The test of the sufficiency of the information received is whether or not it is specific and credible. The Attorney General has 30 days to review this information to make the determination. This is a very low threshold test. The only way she can avoid a preliminary investigation is to determine that the information is not credible or not specific. If she finds she is unable to determine within 30 days if the information is credible and specific, she still has to begin the investigation.

Further, if the Attorney General determines that an investigation or prosecution by the Department of Justice of any other person may result in a personal, financial, or political conflict of interest, the Attorney General may conduct a preliminary investigation. Although this would seem to be more discretionary than the shall language otherwise in the statute, Attorney General Reno understands the importance and the necessity of the independence of the investigation into such matters. As she testified before the Judiciary Committee in 1993 when that committee was considering reenactment of the independent counsel statute:

There is an inherent conflict of interest whenever senior Executive Branch officials are to be investigated by the Department of Justice and its appointed head, the Attorney General. The Attorney General serves at the pleasure of the President. Recognition of this conflict does not belittle or demean the impressive professionalism of the Department's career prosecutors, nor does it question the integrity of the Attorney General and his or her political appointees. Instead, it recognizes the importance of public confidence in our system of justice, and the destructive effect in a free democracy of public cynicism.''

She further testified:

It is absolutely essential for the public to have confidence in the system and you cannot do that when there is conflict or an appearance of conflict in the person who is, in effect, the chief prosecutor . . . The Independent Counsel Act was designed to avoid even the appearance of impropriety in the consideration of allegations of misconduct by high-level Executive Branch officials and to prevent . . . the actual or perceived conflicts of interest. The Act thus served as a vehicle to further the public's perception of fairness and thoroughness in such matters, and to avert even the most subtle influences that may appear in an investigation of highly-placed Executive officials.

Despite the fact that high-level executive department officials and other covered persons have been implicated in possible violations of Federal law, the Attorney General seems to have ignored her own warnings about the appearance of a conflict of interest or impropriety and has chosen not to initiate the procedure leading to the appointment on her own. In light of this decision, it is left to the Senate, through the action of its Judiciary Committee, to pursue the appointment of an independent counsel.

This action has been initiated by written request to the Attorney General. Under the independent counsel statute, the Attorney General has 30 days after receipt of the request to report if the preliminary investigation has begun—and the date it began—or that it will not begin. She must give her reasons for either beginning or choosing not to begin the investigation.

I am confident that Attorney General Reno will heed her own words in her testimony before the Judiciary Committee and seek to avoid even the appearance of impropriety in this investigation.

There is sufficient specific and credible evidence now to initiate the process now. To do otherwise or to delay action will call the Attorney General's decisionmaking process into question. That is specifically the effect that must be avoided here. There should be no appearance of impropriety in the decision of whether to appoint an independent counsel and I am confident, upon consideration, the Attorney General will see the wisdom in expediting the decision to ask for the appointment of such independent counsel.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, there are two items I will address this morning. I will not be long. I know the distinguished Senator from Rhode Island is waiting to speak.

COMMUNICATIONS DECENCY ACT: COMPELLING INTEREST STATEMENT

Mr. COATS. This coming Wednesday, Mr. President, March 19, the Supreme Court is scheduled to hear oral arguments on the constitutionality of the Communications Decency Act. This act was passed by this Senate in the last Congress by an overwhelmingly bipartisan vote of 84–16. The previous Senator talked of cooperation between parties, and there certainly was a significant degree of cooperation on this issue. We worked on a bipartisan basis, securing 84 votes for its passage. Eventually, Congress passed the act as part of the historic telecommunications reform legislation.

The Communications Decency Act, passed by Congress by an overwhelming, bipartisan margin, and signed by the President, simply extends the principle that exists in every other medium of communication in our society, a principle which has been repeatedly upheld as constitutional by the Supreme Court.

Stated simply, this principle holds that it is the responsibility of the person who provides material deemed pornographic, that it is that person's responsibility to restrict access by minors to that material. The foundation of the principle is articulated clearly in the case New York versus Ferber, and I quote from that case: ''It is evident beyond the need for elaboration that the State's interest in 'safeguarding the physical and psychological well-being of a minor' is compelling.'' Let me repeat that judicial decision again, New York versus Ferber. ''It is evident beyond the need for elaboration that the State's interest in 'safeguarding the physical and psychological well-being of a minor' is compelling.''

This principle of compelling interest is the basis on which the Communications Decency Act was constructed. That is why we believe it is constitutional and the Court will hold it so after it hears the arguments next Wednesday. There is a long history of court decisions which recognize the interest of the State in safeguarding the psychological and physical well-being of minors. Mr. President, I have a copy of a brief in support of the Communications Decency Act. It was filed by a number of organizations: Enough is Enough, the Salvation Army, the National Political Congress of Black Women, the National Council of Catholic Women, Victims Assistance Legal Organization, Childhelp USA, Legal Pad Enterprises, Inc., Focus on the Family, the National Coalition for the Preservation of Family, Children and Family, Citizens for Family Friendly Libraries, Computer Power Corp., Help Us Regain the Children Organization—I am just reading some of these here—Mothers Against Sexual Abuse, National Association of Evangelicals, One Voice/American Coalition for Abuse Awareness, Religious Alliance Against Pornography, Lenore J. Weitzman, Ph.D., and so forth, a whole series of groups that have filed this brief. I commend these organizations for their leadership. I will be drawing on some of their comments in the brief during my remarks.

Mr. President, it is now beyond question that exposure to pornography harms children. A child's sexual development occurs gradually throughout childhood. Exposure to pornography, particularly the type of hard-core pornography currently available on the Internet, distorts the natural sexual development of children. Essentially, pornography shapes children's sexual perspective by providing them distorted information on sexual activity. The type of information provided by pornography does not provide children with a normal sexual perspective.

As stated in the brief, pornography portrays unhealthy or antisocial kinds of sexual activity such as sadomasochism, abuse, and humiliation of females, involvement of children, incest, voyeurism, bestiality, torture, objectification and is readily available on the Internet.

The Communications Decency Act is designed, as I said, to employ the same restrictions that are currently employed, and have been held constitutional, in every other medium of communication.

Why do we need these protections? Let me quote Ann Burgess, professor of nursing at the University of Pennsylvania, when she states that children generally do not have a natural sexual

capacity until the ages of 10 or 12, but pornography unnaturally accelerates that development. By short-circuiting the normal development process and supplying misinformation about their own sexuality, pornography leaves children confused, changed, and damaged.

Mr. President, this is not what the Congress wants. This is not what the American people want. We expressed that in our debate and in our vote in the last Congress. Surely we have not come to a point in our society where we find it tolerable that any pornographer with a computer and a modem can crawl inside our children's minds and distort and corrupt their sexual development?

As if the psychological threat of pornography doesn't present a sufficient compelling interest, there is also a significant physical threat. As I have stated, pornography develops in children a distorted sexual perspective. It encourages irresponsible, dehumanized sexual behavior, conduct that presents a genuine physical threat to children. In the United States today, about one in four sexually active teenagers acquire a sexually transmitted disease every year, resulting in 3 million sexually transmitted disease cases. Infectious syphilis rates have more than doubled among teenagers since the mideighties. One million American teenage girls become pregnant each year. A report entitled ''Exposure to Pornography, Character and Sexual Deviance,'' concluded that as more and more children become exposed not only to soft-core pornography, but also to explicit deviant sexual material, society's youth will learn an extremely dangerous message: Sex without responsibility is acceptable.

Mr. President, it is clear that early exposure to pornography presents a disturbing psychological threat to children and a disturbing physical threat. However, there is a darker and even more ominous threat, for research has established a direct link between exposure and consumption of pornography and sexual assault, rape, and molesting of children.

As stated in a publication called, ''Aggressive Erotica and Violence Against Women,'' virtually all lab studies established a causal link between violent pornography and the commission of violence. This relationship is not seriously debated any longer in the research community. What is more, pedophiles will often use pornographic material to desensitize children to sexual activity, breaking down their resistance in order to sexually exploit them.

A study by Victor Cline found that child molesters often use pornography to seduce their prey, to lower the inhibitions of the victim, and as an instruction manual. Further, a W.L. Marshal study found that ''87 percent of female child molesters and 77 percent of male child molesters studied admitted to regular use of hard-core pornography.''

Mr. President, all you have to do is pick up the telephone and call the FBI, ask their child exploitation task force about the volume of over-the-Internet attempts to seduce, abuse, and lure children into pornography and sexual exploitation.

I could go on and on, Mr. President, citing these studies, but there is really no need to do that. The evidence is clear. The compelling interest of the Government in restricting children's access to pornography is beyond credible dispute, both morally and legally.

The Communications Decency Act is a narrowly tailored law, designed to protect children from the pornography that is so widely available and easily accessed on the Internet. As I have said, it is a simple extension of the constitutional restrictions on such material that exist today in every other communications medium in our society.

The Communications Decency Act provides for the prosecution of those who utilize an interactive computer device to send indecent material to a child or uses an interactive computer device to display indecent material in a manner easily accessible to a child.

In addition, the Communications Decency Act encourages blocking software and other technologies by providing good-faith defenses designed to protect the good Samaritan attempting to block or screen pornographic material.

However, ultimately, it preserves the constitutionally established principle that pornography should be walled off from our children. To overturn the Communications Decency Act would represent a fundamental shift in paradigm, throwing our children into a hostile sea of pornography that threatens their psychological and physical well-being. I am confident that the Court will not be so callous with the basic well-being of our children.

Mr. President, I ask unanimous consent that a list of organizations in support of this brief to the Supreme Court in the case of Janet Reno, et al. versus American Civil Liberties Union, et al. be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Brief Amici Curiae of Enough Is Enough, the Salvation Army, National Political Congress of Black Women, Inc., the National Council of Catholic Women, Victims' Assistance Legal Organization, Childhelp USA, Legal Pad Enterprises, Inc., Focus on the Family, the National Coalition for the Protection of Children and Families (and other amici . . .) in support of appellants.

CPI ADJUSTMENT

Mr. COATS. Mr. President, I want to call the attention of the Senate to an article that appeared in the March 13 edition of the Washington Post, headlined, ''President Won't Back CPI Panel.'' This article discusses President Clinton's decision to not go forward with establishing an independent panel to examine the cost-of-living adjustments for Social Security and other Federal benefits. I think that is an unfortunate development because, clearly, there is bipartisan support for that effort. Members of both the Republican and Democrat Parties are on record and have made public statements saying that they believe this effort ought to go forward, whether it is an effort undertaken by a commission, or whether it is something that we engage in ourselves or ask the executive branch to do by Executive order.

Clearly, we are faced with a situation where we have to step forward, to lead, to address one of the most fundamental of all structural reforms necessary to curb the unchecked growth of entitlements.

Beginning with his State of the Union Address, the President has been telling the Congress and the American public of his desire to sit down and work out a solution to the coming entitlement crisis, and we have responded on our side by saying that we are willing to do this. In fact, in our budget last year, we recommended and voted for doing this. But now it seems obvious that, for some reason, the administration, the President and his party—and, frankly, a number of interest groups who have so much influence among those who oppose entitlement reform—plan to return to the same kind of rhetoric on Medicare and Social Security, and the same political tactics that serve to undermine the very health of the programs that they purport to protect.

Well, we don't have to go very far, Mr. President, to find out what the intention of the President and his party is in this regard, thanks to a former assistant to the President, Mr. Harold Ickes. In a pile of documents that Mr. Ickes recently submitted to the House committee investigating illegal activities at the White House, there was a revealing memo.

Rich Lowry, of the New Republic, recently reported that a February 1995 memo that Mr. Ickes sent to the President included ''a proposed direct mail appeal to be sent by the Democratic National Committee over [the chairman's] signature, focusing on the Republican proposal to recalculate the inflation rate, thereby reducing COLA payments on Social Security benefits.''

The memo then goes on to provide a draft of the proposed letter giving some insight into the scare tactics that have been the signature of the DNC, the President, and organizations like the AARP, which refers to the CPI fix as ''a cowardly, back-door political gimmick to take tens of billions of dollars out of the pockets of senior citizens.''

This is familiar verbiage and familiar rhetoric. We have seen it now in campaign after campaign over the last decade. We heard it in last year's Medicare reform debate.