

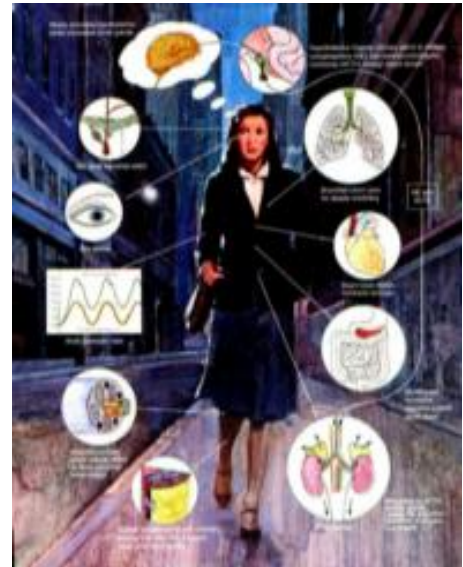
## Executive Summary

Bodily privacy is recognized as an essential aspect of human dignity, and particularly essential to the dignity and well-being of children. The right to bodily privacy has been developed in American law and expressed in the contexts of a constitutional right, a right under common law, and a right specifically recognized for children.

Privacy violations are particularly hazardous for youth, as early violations profoundly affect a child's future. Science confirms the brain does not fully mature until the mid-20s.

The young brain is shaped by the child's experiences, which shape the individual's long-term psychological and emotional development. Clinical findings provide solid scientific evidence that intrusive, anxiety-producing stimuli cause psychological, emotional, and physical harm to youth. The innate sense of bodily privacy placed in all of us by our Creator—our self-preservation instinct—has long been recognized as a precious, protected right. This white paper will address *experimental* violations of the right to privacy that have resulted in legal sanctions recognizing the profound and lasting damage that occurs to the victim—especially to young children whose brains and bodies are undeveloped.

Findings in the field of neuroscience provide extensive evidence of the relationship between the brain, mind, and body. Neuroscience “begins to unify data,”<sup>1</sup> and these data can be used to describe how a child's personal privacy and mental privacy is threatened by traumatic, intrusive stimuli—including images, events and intrusion of physical spaces such as restrooms, changing rooms, and locker rooms. *Neuroscience confirms that it takes less than a second for an intrusive image to structurally change a child's brain!*



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**A violation of this bodily “private space” is an intrusion that arouses fear.**

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Of particular concern for children's well-being is violation of their right to bodily privacy. The right to privacy has philosophical, psychological, and sociological origins arising, in part, from what philosophers—even a key Marxist “philosopher”—refers to as a “private space—in which man may become and remain ‘himself.’”<sup>2</sup> But most importantly, a “safe” space is a space where one is protected from any unexpected threat. In the image above, an adult woman reacts with fear to the possibility of some malevolent person

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<sup>1</sup> National Academy of Sciences and Sandra Ackerman, ed. *Discovering the Brain*. National Academies Press, 1992.

<sup>2</sup> Herbert Marcuse, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society*, 1964; <https://www.marxists.org/ebooks/marcuse/one-dimensional-man.htm>

lurking in the dark. The threat to a violation of bodily “private, safe space” will arouse an innate sense of fear in the normal adult or child.

Fear is a protective mechanism, preserving us from danger. However, fear can also cause emotional harm and does considerable damage to normal childhood development and the ability to learn. This white paper documents how the child brain and the teenage brain learn, store, and analyze the world. While literacy is required for decoding text and speech, it is not necessary for decoding imagery, which is the dominant form of contemporary communication. The tension between text and imagery must be factored into the contemporary legal and policy conversation. This white paper also documents how violation of privacy recklessly and emotionally intrudes on children and creates measurable anxiety (cortisol) trauma. Child trauma is reflected in myriad harms:-psychological confusion, increased self-preservation fears, suicidal ideation, use of mind-altering chemicals, and poor educational attainment, to name a few.

This white paper will discuss how the violation of privacy creates cultural dissonance for a broad population of children. Cultural dissonance was established as a violation of the equal protection clause in *Brown v. Board of Education* as it pertains to African-American children.

Finally, expectations of bodily privacy involve a moral component. The primary role of parents to direct the moral framework of their children is well established. As noted in the decision of *Pierce v. Society of Sisters* (1925), “The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”