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The Hunting of Dr. Craft

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The snapshots of Dr. Robert Bruce Craft living a normal life are too dated to show what he looks like now. Pictures from the 1990s depict a man in middle age: tanned, fit, suburban and a little too tall for his posture. But his gangliness gave him a gentle, friendly mien. Perennially dressed in one of those floppy canvas hats hikers use to avoid sunburn, and with an omnipresent grin, he looked like an outsized Mr. Rogers--which is how many who knew him saw him. These days there's only one recent photo of Craft, on the website of the Department of Corrections of the State of Georgia. It shows him pale and flabby, vaguely monstrous, in the way all inmates look in their mug shots, even those who've been imprisoned for crimes they never committed.

The twenty-year sentence Craft has been serving since 2000 is for "exploiting" and "molesting" children by taking pornographic pictures. The pictures include one of a small, smiling boy, fully clothed, peeing into a stream, with only the arc of urine visible--an image readily available in rural areas with tourist shops. There's a laughing youngster mooning the camera in the classic Coppertone pose, and another picture, of Craft's diaperless nephew photographed from behind--both common shots in parenting magazines. And there's the frontal torso of a preschool girl with arms raised as she dons a dress. That one is artful enough to hang in a gallery. Others look just like snapshots kept in scrapbooks by doting parents.

But Craft wasn't these kids' father, which is the main reason he's locked up now. Georgia has no criminal law banning people from photographing children who aren't theirs. But it does have statutes under which anyone photographing children making what a prosecutor thinks are provocative gestures can be charged with producing kiddie porn, even if the children were fully clothed when the pictures were taken.

When the first child pornography legislation was formulated a generation ago, it outlawed depictions of children engaged in inarguably sexual acts--intercourse, for example, or masturbation. But since then, revisions in the laws have made it illegal to show "lasciviousness"--a term that can mean almost anything. Similar laws are now on the books in every state.

As a result of this legal fuzziness, in suburban Dallas a couple was arrested and their children removed in 2003 after the father took a picture of their baby son breastfeeding and left the roll at a drugstore for processing. In Santa Fe an acclaimed artist is awaiting trial for taking pictures of young kids in the family while they were nude. Not long ago in New Hampshire, police investigated the Women's Rural Entrepreneurial Network after the group made a fundraising calendar that included photos of elderly women members and their daughters--fully clothed--proudly holding toddler granddaughters in their birthday suits. And in Roanoke, Virginia, this past summer, two 16-year-old girls were charged with producing and disseminating child pornography after they photographed themselves topless, then gave the pictures to their high school boyfriends, who posted them on the Internet. So far, no one accused of these transgressions has landed in prison. No one, that is, except Dr. Bruce Craft.

Craft was a Georgia clinical psychologist specializing in children. In Augusta, where he'd been practicing for years, he was respected by colleagues as a gifted diagnostician and exceptionally dedicated clinician. No one had ever received a complaint about his work. Instead, he regularly got accolades, and parents raved about the progress their hyperactive, anorexic, dyslexic and depressed children made under his care. His success stemmed from a finely honed ability to observe kids in play therapy without intruding, then gently modify their behavior. If a child cursed, for example, Craft might discuss with her what she was angry about, then reassure her it was OK to use bad words in his office but might not be in school or at home.

For several years Craft had used photography in his practice as "a vehicle for documenting accomplishment," he wrote

in a letter to his attorney retrospectively analyzing his behavior, and as a tool "for boosting self-esteem." He took pictures of his young patients' drawings and the masterpieces they built with Lincoln Logs; he snapped kids in the office parking lot when the setting sunlight made their faces glow; and he gave the children and their parents many of these photos to take home. Today, one of Craft's colleagues told us he takes child patients' pictures, too--but only with parents in the office, and he asks kids to cover up if they impulsively remove their clothing. Craft never bothered with these precautions.

As he admits now, he became increasingly consumed with using his camera to capture reality without stopping to pick and choose the images he wanted. He shot photos of nature, and of his adult friends and neighbors and their children. Feeling that his strict Southern Baptist upbringing was inhibiting his spontaneity when it came to the human body, he took classes in fashion photography featuring scantily clad and nude adult females, hoping his shutter finger would become less censorious.

More and more, his goal was to shoot, shoot and shoot some more, always keeping subjects candid, pausing as little as possible. There were days when he used up ten or twenty rolls. Within a few years his elegant suburban home had become an indoor junkyard of thousands of slides, photos and videotapes, few arranged in any order, most looked at only once and then stuck back in photo-lab envelopes that were never opened again. His wife, Kay, constantly urged him to cull through the mess; he simply took more pictures. That made him a shutterbug, but if the envelopes had been old newspapers, he would have been deemed a hoarder, an obsessive-compulsive in need of help.

In fact, as Craft, Kay and his former colleagues now say, he could have used counseling for depression caused in part by an excess of work. His longtime employment with the local VA hospital as assistant chief of psychology had devolved into dull administrative duties. The Xanax he took did not alleviate his anxiety over having enough money to retire on, so he continued to consult on traumatic brain-injured patients at the Medical College of Georgia and stayed active as a military reserve officer while maintaining his private practice. What he wanted was to quit psychology completely and immerse himself in photography. But he didn't think he could afford it.

In addition, he fretted about the younger of his two grown sons, who had revealed as a teenager that he was gay. In Augusta, whose economy and culture are dominated by the Army, a military bomb factory and deep-seated fundamentalist Christianity, Craft was considered a liberal. Still, he had trouble dealing with his son's homosexuality and had tried to talk him out of it. The son pulled away emotionally and never came back; Craft felt bereft of fatherhood and didn't know how to recover it. One thing helped--capturing the developmental minutiae of other people's kids for posterity. Photographing them was "relaxing, soothing and almost mystical," he said recently.

Yet many of these children were former and current patients. And the more Craft got into photography, the more his therapeutic intent was superseded by his compulsion to use the camera. He was photographing his preschool-aged patients practically nonstop as they sat on his office floor, legs splayed, playing with toys. He did so even when they moved the wrong way and flashed glimpses of underwear--or portions of scrotum and labia. Some of his patients had been referred by child-protection authorities after being removed from their homes for child abuse, and he shot a couple of these kids as they exhibited their genitals while exposing wounds on their abdomens. He gave an indigent little girl a new dress, then took that gallery-quality photograph of her changing into it.

Always known for his extraordinary generosity, Craft also befriended patients and their families outside the office, bestowing food, clothing, free childcare, even financial assistance--all considered patently unethical by the American Psychological Association. Craft began hanging out for hours at a time in the house of the Olivers, a family with six kids, four of whom he had treated. He took them and the parents camping in the Smoky Mountains, where he would follow the children around with video and still cameras.

Some of the older Oliver boys would occasionally grab Craft's equipment and horse around by taking pictures of each other unclothed. Craft says he joined in the silliness. The parents knew that among the hundreds of images shot, an occasional one depicted nudity or urination. But nobody was concerned. "Bruce was like a grandfather or an uncle," one of the kids said recently. "It was like having your dad take pictures of you." And Craft helped the family of Clint, another former patient, an attention-demanding, hyperactive 9-year-old, by taking him into his home on weekends after the family moved from Augusta to nearby Atlanta. Clint's parents were grateful for the help but later said they had no idea how many pictures were being taken or that any contained nudity.

None of these lapses in judgment created problems, though, until Craft sent a roll of film to a photo lab at a military PX just across the Georgia state line in South Carolina. On the roll were several pictures of Gregory, a 3-year-old boy stabbing at his erect penis with a plastic bowie knife (a common play therapy toy for children to express aggression with). Gregory was in temporary foster care with the Oliver family, who suspected he'd been sexually abused in his regular home. Craft had begun treating him, the Oliver parents recall today, after he attacked the other children, slashed his bedding with knives and threatened to cut off his penis.

Disturbed by the pictures, a lab employee contacted the FBI. A year later, in late 1996, Special Agent Keith Owens visited Craft's office. Craft told Owens there was no clinical purpose for having taken the photos. He'd snapped the knife shots because Gregory's sudden behavior evoked "morbid fascination" and either "amazed" (his version of the word) or "amused" him (the FBI's). He was adamant he'd never gotten sexual gratification from taking such pictures. But he acknowledged they were "inappropriate" and that his colleagues would "never understand" why he'd taken them. Owens's interpretation of these statements was that Craft was a pedophile. He did not pursue the possibility that what the doctor might actually have meant was that photographing children during therapy violated the ethics of his profession.

Today Craft says he assumed there'd been a simple misunderstanding, and that Owens would contact the Oliver parents about Gregory's problems. But Owens waited weeks to question the Olivers. Meanwhile, he quickly obtained search warrants for Craft's office and home, and law-enforcement personnel spent months picking through thousands upon thousands of Craft's photos, slides and videotapes of mountains, trees, adults, kids and more trees. But it was the pictures of children that interested investigators: kids in Halloween costumes, kids at karate competitions and soccer matches, kids hugging each other. And, of course, kids like the Crafts' toddler niece and nephew, playing partially clothed; 9-year-old Clint, mooning in one shot and grinning on the potty in another; and those therapy patients playing with legs splayed and glimpses of genitalia exposed. The authorities claimed that Craft was sexually aroused by about 100 of the images.

Elevating personal concerns over professional responsibilities during work, socializing with patients, violating their privacy by taking pictures without informed consent--all are potential reasons to revoke a therapist's license (which the Georgia Board of Examiners did to Craft). But none have anything in particular to do with sexual deviancy. Nevertheless, Danny Craig, the district attorney for the county encompassing Augusta, had decided that Craft was--as he would later put it publicly--"one of the most prolific, one of the most dangerous child molesters" in the nation.

Such attitudes terrified Craft, as did DA Craig's avowal to charge Kay as a co-conspirator and seize their home under criminal forfeiture laws if he were convicted. The local radio talk show excoriated him as a fiend; the daily paper denounced a magistrate for providing him bail.

A community hotline was set up to document children's complaints of sexual abuse by Craft, and authorities used patient files to track down and interview kids. The hotline was unproductive, and no one complained of abuse--except for one child. Clint, the hyperactive boy who used to visit Craft's house, said he'd been molested but didn't "remember" it until FBI agent Owens told him Craft harmed hundreds of kids and Clint could help lock him up.

Meanwhile, parents of alleged child victims who insisted their kids hadn't been hurt were themselves being threatened.

According to the Oliver parents, when they told Owens that they didn't think Craft's pictures of their kids were pornography, Owens said, "You're making a big mistake. If you want to be a good parent you have to make sure you make the right choices here." (Owens could not be reached for comment.)

Craft's lawyers doubted the community could grasp the complexity of the case, evaluate a hundred images taken out of context or understand how leading, pressured interviews with children can create false charges of abuse--as may well have happened with 9-year-old Clint's accusation.

So they opted for a bench trial, in which a judge, rather than a jury, would decide guilt or innocence.

Expert witnesses were prepared to tell the judge that Craft did not seem to harbor sexual urges toward kids. Drugstore photo-lab employees had agreed to talk about how they'd been processing his work for years and found it innocuous. His young "victims" were lined up to testify that he'd never hurt them and that they, not Craft, had taken some of the pictures. All this would cast doubt on 9-year-old Clint's accusation of having been molested.

Clint took the stand for the state, but Craft's friendly witnesses never did: By the time the prosecution rested its case, the judge seemed so offended by the images, and Craft was such an emotional wreck, that his lawyers thought up a deal. They told DA Craig they would not put on a defense if Craft's wife could keep the house. The verdict came quickly, and later a sentence of twenty years for ninety-nine of 118 convictions, most of that time to be served concurrently.

Now Kay sits at home amid all those photo envelopes, writing to officials on behalf of her husband, organizing inmates' families to demand waiting areas inside prisons so they won't get rained on while visiting kin; doing appellate research; wondering whether the DA targeted Bruce because she used to be a nurse at Planned Parenthood. If this were ancient Greece she'd be Penelope waiting for Odysseus. But it's now, in America, where epics are more like Kafka.

How could such a thing happen? Answering that question requires looking at the illogical, helter-skelter way that laws banning child pornography have evolved in the last generation. Not only is it criminal for an adult to make a child engage in sex acts, the thinking goes, but taking pictures is also banned because kiddie porn records the real abuse of a child, and pedophiles have a tendency to horde the images and exchange them with fellow deviants. The practice traumatizes child victims, who can spend the rest of their lives imagining shameful photos and videos of themselves circulating who knows where. The trauma must be prevented. That's why child pornography is not protected speech, and hasn't been for more than twenty years.

Who could argue with that logic? But there's a problem: defining what a sex act is. In 1982 the Supreme Court tried to answer the question while ruling on a New York case now popularly known as *Ferber*. In *Ferber*, the Justices upheld a statute that made it illegal to use a child in a "sexual performance" that includes "sexual conduct." The definition of "sexual conduct" started out straightforwardly, listing "intercourse," "bestiality," "masturbation" and "sado-masochistic abuse." Vetting a picture for these activities is not rocket science. But here's where things get harder: the statute affirmed by *Ferber* also prohibited "lewd exhibition of the genitals" (and a subsequent federal law changed "lewd" to "lascivious").

What, exactly, is "lascivious exhibition of the genitals"? Is it always a result of a child being posed by or for pedophiles? Or could a harmless family snapshot of a toddler in the tub also qualify? Police and prosecutors often swear they can tell the difference. But by the late 1980s, so many mom and pop shutterbugs were getting arrested that in a case known as *Dost*, a judge in a state district court in California came up with a test that poses six questions to determine if a picture is kiddie porn. The list includes queries such as: Is the focal point of the image the child's genitals? Is the setting a place generally associated with sex? Is the child nude? Posed or dressed inappropriately? Displaying "sexual coyness"?

The answers might at first seem obvious, but in the end they're mired in subjectivity. In one case where the test was used, the government argued that it was improper to photograph a child on a beach because "many honeymoons are planned around beach locations" (a federal appeals court rejected the argument). In another case, the fact that kids were snapped at a playground and a park was deemed incriminating, since children are often found at playgrounds and parks, and pedophiles may get aroused by these venues.

Even nakedness is no longer required to define a picture as criminal. In the mid-1990s, a case known as *Knox v. the United States* started moving through the courts after Pennsylvania State University graduate student Stephen Knox was convicted for owning a videotape, marketed by a company in Nevada, that zoomed in on the pelvic area of underage girls doing sexy, gymnastic moves while dressed in leotards, shorts and bathing suits. A federal appeals court held that photos and videos can show "lascivious exhibition of the genitals" even when the genitals are covered up.

Such decisions won't hurt "normal" people, authorities insist. The tapes Stephen Knox bought were clearly advertised as pedophile material, and the laws are meant to catch deviants and leave everyone else alone. The language of federal and state statutes specifies that images are illegal only when made to get the producer, the child or the viewer sexually excited. Absent that intent, we're supposed to rest assured that our baby-on-the-bear-rug photos are fine.

But who decides intent? In Augusta, District Attorney Craig was enraged that Bruce Craft shot pictures of naked children who weren't his: children on the potty and peeing, children whose genitals sometimes peeked from their shorts when they were sprawled at play or asleep. Craft says he took them out of a mania for capturing Kodak moments. Craig didn't believe it, even though no pornography was found in the Crafts' home or on their computers, Craft never distributed the images and he had no history of urges toward children. No matter--since he took the pictures, he's a pedophile. And since he's a pedophile, he took the pictures to get aroused. Which makes him a pedophile. It's like the whirlpool in *Aguirre, the Wrath of God*. There's no way out, especially since a Georgia appeals court ruled that it could infer Craft's lust even if evidence demonstrating it is "exceedingly weak and unsatisfactory."

Few First Amendment analysts have examined this vortex of unreason, but one who has looked carefully is New York University School of Law professor Amy Adler. In densely footnoted law-journal articles written over the past few years, she warns that the Supreme Court is signing off on blurry lower-court decisions in child-porn cases instead of drawing bold lines around prohibited expression in order to protect what is allowed--as the High Court does habitually for other kinds of speech.

And she has deeper worries about the entire culture. With their obsessive emphasis on parsing child images for lewdness, lasciviousness and focus on clothed and unclothed genitals, the current kiddie-porn laws push all of us to see, and to think, like pedophiles. As an example, Adler takes us to 1999, when Calvin Klein ran an ad campaign for his line of children's underwear. One ad, which appeared in newspapers and on a giant Times Square billboard, showed two preschool-aged boys laughing and jumping on a sofa in their briefs. A public outcry ensued, and one

critic suggested that genitals were discernible in the photo. "I went back and looked," Adler writes. "One of the little boys' underpants seem baggy as he jumps in midair. Is that an outline of his genitals I wondered? It was then, as I scrutinized the picture of the five-year-old's underwear, that I realized I was participating in a new order, a world created and compelled by child pornography." She wonders if that world is provoking more real sex abuse.

The possibility of real abuse should be carefully investigated, Adler notes, and this is where photos and videos can be quite useful. Creepy but not overtly sexual images can prompt inquiry into what else, if anything, the adult was doing besides taking pictures. "Prosecute people who molest children as molesters," she says, and not as the creators of borderline photos and videos. "Pursue the underlying act. Not the representation."

Legal scholar John Wrenius, author of *First Amendment, First Principles*, suggests that privacy laws might be used to address some of the moral wrongdoing associated with producing borderline representations. In New York State, for instance, it's often a criminal misdemeanor to film or photograph people in public, then sell the pictures or use them in advertising. The principle embodied in this law could be applied to cases like *Knox*, where someone videotaped the clothed pelvic areas of young girls in a park doing gymnastics, then marketed the tapes. If that had happened in New York, the videographer probably could have been prosecuted, says Wrenius. But *Knox* was prosecuted in Pennsylvania, and most states' privacy statutes aren't as stringent as New York's. Nevertheless, says Wrenius, it's possible that privacy laws could be expanded "as a less coercive and less censorial means of protecting the legitimate interests of minors." Likewise for libel laws, says Adler.

These are compelling considerations for people at liberty to sit in armchairs. But they're academic for those in prison cells, like Bruce Craft. His appeals slog on with some success: Higher state courts have thrown out more than half his scores of convictions, mainly for those photos that judges decided don't look posed and don't show peeing or toilets. But since Craft's sentence is concurrent, he is still convicted for twenty years as long as even one "exploitation" count remains. As the time drags, he finds it harder and harder to answer letters from family and friends. It's more comforting to look back, to the last time there were kids in his life. That was in 2000, on the day he was sentenced.

Arguing that Craft should be given hundreds of years' hard time, the prosecutor averred that children had been unwittingly harmed by "being touched with this man's eyes." Yet not one "victim" appeared at the hearing to talk about being abused. Instead, several children came who'd already sent handwritten letters to the judge, telling him Craft was a "wonderful man" and that prosecuting him had been "wrong" and "stupid" and "I WISH this stuff would stop."

"I feel so bad like if we weren't his friends this would not have happened it's like it's all our fault," lamented one girl's letter. She and the others wanted to stand up in court and talk about their affection for Dr. Craft. They wanted to stress that their real hurt came from seeing him accused and convicted.

But the judge wouldn't allow it. Adults could testify, he said, but not minors. So the children sat on the benches silently, watching Craft locked up in their name.