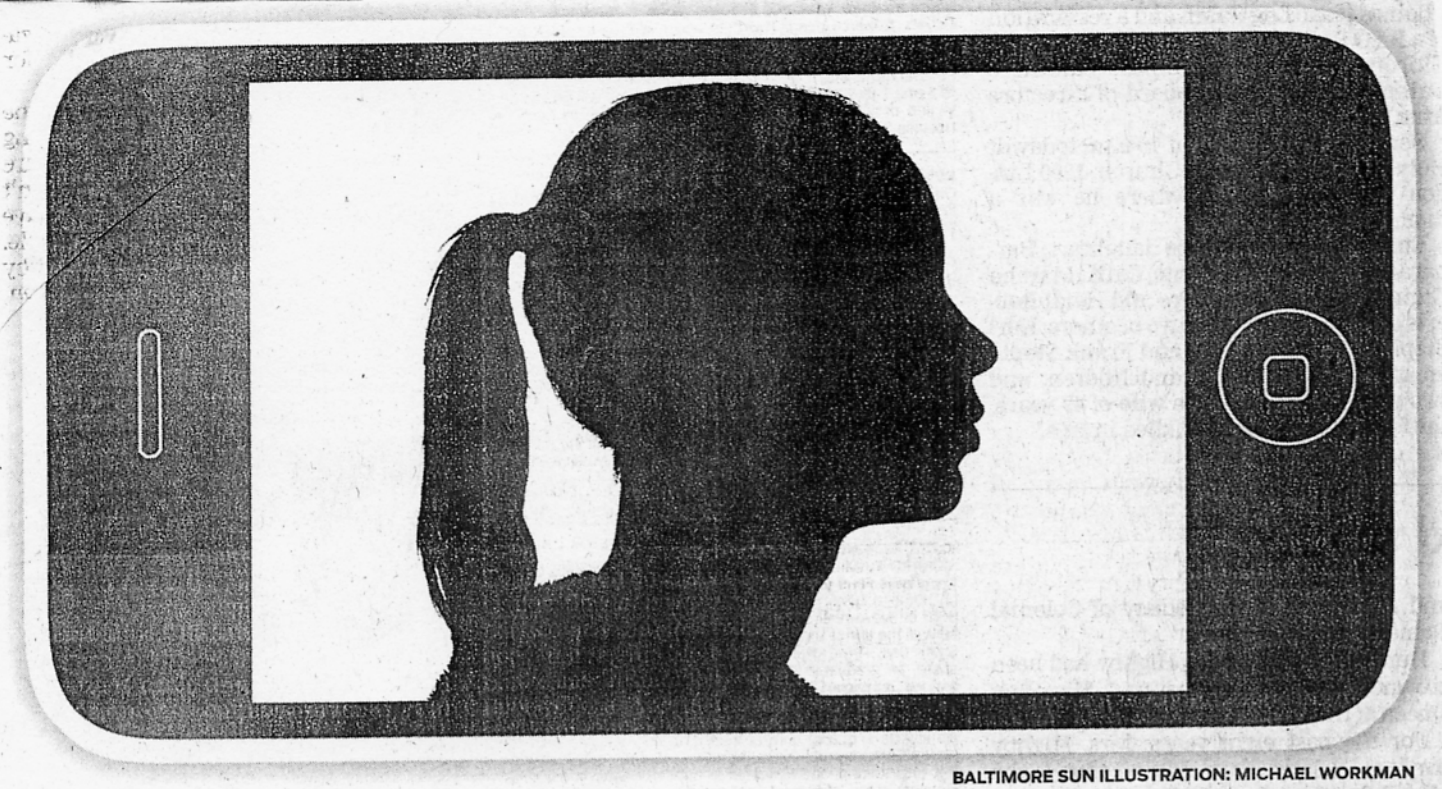

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Combatting 'sexting'

Educators need new tactics to stop kids from e-mailing explicit pictures of themselves

By Robert D. Richards

As kids across the country get ready for that fall ritual of heading back to classes, swine flu isn't the only thing that school officials have to worry will go viral this academic year. The teen phenomenon of sexting — minors' texting or e-mailing sexually explicit photographs of themselves to each other — threatens to become even more widespread despite the severe, if not draconian, consequences.

Some administrators hope to curb the behavior before it gets worse. When middle and high schoolers in Broward County, Fla., return to class this fall, they'll see a video about sexting and the felony charges that accompany the activity. The video also lets youngsters know that participating in sexting behavior can secure them a spot on the state's sex-offender registry. Other schools similarly plan to address the topic at opening assemblies.

In too many districts, including those well-meaning ones that will warn of the criminal possibilities, the real teachable moment sadly will be lost. Instead, attention to this burgeoning social problem will be drawn only after the behavior takes place and another kid unwittingly ends up facing child pornography charges, an alarming trend across the country.

The problem is a familiar one. The law needs time to catch up to advancements, particularly technological ones. In the meantime, some kids who thought they were being cute, clever or just plain racy will face ruinous lifetime consequences.

When faced with a behavior that doesn't seem right, law enforcement officials are left scratching their heads to find a way to handle it. Transmitting sexually explicit photographs of minors falls squarely within the definitions of most state and federal child pornography statutes. It seems to fit, but it really doesn't.

Child pornography laws were properly developed to punish the heinous practice of using minors in the creation of sexually explicit materials. The U.S. Supreme Court more than a quarter century ago recognized that states needed far more constitutional leeway in combating the growing problem of child pornography because "the use of children as subjects of pornographic materials is harmful to the physiological, emotional and mental health of the child."

Rather than focus on how best to punish the minors involved in sexting or how to terrify them into thinking they'll be behind bars until they reach middle age, a better approach would be to educate them about the harms they are bringing on themselves. When the Supreme Court gave states the latitude they needed to address the child porn problem, its concern centered on the harms children face — ills that today are far more pronounced by technological access than when the justices addressed the issue.

One key reason the court considered child pornography tantamount to child abuse was "the materials produced are a permanent record of the children's participation and the harm to the child is exacerbated by their circulation."

Indeed, the photos and videos produced when the court ruled on the constitutionality of child pornography laws back in the early 1980s would have a lasting impact on their subjects, particularly if they were distributed widely. Today, the impact will be greater because widespread distribution is a given. With easy transmission of images, that "permanent record," rightfully feared by the court, is created as soon as the send button is first pressed.

Although long jail terms and sex-offender classes are beyond the comprehension of most youngsters, technology's ability to spread images in an instant — along with the impossibility to rein them in once sent — is well within their grasp. They know the possibilities better than most adults.

Schools would do well to take a different approach in seizing this teachable moment. They should focus on the harms to the kids themselves caused by having these images — this "permanent record" — floating throughout cyberspace for the rest of their lives to be seen by their peers, teachers, potential employers and ultimately their own kids.

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