

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 OF MEMBERS OF THE
TEXAS SENATE AS *AMICI CURIAE*
IN SUPPORT OF RESPONDENT**

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INTEREST OF AMICI

Amici are members and members elect of the Texas Senate.¹

Senator Angela Paxton is the legislative Senate Sponsor of House Bill 1181. She has served in the Texas Senate since 2019. Prior to her public service as an elected official, she was a secondary math teacher and school counselor for more than 20 years.

In addition to Senator Paxton, the following Senators and Senators Elect submit this brief: Senator Paul Bettencourt, Senator Donna Campbell, Senator Brandon Creighton, Senator Pete Flores, Senator Bob Hall, Senator Phil King, Senator Lois Kolkhorst, Senator Robert Nichols, Senator Tan Parker, Senator Charles Perry, Senator Kevin Sparks, Senator Drew Springer, Senator-Elect Brent Hagenbuch, and Senator-Elect Adam Hinojosa.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

This lawsuit is a facial attack on broadly supported, bipartisan legislation to protect children from online sexually explicit material. House Bill 1181 (H.B. 1181) passed unanimously in the Texas

¹ No counsel for a party authored this brief in whole or in part, and no such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than amici curiae, their members, or their counsel made a monetary contribution to its preparation or submission.

Senate and in each of the committees to which it was assigned.²

The legislative record for H.B. 1181 clearly reflects Texas’s compelling interest in protecting children. The official bill-sponsor statements noted that (1) studies show that children are exposed and exploited online because of easy accessibility to pornography; (2) that pornography is unhealthy for children, potentially causing addiction and weakening brain function;³ (3) that the ability of parents to protect their children from harm is impacted by “readily available hardcore pornographic content . . . that harms the minds of children”;⁴ (4) that children are more susceptible than adults to pornography’s developmental effects on the brain;⁵ (5) that children who are exposed to pornography are more prone to engage in risky sexual behaviors; (6) and that even mainstream pornography websites show violence-themed sex, nonconsensual sex, and underage sex.⁶

With regard to pornography’s wide availability, one of the committee reports⁷ for H.B. 1181 highlights

² TEXAS LEGISLATURE ONLINE, *Bill History: HB 1181* (88th Leg. Reg. Sess.), <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=HB1181>.

³ J.A.250 (Bill Analysis of 05/13/2023).

⁴ J.A.254 (Bill Analysis of 5/15/2023).

⁵ *Id.*

⁶ *Id.*

⁷ J.A.241 (Bill Analysis Jud. & Civ. Juris. Comm. Rpt.).

a study recognizing that pornography is “produced exclusively for adult consumption,” but is “widely used by adolescents.” As a result, young people have “unprecedented access to Internet pornography that surpasses pornography of the past decades in terms of intensity, explicitness, and portrayal of extreme acts of sexuality. . . .”⁸

The studies referenced in the Sponsor Statements and Committee Reports for H.B. 1181 are merely representative of overwhelming evidence of the problem. Age-verification is a commonsense safeguard already utilized for physical print pornography materials, and this is a material extension to the online environment. The compelling weight of scholarship confirms that pornography is unhealthy and dangerous for children and affirms Texas’s compelling interest in protecting children from easily accessible internet pornography. This brief provides an overview of the scholarship on pornography’s role in risky sexual behaviors, data which resoundingly supports Texas’s state interests.

Once seen, pornography cannot be unseen. And once seen, online pornography can draw children into life-altering cascades of harm. The potent visual and sexual stimulus offered 24/7 by Internet pornography can disrupt the natural formation of children’s sexual-arousal templates leading to increased risk of

⁸ Zachary Bloom and W. Bryce Hagedorn, *Male Adolescents and Contemporary Pornography: Implications for Marriage and Family Counselors*, 23 THE FAMILY JOURNAL, no.1, 2015, at 87. https://www.researchgate.net/publication/280759308_Male_Adolescents_and_Contemporary_Pornography_Implications_for_Marriage_and_Family_Counselors.

participating in a myriad of high-risk sexual behaviors, vulnerability to sexual victimization, and other harms.

The wide-ranging categories of harm to children that may arise from pornography exposure demonstrates that the Texas legislature acted to protect the interests of its citizens by enacting H.B. 1181. We therefore urge this Court to affirm the Fifth Circuit’s decision and vindicate the right of Texas and communities across the United States to act to protect children from exposure to harmful Internet pornography.

ARGUMENT

I. The High Prevalence of Childhood Exposure to Internet Pornography is Prima Facia Evidence of the Failure of the “Filters Alone” Approach

“[B]efore development of the Internet, there were few places youth frequented where they might encounter unsought pornography regularly.”⁹ While there is no doubt that US children were exposed to pornography via magazines, theater, video rentals, and other sources prior to the Internet,¹⁰ today there

⁹ Janis Wolak, Kimberly Mitchell, and David Finkelhor, *Unwanted and Wanted Exposure to Online Pornography in a National Sample of Youth Internet Users*, PEDIATRICS 119, no. 2, 2007, at 247–257, <https://doi.org/10.1542/peds.2006-1891>.

¹⁰ See generally, DEPT OF JUST., *Final Report of the Attorney General’s Commission on Pornography* (1986),

is widespread agreement that the Internet “transformed pornography consumption.”¹¹ That transformation affords minors:

- portable access to pornography at nearly any place, at any time
- a seemingly anonymous user experience that encourages exploration for material they could not find in traditional media
- the ability to privately access content that is much more difficult for parents to monitor and supervise than traditional media exposure
- a more visually stimulating, interactive, and engaging viewing experience that may lead to increased exposure time and deeper learning¹²
- vast quantities of free pornography because major online distributors of pornography rely, in part, on a “freemium” profit model that purposefully entices consumers with free content while charging for “premium,”¹³ and

<https://www.ojp.gov/ncjrs/virtual-library/abstracts/attorney-generals-commission-pornography-final-report>.

¹¹ Gail Hornor, *Child and Adolescent Pornography Exposure*, 34 JOURNAL OF PEDIATRIC HEALTH CARE, no. 2 2020, at 192, <https://doi.org/10.1016/j.pedhc.2019.10.001>.

¹² Rebecca L. Collins, Victor Strasburger, Jane D. Brown, et al., *Sexual Media and Childhood Well-being and Health*, 140 PEDIATRICS, no.2, 2017, at 162-66, <https://doi.org/10.1542/peds.2016-1758X> (citation supports the first four bullet points).

¹³ Laura McVey, Meagan Tyler, and Lauren Gurrieri, *Care’ as Camouflaging Capitalism and Obscuring Harm: The User-Generated Pornography Market and Women’s Inequality*, 91 WOMEN’S STUDIES INT’L FORUM, 2022, at 2. <https://doi.org/10.1016/j.wsif.2022.102573>.

- limitless novelty, an important factor since novel sexual material has been repeatedly shown to trigger greater sexual responses than familiar material.¹⁴

These factors have allowed Internet pornography to permeate the lives of minors, as the following review of the history of pornography exposure rates among youth and young adults in the US demonstrates.

- **1967:** A survey of U.S. college students aged 17–24 (i.e., Baby Boomers) reported that 12% of college women and 47% of college men had seen a pornographic movie at least once in their lifetimes; 1% of women doing so fairly often, and 7% of males doing so fairly or very often.¹⁵ Expressed in reverse, 88% of females and 53% of males had *never* seen a pornographic film.
- **2000:** A nationally representative survey of 1,501 Internet-using children found that of those who were regular Internet users, 25% were accidentally exposed pornography within

¹⁴ Brian Y. Park, Gary Wilson, Jonathan Berger, et al., *Is Internet Pornography Causing Sexual Dysfunctions? A Review with Clinical Reports*, 6 BEHAVIORAL SCIENCES, no. 17, 2016, at 1-25. <https://doi.org/10.3390/bs6030017>.

¹⁵ Alan S. Berger, John H. Gagnon, and William Simon, *Pornography, High School and College Years*, Vol. IX TECHNICAL REPORT OF THE COMM'N ON OBSCENITY AND PORNOGRAPHY (1971), at 165–208. <https://books.google.mw/books?id=0S8EAQAIAAJ&pg=PA165#v=onepage&q&f=false>.

the last year; no 10-year-olds reported exposure.¹⁶

- **2016:** In the 4G Internet era, a nationally representative survey of US youth aged 14 – 18 years (i.e., Millennials and Gen Z) reported that 48.6% had viewed pornography (38.7% females; 58.5% males).¹⁷
- **2022:** A survey of 1,358 13- to 17-year-olds (i.e., Gen Z) provided an even more disturbing picture: 73% had consumed pornography (70% females; 75% males), 29% accidentally only, 29% both accidentally and intentionally, and 15% intentionally only.¹⁸ A startling 15% of children were 10 or younger when they first saw pornography, and 54% were 13 years old or younger. Among all teens in the survey, 38% reported accidentally seeing pornography within the past seven days. Of the 44% who reported intentional exposure to pornography,

¹⁶ David Finkelhor, Kimberly J. Mitchell, and Janis Wolak, *Online Victimization: A Report on the Nation's Youth*, NT'L CTR. FOR MISSING AND EXPLOITED CHILDREN BULLETIN. no.6-00-020, 2000, at 13. <https://scholars.unh.edu/cgi/viewcontent.cgi?article=1033&context=ccrc>.

¹⁷ Paul J. Wright, Debby Herbenick, Bryant Paul, et al., *U.S. Parents Underestimate Their Children's Pornography Use and Learning*, 52 ARCHIVES OF SEXUAL BEHAV. 373-83 (2023). <https://doi.org/10.1007/s10508-022-02449-7>.

¹⁸ Michael B. Robb and Supreet Mann, *Teens & Pornography*, COMMON SENSE MEDIA (Jan 10, 2023), <https://www.commonsensemedia.org/research/teens-and-pornography>.

59% of those consumed pornography once a week or more, and a further subset of 34% reported using pornography three or more days per week. Finally, only 32% of all teens indicated that their families utilized content filters or parental controls at home to prevent their access to pornography.

Not only is childhood exposure to pornography now commonplace, but studies show that parents consistently underestimate their children's exposure to sexually explicit media.¹⁹ For instance, a US study using nationally representative data collected in 2016 found parents consistently underestimated their 14- to 18-year-old sons' and daughters' exposure to common pornography genres such as "amateur,"

¹⁹ BRITISH BOARD OF FILM CLASSIFICATION, *Young People, Pornography, & Age-verification*, (UK: BBFC, January 2020), <https://www.revealingreality.co.uk/wp-content/uploads/2021/07/BBFC-Young-people-and-pornography-Final-report-2401.pdf>; Pamela Wisniewski, Heng Xu, Mary Beth Rosson, John M. Carroll, *Parents Just Don't Understand: Why Teens Don't Talk to Parents about Their Online Experiences*, CSCW'17: PROCEEDINGS OF THE 2017 ACM CONF. ON COMPUTER SUPPORTED COOPERATIVE WORK AND SOCIAL COMPUTING, 2017, at 523. <https://dl.acm.org/doi/10.1145/2998181.2998236>; Sahara Byrne, Sherri Jean Katz, Theodore Lee, et al., *Peers, Predators, and Porn: Predicting Parental Underestimation of Children's Risky Online Experiences*, 19 J. OF COMPUTER-MEDIATED COMM'N 215–231 (2014), <https://doi.org/10.1111/jcc4.12040>; Emma Sorbring and Linda Lundin, *Mothers' and Fathers' Insights into Teenagers' Use of the Internet*, 14 NEW MEDIA & SOCIETY no. 7, 2012, at 1181–1197. <https://doi.org/10.1177/1461444812440160>; Albert Kienfie Liao, Angeline Khoo, and Peng Hwa Ang, *Parental Awareness and Monitoring of Adolescent Internet Use*, 27 CURRENT PSYCHOLOGY, no. 4, 2008, at 217–233. <https://doi.org/10.1007/s12144-008-9038-6>.

facials, double penetration, gangbangs, physical or verbal coercion, or presumed simulated rape.²⁰ While nearly 60% of sons and 40% of daughters had seen pornography, parents underestimated their teen child's exposure to pornography by nearly 20%. The authors observe that in contrast to the common refrain that there is hyped-up "moral panic" about children's exposure to hardcore Internet pornography, which if true should lead parents to overestimate their children's exposure to pornography, the inverse is true: parents naively assume that *their* child is more likely to be immune from the nearly 1 in 2 risk of hardcore pornography exposure identified in this study. The disparity between actual exposure of children to hardcore pornography and the underestimated parental assessment of that exposure demonstrates the inaccuracies of a fundamental premise in *Ashcroft II*: that the availability of filtering software would meaningfully help parents protect their children. *See Ashcroft v. ACLU*, 542 U.S. 656, 670 (2004) (assuming filters give parents the "ability" to "monitor what their children see").

II. Exposure to Pornography Disrupts the Natural Formation of Children's Sexual-Arousal Templates

The weight of scholarly evidence shows that one's preferred sexual patterns, rather than being fixed, can be "supplemented or even replaced."²¹ Preferred sexual patterns or "sexual arousal

²⁰ Wright, Herbenick, Paul, et al., *supra* note 17, at 373-83.

²¹ Patrick Carnes, *FACE THE SHADOW: STARTING SEXUAL AND RELATIONSHIP RECOVERY* 329 (3rd ed. 2015).

templates,” have been defined as “the total constellation of thoughts, images, behaviors, sounds, smells, sights, fantasies, and objects that arouse us sexually.”²²

Pornography contributes significantly to this constellation of influences. Indeed, “the preponderance of evidence supports the idea that adolescent sexual development can be altered by the adolescent’s pornography viewing experiences. . . .”²³ Further, as scholars of behavioral neurobiology have noted, “It is becoming increasingly clear that there is a critical period of sexual behavior development that forms around an individual’s first experiences with sexual arousal and desire, masturbation, orgasm, and sexual intercourse itself.”²⁴ Thus, pornography exposure, particularly at a young age, is of great concern because of its ability to influence and shift the natural development of the sexual-arousal templates of minors.

From the body of evidence in this regard, we offer the following examples. First, a study investigating Internet users examined whether the

²² Patrick Carnes, David L. Delmonico, and Elizabeth Griffin, *IN THE SHADOWS OF THE NET: BREAKING FREE OF COMPULSIVE ONLINE SEXUAL BEHAVIOR* 58 (2nd ed. 2009).

²³ Emily F. Rothman, *PORNOGRAPHY AND PUBLIC HEALTH* 139 (2021).

²⁴ James G. Pfaus, Tod E. Kippin, Genaro A. Coria-Avila, et al., *Who, What, Where, When (and Maybe Even Why)? How the Experience of Sexual Reward Connects Sexual Desire, Preference, and Performance*, 41 *ARCHIVES OF SEXUAL BEHAVIOR* 31-62 (2012), <https://doi.org/10.1007/s10508-012-9935-5>.

age at which one began using “adult”²⁵ pornography could be a risk factor for later consumption of “deviant” pornography (i.e., pornography depicting children and/or animals). The survey of 630 participants revealed that individuals who began using so-called “adult” pornography at an earlier age were more likely to escalate their behavior to include use of “deviant” pornography, indicating a desensitization to adult pornography over time.²⁶ Participants who consumed both “adult” and “deviant” pornography were *twice as likely* to have started between the ages of 12 and 18 compared to those who only accessed adult pornography. Notably, no respondents reported solely using child pornography (i.e., child sexual abuse material (“CSAM”)).²⁷ These findings suggest a Guttman-like

²⁵ The term “adult” pornography is typically used to differentiate between explicit depictions of nudity, genitalia, and/or sex acts intended to excite involving persons 18-years-old or above versus material that similarly explicitly depicts minors. However, the term “adult” is a misnomer because much material that is deemed “adult” pornography intentionally uses deceptions to imply that the material involves depictions of minors. Further, the term “adult” is used to suggest that all content that does not depict actual minors is suitable for adults and devoid of harm to performers and users of the material—notions we emphatically reject.

²⁶ Kathryn Seigfried-Spellar and Marcus K. Rogers, *Does Deviant Pornography Use Follow a Guttman-Like Progression?*, 29 COMPUTERS IN HUMAN BEHAVIOR, no.5, 2013, at 1997-2003, <https://doi.org/10.1016/j.chb.2013.04.018>.

²⁷ This brief refers to “child pornography” as “child sex abuse material” or “CSAM” because it more accurately depicts the harmful nature of the material. See generally DEPT OF JUST., *Child Pornography*, <https://www.justice.gov/criminal/ceos/child-pornography> (noting that the statutory term “fails to

progression,²⁸ where individuals who consume “adult” pornography, expand to the consumption of “deviant” material, including CSAM.

A second study of Internet users reproduced similar findings. Among those who accessed both adult and deviant (i.e., child and/or animal pornography) forms of pornography, 41% reported initiating their pornography use before age 16.²⁹ In contrast, only 30% of those who solely consumed adult pornography did so prior to being 16.

Research from the field of neuroscience bolsters these concerning findings. A 2014 study found that even nonaddictive levels of pornography use is characterized by novelty-seeking conditioning and habituation to sexual stimuli.³⁰ In other words,

describe the true horror that is faced by countless children every year.”).

²⁸ Guttman scales measure escalating levels of attributes. “For example, a series of interview questions might ask, ‘Do you smoke?’ ‘Do you smoke more than 10 cigarettes a day?’ ‘Do you smoke more than a pack a day?’ and so on.” Robert F. DeVellis, *SCALE DEVELOPMENT: THEORY AND APPLICATIONS*, 73 (2nd Ed. 2003).

²⁹ Kathryn Seigfried-Spellar, *Deviant Pornography Use: The Role of Early-Onset Adult Pornography Use and Individual Differences*, 6 INT’L J. OF CYBER BEHAVIOR, PSYCHOLOGY AND LEARNING, no.3, 2016, at 34-47, <https://doi.org/10.4018/IJCBPL.2016070103>.

³⁰ Simone Kühn and Jürgen Gallinat, *Brain Structure and Functional Connectivity Associated with Pornography Consumption: The Brain on Porn*, 71 JAMA PSYCHIATRY, no. 7, 2014, at 827–834, <https://doi.org/10.1001/jamapsychiatry.2014.93>.

pornography users' sexual arousal templates can shift to prefer types of pornography different from what they used previously. These findings are of serious concern since, as noted above, a recent nonprobability survey of US 13- to 17-year-olds reported that 15% of children were 10 or younger when they first saw pornography, and 54% were 13 years old or younger.³¹ The younger children are when exposed to pornography, the greater the risk of serious disruption to their sexual arousal templates.

III. Pornography Exposure is Associated with Wide-Ranging Attitudinal and Behavioral Harms for Children

A. Defining Permissive Sexual Attitudes and High-risk Sexual Behaviors

The phrase “permissive sexual attitudes” is used widely within research literature on pornography to describe a range of receptive views toward casual, uncommitted sexual relations devoid of romantic attachments.³² Other researchers adopt the term “impersonal sex” to refer to sexual attitudes and behaviors lacking commitment, emotional intimacy, and exclusivity.³³ Examples of statements

³¹ Robb and Mann, *supra* note 18.

³² Jochen Peter and Patti M. Valkenburg, *Adolescents and Pornography: A Review of 20 Years of Research*, 53 THE J. OF SEX RESEARCH, no.4-5, 2016, at 1–23, <https://doi.org/10.1080/00224499.2016.1143441>.

³³ Robert S. Tokunaga, Paul J. Wright, and Joseph E. Roskos, *Pornography and Impersonal Sex*, 45 HUM. COMMUN. RSCH., no. 1, 2019, at 78, <https://doi.org/10.1093/hcr/hqy014>.

reflecting permissive or impersonal sexual attitudes include, “I would like to have sex with many partners,” and “It’s okay to have ongoing sexual relationships with more than one person at a time.”³⁴

Examples of high-risk sexual behaviors include: 1) early age of sexual debut, 2) casual sex (i.e., “sex that occurs outside the context of a committed relationship”³⁵), 3) greater number of sex partners, 4) condomless sex, 5) sex under the influence of substances, and 6) participation in prostitution.³⁶ High-risk sexual behaviors are considered risky because of their association with public health concerns such as the transmission of sexually transmitted infections (STIs) and other diseases, unplanned pregnancies, substance use,³⁷ as well as their negative impacts on mental health (i.e., suicide

³⁴ Clyde Hendrick, Susan S. Hendrick, and Darcy A. Reich, *The Brief Sexual Attitudes Scale*, 43 *The J. of Sex Rsch.*, no.1, 2006, at 80, <https://doi.org/10.1080/00224490609552301>.

³⁵ Jocelyn J. Wentland and Elke Reissing, *Casual sexual relationships: Identifying definitions for one night stands, booty calls, f--- buddies, and friends with benefits*, 23 *THE CANADIAN J. OF HUM. SEXUALITY*, NO.3, 2014, at 168, <https://utppublishing.com/doi/10.3138/cjhs.2744>.

³⁶ Nishtha Chawla and Siddharth Sarkar, *Defining ‘High-risk Sexual Behavior’ in the Context of Substance Use*, 1 *J. OF PSYCHOSEXUAL HEALTH*, no. 1, 2019, at 26–31, <https://doi.org/10.1177/2631831818822015>.

³⁷ Wen-Hsu Lin, Chia-Hua Liu, Chin-Chun Yi, *Exposure to Sexually Explicit Media in Early Adolescence is Related to Risky Sexual Behavior in Emerging Adulthood*, 15 *PLOS ONE*, no. 4, 2020, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0230242>.

attempts),³⁸ academic outcomes,³⁹ and sexual assault.⁴⁰ The cumulative risk of experiencing negative consequences rises if high-risk sexual behavior persists over multiple years.⁴¹

A major theory in the study of pornography's effects on children and adolescents—the 3AM model—posits that sexual media presents its users with scripts for behavior which, through their acquisition and activation, may lead to application—engagement in behaviors pornography presents as “normative, appropriate, and rewarding.”⁴²

³⁸ Lee Smith, Sarah E. Jackson, Davy Vancampfort, et al., *Sexual Behavior and Suicide Attempts among Adolescents Aged 12–15 Year from 38 Countries: A Global Perspective*, 287 PSYCHIATRY RSCH. No. 112564 (2020): <https://doi.org/10.1016/j.psychres.2019.112564>.

³⁹ Michelle L. Frisco, *Adolescents' Sexual Behavior and Academic Attainment*, 81 SOCIO. OF EDU. 284-311 (2008), <https://www.jstor.org/stable/20452738>.

⁴⁰ Matthew Rivas-Koehl, Alberto Valido, Dorothy L. Espelage, et al, *Adults and Family as Supportive of Adolescent Sexual Development in the Age of Smartphones? Exploring Cybersexual Violence Victimization, Pornography Use, and Risky Sexual Behaviors*, 52 ARCHIVES OF SEXUAL BEHAV. 2845-57 (2023), <https://doi.org/10.1007/s10508-023-02618-2>; Maria Testa and Jennifer A. Livingston, *Alcohol Consumption and Women's Vulnerability to Sexual Victimization: Can Reducing Women's Drinking Prevent Rape?*, 44 SUBSTANCE USE & MISUSE, 1349–1376 (2009), <https://www.tandfonline.com/doi/full/10.1080/10826080902961468>.

⁴¹ Kristin L. Moilanen, Lisa J. Crockett, Marcela Raffaelli, et al., *Trajectories of Sexual Risk from Middle Adolescence to Early Adulthood*, 20 J. OF RSCH. ON ADOLESCENCE, no.1, 2010, at 114–139, <https://doi.org/10.1111/j.1532-7795.2009.00628.x>.

⁴² Paul J. Wright and Edward Donnerstein, *Sex Online: Pornography, Sexual Solicitation, and Sexting*, 25 ADOLESCENT

Pornography depicts highly permissive sexual relations⁴³ (e.g., people in noncommitted relationship engaged in sex acts with multiple partners), as well as a range of dominating, abusive, coercive themes and behaviors⁴⁴ and even criminal acts.⁴⁵ Thus, the concern arises that pornography may contribute to heuristic learning of the attitudes and acts it depicts. A preponderance of evidence demonstrates that pornography is associated with—and in some cases causes—harmful attitudinal and behavioral changes across the full spectrum of high-risk sexual behaviors.

MED.: STATE OF THE ART REVS., no. 3, 2014, at 574–589, <https://pubmed.ncbi.nlm.nih.gov/27120886/>.

⁴³ Paul J. Wright, *A Three-Wave Longitudinal Analysis of Preexisting Beliefs, Exposure to Pornography, and Attitude Change*, 26 COMMS. REPS., no.1, 2013, at 13–25, <https://doi.org/10.1080/08934215.2013.773053>.

⁴⁴ Fiona Vera-Gray, Clare McGlynn, Ibad Kureshi, et al., *Sexual Violence as a Sexual Script in Mainstream Online Pornography*, 61 THE BRITISH J. OF CRIMINOLOGY, no.5, 2021, at 1243–1260, <https://doi.org/10.1093/bjc/azab035>; Niki Fritz, Vinny Malic, Bryant Pual, et al., *A Descriptive Analysis of the Types, Targets, and Relative Frequency of Aggression in Mainstream Pornography*, 49 ARCHIVES OF SEXUAL BEHAV., no.4 2020, at 3041–3053, <https://link.springer.com/article/10.1007/s10508-020-01773-0>; Marleen J. E. Klaassen and Jochen Peter, *Gender (In)Equality in Internet Pornography: A Content Analysis of Popular Pornographic Internet Videos*, 52 THE J. OF SEX RSCH., No.7, 2014, at 721–735, <https://doi.org/10.1080/00224499.2014.976781>.

⁴⁵ See generally, Laila Mickelwait, TAKEDOWN: INSIDE THE FIGHT TO SHUT DOWN PORNHUB FOR CHILD ABUSE, RAPE, AND SEX TRAFFICKING 1-36 (2024) (detailing illegal material hosted on the Pornhub platform).

B. Permissive Sexual Attitudes

“Consistent evidence has emerged that adolescents’ use of pornography is related to stronger permissive sexual attitudes.”⁴⁶ This evidence includes findings that Internet pornography has a greater impact on adolescents’ sexually permissive attitudes than traditional media.⁴⁷ It also includes longitudinal evidence showing that earlier exposure to pornography among US, male and female adults is correlated with later sexual permissiveness, even after controlling for earlier sexual permissiveness.⁴⁸ This controverts the hypothesis that those with pre-existing sexually permissive attitudes are self-selectively engaging in pornography use.⁴⁹ Additionally, a meta-analysis which evaluated more than 70 reports across 40 decades of research with a total of 45,507 participants found that greater pornography consumption “was a robust predictor of more impersonal sexual attitudes,” “among both adolescents and adults, and across cultures and time.”⁵⁰

C. High-risk Sexual Behaviors

⁴⁶ Peter and Valkenburg, *supra* note 32.

⁴⁷ Ven-hwei Lo and Ran Wei, *Exposure to Internet Pornography and Taiwanese Adolescents’ Sexual Attitudes and Behavior*, 49 J. OF BROAD. & ELECTRONIC MEDIA, no. 2, 2005, at 221–237, https://doi.org/10.1207/s15506878jobem4902_5.

⁴⁸ Wright, *supra* note 43.

⁴⁹ *Id.*

⁵⁰ Tokunaga, Wright, and Roskos, *supra* note 33.

In a 2020 report to the US Department of Health and Human Services, investigators identified exposure to Internet pornography as an environmental factor contributing to sexual risk behaviors in children: “The **use of or exposure to Internet pornography** has emerged as being associated with numerous sexual risk outcomes, including increased likelihood of having recent sex partners, ever having engaged in anal sex, and increased risk of use of alcohol and other drugs at most recent sex.”⁵¹ As the information below attests, this claim is well substantiated.

1. Early Sexual Debut

Twenty longitudinal studies published between 2003 – 2014 (some pertaining to traditional media and others solely to pornography) have identified an increased risk of early sexual intercourse with exposure to sexual content at a young age.⁵² Early coitarche among adolescents is associated with risk of

⁵¹ Hande Inanc, Alicia Meckstroth, Betsy Keating, et al, *Factors Influencing Youth Sexual Activity: Conceptual Models for Sexual Risk Avoidance and Cessation*. OPRE RESEARCH BRIEF #2020-153, DEP’T OF HEALTH AND HUM. SERVS.: OFF. OF PLANNING RSCH., AND EVAL. ADMIN. FOR CHILD. AND FAMILIES, (Dec. 2020), at 7 (emphasis in original), https://www.acf.hhs.gov/sites/default/files/documents/opre/factors-influencing-youth-sexual-activity-dec-2020_0.pdf.

⁵² Victor Strasburger, *Media Matter: But ‘Old’ Media May Matter More than ‘New’ Media*, 25 AM:STARS ADOLESCENT MEDICINE: STATE OF THE ART REVIEWS: SOCIAL NETWORKING & NEW TECHNOLOGIES, no. 3, 2014, at 643–669, https://doi.org/10.1542/9781581108927-media_matter.

acquiring STIs⁵³ and unintended pregnancies, which often result in adverse consequences for both mother and child.⁵⁴

Subsequent longitudinal research builds on this foundation. For instance, researchers who controlled for the psychological propensity for risk-taking found that US adolescents who reported early and regular pornography use began sexual activity earlier.⁵⁵ Other longitudinal research has found a large and significant effect of Internet pornography on the sexual debut of adolescent girls before having a romantic relationship.⁵⁶ And, in yet another longitudinal study of adolescents (8th grade, i.e. 13–14 years old), early exposure to pornography was related to early sexual debut, and exposure to more

⁵³ Theo G.M. Sandfort, Mark Orr, Jennifer Hirsch, et al., *Long-Term Health Correlates of Timing of Sexual Debut: Results from a National US Study*, 98 AM. J. OF PUB. HEALTH, no. 1, 2008, 155–161, <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2006.097444>.

⁵⁴ Cheryl B. Aspy, Sara K. Vesely, Eleni L. Tolma, et al., *Youth Assets and Delayed Coitarche across Developmental Age Groups*, 30 THE J. OF EARLY ADOLESCENCE, no. 2, 2010, at 728, https://www.researchgate.net/publication/234074313_Youth_Assets_and_Delayed_Coitarche_Across_Developmental_Age_Groups.

⁵⁵ Kyler R. Rasmussen and Alex Bierman, *Risk or Release?: Porn Use Trajectories and the Accumulation of Sexual Partners*, 5 SOCIAL CURRENTS, no. 6, 2018, at 566, <https://doi.org/10.1177/2329496518780929>.

⁵⁶ Simon Cheng, Josef (Kuo-Hsun) Ma, and Stacy Missari, *The Effects of Internet Use on Adolescents' First Romantic and Sexual Relationships in Taiwan*, 29 INT'L SOCIOLOGY 324–347 (2014); <https://journals.sagepub.com/doi/10.1177/0268580914538084>.

than one modality of pornography (e.g., comic books plus Internet exposure) increased this probability.⁵⁷

2. “Casual” or “Impersonal” Sex

Decades of research expresses “uniformity” that pornography depicts casual, impersonal sex among people “who have just met, who are in no way attached to or committed to one another, and who will part shortly, never to meet again.”⁵⁸

Research—cross-sectional, longitudinal, and experimental—convincingly supports the existence of a pornography consumption to casual sexual behavior pathway.⁵⁹ A meta-analysis which evaluated more than 70 reports across 40 decades of research from 13 countries and behavioral results from more than 60,000 participants found that greater pornography consumption “was a robust predictor of engaging in impersonal sexual behavior.”⁶⁰ Importantly, the data were “inconsistent” with the hypothesis that this association is attributable to individuals who already hold impersonal views of sex which may cause these individuals to both use pornography and participate in impersonal/casual sexual behaviors. Instead, the

⁵⁷ Lin, Liu, and Yi, *supra* note 37.

⁵⁸ Dolf Zillman and Jennings Bryant, *Effects of Prolonged Consumption of Pornography on Family Values*, 9 J. OF FAMILY ISSUES 9, no. 4, 1988, at 521, <https://doi.org/10.1177/019251388009004006>; Tokunaga, Wright, and Roskos, *supra* note 33.

⁵⁹ Tokunaga, Wright, and Roskos, *supra* note 33.

⁶⁰ *Id.*

research suggests, “that viewing pornography *has a causal impact* on some consumers’ impersonal approach to sex (emphasis added).”⁶¹

3. Condomless Sex

Condom use in the production of male-female pornography is an anomaly. A content analysis of a randomly collected sample of 2,562 videos categorized as heterosexual taken from the mainstream tube sites XVideos and Pornhub in 2013 and 2014 found that only 3% of scenes depicted condom use.⁶²

Thus, the manifest concern is that consumers of pornography are socialized to reject condom use because “condomless sex is a rewarded behavior in pornography.”⁶³ This concern has been affirmed by a meta-analysis including data spanning two decades from 18 countries and more than 35,000 participants⁶⁴ which found higher pornography consumption was associated with a higher likelihood

⁶¹ *Id.*

⁶² Niki Fritz, Vinny Malic, Tsung-Chieh Fu, et al., *Porn Sex Versus Real Sex: Sexual Behaviors Reported by a U.S. Probability Survey Compared to Depictions of Sex in Mainstream Internet-based Male-Female Pornography*, 51 ARCHIVES OF SEXUAL BEHAV. 1187-1200 (2022), <https://doi.org/10.1007/s10508-021-02175-6>.

⁶³ Paul J. Wright, Debby Herbenick, and Bryant Paul, *Casual Condomless Sex, Range of Pornography Exposure, and Perceived Pornography Realism*, 49 COMMUN RESCH., no. 4, 2022, at 588, <https://doi.org/10.1177/00936502211003765>.

⁶⁴ Studies analyzed included both adolescent and adult participants.

of engaging in condomless sex among both males and females.⁶⁵ Importantly, the study found that pornography use “energizes consumers’ sensation seeking desires, in turn making them more likely to engage in condomless sex,” rather than condomless sex being spurred by desire for novel and intense feelings and experiences (i.e., sensation seeking).⁶⁶ Subsequent studies support this association⁶⁷ and it increases the more one perceives pornography as realistic.⁶⁸

4. Greater Number of Lifetime Sex Partners

Epidemiologists have ascertained that having multiple sex partners is “clearly established as a risk factor for acquiring an STI.”⁶⁹ To illustrate, a study of

⁶⁵ Robert S. Tokunaga, Paul J. Wright, and Laurens Vangeel, *Is Pornography Consumption a Risk Factor for Condomless Sex?*, 46 HUM. COMM. RSCH. 278 (2020), <https://doi.org/10.1093/hcr/hqaa005>.

⁶⁶ *Id.*

⁶⁷ Paul J. Wright, *Pornography Consumption and Condomless Sex among Emerging U.S. Adults: Results from Six Nationally Representative Surveys*, 37 HEALTH COMM’N, no. 14, 2022, 1740–1747, <https://doi.org/10.1080/10410236.2021.1917745>; Emily F. Galper, Laura Widman, Julia Brasileiro, et al., *Adolescents’ Pornography Viewing Frequency and Its Relationship with Condom Attitudes*, 21 SEXUAL HEALTH 21 (2024), <https://doi.org/10.1071/SH24025>.

⁶⁸ Wright, Herbenick, and Paul, *supra* note 63.

⁶⁹ Irene A. Doherty, Nancy S. Padian, Cameron Marlow, et al., *Determinants and Consequences of Sexual Networks as They Affect the Spread of Sexually Transmitted Infections*, 191 THE J.

college women found that those with five or more sex partners were 8 times more likely to report an STI than those with only one sex partner.⁷⁰

Research has also demonstrated that pornography use is associated with having had more previous sexual partners, more “one-night stands,” and plans to have more future sexual partners.⁷¹ In a study of young adults aged 18–25, each unit of increase in pornography viewing was associated with a 12% increase in the number of previous sexual partners, a 16% increase in previous one-time sexual encounters, and a 30% increase in planned future sexual partners.⁷² Those who had not viewed pornography expected having 3.5 sexual partners in the next five years, while those who viewed pornography multiple times per day expected having 17 partners in the next five years.⁷³

A longitudinal study of adolescents found that those with more than one form of pornography

OF INFECTIOUS DISEASES, Suppl. 1, 2005 at S49, <https://doi.org/10.1086/425277>.

⁷⁰ Gavin P. Joffe, Betsy Foxman, Andrew J. Schmidt, et al., *Multiple Partners and Partner Choice as Risk Factors for Sexually Transmitted Disease among Female College Students*, 19 SEXUALLY TRANSMITTED DISEASES, no. 5, 1992, at 272–278, <https://doi.org/10.1097/00007435-199209000-00006>.

⁷¹ Scott Braithwaite and Frank Fincham, *The Influence of Pornography on Sexual Scripts and Hooking Up among Emerging Adults in College*, 44 ARCHIVES OF SEXUAL BEHAV., 111-23 (2015): <https://doi.org/10.1007/s10508-014-0351-x>.

⁷² *Id.*

⁷³ *Id.*

exposure (e.g., comic books plus online exposure) in early adolescence had on average three or more sexual partners by age 24, the effect being more pronounced in males.⁷⁴ A separate longitudinal study of US adolescents found that those with early and regular pornography use trajectories had nearly double the number of sex partners compared to low- to moderate-use peers.⁷⁵ The authors noted that this finding refutes the “catharsis hypothesis” which argues that pornography consumption may replace the need for romantic or sexual partners, which would result in fewer sex partners.⁷⁶

5. Group Sex

Additionally, pornography use is associated with greater likelihood of participating in “group sex” (sexual activity involving three or more people simultaneously). A cross-sectional study of 328 females aged 14 – 20 years found that while only 7.3% had ever had a group sex experience, past-month pornography exposure increased the prevalence of group sex by 4.75 times.⁷⁷ The study also reported that 45% of participants with histories of group sex indicated that one or more male sex partners had not

⁷⁴ Lin, Liu, and Yi, *supra* note 37.

⁷⁵ Rasmussen and Bierman, *supra* note 55.

⁷⁶ *Id.*

⁷⁷ Emily F. Rothman, Michele R. Decker, Elizabeth Miller, et al., *Multi-person Sex among a Sample of Adolescent Female Urban Health Clinic Patients*, 89 J. OF URBAN HEALTH: BULLETIN OF THE N.Y. ACAD. OF MED., no. 1, 2011, at 129–137, <https://doi.org/10.1007/s11524-011-9630-1>.

used a condom. The association is further corroborated by research on a random sample of 10,000 Norwegians between the ages of 18 and 49 years which found that use of Internet pornography predicted a 2.6 times greater likelihood of engaging in group sex.⁷⁸

6. Sex Under the Influence of Substances

There are well-established associations between the use of intoxicating substances before and during sex and adverse outcomes such as overdoses, having multiple sex partners, acquiring STIs,⁷⁹ as well women's and men's increased vulnerability to sexual assault.⁸⁰

⁷⁸ Bente Træen and Toril Sørheim Nilsen, *Use of Pornography in Traditional Media and on the Internet in Norway*, 43 THE J. OF SEX RSCH., no. 3, 2006, at 1–10, <https://doi.org/10.1080/00224490609552323>.

⁷⁹ Maria Isabel Gómez-Núñez, Cristian Molla-Esparza, Natalia Gandia Carbonell, et al., *Prevalence of Intoxicating Substance Use Before or During Sex among Young Adults: A Systematic Review and Meta-Analysis*, 52 ARCHIVES OF SEXUAL BEHAVIOR 2503–2526 (2023), <https://doi.org/10.1007/s10508-023-02572-z>.

⁸⁰ Maria Testa and Jennifer A. Livingston, *Alcohol Consumption and Women's Vulnerability to Sexual Victimization: Can Reducing Women's Drinking Prevent Rape?*, 44 SUBSTANCE USE & MISUSE, 1349–1376 (2009); <https://www.tandfonline.com/doi/full/10.1080/10826080902961468>; Lorraine Burke, Kate Dawson, William F. Flack, et al., *Alcohol, Drug Use, and Experiences of Sexual Violence Victimization among First-year College Students in Ireland*, J. OF SEXUAL AGGRESSION (2023), <https://doi:10.1080/13552600.2023.2216221>.

Compounding this problem, research links pornography consumption with greater risk of engaging in sex under the influence of alcohol or drugs. For example, a survey of high-risk sexual activity administered to 433 adolescent and young adult participants (age 12-22) revealed that those who had been exposed to pornography websites were 2.8 times more likely to have used alcohol or other substances during their last sexual encounter.⁸¹ Similarly, a longitudinal study assessing pornography exposure in a sample of 974 US students at midwestern high schools found a significant association among males who had used pornography and subsequent substance use during sex when surveyed again four years later.⁸²

Also noteworthy, a cross-sectional study investigated the relationship between sexually dominant behaviors, alcohol consumption before or during sex, and pornography consumption in a sample of 384 German men (average age was 32 years).⁸³ Sexually dominant behaviors were measured by asking participants whether they had tried or would like to try a variety of sexual acts such as role-playing rape, slapping a partner in her face, choking a partner

⁸¹ Debra K. Braun-Courville and Mary Rojas, *Exposure to Sexually Explicit Web Sites and Adolescent Sexual Attitudes and Behaviors*, 45 J. OF ADOLESCENT HEALTH, no. 2, 2009 at 156-162, <https://doi.org/10.1016/j.jadohealth.2008.12.004>.

⁸² Rivas-Koehl, Valido, Espelage, et al., *supra* note 40.

⁸³ Paul J. Wright, Chyng Sun, Nicola J. Steffen, and Robert S. Tokunaga, *Pornography, Alcohol, and Male Sexual Dominance*, 82 COMM. MONOGRAPHS, no. 2, 2015, at 252-270, <http://dx.doi.org/10.1080/03637751.2014.981558>.

(i.e., strangulation), facial ejaculation, penile gagging, and more. The statistically significant positive relationship between men's frequency of pornography consumption and sexually dominant behaviors was moderated by participants' reported frequency of alcohol consumption before or during sex.

7. Child-on-Child Harmful Sexual Behaviors

The presence, easy accessibility, and wide popularity of Internet pornography—particularly teen-themed pornography—is significant for its ability to have a socialization effect on minors (as well as adults) accessing pornography websites. Those presenting themselves in “teen” pornography as “barely legal” “represent models of adolescent sexual behavior, encouraging earlier sexual debut and a rotating series of sexual partners.”⁸⁴ The representation of “teen” pornography, as well as countless other depictions of opportunistic sex between strangers or casual acquaintances common in pornography, present child and adolescent viewers with scripts for sexual behavior, which through their acquisition and activation may lead to application—engagement in behaviors pornography presents as “normative, appropriate, and rewarding.”⁸⁵

A study of child patients presenting to a Child Advocacy Center in the Midwestern U.S. for

⁸⁴ Rasmussen and Bierman, *supra* note 55.

⁸⁴ Cheng, Ma, and Missari, *supra* note 56.

⁸⁵ Wright and Donnerstein, *supra* note 42.

suspected sexual or physical child abuse, examined intake and assessment data collected in 2015.⁸⁶ Analysis found that children who disclosed exposure to pornography had 3.3 times greater likelihood of engaging in harmful sexual behavior compared to those who did not. The researchers explained:

Having exposures to pornography at a young age may not only introduce children to behaviors they may eventually acquire, but the children may have those behaviors reinforced by seeing the models (e.g. the individuals shown in the pornography medium, the person who exposed the child to pornography, etc.) being rewarded by the behavior. If the benefits of such sexual behavior are reinforced for the child, they may have a higher likelihood of adopting the behavior themselves.⁸⁷

A systematic review and meta-analysis of 27 studies published up to September 2021 (conducted in North America, Europe, Asia, and Africa) explored the role of exposure to sexual content in problematic sexual behaviors (PSB) among children and adolescents (n=16,200, mean age=14.26). Results indicated significant associations between exposure to

⁸⁶ Rebecca Dillard, Kathryn Maguire-Jack, Kathryn Showalter, et al., *Abuse Disclosures of Youth with Problem Sexualized Behaviors and Trauma Symptomology*, 88 CHILD ABUSE AND NEGLECT, 201-11 (2019), <https://doi.org/10.1016/j.chiabu.2018.11.019>.

⁸⁷ *Id.*

non-violent sexual content and likelihood of engaging in PSB (OR=1.82), and between exposure to violent/live sexual content and PSB (OR=2.52). In other words, children and adolescents exposed to sexual content are more than 1.5 times more likely to engage in PSB than those not exposed, and children and adolescents exposed to violent sexual content are approximately 2.5 times more likely to engage in PSB than those not exposed.⁸⁸

8. Prostitution and Sex Trafficking

Pornography use presents an increased risk of offering to perform sexual acts for forms of payment and/or the purchasing of sex acts from others—*prostitution*. A cross-sectional survey exploring the sexual behavior of 4,600 people aged 15–25 years from the Netherlands found that both young women and men with greater pornography use were more likely to have ever been paid something, or to pay something, to someone for sex even after controlling for a variety of factors such as sex, age, religion, education, and more.⁸⁹

⁸⁸ Camille Mori et al., *Exposure to Sexual Content and Problematic Sexual Behaviors in Children and Adolescents: A Systematic Review and Meta-Analysis*, 143 CHILD ABUSE & NEGLECT 106255 (2023), <https://doi.org/10.1016/j.chiabu.2023.106255>.

⁸⁹ Gert Martin Hald, Lisette Kuyper, Philippe, C.G. Adam, et al., *Does Viewing Explain Doing? Assessing the Association between Sexually Explicit Materials Use and Sexual Behaviors in a Large Sample of Dutch Adolescents and Young Adults*, 10 THE J. OF SEXUAL MEDICINE, no. 12, 2013, 2986-95, <https://doi.org/10.1111/jsm.12157>.

Among adults, the correlation is strongly supported. For instance, a Swedish study of 18-year-old males found that frequent users of pornography were significantly more likely to have sold and bought sex than other boys of the same age.⁹⁰ Other research has shown that men who are frequent pornography users are three times more likely to purchase sex than other men.⁹¹ Evidence on the behaviors of U.S. males aged 18 years and above spanning the period from 1973–2010 found that greater pornography use was associated with a greater likelihood of ever engaging in paid-sex behavior.⁹² Finally, *many* other studies and reports provide evidence of a connection between pornography use and engagement in sex-buying behavior.⁹³

⁹⁰ Carl Göran Svedin, Ingrid Åkerman, and Gisela Priebe, *Frequent Users of Pornography. A Population Based Epidemiological Study of Swedish Male Adolescents*, 34 J. OF ADOLESCENCE, no. 4, 2011, at 779–788, <https://doi.org/10.1016/j.adolescence.2010.04.010>.

⁹¹ Charlotte Deogan, Elin Jacobsson, Louise Mannheimer, *Are Men Who Buy Sex Different from Men Who Do Not?: Exploring Sex Life Characteristics Based on a Randomized Population Survey in Sweden*, 50 ARCHIVES OF SEXUAL BEHAV. 2049–2055 (2020), <https://link.springer.com/article/10.1007/s10508-020-01843-3>.

⁹² Paul J. Wright, *U.S. Males and Pornography, 1973–2010: Consumption, Predictors, Correlates*, 50 J. OF SEX RESEARCH, no. 1 (2013), <http://www.jstor.org/stable/42002039>.

⁹³ Paul J. Wright, *Pornography Consumption and Condomless Sex among Emerging U.S. Adults: Results from Six Nationally Representative Surveys*, 37 Health Communication, no. 14, 2022, at 1740–1747, <https://doi.org/10.1080/10410236.2021.1917745>; DEMAND ABOLITION, *Who Buys Sex? Understanding and Disrupting Illicit Market Demand*, (Boston, MA: Demand

“Prostitution results in a wide range of devastating physical harms and/or psychological trauma to those sold in it.”⁹⁴ As for individuals who purchase sex, they fuel an industry that inflicts incalculable harm on individuals and communities.⁹⁵ Without their behavior there would be no sex trafficking, since “Every victim of sex trafficking was purchased by a sex buyer—typically multiple sex buyers per day.”⁹⁶ Consistent with this reality, Congress has noted the connection between pornography and sex trafficking.⁹⁷

Abolition, 2018), <https://www.demandabolition.org/who-buys-sex/>; Melissa Farley, Jan Macleod, Lynn Anderson, et al., *Attitudes and Social Characteristics of Men Who Buy Sex in Scotland*, 3 PSYCHOLOGICAL TRAUMA: THEORY, RESEARCH, PRACTICE, AND POLICY, no. 4, 2011, at 369–383, <https://psycnet.apa.org/record/2011-06105-001>; Rachel Durchslag and Samir Goswami, *Deconstructing the Demand for Prostitution: Preliminary Insights from Interview with Chicago Men Who Purchase Sex*, CHICAGO ALLIANCE AGAINST SEXUAL EXPLOITATION (2008), <https://humantraffickinghotline.org/sites/default/files/Deconstructing-the-Demand-for-Prostitution%20-%20CAASE.pdf>.

⁹⁴ Lisa Thompson, Marcel van der Watt, Michael Shively, and Jordan Marshall, *10 Reasons to Oppose Full Decriminalization of Prostitution*, NTL. CENT. ON SEXUAL EXPLOITATION, (2022), https://endsexualexploitation.org/10Reasons_

⁹⁵ *Id.*

⁹⁶ Lisa Thompson and Marcel van der Watt, *Why Sex Buyers Must Be Stopped and How to Do It*, NTL. CENT. ON SEXUAL EXPLOITATION, (2022), https://endsexualexploitation.org/10Reasons_

⁹⁷ Trafficking Victims Protection Act of 2000, § 102, codified at 22 U.S.C. § 7101 (b)(2) (Purposes and Findings),

Additionally, the sexually graphic websites required to use age-verification by H.B. 1181 carry an elevated risk of exposing children to content that is itself the product of sex trafficking. Indeed, one of the parties in this litigation provides an example.⁹⁸ In December of 2023, the United States Attorney’s Office for the Eastern District of New York announced the arraignment of Mindgeek S.A.R.L.—the parent company of Pornhub.com—for “engaging in unlawful monetary transactions involving sex trafficking proceeds. . . .”⁹⁹ Simultaneously, a deferred prosecution agreement (DPA) was also announced holding the company accountable for “its role in hosting videos and accepting payments from criminal actors who coerced young women into engaging in sexual acts on videos that were posted without their consent.”¹⁰⁰ The potential presence of illegal content—such as sex-trafficking material—is another compelling reason for Texas to take steps to prevent children from accessing sexually graphic material.

<https://www.congress.gov/106/statute/STATUTE-114/STATUTE-114-Pg1464.pdf>.

⁹⁸ See Brf. for Pets. at ii-iii (Parties to the Proceedings and Corporate Disclosure Statement).

⁹⁹ DEPT OF JUST., *Pornhub Parent Company Admits to Receiving Proceeds of Sex Trafficking and Agrees to Three-Year Monitor* (Dec. 21, 2023) (press release linking to court filings), <https://www.justice.gov/usao-edny/pr/pornhub-parent-company-admits-receiving-proceeds-sex-trafficking-and-agrees-three-year>.

¹⁰⁰ *Id.*

IV. Pornography's Adverse Impact on Academic Achievement

Pornography may also adversely impact US children's learning environment and education. In a recent survey of 1,358 13- to 17-year-olds, of the 73% of youth exposed to pornography, 41% had seen pornography during the school day and nearly one in three (31%) were exposed to pornography while attending school in person.¹⁰¹ Additionally, 44% of these students reported looking at pornography on school-issued devices.¹⁰² Both personal and school-issued devices not only provide children with the capacity to view pornography while at school, but also facilitate its swift distribution among peers. In a US study involving administrators, teachers, school counselors, social workers, and educators, a majority reported that pornography (as well as sexting) at school negatively impacts school climate, academic focus, and bullying.¹⁰³

Internet pornography use has been shown to negatively impact the academic performance of adolescent boys; the more adolescent boys viewed pornography, the poorer their grades were after six

¹⁰¹ Robb and Mann, *supra* note 18.

¹⁰² *Id.*

¹⁰³ Megan K. Maas, Taryn Gal, Kyla Cary, et al, *Popular Culture and Pornography Education to Improve the Efficacy of Secondary School Staff Response to Student Sexual Harassment*, 17 AMER. J. OF SEXUALITY EDUC., no. 4, 2022, 435–457, <https://doi.org/10.1080/15546128.2022.2076757>.

months.¹⁰⁴ While there are also conflicting and mixed reports about the impact of pornography on academic performance,¹⁰⁵ in the only study to conduct memory performance tests on two groups of adolescents boys and girls (12 to 16 years old), one with pornography addiction¹⁰⁶ and a control group, the pornography addicted boys and girls showed a significant reduction in their verbal memory compared to the nonaddicted group. Further, in an earlier study which evaluated the mathematic skills of a random sample of 15-year-old boys and girls, having watched pornographic and other films on television such as horror and action within the past two weeks was significantly associated with a decline in the students' mathematical competence.¹⁰⁷ The implications of these findings are important, as low academic

¹⁰⁴ Ine Beyens, Laura Vandenbosch, and Steven Eggermont, *Early Adolescent Boys' Exposure to Internet Pornography: Relationships to Pubertal Timing, Sensation Seeking, and Academic Performance*, 35 THE J. OF EARLY ADOLESCENCE, no. 8, 2015, at 1045-1068, <https://doi.org/10.1177/0272431614548069>.

¹⁰⁵ Laura Vandenbosch, *Antecedents of Adolescents' Exposure to Different Types of Sexually Explicit Internet Material: A Longitudinal Study*, 50 COMPUTERS IN HUMAN BEHAVIOR 439-448 (2015), <https://doi.org/10.1016/j.chb.2015.04.032>; Sandra Sevic, Jasmina Mehulic, and Aleksandar Stulhofer, *Is Pornography a Risk for Adolescent Academic Achievement? Findings From Two Longitudinal Studies of Male Adolescents*, 17 EUROPEAN JOURNAL OF DEV. PSYCHOLOGY no. 2, 2019, at 275-292, <https://doi.org/10.1080/17405629.2019.1588104>.

¹⁰⁶ "Pornography addiction" is the term chosen by the researchers.

¹⁰⁷ Jörg Wittwer and Martin Senkbeil, *Is Students' Computer Use at Home Related to Their Mathematical Performance at School?* 50 COMPUTERS & EDUC. 1558-1571 (2008); <https://doi.org/10.1016/j.compedu.2007.03.001>.

performance among adolescents is linked with poor social skills, aggressive behavior, and earlier sexual intercourse.¹⁰⁸

CONCLUSION

Scholars, parents, and policymakers alike plead with this court to consider the compelling need and desire to uphold the strongly supported H.B. 1181, and in doing so, honor the will of the people of the State of Texas to protect its children from harmful content which cited scholarly research shows leads to a multitude of negative developmental effects.

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NOVEMBER 22, 2024

¹⁰⁸ Beyens, Vandenbosch, and Eggermont, *supra* note 104.