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Oregon House Committee of Judiciary  
HR 343 1:00PM  
RE: HB 3048

Chair Barker and Committee Members,

It is my hope that none of you ever have to view the pictures which are the subject of this legislation. Even the verbal descriptions of these photos and videos set forth in criminal indictments are enough to turn the stomachs of most adults. I have read too many such descriptions, and am submitting this testimony to urge you to report favorably on HB 3048. It is my hope that this legislation will be passed quickly to give reassurance to victims of child pornography that the government will not be redistributing them needlessly through the criminal justice process.

"Vicky" as she is known to hundreds of thousands of pedophiles, and to the many, many law enforcement officers who have acted to protect her, is the subject of perhaps the most sought after series of child pornography images worldwide. I have had the privilege of representing her, and her family, since 2008. I had thought that my background as a former sex assault prosecutor, and former criminal defense attorney prepared me for representing a victim of child pornography.<sup>1</sup> I have come to learn that the injuries stemming from the distribution of child sex abuse images was itself, apart from the damage of the original abuse, much greater than I could have imagined.

The harm visited upon these young people is devastating and lifelong. As the United States Supreme Court has recognized in two oft-cited cases, *United States v. Ferber*, 458 US 747, 758 (1982), and *Ashcroft v. Free Speech Coalition*, 535 US 234, 249 (2002), the

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<sup>1</sup> I have practiced law for over 34 years. The first four years I served as a deputy prosecutor for King County in Seattle, Washington. Thereafter, my practice included criminal defense for approximately four additional years as well as a variety of civil cases. I have represented victims of sexual harassment and sexual assault over the last 25 years.

photograph of a child's sexual abuse memorializes those awful experiences and causes them to live on forever. The continued circulation of the images over the internet means that the child, then the adult, will never be free from fear or humiliation. Much more so than any defamatory statement, ". . . each new publication . . . would cause new injury to the child's reputation and emotional well being." *Ashcroft at 249.*

While it might be assumed that the major portion of a child pornography victim's psychological problems stems from the original physical abuse inflicted upon her or him, as the years pass, this portion of the history actually shrinks in the relative proportion that it plays in her harm. The abuse which generated the images is over and done with. It is finite. Her perpetrator is in prison and unlikely to ever be released; she can rest assured that he is no longer able to harm her or any other child. She can work on these past events in the safety of her therapy sessions. She can do her best to forget about them outside of her therapist's office.

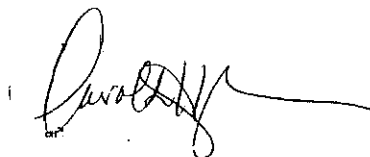
However, the circulation of the images goes on forever, like the evil spirits released from a Pandora's box. Many victims live with the fear that they will be recognized by one or more of the pedophiles who have downloaded and taken pleasure from watching their abuse. My client has been found and contacted by several such "admirers" which has been terribly frightening. The anonymity of these perpetrators keeps her hypervigilant, ever on guard should some man in her immediate surroundings evidence an untoward interest in her. As time goes on the numbers of the image increases exponentially and the number of these perpetrators grows ever larger; the viral spread of the images is unceasing and uncontrollable. There is no way that she can treat the issues arising from this ongoing trauma as finite or in the past.

With each additional copy of these images the victim is harmed again. It is a "death by a thousand cuts." And with each copy being made of the images there is the prospect of that copy being redistributed again.

The photographs and videos which would be protected by HB 3048 are not the glamour photos of child models or of beauty pageant contenders. Rather these are crime scene photos which show the rape, sodomy, and sexual torture of children, toddlers, and sometimes even infants. They are graphic and humiliating. They are contraband. Making copies of these photos and videos that would then leave law enforcement custody is no different than checking out a portion of the cocaine or methamphetamine which may be the subject of a drug prosecution. We would never give a sample of drug contraband to the defense to facilitate forensic testing or examination. We should not treat child pornography any differently.

HR 3048 is legislation that can prevent one more instance of harm to these damaged children. I urge the committee to pass it out favorably and to push for its enactment.

Thank you,

A handwritten signature in black ink, appearing to read "Carol L. Hepburn", with a long horizontal flourish extending to the right.

Carol L. Hepburn

CLH:mds



STATEMENT IN SUPPORT OF HB 3048

Dear Committee Members and Chair Barker

I am the person who was the little girl known as "Vicky". I was raped repeatedly and pictures were taken and distributed on the internet. Part of this happened in Oregon. I did not even know that the person who raped me had shared these images with anyone until years later when a police detective told my mother and me. My world came crashing down that day and I have never been the same. I am writing to ask you to support the legislation that would prevent copying of child pornography photos to give to defense attorneys.

I would like you to know that every time another copy of the pictures of my horror and humiliation is made and sent to someone else it hurts me. I am haunted by knowing that there are thousands of men who I don't know who have seen me at the most vulnerable point in my life, literally naked and afraid. These are men whose names and faces I mostly don't know but who have enjoyed seeing me abused and tortured. They trade these pictures of me as a child being raped and it is like I am being raped all over by each of them, raped by their eyes. It has made me feel a bit safer to know that there are law enforcement agents who are working to put these perverts away so that they won't trade my pictures or won't use them to groom other children as these kinds of pictures were used to groom me. To think that the courts might order that copies of these pictures be made to give to yet another person, and possibly for the same pedophiles to gawk at again chills me to the bone. It sickens me and terrifies me.

My paranoia is not without just cause. Some of these perverts have tried to contact me. One tried through friends of mine on My Space. Another created a slideshow of me on You Tube. I can never feel safe so long as the pictures are out there. Being abused in the first place is one thing. But that is over and done with and I know that the man who did it is in jail and will never get out to hurt me or any other child again. I have no control over the pictures on the internet. Copies are made and sent to so many pedophiles and there is no end to it that I know of. I ask only that you not add to my pain and fear and to that of other child sex victims by allowing the "official" reproduction of the pictures of our sexual abuse. Please support this law, which prohibits the making of these copies.

Thank you for considering my statement.

March 28, 2013

The above statement was signed by my client, known to me to be the victim in the "Vicky" series of child pornography images. I have redacted her signature to protect her identity.

