



505 Fifth Ave. Suite 901, Des Moines, Iowa 50309
www.aclu-ia.org

FOR IMMEDIATE RELEASE: Friday, November 11, 2016

Contacts:
Veronica Fowler, ACLU of Iowa communications director

ACLU of Iowa to Represent Knoxville Girl in “Sexting” Lawsuit

Des Moines, Iowa – Today the ACLU of Iowa announced that it will represent a 14-year-old Knoxville, Iowa, girl who was threatened with criminal charges after texting suggestive photos of herself to a boy. As a result, a local county attorney is threatening her with sexual exploitation of a minor – herself.

The two photos at issue don’t show any nudity. In one of the photographs, she is wearing a sports bra and boy shorts. In the other, she’s in boy shorts with her hair covering her breasts.

In the lawsuit, the girl is identified as Nancy Doe. Because of the photos, the local county attorney has threatened Nancy Doe with charges that, if she were convicted of them, would come with the possibility of prison time and placement on the sex offender registry. To avoid prosecution, he told her, she would have to sign an admission of guilt, enroll in a pre-trial diversion program involving community service, attend classes on the dangers of sexting, and have no access to her phone or laptop for a set period of time.

Doe’s parents object to the threats of prosecution as well as the county attorney’s alternatives. In the lawsuit, which seeks no monetary reward or damages, the Does ask only that the threats of prosecution, as well as required actions to avoid prosecution, be dropped.

Rita Bettis, ACLU of Iowa legal director, said, “The Does are reasonably concerned that the pre-trial diversion program would have a harmful effect on their daughter’s self-esteem and punish her for doing something that was hardly obscene or against the law. They do not want her to be labeled or shamed for her behavior.”

Nancy Doe’s mother, identified as Jane Doe, said, “It’s important to us to try to protect our daughter from these charges. It’s our job to raise our daughter; not the county attorney’s. The response from the county attorney has been highly inappropriate and stigmatizing. And to charge her with sexual exploitation of herself is beyond bewildering.

“We’re also concerned that the alternatives she’s been given to prosecution will do more harm than good,” Jane Doe said. “The photos don’t reveal any more skin than what you’d see in many swimsuit ads. We wish to deal with this as a family in our own manner and in our own time without government interference.”

Bettis said the ACLU became involved in the case, in part, to protect Nancy Doe’s right to free speech and expression. “It is a violation of the First Amendment for a prosecutor to threaten to bring criminal charges for protected speech and expression. As a policy matter, we also believe that it truly defies common sense to threatened to put a child in jail or prison or place her on the

sex offender registry for taking a picture of herself.”

In addition, the lawsuit asks the court to affirm the Does’ fundamental right to raise their child without undue interference by the state, in the way that they think is appropriate.

Finally, the lawsuit asserts that Nancy Doe is being treated differently than a boy would because she is being threatened with prosecution for taking photos that include her breasts, even though they were covered up. The lawsuit asks the court to find that boys and girls should not be treated differently for engaging in the same behavior.

Des Moines civil rights attorney Glen Downey will serve as an ACLU cooperating attorney in the case. “These child pornography statutes were never meant to be applied to the children themselves,” said Downey. “And in this case, Nancy Doe hasn’t even engaged in behavior that is a crime.”

* * * * *

The ACLU of Iowa is a private, non-partisan organization that fights to advance civil liberties for all. It is the state affiliate of the national American Civil Liberties Union. The ACLU prides itself in upholding everyone’s civil liberties, no matter who they are or what they believe. We work to assure the rights of all Iowans – from atheists to devout Christians, from labor unions to businesspeople and more – to make sure the constitutional rights of all are preserved. For more information, please go to www.aclu-ia.org.

Want to be removed from this press release contact list? Prefer it go to a different email? Or do you want to be added to our press release contact list? Please email editor@aclu-ia.org.