The sadness of â€˜sextingâ€™

by L_Brent_Bozell

Can a child be accused of child pornography? Could a child then be formally charged and convicted of it? These are the questions raised by the disturbing new trend called "sexting," teenagers sending nude or semi-nude pictures around on their cell phones. In some jurisdictions, prosecutors are playing hardball, threatening that students caught with naughty pictures could face jail time and being registered as sex offenders. At a minimum, prosecutors are demanding a 10-hour rehab program.

Does this offense seem too casual to justify throwing the legal book at children? Consider that it's undeniable that if Johnny was a day or two over 18 and was sending around these images, he'd be treated as a sicko â€” with prison time a real possibility.

In our litigious culture, it was only a matter of time: Now the "sexting" perpetrators are fighting back. In Wyoming County, Pa., three female students and their parents hired the American Civil Liberties Union to sue the county prosecutor for daring to suggest something wrong was done and insisting a 10-hour "re-education" program was necessary.

It's a thorny issue, to be sure. When legislators passed child-pornography laws, who could have imagined our culture would grow so decadent that children would be distributing nude pictures of themselves to other children? Who also would have predicted that some parents would be unashamed enough of their children's behavior to hire the ACLU and sue authorities for enforcing child-porn laws?

"Prosecutors should not be using a nuclear-weapon-type charge like child pornography against kids who have no criminal intent and are merely doing stupid things," proclaimed the ACLU lawyer, Witold Walczak.

But this is something that just cannot be dismissed as kids "doing stupid things."

"Sexting" has quickly grown from rare to commonplace. A survey of 1,280 teenagers and young adults released in December by the National Campaign to Prevent Teenage and Unplanned Pregnancy and CosmoGirl.com found that 20 percent of teenagers and 33 percent of young adults ages 20 to 26 said they had sent or posted nude or semi-nude photos of themselves.

The numbers were higher for the number who would admit they've received nude or semi-nude images: 31 percent of teens and 46 percent of young adults. They know it rarely stays private: 72 percent of teens and 68 percent of young adults agreed that sexy pictures often end up being "seen by more than the intended recipients."

When the subject of a "sexting" is famous, the image often ends up on the Internet. A nude photo of Vanessa Hudgens, the teenaged female star of Disney's "High School Musical" movies, went from private e-mail to Internet sensation.

It can even end in suicide. People magazine reported that last year, Jessie Logan, a senior at a Cincinnati-area high school, took a nude photo of herself and sent it to a boy she was dating. She then learned the photo was being distributed at four area high schools. Other students began taunting her as a "whore." She hanged herself.

People's article on "sexting" cited the case of two 14-year-old boys in Massachusetts who received a photo of a 13-year-old girl exposing a breast. Parents were shocked that authorities were weighing child-pornography charges. Said one father: "What they did was wrong, but did they know it was wrong? ... These are 14-year-old kids with 14-year-old minds, not adults."

Once parents get over the idea of seventh-grade girls flashing their private parts for the camera, it's clear that teenagers are not identical to adults who would prey on a 13-year-old. It's shocking to imagine ending up on the wrong side of the law by merely receiving an unsolicited pornographic image. Authorities aren't convicting children, but using the law as a teaching tool and trying to put a stop to a toxic new trend.

It's obvious that some experts will be quoted to defend it. The Pittsburgh Post-Gazette found Texas A&M professor Christopher Ferguson, who called the trend unwise, but "We would have done it, too, if we would have had the cool phones. We didn't do it because we didn't have the technology."

The same goes for defense attorneys. Public defender Dante Bertani protested a case of "sexting" teenagers in Greensburg, Pa.: "Law enforcement gets carried away with what they believe is their duty to find everyone who spits on the sidewalk guilty of murder."

Bertani must not have heard of the Cincinnati suicide. He failed to acknowledge that spit on the sidewalk evaporates, but pornographic images can hang around forever on the "cool phones" and the Internet. Prosecutors and parents alike are correct to put the brakes on this mistake wherever it's discovered.

The civil libertarians may wish to reconsider their position. They claim it's a private matter best resolved by parental responsibility. Would it follow that their parental irresponsibility should make the parent the legally liable party?

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