

STATEMENT OF ERNIE ALLEN
PRESIDENT AND CEO
NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN
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I. INTRODUCTION

Mr. Chairman and distinguished members of this Commission, I appreciate the opportunity to provide testimony relating to the current sentencing guidelines for child pornography offenses.¹ For the past nine months, this Commission has heard varying testimony regarding these sentencing guidelines from judges, prosecutors, defense counsel, and issue experts. Some panelists before this Commission have advanced the notion that the current guidelines' increased penalties for certain child pornography offenses are baseless and that the current sentencing guidelines are so severe and excessive as to be inherently flawed. Other panelists have recognized that the guidelines must serve as a necessary sanction to combat the explosive growth of child pornography online and the continuing victimization that the viewing and distribution of these images inflict on child victims. The National Center for Missing & Exploited Children ("NCMEC") will offer testimony today based on its role as a leader in working with law enforcement, the public, and the private sector to combat online child sexual exploitation.

¹ For purposes of this testimony, child pornography offenses refer to those acts criminalized pursuant to 18 U.S.C. § 2252, including the transportation, shipment, receipt, distribution, possession, production, or sale of material involving the sexual exploitation of minors.

It is important to be clear regarding the true nature of child pornography images. These images are nothing more than crime scene photographs and videos of the rape, abuse, and sexual debasement of children. These images are viewed, collected, and traded among offenders for their personal sexual gratification. It is essential to understand that child pornography images are contraband and constitute direct evidence of the sexual victimization of a child. The circulation of these images among offenders not only revictimizes the child but also drives the market for the production of new images. While NCMEC has no direct role in the prosecution or sentencing of offenders for child pornography offenses, we hope that this testimony relating to the widespread circulation of child pornography images and the revictimization of child victims that such circulation causes will be helpful to the Commission as it reexamines the sentencing guidelines for child pornography offenses.

II. BACKGROUND RELATING TO NCMEC

NCMEC was established in 1984 as a private, nonprofit organization to provide services to families, law enforcement, and other professionals to help prevent the abduction, endangerment, and sexual exploitation of children. Funded in part by Congress and in part by the private sector, NCMEC is a public-private partnership that has operated for the past 25 years under Congressional authorization to serve as the national resource center and clearinghouse on issues relating to missing and exploited children. NCMEC's statutory authority includes specific operational programs to help stop the online sexual exploitation of children, including the following: providing technical assistance and training to law enforcement agencies relating to investigations of child sexual exploitation; working with law enforcement and the private sector to reduce the proliferation of child pornography; operating a child victim identification program to assist law enforcement in identifying victims of child pornography; and operating the CyberTipline[®], the "9-1-1 for the Internet," that the public and electronic service providers use to report child sexual exploitation. 42 U.S.C. § 5773, *et. seq.* Pursuant to its Congressional authorization, NCMEC works closely with private entities and international, federal, and state governmental and law enforcement agencies to enhance and facilitate the sharing of information relating

to child pornography offenses and child victims. Today NCMEC serves as a central repository in the United States for information relating to child pornography cases.

A. CYBERTIPLINE: NCMEC’S “9-1-1 FOR THE INTERNET”

NCMEC operates two central programs that focus exclusively on the victimization of children through the production, distribution, and possession of child pornography: the CyberTipline and the Child Victim Identification Program (“CVIP”). The CyberTipline operates a national clearinghouse for tips and leads relating to child sexual exploitation. The CyberTipline launched in 1998 and is authorized by Congress to create a reporting mechanism for members of the public, law enforcement, and certain corporate entities, including electronic service providers, that have statutory reporting obligations to report to NCMEC instances of child sexual exploitation, including child pornography.² To date, NCMEC has processed over 735,024 CyberTipline reports of which over 643,746 relate to apparent child pornography.³ The number of CyberTipline reports reported to NCMEC has increased exponentially over the past 12 years, and today NCMEC receives nearly 2,000 CyberTipline reports each week. NCMEC processes and analyzes each CyberTipline report and then makes the reports available to law enforcement for investigation and potential prosecution as appropriate.

B. CVIP: NCMEC’S PROGRAM TO IDENTIFY CHILD VICTIMS

Since 2002, NCMEC has operated CVIP, which has a dual mission: (1) to assist federal and state law enforcement agencies and prosecutors with child pornography investigations and prosecutions; and (2) to assist law enforcement in identifying child victims so that they can be rescued from abusive situations. CVIP analysts assist law enforcement with child pornography cases by reviewing collections of child pornography seized from offenders to determine which images contain child victims previously

² The CyberTipline also is intended to receive reports relating to the enticement of children for sexual acts, extra-familial child sexual molestation, child sex tourism, child prostitution, the distribution of unsolicited obscene materials to a child, the use of misleading domain names, and the use of misleading words or digital images on the Internet.

³ In analyzing CyberTipline reports relating to alleged child pornography, NCMEC analysts determine whether the reported images are of “apparent” child pornography using the federal statutory definition as guidance.

identified by law enforcement. To date, NCMEC has conducted over 20,000 such reviews of suspected child pornography files at law enforcement's request. To date, these reviews comprise over 27 million images – an average of 1,950 individual images per file.

Contrary to the opinion of certain commentators who assert that sentencing guidelines for child pornography offenses are unnecessarily harsh, most offenders have not innocently or mistakenly downloaded a single image or even a small handful of images while surfing the Internet. Instead, the reviews conducted by NCMEC at law enforcement's request demonstrate that many offenders set about building libraries of child pornography images with each single image representing the sexual exploitation of one or more children. A majority of these images are not of mature adolescents who could be mistaken for adults. NCMEC's review of child pornography images indicates that the majority of images are of prepubescent children,⁴ while a disturbing number of images show infants and toddlers being sexual exploited.⁵ The images do not portray what some might think of as stereotypical images of 18-year-olds dressed in cheerleading uniforms and pigtails or pictured in titillating poses. Rather, these images are often of pre-pubescent children, toddlers, and infants who are being abused violently in images depicting bondage, sadism, torture, vaginal, anal, and oral penetration, bestiality, and sexual humiliation. Often the children in these images are abused by someone in a position of trust, such as a relative or family friend, and are more easily coerced into submission and silence. NCMEC's review of images also makes clear that the youngest victims are pre-verbal and literally are unable to tell anyone about their abuse. These libraries of images are collected and viewed for the offender's personal sexual gratification and, more commonly, are traded, shared, and/or sold online to other offenders.

⁴ From 2003 to 2009, 47% to 79% of the child pornography images NCMEC reviewed were of prepubescent children.

⁵ From 2003 to 2009, 5% to almost 8% of the child pornography images NCMEC reviewed were of infants and toddlers.

**C. FINANCIAL COALITION AGAINST CHILD PORNOGRAPHY:
NCMEC'S INVOLVEMENT TO STOP COMMERCIAL CHILD
PORNOGRAPHY**

NCMEC also has worked with its sister organization, the International Centre for Missing & Exploited Children (“ICMEC”), to create the Financial Coalition Against Child Pornography (“FCACP”), a partnership of prominent financial institutions and Internet industry leaders that have joined the fight against online child pornography. The FCACP’s goal is the eradication of the commercial market for online child pornography. The guiding principal of the FCACP is to “follow the money” and to disrupt the economics of the commercial online child pornography business. NCMEC works with members of the FCACP to prevent those seeking to use legitimate financial accounts to operate online commercial child pornography sites by shutting down payment accounts used by these illegal enterprises. In one of the most dramatic investigations of a commercial online child pornography enterprise, investigators identified 70,000 customers who were using a credit card to pay \$29.95 each month to access graphic child pornography images. *United States v. Reedy*, 304 F.3d 358 (5th Cir. 2002). Based on the sheer volume of customers willing to pay just to access child pornography images in this case, it is not difficult to understand the link between the demand for child pornography images and the actual sexual victimization of children needed to create new images. As Senator Richard Shelby, the current Ranking Member of the U.S. Senate Committee on Banking, Housing, and Urban Affairs, stated at a meeting to address the commercialization of child pornography: “If people were purchasing heroin and cocaine and using their credit cards, we would be outraged and would do something about it. This is worse.” Senator Richard Shelby, Remarks at the Meeting of Representatives from Leading Banks, Credit Card Companies, and Payment Companies in Connection with a Financial Coalition Against Child Pornography (July 20, 2005) (*available at* http://icmec.org/missingkids/servlet/PageServlet?LanguageCountry=en_X1&PageId=3064).

III. LEGAL BACKGROUND REGARDING PROSECUTION OF CHILD PORNOGRAPHY

It is important at the outset to be clear regarding the content and quantity of child pornography offenses that the sentencing guidelines are intended to address. The federal definition of child

pornography includes the “lewd and lascivious exhibition of the genitals or pubic area.” 18 U.S.C. § 2256(2)(A)(v). This definition should not be interpreted to conclude that child pornography images only depict the lascivious display of child genitalia. Based on NCMEC’s analysis of these images, it is apparent that literally tens of thousands of images are being collected and traded by offenders worldwide; these images are growing increasingly graphic and violent and are of younger children, including infants. These images and videos often show children being penetrated by adult offenders and objects. Often, the children can be seen and heard crying or screaming in pain, fear, and humiliation from the assault. *See, e.g., United States v. Merz*, 2:07-cr-199 (E.D. Pa. 2009) (offender sentenced for advertising, transporting, receiving, and possessing hundreds of thousands of child pornography images, including images of violent sexual abuse involving children, including toddlers); *United States v. Judy*, 2:08-cr-74 (E.D. Va. 2008) (offender sentenced for possession of over 650,000 child pornography images, including images of bondage and bestiality, and purchase of subscription to child pornography website); *United States v. Ward*, 2:08-cr-00148-PBT-1 (E.D. Pa. 2008) (offender arrested for possession of thousands of child pornography images, including images of sadomasochistic depictions of young children);

The harm inflicted upon children involved in the creation of pornographic images is evident from the graphic abuse depicted in these images. The Supreme Court has recognized the pervasive harm and revictimization caused to a child’s emotional, physiological, and mental health by the circulation of pornographic images in addition to the harm inflicted by the initial creation of the images:

[P]ornography poses an even greater threat to the child victim than does sexual abuse or prostitution. Because the child’s actions are reduced to a recording, the pornography may haunt him in future years, long after the original misdeed took place. A child who has posed for a camera must go through life knowing that the recording is circulating within the mass distribution system for child pornography.

New York v. Ferber, 458 U.S. 747, 759-60 & n.10 (1982). It is significant that the Supreme Court’s 1982 analysis in *Ferber* pre-dated the advent of, much less the widespread accessibility to and use of, the Internet. The explosive growth in the online circulation of child pornography images today is incomparable to the previous circulation of such images through the postal system or the physical

exchange or purchase between individuals. *See also Osborne v. Ohio*, 495 U.S. 103, 111 (1990) (stating that “the victimization of children involved [in child pornography] does not end when the pornographer’s camera is put away. . . . The pornography’s continued existence causes the child victims continuing harm. . . .”); *Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 249 (2002) (emphasizing that the repeated violation of a child through the distribution and possession of child pornography images is “a permanent record of a child’s abuse, [its] continued circulation . . . would harm the child who has participated. Like a defamatory statement, each new publication . . . would cause new injury to the child’s reputation and emotional well-being.”); *United States v. Norris*, 159 F.3d 926, 929 (5th Cir. 1998) (victimization of a child continues after the image is made).

The sheer number of instances in which a child’s pornographic image may be possessed and distributed in the indelible context of the Internet is incalculable. Even after a single offender is prosecuted, the images they traded, sold, or posted online continue to circulate to ever widening circles of offenders. Based on NCMEC’s review of child pornography images alone, certain series of the most “popular” child pornography images have been circulated thousands of times among individual offenders. The continual circulation of these images, coupled with the offender’s purpose for possessing the images and the psychological effects caused to the child whose images are created and possessed, further exemplifies that each viewing, possession, or distribution of a child’s pornographic image is a new, separate victimization. As explained by a child victim, now an adult, in a victim impact statement to the court, “When I was told how many people have viewed these images and videos I thought my pulse would stop. Thinking about all those sick perverts viewing my body being ravished and hurt like that makes me feel like I was raped by each and every one of them.” *United States v. Ward*, 2:06-mj-00878 (E.D. Pa. 2009).

As with any other form of contraband, child pornography images are an illegal commodity that must be combated both at the point of production and at the point of distribution and possession. If there were no demand by offenders to acquire child pornography images for their personal gratification, there would be no reason for these images to be possessed or widely distributed. The Supreme Court has

recognized the causal link between the demand for, and production of, images of child pornography and the possession and distribution of such images. *Ferber*, 458 U.S. at 759 (“the distribution network for child pornography must be closed if the production of material which requires the sexual exploitation of children is to be effectively controlled.”); *Osborne*, 495 U.S. at 109-110 (“It is also surely reasonable for the State to conclude that it will decrease the production of child pornography if it penalizes those who possess and view the product, thereby decreasing demand.”).

IV. THE CURRENT SENTENCING GUIDELINES ANTICIPATE THE WIDESPREAD POSTING, VIEWING, AND TRADING OF CHILD PORNOGRAPHY ONLINE

NCMEC’s current data indicates that the incidents of child pornography reported through the CyberTipline and the number of images submitted to NCMEC for review by law enforcement continue to expand exponentially. Unfortunately, this data reflects the increasing number of offenders involved in online activity relating to the possession, receipt, distribution, and production of child pornography. Distribution of child pornography images on Internet sites and through peer-to-peer networks has facilitated instant access and the ability to trade such images among hundreds of thousands of individuals throughout the world. Public reports of investigations of and prosecutions for child pornography offenses demonstrate that the individuals who possess, receive, and distribute these images online include teachers, lawyers, judges, doctors, coaches, business executives, and elected officials.

New technology continues to enable offenders to make their detection more difficult for law enforcement. Many child pornography offenders have begun to use peer-to-peer file-sharing networks, which do not use a central server, thereby depriving law enforcement of an identifiable Internet Protocol address that is key evidence in investigating and prosecuting a possession or distribution case. The anonymity of peer-to-peer technology allows offenders to trade images and videos of the sexual assault of children with very little fear of detection. Wireless access to the Internet permits offenders to “piggyback” on wireless signals and to trade images while remaining undetected. Wireless technology also has enabled the trading of images by a cell phone or other personal device, thus making the possession and sharing of images portable. Some commentators have questioned the guidelines’

enhancement to a possession or distribution sentence for using a computer in furtherance of the crime. Such an enhancement appropriately responds to the migration of the child pornography industry from printed materials to the expansive environment of the Internet, where anyone with a computer can browse for, acquire, and trade contraband consisting of child pornography images.

V. MAGNITUDE OF THE OFFENDER POPULATION ONLINE

A 2006 report by McKinsey Worldwide projected that commercial child pornography was a multi-billion dollar industry worldwide, fueled by the Internet and enabling offenders to provide increasing numbers and varieties of images for sale online. Cases show that while many commercial child pornography enterprises are international businesses, there is substantial demand in the United States to purchase child pornography images. In one recently documented case involving almost 300,000 credit card transactions for the purchase of subscriptions to a commercial child pornography website, a majority of users lived in the United States. *United States v. Reedy*, 304 F.3d 358 (5th Cir. 2002).

The availability of child pornography images online through commercial sites, peer-to-peer networks, and Internet websites increases the variety and accessibility of such images. In 2000, NCMEC sponsored a statistical analysis of arrested offenders who possessed child pornography. *See* Janis Wolak, *et al.*, *Child Pornography Possessors Arrested in Internet-Related Crimes, Findings from the National Online Juvenile Victimization Study* (2005) (the “Study”). The Study surveyed participating state and local law enforcement agencies⁶ for a one-year period and tracked data from 1,713 arrests for crimes involving the possession of child pornography. The Study indicated that each offender possessed from less than 100 to over 1,000 images, many of which were images of pre-pubescent children and the majority of which depicted sexual penetration. Twenty-one percent of offenders in the Study possessed images depicting other violence being perpetrated on the child victims.

Studies in this area indicate that it would be misguided to draw too large a distinction between those who merely view child pornography images and those who molest a child. Viewing these images is

⁶ The majority of the survey participants were state and local law enforcement agencies, though two federal law enforcement agencies also participated.

often the first step in the eventual sexual victimization of an actual child. Several recent studies have suggested that some population of offenders will transition from viewing child pornography images, to needing to view more extreme images, to offending actual children. One recent study was conducted by Dr. Andres Hernandez, Director of the Sex Offender Treatment Program at the Federal Correctional Institution in Butner, North Carolina, who has treated several hundred inmates convicted of child pornography offenses. Dr. Hernandez conducted a study on a particular population of sentenced child pornography offenders and found that 85% of these offenders reported committing physical sexual crimes against one or more actual child victims that were unknown to law enforcement. *See* Michael Bourke and Andres Hernandez, “The ‘Butner Study’ Redux: A Report of the Incidence of Hands-on Child Victimization by Child Pornography Offenders,” 24 *Journal of Family Violence* 3 (2009). It also is known that images of child pornography are used to desensitize children prior to their sexual exploitation. Such images are key elements of the grooming process that offenders use to break down a child’s natural inhibitions and defense mechanisms. *Id.*

In July 2009, the Child Exploitation and Obscenity Section (“CEOS”) of the United States Department of Justice published a response to legal commentary that expressed concern over the perceived severity of child pornography sentencing guidelines. The response directly addressed “the true threat of these defendants”:

[I]ndividuals who have collected or viewed child pornography have exploited children. Put another way, the distribution, receipt, viewing, and possession of child pornography is a distinct and egregious form of child exploitation worthy of punishment in and of itself. As these individuals collect these illegal images, they exploit the children in the images. As they trade them among other “like-minded individuals,” they reinforce the concept that a sexual attraction to children is normal and acceptable. As they establish contacts and networks to facilitate the trade and discussion of these images, they contribute to the market demands for more product, which means more child abuse.

Alexandria Gelber, *Response to “A Reluctant Rebellion,”* at 5 (July 2009) (*available at* <http://www.usdoj.gov/criminal/ceos/ReluctantRebellionResponse.pdf>). The CEOS response offers a

careful analysis demonstrating that the current sentencing guidelines for child pornography offenders “make sense.” Gelber at 11.

Offenders use child pornography images for their personal sexual arousal; therefore the viewing or circulation of these images undeniably revictimizes the child who initially was violated. *See Sharon W. Cooper, et al., Medical, Legal & Social Science Aspects of Child Sexual Exploitation, Volume One* (2005). Offenders often create collections of child pornography that they exchange with one another not only for their own personal gratification, but also to gain support for their illicit behavior. *Id.* Offenders also use images of child pornography to normalize such activity by showing such images to children in an effort to lower the child’s inhibitions and to “educate” them about how to perform sexual acts so they will participate in sexual acts. *Id.*

In the early 1990s, retired FBI Special Agent Ken Lanning, author of several publications in the field of child pornography, outlined for Congress why offenders collect and distribute images of child pornography. *See* Hearing before the Subcommittee on Crime to Examine the Federal Response to Serial Killings and Child Abductions, Focusing on FBI Efforts, 104th Cong. 25-64 (1995). Rationales included the following: to justify the offender’s obsession with children; to stimulate the offender’s sexual drive; to lower a child’s inhibitions; to use as blackmail against the child so they will not disclose the abuse; and to exchange with other offenders for new images and for profit. *Id.* Agent Lanning noted that viewing these images whets the offender’s appetite and often serves as a precursor to his own sexual acts with children. The more frequently an offender views child pornography, the more he can become desensitized to the abnormality of his conduct. He can convince himself that his behavior is normal, and eventually he will need increasingly explicit child pornography for gratification. *Id.* Agent Lanning also concluded that when mere visual stimulation no longer satisfies an offender, he often will progress to sexually molesting actual children and frequently will record images of the abuse for future viewing and to share with others. *Id.* In this way, images of child pornography, whose content alone renders them illegal, also should be viewed unambiguously as a “molestation tool” for offenders.

VI. THE DEVESTATING EFFECT OF CHILD PORNOGRAPHY ON CHILD VICTIMS

There is a common misconception that child pornography is a “victimless” crime. This could not be further from the truth. Child pornography images are photographic or video records of a child’s sexual abuse. Child victims of online child pornography must deal with the permanency and circulation of the images of their sexual abuse. Scientific studies consistently have recognized the grave harm perpetrated on child victims when their pornographic images are viewed by others.

Additionally, once an image is placed on the Internet, it can never be removed and becomes a permanent record of the abuse inflicted upon that child. Each and every time such an image is viewed, traded, printed, or downloaded, the child in that image is re-victimized. Moreover, the images continue to circulate as the child becomes an adult and hopefully begins a path towards recovery from the crimes inflicted upon them. The physical and psychological harm to children depicted in these images is incalculable, and the continual circulation of images harms children in a manner comparable to the actual production of the images.

Research scientists studying the harm caused to a child by the possession and distribution of child pornography report that child victims experience depression, withdrawal, anger, and other psychological disorders that can continue well into adulthood. *See* John E. B. Myers, *et al.*, *The APSAC Handbook on Child Maltreatment* (2d ed. 2002). Child victims also frequently experience feelings of guilt and responsibility for the abuse as well as feelings of betrayal, a sense of powerlessness, worthlessness, and low self-esteem. *Id.* There is also compelling evidence that visual depictions of sexually explicit conduct involving children cause real physical, emotional, and psychological damage, not only to depicted children but also to non-depicted children.

Younger children tend to externalize stress caused by their participation in child pornography images by re-enacting sexual activities through play, while adolescents may experience internal trauma as the crime committed against them affects their developing sexuality. *Id.* The symptoms of distress exhibited by child victims of sexual abuse continue after the actual sexual exploitation to the time of disclosure and into the post-traumatic phase as well. *Id.* Child victims also indicate that the

psychological harm they suffer as a result of the circulation of their pornographic images continues into adulthood and affects their ability to form healthy relationships with others. *Id.* In cases of online child pornography, where the crime is perpetuated by the continual circulation of the child's images, these symptoms of distress are likely to continue with each new distribution and possession.

Research also indicates that a significant part of the healing process for children traumatized by sexual abuse is the ability to control the disclosure of the abuse. *See* Ethel Quayle, *et al.*, *Child Pornography and Sexual Exploitation of Children Online* (2008). Children who felt powerless when the abuse occurred may feel empowered by choosing when, how, and to whom to disclose their abusive experiences. *Id.* But children whose pornographic images are circulated online are stripped of the ability to control the disclosure of their abuse. Instead, their abuse is repeated through each new viewing and distribution of their images. The repeated distribution and possession of child pornography images in an uncontrolled setting re-victimizes children and exposes them to further shame and humiliation and the attendant physical and mental ramifications. As a result, child victims suffer damaging feelings of powerlessness from knowing that they can do nothing to prevent others from viewing their pornographic images. *See* National Society for the Prevention of Cruelty to Children, *Images of abuse: a review of the evidence on child pornography* (2006). In addition, child victims are concerned that images of their abuse may be used to entice or manipulate other children into sexually abusive acts. *Id.* The continuous and uncontrollable distribution and possession of a child victim's images impose an indelible and painful reminder of his or her sexual abuse. This haunting knowledge further exacerbates the psychological harm caused by the initial act of abuse.

Congress also has recognized the harm child pornography inflicts on its victims. In passing the Child Pornography Prevention Act of 1996, Congress specifically found that “[t]he use of children as subjects of pornographic materials is harmful to the physiological, emotional and mental health of the child.” S. Rep. 104-358 (citing *New York v. Ferber*, 458 U.S. 747 (1982)). Congress relied on *Ferber* again as it noted the finding that “[some] sexually exploited children are unable to develop healthy affectionate relationships in later life, have sexual dysfunctions, and have a tendency to become sexual

abusers as adults. Sexually exploited children (are) predisposed to self-destructive behavior such as drug and alcohol abuse or prostitution.” *Id.*

Three years ago, The Adam Walsh Child Protection and Safety Act, signed into law on July 27, 2006, included specific findings regarding the psychological harm and trauma suffered by the victims of child pornography and society generally. Pub. L. No. 109-248, § 501, 120, Stat. 587, 623 (2006). In pertinent part, Congress found that: “[t]he illegal production, transportation, distribution, receipt, advertising and possession of child pornography . . . as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.” Congress also determined that technological advances had greatly increased the interstate market in child pornography, and “every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.” *Id.*

VII. THE SENTENCING GUIDELINES FOR POSSESSION/DISTRIBUTION OF CHILD PORNOGRAPHY ARE APPROPRIATE FOR THE CRIME

After 11 years of actively engaging in the fight to eradicate the proliferation of online child pornography, NCMEC is aware that there is no easy, single-pronged solution to this problem. The current accessibility of the Internet and the emergence of various online technologies have provided offenders with the means to view, trade, download, and sustain commercial enterprises based on child pornography images. The demand for images fuels the ongoing, abhorrent sexual victimization of children. Even with the threat of potential arrest and strict sentencing guidelines, NCMEC continues to see an increase in CyberTipline reports and requests by law enforcement for reviews of child pornography files. The problem of child pornography likely will continue to grow as offenders discover new online avenues with lower possibilities for detection.

Congress, the Supreme Court, issue experts, and this Commission have recognized the extreme harm inflicted upon victims of child pornography. This harm is compounded and continued when child pornography images are recirculated for the personal viewing pleasure of additional offenders. The

current sentencing guidelines for child pornography offenses are an appropriate response and attempt to combat very real criminal activity against children. Any change to weaken the sentencing guidelines for child pornography offenses will suggest that those who participate in the online child pornography market have impunity and will dilute the objective of deterrence at a time when technology is emboldening these offenders. Any reduction in the sentencing guidelines also will hinder the objective of just punishment for those convicted of victimizing a child. NCMEC is committed to doing everything it can to help eradicate the very real problem of child pornography and appreciates this opportunity to share its view with the Commission.