiative and the Cyber Crime Division at the FBI. We also work very closely with Sheriff Brown and the other Internet Crimes Against Children Task Forces across the country.

Ten years ago we would have reported to you that child pornography had virtually disappeared. In 1982 the Supreme Court of the United States said that child pornography is not protected speech. As a result it disappeared from the shelves of adult bookstores. The Postal Inspection Service cracked down on its distribution through the mails and it had all but disappeared.

Then came the Internet, and with the Internet it has exploded. I cite all the time one case generated by one lead to the CyberTipline that led, through the efforts of the Postal Inspection Service, other Federal law enforcement, and the Dallas Police Department, to a husband and wife pair of entrepreneurs in Texas who were not making enough money doing what they were doing, so they set up a child pornography website. When they were arrested by the Dallas Police, they had 70,000 customers paying \$29.95 a month and using their credit cards to access graphic images of small children being raped and sexually assaulted. That is one website.

We are making progress. Law enforcement——

Senator MCCAIN. How long had they been in operation?

Mr. ALLEN. I do not remember. I think at least a couple of years.

Law enforcement is doing heroic work in this area. The Attorney General has made it a national priority. The private sector is involved and engaged. Six months ago we launched a new financial coalition against child pornography with the goal of eradicating commercial child pornography by 2008. Twenty-three companies are now involved, including industry leaders like Mastercard, Visa,

American Express, Bank of America, Citigroup, Internet industry leaders.

The whole premise of this effort is that you cannot possibly arrest and prosecute everybody. So the mission is to follow the money, stop the payments, shut down the accounts, and put an end to this insidious multibillion dollar global enterprise.

We are also attacking this problem through a new technology coalition, and, Mr. Chairman, I regret that technology companies did not accept your invitation. Six Internet industry leaders, AOL, Microsoft, Yahoo!, Google, EarthLink, and United Online, came to us at the center and said: We want to work with you to develop technology solutions to this problem, to do a better job of identifying, intercepting, interdicting the content.

One of the real challenges here is keeping up with the continually evolving and changing technology. For example, there are now indications that child pornography is moving into the wireless world. We are seeing it in Europe. We have already seen it in this country. We are now working with the Federal Communications Commission in an attempt to more effectively address this problem.

Well, what more can we do? Sheriff Brown mentioned a number of key steps and let me elaborate on a couple of them. In 1998, Congress mandated that Internet service providers report suspected child pornography on their sites to law enforcement via the National Center for Missing & Exploited Children and its CyberTipline. The good news is that today 255 companies are now actively reporting, including the major players in the industry—AOL, Microsoft, Yahoo!, Google, and many others.

The bad news is that many more do not. There is great concern among these companies about the lack of clarity in the law regarding the reporting process. There is concern about statutory protection for distributing images. If they are going to report the content they need to send us the images. The concern is when they do that they violate the law.

Recently we and the Child Exploitation and Obscenity Section at the Justice Department worked with the U.S. Internet Service Provider Association to develop a set of best practices reporting guidelines to help address this problem, and U.S. ISPA is helping us recruit additional ISPs to report. But every ISP, every Internet service provider, needs to be reporting this content in a timely way, involving the dissemination of images, so that we can put these images for investigative purposes into the hands of Blue Ridge Thunder and the FBI and the other agencies that are out there.

In addition, in many cases because we do not get mandated customer information, we are not able to identify the appropriate jurisdiction for investigative follow-up and we are not authorized to send these leads to non-U.S. law enforcement. A major Internet service provider currently has been grappling with the challenge regarding concerns about content on customers' accounts in Brazil and would like to develop a mechanism so that we can put that content and these reports into the hands of Brazilian law enforcement.

Another matter that Sheriff Brown mentioned that I will not elaborate on is data retention. Once our CyberTipline analysts give law enforcement all the information they need about specific im-

ages traded on the Internet, there can be no prosecution until the date and time of that online activity is connected to an actual person. There is currently no requirement for Internet service providers to retain connectivity logs for their customers on an ongoing basis. The Attorney General, the Justice Department, has been meeting with the industry. Some of these companies have policies on retention, but they vary widely and are not implemented consistently and, frankly, most are too short to have meaningful prosecutorial value.

Mr. Chairman, we believe that because of the remarkable effort of law enforcement at all levels, federal, state, local, and international, we are doing more about this problem than ever before. But our message to you is that we have only just begun.

Mr. Chairman, your staff asked if we could do a very brief demonstration of how the CyberTipline works. So with your permission, John Shehan, who manages the CyberTipline for us, will give you a brief demo.

[The prepared statement of Mr. Allen follows:]

PREPARED STATEMENT OF ERNIE ALLEN, PRESIDENT/CEO, THE NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN (NCMEC); ACCOMPANIED BY JOHN SHEHAN, PROGRAM MANAGER, CYBERTIPLINE, NCMEC

Mr. Chairman and distinguished members of the Committee, I welcome this opportunity to appear before you to discuss crimes against children on the Internet. Chairman Stevens, you are a tireless advocate for child protection and I commend you and your colleagues for your leadership and initiative. The National Center for Missing & Exploited Children (NCMEC) joins you in your concern for the safety of the most vulnerable members of our society and thanks you for bringing attention to this serious problem facing America's communities.

Let me first provide you with some background information about the National Center for Missing & Exploited Children (NCMEC). NCMEC is a not-for-profit corporation, mandated by Congress and working in partnership with the U.S. Department of Justice as the national resource center and clearinghouse on missing and exploited children. NCMEC is a true public-private partnership, funded in part by Congress and in part by the private sector. Our Federal funding supports specific operational functions mandated by Congress, including a national 24-hour toll-free hotline; a distribution system for missing-child photos; a system of case management and technical assistance to law enforcement and families; training programs for Federal, state and local law enforcement; and our programs designed to help stop the sexual exploitation of children.

These programs include the CyberTipline, the "9-1-1 for the Internet," which serves as the national clearinghouse for investigative leads and tips regarding crimes against children on the Internet. The Internet has become a primary tool to victimize children today, due to its widespread use and the relative anonymity that it offers child predators. Our CyberTipline is operated in partnership with the Federal Bureau of Investigation (FBI), the Department of Homeland Security's Bureau of Immigration and Customs Enforcement (ICE), the U.S. Postal Inspection Service, the U.S. Secret Service, the U.S. Department of Justice's Child Exploitation and Obscenity Section and the Internet Crimes Against Children Task Forces, as well as state and local law enforcement. Leads are received in seven categories of crimes:

- possession, manufacture and distribution of child pornography;
- online enticement of children for sexual acts;
- child prostitution;
- child-sex tourism;
- child sexual molestation (not in the family);
- unsolicited obscene material sent to a child; and
- misleading domain names.

These leads are reviewed by NCMEC analysts, who visit the reported sites, examine and evaluate the content, use search tools to try to identify perpetrators, and provide all lead information to the appropriate law enforcement agency. The FBI, ICE and Postal Inspection Service have "real time" access to the leads, and all three

agencies assign agents and analysts to work directly out of NCMEC and review the reports. The results: in the 8 years since the CyberTipline began operation, NCMEC has received and processed more than 417,000 leads, resulting in hundreds of arrests and successful prosecutions.

However, despite this progress the use of the Internet to victimize children continues to present challenges that require constant reassessment of our tools and methods. As technology evolves, so does the creativity of the predator. New innovations such as webcams and social networking sites are increasing the vulnerability of our children when they use the Internet. New technology to access the Internet is used by those who profit from the predominantly online market in child pornography and seek to evade detection by law enforcement.

Today, NCMEC is working with leaders in many industries involved with the Internet in order to explore improvements, new approaches and better ways to attack the problems. We are also bringing together key business, law enforcement, child advocacy, governmental and other interests and leaders to explore ways to more effectively address these new issues and challenges.

In June six Internet industry leaders, AOL, Yahoo!, Google, Microsoft, EarthLink and United Online, initiated a Technology Coalition to work with us to develop and deploy technology solutions that disrupt the ability of predators to use the Internet to exploit children or traffic in child pornography. The Technology Coalition has four principal objectives:

1. Developing and implementing technology solutions;
2. Improving knowledge sharing among industry;
3. Improving law enforcement tools; and
4. Research perpetrators' technologies to enhance industry efforts.

Bringing together the collective experience, knowledge and expertise of the members of this Coalition, and applying it to the problem of child sexual exploitation, is a significant step toward a safer world for our children.

This past June, NCMEC hosted a Dialogue on Social Networking Sites here in Washington, D.C. We did this to respond to the increased attention to these hugely popular sites that permit users to create online profiles containing detailed and highly personal information, which can be used by child predators to forge a "cyber-relationship" that can lead to a child being victimized. This vigorous and informative discussion brought together leaders from the technology industry, policymakers, law enforcement, academia and children's advocacy groups. We learned a lot about why children are drawn to these sites, the technological capabilities and limitations of the site operators who are concerned about the safety of their users, and how law enforcement sees these sites as both a danger to kids and a useful source of information in investigating cases. NCMEC is continuing to work with several social networking sites on ways to make children less vulnerable.

Another challenge is the widespread use of the webcam, which offers the exciting ability to see the person you're communicating with over the Internet. While this has many benefits, such as allowing divorced parents to have "online visitation" with their children in distant states, it, too, can be used to exploit children. The reports to our CyberTipline include incidents involving children and webcams. Many children are victimized inadvertently, by appearing on their webcams without clothes as a joke, or on a dare from friends, unaware that these images may end up in a global commercial child pornography enterprise. Other children are victims of blackmail, threatened with disclosure to friends and family if his or her "performance" before the webcam doesn't become more sexually explicit. Too much technology and too much privacy, at a sexually curious age, can lead to disastrous consequences.

But the most under-recognized aspect of the Internet is how it is used to distribute child pornography. It is not an exaggeration to state that this is a crisis of global proportions.

Following the Supreme Court's 1982 decision in *Ferber v. New York*, holding that child pornography was not protected speech, child pornography disappeared from the shelves of adult bookstores. The U.S. Customs Service launched an aggressive effort to intercept it as it entered the country and the U.S. Postal Inspection Service cracked down on its distribution through the mails. However, child pornography did not disappear, it went underground.

That lasted until the advent of the Internet, when those for whom child pornography was a way-of-life suddenly had a vehicle for networking, trading and communicating with like-minded individuals with virtual anonymity and little concern about apprehension. They could trade images and even abuse children "live," while others watched via the Internet.

Then law enforcement began to catch up, and enforcement action came to the Internet. The FBI created its Innocent Images Task Force. The Customs Service expanded its activities through its Cyber Crimes Center. The Postal Inspection Service continued and enhanced its strong attack on child pornography. Congress created and funded the Internet Crimes Against Children Task Forces at the state and local levels across the country. There are currently forty-seven ICAC Task Forces and the recently-enacted Adam Walsh Act will create ten more. Child pornography prosecutions and convictions have increased.

I want to commend the Attorney General for his aggressive steps against child pornography. His Project Safe Childhood brings additional resources to attacking this problem and demonstrates that protecting our children is a priority for the Department of Justice.

But we should have no illusions about the impact of these initiatives on what has become a financially lucrative industry.

The Internet has revolutionized the commercial markets for virtually every type of goods and services that can be sold. Unfortunately, this also includes goods and services that subsist on the victimization of children. In a recent case investigators identified 70,000 customers paying \$29.95 per month by credit card for Internet access to graphic images of small children being sexually assaulted. In our experience, most of the consumers are here in the U.S., and we have found that of the 820 identified victims in NCMEC's Child Victim Identification Program, a startling number of these children are also here in the U.S.

A recent report by McKinsey Worldwide estimated that today commercial child pornography is a multi-billion-dollar industry worldwide, fueled by the Internet. There is also strong evidence of increasing involvement by organized crime and extremist groups. Its victims are becoming younger. According to NCMEC data, 19 percent of identified offenders had images of children younger than 3 years old; 39 percent had images of children younger than 6 years old; and 83 percent had images of children younger than 12 years old. Reports to the CyberTipline include images of brutal sexual assaults of toddlers and even infants. These are images that no one here could previously even imagine. But they have become all-too-common in the new world of child pornography and child sexual exploitation. Children have become, simply put, a commodity in this insidious commercial enterprise.

New technology has allowed this industry to stay one or two steps ahead of law enforcement. Many distributors of child pornography are using peer-to-peer file-sharing networks, which does not use a central server, thereby depriving law enforcement of an identifiable Internet Protocol (IP) address, which is key evidence in investigating and prosecuting these cases. When we receive these reports to the CyberTipline, it is almost impossible to identify the perpetrators responsible for trading the illegal files. The anonymity of recent peer-to-peer technology has allowed individuals who exploit children to trade images and movies featuring the sexual assault of children with very little fear of detection.

Wireless access to the Internet permits predators to "piggyback" on others' wireless signals, trade images, and remain undetected by law enforcement because of the difficulty in locating the piggybacking activity, compounded by the increasing use of wireless access cards manufactured overseas which use radio channels not authorized by the Federal Communications Commission. Wireless technology has also enabled the trading of these images via cell phone—making the operation of this enterprise not only mobile, but also able to fit inside a pocket and easily discarded to avoid detection.

Another obstacle to overcome is the reporting of child pornography found on customers' accounts by electronic service providers (ESP) to NCMEC. Though apparently mandated by Federal statute, 42 U.S.C. § 13032, not all ESPs are reporting and those that do report are not sending uniform types of information, rendering some reports useless. Some ESPs take the position that the statute is not a clear mandate and that it exposes them to possible criminal prosecution for distributing child pornography themselves. In addition, because there are no guidelines for the contents of these reports some ESPs do not send customer information that allows NCMEC to identify a law enforcement jurisdiction. So potentially valuable investigative leads are left to sit in the CyberTipline database with no action taken. Together with the U.S. Internet Service Providers Association (USISPA) we developed "best practices" reporting guidelines to address this problem. The major ESPs are following these guidelines—for example, AOL, Microsoft, and Yahoo!. However, these are voluntary rather than mandatory, so there is no enforcement mechanism for those who choose not to follow them.

This reporting statute also constrains NCMEC in that it permits us to forward the CyberTipline leads only to U.S. law enforcement. This is a real problem, considering the global nature of the Internet. As an example, there is a portion of one

major ESP system based in the U.S. that is used primarily in Brazil. This ESP wants us to send information about child pornography they find on their customers' accounts to Brazilian law enforcement. But we are prohibited from doing so.

There is also another necessary yet missing link in the chain from detection of child pornography to conviction of the distributor. Once the CyberTipline analysts give law enforcement all the information they need about specific images traded on the Internet, there can be no prosecution until the date and time of that online activity is connected to an actual person. There is currently no requirement for ESPs to retain connectivity logs for their customers on an ongoing basis. Some have policies on retention but these vary, are not implemented consistently, and are for too short a time to have meaningful prosecutorial value. One example: law enforcement discovered a movie depicting the rape of a toddler that was traded online. In hopes that they could find the child by finding the producer of the movie, they moved quickly to identify the ESP and subpoenaed the name and address of the customer who had used that particular IP address at the specific date and time. The ESP was not able to provide the connectivity information. To this day, we have no idea who or where that child is—but we suspect she is still living with her abuser.

We think this is just not acceptable.

One of our new initiatives treats this industry like the business that it is. Our goal: to eradicate commercial child pornography by 2008. Our mission: to follow the money. This new initiative is the Financial Coalition Against Child Pornography.

First, we will aggressively seek to identify illegal child pornography sites with method of payment information attached. Then we will work with the credit card industry to identify the merchant bank. Then we will stop the flow of funds to these sites. The Coalition is made up of major financial and Internet companies, including MasterCard, Visa, American Express, Bank of America, Citibank, Microsoft, America Online, Yahoo! and many others. We are working to bring new members into the Coalition every day, especially international financial institutions.

The first priority in this initiative is criminal prosecution, through referrals to Federal, state, local or international law enforcement in each case. However, our fundamental premise is that it is impossible to arrest and prosecute everybody. Thus, our goal is twofold:

1. To increase the risk of running a child pornography enterprise; and
2. To eliminate the profitability.

NCMEC is working hand-in-hand with both law enforcement and industry leaders to explore the best techniques for detection and eradication, and serves as the global clearinghouse for this effort, sharing information in a truly collaborative way.

Mr. Chairman, I don't come before you today with a quick, easy solution to the problem of child sexual exploitation, but I can state unequivocally that the advent of the Internet has provided predators with the means to both entice children into sexual acts and sustain a lucrative commercial enterprise that demands the heinous victimization of children. We suspect that the problem of child pornography will continue to increase as distributors search for lower risk avenues with a lower possibility of being detected. Federal, state and local law enforcement are more aggressive than ever before, but they must overcome significant barriers. I hope that you can help us remove some of those barriers and help us identify and prosecute those who are misusing the Internet for insidious, criminal purposes. Too many child pornographers feel that they have found a sanctuary, a place where there is virtually no risk of identification or apprehension.

NCMEC urges lawmakers, law enforcement and the public to take a serious look at the dangers threatening our children today, and to move decisively to minimize the risks posed by those who exploit new technology and target our children.

Now is the time to act.

Thank you.

[Slides.]

Mr. SHEHAN. Good afternoon. As introduced, I am John Shehan and I am the CyberTipline Program Manager. The CyberTipline was launched in March 1998 through the Congressional mandate to receive reports regarding child sexual exploitation. You will see that catchy slogan, "The 9-1-1 of the Internet." It is because before the CyberTipline there was not a central location where individuals anywhere in the world could report these child sexual exploitation cases.

This is our main report form. Ernie went through the different types of reports that we receive. To date we have had over 417,000 leads, 90 percent of those regarding child pornography. The next highest number is regarding the online enticement of children for sexual acts. As Ernie indicated, we have seen a 156 percent increase in the total number of reports compared to last year. We also deal with child molestation, child sexual trafficking, prostitution, et cetera.

What I would like to do is go straight into the success of the CyberTipline. We had one case that came in earlier this year. It was through an electronic service provider, in compliance with 42 United States Code 13032, which requires those electronic service providers to report incidents of child pornography that they are aware of on their systems to the CyberTipline.

In this particular situation, they uploaded content that was posted by a particular e-mail address. You will see there it is bigdaddyisaac. Our analysts verified that it was illegal content. Our next step is to find a jurisdiction. We want to find out where this individual is. What our staff do is we go out online. We do a variety of different open source searching. You would be surprised at the number of individuals that are trying to sell their car or posting messages to their favorite band site and they are also using that e-mail account to post images of child pornography.

In this particular case, we found that same e-mail address was making a posting to a child modeling site. He was giving that child incentive and kudos, what some argue is a grooming process. We also found a posting he had made where he indicated a possible location of Oregon.

Another profile gave a possible city within Oregon, also made comments that it is not about what you do in life, it is that you make a difference in the life of a child. We found a photo of this individual online.

All of our steps that our analysts do we document so law enforcement can follow those steps. We save all of the material we find online and provide that to law enforcement for investigation. Our analysts have access to public database searches. This is a free resource we provide for law enforcement.

In this particular situation, we want to verify this individual that we found in the cyber world really exists in the real world. Sure enough, he does. We had a match. Not only did we have a match, we found a possible place of employment as a school. So now the red flag is really up there.

We forwarded this information on to the Oregon Internet Crimes Against Children Task Force. Oregon and 74 other agencies have a direct-secure-encrypted access into the CyberTipline. We can send that information, this data, these tips, in real-time to these agencies.

As you will see on the screen, tens of thousands of images of child pornography were found when law enforcement kicked the door in. He admits to molesting children and he was working as a librarian and a school bus driver. He pled guilty and received 15 years incarceration.

You will see there, that is a tattoo on his shoulder. In his own words he indicated those tattoos serve as a warning to him of his

attraction to children. There is a demonist tattooist on his shoulder there that is about to tattoo that child, to remind him that every time a child is molested it marks that child for life. It may be difficult to see, but you will see a child in a cage in the upper part of the shoulder there.

Shifting focus, that was the CyberTipline. The Exploited Child Unit has two major functions. One is to receive the reports. Our second is to identify the children that are in these images. First and foremost, we want to find these kids. The second part of that is to help the prosecutions. With the advent of technology and the Internet, you easily could claim that these are not real child, real children; they are morphed images online, et cetera. A case in point—we will move to that in just a moment.

We know of 820 children that have been identified through these images. Over 5 million images have been processed through our child recognition identification system. That is a service that we provide to law enforcement to verify that the images, the content that they seize on those computers and PCs, are in fact real child victims. That 5 million images is from 2002 to date. That is quite a vast number of images.

Senator MCCAIN. Of those 820 that were identified, how many were you unable to identify?

Mr. SHEHAN. There are still hundreds, if not thousands, of children out there to identify.

Mr. ALLEN. Far more.

Mr. SHEHAN. That is a primary focus, is, one, to find those children, get those into the category where law enforcement has verified their existence, and continue focusing on those that have not been identified.

Senator MCCAIN. And I would imagine that the pedophiles get more and more clever over time?

Mr. SHEHAN. Absolutely, and make it more and more difficult for our team.

A case in point. With these 800-plus children that have been identified, this is the relationship of the abuser to the child. Many have the perception that these children are being abducted off the streets and forced into these types of situations. Looking at the red, green, and the yellow, those are individuals parents, other relatives, or neighbors and family friends. Those are individuals that had legitimate access to these children.

Senator MCCAIN. So there must be cases where parents put their children online?

Mr. SHEHAN. Absolutely.

You will see a small percentage of the children are self-producing, 5 percent; 10 percent through the online enticement. But the vast majority of these children, the perpetrators had legitimate access to them.

Senator MCCAIN. But that helps you track them down?

Mr. SHEHAN. Somewhat, but they are still incredibly crafty with the grooming techniques and keeping the children from disclosing what is going on. We rely heavily on law enforcement during their investigations to follow up and see if there are child victims associated with these individuals possessing the content or trading the content.

A case in point. Not only are we trying to help law enforcement to verify that these are child victims, but we are looking into all of these images. We are looking into background clues. ICE had sent us some evidence and asked us essentially to review, find out if there are identified children. Through that review we found images that we had never seen before, children that were being victimized that we had never seen. So we focused our attention.

This particular image, you will see that the television there, there is a cup, there is a Big Gulp. It is not necessarily a Big Gulp, but it is a clue. Where is that cup being distributed? Not only that; in the bottom corner there you will see a grocery bag. Where are those stores? Our analysts focus on clues like that. We try and track it down, where are those locations, where in the world could those cups be. You see we now have an approximate jurisdiction. There are about five or six different States out of the entire world where that child could be.

We continue our focus. Where is that brown bag? Where is that grocery store? It just so happens it is the same vicinity. So now we have an approximate jurisdiction.

We are going to keep going through these images. We have a digital imaging specialist in the Exploited Child Unit at the National Center for Missing & Exploited Children. All he does all day long is trying to enhance and blow up images so we can find locations.

A case in point is that little envelope there on the desk. We twist it, we blow it up; we found a Northstar Ministorage. Our analysts continued to do searches on this to find out where are those Ministorages, and it turns out in just one jurisdiction.

We are then able to continue to look at clothes. We are looking at sockets, keyboards, calendars, anything that may be in the background of these images, to help us find a location. Clothes overall are only going to help with an area. They are not going to pinpoint the exact location, but it is a piece to the puzzle.

This last image that you are looking at here, it is the child. She was being drugged by the perpetrator. Over the chair there is a brownie uniform. We were able to blow up that image; taking all the previous information, putting it all together, we were able to ascertain a location.

Every one of these images that comes to the CyberTipline or the Child Victim Identification Program, any image that is taken with a digital camera contains metadata. Essentially it is information embedded in the image. We were able to tell law enforcement that those images were taken with an Olympus digital camera and we were able to ascertain the dates and times those images were taken. So when we do locate that child it will help to figure out who had access to that child during those points in time.

We forwarded that information to the Immigration and Customs officers as well as the Internet Crimes Against Children Task Force. Investigation ensued and they found six victims to date. They were able to locate that child and, unfortunately, it was a grandfather, someone that had legitimate access to the child, and he has been found guilty. He is still in the sentencing stages, though.

Those are just two of the programs that we are working, and I appreciate having the time to explain some of those to you.

Senator MCCAIN. Thank you very much. Certainly it is helpful. Our last witness is Dr. Sharon Cooper, who will join us now. Thank you, Dr. Cooper, and thank you for your patience, and please proceed.

**STATEMENT OF SHARON W. COOPER, M.D., ADJUNCT
PROFESSOR OF PEDIATRICS, CHAPEL HILL SCHOOL OF
MEDICINE, UNIVERSITY OF NORTH CAROLINA**

Dr. Cooper [appearing on the video monitor from a remote location].

Dr. COOPER. Thank you very much, Mr. Chairman.

I am very pleased to be able to appear before your Committee today and express my views regarding child victimization and pornography. I am a developmental and forensic pediatrician and I am the CEO of Developmental and Forensic Pediatrics, which is a consulting firm that provides management, care, research and training, and expert witness testimony in child maltreatment cases and the care of children with disabilities. I am an adjunct professor of pediatrics at the University of North Carolina at Chapel Hill, as well as an assistant professor of pediatrics at the Uniformed Services University of Health Sciences in Bethesda, Maryland.

I am a retired Army officer, having serving 21 years in numerous U.S. military hospitals and having retired with the rank of colonel. And I am the lead author of the most comprehensive textbook that we have on the market at this particular time, a two-volume compendium entitled "*Medical, Legal and Social Science Aspects of Child Sexual Exploitation, a Comprehensive Review of Pornography, Prostitution, and Internet Crimes.*"

I have lectured on the subject of child sexual exploitation and particularly child pornography in nearly 100 conferences both in the United States and in foreign countries. I have been an instructor at the National Center for Missing & Exploited Children for 7 years now, training attorneys, judges, and investigators regarding all aspects of child sexual exploitation. I am also an instructor for the North Carolina Institute of Government, which provides judicial training in this area of child maltreatment.

I am here, sir, to speak for victims—not emerging social norms, not Internet behaviors of children and youths or criminal justice statistics. I would like to bring to your attention some of the issues relevant to children victimized by sexual abuse with pornographic memorialization. Ten years ago, our texts on child sexual abuse did not even mention pornography production because it was so rarely reported in our literature that children were in underground magazines and videotapes. Today specialists who work in the area of child sexual abuse have had to learn how to ask the right questions about the possibility that a child's victimization may have entailed the production, dissemination, possession, or extortion through the use of child sexual abuse images.

Our field of knowledge regarding this insult to injury, the injury being child sexual abuse and the insult being the child who is kept at a certain age and stage of development forever, is emerging. It is important to recognize that the majority of victims of sexual abuse do not disclose this in childhood.

You should know that such maltreatment of children whose brains are still in a state of development has an actual negative neural architectural change and impact. Furthermore, research from the Kaiser Permanente system in California has confirmed that adverse childhood experiences such as child sexual abuse with pornography production has lifelong physical, reproductive, health risk behaviors and mental health impact.

The increasing number of images on the Internet of children less than 6 years of age speaks volumes regarding the prurient nature of producers and collectors. Such images that I have reviewed and children in this age group of whom I have medical knowledge are often victims of sadistic, gross sexual assault and sodomy. Witnessing this degree of physical and certainly emotional damage would be heartbreaking. Possession of such images should lead to the stiffest penalty available within the letter of the law. In addition, offender research as well as Internet research reveals that sexual voyeurism online is a highly addictive pastime and the likelihood of recidivism is great, as well as a higher than presumed incidence of actual contact offenses in convicted collectors.

I recently participated as one of only two Americans in an international expert working group on the subject of child victims of Internet pornography. This working group was held in Sweden and it was sponsored in part by Save the Children. The outcome of the meeting was the realization that our specialists need immense training in this form of victimization. The fact that these children do not typically tell of their abuse, but in fact will actually deny the presence of images, should not deter their necessary mental health support.

Recent investigations of large international child sexual exploitation rings reveals that like-minded offenders, who are often intrafamilial, have little to no remorse regarding the trauma and harm to their own children and those of others. This is the only form, sir, of child abuse which almost always comes to law enforcement first, instead of to child protective services. Consequently, child welfare has had to learn about this problem second-hand, if they are called in at all. This is a form of child abuse which has had much more victim impact, because there is a very close link between exploitation through pornography and the gradual transition into prostitution. This background of having pictures and videos taken of one's sexual abuse is a significant risk for substance abuse, mental health problems, and run-away behaviors.

What steps can Congress take to impact this problem of child pornography? I would recommend consideration of the CDC's approach for four components of prevention of the Child Sexual Exploitation Act: looking at the individual, looking at the family, looking at the community, and looking at society.

For the individual child or youth, child sexual abuse prevention strategies as well as online and communication technology safety strategies should be mandated in the health classes of all public elementary, middle, and high schools, not in the computer classes. The latter is not always available to students, but health classes are usually a requirement, and education to prevent compliant victimization with webcams, social networking sites and online dating is a public health issue in America today. The Center for Disease

Control's new Youth Dating Violence Prevention Initiative, called "Choose Respect," should also be included as a mandated component of these health classes.

A recommendation for family intervention in the prevention of child sexual exploitation would include mandates that federally-funded public libraries provide one-on-one tutoring and assistance for any person requesting instruction on how to implement parental controls on their home computers, as well as information regarding filtering, blocking, and tracking software. This information can be computer-based, but not necessarily web-based, and it should be on a free computer in the library.

Another aspect of prevention of child pornography production would include cessation of the recurrent cycle of sexual offending. All child welfare agencies should maintain digital images of all children who are referred for investigation and abuse. This would allow a Congressionally-funded secure link between an agency such as the National Center for Missing & Exploited Children and any child protective service unit in the country. When the CVIP analysts, as was spoken of before, are able to regionally focus their efforts to locate a child depicted pornographically on the Internet, such a federally-funded link might bring the search to closure if child sexual abuse has already been substantiated and the child is safe from harm.

An example of how important child welfare and local law enforcement efforts are was noted just 3 weeks ago at one of the largest child abuse trainings in the United States, the Dallas Crimes Against Children's Conference. At the site, Attorney General Gonzales commended the new Victim Identification Laboratory sponsored by the National Center for Missing & Exploited Children and the Microsoft Corporation, which was an online lab of child pornography details open only to law enforcement and prosecutors.

The very first day that the lab was open, an investigator identified a 5-year-old child whose mother's paramour had sexually abused her and who was already convicted and serving a prison sentence. On the one hand, this would be one more case for closure by CVIP, but on the other hand no one in the investigative or prosecutorial team knew that child pornography was also part of this 5-year-old child's victimization.

Funding for child welfare agencies to provide education and support for non-offending family members would also begin to help in the area of cessation of recurrent sexual abuse. This funding would include an actual family counseling curriculum provision and, most importantly, training of potential members of the child maltreatment multidisciplinary team at their earliest entry into the field, the undergraduate level. Increased earmarked funding for undergraduate programs such as are found at the Winona State University in Minnesota and other public-funded colleges around the country would be appropriate to help those who are trying to learn social work, psychology, premed, political science, criminal justice, and computer science fields as they become part of that community prevention strategy.

Congress should also encourage industry leaders to assist in public awareness campaigns regarding the plight of victims of child sexual abuse images. This would include information regarding

good citizenship for bystander youths and warnings for youth offenders who bully online, commit sexual assaults and extort or exploit victims through cellular telephone camera technology and with peer-to-peer networking.

Congress should also enhance judicial training for federal, state and military judges to negate a still pervasive thought that this is a just a victimless crime and that these are just pictures.

Funding for programs which provide housing and education to marginalized youths who are being exploited is sorely needed and is quite relevant to this subject of child sexual abuse and child sexual abuse images because of Dr. Cathy Spatz Widom's research that revealed that children who have been sexually abused are 28 times more likely in their lives to be prostituted, to be arrested for prostitution.

A recent study by ECPAT, End Child Pornography, Prostitution and Trafficking in Children for Sexual Purposes, revealed that children and youth internationally trafficked into the United States for prostitution purposes were receiving more support and assistance to escape prostitution than American children who had been trafficked from one side of our country to the other side of our country. Research funding, but particularly housing assistance through block grants to states, would be very helpful in this part of intervention for victims.

Finally, sir, from a societal perspective of the prevention of child pornography victimization, Congress should strengthen the existing obscenity statutes as our country begins to struggle to diminish the sexualization of children in entertainment, media, fashion, advertising, books, and competitions. The normalization of sexual harm continues to be heavily promoted, leading to very negative messages and images, particularly of minority adolescent icons.

The juxtaposition of sexuality and violence is not by coincidence and industry leaders must be held accountable. Recent successful Department of Justice actions against agencies which exploit youths without proof-of-age or who are clearly unable even to make and understand their informed consent rights are a wake-up call that we are beginning to get it. Obscenity and profanity are both seen and heard today in our public media and these constant images and messages are clearly affecting the sexual behaviors and beliefs of our children. Let us work together outside the box to assist in keeping youths from committing Federal offenses by being self-exploitive just because degrading lyrics say it is the right thing to do.

I very much would like to thank you, Senator McCain, for this opportunity to appear before you and to express my concerns and hope that this will be helpful to your thought process.

[The prepared statement of Dr. Cooper follows:]

PREPARED STATEMENT OF SHARON W. COOPER, M.D., ADJUNCT PROFESSOR OF PEDIATRICS, CHAPEL HILL SCHOOL OF MEDICINE, UNIVERSITY OF NORTH CAROLINA

Mr. Chairman and distinguished members of the Committee, I am pleased to appear before your Committee today and express my views regarding child victimization through pornography. My name is Sharon W. Cooper, M.D., and I am a Developmental and Forensic Pediatrician. I am the CEO of Developmental & Forensic Pediatrics, PA a consulting firm which provides medical care, research and training, and expert witness testimony for children with disabilities and/or who are victims

of all forms of child abuse and neglect. I am an adjunct professor of Pediatrics at the University of North Carolina Chapel Hill School of Medicine and an assistant professor of Pediatrics at the Uniformed Services University of the Health Sciences in Bethesda, Maryland. I am a retired Army officer, having served for 21 years in numerous military hospitals here in the U.S. and overseas, and achieving the final rank of colonel. I am the lead author of the most comprehensive textbook on child sexual exploitation, a 2-volume compendium entitled: *The Medical, Legal and Social Science Aspects of Child Sexual Exploitation A Comprehensive Review of Pornography, Prostitution, and Internet Crimes* (published in 2005). I have lectured on the subject of child sexual exploitation and particularly child pornography in nearly 100 conferences in the U.S. and numerous foreign countries. I have been an instructor at the National Center for Missing & Exploited Children for 7 years training attorneys, judges, and investigators regarding all aspects of child sexual exploitation. I am an instructor for the North Carolina Institute of Government which provides judicial training in of child maltreatment.

I am here to speak of victims—not emerging social norms, Internet behaviors of children and youths or criminal justice statistics. I would like to bring to your attention some of the issues relevant to children victimized by sexual abuse with pornographic memorialization. Ten years ago, our texts on child sexual abuse didn't even mention pornography production because it was so rarely reported that our children were in underground magazines or videotapes. Today, specialists in the evaluation of child sexual abuse have to learn how to ask the right questions about the possibility that a child's victimization may have entailed production, dissemination, possession or extortion through the use of child sexual abuse images. Our field of knowledge regarding this insult to injury—the injury being sexual abuse and the insult, keeping a child forever at a certain age and stage of development while being exploited through images, is emerging. It is important to recognize that the majority of victims of sexual abuse do not disclose in childhood. You should know that such maltreatment of children whose brains are still in a state of development has an actual negative neural architectural impact. Furthermore, research from the Kaiser Permanente system in California has confirmed that adverse childhood experiences such as sexual abuse with pornography production has lifelong negative physical, reproductive, health risk behaviors (smoking, drinking, drugs, obesity, etc.) and mental health impact.

The increasing number of images on the Internet of children less than 6 years of age speaks volumes regarding the prurient nature of producers and collectors. Such images that I have reviewed and children in this age group of whom I have medical knowledge, are often victims of sadistic, gross sexual assault and sodomy. Witnessing the degree of physical and certainly emotional damage that such children experience in the video clips now present on the Internet would break your heart. Possession of such images should lead to the stiffest penalty available within the letter of the law. In addition, offender research as well as Internet research reveals that sexual voyeurism online is a highly addictive pastime and the likelihood of recidivism is great, as well as certainly a higher than presumed incidence of actual contact offenses in convicted collectors.

I recently participated as one of only 2 Americans on an international expert working group on the subject of child victims of Internet pornography. This working group was held in Sweden and sponsored in part by Save the Children. The outcome of the meeting was the realization that our specialists need immense training in this form of victimization—the fact that these children not only typically do not tell of their abuse, but will in fact, deny the presence of images must not be a deterrent to necessary mental health support. Recent investigations of large international child sexual exploitation rings, reveals that like-minded offenders who are often intrafamilial have little to no remorse regarding the trauma and harm to their own children and those of others. This is the only form of child abuse which almost always comes to the attention of law enforcement first, instead of child protective services. Consequently, child welfare has had to learn about this problem second-hand, if they are called at all. This is a form of child abuse which has much more victim impact, because of the close link between exploitation through pornography and the gradual transition into prostitution. This background of having pictures and videos taken of one's sexual abuse is a significant risk for substance abuse, mental health problems, and run-away behaviors.

What steps can Congress take to impact this problem of child pornography? Consider an approach to each of the 4 components of the prevention of child abuse: the individual child or youth, the family, the community and society. For the individual child or youth, child sexual abuse prevention strategies as well as online and communication technology safety strategies should be mandated in the *health classes* of public elementary, middle and high school students (not computer classes). The lat-

ter are not always available to all students, but health is usually a requirement and education to prevent compliant victimization with webcams, social networking sites and online dating is a public health issue in America today.

A recommendation for family intervention in the prevention of child sexual exploitation would include mandates that federally-funded public libraries provide one-on-one tutoring and assistance for any person requesting instruction on how to implement parental controls on their home computers, as well as information regarding filtering, blocking, and tracking software. This information can be computer-based but not necessarily web-based and should be on a free computer. Another aspect of prevention of child pornography production would include cessation of the recurrent cycle of sexual offending. All child welfare agencies should maintain digital images of all children who are referred for investigation and abuse. This would allow a congressionally funded secure link between an agency such as the National Center for Missing & Exploited Children and any child protective service unit in the country. When the Child Victims of Internet Pornography (CVIP) analysts are able to regionally focus their efforts to locate a child depicted pornographically on the Internet, such a federally-funded link might bring the search to closure if child sexual abuse has already been substantiated and the child is safe from harm. An example of how important child welfare and local law enforcement efforts are was noted just 3 weeks ago at one of the largest child abuse trainings in the U.S., the Dallas Crimes against Children's Conference. At the site, Attorney General Gonzales commended the new Victim Identification Laboratory which was an online lab of child pornography details open only to law enforcement and prosecutors to see if anyone recognized unknown victims. The very first day that the lab was open, an investigator identified a 5 year old child whose mother's paramour had sexually abused her and who was already convicted and serving a prison sentence. On the one hand, this would be one more case for closure by CVIP, but on the other hand, no one in the investigative and prosecutorial team knew that child pornography was also part of this 5-year-old's victimization.

Funding for child welfare agencies to provide education and support for non-offending family members would also begin to help in the area of cessation of recurrent sexual abuse. This funding would include an actual family counseling curriculum provision, and most importantly, training of potential members of the child maltreatment multidisciplinary team at their earliest entry into the field—the undergraduate level. Increased earmarked funding for Winona State University in Minnesota and other public-funded colleges around the country which are trying to incorporate child maltreatment education to students in social work, psychology, premed, political science, criminal justice and the computer science fields all of whom are potential team members in child abuse.

Congress should encourage industry leaders to assist in public awareness campaigns re: the plight of victims of child sexual abuse images. This would include information regarding good citizenship for bystander youths and warnings for youth offenders, who bully online, commit sexual assaults and extort or exploit victims through cellular phone camera technology and peer-to-peer networking. Congress should also enhance judicial training for Federal, state and military judges to negate a still pervasive thought that this is a "victimless" crime and these are "just pictures."

Funding for programs which provide housing and education to marginalized youths who are being exploited through prostitution is sorely needed and is quite relevant to child sexual abuse and its associated images because of Dr. Cathy Spatz Widom's research that revealed that victims of child sexual abuse were 28 times more likely in their lives to be arrested for prostitution. A recent study by ECPAT, USA (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) revealed that children and youth internationally trafficked into the U.S. were receiving more support and assistance to escape prostitution, than American children who had been trafficked from one side of our country to another. Research funding but particularly housing assistance through block grants to states would be very useful in this part of intervention of victims.

Finally, from a societal perspective of the prevention of child pornography victimization, Congress should strengthen the existing obscenity statutes as our country begins the struggle to diminish the sexualization of children in entertainment, media, fashion, advertising, books, and competitions. The normalization of sexual harm continues to be heavily promoted leading to very negative messages and images, particularly of minority adolescent icons. The juxtaposition of sexuality and violence is not by coincidence and industry leaders must be held accountable. Recent successful civil suits against agencies which exploit youths without proof-of-age or who are clearly unable even to understand their informed consent rights, are a wake-up call that we are beginning to get it. Obscenity and profanity are both seen

and heard today, and these constant images and messages are clearly affecting the sexual behaviors and beliefs of our children. Let's work together outside the box to assist in keeping youths from committing Federal offenses by becoming self-exploitive, just because degrading lyrics say it's the right thing to do.

I would like to thank Chairman McCain for this opportunity to appear before you today express my concerns.

Senator MCCAIN. Thank you very much, Dr. Cooper.

I will ask the other witnesses, but we will try to see if there are any questions for you so that you can return to your duties.

Since the legislation was passed in 1998, which is very important, has the problem gotten better or worse?

Dr. COOPER. The problem of child pornography, sir?

Senator MCCAIN. Yes.

Dr. COOPER. Child pornography has gotten worse. It has definitely gotten worse. It is worse in two ways. In one sense it is worse because we have more people who understand that they can take pictures of children, and now people are showing, offenders, are showing young children child pornographic images in order to help them recognize and accept what the offender wants to do to them. So the ease of access of child pornography images on the Internet is used more and more to groom young children.

The other point, sir, is that as I evaluate more child victims of sexual abuse, what the children tell me in their histories are now things that I have seen on the Internet in child pornographic images, which lets me know that that second reason for collection of child pornographic images, that is as a plan for action, is certainly being put into place.

Senator MCCAIN. So one of the worst aspects is this continued attempt to normalize sexual harm?

Dr. COOPER. That is correct, sir. When we see sexualized images of very young children in media, this leads children to accept themselves as a sexual being, which makes it easier for them, unfortunately, to be victimized, and it is very important for us to recognize this slippery slope.

Senator MCCAIN. Do any other Senators have questions for Dr. Cooper, so we can let her go after you question her? Senator Burns, Senator Ensign?

[No response.]

Senator MCCAIN. Thank you very much, Dr. Cooper, and we appreciate very much your input. Thank you for all you do. We are very grateful.

Dr. COOPER. Thank you, sir.

Senator MCCAIN. I guess I would—and you can turn that.

Just real quick for the other witnesses, do you agree with Dr. Cooper that since 1998 the situation of child pornography has worsened in the United States? We will begin with you Ms. Fisher.

Ms. FISHER. Yes, Senator.

Senator MCCAIN. Mr. Finch?

Mr. FINCH. Most definitely, Senator.

Senator MCCAIN. Sheriff?

Mr. BROWN. Absolutely. We are seeing a tremendous upsurge.

Senator MCCAIN. Mr. Allen?

Mr. ALLEN. Absolutely, much of it driven by improvements in technology—high-speed, broadband distribution, instant ability to access and distribute.

Senator MCCAIN. So obviously along with your recommendations, and there have been some very good recommendations, we need to do more, all of us, Congress, the various organizations at all levels; is that a correct assessment?

Mr. ALLEN. It is certainly mine, sir.

Senator MCCAIN. Ms. Fisher, I did have one question. Has the Department issued regulations setting forth what data should be transmitted to NCMEC through the CyberTipline and is that a problem?

Ms. FISHER. There are no specific regulations. What we have been doing, as Mr. Allen mentioned in his testimony this morning, is working with NCMEC and with the ISPs on a protocol and best practices about what should be transmitted. We have seen a marked increase on the reports that are being brought in, but it is not 100 percent reporting and we need to do better and we need to continue to work with NCMEC and the ISPs to get this right.

Senator MCCAIN. Is that a pretty accurate description, Mr. Allen?

Mr. ALLEN. Absolutely. Clearly, in the best of all worlds if the statute is flawed our view is we should fix the statute. But the goal—and we applaud the leadership of the Justice Department and are grateful for it and we are making progress, but until every electronic service provider in this country is reporting there is a hole in the system.

Senator MCCAIN. So what do we need to do?

Mr. ALLEN. Well, I think we need to keep doing what we are doing. I also think that it is appropriate—

Senator MCCAIN. Would you like some more regulations from the Department of Justice?

Mr. ALLEN. I think that would be a good thing.

Senator MCCAIN. Good.

Ms. FISHER. Well, we will work with you on it.

Mr. ALLEN. OK.

Senator MCCAIN. Good.

Mr. Allen, is it just—you mentioned technology. Is it also a problem—and maybe, Sheriff Brown, you can help us—with the internationalization of this situation, that it crosses continents and international borders? That it would seem to me would make your effort of identifying these people almost impossible.

Mr. ALLEN. Senator, it is very difficult. The good news is, as Mr. Finch mentioned, there is now a international coordinated law enforcement process. Interpol and others are doing much more in this area. But one of the great challenges, through our international center we just finished a review of the law in the 184 member countries of Interpol looking at five key categories of law on child pornography. 95 member countries of Interpol have no law at all. Child pornography is not even a crime. In 138 countries that are Interpol members, the possession of child pornography is not a crime.

So while there have been extraordinary efforts under way in Western Europe, in Australia and Canada and the United States

and a number of other places, one of the key challenges is to make the world aware of the extent of this problem and the fact that this is truly a global phenomenon and at least develop a consistent uniform platform of law so that we can enforce these crimes wherever in the world they happen.

Senator MCCAIN. Sheriff Brown?

Mr. BROWN. I could not add any more to what Mr. Allen has said. I know that we are seeing that we are a small task force. We are sort of at the lower end of the food chain in these task forces. But even I can see when we are looking at these images and we are seeing hundreds and hundreds and hundreds and we can tell even without sending them for examination that a lot of them are coming out of Europe, a lot of them are coming out of the Eastern Bloc countries. We can see in the background some of them, as John showed you the way they enlarge the photographs and identify things, we are even seeing that. So we are seeing a lot of images coming internationally, coming from overseas, I mean a tremendous amount.

Senator MCCAIN. Mr. Finch?

Mr. FINCH. Senator, the electronic media or the Internet has posed a challenge when it comes to addressing these matters internationally. However, with the task force we are now seeing progress in terms of getting at the criminal in other countries. These officers come here, they stay for 6 months, they train, they go back to their country; they have a better understanding of what we are doing. The countries we have worked with have been most cooperative and they have removed a lot of the impediments or road blocks to getting the predators in other countries.

So we are making progress, but, as Mr. Allen stated, there are countries that have no laws.

Senator MCCAIN. So, Ms. Fisher, do you think that we need more international agreements on this issue?

Ms. FISHER. Well, we absolutely need to work on this on an international basis. Congress ratified the Cyber Crime Convention that is going to help in this regard with the signatory countries making sure that they have laws. But we need to continue to train. We see credit card processors offshore. We had a case where the money was going to Latvia and the processor was in Belarus. We need to continue to get cooperation and we need to continue to get them to increase their laws.

Senator MCCAIN. Senator Burns.

Senator BURNS. Thank you, Mr. Chairman. The point is follow the money.

Mr. Finch, I want to congratulate you and the FBI. I have had the opportunity to go into an office in Montana and set an evening with agents there and watch them go into those chat rooms and to finally identify some of those predators and then figure out ways to lure them out and get them. They go through a lot of training.

I will tell you that one agent was using his daughter, his own daughter, as a model in that. I do not know if you ever had that opportunity, Senator. It is like, Sheriff Brown if I was down in Lynchburg I would come down and set with you an evening, because, I tell you what, it takes a lot of training, it takes a lot of patience, and it is not nice work. It is not nice work at all.

But I want to congratulate you and the agents you have in each one of these States. I know in every State they are there.

It just sounds to me, no matter what kind of a law we pass it still boils down to how do we get down on the ground and take care of people who have, I think, very serious mental problems. These folks are sick. And how we seek them out—and no matter what kind of law we pass, it does not seem to even make a dent in the problem that we are facing.

Do you get that same kind of a feeling?

Mr. ALLEN. Absolutely.

Senator BURNS. It just takes a lot, a neighborhood I guess, awareness. And we cannot put every one of them in jail. We cannot build jails fast enough to do that. So if they are identified they just move into some other neighborhood. We get rid of the problem in our neighborhood, but they go somewhere else. So that really concerns me, how we can really do this.

Do any of you want to comment on that? Sometimes I think it is an exercise in futility.

Mr. ALLEN. Senator Burns, I know there has been a lot of gloom and doom, but I think we are really making headway on this. I think there is no question on the commercial side. We have been working with the financial companies. One of the things we are seeing is that these entrepreneurs are now using the credit card logos with an account not behind it, so that when you go to the site and you see the credit card logo what we are seeing is that it is being done for one of two purposes: either identity theft—you attempt to purchase access to a child pornography site and there is nothing there. To whom are you going to report that? So it is being used to steal identities.

But second, it is also being used for these operators to go back to the purchaser and offer them other payment options.

So I think there is already indications that the efforts of law enforcement and the private sector have disrupted the commercial side of this business.

On the pure criminal and investigative side, the reality is the numbers of arrests and convictions have skyrocketed. There is far greater law enforcement presence than there has ever been before. What we are convinced is that the perceived anonymity of the Internet, the sense that nobody is looking, has really fanned the flames of this problem. The most important thing we can do is send a message that somebody is looking and that if you violate—you know, the Internet is a wonderful thing, but if you use it in an inappropriate way you are going to be prosecuted.

Senator BURNS. Thank you, Mr. Chairman.

Senator MCCAIN. Senator Pryor.

**STATEMENT OF HON. MARK PRYOR,
U.S. SENATOR FROM ARKANSAS**

Senator PRYOR. Thank you, Mr. Chairman.

The Internet is such an amazing thing, it can be so good and so bad. I know it has been hard for the Congress to get a handle on how we should do it, but basically I think we clearly in this area, we have a problem with exploited children. We also have a problem

with recruiting kids to either be kidnapped, murdered, exploited, abused, whatever it may be, and that is all terrible.

The other thing is that we have the problem where children in our homes are being exposed to pornography. I think that is very rampant and that is going on on the Internet. So I know my colleagues on this Committee are very committed to trying to find the right solution to that and so am I.

Ms. Fisher, you mentioned in your statement that we have had some success in the foreign, with foreign countries and foreign prosecution. I am encouraged to see that. In fact, I am copying some of the cases that you cited and I would like to just tell the Committee I look forward to working with the Committee. But what tools should we employ, based on the cases, based on your experience? What tools should we use to try to equip our law enforcement in this country to be more effective overseas?

Ms. FISHER. Well, we need to continue to train them and to get them to pass laws that make the possession of child pornography a serious crime with stiff penalties. As Ernie Allen said, some of this is just a matter of countries not having the laws. In others where they have the laws, it is a slap on the wrist or a mere fine for being caught with child pornography. We have to encourage them to do more.

There are subcommittees of the G-8 that are looking at this. We have sent people over to other countries to train them, to share information about how to go after this. Training law enforcement over there to investigate these crimes, as we do here, is so important, both forensically and otherwise. So I agree, we have got to combat this internationally as well as domestically, Senator.

Senator PRYOR. Also, is the Department of Justice focused on repeat offenders? Do you have some sort of repeat offender system that you are going after folks time and again?

Ms. FISHER. Absolutely. Of course, there are stiffer penalties, thanks to the Congress, for repeat offenders.

Senator PRYOR. Now, that is good to know.

Sheriff, let me ask you. I know you are kind of down in the trenches on this.

Mr. BROWN. Yes, sir, and proud to be there, I might add.

Senator PRYOR. You have to work with very limited resources on a local level. I am sure you work in conjunction with your State and also the feds. How much cooperation are you getting from the State level and the Federal level.

Mr. BROWN. We get great cooperation. I do not know that there is any one agency that cooperates any better nor any worse than any other one. We have a good working relationship in Virginia. I know some of the ICAC Task Forces, it may not be as good in some areas. But I think basically overall that there is good cooperation.

Senator PRYOR. Is this an area where if Congress, if the Federal Government, would provide some more resources down on the State, local, and Federal level, would it help enhance what you are able to do?

Mr. BROWN. Senator, it would. I know I sound like a broken record. Yes, everybody comes before you and before Congress and before Congress and asks for money. I do not think we can be any different. We see a need on the local, the ICAC level, now speaking

from the ICAC level, the Internet Crimes Against Children task force level. We do a lot of training of local officers. That is what we—one of the ideas that we have had I think from day one is, in fact that is part of our mandate, is to train local law enforcement and that is what we are doing.

In Southwest Virginia, in the last—well, in Virginia we are responsible for the State of Virginia and West Virginia with the exception of five counties in the northern part of the State of Virginia that is a part of the Virginia State Police ICAC Task Force. But in the rest of Virginia and West Virginia, we have educated over 17,000 parents, teachers, etcetera, and we have trained in excess of 2500 law enforcement agents, State, local law enforcement.

We would like to train more and we would like to be able to purchase equipment like we have from time to time. To staff a cyber unit is very expensive.

Senator PRYOR. So at some point the amount of resources that you can allocate has a bearing on how much of that training you can do.

Mr. BROWN. Absolutely.

Senator PRYOR. Let me ask Mr. Allen. I remember a politician years ago saying that money is the mother's milk of politics. It seems to me that credit cards may be the mother's milk of online pornography. Senator Burns pointed this out a minute ago, that follow the money. However, I think also what Senator Burns was saying is that a lot of these predators do not do it for the money. It is much deeper than money. It is almost maybe a legitimate illness that they have and a quantifiable illness that they have.

But nonetheless, it does seem to me that if you are successful in going after the credit card use you would be able to knock down a significant portion of this. Has that been your experience?

Mr. ALLEN. Absolutely. Senator Pryor, one of the most frightening things about this phenomenon today is we have always assumed that it was pedophile-driven. I think what we have seen in the past few years is organized criminals and extremist groups, not driven by a pedophile motive, but recognizing that this is easy to produce, it is inexpensive to produce, there is a huge consumer market for it, and historically there has been relatively little risk.

So I think if we can attack the money, follow the money, take the money out of it, we eliminate a very dangerous side of this problem.

Senator PRYOR. The money seems to be feeding the beast, so to speak. It seems to be providing incentive out there to get more and more out there online.

Really, I have one last question, and that is, a friend of mine in Little Rock a year or so ago talked to me about this idea that he had, and I do not know if it is original to him, but now I know that other ideas are out there like this, but to set up a new domain, a triple-X domain, and basically somehow or another, depending on how it was structured, but somehow or another try to get pornography generally, including certainly child pornography, over to the triple-X domain.

I guess it would be, based on the Supreme Court cases, it would be similar to when you walk into a bookstore or a convenience store now there is a magazine rack. There are legitimate limitations,

constitutional limitations, that you can put on the magazines. Maybe they have to be covered, they have to be put up higher on racks, etcetera.

So basically the idea would be on the Internet you could force everything over to the triple-X domain. I just would like to hear from the panel if I could get each one of your comments on that, if in your view that would help your job and help us crack down on child pornography.

Do you mind starting?

Ms. FISHER. No, not at all. You know, we would certainly be happy to look at that. I had not had that issue raised with me before. Certainly it sounds somewhat similar to the idea of something that Senator Burns I think was talking about earlier, which is the web labeling, that if there is, not child pornography, which is illegal, but other kinds of sexually explicit material that is not criminal on the Internet, that before you can have that on the Internet you have to label it and it has to take you a click before you get there.

I know the Justice Department has been very supportive of that type of legislation. So we are happy to look further at that idea and discuss it with you.

Mr. FINCH. Senator Pryor, I would defer to my parent agency, the Department of Justice, as far as the response is concerned. However, most of the predators are visiting the sites frequented by children, and so the triple-X site might address the adult pornography, but when it comes to the child pornography and the people who crave that type of material, they are going to visit the spaces that are frequently, or the sites frequently visited by children. So I am not sure how much it would cut down on our predators on the Internet.

Senator PRYOR. But it may not get all the predators, but nonetheless it could help with child pornography generally and pornography generally.

Mr. FINCH. It could definitely have a positive impact.

Mr. BROWN. Senator, I quite frankly, I do not know. I, like Mr. Finch, would have to defer to the Department of Justice. I absolutely do not know. As you say, I am in the trenches. That is above my pay scale.

Mr. ALLEN. Senator, I too will yield to the Justice Department. The only point I want to make is that child pornography is not protected speech. It is criminal. It should not be in anybody's domain. The goal is to root it out and eradicate it.

Senator PRYOR. Thank you, Mr. Chairman.

Senator MCCAIN. Senator Ensign.

**STATEMENT OF HON. JOHN ENSIGN,
U.S. SENATOR FROM NEVADA**

Senator ENSIGN. Thank you, Mr. Chairman. Thank you for holding this very important hearing. A lot of people in America think that this stuff goes on, but they have no idea to the extent that our children are being subjected to and the numbers I think of adults that are engaged in this.

Do either maybe the FBI or the Justice Department or any of you, do you have any statistics on the number of people? Are there

estimates on the number of people that are maybe involved in the United States in child pornography?

Mr. FINCH. Senator, we do not have any numbers. It would be a guess that I could not quantify with any empirical source, just because these predators, these people, do not really make their identity known because it is not the most upstanding thing to do. Trying to identify these folks in a quantifiable form so that we can say we have made a significant impact, it is a tough thing, almost impossible to do.

Senator ENSIGN. Well, illegal drugs are illegal, but we have at least some statistics on whether or not people are using percentages. They can at least take some educated guesses on the number of people engaged in activities like that. There are a lot of activities that are illegal that are not things that people want to brag about, but they at least maybe have statistics.

There is none in the government that we know of, though?

Ms. FISHER. I think there are certainly estimates that I have seen where there are tens of thousands of these people trolling the Internet every day. We have seen a website that we mentioned earlier today which, one website with child pornography, had 70,000 customers, and we talked about that earlier. So that gives you somewhat of a scope. I have also seen—

Senator ENSIGN. 70,000 U.S. customers or worldwide customers?

Ms. FISHER. I do not know that they were all U.S. customers.

The other thing is I have seen estimates—and Mr. Allen might be able to speak further on this—on the financial end, that it is a multibillion dollar industry, that people are paying 29.95 a month or whatever for access to these commercial websites, they are buying and selling these images on the Internet for money. The scope of the problem is immense. It is definitely an epidemic that is getting worse and we need to continue our efforts and redouble them.

Senator ENSIGN. Go ahead, Sheriff Brown.

Mr. BROWN. Pardon me. When we were appointed a task force in 1998 there was a figure and I am not sure whether it came from NCMEC, if it came from the University of Thailand, I think which tracks again the sites, the money, etcetera. They were saying it was 10,000 websites being run by sexual predators, pedophiles. We were told not to say “pedophiles” because we are not physicians, so we call them sexual predators.

I just saw a figure last night where that figure is up around 100,000. Now, if you multiply that by 70,000, just take 70,000 customers, you have got a tremendous amount of people in this arena. Between—again, when we first came on it was between 2 and \$4 billion, I think, industry and now who knows where it is. It is I would say a 23, \$27 billion business.

Senator ENSIGN. I cannot even believe that some of you can work in this industry. It is work that needs to be done. But even just reading some of your testimonies, you get sick to your stomach. I applaud anybody that can actually do this kind of work because it is such important work.

I realize that you want to call them sexual predators. I will call them pedophiles for you. The idea that there are those involved who just view pornography—some have called it a victimless crime, obviously as far as other than the person that had, the child that

had the pictures take of them. I think it is important to debunk that myth right away, that it is not a victimless crime, that not only the people viewing this—even if they say that they are never going to, are there not a large number of people who start by viewing who end up, then the next appetite grows a little stronger and a little stronger, until they actually act on what they are viewing, and that is when they go out and commit the sexual act? Mr. Allen?

Mr. ALLEN. Senator Ensign, we do not believe that people who will spend money or will go to a website to see images of 4-year-olds being raped do so as a matter of intellectual curiosity.

Our view on the 70,000 customers of that Texas website were that every one of those people not only was violating the law, but was a person of interest, and we do believe that one of the elements that we really have to grapple with on the Internet is a kind of addiction, a continuing quest for something more extreme, something new, the new images. That is why it represents such a menace and such a threat to America's children, because while the technology is global, in every one of these cases there is a local victim.

Senator ENSIGN. Getting to the viewing and maybe if you could, either FBI or Justice, talk about the—because I am not just familiar off the top of my head with the penalties for, at least the Federal penalties for viewing child pornography, either distributing—can you just kind of break down what the minimums are versus what a sexual predator would—and if you do not have those today, if you could just get those for me it would be OK.

Ms. FISHER. Certainly. The penalties range from 5 years all the way up to life imprisonment for different offenses, whether it is distribution, first time offense, second time offense, sex trafficking. There are additional mandatory minimums now because of the Adam Walsh Act. But I am happy to get you all of that information.

Senator ENSIGN. The reason I even bring that up for discussion is this, that I have talked to some psychiatrists and some psychologists who believe that these sexual predators, these pedophiles, can be treated. I am not of that belief. The risk of the treatment—it is like, well, yes, but some of them maybe will repeat offend, but a certain percentage of them can successfully be treated, is the argument, and therefore they all deserve a chance. Well, I do not share that view. I view the children that they are going to repeat offend with.

Does anybody have any statistics on the number of people that are, say, a pedophile—I have heard outrageous numbers, the number of people that they will actually abuse, the number of children that they will abuse in their lifetime. Also, do you have any recidivism rates as far as those are concerned?

Ms. FISHER. Do you want to take it?

Mr. ALLEN. A couple of responses, Senator. One is that the data on recidivism frankly has always been suspect because we know that so few of these cases are ever reported. The other point is that the recidivism rates vary based upon the nature of the offense. For example, recidivism rates for molesters who victimize boys is far higher than for those who victimize girls. Offenders who victimize

boys tend to victimize huge numbers. Those who victimize girls, smaller numbers, but more girls tend to be victimized.

The other thing, it really goes back 20 years, but some National Institute of Mental Health research which was based on interviews of sentenced, convicted child molesters, so whether this is representative of the universe is another question, done back in the 80s found, and I think the numbers are right, that the typical child molester will molest an average of something like 117 children during his lifetime. Again, those who victimize boys, the numbers go up into the 300 range.

Senator ENSIGN. I had heard those numbers and I just wanted to hear it from you because I did not know whether, I mean they are such shocking numbers that I did not think that that was possible. But I knew I had heard those numbers before. I just could not remember where.

Mr. ALLEN. And the vast majority of these offenses are never reported. If you will remember Arthur Dean Schwartzmiller in Santa Clara, California, a couple of years ago, he had been arrested nine times, but when he was arrested by Santa Clara police they found a diary that had detailed entries on 36,000 descriptions of molestations of children. It may not be 36,000 children; it may be multiple children.

But for a substantial subset of this population, this is not a lapse of judgment; this is a lifestyle. You ask, Senator, about penalties. First I want to commend you and Senator McCain for the extraordinary work that the Congress of the United States has done. The penalties, the Federal penalties in these offenses, are excellent and these offenders are getting the kind of treatment that they need in the Federal system.

We still have some work to do at the State level. For example, there are still six States where the possession of child pornography is still a misdemeanor. We believe that is not acceptable and that greater emphasis needs to be brought to this problem at all levels.

Senator ENSIGN. My last question, Mr. Chairman, would just be simply, we are fighting—obviously we have this global war against radical Islamists around the world and we have a lot of our domestic resources going toward that, are we putting enough resources toward protecting our children when it comes to this online problem as well as the ones who actually are acting it out, sexual predators?

Ms. FISHER. I think every dollar that we spend on combatting this problem is going to be a dollar well spent. I think the Adam Walsh Act authorizes more prosecutors, more money to ICACs, more forensic research, more forensic labs and things like that, and we need to take a hard look at whether that money is appropriated. I think the Attorney General in his testimony earlier today on this very issue talked about that. So I think the money there is well spent.

If I could just mention one other thing going back a minute, Senator, when you talked about some people that say that this is a victimless crime. I just say no way. I mean, every time somebody picks up a picture of child pornography that is a crime scene. That child is being victimized again and again every time their picture is shown to a new person.

Senator ENSIGN. Thank you, Mr. Chairman. I appreciate it.

Senator MCCAIN. Mr. Allen, there is no doubt in your mind that there is a link between possession of child pornography and actually sexually assaulting a child?

Mr. ALLEN. No doubt whatever.

Mr. BROWN. Absolutely.

Senator MCCAIN. And this humanization is a serious issue?

Mr. ALLEN. It really is. What we are seeing is fundamental deterioration in societal views and attitudes about this. One of the great challenges frankly is just to awaken America to what this is about. Good people do not want to think about it. Good people do not want to see it.

Senator MCCAIN. Do you know what happens to these kids when they grow up, sheriff?

Mr. BROWN. They are scarred the rest of their life, Senator. I mean, there is so much again documentation. I know NCMEC has I am sure reams of cases that they have examined to show that this happens. You can go to the Internet and find it. You can research what the mental breakdown is after something like this happens, and it is tremendous.

Senator MCCAIN. Well, Sheriff, I would like you and Mr. Allen to drop me a note saying exactly what you think additional measures we can take, whether it be financial, more money for different efforts, whether it be increased personnel, whether it be additional legislation. We would like to hear from you—

Mr. BROWN. Yes, sir.

Senator MCCAIN.—so that we can use that as our guidelines. If this problem continues to grow as seriously as you say, we need to contemplate additional actions on the part of all of us. Obviously, as Ms. Fisher points out, education is one of the key areas. I do not think Americans hear enough about this, about this situation.

Ms. FISHER, one of the things that pops into my mind particularly as far as international cooperation is concerned—and I do not usually like to do it—but maybe conditionality on trade agreements. I know that is not in your area of responsibility, but it seems to me if we have a trade agreement with a country that maybe one of the conditions would be that there are sufficient laws in that country that would address this issue.

Do you think that has any merit or you would rather not comment?

Ms. FISHER. I am happy to pass that on to my colleagues at the State Department. I better not travel out of my lane. But I think that what that illustrates, Senator, is that we all need to really think creatively about attacking this problem from all different angles, and we need to step outside to think of what additional things we can use, because we do need to continue to make a dent in this problem.

Senator MCCAIN. Well, I want to thank the witnesses and I thank you for your good work, and I am glad I do not have your job. But I am very, very grateful that you do it, and I say that on behalf of the citizens of this country. We are very grateful. Thank you.

[Whereupon, at 4:12 p.m., the Committee was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO
ALICE S. FISHER

Question 1. How concerned is the Department of Justice about reports that child pornographers and pedophiles are connecting more frequently online through virtual rooms in Internet Relay Chat, on message boards, and in other online forums where they exchange information and share images? How closely are these activities monitored by DOJ?

Answer. The Department of Justice is deeply concerned about the effect the Internet has on the volume and severity of child pornography and child sex abuse crimes. Overall, the advancement of Internet and file-sharing technologies has contributed to a significant increase in the proliferation of child pornography. This sets into motion a cycle that leads to more, and more depraved, images of child pornography being traded online. First, the message boards and chat rooms have a normalizing effect. An individual who is sexually attracted to children might feel ashamed or alarmed about his feelings, and so would be afraid to act on it for fear of violating a deeply held societal norm. The Internet, however, connects that individual to others who share his deviant interest. Knowing there are others out there like him, the individual loses his shame and begins to see his desire as common or even normal, and so is less afraid to act on it. Second, the Internet drives demand. As the Internet permits child pornography consumers to amass large collections quickly, there is a constant demand for new and more extreme material, leading to younger victims being forced to perform more graphic sexual acts.

For this reason, the Department of Justice closely monitors developments in both Internet and digital storage technologies. While Internet Relay Chat, message boards, and online forums have existed for some time, newer technologies such as f-serves and peer-to-peer software are becoming more commonplace. Furthermore, digital storage capabilities have changed greatly in the last few years, as easily hidden thumb drives or flash drives can store tens of thousands of images, as can iPods or other mp3 players. Mobile phones can now be used to produce and store images of child pornography. The Department quickly studies these technologies, develops investigative and prosecution tactics, and provides guidance to the field on how best to respond to the new technology.

Question 2. Is the apparent growth in child pornography available online driven by commercial enterprises looking to profit from this exploitation, or is it being driven more by individuals who create and distribute images for their own gratification?

Answer. Both commercial websites and "homegrown" child pornography producers play a role in the growth of child pornography available online. Commercial websites naturally reach a wider audience than an individual who makes his own child pornography, as websites by design are in the public sphere. Websites also reach those consumers who are less "tech savvy" and might not be as adept at other methods of file sharing such as f-serves and peer-to-peer software. However, commercial websites are the least anonymous method of obtaining child pornography online, as the consumer must provide a valid credit card number in order to receive the material. Further, the site may not stay up for long to avoid detection or investigation by law enforcement. Individuals who create and distribute images may not envision that their material will be traded in an international market, although that is often the result. Whether the individual producer e-mailed the material to a single individual or made it available on an f-serve, once a series becomes known in the community it becomes a prized commodity, and collectors will try to obtain all of the images in the series. Often collectors barter images in their own collection to get new material, so in an effort to get the new images, a collector will continue the circulation of older material.

Question 3. Is there anything that online companies such as ISPs could do that they are not doing today that could help our effort to prosecute and convict individuals in possession of child pornography?

Answer. It is difficult to speak about ISPs as a class because among all ISPs there is a great range in their resources and commitment to combating child pornography. Generally speaking, however, it would benefit our investigations and prosecutions if ISPs were to retain data for longer periods of time than they currently do, to register with the Cyber Tipline, and to prepare and disseminate a guide to law enforcement that describes what information they retain, in what format, and for how long, as well as accurate contact information for service of process. The Department of Justice has consulted with ISPs to determine what, if any, steps can or should be taken to increase the Department's ability to prosecute those exploiting children, and will do so again at an appropriate time. Additionally, the major ISPs have jointly developed a body of "best reporting practices" for compliance with Title 42, United States Code, Section 13032, which requires all ISPs to report the presence of child pornography on their systems to the National Center for Missing & Exploited Children (NCMEC). NCMEC has advised that these best practices are followed by all of the major ISPs and that the effectiveness of ISP reporting has improved significantly. All ISPs, big or small, should follow these best practices.

Question 4. You state in your testimony that the Attorney General sees the Project Safe Childhood initiative—which I commend—as a three-legged stool made up of the DoJ, state and local law enforcement, and non-governmental organizations like the National Center for Missing & Exploited Children. What role do private sector, for-profit companies have in the Project Safe Childhood effort? Shouldn't they be a fourth leg that you can rely on?

Answer. There is a role for the private sector in the Project Safe Childhood effort. The recently formed Financial Coalition Against Child Pornography provides a clear example of contributions the private sector can make to the fight against child pornography. The Financial Coalition is comprised of more than twenty of the world's most prominent banks, credit card companies, third-party payment companies, and Internet services companies. Members of the Coalition include America Online, American Express Company, Authorize.Net, Bank of America, Capital One, Chase, Citigroup, Discover Financial Services LLC, e-gold, First Data Corporation, First National Bank of Omaha, Google, Mastercard, Microsoft, North American Bancard, Nova Information Systems, PayPal, First PREMIER Bank/PREMIER Bankcard, Standard Chartered Bank, Visa, Wells Fargo, and Yahoo! Inc.

These organizations have joined with the National Center for Missing & Exploited Children (NCMEC) and its sister organization, the International Centre for Missing & Exploited Children (ICMEC), in the fight against Internet child pornography. The Coalition's goal is to eradicate commercial child pornography by 2008. The Department of Justice and other governmental agencies have engaged and supported this effort.

The first step to achieving the Coalition's goal is to establish a global Clearinghouse on child pornography to provide a unified system for identifying illegal activities and sharing information between Coalition companies. NCMEC/ICMEC will serve as the global Clearinghouse on the commercial aspects of child pornography. Coalition members have agreed to be vigilant and will look proactively for and report child pornography to the Clearinghouse. The Coalition will ensure that information derived from proactive efforts is reviewed by the Clearinghouse, that information is shared with Coalition companies, and that a tracking and feedback system is developed to ensure that broad-based action is taken to eradicate illegal practices.

Once the Financial Coalition identifies child pornography websites with credit card logos or other methods of payment information, an effort is made to identify the merchant parties, with the assistance of Federal law enforcement. Ultimately, all relevant information is shared with the appropriate law enforcement agency—Federal, state, local, or international. By design, if that agency does not begin an investigation within a set time, members of the Financial Coalition have agreed to take action under their terms of service against the merchant.

In addition, ISPs are an integral part of Project Safe Childhood's efforts to combat online child pornography offenses. As stated above, it would benefit our investigations and prosecutions if ISPs were to retain data for longer periods of time than they currently do, to register with the Cyber Tipline, and to prepare and disseminate a guide to law enforcement. The major ISPs have jointly developed a body of "best reporting practices" for compliance with Title 42, United States Code, Section 13032, which requires all ISPs to report the presence of child pornography on their systems to NCMEC.

Finally, the technology business community is an important partner in the prevention, investigation, and prosecution of child exploitation crimes utilizing camera and video phone technology.

Project Safe Childhood also encourages the participation of local businesses and business organizations through investment in their community programs and initiatives aimed at protecting and assisting children. Additionally, Project Safe Childhood partnerships are seeking to engage local media outlets in the education of their communities regarding the dangers posed by the Internet to children and the steps that families can take in response to this increasing threat. Media outlets are also uniquely suited to helping Project Safe Childhood partnerships in mobilizing their communities to locate victims. The AMBER Alert program is an excellent example of the media's ability to assist law enforcement efforts to protect and rescue children.

Question 5. In broad terms, could you describe to us the trends you are seeing in the 18 multi-district investigations that you are currently conducting? Are these investigations of commercial sites, or are they investigations of groups of individuals exchanging images online in private chat rooms or through peer-to-peer networks?

Answer. The eighteen multi-district investigations cover a wide range of technologies. There are multi-district investigations currently pending based on f-serve, online groups or chat rooms, commercial child pornography websites, and peer-to-peer software. For the investigations pertaining to commercial child pornography websites, most are currently focused on the customers of the website. A few of the investigations are based on small, exclusive networks of individuals who produce child pornography and then trade it only with each other, often via e-mail or in private chat channels. Some of the investigations are undercover operations. Some of the investigations are domestic in scope, and some are international.

We are seeing an increase in receipt and distribution offenses related to offenders trading or otherwise distributing these images to each other. We are also seeing a heightened awareness and understanding by law enforcement of the investigative steps necessary to prove receipt and distribution offenses.

The content of the child pornography we are finding is increasingly graphic and more sadistic. Sexually explicit images of toddlers and babies are found more frequently. We are also encountering offenders whose collections of child pornography are more voluminous, and shocking in their meticulous organization by age, gender, and the conduct depicted.

Question 6. Do you believe that your efforts are reducing the production and distribution of child pornography online and otherwise?

Answer. Despite our best efforts, including in the recent increase in prosecutions for child exploitation crimes, the number of reports to NCMEC's Cyber Tipline continues to grow every year and the gravity of the problem seems to be escalating. However, we do not believe our work is in vain and Congress has provided critical new tools by enacting enhanced penalties and mandatory minimums. We are hopeful, therefore, that putting more offenders behind bars for longer periods has at least curtailed the rate at which the child pornography problem has grown, even if it has not been offsetting. Moreover, through the number and magnitude of our prosecutions, we strive to deter offensive conduct, especially more serious contact offenses, which by their nature are very difficult to deter. And, while we cannot truly know whether we have been successful in deterring conduct, we have seen movement and changes in criminal behavior that likely result from our aggressive, dedicated, and innovative investigations and prosecutions. We believe, then, that our work has had an important impact, and we are committed to making that impact even more meaningful.

Question 7. You state in your testimony that the Department of Justice is not only tracking down creators, distributors, and consumers of child pornography, but that you are also taking steps to identify and rescue the victims depicted in these images. This is a commendable goal. In addition to the Endangered Child Alert Program, which appears to have been successful, what other efforts are you making to achieve this important goal of finding the victims?

Answer. The FBI's Endangered Child Alert Program (ECAP) is the most significant effort by law enforcement to identify, find, and rescue victims of child pornography offenses. In addition, law enforcement works closely with NCMEC's Exploited Child Unit, which is dedicated to locating and identifying victims of child pornography. As a matter of routine, law enforcement will examine a child pornography defendant's collection to identify both known and unknown victims. Material depicting unknown victims is referred to the Exploited Child Unit, which focuses its efforts on trying to locate the victim. We strongly encourage Federal, state, and local law enforcement to work actively with the Exploited Child Unit, and to provide the Unit with all found images of victims, including those images that do not contain sexually explicit conduct. These non-child pornography images often prove to be extremely useful in the identification of victims.

In addition, the Executive Office for United States Attorneys, the Child Exploitation and Obscenity Section (CEOS), and the FBI's Office for Victim Assistance have been working together to develop procedures for according rights to victims of child pornography possession offenses. Pursuant to the Justice for All Act, 18 U.S.C. § 3771, these rights can include notification of court cases where images of their victimization are the basis of charges in Federal district court and the court's consideration of their victim impact statements when available.

In the context of child prostitution cases, we also work closely with state and local law enforcement to accurately identify and rescue children victimized through prostitution.

The Departments of Justice and Health and Human Services have programs that are important in assisting victims of child sexual exploitation, including those who are victims of international and domestic child sex trafficking.

Question 8. Does the Department of Justice benefit from reports that come in to the National Center for Missing & Exploited Children through the CyberTipLine? Are there any improvements to that program and the reporting obligations under Federal law that the Department would recommend?

Answer. Reports to the Cyber Tipline are invaluable, and often lead to successful investigations and prosecutions. As but one example, one child pornography investigation began after Yahoo! reported that someone uploaded images of child pornography to a Yahoo! group. The individual was located, and his computer was seized pursuant to a search warrant. Over 66,000 images of child pornography and child erotica were found on his computer. He was sentenced to 97 months in prison after pleading guilty to receipt and possession of child pornography.

The Department would recommend Congress enact certain revisions to 42 U.S.C. § 13032, which codifies the ISP reporting requirements. DOJ submitted proposed revisions to that section to Congress earlier this year. The revision would amend existing provisions of the law that require certain providers of electronic communications services to report violations of the child pornography laws. Current law provides that a provider who knowingly and willfully fails to report such violations shall be subject to a criminal fine of up to \$50,000 for the initial failure to report and \$100,000 for each subsequent failure to report. Prosecutors and law enforcement sources report that this criminal provision has been virtually impossible to enforce because of the particular mens rea requirement and the low amount of the potential penalty. This legislation would triple the criminal fines available for knowing and willful failures to report, making the available fines \$150,000 for the initial violation and \$300,000 for each subsequent violation. In addition, the legislation would add civil fines for negligent failure to report a child pornography offense. The civil penalty is set at \$50,000 for the initial violation and \$100,000 for each subsequent violation. The Federal Communications Commission would be provided with the authority to levy the civil fines under this section and to make the necessary regulations, in consultation with the Attorney General, in order to carry the fines into effect and to provide an appropriate administrative review process. A civil penalty provision will be easier to enforce, thus making the statute more effective.

Question 9. In your view, are companies that transmit child pornography to NCMEC through the CyberTipLine open to prosecution for a violation of Title 18's prohibition on the transmittal of child pornography?

Answer. Because ISPs are required by statute to report child pornography detected on their systems, they would not be prosecuted for actions taken to comply with that reporting requirement.

Question 10. Does the Department of Justice have adequate resources to keep up with technological advances through its High Tech Investigative Unit? I ask because your testimony makes clear that law enforcement is often playing catch-up with these criminals, who clearly have learned to maximize new technologies such as sophisticated security measures, encryption software and data destruction software to stay a step ahead of law enforcement.

Answer. The President's Budget request for FY 2007 provides the High Tech Investigative Unit with resources sufficient to keep pace with advances in technology and criminal innovation with the same. The challenge to law enforcement, at all levels, working against technology-facilitated sexual abuse and exploitation of children is the digital forensics backlog generally. We note and appreciate Congress's authorization for 30 additional computer forensic examiners within the FBI's Regional Computer Forensic Laboratories system and 15 additional computer forensic examiners within Immigration and Customs Enforcement's CyberCrimesCenter in Section 705 of the Adam Walsh Act, signed by the President in July of this year. This represents an important investment in computer forensics manpower.

Question 11. What percentage of your child pornography cases involves the Internet?

Answer. While this is difficult to quantify, a large percentage of the Department's child pornography cases today involve the Internet.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO
MICHAEL J. BROWN

Question 1. A recent *New York Times* article gives some insight into what appears to be a growing online community of child pornographers and pedophiles. The article states that this online "community"—for lack of a better word—"has transformed in recent years into a more complex and diversified community that uses the virtual world to advance its interests in the real one. Today, pedophiles go online to seek tips for getting near children—at camps, through foster care, at community gatherings and at countless other events. They swap stories about day-to-day encounters with minors. And they make use of technology to help take their arguments to others, like sharing online a printable booklet to be distributed to children that extols the benefits of sex with adults." Is this something that your task force has seen?

Answer. Our officers have encountered these "communities" while online, and do on a regular basis. Most people do not realize that a large number of the "social networking sites" are becoming the UNDERGROUND communities of the 60s . . . and, you have to be invited to participate.

Question 2. Are these people becoming more emboldened by these opportunities to meet and exchange information?

Answer. Most people feel there is a certain amount of anonymity associated with the Internet, and with free wireless sites "shooting up" everywhere without the providers accountable for logging activity on the users part, quite often predators can ply their nefarious activities and remain out of the reach of the law.

Question 3. A recent Atlanta Journal-Constitution article depicts the experiences of undercover investigators with the FBI's Safe Child Task Force in Atlanta:

"At precisely 2:24 p.m. on a recent afternoon, the task force leader sits down at a computer . . . and calls up a popular peer-to-peer file sharing program, the kind many people use to download music."

"At 2:26, using codes and acronyms that would mean something only to pornographers, pedophiles and the police officers who chase them, the agent makes the screen swim wit the titles of hardcore files that appear to feature children being molested."

"Later, he opens a horrifying folder of images. It represents what the task force has collected over years of trolling Websites and chat rooms and raiding pedophiles' homes in a seemingly futile effort to stem the tide of child exploitation."

"Here are little children engaged in every sort of sex imaginable, pleading and with fear in their eyes."

Is this an accurate portrayal of your day-to-day efforts to combat child pornography?

Answer. Yes sir it is, and sometimes multiplied ten fold . . . in our case, our investigators are looking at a young female, as young as 3 to 4 years of age (the images can be either digital images or videos) . . . there is a look of stark fear on her face. She is being forced to perform any number of graphic sexual acts with an adult male or males . . . oral sex, vaginal sex, anal sex; many of the images have another adult male ejaculating on this young girl, most of the time on her face. Image after image . . . video after video . . . hundreds of thousands of them!

Question 4. What's the psychological toll on your investigators?

Answer. After looking at images, day after day, of the type described in my previous answer, we have had investigators that have had to leave the unit and seek counseling because of the emotional distress.

Question 5. What kinds of resources are available to provide them with counseling when they need it?

Answer. Investigators with the Southern Virginia ICAC Task Force (Operation Blue Ridge Thunder) attend mandatory counseling two times a year, in January and August.

Question 6. What distinguishes your Internet Crimes Against Children Task Force from the 40-odd other ICACs around the country?

Answer. I don't believe that we are any more distinguished than any other ICAC Task Force . . . all of them play an important role in helping to protect our children. In my forty-two years of law enforcement experience I don't think I've ever worked with a more dedicated and professional group of criminal investigators . . . investigators like Flint Waters* (WY), Dave Peifer (PA), Ronnie Stevens (NY), Scott Christensen (NE), Mike Harmony (VA) . . . and, retired legend, Sergeant Nick Battaglia (CA). And, being from the Federal system I know what a good administrator is, and the ICAC Task Forces have two of the best . . . OJJDP's Administrator Bob Flores, and Ron Laney, Director, Child Protection Division, OJJDP. I refer to the ICAC Task Forces as "law enforcement's best kept secret."

Question 7. What makes a good ICAC and how do we ensure that all ICACs are effective?

Answer. As in my previous answer, the men and women assigned to the task forces make them some of the best cyber-crime investigators in the world . . . their priority is children and keeping them safe from the sexual predators that lurk on the Internet. The ICAC Task Forces' work under guidelines established by the Department of Justice; guidelines that are adopted by all of the ICAC Task Forces in the form of policies and procedures. It is incumbent for each task force to adhere to those policies and procedures, and all ICAC Task Forces are subject to a peer review process that is one of the most stringent in all law enforcement.

Question 8. What should ultimately be done with pedophiles?

Answer. They need to be prosecuted to the fullest extent of the LAW and tracked through electronic monitoring and regular personal visits by both social service and law enforcement personnel.

Question 9. Can they ever really reenter society and not pose harm to children?

Answer. I think the research conducted so far indicates that neither can be assumed or expected with the current treatment regimens and offender tracking methods.

Question 10. Do you support options such as civil confinement?

Answer. No.

Question 11. You suggest in your testimony that the Federal Government should encourage foreign governments to crack down on child porn in their country. How much child pornography originates abroad, as compared to child pornography that is produced in the U.S.?

Answer. I am not sure of the total amount, however, and depending what source you quote, figures in the range of 30 percent to 60 percent are quoted.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO
ERNE ALLEN

Question 1. Is the CyberTipline effective? Has it contributed significantly to the prosecution and conviction of individuals who possess and distribute child pornography?

Answer. Unequivocally, the answer is yes. When the CyberTipline was created in 1998, the overarching concern was—whom do you call? Much of American law enforcement was not online. There were few specialized investigative units targeting online child sexual exploitation. The Internet was and Internet crimes was that it was multi-jurisdictional and often multi-national.

Our vision was to create a virtual "9-1-1 for the Internet," focusing on child sexual exploitation crimes. The response has been overwhelming. Through October 8, 2006, we have handled 422,703 reports, including 380,256 reports of child pornography. More than 69,000 reports have been sent directly to law enforcement by analysts in our Exploited Child Unit (ECU). Every CyberTipline report is available for review by the Federal Bureau of Investigation, Immigration and Customs Enforcement, United States Postal Inspection Service, and the Child Exploitation and Obscenity Section of the Department of Justice.

The CyberTipline has the ability to conduct historical searches on all reports and report fields, offering an immensely valuable tool for law enforcement agencies in recognizing and avoiding investigative conflicts. In addition, law enforcement agencies often submit information about suspects to be listed alongside CyberTipline re-

*This man could be making a million dollars in the private sector, but he chooses to stay in the public sector helping keep our children safe from the sexual predators that prowl the Internet.

ports in order to alert authorities in other jurisdictions, saving time and investigative resources.

While we often do not receive detailed feedback from law enforcement agencies about case resolutions and thus do not have comprehensive data, we know that thousands of individuals have been arrested and prosecuted as a result of CyberTipline reports. We often learn of these arrests and convictions through media outlets and then update our system.

To give you a brief sense of the impact that the CyberTipline, the following are a few excerpts from recent media reports regarding arrests and prosecutions resulting from CyberTipline leads:

- An October 2006 headline from KWVL in Des Moines, “National exploited children center tip leads to Iowa arrest.” The story reads, “A tip from the National Center for Missing & Exploited Children directed Iowa authorities to a central Iowa man, who was charged with five counts of sexual exploitation of a minor.”
- An October 4, 2006 story from the *St. Louis Post-Dispatch*, “A St. Louis man who prosecutors said had accumulated the most child pornography ever seen in a criminal case in the Eastern District of Missouri pleaded guilty Tuesday rather than face trial.” The report adds, “employees of Yahoo! . . . triggered the case with a complaint with the National Center for Missing & Exploited Children after spotting suspicious material on a Yahoo! website.”
- A September 29, 2006 article from the *Journal-Sentinel* in Wisconsin is headlined, “Funeral Director Given 15 Years for Soliciting Boy.” The article notes that “the message and other evidence were discovered by the boy’s mother, who turned them over to the National Center for Missing & Exploited Children in Alexandria, VA, which in turn contacted the Wisconsin Division of Criminal Investigation.”
- A September 13, 2006 article from the *Tallahassee Democrat* is headlined, “Sex Offender Facing Child Porn Charges.” The article reads, “. . . Rice’s arrest concluded an investigation that involved subpoenas of three e-mail accounts. The Sheriff’s Office received a tip from the National Center for Missing & Exploited Children in June that a Crawfordsville account sent pornographic pictures over the internet.”
- A recent article from the *Tribune-Democrat* in Pennsylvania is headlined, “Five Accused of Sex Abuse.” The article reads, “The alleged sexual abuse came to the attention of Richland Township police in January through information supplied by the National Center for Missing & Exploited Children, authorities said.”
- A March 2006 News Release issued by the Medford, Massachusetts Police Department states that “after a month-long investigation, Middlesex County Sheriff’s Office and the Medford Police affected the arrest of George A. Shipps for online enticement of a 15-year-old female.” They add, “Approximately 1 month ago the MPD Computer Crime Unit received a tip from the National Center for Missing & Exploited Children’s CyberTipline . . . The investigating officers were able to corroborate that information through their investigation.”

There are many other examples. The CyberTipline provides a simple way for citizens to help, and is having impact far beyond what we ever dreamed possible. Yet, perhaps our greatest challenge remains that too few people know about it, and in a time of need, many more may not know how to find it or utilize it.

Reporting of child pornography and online enticement of children should be easier and more universal. We are eager to explore mechanisms that will make reporting easier and more instantaneous, such as a link or icon that enables reporting at the very moment the illegal conduct is detected by the public. Such an icon could serve as a virtual panic button for children in chat rooms and on social networking sites, and an easy way for millions to report without having to know or remember *www.cybertipline.com*. In addition, methods of detecting these websites as soon as they are uploaded onto the web must be developed.

Question 2. You state in your testimony that not all of the online companies that are obligated under Federal statute to report child pornography found in their networks are reporting these materials. Is it a question of the Federal statute that requires the reporting not having enough teeth? Is it a question of liability concerns on the part of the electronic service provider? How can we fix this problem?

Answer. It is both. Though apparently mandated by Federal statute, 42 U.S.C. § 13032, not all ESP’s are reporting and those that do report are not sending uniform types of information, rendering some reports useless. Some ESPs take the position that the statute is not a clear mandate and that it exposes them to possible criminal prosecution for distributing child pornography themselves.

We have been advised that the statute is flawed and thus, unenforceable. In addition, because there are no guidelines for the contents of these reports, some ESPs do not send customer information that allows NCMEC to identify a law enforcement jurisdiction. So potentially valuable investigative leads are left to sit in the CyberTipline database with no action taken.

We are pleased that 256 ESPs, including all of the major companies, are reporting. Yet, hundreds and perhaps thousands more, are not. The statute either needs to be amended so that regulations can be promulgated and the penalty provisions enforced against those who are non-compliant, or we need to develop more effective ways to reassure companies and persuade them to comply.

Question 3. You also state in your testimony that you are not receiving uniform types of information from the companies that are obligated to report child pornography to NCMEC. Do we know what kind of information should be reported in all cases? Should the reporting of this exact kind of information be required by law?

Answer. When it was clear that the underlying statute had fundamental defects that made uniform enforcement virtually impossible, we began a dialogue with the U.S. Internet Service Providers Association (USISPA). USISPA is committed to working with us to ensure that both the spirit and letter of the law are implemented fully, and we have made great progress. Together, we developed “best practices” reporting guidelines to address this problem. The major ESPs are following these guidelines. However, these are voluntary rather than mandatory, so there is no enforcement mechanism for those who choose not to follow them.

We believe it essential that all ESP reports contain certain key elements:

- Subscriber information associated with the image of suspected child pornography: subscriber’s screen name, user identification name, e-mail address, website address/Uniform Resource Locator (URL);
- History of the image transmission: when the image was uploaded, transmitted, reported to or discovered by the reporting company, including a date and time stamp and time zone;
- Geographic identifying information: location of the subscriber, the hosting website or URL, including area code, zip code or Internet Protocol address.
- The image of apparent child pornography.

The current reporting statute also constrains NCMEC in that it permits us to forward the CyberTipline leads only to U.S. law enforcement. This is a real problem, considering the global nature of the Internet. As an example, there is a portion of one major ESP system based in the U.S. that is used primarily in Brazil. This ESP wants us to send information about child pornography they find on their customers’ accounts to Brazilian law enforcement. But we are prohibited from doing so.

Question 4. If the CyberTipline produced more and better information about child exploitation online, would that information be of benefit to law enforcement officials and prosecutors?

Answer. Yes. There would be more reports that are “actionable” by law enforcement, therefore leading to more prosecutions and convictions. Comparing the total number of reports received versus the number of reports the ECU analysts are able to send to law enforcement directly demonstrates that more information being submitted into the CyberTipline is essential for referral to law enforcement.

Those who prey upon children and distribute child pornography are identified and brought to justice based upon images and information. If we are able to receive and assess better and more complete information, more offenders will be identified and prosecuted successfully, and more children will be rescued.

Question 5. You state in your testimony that Federal law does not currently require an electronic service provider to retain connectivity logs for their customers on an ongoing basis. These logs essentially tell the date and time of particular on-line activity. What are the objections to providing such logs to NCMEC?

Answer. Some companies as a policy do not store the logs of IP’s long enough to provide the data. Current regulations do not state that an IP address is required during reporting and as a result, it is not provided.

We do not recommend that these logs be provided to NCMEC. We do recommend that they be retained and available to appropriate law enforcement agencies for investigative purposes. It is a vital, yet currently missing link in the chain from detection of child pornography to conviction of the distributor. Once our CyberTipline analysts give law enforcement all the information they need about specific images traded on the Internet, there can be no prosecution until the date and time of that on-line activity is connected to an actual person. There is currently no requirement for ESPs to retain connectivity logs for their customers on an ongoing basis. Some

have policies on retention but these vary, are not implemented consistently, and are for too short a time to have meaningful prosecutorial value.

Question 6. Some have suggested that the National Center for Missing & Exploited Children should have the power to require that a company reporting an instance of child exploitation through the CyberTipline retain—or preserve—evidence of the exploitation. Is this authority that NCMEC should have? Why or why not?

Answer. Yes. NCMEC should have the authority to direct an ESP to retain and preserve such evidence. However, the material should not be turned over to NCMEC. That action requires an administrative subpoena, and must be the sole prerogative of law enforcement. Nonetheless, we should have the authority to direct an ESP to preserve the evidence.

NCMEC should have this authority on any CyberTipline report that is sent to law enforcement by our analysts. A prerequisite for such a referral to law enforcement is that there must be a determination that there is illegal activity and as a result, data should be preserved. The large caseloads of some law enforcement agencies may delay the administrative paperwork needed to secure the data from an ESP. The CyberTipline could be the first “trigger” on such cases to ensure that the necessary data is preserved and available for investigation. USISPA on behalf of the major ESPs has indicated support for NCMEC having such “preservation” authority.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO
SHARON W. COOPER, M.D.

Question 1. The victims of child pornography that Sheriff Brown describes in his testimony shut their eyes or show fear on their faces. Clearly, they are experiencing a deep trauma that most of us cannot begin to imagine. Could you share with the Committee—based on your years of experience treating victims of child sexual exploitations—what the physical, psychological and other effects of child pornography are on its victims?

Answer. The victim impact of child pornography is inclusive of what we know to be the victim impact of child sexual abuse. Both from my knowledge of the literature and my experience, there are a multitude of emotional and behavioral problems that are relatively common occurrences in child sexual abuse, to include depression, low self esteem, higher incidence of suicidal behaviors, eating disorders, anxiety, post traumatic stress disorder, substance abuse, compulsive disorders, self-injurious behaviors, run away behaviors and most importantly, child victims who have an increased incidence of self blame and a decreased ability to establish a sense of trust. Diminished academic achievement is another common outcome of child sexual abuse.¹

When child pornography is an additive factor in the victimization of children, even more problems may be seen. Fear of recognition in the photos or on the Internet seems to be the most important deterrent to victim disclosure because of humiliation. If multiple offenders are involved, there is an increased the risk for genital and anal trauma and sexually transmitted diseases. Even if one offender is the producer of these images, physical injury may occur because of the frequency of the sexual assaults. In sadistic images, children are often bound, gagged, and blind-folded which has the risk of suffocation and aspiration as children cry and sometimes vomit when their distress increases. Children are also physically placed at risk of death because of drugs used on occasion to assure cooperation. Such was the case of Thea Pumbroek, a 6-year-old child who died from an overdose of cocaine in an Amsterdam hotel where she was being pornographically photographed. It is important to note that some child abductions are associated with sexual abuse and pornography production. In these cases, extortion becomes part of the modus operandi and leads to further coerced compliant victimization.

Of concern is the fact that child therapists today are in the first stages of training and understanding regarding victimization of Internet pornography. One important aspect of treatment is to address all of the components of abuse that a child has suffered, to reassure them that they were not responsible and that the offender was misdirected in their motives to cause the child harm. One case that I reviewed was of three 8-year-old victims who had been in therapy for 2 years, and not once had the subject of pornography even been raised by the therapists. Although these therapists knew that child pornography production was part of their victimization, the children never discussed this most important aspect of their exploitation. It was

¹ Berliner L, Elliott D. Sexual Abuse of Children IN: *The APSAC Handbook on Child Maltreatment 2nd Edition* by Myers, JEB, Berliner L, Briere J, Hendrix CT, Jenny C, Reid TA. Thousand Oaks CA SAGE Publications. 2002. 55–78.

clear that the therapists did not know how to embark upon this issue either. A recent meeting of experts in Sweden revealed that such victims are loath to disclose their abuse. The reasons include:

- a. That the children feel that they are seen to have let the abuse happen without stopping it;
- b. That they may have been smiling as they were directed to do, and others would think that they were enjoying the abuse;
- c. That the index children may have been encouraged to recruit other children for sexual abuse and therefore were “responsible bystanders”(e.g. from their schools during sleepovers as was the case in a landmark investigation involving more than 40 early elementary school aged victims)
- d. That the children and youths were encouraged to be proactive in their own exploitation (i.e. masturbation) or that of other children (i.e. mutual sexual offending);
- e. That the children and youths were shown their own abuse images with threats of exposure to their non-offending parent(s) or other significant people in their lives to prove that they cooperated and did not stop the abuse.²

Of additional note is the compelling research regarding later criminal outcomes of child victims of sexual abuse, citing the fact that victims of sexual abuse are 28 times more likely in their lives to be arrested for prostitution, as compared to children who have not been sexually abused.³ There is insufficient research at this time to confirm the suspicion that child sexual abuse associated with pornographic exploitation may have an even higher outcome of exhibitionism in association with prostitution (exotic dancing, employment in sexually oriented businesses, etc.) However, the nexus of exploitation through prostitution and runaway or throwaway life experiences is well known. It is also known that a common means of coercing a runaway youth into prostitution is to sexually assault him or her and pornographically photograph them with subsequent extortion into commercial exploitation in prostitution.

Question 2. Why do individuals collect these images of child sexual exploitation?

Answer. Evaluation of incarcerated offenders who have collected Internet child pornography reveals seven common reasons for this illegal behavior. There is intense study being conducted of Internet offenders because of concerns regarding web addiction. There is an aspect of the Internet called the concept of the “triple-A engine” of accessibility, affordability and assumed anonymity which allows individuals to explore sexual desires without the risk of embarrassment and with an eventual elevated sense of security. A brief summary of the seven motivations are:

- a. As a means of sexual gratification through visual stimulation for masturbation.
- b. As a plan for action (to sexually abuse other children who are available to the offender).
- c. Images as a collectible and medium for exchange and trading.
- d. Collecting as a way of facilitating social relationships with like-minded individuals.
- e. Collecting as a way of avoiding “real life” relationships and social problems; This is sometimes described as a form of displacement activity.
- f. Collectors have reported that they collect images to avoid contact offenses with children, therefore this is for them “a form of therapy”; This clearly underlines their misunderstanding that collecting images increases the demand for more images and escalates the cycle of child sexual abuse for exploitation purposes.
- g. As a means of learning to navigate the Internet with child pornography as the final goal (e.g. learning encryption, entering newsgroups, mastering peer-to-peer networks, etc.).⁴

²Palmer T: Behind the screen: children who are the subjects of abusive images. In: Viewing Child Pornography on the Internet Understanding the Offence, Managing the Offender, helping the victims Dorset England. Russell House Publishing 2005: 61–65

³Widom CS *Victims of childhood sexual abuse—later criminal consequences* (NCJ151525). Washington DC; U.S. Department of Justice, National Institute of Justice.1995.

⁴Quayle e, Erooga M, Wright L, Taylor M, Harbinson D. Abuse Images and the Internet. In: Only Pictures? Therapeutic Work with Internet Sex Offenders Dorset England. Russell House Publishing 2006 1–6.

Question 3. What motivates them? For example, are images of child sexual exploitation used to sexually exploit other children? Are they just used for their own gratification?

Answer. The realization of offender motivations has changed how I evaluate child sexual abuse cases which come to our regional clinic. Now, when a young child describes being victimized in manners that I have seen in child pornography images, I later discuss with law enforcement officers the possibility that the offender has been collecting child pornography. In several cases, this has been found to be true. I also now routinely ask about computer access to juveniles who are committing sexual offenses against younger children. Many of my victim patients report that the teen was looking at adult pornography on the Internet, immediately before sexually assaulting them. The role of sexual excitation and disinhibition by exposure to both adult and child pornography cannot be underestimated. For teens, it appears that accessing adult pornography on the Internet plays a role in causing them to become opportunistic offenders.

Question 4. Is there any kind of profile of people who try to obtain child pornography online?

Answer. I am unaware of specific profiles of child pornography collectors except to say that research suggests that the Internet can have an effect on individuals who have problematic sexual behaviors in general. It is now thought that the Internet may:

- a. Alter mood.
- b. Lessen social risks and remove inhibitions.
- c. Enable multiple self representation.
- d. Show evidence of group dynamics.
- e. Validate, justify and offer an exchange medium.
- f. Challenge old concepts of regulation.
- g. Disrupt and challenge conventional hierarchies.
- h. Empower traditionally marginalized people and groups.⁵

Question 5. What is the connection between child pornography and other forms of child exploitation?

Answer. There is a connection between child pornography and other forms of child sexual exploitation. The best way to conceptualize this is through examples. There are 5 types of child sexual exploitation—child pornography, prostitution of children and youths, child sex tourism, cyber-enticement and human trafficking. Child pornography often plays a role in each of these forms of exploitation.

a. Prostitution occurs in different venues, but when teens are recruited as run-aways from hubs of transportation or the streets, “breaking them in” often entails multiples sexual assaults, physical battering, and pornography as extortion, education, and entry. With the advent of the G3 technology found in cell phone cameras, Japan experienced in 2003 a 95 percent rise in child prostitution.⁶

b. In the several child sex tourist cases that I have been involved in, child pornography is the common thread of evidence that an offender had traveled to a foreign country to have sex with children. When these offenders are U.S. citizens, they typically return with their “keepsake” of photos, videos, DVDs or evidence that they have mailed these forms of contraband ahead, so that they will not be discovered upon re-entry into the United States. Australia was the first country to note the connection between sex tourists and our sex offender registry. Many Americans would rather leave our country and have sex with foreign children than be caught and convicted of a sexual crime against a child here. Most of the sex tourist cases that I’m familiar with involved children from as young as 4–5 years of age, through early adolescence.

c. Enticement cases may frequently involve child pornography. Offenders encourage victims to send erotic and eventually pornographic images of themselves either through digital photos (produced by cameras that the offender supplied to the victim) or web cams as live streaming images. Many times, the offender will send self-made nude photos in order to desensitize the exchange process and normalize the requests of return nude images, followed by sexually explicit self-made images, asking for the same from the victim. This aspect of cyber-enticement which entails child pornography has been reported by rescued

⁵ Quayle e, Erooga M, Wright L, Taylor M, Harbinson D. Abuse Images and the Internet. In: Only Pictures? Therapeutic Work with Internet Sex Offenders Dorset England. Russell House Publishing 2006 8–11.

⁶ <http://www.ecpat.net/eng/index.asp> Accessed 8 October 2006.

youths. Investigators frequently report having found child pornography memorializing the sexual assault encounters produced as part of the mechanism of extortion of the victim into silence and as a future source of fantasy and medium of trade.

d. Human trafficking both from an international and domestic perspective may also entail pornography production. The reasons are the same—extortion into compliance through humiliation and shame as well as marketing. Teens trafficked from the east coast to the Pacific Northwest to work as underage minors in remote bars and brothels or to be prostituted on the streets describe the role of pornography as a means of control and a deterrent to returning home to families, teachers, and friends who would no longer want them after seeing them participating in sexually explicit acts.

Question 6. Is there a link between being in possession of child pornography and actually sexually assaulting a child?

Answer. The question of possession of child pornography and contact offenses has been discussed by several law enforcement agencies. Contact offenses may have occurred before child pornography was ever accessed on the Internet, or afterwards. There are 3 frequently cited studies:

- a. The U.S. Postal Inspection Service estimates that 1 out of 3 of their investigations of child pornography possession revealed that there was also evidence of contact offenses against children;
- b. The Toronto Child Sexual Exploitation Police confirmed a 46 percent incidence of contact offenders in their investigations of child pornography;
- c. The Federal Bureau of Prisons who conducted sex offender treatment in the largest group of incarcerated child pornographers in the U.S. at Butner Federal Prison in Butner, North Carolina, found that disclosure of contact offenses were made in 76 percent of those inmates in therapy, who were arrested and convicted of possession of child pornography.

Question 7. Does exposure to child pornography lead individuals to sexually assault children?

Answer. It is believed that exposure to child pornography does lead some individuals to sexually assault children, because the images normalize, rationalize and justify such behavior. Of particular note is the indication that the more number of images that are available on the Internet, the greater the belief by those who collect such images, that sex with children is normal, acceptable and most importantly, a mainstream behavior.

Question 8. You've stated in your testimony that the normalization of sexual harm continues to be heavily promoted. How is sexual harm being normalized? What examples can you give? How is this impacting the sexual exploitation of children?

Answer. The term—"normalization of sexual harm" has now become accepted among prevention organizations in the U.S. to describe unhealthy sexual messages which are increasing in media, advertising, fashion, entertainment, music, and literature. The unhealthy sexual messages promote that relationships should be based upon power not respect, that women and girls are commodities, that it is acceptable to sexualize children and that the vernacular of prostitution and pimping should be glamorized and glorified, particularly in adolescent culture, in music and in music videos. The validity of these observations was discussed at a Prostitution Roundtable held in March 2006 at the National Center for Missing & Exploited Children during which time Federal and state investigators who specialized in child and youth prostitution, youth prostitution rescue and recovery program directors, and social scientists agreed that the "Pimps and Hos" culture has done much more harm than good to American youths. Examples include (but are not limited to):

- a. Thongs marketed by Abercrombie & Fitch for 6–10 year olds with the logos positioned over a child's vagina of "eye candy" (a term reserved for the centerfold of pornography magazines).
- b. Padded underwire bras for 6-year-old girls clearly designed to give the impression of breast development in young children by LaSensa Girl(Canadian clothiers).
- c. New infant garments marketed with the logo "Pimpfant."
- d. MTV's television program about old cars which when rebuilt are beautiful and desirable, called "Pimp My Ride."
- e. CWT's similar television show about old trucks called "Trick My Truck."

- f. Bell Canada which recently ended a cell telephone ringtone option called "Pimptones" which included a loud slap followed by a woman's scream, as one of several pimp-prostitution related options.
- g. VH1s reality television show rated as the most popular reality show called Flavor of Love, which is a sitcom model of a pimp who invites women every week to fight each other to become his prostitute.
- h. MTV2s most recent highly publicized cartoon (shown at 12:30 on a Saturday afternoon) of a cartoon character named for Snoop Dogg (a well known rapper and self professed pimp) walking through a park with 2 women with dog collars and leashes; The most offensive part of the cartoon was a point when one of the women defecates on the sidewalk with commentary by the Snoop Dogg character.
- i. T-shirts marketed with logos on the back stating "I support single mothers" but on the front a well recognized silhouette of a female pole dancer and the caption "One dollar at a Time."
- j. Victoria Secret's new Brothel Campaign which was launched in October of 2005.
- k. The BET music awards of 2005 which were televised and reported to have the highest cable viewer rating, highlighting the song *Cater 2 You* by Beyonce and Destiny's Child where the entertainers performed lap dancing on stage (usually a very sexually explicit strip club behavior).
- l. The music video industry which promotes selection after selection of music with sexually explicit and degrading lyrics noted in a recent national survey in the journal *Pediatrics*, August 2006, to be associated with teens who have earlier onset of sexual intercourse and earlier noncoital sexual activities e.g. oral sex.
- m. Popular videogames such as Grand Theft Auto Vice City which has as its special skills rewards for killing a policeman and having sex with a prostitute and then beating her up and taking her money back.
- n. Teen books reviewed by the *New York Times* this year as "scary" because of the sexually exploitive themes presented in series books such as *The "A" List* (Dean), *The Gossip Girls* (von Ziegesar) and *Clique* (Harrison).
- o. The 78th Academy Award achievement in music given in 2005 to the song, "It's Hard Out Here for a Pimp."
- p. Brand on Sale's online Pimps and Hos Halloween costumes for children which have been sold-out for 2 years running; This is the 3rd year of marketing.
- q. Music adolescent icons websites and photo spreads such as Britany Spears on the cover of *Rolling Stones Magazine* in topless profile view.

Presentations on this subject with many more examples have been made now at numerous national meetings of health care providers, child abuse and sexual assault prevention specialists, adolescent pregnancy prevention programs, child welfare professionals, prosecutors and investigators of child sexual exploitation, the Congressional Black Caucus, military Family Advocacy Program managers, forensic nurse examiners, psychologists who specialize in the sexual abuse of children and community activists and child advocates in the United States, Canada and Europe. There has been an overwhelmingly positive response to the realization that the landscape of children and youths today is riddled with a sexual toxicity that defies no other known era in the history of America. It is this realization that mandates civic action from the family and individual to society at large.