

OPENING STATEMENT BEFORE 7/21/00 MEETING OF THE COPA
COMMISSION IN RICHMOND,
VIRGINIA

Hart Senate Office Building
Washington, D.C.
July 20, 2000

Thank You Mr. Chairman and Members of the Commission:
I want to thank you all for holding the second in this very important series of meetings here in Richmond today. Your work will provide the foundation for what I hope will be a definitive solution to the very difficult problem posed by the presence of pornography and other obscene material over the Internet. It will also eliminate the threat such materials pose to our children. Once all the data is in, I intend to offer legislation based upon the Commission's findings.

I speak to you today not only as a United States Senator, but also as mother concerned for the welfare of my children and all others. I also speak as a citizen who cherishes the protection of a strong First Amendment that is one of the proudest tenants of American democracy. In short, I find myself facing the same dilemma as most Americans: standing before the impossible (and false) choice between protecting our children from damaging, demoralizing early exposure to sexual materials and defending one of the cornerstones of our Constitution. Congress established this Commission to get all of us past this Catch 22 so we can arrive at a pragmatic, workable way to preserve the full measure of free speech for adults while allowing space for childhood. This is a high calling and today I pledge that this Commission can count on my best effort in seeking the funding and political support necessary to complete its work.

I have experienced first hand how obscene materials can enter a home and be placed unbidden before a child's eyes without adequate warning, even while a parent is in attendance and controlling the computer. One day, I was shopping online for light fixtures with my daughter in my lap. I was looking for a website called <chandeliers.com> but mistyped the web address by mistake. As a result, my search immediately pulled up a pornographic website which locked in place on my screen. I was devastated that my innocent mistake had placed such material before a child young enough to sit in my lap as I worked. I myself felt violated and misled, since the website name I typed in error was so innocuous that I had no warning of what it would produce. I felt frustrated that the Internet offered me no warning or other resource that would help me protect my daughter from exposure to such base images. This practice should not be allowed to continue and I do not believe the First Amendment will disappear down a slippery slope if we use some measured means to prevent it from happening.

Well-intentioned people on both sides of this issue can differ, and protecting either children or the Constitution can inspire polarizing rhetoric. The First Amendment can be cast as an enemy of morality and order, which is patently untrue. Perhaps even more destructive is the cynicism that suspects all arguments on behalf of children to be mere political manipulation. At its extreme, this cynicism often casts children themselves as enemies of adult liberties. In a society where child abuse is disturbingly common, we do not need a rhetoric that casts concerned parents, worse still children themselves, as hostile to free adult expression. It is time to break down the false dichotomy alarmists on both sides of this issue have created so we can work together toward solutions. I hope this Commission will be the vehicle for such cooperation.

Let me make it absolutely clear that I do not propose the wholesale banning adult materials online. People who want to see such things should have access to them. But as a parent I demand access to some means of controlling such information in my own home. Several solutions have been proposed: filtering software; an online rating system; labeling of sites within their web addresses; use of a top level domain such as “adult.com”; age verification procedures for online users; even biometric barriers, such as retinal scans. All of these have merit. No doubt some combination of these and other solutions will provide an optimal amount of control to parents without compromising the free speech rights of other citizens.

Out of genuine concern for the welfare of our children, some of my colleagues in the Senate and House have already offered legislative solutions. I salute them for these efforts, and I want to join them in addressing the clear need for Congressional action in this area. I do not feel, however, that the time is ripe for legislation until the findings of this Congressionally-created Commission have been published. When they are, I intend to work with colleagues on both sides of the aisle to arrive at the best, most workable solutions possible.

I look forward to the Commission’s findings on what constitutes the best solution. Let us remember, as we await those findings, that rights untempered with responsibilities pose a threat to all our freedoms. Whether on Main Street or in cyberspace, liberty is not mere license—and all adults have a sacred moral and ethical responsibility to look out for the welfare of children. Again, Mr. Chairman and Members of the Commission, I want to thank you for calling this very important hearing, and I look forward to the valuable record that it will produce.