

As a society, we like to think we can protect our children from the sins and excesses of adult life, forever preserving their innocence. Though we know this is an almost impossible task, we try to limit their engagement with adult themes, often with an exaggerated response that does little to help. This situation is clearly manifested in the case of Amanda Doe, a girl charged with disseminating child pornography when she sent a “suggestive” photo to her girlfriends. Although Amanda’s situation is not unique in the world today, it needs to be addressed and dealt with accordingly. Prosecution, however, is not the correct way to deal with this type of situation. A strict warning probably would have been enough for this fifteen-year-old girl with no previous disciplinary action. Amanda, her life forever changed, may now be sentenced to Juvenile Detention for over five years for something that has become somewhat commonplace for teenagers.

According to the National Campaign to Prevent Teen and Unplanned Pregnancy (NCPTUP) survey, almost 39 percent of teens have sent or posted sexually charged photos and/or have sent sexually charged messages.¹ According to the same survey, almost 80 percent of these messages were intended to be private messages to a significant other. Although Amanda’s photo was not sent to a significant other, it was sent with the same private intention. Even if the messages were sent with a private intention, we want to ultimately prevent the sending of any of these sexually charged messages by teenagers. Sending sexually-themed messages at such a young age changes students’ behavior, even according to teenagers and young adults themselves. Almost half of the teenagers who sent these messages felt that sending them made dating or “hooking up” not only more likely, but expected.

¹ http://www.thenationalcampaign.org/sextech/PDF/SexTech_Summary.pdf

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Not only can these messages lead to behavior changes; sending suggestive messages can sometimes even become a matter of life and death. In one example, Jessica Logan sent a suggestive picture of herself to her boyfriend. When they broke up, her boyfriend, in revenge, distributed the pictures. When Jessica came to school, she was bullied and tortured. Students called her vicious names, and as a result, Jessica began skipping school. After several months of her ordeal, she committed suicide.² When these messages spread beyond their intended recipients, they can have disastrous consequences. We clearly need to discourage this type of behavior in youth; but, we also need the punishment to fit the crime or even the punishment to be exhibited towards the correct person.

Amanda Doe, similar to Jessica Logan, did not intend for her photograph to be distributed. Intended for only a small group, her friends decided that sending Amanda's private picture would be appropriate. They sent the picture deliberately and with the intent to embarrass and harass Amanda. If anyone should be criminalized, it should be her friends. State of Foundation's prosecutor publicly stated that he wants to "send a message to young people" about the unsettling trend of teen "sexting." In reality, the State of Foundation's laws were designed to protect, not harm the victim. When we prosecute people such as Amanda, we heap insult on injury by further destroying their lives. As Witold J. Walczak, the ACLU of Pennsylvania's legal director, argued, "Turning them into sex offenders is an odd way to protect kids."³

² <http://today.msnbc.msn.com/id/29546030/>

³ <http://www.victoriaadvocate.com/news/2010/jan/15/bc-us-sexting-lawsuit1st-ld-writethru/>

Criminalizing the original distributors of these messages, however, is also inefficient and, worst of all, ineffective. The NCPTUP survey also asked those who had participated in the sending and receiving of suggestive texts what they felt when they sent these messages. Surprisingly, almost 80 percent of those who had “sexted” understood that sexually suggestive content could have serious negative consequences. However, on closer analysis, it is not so surprising. Of those who have sent these messages, more than 60 percent did so in order to be “fun or flirtatious.” I ask, how many have, when young, done something fun regardless of consequences? What then should we do to decrease teen sexting?

Oftentimes, the law is focused on the origination of a crime. Yet, for sexting, we must focus also on the second and third levels of dissemination. Obviously, it would be impossible for the State of Foundation to criminally prosecute the amount of people that this would entail. Requiring offenders who spread suggestive pictures to perform community service would not only deter distributors, but also bring an added benefit to the State of Foundation. Additionally, it has been repeatedly shown that education is one of the most effective means to deterring crime. Community service could be combined with an educational class highlighting the negatives instigated by sexting and the harm that their actions inflict on others.

Another way in which sexting can be reduced is by involving parents in the “lives” of their teens’ cell phones. Whether this is through close monitoring of the amount of photos sent and/or received each month, or limitation of the amount of text messages sent in any particular month, monitoring may lead to teens being more fearful of detection, thus leading to a decrease in sexting. A more exaggerated and intrusive

measure could be to list the actual “text” of the messages sent on the phone bill. This could be set up through cell phone providers to provide parents with the messages sent only if they chose to view them. It is probable that sexting would decrease significantly if teens knew their parents had access to the messages they wrote.

Overall, the harsh prosecution of teens, such as Amanda Doe, for sexting with no malicious intent is the wrong way to approach this ever-growing issue. In order for this to be enforced, nearly 40% of teens in the country would be thrown in jail. More education, parental involvement, and community service for “sexters” would be more appropriate, cost-effective, and have a greater impact on teens without ruining their lives. Ultimately, this problem needs to be addressed on a more personal level than on the broad prosecution of the “law”.

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