



understanding that alleged perpetrator was the young man's high school teacher, who, he claims sexually abused him and took pornographic pictures of him.

3. Although not all children who are sexually abused develop psychological symptoms in the aftermath of their experience, there is solid and irrefutable evidence that many victims demonstrate a variety of emotional, behavioral, and social difficulties as a result of the abuse and that they are at elevated risk to show cognitive deficits and suffer from physical ailments in response to what happened. In a now classic article, first published in 1985 in the *American Journal of Orthopsychiatry* (The traumatic impact of child sexual abuse: A conceptualization, pages 530-541), David Finkelhor and Angela Browne identified four "traumagenic" dynamics associated with childhood sexual abuse which explain how it is that such experiences are damaging. These were Traumatic Sexualization, the process in which victims' sexual feelings and attitudes are shaped in developmentally inappropriate and interpersonally dysfunctional ways by the abuse; Betrayal, the discovery that someone upon whom they depended and/or trusted had harmed them; Powerlessness, the process wherein their will, desires, and sense of efficacy were thwarted; and Stigmatization, the negative connotations communicated to victims about their experiences and subsequently incorporated into their self-image. Finkelhor and Browne aptly described how each dynamic might operate to produce psychological disturbance such as confusion, depression, anxiety, and dissociation, as well as maladaptive behaviors, such as aggressiveness, isolation, self-mutilation, delinquency, and substance abuse.

4. Research over the past 25 years has borne out the wisdom of Finkelhor and Browne's

theoretical model, with study after study demonstrating that being a victim of sexual abuse as a child heightens the risk of psychiatric problems both in the short-term and in later years, indeed through one's lifetime. It was clear by 1993 when Kathleen Kendall-Tackett, Linda Williams, and David Finkelhor published the article, Impact of sexual abuse on children: A review and synthesis of recent empirical studies in *Psychological Bulletin* (pages 164-18) that the experience of sexual abuse during childhood was associated with depression, anxiety, dissociation, low self-esteem, sexual concerns, and behavioral problems. This same conclusion was supported in a large study of adults conducted by John Briere and Diana Elliott, which was reported in a 2003 article in *Child Abuse and Neglect*, Prevalence and psychological sequelae of self-reported childhood physical and sexual abuse in a general population sample of men and women (pages 1205-1222), and more recently in work by Carla Danielson, Alexandra Macdonald, Ananda Amstadter, Rochelle Hanson, Michael de Arellano, Benjamin Saunders, and Dean Kilpatrick, described in a 2010 article in *Child Maltreatment*, Risky behaviors and depression in conjunction with – or in the absence of - lifetime history of PTSD among sexually abused adolescents (pages 101-107).

5. In addition to the repeated finding that being sexually abused while a minor makes for various psychopathological outcomes, evidence has also mounted that individuals with a history of victimization are more likely than their peers who have not been abused to be violated at a point in the future (see, for example, Posttraumatic symptoms and self-dysfunction as consequences and predictors of sexual revictimization, by Terri Messman-Moore, Amy Brown, and Lori Koelsch, *Journal of Traumatic Stress*, 2005, pages 253-261, Victimization during childhood and revictimization in dating relationships in

adolescent girls, by Marie-Helene Gagne, Francine Lavoie, and Martine Hebert, *Child Abuse and Neglect*, 2005, pages 1155-1172, and Child and adolescent abuse and subsequent victimization: A prospective study, by Cindy Rich, Christine Gidycz, Jennifer Warkentin, Catherine Loh, and Paul Weiland, *Child Abuse and Neglect*, 2005, pages 1373-1394).

6. Another legacy of childhood sexual abuse was identified by Janet Currie and Cathy Spatz Widom in an article that appeared in *Child Maltreatment* last May, Long-term consequences of child abuse and neglect on adult economic well-being (pages 111-120). Their analysis demonstrated that beyond the toll that abuse takes on victims' social and emotional health, the experience reduces their earnings capacity significantly.

7. One particularly insidious form of childhood sexual abuse involves the production of child pornography which was defined by one expert, Tim Tate, in his book *Child Pornography: An Investigation*, published by Trafalgar Square in 1991, as "no more than the permanent recording or a child being sexually abused." He and others such as Max Taylor and Ethel Quayle, authors of *Child Pornography: An Internet Crime* (published by Brunner-Routledge in 2003), have pointed out that children typically do not choose to be photographed for sexual purposes and that the unequal power in their relationships with the adults who record their naked images renders them incapable of consenting to what occurs. Furthermore, children's ignorance of adult sexuality may limit their appreciation that they are being objectified and manipulated. In an important new volume, *Child Pornography and Sexual Grooming: Legal and Societal Responses* (published by Cambridge University Press in 2009), Suzanne Ost describes how the dissemination of sexual photographs or movies of children exacerbates the primary harm done to the victims and enables their continued exploitation. She cites the 1998 *Temple Law Review* article, *Child pornography and child nudity: Why and how states may*

constitutionally regulate the production, possession, and distribution of nude visual depictions of children (pages 609-635) in support of her argument. Dr. Ost further notes that the production and distribution of child pornography not only infringe upon children's rights, especially their right not to be ashamed of their own bodies, but also shapes and affects their subjective experience of being a child.

8. As Julia von Weiler indicated in her article, Care and treatment of child victims of child pornographic exploitation (*Journal of Sexual Aggression*, 2010, pages 211-222), there has been remarkably little research on how child victims used in the production of pornography are affected by their experiences. Her research suggested that the nature of their injuries was more complex than those associated with other forms of childhood sexual abuse. That is congruent with the anecdotal accounts offered much earlier by Ann Wolbert Burgess in the volume she edited, *Child Pornography and Sex Rings* in 1984. In chapter six of that book, which she co-authored with Carol Hartman, Maureen McCausland, and Patricia Powers, Dr. Burgess described the multi-faceted nature of the psychological problems with which children who had been photographed for sexual purposes struggled. A similar account is provided by Shirley O'Brien, as quoted in Franklin Osanka and Sara Johann's book, *Sourcebook on Pornography* (published by Lexington Books in 1989).

9. My own experience in evaluating minors who were photographed in the nude by sex offenders is consistent with the notion that these victims struggled with all four of the traumagenic dynamics identified by Finkelhor and Browne a quarter century ago. However, beyond the direct damages they suffered when they were abused, they have continued to question as to who has seen their images and who may do so in the future. Their trauma is thus, ongoing and never ending.

10. The crime of child pornography is especially invasive because of the internet, which makes the otherwise private trauma of the victim public. Youngsters who are photographed as part of their sexual abuse are left not only with their memories of what happened but with the reality that there may be video and still images available for download on the internet. It is not surprising that they believe that anyone they meet may have seen their sexually explicit images and recognize them.

11. When victims of child pornography take legal action, it is critical that they not be re-victimized during that process. One way to protect them in this regard is to shield their identity from public disclosure. Requiring victims to publicly disclose their names violates their privacy and thereby re-victimizes them. In order to protect their mental health from further injury, I believe that they should be allowed to pursue their claims anonymously.

12. Although I have not evaluated the Plaintiff in the current matter, I did speak to him by telephone. Based upon what he told me and my other experience in this field, it is my opinion that he would suffer mental harm if he were required to publicly disclose his name. Forcing Plaintiff to do so would likely cause him further damage.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated: 03/09/11

  
Susan Phipps-Yonas, Ph.D.

Subscribed and sworn to before me  
this 9<sup>th</sup> day of March 2011.



