

A Girl's Nude Photo, and Altered Lives

by JAN HOFFMAN • MARCH 26, 2011

Poisoned Web



Elizabeth Colón and Jon Reid gave a presentation about the consequences of sending risqué photos and text messages after three students were charged in a sexting case at their school. Neither was involved in the case.

LACEY, Wash. — One day last winter Margarite posed naked before her bathroom mirror, held up her cellphone and took a picture. Then she sent the full-length frontal photo to Isaiah, her new boyfriend.

Both were in eighth grade.

They broke up soon after. A few weeks later, Isaiah forwarded the photo to another eighth-grade girl, once a friend of Margarite's. Around 11 o'clock at night, that girl slapped a text message on it.

"Ho Alert!" she typed. "If you think this girl is a whore, then text this to all your friends." Then she clicked open the long list of contacts on her phone and pressed "send."

In less than 24 hours, the effect was as if Margarite, 14, had sauntered naked down the hallways of the four middle schools in this racially and economically diverse suburb of the state capital, Olympia. Hundreds, possibly thousands, of students had received her photo and forwarded it.

In short order, students would be handcuffed and humiliated, parents mortified and lessons learned at a harsh cost. Only then would the community try to turn the fiasco into an opportunity to educate.

Around the country, law enforcement officials and educators are struggling with how to confront minors who “sext,” an imprecise term that refers to sending sexual photos, videos or texts from one cellphone to another.

But adults face a hard truth. For teenagers, who have ready access to technology and are growing up in a culture that celebrates body flaunting, sexting is laughably easy, unremarkable and even compelling: the primary reason teenagers sext is to look cool and sexy to someone they find attractive.

Indeed, the photos can confer cachet.

“Having a naked picture of your significant other on your cellphone is an advertisement that you’re sexually active to a degree that gives you status,” said Rick Peters, a senior deputy prosecuting attorney for Thurston County, which includes Lacey. “It’s an electronic hickey.”

In the fall of 2009, Margarite, a petite, pretty girl with dark hair and a tiny diamond stud in her nose, was living with her father, and her life was becoming troubled. Her relationship with her father’s new wife was tense. Her grades were in a free fall.

Her social life was deteriorating. A good friendship with a girl had soured, abetted by a fight over a boy. This girl would be the one who would later brand Margarite’s photo and forward it.

Margarite’s former friend is tough and strong-willed, determined to stand out as well as fit in, according to those who know her. Her parents, recent immigrants, speak limited English and were not able to supervise her texting.

In the shifting power dynamics of middle school girls, the former friend understood well that she who sneers first sneers best. The flick of a cutting remark, swiftly followed by “Just kidding!” The eye roll. As the animosity between the two girls escalated, Margarite felt shunned by an entire group of girls and was eating lunch by herself. At home she retreated to her bedroom, alone with her cellphone and computer.

Her mother would later speculate that Margarite desperately needed to feel noticed and special. That December, just before the holidays, she took the photo of herself and sent it to Isaiah, a low-key, likable athlete she had recently gotten to know.

After the winter break, Margarite was preparing a fresh start. She would move back in with her

mother and transfer to a school in a nearby district.

But one night in late January, a few days before her transfer, Margarite's cellphone began vibrating around 1 a.m., waking her. She was being bombarded by texts — alerts from worried friends, leers from boys she scarcely knew.

The next morning in her mother's car, Margarite lowered her head, hiding her reddened eyes, her terrible secret.

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“Are you O.K.?” asked her mother, Antoinette, who like other parents and children who agreed to be interviewed asked to be identified by only first or middle names to protect their privacy.

“Yeah.”

“Are you sure?”

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But her mother knew otherwise. Earlier that morning a parent had phoned Kirsten Rae, the principal of Margarite's school, Chinook Middle, complaining about a naked photo sent to her child. The child knew at least a dozen students who had received it.

The principal then called Antoinette. The police wanted to question Margarite. On the drive to school, the girl sobbed uncontrollably, feeling betrayed and degraded.

The school was buzzing. “When I opened my phone I was scared,” recalled an eighth grader. “I knew who the girl in the picture was. It's hard to unsee something.”

Meanwhile, another middle school principal in Lacey had begun investigating a sexting complaint that morning. Ms. Rae realized that Margarite's photo had gone viral.

Students were summoned to Ms. Rae's office and questioned by the police. Their cellphones were confiscated.

Ms. Rae went into crisis management. Parents were calling, wanting to know whether their children would be arrested and how she would contain the spread. She drafted a letter for school families.

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Then Isaiah's mother, Jennifer, got the call. "Naked?" she shouted. "How naked?"

When Jennifer, who works for an accountant, arrived at the school, she ran to Isaiah, a tall, slender boy with the startled air of an unfolding foal. He was weeping.

"I was in shock that I was in trouble," he recalled during a recent interview. "I didn't go out of my way to forward it, but I felt responsible. It was bad. Really bad."

He told the police that the other girl had pressured him into sending her Margarite's photo, vowing she just wanted to look at it. He said he had not known that their friendship had disintegrated.

How had the sexting from Margarite begun? "We were about to date, and you'll be like, 'Oh, blah blah, I really like you, can you send me a picture?'" Isaiah recalled.

"I don't remember if I asked her first or if she asked me. Well, I think I did send her a picture. Yeah, I'm pretty sure. Mine was, like, no shirt on.

"It is very common," he said. "I'd seen pictures on other boys' cellphones."

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"The idea of forwarding that picture was bad enough," he said. "But the text elevated it to something far more serious. It was mean-girl drama, an all-out attempt to destroy someone without thinking about the implications."

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"My socks got wet in the shower," Isaiah said.

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A November 2009 AARP article, "Sexting Not Just For Kids," reported approvingly on the practice for older people, too. In women's magazines and college students' blogs, coy guides include pragmatic tips like making sure to keep your face out of the photo.

But when that sexually explicit image includes a participant — subject, photographer, distributor or recipient — who is under 18, child pornography laws may apply.

"I didn't know it was against the law," Isaiah said.

That is because culturally, such a fine distinction eludes most teenagers. Their world is steeped in highly sexualized messages. Extreme pornography is easily available on the Internet. Hit songs and music videos promote stripping and sexting.

"Take a dirty picture for me," urge the pop stars Taio Cruz and Kesha in their recent duet, "Dirty Picture." "Send the dirty picture to me. Snap."

In a 2010 Super Bowl advertisement for Motorola, the actress Megan Fox takes a cellphone picture of herself in a bubble bath. "I wonder what would happen if I were to send this out?" she muses. The commercial continues with goggle-eyed men gaping at the forwarded photo — normalizing and encouraging such messages.

"You can't expect teenagers not to do something they see happening all around them," said Susannah Stern, an associate professor at the University of San Diego who writes about adolescence and technology.

“They’re practicing to be a part of adult culture,” Dr. Stern said. “And in 2011, that is a culture of sexualization and of putting yourself out there to validate who you are and that you matter.”

The prevalence of under-age sexting is unclear and can often depend on the culture of a particular school or circle of students. An Internet poll conducted for The Associated Press and MTV by Knowledge Networks in September 2009 indicated that 24 percent of 14- to 17-year-olds had been involved in “some type of naked sexting,” either by cellphone or on the Internet. A December 2009 telephone poll from the Pew Research Center’s Internet and American Life Project found that 5 percent of 14- to 17-year-olds had sent naked or nearly naked photos or video by cellphone, and that 18 percent had received them. Boys and girls send photos in roughly the same proportion, the Pew survey found.

But a double standard holds. While a boy caught sending a picture of himself may be regarded as a fool or even a boastful stud, girls, regardless of their bravado, are castigated as sluts.

Photos of girls tend to go viral more often, because boys and girls will circulate girls’ photos in part to shame them, explained Danah Boyd, a senior social media researcher at Microsoft and a fellow at Harvard University’s Berkman Center for Internet and Society.

In contrast, when a boy sends a revealing photo of himself to a girl, Dr. Boyd noted, she usually does not circulate it. And, Dr. Boyd added, boys do not tend to circulate photos of other boys: “A straight-identified boy will never admit to having naked photos of a boy on his phone.”

Policy makers are beginning to recognize that a uniform response to these cases does not fit.

“I hate the word ‘sexting,’ ” said Andrew J. Harris, an assistant professor of criminology at the University of Massachusetts in Lowell, who is leading a study of the practice among adolescents to help develop policies to address it. “We’re talking about a lot of different behaviors and a lot of different motivations.”

There is the high-tech flirt. The troubled attention-seeker. A couple’s consensual exchanges. Drunken teenagers horsing around. Pressure from a boyfriend. Malicious distribution. A teenager who barrages another with unsolicited lewd photos or texts. Or, as in a 2009 Wisconsin case of “sextortion,” a boy, pretending to be a girl online, who solicited explicit pictures of boys, which he then used as blackmail to compel those boys to have sex with him.

The content of the photos can vary widely too, from suggestive to sadistic.

Adults in positions of authority have been debating how to respond. Many school districts have banned sexting and now authorize principals to search cellphones. According to the National Conference of State Legislatures, at least 26 states have tried to pass some sort of sexting legislation

since 2009.

“The majority of states are trying to put something in place to educate kids before and after the event,” said Justin T. Fitzsimmons, a senior attorney at the National District Attorneys Association who specializes in Internet crimes against children. “We have to protect kids from themselves sometimes. We’re on the cusp of teaching them how to manage their electronic reputations.”

But if the Lacey students were convicted of dissemination of child pornography, they could be sentenced to up to 36 weeks in a juvenile detention center. They would be registered as sex offenders. Because they were under 15, however, after two years they could petition a court to remove their names from the registry, if they could prove they no longer posed a threat to the public.

PENALTIES AND PREVENTION

Rick Peters, the prosecuting attorney, never intended for the Chinook Middle School students to receive draconian sentences. But he wanted to send a scared-straight message to them, as well as to the community.

Yet when the local news media storm cascaded, the outcry was not about the severe penalties for a felony sexting conviction. It was about why Mr. Peters had not also arrested Margarite.

“She’s a victim,” Mr. Peters said. “She made an ill-advised decision to share that picture with her boyfriend. As far as she knew, that was as far as it would go.

“What good would come from prosecuting her? What lesson could we teach her that she hasn’t already learned now 1,000 times over?”

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Eventually a deal was brokered for the three teenagers who were charged. The offense would be amended from the child pornography felony to a gross misdemeanor of telephone harassment. Isaiah and the two girls who had initially forwarded Margarite’s photo would be eligible for a community service program that would keep them out of court, and the case could be dismissed.

Those three students would have to create public service material about the hazards of sexting, attend a session with Margarite to talk about what happened and otherwise have no contact with her.

After Margarite and her mother approved the conditions, Mr. Peters signed off, pleased.

Throughout last spring, on Monday afternoons after school, Eric Fredericks, Isaiah's math teacher, met with the three students to help them develop their material.

Margarite's former friend made a PowerPoint presentation, with slides copied from the Internet.

The younger girl made a poster dense with warnings about sexting's consequences. She concluded: "I am a 13 year old teen that made a bad choice and got my life almost totaled forever. I regret what I did more than anything but I cant take it back."

Isaiah created a two-page brochure, citing studies from the Internet, accompanied by a tumble of adolescent feeling:

"Not only does it hurt the people that are involved in the pictures you send, it can hurt your family and friends around you, the way they see you, the way you see yourself. The ways they feel about you. Them crying because of your mistakes."

Ms. Rae has yet to distribute the material. Chinook, with 630 seventh and eighth graders, still has students who know those involved in last year's episode. She wants to give Isaiah, Margarite and the others more time to distance themselves.

While the case was on its way to resolution, prosecutors and district educators decided to put its aftershock to good use.

"After the story broke, parents called us because they didn't know about the law that could send kids to jail for a bad choice," said Courtney Schrieve, a spokeswoman for the North Thurston Public Schools. "Kids didn't know about it either. So we decided to turn this into an opportunity to educate teachers, parents and students."

In October, Ms. Rae, the police, prosecutors and Mr. Fitzsimmons of the National District Attorneys Association held separate forums about sexting for Lacey's teachers, parents and student delegations from the four middle schools.

The students then returned to their homerooms to teach classmates what they had learned.

Elizabeth Colón taught a session with Jon Reid. Both are eighth graders at Chinook.

"Most of the questions were about penalties," she said. "Kids wanted to know if they would get into trouble just for receiving the picture."

Jon spoke about long-term consequences. "I said that people may look at you differently," he said. "They'll know what kind of person you were, even though you changed."

One spring evening, the three students who had been disciplined met for a mediation session with Margarite and two facilitators from Community Youth Services. The searing, painful session, which included the students' parents and Mr. Fredericks, lasted several hours. Everyone was asked to talk about his or her role in the episode.

Mr. Fredericks listed all the people who had spent hours trying to clean the mess the students had created in a matter of seconds: police officers, lawyers, teachers, principals, hundreds of families.

Then it was Isaiah's turn. He looked Margarite in the eye. "He poured his heart out," Mr. Fredericks recalled. Isaiah said that he was ashamed of himself, but that most of all, he was sorry he had broken Margarite's trust. Then he asked for her understanding and forgiveness. "He cried," Mr. Fredericks said. "I choked up."

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The former friend who had forwarded the photo, creating the uproar, was accompanied by her mortified father, an older sister and a translator. She came across as terse and somewhat perfunctory, recalled several people who were there.

One of the last to speak was Margarite's father, Dan, an industrial engineer.

"I could say it was everyone else's fault," Dan said. "But I had a piece of it, too. I learned a big lesson about my lack of involvement in her use of the phone and texting. I trusted her too much."

He had not expected the students to be punished severely, he continued. But they needed to understand that their impulsive actions had ramifications.

"When you walk out of here tonight, it's over, you're done with it," he said, looking around the room.

"Keep in mind that the only person this will have a lasting impact on," he concluded, is his daughter.

The photo most certainly still exists on cellphones, and perhaps on social networking sites, readily retrievable.

"She will have to live with this for the rest of her life."

THE VICTIM

When the police were finished questioning Margarite at Chinook in January 2010, her mother, a property manager, laid down the law. For the time being, no cellphone. No Internet. No TV.

Margarite, used to her father's indulgence and unfettered access to technology, was furious.

But the punishment insulated Margarite from the wave of reaction that surged online, in local papers and television reports, and in texted comments by young teenagers throughout town. Although the police and the schools urged parents to delete the image from their children's phones, Antoinette heard that it had spread to a distant high school within a few days.

The repercussions were inescapable. After a friend took Margarite skating to cheer her up, he was viciously attacked on his MySpace page. Kids jeered, telling him to change schools and go with "the whore."

The school to which Margarite had transferred when she moved back in with her mother was about 15 miles away. She badly wanted to put the experience behind her. But within weeks she was recognized. A boy at the new school had the picture on his cellphone. The girls began to taunt her: Whore. Slut.

Margarite felt depressed. Often she begged to stay home from school.

In January, almost a year to the day when her photo went viral, she decided to transfer back to her old district, where she figured she at least had some friends.

The episode stays with her still. One recent evening in her mother's condominium, Margarite chatted comfortably about her classes, a smile flashing now and then. But when the moment came to recount the events of the winter before, she slipped into her bedroom, shutting the door.

As Antoinette spoke about what had happened, the volume on the television in Margarite's room grew louder.

Finally, she emerged. The smell of pizza for supper was irresistible.

What is it like to be at school with her former friend?

"Before I switched back, I called her," Margarite said. "I wanted to make sure the drama was squashed between us. She said, were we even legally allowed to talk? And I said we should talk, because we'd have math together. She apologized again."

What advice would Margarite give anyone thinking of sending such a photo?

She blushed and looked away.

“I guess if they are about to send a picture,” she replied, laughing nervously, “and they have a feeling, like, they’re not sure they should, then don’t do it at all. I mean, what are you thinking? It’s freaking stupid!”

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