

## **Sex Trafficking of Women for the Production of Pornography**

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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 and trickery often meet the criteria for sex trafficking.

Sex trafficking is a federal felony. Sex trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act which involves force, fraud, or coercion, or in which the person involved has not attained 18 years of age. Sex trafficking is punishable by up to 20 years in prison or life in prison if there are aggravating circumstances.

Since the passage of the Trafficking Victims Protection Act (TVPA) in 2000, almost all federal sex trafficking cases have involved prostitution. The use of adult victims in the production of pornography has not been investigated. I believe this is an area that needs much more attention by activists and law enforcement.

In cases of sex trafficking involving minor victims there have been numerous accompanying charges for production of child pornography because the perpetrator has taken naked images of the victim. To be a federal crime, the perpetrator does not have to use the images for commercial purposes, nor is there a need to prove that force, fraud or coercion were used because the victims are minors.

For our purpose, we are interested in demonstrating that there is sex trafficking of adult women (over the age of 17) in the production of commercial pornography in the U.S.

I reviewed the testimonies of women used in the production of pornography to see if their experiences met the criteria for sex trafficking. Several of these testimonies came from The Pink Cross organization in California.<sup>1</sup> The organization was founded by Shelley Lubben, a survivor of

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<sup>1</sup> The Pink Cross, <http://www.thepinkcross.org/>

the pornography industry.<sup>2</sup> She is now working to assist other women to escape pornography and hold the sex industry accountable for the harm it does to women.<sup>3</sup>

### **Force or Coercion**

If any force or coercion is used to compel a woman to engage in a sex act that is filmed for commercial purposes, that meets the legal criteria for violation of federal law. This interpretation of the TVPA was first used in a BDSM (bondage and sadomasochism) case in which the perpetrator, “slave master” Glenn Marcus filmed the torture of a victim and placed it on his subscription-based web site. The Supreme Court upheld the forced labor and sex trafficking conviction on May 24, 2010.<sup>4</sup>

Most women entering the pornography industry don’t know what they will be subjected to. Like most victims of sex trafficking, they need money and are looking for opportunities. The agents, directors and producers take extreme advantage of these often naïve young women. Their first experience making commercial pornography is often brutal and traumatic.

Madelyne knew nothing about the business or what was required, but was eager to make money because she was broke and in debt.<sup>5</sup> She told the agent that she had “no limits” on what she would do. Later, she said she had no idea what that meant. She signed a one year contract.

She was “terrified” when she arrived at the studio to shoot her first scene. She said, “I tried backing out and wanted to go home and not do porn at all.” She was reminded that she had signed a contract so she couldn’t back out. “I was threatened that if I did not do the scene I was going to get sued for lots of money.” “I experienced rough sex scenes and have been hit by male talent [pornography actors] and told them to stop but they wouldn’t stop until I started to cry and ruined the scene.”<sup>6</sup>

Madelyn’s description of her experience qualifies as coercion. Even if a victim initially consents to sexual activity, she always has the option of withdrawing her consent and the activity should stop. If her wishes are ignored, sex trafficking is occurring.

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<sup>2</sup> Shelley Lubben, <http://www.shelleylubben.com/>

<sup>3</sup> See her recent moving testimony before the U.S. Congress. It is the featured video on her home page, <http://www.shelleylubben.com/>

<sup>4</sup> For more information on this case, see Citizens Against Trafficking Bulletin “BDSM: A Case of Human Trafficking,” April 6, 2010, [http://citizensagainsttrafficking.org/uploads/BDSM\\_A\\_Case\\_of\\_Human\\_Trafficking.pdf](http://citizensagainsttrafficking.org/uploads/BDSM_A_Case_of_Human_Trafficking.pdf); See also U.S. v. Marcus, 538 F.3d 97 (2<sup>nd</sup>. Cir. 2008)

<sup>5</sup> Madelyne. “The hardcore story of porn star Michelle Avanti.” June 24, 2009. [http://www.shelleylubben.com/articles/michelleavanti\\_story.pdf](http://www.shelleylubben.com/articles/michelleavanti_story.pdf)

<sup>6</sup> Madelyne. “The hardcore story of porn star Michelle Avanti.” June 24, 2009. [http://www.shelleylubben.com/articles/michelleavanti\\_story.pdf](http://www.shelleylubben.com/articles/michelleavanti_story.pdf)

Alexa wrote: “My first movie I was treated very rough by 3 guys. They pounded on me, gagged me with their penises, and tossed me around like I was a ball! I was sore, hurting and could barely walk. My insides burned and hurt so badly. I could barely pee and to try to have a bowel movement was out of the question.”<sup>7</sup>

Sierra Sinn wrote: “My first scene was one of the worst experiences of my life. It was very scary. It was a very rough scene. My agent didn't let me know ahead of time... I did it and I was crying and they didn't stop. It was really violent. He was hitting me. It hurt. It scared me more than anything. They wouldn't stop. They just kept rolling.”<sup>8</sup>

Both Alexa and Sierra Sinn’s experience describe the use of force in the production of pornography. If the women protested or asked the actors or directors to stop and they did not, this qualifies as force and is sex trafficking.

### **Preying on Drug Use or Addiction is a Form of “Non-violent and Psychological Coercion”**

The William Wiberforce Trafficking Victims Protection Reauthorization Act of 2008 added a new type of coercion that can be used in sex trafficking cases. Preying on a victim’s drug use or addiction (whether pre-existing or created by the trafficker) will, in and of itself, form the basis for convicting traffickers under the TVPA.

Many testimonies of women used in the production of commercial pornography describe their drug and alcohol addictions and how the pornographers manipulate them.

When Madelyne wanted to back out of doing her first pornography scene, in addition to being threatened, “I ended up taking shots of vodka to get through it. ...Porn producers provided alcohol and drugs for me.”<sup>9</sup>

Madelyne added: “As I did more and more scenes I abused prescription pills which were given to me---anything I wanted--by several Doctors in the San Fernando Valley. I was given Vicodin, Xanax, Norcos, Prozac and Zoloft. The doctors knew I did porn but still gave me any prescription pills I wanted. All I had to do was tell them I needed them to get through hardcore scenes. ... In preparation for a scene in which multiple men ejaculated on Madelyne’s face, which she didn’t want to do, “One of the crew members offered me vodka and beer.”

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<sup>7</sup> Alexa Milano, “Former porn Alexa Milano needs our help,” February 28, 2010.

<http://www.shelleylubben.com/shelleys-blog/shelleylubben/02/7/2010/former-porn-alexa-milano-needs-our-help>

<sup>8</sup> Sierra Sinn, “Porn Stars,” Shelley Lubben, Accessed April 7, 2010, <http://www.shelleylubben.com/pornstars>

<sup>9</sup> Madelyne. “The hardcore story of porn star Michelle Avanti.” June 24, 2009.

[http://www.shelleylubben.com/articles/michelleavanti\\_story.pdf](http://www.shelleylubben.com/articles/michelleavanti_story.pdf)

“My agent forced me to use a driver because he knew I was always wasted. About 75% of the women who make porn have to have drivers because they’re addicted to drugs and alcohol.”<sup>10</sup> Madelyne suggested that the doctors might be receiving kick-backs from the pornography producers.

When Madelyne could not longer perform in porn scenes because “No one wanted to hire me because of my drug and alcohol problem was out of control,” her agent suggested she go into prostitution and stripping.<sup>11</sup>

According to Alexa: “There was always alcohol and drugs readily available on the sets.... Whatever you wanted, they would or could get it. In fact, the set I worked on for two videos, the stars had their own ‘doctor’ with them! I would see the doctor giving out pills or giving ... injections.”<sup>12</sup>

As anti-sex trafficking activists, we should be pressing the Department of Justice and the U.S. Attorney in California to investigate the sex trafficking of women for the production of commercial pornography by preying on victims’ addictions.

## **Fraud**

If a person is compelled to engage in a commercial sex act (which includes the filming of commercial pornography) through fraud she is a victim of sex trafficking. Using fraud means tricking someone into doing something she didn’t anticipate.

Madelyne wrote: “The worst scene I ever did was during my first couple weeks in the business. The agent who handled all my bookings called me the day before the scene and said it would be similar to a solo masturbation scene. Then he added that there would also be about 10-15 guys masturbating to me and ejaculating on my body. In the pornography industry this type of scene is known as a ‘Bukkake.’<sup>13</sup> He said it would be quick and easy money. When I arrived I saw a massively long line of men outside the studio. I recognized very few of them....most of them were strangers I had never seen before.” Once inside the studio Madelyne learned that the men lined up outside had been recruited by an ad in the *LA Weekly* to come and ejaculate on a young porn actress’s face. She called her agent and protested, saying there were at least 75

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<sup>10</sup> Madelyne. “The hardcore story of porn star Michelle Avanti.” June 24, 2009.  
[http://www.shelleylubben.com/articles/michelleavanti\\_story.pdf](http://www.shelleylubben.com/articles/michelleavanti_story.pdf)

<sup>11</sup> Madelyne. “The hardcore story of porn star Michelle Avanti.” June 24, 2009.  
[http://www.shelleylubben.com/articles/michelleavanti\\_story.pdf](http://www.shelleylubben.com/articles/michelleavanti_story.pdf)

<sup>12</sup> Alexa Milano, “Former porn Alexa Milano needs our help,” February 28, 2010.  
<http://www.shelleylubben.com/shelleys-blog/shelleylubben/02/7/2010/former-porn-alexa-milano-needs-our-help>

<sup>13</sup> Bukkake, <http://en.wikipedia.org/wiki/Bukkake>

men waiting for the scene. “My agent told me that I had to do it and if I can’t, he would charge me and I would lose any other bookings I had because I would make his agency look bad.”<sup>14</sup>

These actions to compel this woman to make pornography constituted both fraud and psychological coercion.

### **Florida Coalition Against Human Trafficking Online Petition on Sex Trafficking in the Pornography Industry**

More anti-trafficking organizations and activists are investigating and raising awareness about sex trafficking in the production of commercial pornography. The Florida Coalition Against Human Trafficking has launched an online petition urging FBI Director Robert S. Mueller and Attorney General Eric H. Holder, Jr. to investigate the pornography industry for use of sex trafficking against women and girls in the production of pornography. (The full text of the petition is in the appendix.)

Please sign this petition at

[http://www.change.org/stophumantrafficking/petitions/view/possible link between sex trafficking and the pornography industry](http://www.change.org/stophumantrafficking/petitions/view/possible-link-between-sex-trafficking-and-the-pornography-industry)

Women used in the production of pornography are victims of sexual violence and coercion. They deserve the attention and support of anti-trafficking activists and law enforcement. In your work to educate others about sex trafficking, remember to discuss sex trafficking in the production of pornography.

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<sup>14</sup> Madelyne. “The hardcore story of porn star Michelle Avanti.” June 24, 2009.

[http://www.shelleylubben.com/articles/michelleavanti\\_story.pdf](http://www.shelleylubben.com/articles/michelleavanti_story.pdf)

## NATIONAL PETITION TO INVESTIGATE POSSIBLE LINK BETWEEN TRAFFICKING AND THE PORNOGRAPHY INDUSTRY

WHEREAS, Florida Coalition Against Human Trafficking (FCAHT), through evidence uncovered during research and investigations, has identified potential sex trafficking victims inside the pornography industry. FCAHT has found indicators that:

- teen girls, boys and women are being recruited into the pornography industry with fraudulent promises of legitimate jobs at exaggerated pay rates;
- once these victims are recruited and arrive at the trafficking destination, they are being held there by means of debt bondage, physical force and psychological coercion;
- their pay for work performed is given directly to their “agent” or trafficker and these debts are deducted before any money, if any remains, is given to the victim;
- the victims are given the “choice” to perform “privates”, which is illegal prostitution, to pay off their debt;
- if the victim attempts to leave and/or speak out against the industry, they are physically and emotionally threatened to hold them captive and to keep them from seeking help with law enforcement agencies;

WHEREAS, the United States has identified the above actions to be indicators of sex trafficking which is illegal per the United States Trafficking Victims Protection Act and Reauthorizations of 2003, 2005 and 2008;

WHEREAS, the pornography industry is a legal industry inside the United States and as such, must submit to the laws of the TVPA and Reauthorizations of 2003, 2005 and 2008;

WHEREAS, spokespersons for the pornography industry have openly admitted in public forums that they do not follow the laws of the United States;

WHEREAS, the pornography industry, in the United States alone, produces 89% of the entire world’s hardcore pornography websites with earnings between \$2.8 - \$13 billion a year, making it is one of the most profitable industries in the United States;

WHEREAS, FCAHT takes the stance that these indicators should be evaluated for further awareness and possible action;

THEREFORE, I add my name and voice to those of countless American citizens calling upon our United States Government to immediately join with the Florida Coalition

Against Human Trafficking in efforts to end the exploitation and trafficking of teen children and women in the pornography industry and stop modern-day slavery in the 21st century.

Specifically, I call on FBI Director Robert S. Mueller and Department of Justice Attorney General Eric H. Holder, Jr. to:

1. Initiate an investigation of these indicators to determine if, in fact, sex trafficking is taking place inside the pornography industry and, if so found, to take possible legal action against the pornography industry per TVPA and Reauthorizations provisions.
2. Work with the Florida Coalition Against Human Trafficking to establish and enforce a human rights-based code of conduct, including zero tolerance for forced labor, servitude, debt bondage and illegal commercial sex acts within the pornography industry in America.

You can sign this petition at

[http://www.change.org/stophumantrafficking/petitions/view/possible link between sex trafficking and the pornography industry](http://www.change.org/stophumantrafficking/petitions/view/possible-link-between-sex-trafficking-and-the-pornography-industry)