

S. HRG. 105-214

**PROLIFERATION OF CHILD PORNOGRAPHY ON
THE INTERNET**

HEARING
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
ONE HUNDRED FIFTH CONGRESS
FIRST SESSION
SPECIAL HEARING

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PROLIFERATION OF CHILD PORNOGRAPHY ON THE INTERNET

TUESDAY, APRIL 8, 1997

U.S. SENATE,
SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Judd Gregg (chairman) presiding.
Present: Senators Gregg and Hollings.

NONDEPARTMENTAL WITNESSES

STATEMENTS OF:

**ERNEST E. ALLEN, PRESIDENT AND CEO, NATIONAL CENTER FOR
MISSING AND EXPLOITED CHILDREN
DIANE DOE, PARENT ADVOCATE**

Senator GREGG. This hearing today involves the issue of child pornography and solicitation of children for sex over the Internet, and it is an attempt to address an issue which I think is growing and which we as a Nation must be more concerned about.

Currently, there is a large community of individuals, unfortunately, who share pornographic pictures of children and actively seek sexual relations with minors using the Internet. When my children were young, I would tell them never to talk to strangers, and I think that is something many parents say to their children: "Don't talk to strangers." Well, unfortunately, today the stranger is in your house and coming into your house through the Internet. The question is: How can we address that?

I am interested in this hearing not only relative to the efforts that the law enforcement community is making to stop these illegal activities and illicit activities, but also for recommendations from the Federal Bureau of Investigation [FBI] and the National Center for Missing and Exploited Children regarding avenues of prevention and protection which all of us can tell our own children.

At this time there are 6 million children in the United States who have ready access to the Internet, but by the year 2002 it is expected that there will be approximately 20.2 million children using the Internet. Unless precautionary measures are taken, the number of children who are exploited by sexual predators on the Internet will grow.

Time and again, the U.S. Supreme Court has ruled that any pictures depicting a child in a sexually explicit way are illegal. Dis-

semination of it is also illegal. My interest in this subject is to facilitate the enforcement of laws that are already in place, to investigate the need for new laws, and to protect our children from individuals who are breaking those laws.

Enforcement of the law is only one way that we can protect our children from sexual exploitation on the Internet. We, as a Nation, need to educate ourselves, our children, and our communities about ways to avoid contacts with sexual predators or child pornographers who are online. Parents need to become more involved in their children's use of the Internet. It is an important source of information and a stimulation that can be enjoyed by just about anyone. However, it can be a dangerous place where children are in contact with and can converse with strangers whose names and identities are hidden and protected. Parents and teachers need to be aware of both aspects of the information highway and to proceed with caution.

I have found that there is little material available to parents and teachers to offer guidance on how to monitor children's use of the Internet. It is for this reason that I have drafted a booklet, which we have with us today which is entitled, "Child Pornography and the Internet: What Every Parent, Teacher, and Child Should Know" which I will place in the record. The purpose of this booklet is to simply assist parents in how to deal with children using the Internet. It is my hope that this outreach will help educate parents and children and will assist us in saving children from becoming victims of this vast anonymous activity on the Internet, which is so predatory.

I welcome any recommendations with regard to prevention strategies from the FBI and the National Center for Exploited Children, or any other interested group, and I feel that it is important that our Nation work together to help stop these insidious crimes.

[The information follows:]

CHILD PORNOGRAPHY AND THE INTERNET: WHAT EVERY PARENT, TEACHER, AND
CHILD SHOULD KNOW

What is Child Pornography?

Child pornography is the real or virtual depiction of a child posing in or performing a sexual act. Some of the pictures available on the Internet are of real children and some are digitally enhanced to look like children. All of these pictures are illegal.

Child pornography is not protected by the First Amendment to the Constitution. Time and again, the U.S. Supreme Court has acknowledged our nation's right to protect our children from sexual exploitation. In addition, the Supreme Court has held that the Constitution does not protect the right to possess child pornography in one's own home.

How Does the Internet Play a Part in the Distribution of Child Pornography?

By the early 1990's, the cottage trade of child pornography was almost nonexistent, due to the U.S. Postal Service's commitment to catching child pornographers who distribute material through the U.S. mail. Today, the accessibility to the Internet has played a significant role in resurrecting the child pornography industry. Child pornography produced as far back as the 1960's is now being re-released. The Internet also has created a demand for new material. In addition, there is a substantial amount of written material containing graphic descriptions of child sexual abuse that is distributed over the Internet. Pedophiles have essentially created a virtual community where they can support each other and further validate the distribution of child pornography.

Currently, the avenue for distribution of sexually exploitative material is through chat rooms visited primarily by pedophiles and child pornographers. In these chat

rooms, the offenders speak freely about their desire to trade pictures. Anyone who taps into the chat room is immediately solicited for pictures of themselves or of other children, who are depicted in a pornographic manner. In addition, pedophiles will often share the names of children with whom they currently have a relationship. In this way, pedophiles will "pass around" their victims.

Many times, children are solicited by child pornographers or pedophiles who tap into "kids-only" chat rooms and pose as children themselves. Some offenders will overtly solicit sexual favors from users they know to be children. Others seek to develop relationships with children in the chat room, encouraging them to meet and, then, sexually violating them.

Children Who Have Been Exploited by Cyberspace "Buddies"

Unfortunately, not every child is informed about the dangers of meeting up with strangers they meet over the Internet. Following are a few true stories that depict the very real dangers that exist on the Information Superhighway.

—August 1996—A 35-year-old Long Island, New York, man was charged with using America Online to lure a 14-year-old boy into an illicit sexual encounter.

The offender met the boy via a chat room, arranged a liaison, and had sexual contact while the boy's parents were out.

—April 1996—A 66-year-old Tampa, Florida, man was charged with attempting lewd conduct with a child and arrested on charges of cruising the Internet for illicit purposes by soliciting a teenager for oral sex. The man allegedly transmitted a pornographic picture over the Internet and was arrested in Tampa at what he thought was a rendezvous with a 15-year-old girl.

—March 1996—A 32-year-old former Mississippi disc jockey was sentenced to six years in prison for using his personal computer to arrange a sexual liaison with someone he thought was a 13-year-old boy. The man pleaded guilty to transporting child pornography by computer and traveling across state lines for a sexual encounter with a child.

—October 1995—A 29-year-old Keizer, Oregon, man was convicted of third-degree rape for having sex with a 14-year-old girl he met on the Internet. The girl encountered the man while using her father's computer to exchange messages with other teenagers via computer bulletin boards and the Internet. The man, who is married and has two children, developed a relationship with the girl and eventually moved from Internet communications to lengthy telephone conversations with her.

—August 1995—A 40-year-old Fort Lauderdale, Florida, man was charged with sexual battery after he persuaded a 15-year-old girl he met on-line to run away and meet him in Orlando, Florida, where he raped her in a hotel room. He then took the girl to his Fort Lauderdale home where she used his computer to contact a friend who then helped her to flee.

What is Being Done to Catch These Offenders?

In 1993, the kidnapping of a Maryland boy led police and the Federal Bureau of Investigation (FBI) to two suspects who allegedly had used their computers to contact and sexually abuse and solicit several juveniles along the Atlantic seaboard. Further investigations into these suspects' activities led the FBI to the discovery of wide usage of the Internet by child pornographers and pedophiles to distribute child pornography and to solicit minors for sexual encounters.

This discovery prompted the FBI to launch an investigation, dubbed "Innocent Images." This initiative is an undercover operation coordinated by the Child Exploitation and Obscenity Section of the Justice Department's Criminal Division to identify and develop criminal cases against individuals who use America Online to recruit minors for sex or who use it to distribute child pornography.

The undercover agents go on-line, posing as children, and tap into chat rooms that are designed for children only or are known to be places where child pornographers contact each other to swap pictures. The agents wait until they are solicited and when they are contacted, they launch an investigation against those individuals who are actively distributing child pornography or are actively soliciting minors for sex.

At this time, Innocent Images has produced over 80 convictions. Unfortunately, there are potentially thousands of individuals who go on-line every day with the express purpose of soliciting child pornography or sex with minors.

The FBI will be increasing its efforts to combat Internet child pornography as part of its new Office for Crimes Against Children. This office will work to prevent a variety of crimes against our nation's children; one of its primary focuses will be to prevent child pornography over the Internet.

What Can Parents, Teachers, and Children Do to Avoid the Dangers of Cyberspace?

Kids:

Be aware that there are people on-line who are looking to harm you. Notify your parents or teacher and the police if you receive any kind of solicitation that is sexual or threatening in nature or that simply makes you feel uncomfortable. Do not respond to this kind of message.

Never give out your name, address, phone number, the name of your school, or other personal information to anyone on-line without your parent's permission.

Never agree to meet anyone who has contacted you on-line without your parent's permission. Thousands of children are abducted each year by strangers whom the children mistakenly trusted.

You have a responsibility to yourself and your community to report any on-line contact that may be harmful to you or another child.

Parents:

You should talk to your children about the information contained in this pamphlet. Both parents and kids should be educated about the types of predators to avoid. Be sure that your children are aware that not all "friends" whom they meet on the Internet will be well-meaning.

Consider using a pseudonym for your child on the Internet. Contact your service provider about how to unlist your child's name from its E-mail list.

Should your child request to meet in person a friend whom he or she has met on-line, make sure that the meeting is in a public place and you accompany your child to the meeting.

Household computers should be kept in a common area, such as a family room or the kitchen. It is easier to be involved in your child's exploration of the Internet and see what kinds of people he or she is meeting when the computer is not in the privacy of a child's bedroom.

Parents should learn more about computers and how to access the chat rooms and Websites that your children visit often. Most parents will never know as much about computers as their kids do; however, anyone can learn the basics. If you need help logging on, or finding what you're looking for, ask your kids to help you. This is a good way to let them know that you care about their interests and what they do when they go on-line.

Encourage your children to tell you about anything that they receive on-line that makes them feel uncomfortable. Contact the local authorities or your regional FBI office if you find that your child has received inappropriate sexual or threatening material via E-mail or on-line chat rooms. Do not allow your child to respond to this type of contact.

Remember that, even in cyberspace, the most vulnerable children are those with low self-esteem. Encourage your children to find friends and interests outside of the Internet.

If your child spends an inordinate amount of time on the Internet, or is on-line late into the night, this may be an indication that there is a problem.

Teachers:

Keep an eye on your students' explorations on the Internet. Supervision of usage can be the best prevention.

Contact your local authorities or regional FBI office immediately if any of your students receives inappropriate sexual or threatening material via the Internet. Do not allow your students to respond to this type of contact.

Parents and teachers:

There is a variety of software available for parents to help filter out chat rooms and Websites that are inappropriate for your children. You may want to contact your on-line service company to inquire about the type of protections that it offers. It is important to be aware, however, that these filters do not offer 100 percent protection against the invasion of predatory individuals who may seek out your child. For instance, none of the filters can provide protection against explicit material transmitted by E-mail. All of the above suggestions are still viable protections that can be used in addition to an on-line filter.

Who to Contact and What to Do if Your Child is Solicited On-line

First, contact the local police. In some towns, the local Police Department is equipped to investigate computer crimes such as on-line solicitation of a minor.

Second, contact your regional FBI office. The listing for this office should be in your local phone book.

Third, contact the National Center for Missing and Exploited Children (NCMEC) at 1-800-843-5678. The NCMEC can be a great source of information and support. In addition, the Center works closely with the Department of Justice's Office of Juvenile Justice and Delinquency Prevention to prevent the exploitation of children.

Fourth, contact your on-line service provider and let them know that someone is using its service to transmit or solicit child pornography or solicit sexual material or services from your child.

In addition, you may want to contact your school and your children's friends' families who also have access to the Internet. Let them know how your child was contacted and what to avoid. It is important that everyone in your community be educated as to how to avoid sexual predators on-line.

Where to Find More Information About Protecting Your Kids From Exploitation

The National Center for Missing and Exploited Children. Toll free phone number: 1-800-843-5678. E-mail: 74431.177@compuserve.com.

The National Crime Prevention Council Presents McGruff & Scruff and the CRIME DOGS. Toll free phone number: 1-800-WE PREVENT. Website: <http://www.lois.net/crimedog/>.

Office of Juvenile Justice and Delinquency Prevention. Website: <http://www.ncjrs.org/ojjhome.htm>.

The Child Abuse Yellow Pages. Website: <http://idealist.com/cayp/>.

Senator GREGG. Now I would yield to the ranking member, Senator Hollings, for his comments.

Senator HOLLINGS. Mr. Chairman, let me thank you for setting the hearing. Last year we enacted the Telecommunications Act of 1996, and at the time we treated in depth this problem of pornography on the Internet. Under the leadership then of Senator Exon of Nebraska, we moved forward, and I thought we had a good, balanced, constitutional proviso to prevent this pornography. But it has already been set on appeal, and it is being taken up by the courts.

In the meantime, of course, as you have mentioned, we have got the National Center for Missing and Exploited Children that has four divisions around the country, one in my State. They are doing an outstanding job, and I think we will find out again from the witnesses here that the problem is real. I do not think we are behind the curve, but I think maybe we are just in time. And I think we have got to really do everything we can to possibly support not only the center and other entities, but particularly our own Federal programs, the FBI, and others, who are already working in the field. I appreciate very much the hearing.

Senator GREGG. Thank you, Senator Hollings.

Our first two witnesses, if they would come up to the bench, are: Ernest Allen, who is the president and CEO of the National Center for Missing and Exploited Children; and Diane Doe. We would ask the press relative to Ms. Doe, relative to filming Ms. Doe, if you could show some restraint. She is going to tell a personal story, and she has been very generous and brave, I think, to come forward. But she has asked, to the extent possible, to have some anonymity for the sake of her family, and I think that is a reasonable request.

Mr. Allen, if you could give us your thoughts on this issue?

Mr. ALLEN. Thank you, Mr. Chairman and Senator Hollings. I have submitted a formal statement.

Senator GREGG. Yes; and that will be made part of the record.

Mr. ALLEN. Thank you very much. What I would like to do is briefly summarize. Let me begin by thanking you for your leadership and for the support of this committee. The national center, as you know, for the past 13 years has served as the congressionally

designated national resource center and clearinghouse on the missing children issue. We are grateful for your support and for Senator Hollings' support over those years, and we believe that we have made important strides in protecting children.

But a coequal part of our mission and our function is to address the whole area of child sexual exploitation. We have done that in a number of ways. For the past decade, we have operated the National Child Pornography Tipline in conjunction and cooperation with the U.S. Customs Service. Leads received through that tipline are provided to our Federal law enforcement partners, to the FBI, to the Customs Service, to the Postal Inspection Service, and to the Justice Department's Child Exploitation and Obscenity Section.

We are also expanding our role in the area of helping exploited children, and just in the last Congress, the Treasury Appropriations Subcommittee of this committee provided financial support to create at the center an exploited child unit which would do in exploited child cases what we do currently on missing child cases, working with State and local law enforcement, and we are grateful for your support in that area as well.

So what we are attempting to do is to focus on two primary areas of victimization in terms of the Internet and the online world. The first is the enticement of children online, and we are aware of 50 or 60 such cases. There are not thousands. We think there are more than we know about, but the Internet, technology, cyberspace, can be a tool used by pedophiles, just as other sorts of tools are used, to win the confidence of the child, to gain access to the child, and then to victimize the child.

Mr. Chairman, as you point out, there is a second area of focus is the whole issue of child pornography on the Internet and online. Since the *Ferber* decision of the Supreme Court in the 1980's indicating that child pornography is not protected speech, we think that some very significant things have happened. Through the leadership and the work of Federal law enforcement, particularly the Customs Service and the Postal Inspection Service, child pornography is largely gone from the shelves of adult bookstores. And through the crackdown of the Postal Inspection Service, child pornography through the mails is far less a problem than it was earlier.

The problem, however, today is that it has become more covert, more insidious, and better networked as pedophiles and those who prey upon children have sought the relative anonymity of the Internet, of the online services in cyberspace, to trade images and information to gain access to children and then to victimize children.

So what we have tried to do as an organization is attack the problem in three ways. The first is through basic prevention education. As you were doing, Mr. Chairman, with your publication, we have tried to do the same thing as well, to reach out to families. Families and children do not truly appreciate that in this powerful and important medium there are some risks. A lot of parents do not know what their children are doing online, and they have a false sense of security: My child is at home; he is in his room; he is doing something positive and productive that is going to help

him in the future. And for a lot of kids, there is a world of unreality. It is like a glorified computer game.

What we have tried to do—and we have disseminated almost 2 million of these—is we have produced a publication called “Child Safety on the Information Highway.” I know the members of the committee have seen this. Our attempt is to provide positive information to parents and kids about how to use this important tool responsibly and safely.

Second, in partnership with Federal law enforcement, we have created mouse pads. The goal of the Federal Government is to wire every school in America for the Internet by the year 2000. Our goal is to make sure that every PC and modem located in a school that is wired to the Internet has one of these mouse pads with, again, safety information, positive information about the use of the Internet. As you will note, on the mouse pads, there is the logo of the national center, in addition to the FBI, Customs, and the Postal Inspection Service. So those are the kinds of outreach things we are trying to do.

A second part of our strategy has been to support and encourage the development and use of technology tools—access controls to give parents the ability to limit where their kids can get and the vulnerability to their kids online. And I think important progress is being made.

But today I would like to focus on the third part of our strategy, and I think I can tell you that we are making great progress as a Nation, but there is a lot more to do. And that is just basic enforcement. The reality is child pornography is not protected speech, and regarding the whole debate over privacy rights, the reality is those who are misuing the Internet—those who are misusing cyberspace for illegal purposes—need to be identified, need to be prosecuted. We need to pierce that veil of anonymity.

I want to commend Director Freeh and the leadership of Federal law enforcement because I think we have made important progress. The innocent images task force has brought to the Nation’s attention the fact that there is such a problem. Important prosecutions are being made. People are being identified.

The Customs Service has established a new child pornography unit, an expanded effort for Customs that is focusing on this problem. They are making important progress.

One of the great areas of need, however, in our judgment, in addition to expanding that Federal presence and the Federal resources, is to build expertise and specialized units at the State and local level. The reality is, while this is a global medium, the victims are local. And victim families and victim children are victimized by this medium just as they have been victimized in the past by pedophiles in other ways.

Unfortunately, there are not a lot of specialized units out there in local law enforcement. There are some significant exceptions—the San Jose high-tech crimes unit. There is a very important effort here in the Washington, DC, metropolitan area. But there are a lot of police departments that still do not even have personal computers and modems.

One of the things that the center is trying to do as part of our public-private partnership is to encourage corporations to donate

computers, as they upgrade their technology, to the center so that we can place it in local police departments around the country. We have done that with almost 400 computers already, and we have just begun.

So, Mr. Chairman, you asked for recommendations, and I would like to make sort of summary recommendations in four basic areas.

One, for all the progress that has been made, it is our judgment that Federal law enforcement needs more help. Federal law enforcement needs more resources, greater attention to this problem. There is an important role for Federal leadership in this arena because of the nature of the medium, because it is a national and multinational medium. So we would like to see more resources directed to personnel and technology, to the FBI, to the Customs Service, to the Postal Inspection Service.

Second, we would encourage more resources at the State and local level, resources including training, resources to build specialized expertise, specialty units, so that we can expand on this whole area of multigovernmental, multidisciplinary response to the problem.

We have encouraged the creation of multidisciplinary teams involving law enforcement, prosecution, and social services. We think that is something that needs to be emulated. And, Senator Hollings, our center in South Carolina has really taken the lead in making South Carolina the first State in the Nation to build a multidisciplinary team statewide, attacking the problem of missing and exploited children.

Third, we think there needs to be greater attention to the victims. You are going to hear from Diane, and there are thousands of stories like Diane's out there across America. In these cases, somebody has to interview the victims. Somebody has got to talk to these children because there is a common denominator in these cases, and that is, these guys do not just do it once. They are not monogamous. They tend to victimize lots of kids, and what we have discovered is that if you interview children properly, if you talk to the kids about what happened to them, you discover there are other victims and there are many more cases. So the key role for local authorities, local law enforcement, local officials is there.

Then, finally, we think we need to do more, as you are doing, in the area of aggressive public education. Our consistent message is that the Internet is an important resource, a positive resource. We encourage parents and children to explore and use it, but we need to also send the message that there are risks, and we need to send the message to those who would prey upon children online that there is no sanctuary in cyberspace, that illegal activity on the Internet or at the shopping mall or at the school or anywhere else is just as illegal and law enforcement is going to come after them and get them.

PREPARED STATEMENT

That is, I think, the sense of my recommendations, and those are my comments.

[The statement follows:]

PREPARED STATEMENT OF ERNEST E. ALLEN

Mr. Chairman and members of this Committee, as President of the National Center for Missing and Exploited Children, I want to thank you for the opportunity to present testimony regarding child sexual exploitation on the Internet. I also want to thank you for your commitment to child protection and your visionary leadership on this vital and growing issue.

Let me begin by first briefly describing the National Center for Missing and Exploited Children (NCMEC). Established in 1984, NCMEC is a private, nonprofit organization working with the U.S. Department of Justice to help find missing children and prevent child victimization. Serving as the national resource center on missing and exploited children required under the Missing Children's Assistance Act passed by the U.S. Congress, NCMEC provides assistance to parents, law enforcement, public and private agencies, legislators, and other professionals handling cases of missing children and child sexual exploitation. Since June 1987, NCMEC has also worked in cooperation with the U.S. Customs Service to operate the National Child Pornography Tipline, and in 1994 NCMEC partnered with the Interactive Services Association to create and publish the brochure, "Child Safety on the Information Highway." We have distributed over one million copies of this publication in the past 2½ years, making it one of our most successful publications ever. The brochure includes general guidelines for parents, as well as specific tips for child online users—"My Rules for Online Safety."¹

Nineteen ninety-six was an important year for NCMEC and the issue of child sexual exploitation. Last year, Congress earmarked additional funding for the creation of a special division at NCMEC to provide information and technical assistance specifically in cases of sexual exploitation. The Exploited Child Unit (ECU) will provide the same kind of assistance to families and law enforcement in sexual exploitation cases that NCMEC provides in missing child cases. The ECU will develop technology and other resources to assist law enforcement in all areas of child sexual exploitation, including emerging issues such as online exploitation and international child sex tourism. It will serve as a primary point of contact on this issue and provide informational support for local, state, and federal investigators, forward incoming leads to appropriate law enforcement agencies, and provide needed support and information to victims and other concerned citizens. The ECU will also be working in close partnership with the U.S. Secret Service, Forensics Division, to provide case analysis and lead enhancement for state and local investigations.

Gary Costello, a 25-year veteran of the Montgomery County, Maryland Police Department, will head the unit. During his career in law enforcement, Mr. Costello conducted more than 700 child sexual exploitation and child pornography investigations, interviewing more than 500 child victims, and interrogating more than 200 offenders. Mr. Costello headed the Washington Metropolitan Council of Governments Child Exploitation Committee. Although the Unit will not officially open until this summer, he is already busy assembling his team and providing a wide range of services to law enforcement officers involved in the investigation of child sexual exploitation. The Unit is also working with our education and training division on a program NCMEC has developed to place donated computer hardware and software departments nationwide. Many police departments in America still do not have PC's and modems. This lack of technology hinders their understanding of the criminals they pursue as well as their efforts to apprehend them. Through this program, NCMEC's corporate and business sponsors donate computers and software programs to NCMEC, which we then in turn place in police departments with demonstrated needs. To date, we have placed 3 computers in law enforcement departments across the country. The computer placement program hopes to bridge the technology gap. The ECU is NCMEC's newest and brightest star, and we are excited and enthusiastic about improving our services in this vital area.

You invited me to speak to you today about an issue that is as complex as it is important. Child sexual victimization is a persistent and pervasive problem, crossing all racial, geographic, and socio-economic barriers. According to a 1996 U.S. Department of Justice study, 78 percent of violent state prison inmates convicted of sexual assault had abused a child, and three in 10 of these offenders committed their crimes against multiple victims. Children are the most vulnerable victims of sexual exploitation. A 1992 report by the National Victim Center revealed that 61 percent of rape victims are less than 18, and 32 percent of all rape victims are 12 to 17 years old. The National Clearinghouse on Child Abuse and Neglect estimates

¹ For a copy of "Child Safety on Information Highway" or for further information on any of the issues discussed herein please contact the National Center for Missing and Exploited Children at 1-800-THE-LOST or (703) 235-3900.

that in 1994, there were at least 406,000 reported cases of child sexual abuse. This number is enhanced when considered with the FBI assertion that rape and child molestation are the most underreported crimes, with less than 10 percent of these offenses are ever disclosed. Even when cases are reported to law enforcement, the online aspect may not be mentioned in the interview or make it into the officer's official report. The officer may report it as a simple sexual assault or child pornography case. As a result, it is nearly impossible to estimate how many children are sexually victimized on or through cyberspace. Since 1994, NCMEC has been notified of 18 cases of child sexual exploitation that involved online access, and has learned of 18 more through the media or other non-profit organizations. Most of the cases reported to NCMEC involve children who have run away from home, ostensibly to meet "friends" they've "met" over the Internet. We suspect total numbers of online exploitation to be much higher.

Child pornography is an insidious form of child exploitation—it is a frozen record of the sexual victimization of a child. This record follows the victim throughout life, often re-emerging when they are adults and respected members of society, as happened to a 30-year-old man in San Diego in 1995. Seventeen years after the molestation and years of therapy and family support, the victim was leading a normal and productive life—until pornographic pictures of him taken at thirteen resurfaced on the Internet and were distributed in his community. Devastated, the young man suffered the humiliation and exploitation of the abuse all over again.

Law enforcement officials report that nearly all child molesters also collect child pornography. Child molesters use child pornography for a variety of reasons: (1) for sexual fantasies and gratification, (2) to share with fellow pedophiles to curry friendships and gain more information and pornography, (3) to reaffirm their belief that what they are doing is normal, acceptable, and shared by others, (4) to introduce potential child victims to sexual concepts and the methods of sexual conduct enjoyed by the molester, and (5) to "blackmail" their victims into silence. Child pornography is a vital element of child sexual exploitation, and its ubiquity on the Internet should be a troubling indication of the potential and current sexual exploitation of America's children.

Child sexual exploitation on the Internet takes various forms. Some child molesters use on-line chat rooms to openly solicit sexual favors from on-line users they know to be children. Others are more subtle, establishing "friendships" with the children that later lead to meetings and sexual victimization. In 1996, a school textbook salesman, identified online as "Coach N.H.," befriended a person he believed to be a 14-year-old boy in an America Online chat room. He encouraged the "boy" to talk about his problems, and within minutes was engaging the "boy" in an explicit sexual discussion and sending pornographic pictures of adults, children, and young men having sex. After several more conversations, Coach N.H. asked if he could visit the "boy" and described in detail what he wanted to happen when he did. The "boy" agreed and the pedophile eagerly boarded a plane and flew across country for the meeting. To his surprise, he was greeted, not by an enthusiastic teenager, but by a team of local police. He was arrested and charged with five counts of attempted sexual exploitation of a child. Federal authorities later added other charges. The "boy" had actually been a local police detective. This case demonstrates the dedication and determination with which child molesters pursue their online victims.

Still other pedophiles use the Net to communicate with other child molesters, discussing and exchanging child pornography and children they have sexually abused. Law enforcement, academic researchers, journalists, and on-line users have all documented the other types of child sexual exploitation occurring in cyberspace. This past January, a 21-year-old student at a New York University was arrested by state authorities for transmitting three dozen sexually explicit photos of children, including pictures of children as young as 18 months old engaged in sex acts. A 1995 Carnegie Mellon University study found that over a year and a half period, 83.5 percent of digitized pictures stored on Usenet groups were pornographic in nature. The study also asserted that pedophilic, hebephelic, and paraphiliac images accounted for approximately 3 million downloaded images from an "adult" online bulletin board. Testifying before the Senate Judiciary Subcommittee on Security and Terrorism in 1995, Postal Inspector Paul Hartman testified that he had previously been convinced that pedophiles were members of an underground subculture with no formal lines of communication—until he discovered the prolific use of computers to exchange information and discuss their sexual desires. Intuitive common sense supports this sad reality: what more inviting place for a child molester than the anonymous, immediate, private, interactive network? Sadly, time in prison does not necessarily deter or prevent this behavior. Last month in Minnesota a 57-year-old prisoner in a medium-security state prison was arrested by federal agents for receiving and distributing child pornography on the Internet. His private collection contained

287 pictures of minors engaged in sexual conduct he had downloaded from the Internet through a prison computer. Again, a demonstration of the persistence of these offenders.

Many commentators have been concerned with possible Constitutional implications of any regulation or policing of the Internet. This is an understandable concern; the First Amendment represents a fundamental principle of American society. The freedom to speak and exchange information without government censorship is a cherished value of our culture. It has long been a truth, however, that not all forms of speech receive the same degree of Constitutional protection. The U.S. Supreme Court has consistently held that child pornography does not receive protection under the First Amendment due to the unique nature of the harm it inflicts upon the victims it portrays.² Possession, transmission and distribution of these materials are likewise unprotected and are criminal under both federal and state laws. Similarly, soliciting a minor for sexual purposes is not covered by the First Amendment's protections and is a crime in all jurisdictions. Many states also have enhanced penalties for solicitation of a minor as opposed to an adult. Of course, child molestation is itself also a crime in all jurisdictions. Therefore, pedophilia and the distribution of materials to facilitate such exploitation find no safe haven in the First Amendment.

During the Senate Judiciary Committee hearings, fourteen-year-old Donelle Gruff testified to how she was stalked by a man she met through a bulletin board chat room. Four months later, that man was still running his bulletin board, and presumably still preying on young girls. The Gruffs were told that law enforcement could not act due to lack of evidence, despite copies of the pornographic materials and messages sent to Donelle during the stalking. Such frustration and misunderstanding is not uncommon. There are indeed current state and federal laws criminalizing the behavior of the man who stalked Donelle. Unfortunately, much of law enforcement, like much of America, is uncertain as to how or even if these laws apply to cyberspace. Law enforcement must be educated regarding these situations and their legal alternatives for prosecution, so as to encourage and dispose them to more active pursuit of these cases.

Patrolling the cyber frontier is time-consuming work requiring substantial knowledge of computers and telecommunications technology. The FBI "Innocent Images" Task Force has demonstrated that a well-trained, effective federal cybercop unit can affect the environment of cyberspace. Investigators from the U.S. Customs Service and the U.S. Postal Service have also had considerable success in apprehending individuals distributing child pornography. Recent federal searches and prosecutions have shown the federal government's commitment to this issue and its ability to catch these offenders.

State and local authorities have also been participating in policing cyberspace, and their role is an equally important one. Local law enforcement officers are often the first point of contact for a victimized child and family, and as members of the communities they police, they have a vested interest in protecting all of their neighborhoods, including the virtual ones. Unfortunately, state and local law enforcement in America presently are generally ill-equipped to tackle this task. Training, funding, and resources are needed to create an effective localized units of cybercops.

We believe there is a real place for state and local involvement in online exploitation investigations. Current federal prosecutions are primarily content-driven, meaning that often the case is entirely made on what the offender said or transmitted online, as intercepted by a federal agent. As a result, oftentimes it is not necessary for the federal prosecuting authorities to interview victims. While this may be sound investigative policy and an efficient use of federal funds, it may not provide the victim or the local area with a sense of contribution or resolution. Also, this approach limits what information we are able to gather about these individuals and their victims; if the case is rejected for federal prosecution, it effectively disappears from the statistical database. State and local authorities could provide more comprehensive background and on-going investigations as to what the state of Internet exploitation is, particularly on local online bulletin boards. There are several police departments across the country that have already formed such units and are struggling with resource constraints, such as the San Jose, CA high-tech crimes unit and a similar unit in Montgomery County, MD. With federal assistance, the state and local authorities could play an enhanced and important role in the investigation, prosecution, and resolution of these cases. The threat of getting caught must be so real and immediate that predatory child molesters recognize and are intimidated by it. It should be scarier to them than the current Net is to our children.

²New York v. Ferber, 458 U.S. 747 (1982). Pornography depicting adults rather than children still retains Constitutional protection under this narrow ruling.

Much has been made over parental control technology and parental responsibility for child safety in cyberspace. Some industry leaders have touted parental control devices as the final answer to the dilemma, and makers of parental control devices have echoed this optimistic call. Parental control and parental responsibility are indeed vital to an effective response to cyberspace exploitation, but again, they alone cannot solve the problem. In an ideal world, parents would have complete knowledge at all times regarding the safety, well-being, and disposition of their children. Certainly, no one can reasonably suggest that this could ever be a reality however, even for the best, most concerned and attentive parent, and not all parents are concerned and attentive.

For parents that do play a dynamic, active role in the lives of their children, parental control devices enable them to greatly limit the potential harm to their family if used properly. They allow parents to block access to certain chat rooms, etc. based on the title of the area, much like channel blocking for cable television. Parents need to understand however, that the screening mechanisms utilized by these services may be evaded by determined pedophiles who simply misspell or encrypt their chat room or bulletin board names (i.e. "childpoorn" rather than "childporn", or "dadsndaughters"). Some parental control devices are able to block whole portions of the Net, which may assist parents in avoiding many of these groups. The most obvious problem associated with parental control devices is the knowledge required to implement them. The reality is that most parents have less computer and telecommunication knowledge than their school-age children. The generation gap is frequently accompanied by a technological gap. This technological gap is important and a far cry from the blinking clock on the VCR: some parents will simply not be able to or not choose to utilize these parental controls, leaving their children vulnerable to the shadows of cyberspace. For parents with the education, money, and inclination, parental control devices are undoubtedly a valuable and necessary tool in protecting our children, but their presence alone will not stop the on-line pedophiles.

There are plenty of other proactive steps parents and educators can take to improve online safety for children. The first and most important is to talk to children and educate them about the potential dangers online. This can be done in an honest, nonthreatening manner, by simply talking with the child about common dangers in any city or neighborhood and explaining why the same precautions are necessary on the Internet or in bulletin boards. It is vital to ensure that children understand that while the majority of people online are perfectly nice and interesting individuals, many are not who they say they are. Remind children that because they can't see the person, it is easy for the person to misrepresent themselves. Warn children against giving out any identifying information, including their name, to anyone they meet online, without first getting permission from an adult, and encourage them to use an online pseudonym. Children should be told never to respond to a message that makes them uncomfortable, and to notify a trusted adult immediately. Likewise, they should never arrange a face-to-face meeting with someone they've "met" online, without prior parental permission, and without being accompanied by an adult. Parents should consider locating the computer in a family area, rather than a child's room, and should monitor online time closely. Also, parents and educators need to realize that children may be accessing computers at friends' houses, public libraries, and "Net Cafes," and should be prepared to discuss these issues in relation to those locations as well. Parents may want to designate a trusted adult outside the immediate family that the children can confide in about online issues and problems if they are uncomfortable or reluctant to discuss these issues with their parents. Finally, and most importantly, adults need to get involved in their children's online "life"—talk to the children about what they're doing online, who they've met, what interesting things and sites they've discovered. Supervision and communication are the keys to online safety.

While some young cyberspace explorers are talented and experienced computer hackers, many more are simply children wandering along the information highway and investigating rooms that pique their curiosity. Children, particularly teenagers, are bound to be curious about sex and the mysterious and forbidden discussions relating to it. However, curiosity shouldn't result in sexual exploitation. It is vitally important to recognize that child molesters have traditionally preyed on the most vulnerable victims they can find: children with low self-esteem, uneasy social skills, and a need for acceptance. This sad tradition persists in cyberspace. Unfortunately, these are also the children least likely to have parents who are actively involved in their lives. We cannot ignore the persistent vulnerability of these children. Children need to be educated directly about all aspects of the Internet, and encouraged to come forward when they encounter something that makes them uncomfortable or frightened. As with all child protection measures, education and communication are vital to helping our children help themselves. Parents need to talk to their children

about the information superhighway and responsible uses of it. Schools also should take a responsible, proactive approach to this technology, especially since many children are receiving their first glimpse of the Internet at school. On-line companies need to address this audience, perhaps by exploring means by which scared and embarrassed children can report violations directly to the service. If we are to introduce our children to this new technology and encourage their use of it, we must also arm them with the necessary education to protect them from the dangerous underworld of this exciting frontier.

The on-line world is perhaps one of the most promising and equalizing influences of the future. It allows us to exchange information in ways and at speeds only imagined a few decades ago. It has the potential to help us better understand each other and our world. NCMEC encourages parents and children to explore cyberspace. However, as with other aspects of life, there are some risks. This does not have to be a zero-sum situation: the protection of our children need not come at the expense of this expanding technology. We need to work together as society to create a dynamic, responsive, holistic approach to a problem that is as diffuse as the Internet itself. A proactive stance by industry, coupled with greater awareness and commitment on the part of the parents will go far to eliminating the child molesters' access to children. Better law enforcement training and funding for policing cyberspace will also threaten the secure playground pedophiles have found there. Cooperation among federal and state legislators to fill gaps in existing laws and prioritize emphasis on the prosecution of these cases will send a "zero tolerance" message to those tempted to victimize our children. Finally, intelligent and open discussion and education of our children regarding the benefits and dangers of life on the information superhighway will empower them to protect themselves from such exploitation. Any meaningful solution to the problem of the sexual exploitation of children in cyberspace will require a multi-faceted, long-term effort by all parties involved. America is the telecommunications world leader; surely together we can make the technology we create and explore safe for our children.

Senator GREGG. Thank you, Mr. Allen. That is an excellent presentation. It gives us a lot to work with.

Ms. Doe, I appreciate your coming today. I think this is very courageous of you. I recognize that something like this has to be tremendously trying and emotional, and certainly what you have been through has been terribly emotional. The fact that you have the courage to come here today and talk about it is very impressive, but also—more importantly—very helpful to a lot of people. So we thank you for coming. I do appreciate the fact the press is willing to show you the courtesy of some anonymity. I think that is important. So if you could give us your thoughts, we would appreciate those.

Ms. DOE. Thank you. Mr. Chairman and members of the committee, I greatly appreciate this opportunity to come before you and tell my story. I hope that my being here will be helpful to you and that you will take meaningful action on this important issue as a result of this hearing.

One morning just over 2 years ago, right after I had arrived at my job, a detective called and asked that I meet with him at the sheriff's office, that my 11-year-old son had been the victim of a crime. Once I arrived at the sheriff's office, I was escorted to a small room where I was advised that my son had been sexually molested many times over the past year by four teachers, that these molestations were videotaped, and that these tapes were copied and mailed all over the country.

This group of men had molested three other boys in addition to my son. The ringleader lived in my neighborhood and had first befriended my son on the local basketball court. Next, he invited him over and paid him to wash his truck. After that, the man invited my son into his house and began victimizing him. He repeated this

technique with two other boys in our neighborhood, giving them all money and telling them to be quiet. For over 1 year, my son said nothing because of his fear and shame.

The teachers made contact with one another by way of a Prodigy chat room run by a pedophile in Arizona. They used this room to make the arrangements for their visits, giving detailed descriptions of the contents of these pornographic tapes, and arranged for the sale and distribution of the tapes. The ring was finally broken up when Customs agents found the man in Arizona and he had the tapes of my son on his premises.

The man confessed to his own crimes, told the agents about the head of the ring in my State, and received probation in exchange for his information. While the mastermind in my State says he did not violate Federal law because he did not download in order to transmit these images, the pedophiles who reviewed and received the tapes did download the images and messages. All of the men pleaded guilty and received at least 20 years in prison from both State and Federal prosecutions.

I can only speak for my own case, but I thought it was handled very well by all the authorities. I could tell it was more difficult for the State authorities since they had to rely on the evidence from the Federal case, and they sometimes complained that Customs was not turning over all of their information. Both my State officials and the Federal Customs agents seemed very committed to my case and did what I wanted most: put those men away for a very long time without my son having to testify and relive his abuse.

Although the Customs agents were able to confiscate most of the tapes and disks, we believe there is still at least one missing tape. There is no way of knowing if someone in another part of the country, or even abroad, had been casually surfing the Internet, come across the images, copied them, and used them for their own pleasure or gain. We do know that because of the easy access into any of these chat rooms, my son's image could appear at any time, anywhere.

Due to the pervasive reach of the Internet, the fear of these pictures and his identity being brought out around the world at any time, whether next week or 10 years from now, is overwhelming to my son. What happens if or when one of his classmates accidentally clicks into one of these forbidden areas and sees my son's pictures? Please do not even suggest that there are ways to block minors from entering these areas or that this responsibility is up to the parents to monitor what their children are doing on the computer. Parents do need to be more aware of what is out there and should have a means to control what is available to their children on the Internet. This is an almost impossible task. My family does not even own a computer, yet its easy accessibility greatly contributed to the further violations of my son.

All these so-called securities, precautions, and blocks are not effective on their own. If they were, we might not be here today. There is not a child anywhere who could not get past the no-access codes. And there is not a pedophile out there that will not find new ways to entice innocent young victims.

My son will soon be 15. He should be enjoying and exploring his youth and his young sexuality, not being concerned if the images of his rape are being seen and by whom.

When all the investigations were going on and both he and I were being interrogated by all the various departments, I asked over and over to see the tapes to see what was done to my son. Although I was never able to do that, what I did learn and read in the newspapers, and knowing that I did not know it all but that the Internet world did, sickened me.

Computers, the Internet, the online services are all marvelous technological wonders. So much is being accomplished in every field. So many bridges are being crossed and friends being made all over the world. How sad that something so good is being used in such a heinous way. How sad that such a wonderful learning tool is being used to coerce and deceive our innocent children into exposing themselves in such a malicious way.

While I firmly believe in the freedom of speech, the freedom of press, and all those other wonderful freedoms we enjoy, I feel these freedoms are being stripped away by this rampant rape of our youth. Over and over, everyone says the children of today are the hope of the future. Our responsibility now is to protect them from the atrocities so many of our young are facing so they can go to be productive protectors of these freedoms for their children.

I by no means wish to see the end of the Internet. I do feel better measures need to be implemented in order to protect the children from this type of physical, mental, and emotional destruction. I do not want what my son went through—and is still going through—to happen to another child. And I do not want another mother to feel the constant turn of the knife in her heart like I do every day.

Thank you.

Senator GREGG. Thank you, Ms. Doe. That was a very compelling statement and it reflects the seriousness of this situation.

I would ask, Mr. Allen, if you have any estimate as to how many people are involved in this or if there is any way to estimate that?

Mr. ALLEN. It is very difficult. Our assumption is that there are large numbers, but the FBI has told us that in most of these cases, the FBI estimate has been 1 to 10 percent ever being reported to the police. So our assumption to begin with is that these are cases of hidden victims, and that once we identify a case, then invariably there is a ripple effect in which we identify other cases associated to this person.

Probably the most disturbing thing about the use of the Internet by pedophiles is they use it for multiple purposes. They use it to network with each other, with like-minded individuals. They use it to trade information, not just for purposes of arousal or sexual gratification, but to trade or access children. Now, this is not new. It is a methodology that has existed for a long time. What is new is they are using this tool in which they feel they have the lowest risk of exposure and the greatest potential of anonymity.

Senator GREGG. Senator Hollings?

Senator HOLLINGS. Mr. Allen, you heard Ms. Doe—well, maybe I can ask Ms. Doe and then ask you. In one breath, Ms. Doe, you say that all these so-called securities, precautions are not effective on their own, and yet we wind up asking—you say that you do feel

that better measures need to be implemented in order to protect the children. Such as? Do you have any idea of other measures?

Ms. DOE. Senator Hollings, I am not a computer-literate person. Like I said, I have not got a computer in my home. There is no way, I do not think, to really block or stop these people from doing this type of thing unless there are a lot of people, other good people out there who are willing, when they do accidentally scan across it or whatever they do, report it immediately to the local authorities and to the national authorities. I do not know—I was totally unaware of any of this type of activity until this happened to my son. I never even heard of such a thing before.

Senator HOLLINGS. That would be public education.

What about it, Mr. Allen?

Mr. ALLEN. Senator, I think she makes a very good point, and that is that technology tools and access controls are not absolute. They are not guarantees. None of these things are.

What we believe is the best response is a comprehensive response in which we do educate parents and kids, we try to encourage better parenting so that parents get involved and know what their kids are doing online. We do encourage access controls and technology tools, but we do not assume that it is a panacea or that it is enough.

Our view in this area is that whatever the disposition by the court of the Communications Decency Act, this is an area where we have got law. Child pornography is not protected speech. It does not have to be defined or classified as indecent speech. It is illegal speech. And so I think the key is to do those things, do the public awareness, do the access controls, but also go aggressively after the people who are abusing the Internet, who are engaging in unlawful acts online.

Senator HOLLINGS. Well, as you know, we extended the telephone pornography laws to the Internet. It was heard by the Supreme Court only a couple of weeks ago, so we will have to see if they will continue to reaffirm that finding. But in the four areas where you say we need more public education and interviewing of the victims to lead to others, strengthening both the State and the Federal efforts—I guess the only way we are going to get to this is really strengthen the State effort, and that is going to have to come through the Federal Government.

What about the FBI's effort? Can you make a comment about it?

Mr. ALLEN. I think the FBI's effort has been extraordinary. The FBI has created the *Innocent Images* task force, which I think brought this problem to the attention of the Nation—began to make cases. The FBI has a new crimes against children unit that is being formed.

I would like to see more Federal resources addressed to this problem. I do not think—and it is not a criticism of the FBI or Customs or anybody—I think this is a problem where, frankly, we have only scratched the surface. I suspect that Federal law enforcement will tell you the cases we have made are in many ways the tip of the iceberg.

I had one commanding officer say to me years ago—and I think it is absolutely true on this situation—that the only way not to find this problem is simply not to look for it. And in our judgment,

America has begun to look, and the FBI and the Customs Service and the Postal Service and Federal law enforcement has led the way. But when the automobile was developed, there were law enforcement officials who said only the crooks will have the cars and we will be at a disadvantage. And I think what we are encountering here is exactly the same situation. Those who are most technology-adept in some cases are misusing the technology, and law enforcement once again has been behind the technology curve.

Because of the leadership of the FBI and Customs and others, we are catching up. State and locals are way behind except in isolated situations. So my judgment is this is not something that Federal law enforcement can do on its own. State and locals need to play a part. But the optimum solution would be if there were a real partnership, a real comprehensive approach to the problem.

Senator HOLLINGS. You have both made excellent statements. I appreciate it.

Thank you, Mr. Chairman.

Senator GREGG. Thank you, Senator Hollings.

I think Senator Hollings raises a good point, whether or not we should, maybe through the violent crime trust fund, set up some initiatives which would assist State and locals to set up task forces which would mirror the FBI effort and use the FBI experiences—an educational initiative. Do you think that might be helpful?

Mr. ALLEN. Yes, sir, I agree. I think that would be very important.

Senator GREGG. Well, we very much thank you folks for coming. We especially thank you, Ms. Doe. It is very generous of you to take the time to come here. And we thank you, Mr. Allen, because your input is substantive and thoughtful and very useful to us.

Mr. ALLEN. Thank you, Mr. Chairman.

Senator GREGG. Thank you.

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

STATEMENT OF LOUIS J. FREEH, DIRECTOR

ACCOMPANIED BY:

LINDA HOOPER, SUPERVISORY SPECIAL AGENT
JORGE MARTINEZ, SUPERVISORY SPECIAL AGENT
RICHARD POTOCEK, SPECIAL AGENT

Senator GREGG. We will now hear from Director Freeh.

Director, we appreciate your taking the time from what we know is a very hectic schedule to come here today to testify on the initiatives which the FBI has undertaken in the area of child pornography and arresting pedophiles who use the Internet for the purposes of soliciting children for sex. We have heard some testimony already, and everybody has made an opening statement, so I would like to just turn to you to get your thoughts on how we should proceed from here; how this committee can be helpful; what the Congress should do; and what people should do relative to dealing with the Internet in their homes and with their families?

Mr. FREEH. Great. Thank you very much, Mr. Chairman. Good morning. Senator Hollings, good morning. It is a pleasure to be before the committee, particularly on a topic which is as critical and important to the country and to all of us right here.

Let me compliment you, Mr. Chairman, for having this particular hearing. It is the first time in 3½ years that I have appeared at a hearing strictly focused on crimes against children, and specifically now crimes on the Internet involving pornography and children, and we think it is an outstanding effort.

I would like to introduce, with your permission, Supervisory Special Agent Linda Hooper, who is on my right. Supervisor Hooper is in charge of the *Innocent Images* case in Baltimore and has been running that initiative very, very successfully, which I will talk about in my remarks. On my left is Supervisory Special Agent Jorge Martinez, who is the program manager for the national online child pornography initiative, Crimes Against Children Office. And I have asked them to assist me this morning, with your permission.

Let me begin by just saying that the environment in which crimes against children, and particularly child pornography on the Internet, are committed is a new venue, a new environment for all of us in law enforcement. Generally speaking, the advent of computers and the Internet, where by the year 2000 100 million people will transact together, present new challenges and new burdens for law enforcement—and, of course, new opportunities for criminals, particularly in this very dangerous area.

All of us are parents or brothers or sisters, and we have a great concern, as will be demonstrated during parts of my testimony,

about the impact that the Internet and the availability to pedophiles and other criminals of this new environment. This new medium establishes for them basically an entry into our homes. Unlike people who call on the telephone or knock on the door, pedophiles, people who would commit crimes against our children, can literally enter our homes over a computer, over the Internet, over an online service; many times without the knowledge or certainly without the opportunity for a parent or an adult to even screen or be aware of that activity. That is a very new and very dangerous environment for families and for children, and that is what we want to focus on a little bit today.

Generally, the Crimes Against Children Program has been being pursued by the FBI since approximately 1994. The Attorney General and I, early in 1994, decided that we needed to do several things to deal with the growth of crimes against children. One thing we did was to establish in Quantico, VA, a new unit, the child abduction and serial killer unit. That unit, which is now fully staffed, is an operational unit which deploys and assists local and State departments in solving some of the worst types of crimes against children, including crimes involving abductions and rapes, and serial murders. That was established by the Department of Justice to deal with this particular problem.

We have since, with the authorization of the Congress, established the Morgan P. Hardiman task force, which works directly with the National Center for Missing and Exploited Children. You heard from Mr. Allen, I believe, a few moments ago. The 15 Federal agents who are on that task force—including three FBI agents, and two each from Secret Service, Customs, DEA, Marshals, Postal Inspection Service, and ATF—work, again, operationally in that particular area where sexual predators, particularly in abduction cases, are involved in very high profile cases.

Unfortunately, we do not have to go very far in the news to see cases where children, particularly in sexually related crimes, are victimized and abducted and where a very quick and comprehensive response, not just by the Federal Government, but by the State and local governments with our assistance, is critical.

Just several weeks ago, there was a kidnapping of two young girls from Detroit—I am sure you remember reading about it—two sisters, 6 and 9 years old. The three subjects who were later arrested because of the efforts of the FBI and the police in Kalamazoo, MI, as well as Daytona Beach, FL, were charged with being responsible for the sexual molestation of at least one of those little girls.

Mr. Chairman, as you know, in your own State there is a continuing investigation in which several Federal warrants have been issued for the arrest of an individual linked to the disappearance of a 13-year-old girl in Nashua, NH, who remains missing. We know that the subject of the warrant in this particular case established a relationship with the victim on the Internet by communicating with each other. There are many, many cases which we are all tragically aware of the impact in this area.

The beauty of computer technology is that it allows your child to reach out to the world and browse through encyclopedias and expand greatly and exponentially the opportunity for knowledge. The

reverse side and the dark side of the technology is that criminals or pedophiles can reach into your home and transmit pornography and other materials to children, again, without many safeguards.

There is commercial blocking software available, and there is some legislation in Congress which would require that to be provided. The technology experts—I am not one of them—advise me, however, that this is not an effective means to screen and protect children against these types of intrusions, principally because the software is often computer-specific. The ability of pedophiles and criminals to deal directly over the Internet by profiling users, including children searching for information for a school project, can quickly and easily defeat that software.

Part of the solution to the problem is really not a law enforcement solution but parental education and safeguards which have to be put in place in the home where children are using these computers. I can speak, if you wish, very briefly about that later.

We know that pedophiles and sexual predators use the Internet and online services to target and recruit victims—children—as well as to facilitate the meetings with those children. The one case which I mentioned is what we call a traveler case, where somebody using the Internet reaches out to a child, makes contact, and then makes an appointment to meet and pursue that relationship, which generally results in sexual abuse or sexual molestation.

The demonstration which we will provide to the committee at the close of my remarks, if you request it, is actually a documented case, a case which has been fully adjudicated, where the FBI used the screen name or the cyberspace alias name of a 14-year-old girl. The undercover agent, working under very strict investigative guidelines, portrayed himself as a 14-year-old girl. The subject in the case that you will see reached out for that girl and arranged a meeting. The subject was arrested at the meeting and prosecuted because he traveled from Maryland to Virginia.

We have worked approximately 19 traveler cases, as we call them, as part of the *Innocent Images* cases, and we feel that these are just part of the overall problem.

The online services provide chat rooms which are easily accessible venues for pedophiles and criminals to profile and contact juveniles—children using the Internet. The difficulty of this environment is that you never know who you are speaking to. You speak to a screen name who appears to be a 14-year-old high school peer and that person is actually a 40-year-old convicted pedophile. There is no way to determine who you are speaking to, which is one of the primary safety rules which parents need to be aware of as they evaluate what their children are doing there.

We also know that there is available, and we have seen used, very low cost scanners and software which allow the capture of original still photographs, as well as video images, to transmit and originate pornographic material to be sent either over the Internet or over online services and exchanged in chat rooms or from bulletin boards. It's easily made available by anyone who has that access.

INNOCENT IMAGES

Let me speak a few moments about the *Innocent Images* investigation. This case was initiated in 1994 as a result of the disappearance of a 13-year-old boy named George Burdyski, who is still missing. The case was worked by the FBI and local detectives. They determined that two of the suspects in that case were using computers, and using online services to transmit, exchange, and originate child pornography. This became the basis for what is now known as the *Innocent Images* case.

That particular case currently maintains a grand jury file, which is the best way to describe it, of 3,978 true names of people who have been identified, pursuant to grand jury subpoena, as engaging or attempting to engage in violations of criminal law relating to pornography or solicitation over the Internet. There are currently 455 of those cases which are actively being worked as current investigations.

Over the course of the last 3 years, we have looked at many, many matters which fall within the area under the jurisdiction of the agents and support people who are working on the *Innocent Images* case.

Why are not the other cases being worked? The answer to that question is that we have investigative criteria which have been established, not only by the FBI but by the Department of Justice, to determine when a case is taken from this grand jury file and evaluated for prosecution by sending it outside the district—in many cases, actually 95 percent of the cases—to a venue around the country where there would be criminal jurisdiction.

The investigative and prosecutive criteria were established by the Department of Justice. The Department of Justice has a specialized child exploitation and obscenity unit which is staffed by 10 lawyers that evaluate these cases. They require that the subject of the investigation, before being worked as a criminal case, generally speaking—and I will give the exception to that in a moment—transmits text and images of pornographic material involving children, on at least three different occasions. So that the triggering criteria for the initiation of the full criminal investigation and its referral is that on three separate occasions there is an origination or transmission of a pornographic image plus text. And the requirement for the text is to show intent, which would be necessary to prove in court.

That being said as the general investigative guideline, it is clear, and it has been our practice, that in any case—and each case is looked at on a one-by-one basis—if there is an egregious indication that the case needs to be looked at quickly without the criteria of the three separate events, we do that quickly. For instance, in any of the traveler cases, where someone is attempting to meet a juvenile through an online service for a date or what-not, that case is immediately worked. If the image being transmitted, or the text, is particularly egregious, if there are suggestions of rape or things like that, that case would be worked very quickly despite the investigative criteria which generally requires three separate instances.

In the processing of *Innocent Images* cases, as of March 5, 1997, there have been 200 search warrants issued, 40 consent searches,

33 informations, 81 indictments, 91 arrests, and 83 felony convictions.

Innocent Images has allowed the FBI and the Department of Justice to develop investigative guidelines for these crimes relating to cyberspace, which are the ones that I just detailed for you.

Senator Grassley has written a letter with respect to inquiries about the number of matters in this data base, which ones are being worked, and the criteria. I have responded to him by one letter, and he has sent another letter which I will try to respond to today.

We are very proud of the *Innocent Images* investigation. It has become a national clearing center within the FBI for those types of cases. The protocols established in that investigation have been shared with the other Federal agencies. In fact, the Florida Department of Law Enforcement uses that protocol to work its cases. The guidelines are established to avoid entrapment, to avoid investigation and prosecution of people who, short of criminal violation, perhaps have just, for whatever reasons, inquired into this particular area. And, again, the prosecution and the evaluation of the cases are done by the attorneys in the Department of Justice, and ultimately the assistant U.S. attorneys, because 95 percent of these cases go outside of the Baltimore-District of Columbia area.

FBI CAPABILITIES

Let me talk briefly about some of the other FBI responses and capabilities. We know, unfortunately, that on an annual basis, studies show that the child abductions, nonfamily child abductions, number from 300 to 4,600 around the country, depending on what particular criteria you use to describe them, which is a large number, a tragically large number of children. And we feel, very justifiably based on our investigations, that the use of the Internet, particularly the use by sophisticated pedophiles and criminals, greatly expand the opportunities for these crimes. It is an area where we feel the FBI and the other enforcement agencies, particularly the Customs Service and the Postal Inspection Service—all three agencies having jurisdiction in child pornography matters—can be and have been very effective, particularly when they are combined together, as with the Morgan P. Hardiman task force.

We have established an office for Crimes Against Children, which is located in FBI headquarters and whose mission is to coordinate as well as establish training, dissemination of information, and operational assistance to the 56 FBI field divisions who work these particular cases.

We have also recently established an Office of Indian Country Investigations, many of which include sexual crimes against children. And by teletype, by training, by materials prepared at headquarters, we coordinate the national efforts and initiatives in that area, which are limited by resources, I might add.

We have, in addition to those resources, as I mentioned, the child abduction and serial killer unit. The unit was established in 1994 and became operational in 1995. That is the unit that actually gets on the telephone with the local detective in a small department who has a child abduction or a serial killer case and needs the assistance of the people who are specialized in that unit. They coordi-

nate forensics, the dispatching of evidence response teams, as well as profiling with respect to suspects so the local jurisdiction can target and evaluate the evidence that they have.

Again, the Morgan P. Hardiman task force is an adjunct initiative to the child abduction and serial killer unit, both supervised by the same FBI supervisor and working with the national center.

We also have established around the country five task forces or networking associations to deal with joint State and local efforts with respect to crimes against children. They are in Baltimore, Los Angeles, San Francisco, Dallas, and Las Vegas.

The FBI laboratory is directly involved in many of the cases involving child abductions. In the *Polly Klaas* case in Petaluma, CA, Richard Allen Davis would not have been identified, albeit convicted later on, without the palm print which the FBI evidence response team took from a particular location and which was analyzed by the FBI laboratory, which is the best forensic laboratory in the world, in my view.

Another operational support unit we use is what we call our computer analysis response teams, which this committee has generously funded over the last few years. These are the computer experts who can assist the agents who are working cases involving online transmissions and originations and give them the coordinates and assistance to obtain the evidence which is necessary.

We maintain in the FBI laboratory the combined DNA information system, CODIS, which, again, this committee has generously funded over the years. That system is now active in 62 different laboratories in 31 States, expanding to 22 more laboratories this year. That is a State and local operational ability to share and compare DNA sampling materials, which are critical as part of solving abduction and serial killer cases.

We have in our Information Resources Division a rapid start team, which is an automated case support system. So if we have a major kidnapping in a particular venue, we can send our experts from this division who will immediately set up data bases and computer assistance to work complicated cases.

We have in the Criminal Justice Information Services Division the National Crime Information Center, NCIC, which is very active and now maintains files for missing persons and unidentified deceased persons, which are very helpful in the solving of these cases.

Since February 1997, we have provided an interim sexual offender tracking and identification system as part of the NCIC. This system will become a permanent part of the NCIC 2000 feature in 1999. That system is the congressionally mandated index which is very important to solve these cases.

Even our legal attachés overseas, particularly in England and Germany, another one in Austria, have worked very carefully in the *Innocent Images* initiative. These offices give us a capability overseas, because the Internet is not limited to the United States or any particular jurisdiction. You can get on the Internet and within 5 minutes be talking to somebody anywhere in the world. And we feel that we need that type of external presence to work these particular cases.

In closing, there is no more precious asset than our children. There is certainly no greater danger to them in the context of this

subject matter than the Internet and the very easy use which pedophiles and criminals can make of the Internet, as well as on-line services, to transmit pornography and also to literally meet and see our children in places where we would not want them to go.

SAFE COMPUTING TIPS

Just very, very briefly, since I know, Mr. Chairman, that you are particularly interested in this, there are several sort of rules of the road that parents are reminded of—and I can list them very briefly here—with respect to protecting children who use computers at home against these very present and immediate dangers. And these are actually guidelines from the National Center for Missing and Exploited Children. A lot of them are common sense, but it does not hurt to review them.

One is never hand out identifying information to people over the computer—home addresses, school names, telephone numbers, things like that. Get to know the services that your child uses. Many times we walk past our children using the computer, and we do not really know what they are doing or how they are doing it or why. It is not bad, particularly for older parents like myself, to understand what the new generation and the new technology requires. I know I have to rely on my 7-year-old to get on to some of the computers.

Never allow your child to arrange a face-to-face meeting with somebody that he or she meets over the computer. Again, common sense, but something which does not hurt to be repeated.

Never respond to messages or bulletin board items that are suggestive, obscene, belligerent, threatening, or would make you feel uncomfortable.

PREPARED STATEMENT

And, again, perhaps most importantly, people and things are not what they seem on the Internet. You may think you are researching a school project and talking to a retired history teacher. But you have no idea who you are talking to or where that person is or what his motives are. And it is a great technological revolution, computers, telecommunications, but like everything new, it poses new threats and new concerns, and everybody wants to protect our most precious asset.

Again, I am very pleased to be here.

[The statement follows:]

PREPARED STATEMENT OF LOUIS J. FREEH

Good morning, Chairman Gregg and members of the subcommittee. I am grateful for this opportunity to discuss the serious problems of child pornography, especially child pornography involving the Internet and on-line computer services. The FBI has developed a comprehensive “crimes against children” initiative that focuses on the full range of federal crimes involving the victimization and physical harm of children.

Our children are our nation’s most valuable asset. They represent the bright future of our country and hold our hopes for a better nation. I can think of no greater satisfaction than that of being the parent of five young boys and watching them grow up in this great country.

Our children are also some of the most vulnerable members of society. As a parent, I share the same anxiety and outrage that parents across the nation experience

each time a child is sexually exploited, sexually abused, or murdered. Protecting our children against the fear of crime and from becoming victims of crime must be a national priority.

Unfortunately, the same marvelous advances in computer and telecommunications technology that allow our children to reach out to new sources of knowledge and cultural experiences are also leaving them unwittingly vulnerable to exploitation and harm by pedophiles and other sexual predators in ways never before possible.

The proliferation and ready availability of child pornography through the Internet and on-line services, and the use of these services by pedophiles and sexual predators to target and recruit children for exploitation, represent new challenges to the FBI and the law enforcement community. These challenges include: (1) developing innovative investigative and prosecutive strategies for dealing with federal crimes committed in cyberspace, and (2) building strong legal precedents that support these prosecutions in federal court.

The FBI brings to cases involving child pornography and other crimes against children a full range of investigative resources and technical capabilities. FBI agents working these cases possess an extraordinary wealth of investigative expertise and experience. The FBI has a demonstrated ability to apply modern technology to investigate crimes facilitated by computers and related mediums. Finally, the FBI maintains strong relationships with state and local law enforcement that allows us to provide investigative, forensic, and technical assistance when requested.

PREVENTING VICTIMIZATION

At the same time, the widespread and growing availability of this technology demands that all of us—elected and appointed public officials, law enforcement, parents, educators, and industry—be more vigilant and responsible by teaching our children how to avoid becoming victims of sexual predators. Parents should talk to their children about the potential dangers they may encounter through the Internet and on-line services. Several groups, including the National Center for Missing and Exploited Children, have issued guidelines for parents on safeguarding children who use computers linked to the information highway. Schools that offer computer classes and access to students should include appropriate discussion of this problem in their curriculum. Creating awareness of the problem is a first step toward reducing vulnerability.

Additionally, arrangements with on-line service providers and commercial software are available to block access to sexually-oriented Internet and on-line bulletin boards, chat rooms, and sites. Such arrangements and software can help reduce—but will not totally eliminate—the vulnerability of children against sexual predators. Teenagers who are adept at developing their own programming codes have been able to circumvent blocking software. Also, since blocking technology is often specific to a particular computer, children can obtain access to the Internet and commercial services from an unprotected computer. Despite these limitations, blocking technology can be an effective tool in safeguarding young children.

Strong and effective prevention strategies that develop and instill a sense of responsibility in accessing the Internet and on-line services, in partnership with effective law enforcement initiatives, are necessary if we are to be successful in reducing the vulnerability of our children to sexual predators and related crimes.

CRIMES AGAINST CHILDREN INITIATIVE

As I indicated earlier, the FBI is attacking the proliferation of child pornography on the Internet and on-line services through a comprehensive “crimes against children” initiative. This initiative encompasses several major crime problems, including: the sexual exploitation of children; child abductions; child abuse on government and Indian reservations; parental/family custodial kidnappings; Child Support Recovery Act; and violent crimes against youth.

SEXUAL EXPLOITATION OF CHILDREN

Sexual exploitation of children involves sexual activity in which the perpetrator receives sexual gratification and may benefit financially, such as through the manufacture and distribution of child pornography. Exploitation may include contacts for sexual purposes, prostitution, pornography, or other sexually exploitative activities. Increasingly, pedophiles and sexual predators are using the Internet and on-line services to target and recruit victims and to facilitate the distribution of child pornography.

Pedophiles often seek out young children by either participating in or monitoring activities in chat rooms that are provided by commercial on-line services for teenagers and pre-teens to converse with each other. These chat rooms also provide

pedophiles an anonymous means of establishing relationships with children. Using a chat room, a child can converse for hours with unknown individuals, often without the knowledge or approval of their parents. There is no easy way for the child to know if the person he or she is talking with is, in fact, another 14-year old, or is a 40-year old sexual predator masquerading as a peer. In other instances, a pedophile may use e-mail capabilities to send child pornography to persons who enter a chat room, even though the recipient does not request or want such mail.

Pedophiles and sexual predators also target children by posing as other children seeking pen pals or by posting notices on bulletin boards. Relationships are developed for the purpose of making contact for conducting illicit sexual acts.

The FBI has investigated more than 10 cases involving pedophiles traveling interstate to meet juveniles. In one case investigated by the FBI in Maryland and Florida, in conjunction with the Clearwater, Florida, Police Department, a subject was arrested in November 1995, after traveling from his home in Minneapolis, Minnesota, to Tampa, Florida, for purposes of having sex with what he thought was a 13-year old juvenile whom he had met through an on-line bulletin board system. In reality, the "victim" in this case was an undercover FBI agent. This subject, who was married and the parent of five children, was convicted in federal court.

Finally, on-line chat rooms, Internet news groups—electronic forums that cater to special interests and topics—and e-mail are used on a daily basis by pedophiles for trading and distributing child pornography. These sites are often filled to capacity by users throughout the day. The availability of low cost scanners and software that allows the capture of original still photographs and video images from television and video recorders as computer graphic image files has made it possible for pedophiles to take original pornography and facilitate its distribution to other users of the Internet and on-line services.

In July 1996, 16 members of a group that often frequented a chat room known as the "Orchid Club" were indicted in federal court on a variety of charges involving the production and distribution of child pornography, as well as conspiracy. A joint investigation by the FBI, the United States Customs Service, and the United States Postal Inspection Service determined that individuals used the chat room to arrange for and transmit child pornography. While in the chat room, they also discussed their involvement and desires in molesting children. What was especially significant in this case was that many of those conspirators later admitted active participation in child molestations within each of their own geographic locations.

One subject of the "Orchid Club" case admitted to having sexual attractions to girls age four to ten years old. He also admitted to writing diaries of his sexual desires for children and to secretly videotaping children at playgrounds. During a search of this subject's residence, investigators found approximately 700 floppy diskettes, 100 videotapes, diaries, writings, books, magazines, clippings, and related materials that indicated the subject's sexual interest in children.

"INNOCENT IMAGES"

In 1994, the FBI initiated an innovative and proactive investigation, designated as "Innocent Images," to focus on the sexual exploitation of children through the Internet and on-line services. This investigation grew out of our experience in the May 1993 disappearance of George Stanley Burdynski, Jr., a 13-year old, in Prince George's County, Maryland.

In the course of the Burdynski investigation, FBI agents and Prince George's County Police detectives identified two suspects who had sexually exploited numerous juvenile males over a 25-year period. Investigation of these two suspects determined that both adults and juveniles were routinely using computers to transmit images of minors showing frontal nudity or sexually explicit conduct, as well as to lure other minors into engaging in illicit sexual activity with the suspects.

Consultations with experts, both within the FBI and in the private sector, revealed that the use of computer telecommunications was rapidly becoming one of the most prevalent techniques by which pedophiles would share photographic images of minors, as well as identify and recruit children for sexually illicit relationships.

To combat the use of computer telecommunications by pedophiles and sexual predators, the FBI and the Child Exploitation and Obscenity Section of the Department of Justice jointly developed an investigative and prosecutive strategy to identify subjects who originate, upload, or forward child pornography to other subscribers through the use of on-line service providers. Our highest priority is on those individuals who indicate a willingness to travel for the purpose of engaging in sexual activity with a juvenile and those who are distributors of child pornography.

As of March 5, 1997, the "Innocent Images" investigation has generated 200 search warrants, 40 consent searches, 81 indictments, 33 informations, 91 arrests, and 83 felony convictions.

The "Innocent Images" task force is staffed by agents of the FBI's Baltimore, Maryland, field office, other federal agencies, and investigators from surrounding state and local jurisdictions in Maryland, Virginia, and the District of Columbia. However, it is estimated that 95 percent of the subjects identified by the "Innocent Images" investigation reside in other states.

The "Innocent Images" investigation has allowed the FBI and the Department of Justice to develop the investigative techniques needed to address child pornography and other crimes in cyberspace. These techniques fully take into account the Attorney General's guidelines for criminal investigations, including federal statutes that apply to electronic communications and the public's first amendment rights.

The search warrants, seizures of computer equipment, and convictions resulting from the "Innocent Images" are putting pedophiles and criminals on notice that these crimes are being investigated and prosecuted. They also serve to deter others who may consider engaging in such illicit acts.

This ongoing investigation also provides us with extensive background and intelligence on how pedophiles and sexual predators use and manipulate the Internet and on-line services; how they search for, target, and recruit victims; and how they try to evade notice by law enforcement. For example, some pedophiles now post their solicitations in legitimate news groups and bulletin boards knowing that law enforcement is aware of the more obvious sites frequented by pedophiles.

CHILD ABDUCTIONS

Each year, as many as 300 children are abducted by strangers and either murdered, ransomed, taken with intent to keep, or detained at least overnight. A substantially larger number of children, as many as 4,600 each year, are victims of relatively short-term abductions, a large majority of which are sexually motivated. These nonfamily abductions pose an enormous challenge for law enforcement.

Each reported or suspected child abduction presents complex and unique circumstances with respect to jurisdictional issues, local liaison, local law enforcement expertise, and other considerations. Experience and research have underscored the crucial need for an immediate response to actual or suspected child abductions, and to mysterious disappearances that occur under circumstances suggesting a child may have been abducted.

The FBI's response to a reported abduction or mysterious disappearance may be in the form of a full investigation based on a reasonable indication that a violation of the federal kidnaping statute has occurred, or it may take the form of a preliminary inquiry in order to determine if that statute has been violated. In either case, the FBI response is immediate and comprehensive.

CHILD ABUSE ON GOVERNMENT AND INDIAN RESERVATIONS

Another focus of the crimes against children initiative is child abuse on government and Indian reservations. Investigations of child sexual abuse on Indian reservations are among the most sensitive cases worked by the FBI. In fiscal year 1996, the FBI investigated 1,148 cases involving the sexual and/or physical abuse of children, which is an increase of 74 percent when compared to the 660 cases investigated during fiscal year 1994.

While Indian child and adolescent abuse and neglect are issues of widespread concern, no reliable statistics exist regarding their prevalence. In 1995, 21 Indian tribes in Arizona reported 115 cases of child molestation and sexual contact with a minor. For the period July 1995 to July 1996, the Navajo Nation Division of Social Services reported 626 cases of child sexual abuse. In the 626 cases reported, 174 were substantiated. In 22 of the 174 cases, substance abuse was involved.

A strategy currently being used in FBI field offices to respond to these cases is the formation of multidisciplinary teams that include a special agent, tribal or Bureau of Indian Affairs investigator, social worker, clinical psychologist, a victim/witness coordinator, and an assistant United States attorney. Using a team effort to investigate child abuse allegations facilitates the successful prosecution of the child's abuser, while the child is protected from further victimization.

The FBI also provides advanced training to Bureau of Indian Affairs investigators and tribal police officers in an effort to improve delivery of law enforcement services on Indian reservations; enhance the identification, preservation, and collection of evidence at crime scenes; and establish closer working relationships and partnerships between the agencies responsible for investigating crimes committed in Indian country.

PARENTAL/FAMILY CUSTODIAL KIDNAPING

Parental/family custodial kidnaping refer to those situations where a family member takes a child or fails to return a child at the end of an agreed upon visit in violation of a custody agreement or decree. A 1988 National Incidence Study on Missing, Abducted, Runaway, and Thrown Away Children estimated that over 354,000 children each year may be victims of parental/family abduction. Within that large group, it was estimated that over 163,000 children were transported interstate or internationally in an attempt to conceal or prevent contact with the child, or the abductor intended to keep the child or permanently change custodial privileges. It is this latter group of victims and violators in which the FBI typically becomes involved.

Most of the victims of parent/family abductions are young; 33 percent were between 2 and 5 years old, and 28 percent were between 6 and 9 years old. Most were returned within a week; 62 percent were returned in 6 days or less, and 28 percent were returned in 24 hours or less. For over half of the children abducted by a family member, their caretaker knew their whereabouts more than half of the time they were away from home.

Three key laws were enacted to address interstate and international parental child abductions: the Uniform Child Custody Jurisdiction Act, the Parental Kidnaping Prevention Act, and the Hague Convention on Civil Aspects of International Child Abduction.

CHILD SUPPORT RECOVERY ACT

Criminal nonsupport has become a high-profile issue, with nonsupport being viewed as an increasing threat to the children, in particular, who are denied the benefits and opportunities of lawful financial support, and to society, as a whole, which is often required to bear the financial burden of providing basic support and services for children as a result of nonsupport.

Some states have local remedies that include a felony prosecution for failing to pay child support, which in some cases would be preferable to the prosecution of a federal misdemeanor offense. However, many states either do not have a felony offense or view the federal Child Support Recovery Act as an additional tool to be used in the area of child support enforcement, and they rely upon federal assistance.

The FBI actively participates with the United States attorneys, the Criminal Division of the Department of Justice, the Office of Inspector General for the Department of Health and Human Services, the United States Marshals' Service, and other federal, state, and local agencies to ensure compliance with the Child Support Recovery Act, to coordinate program efforts, and to obtain maximum benefits from resources available for these cases.

VIOLENT CRIMES AGAINST YOUTH

Violent crimes against youth is another focus of the crimes against children initiative. Our nation's youth are increasingly finding themselves the victims of violent and serious crimes. The growth in violent crimes against children is most disturbing; between 1984 and 1994, the number of juveniles murdered in the United States rose 82 percent; in 1994, an average of 7 juveniles were murdered each day; 50 percent of the juveniles murdered in 1994 were between the ages of 15 and 17 years old; and 30 percent of the juveniles murdered in 1994 were younger than 6 years of age.

A 1992 study found that abused or neglected children were 53 percent more likely to be arrested as juveniles and were 38 percent more likely to be arrested for violent crime. This study also reported that 75 percent of chronic violent delinquents suffered serious child abuse by a family member and that 80 percent witnessed extreme acts of violence.

The nation's changing demographics indicate that this problem may become even more challenging in the years ahead. By 2010, the juvenile population is expected to reach 74 million, an increase of seven percent from 1995. Youth violence and violence against youth are expected to increase appreciably. For the FBI and other law enforcement agencies, there will be the special challenges of addressing child-victimization and encountering juvenile offenders more frequently.

FBI RESPONSE AND CAPABILITIES

Let me describe some of the steps the FBI has taken to address each of these crime problems and some of the capabilities the FBI possesses to meet these challenges.

As I indicated earlier, the FBI has begun a comprehensive “crimes against children initiative.” Under this initiative, the FBI has consolidated all investigative operations and administrative matters involving child victimization.

At FBI headquarters, I have established two offices within our Criminal Investigative Division—the Office of Crimes Against Children and the Office of Indian Country Investigations—to plan, manage, and coordinate our nationwide efforts under the crimes against children initiative.

Nationwide, there are 56 FBI field offices located in major cities across the United States, along with approximately 400 resident agencies in smaller cities and towns. This extensive field organization, along with over 11,300 authorized agents, provides the FBI with a unique federal law enforcement capability in these types of cases.

The Baltimore, Los Angeles, San Francisco, Dallas, and Las Vegas field offices have successfully joined other law enforcement agencies in forming interagency task forces or networks to create multidisciplinary teams to address child abductions, sexual exploitation of children, and other crimes against children.

Several components of the FBI’s critical incident response group are often called upon to support cases involving sexual predators and pedophiles. The child abduction and serial killer unit was established to provide specialized investigative support services to this category of investigations. Additionally, in compliance with the Violent Crime Act of 1994, the FBI established the Morgan P. Hardiman task force on missing and exploited children as part of the unit.

The Hardiman task force brings together agents and investigators from seven federal agencies—the FBI, the Drug Enforcement Administration, the United States Marshals’ Service, the United States Secret Service, the United States Postal Inspection Service, the United States Customs Service, and the Bureau of Alcohol, Tobacco and Firearms—to serve as a resource for state and local law enforcement agencies requiring assistance in a missing child investigation.

The child abduction and serial killer unit provides profiling services to federal, state, local, and, on occasion, foreign law enforcement that are often used to direct and guide investigative efforts. The unit also assists agents and investigators by developing strategies for interviewing persons suspected of crimes against children based upon information known about the crime and the suspect. The unit also coordinates the services of the violent criminal apprehension program (VICAP). Through VICAP, the FBI provides profiling assistance in serial crimes to other law enforcement agencies.

Along with members of the Hardiman task force, the unit provides on-scene advice to state and local officers. Working together, the unit and task force facilitate the use of federal agency resources and capabilities, where appropriate, to assist state and local agencies. On a daily basis, the members of this unit and the Hardiman task force work closely with the National Center for Missing and Exploited Children.

The recently established Computer Investigations and Infrastructure Threat Assessment Center (CITAC) will be a source of expert computer support to cases involving the Internet.

The FBI laboratory provides a wide range of services that are used in these types of investigations. For example, in the *Polly Klaas* case, FBI evidence specialists used advanced forensic technologies to discover the palm print of Richard Allen Davis on Polly Klaas’ bedroom wall. This evidence was crucial to the California state prosecution and conviction of Davis for the abduction and murder of Polly Klaas.

Computer analysis response team (CART) agents and technicians, trained under the auspices of the FBI laboratory, assist in the search and examination of computer and telecommunications equipment used by pedophiles and sexual predators. Pedophiles and sexual predators are often very computer savvy and use advanced techniques to protect themselves from being detected by law enforcement. The FBI laboratory maintains a child pornography reference library that supports investigators in tracing the source of images and materials.

Another important forensic tool is the FBI’s combined DNA information system (CODIS) that serves as a national index containing DNA profiles from convicted offenders and unsolved crimes. Currently, there are 62 forensic laboratories in 30 states and the District of Columbia that are part of the CODIS network. We are hoping to add another 22 state and local forensic laboratories to the CODIS network this year.

Our Information Resources Division provides critical automation services to support investigations of child pornography and other crimes against children. These services include the Rapid Start team, which is deployed to cities where a child abduction or similar crime has been committed and there are large volumes of information that must be computerized, indexed, and made available for analysis for the investigators. Crimes against children investigations often generate multitudes of

leads from concerned citizens. Rapid Start provides investigators with critical and timely information management capabilities. This division also provides necessary technical services and support, such as radios, communications, and electronic surveillance, to joint task forces operations.

Our Criminal Justice Information Services Division operates and maintains the National Crime Information Center (NCIC), which includes files for missing persons and unidentified persons. Through NCIC, the FBI also makes available criminal history data that is contained in the interstate identification index.

Additionally, the FBI has established an interim capability for a national sexual predator and child molester registration system, as mandated by President Clinton in Executive Order 137789 and the Pam Lyncher Sexual Offender Tracking and Identification Act of 1996. An interim capability became operational in February 1997. A permanent sexual offender registry file, which will include the capability to electronically transmit photographs of registered sex offenders, is being developed within the NCIC 2000 system that is expected to become operational in July 1999.

Finally, our overseas legal attachés support child exploitation cases. For example, our legal attaché offices in London and Bonn assisted the "Innocent Images" investigation by facilitating the dissemination of evidence regarding subjects who resided in England and Germany that were receiving and transmitting child pornography through an American commercial on-line service. Austrian authorities have provided the FBI with evidentiary images obtained from the Internet as part of their efforts to identify individuals transmitting child pornography.

FBI legal attachés also serve as a ready resource for investigations in foreign countries in cases involving international parental kidnappings.

CONCLUSION

Protecting our children from becoming the victims of crime is everyone's responsibility. It is a tough responsibility for parents, neighbors, teachers, coaches, clergy, and public officials. It is a responsibility that requires constant vigilance and perseverance.

Violent crimes committed against children are among the most emotional and demanding cases that investigators and prosecutors must face. Let me assure you that the FBI, as well as everyone in the Department of Justice, accepts its responsibilities in this area seriously and wholeheartedly. Our commitment is to work closely together on all such cases that are brought to us for investigation so that persons who prey upon our nation's children can be brought before the bar of justice to answer for these offenses.

This concludes my prepared remarks. I would like to respond to any questions that you may have.

TRAVELER CASE DEMONSTRATION

Mr. FREEH. Mr. Chairman, if you want, either now or later, we do have the ability to do a very short demonstration, with text only, of a traveler case. That is a case where someone contacts a child over the Internet, arranges for interstate transportation, and we are happy to do that now or—

Senator GREGG. Why don't you do it now, Mr. Director? Then we can ask questions.

Mr. FREEH. Great. I will ask Richard Potocek, who is our expert, also an agent assigned to the *Innocent Images* case, to just explain to us what he is doing. Richard, do you want to take over, please?

Mr. POTOCEK. Thank you. While the computer is counting down and warming up, let me explain. This is an actual case that was worked last year by the *Innocent Images* squad in Calverton, MD. It involved an undercover agent who happened to be online, and he was contacted by the defendant in this case, who was using the screen name "XderAlte." The undercover agent was using the screen name "JulieJ1982," and in online parlance that would generally mean it is a female, Julie J., with a year of birth of 1982.

This is a very brief portion of the online conversation that went back and forth between these two people, the defendant and the

undercover agent. This is in a private chat room where no one else could see this, no one else who was online. It has been edited somewhat to take out some of the language that was used, and what I will do is just read through it line by line. Just by way of background, the defendant in this case was a CEO of a manufacturing company in Columbia, MD.

That first line is an administrative message from the computer system telling anyone in this particular room which room they are in. This room was created by the defendant. And XderAlte says, "Have you ever actually met anyone you met online?" Julie, actually the undercover agent, responds, "No; not exactly."

He states, "What do you mean, not exactly?"

Julie: "I was going to meet somebody once but chickened out."

XderAlte: "Would you chicken out if we had plans for lunch, do you think?" "I might." [Smiley face.]

"Are you there, Julie? Didn't mean to have that question upset you."

Julie: "I don't think so. I'm in school during lunch."

"The meeting sounds very nice, Julian."

XderAlte: "I would very much enjoy that. I would give you a very gentle hug when we met!"

Julie: "That would be nice."

He asks her, "Do you drive? How would I meet you? Is there a restaurant you like very much?"

Julie: "No; I don't drive, but I have friends who do."

XderAlte: "I think if we meet, it should be someplace where you would feel safe."

Julie: "But then what would I do with my friend? What about a mall? How long do you think we would need?"

He responds, "A mall sounds very good. I think the first time we meet it should be just long enough for us to get to know each other better * * * no strings attached, and just see how we are together."

And so on. That is the end of the text.

What eventually happens is another—actually, the same undercover agent using a different screen name finds this individual online, suggests to him that he, the undercover agent, has the ability to procure minors for sexual purposes, and the defendant in this case expressed interest in that. There was a meeting arranged in Arlington, VA. The defendant traveled from Columbia, MD, to Arlington, VA, where he met an undercover agent, paid him \$180 for the sexual services of a minor female, at which time he was arrested.

Mr. FREEH. Thanks, Rich.

Senator GREGG. Thank you.

Mr. Director, I appreciate that demonstration. How easy is it to find individuals in these chat rooms who either, one, are willing to send pornographic photographs of minors—of children, or, two, are looking to make contact with a child?

Mr. FREEH. The contact cases or the traveler cases, as we have mentioned them, are less frequent. In fact, we have only worked 19 of them since the inception of the *Innocent Images*.

In terms of people willing to contact what appears to be a young child and the speed with which they will send pornographic im-

ages, it is almost frighteningly amazing. We did a demonstration in my conference room yesterday where Rich went online realtime as a 14-year-old girl, and I think several seconds after he was in the chat room, he was getting contacts and solicitations for images. Several minutes after he was in the chat room, there was a list of waiting messages. The chat rooms are basically full all the time, which means there are people in there constantly. And there is no reluctance to engage in those types of conversations and transmissions.

I was told yesterday that in one instance the FBI undercover agent, who was working under a screen name in one of these venues, told the subjects or the people who were contacting her that she was an FBI agent, and that did not deter or interrupt the solicitations or transmissions at all.

So I think there is a huge reservoir of people out there who are willing to engage in this, and the demonstration which I had yesterday—it is certainly available to you to have it; I think you have had part of it—shows that there is no shortage of interest or activity in that regard.

Senator GREGG. Do you have any idea what percentage of that is within the country and what percentage is outside the country?

Mr. FREEH. It is hard to estimate. I know looking at some of the messages yesterday, we identified some of them, at least, through the screen name as originating from foreign activities. Some of the profiles—and I am not the computer person here, but there is an inquiry mode to ask for a profile or background of the people in the chat room, and one of them showed yesterday an individual from West Germany. So that is very, very common.

Senator GREGG. The main concern, then, is the projection of child pornography images over the Internet. That is basically what you are looking for?

Mr. FREEH. Yes; that is the basic violation, and most of the cases deal exactly with that violation.

Senator GREGG. There is a pretty clear law on that. Do you need additional legislation in that area?

Mr. FREEH. I do not think we do. The law is fairly clear that one transmission is sufficient to predicate a criminal investigation and support a conviction. I think the law is fairly clear on that. It is more of a resource issue for us and the other agencies to be out there actively and proactively to deal with what is a huge problem.

Senator GREGG. We are talking child pornography here, purely child pornography?

Mr. FREEH. Yes.

Senator GREGG. So there is no issue of first amendment rights.

Mr. FREEH. That is correct. We are not talking about any community standards relating to obscene or indecent material. This is strictly child pornography.

Senator GREGG. Now, maybe you could give us a sense of how you are setting up—to the extent you are willing to disclose it in a public forum—how you are setting up this process? Are you bringing agents in with computer backgrounds? What is the training? Is there a special training process for agents involved in this? How are you structuring it?

Mr. FREEH. I would answer that in two parts. There is a comprehensive effort, as I think I told the committee last year, to recruit people who have backgrounds in computer sciences and technology. We have hired, since 1993, 400 special agents who have computer or high-tech backgrounds. We have hundreds of agents who are proficient now in the use of computers. When we graduate our new agents at Quantico every 2 weeks now, we give them a gun, a badge, and a laptop computer, which is not only symptomatic but requisite in terms of the kinds of cases they are going to be working on.

The agents who work the *Innocent Images* cases do not necessarily need a computer science background.

They can be trained and are trained very proficiently to use the tools they need in this particular case. But in the investigative detection—in other words, to identify subscribers to online services, particularly if it is a foreign online service, or just to try to run down and identify somebody on the Internet that works outside the purview of an online subscriber service requires a lot more computer expertise, which is why we have our CART unit and why we are looking for people who have that type of background.

Senator GREGG. Do you have a special class structure now at Quantico dealing with the forensics of computer science and the issue of pornography on computers?

Mr. FREEH. Yes; we do. In addition to the new agents' training, we have training which we provide in the field to more experienced agents for greater proficiency. We have found—when we started hiring agents in 1994, after a 22-month hiatus—the course that was presented to the new agents was a little bit stale. The instructors told me that when they presented the computer keyboarding class that was part of the older curriculum, a couple of the agents came up to them and said: You know, we learned that stuff in high school. What else do you have?

We have now substantially upgraded and made a much more complicated and comprehensive curriculum to get the kind of expertise that we need.

Senator GREGG. Senator Hollings.

Senator HOLLINGS. Well, that is what interests me, is how we are going to really extend the techniques, the know-how to the State and local level. Here is child pornography, an offense that the Federal Government does not have the resources to take over singularly as a responsibility. And the only way it is really going to be controlled is at the State and local level. I am thinking back when the then FBI Director came and said now we have given up on bank robberies, we are turning that over to the States and the local authorities, because we did not have the resources. In a similar fashion, I commend you for what you have done. You have got your setup. You have got the various task forces. You have got the parts to the FBI school and everything else. But it seems to me that what we need to do is institute a special school for the local and State authorities to sort of bring them up to date here, because you can see from Mr. Allen's testimony that, just like you just started in 1994, I do not know whether any of the other States have started in even yet.

What we need is just that, some comprehensive approach at this time because we are growing like Topsy. The Justice Department has grown in 10 years from \$4 billion to \$19 billion. Your FBI budget just 10 years ago was \$1 billion, and now you are asking this year for about \$3 billion. And everywhere I go on the Senate floor, Members say that they are cutting taxes and cutting spending.

With that kind of environment, we have got to be sensible about this, if we are really going to do it. I think a full-court press of educating the State and local authorities is called for so that they can take it over and handle it in an authoritative manner, and then we will be able to control this Internet child pornography. But these particular cases that you have got here, you can be setting those up ad infinitum, and we just do not have enough money in the Federal Treasury to take care of it and monitor every personal computer.

So with that in mind, what would you suggest? In this FBI budget request that you have before us this year—and I think we are going to be hearing that in this subcommittee here on Thursday—what amounts do you have set aside for any comprehensive educational approach? You have got the know-how. You have got those who really understand how to really get on top of it. But to get this information and get this expertise down and the techniques down to the local and State law enforcement agencies, what part of the \$200 million are you going to use?

Mr. FREEH. Senator, I would probably need to just review that quickly before I give you a specific answer. Generally, however, the protocols and the techniques, as well as the investigative guidelines which we have now used successfully even after court challenges, are available and are distributed whenever we can make them available to State and local agencies. For instance, the Florida—

Senator HOLLINGS. But they do not know how to ask the questions. You make it available, but in a general sense, I will bet my boots right now that if you go to these States and everything else, they will say, well, yes, we understand it is a problem; fine business on, you know, continue with respect to kidnaping and the serious and the violent crimes and the serial murders and crimes of that kind. But when it comes, just as this hearing indicates, to child pornography, local law enforcement will not even be asking you the question. They will say, "Well, I do not want to bother the FBI with child pornography." And you have got to sort of bring them in and train them and educate them, and then get rid of it. Then you move on to some of the other more serious crimes.

Mr. FREEH. Right. Well, I agree. It is much like you referred to the bank robbery crime.

Senator HOLLINGS. Yes.

Mr. FREEH. What we have to do is ensure that the protocols and the techniques are available to be franchised to the State and locals where most of these offenses are being committed.

We have in our Quantico training provisions—and this I am aware of—in the National Academy, classes which deal with investigative computer sciences, the use of computers to commit crimes. I will give you a specific answer in terms of how much of our budg-

et is devoted to training or propagation of those particular techniques.

[The information follows:]

NATIONAL ACADEMY INVESTIGATIVE COMPUTER COURSES

Among the numerous courses available to the over one thousand State, local, and international officers who annually attend the National Academy are three instructional classes that contain material directly applicable to the investigative use of computers and computer crimes: Management Applications of Computerized Law Enforcement Information Systems, Contemporary Issues in White Collar Crime, and the Practice of Crime Analysis. These courses present training on topics such as obtaining search warrants for computers and computer records; sources of information and electronic databases; computer crimes (e.g., child pornography); use of computers as investigative tools; computer forensics; and Internet access, capabilities, and law enforcement on-line services.

The FBI's Training Division is also developing a three-credit course, which will be accredited through the University of Virginia, dedicated solely to the investigative use of computers. In addition to the training that focuses directly on the investigative use of computers, the FBI provides other computer training within the National Academy program: Introduction to Micro-Computers, Micro-Computers for Managers and Management Planning and Budgeting. In fiscal year 1998, the FBI also plans to address the need for cyber-crime training.

Senator HOLLINGS. I am trying to get a figure, because you take the Center for Exploited and Missing Children that Mr. Allen has over here in Virginia, and he has got four offices around the country. I bet you he would like to have 46 more.

Mr. FREEH. He sure would.

Senator HOLLINGS. And he could use them effectively.

Mr. FREEH. Right.

Senator HOLLINGS. Then how do we get that done and get ahead of the curve before this thing just breaks out like the drug problem. The volume will overwhelm you unless the State and local people are astute to the techniques on how to handle it and how to really nip it in the bud. That is what I have in mind.

Mr. FREEH. As I said, the Florida Department of Law Enforcement now uses all of our protocols to conduct on their own these types of investigations.

Senator HOLLINGS. That is Florida. How many other States?

Mr. FREEH. I do not have—

Senator HOLLINGS. Ms. Hooper, how many other States? You know, I just want good answers, but adequate answers are fine. You have informed the Director and me now that it is Florida, but how many other States?

Ms. HOOPER. We provide demonstrations and training to every National Academy class at Quantico before they graduate. We travel throughout the country and provide training to State and local law enforcement officers, prosecutors, and judges. We present demonstrations. We have gone all over the country to do this. I do not have an exact—

Senator HOLLINGS. You have done it in every State already?

Ms. HOOPER. Not every State, but we have traveled throughout the country.

[The information follows:]

INNOCENT IMAGES TRAINING

Listed below is a sample of online child pornography investigative training that was provided by FBI Baltimore to other law enforcement personnel:

FBI National Academy—Law Enforcement Supervisors.
 Albuquerque, New Mexico—Group of Women Judges.
 Milwaukee, Wisconsin—State and Local Law Enforcement.
 Alexandria, Virginia—Federal Prosecutors.
 Richmond, Virginia—State and Local Law Enforcement.
 Chesterfield, Virginia—Local Law Enforcement.
 Ocean City, Maryland—Federal Law Enforcement Agencies.
 On a daily basis, FBI Baltimore receives numerous telephone inquiries from other Federal, State, local and county law enforcement agencies concerning online child pornography investigations.

Senator HOLLINGS. Well, good enough. You can see what I am getting at.

Mr. FREEH. Yes.

Senator HOLLINGS. Because the particular case you showed me, we will all be dead and gone, you can put that on in 10 minutes and catch them. I mean, you are just going to have those kinds of people in society. Unless you can sort of develop that technique at the local level, we are gone. You just do not have enough money at the Federal level.

Mr. FREEH. Senator, in partial response to your question, I have something which I can certainly provide as an exhibit to the committee. It is called the child abduction response plan. This is now being printed in the FBI, and what this is is a how-to-do handbook in child abduction cases. This will go out to thousands of police departments around the country. We are also preparing a floppy disk which will transmit this information.

Our goal is, with respect to the protocols and the techniques used in *Innocent Images*, to do the same thing, to at least make available in a reference and operational form, how to do steps 1 to 10 to investigate and prosecute those kinds of cases. We will endeavor to continue that kind of law enforcement assistance.

[The information follows:]

CHILD ABDUCTION RESPONSE PLAN

The FBI's Child Abduction Response Plan is a law enforcement sensitive document not suitable for public dissemination. The FBI will provide the Subcommittee a copy of the plan under separate cover.

Senator HOLLINGS. Very good. I think the record would show—I do not know whether you were here at the time, but we had a favorable word for the FBI from Mr. Allen and the National Center for Missing and Exploited Children, and also the witness, Diane. This is the first favorable word I have heard about the FBI since January, and we are glad to hear it. We commend you both on the job being done.

Thank you, Mr. Chairman.

Senator GREGG. Thank you.

I think Senator Hollings has raised a good point. It is one that I think the committee will want to pursue, which is how we systematize and institutionalize the communication of your expertise to the local and State law enforcement community? I think you would see a lot of receptivity on this committee to some sort of programmatic way of doing that. If you could put some of your thinkers to work on coming up with some proposals in that area, and maybe Mr. Allen could also give us some ideas, that would be very helpful to us. I think what Senator Hollings has pointed out is a very much needed effort.

Mr. FREEH. We will do that, Mr. Chairman.
 Senator GREGG. Thank you.

BUDGET AND LEGISLATIVE INITIATIVES

I was wondering, in the area of your budget and in the area of additional legislative activity, are there any initiatives in the budget area or in the legislative area that you feel you need in order to continue an aggressive pursuit of the *Innocent Images* initiatives?

Mr. FREEH. In the budget area for both 1997 and now estimated for 1998, the crimes against children programs, which include sexual exploitation of children, parental kidnaping, child abduction, and serial killers, the Hardiman task force, we estimate for 1998 we will expend about \$15 million, which is what we expended in 1997, 250 positions.

We had asked for in 1998 a significant enhancement to pursue some of the propagation, which is what both Senators just referred to—that is, moving these task forces and resources around the country so they could be, one, more operational and, two, more interactive with the State and local officials. That particular request to OMB was not approved for 1998, and we intend to pursue it next year because we think it is a very good investment of resources.

Senator GREGG. But you do not feel you need any additional legislative language in this area?

Mr. FREEH. I think with respect to the legal requirements for the possession of child pornography, which now require three separate episodes or three separate items, it seems that one would be legally sufficient, certainly on a constitutional basis. That may be one technical area for change. Other than that, I do not, at this time, have any sense that we would need major legislative assistance. I think we have the tools there. I just think we need more resources.

VICTIMS ASSISTANCE TO LAW ENFORCEMENT

Senator GREGG. Mr. Allen made a point that the victim is sort of left out of the equation when it comes to a potential resource for identifying perpetrators, and he felt that there should be some more formalized effort to talk to victims, obviously try to help them out psychologically, I presume, but, in addition, determine how they can be useful in expanding the universe of knowledge. Do you have a formal followup for the victims?

Mr. FREEH. There is a departmental witness assistance program and a victim assistance program. There is a special unit in the Department for these programs. All the component agencies, including the FBI, have resources in the field which address these programs, and part of that is the safety and informational disbursements to the witness during the process, particularly the victim witnesses; also to make them aware of their various rights, the right to have an input at sentencing, the right for restitution under certain statutes.

That is an ongoing program. It certainly would apply in all of the cases where you would have crimes against children.

Senator GREGG. I think his point was that some of these victims could be great sources of information as to potential other criminal

activity. I presume your investigators pursue that, but I did not—maybe you could give me some input on that.

Mr. FREEH. We will get that for you.
[The information follows:]

VICTIM INPUT

The FBI frequently interviews child victims in missing and exploited children cases. The interviews are conducted to determine the facts of the child's victimization and develop specific information that could lead to the identification and prosecution of the offender. In addition to obtaining basic investigative information, it has proven beneficial to also obtain information about the offenders behavior. In cases involving the sexual victimization of a child, it is very important to obtain information about the offenders verbal, physical, and sexual behavior. With that information, FBI profilers can assist the investigators by providing information about characteristics of the offender that can be helpful in their search for the offender.

Senator GREGG. Again, the parents' role in this is critical. I appreciate your reading one more time the things that parents can do. We are all parents.

INCREASING SAFETY AWARENESS

Is there anything beyond that that we feel that we, as a government, should be doing? The FBI brings to the table great credibility in dealing with education. It is a unique situation, I think. The FBI and the National Science Foundation are two of the institutions which, when children are communicated with by these organizations, they are given great credibility. I was wondering if there was any thought given to some sort of educational, promotional effort. I can understand if there has not been because this is a new area. But I remember when I was going to school, there was a lot of information that came through the FBI that was promotional and explained how to deal with criminal activity. And kids respond to that.

I was wondering if you had any sort of FBI kids' packet—elementary or secondary school packet—that involved quizzes or some sort of creative, interactive effort that makes kids sensitive to this problem, makes parents sensitive to this problem, and has the FBI imprimatur of interest and obviously expertise on it. Has that been given any thought?

Mr. FREEH. It is a very, very good point. I think it is something we probably have not taken advantage of, and it is certainly something we will look at.

We have various programs, the Junior FBI Special Agent Program. We have agents and support employees around the country who, on a daily basis are active in schools and communities, particularly high-risk areas. And it seems like with a little bit of work and not a lot of resources, but with potentially a big impact, we could do something like that. And I certainly will take that up after the hearing.

FBI TOUR

Senator GREGG. Just off the top of my head, I was thinking I do not know how many millions of people go through the FBI, but I know in my office it is the most popular tour. When kids come to Washington, that is where they want to go. Possibly, your tour guides could hand them the booklet put together by Mr. Allen's

group, or the booklet we are putting together, or a booklet that you folks put together, to just give them some awareness of the dangers, or maybe even make it part of the tour such as a stop on the tour would be good.

Mr. FREEH. Yes; that is a great idea, Senator. We will pursue that.

Senator GREGG. That is just a thought. In any event, I congratulate your agency for a lot of things. I think your agency does excellent work. I think this country is very indebted to what the FBI does. I am very supportive of your efforts. I am very supportive of what you have done, Mr. Director. And I think in this area you especially deserve to be congratulated, your agency and your people. It is an initiative that had to be undertaken, and you saw the problem and you pursued it. Congress and everybody else is a little bit behind you, but we are trying to catch up with you, and we want to support you, so thank you very much.

Mr. FREEH. Thank you, Mr. Chairman, and thank you for having this hearing. Senator Hollings, thank you.

1998 BUDGET REQUEST

Senator HOLLINGS. Excuse me. What was the amount you requested for the crimes against children section in your budget this year that OMB did not approve?

Mr. FREEH. For the sexual exploitation of children task forces, we asked for 94 positions, including 56 agents around the country. That was \$9.9 million.

Senator HOLLINGS. \$9.9 million?

Mr. FREEH. Yes, sir.

Senator HOLLINGS. Thank you, Mr. Chairman.

Senator GREGG. Thank you, Senator Hollings, for participating so effectively in this and giving us some good ideas.

Mr. FREEH. Thank you. Mr. Chairman, may I just make part of the record the correspondence between us and Senator Grassley so I can complete the answer that I gave before?

Senator GREGG. Absolutely.

Mr. FREEH. Thank you.

[The information follows:]

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 27, 1997.

The Honorable LOUIS FREEH,
*Director, Federal Bureau of Investigation, Room 7176, J. Edgar Hoover Building,
Washington, DC.*

DEAR DIRECTOR FREEH: As Chairman of the Subcommittee on Administrative Oversight and the Courts, I am writing to verify certain information regarding the FBI's commitment of resources to investigating violations of federal child pornography laws. At a recent briefing for Judiciary Committee staff, FBI presenters indicated that the FBI has a database of approximately 4,000 names of persons who have sent computerized child pornography to undercover agents. Despite having sent sexually explicit images of children over a computer network, FBI presenters also indicated that these individuals were not being investigated. Please describe: the precise number of names in this database; how those names came to be included in the database; why the names included in the database are not being further investigated; and any "threshold" requirements to launch an investigation for sending computerized child pornography.

Please deliver your response to these questions to 308 Senate Hart Office Building not later than the close of business on April 3, 1997. Thank you for your assistance

in this matter. If you have any questions regarding this request, please call John McMickle of my Subcommittee staff at 224-6736.

Sincerely,

CHARLES E. GRASSLEY,
Chairman, Subcommittee on Administrative Oversight and the Courts.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, April 4, 1997.

Honorable CHARLES E. GRASSLEY,
Chairman, Subcommittee on Administrative Oversight and the Courts, Committee on the Judiciary, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 27, 1997. I greatly appreciate your interest in the FBI's investigative programs designed to identify and prosecute criminals who deal in child pornography or otherwise exploit or harm children in violation of federal law.

As you know, I will be testifying in front of Chairman Gregg on Tuesday about the full range of the FBI's programs in this area: "Innocent Images" is but one aspect of a larger investigative effort designed to capitalize on the FBI's substantial experience dealing with computer-aided crimes, kidnappings, pornography, and the other types of crimes committed by those intent on bringing harm to children. We are very grateful for the support Chairman Gregg, his Committee, and Congress have given the FBI.

Regarding "Innocent Images," please be assured that in all cases where the subject has been identified by an apparent true name, the FBI is conducting an investigation. At any given time, the number of persons under investigation is changing. Subjects are added if they originate and disseminate what appears to be child pornography to an undercover agent, or if they are the subject of a complaint by a citizen or Internet service provider. The federal grand jury process is utilized to discover the true identities of the originators of the child pornography. Thus, the true names in the file to which you refer are covered by Rule 6e of the Federal Rules of Criminal Procedure.

We do apply investigative guidelines. They were designed in conjunction with the Department of Justice to ensure that in any instance where it appears there is physical harm to a child being committed, it is instantly and vigorously investigated; that the cases investigated have prosecutive merit; and, that an intent to distribute pornography is apparent from the transmission. No single factor is determinative; instead, all of the known facts are taken into account.

I hope this is helpful. We would be pleased to provide you a full briefing on this case as well as on our entire investigative program aimed at protecting children by enforcing the applicable federal laws.

Sincerely yours,

LOUIS J. FREEH,
Director.

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 7, 1997.

The Honorable LOUIS FREEH,
Director, Federal Bureau of Investigation,
Washington, DC.

DEAR DIRECTOR FREEH: Having received your letter of April 4, 1997, I am writing to express my disappointment with the non-responsive nature of your reply to my questions. As I stated in my earlier letter, I had asked whether, as FBI presenters told Judiciary Committee staff at a recent briefing, the FBI currently has a database of approximately 4,000 names of known child pornographers who sent child pornography to undercover FBI agents over computer networks. This is a cause for serious concern since child pornography is such a vicious and horrendous crime. Unfortunately, you did not forthrightly address this issue in your letter.

I believe this information will be very helpful to Congress in determining whether law enforcement resources dedicated to fighting child pornography should be re-directed. Obviously, if the FBI and Justice Department have not properly allocated enough resources to prosecute all known child pornographers, Congress should consider earmarking funds for the specific purpose of investigating and prosecuting

child pornographers. It is my understanding that there are at most three agents assigned specifically to work on child pornography cases. By contrast, under last year's funding resolution, the FBI's Office of Congressional and Public Affairs has an authorized complement of 81 employees with a budget of nearly \$6 million. This allocation of resources seems to indicate that the FBI considers lobbying Congress and issuing press releases to be many times more important than fighting child pornography. I believe that the American people would be well-served if Congress were to consider re-allocating a portion of these agents to fight child pornography. The Weekly Standard this week has struck a chord by suggesting that the real problem is "a lack of resolve at the highest levels of law enforcement."

While I await an appropriate response to my inquiry, I will be sending a letter to Chairman Gregg communicating my concerns and asking him to pursue this matter during his Appropriations Subcommittee hearing on April 8, 1997.

Sincerely,

CHARLES A. GRASSLEY,

Chairman, Subcommittee on Administrative Oversight and the Courts.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, April 17, 1997.

Honorable CHARLES E. GRASSLEY,
Chairman, Subcommittee on Administrative Oversight and the Courts, Committee on the Judiciary, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of April 7th. I greatly appreciate your interest in insuring that the FBI has sufficient resources to identify and investigate criminals who distribute child pornography or otherwise exploit or harm children in violation of federal law.

As you know, Senator Gregg held a hearing in support of the FBI's comprehensive program designed to capitalize on the FBI's substantial experience in the types of crime involving harm or exploitation of children. We greatly appreciate the support Congress is giving the FBI in that regard.

I can assure you that there is an absolute resolve at every level in the FBI and the Department of Justice to investigate and prosecute criminals who transmit child pornography or otherwise harm children.

The FBI has a much greater commitment of resources dedicated to this problem than you have been told. In addition to the Agents and professional support assigned to the Baltimore FBI office, the central point for the Innocent Images investigation, there are Agents in nearly every FBI field office around the country dedicated to, and in direct support of, this effort.

Because this program is so important to the safety of our children, these numbers are supplemented whenever investigative needs dictate. We will not leave unaddressed a situation that we have identified as potentially harmful.

In answer to your specific questions:

- There are 3,978 names of individuals in the Innocent Images case management file, all obtained in response to grand jury subpoenas. Please understand, this number is cumulative and fluctuates constantly. It does not represent a holding place for unaddressed work.
- Individuals are added to the case management file if they have disseminated what appears to be child pornography to an undercover Agent, or if they have been the subject of a complaint by a citizen or Internet service provider.
- There is an ongoing case-by-case review in which immediate action is taken where the circumstances dictate. Included in these circumstances are details of transmission itself, and/or facts which raise a concern for the safety of a child.
- Names included in the case management file are being investigated consistent with the law and established prosecutorial guidelines.
- There are specific investigative guidelines developed with the Department of Justice. They are not a "requirement" per se. As was explained at the hearing, any number of factors are considered. For example, investigation is immediately conducted when a child appears to be in any danger. Other factors include the egregious nature of the material, whether the images are new or ones that have been circulated for years out of published sources, whether the true identity of the sender is known, past experience or record of the sender, analysis of accompanying written material, the apparent age of the persons in the images, the age of the sender, etc. One transmission can and has resulted in an immediate investigation.

We believe there is a valid reason for guidelines. Our goal is to have a prosecutable case. To do that, we must establish a true identity, knowledge, intent and the other requirements for a successful prosecution. In addition, we always need sufficient information to establish probable cause to obtain search warrants. Frequently, a single transmission is insufficient for these purposes, particularly if the people in the images are not clearly and unequivocally juveniles as defined in the statute. Three instances are usually sufficient to meet these legal requirements. We present for prosecution every case that we are able to make prosecutable.

I hope this information answers your questions. Please be advised that in an effort to be responsive we included information the public disclosure of which will harm our investigation. I respectfully ask that you treat it accordingly.

Again, thank you for your interest. I would be pleased to arrange a full briefing for you if you believe that would be helpful.

Sincerely yours,

LOUIS J. FREEH,
Director.

ADDITIONAL COMMITTEE QUESTIONS

Senator GREGG. I ask that the record remain open for Senators to submit additional questions, and I appreciate everybody being here.

[The following questions were not asked at the hearing, but were submitted to the agency for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR JUDD GREGG

Question. The Senate Judiciary Committee notified us that they were briefed that the FBI had a database with some four thousand names of people who have actually sent computerized child pornography to undercover FBI agents.

How many names are in this database?

Answer. There are 3,978 names of individuals in the Innocent Images case management file, all obtained in response to Federal Grand Jury subpoenas. This number is cumulative and fluctuates constantly. It does not represent a holding place for unaddressed work. Names included in the case management file are being investigated consistent with the law and established prosecutorial guidelines.

Question. What criteria are used for adding a name to the database?

Answer. Individuals are added to the case management file if they have disseminated what appears to be child pornography to an undercover agent, or if they have been the subject of a complaint by a citizen or Internet Service Provider.

Question. What are the "investigative guidelines" governing investigations where computerized-child pornography is sent?

Answer. There are specific investigative guidelines developed with the Department of Justice. They are not a "requirement" per se. A number of factors are considered in these guidelines. For example, an investigation is immediately conducted when a child appears to be in any danger. Other factors include the egregious nature of the material, whether the images are new or ones that have been circulated for years out of published sources, past experience or criminal record of the sender, analysis of accompanying written material, the apparent age of the persons in the images, the age of the sender, etc. One transmission can result in an immediate investigation. There is an ongoing case-by-case review in which immediate action is taken where the circumstances dictate.

Question. What plans, if any, does the FBI have for transferring resources to deal specifically with investigating child pornography?

Answer. It is the FBI's intention to create a Bureau wide Crimes Against Children (CAC) initiative, both at FBIHQ and in each field office, which will consolidate FBI investigative operations and administrative matters involving child-victimization. It is the FBI's intention to pursue funding through the budget process to establish 56 FBI-sponsored CAC interagency task forces, one in each field office. Special Agents in each field office would be designated and specially trained to conduct CAC investigations.

QUESTIONS SUBMITTED BY SENATOR ERNEST F. HOLLINGS

CRIMES AGAINST CHILDREN INITIATIVE

Question. Your prepared statement describes the FBI's Crimes Against Children initiative, of which child pornography on the Internet is a major focus of crimes involving the sexual exploitation of children. In looking over the FBI's 1998 budget request, I did not find the Crimes Against Children initiative listed among the FBI's seven budget initiatives for 1998.

Within the FBI's budget, where does funding for the "Innocent Images" and Crimes Against Children initiative currently fall?

Answer. Funding for Innocent Images and the Crimes Against Children initiative is provided in the Violent Crimes and Major Offenders Program, which is part of the Violent Crimes Decision Unit.

Question. What is the funding for fiscal year 1998?

Answer. For fiscal year 1998, the requested funding for the Violent Crimes and Major Offenders Program is 3,939 positions (2,248 agents), 3,851 FTE and \$376,994,000. Of this amount, the FBI estimates it will utilize 250 positions (157 agents) and \$18,892,000 combating crimes against children.

INDUSTRY COOPERATION WITH LAW ENFORCEMENT

Question. In tracking down pedophiles and sexual predators using the Internet and commercial on-line chat rooms, I am told that the FBI must go back to service providers in order to obtain the names and address of subscribers who are involved in transmitting pornographic materials or soliciting minors. There are thousands of these service providers, ranging in size from industry giants, such as America On-Line and Prodigy, to "Mom and Pop" outfits in smaller cities and towns.

Are you satisfied with the cooperation the FBI is getting from service providers?

Answer. The FBI is developing working relationships with service providers that will acquaint them with FBI investigative jurisdiction and needs. Some providers have referred child pornography cases to the FBI as a result of these efforts. The FBI is hopeful that cooperation will continue to build as a result of these efforts.

Question. Are they fully complying with your search warrants or court orders?

Answer. The online service providers have, to a large extent, demonstrated their "good faith" in complying with subpoenas and court orders. Through our experience, the FBI has found that some service providers do not maintain subscriber information to the same detail or availability that other businesses do, i.e., banks and telephone companies. In some instances, service providers have been unsure of what information can be provided due to lack of legal precedent, fear of civil liability, and applicability of Federal statutes.

Question. Is there a need for legislation to ensure the full cooperation of service providers to lawful requests for subscribers information?

Answer. For both the FBI and industry, this is an emerging area where case precedents are still being developed. At the present time, the FBI does not foresee a need for legislation and is continuing to work with industry to develop cooperative relationships under existing law.

FBI ROLE IN CHILD PORNOGRAPHY ON THE INTERNET

Question. What is the FBI's role in child pornography on the Internet?

Answer. The FBI focuses on those individuals who are producers of child pornography; those who actually upload illegal images onto the online services; those who are major distributors of child pornography; and those who indicate a willingness to travel for the purpose of engaging in sexual activity with a juvenile. A major distributor is defined as one who appears to have transmitted a large volume of child pornography via computer on numerous occasions to numerous other subscribers.

Question. How does it differ from what other Federal agencies do?

Answer. The U.S. Postal Service investigates violations of Title 18, USC, Sections 1461 and 1463, which deal with the transmission of obscene matter through the mail.

Title 19, USC, Section 1305, which is included in the Tariff Act of 1930, prohibits the importation of obscene matter into the United States. Violations of Section 1305 are within the jurisdiction of the U.S. Customs Service.

Question. How does the FBI interact with the National Center for Missing and Exploited Children (NCMEC) and local law enforcement?

Answer. The FBI enjoys an outstanding working relationship with NCMEC. The NCMEC continues to forward all complaints received from their child abuse toll-free hotline to the FBI. The Child Abduction and Serial Killer Unit (CASKU) maintains a close working relationship with the NCMEC, and assists in coordinating a field

office's need to utilize NCMEC resources such as age enhancement of photographs, and the distribution of missing child posters.

The FBI's relationship with local law enforcement agencies continues to be extremely effective. Child abductions are routinely handled expeditiously and prudently across the country as the FBI works with local law enforcement agencies to solve these random crimes. There are currently five formalized Crimes Against Children interagency task forces operating in the United States. FBI Baltimore has formally trained different law enforcement agencies across the country on the protocols and guidelines utilized in the Innocent Images investigation.

CONCLUSION OF HEARING

Senator GREGG. The hearing is recessed.

[Whereupon, at 11:29 a.m., Tuesday, April 8, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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