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Women and Pornography: The Reasons, The Benefits and The Risks

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I. Introduction

Lights, Camera, Action!!! She sits down on the makeup chair while her posse is glamorizing her up. In the meantime, the limo is waiting downstairs, the red carpet is rolled out and Moet & Chandon is chilled on ice. Three hours later, she arrives at the
red carpet premiere, where screaming fans are anxiously waiting for her arrival. The limo driver opens her door, she sets her champagne glass down, and slowly gets out. Which A-list celebrity is it? Is it Julia Roberts? Is it Nicole Kidman? Is it Sandra Bullock? No, it is the beautiful bombshell porn star.

The above scenario is one example of the reasons why women get into the porn industry – fame. There are additional reasons which the Author will discuss below.

This Article examines the reasons why women enter the porn industry, the benefits of joining it and its risks. Specifically, this Article concentrates on the five major reasons why women enter the porn industry: 1) physical/sexual/mental abuse (reasons for building self-confidence and feeling important); 2) financial (last resort to earn money in a short time frame or building a business empire); 3) fame (believes that this is a stepping stone into Hollywood); 4) nymphomania (sexual addiction); and 5) human trafficking (forced in becoming a sex slave). In addition, this Article will lay out the benefits of entering such an industry, which are mainly for money and happiness. Finally, this Article also will deeply focus on the risks that are associated with the industry, including severe burdens, such as obscenity charges and health and safety concerns.

The objective is to educate women on the severe risks and consequences that exist within the porn industry and to make sure that once a woman decides to enter the porn industry, she must then weigh her individual reason(s) with the benefit(s) and risk(s) that exist in the industry. In other words, women have a constitutional right to portray themselves in whatever means that they choose. They should not, however discount the high burden risks of potential obscenity charges and health and safety risks. Therefore, the focal point is to make sure that these women make a voluntary

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1 Porn industry is synonymous with adult industry.
2 See infra Part II. A
3 See infra Part II. B
4 See infra Part II. C
5 See infra Part II. D
6 See infra Part II. E
decision, while being aware of the consequences of being a member of such industry, rather than making the porn industry into a scapegoat.

II. Major reasons why women enter the adult industry

A. Physical/Sexual/Mental Abuse

The porn industry is a landing field for a number of women, who have had a history with some form of abuse, whether it be physical, sexual or mental abuse. Generally, the women in this category have a low self-esteem and/or low self-confidence. Pornography becomes the dumping ground for a lot of these women because the attention that they receive from their fans is very gratifying. The fans of pornography make these women feel like they are celebrities which in turn gets interpreted to feeling important, i.e. building their self-confidence. However, there are a few subcategories in this section of why women enter the porn industry, some have been sexually abused or molested and entering the porn industry is how they deal with their individual pain, some are runaway teenagers that want to get off the streets, and some suffer from low self-esteem and believe that being in porn makes them feel sexy about themselves.

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7 See CNN Transcripts, Interview with Larry King, Survivors of Child Sexual Abuse Speak Out, http://transcripts.cnn.com/TRANSCRIPTS/0604/07/lkl.01.html, (Traci Lords, Ex Porn Star: Started in porn in 1984. Traci ran away from home, a small town in Ohio. Early on in her life, she had a lot of sexual abuse that had happened to her. She was raped when she was 10-years-old and then her mother's boyfriend started molesting her from the time she was 10 until she was about 15. “The very traumatic experience of being raped as a child filled me with shame and a lot of guilt and ultimately, it was one of the reasons I ran away from home.”) (last visited Mar 28, 2010); see CBS News, Kendra Jade Rossi Looking to Dr. Drew to Overcome Sexual Addiction, Childhood Rape, http://www.cbsnews.com/8301-504083_162-5497427-504083.html?tag=contentMain;contentBody (“Kendra Jade Rossi, ex-porn star and wife of Rockstar Supernova front man Lucas Rossi . . . tells Dr. Drew that she was molested from the age of 2 until she was finally emancipated at the age of 14 and that she was raped in her teens.”) (last visited Mar 28, 2010).

8 See id.

9 See 9TO5: DAYS IN PORN (Jens Hoffmann 2008), quote of Sharon Mitchell (“A lot of people are misfits, reneges, and really don’t fit in the regular realms of life”); id, quote of Lucie (“Sometimes, I am up up up and sometimes down down down . . . It’s normal”).
Yet, an unknown fact is that the abuse also exists within the porn industry, which may be greater than the outside world.\footnote{See Shelley Lubben, http://www.shelleylubben.com/sites/default/files/SecondaryNegativeEffectsPorn.pdf, n.1 (“These data by Shelley Lubben, executive director of Pink Cross Foundation, a 501(c)(3) public charity dedicated to reaching out to adult industry workers offering emotional, financial and transitional support. www.shelleylubben.com and www.thepinkcross.org, are herein corroborated by Judith A Reisman, PhD, former Principal Investigator, Images of Children, Crime & Violence in Playboy, Penthouse and Hustler, 1989, US Dept of Justice, Juvenile Justice and Delinquency Prevention, Grant No. 84-JN-AX-K007 (11/14/09)) (last visited Mar. 28, 2010); id. n.2 (“Based upon in-depth interviews and public testimonies by pornography employees, we estimate 90% are adult survivors of child sexual abuse. These data are considered reasonable based upon the extant data from established governmental statistical findings as follows: 1 in 4 girls is sexually abused before the age of 18. (http://www.cdc.gov/nccdphp/ace/prevalence.htm, ACE Study - Prevalence - Adverse Childhood Experiences); 1 in 6 boys is sexually abused before the age of 18. (http://www.cdc.gov/nccdphp/ace/prevalence.htm, CE Study – Prevalence - Adverse Childhood Experiences); An estimated 39 million survivors of childhood sexual abuse exist in America today. (Abel, G., Becker, J., Mittelman , M., Cunningham-Rathner, J., Rouleau, J., & Murphy, W. 1987). Self reported sex crimes on non-incarcerated paraphiliacs. Journal of Interpersonal Violence, 2(1), 3-25”) (last visited Mar. 28, 2010).} There are countless stories from former and current porn performers and industry insiders of drug, alcohol and physical abuse while working in the porn industry.\footnote{See Shelley Lubben, Porn Stars Speak Out on Drugs, STDs, and Abuse in Porn, http://www.shelleylubben.com/articles/pornstarspeakout.pdf, (“Shelley Lubben is a former porn performer and executive director of Pink Cross Foundation, a 501(c)(3) public charity dedicated to reaching out to adult industry workers offering emotional, financial and transitional support. Her organization gathered various stories and testimonials from former and current porn stars regarding the kinds of abuse that went on while they worked in the porn industry.”) (last visited Mar. 28, 2010).} Jersey Jaxin, a former porn star, expresses her life as abuse; from sexual abuse from her father to the abuse she went through in the porn industry.\footnote{See Shelley Lubben, Former Porn Star Jersey Jaxin Story, http://www.shelleylubben.com/former-porn-star-jersey-jaxin-story (last visited Mar. 28, 2010).} In addition, Jersey claims that 75% of the performers are using drugs.\footnote{Id.}

People do drugs because they can’t deal with the way they are being treated . . . The main thing going around now is crystal meth, cocaine and heroin. You have to numb yourself to go on set. The more you work, the more you have to numb yourself. The more you become addicted, the more your personal life is nothing but drugs. Your whole life becomes nothing but porn.\footnote{Id.}
Porn actress Erin Moore admits, “the drugs we binged on were Ecstasy, Cocaine, Marijuana, Xanax, Valium, Vicodin and alcohol.”\textsuperscript{15} Moreover, associate professor at Pepperdine University School of Law Barry McDonald\textsuperscript{16} brings out the evidence against porn in a debate with John Stagliano\textsuperscript{17} stating that:

\[
\text{[o]n the issue of drug addiction and other ills plaguing the industry, there are numerous accounts by former porn performers on how they regularly took drugs to dull the pain and emptiness of what they did and the lifestyle associated with it}\textsuperscript{18} \ldots \text{Moreover, I mentioned \ldots how experts have equated porn production with prostitution in terms of the nature of that activity and the desperate lives that lead many women in particular to engage in these activities.}\textsuperscript{19}
\]

As mentioned above, these types of abuses exist in both worlds; inside and outside of the porn industry. However, some may argue that the chances of drug usage or addiction are higher within the porn industry to those women who come from abusive backgrounds because they are already vulnerable from being abused. Dr. Drew, a well-known Doctor and a radio and television personality host,\textsuperscript{20} says that “most children who are sexually abused grow up to believe that their only worth is for sex.”\textsuperscript{21} On his new reality show on VH1, \textit{Sex Rehab with Dr. Drew},\textsuperscript{22} he points to Kendra Jade Rossi’s, ex-porn star,\textsuperscript{23} story as a prime example.” Kendra tells Dr. Drew that she was molested

\textsuperscript{16} Barry McDonald is an associate professor at Pepperdine University School of Law and teaches and writes on 1st Amendment law.
\textsuperscript{17} John Stagliano is an adult entertainment director, producer and distributor; see infra notes 99-100.
\textsuperscript{21} CBS News, supra note 7.
from the age of two until the age of fourteen, where she was finally emancipated and that she was raped in her teens.\textsuperscript{24} In addition, “Kendra tells Dr. Drew that as a result of being molested and rape[d] at such an early age she quickly came to believe that ‘sex equaled love.’”\textsuperscript{25} 

B. Financial

Money, the obsession that causes people to cross all types of boundaries; and porn performers are no exception. It is important to understand the market value of the porn industry in order to see eye-to-eye with the reasoning of porn performers. In the United States alone, the porn industry earns revenue of approximately $13 billion per year, and $100 billion worldwide. “Every second that passes, $3,075 is being spent on porn, 28,000 internet users are viewing it, 372 are typing an adult term in a search engine, and every 39 minutes a new adult film is being produced.”\textsuperscript{26} This means that the potential to striking gold is not outlandish with a few proper steps, determination and a little luck.

There are three types of women that enter the porn industry for money: 1) the type that finds herself in a desperate situation for money in a short timeframe; 2) the type that is in the industry just for the money; and 3) the type that wants to make herself into a brand name and build an empire in the industry, such as Jenna Jameson,\textsuperscript{27} Tera Patrick\textsuperscript{28} and Jesse Jane.\textsuperscript{29}

\section*{1. Desperate Situation for Money}

\textsuperscript{24}CBS News, \textit{supra} note 7.
\textsuperscript{25}Id.
\textsuperscript{26}PORN: \textsc{Business of Pleasure}, (CNBC – Melissa Lee Reports 2009) http://www.cnbc.com/id/29960781.
\textsuperscript{27}See infra notes 39-40.
\textsuperscript{28}See infra notes 46-47.
\textsuperscript{29}See infra note 151.
A woman performing sex on camera can make a significant amount of money in a single shoot, much more than if she worked a whole week in a fast-food restaurant or some random office job. The money can be quickly earned and the work is considered “easy” in some senses.\(^{30}\) The potential to earn lots of money is incredible for a woman in this industry.\(^{31}\) “Women performers usually get somewhere between $700 and $1,200 for a male-female scene.”\(^{32}\) To clarify, a single scene may take no longer than a few hours to shoot. Therefore, a woman who is desperate for some quick cash can easily achieve that in a single day.

2. Porn - Just for the Money

Women from across all different backgrounds are drawn into the money that exists in the porn industry. From Belladonna,\(^{33}\) who had a very strict Mormon upbringing\(^{34}\) to Roxy Deville, a former stripper. Katja Kassin is a German porn star who decided to enter the porn industry to earn some money in order to pay for her studies.\(^{36}\) After she met Mark Spiegler and became one of his girl’s,\(^{37}\) Kassin began

\(^{30}\) See The Pink Cross Foundation, Former Porn Star Elizabeth Rollings Story, http://thepinkcross.org/pinkcross-articles/june-2009/former-porn-star-elizabeth-rollings-story (“I was in my first movie because of an ad I answered on craigslist off the internet. I needed money and it sounded easy to do so I thought, why not? I knew it was wrong but I needed quick cash and of course it was legal.”) (last visited Mar. 28, 2010).


\(^{33}\) See Freeones Blog, Exclusive Interview with Belladonna, http://blog.freeones.com/2007/09/11/exclusive-interview-with-belladonna/ (“I was 18 years old, the only thing on my mind was the money. So money, that’s what made me get into porn”) (last visited Mar. 28, 2010); see 9t05, supra note 9, quote from Belladonna (“I got in and I wanted the money”).

\(^{34}\) Wikipedia, Belladonna, http://en.wikipedia.org/wiki/Belladonna_%28person%29#cite_note-rog1-7 (last visited Mar. 28, 2010); see 9t05, supra note 9, quote from Belladonna (“I was raised very strict and religiously... I am Mormon ... I was also told that masturbation was a bad thing”).

\(^{35}\) See XRentDVD, Inside the Porn Stars Studio, Inside Roxy Deville, http://www.xrentdvd.com/Porn_Star_Interviews/Roxy_Deville.html (last visited Mar. 28, 2010); see 9t05, supra note 9, quote from Roxy Deville (“I was a dancer and I never made as much money as the other girls and it was heartbreaking because ‘I am a pretty girl, how come I don’t make any money?’ ... It’s because I wasn’t [sleeping with] my customers. So I figured that in the long run, you got to [sleep around] to make lots of money anyways, so you may [sleep around] [with] a professional, who is tested, that you don’t have to call and keep in contact with, so I got into porn”).


working on a daily basis and making large amounts of money. She quickly realized that she will be doing porn for a long time to come.38

3. Brand Names and Business Empires

Jenna Jameson39 a/k/a “the Queen of Porn”40 is the perfect example of the potential that exists in the porn industry, and how a smart woman can build an empire by making a name for herself.41 Jameson has become the role model for a lot of girls in the porn industry, who strive to get to the level of Jameson’s success. Jesse Jane is one of those girls. Jane is one of the biggest names in the porn industry today.

Having sex on films is what Jane is best known for . . . but success on film is not enough, Jane wants to be a sex symbol,42 with all of the movies, appearances and product lines that will extend her career beyond pornography . . . much like what Jenna Jameson did.43

38 9TO5, supra note 9.
40 See CNN, Jenna Jameson: “I Chose the Right Profession,” http://www.cnn.com/2004/SHOWBIZ/books/08/27/jenna.jameson/ (“It took a fraction of a second for a Google search to return 992,000 hits for Jenna Jameson; 700,000 of those sites also come with the letters X, X and X. But that's understandable, considering she's the reigning queen of porn.”) (last visited Mar. 28, 2010).
41 See Forbes, The (Porn) Player, http://www.forbes.com/free_forbes/2005/0704/124.html (“Jenna Jameson made millions having sex on-camera. Now she aims to make millions more--without ever again having to deliver so much as an on-screen kiss”) (last visited Mar. 28, 2010); see The Wall Street Journal Online, A Star is Porn, http://dackman.homestead.com/JamesonPornWSJ.htm (“Jenna Jameson is famous for being famous. Plus naked. Even those who are unfamiliar with her body of work know Ms. Jameson as the biggest name in adult entertainment, which is how she bills herself and which undoubtedly she is, at least for the moment”) (last visited Mar. 28, 2010); see ClubJenna, Jenna Jameson Bio, supra note 39; see PORN: BUSINESS OF PLEASURE, supra note 26, (“The former porn star developed a profitable website, strip clubs, merchandise and a production company. Clubjenna.com was eventually sold to Playboy in 2006 for an undisclosed sum”).
42 PORN: BUSINESS OF PLEASURE, supra note 26, (“Jane rakes up the accolades from the 5 to 6 films she does a year as a contract performer for the studio Digital Playground. But it’s her off camera work that is the most lucrative; at store signings, hosting parties and dancing at clubs.”); id. (“if you are smart about it, you can make thousands and thousands of dollars . . . I don’t dance a lot. I pick 7 or 8 places a year to go and the more exclusive you are, the more money you make because you are not doing it and people want you at their clubs because it is exclusive”).
43 Id.
Women like Jane know that the years in their careers are numbered and the pressure to look good is even more intense, since porn is shot in high definition. Therefore, building the Jesse Jane brand becomes the extension of Jane’s career – life beyond sex on camera. Jane explains, “you always have to have a backup plan because the truth is you can’t do this business forever.” Another woman who essentially competed with Jameson is Tera Patrick, who also has built an empire around her wide success in the porn industry. Therefore, money, by its manipulative ways, is able to seduce and capture these women into the porn industry one way or another.

C. Fame

Fame is one of the main factors that draw women into pornography. The women in this category believe that doing porn will be their stepping stone into Hollywood. However, the leap from pornography to Hollywood rarely ever occurs. Only a few

45 See Tera Patrick, Tera Patrick Bio, http://www.terapatrick.com/bio.php (“In her almost 10 years in the entertainment business, Tera has been featured in over 100 adult films and has appeared on more magazine covers than any other adult star in history. Since winning the coveted “Best New Starlet” award for her first film, Tera has gone on to win every major award in the medium and she continues to set records on the adult charts.”)
46 See Id. (“In 2003, Tera and [her husband] Evan formed their own production company, Teravision. Tera exploded as a contract star (a "Vivid Girl") for porn giant Vivid Entertainment, but the dynamic duo was confident they could produce top quality adult fare on their own. Today, Teravision releases two High Definition erotic adult movies each month via U.S. distribution through Vivid and their porn empire goes beyond Teravision. They also have a licensing and marketing division (The Tera Patrick Agency), a lingerie line (Mistress Couture), a radio show (Rockstar/Pornstar on Playboy Radio on Sirius), a hardcore production company (Iron Cross), and some of the most popular porn websites on the Internet, including their official flagship site, TeraPatrick.com”) (last visited Mar. 28, 2010).
47 See Associated Content, 4 Reasons Women Become Porn Stars, http://www.associatedcontent.com/article/256234/4_reasons_women_become_porn_stars.html?cat=31 (“There are many women who become porn stars by accident. Such individuals travel to Los Angeles and other large cities in search for acting opportunities in the entertainment business. However, they consider porn movies after being passed [over] for other normal roles. Some women are able to separate themselves from porn quickly after doing one or two movies and return to more regular acting roles. Unfortunately, lots of women remain in the porn business and start to make a name for themselves in adult movies. Once they have performed in several adult movies, it can be difficult to get cast for normal Hollywood productions. These women then decide to build a career in porn and bypass regular acting altogether. Their reason for getting into porn is usually not intentional but becomes acceptable to them.”)
porn stars out of the tens of thousands have actually crossed over into mainstream Hollywood, and those few lucky ones are living the true Hollywood life. One needs to remember that the porn industry is a major player in both the U.S. and world economies, with millions of dedicated fans worldwide. Therefore, the women that enter this industry for fame rely on these fans for their full support.

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50 See PORN: BUSINESS OF PLEASURE, supra note 26, (“Industry insiders say that top porn stars can make up to $2,000 per movie scene and as much as $30,000 a month”); see Listaholic, Highest Paid Pornstars – Huge Porn Star Salaries, http://www.listaholic.com/the-5-highest-paid-pornstars.html (last visited Mar. 28, 2010).

51 Economy Watch, (“The porn industry is a major component of the world economy, generating large scale revenue and employment . . . According to toptenreviews.com, over $3,000 is spent every second across the world on pornography . . . the countries with the largest revenue from the porn industry (in http://en.wikipedia.org/wiki/List_of_pornographic_actors_who_appeared_in_mainstream_films (last visited Mar. 28, 2010).

49 See Wikipedia, Jenna Jameson, supra note 39, (Jameson has crossed-over into mainstream pop-culture, starting with a minor role in Howard Stern's 1997 film Private Parts. Her mainstream appearances continued with: regular appearances on The Howard Stern Show; guest-hosting stints on E! television's Wild On! and Talk Soup programs; a guest-starring voice-over role in a 2001 episode of the Fox animated television sitcom Family Guy; an award-winning voice-over role in the 2002 video game Grand Theft Auto: Vice City; and, a guest-starring role in two episodes of the 2003 NBC television series Mister Sterling. Her 2004 autobiography, How to Make Love Like a Porn Star: A Cautionary Tale, spent six weeks on The New York Times Best Seller list. She has also created a horror comic book with Virgin Comics entitled Jenna Jameson's Shadow Hunter, which was released in February 2008. She played the female lead character in the 2008 horror-comedy Zombie Strippers) (last visited Mar. 28, 2010); Tera Patrick, Tera Patrick Bio, supra note 46, (“Tera's superstar status has also been furthered by countless appearances in the mainstream media, including a cameo in the blockbuster Will Farrell comedy Blades of Glory, a storyline based on her and co-starring her on Cartoon Network's Aqua Teen Hunger Force, an appearance in the video game Backyard Wrestling 2: There Goes the Neighborhood, and her role a spokesperson and downloadable character for the video game Saints Row 2. Mainstream fans also know Tera from various specials and shows on G4TV, CNBC, HBO, WE, MTV, E!, VH1 and of course the Howard Stern Show”) (last visited Mar. 28, 2010); Wikipedia, Traci Lords, http://en.wikipedia.org/wiki/Traci_Lords (“Lords moved into mainstream films, and has appeared in several acclaimed movies. At 18, Lords began studying at the Lee Strasberg Theatre Institute, and soon after, starred in a remake of Roger Corman's film Not of This Earth. Then in 1990, she appeared in John Waters' Cry-Baby, playing the role of Wanda Woodward. Other movies on her resume include Blade, Tommyknockers, Black Mask 2: City of Masks, and Chump Change. The last won her a Best Actress Award at the U.S. Comedy Arts Festival. She has also made cameo appearances in Serial Mom, Nowhere and Virtuosity, and “Panic Button” in 2007 (made for TV). In addition to movies, Lords has also made many appearances in TV shows, including Married... with Children, MacGyver, Highlander: The Series, Tales from the Crypt, Hercules, Gilmore Girls, and Will & Grace among others, along with recurring roles inProfiler, Roseanne, and Melrose Place. From late in 2000 to 2001, Lords appeared in the Francis Ford Coppola produced sci-fi series First Wave, playing Jordan Radcliffe, the newest member of a group called Raven Nation that combats extraterrestrial aliens”) (last visited Mar. 28, 2010). IMDB, Traci Lords, http://www.imdb.com/name/nm0000183/ (last visited Mar. 28, 2010); Wikipedia, List of Pornographic Actors who Appeared in Mainstream Films, http://en.wikipedia.org/wiki/List_of_pornographic_actors_who_appeared_in_mainstream_films (last visited Mar. 28, 2010).
Dr. Sharon Mitchell, co-founder of the Adult Industry Medical Healthcare Foundation (AIM),\textsuperscript{53} states that:

There are three sub types that are drawn to pornography, addicted to sex, money and fame. The people that have the most crucial needs, in my opinion and experience, are the ones who are addicted to fame because these people have compromised backgrounds, perhaps a very bad family life, perhaps some abuse growing up has a child, therefore, on their eighteenth birthday, they end up in LA, thinking pornography is going to be the backdoor into Hollywood . . . the “backdoor” part would be accurate, but Hollywood . . . it’s very rare that you are going to end up as a Meryl Streep, when you are starting out [performing extreme sexual acts].\textsuperscript{54}

Spiegler\textsuperscript{55} also reminds his girls that they need to be realistic with dreaming about leaping out of the porn industry and becoming the next Hollywood idol. “A lot of girls tell me, ‘I want to be famous.’ And I tell them, ‘if you have the choice between rich and famous, take the rich because there are a lot of famous porn stars who can’t pay the rent.’”\textsuperscript{56}
D. Nymphomania

Nymphomania is defined as the “excessive sexual desire by a female.”57 “The concept of hypersexuality replaces the older concepts of nymphomania (or furor uterinus) and satyriasis . . . Nymphomania was believed to be a female psychological disorder characterized by an overactive libido and an obsession with sex.”58 Today, women who are classified as nymphomaniacs can make their overactive characteristics as their career, and a number of them do.59

Sasha Grey60 is the latest highly successful addition to the porn world. Grey began her porn career at the age of eighteen by emailing one of the biggest porn agents, Mark Spiegler.61 In her introduction email to Spiegler, Grey included the long list of sexual acts that she was willing to perform and a mission statement that read:

Most of the porn that I see is boring, and does not arouse me physically or visually. There is only a handful of porn stars that continue to push the boundaries of what women are supposed to be like or be like in bed. This entices me to be one of these young women. Not to mention, my lust for sexual creativity. I hunger for all modes of sexual perversity. I am determined and ready to be a commodity that fulfills everyone’s fantasies.62

59 See Real Sex Ed Facts, Women and Porn Industry, supra note 31, (“Some women say that they choose the porn industry because they enjoy having sex. They feel that they are good at sex and this is how they want to earn a living. Many female porn stars are not afraid to brag about their in-bed habits. Some female porn stars have even written books such as the popular ‘How to Have Sex Like a Porn Star’”) (last visited Mar. 28, 2010).
62 9TO5, supra note 9, quote from Sasha Grey.
The rest is all history, from that point on Grey has exploded into the next hottest porn star sensation. With her vulgar statements and direct vision, Grey is likely to stay in the porn industry for a long time to come.

Mia Rose is another example of one who joined the industry due to her sexual cravings. Rose joined the porn industry at the age of nineteen together with her older sister, Ava Rose. The two sisters are inseparable, they are best friends and do everything together, including doing pornographic magazine spreads and adult films. Mia Rose describes her passion for sex as, “sex plays a massively huge role in my life because I worship sex. I don’t just love it, I worship it.”

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64 See 9TO5, supra note 9, quote from Sasha Grey (“I want to make it nasty. I want to make it dirty. I want to make it filthy. I want to make it creative. I don’t want just a 1 2 3 step formula . . . it’s a routine. Pornography should always be exploring sexuality in every form”); id, quote from Sasha Grey (“I want to show people that I love what I do. This is not a 9 to 5 job, go home and be with my husband and kids. I like what I do. I don’t consider my job boring at all. It’s definitely something I am proud of”).


67 See 9TO5, supra note 9, quote from Mia Rose (“Growing up the Rose sisters were considered geeks and nerds. Throughout high school, and they only had each other, since making friends with others didn’t really work out”) (last visited Mar. 28, 2010).


69 See 9TO5, supra note 9, quote from Mia Rose; see XRentDVD, Inside the Porn Star Studio, Inside Mia Rose, http://www.xrentdvd.com/Porn_Star_Interviews/Mia_Rose.html (“Before I got into porn I couldn’t keep a boyfriend because I wanted to [have sex] so much. Everyone thought I was a freak and not in a good way”) (last visited Mar. 28, 2010).
In short, these women absolutely enjoy their work. For them, the adult industry is a dream come true, where not only they get their frequent sexual fix and explore with their sexual boundaries, but they also make a living off it.

E. Human Trafficking

Human trafficking is another reason why women enter the porn industry, but due to its rare and unique circumstances, it is beyond the scope of this paper.  

III. Major Issues that surround the adult industry

A. Constitutional Right - Free Speech

1. Obscenity

The issue of obscenity is by far the most significant legal issue that exists today for the porn industry. Corpus juris secundum defines obscenity as:

[M]aterial which deals with sex in a manner appealing to prurient interest. While obscenity is not a technical term of the law that is susceptible of exact definition, it is capable of a sufficiently precise constitutional definition. The term "obscenity" comprehends or is synonymous with the terms


71 Piracy is a big issue in the adult industry, but it is beyond the scope of the paper. However, a short brief on the issue; See PORN: BUSINESS OF PLEASURE, supra note 26, (“technology has created porn’s biggest challenge, a challenge that mainstream Hollywood also faces. . . free porn (content). According to Wired Magazine what’s happening to porn is much like what happened to the music industry when Napster hit the scene . . . fans downloading content for free. What Napster was to music, tube sites are to porn. Like YouTube, these sites allow people to post videos online, anything from amateur homemade movies to potentially pirated video clips. It’s the gateway to the world of free porn”); Zoning and underage performers (child pornography) are also issues that surround the adult industry, but are beyond the scope of this paper. see City of L.A v. Alameda Books, 535 U.S. 425 (U.S. 2002) (“Los Angeles, Cal., Municipal Code § 12.70(c) (1983), as amended, prohibits the establishment or maintenance of more than one adult entertainment business in the same building, structure, or portion thereof”); see 18 USCS § 2251 (Require producers of sexually explicit material to obtain proof of age for every model they shoot, and retain those records); see 18 USCS § 2251 (No performers under the age of 18 are allowed to be employed by adult industry production companies); See Cal Pen Code § 311.3 (Sexual exploitation of child).
indecent and immoral, or lewd, lascivious, and indecent. A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, such as a shameful or morbid interest in nudity, sex, or excretion, and goes substantially beyond customary limits of candor in description or representation of matters. Obscene material has been authoritatively defined as material which deals with sex in a manner appealing to prurient interest, and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. On the other hand, sex is not obscene per se under all circumstances, and something that is sexually expressive is not necessarily obscene. Material that provokes only normal, healthy sexual desires cannot be characterized as obscene. To be obscene, a thing ordinarily must both appeal to prurient interest and be patently offensive. Even though a matter depicts hardcore sexual conduct which appeals to the prurient interest, it is not obscene unless, taken as a whole, the work depicts or describes sexual conduct in a patently offensive way.\textsuperscript{72}

i. Pre-1973 (Miller Test)

The road to defining what obscenity is has been a very bumpy road until the 1973 landmark case, Miller v. California, 413 U.S. 15 (1973). In 1957, the U.S. Supreme Court in Roth v. United States, 354 U.S. 476, 489 (1957), determined that the test of whether a specific material was obscene was if, to the average person applying contemporary community standards, the dominant theme of the material taken as a whole appealed to prurient interest.\textsuperscript{73} The Court concluded that the lower courts had applied the proper standard by finding the books, periodicals and photographs in that case as obscene.\textsuperscript{74}

A few years later, in 1964, the Supreme Court revisited the obscenity issue and granted certiorari in Jacobellis v. Ohio, 378 U.S. 184, 191 (1964), to consider whether the state courts properly found that the French film titled Les Amants was obscene and therefore not entitled to the protection for free expression guaranteed by the

\textsuperscript{72} CJS OBSCENITY § 1
\textsuperscript{73} Roth v. United States, 354 U.S. 476, 489 (1957).
\textsuperscript{74} Id.
Constitution. The Court reiterated the Roth test for obscenity: whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appealed to a prurient interest. The Court held that the constitutional status of an allegedly obscene work must be determined on a national standard because the Constitution was national. After viewing the film, the Court held it was not obscene.

Furthermore, in his concurring opinion, Justice Potter Stewart coined the phrase “I know it when I see it.” The phrase ‘I know it when I see it’ is a colloquial expression by which the user attempts to categorize an observable fact or event, although the category is subjective or lacks clearly-defined parameters. In addition, this phrase is best known for “as a description of a threshold of obscenity, no longer used, which is not protected speech under the First Amendment of the United States Constitution.”

I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description ["hard-core pornography"]; and perhaps I could never succeed in intelligibly doing so. But I know it when I see it, and the motion picture involved in this case is not that. [Emphasis added.]

The “I know it when I see it” expression became one of the Supreme Court’s most famous phrases in the entire history of the Supreme Court.

ii. 1973 Miller Test

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76 Id.
77 Id.
78 Id.
79 Id. at 184.
81 Id.
82 Jacobellis at 184.
83 Wikipedia, I Know it When I see it, supra note 80.
Then, in 1973, the Supreme Court in *Miller v. California*, defined the guidelines to be used to identify obscene materials that a state\(^{84}\) might regulate without infringing on the First Amendment, applicable to the states through the Fourteenth Amendment.\(^{85}\)

The basic guidelines in determining whether material is obscene are: (a) whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest, (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.\(^{86}\)

The court added that “sex and nudity may not be exploited without limit by films or pictures exhibited or sold in places of public accommodation any more than live sex and nudity can be exhibited or sold without limit in such public places.”\(^{87}\) The court further stated that “[a]t a minimum, prurient, patently offensive depiction or description of sexual conduct must have serious literary, artistic, political, or scientific value to merit First Amendment protection.”\(^{88}\)

iii. **Post-1973 (Miller Test)**

a. **U.S. v. Little** – The Max Hardcore Case

Today, the courts still follow the *Miller* test. However, in 2008 in the controversial case, *U.S. v. Little*, the United States District Court for the Middle District of Florida, Tampa Division ruled that the *Miller* test could also be applied to the Internet.\(^{89}\) Defendants, Paul F. Little a/k/a Max Hardcore and his company, Max World Entertainment, Inc., unsuccessfully argued that “the federal obscenity statutes are

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\(^{84}\) Cal Pen Code § 311.2 (In this case, the defendant was convicted of violating Cal Pen Code § 311.2(a) by knowingly distributing obscene matter. On appeal to the Supreme Court, the case was vacated and remanded the state court’s decision.)


\(^{86}\) *Id.* at 24.

\(^{87}\) *Id.* at 25-26.

\(^{88}\) *Id.* at 26.

‘unworkable when applied to the Internet.’” In addition, the defendants argued that that “the Miller test cannot be applied to the Internet because it is impossible to know what work ‘taken as a whole’ means when all web content is interconnected, and it is equally impossible to determine the community standards by which the materials should be judged when the Internet reaches across the nation and across the world.” However, the court agreed with the Government’s argument that “under the Miller test the community standards to be applied can be the standards of the community into which the allegedly obscene material moves or is sent, as well as the standards of the community from which it is sent.”

Max Hardcore “may be the dirtiest man in America.” Little is a nationally-known director, producer and pornographic actor “who makes movies featuring himself performing unusual fetishes on women, usually portrayed as young girls.” On May 17, 2007, Little was indicted on five counts of transporting obscene matter by use of an interactive computer service and five counts of mailing obscene matter, when a U.S. postal inspector in Tampa Florida placed an order for 5 DVD’s on Max Hardcore’s website and had the merchandise delivered to a PO Box in Tampa Florida. Following the indictment, the authorities shut down Max Hardcore’s website, and ultimately a U.S. District judge sentenced Little to 46 months in prison after a jury found his materials to be obscene.

References:

90 Id.
91 Id.
92 Id. at 7 (the court further stated that if the United States Supreme Court wants to treat all Internet obscenity cases as sui generis for the purposes of federal obscenity law analysis, it has not yet said so. It is constitutionally permissible to subject defendants in obscenity prosecutions to varying community standards of the various judicial districts into which they transmit obscene material. At a minimum, prosecutors may elect to bring obscenity charges against a defendant in either the district of dispatch or the district of receipt without running afoul of the due process clause).
93 See PORN: BUSINESS OF PLEASURE, supra note 26.
94 See Department of Justice, Producer Paul Little Indicted on Obscenity Charges, http://www.justice.gov/opa/pr/2007/May/07_crm_393.html (“Little’s films feature acts such as anal penetration, urination, insertion of an entire hand into a vagina or anus, vomiting, and severe violence towards the female performers participating in the acts”) (last visited Mar. 28, 2010).
95 See Department of Justice, Producer Paul Little Indicted on Obscenity Charges, supra note 94.
On February 2, 2010, the United States Court of Appeals for the Eleventh Circuit affirmed the ruling of its lower court. The court held that “the Miller obscenity test remains the standard for defining obscenity, regardless of the medium in which the materials are conveyed.”

b. U.S. v. John Stagliano – Pending Case

On April 8, 2008, John Stagliano a/k/a Buttman and his related companies (John Stagliano, Inc. and Evil Angel Productions, Inc.) were charged with:

three counts of using a facility of interstate commerce to sell and distribute DVDs containing obscene films together with a movie trailer in violation; two counts of using a common carrier for the conveyance or delivery of DVDs containing obscene films in interstate commerce; one count of engaging in the business of selling or transferring an obscene film and a movie trailer; one count of using an interactive computer service to display an obscene movie trailer in a manner available to a person under 18 years of age; and one count seeking forfeiture of certain assets of the defendants.

98 See Little, supra note 89.
99 See Id. at p7. (“The defendants argued that their publication was different from that of the appellant in Miller in that they did not direct their Internet publication at any one area. Miller, 413 U.S. at 16, 93 S. Ct. at 2611 (appellant purposefully and knowingly mailed advertisements for obscene materials). Appellants argue[d] that applying a local community standard to the Internet results in an infringement upon First Amendment rights because the Internet publisher’s materials can be judged according to the community standards of the strictest of communities, even though the Internet publisher never made any specific effort to direct the materials at that community. The court disagreed. “The [Miller v. California] obscenity test’s contemporary community standard was established to protect the First Amendment rights of those in the sexually open areas of our country just as much as it was designed to protect the people in the strictest areas. [Miller] declared that it is neither realistic nor constitutionally sound to read the First Amendment as requiring that the people of Maine or Mississippi accept public depiction of conduct found tolerable in Las Vegas, or New York City, which means the opposite must also hold true, that the people of Las Vegas and New York City must not be constrained in their First Amendment freedom of expression by the standards of those in Maine or Mississippi”).
101 See Wikipedia, Evil Angel, http://en.wikipedia.org/wiki/Evil_Angel_%28studio%29 (“[Evil Angel] has been described as ‘the top porn-film producer’ in the U.S., as one of the handful of companies which dominate the distribution of pornographic films in the U.S., and as one of the most profitable porn studios . . . A 1997 U.S. News and World Report investigation identified Evil Angel as the most profitable pornographic studio”) (last visited Mar. 28, 2010).
102 See XBIZ, Stagliano’s Indictment, http://www.xbiz.com/docs/xbiz/news/92236_Stagliano%20indictment%20as%20filed.pdf (last visited Mar. 28, 2010); see XBIZ, John Stagliano, Evil Angel Charged With 7 Obscenity Violations,
This indictment came about after FBI agents “plac[ed] an order with the defendants by mailing a form printed from their website . . . FBI agents in Washington D.C. received by mail two DVD’s – ‘Milk Nymphos.’” On February 19, 2010, a United States District judge denied the defendants’ motions to dismiss where they argued that statutes, 18 U.S.C. § 1465, 18 U.S.C. § 1462, 18 U.S.C. § 1466, and 47 U.S.C. § 223(d), are unconstitutionally vague and overbroad as applied to Internet speech. Stagliano awaits the court to set his trial date.

c. Champion of the First Amendment

Herald Price Fahringer is a constitutional law lawyer based in New York. “Fahringer has been on the front line of the porn controversy for decades . . . he represented Larry Flynt, the publisher of Hustler in the 1970’s, who fought several
prominent first amendment cases.”\textsuperscript{110} When asked whether he has seen Max Hardcore’s materials, Fahringer replies:

I haven’t, but I have read enough about it to get a fairly good indication of what it’s like... I find it utterly and grossly distasteful, it’s repulsive, it’s revolting... but the problem is once you start drawing lines, once you say that can’t be seen by those who derive some kind of satisfaction from it, you are starting down that road that it’s censorship.\textsuperscript{111}

Fahringer describes himself as a champion of the first amendment. “I am champion of everybody having the right to read whatever they want, to make the choice, that’s what is important... and we cannot interfere with that in a free society...”\textsuperscript{112}

After the 2000 presidential election, “there was a concern within the pornography industry regarding possible future U.S. Justice Department prosecution over obscene material.”\textsuperscript{113} Paul Cambria, a first amendment attorney who has represented various figures and companies within the pornography industry,\textsuperscript{114} such as publisher Larry Flynt, decided to step in and protect pornographers against possible future prosecution. As a result, he created the “The Cambria List” - “a list of sex acts which [Cambria] recommended pornographers not film so as to avoid possible legal problems with the U.S. Government.”\textsuperscript{115}

This list included the following box-cover and movie production guidelines:

No shots with appearance of pain or degradation, [n]o facials (bodyshots are OK if shot is not nasty), [n]o buk[ka]ke,\textsuperscript{116} [n]o spitting or saliva mouth to mouth, [n]o food used as sex


\textsuperscript{111} Id.

\textsuperscript{112} Id.


object, [n]o peeing unless in a natural setting, e.g., field, roadside, [n]o coffins, [n]o blindfolds, [n]o wax dripping, [n]o two [penis'] in/near one mouth, [n]o shot of stretching [vagina], [n]o fisting, [n]o squirting, [n]o bondage-type toys or gear unless very light, [n]o girls sharing same dildo (in mouth or [vagina]), [t]oys are OK if shot is not nasty, [n]o hands from 2 different people fingering same girl, [n]o male/male penetration, [n]o transsexuals, [n]o bi-sex, [n]o degrading dialogue, e.g., "[s]uck this cock, bitch" while slapping her face with a penis, [n]o menstruation topics, [n]o incest topics, [n]o forced sex, rape themes, etc., [n]o black men-white women themes.

d. Warning the Porn Industry

In the last few years, the anti-porn movement has been gaining strength and momentum, especially after Little’s conviction. “For anti-porn contenders and law enforcement officers, Little’s conviction is a victory because [it is] a symbolic stake in the ground in the fight to keep porn within limits . . . but for the $13 billion porn industry, [it is] a warning and for defenders of the First Amendment, [it is] troubling.”

Little's conviction represents a limit on free speech, one that comes with a heavy prison price for filming pornography. Today, producers are forced to question their creative sexual visions before they publicly distribute their films in order not cross any legal boundaries. The last thing that these producers want is for a process server to knock on their doors with obscenity charges for the films that they shot.

In light of the severe risks, pornographers are not slowing down their reels. Every year the porn industry produces thousands of new releases, and not all porn studios follow the guidelines of the Cambria List. Little is the “poster boy of hardcore extreme

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117 PBS Frontline, The Cambria List, supra note 115.
119 See 9TO5, supra notes 9 and 15, quote from Paul Fishbein – president of adult video news (AVN) (“Sex Sells . . . [in 2008], almost 13,000 new releases came out”).
120 See LA Weekly, Porn Jitters, http://www.laweekly.com/2001-03-01/news/porn-jitters/2 (“While Cambria’s client roster includes industry giants such as Larry Flynt’s Hustler Video . . . and Vivid Video, it is far from certain that smaller firms will follow their lead”) (last visited Mar 28, 2010).
porn,” and a recent example of one who does not follow the Cambria List guidelines.122

Although obscenity charges are heavy in price, they are rarely enforced.123 Nonetheless, the risks are not just limited to the producers and distributors of porn, prosecutors may expand their horizon to all those that work and handle the so to speak obscene materials.124 Therefore, porn stars who strive and work themselves up the chain of command and become heads of studios and production companies,125 have to beware of such legal risks because in one quick swoop all of their hard work can be swept away.

B. Health and Safety Issues

One major issue that needs to be taken seriously by all women who join the porn industry, regardless of the reason why they entered the industry, is the health and safety risks that surround the industry. From 2004 until June 2009, there have been twenty two reports of HIV infections within the adult industry.126 “[Sixty-six percent] of porn performers have Herpes, a non-curable disease.”127 “Chlamydia and Gonorrhea

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121 PORN: BUSINESS OF PLEASURE, supra note 26.
122 See Id. quote from Little (“We made hardcore porn into hard to believe porn . . . we pushed the envelope . . . we actually tore up the envelope”).
123 See PORN: BUSINESS OF PLEASURE, supra note 26, (“The Department of Justice declined to comment whether pornography is a priority, but the numbers may indicate that it’s not. Even with the proliferation of porn, between 2001 and April 2009 only 13 defendants await trial in obscenity charges . . . just 58 have been convicted.”)
124 See PORN: BUSINESS OF PLEASURE, supra note 26, (“While there are federal and state laws that prohibit the distribution of obscene porn, they are rarely enforced, but if they were, according to some legal experts, studios that sell porn, cable and satellite companies that put porn onto their systems and hotels that offer porn on their pay-per-view’s, they would all be offenders.”)
125 See ClubJenna, Jenna Jameson Bio, supra note 39; see Tera Patrick, Tera Patrick Bio, supra note 46; see Wikipedia, Joanna Angel (founder of Burning Angel where she directs, produces and stars in her own adult films) http://en.wikipedia.org/wiki/Joanna_Angel (last visited Mar. 28, 2010).
126 Los Angeles Times, Porn Star Recalls Nightmare of Testing HIV Positive, http://articles.latimes.com/2009/jun/15/local/me-porn-hiv15 (“Los Angeles County public health officials said last week[June 2009] that the woman’s case, which has not officially been reported to them, would mark the 22nd report of an HIV infection in an adult film performer since 2004”) (last visited Mar. 28, 2010).
among performers is [ten times] greater than that of LA County 20-24 year olds.”\textsuperscript{128} And “70% of sexually transmitted infections in the porn industry occur in females.”\textsuperscript{129}

1. Medical Examinations and Testing

Today, the adult industry in the U.S. requires that every adult actor (male or female) must be tested for HIV and other STD’s before they walk onto a set.\textsuperscript{130} The Adult Industry Medical (AIM) Healthcare Foundation has been the official body that tests all of these adult performers and certifies them as ready to work.\textsuperscript{131} The Pink Cross Foundation is another non-profit organization that provides valuable resources about the adult industry and its health and safety risks.\textsuperscript{132}

2. Possible New State Law Requiring Condom Use

\textsuperscript{128} Id.
\textsuperscript{129} Id.
\textsuperscript{131} AIM, About Us, http://www.aim-med.org, (“AIM is a non-profit corporation created to care for the physical and emotional needs of sex workers and the people who work in the Adult Entertainment Industry. Through our HIV and STD testing and treatment, our counseling, and support-group programs, we are happy to be serving the sex worker community. 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”); see AIM, Recommendations and Requirements Adult Entertainment Industry; http://www.aim-med.org/library/articles/1194641251; Crown Model Management, Articles and Information, http://www.crownmodelmanagement.com/AIM_Healthcare_Foundation.html (“AIM was co-founded in 1998 by veteran porn star Dr. Sharon Mitchell and is now the standard HIV/STD testing center for the adult film (porn) industry in the United States. All professional adult film production Companies in the San Fernando Valley (the so-called porn capital of the world) and surrounding areas require both male and female porn actors to present a clean STD test from the AIM foundation on the day of production. The test can be validated by producers, directors, etc. by cross-checking an adult film actress’ online test results against her state-issued identification. A test from any clinic besides AIM Healthcare is generally not accepted. The test, which costs about $130 to take, must be run every month by porn actors & actresses who are active in the business (shooting porn scenes“) (last visited Mar. 28, 2010).
\textsuperscript{132} Shelley Lubben, Vital Information for Workers and Employer in the Adult Film Industry, http://www.shelleylubben.org/vital-information-workers-and-employers-adult-film-industry (“Health hazards in the adult film industry - In addition to general health and safety hazards associated with film and video production, workers in the adult film industry face particular hazards because actors perform sex acts in the course of making the films or videos. Many diseases can be transmitted through blood, semen, vaginal fluid and fecal material, or by mucous membrane contact“) (last visited Mar. 28, 2010).
Ever since the HIV outbreak among porn performers in the San Fernando Valley (CA) in 2004,\textsuperscript{133} the AIDS Healthcare Foundation\textsuperscript{134} has been pushing regulators and porn industry leaders to better safeguard the health of adult-film performers.\textsuperscript{135} Governor Arnold Schwarzenegger appointed six individuals to the California Division of Occupational Safety and Health standards board,\textsuperscript{136} who “voted unanimously on the advice of staff to create an advisory committee to report back on whether to change state law to require safe-sex protections for adult-film actors and actresses.”\textsuperscript{137} The board had up to six months to act on a petition filed by the AIDS Healthcare Foundation on December 17, 2009 “to change state law and require mandatory condom use for adult-film workers and more stringent safety training and testing for sexually transmitted diseases.”\textsuperscript{138}

There has been support for these new safety changes by local professionals. “Dr. Robert Kim-Farley, director of communicable disease control and prevention at the Los Angeles County Department of Public Health, recommended mandatory condom use and increased, free STD screening for adult-film performers.”\textsuperscript{139}

In the summer of July 2009, the foundation sued Los Angeles County after the disclosure that an adult-film performer had tested positive for HIV in \textit{AIDS Healthcare Foundation v. Los Angeles County, Dept. of Pub. Health} (BS12665 July 16, 2009), alleging that “public health officials failed to prevent the spread of sexually transmitted diseases and to enforce laws requiring employers to protect workers against exposure

\begin{footnotes}
\item[137] Los Angeles Times, \textit{State regulators agree to explore requiring porn industry performers to use condoms and adopt other safety measures}, supra note 135.
\item[138] Id.
\item[139] Id.
\end{footnotes}
to bodily fluids.” The lawsuit was ultimately dismissed by a Los Angeles County Superior Court judge because the county had a broad discretion in how it oversaw public health. The foundation appealed the decision on March 11, 2010.

IV. Analysis

A. The Reasons

In answering the question why women enter the porn industry, one must look at the big picture first, before making any irrational conclusions. Generally, most researchers and even laypeople can come up with a few general reasons right off the bat: money, fame or past abuse. But, it is not enough to just throw around these reasons without any justifiable backings. There is no doubt that a number of these women did actually join the industry for money, fame and/or due to some sort of former (childhood) abuse, but once one looks below the surface line, will only then the true colors appear.

In general, most people can agree that the women in the porn industry are beautiful women. Then, why would a beautiful woman, such as Sasha Grey, Jesse Jane or Jenna Jameson, enter such a taboo industry? In Grey’s case, she entered the industry because she claimed that the current pornography that was out there was boring. Grey came into the porn industry with a specific objective, wanting to contribute to (porn) society by pushing the boundaries that limit porn, and that is exactly what she did. Today, Grey, at age of twenty two, is considered by industry insiders and her fans as being one of the industry's most hardcore pornographers.

142 See Los Angeles Times, Campaign to require porn actors to wear condoms gains ground, supra note 140.
143 See supra note 9, quote from Sasha Grey.
144 Id.
145 See id.; See Los Angeles Times, Porn Star Sasha Grey gets a Mainstream Role,
claims that she is completely sound and happy with her career choice, and plans to dedicate herself to continuing her objective. Grey has been characterized as a nymphomaniac due to her “insatiable appetite” for sex, in an article by the Yale Daily News. Last of all, Grey has transcended herself into a mainstream icon, thus one does not need to be a porn fan to know the name Sasha Grey.

Jesse Jane is another beautiful woman that got into the porn industry, unlike Grey, to become a sex symbol. Jane’s porn career began, when the then Oklahoma single mom decided to approach Digital Playground and attempted to convince them of her desire to become a sex symbol. Following Digital Playground’s green light to Jane, it has been a nonstop ride in building Jane’s brand name and business empire within the porn industry. The international fame porn star became a “household name” after landing the starring role in Pirates II: Stagnetti’s Revenge. In addition, Jane has expanded her brand name across all media mediums, hence, she has successfully merged into the mainstream.
As mentioned above, there are three types of women who get into the porn industry for the money; those that are – 1) in a desperate situation for money in a short timeframe, 2) in it for the money and 3) interested in becoming a brand name and build an empire in the industry. The Jesse Jane story is an example of the latter category. However, not all women who attempt to become “porn stars” ever succeed. Many of them may never get onto a DVD; most are just limited to being amateur performers on some random porn website and earn very little money.

The general standard of pay for a girl/boy scene is $700-1200 per scene for women (and about half the rate for men). Typically, the more hardcore the scene is the more money the performer receives. For a woman who is about to be evicted out of her apartment and has no other way to get the necessary funds before her eviction date, $1,200 for a few hours of “work” may sound enticing. But for some women who are not in some desperate situation or do not have the desire to become famous in the porn industry, it is simply the money.

A woman working in the industry on a regular basis can make a lot of money. Katja Kissin is a great example of such a woman. Kissin came into the industry to save up some money for her studies, however, after seeing her own success rate, she decided to forego her original plans to study and remained in the industry. Legendary porn actor Ron Jeremy says that “a woman can easily make $100,000 to $250,000 at the end of the year.” This figure is shocking since a lot of these women have barely graduated from high school. Still, only those that truly dedicate themselves to the industry can make such lucrative amounts. If a woman decides to do an amateur scene here and there, she will not come even close to this range of profits because the small amateur projects do not pay as much as the more hardcore projects.

155 See 9to5, supra note 9.
156 Wikipedia, Pornographic actor pay rates, supra note 154.
Nina Hartley, porn icon and author,\textsuperscript{157} responds to the question whether she believes when porn stars tell her that they are happy right now.\textsuperscript{158}

At least half of the time, I do, because they are young enough [so] they haven’t learned self-reflection . . . when I first got into the business, I was thrilled to be there. I was very happy. I wasn’t doing 5 guys, but I was happy, that was not a lie. So I am not saying that these girls are lying, but I am saying that in a few years they might modify their description when they’ll get a little more experience.\textsuperscript{159}

Furthermore, it is important for these performers to be realistic with how far their porn careers will take them. “Just because Jenna Jameson got rich doesn’t mean others will. In fact, there will probably never be another Jenna.”\textsuperscript{160} “The average lifespan of a porn star now is anywhere from six months to three years, tops.”\textsuperscript{161}

The old cliché reasoning of why women get into pornography is because they were abused in their childhood. There are a significant amount of women that entered the porn industry because of some past abuse that they have experienced. Unfortunately, a good number of these women become addicted to drugs because they try to numb themselves from the acts that they go through while shooting a scene.\textsuperscript{162} Such acts may include, choking, spitting, beating, etc… When a female performer walks onto a set, she may not necessarily know what types of sexual acts she will be performing. Generally, the producers only give the specific details to the male performers in order to capture the true essence of these acts. Therefore, the drugs are used to reduce their shock and numb themselves from these acts.

In addition, most of these women suffer from low self-esteem and low self-confidence, thereby thinking that doing porn may increase the way they feel about

\textsuperscript{158} See 9\textsuperscript{TO}5, supra note 9.
\textsuperscript{159} 9\textsuperscript{TO}5, supra note 9, quote from Nina Hartley.
\textsuperscript{161} Id.
\textsuperscript{162} See Shelley Lubben, Former Porn Star Jersey Jaxin Story, supra note 12.
themselves. Dr. Drew, says that “most children who are sexually abused grow up to believe that their only worth is for sex.” One needs to understand that on the one hand, these women are cherished by millions of fans. The AVN adult entertainment expo (AEE) is a perfect example. Every year, about 30,000 fans come down to Las Vegas to see their favorite porn stars. These expos are the only times that fans can get an opportunity to meet their favorite porn stars in person. Each porn star is swamped by loving fans, who are eager to get their autographs and take a picture with them. The support that the women receive at these types of events is unheard of. However, these expos may be only considered as a short term remedy because at the end of the day when everyone goes home and the actress needs to go back on the set, the low self-esteem issue still remains.

B. The Benefits

Happiness – “a state of well-being and contentment.” For some women, happiness is the one benefit that they receive while working in the porn industry. For others, it is the ability to build a multi-million dollar business empire. These are the few benefits that women can receive while being in the porn industry.

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163 CBS News, supra note 7.
166 Id.
168 See 9 to 5, supra note 9, quote from Sasha Grey (“I want to show people that I love what I do. This is not a 9 to 5 job, go home and be with my husband and kids. I like what I do. I don’t consider my job boring at all. It’s definitely something I am proud of”).
169 Clubjenna, Jenna Jameson Bio, supra note 39; see Wikipedia, Jenna Jameson, supra note 39; see Forbes, The (Porn) Player, supra note 41, (“Jenna Jameson made millions having sex on-camera. Now she aims to make millions more--without ever again having to deliver so much as an on-screen kiss”) (last visited Mar. 28, 2010); see The Wall Street Journal Online, A Star is Porn, supra note 41, (“Jenna Jameson is famous for being famous. Plus naked. Even those who are unfamiliar with her body of work know Ms. Jameson as the biggest name in adult entertainment, which is how she bills herself and which undoubtedly she is, at least for the moment”) (last visited Mar. 28, 2010).
For those who are outside of the porn business, it may be difficult to comprehend how a woman can derive some sort of satisfaction from having sex for a living. The author agrees that being a pornographer is not the traditional route for women, but living in the 21st century, the age of the technology, one is required to maintain an open mind due to our fast changing world. The women who enter this taboo industry for their own genuine reasons may be considered more courageous and may have stronger personalities than those who work some boring 9 to 5 job.

These women can be looked at as the ones that chose the road less travelled. For some of them, it might very well lead them to a prosperous life and for the rest, it might be the experience of a lifetime. Either way, most of these women are thankful that they are not chained to some office desk for eight hours a day, typing some boring document and answering the phone. Instead, they are travelling to beautiful mansions and exotic locations, fulfilling their sexual cravings and most importantly they are actually doing something that they fully enjoy. John Stagliano says that “one of the great things about being in porn is that you are around all these people that have the courage to be disliked by a large portion of society. . . and those are my kind of people.”

The fact that the porn industry makes revenue of $13 billion per year in the U.S. alone opens up the opportunity for those women who have the Midas touch to be a part of a multi-billion dollar business. As mentioned earlier, Jenna Jameson is the ultimate example of what a woman can reach in this business. Although, some claim that it would be rare for another Jenna Jameson to surface, the possibility still exists.

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see id. (“In 2003, Tera and [her husband] Evan formed their own production company, Teravision. Tera exploded as a contract star (a "Vivid Girl") for porn giant Vivid Entertainment, but the dynamic duo was confident they could produce top quality adult fare on their own. Today, Teravision releases two High Definition erotic adult movies each month via U.S. distribution through Vivid and their porn empire goes beyond Teravision. They also have a licensing and marketing division (The Tera Patrick Agency), a lingerie line (Mistress Couture), a radio show (Rockstar/Pornstar on Playboy Radio on Sirius), a hardcore production company (Iron Cross), and some of the most popular porn websites on the Internet, including their official flagship site, TeraPatrick.com”) (last visited Mar. 28, 2010).

9105, supra note 9, quote from John Stagliano.

See Wikipedia, Jenna Jameson, supra note 39; Clubjenna, Jenna Jameson Bio, supra note 39.

See MSNBC, supra note 160, ("Just because Jenna Jameson got rich doesn’t mean others will. In fact, there will probably never be another Jenna") (last visited Mar. 29, 2010).
Moreover, a woman does not necessarily need to reach the same level as Jameson in order to strike gold. She can still create a brand name for herself which will pull in a significant amount of revenue.  

C. The Risks

Sir Isaac Newton said in his law of gravity theory that “what goes up must come down.” The same theory applies to the benefits and risks of the porn industry. Women such as Jesse Jane, who enter the porn industry to become “sex symbols,” and open production companies and promote themselves into studio heads, need to be aware of the potential serious risks that exist with such titles.

As mentioned above, obscenity charges should not be taken lightly. The penalties that one may face are extremely serious, as in Paul Little’s case where he was sentenced to 46 months in prison for selling and distributing obscene materials. Today, prosecutors and the legal system are showing no mercy to such defendants because they want to show the world that porn needs to be confined within certain limits. However, these limits are still vague and ambiguous since the community standard under the Miller test has changed due to the internet being a new medium. Therefore, until the judiciary branch comes out and clearly interprets that the community standard under the Miller test does not include the internet, every producer who makes a hardcore film that ends up on the internet, risks his/her freedom and faces serious financial risks to his/her livelihood.

The other major risk that exists in the porn industry that women need to be aware of are the health and safety risks. Even though, the adult industry in the U.S. requires that every adult actor (male and female) must be tested for HIV and other STD’s before

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173 See PORN: BUSINESS OF PLEASURE, supra note 26, (“Jesse Jane rakes up the accolades from the 5 to 6 films she does a year as a contract performer for the studio Digital Playground. But it’s her off camera work that is the most lucrative; at store signings, hosting parties and dancing at clubs.”); id. (“if you are smart about it, you can make thousands and thousands of dollars . . . I don’t dance a lot. I pick 7 or 8 places a year to go and the more exclusive you are, the more money you make because you are not doing it and people want you at their clubs because it is exclusive”).

they walk onto a set, the testing requirement is not bulletproof because there are periodic reports of HIV and other STD outbreaks that occur within the porn industry. Dr. Sharon Mitchell says that she has been through 5 HIV outbreaks since she started her organization, AIM, in 1998 and “everyone is so good the first six months after an HIV outbreak, but then everybody forgets. . . denial is the backbone of pornography when it comes to healthcare, no one wants to look at it.”

The number of sexual contacts per day between performers should cause anyone to realize how quickly a "clean" health test becomes unreliable. The test result, if accurate to begin with, becomes unreliable as soon as the next sexual contact occurs. If "an average popular male in the industry, through partner-to-partner transmission, reaches 198 people in three days," performers are playing Russian roulette by relying on the industry's screening procedure. Only 17 percent use condoms and testing occurs every 30 days-you do the math.

Furthermore, in an August 2003 Adult Video News article, "Does Sex Kill," which included an interview with Dr. Mitchell, where she commented on HIV and STD problems in the porn industry: “[T]he industry is in the midst of a sexually transmitted disease (STD) epidemic of unprecedented proportions, with her facilities writing six to eight prescriptions per day for antibiotics to combat rampant infections of [C]hlamydia and [G]onorrhea in the talent pool.”

These facts alone should raise a red flag warning to all women who are interested in entering the porn industry. Unfortunately, there are only limited amounts of treatments that are available for HIV and STD’s today, thereby some are non-curable. Therefore, a woman who joins the porn industry increases her chances of contracting

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175 See AIM, Talent Testing Requirements, supra note 130; Fox News, Porn Industry Hit With 16 Confirmed HIV Cases, supra note 130.
176 9to5, supra note 9, quote from Dr. Sharon Mitchell.
178 Id.
one of these non-curable STD’s because she is engaging in more sexual activities than the average woman. However, for those who are already working in the industry, the only options that exist is to either limit themselves to protected sex or leave the industry, which both seem unlikely due to the forth mentioned reasons.

V. Conclusion

The most beautiful thing about living in the United States is that all of its citizens have the Constitutional right of freedom of speech. It is the freedom that allows people to portray themselves in whatever light that they chose with certain limitations. Pornography is one form of speech that is included in the First Amendment. Therefore, when a woman chooses to enter the porn industry, she is exercising her right to do so. Yet, the reason why she wants to enter the industry is a completely different story.

As discussed earlier, the reasons may stem from numerous rationales: past abuse, financial, fame, nymphomania or human trafficking. For the most part, each reason comes with its share of pros and cons. However, ultimately, it is important for the woman to realize the true reasoning of why she wants to enter an industry that many look at as being “a dark corner of society.” So long as the reasoning is matched up with the benefits v. the risks, that is all that we can ask from these women.

At the end of the day, pornography is a multi-billion dollar business. The anti-porn society needs to realize that “as long as people are interested in sex, there will be an appetite for porn.” Industry leaders will continue to push their products as long as consumers will continue buying their products. “We don’t like sex here, or we profess not to like it, but we really do, otherwise this business wouldn’t be more popular than the music industry.” “It’s supply and demand,” says John Stagliano, “if people want movies with anal sex, they are going to buy more movies with anal sex than without it,

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180 9TO5, supra note 9, quote from John Stagliano.
181 Economy Watch, supra note 51.
183 See 9TO5, supra note 9, quote from Andrew Blake.
184 9TO5, supra note 9, quote from John Stagliano.
and that's in fact the case.\textsuperscript{185} “Pornography has been around since the time of the caveman, it’s not going anywhere.”\textsuperscript{186} In short, the message is loud and clear, unless the government can limit or bring the porn industry down to its knees, producers will continue to profit from their daily shoots and more women will be drawn to this industry.

\textsuperscript{185} Id.

\textsuperscript{186} PORN: BUSINESS OF PLEASURE, supra note 26, quote from Steven Hirsch of Vivid Entertainment.