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## The Slave and the Porn Star: Sexual Trafficking and Pornography

*Robert W. Peters, Laura J. Lederer, and Shane Kelly\**

In the past decade, there has been an explosion of interest in human trafficking. Eliminating human trafficking has become a foreign and domestic policy goal for many countries, including the United States. Following the passage of the Trafficking Victims Protection Act of 2000 and the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, also in 2000, focus on the issue developed further. Human trafficking is now the topic of numerous articles, conferences, and studies, with many different aspects of trafficking being investigated. However, one aspect of human trafficking gets little attention—namely, the connection between pornography<sup>1</sup> and trafficking (particularly sex trafficking).

This article argues that there are a number of links between pornography and sex trafficking and that curbing pornography can reduce sex trafficking. The first two sections describe the links between pornography and sex trafficking. The third section makes the case that legislators and prosecutors should give greater consideration to the relationship between pornography and sex trafficking as they determine budgetary and law enforcement priorities and as they make recommendations for how to address this link at the federal level.

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1 The *Attorney General's Commission on Pornography: Final Report* defined "pornography" as material that is "predominantly sexually explicit and intended primarily for the purpose of sexual arousal"; see U.S. Department of Justice, *Attorney General's Commission on Pornography: Final Report* (Washington, DC: U.S. Department of Justice, 1986), 227–28. In *Miller v. California*, 413 U.S. 15, 20, n.2 (1973), the Supreme Court noted that "pornography" means "'1: a description of prostitutes or prostitution; 2: a depiction ... of licentiousness or lewdness: a portrayal of erotic behavior designed to cause sexual excitement.' *Webster's Third New International Dictionary* [Unabridged 1969]." Most of the discussion in this article will surround hardcore pornography, but the relevance of pornography to human trafficking is not confined to hardcore materials. The scope of this article will also be confined primarily to pornography and human trafficking involving adults.

## Trafficking for the Purpose of Producing Pornography

In 2000, the U.S. Congress enacted the Trafficking Victims Protection Act (TVPA) “to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.”<sup>2</sup> The TVPA creates a framework to comprehensively address the problem of human trafficking through a threefold approach of prevention, prosecution, and protection. The TVPA does not provide a definition of trafficking in persons as such. Rather, it defines two types of what it calls “severe forms of trafficking in persons.”<sup>3</sup>

The first severe form of trafficking in persons is “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.”<sup>4</sup> In turn, sex trafficking is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.”<sup>5</sup> A commercial sex act is “any sex act on account of which anything of value is given to or received by any person.”<sup>6</sup> Thus, a streamlined definition of the first severe form of human trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person by force, fraud, or coercion for the purpose of a sex act on account of which anything of value is given to or received by any person.<sup>7</sup> The other type of severe trafficking involves trafficking for the purpose of labor, defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”<sup>8</sup> A person who engages in either of the two severe forms of trafficking in persons, which are described generally as sex trafficking and labor trafficking, may face severe criminal penalties.<sup>9</sup>

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2 Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, § 102(a), 114 Stat. 1464.

3 TVPA § 103(8).

4 TVPA § 103(8)(A).

5 TVPA § 103(9).

6 TVPA § 103(3).

7 The language in TVPA § 103(8)(A) regarding victims under 18 years old has been omitted from this definition. Sex trafficking of adults for prostitution is a very significant portion of all human trafficking in the United States. According to the U.S. Department of Justice’s Bureau of Justice Statistics, 44 percent of human-trafficking allegations investigated between January 2008 and June 2010 “involved allegations of adult prostitution.” See Chandra R. Thomas, “Justice Department Report Sheds Light on Human Trafficking Stats,” *Juvenile Justice Information Exchange*, May 1, 2011, <http://jjie.org/justice-department-report-sheds-lights-on-human-trafficking-stats/14355>.

8 TVPA § 103(8)(B).

9 18 U.S.C. §§ 1589–1591. A number of other criminal statutes may be relevant in any given case, but these sections form the heart of the definition of trafficking that was created with the enactment of the TVPA in 2000.

It is easy to see how participation in the production of pornography could satisfy the definition of either sex trafficking or labor trafficking.<sup>10</sup> If a trafficking victim is forced to engage in a sex act that is filmed or photographed for sale as pornography, then the production of pornography itself becomes a severe form of trafficking in persons that is subject to criminal liability.<sup>11</sup> The production of pornography could also involve labor trafficking in one of two ways. First, a trafficking victim could be coerced into aiding in the technical side of production, rather than the performance side.<sup>12</sup> Second, participation as a nude model for soft-core pornography that does not involve a proscribed sex act could be a form of labor trafficking.

Thus, thought alone indicates that there is more than one way for the production of pornography to involve trafficking in persons, and production of pornography that involves trafficking in persons is not purely theoretical. For example, in 1999, an American living in Cambodia, where he maintained a pornographic website, decided to incorporate into the site what he labeled a “Rape Camp” featuring “Asian sex slaves” used for “bondage, discipline, and humiliation.”<sup>13</sup> Women on the website were “blindfolded, gagged, and/or bound with ropes while being used in sex acts,” and viewers were encouraged to “humiliate these Asian sex slaves to your hearts [sic] content.”<sup>14</sup> Expanded service featured live interactive bondage sex shows from Cambodia with pay-per-view access in which customers could relay requests for torture that would be fulfilled within seconds. The website also “promoted prostitution tourism to men visiting Cambodia.”<sup>15</sup>

The Cambodian Minister of Women’s Affairs called for the American “to be charged with violating a Cambodian law prohibiting sexual exploitation and trafficking of women.”<sup>16</sup> He was arrested but “escaped prosecution through assistance from the U.S. embassy.”<sup>17</sup> If this incident had occurred more recently, the perpetrator might have also been subject to criminal prosecution in the United States. As of 2008, the criminal provisions of the TVPA, including criminal liability for severe forms of trafficking in persons, apply extraterritorially.<sup>18</sup>

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10 This article does not treat sex trafficking as defined in TVPA § 103(8)(A) as a form of labor trafficking that involves sex work. See Jennifer Chacón, “Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking,” *Fordham Law Review* 74: 2977–3040, which discusses sex trafficking as merely another form of labor migration and criticizes the TVPA for not using this framework. Depending on circumstances, however, participation in nude modeling can be a form of labor trafficking as defined in TVPA § 103(8)(B).

11 The other elements of a charge of sex trafficking under 18 U.S.C. § 1591 must also be met.

12 See the discussion of *United States v. Marcus*, *supra* at 8–9, in which a woman was coerced into being a webmaster for a hardcore pornographic website.

13 See, for example, Donna M. Hughes, “‘Welcome to the Rape Camp’: Sexual Exploitation and the Internet in Cambodia,” *Journal of Sexual Aggression* 6, nos. 1–2 (2000): 29–51.

14 *Ibid.*

15 *Ibid.*

16 *Ibid.*

17 *Ibid.*

18 See TVPA § 223 (2008).

The production of this type of pornography is not an isolated phenomenon,<sup>19</sup> and similar businesses operate in the United States. After joining the Federal Bureau of Investigation (FBI) in 1975, Special Agent Roger T. Young (now retired) worked on obscenity, child pornography, and prostitution cases for more than 23 years. Now serving as a consultant to both law enforcement agencies and nonprofit organizations, he recounted the following case:<sup>20</sup>

“While working as consultant and private investigator, I learned of a massive operation in the United States that involves Asian-appearing women who engage in sex acts for live streaming from a website over the Internet. Customers all over the world pay with a credit card to watch the sex acts in actual time. They can also communicate with and tell the participants what sex acts they want them to do. This operation also involves Asian-appearing females working as prostitutes in apartments in the United States. I am not sure if the women are transported here from ... Asia—but they speak the language of the customers—or [whether] businessmen ... fly into the United States for sex with them.”

It will often be difficult to determine conclusively whether businesses like those described by Special Agent Young do, in fact, involve trafficking in persons, but as journalist and author Victor Malarek warned in his book *The Johns: Sex for Sale and the Men Who Buy It*,<sup>21</sup>

“[P]orn addicts may want to sit in the director’s chair themselves, but most will never have the opportunity.... What’s their solution? Webcams. A new breed of johns—cyberjohns ... seeking out websites that let them create XXX from afar. They sit alone ... and order up a woman.... They order the woman to perform sex acts, in real time.... [A]s for the women in front of the cameras ..., [m]any are from impoverished regions of the world.... So what is this phenomenon? ... Without a doubt, it is an extension of prostitution. These men are paying to use women for their own sexual pleasure and perversion. The women may or may not be willing participants, but the preponderance of Eastern European and Asian women—typical targets of traffickers—should set off alarms.”

19 See, for example, “Philippines Jails Two Swedes for Life Over Cybersex,” *Agence France Presse*, May 11, 2011, which states, “Two Swedish men were jailed for life in the Philippines for human trafficking after they were found running a cybersex den in which nude women performed for Internet clients, authorities said.... The women were given ... (\$350) a month to act at the bidding of online clients who paid by credit card. ‘Once the client has paid for a private show, anything goes,’ said [the clerk of the court, Nelson] Salcedo, adding the women used sex toys. Cybersex dens have become a growing problem in the impoverished Philippines.”

20 Mr. Young recounted this case to Robert Peters in 2011. Mr. Young can be reached at his mailing address, 3983 S. McCarran Blvd., #252, Reno, NV 89502.

21 Victor Malarek, *The Johns: Sex for Sale and the Men Who Buy It* (New York: Arcade, 2009), 202–4.

In other cases, trafficking in persons clearly has been involved. For example, on December 7, 2011, a federal jury in Miami convicted two defendants, Lavont Flanders Jr. and Emerson Callum, on charges of sex trafficking. A press release issued by the U.S. Attorney's Office for the Southern District of Florida described that case as follows:<sup>22</sup>

"The charges spanned from 2006 through July of 2011. During that time, the defendants had perpetrated a cruel fraud to lure aspiring models to South Florida by promising them an opportunity to audition for modeling roles that, it would later turn out, never existed. Once the victims arrived in Miami, Flanders would instruct them to perform an audition for a purported alcoholic beverage commercial. During this purported audition, the victims were asked to promote and drink different brands of alcohol, while Flanders filmed. Unbeknownst to the victims, the alcoholic beverages Flanders provided them were laced with benzodiazepines, a common date rape drug. Once the drugs had taken effect, Flanders would drive the victims to Callum, who had sex with the victims while Flanders filmed. The defendants then edited, produced, and sold the footage of the sex acts over the Internet and to pornography stores and businesses all across the country."

According to *United States v. Marcus*,<sup>23</sup> the defendant, Marcus, engaged in a consensual sexual relationship involving bondage, dominance–discipline, submission–sadism, and masochism (BDSM) with a woman, Jodi. She acted as Marcus's "slave" and was subject to various physical and sexual punishments. Jodi lived in an apartment with other women who also acted as Marcus's slaves, and, at Marcus's direction, she maintained a membership BDSM website called "Subspace" that chronicled their exploits. When Jodi refused to recruit her younger sister as a slave, Marcus inflicted severe physical punishment on her. She testified that she cried throughout the incident and that the relationship was not consensual after that time. Marcus then directed Jodi to move to New York and required her to create and maintain a new commercial BDSM website called "Slavespace." Jodi worked on the site approximately eight to nine hours per day, updating site content, including diary entries and photographs, and clicking on banner advertisements to increase revenue. Marcus received all revenues from the website.<sup>24</sup>

Jodi said she did not want to continue working on the website, but was afraid of the consequences if she refused.<sup>25</sup> Marcus sexually punished Jodi when he decided her work on the website was inadequate, and these punishments were

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22 U.S. Department of Justice, "Two Men Sentenced to Multiple Life Sentences for Enticing Women to South Florida to Engage in Commercial Sex Acts and Distributing Date Rape Pills," press release, February 17, 2012, <http://www.justice.gov/usao/fls/PressReleases/120217-03.html>.

23 628 F.3d 36 (2nd Cir. 2010).

24 *Ibid.*, 39.

25 *Ibid.*

documented and published on the website. Some punishments were quite severe. On one occasion, Marcus tied Jodi up, forced her onto a table, and then put a safety pin through her labia, while she screamed and cried. Marcus posted photographs from this incident on the Slavespace website and directed Jodi to write a diary entry about it for the website. When Jodi told Marcus she could not continue in this arrangement, he threatened to send pictures of Jodi to her family and the media. On the basis of these and similar occurrences, a jury found Marcus guilty of both sex trafficking and labor trafficking.<sup>26</sup>

In *United States v. Bagley et al.*,<sup>27</sup> a case that is currently pending, the alleged victim was a young woman with a troubled childhood who suffered from mental deficiencies.<sup>28</sup> She is referred to as “FV” in the indictment. The primary defendants, a husband and wife, took FV into their home when she was 16 years old, after she ran away from a foster home. The defendants allegedly began to sexually abuse and physically harm FV and forced her to dance at local strip clubs. They allegedly forced the victim to act as their property, and “Edward Bagley allegedly beat, whipped, flogged, suffocated, choked, electrocuted, caned, skewered, drowned, mutilated, hung and caged FV to coerce her to become a sex slave.”<sup>29</sup> The defendants forced FV to sign a slave contract that she believed bound her to act as their slave, and they had her tattooed with a barcode and the Chinese character for “slave.”<sup>30</sup>

Multiple other defendants communicated with Bagley regarding his activities and allegedly participated in some of his videos and photo shoots.<sup>31</sup> At one point, FV even “appeared on the cover of the July 2007 issue of *Taboo*, a publication owned by Hustler Magazine Group, and was the subject of a story and multipage photo spread inside.”<sup>32</sup> Federal investigators became aware of these activities after “Bagley allegedly suffocated and electrocuted FV during a torture session to a state of cardiac arrest.... FV, who was 23 years old at that time, received emergency medical treatment and was hospitalized.”<sup>33</sup> Four defendants are being prosecuted

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26 Ibid., 40.

27 The superseding indictment, dated March 30, 2011, is available at [http://www.justice.gov/usao/mow/news2011/bagley\\_indictment2.pdf](http://www.justice.gov/usao/mow/news2011/bagley_indictment2.pdf).

28 U.S. Attorney’s Office for the Western District of Missouri, “Victim Tortured as Slave, Forced into Sex Trafficking and Forced Labor,” press release, March 30, 2011, <http://www.justice.gov/usao/mow/news2011/bagley.ind2.html>.

29 Ibid.

30 Ibid.

31 Ibid. See also the co-defendant’s Plea Agreement, dated January 5, 2012, which is available at [http://www.justice.gov/usao/mow/news2012/stokes\\_plea.pdf](http://www.justice.gov/usao/mow/news2012/stokes_plea.pdf).

32 Bill Draper, “Questions about Accuser Surround Sex Slave Case,” MSNBC, October 23, 2010, [http://www.msnbc.msn.com/id/39810877/ns/us\\_news-crime\\_and\\_courts/t/questions-about-accuser-surround-sex-slave-case/#.TIWhsqjCvwM](http://www.msnbc.msn.com/id/39810877/ns/us_news-crime_and_courts/t/questions-about-accuser-surround-sex-slave-case/#.TIWhsqjCvwM).

33 U.S. Attorney’s Office for the Western District of Missouri, “Woman Tortured as Slave, Victim of Trafficking and Forced Labor,” press release, September 9, 2010, <http://www.justice.gov/usao/mow/news2010/bagley.ind.htm>.



for these actions under the forced labor and sex trafficking provisions of the TVPA, along with other serious crimes, in connection with these events.

Another case, even more disturbing, has reportedly occurred elsewhere. In the Netherlands, a court found four people guilty of kidnapping asylum seekers and forcing them to take part in pornography. Three victims from North Africa were kidnapped by a small criminal gang and held in a shed, where they were forced to have sex with men and animals on tape. Luckily, one of the victims escaped and was able to alert police. The prosecutor claimed at trial that the three women would have been disfigured and murdered for a snuff film had they not escaped. The girlfriends of the primary defendants were also jailed for their involvement.<sup>34</sup> This situation bears the classic marks of sex trafficking: an organized crime group kidnapped women from a vulnerable population, in this case immigrants from another country, and forced them to participate in sexual behavior. However, in this case, the goal was not the servicing of clients directly; it was the production of pornography.<sup>35</sup>

Less extreme forms of coercion involving the production of pornography may occur with greater regularity. Often, women involved in the production of so-called mainstream hardcore pornography are pressured by their agents, directors, and fellow performers to engage in sexual activity that they do not want to participate in, such as anal sex.<sup>36</sup> This pressure can cross into sexual assault,<sup>37</sup> but in some circumstances it can also be a form of human trafficking.<sup>38</sup>

Thus, while trafficking for the purpose of the production of pornography is not a widely known or recognized form of trafficking, incidents of coerced participation in pornography are far from trivial. Forced participation as a performer can constitute sex trafficking, and participation in the logistical side may be a form of labor trafficking.

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34 “Men Sentenced for Rape and Animal Porn Horror, *Expatica News*, January 27, 2005 [http://www.expatica.com/be/news/local\\_news/men-sentenced-for-rape-and-animal-porn-horror-16282.html#](http://www.expatica.com/be/news/local_news/men-sentenced-for-rape-and-animal-porn-horror-16282.html#).

35 For an example of trafficking for the purpose of producing child pornography, see Amy Bennett Williams, “Immokalee Man Said to Enslave Girl, 15,” *News-Press* (Ft. Myers, FL), March 4, 2010. According to the article, “[t]he girl’s nightmare began ... in Guatemala.... [T]hey returned to Florida and [the defendant] took her to a house ... where there were five other girls from Mexico and Guatemala between the ages of about 13 and 17.... The house was equipped as a makeshift pornography studio. The girl was photographed naked and videotaped having sex with [the defendant] and other men. When she protested, she was hit with a belt or slapped in the face, the report says ... [the defendant] shuttled her between [houses]...., where she was filmed and forced to speak scripted lines.”

36 Gail Dines, *Pornland: How Porn Has Hijacked our Sexuality* (Boston: Beacon, 2010), 70–73.

37 *Ibid.*

38 Donna M. Hughes, “Sex Trafficking of Women for the Production of Pornography,” *Citizens Against Trafficking*, July 1, 2010, <http://www.citizensaginsttrafficking.org>. Hughes writes, “Women used in the production of commercial pornography in the U.S. are often subjected to violence and coercion during filming. Often they protest and try to stop the filming or back out before filming begins. Their protests are ignored, or they are pressured by their agent or the director to continue. Their experiences of coercion or trickery often meet the criteria for sex trafficking.”

## Pornography: Fueling the Demand for Women Trafficked into Prostitution

Media news reports and commentary on sex trafficking typically include accounts or visual images of young women or girls forced to sexually service johns in a sordid environment, regardless of whether it is a seedy brothel or hotel room or a dangerous street corner or truck stop. It is these accounts and images that understandably provoke widespread public sympathy. Typically, however, the reports and discussions do not include an inquiry into what is fueling the demand for prostitution and, thus, for women trafficked into prostitution (sex trafficking).<sup>39</sup>

Once this inquiry is undertaken, the multifaceted relationship between pornography, prostitution, and sex trafficking becomes clear. It has been said that prostitution and pornography are “symbiotically related” to sex trafficking and that the latter “would not exist without the former.”<sup>40</sup> It has also been said that pornography is “advertising for prostitution,”<sup>41</sup> that pornography “normalize[s] prostitution and commercial sexual exploitation,”<sup>42</sup> that “pornography is prostitution for mass consumption,”<sup>43</sup> and that many men “want to enact the fantasies, the transgressions and ultimately the degradation and violence of pornography with live women” and believe “the place to do this is in prostitution.”<sup>44</sup> It has been noted that “pimps and traffickers use pornography to initiate their ... victims into their new life of sexual slavery” so that they “get hardened to accept the inevitable and learn what is expected of them.”<sup>45</sup>

A growing body of evidence supports the preceding assertions. New research provides evidence that johns show pornography to prostituted women to illustrate

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- 39 “Prostitution” is generally defined as “the act or practice of engaging in sexual activity for money or its equivalent.” See *Black’s Law Dictionary* (Eagan, MN: West, 2006), 576. This general definition could encompass sex trafficking, but for the purposes of this article, the term “prostitution” is used to denote sex in exchange for money in which a woman is not participating as a result of “force,” “fraud,” or “coercion” as the latter terms are used in TVPA (2000). But see Catharine A. MacKinnon, “Pornography as Trafficking,” *Michigan Journal of International Law* 26, no. 4 (2005): 993–1012.
- 40 Ellyn Arevalo and Mark Regnerus, “Commercialized Sex and Human Bondage,” Witherspoon Institute, Princeton, NJ, February 11, 2011, <http://www.thepublicdiscourse.com>.
- 41 Melissa Farley, *Prostitution and Trafficking in Nevada: Making the Connections* (San Francisco: Prostitution Research & Education, 2007), 153.
- 42 Laura Lederer, “Four Links between Sex Trafficking and Illegal Pornography,” presentation at a Capitol Hill briefing on pornography harms, Washington, DC, June 15, 2010, [http://www.youtube.com/watch?v=jSRxpVDNpGI&list=PLD61810A3993D3E50&index=4&feature=plpp\\_video](http://www.youtube.com/watch?v=jSRxpVDNpGI&list=PLD61810A3993D3E50&index=4&feature=plpp_video).
- 43 CitizenLink, “Pornography Is Prostitution for Mass Consumption,” transcript of an interview with Lisa Thompson, Colorado Springs, June 14, 2010, <http://www.citizenlink.com/2010/06/14/pornography-is-prostitution-for-mass-consumption/>.
- 44 Janice Raymond, “Public Hearing on ‘The Impact of the Sex Industry in the EU,’ Committee on Women’s Rights and Equal Opportunities Public Hearing at the European Parliament, January 2004” (Coalition Against Trafficking in Women, New York), [http://action.web.ca/home/catw/readingroom.shtml?sh\\_itm=d2d1f51cfb123b9bdc2dcc121b2c4de9&AA\\_EX\\_Session=469ce2d01985bff20826196368afea18](http://action.web.ca/home/catw/readingroom.shtml?sh_itm=d2d1f51cfb123b9bdc2dcc121b2c4de9&AA_EX_Session=469ce2d01985bff20826196368afea18).
- 45 Janice Shaw Crouse, “Pornography and Sex Trafficking,” statement at the National Press Club, Washington, DC, May 19, 2008, <http://www.cwfa.org/content.asp?id=15208>.

the sexual activity they want to participate in or observe.<sup>46</sup> Other research demonstrates that pimps and traffickers use pornography to instruct and desensitize their victims.<sup>47</sup> The frequency of pornography use has also been found to correlate with frequency of purchasing sex.<sup>48</sup>

Mental health professionals have also observed a connection between pornography and prostitution. In her testimony before the U.S. Senate in 2004,<sup>49</sup> Dr. Mary Anne Layden stated,

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- 46 Melissa Farley, "Renting an Organ for Ten Minutes: What Tricks Tell Us about Prostitution, Pornography, and Trafficking," in *Pornography: Driving the Demand in International Sex Trafficking*, ed. David E. Guinn and Julie DiCaro, (Bloomington, IN: Xlibris, 2007), 145. Farley writes, "Interviews with 854 women in prostitution in 9 countries ... made it clear that pornography is integral to prostitution... [A]lmost half (49 percent) told us that pornography was made of them while they were in prostitution. Forty-seven percent ... were upset by tricks' attempts to make them do what the tricks had previously seen in pornography." See also Melissa Farley and Vanessa Kelly, "Prostitution: A Critical Review of the Medical and Social Sciences Literature," *Women and Criminal Justice*, 11, no. 4 (2000): 29–64. According to Farley and Kelly, "Customers show women pornography to illustrate what they want... 32 percent of 130 people in one study had been upset by an attempt to coerce them into performing what customers had seen in pornography." Evelina Globbe, Mary Harrigan, and Jayme Ryan, *A Facilitator's Guide to Prostitution: A Matter of Violence against Women* (Minneapolis, MN: WHISPER, 1990), <http://www.prostitutionresearch.com/factsheet.html>. Globbe, Harrigan, and Ryan note that "80% of prostitution survivors at the WHISPER Oral History Project reported that their customers showed them pornography to illustrate the kinds of sexual activities in which they wanted to engage."
- 47 Poppy Project, "When Women are Trafficked: Quantifying the Gendered Experience of Trafficking in the UK," Eaves, London, April 2004, <http://lastradainternational.org/?main=documentation&document=2136>. The document states, "Although asking questions about pornography has not ever been part of our key working procedures, nine women have incidentally disclosed unwanted exposure to pornography as part of the trafficking process (35%). Of these nine women, two were shown pornography to 'groom' them into prostitution." See also, Evelina Globbe, Mary Harrigan, and Jayme Ryan, *A Facilitator's Guide to Prostitution: A Matter of Violence against Women* (Minneapolis, MN: WHISPER, 1990), <http://www.prostitutionresearch.com/factsheet.html>. According to Globbe, Harrigan, and Ryan, 30 percent of the female prostitution survivors at the WHISPER Oral History Project "reported that their pimps regularly exposed them to pornography in order to indoctrinate them into an acceptance of the practices depicted." As the following articles show, pornography is also used by pimps to instruct children who are trafficked into prostitution: Associated Press, "Police Investigating Sex Trafficking in Wichita," *Kansas City Star*, May 24, 2009; Jason Tomassini, "Hotels Target of Police Sting," *Gaithersburg Gazette*, December 24, 2008, [http://www.gazette.net/stories/12242008/montnew114835\\_32483.shtml](http://www.gazette.net/stories/12242008/montnew114835_32483.shtml).
- 48 See Melissa Farley, Emily Schuckman, Jacqueline M. Golding, Kristen Houser, Laura Jarrett, Peter Qualliotine, and Michele Decker "Comparing Sex Buyers with Men Who Don't Buy Sex"), paper presented at Psychologists for Social Responsibility Annual Meeting, July 15, 2011, 30–31, <http://www.prostitutionresearch.com>. The authors state, "Sex buyers significantly more often imitated sex acts they had seen in pornography... [S]ex buyers looked at a greater range of genres of pornography than non sex buyers... Sex buyers more often masturbated to pornography than those who did not buy sex." See also Jan Macleod, Melissa Farley, Lynn Anderson, and Jacqueline M. Golding, "Challenging Men's Demand for Prostitution in Scotland," Women's Support Project, Glasgow, Scotland, April 2008, 16, <http://www.rapecrisisScotland.org.uk>. According to these researchers, "We compared men who were high frequency users of prostitutes (once a month or more) to those who were low frequency users (once or twice, ever) with respect to their use of print, video, and Internet pornography. Those who were the most frequent users of pornography were also the most frequent users of women in prostitution." Martin Monto and Nick McRee, "A Comparison of the Male Customers of Female Street Prostitutes with National Samples of Men," *International Journal of Offender Therapy and Comparative Criminology* 49, no. 5 (2005): 505–29. Monto and McRee write, "Repeat users reported greater participation in all aspects of the sex industry than did noncustomers. They were much more likely to report having purchased sexually explicit magazines or videos.")
- 49 **Committee on Commerce, Science, and Transportation, Subcommittee on Science and Space, U.S. Senate, hearing on "The Brain Science behind Pornography Addiction," November 18, 2004.**

“Pornography, by its very nature, is an equal opportunity toxin.... The damage is both in the area of beliefs and behaviors. The belief damage may include Pornography Distortion [and] Permission-Giving Beliefs.... The behavioral damage includes ... illegal behaviors.... Pornography Distortion is a set of beliefs based in pornographic imagery, sent to the viewer while they are aroused and reinforced by the orgasm. An example of Pornography Distortion would include beliefs such as ‘Sex is not about intimacy, procreation, or marriage. Sex is about predatory self-gratification....’ Permission-Giving Beliefs are a set of beliefs that imply that my behavior is normal, acceptable, common and/or that my behavior doesn’t hurt anyone .... Examples would include ‘All men go to prostitutes,’ .... Those who use pornography have also been shown to be more likely to engage in illegal behavior as well. Research indicates, and my clinical experience supports, that those who use pornography are more likely to go to prostitutes.”

In his monograph, *Pornography’s Effects on Adults and Children*,<sup>50</sup> Dr. Victor B. Cline, a clinical psychologist who treated many individuals with pornography addictions, writes,

“The first change that happened was an addiction-effect. The porn-consumers got hooked. Once involved in pornographic materials, they kept coming back for more and still more.... The second phase was an escalation-effect. With the passage of time, the addicted person required rougher, more explicit, more deviant, and “kinky” kinds of sexual material to get their “highs” and “sexual turn-ons.” It was reminiscent of individuals afflicted with drug addictions.... The third phase was desensitization. Material ... which was originally perceived as shocking, taboo-breaking, illegal, repulsive, or immoral, in time came to be seen as acceptable and commonplace.... The fourth phase was an increasing tendency to act out sexually the behaviors viewed in the pornography, including ... frequenting massage parlors.”

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50 Victor B. Cline, *Pornography’s Effects on Adults and Children* (New York: Morality in Media, 2001), <http://www.scribd.com/bluptr/d/20282510-Dr-Victor-Cline-Pornography-s-Effects-on-Adults-and-Children>.

In his book *Don't Call It Love*,<sup>51</sup> Dr. Patrick J. Carnes, a nationally known expert on sexual addiction and addiction therapy, writes,

“A classic trait of addiction is that the addict will require more and more of the substance or activity in order to maintain the same level of emotional relief.... The experience of Steve illustrates this classic pattern: “When I left home and went into the Navy, what was a normal pattern of masturbation with soft-core pornography became escalated into a pattern of sex shops and bookstores where I could see hardcore pornography. I began to also use prostitutes....” Steve ... hoped marriage would be a solution to his problem. Within months, however, it became worse in terms of both pornography and prostitution.”

Others have also reported that men who view pornography frequent prostitutes. In his book, *Johns: Sex for Sale and the Men Who Buy It*, journalist Victor Malarek writes,<sup>52</sup>

“Volumes have been written for and against pornography. This is a book about johns. So what’s the connection?... Porn is often what turns the men on, revs up their sex drive, and sends them out into the night.... The Internet is rife with postings by johns admitting to their addiction to or love for porn.... For Bull Rider, “porn and mongering go together like peas and carrots. Many times ... I start out watching porn, next thing I know I am in my car looking for the real thing.” A john called The Man says he only watches porn when he’s planning a paid encounter. “I watch the positions, find a girl who looks like one of the performers, and make porn the buildup

51 Patrick J. Carnes, *Don't Call It Love: Recovery from Sexual Addiction* (New York: Bantam Books, 1992), 23–24. See also, Hillary S. Meeks, “Local Therapists Say Sexual Addiction Isn’t Just Limited to Celebrities,” *Visalia Times-Delta*, May 10, 2010, who reports, ““But the thing about addiction is if it goes untreated it becomes more intense and more frequent,” [Michael H.] Shaffer [a marriage and family therapist and licensed clinical social worker] said. ‘Even the content of the material might become more intense—what worked for me last week doesn’t work for me this week,’ he said.... That’s when people start getting into trouble, because as their need to get a fix escalates, they start making poor choices. These include ... obtaining sex illegally ....” See also John W. Kennedy, “Help for the Sexually Desperate,” *Christianity Today*, March 2008, <http://www.christianitytoday.com/ct/2008/march/18.28.html>. Kennedy writes, “Viewing pornography is nearly always accompanied by masturbation.... Some men never move past this stage.... Others progress rapidly to increasingly exotic, perverse, and even illegal sexual behavior.... “A major factor in progression is what a guy fantasizes about during sexual release,” [Doug] Weiss [executive director of Heart to Heart Counseling Center in Colorado Springs] says. “If a guy masturbates to something it would take a prostitute to do, he’s more likely to find one.”

52 Victor Malarek, *The Johns: Sex for Sale and the Men Who Buy It* (New York: Arcade, 2009), 193–96. See also Finlo Rohrer, “The Men Who Sleep with Prostitutes,” *BBC News Magazine*, February 22, 2008, [http://news.bbc.co.uk/2/hi/uk\\_news/magazine/7257623.stm](http://news.bbc.co.uk/2/hi/uk_news/magazine/7257623.stm). Rohrer states, “One man that had used prostitutes ... said, ‘I’ve been leading up to it; using pornography and looking at various websites. Rather than being a fantasy it was someone you could have sex with.’” See also Tyra M. Vaughn, “House Raided, 5 Arrested in Prostitution Case,” *Daily Press*, November 26, 2008, who reports, “James City police and other law officers raided a home ... making several arrests in connection with a prostitution ring .... Spearman [a spokesman for James City Police Dept.] said. He said they also observed pornography videos being played in a waiting area.”

to the planned party.” ... [T]he johns’ interest isn’t lost on those hoping to sell services. Ads placed by “call girls” on Craigslist now tempt prospective johns with promises of the “PSE”—porn star experience. The message is clear: if prostitution is the main act, porn is the dress rehearsal.<sup>53</sup>

In their study of 103 men in London, who describe their use of trafficked and non-trafficked women in prostitution and their awareness of coercion and violence, Melissa Farley, Julie Bindel, and Jacqueline M. Golding report,<sup>54</sup>

“One man explained the impact of pornography on his sexual behavior, generally, “The more I’ve watched pornography, the more specific my wants have become. Watching pornography has also shaped my sexual desires. I watch pornography and I discover, ‘hey, that really turns me on’ and I want to recreate what I’ve seen in porn.””

In her article, “Pornography as Trafficking,” Catherine MacKinnon writes,<sup>55</sup>

“[Pornography] stimulates the viewer to act out on other live women and girls and boys the specific acts that are sexualized and consumed in the pornography. Social science evidence, converging with testimonial evidence

53 Many porn stars engage in prostitution as a side enterprise. See, for example, the editorial by Mark Kernes, “Pros and Cons,” *Adult Video News*, August 1999. Kernes writes, “Dennis [Hoff] owns brothels in ... Nevada.... Dennis has long been interested in increasing his business, and he figured that networking with other areas of adult entertainment would be the way to do it.... Then along came Sunset Thomas. Sunset is a ... veteran of about 150 XXX titles.... Sunset spent a couple of weeks at Hoff’s Moonlite Bunny Ranch, sexually satisfying pretty much anyone willing to pay the ... freight. To guarantee a fruitful stay, she and Hoff took out an ad in [*Adult Video News*] to let all her fans know where she was going to be and what she was going to be doing. It’s the Porn-Star-As-Prostitute, Take Two. And while it may be too early to say that the ‘floodgates’ have opened, Hoff’s July ad included such familiar past and present porn names, as [names omitted here].... Not all, of course, appeared there that month.... So why do it? Numerous explanations come to mind.... And then there is the philosophical answer. Prostitution is, in a sense, the ultimate sexual liberation.... There’s nothing to say porn performers can’t also be prostitutes.” See also Joanna Molloy, “Pay to Play Is Just One More Amenity at Posh Hotels,” *New York Daily News*, October 29, 2010. Molloy writes, “Charlie Sheen’s sexcapade with a naked porn star in The Plaza hotel shone a light on the naughty hookups that go on.... Most paid sex dates don’t just happen.... They are arranged by escort services with fancy names and websites.... ‘Regular girls go for \$500 an hour,’ said the former madam [Heidi Fleiss]. ‘We booked porn stars for \$2,000 to \$3,500 an hour.’ A rep from ... the top agency representing porn actresses says most ‘high-priced escorts are usually also porn stars, models, or actresses working UTR—under the radar.... They can pull in ... from \$5,000 to \$15,000 a day’”). See also Tom Zambito, “2 Plead Guilty in 13m Prostitution Ring,” *New York Daily News*, January 7, 2006. According to Zambito, “A man and his girlfriend pleaded guilty to raking in \$13.5 million ... from a prostitution ring that promised porn stars as escorts, Manhattan federal prosecutors said yesterday.... Federal prosecutors say that from 2000 to 2004, the operation advertised New York Elites and Exotica 2000 as escort services on the Internet. ‘In reality, however, the service offered ... was simply sex in exchange for money,’ said Manhattan U.S. Attorney Michael Garcia. The ring’s Web site touted popular adult film stars as escorts for \$500 to \$1,500 an hour.”

54 Melissa Farley, Julie Bindel, and Jacqueline M. Golding, “Men Who Buy Sex: Who They Buy and What They Know” (London: Eaves, 2009) 22, <http://sex-addiction.co.uk/2012/02/research-article-men-who-buy-sex-who-they-buy-and-what-they-know/>.

55 Catharine A. MacKinnon, “Pornography as Trafficking,” *Michigan Journal of International Law* 26, no. 4 (2005): 999–1000.

of real people, has long shown the latter. As observed by T. S. in the hearings on the anti-pornography civil rights ordinance that Andrea Dworkin and I organized for the Minneapolis City Council at its request, “Men witness the abuse of women in pornography constantly, and if they can’t engage in that behavior with their wives, girlfriends, or children, they force a whore to do it.” On the basis of the experiences of a group of women survivors of prostitution and pornography, she told how . . . men would bring photographs of women in pornography being abused, say, in effect, “I want you to do this,” and demand that the acts being inflicted on the women in the materials be specifically duplicated.”

Researchers also have found evidence that viewing pornography contributes to violence directed toward prostituted women. A study regarding the sexual abuse of prostituted women discovered that

“Out of . . . 193 cases of rape, 24% mentioned allusions to pornographic material on the part of the rapist. This is even more significant when it is understood that these comments were made by respondents without any solicitation or reference to the issue of pornography by the Interviewer. The comments followed the same pattern: the assailant referred to pornographic materials he had seen or read and then insisted that the victims not only enjoyed rape but also extreme violence.<sup>56</sup>”

A study by FBI researchers of 36 serial killers “revealed that 29 were attracted to pornography and incorporated it into their sexual activity, which included serial rape-murder.”<sup>57</sup> Anecdotal evidence reinforces these FBI findings. A retired lieutenant commander of the Bronx homicide squad in the New York Police Department summarized one case this way:

“This case involved a serial killer who was killing prostitutes.... The significance of fantasy in this case was graphically revealed when . . . detectives went to the killer’s home and retrieved a number of items, which included a pornographic videotape.... This videotape contained a number of scenes that were similar to what the offender was doing to his victims. The breast assault and paddling activities appeared to be based upon this sadomasochistic videotape, which seemingly fueled his increasingly sadistic activities.<sup>58</sup>”

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56 Mimi H. Silbert and Ayala M. Pines, “Pornography and Sexual Abuse of Women,” *Sex Roles* 10, nos. 11–12 (1984): 857–68.

57 Victor B. Cline, *Pornography’s Effects on Adults and Children* (New York: Morality in Media, 2001), <http://www.scribd.com/bluptr/d/20282510-Dr-Victor-Cline-Pornography-s-Effects-on-Adults-and-Children>.

58 Vernon J. Geberth, *Sex-Related Homicide and Death Investigation* (Boca Raton, FL: CRC Press, 2010), 70–71. See also Sarah White, “Prostitute Tells of Surviving ‘Crossbow Cannibal,’” *BBC News*, December 21, 2010. According to White, “It was then that he started to show her even more violent internet pornography.”

In an article, “Life on the Street: New Wave of Prostitution with More Violence Is Overwhelming Los Angeles Authorities,” Miles Corwin reports,<sup>59</sup>

“In a small banquet room ... about 30 madams and call girls gathered to discuss a significant change in their business.... [A] North Hollywood madam told the women that a number of customers had asked her to procure 12- or 13-year-old girls. And more customers, she said, were beating, torturing, and even killing out-call prostitutes.... This new wave of prostitution is overwhelming Los Angeles law enforcement agencies, officials say.... An increasing number of customers are requesting violent or kinky sexual services and seeking younger girls, prostitutes and call girls say.... The sexual revolution has contributed to the change prostitutes have seen, said Dr. Michael Grinberg, a psychiatrist, sex therapist and chairman for the Society for the Scientific Study of Sex.... There are several possible reasons for the change, Grinberg said. Our society is more violent now than in the past. Pornography is more graphic and readily available and some of the behavior displayed “can become incorporated in one’s sexual fantasies.”

### Implications for Governmental Policy

As can be seen in the first two sections, pornography, prostitution, and sex trafficking are not unrelated phenomena. Women are trafficked into the production of hardcore pornography, and hardcore pornography in particular may trigger and exacerbate sexual desires and pathologies that motivate men to seek out the services of prostituted women. This stimulation, in turn, contributes to the demand for women trafficked into prostitution. As Victor Malarek put it, “Pornography fuels prostitution, and prostitution fuels the sex trade.”<sup>60</sup>

But how, if at all, should the first two sections change our approach to combating human trafficking? Viewed from one perspective, more research into the relationship between addiction to pornography and “acting out” pornography-fueled sexual fantasies with prostituted women should not be needed. A substantial body of evidence already shows that many men act out with prostituted women. This evidence comes from (a) social science research, (b) professionals who treat individuals with sexual addictions, (c) professionals who work with prostituted women, (d) law enforcement personnel who investigate sexual crimes against prostituted women, and (e) johns and prostituted women themselves.

However, just as tobacco companies once denied any relationship between smoking and cancer, so pornography defenders deny any relationship between

59 Miles Corwin, “**Life on the Street:** New Wave of Prostitution with More Violence Is Overwhelming Los Angeles Authorities,” *Los Angeles Times*, December 8, 1985.

60 Joe Matyas, “Prostitution, Porn Linked to Human Trafficking,” *London Free Press* (Ontario), May 20, 2009.



viewing, consumption of, or addiction to pornography and harm of any kind. More research would therefore be beneficial, not to convince the naysayers, but to inform and motivate public officials and everyday citizens who would take action if they better understood the seriousness and interrelatedness of the hardcore pornography, prostitution, and sex-trafficking problems.

Conducting research should be easier today than it was in decades past because more effort is being expended to help prostituted women, instead of sending them to jail, and because more effort is being expended to arrest johns and send many of them to “john schools.” Both changes should make it easier to get information. As the book *The Johns: Sex for Sale and the Men Who Buy It*<sup>61</sup> indicates, there is also a wealth of information about johns on the Internet.

We add here that defenders of pornography have often argued that pornography provides individuals prone to sexual violence or other aberrant sexual behavior with an outlet for their sexual desires. In other words, they argue that it has a cathartic effect on individuals who would otherwise engage in sexual misconduct of one kind or another.<sup>62</sup> If this rationale were true, one would expect men who are regular consumers of pornography to be the least likely to frequent prostitutes. Research done to date indicates that the opposite is true, but more research, especially with statistically greater sample sizes, is important.<sup>63</sup>

Research could also be done to determine whether the effects of pornography addiction on marriage are contributing to the demand for prostituted women. Addiction to pornography is affecting marriage in a number of ways,<sup>64</sup> including delaying and preventing marriages,<sup>65</sup> decreasing marital intimacy and sexual satisfaction,<sup>66</sup> and contributing to divorce.<sup>67</sup> To the extent that addiction to pornography makes it more difficult for men to have a satisfying and lifelong

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61 Victor Malarek, *The Johns: Sex for Sale and the Men Who Buy It* (New York: Arcade, 2009), 193–207.

62 See, for example, Steve Chapman, “Does Pornography Cause Sexual Violence?” *Washington Examiner*, January 2, 2011, <http://washingtonexaminer.com/steve-chapman-does-pornography-cause-sexual-violence/article/38726>. See also Manudeep Singh Bhuller, Tarjei Havnes, Edwin Leuven, and Magne Mogstad, “Broadband Internet: An Information Superhighway to Sex Crime?” CESifo Working Paper 3871, CESifo, Munich, July 8, 2011.

63 *Supra*, note 48.

64 For general information, see Pamela Paul, *Pornification: How Pornography Is Damaging Our Lives, Our Relationships, and Our Families* (New York: Henry Holt, 2005).

65 See, for example, Naomi Wolf, “The Porn Myth: In the End, Porn Doesn’t Whet Men’s Appetites—It Turns Them Off the Real Thing,” *New York Magazine*, October 20, 2003.

66 See, for example, Jill C. Manning, “Pornography’s Impact on Marriage and the Family,” testimony before the U.S. Senate Subcommittee on the Constitution, Civil Rights, and Property Rights, Committee on Judiciary, Washington, DC, November 9, 2005, <http://www.heritage.org/research/family/tst111405a.cfm>.

67 See, for example, Kevin B. Skinner, “Is Porn Really Destroying 500,000 Marriages Annually?,” *Psychology Today*, December 12, 2011, <http://www.psychologytoday.com/blog/inside-porn-addiction/201112/is-porn-really-destroying-500000-marriages-annually>.

sexual relationship with one person, men who are addicted to pornography could be more likely to frequent women trafficked into prostitution.

Research could also be done to determine whether men who view, consume, or become addicted to particular types of hardcore pornography are more likely to pay for sex with trafficked women either because the type of prostitute they seek to gratify their pornography-fueled sexual desires is more likely to have been trafficked or because these men seek out trafficked women knowing that they can do whatever they want with or to these women.

For example, men can choose pornography—regardless of whether it is through magazines, videos, or websites—on the basis of the race, nationality, or ethnicity of women depicted in it. When some men develop an interest in a type of pornography featuring a particular race, nationality, or ethnicity, they may act out their fantasy by finding that type of prostitute. In particular, this behavior could be problematic if the desired type of woman is among those immigrant populations at high risk for trafficking,<sup>68</sup> and even more problematic when Asian themes in pornography are added to the mix, because they emphasize a kind of subservience that trafficked women may more easily portray. In all likelihood, some traffickers are also using various promotional techniques to help create demand for women of a certain race, nationality, or ethnic origin because such women are more easily trafficked.

There may also be a relationship between consumption of or addiction to hardcore pornography that depicts the domination and abuse of women<sup>69</sup> and paying

68 Janice Raymond, “Public Hearing on ‘The Impact of the Sex Industry in the EU,’ Committee on Women’s Rights and Equal Opportunities Public Hearing at the European Parliament, January 2004” (Coalition Against Trafficking in Women, New York), [http://action.web.ca/home/catw/readingroom.shtml?sh\\_itm=d2d1f51cfb123b9bdc2dcc121b2c4de9&AA\\_EX\\_Session=469ce2d01985bff20826196368afea18](http://action.web.ca/home/catw/readingroom.shtml?sh_itm=d2d1f51cfb123b9bdc2dcc121b2c4de9&AA_EX_Session=469ce2d01985bff20826196368afea18). According to Raymond, “[M]en buying women in prostitution don’t just want the local women—they want exotic women from other countries who, according to their racial preferences, may be stereotyped as more pliable, more willing or more sexy. An estimated 500,000 women and children, mainly from Eastern Europe, Africa, South America, and Southeast Asia are trafficked to E.U. countries for sexual exploitation every year.” See also, Lisa L. Thompson, “Understanding Sex Trafficking,” Convergence Summit, April 2011, <http://www.convergencesummit.net/ppt/Convergence-Thompson.pdf>. Thompson notes, “A high prevalence of foreign born women in a country’s sex industry is highly indicative of ... sex trafficking.”

69 For general information, see “Grooming for Gonzo: Becoming a Man in a Porn Culture,” in Gail Dines, *Pornland: How Porn Has Hijacked Our Sexuality*, (Boston: Beacon Press, 2010), 63–78.

to have sex with women trafficked into prostitution.<sup>70</sup> Themes of domination and abuse could create or exacerbate the demand for women to act as sexual slaves who “enjoy” (submit to) physical and verbal abuse. It would be logical for sex traffickers to provide women for this purpose. As a consequence, slave images in pornography could increase the demand for actual sexual slaves.

Similarly, there may be a relationship between viewing (being addicted to) hardcore pornography that depicts rape or torture and either (a) paying to watch (via a webcam) a woman being raped or tortured by her traffickers<sup>71</sup> or (b) paying to rape or sexually torture a woman trafficked into prostitution.<sup>72</sup> Furthermore, because there is a tendency for viewers to become desensitized<sup>73</sup> to whatever they view, some may seek even more graphic or abusive materials to create the same level of sexual stimulation. To create this more realistic or sadistic sexual violence, some producers could use trafficked women. It would be a mistake, however, to target *only* the most extreme forms of hardcore pornography under the assumption that this content is far more likely to generate demand for women trafficked into prostitution. Any type of pornography that contributes to (helps fuel) the demand for a particular type of prostitute is likely over time to attract the attention of traffickers, who can provide that type of prostitute.<sup>74</sup>

Thankfully, concerted government and private action against the proliferation of hardcore pornography on the Internet and elsewhere need not await the

70 Compare with Peter Landesman, “The Girls Next Door,” *New York Times Magazine*, January 25, 2004. Landesman writes, “Immigration and Customs Enforcement agents at the Cyber Crimes Center in Fairfax, Va., are finding that when it comes to sex, what was once considered abnormal is now the norm. They are tracking a clear spike in the demand for harder-core pornography on the Internet. ‘We’ve become desensitized by the soft stuff; now we need a harder and harder hit,’ says I.C.E. Special Agent Perry Woo. Cyber networks ... —through which you can download and trade images and videos—have become the Mexican border of virtual sexual exploitation. I had heard of one Web site that supposedly offered sex slaves for purchase to individuals. The I.C.E. agents hadn’t heard of it. Special Agent Don Daufenbach ... brought it up on a screen. A hush came over the room as the agents leaned forward, clearly disturbed. ‘That sure looks like the real thing,’ Daufenbach said. There were streams of Web pages of thumbnail images of young women of every ethnicity in obvious distress, bound, gagged, contorted. The agents in the room pointed out probable injuries from torture. Cyber auctions for some of the women were in progress.... ‘With new Internet technology,’ Woo said, ‘pornography is becoming more pervasive.’”

71 See, for example, Donna M. Hughes, “‘Welcome to the Rape Camp’: Sexual Exploitation and the Internet in Cambodia,” *Journal of Sexual Aggression* 6, nos. 1–2 (2000): 29–51.

72 *Supra*, note 27. According to the superseding indictment, “Defendants [names omitted here] communicated with Defendant [E. B.] ... regarding [E. B.’s] use of [the victim] and the sexual acts he could have her perform for them as his slave.... Defendants [names omitted] provided Defendant [E. B.] with ... things of value including ... sadomasochism videos.... Defendant [E. B.] accepted the benefits and things of value and coerced [the victim] to engage in sexual acts and torture sessions with Defendants [names omitted].”

73 Victor B. Cline, *Pornography’s Effects on Adults and Children* (New York: Morality in Media, 2001), <http://www.scribd.com/bluptr/d/20282510-Dr-Victor-Cline-Pornography-s-Effects-on-Adults-and-Children>. Cline writes, “The second phase was an escalation-effect. With the passage of time, the addicted person required rougher, more explicit, more deviant, and ‘kinky’ kinds of sexual material to get their ‘highs’ and ‘sexual turn-ons.’”

74 See, for example, Arda Bilgen, “Trafficking of Women in the Balkans: A Modern-Day Slavery,” *European Strategist*, March 12, 2025. Bilgen notes, “[T]he tendency of Turkish men to prefer blonde prostitutes led to increasing prostitution by blonde women from Central and Eastern European countries.”

accumulation of additional research data and other evidence of the nexus between this material and prostitution and sex trafficking.<sup>75</sup> Federal obscenity laws already exist, and they can and should be vigorously enforced against the proliferation of hardcore “adult” pornography.<sup>76</sup>

Such a long-overdue initiative against the proliferation of hardcore pornography could begin by targeting both the producers and distributors of adult pornography that possibly depicts performers who were trafficked into the production in cases where it would be difficult or nearly impossible to prove trafficking in court. Although in *United States v. Marcus* a jury convicted the defendant on trafficking charges but acquitted him on an obscenity count, there are a number of possible explanations for the acquittal,<sup>77</sup> including a compromise verdict. That acquittal does not prevent a federal jury, even in New York City, from convicting on obscenity charges in a future case.<sup>78</sup>

This initiative against hardcore pornography could also begin by targeting both the producers and distributors of particular types of adult pornography that may be more likely to fuel demand for women trafficked into prostitution. However, to the extent that viewing any type of hardcore pornography creates a demand for more of that type of material or for prostitutes with whom johns can act out what they have viewed in it, there is a risk that women will be trafficked into prostitution to meet the demand. A john does not have to be addicted to hardcore pornography that depicts domination and abuse, rape and torture, or other extreme sexual conduct to pay to have sex with a woman who was trafficked into prostitution.

Therefore, when it comes to enforcement of federal<sup>79</sup> and state<sup>80</sup> obscenity laws, federal and state prosecutors and law enforcement agencies should vigorously enforce these laws not just against distributors of extreme forms of hardcore pornography but also against distributors of all hardcore pornography. The U.S.

75 Compare with *Paris Adult Theatre I v. Slaton*, 413 U.S. 49, 60 (1973), where the Supreme Court rejected the argument that enforcement of state obscenity laws is “impermissible” in the absence of “scientific data which conclusively demonstrate[s] that exposure to obscene material adversely affects men and women or their society” [italics added].

76 The U.S. Supreme Court has held that obscenity laws can be constitutionally enforced against “hard-core” pornography. *Miller v. California*, 413 U.S. 15, 27–29 (1973).

77 Perhaps one lesson that can be learned from the *Marcus* case is that in what is essentially a human trafficking case, a prosecutor should think twice before tacking on an obscenity charge unless he or she is prepared to prosecute that charge vigorously.

78 Los Angeles is also considered to be a very “politically liberal” city, but in April 2012, a federal district court jury in that city convicted a commercial producer of extreme pornography on obscenity charges. See Victoria Kim and Aida Ahmad, “Maker of Fetish Films convicted,” *Los Angeles Times*, April 28, 2012.

79 Federal obscenity laws (18 U.S.C. 1460–1469) prohibit distribution of obscene matter (e.g., videos, DVDs, and magazines) in interstate or foreign commerce, and §§ 1462 and 1465 specifically apply to use of an “interactive computer service.”

80 More than 40 states have statewide obscenity laws. Copies of these laws are published at <http://www.moralityinmedia.org>.

Supreme Court has repeatedly held that obscene material is unprotected by the First Amendment.<sup>81</sup> More recently, constitutional challenges to the application of obscenity laws to the Internet have also been rejected by the federal courts.<sup>82</sup>

Unfortunately, the U.S. Department of Justice (which includes the FBI and the 93 U.S. attorneys) has been unwilling to devote sufficient investigative and prosecutorial resources to the task of combating the proliferation of hardcore adult pornography. Since 1987, the primary responsibility for enforcing federal obscenity laws should have fallen on the shoulders of the department's Child Exploitation and Obscenity Section (CEOS). During the administrations of Presidents Ronald Reagan and George H. W. Bush, CEOS did aggressively and successfully prosecute many commercial distributors of hardcore adult pornography.<sup>83</sup> During the Clinton administration, however, the resources of CEOS became focused almost entirely on child pornography, and that narrow focus continues to this day. The Department of Justice fails to understand that there is evidence that the proliferation of "adult pornography" is contributing to sexual exploitation of children and to the increase of child pornography.<sup>84</sup>

The administration of George W. Bush decided to increase enforcement of federal obscenity laws by creating the Obscenity Prosecution Task Force in 2005<sup>85</sup> and did successfully prosecute a few commercial obscenity purveyors—but only those purveyors of the most extreme genres of pornography. Thus, the effect on sexual trafficking was minimal.

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81 See, for example, *Miller v. California*, 413 U.S. 15, 24 (1973), where the court also defined "obscene material" (shorthand definition) as "works which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way, and which, taken as a whole, do not have serious literary, artistic, political, or scientific value."

82 See for example, *United States v. Little*, 2010 U.S. App. LEXIS 2320 (11th Cir. 2010); *United States v. Kilbride*, 584 F.3d 1240 (9th Cir. 2009); *United States v. Extreme Associates*, 431 F.3d 150 (3rd Cir. 2005), *cert. den.*, 547 U.S. 1143 (2006).

83 See Patrick A. Trueman's statement in *Hearing on Obscenity Prosecution and the Constitution, Before the U.S. Senate Committee on Judiciary Subcommittee on Constitution, Civil Rights, and Property Rights*, March 16, 2005, <http://www.gpo.gov/fdsys/pkg/CHRG-109shrg44825/html/CHRG-109shrg44825.htm>. In addition, the authors obtained a summary of activity statement from the Child Exploitation and Obscenity Division in the Justice Department, which referred to more than 170 child pornography cases, 125 obscenity cases, and 50 mail-order obscenity cases.

84 See Robert Peters, "How Adult Pornography Contributes to the Sexual Exploitation of Children," *Morality in Media*, New York, 2009, <http://www.pornharms.com/press/wp-content/uploads/2011/12/HOW-ADULT-PORNOGRAPHY-HARMS-CHILDREN-RP-article-with-appendices.pdf>. See also Patrick A. Trueman, "End Child Pornography: Enforce Adult Pornography Laws," Witherspoon Institute, Princeton, NJ, September 1, 2011, <http://www.thepublicdiscourse.com/2011/09/3767>.

85 U.S. Department of Justice, "Obscenity Prosecution Task Force Established to Investigate, Prosecute Purveyors of Obscene Materials," press release, U.S. Department of Justice, May 5, 2005, [http://www.justice.gov/opa/pr/2005/May/05\\_crm\\_242.htm](http://www.justice.gov/opa/pr/2005/May/05_crm_242.htm).

Despite major efforts to get the Department of Justice to enforce federal obscenity laws,<sup>86</sup> the Obama administration chose to disband the Obscenity Prosecution Task Force, and since the 2008 presidential elections, there have been no new obscenity indictments targeting commercial distributors of hardcore adult pornography.<sup>87</sup> This failure has been criticized by a diverse number of political actors, including 41 U.S. senators who sent a letter to Attorney General Eric Holder on April 4, 2011, to “urge the Department of Justice [to] vigorously enforce federal obscenity laws against major commercial distributors of hardcore adult pornography.” The Senators said, “We know more than ever how illegal adult obscenity contributes to . . . sex trafficking. This material harms individuals, families, and communities, and the problems are only getting worse.”<sup>88</sup>

Furthermore, as the Supreme Court has recognized, “there are legitimate state interests at stake in stemming the tide of commercialized obscenity.”<sup>89</sup> Among those concerns is the link between pornography and human trafficking. The urgent need to stop sex trafficking requires that we use every available weapon at our disposal, including the enforcement of federal and state obscenity laws.

In addition to enforcing obscenity laws, the U.S. government could take a number of other steps to counter the effect of pornography on human trafficking.

One option is for the U.S. government to place advertisements in industry trade publications to promulgate warnings about trafficking to performers. Performers who are being trafficked could then become aware of assistance such as the U.S. trafficking hotline. The federal government already pays for advertisements creating awareness of the dangers of trafficking to vulnerable populations, and it would make sense to distribute similar advertisements in the pornography industry. This effort would allow trafficking victims to receive help and, potentially, to aid in prosecution of their traffickers.

Policy makers could also encourage pornography trade organizations to create greater awareness of the potential for people to be trafficked in the pornography industry. Although those organizations have functioned primarily as a source of opposition to government regulation of pornography, they may be open to partnering with the government to create awareness and to combat trafficking within the industry.

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86 See, for example, Lisa Folch, “Pressure is Mounting To Enforce ‘Obscenity Laws,’” *Examiner*, February 15, 2011, <http://www.examiner.com>. See also Alliance Defense Fund, “ADF, Pro-Family Advocates Request Meeting with New U.S. Attorney General over Pornography,” Alliance Defense Fund, Scottsdale, AZ, July 17, 2009, <http://www.adfmedia.org>.

87 To its credit, the U.S. Department of Justice recently won an obscenity case against a small commercial producer of extreme hardcore pornography, but this case was initiated by the Bush administration. See Victoria Kim and Aida Ahmad, “Maker of Fetish Films convicted,” *Los Angeles Times*, April 28, 2012.

88 The letter is available at [http://www.politico.com/static/PPM153\\_obsc.html](http://www.politico.com/static/PPM153_obsc.html).

89 *Paris Adult Theatre I v. Slaton*, 413 U.S. 49, 57 (1973).

Additionally, as seen from the information discussed earlier, pornography can be a key stepping stone for those who are developing a sexual addiction. After becoming acclimated to pornography, addicts may move on to prostitution where women may be victims of trafficking. Greater education regarding this behavior spiral could help both addicts and others to recognize the potential dangers of their behavior in its early stages and to seek help. Such an education campaign could come in a number of forms. It could be incorporated into the curriculum of “john’s schools,” put into public service announcements, or even encapsulated in a warning label. Perhaps one day a pornographic movie will be covered in a warning—just like a pack of cigarettes—that cautions about the risk of sex addiction that leads to exploitation of real people.

Law enforcement could also enlist consumers to seek out cases where women are being trafficked into pornography. One of the most exceptional facts regarding the cases referred to earlier is that the criminal acts were recorded and distributed to the public. A record of a horrific crime was distributed openly, and yet it did not come to the attention of law enforcement quickly. Media campaigns to inform consumers about pornography could tell people to watch out for material that they believe involves genuine coercion and could make detecting sex trafficking easier. The U.S. government created the “if you see something, say something” campaign in connection with possible terrorist threats; a similar campaign with regard to pornography involving trafficked women could similarly extend the reach of law enforcement’s knowledge. Greater knowledge about incidents of trafficking would greatly enhance the ability of the U.S. government to enforce the Trafficking Victims Protection Act.

## **Conclusion**

Human trafficking is universally recognized as an abhorrent practice that cannot be tolerated in the modern world. However, it is not a simple problem, and it is connected to countless other social phenomena, including pornography. As has been shown in this article, trafficking victims may be forced to produce pornography for commercial sale, and the consumption of pornography contributes to the sex trade. With this knowledge in hand, policy makers should act now to remove pornography’s contribution to trafficking. Only by fighting human trafficking on all fronts can this scourge be eliminated.

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