

48-year-old Ohio mother charged for photographing her daughter

Our correspondent
20 March 2000

Cynthia Stewart, a 48-year-old bus driver, will go on trial in Lorain County, Ohio in May charged with illegally photographing her eight-year-old daughter and “pandering” sexually oriented material. This is only the most recent in a series of cases in which parents, generally mothers (and even grandmothers), have faced state prosecution in the US for taking pictures of their nude offspring.

Stewart, who has been suspended from her job in Oberlin (35 miles southwest of Cleveland) pending the outcome of the trial, has systematically photographed her “miracle” daughter, born after several miscarriages, the girl's entire life. She has taken some 40,000 pictures in all. Among the snapshots were a few of the eight-year-old in the bathtub last summer. When an area photography lab turned the pictures over to the police, Stewart faced criminal prosecution.

Supporters have organized protests and vigils in her defense and have raised some \$35,000 for her legal costs. Stewart has refused to accept a settlement that would include an admission of wrongdoing. If convicted, she faces the possibility of up to 16 years in prison.

Amy Wirtz, a lawyer representing Stewart, told the press, “It's the witch-hunt of the twenty-first century. They persecute parents out of fear of pedophiles.” The associate legal director of the American Civil Liberties Union in Ohio (ACLU), Gino Scarselli, noted that in Stewart's case, “just the act of taking photos is a crime. There's no sign of abuse at all.” The ACLU argues that the Ohio state law used to prosecute Stewart is “so vague and overbroad” that it puts all parents who take innocent photos of their children at risk.

Whatever the outcome of the case, the prosecutor's decision has already cost Stewart a great deal of anguish, as well as expense. The media have played

their normally odious role. The *Oberlin News-Tribune* placed an article on her case alongside a story about a couple who had intentionally starved their child, under the common headline, “Bus driver, parents charged with abuse.” Other local news sources published her mug shot as part of their coverage of her arraignment, and in general sensationalized the proceedings.

Police in Montclair, New Jersey recently arrested Marian Rubin, a 65-year-old social worker and professional photographer, after photos of her granddaughters, four and six, were handed to police by photo lab employees. A spokeswoman for the Essex County Prosecutor's Office asserted that the photographs met the standard for prosecution because they “depicted nudity for sexual gratification.”

In 1994 photographer and Wayne State University professor Marilyn Zimmerman was threatened with prosecution in Detroit on similar charges. And there are other cases.

The religious right—including Focus on Family, the American Family Association and Randall Terry of the anti-abortion group Operation Rescue—has led a campaign for years against the work of photographers Jock Sturges and David Hamilton, who take pictures of children or entire families in the nude. The far-right has organized more than 40 protests outside bookstores.

In 1998 an Alabama grand jury indicted Barnes & Noble, the bookstore chain, for selling Hamilton's *The Age of Innocence* and Sturges's *Radiant Identities*. Barnes & Noble faced a similar campaign in Tennessee. Police in Bethel Park, Pennsylvania—a suburb of Pittsburgh—considered charging Borders Bookstores in 1997 for selling Sturges's book, after a fundamentalist radio program urged listeners to take action. Barnes & Noble has declared that “under no circumstances will we remove books from our

shelves.”

There is something particularly diseased about the arrests of Stewart and Rubin. As one of Stewart's friends commented, “Only someone with the most contaminated imagination could construe these [photographs] as pornographic.” Critics note the irony of charges being brought in such obviously innocent circumstances in a culture whose advertising and entertainment industries widely and profitably sexualize youth.

Beyond that, the cases, ludicrous as they are, represent yet more instances of the sustained campaign against freedom of expression and democratic rights being waged on many fronts by the political and legal establishment, urged on by the extreme right, in the US.



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