

Creeper Act would turn law-abiding Americans into sex offenders

written by admin | January 29, 2018



By Jeremy Malcolm . . . In December 2017 the Curbing Realistic Exploitative Electronic Pedophilic Robots Act [was introduced into Congress](#) by Rep. Daniel Donovan (R-Staten Island/Brooklyn) and 12 bipartisan cosponsors. This more memorably-named [CREEPER Act](#) would expand the Federal ban on [importation of obscene materials](#) to include child sex dolls. Similar bans have resulted in the prosecution of doll owners in the [United Kingdom](#) and [Canada](#), though the Canadian prosecution is subject to a constitutional challenge.

The concept of a child sex doll disgusts most ordinary people. So it's unsurprising that [experts believe](#) these dolls are being purchased not by ordinary people but by pedophiles; those whose sexual attraction to prepubescent children is anything but ordinary. As disgusting as this attraction is to think about, it is not illegal to be a pedophile, just as it is not illegal to have other disgusting thoughts—unless you

act on those thoughts by breaking the law.

This is just as well, because if it was illegal simply to be a pedophile, that would mean criminalizing [up to 8 million Americans](#), which would more than double the existing population of felons. Since experts believe that pedophiles [don't choose to be attracted to children](#), it also seems unfair to criminalize them for what may be an unwanted condition, especially since most of them [never go on to abuse a child](#).

While CREEPER would not make all pedophiles into instant sex offenders, it would do so for purchasers of child sex dolls. One of the justifications that its proponent gives for the Bill is the claim that [85% of those found with sex dolls](#) in the United Kingdom also had possession of illegal child pornography, ie. images of real children being abused.

But that means that 15% of them didn't, and that we would be criminalizing them for possession of what is, essentially, a masturbation aid. And since when is possession of something that is merely correlated with illegal activity separately punishable? Even though there is a correlation between those who purchase miniature ziplock bags and those who sell drugs, the possession of ziplock bags is not illegal; nor should it be.

In fact, the use of child sex dolls by pedophiles may actually *reduce* sex offending. The current scientific consensus is that pedophilia is a lifelong condition that [cannot be cured](#), but can be managed in ways that don't harm children. For some pedophiles, [sex dolls may be one such harmless outlet](#). Although there hasn't yet been any peer-reviewed scientific research on this question, similar research on the availability of pornography shows that it is negatively correlated with actual sexual offending—[including offending against children](#).

If this is true of sex dolls also, then CREEPER would do

nothing to reduce the number of sex offenders in the community. It would do the opposite. Apart from instantly creating a whole new class of child sex offenders out of those who buy these dolls, it may also deprive non-offending pedophiles of [one of their only legal sexual outlets](#), and perhaps drive some of them towards more harmful methods of sexual gratification.

The CREEPER Act's preamble makes a number of untested scientific claims about sex dolls, such as that they "normalize sex between adults and minors" and "cause the exploitation, objectification, abuse, and rape of minors." These assertions rely on the cherry-picked opinions of [one expert](#), but they ignore or contradict the testimony of a [growing number of other experts](#) who disagree. What does seem to be agreed is that [more research is needed](#) on the effects of these dolls—whether positive, negative, or perhaps both.

We should also consider whether criminalizing the possession of a latex doll would be consistent with U.S. constitutional values. In 2002, the [Supreme Court ruled](#) that it was unconstitutional for the government to impose a blanket ban on the possession of sexualized images of minors in virtual or cartoon form. Since these too can be used by pedophiles as a substitute for images of actual children being abused, [experts have supported pedophiles having access to them](#). It's hard to see how dolls are any different.

It's easy to understand how his revulsion for pedophiles led Rep. Donovan to introduce this bill. But revulsion probably isn't the best impulse for us to be guided by when writing new criminal laws. The CREEPER Act is at best premature, and at worst could harm those it intends to protect. Let's avoid making a new class of sex offenders out of those who may simply be trying to manage an unwanted sexual attraction in a way that keeps real children safe.

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