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## Porn in Their Words: Female Leaders in the Adult Entertainment Industry Address Free Speech, Censorship, Feminism, Culture and the Mainstreaming of Adult Content

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## **Porn in Their Words: Female Leaders in the Adult Entertainment Industry Address Free Speech, Censorship, Feminism, Culture and the Mainstreaming of Adult Content**

*Clay Calvert\* and Robert D. Richards\*\**

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Although “once relegated to a dark corner of the media world,”<sup>1</sup> the adult entertainment industry – some would say, the pornography industry – is now out of the shadows, increasingly visible and popular among many people.<sup>2</sup> In the United States alone, \$4.28 billion was spent in 2005 on the sale and rental of adult-content videos, DVDs and Internet video-on-demand products according to Mark Kernes, senior

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1. Ronald Grover, *The Pornographers vs. The Pirates: Smut Giants Are Showing Mainstream Hollywood How to Fight Back*, BUS. WK., June 19, 2006, at 68.

2. In terms of sheer money spent on pornography, the amount is enormous. See, e.g., Andrew Romano, *PortaPorn Inc.*, NEWSWEEK, June 29, 2005, <http://www.msnbc.msn.com/id/8400691/site/newsweek/> (“Measuring revenue from pornography is almost as difficult as defining it, but estimates range as high as \$30 billion in sales worldwide.”).

editor of the monthly trade magazine *Adult Video News*.<sup>3</sup> Today, as author Pamela Paul recently wrote, pornography is “seamlessly integrated into popular culture”<sup>4</sup> and “[t]he all-pornography, all-the-time mentality is everywhere in today’s pornified culture.”<sup>5</sup>

While some, like Paul, are critics of this apparent cultural shift,<sup>6</sup> there is little doubt either that “the adult-entertainment industry has come to permeate many aspects of the culture”<sup>7</sup> or that “[t]he sex-film industry shows signs of gaining some mainstream acceptance – spurred in part by its leading diva and business success, Jenna Jameson.”<sup>8</sup> Jameson in particular has become a “mainstream ‘brand,’ complete with books, television shows, movie appearances and a flourishing media schedule.”<sup>9</sup> Professor Gail Dines has observed that Jameson “is the first real porn star to truly break into pop culture. She is an image to young women of what you can be.”<sup>10</sup> Beyond Jameson, there is the ubiquitous Ron Jeremy, “a short, fat, mustached porn star who in recent years has attained a measure of pop culture celebrity,”<sup>11</sup> including a recurring role on a season of the televised reality series, *The Surreal Life*.<sup>12</sup>

Despite such mainstreaming, popularity and iconic individuals, the adult entertainment industry currently finds itself under increasing attack in the United States – and not just from the likes of

3. Joann Klimkiewicz, *Rated X (as in Extinct): In Age of Internet Porn, Hartford’s Art Cinema is One of a Dying Breed*, HARTFORD COURANT (Conn.), June 25, 2006, at H1.

4. PAMELA PAUL, *PORNIFIED: HOW PORNOGRAPHY IS TRANSFORMING OUR LIVES, OUR RELATIONSHIPS, AND OUR FAMILIES* 4 (2005).

5. *Id.* at 5.

6. Paul concludes her examination of pornography in U.S. culture by asserting that “[p]ornography not only damages relationships and interactions between men and women personally, professionally, and socially, it also makes women feel inferior and cheated, incapable of living up to airbrushed and surgically enhanced perfection.” *Id.* at 260. She contends that “pornography can and should be discouraged.” *Id.* at 263.

7. Guy Trebay, *What Fashion Owes to XXX*, N.Y. TIMES, Sept. 12, 2004, § 9, at 1.

8. Matt Richtel, *A Night to See the Stars Actually Wearing Clothes*, N.Y. TIMES, Jan. 10, 2006, at A22.

9. Douglas Brown, *Sex’s New Rock-Star Status*, DENVER POST, July 9, 2006, at L-01.

10. *Id.*

11. Keith Reed, *Not So Strange Bedfellows: Timing of Electronics, Porn Conventions Underscores Ties Between Two Industries*, BOSTON GLOBE, Jan. 7, 2006, at C9.

12. See Bill Carter, *The Media Business: Advertising; WB Ratings Slide: Reality vs. Reality Shows*, N.Y. TIMES, Jan. 14, 2004, at C4 (writing that the second season of the reality show “The Surreal Life” featured “washed-up celebrities like the former pornography star Ron Jeremy”). The WB network today is defunct, as it was merged with the UPN network in 2006 to form the CW network. See Rodney Ho, *Take the Best of the WB and UPN, You Get the CW*, ATLANTA J.-CONST., Sept. 22, 2006, at 3F (describing the merger of the two networks).

Pamela Paul, who contends that “real harm is being done”<sup>13</sup> by pornography. In particular, in 2006 the U.S. Department of Justice launched its second major obscenity case under the Bush Administration’s ramped up efforts to crack down on obscene content against companies allegedly operating obscenity distribution businesses.<sup>14</sup> The 2006 case, brought in Phoenix, follows on the heels of the obscenity prosecution now pending in federal district court in Pittsburgh, against southern California-based Extreme Associates, Inc., and its owners, Robert Zicari and Janet Romano.<sup>15</sup> The Pittsburgh case has been described by the *New York Times* as “a major test of the Bush administration’s campaign against pornography.”<sup>16</sup>

In addition to these federal prosecutions, a nationwide telephone survey of 997 adults conducted in July 2006 by market research firm Harris Interactive on behalf of an anti-pornography organization, Morality in Media,<sup>17</sup> purports to show that seventy-three percent of those people surveyed consider viewing pornographic websites and videos to be morally unacceptable.<sup>18</sup> Whether or not

13. PAUL, *supra* note 4, at 262.

14. See Press Release, U.S. Dep’t of Justice, Federal Grand Jury Charges Arizona and California Companies and Their Owners with Obscenity Violations (June 1, 2006), [http://www.usdoj.gov/opa/pr/2006/June/06\\_crm\\_343.html](http://www.usdoj.gov/opa/pr/2006/June/06_crm_343.html) (providing that “A Chatsworth, California film production company and a Tempe, Arizona video distributor and retailer, along with three owners of the businesses, have been charged by a federal grand jury in Phoenix, Arizona with operating an obscenity distribution business and related offenses,” and identifying the DVDs at issue as *Gag Factor 15*, *Gag Factor 18*, *Filthy Things 6*, and *American Bukkake 13*).

15. The prosecution in Pittsburgh is now back in federal district court waiting for trial after the United States Supreme Court in May 2006 refused to hear a U.S. Third Circuit Court of Appeals decision reinstating the indictments against the defendants that U.S. District Court Judge Gary L. Lancaster had tossed out in January 2005. Paula Reed Ward, *Violent Pornography Case Will Move Ahead*, PITT. POST-GAZETTE, July 4, 2006, at B-2; see *United States v. Extreme Assoc., Inc.*, 431 F.3d 150 (3d Cir. 2005), *cert. denied*, 126 S. Ct. 2048 (2006). See generally Clay Calvert & Robert D. Richards, *Vulgarians at the Gate: Privacy, Pornography & The End Of Obscenity Law As We Know It*, 34 SW. U. L. REV. 427 (2005) (analyzing the prosecution against Extreme Associates, Inc., as well as the initial and now-reversed federal district court opinion in the case of *United States v. Extreme Associates, Inc.*, 352 F. Supp. 2d 578 (W.D. Pa. 2005), *rev’d*, 431 F.3d 150 (3d Cir. 2005)).

16. Eric Lichtblau, *Justice Dept. Fights Ruling on Obscenity*, N.Y. TIMES, Feb. 17, 2005, at A25.

17. See Morality in the Media, Inc., About Us, <http://www.moralityinmedia.org> (follow the “About Us” link) (last visited Jan. 4, 2007) (“Morality in Media, Inc. is a national, not-for-profit, interfaith organization established in 1962 to combat obscenity and uphold decency standards in the media. It maintains the National Obscenity Law Center, a clearinghouse of legal materials on obscenity law, and conducts public information programs to educate and involve concerned citizens.”).

18. News Release, Morality in Media, Inc., Majority of Adults Feel It is Not Morally Acceptable to View Pornographic Websites and Videos (July 20, 2006), *available at* <http://www.moralityinmedia.org> (follow “News Columns & Current Issues”).

some of the people in that seventy-three percent simply gave socially desirable responses to the Harris firm's telephone callers rather than risk potential embarrassment, it is clear many people want to fight the mainstreaming – and even the very existence – of adult content.

Of course, pornographic content is lambasted repeatedly in academia for the harms it allegedly causes to women. For instance, noted feminist legal scholar and University of Michigan Professor Catharine A. MacKinnon,<sup>19</sup> who often is considered one of the “feminist hardliners”<sup>20</sup> against pornography, describes pornography in her 1993 book *Only Words* as “the power of men over women, expressed through unequal sex, sanctioned both through and prior to state power.”<sup>21</sup> She adds, in that same work, that with pornography “men masturbate to women being exposed, humiliated, violated, degraded, mutilated, dismembered, bound, gagged, tortured, and killed.”<sup>22</sup> More recently, Professor MacKinnon wrote that pornography “is itself a form of prostitution and trafficking,”<sup>23</sup> asserting that it “supplies the objectified sexuality of male dominance, both creating and filling the demand for the trafficking that is prostitution, providing a pleasure motive for johns and a profit motive for pimps for paid rape.”<sup>24</sup> Professor MacKinnon, of course, is not alone in her caustic criticism. Another academic detractor, Rebecca Whisnant, calls pornography “a form of hate propaganda, whose effects are especially powerful because it bypasses rational thought

19. Labeling MacKinnon “a noted feminist legal scholar” falls squarely within the various descriptions of her often used in the mainstream news media. See, e.g., Drake Bennett, *X-ed Out; What Happened to the Anti-Porn Feminists?*, BOSTON GLOBE, Mar. 6, 2005, at D1 (identifying MacKinnon as falling within the category of “radical feminists”); Robyn Blumner, *Feminists Taking Harassment to Absurd Levels*, CHI. SUN-TIMES, Mar. 24, 1998, at 29 (describing MacKinnon as “the radical feminist author and law professor”); Meghan Daum, *Love ‘em, Hate ‘em or Clean the House; One Book Takes Potshots at Powerful Women, the Other Makes Them Blandly Innocuous. Choose Your Poison*, L.A. TIMES, Mar. 18, 2006, at B17 (calling MacKinnon a “feminist scholar”); Tracey Tyler, *Part of a Regular Series*, TORONTO STAR, Apr. 2, 1995, at C1 (calling MacKinnon “the American law professor and anti-pornography crusader who has reigned over feminist legal thinking for several years”); Cathy Young, *Gender Poisoning; In the Bobbitt Era, Facing the Real Truth About Male Violence*, WASH. POST, Jan. 16, 1994, at C5 (labeling MacKinnon a “feminist legal theorist”).

20. PAUL, *supra* note 4, at 258.

21. CATHARINE A. MACKINNON, *ONLY WORDS* 40 (1993) (citation omitted).

22. *Id.* at 17.

23. Catharine A. MacKinnon, *Pornography as Trafficking*, Speech at the Captive Daughters and International Human Rights Law Institute Conference: Pornography: Driving the Demand in International Sex Trafficking (Mar. 14, 2005), in 26 MICH. J. INT’L L. 993, 999 (2005).

24. *Id.* at 1001.

and goes straight for the jugular, as it were, conditioning the consumer to respond sexually to a fascistic sexual ideology.”<sup>25</sup>

So how does all of this make the women who actually work in the adult entertainment industry feel about their chosen profession? How does, for instance, pioneering female porn star and author, Nina Hartley, feel about anti-porn feminists’ repeated attacks against her line of work?<sup>26</sup> What does Stormy Daniels, one the top writers, directors and actors in adult entertainment today, think about freedom of expression and censorship, and does she support the right of others to criticize her profession?<sup>27</sup> And how does Michelle Freridge, the executive director of the adult industry’s leading trade association and a woman who studied feminism as an undergraduate at Michigan State University, defend the industry against attacks from anti-porn feminists?<sup>28</sup> How does Sharon Mitchell, an adult actress-turned-Ph.D. in human sexuality who founded and runs the foremost HIV-testing clinic in the adult entertainment industry, feel about censorship?<sup>29</sup> And what does Joy King, the woman behind the phenomenon that is Jenna Jameson, think about the cultural shifts and mainstreaming of adult content in the United States?<sup>30</sup> This article provides an exclusive look at the views and opinions of these five leading figures in the mainstream adult industry, based on in-person interviews conducted by the authors in 2006.<sup>31</sup>

Some legal theorists might assert that providing room in the pages of a law review for the views of a quintet of female workers in the adult industry on free speech, censorship and feminism is somehow not scholarly. But to the extent that much space has been devoted in law journals to the viewpoints of scholars like Professor MacKinnon who attack and criticize sexually explicit content, it would

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25. Rebecca Whisnant, *Confronting Pornography: Some Conceptual Basics*, in NOT FOR SALE: FEMINISTS RESISTING PROSTITUTION AND PORNOGRAPHY 15, 18 (Rebecca Whisnant & Christine Stark eds., 2004).

26. See *infra* notes 46–60 and accompanying text (providing biographical information on Hartley).

27. See *infra* notes 34–41 and accompanying text (providing biographical information on Daniels).

28. See *infra* notes 42–45 and accompanying text (providing biographical information on Freridge).

29. See *infra* notes 72–78 and accompanying text (providing biographical information on Mitchell).

30. See *infra* notes 61–71 and accompanying text (providing biographical information on King).

31. See *infra* Part II (providing details about the interview and editorial processes used by the authors in obtaining the comments, views and opinions set forth in this article).

be the height of viewpoint-based censorship<sup>32</sup> and academic disingenuousness to not allow the observations of the women interviewed here who actually work and practice in the business and who confront firsthand, on a daily basis, issues of free speech and censorship. Surely legal theorists and scholars who grapple in the abstract with the topic of pornography in classrooms and the metaphorical ivory towers of academia can benefit from understanding the viewpoints and opinions of the real people who produce and perform the content that is the subject of that scholarly debate. If nothing else, the comments of the women included in this article surely will make for rich fodder for academics who undoubtedly will deconstruct their sentences and statements, searching for latent meanings and the hegemonic forces that supposedly repress and hold them down. No matter how legal scholars treat the views of leading women in the adult entertainment industry, what is important is that these women finally be given the opportunity in an academic forum to explain their views and, in no small part, to defend their craft against the aspersions so often cast against it.

With this in mind, Part I provides brief biographical information about each of the five women interviewed for this article. Part II then describes the interview and editing processes used by the authors, including details about when and where the interviews took place and the transcription process of the tapes used to record them. Next, Part III – the heart of the article – sets forth the views, opinions and comments of each of the five women, divided into three theme-based sections: 1) free speech and censorship of sexual content; 2) feminism and victimization; and 3) mainstreaming of adult entertainment and shifts of cultural mores. Finally, Part IV provides a brief analysis of the women's comments; this section is kept intentionally short because one of the goals of the authors is not to provide an academic deconstruction of their words, but rather to let them stand on their own, leaving the ultimate job of interpretation and dissection to those legal scholars who make their living criticizing and critiquing pornography.

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32. The United States Supreme Court has called viewpoint-based speech discrimination "an egregious form of content discrimination." *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). The nation's highest court "generally treats restriction of the expression of a particular point of view as the paradigm violation of the First Amendment." KATHLEEN M. SULLIVAN & GERALD GUNTHER, *FIRST AMENDMENT LAW* 193 (1999).



# I. THE WOMEN INTERVIEWED: FROM THE PORN STARS TO THE PUBLICIST TO THE PH.D.

This part provides brief biographical backgrounds for each of the five women interviewed for this article. Some of the information for these biographies is drawn from external sources, while other facts, data and quotations came directly from the individuals during the interviews with them. As it will become clear, this is a diverse group of women with a wide-range of backgrounds and experiences, both inside and outside the adult entertainment industry.

The five individuals interviewed are not intended to be a representative sample of all women who work in the adult industry; rather, they represent leaders and veterans who bring a unique sense of perspective, understanding and in-depth knowledge of the business in which they work. Each of the women is from the mainstream adult entertainment world, not from temporary or amateur Internet-based porn sites.<sup>33</sup> In sum, two of the women interviewed are veteran porn stars and pioneers in their field who remain active in it today in very different roles, while a third woman is a current star who made a recent appearance in a hit mainstream movie. Another woman interviewed heads the adult industry's trade association that successfully argued a major First Amendment-based free speech case before the United States Supreme Court in 2002. The fifth woman is the vice president of special projects for one of the most successful makers today of adult films and the person largely credited with turning porn star Jenna Jameson into the mainstream cultural icon that she is today. The biographies of these women are set forth below, in alphabetical order.

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33. For instance, Stormy Daniels is a contract employee of Wicked Pictures, a company that creates "couples-friendly adult films to be watched in the privacy of your home." Jose Martinez, *Risky Mix: Driving and Sex Flicks*, DAILY NEWS (N.Y.), Apr. 18, 2004, at 8 (quoting Daniel Metcalf of Wicked Pictures) (internal quotation marks omitted). Wicked produces "erotic movies featuring story lines and romance." Sherri Ackerman, *Sex in the City*, TAMPA TRIB. (Fla.), Nov. 23, 2003, at 1. Wicked Pictures also is involved with cutting-edge products such as wireless development and distribution of wallpaper images and video onto mobile phones. James Paton, *Just When You Thought You'd Seen It All: Denver Company Leads the Way in Risque Cell Phone Features*, ROCKY MTN. NEWS (Denver), Apr. 18, 2005, at 1B. Wicked, along with another leading mainstream adult company, Vivid, also requires that male performers wear condoms. John Maynard, *HIV Chills a Hot Skinflink Industry*, WASH. POST, Apr. 17, 2004, at C04.

A. *Stormy Daniels: The New Generation of Writer, Director, Actor*

If you saw Steve Carell in the 2005 hit comedy film *The 40-Year-Old Virgin*,<sup>34</sup> then you also saw adult film star Stormy Daniels. In yet another indication of the mainstreaming of adult content, Daniels appears in a scene in which Carell's character, Andy Stitzer, is home alone in bed watching a real-life porn film called *Space Nuts* for which Daniels received an Adult Video News Award nomination.<sup>35</sup> As journalist Joe Zigfield wrote for the adult-industry online trade publication Xbiz.com:

Wicked Pictures scored priceless exposure gratis when the makers of "The 40-Year-Old Virgin" shot the protagonist enjoying himself in bed watching Stormy Daniels in Wicked's "Space Nuts." It's the latest sign that, despite the far right's wet dreams of an adult-industry Apocalypse, porn and pop culture's urge to merge is stronger than ever.<sup>36</sup>

Daniels, a native of Baton Rouge, Louisiana, was editor of her high school newspaper and worked as a feature dancer in strip clubs as a teenager before turning to adult films in her early twenties. Today she is a contract star, writer and director for Wicked Pictures.<sup>37</sup> She has won multiple Adult Video News Awards over the years, including Starlet of the Year, Best New Director, Best Supporting Actress and Best Screenplay.<sup>38</sup> Wicked Pictures boasts about Daniels on its website that "[a]fter four years as a Wicked Pictures exclusive, she's more popular than ever and has managed to attain superstar status in both the adult and mainstream entertainment communities."<sup>39</sup> As Daniels, now twenty-seven years old, described her current situation to the authors of this article, "the best thing is that I actually managed to find something that I'm good at and enjoy doing. I'm not talking about the sex – everybody likes to have sex. I'm just talking about creatively speaking. Creatively speaking, I enjoy

34. The movie had "exceptional sales" when it was released on DVD, selling 3.7 million copies in the first six days after it was released in December 2005. Thomas K. Arnold, *DVD '05: More Units But Less Growth*, HOLLYWOOD REP., Dec. 30, 2005.

35. See WickedPictures.com, Stormy Daniels, [http://www.wickedpictures.com/girl/stormy\\_daniels](http://www.wickedpictures.com/girl/stormy_daniels) (last visited Jan. 3, 2007) ("[Daniels]. . . has received AVN Award nominations for her fine work in 'Eternity' and 'Space Nuts.' 'Space Nuts' was important for Stormy on many levels. It was featured prominently in HBO's popular 'Pornucopia' and led to her auditioning for and getting a role in Universal Pictures' \$100 million-grossing Steve Carell blockbuster 'The 40 Year Old Virgin.'").

36. Joe Zigfield, *The Urge to Merge*, XBIZ.COM, Oct. 20, 2005, [http://xbiz.com/article\\_piece.php?cat=41&id=10885](http://xbiz.com/article_piece.php?cat=41&id=10885).

37. StormyDaniels.com, My Biography, <http://www.clubstormydaniels.com/bio.html> (last visited Jan. 3, 2007).

38. *Id.*

39. Wicked Star: Stormy Daniels, *supra* note 35.

the writing, the directing and creating something.”<sup>40</sup> She also remarked during the interview on how fortunate she feels, commenting that “the money’s good, and I have nice things. I set my own schedule. I could be digging ditches. I’m very lucky.”<sup>41</sup>

*B. Michelle Freridge: Adult Industry Leader and Trade Association Executive*

Michelle Freridge is executive director of the Free Speech Coalition,<sup>42</sup> the non-profit trade association for the adult entertainment industry founded in 1991<sup>43</sup> that is perhaps best known today among legal scholars as the successful lead litigant before the United States Supreme Court in *Ashcroft v. Free Speech Coalition*.<sup>44</sup> Holding an undergraduate degree in history from Michigan State University, Freridge also completed an undergraduate thematic in women’s studies at MSU. As she told the authors during the interview, “I audited classes by Catharine MacKinnon, read Andrea Dworkin and all of those anti-porn feminists, and that was part of my academic training as an undergraduate.” She later earned a masters degree in public administration from Western Michigan University and worked for about six years in social service environments, including domestic violence and suicide counseling centers.

Freridge came to the Free Speech Coalition in October 2004. “I did a little research online and just saw an incredible opportunity for this organization to really become a leader of an industry that was going from kind of the Wild West to an organized, functioning industry that was becoming very professionalized,” she told the authors. In her July 2006 message to the attendees of the Free Speech Coalition’s annual gala fundraiser and awards show, The Night of the Stars, in Los Angeles, Freridge wrote in the official

40. Interview with Stormy Daniels, in Valley Village, Cal. (June 15, 2006) (on file with authors).

41. *Id.*

42. See generally Clay Calvert & Robert D. Richards, *The Free Speech Coalition & Adult Entertainment: An Inside View Of The Adult Entertainment Industry, Its Leading Advocate & The First Amendment*, 22 CARDOZO ARTS & ENT. L.J. 247 (2004) (profiling the Free Speech Coalition and featuring interviews with its then-Executive Director, Kat Sunlove, and its chair of the board of directors, attorney Jeffrey J. Douglas).

43. Free Speech Coalition, About Us, <http://www.freespeechcoalition.com/FSCview.asp?coid=87> (last visited Jan. 3, 2006).

44. 535 U.S. 234 (2002). In this case, the nation’s high court declared unconstitutional on overbreadth grounds two portions of the Child Pornography Prevention Act of 1996, a controversial piece of legislation that extended “the federal prohibition against child pornography to sexually explicit images that appear to depict minors but were produced without using any real children.” *Id.* at 239.

program for the event that the Coalition “is determined to be a full-service trade association for the adult entertainment industry. We intend to defend your constitutional rights and the rights of your customers and to fight the most dramatic wave of social, political, legal and media persecution since the early Nineties.”<sup>45</sup>

*C. Nina Hartley: Industry Pioneer, Registered Nurse, Author*

Nina Hartley, who has more than two decades of experience working in the adult entertainment industry, is more than just one of the most successful porn stars of all time: she’s a nurse<sup>46</sup> and co-author, with her husband Ira Levine, of a new and critically acclaimed book called *Nina Hartley’s Guide to Total Sex*.<sup>47</sup> A review in the prestigious *Library Journal* described Hartley’s tome:

Her well-written guide is strong on both safe sex and a permissive approach and includes substantial sections on toys, swinging, three-ways, dominance/submission, and erotic spanking-in addition to the usual topics. In general, she handles the material frankly, accurately, and with sensitivity. Her anatomical descriptions are excellent, as are the tips on sharing masturbation, coping with uncomfortably sized genitalia, and why *not* to make love like a porn star (porn sex is heavily edited, unsafe, unrealistic, and performed by people accustomed to unusual activities).<sup>48</sup>

Like Daniels, Hartley made an appearance in a mainstream film, *Boogie Nights*.<sup>49</sup> The movie is a fictional look at the pornography industry in southern California’s San Fernando Valley as it made the transition from film in the 1970s to the medium of videotape in the early 1980s.<sup>50</sup> Hartley’s philandering character is killed by her husband,<sup>51</sup> Little Bill, played by William H. Macy.<sup>52</sup> As she remarked

45. *Greetings from the Executive Director*, THE 19TH ANNUAL NIGHT OF THE STARS (Program), July 15, 2006, at 9.

46. Hartley graduated “magna cum laude from San Francisco State with a nursing degree.” ERIC SCHLOSSER, *REEFER MADNESS: SEX, DRUGS, AND CHEAP LABOR IN THE AMERICAN BLACK MARKET* 179 (2003).

47. NINA HARTLEY WITH I.S. LEVINE, *NINA HARTLEY’S GUIDE TO TOTAL SEX* (2006).

48. Martha Cornog, *Nina Hartley’s Guide to Total Sex*, *LIBR. J.*, Aug. 15, 2006, at 108 (book review).

49. See Roger Ebert, *Director’s Talent Makes ‘Boogie’ Fever Infectious*, *CHI. SUN-TIMES*, Oct. 19, 1997, Show, at 3 (noting that Hartley played the role of the “sex mad” wife of a character played by William H. Macy). Hartley “makes a lot of money doing pornos and also makes a lot of money from lecturing. She’s a sexologist and registered nurse and she gives incredibly wonderful, frank, odd lectures on sex.” *Id.* (quoting the movie’s director, Paul Thomas Anderson) (internal quotation marks omitted).

50. See Roger Ebert, *‘Boogie’ Gets Down to Business; Sex Plays 2nd Fiddle in Porn Story*, *CHI. SUN-TIMES*, Oct. 17, 1997, Weekend Plus, at 35.

51. Robert C. Sickles, *1970s Disco Daze: Paul Thomas Anderson’s Boogie Nights and the Last Golden Age of Irresponsibility*, 35 *J. POPULAR CULTURE* 49, 56 (2002).

to the authors, with more than a hint of irony directed toward those who claim that women are harmed by their work in adult films, “the only movie that I ever got killed in was a mainstream [one], *Boogie Nights*. The only movie I ever died in for having sex was a mainstream movie.”<sup>53</sup>

Hartley, as author David McCumber wrote back in 1992, “grew up in Berkeley[, California], the daughter of liberal, intellectual, spiritual parents.”<sup>54</sup> She was raised, as Eric Schlosser wrote in *Reefer Madness*, “as a feminist to distrust the male gaze,”<sup>55</sup> but she “secretly fantasized about dancing naked.”<sup>56</sup> More than 800 adult movies later,<sup>57</sup> including a leading sex educational video series produced with her current husband,<sup>58</sup> Hartley is “one of the most famous performers in today’s sex industry.”<sup>59</sup> As Peter Sagal put it in a 2005 *Chicago Tribune* story, “at the incredibly advanced age (for porn) of 46, Nina Hartley is an icon, an institution who’s been around since before some of her colleagues were born: the Strom Thurmond of the sex trade.”<sup>60</sup>

#### *D. Joy King: The Woman Behind the Scenes of Mainstreaming and the Making of Jenna Jameson*

Joy King is the woman at Wicked Pictures who helped turn Jenna Jameson into one of the most recognizable names in the adult industry today.<sup>61</sup> In her best-selling autobiography, *How to Make Love Like a Porn Star*,<sup>62</sup> Jameson writes that King’s “number one objective

52. See generally James Verniere, *A Star is Porn*, BOSTON HERALD, Oct. 17, 1997, at S03 (describing the Little Bill character as “a sad sack in tight pants who keeps catching his wife (real-life sex-film star Nina Hartley) in the sack with someone else”).

53. Interview with Nina Hartley, in L.A., Cal. (June 5, 2006) (on file with authors).

54. DAVID MCCUMBER, *X-RATED: THE MITCHELL BROTHERS: A TRUE STORY OF SEX, MONEY AND DEATH* 118 (1992).

55. SCHLOSSER, *supra* note 46, at 178-79.

56. *Id.* at 179.

57. Interview with Nina Hartley, *supra* note 53.

58. See Tristan Taormino, *The Best and Worst of Sex in 2002*, VILLAGE VOICE (N.Y.), Jan. 7, 2003, at 120 (recognizing the “Savviest Career Move” of the year to be Nina Hartley’s “new line of smart and sexy videos for Adam and Eve”).

59. SCHLOSSER, *supra* note 46, at 178.

60. Peter Sagal, *Dinner With Porn Stars – And My Wife*, CHI. TRIB., Dec. 9, 2005, at Tempo, Zone C, 1.

61. See Joanne Cachapero, *Women on Top: 3*, XBIZ.COM, Aug. 11, 2006, [http://www.xbiz.com/article\\_piece.php?cat=43&id=16476](http://www.xbiz.com/article_piece.php?cat=43&id=16476) (writing that “King primarily is recognized for having developed Jenna Jameson into a superstar and, consequently, is sometimes credited with helping to ‘mainstream’ the adult industry”).

62. The book debuted in September 2004 “at No. 9 on the New York Times list.” Tara Weiss, *Love, Constant Love*, HOUSTON CHRON., Sept. 5, 2004, at Zest 19; see Bennett, *supra* note 19 (writing that “[l]ast fall the memoir of porn superstar Jenna Jameson spent a

was simple: to get my face in the media,” and she lauds King, both as “a person who didn’t take no for an answer” and as “a hard-core motherfucker whom no man dared to mess with.”<sup>63</sup> Starting in early 1995, King worked for five years with Jameson, initially “pitching her as the next big thing”<sup>64</sup> and eventually ending up having Jameson “shot for mainstream magazines, photographers, talk shows, Web sites, newspapers, and news programs.”<sup>65</sup> Although Jameson is no longer with Wicked Pictures,<sup>66</sup> King continues there today as vice president of special projects at its Canoga Park, California headquarters.<sup>67</sup>

King’s success has not gone unnoticed in the mainstream media. She has been interviewed for programs ranging from a 2003 ABC *PrimeTime Live* report by Diane Sawyer on the mainstreaming of adult content<sup>68</sup> to an episode of the E! Channel’s *Wild On* program.<sup>69</sup> She has been quoted in the *New York Times* on issues relating to the adult industry.<sup>70</sup> She also authored a recent essay about her career for the book *Naked Ambition: Women Who Are Changing Pornography*, in which she wrote, from the perspective of having worked two decades in the adult industry, “I have tried hard to

month and a half on the New York Times bestseller list”); Edward Wyatt, *Political but Not Partisan: A Publisher Has It Both Ways*, N.Y. TIMES, Oct. 13, 2004, at E9 (describing “the success this year of ‘How to Make Love Like a Porn Star,’ by the bona fide porn star Jenna Jameson with Neil Strauss, which so far has been on The New York Times best seller list for six weeks”).

63. JENNA JAMESON WITH NEIL STRAUSS, *HOW TO MAKE LOVE LIKE A PORN STAR: A CAUTIONARY TALE* 369 (2004).

64. Joy King, . . . *On Wearing Many Different Hats Behind the Scenes, From PR to Sales and Almost Everything in Between*, in *NAKED AMBITION: WOMEN WHO ARE CHANGING PORNOGRAPHY* 295, 298 (Carly Milne ed., 2005).

65. *Id.* at 300.

66. See Claire Hoffman, *California and the West; Sex Star Hooks Up with Playboy; The Venerable Soft-Core Publisher Acquires Club Jenna, a Leading Porn Flick Producer*, L.A. TIMES, June 23, 2006, at C2 (describing Jameson’s 2006 dealings with Playboy and her current dealings with Vivid Entertainment Group).

67. See Justin Berton, *Art Mingles with Porn at Erotic Film Contest*, S.F. CHRON., Oct. 26, 2006, at B1 (noting that King is an executive at Wicked Pictures); see also Digital Hollywood, <http://www.digitalhollywood.com/%231DHFall05/DHF105Wednesday13.html> (last visited Jan. 9, 2007) (listing King as a Vice-President of Special Projects at Wicked).

68. *Primetime Live: Young Women, Porn And Profits: Corporate America’s Secret Affair* (ABC television broadcast Jan. 23, 2003) (quoting King, in describing a talk she gave to a secret society at Yale University, as stating: “[a]ll these Yale yuppies sitting there watching porn, eating fried chicken and drinking beer. I went, wow, our market has changed. Hasn’t it?”).

69. *Wild On Sunset Strip* (E! cable channel broadcast Jan. 15, 2000) (interviewing King about the adult industry).

70. See, e.g., Nick Madigan, *Sex Videos On Pause, And Idled Actors Fret*, N.Y. TIMES, Apr. 25, 2004, § 9, at 1 (quoting King regarding the required use of condoms on all male actors at Wicked Pictures).

overcome negative stereotypes and hope that in some way I have helped to accomplish that. The things I have done seem trivial to me, but I am constantly reminded that I have helped legitimize porn on a mainstream level.”<sup>71</sup>

*E. Sharon Mitchell: Actress Turned Health-Care Provider on the Frontline in the Battle Against HIV and STDs*

Sharon Mitchell, a doctor of human sexuality, founded and directs one of the adult industry’s most important weapons in preventing outbreaks of HIV and sexually transmitted diseases among both male and female performers: the Adult Industry Medical Health Care Foundation (AIM). AIM, with offices located both in Sherman Oaks and Woodland Hills, California, is described on its official website as:

a non-profit corporation formed to care for the physical and emotional needs of sex workers and people who work in the adult entertainment industry through our HIV and STD testing and treatment, our counseling services and our support group programs. We are happy to be serving the sex worker community and our goal is to provide health care for the body, mind, emotion and spirit, as well as to take a leadership position in promoting safe and responsible sexual behavior, not only for the adult entertainment industry, but for everyone.<sup>72</sup>

Mitchell comes to the job with special expertise and knowledge of her clientele. As her official AIM biography states, Mitchell “spent twenty-five years in the adult entertainment industry as an actress, appearing in over 2,000 movies, as a dancer performing in venues all over the world, and she has produced and directed over 42 movies.”<sup>73</sup> Her life as an adult star was far different – far more wild, to say the least – than her life is today. As Mitchell once stated about her previous life before she went into drug rehabilitation and earned her doctorate, “my life was just bisexual-weird-insanity. And heroin and more heroin. And jail sentences and more movies and traveling. And young girls. And then old men.”<sup>74</sup>

It is from this unique perspective, as an erstwhile porn star and one-time renegade turned health-care provider, that Mitchell now finds herself as a frequent commentator in the mainstream media on health-related issues affecting the adult industry. For instance, when

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71. King, *supra* note 64, at 305.

72. Adult Industry Medical Healthcare Foundation, AIM’s Profile, <http://aim-med.org/profile.html> (last visited Jan. 3, 2007).

73. Adult Industry Medical Healthcare Foundation, Dr. Sharon Mitchell, <http://aim-med.org/bio.html> (last visited Jan. 3, 2007).

74. LEGS MCNEIL & JENNIFER OSBORNE WITH PETER PAVIA, *THE OTHER HOLLYWOOD: THE UNCENSORED ORAL HISTORY OF THE PORN FILM INDUSTRY* 564 (2005).

the industry experienced a rare HIV-related scare in 2004,<sup>75</sup> *Newsweek* magazine wrote that it could have been “even worse, except for former porn actress Sharon Mitchell.”<sup>76</sup> *Newsweek* then observed that “[s]uch is her power” in the adult industry that, when Mitchell asked production to halt to give her clinic time for further testing, “many agreed to the moratorium, at least temporarily.”<sup>77</sup> Mitchell is so well spoken and thought of that the *New York Times* even gave her coveted space on its opinion pages for a 700-plus word commentary about HIV-related issues affecting the industry.<sup>78</sup>

With the profiles of this quintet of leading women in the adult film industry in mind, this article turns to their unique perspectives on free speech, censorship, feminism, the exploitation of women, and the mainstreaming of adult content.

## II. THE INTERVIEW METHOD AND EDITORIAL PROCESS

The interviews between the authors of this article and the women of the adult entertainment industry took place in person, during June and July 2006 at various locations throughout greater Los Angeles. All interviews were recorded on audiotape with a table-top microphone, and the tapes were later transcribed by the authors and reviewed for accuracy. The authors made some minor changes in syntax but did not alter the substantive content or meaning of any of the interview subjects. Some responses were then reordered to reflect the themes and sections of this article, and other portions of the interviews were omitted as extraneous or redundant. The authors retain the original audio recordings and the printed transcripts of the interviews.<sup>79</sup>

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75. The term “rare” is accurate because the scare of 2004 marked “the first performer in four years to be diagnosed HIV-positive.” Dana Harris, *Porn Biz Goes Soft After Test Scare*, DAILY VARIETY, Apr. 15, 2004, at 1.

76. Andrew Murr, *The Porn Industry: A Web of HIV Infections*, NEWSWEEK, Apr. 26, 2004, at 8.

77. *Id.*

78. Sharon Mitchell, *How to Put Condoms in the Picture*, N.Y. TIMES, May 2, 2004, § 4, at 11.

79. The interview with Stormy Daniels took place on June 15, 2006 at her home in Valley Village, California. Having moved into the house only recently, she still was in the process of unpacking with her boyfriend. The authors and Daniels sat around her dining room table for the duration of the interview, which lasted approximately one hour. The only interruptions were two cell phone calls that she allowed to ring through to voicemail. On the table were copies of fliers she had posted around the neighborhood announcing her missing dog. Parked outside her house was Daniels’ white Lexus sport utility vehicle bearing a California vanity license plate reflective of the industry in which she works.



For purposes of full disclosure and the preservation of objectivity, it should be emphasized that neither of the authors of this article had met any of these women prior to the interviews. In addition, the interviewees did not have an advance look at the specific questions they would be asked, thus allowing for greater spontaneity of responses. Moreover, the interview subjects did not review the raw transcript or any drafts of this article.<sup>80</sup>

### III. PORN IN THEIR WORDS: THE INTERVIEWS

This part of the article is divided into three distinct theme-based sections. In particular, Section A focuses on the topics of free speech and the censorship of sexual content. Next, Section B concentrates on the subjects of feminism and the treatment of women

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Michelle Freridge was interviewed at the headquarters of the Free Speech Coalition in Chatsworth, California on June 19, 2006. The Free Speech Coalition is located in an industrial park within an area known for its connection to the adult entertainment industry, San Fernando Valley. Many of the companies that produce adult films are located in this area – or at least shoot their films there – so much so that the region has earned the nickname, “porn capital of the world.” See Martin M. Cooper, *Time to Develop a Business Attraction Program*, SAN. FERN. V. BUS. J., May 22, 2006. The offices are sparsely decorated and are shared with M&M Sales, a distributor of adult sex toys, and Goalie Entertainment, Inc., a full-service adult retail management company. This day, she also shared the office with her chocolate brown Labrador retriever who remained in his cage throughout the interview, which lasted approximately seventy-five minutes.

The interview with Nina Hartley was conducted on June 5, 2006 at the home she shares with her husband and collaborator, Ira Levine. Her high-rise apartment is located near downtown Los Angeles in what is known as the American Cement Building. The exterior of the building resembles a lattice-fence design and the cross-hatching is visible from inside the apartment. The open floor plan with a wall of windows gives the occupants plenty of space to decorate, which Hartley and Levine have filled with modern appliances, a pool table and numerous mementos of their work in the adult industry. The interview lasted approximately eighty minutes and included the comments of Levine, which are not relevant to this article.

The authors met Joy King for lunch at Kate Mantilini, an upscale American-cuisine restaurant in Woodland Hills, California on June 7, 2006. King brought her intern along, though she did not participate in the interview. During the approximately ninety-minute interview the participants stopped briefly, for about twenty minutes, to eat lunch.

The interview with Sharon Mitchell occurred at the main office of the Adult Industry Medical Healthcare Foundation in Sherman Oaks, California on July 14, 2006. The AIM clinic is located on a major thoroughfare, Van Nuys Boulevard, with a second office in Woodland Hills. The space contained the usual trappings of a medical facility – reception area, examination rooms and file storage – and the interview with Mitchell took place in her personal office: a small, darkly lit area with framed diplomas on the wall and a couch for visitors. The interview lasted approximately one hour.

80. Editors’ note: The editors have left the content and format of the interviews in the form chosen by the authors. These interviews are the interviewees’ words in form and substance as the authors have compiled them. Footnote text accompanying the text of the interviews is that of the authors, not the interviewees.

in the adult industry, including issues such as alleged exploitation and victimization. Section C then deals with the mainstreaming of adult entertainment in American culture, as well as changing mores and ideas about sex and sexuality.

Within each section, the views of the women interviewed by the authors are set forth in alphabetical order: Stormy Daniels, Michele Freridge, Nina Hartley, Joy King and Sharon Mitchell. Footnotes have been added to their comments in those places where background information may be helpful to readers.

### A. *Free Speech and the Censorship of Sexual Content*

The First Amendment protects free expression in the United States,<sup>81</sup> but the subset of sexually explicit content that is deemed obscene under the three-part test articulated by the United States Supreme Court more than thirty years ago in *Miller v. California*<sup>82</sup> falls outside the scope of the amendment's protection. This is not surprising because "throughout history governments have sought to, and succeeded, in banning material that they consider injurious,"<sup>83</sup> and "[s]tudies in communications, anthropology, sociology, and economics support the claim that censorship is an enduring feature of human communities."<sup>84</sup> There is, in turn, a long history of censorship of sexual content in the United States. In 1821, Massachusetts successfully prosecuted Peter Holmes, publisher of a version of an erotic novel by John Cleland called *Fanny Hill, Or Memoirs of a Woman of Pleasure*, because government authorities found it to be "lewd, wicked, scandalous, infamous, and obscene."<sup>85</sup> The book, describing "a young woman's successful rise from destitution to a

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81. The First Amendment to the United States Constitution provides in relevant part that "Congress shall make no law . . . abridging the freedom of speech, or of the press." U.S. CONST. amend. I. The Free Speech and Free Press Clauses have been incorporated through the Fourteenth Amendment Due Process Clause to apply to state and local government entities and officials. See *Gitlow v. New York*, 268 U.S. 652, 666 (1925).

82. 413 U.S. 15, 24 (1973) (identifying a three-part test for obscenity that focuses on whether the material in question: 1) appeals to a prurient interest in sex, when taken as a whole and as judged by contemporary community standards from the perspective of the average person; 2) is patently offensive, as defined by state law, in its display of sexual conduct; and 3) lacks serious literary, artistic, political or scientific value).

83. JONATHAN GREEN, *THE ENCYCLOPEDIA OF CENSORSHIP* vii (1990).

84. SUE CURRY JANSEN, *CENSORSHIP: THE KNOT THAT BINDS POWER AND KNOWLEDGE* 181 (1988).

85. MARJORIE HEINS, *NOT IN FRONT OF THE CHILDREN: "INDECENCY," CENSORSHIP, AND THE INNOCENCE OF YOUTH* 25 (2001) (internal quotation marks omitted).

middle-class life through a career in prostitution,”<sup>86</sup> was censored because it would allegedly put lustful desires in the minds of both minors and adults.<sup>87</sup> The first federal statute that allowed the censorship of obscene material was enacted by Congress in 1842.<sup>88</sup> More than 160 years later, of course, the federal government continues to prosecute obscenity cases.<sup>89</sup>

In this part of the article, the five women interviewed describe their beliefs about free speech – in particular, why it should protect adult entertainment – and censorship. Some of the women discuss their own experiences with censorship and their beliefs about the rights of others to criticize pornography and the adult entertainment industry.

### 1. Stormy Daniels<sup>90</sup>

I think the First Amendment absolutely should protect adult entertainment. I don’t think that everyone should watch adult entertainment – I don’t think that I should force it down anyone’s throat. But, I do think that it should fall under free speech because if it doesn’t, where does it stop?

I just did an interview and they asked the same question to me that they asked to Pat Robertson.<sup>91</sup> The Christian Coalition<sup>92</sup> has been doing a great deal of protesting outside of adult stores and strip clubs. They asked me how I feel about that and I said that I think that they have the right to do that. I don’t think they have the right to blow up abortion clinics or injure anyone, but I defend their right to protest. They’ll go as far as taking pictures of people and putting them on the Internet – that’s an invasion of privacy. But if you want to stand outside on a public street and hold a sign, then that’s your

86. FREDERICK S. LANE, III, *OBSCENE PROFITS: THE ENTREPRENEURS OF PORNOGRAPHY IN THE CYBER AGE* 11 (2000).

87. HEINS, *supra* note 85, at 25 (“[Massachusetts] charged a publisher with contriving ‘to debauch and corrupt’ the morals of youth as well as ‘other good citizens’ and to ‘create in their minds inordinate and lustful desires.’ . . .”).

88. *Id.*

89. *See supra* notes 14–16 and accompanying text (describing two current federal obscenity prosecutions).

90. Interview with Stormy Daniels, *supra* note 40.

91. Pat Robertson is the Founder and Chairman of The Christian Broadcasting Network. The Official Site of Pat Robertson, Biography, <http://www.patrobertson.com/Biography/index.asp> (last visited Jan. 3, 2007).

92. The Christian Coalition is “the largest and most active conservative grassroots political organization in America . . . [and] offers people of faith the vehicle to be actively involved in shaping their government” at all levels. Christian Coalition of America, About Us, <http://www.cc.org/about.cfm> (last visited Jan. 3, 2007).

prerogative. The guy that was interviewing me was actually quite surprised that I was on the side of Pat Robertson. It's his right to disagree with it – it's his right to say, "You shouldn't be doing this." I don't agree with what you say, but I'll defend your right to say it.<sup>93</sup>

As long as they're not physically trying to stop people from coming in and as long as they're not on private property or spray painting the building, they can stand out there all day – I don't care. That's their right to stop people and to say, "Hey, do you want to hear about God?"

## 2. Michelle Freridge<sup>94</sup>

Why shouldn't it [the First Amendment] protect adult entertainment? It protects everything unless specifically identified as not protecting it, not the other way around.<sup>95</sup>

The issues are not unresolvable. What it comes down to are legal priorities. Civil rights – your civil rights of free speech and privacy in your home – are simply more important than feeling offended by something.<sup>96</sup> So the government doesn't have a strong enough vested interest to compromise free speech in favor of someone not being offended or the perception that it creates discrimination against women. If there were actual proof in evidence, then the government might see that as a cause, but there isn't enough evidence.

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93. Daniels, in this sentence, is paraphrasing the famous Voltaire quotation, "I disapprove of what you say, but I will defend to the death your right to say it." See Winfried Brugger, *Ban On or Protection of Hate Speech? Some Observations Based on German and American Law*, 17 TUL. EUR. & CIV. L.F. 1, 1 (2002) ("The view that offensive speech merits protection is illustrated in the works of Voltaire, a prominent representative of the French Enlightenment, whose philosophy was, 'I disapprove of what you say, but I will defend to the death your right to say it.'" (citing SIMON LEE, *THE COST OF FREE SPEECH* 3 (1990))).

94. Interview with Michelle Freridge in Chatsworth, Cal. (June 19, 2006) (on file with authors).

95. The U.S. Supreme Court has identified several narrow exceptions to the general rule of First Amendment protection of free speech. *Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 245-46 (2002) ("As a general principle, the First Amendment bars the government from dictating what we see or read or speak or hear. The freedom of speech has its limits; it does not embrace certain categories of speech, including defamation, incitement, obscenity, and pornography produced with real children." (citing *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 127 (1991) (Kennedy, J., concurring))).

96. This sentiment has been endorsed by the U.S. Supreme Court. See *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (providing, as a "bedrock principle," that the First Amendment still protects expression, even if society finds it offensive).

What will happen to this industry really does depend, largely, on what the government does and what the industry allows the government to do. The government could pass laws that will send the industry off internationally, and if the industry moves out of the United States into international venues, then we will lose tremendous gross domestic product, taxes, employment opportunities and other things that help drive the success and the economic health of our country. If those things happen, we lose, as a consumer society, almost complete control over content and how it is produced. If the industry is based in some place like Ukraine or Indonesia, which are the places where child pornography is coming from, you're going to see a dramatic increase in the abuse of people who are being used as models. You're going to see an increase in extreme content, the amount of violence, poor working conditions and the spread of sexually transmitted diseases.

What's problematic is when government regulations are simply used to censor based on people's moral values and religious values that are not shared and that are not appropriate for government to regulate.

No matter where you draw the line – if you draw the line randomly based on what you find appealing and what you don't find appealing – you're making a value judgment that's based on your opinions.

You can't use government to enforce those types of value judgments or else, slowly but surely, we start to lose our civil rights.

Obscenity should only apply to public venues, for example, advertising and public signage. But obscenity should not apply to something that is sold on a website to a private home or that is viewed from a website to a private home or that is mail ordered and delivered to a private home. It shouldn't apply in the private sphere and it should not apply in the industry sphere. What should apply are the real laws that are appropriate – murder is a crime, so you don't have films of people murdered. Rape is a crime so you don't have films of people being raped. You have films where people are acting like they're killing someone and like their raping someone and torturing someone – just like Hollywood! Just like Stephen King!<sup>97</sup> But you don't have actual crime being committed. If an actual crime is, indeed, being committed, then you prosecute it as that crime, not as obscenity.

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97. Stephen King is the author of many horror and suspense novels. See StephenKing.com, Biography, <http://www.stephenking.com/biography.php> (last visited Jan. 3, 2007).

3. Nina Hartley<sup>98</sup>

We work with the business community because porn is an economic engine in California. It's a legal product – this is what people always forget about pornography. It is protected speech. The politicians have been very forthcoming. We have a very effective lobbyist who has been steady and there four days a week in Sacramento, working the rounds.<sup>99</sup> Yet what's really sad is that because of term limits, a lot of the very best politicians are termed out. None of them was pro-porn, but they understood that it is legal, provides jobs and taxes, and is an industry of several hundred million dollars in California.

It's been very important to have a seat at the table of legislative politics. The Free Speech Coalition, which is the industry trade association, has been actively lobbying for seven or eight years now and recently liaised with a firm in Washington, D.C., to monitor national legislation.<sup>100</sup> It really has helped. When we first started going up to Sacramento, we often had to talk to the legislators about a pending bill that we did not like. Now, this is the second or third year in a row where there are no bad bills.

4. Joy King<sup>101</sup>

Whenever you have speech – whatever it is – that is unpopular, it requires protection. I don't like people who are skinheads. I don't like what they have to say. I don't like racism. But I don't have the

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98. Interview with Nina Hartley, *supra* note 53.

99. Hartley here is referring to Kat Sunlove, the former Legislative Affairs Director of the Free Speech Coalition. See Press Release, Free Speech Coalition, Free Speech Coalition Tightens Belt (Dec. 1, 2006), *available at* <http://www.freespeechcoalition.com/FSCView.asp?coid=998> (last visited Jan. 9, 2007) (identifying Sunlove as the legislative affairs director and announcing her imminent departure from the Free Speech Coalition). "The Free Speech Coalition Legislative Affairs Department serves two main functions: to lobby on behalf of the adult entertainment industry on a nation and local level, and to inform the FSC membership of potentially serious legislation or legislative trends, current and pending." Free Speech Coalition, Legislative Center, <http://www.freespeechcoalition.com/FSCView.asp?action=preview&coid=88> (last visited Jan. 9, 2007).

100. See Free Speech Coalition, Federal Lobby Reports (Oct. 2005), <http://www.freespeechcoalition.com/FSCView.asp?coid=380> (providing the report of Free Speech Coalition Legislative Affairs Director Kat Sunlove that discusses the hiring of a respected DC lobbying firm with strong ties on Capitol Hill); The Raben Group, Our Clients, [http://www.rabengroup.com/clients/index\\_flash.html](http://www.rabengroup.com/clients/index_flash.html) (last visited Nov. 8, 2006) (identifying the Free Speech Coalition as one of the clients of The Raben Group).

101. Interview with Joy King in Woodland Hills, Cal. (June 7, 2006) (on file with authors).

right to tell those people that they can't say things. I don't like it and I don't want to listen to it, but they have the right to say it, just as much as I have the right to watch adult entertainment. I think it's so important. I really do.

There are unfriendly states that just don't want the product. Nobody is forcing anybody to watch porn. Nobody is forcing anybody to buy it, for God's sake. That always amazes me. But we're not going to ship into a state that clearly doesn't want us in there. There are certain counties in Texas and Utah.<sup>102</sup> There's a prosecution in Dallas-Fort Worth right now.<sup>103</sup> There have been a lot of cases. There are cases in places where you wouldn't even think there would be an issue – upstate New York<sup>104</sup> and places like that. In Florida, more in the panhandle, since it's the South.<sup>105</sup> And with legislators who have a conservative constituent, they have to do it and make them happy.

102. See, e.g., Sara Israelsen, *New Code Cuts Sites for Adult Business*, DESERET MORNING NEWS (Salt Lake City), July 18, 2006 (describing a new zoning code for sexually oriented businesses adopted in Utah County, Utah).

103. Edward J. Wedelstedt pled guilty in federal court in Dallas, Texas, in November 2005 “to transporting obscene matters for sale or distribution” and “engaging in a conspiracy to defraud the United States by frustrating, impeding, or hindering the Internal Revenue Service (IRS) of the Treasury Department.” See Press Release, U.S. Dept. of Justice, National Operator of Sexually Oriented Business Pleads Guilty to Federal Obscenity And Tax Charges (Nov. 4, 2005), available at [http://www.usdoj.gov/opa/pr/2005/November/05\\_crm\\_594.html](http://www.usdoj.gov/opa/pr/2005/November/05_crm_594.html). “Wedelstedt is the self-proclaimed largest distributor of pornography in the United States. Tough law enforcement and aggressive prosecution have dismantled Mr. Wedelstedt's organization throughout the State of Texas.” *Id.* (quoting Richard B. Roper, United States Attorney for the Northern District of Texas) (internal quotation marks omitted). Edward Wedelstedt had previously been indicted on racketeering, obscenity and tax charges related to the operation of arcades featuring pornography. Press Release, U.S. Dept. of Justice, Edward Wedelstedt, Others Indicted on Obscenity, Racketeering and Tax Charges (Mar. 14, 2005), available at [http://www.usdoj.gov/opa/pr/2005/March/05\\_crm\\_120.htm](http://www.usdoj.gov/opa/pr/2005/March/05_crm_120.htm).

104. See Steve Javors, *Upstate New York Town Restricts Adult Stores*, XBIZ.COM, June 7, 2006, [http://xbiz.com/news\\_piece.php?id=15371&searchstring=kendall](http://xbiz.com/news_piece.php?id=15371&searchstring=kendall) (“Adult stores are under siege in a small New York town near Rochester. The Kendall Town Board is expected to pass an amendment to a local zoning ordinance that aims to restrict the locations of adult businesses.”).

105. See Steve Javors, *Webmaster Ray Guhn Arrested in Florida*, XBIZ.COM, June 26, 2006, [http://xbiz.com/news\\_piece.php?id=15700](http://xbiz.com/news_piece.php?id=15700) (describing how Clinton McCowen was arrested and charged in Pensacola, Florida, “with racketeering, engaging in prostitution and the manufacture and sale of obscene material” and stating that “McCowen's content was filmed inside four houses in Pensacola, a residence in Pace and at five hotels in Escambia County” as well as “Interstate 10 and Interstate 110, wooded areas, vehicles and other public places”); Mark Kernes, *News Analysis: It's People vs. Freeman, Florida Style*, AVN, June 30, 2006, [http://www.avn.com/index.php?Primary\\_Navigation=Articles&Action=View\\_Article&Content\\_ID=270764](http://www.avn.com/index.php?Primary_Navigation=Articles&Action=View_Article&Content_ID=270764) (describing arrest warrants issued in Pensacola, Florida, for certain individuals, including Clinton McCowen, who apparently “attended swing parties which presumably were videotaped, and also hired actors to perform in sexually explicit vignettes” that allegedly included “obscene group sexual activity”).

I don't think we'll ever see a day where we will sit back and say, "Whew, I'm glad that's over." It would be fabulous to think that, but when we talk about these things and say, "It's a very conservative administration right now so the prosecutions are crazy." Even in the Clinton years, when we breathed a little sigh of relief and didn't have either a lot of attention drawn toward the negative or a lot of obscenity prosecutions, we still had a lot of local legislation – local zoning regulations.<sup>106</sup> There are still a lot of issues that people don't realize are out there where you have smaller communities trying to regulate the adult industry in their county. Even in the best of times I don't think we can ever sit back and take that collective sigh of relief.

5. Sharon Mitchell<sup>107</sup>

I think any form of censorship is bad.

Throwing everything into one bag in order to censor it is not a good idea. You have to separate and individuate – you have to realize that adult movies are made because people are using them to masturbate, to have fun or to boost their sex life – they're not taking them seriously.

It's difficult to say where to draw the line because that's where censorship comes in. When is it right to do what? Who is willing to do this, who will do it and who gets paid to do it?

The First Amendment should protect adult entertainment because we are citizens of the United States, we pay taxes and this is a job. It may not be the job that you agree with, but your son or daughter may grow up to be a porn star because it is a legitimate job and we need to be protected like everyone else.

I think if they start here [with censorship of the adult entertainment industry], then it's going to become real murky. It's going to hit the music industry, then it's going to hit the entertainment industry. What would the mainstream entertainment industry do without porn to test all their technology, scripts and thoughts? If you jeopardize one end of entertainment, I think you're going to jeopardize the other. It's all entertainment because it all has

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106. See generally Clay Calvert & Robert D. Richards, *Stripping Away First Amendment Rights: The Legislative Assault On Sexually Oriented Businesses*, 7 N.Y.U. J. LEGIS. & PUB. POL'Y 287 (2003) (providing background material on the zoning of adult businesses, including the legal standards to which such efforts are subjected when challenged in court).

107. Interview with Sharon Mitchell in Sherman Oaks, Cal. (July 14, 2006) (on file with authors).



the same goal – to make people forget about their problems, whether it's for two minutes or for two hours.

*B. Feminism, Exploitation, Victimization and Women in the Adult Industry*

The adult entertainment industry long has been a target for the segment of the feminist movement that finds the product abusive and degrading to women, but even those staunch opponents must grapple with the industry's increasing popularity. In her 2005 book, *Women's Lives, Men's Laws*, Professor MacKinnon offered this explanation for the mainstreaming of adult entertainment: "pornography has been allowed to flourish because its real harm – the violation of women and children that is essential to its making and inevitable through its use – has been legally and socially obscured."<sup>108</sup> This obfuscation has occurred, according to Professor MacKinnon, because pornographers (she identifies them as "pimps"<sup>109</sup>) "take people who are already socially powerless – the poor, the young, the innocent, the used and used up, the desperate, the female – and deepen their invisibility and their silence."<sup>110</sup>

That's not all. Professor MacKinnon further suggests that the women who perform in adult entertainment media "are also made to act as if they are enjoying themselves."<sup>111</sup> In fact, she has elevated this notion of forced acquiescence to the boiling point where she contends that "[w]omen in pornography are bound, battered, tortured, harassed, raped, and sometimes killed; or, in the glossy men's entertainment magazines, 'merely' humiliated, molested, objectified, and used. In all pornography, women are prostituted."<sup>112</sup>

Without question, Professor MacKinnon and her long-time anti-porn colleague, the late Andrea Dworkin,<sup>113</sup> made names for

108. CATHARINE A. MACKINNON, *WOMEN'S LIVES, MEN'S LAWS* 300 (2005).

109. *Id.*

110. *Id.*

111. *Id.* (citations omitted) ("This process has succeeded in making the victims of pornography so invisible as victims that through years of inquiry, including the 1970 commission, the only harm this government could see was sex it disapproved of seeing, rather than its most powerless citizens being hurt.").

112. Catharine A. MacKinnon, *Pornography as Defamation and Discrimination*, 71 B.U. L. REV. 793, 796-97 (1991) ("[Pornography] is done because someone who has more power than they do, someone who matters, someone with rights, a full human being and a full citizen, gets pleasure from seeing it, or doing it, or seeing it as a form of doing it.").

113. Dworkin contended that "the pornography industry has managed to legitimize pornographized sexuality and to make it the duty of every woman to perform sexually as a prostitute. Partly, the voyeurism of the pornography industry changes the way in which women are seen. This includes how we see ourselves." Andrea Dworkin, *Pornography*,

themselves, most prominently in the 1980s, by fire-branding the adult industry with a criminal moniker and trying to convince municipalities that pornography resulted in the legal equivalent of civil rights violations and discrimination in general.<sup>114</sup> At the time, they experienced a modicum of success, albeit brief, convincing some lawmakers that adult materials were harmful and deserved to be censored.

The city of Indianapolis and its surrounding county of Marion adopted an ordinance reflecting the MacKinnon-Dworkin view in 1984 after the city-county council found that:

[p]ornography is a discriminatory practice based on sex which denies women equal opportunities in society. Pornography is central in creating and maintaining sex as a basis for discrimination. Pornography is a systematic practice of exploitation and subordination based on sex which differentially harms women. The bigotry and contempt it promotes, with the acts of aggression it fosters, harm women's opportunities for equality of rights in employment, education, access to and use of public accommodations, and acquisition of real property; promote rape, battery, child abuse, kidnapping and prostitution and inhibit just enforcement of laws against such acts; and contribute significantly to restricting women in particular from full exercise of citizenship and participation in public life, including in neighborhoods.<sup>115</sup>

United States District Judge Sarah Evans Barker swiftly struck down the law on two grounds: 1) it was "unconstitutionally vague in that it fails to give fair notice to a person of average intelligence regarding what material is intended to be proscribed," and 2) as applied, it constituted "an unconstitutional prior restraint on

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*Prostitution, and a Beautiful and Tragic Recent History, in NOT FOR SALE, supra note 25, at 141. She argued that pornography is "the conditioning of erection and orgasm in men to the powerlessness of women; our inferiority, humiliation, pain, torment; to us as objects, things, or commodities for use in sex as servants." Andrea Dworkin, Against the Male Flood: Censorship, Pornography and Equality, in PORNOGRAPHY: WOMEN, VIOLENCE AND CIVIL LIBERTIES 515, 522 (Catherine Itzen ed., 1992).*

Upon her death in April 2005, Dworkin was described in the *New York Times* by reporter Margalit Fox as "the feminist writer and antipornography campaigner whose work was a lightning rod for the debate on pornography and censorship that raged through the United States in the 1980's." Margalit Fox, *Andrea Dworkin, 58, Writer And Crusading Feminist*, N.Y. TIMES, Apr. 12, 2005, at B7. A *Washington Post* obituary for Dworkin dubbed her "a self-proclaimed radical feminist whose scathing writings about sexuality, and pornography in particular, made her a provocative icon of the women's movement" and noted how "she teamed with legal scholar Catharine A. MacKinnon to advocate for having pornography ruled a violation of women's civil rights." Adam Bernstein, *Radical Feminist Writer Andrea Dworkin Dies*, WASH. POST, Apr. 12, 2005, at B06. Among Dworkin's many important works was the book PORNOGRAPHY: MEN POSSESSING WOMEN (1981).

114. See generally IN HARM'S WAY: THE PORNOGRAPHY CIVIL RIGHTS HEARINGS (Catharine A. MacKinnon & Andrea Dworkin eds., 1997) (providing the testimony from hearings regarding pornography in localities such as Minneapolis, Indianapolis, Los Angeles, and Massachusetts).

115. *Am. Booksellers Ass'n v. Hudnut*, 598 F. Supp. 1316, 1320 (S.D. Ind. 1984).

speech because it fails to provide procedural safeguards to reduce the danger of suppressing speech otherwise protected by the First Amendment.”<sup>116</sup> The Seventh Circuit affirmed Judge Barker’s ruling.<sup>117</sup>

Although the MacKinnon-Dworkin anti-pornography campaign ran up against insurmountable legal hurdles in the United States, the Supreme Court of Canada upheld a law banning such materials.<sup>118</sup> In a 1993 law review article critiquing anti-porn feminist arguments, Nadine Strossen, president of the American Civil Liberties Union, hastened to point out that Canada’s high court made very clear that it was not concluding that pornography caused harm.<sup>119</sup> Rather, it reached its decision “because it is believed by the Canadian public to cause harm (due partly to the effectiveness of the anti-porn propaganda campaign carried on by McKinnon [sic], Dworkin and their allies).”<sup>120</sup>

Strossen and most of the industry women whose views follow in this section think of themselves as feminists but in a very different way than the followers of the MacKinnon-Dworkin brand of feminism. Strossen has publicly challenged what she calls the “MacDworkinite world view.”<sup>121</sup> She argues that the anti-porn feminist viewpoint is “antithetical to women’s equality,” specifically suggesting that “[t]o say that we cannot make free choices in the realm of sexual images, and indeed in the realm of sexual activity, is to say that we, like children, are subject to the paternalistic rule of men.”<sup>122</sup>

In this section, the women who work in the adult industry – individuals who have a bird’s-eye of the business, warts and all – echo Strossen’s sentiments and speak out against the anti-porn feminist approach to them and the industry at large. They discuss, from their unique insiders’ views, how the adult entertainment industry treats

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116. *Id.* at 1326-27.

117. *Am. Booksellers Ass’n v. Hudnut*, 771 F.2d 323, 334 (7th Cir. 1985). The court found that the ordinance’s definition of “pornography” was unconstitutional, as well as admonished those who wanted to change the community’s view of pornography that “[c]hange in any complex system ultimately depends on the ability of outsiders to challenge accepted views and the reigning institutions. Without a strong guarantee of freedom of speech, there is no effective right to challenge what is.” *Id.* at 332.

118. *See R. v. Butler*, [1992] 1 S.C.R. 452 (Can.).

119. Nadine Strossen, *A Feminist Critique of ‘the’ Feminist Critique of Pornography*, 79 VA. L. REV. 1099, 1126 (1993).

120. *Id.*

121. *See* Robert D. Richards & Clay Calvert, *Nadine Strossen and Freedom of Expression: A Dialogue with the ACLU’s Top Card-Carrying Member*, 13 GEO. MASON U. CIV. RTS. L.J. 185, 224 (2003).

122. *Id.* at 223.

its female employees and how women are making great strides not only as performers, but also on the management side of the business. They deconstruct the anti-porn feminist position and illustrate what they believe to be the hypocrisy of a group that purports to support women yet refuses to carry on a dialogue with the very people it claims need its protection.

### 1. Stormy Daniels<sup>123</sup>

For those who say that porn exploits women I say, "Come to work with me for a day." I've never done anything that I didn't want to do. I own my own company. I write my own scripts and make the money. It's my face that sells the tapes, so they have to make me happy. If I'm so exploited, how come it's the only industry in the world where women make double what the men make?

I think the *Girls Gone Wild*<sup>124</sup> videos are way more detrimental than ours. Those girls are obviously inebriated and they show it on primetime TV – that's telling your daughter that it's okay to go to spring break, run around naked and put stuff in her for a free t-shirt. "But look, Dad, I got this t-shirt." I just look at those, and I'm thinking, "And they think that what I do exploits women." They take their clothes off for a t-shirt! They don't even know what they're doing. We, in contrast, have to sign paperwork – if you are drunk, they don't shoot you; you know days ahead of time what you're going to do. On *Girls Gone Wild* they have those girls doing all kinds of things to each other – I guarantee you there are some serious STDs going on.

It [working in adult movies] sounds like such a great idea. I was a little older when I got in. There are girls who are eighteen who actually are still in high school; I don't agree with that because they don't think long-term enough. I didn't think long-term enough when I

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123. Interview with Stormy Daniels, *supra* note 40.

124. *Girls Gone Wild*, founded and run by Joe Francis as part of Mantra Entertainment, produces "videos of women who agree to flash their breasts and French-kiss their friends for the cameras. In exchange, a girl who goes wild will receive a T-shirt, a pair of panties, maybe a trucker hat." Claire Hoffman, *Baby, Give Me a Kiss*, L.A. TIMES, Aug. 6, 2006, West Magazine, at 14. Daniels' comments about the allegedly exploitative nature of *Girls Gone Wild* were seemingly illustrated in September 2006 when Joe Francis and his company pleaded guilty "to violating federal laws designed to prevent the sexual exploitation of children and agreed to pay fines totaling \$2.1 million." Claire Hoffman, *Maker of 'Girls Gone Wild' Runs Afoul of Law on Minors*, L.A. TIMES, Sept. 13, 2006, at A1. See 18 U.S.C. § 2257 (2000) (setting forth the relevant age-verification and record-keeping requirements for adult videotapes at issue in the *Girls Gone Wild* prosecution).

was eighteen – you're just not ready. I was twenty-three when I did my first movie and that five years makes a huge difference.

I think that they really have to realize that it's not going to go away. I did this solo masturbation video probably two years before I made my first movie in the industry and it just resurfaced. It was just this little rinky-dink video for a website. Now that I'm a star, it comes out. That's just an example. It's not going to go away. Producers just want to suck in young talent and the girls don't stop and think.

## 2. Michelle Freridge<sup>125</sup>

I consider myself a pro-free speech, pro-adult entertainment feminist. There are quite a few of us around, including the president of the ACLU.<sup>126</sup>

A lot of the feminist arguments against adult entertainment revolve around the victimization of women and completely disregard free speech and civil rights issues.

There is some research that is good. For example, there was a research study involving college men that indicated that if they were exposed to a lot of adult entertainment, they didn't treat women their age with respect. But that's a far cry from they learned to rape someone and then went out and did it.

There certainly was a high point where anti-adult entertainment feminists enjoyed a lot of recognition and respect. Many of their achievements – many of which were very positive achievements – have been effectively incorporated into the rules, regulations, policies and procedures of universities, which is great. But the tenets that they promoted that were most in conflict with the First Amendment and of the other major civil rights issues have lost favor in political terms. The focus now, in political attacks on adult entertainment, seems to be on harm to children, victimization of children and morality, although there is still a common thread about concern for violence against women.

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125. Interview with Michelle Freridge, *supra* note 94.

126. The individual to whom Freridge refers here is Nadine Strossen. See American Civil Liberties Union, Nadine Strossen, President of the ACLU, <http://www.aclu.org/about/staff/13278res20020211.html> (last visited Jan. 3, 2007) (providing a biography of Strossen and noting a book that she has written about defending pornography).

3. Nina Hartley<sup>127</sup>

The biggest misconception that the anti-porn feminists hold about the industry is that we're all abused, that we all hate what we do, and that we're all trafficked.

I grew up in the seventies along with a lot of so-called feminists – what passed as the anti-porn feminist movement. We're very similar in age. I read the same books as they did, and I applied the lessons I learned from those books to my social interactions and to my involvement in adult entertainment, and I came to a completely different conclusion. Based on my experience as a woman and a sexual being, and my understanding that I had the right to decide for myself what to do with my life – that's what I understood to be feminist, to give everybody choices – I didn't choose to be a mother but I chose this because it suits me.

I'm constantly insulted and enraged by these women who somehow, because I took a different tack than they did, now believe that I'm no feminist and, instead, are all the names that they call me simply because I made a different choice than they did. I recognize their vehement opposition to me and my ilk. I spent twenty years trying to avoid this conclusion – it's been staring me in the face for many years – but their reaction and opposition to me is zealotry and a religious-style fervor. It's an emotional response to what they see as the truth, gussied up with a different language than Lou Sheldon.<sup>128</sup> They use academic terms to say that they know better than I do what I need to do. Reverend Lou Sheldon says that he knows how to lead you to a good life, and these people say that they know how to lead women to a good life.

In terms of being the object of their ire, it is pure and simple prejudice. It is stereotypical prejudice – it is like talking to a Nazi, like a black person talking to a Klan member – they don't see me as human and they don't see me as an individual. Instead, they see me as a category. I look them in the eye, and I see cold-blooded hatred. They fear me, they hate me, they're disgusted by me, and they're made uneasy by me. I realize that for all of the logic that I think I'm bringing to it, that I'm talking to an emotion-based group. Emotions

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127. Interview with Nina Hartley, *supra* note 53.

128. Rev. Louis P. Sheldon is the founder and chairman of Traditional Values Coalition, a group that describes itself as "the largest non-denominational, grassroots church lobby in America," and which "focuses on such issues as religious liberties, marriage, the right to life, the homosexual agenda, pornography, family tax relief and education." Traditional Values Coalition, About TVC, <http://www.traditionalvalues.org/about.php> (last visited Jan. 3, 2007).

do not respond well to logic because it's a different part of the brain that is used for logic. I've tried for years to be logical.

Catharine MacKinnon won't talk to people like me.

They've taken their personal feelings and externalized and globalized them, and now they want the whole world to change because they're really unhappy about it and they really, really, really don't like these pictures.

One of the reasons that I've really just stopped trying to make friends with them is that if I stopped making porn right now, denounced it, wore sack cloth and ashes and crawled over a football field of broken glass to kiss the feet of MacKinnon saying, "I'm wrong, you were right," they would maybe – maybe – let me clean the toilets in their house. "You know what? Fuck you and the horse you rode in on."

It is so ignorant because all these women write about porn as theory – they read the books in college, they heard the speakers speak and the Professors talk about what the Professor believes is true. They've even probably been shown a couple of really egregious examples. But they don't talk to people who are self-reportedly happy with it. They've never come to us and actually talked to any of us.

These anti-porn feminists view me as a traitor. They think I'm a traitor because I capitulate to the patriarchy and I tell them what they want to hear. A lot of things I talk about men don't want to hear: Women have feelings and you should learn about them. You should learn how to communicate with them.

These women are much more traitors than I because they are making common cause with people who would roll back reproductive-rights choice to the beginning of the last century. These are people who are against contraception – forget being against abortion.

#### 4. Joy King<sup>129</sup>

What is a feminist?<sup>130</sup> I am a woman. I'm proud to be a woman. I'm proud of who I am and my sexuality. I'm proud to be a successful businesswoman. I'm a mom. I'm all of those things. I don't know what a feminist is exactly. I'm not sure because there are so many variations of people who are on different lines. I'm proud of all

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129. Interview with Joy King, *supra* note 101.

130. This is a critical question and one on which there is no agreed upon answer, although some contend that "feminism today is more often associated with Andrea Dworkin, who called all sex a form of rape, than with Gloria Steinem, who was sexy and pro-sex, but never made that her most important quality." Kristin Tillotson, *Liberation Gone Wild*, STAR TRIB. (Minneapolis, Minn.), Dec. 18, 2005, at 1F.

those things. I'm proud of the women in this industry who better themselves. But I'm not sure that I am a feminist.

We try not to objectify women or do scenes that seem degrading to women. It's tough – some girls like to have their hair pulled, some girls like to be spanked and other things that some people might consider degrading. So it's a tough thing when a girl wants to do something that, as a company, you don't want to put out, so you tend to let them do it and then you cut it out.

I sympathize with the position [of some anti-porn feminists] in that there are movies that may exploit women. I would sit here and say, "Oh, we don't do that." I'm not so ignorant to think that no one in this industry does that. There are certainly companies that may not treat their girls as well as we'd like them to. Overall, I think most of the women in this industry get to call their own shots. There aren't a lot of businesses where women can make the wages that they can in this industry and make decisions and have the opportunity to make a high-level salary without an education.

We have a girl that works for us who was a stripper and a house dancer, and she decided to make movies. Now, she's a director, a producer and a writer, and she's very successful. Her name is Stormy Daniels. She's great – she's very intelligent and she reminds me a lot of Jenna [Jameson]. For her to have this sort of opportunity to end up where she is, is amazing. I think we'll see her winning "Best Director" award at some point. She's already won "Best Screenplay." And she's a brilliant writer with no education from Louisiana. I'm not sure she would be making well into the six figures doing many other things – and to think that she's had an opportunity in this industry to better herself.

Women make two to three times as much as men acting in these films. It's pretty significant.

The biggest misconceptions are that only men run the industry, that women are objectified, that women don't call the shots, that there aren't any women behind the industry. There are so many misconceptions – I could sit here for a half-hour.

You have female directors, and, of course, women are going to have an impact on the content. I watch all of our movies for content, and if I'm offended by it I'm certainly going to say something and try to have it taken out of the movie.

One of the largest toy companies in the industry, California Exotic Novelties,<sup>131</sup> is run by a woman, Susan Colvin. She's a brilliant

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131. See California Exotic Novelties, <http://www.calexotics.com> (last visited Jan. 3, 2007).



businesswoman. You can't imagine that the products aren't going to have her thoughts behind them. She runs her company like a tight ship. She's a woman and most of her executives are women.

I don't think they're [the anti-porn feminists] nearly the factor that they once were. I think a lot more women have embraced their sexuality and deal with the industry a little differently than they used to. A lot of movies are made specifically for women – there's a whole niche market that caters to women – friendly adult movies that maybe aren't as offensive to some of these women. Hard-line feminists are always going to have a problem with it because they feel women are objectified, and that's a matter of opinion. I suppose there are movies out there that objectify women. There are a lot of different movies and there are a lot of different ways to look at all of them. You can pick them all apart if you like. I don't think it's as big of an issue as it used to be.

You talk about freedom of speech and the industry at large pulling together and wanting to stand up and lobby, yet it is sort of a drag that there are companies that do things that make us look bad, make movies that aren't sexual in nature and are just disgusting or gross – that have defecating or a new genre called "swirlies," basically women who have their head in the toilet. That is not sexually appealing or attractive. Now, if I were a feminist, I could look at that and say, "That is degrading to women. What is interesting or sexy about that?" You're always going to have people who push the envelope who are trying to make a statement and trying to get their sales up by doing something that's out of the boundaries of what most of the mainstream adult companies do. On the one hand, I don't like what they do. I don't want to watch it and I wouldn't buy it. On the other hand, I recognize they have the right to do it. So it's not like the industry can stand up and say, "Hey, you shouldn't do that." We'd love for them not to – I would personally – but I don't know how you can stand up and say that.

##### 5. Sharon Mitchell<sup>132</sup>

People always expect me to have this reformed whore attitude like, "It was awful and that's why I started AIM. God bless AIM." The truth is, I have not one regret about my background. I didn't have a bad time in it and I didn't do everything that came down the pike – I said no. But the money was a lot better back then and I got to choose my partners. That was back when they had porn stars and I was a

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132. Interview with Sharon Mitchell, *supra* note 107.

star in my day. Now, I think the industry has changed so much that I think a lot of people don't have those freedoms unless you're extremely beautiful – youth and beauty rules.

Agents now kind of rule the industry. Agents are now recruiting people from, literally, the middle of the country that are eighteen years old who haven't remotely had any type of sex, let alone the type of sex they're probably going to have tomorrow. You've got these girls who the agents tell, "This is just something you have to do – don't worry, the odds are slim." We're trying to give them all of this counseling and to get them to take our video home to watch, because we know that they're going to be back here next month with this, and that if they're just starting out because the agents run them into the ground.

Literally, they [female actors] get over-exposed – the average lifespan of a porn star now is anywhere from six months to three years, tops, and then they've got no money. It's a real trick bag when it comes to finance – they think the money's not going to end, so they get a boob job and a Ferrari. If they make \$400, they're going to spend \$300 on a pair of jeans. All of a sudden they are broke, they don't know how to make a living and they don't have any education. They've been kicking up their heels to make a couple of thousand dollars a day, and if they don't have a plan, then they qualify for our life-after-porn program, which is a scholarship and a long-term counseling program to re-integrate them in to society.

It's a long-term program – it takes almost two years. It takes someone who has basically been stuck in the porn industry – it doesn't matter how long, stuck is stuck and it's all relative. A lot of times people don't know how to get out; they're having to do more and more drastic things, they're getting older, getting less pay and they haven't had an education because they started so young. They really don't know how to re-integrate into normal life. You can't make a couple of thousand bucks fucking your friends and then walk into McDonald's and have a thing like a boss and a minimum wage. "What is that? How am I supposed to live on that?"

### *C. Mainstreaming and Shifting Cultural Values About Sex and Pornography*

On October 26, 2000, a jury near St. Louis, Missouri found that two sexually explicit videotapes, *Rock Hard* and *Anal Heat*, were not

obscene under that state's law.<sup>133</sup> Ordinarily, that would not be newsworthy, but this jury was anything but ordinary. In fact, its composition helped to make the case one of the *St. Louis Post Dispatch's* top ten news stories of the year.<sup>134</sup> As the newspaper explained it, "[a] jury of 12 women watched hours of sexually explicit videos during a trial in the St. Charles County Courthouse in October. Whether it helped them with their sex lives isn't known, but one thing is for sure, their ruling set the community standard on obscenity."<sup>135</sup>

Nearly three years after the verdict, Paul Cambria, the defense attorney who tried the case, reflected back on the jury's composition, saying that, after the selection process concluded, "[t]he prosecutor thought it was nirvana for him. The assistant prosecutors literally were all high-fiving each other when they picked the all-women jury, all of them in their forties, fifties, and sixties – including the alternates . . . They were convinced they had a slam-dunk."<sup>136</sup>

The prosecutorial team's exuberance in selecting an all-female jury undoubtedly was based upon antiquated expectations that middle-aged Midwestern women would find the sexually explicit videos so repulsive that they easily would vote to convict. But, according to veteran obscenity litigator Cambria, old stereotypes no longer are valid. For him the ideal obscenity jurors in today's environment are "[o]lder women who've been there, seen it all, raised children, worked in the workplace, and all of that."<sup>137</sup> In short, people seemingly are more comfortable with adult material today than in the past.

Cambria's observations accord with other factors from across the industry that demonstrate a genuine movement of adult entertainment into mainstream culture. Foremost among the evidence is the amount of money attributed to the adult industry. The industry's leading trade publication, *Adult Video News*, estimated

133. Michele Munz, *Jury Finds Explicit Videos From Store Are Not Obscene*, ST. LOUIS POST-DISPATCH, Oct. 27, 2000, at 1 (noting that the verdict was reached "over lunch in about 2 1/2 hours").

134. Shane Anthony, et al., *The Top Stories in 2000*, ST. LOUIS POST-DISPATCH, Dec. 29, 2000, at 1 (recognizing the story about the case as number 8 that year).

135. *Id.*

136. Clay Calvert & Robert D. Richards, *Adult Entertainment and the First Amendment: A Dialogue with the Industry's Leading Litigator and Appellate Advocate*, 6 VAND. J. ENT. L. & PRAC. 147, 151 (2004). The article also notes that Larry Flynt has characterized Cambria as "probably the best obscenity lawyer in America," with Cambria representing Flynt in several obscenity cases over the years. *Id.* at 147.

137. *Id.* at 155.

revenues of \$12.6 billion in the United States for 2005.<sup>138</sup> Vivid Entertainment, the “nation’s largest producer of video pornography,”<sup>139</sup> claims \$100 million in annual revenue.<sup>140</sup>

A significant portion of that revenue comes from mainstream corporations. As a *New York Times* special report on adult entertainment in 2000 discussed:

[t]he General Motors Corporation, the world’s largest company, now sells more graphic sex films every year than does Larry Flynt, owner of the Hustler empire. The 8.7 million Americans who subscribe to DirecTV, a General Motors subsidiary, buy nearly \$200 million a year in pay-per-view sex films from satellite, according to estimates provided by distributors of the films, estimates the company did not dispute.<sup>141</sup>

General Motors is just the tip of the iceberg. The hospitality industry – Marriott International, Hilton, On Command, and LodgeNet Entertainment, just to name a few – “have a big financial stake in adult films.”<sup>142</sup> The revenue associated with these ventures is staggering. According to the *Times*’ special report, “[j]ust under 1.5 million hotel rooms, or about 40 percent of all hotel rooms in the nation, are equipped with television boxes that sell the kind of films that used to be seen mostly in adults-only theaters, according to the two leading companies in the business.”<sup>143</sup> The hotel industry reports that “at least half of all guests buy these adult movies,”<sup>144</sup> resulting in sales figures of “about \$190 million a year.”<sup>145</sup>

While many Americans may not freely admit to watching adult videos, the facts prove otherwise. Trade organizations that track video rentals report that “Americans buy or rent more than \$4 billion a year worth of graphic sex videos from retail outlets and spend an additional \$800 million on less explicit sexual films – all told, about 32 percent of the business for general-interest video retailers that carry adult topics.”<sup>146</sup>

None of the factors mentioned above likely would surprise the adult industry women interviewed in this section. As Freridge, the

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138. *Adult Industry Generates \$12.6 Billion in 2005, AVN Estimates*, BUS. WIRE, Dec. 13, 2005 (noting that “[s]ources for the study include AVN, Kagan Research, the New York Times, Forbes and the Free Speech Coalition”).

139. Seth Lubove, *Obscene Profits*, FORBES, Dec. 12, 2005, at 98.

140. *Id.*

141. Timothy Egan, *EROTICA, INC.—A Special Report; Technology Sent Wall Street Into Market for Pornography*, N.Y. TIMES, Oct. 23, 2000, at A1.

142. *Id.*

143. *Id.*

144. *Id.*

145. *Id.*

146. *Id.*

executive director of the Free Speech Coalition, summarized, “[w]e’re legit – we’re covered by the Constitution, our content is consumed by millions and millions of Americans – in fact, it is consumed more in the red states<sup>147</sup> than in the blue states<sup>148</sup> – and we are professionals who do not support unethical and illegal behavior.”<sup>149</sup> In this section, these women discuss the professional profiles of those leading the industry. They also talk about how old notions of sexuality are breaking down, despite the best efforts of the religious right and the anti-porn feminist left. In addition, they address some of the misconceptions Americans often have about the adult entertainment industry and those who labor in it.

### 1. Stormy Daniels<sup>150</sup>

Everybody is interested in it [adult content]. No one will admit it. Women – they have balls. They’ll come right up to you and say they loved a particular scene in *Space Nuts*.<sup>151</sup> Women will come right up and say, “Are you Stormy? Sign my boob.” There was an older lady in Macy’s the other day and I was with my boyfriend, and she was watching me. I thought, “She probably thinks I’m somebody else.” When he goes in the dressing room, she’s like, “I wanted to wait until he went in there, but you have to sign this for my husband. We have the Playboy Channel and we’re such big fans.” I was just looking at this lady and thinking, “Okay! Yeah!”

Ten, twenty or thirty years ago, how many single women would you see going into a porn store to buy a movie? It happens all the time now. I’ve been stripping for eight years, and I know how many women come into the clubs now. I have seen bachelorette parties of straight woman come in strip clubs to see me because they like my movies. They’re not lesbians. It’s just become more acceptable. Therefore, it transitions over to women being able to make a product that women enjoy more.

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147. Vlae Kershner, *Readers 'State' our Word of the Year*, S.F. CHRON., Dec. 30, 2004, at NP (observing that the term is used to “identify states that vote Republican (red) or Democrat, according to the colors used on television electoral maps”).

148. *Id.*

149. See Program, *supra* note 45, at 33 (announcing the adult industry’s draft code of ethics and best practices, one of which entails running “responsible companies that comply with the law”).

150. Interview with Stormy Daniels, *supra* note 40.

151. See Space Nuts, About the Movie, <http://www.spacenutsthemovie.com/about.html> (last visited Jan. 3, 2007) (providing a description of the movie and noting that Stormy Daniels plays Princess Hubba Hubba who reins over “the Clitorian Star system peacefully along side her father King Gonad”).

Adult has become so much more mainstream. I think there are two reasons for it. One has nothing to do with adult – it has to do with MTV and Britney Spears.<sup>152</sup> She was dancing on stage in outfits that I wouldn't wear on stage.<sup>153</sup> Our stuff doesn't target young children at all. Second, you have that whole new fad of what I would call accidental porn stars like Paris Hilton.<sup>154</sup> She had the hottest selling sex tape two years ago – two years in a row, I believe.<sup>155</sup> I don't believe it was an "accident." Everyone has their sex tapes now.<sup>156</sup> There's a rumor that there's a lesbian one of Paris Hilton. I think people are way more likely to rent Paris Hilton having sex than me because they don't even know who I am.

I would say almost all of the people [use or rent porn], but they just don't want to admit it. What kills me is when people come up to me and tell me what a sinner I am. I say "Well, how do you know who I am if you don't watch it?" It's happened twice. Once was in Vegas

152. The nexus about which Daniels speaks between MTV and Spears is clear. For instance, in September 2002 at the MTV Video Music Awards, Spears "rips off her cutaway man's suit and bowler during a performance to reveal an outfit better suited for a strip club." Crystal Dempsey, *The Cupboard had Skins, But the Body was Mostly Bare in 2000*, PITT. POST-GAZETTE, Dec. 31, 2000, at G-15.

153. In describing Spears's outfits, columnist Anita Creamer of the *Sacramento Bee* wrote, "Little girls want to look like big girls, and big girls of late haven't particularly dressed like ladies. Thank you, Britney Spears. Now please go away, and take your slutty little outfits with you." Anita Creamer, *Back to the Future for Feminine Styles*, SACRAMENTO BEE, Oct. 24, 2004, at L1; see Claire Martin, *Below the Belt? Risque Clothing in Pint Sizes Brings Parental Outrage*, DENVER POST, Aug. 29, 2001, at F-01 (writing that "parents face power struggles with daughters determined to wear tight, midriff-baring tops and below-the-hipbone lowrider pants like those favored by pop stars such as Britney Spears and Destiny's Child").

154. Daniels is not alone in using this description of Hilton. See, e.g., *Rodman Finds New Ways to Trip on Road West*, CHI. SUN-TIMES, July 28, 2005, at 112 (using the phrase "accidental' porn star/society kewpie Paris Hilton") (emphasis added); John Schwartz, *Some Sympathy for Paris Hilton*, N.Y. TIMES, Feb. 27, 2005, § 4, at 1 (describing Paris Hilton as "the heiress, reality-TV actress, product pitchwoman and accidental porn starlet") (emphasis added).

155. A recent article in the *New York Times* described the Hilton sex tape, its success and the phenomenon about which Daniels speaks:

Two years ago Red Light District, a little known video company in California, hit the jackpot when it landed distribution rights to the Paris Hilton sex tape, an explicit bedroom video shot by a former boyfriend. The DVD has sold some 600,000 copies, establishing Red Light District as the leading player in a lucrative niche of the pornography industry: a purveyor of explicit videos of famous people, sold to an eager public, often over the vehement objections of the participants.

Lola Ogunnaike, *Sex, Lawsuits and Celebrities Caught on Tape*, N.Y. TIMES, Mar. 19, 2006, § 9, at 1.

156. See, e.g., Dan Pasquini, *Celebrities Like to Peek in Other 'Cribbs'*, L.A. TIMES, Oct. 24, 2001, at F-7 (using the phrase "accidental porn star Tommy Lee," a reference to a sex tape the Motley Crue drummer made with Pamela Anderson).

on the street – granted the AVN was in town<sup>157</sup> and maybe I've got blonde hair and big boobs, but how do you know? – and the other was in a grocery store.

## 2. Michelle Freridge<sup>158</sup>

It is really my belief that anti-sexual values that are rooted in religion and our puritanical culture are kind of the driving force even behind anti-adult entertainment feminists.

It's a very strange phenomenon that I, again, think is deeply rooted in the cultural conflict we have about sex. On the one hand, modern research and mental health shows us that sexuality is a healthy part of your life – an important part of your adult life, and fantasy is very healthy – and yet, culturally, we're stuck in this puritanical, sex-is-bad, sex-is-only-for-procreation, we-shouldn't-even-enjoy-it mindset. By voting against laws for the industry but consuming the content, people get both needs met.

Twenty years ago, you may have looked at your dad's *Playboy*. Now, kids are going online and looking at the websites that their father or mother are visiting – somehow that feels more dangerous than the *Playboy* did. What's interesting to me is that people seem to think that the content is somehow more violent, more dangerous and more damaging than it was twenty or thirty years ago. But if you look at it, it really simply parallels Hollywood, TV, music and written content. Our culture is pushing the envelope. The industry is a part of that, but it certainly is not leading that or doing that on its own.

The interesting thing, to me, about the adult entertainment industry is that it really is just like every other form of entertainment. There are genres – you have science fiction, mysteries, horror movies and romantic comedies. It is just like the other entertainment venues – the only difference is that it has sexually explicit content, and that is the only difference.

I think it [adult entertainment] is definitely going to keep mainstreaming. I don't see any trends to indicate that we're going to go back to the middle ages of believing that sexuality is unhealthy or harmful, no matter how much religious groups push that point of view – science has demonstrated that it is not.

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157. This is a reference to the AVN Awards, which are given out annually for adult entertainment movies, directors, writers and stars, and for which “[a]bout 60 reviewers judge some 6,000 films submitted throughout the year.” See Richtel, *supra* note 8. In 2006, Daniels won an AVN award for best supporting actress and best screenplay for a parody. *Id.*

158. Interview with Michelle Freridge, *supra* note 94.

What we are seeing is that the mainstreaming is not only happening among consumers, it is happening with the industry itself. As a result, the businesses, rather than identifying as rebels and as partly illegal – because of the laws thirty years ago, many of them were treated like they were illegal, so they behaved as if they were illegal – a lot of that behavior is dropping off. There's a desire in the industry for professionalism, for acceptance in the mainstream community and for respect from other business leaders.

The people who are the business leaders in the industry now are business professionals – they have Master's degrees, they worked at mainstream business before they worked in adult, many of them owned mainstream companies and now own adult businesses as well as those mainstream companies.

We're legit – we're covered by the Constitution, our content is consumed by millions and millions of Americans – in fact, it is consumed more in the red states than in the blue states<sup>159</sup> – and we are professionals who do not support unethical and illegal behavior. We're opposed to child pornography, we're opposed to the use of seventeen year olds in adult content, we're opposed to abusive treatment of employees, and we're opposed to people not paying their taxes and ripping off their business associates.

### 3. Nina Hartley<sup>160</sup>

Porn's been legal now for thirty years, so anybody under forty grew up with it.<sup>161</sup> It's one of those things – this is my favorite horror

159. Cf. Shawn Levy, *NC-17, Anyone? Sundance Opens Cut Loose*, OREGONIAN (Portland, Or.), Jan. 25, 2005, at B-01 (quoting magician Penn Jillette, in the context of discussing the foul-language laced and sexually graphic movie *The Aristocrats*, for the proposition that “the red state-blue state thing is nonsense. NASCAR fans like a dirty joke just as much as anyone else. But there are, like, 17 people on the extreme right and the extreme left who will take a film like this and make an issue out of it.”).

160. Interview with Nina Hartley, *supra* note 53.

161. There is no federal statute that makes “porn” legal in the United States, as “porn” and “pornography” do not – unlike obscenity – have precise legal definitions. In 1969, however, the United States Supreme Court held that, although the distribution of obscene content is not protected by the First Amendment, private possession of obscene material in one's home is protected. *Stanley v. Georgia*, 394 U.S. 557, 559 (1969). Significantly, the Court in *Stanley* wrote:

Whatever may be the justifications for other statutes regulating obscenity, we do not think they reach into the privacy of one's own home. If the First Amendment means anything, it means that a State has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch. Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds.

*Id.* at 565.



movie; this is my favorite romantic comedy; this is my favorite thriller; and this is my favorite porno. It's okay because these are young people and they're interested in sex.

When I get marriage counselors saying that they have recommended some of my tapes to their couples, that is a big validation and something that I'm very pleased to hear because that's one of the reasons I made the educational tapes. Sexuality permeates our culture. Madison Avenue and mega-churches are very clever at harnessing sexual guilt, fear, shame, ignorance, worry and taking that energy and putting it to their own use.<sup>162</sup> I would like to help people harness that energy so they can put it to their use. Sometimes all you need is just a roadmap – this is okay, here's how you do it, here's what you pay attention to and you can do it too. Let's face it, marriage is hard. Anything that keeps mom and dad interested in interacting in that way is a positive in my book.

The interest in becoming sexually calm is important for people. People look at Ira [Levine] and me and say, "Wow, you're such a good couple. Wow, it's so great." One thing that makes our coupledness great is that, of all the issues couples have, sex isn't one of them. For most couples, sex is some form of a battlefield,<sup>163</sup> some form of not okay. Whatever it is, for most people, sex is still anxious and they are unsettled by it. A lot of energy that could go into other things goes into being unsettled around sex. If I can do anything to help people calm down enough to take a look and get a handle on it, I'm very happy to do so.

The people who hate us will always hate us. There are people who hate the idea of a solo naked woman standing there saying, "Come and get it, big boy." That is obscene and upsetting to some people.

Pornography is such a huge umbrella. It covers everything from gooshy, soft and fluffy *Playboy* all the way to things that make my stomach turn. There is no PR capable of handling something so diverse and so multi-faceted as adult material is today.

162. The reference to Madison Avenue refers to the advertising industry, and while "[w]e don't ordinarily think of sex as a propaganda device . . . it sells products in many ways. In recent years, emotional appeals based on sex have been used more and more in product advertising." JAMES R. WILSON & STAN LE ROY WILSON, *MASS MEDIA/MASS CULTURE: AN INTRODUCTION* 307 (4th ed. 1998).

163. This notion of sex as a type of war or battlefield among couples has worked its way into mainstream culture. See Todd Allan Yasui, *Benatar, Back With the Old*, WASH. POST, Sept. 8, 1988, at C6 (noting that 1980s pop star Pat Benatar had a hit song called "Love is a Battlefield").

It [Hartley's appearance in the popular film *Boogie Nights*] is not an indication of mainstreaming because it hasn't happened since, and it's been nine years. That was a fluke because the director was a fan of mine and it was a movie about the adult industry. He was able to get me past whomever. What made it clear that I'm not mainstream is that I was not included in any of the press materials or on any of the press junkets. Of all the people in the movie, I'm the only one who was part of the actual business about which the movie focused. Quite frankly, I didn't expect to be part of the publicity or the junket because that would be admitting too much. Somewhere up the chain, someone said, "Oh no." The director may have been totally fine. Even producer number one and two may have been, "Oh, cool," but big honcho producer is like, "I don't think so."

#### 4. Joy King<sup>164</sup>

There are a lot of things that drive it [the increasing popularity of adult content]. Number one, humans are sexual creatures and they are very curious about it because it's a very taboo issue. People are very interested in it. It sells magazines and papers and it's great during the sweeps weeks<sup>165</sup> for a show to do a story about the industry, whether it's inflammatory or positive, they just want the spin of having the recognition of doing a story during the time that matters to them. That's part of it. The other thing is that technology in general has made it far more accessible for people to get the material than ever before, and I think that automatically opens the door to having more interest in it and the media has to follow it.

If you look at the history of the industry, first it was the videocassette and then it was the DVD. But the Internet opened it up to an audience that is global. It took down a lot of the barriers that existed before where you couldn't get adult product in a lot of these countries because they were too small and no one would ship to them. And, now, literally anyone in any country can pretty much access it, with the exception of a few very conservative areas.

I think it [the widespread availability] removes the stigma in terms of people allowing themselves to enjoy it. I don't think it removes the stigma of allowing people to stand up for it.

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164. Interview with Joy King, *supra* note 101.

165. This refers to the four times during the year when Neilson Media Research measures the shares and ratings for television stations in every local market in the United States, the results of which local stations rely on to set their advertising rates. JOSEPH R. DOMINICK, *THE DYNAMICS OF MASS COMMUNICATIONS* 484 (2d ed. 1987).

I don't think the industry is ever going to go away. The genie is out of the bottle. It's not leaving any time soon. A lot of people think there's going to be a graying between mainstream and adult, but I don't believe that. The reason I don't believe that is that as long as you have people who are uncomfortable with their own sexuality, for whatever reason – they're taught that and they believe it – you're going to have certain segments of the community who are against it. As long as they are against it and will boycott products that are advertised in a magazine that sells them, you are going to have a line between the two.

So much of it is personal opinion. The weird thing about sexuality and the adult industry is that people really don't know what they like to see until they have seen it. If they haven't seen it, they don't know they want to see it. It's a weird market in that regard because we can't go out and poll a bunch of people and say, "Oh, this is what everybody wants to see." It's not like, "We make cars and people want a cup holder here instead of there." It's not that simple because it's so mentally driven – it's such a different thing that you don't really know what people want and, a lot of times, they don't know what they want. There are so many variations that it's hard to make everybody happy.

#### 5. Sharon Mitchell<sup>166</sup>

Misconceptions about the adult industry are that people are all sleazy, diseased, uneducated, dumb and worthless.

If you work on this side of the hill, you're never going to be Meryl Streep. I don't care who you are. Traci Lords<sup>167</sup> is still playing a naked vampire,<sup>168</sup> you know what I mean?

### IV. ANALYSIS AND CONCLUSION

The women of the adult entertainment industry featured in this article were relaxed, opinionated and confident during the interviews; no one refused to answer or respond to any question the

166. Interview with Sharon Mitchell, *supra* note 107.

167. See generally TRACI ELIZABETH LORDS, TRACI LORDS: UNDERNEATH IT ALL (2003) (providing an autobiographical account of the life of Lords, who appeared in adult films as an underage performer and who later tried to cross over to mainstream content, including appearances on the television series *Melrose Place* and *Roseanne*).

168. This is a reference to Lords' "negligible role" as a "seductive vamp" in the movie *Blade*, "a high-tech horror flick based on a Marvel comic and enhanced by eye-catching, stomach-turning digital destructive effects." Bob Ross, "Blade" Carves a Bloody Trail, TAMPA TRIB. (Fla.), Aug. 21, 1998, Friday Extra!, at 4.

authors posed for this article. Their candid and thoughtful responses to questions never seemed rehearsed or canned, perhaps because the interviewees did not have advance access to the questions. Although it is not the purpose of this analysis section to deconstruct their comments, it is instructive both to highlight five major themes that came to light during the interviews and to briefly discuss them. Those themes are:

- *Freedom of choice is something everyone must respect.*
- *Anti-porn feminists are not the force they once were.*
- *Adult entertainment mirrors popular culture.*
- *Misconceptions about the adult entertainment industry often are based on antiquated stereotypes.*
- *Free speech rights belong to all – including detractors.*

Nina Hartley was passionate about her feelings regarding anti-porn feminists, a group with which she admittedly tried to reconcile her beliefs for nearly two decades until recognizing her efforts were in vain.<sup>169</sup> Central to her own awakening in this regard was what she perceived as intense hypocrisy on the part of the vociferous leadership of the anti-porn movement that, on the one hand, professed greater voice and choice for women but, on the other hand, condemned her desire to work in the adult entertainment industry.<sup>170</sup> In her interview, Hartley made a point of illustrating that indeed it was her choice to do so.<sup>171</sup> She found it disturbing and ironic that anti-porn scholars who work at universities, the supposed quintessential “marketplace of ideas,”<sup>172</sup> can publicly denounce how she makes a living but refuse to engage her in a dialogue.<sup>173</sup> As she observed, “they don’t see me as human and they don’t see me as an individual. Instead, they see me as a category.”<sup>174</sup>

Hartley no longer is concerned with what these feminists think about her. She believes that the object of feminism, “to give everybody

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169. See *supra* Part III.B.3.

170. See *supra* Part III.B.3.

171. See *supra* Part III.B.3.

172. See, e.g., *Healy v. James*, 408 U.S. 169, 180-81 (1972) (“The college classroom with its surrounding environs is peculiarly the ‘marketplace of ideas,’ and we break no new constitutional ground in reaffirming this Nation’s dedication to safeguarding academic freedom.”).

173. See *supra* Part III.B.3.

174. See *supra* Part III.B.3.

choices,”<sup>175</sup> includes “the right to decide . . . what to do with [her] life.”<sup>176</sup>

Joy King does not believe that anti-porn feminists are “nearly the factor that they once were.”<sup>177</sup> According to King, women have become a formidable force both within the adult industry and as consumers.<sup>178</sup> She pointed out during the interview that “[a] lot of movies are made specifically for women – there’s a whole niche market that caters to women.”<sup>179</sup> Moreover, women are not only actors in adult films, but also writers, directors and business people.<sup>180</sup> On the consumer side of the equation, King believes “a lot more women have embraced their sexuality and deal with the industry a little differently than they used to.”<sup>181</sup>

The fact that women present a viable market for adult entertainment is reflective of the natural evolution of not only the industry but also of society at large. Michelle Freridge observed that a similar phenomenon has taken place with the intensity of adult content. As she suggested, some people think adult content “is somehow more violent, more damaging than it was twenty or thirty years ago . . . [b]ut if you look at it, it simply parallels Hollywood, TV, music and written content.”<sup>182</sup> In other words, the popular culture has evolved in a certain direction, and adult entertainment has mirrored it rather than driven it. “Our culture is pushing the envelope,” she noted.<sup>183</sup>

The views that some people outside the adult entertainment world share about the business roll into some of the misconceptions the industry women identified during the course of the interviews. For Joy King, “[t]he biggest misconceptions are that only men run the industry, that women are objectified, that women don’t call the shots, that there aren’t any women behind the industry.”<sup>184</sup> Stormy Daniels similarly observed that she does only the work she wants to do, boasting, “I own my own company. I write my own scripts and make the money. . . . If I’m so exploited, how come it’s the only industry in

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175. See *supra* Part III.B.3.

176. See *supra* Part III.B.3.

177. See *supra* Part III.B.4.

178. See *supra* Part III.B.4.

179. See *supra* Part III.B.4.

180. See *supra* Part III.B.4.

181. See *supra* Part III.B.4.

182. See *supra* Part III.C.2.

183. See *supra* Part III.C.2.

184. See *supra* Part III.B.4.

the world where women make double what the men make?”<sup>185</sup> Sharon Mitchell felt that the major misconception outsiders have about the business is that adult industry “people are all sleazy, diseased, uneducated, dumb and worthless.”<sup>186</sup>

Although the opinions that some people have about entertainment can be misguided, these women felt strongly that individuals in this country have a right to voice them. The interviewees all exhibited a strong, nuanced understanding of the First Amendment principles as applied not only to the adult industry but also to society generally. When members of the Christian Coalition began protesting outside adult establishments, Stormy Daniels stated publicly that “they have a right to do that.”<sup>187</sup> Moreover, even if she disagrees with the opinion, she’ll “defend your right to say it.”<sup>188</sup> Similarly, Joy King noted the importance of defending the right to voice adverse viewpoints. She observed that “[w]henever you have speech – whatever it is – that is unpopular, it requires protection.”<sup>189</sup> For Sharon Mitchell, defending free speech is more pragmatic: “[t]he First Amendment should protect adult entertainment because we are citizens of the United States, we pay taxes and this is a job.”<sup>190</sup> She also noted that “[i]t may not be the job that you agree with, but your son or daughter may grow up to be a porn star because it is a legitimate job, and we need to be protected like everyone else.”<sup>191</sup>

Ultimately, the authors hope that the candid, forthright and uncensored opinions and views of the five female leaders of the adult entertainment industry set forth in this article will provide legal scholars with greater context and real-world gravitas from which to make better-informed proposals and pontifications about the regulation and censorship of the adult industry in the future. Clearly the robust academic discussion about pornography is not going away any time soon, and the bold – even blunt – statements made in this article should provide grist for the mill of future scholarly writing on this important social, cultural and legal issue.

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185. *See supra* Part III.B.1.

186. *See supra* Part III.C.5.

187. *See supra* Part III.A.1.

188. *See supra* Part III.A.1.

189. *See supra* Part III.A.4.

190. *See supra* Part III.A.5.

191. *See supra* Part III.A.5.

