

STATEMENT BY SENATOR ROBERT MORGAN  
OCTOBER 10, 1977

Mr. President,

During this past year or so Americans have become increasingly aware of a problem which is so shocking, I think, that a great many people find it difficult to comprehend. That is the problem of the abuse of children in the production of pornographic films, magazines, and other materials. Reliable evidence indicates that children as young as three and four or five are routinely involved in this sickening kind of enterprise. Many of these young children are involved in such activity by their parents, many of whom are prostitutes or drug addicts or both. Violent physical abuse often accompanies the emotional and sexual abuse which is intrinsic to this kind of pornography. Many slightly older children, age 12 or 13 or 14, who become involved in pornographic films, are run away from broken homes or homes where physical abuse is a way of life.

So the problem of child pornography, therefore, is part of a greater problem -- the breakdown of family, and the decline of societal mores.

I think we have to give very serious attention to the overall problem of the quality of American life, and the ability of the American family to maintain high standards of decency in a society which increasingly tolerates an alarming amount of violence on our television programs and the blatant sale of pornographic materials and showing of films in our towns.

But we also have to target in on the specific components of this overall problem. In this case, I think the Congress has to go after those individuals who would profit from the sexual exploitation of young children. I commend the distinguished Senator from Delaware, Mr. Roth, for his diligent efforts over the past year or so in bringing this shocking problem to the attention of the Senate and of the Nation. I also commend the distinguished sponsors of S. 1585, Senators

Culver and Mathias, in their capacities as Chairman and Ranking Minority member of the Judiciary Subcommittee on Juvenile Delinquency. They have performed a very valuable service in bringing to the Senate very quickly a responsible bill which targets in on the producers of child pornography, and makes the production of such materials a crime.

But I agree with Senator Roth that we need to take this process one step further. I think we also need to make illegal the knowing and willful distribution of the same kinds of films and materials which S. 1583 explicitly describes. I think we have to tackle this problem at each step of the process.

I fail to see why those who would profit from the distribution and sale of pornography using children are any less a part of the problem than those who would profit from the production of these materials. I am not persuaded that our federal Constitution, in all its majesty and wisdom, does now or was ever intended to protect under the freedom of speech provisions

of that document, the distribution of obscene materials involving very young children in sexually explicit acts.

The amendment offered by the distinguished Senator from Delaware is carefully drafted. Its definitions and its penalties are the same as those of the bill. It contains, furthermore, a severability clause, which should the Supreme Court agree with the opponents of this amendment and strike down its provisions, insures that the rest of the bill would not be jeopardized.

But I am not persuaded that is going to happen. I believe that in passing the bill before us today with the amendment offered by Senator Roth, the Senate will have acted responsibly and constitutionally in dealing with a shameful and scandalous situation. The Senate of the United States will have put on notice the unprincipled and immoral entrepreneurs who would

abuse young children to make a fast buck. The American people are simply not going to tolerate this kind of activity any longer.

I am honored to be a co-sponsor both of the bill and of the Roth amendment, and I strongly urge support for both.