

No. 23-1122

---

---

IN THE  
**Supreme Court of the United States**

---

FREE SPEECH COALITION, INC., *et al.*,

*Petitioners,*

*v.*

KEN PAXTON, ATTORNEY GENERAL OF TEXAS,

*Respondent.*

---

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FIFTH CIRCUIT

---

---

**BRIEF FOR *AMICI CURIAE* EXODUS CRY,  
STAND WITH SURVIVORS, AND PROTECT  
YOUNG EYES IN SUPPORT OF RESPONDENT**

---

---

AARON T. MARTIN, JD, PhL

*Counsel of Record*

MARTIN LAW & MEDIATION PLLC

2415 East Camelback, Suite 700

Phoenix, AZ 85016

(602) 812-2680

[aaron@martinlawandmediation.com](mailto:aaron@martinlawandmediation.com)

*Attorneys for Amici Curiae*

---

---

130718



COUNSEL PRESS

(800) 274-3321 • (800) 359-6859

**TABLE OF CONTENTS**

	<i>Page</i>
TABLE OF CITED AUTHORITIES .....	iii
INTEREST OF <i>AMICI CURIAE</i> .....	1
SUMMARY OF ARGUMENT.....	5
ARGUMENT.....	5
I. The Court Must Consider the Age of Children Easily Accessing Online Porn and the Frequency of Consumption of Pornography by Children.....	5
A. Children are Viewing Content that is Obscene for Them .....	7
B. Exponential Increase in Accessible Content that is Obscene for Children.....	10
C. Mainstream Online Pornography Genres are Actually Obscene for Children .....	11
1. Pornography Depicting Violent Rape and Kidnapping .....	12
2. Snuff Pornography, a.k.a. Rape and Murder Pornography.....	15
3. Incest-themed Pornography.....	16

*Table of Contents*

	<i>Page</i>
4. Racist-Themed Pornography .....	18
5. Animal Sexual Abuse Obscene Pornography .....	20
D. Illegal content is not protected .....	20
1. Current Lawsuits Against Mainstream Pornography Websites for Illegal Content .....	24
2. Companies Cutting Ties with Pornhub .....	26
CONCLUSION .....	27

**TABLE OF CITED AUTHORITIES**

	<i>Page</i>
<b>Cases</b>	
<i>Ginsberg v. New York</i> , 390 U.S. 629 (1968).....	3
<i>Ashcroft v. ACLU</i> , 542 U.S. 656 (2004) .....	3
<b>Statutes and Other Authorities</b>	
U.S. Const. Amend. I .....	20
Age Verification Bill Tracker, <a href="https://exoduscry.com/pcnp/tracker">https://exoduscry.com/ pcnp/tracker</a> .....	27
American College of Pediatricians, “The Impact of Pornography on Children,” (August 2024), <a href="https://acpeds.org/position-statements/the-impact-of-pornography-on-children#_edn7">https:// acpeds.org/position-statements/the-impact-of- pornography-on-children#_edn7</a> .....	6
Carrotte, Elise, et al., “Sexual Behaviors and Violence in Pornography: Systematic Review and Narrative Synthesis of Video Content Analyses,” <i>Journal of Medical Internet Research</i> , 2020 .....	5
Exodus Cry, “Beyond Fantasy – Episode 3: ‘Hardcore,’” <a href="https://www.youtube.com/watch?v=Nvr0jfVt7F0at">https://www.youtube.com/watch?v =Nvr0jfVt7F0at</a> 19:46-20:10 .....	12

*Cited Authorities*

	<i>Page</i>
“Children see pornography as young as seven, new report finds,” British Board of Film Classification (2019), <a href="https://www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds">https://www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds</a> . . . . .	9
FBI Most Wanted, <a href="https://www.fbi.gov/wanted/topten/topten-history/hires_images/pratt.jpg/view">https://www.fbi.gov/wanted/topten/topten-history/hires_images/pratt.jpg/view</a> . . . . .	23
Fritz, Niki et al., “A Descriptive Analysis of the Types, Targets, and Relative Frequency of Aggression in Mainstream Pornography,” <i>Archives of Sexual Behavior</i> 29 (2020): 3041-3053, doi:10.1007/s10508-020-01773-0 . . . . .	11
Hamilton, Isobel Asher, “Mastercard and Visa have cut off PornHub from their payment services,” <i>Business Insider</i> , December 11, 2020, <a href="https://www.businessinsider.com/mastercard-visa-pornhub-cut-off-payments2020-12">https://www.businessinsider.com/mastercard-visa-pornhub-cut-off-payments2020-12</a> . . . . .	26
Hartford HealthCare, “Do Parents Really Know How Many Teens Watch Online Porn?” October 26, 2020, <a href="https://thocc.org/about/news-press/news-detail?articleId=29384&amp;publicid=469#:~:text=Recent%20studies%20indicate%2090%20percent,50%20percent%20in%20recent%20years">https://thocc.org/about/news-press/news-detail?articleId=29384&amp;publicid=469#:~:text=Recent%20studies%20indicate%2090%20percent,50%20percent%20in%20recent%20years</a> . . . . .	6, 9

*Cited Authorities*

	<i>Page</i>
<a href="https://endsexualexploitation.org/wp-content/uploads/Doe-v-MindGeek-Freesites_Memorandum-of-Opinion_Defendants-MTD_Denied_02.09.22.pdf">https://endsexualexploitation.org/wp-content/uploads/Doe-v-MindGeek-Freesites_Memorandum-of-Opinion_Defendants-MTD_Denied_02.09.22.pdf</a> .....	24
<a href="https://www.documentcloud.org/documents/24888992-mindgeek-class-cert-order">https://www.documentcloud.org/documents/24888992-mindgeek-class-cert-order</a> .....	25
<a href="https://www.justice.gov/usao-sdca/pr/girlsdoporn-owner-michael-pratt-extradited-face-sex-trafficking-charges">https://www.justice.gov/usao-sdca/pr/girlsdoporn-owner-michael-pratt-extradited-face-sex-trafficking-charges</a> .....	23
<a href="https://www.semrush.com/website/rapelust.com/competitors/">https://www.semrush.com/website/rapelust.com/competitors/</a> .....	14
<a href="https://www.statista.com/statistics/1361995/pornhub-pieces-of-content-by-format/">https://www.statista.com/statistics/1361995/pornhub-pieces-of-content-by-format/</a> .....	10
Kristof, Nicholas, “The Children of Pornhub,” New York Times (2020), <a href="https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking">https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking</a> .....	21
LifePlan, “The Porn Pandemic,” <a href="https://www.lifeplan.org/the-porn-pandemic/">https://www.lifeplan.org/the-porn-pandemic/</a> .....	10
Matt Morrissey, “How Early Porn Exposure Traumatizes Boys and Fuels an Unhealthy Perception of Masculinity,” <a href="https://fightthenewdrug.org/matt-morrissey-how-porn-exposure-traumatizes-boys/">https://fightthenewdrug.org/matt-morrissey-how-porn-exposure-traumatizes-boys/</a> .....	6

*Cited Authorities*

	<i>Page</i>
National Center on Sexual Exploitation, “Pornhub’s ‘Transparency Report’ Is Another Admission of Guilt, April 22, 2021, <a href="https://endsexualexploitation.org/articles/pornhubs-transparency-report-acts-as-another-admission-of-guilt/">https://endsexualexploitation.org/articles/pornhubs-transparency-report-acts-as-another-admission-of-guilt/</a> . . . . .	17, 26
Nealon, Lina, “Pornhub Just Got Kicked off Instagram, YouTube, and TikTok—Here’s Why,” December 20, 2022, <a href="https://endsexualexploitation.org/articles/pornhub-just-got-kicked-off-instagram-youtube-and-tiktok-heres-why/">https://endsexualexploitation.org/articles/pornhub-just-got-kicked-off-instagram-youtube-and-tiktok-heres-why/</a> . . . . .	26
Heidi Olson, “How Porn Grooms Children to Accept Violence and Abuse in Relationships,” <a href="https://fightthenewdrug.org/porn-grooms-children-to-accept-violence-and-abuse-in-relationships-heidi-olson">https://fightthenewdrug.org/porn-grooms-children-to-accept-violence-and-abuse-in-relationships-heidi-olson</a> . . . . .	3
Heidi Olson, “The Influence of Pornography on Child Sexual Assault,” <i>Culture Reframed</i> , <a href="https://culturereframed.org/the-influence-of-pornography-on-child-sexual-assault/">https://culturereframed.org/the-influence-of-pornography-on-child-sexual-assault/</a> . . . . .	9
Heidi Olson, <i>Paradigm Shift</i> , “Forensic Files,” <a href="https://paradigmshifttc.com/forensic-files/">https://paradigmshifttc.com/forensic-files/</a> . . . . .	2, 3
Heidi Olson, Testimony to Center for Family and Human Rights, <a href="https://www.youtube.com/watch?v=85We8qJNvyk">https://www.youtube.com/watch?v=85We8qJNvyk</a> . . . . .	2, 4, 6

*Cited Authorities*

	<i>Page</i>
Natalie J. Purcell, <i>Violence and the Pornographic Imaginary: The Politics of Sex, Gender, and Aggression in Hardcore Pornography</i> . New York: Routledge, 2012. 146. . . . .	16
Review and Narrative Synthesis of Video Content Analyses,” <i>Journal of Medical Internet Research</i> , 2020;22(5):e16702 doi: 10.2196/16702 . . . . .	5
Robb, M.B., & Mann, S. (2023). <i>Teens and pornography</i> . San Francisco, CA: Common Sense . . . . .	7, 8, 19
Statista, “Amount of content uploaded to Pornhub worldwide in 2nd half 2023, by format,” . . . . .	10
Statista, “Most popular pornographic websites worldwide as of May 2024, by total visits,” <a href="https://www.statista.com/statistics/1445661/most-visited-porn-websites-worldwide/">https://www.statista.com/statistics/1445661/most-visited-porn-websites-worldwide/</a> . . . . .	10
The Age Verification Providers Association, “US State age verification laws for adult content,” <a href="https://avpassociation.com/4271-2/">https://avpassociation.com/4271-2/</a> . . . . .	3
U.S. Sup. Ct. R. 37.6 . . . . .	1



*Cited Authorities*

	<i>Page</i>
US Attorney’s Office, Southern District of California, “Twenty-Year Sentence in GirlsDoPorn Sex Trafficking Conspiracy,” <a href="https://www.justice.gov/usao-sdca/pr/twenty-year-sentence-girlsdoporn-sex-trafficking-conspiracy">https://www.justice.gov/usao-sdca/pr/twenty-year-sentence-girlsdoporn-sex-trafficking-conspiracy</a> . . . . .	23
Vannier, Sarah, et al., “ <i>Schoolgirls and Soccer Moms: A Content Analysis of Free ‘Teen’ and ‘MILF’ Online Pornography</i> ,” <i>Journal of Sex Research</i> , 51(3), 253–264, 2014 . . . . .	5
Wright, Paul, et al., “U.S. Parents Underestimate Their Children’s Pornography Use and Learning,” <i>Archives of Sexual Behavior</i> October 6, 2022, <a href="https://doi.org/10.1007/s10508-022-02449-7">https://doi.org/10.1007/s10508-022-02449-7</a> . . . . .	7, 8
“Young people, pornography & age verification,” British Board of Film Classification (2020), <a href="https://www.bbfc.co.uk/about-classification/research">https://www.bbfc.co.uk/about-classification/research</a> . . . . .	6

**INTEREST OF *AMICI CURIAE***<sup>1</sup>

Exodus Cry, established in 2008, is a nonpartisan, nonprofit organization committed to ending sex trafficking and commercial sexual exploitation. Exodus Cry targets the root of these injustices by shifting culture through documentary films and media, creating social campaigns to change laws, and transforming the lives of victims through outreach and trauma therapy. Exodus Cry has screened its documentaries at parliaments, before U.S. Congress, and at the United Nations. Exodus Cry supports upholding the Texas law at issue here because it seeks to remedy the way children's lives are being damaged by the pornography industry, making them more vulnerable to becoming victims, and perpetrators, of commercial sexual exploitation.

Stand With Survivors is a national network of activists that supports survivors in the courtroom and beyond. Founded in 2014, Stand With Survivors has provided vital support for survivors at trials for Bill Cosby, Harvey Weinstein, Danny Masterson, and other high-profile predators who mobilize their fans to harass survivors. Stand With Survivors specializes in uplifting brave survivors who speak truth to power through advice about security and safety, media-response training, mental-health preparation for trial, and simply showing up. This case interests Stand With Survivors because research shows that children who consume pornography become

---

1. In accordance with Rule 37.6, no counsel for a party authored this brief in whole or in part, nor did any person, other than amici curiae, their members, or their counsel, make a monetary contribution that was intended to fund the preparation or submission of this brief.

more susceptible to sexual exploitation and sexual violence later in life.

Protect Young Eyes helps families, schools, and churches create safer digital spaces with live presentations, a school digital wellness curriculum, and app and device set-up guides. Protect Young Eyes speaks with thousands of parents annually and feels the weight of their struggles to prevent their children from being exposed to life-altering pornographic content. Protect Young Eyes has an interest in this case because parental controls alone are not enough to prevent these harms and are complicated, expensive, and often incompatible with the most popular portable smart devices, like iPhones.

### SUMMARY OF ARGUMENT

Heidi Olson, a respected sexual-assault nurse examiner in Kansas City, noticed a horrifying trend among her young sexual assault victims. They were being sexually assaulted by other children.<sup>2</sup> Olson specializes in assisting and collecting forensic evidence from the bodies of child sexual-assault victims. After reviewing data from hundreds of child sexual-assault cases, she noticed an increasing trend: one third to one half of all children in her children's hospital were sexually assaulted by other children between the ages of 10 to 15.<sup>3</sup> The only common risk factor she found was their exposure to pornography.<sup>4</sup>

---

2. Heidi Olson, *Paradigm Shift*, "Forensic Files," <https://paradigmshifftc.com/forensic-files/>

3. Heidi Olson, Testimony to Center for Family and Human Rights, <https://www.youtube.com/watch?v=85We8qJNvyk>

4. *Id.*; see also *Paradigm Shift*, "Forensic Files," <https://paradigmshifftc.com/forensic-files/>

She shares an example of a teenage perpetrator that acted out a pornographic video he saw, scene by scene, by strangling, repeatedly raping, ejaculating on the child victim's face, and calling her derogatory names before leaving her lying there.<sup>5</sup> Olson clearly demonstrates that mainstream pornography grooms children and teens to accept abuse<sup>6</sup> by sharing that “many times, when violence like strangulation is disclosed, girls minimize it as ‘not a big deal’ or ‘maybe he thought it was sexy.’”<sup>7</sup>

As of June 2024, nineteen states have passed age verification laws specifically for pornographic websites.<sup>8</sup> The American public is becoming aware of the harms of online pornography on children and teens and they are taking action to protect children from pornography.

Mainstream pornographic websites that host obscene and illegal content are largely operating unregulated and without safeguards for children and teens. Obscene material is more easily accessible for children now than when *Ginsberg v. New York*, 390 U.S. 629 (1968) was decided. Even in 2004, when *Ashcroft v. ACLU*, 542 U.S. 656 (2004) was decided, the Internet was much different:

---

5. *See id.*

6. Heidi Olson, “How Porn Grooms Children to Accept Violence and Abuse in Relationships,” <https://fightthenewdrug.org/porn-grooms-children-to-accept-violence-and-abuse-in-relationships-heidi-olson/>

7. *Id.*

8. The Age Verification Providers Association, “US State age verification laws for adult content,” <https://avpassociation.com/4271-2/>

blogging was a new thing; smartphones did not exist; 73% of teens reported in a Pew study that the only family computer was in a public area in the house; Facebook launched; iTunes and LinkedIn were only a year old; and filters were automatically included in Windows XP, which was the dominant operating system at the time. Now, with more than 400 million web pages of obscene material online, safeguards for children and teens are long overdue.

First, the Court should consider the disturbingly young age of children accessing obscene content directly from pornographic websites. Children and teens are intentionally and unintentionally viewing obscene pornographic content while on their personal devices, school devices, and friends' devices,<sup>9</sup> among others. Website-specific age verification should be broadly allowed to prevent children and teens from this content. Second, the Court must realize the sheer quantity of obscene content that is accessible to children and teens. It is no longer a question of a few *Hustler* or *Playboy* magazines safeguarded behind shelves in local stores. With more than 40 million obscene pornographic websites available within seconds, the wellbeing of our children and teens must be the Court's priority. Third, and arguably the most essential argument that is crucial to the Court's decision, is understanding that mainstream online pornography includes victims of sex trafficking, child sex trafficking, child sexual abuse, commercial sexual exploitation, and illegal content that encourages criminal sexual behavior—child sexual abuse and domestic sexual abuse among children.

---

9. Heidi Olson, Testimony to Center for Family and Human Rights, <https://www.youtube.com/watch?v=85We8qJNvyk>

## ARGUMENT

### I. The Court Must Consider the Age of Children Easily Accessing Online Porn and the Frequency of Consumption of Pornography by Children

Pornographic magazines and videos used to be sold from behind a store counter or in packaging that obscured the cover of the magazine or video. They were, in short, treated like alcohol and cigarettes—things that society has determined are harmful to children. Pornographic materials sold in a brick-and-mortar store required the buyer to present an ID or verify their age to purchase. But those days are gone.

Now children can access pornographic content—including videos, photos, and even animated cartoons—without cost, and in a matter of seconds.<sup>10</sup> But access is not the only thing that has changed. Now, instead of a Playboy Bunny, mainstream online pornography often depicts violent, misogynistic, ableist, racist, abusive, and at times non-consensual illegal sexual abuse. And children are exposed to it all.

The age of first exposure to pornography varies, but the most recent reports all show a similar pattern

---

10. Carrotte, Elise, et al., “Sexual Behaviors and Violence in Pornography: Systematic Review and Narrative Synthesis of Video Content Analyses,” *Journal of Medical Internet Research*, 2020;22(5):e16702 doi: 10.2196/16702 (analyzing pornography in at least 12 categories of pornography); *see also* Vannier, Sarah, et al., “*Schoolgirls and Soccer Moms: A Content Analysis of Free ‘Teen’ and ‘MILF’ Online Pornography*,” *Journal of Sex Research*, 51(3), 253–264, 2014 (a study discussing two of the many categories of online pornography).

of children being exposed to online pornography at increasingly younger ages and unprecedented rates.<sup>11</sup> Most reports show that the average age of exposure to online pornography is 11,<sup>12</sup> while other reports show the average age is as young as 7 or 8.<sup>13</sup> One recent report from 2023 showed that at least 15% of teens said they viewed online pornography at age 10 or younger. An additional survey from 2020 reported that 54% of teens had viewed pornography by age of 13, and 15% had viewed it before turning 11 years old,<sup>14</sup> meaning that more than 90% of teens viewed pornographic material online.<sup>15</sup> Taken together, the studies confirm that the average age of exposure to online pornography for children is between the ages of 7 and 11.

---

11. Heidi Olson, Testimony to Center for Family and Human Rights, <https://www.youtube.com/watch?v=85We8qJNvyk>

12. Matt Morrissey, “How Early Porn Exposure Traumatizes Boys and Fuels an Unhealthy Perception of Masculinity,” <https://fightthenewdrug.org/matt-morrissey-how-porn-exposure-traumatizes-boys/>

13. “Young people, pornography & age verification,” British Board of Film Classification (2020), <https://www.bbfc.co.uk/about-classification/research>; “Children see pornography as young as seven, new report finds,” British Board of Film Classification (2019), <https://www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds>.

14. American College of Pediatricians, “The Impact of Pornography on Children,” (August 2024), [https://acpeds.org/position-statements/the-impact-of-pornography-on-children#\\_edn7](https://acpeds.org/position-statements/the-impact-of-pornography-on-children#_edn7)

15. Hartford HealthCare, “Do Parents Really Know How Many Teens Watch Online Porn?” October 26, 2020, <https://thocc.org/about/news-press/news-detail?articleId=29384&publicid=469#:~:text=Recent%20studies%20indicate%2090%20percent,50%20percent%20in%20recent%20years>

### **A. Children are Viewing Content that is Obscene for Them**

Store-bought pornographic magazines and videos are a thing of the past. Now, the internet has made a vast array of pornographic content free and easily accessible for children.<sup>16</sup> Children of prior generations at least had the safeguard of a store clerk behind a counter to check ID. But even that minimal protection is more than children have now when the amount of pornography is far greater and the type of pornography is far worse.

And children had to go looking for pornography in the past. Now, children are not always seeking out pornography when they find it. It often finds them by mistake. The lack of meaningful age verification requirements directly posted on a pornography-filled website is leading to an exponential increase in exposure. A study done by Common Sense Media showed that 63% of the children surveyed reported they were accidentally exposed to online pornography within the past week.<sup>17</sup> This percentage represented the majority of the children participating in the survey, indicating that accidental exposure is a common occurrence for children.

Websites selling alcohol and tobacco have nominal age verification on their sites. But if children on those websites

---

16. Wright, Paul, et al., "U.S. Parents Underestimate Their Children's Pornography Use and Learning," *Archives of Sexual Behavior* October 6, 2022, <https://doi.org/10.1007/s10508-022-02449-7>.

17. Robb, M.B., & Mann, S. (2023). *Teens and pornography*. San Francisco, CA: Common Sense, at 6.



click to say they are 18 or 21 years old, the consequences are small. Children do not report “accidental” exposure to alcohol on Total Wine’s website. They are not permanently scarred by seeing a picture of a wine bottle on a website. For pornography, the stakes are far higher and even a single exposure can have lasting and significant effects.

In studies regarding teens who were regularly and intentionally seeking out pornography, the teens reported they are more likely to consume pornography on websites, for example, Pornhub or YouPorn.<sup>18</sup> Alarming, of the teens who did report to intentionally consuming online pornography, 59% reported they do so on a weekly basis.<sup>19</sup> Because unrestricted access to pornography is ubiquitous, children and teens are accessing online pornography at unprecedented levels.

Technology advances rapidly. Not only that, the average parent, caregiver, guardian, group-home supervisor, or foster parent cannot constantly monitor new websites, understand device restriction loopholes, and respond to changes in advanced website algorithms. Many parents and guardians are completely unaware that their children are intentionally or accidentally viewing online pornography on a weekly basis.<sup>20</sup> Due to shame, poor communication within familial structures, misunderstanding of the accessible content and the harmful effects of pornography on children, or other

---

18. *Id.* at 12.

19. *Id.*

20. Wright, Paul, et al., “U.S. Parents Underestimate Their Children’s Pornography Use and Learning,” *Archives of Sexual Behavior* October 6, 2022, <https://doi.org/10.1007/s10508-022-02449-7>.

factors, many children are not comfortable or are unable to communicate with their parents or caregivers about the online pornography they are being exposed to.

Through her medical practice, nurse Heidi Olson stated that “[m]ost adults are entirely unaware of how violent mainstream porn is, how many of our kids are watching it, and that it has proven harmful effects on children.”<sup>21</sup> For example, a 2020 study showed that 75% of caregivers did not believe their children had viewed pornography online, but of their children, 53% reported having viewed it.<sup>22</sup> Hartford Healthcare reported that half of parents are unaware that their children are consuming online pornography and “that teens have seen up to 10 times more pornography than their parents believe.”<sup>23</sup> The same study shows that parents are especially unaware of their teens’ exposure to extreme content, such as violent porn or scenes depicting child sexual abuse, incest, teen porn, rape, physical abuse or aggression, and animal sexual abuse, which are all accessible within seconds through a simple Google search.

---

21. Heidi Olson, “The Influence of Pornography on Child Sexual Assault,” Culture Reframed, <https://culturereframed.org/the-influence-of-pornography-on-child-sexual-assault/>.

22. “Children see pornography as young as seven, new report finds,” British Board of Film Classification (2019), <https://www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds>.

23. Hartford HealthCare, “Do Parents Really Know How Many Teens Watch Online Porn?” October 26, 2020, <https://thocc.org/about/news-press/news-detail?articleId=29384&publicid=469#:~:text=Recent%20studies%20indicate%2090%20percent,50%20percent%20in%20recent%20years>

## **B. Exponential Increase in Accessible Content that is Obscene for Children**

Parallel to the exponential increase in the number of children accessing online pornography is the explosion in the amount of accessible content in the last ten years. Although it is difficult to know exactly how much online pornography there is, a recent study showed that there are an estimated 42 million pornographic websites, constituting about 12% of all internet websites.<sup>24</sup> These websites host an estimated 428 million pages of online pornography, the majority of which—60%—is hosted in the United States. Pornhub is one of the largest and most viewed online pornography websites. Pornhub reported 5.4 billion monthly visits in 2023.<sup>25</sup> In the second half of 2023 alone, 1,099,082 pornographic videos and 594,210 photos were uploaded to its site.<sup>26</sup> The second largest online pornographic website, XVideos, reported an average of 4.02 billion visits per month so far in 2024.<sup>27</sup>

---

24. LifePlan, “The Porn Pandemic,” <https://www.lifeplan.org/the-porn-pandemic/>.

25. Statista, “Most popular pornographic websites worldwide as of May 2024, by total visits,” <https://www.statista.com/statistics/1445661/most-visited-porn-websites-worldwide/>.

26. Statista, “Amount of content uploaded to Pornhub worldwide in 2nd half 2023, by format,” <https://www.statista.com/statistics/1361995/pornhub-pieces-of-content-by-format/>.

27. Statista, “Most popular pornographic websites worldwide as of May 2024, by total visits,” <https://www.statista.com/statistics/1445661/most-visited-porn-websites-worldwide/>.

### C. Mainstream Online Pornography Genres are Actually Obscene for Children

A recent content analysis of videos from Pornhub and XVideos reported that 45% of Pornhub scenes and 35% of XVideos scenes included at least one act of physical aggression.<sup>28</sup> The most common forms of violence were spanking, gagging, slapping, hair pulling, and choking.<sup>29</sup> Men inflicted the violence in 76% of the scenes in both Pornhub and XVideos and women were the victims of the violence in 97% of the scenes.<sup>30</sup> More disturbingly, the women responded with pleasure or neutrality 93% of the time.<sup>31</sup>

Although these videos may be included in “mainstream” pornography for adults, they are obscene for children. Violent pornography promotes the belief that the acts of physical violence—sometimes *criminal* acts of violence—should be enjoyed during sex acts. Max Hardcore, the porn industry’s late AVN Hall of Fame director and performer, popularized abusive, violent pornography. His films have depicted young women, many dressed as children with pigtails and carrying teddy bears, being choked, fisted, slapped, urinated on, and vomiting. In other scenes, Max Hardcore dressed these young women, many of whom

---

28. Fritz, Niki et al., “A Descriptive Analysis of the Types, Targets, and Relative Frequency of Aggression in Mainstream Pornography,” *Archives of Sexual Behavior* 29 (2020): 3041-3053, doi:10.1007/s10508-020-01773-0.

29. *Id.*

30. *Id.*

31. *Id.*

were teenagers and brand new to the adult industry, in school uniforms, pink ribbons, and pigtails. These girls would then skip into their scenes where Max Hardcore, or another performer, would pursue them, abduct them, torture them, and then depict raping them. Eric Swiss, a current pornography performer who specializes in hardcore violent pornography, was interviewed in the documentary *Beyond Fantasy: Ep 3: Hardcore*. When asked what he would do if he came across a situation where a girl on a set is visibly disturbed or feeling like something is not right with her, he replied “I’ll borrow my mentor’s [Max Hardcore] words here, I’ll just usually steamroll her over.”<sup>32</sup>

### **1. Pornography Depicting Violent Rape and Kidnapping**

Using the term “rape” is complicated when referring to pornography. However, online pornography depicting rape is one of the most popular and viewed genres of sexual-violence pornography. With more than hundreds of thousands of pages/websites of rape-fantasy pornography, it is also one of the most accessible. Pornography producers and directors claim to have obtained “consent” from those involved in rape-fantasy pornography scenes, but pornography websites are not required to show proof of consent.

Moreover, when a teen girl who is depicting a child is pursued, captured, yanked by her hair, slapped around and then violently penetrated by a male aggressor in a

---

32. Exodus Cry, “Beyond Fantasy – Episode 3: ‘Hardcore,’” <https://www.youtube.com/watch?v=NVR0jfVt7F0> at 19:46-20:10

dirty park bathroom, that video sends a message that this is acceptable male behavior rather than a crime scene. It is highly unlikely that children could understand that these scenes are designed to make young women *appear* to be underage, even prepubescent in some cases, and that a real-life scenario would demand that they scream for help, not endure it or learn to enjoy it.

Unfortunately, the message being conveyed to children in videos such as these is that this is normative sexual behavior. Additionally, they learn not only to be the victims, but also the perpetrators. These violent pornographic videos promoting criminal activity are not anomalies; they are the norm.

With a simple Google search of “abuse porn,” more than 100,000 results are instantly available. The first website option, Pornhub, boasts 61,459 videos under the title “18andabused.” Another popular website, RapeLust.com, self-advertises on the Google search page as “Watch sexual abuse rape porn now in HD. See the best sexual abuse sex videos for free. Your best free forced porn video website.”

RapeLust.com has tens of thousands of rape-fantasy videos freely accessible with just two clicks. A popup warning, which comes up after clicking on their website from the Google search page, states that their videos contain “highly explicit sexual activity, violence, blood and gore, and rape.” One of their most viewed videos titled, “Paralyzed Girl Abused,” has over 2.9 million views. Additional videos are equally as deplorable, including their most viewed “Perfect Beauty Raped in Every Way Possible” (over 1.5 million views); “Daughter Denying

Blowjob Leads to Forced Sex” (over 709,000 views); and “Whore Raped Beaten and Decapitated” (over 696,000 views). Videos on RapeLust.com rack up millions of views every week.

The RapeLust.com website is not alone, and in fact there are several more that host the same type of pornography.<sup>33</sup> Darknessporn.com, another popular website that specializes in abuse and rape-fantasy porn, boasts a shocking 11.78 million monthly visits. On the Google search page, before even clicking on the Darknessporn.com website, they describe their videos in this way: “Abuse porn is one rough type of porn. It’s similar to humiliation and it’s all about degrading and abusing girls, which doesn’t [sic] enjoy this at all.” With a simple Google search, numerous other websites containing hundreds of thousands of rape-themed obscene videos are available. In addition to RapeLust.com and Darknessporn.com, other prominent websites are titled: Bestrapeporn.com, Heavy-Rporn.com, Rapeguru.com, Pornrapetv.com, Rapexxx.net, Brutalporn.com, and Hardcoreincestapeporn.com to simply name a few. With thousands of new rape-themed videos being uploaded every day, it is impossible to know how many are accessible by children on the internet, but it is estimated to be in the millions, since there are over 428 million pages of pornography online. And these are all considered “mainstream.”

---

33. See <https://www.semrush.com/website/rapelust.com/competitors/>

## **2. Snuff Pornography, a.k.a. Rape and Murder Pornography**

Snuff Porn, also described as pornography including murder, abduction, rape, violent interrogation, strangulation, war, necrophilia, morgue, paralyzed, and torture porn, is also considered “mainstream” and is accessible on all major pornography sites, including but not limited to Pornhub, Xvideos, RapeLust.com, and Xhamster. The Cambridge Dictionary defines a “snuff movie” as “a violent film that shows a real murder.” However, snuff porn videos more often include descriptors such as, garrote strangle, sweat necro f\*\*king, necro bl\*\*job, strangle to unconscious, sleeping and unconscious molestation, postmortem, morgue, and shooting, with the murder of the woman or teen happening at the climax of the video.

Specifically, PKF Studios only produces Snuff Porn. PKF Studios has more than 11,000 videos, including discussion forums and the option to join a Discord channel to chat with other consumers of their violent and murderous content. A video released on PKF Studios website on December 21, 2022 is titled, “Naughty Schoolgirls,” and is described as: sexual content, violence, nudity, teenage/young, schoolgirl, sexual assault, 2 hangings, bladder release X2, Necro, dragging, and body views. Another video released on PKF’s website February 24, 2017 is titled “F\*\*cked and Killed My Daughter” and is described on the website as: violence, teenage/young, incest, explicit, sexual content (lots), strangling/neck crush (quick), and body views. PKF boasts a plethora of easily accessible videos of snuff porn available from a simple Google search. After entering their site, at the time of this writing,



the popular titles on their homepage are: “Wrapped in Plastic,” “The Hogtie Killer,” “Nice and Dead,” “Strange Little Sister,” “Loving Sister,” “I F\*\*cked and Killed My Sister,” and “Strangled and F\*\*cked my Teenage Daughter.” Of the 11,000 videos on PKF Studio’s website, Exodus Cry found that the majority of the scenes depicting murder, sexual assault, garrote strangulation, necro sex, sex during strangling, strangling/neck crush, hangings, body dragging, postmortem sex, spying, stalking, and unconscious molestation was directed towards women and teenage girls.

Associate Professor, researcher, and author of *Violence and the Pornographic Imaginary*, Natalie J. Purcell showed through her research that many women involved in violent pornographic scenes lack the means needed to keep themselves from being physically abused.<sup>34</sup> Many of the scenes Purcell compared were scenes of anus to mouth “penetration” where the performer was gagged by oral penetration to the point of gagging, gasping for air, and sometimes vomiting. They were then penetrated anally with such force that it disfigured the anuses of the women. Some of the most popular videos feature this kind of degradation, in which the directors zoom the camera in to give an up-close view of the injury, while making verbally derogatory comments.

### 3. Incest-themed Pornography

Another popular “mainstream” genre of pornography depicts incest. A 2021 report done by the National Center

---

34. Purcell, *Violence and the Pornographic Imaginary: The Politics of Sex, Gender, and Aggression in Hardcore Pornography*. New York: Routledge, 2012. 146.

on Sexual Exploitation (NCOSE) showed that over 50% of the content on Pornhub's homepage was incest-themed.<sup>35</sup> Pornhub has several specific channels that host a myriad of such themed videos. My Perv Family is one of the most popular incest-laden channels on Pornhub. My Perv Family's channel has over 691.4 million views and consists of over 550 videos with titles including "Petite Lets Step Daddy Pop Her Cherry," "I Really Want to F\*\*\* My Stepsister," and "Horny Blonde Stepdaughter Needs Step Daddy." At the time of this writing, My Perv Family's homepage has videos titled, "Real Dads and Daughters Sex Videos," "Moms Teaching their Sons how to Masturbate," "Horny Teacher Can't Help Herself, Has Sex With Student in Detention," and "Stepmoms Pimp their Stepdaughters."

In 2021 Pornhub released a statement stating "We prohibit content that depicts sexual activity between persons related within the collateral and lineal lines of descent, which also includes, as part of this prohibited content, content which features sexual activity involving adopted persons within a lineal or collateral descent context." However, it is impossible for young children and teens to differentiate step-family connections from blood related family members, particularly because many children have only experienced a modern blended family unit with step-parents and step-siblings. It is absurd to place the burden on a child to decipher who is a blood-related sibling and who is a step sibling. Regarding intra-family sexual abuse, the pertinent question is not if there

---

35. National Center on Sexual Exploitation, "Pornhub's 'Transparency Report' Is Another Admission of Guilt, April 22, 2021, <https://endsexualexploitation.org/articles/pornhubs-transparency-report-acts-as-another-admission-of-guilt/>

was a blood relation. The question is: did the abuser feel like family to the child? It is impossible to know exactly how much intra-family sexual abuse happens, but some studies indicate that one in ten children experiences some form of sexual abuse. Intra-family abuse accounts for almost half of those. Without robust age verification directly on pornographic websites, children are recklessly accessing incest themed intra-family sexual abuse that erroneously demonstrates to children that being sexually abused by a step-sibling or step-parent should not only be tolerated, but welcomed.

Sexual abuse by a sibling, whether step-sibling or blood-related, is a form of domestic sexual abuse and should always be regarded, taught, and presented to children as such. At the very least, allowing children unrestricted access to incest-themed content is irresponsible, and goes directly against government-funded child sexual abuse campaigns that aim to educate and create a safe space for child victims of domestic sexual abuse so that they report and get access to mental health services.

From the highest levels of government, every available safeguard, including age verification mechanisms on pornographic websites, should be employed and enforced to ensure the protection of children from incest-themed pornography.

#### **4. Racist-Themed Pornography**

Another prominent form of content on Pornhub depicts racism. On the Google homepage, before entering the Pornhub website, several links to obscene racist Pornhub videos pop up, including some titled “Black Slavery Porn

Videos,” “African American Slave Porn Videos,” and “Black Sex Slave Porn Videos.” Once on the site, the first obscene video, with over 67,000 views, is titled, “Hunter and Farmer Give Slave Double Penetration.” In the aftermath of the murder of George Floyd in Minneapolis, videos were uploaded to Pornhub with titles including “I Can’t Breathe” with search tags that included “George Floyd” and “Choke-Out.” A study done by Common Sense Report showed: “Many teens of color across different racial and ethnic groups experienced negative feelings because of these stereotypes.”<sup>36</sup> In particular, Black respondents were especially likely to have indicated that having seen a stereotypical portrayal of their identity in pornography made them feel ‘disgusted’ (25%) or ‘self-conscious’ (21%).<sup>37</sup> African Americans are not the only community who are victims of obscene racist pornographic content. Pornhub also has shocking anti-Semitic videos with titles like, “Jewish Who\*\* Submits to Palestinian Daddy” and “Jewish Girl Dominated by Palestinian.” There are several categories of racist videos targeting Arabs and Muslims, with millions of views, featuring titles like, “Shy Muslim Girl in Hijab gets F\*\*\*\*\* by Brothers Friend,” and another titled “Muslim Step Daughter Seduced by Rich White Step Dad,” which has over 678,000 views. Thousands of similar titles dominate the Pornhub search pages.

---

36. Robb, M.B., & Mann, S. (2023). *Teens and pornography*. San Francisco, CA: Common Sense. 7.

37. *Id.*

## **5. Animal Sexual Abuse Obscene Pornography**

Not even animals are safe from the unrestricted online pornography. A simple Google search of “bestiality porn” provides a plethora of websites dedicated to sexual intercourse and oral sex between women, teens, and men with dogs, horses, cats, rabbits, and pigs. The leading websites that host bestiality content include LuxureTV.com, Fapzoo.net, and Beastality.tv. Each website contains thousands of obscene videos showing the sexual abuse of animals in sheds, barns, and bedrooms, as well as women, men, and teens being sexually penetrated by these animals. Women wearing masks are ordered to give oral sex to pigs, dogs, and horses while other people watch and scream derogatory verbal abuse. Other videos on LuxureTV.com show women naked, tied up, and then raped by a dog while they scream in agony. It is impossible to tell how many obscene bestiality videos there are on these websites since new videos are uploaded every day. However, one website estimated that LuxureTV.com hosts over 42,000 videos alone. Watching bestiality porn is illegal in the state of Oregon and it is illegal to make in all 50 U.S. states. However, this content is unrestricted and available for children of all ages with just two clicks. This is “mainstream” pornography today.

### **D. Illegal content is not protected**

Pornography websites host illegal obscene content that is not protected under the First Amendment. A 2020 New York Times article, “The Children of Pornhub,” drew

mass attention to the widespread existence of obscene illegal pornographic content on the Pornhub website.<sup>38</sup>

The article, written by Pulitzer Prize winning journalist Nicholas Kristof, tells the story of 14-year-old Serena K. Fleites, and how a crush on a boy at school turned into him convincing Fleites to send him naked videos of herself. After the boy shared them with other kids, someone then uploaded them to Pornhub. Due to the subsequent harassment she faced, she was forced to change schools, but the news soon traveled to that school as well. Fleites began cutting herself, skipping school and took anti-depressants in an attempted suicide. She then dropped out of school, became addicted to opioids and became homeless.

Taylor was another victim of child sexual abuse and shared her story with Nicholas Kristof. Taylor's boyfriend secretly recorded them performing sex acts when she was 14 to 15 years old. When she was 15, the explicit videos were uploaded to Pornhub. She has also attempted suicide, twice.

Kristof also interviewed Nicole, an additional victim of filmed child sexual abuse material. Nicole's lawyer said that there were still at least three explicit videos of Nicole at age 15 or 16 on Pornhub. She has been trying to get Pornhub to take them down for two years.

---

38. Kristof, Nicholas, "The Children of Pornhub," New York Times (2020), <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

Cali, a victim of child sex trafficking, told Kristof that Pornhub was her sex trafficker. An adoptee from China, Cali was trafficked by her adoptive family and was forced to appear in obscene pornographic videos, beginning at age 9. Some of the videos showing her being sexually abused regularly appear on Pornhub.

The mother of a missing 15-year-old Florida girl found her daughter on Pornhub, in 58 sex videos, some of which were of her sex trafficker raping her. Another 14-year-old in California was filmed being sexually assaulted and the videos were easily uploaded to Pornhub. A classmate saw them and reported them to authorities.

A brave survivor of child rape, Rose Kalemba, was kidnapped at knifepoint at 14 and raped over a period of 12 hours. Another man video-recorded the rape while she was badly beaten, stabbed, and fell in and out of consciousness. The perpetrators eventually released her to return home. A few months later, she found videos of her rape on Pornhub with the videos titled “teen crying and getting slapped around,” “teen getting destroyed,” and “passed out teen.” One of the videos had over 400,000 views. Rose sent several emails to Pornhub over a period of six months, alerting them that she was 14 years old and that this was sexual assault, begging them to take the videos down. She never received a response from Pornhub and the videos remained live for a year. It was not until she eventually posed as a lawyer in an email and requested Pornhub to take the child rape videos down, that Pornhub took them down within 48 hours.

These criminal cases are not anomalies. In 2020 Ruben Andre Garcia was sentenced to 20 years in prison for conspiring with the owners of the websites GirlsdoPorn

and GirlsDoToys to use force, fraud, and coercion to recruit young women to appear in sex videos for adult websites, including Pornhub.<sup>39</sup> GirlsDoPorn was a very popular Pornhub partner channel, a top-20 most viewed channel on Pornhub, and had 680 million views.

Garcia and his co-conspirators would threaten to sue the victims, cancel flights home, and post videos online if they did not finish the videos once they started. Owner of GirlsDoPorn and GirlsDoToys, Michael James Pratt, who was previously a fugitive and on the FBI's top ten Most Wanted Fugitives list,<sup>40</sup> was arrested in Madrid, Spain in 2022 and was extradited to the United States to face justice.<sup>41</sup> Pratt faces 19 felony counts stemming from the operation of GirlsDoPorn. These charges include: fifteen counts of sex trafficking by force, fraud, and coercion, conspiracy to commit sex trafficking by force, fraud, and coercion, production of child pornography, sex trafficking of a minor by force, fraud, and coercion, and conspiracy to commit money laundering.<sup>42</sup>

Illegal content is widespread across pornography websites and is not limited to Pornhub. There is a consistent pattern of criminal cases across all pornographic websites.

---

39. US Attorney's Office, Southern District of California, "Twenty-Year Sentence in GirlsDoPorn Sex Trafficking Conspiracy," <https://www.justice.gov/usao-sdca/pr/twenty-year-sentence-girlsdoporn-sex-trafficking-conspiracy>

40. FBI Most Wanted, [https://www.fbi.gov/wanted/topten/topten-history/hires\\_images/pratt.jpg/view](https://www.fbi.gov/wanted/topten/topten-history/hires_images/pratt.jpg/view)

41. <https://www.justice.gov/usao-sdca/pr/girlsdoporn-owner-michael-pratt-extradited-face-sex-trafficking-charges>

42. *Id.*



There is currently no robust system to reliably prove age and consent verification of performers. Therefore, all online pornography is subject to scrutiny to know if it is child sexual abuse material, domestic sexual abuse, rape, and/or sexual abuse. When happening off-camera, gender-based violence, including sexual harassment, stalking, domestic abuse, rape, and sex trafficking are not defended on the basis of freedom of expression.

### **1. Current Lawsuits Against Mainstream Pornography Websites for Illegal Content**

A class action lawsuit filed in February 2022 in the United States District Court for the Northern District of Alabama Western Division, against Pornhub and their parent company Aylo, previously known as Mindgeek, alleges that the two plaintiffs are victims of childhood sex trafficking.

The lawsuit alleges that Pornhub, and its parent company Aylo, profit from child sexual abuse material (CSAM) by profit-sharing with sex traffickers.<sup>43</sup> For example, the lawsuit outlines how a Verified Modelhub Model “Suga Daddy Zo” records his commercial sexual encounters with real prostituted women and uploads them to Pornhub.<sup>44</sup> Many of his videos are titled “On the Hunt for Hos (The Lost Tapes of Ep. 11) Run-a-way teen” and “On the Hunt for Hos Ep.16 (Kelvyn Park High School

---

43. [https://endsexualexploitation.org/wp-content/uploads/Doe-v-MindGeek-Freesites\\_Memorandum-of-Opinion\\_Defendants-MTD\\_Denied\\_02.09.22.pdf](https://endsexualexploitation.org/wp-content/uploads/Doe-v-MindGeek-Freesites_Memorandum-of-Opinion_Defendants-MTD_Denied_02.09.22.pdf)

44. *Id.*

Teen) Barely Legal.”<sup>45</sup> He has 21,000 subscribers, and 9.7 million views.<sup>46</sup>

Jane Doe #1 from the lawsuit alleges she was drugged and raped when she was 16. The same man that filmed her rape had entered into a profit-sharing agreement with Pornhub and its parent company Aylo, under their ModelHub program. One of the two videos uploaded of her rape was tagged with the word “Lil” to highlight she was a minor. She alleges that they never attempted to identify her age.<sup>47</sup> Jane Doe #2 from the lawsuit alleges that she was forced to participate in sexually explicit videos with adults at the age of 14. These videos were then uploaded to Pornhub. At least four of the videos have been identified, and the videos depicting Jane Doe #2’s child rape remained on Pornhub’s website for at least four years.<sup>48</sup>

In another class action lawsuit filed in the Central District of California in November 2023, the Plaintiff proposed that the class numbers are in the tens of thousands.<sup>49</sup> They also state that the Defendants’ own records demonstrate the presence of thousands of pieces of CSAM on their sites.<sup>50</sup>

---

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. <https://www.documentcloud.org/documents/24888992-mindgeek-class-cert-order>

50. *Id.*

In 2020 Pornhub identified over 600,000 pieces of content that it states were against their policies, including “content depicting a minor, non-consensual content, hate speech, content depicting animal harm, prohibited bodily fluids, incest, or violent content.”<sup>51</sup> This is in addition to Pornhub deleting over 10 million videos after *The New York Times* published Nicholas Kristof’s article, “The Children of Pornhub.”

## 2. Companies Cutting Ties with Pornhub

In 2020, Visa and Mastercard announced that they were terminating their contracts with Pornhub because their own investigation confirmed the presence of illegal content on the site.<sup>52</sup> Pornhub’s accounts have also been permanently removed and blocked from Instagram, YouTube, Comcast, and TikTok.<sup>53</sup> In 2021, Unilever, Kraft Heinz, Discover, and PayPal cut ties with Pornhub citing the increasing evidence of minors being exploited on their sites. The Texas law is merely one more example of an attempt to protect children from the harms that many companies and others have already acknowledged.

---

51. National Center on Sexual Exploitation, “Pornhub’s ‘Transparency Report’ Is Another Admission of Guilt, April 22, 2021, <https://endsexualexploitation.org/articles/pornhub-transparency-report-acts-as-another-admission-of-guilt/>

52. Hamilton, Isobel Asher, “Mastercard and Visa have cut off Pornhub from their payment services,” *Business Insider*, December 11, 2020, <https://www.businessinsider.com/mastercard-visa-pornhub-cut-off-payments2020-12>

53. Nealon, Lina, “Pornhub Just Got Kicked off Instagram, YouTube, and TikTok—Here’s Why,” December 20, 2022, <https://endsexualexploitation.org/articles/pornhub-just-got-kicked-off-instagram-youtube-and-tiktok-heres-why/>

**CONCLUSION**

Age verification requiring minimal time and minimal information does not violate an adult's constitutional rights. It protects children. With 19 states having recently passed age verification laws,<sup>54</sup> the American public has made their demand clear. What may be "mainstream" for some adults is clearly obscene for children, and it should be treated as such. It is paramount that age verification laws be allowed to do their purpose and keep children protected from pornographic content.

November 22, 2024

Respectfully submitted,

AARON T. MARTIN, JD, PHL

*Counsel of Record*

MARTIN LAW & MEDIATION PLLC

2415 East Camelback, Suite 700

Phoenix, AZ 85016

(602) 812-2680

aaron@martinlawandmediation.com

*Attorneys for Amici Curiae*

---

54. See Age Verification Bill Tracker, <https://exoduscry.com/pcnp/tracker/>