

May 18, 2021

Rep. Carolyn B. Maloney, Chairwoman &  
Ranking Member James Comer  
House Committee on Oversight and Reform  
2157 Rayburn House Office Building  
Washington, D.C. 20515

Sen. Jon Ossoff, Chairman &  
Ranking Member Ron Johnson  
Senate Permanent Subcommittee on Investigations  
340 Dirksen Senate Office Building  
Washington DC, 20510

Rep. Jerrold Nadler, Chairman &  
Ranking Member Jim Jordan  
House Committee on the Judiciary  
2141 Rayburn House Office Building  
Washington, D.C. 20515

Chairman Sen. Richard J. Durbin &  
Ranking Member Chuck Grassley  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington DC, 20510

Chairman Bennie G. Thompson &  
Ranking Member John Katko  
House Committee on Homeland Security  
H2-176 Ford House Office Building  
Washington, D.C. 20515

Chairman Gary Peters &  
Ranking Member Rob Portman  
Senate Homeland Security Governmental Affairs  
340 Dirksen Senate Office Building  
Washington DC, 20510

Dear **Chairwoman Maloney** and Ranking Member Comer; **Chairman Ossoff** and Ranking Member Johnson; **Chairman Nadler** and Ranking Member Jordan; **Chairman Durbin** and Ranking Member Grassley; **Chairman Thompson** and Ranking Member Katko; **Chairman Peters** and Ranking Member Portman:

We are compelled to write to *all of you* because grave crimes are being committed across the nation with, it appears, total impunity. Together, your committees have oversight over U.S. federal law enforcement including the Federal Bureau of Investigations (FBI). Only you have the power to discover why the sexual assault of women and children, child sexual abuse material (also known as child pornography), and non-consensual intimate images are being uploaded and distributed on internet platforms. This is occurring with *no apparent legal consequences* to individual perpetrators or the digital facilitators of monetized sexual abuse (which constitutes human trafficking) as well as criminal sexual violence, and gross violations of privacy rights.

In a [virtual congressional briefing<sup>1</sup> on April 8, 2021](#), sponsored by 12 leading anti-trafficking organizations,<sup>2</sup> victims and survivors described their powerlessness to remove documentation of crimes committed against them. One was a federally certified adult victim of labor and sex trafficking who has received no assistance to delete pornographic images still circulating on the internet, years after she was freed from an illegal massage brothel. Another was a 20-year-old survivor who begged Pornhub to delete intimate pictures of her made when she was age 14 all to

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<sup>1</sup> “Uncovering the Evidence of Child Exploitation, Sex Trafficking, and Non-Consensual Content on Pornhub,” April 8, 2021, <https://www.youtube.com/watch?v=-wzhlfZAuCW&feature=youtu.be>

<sup>2</sup> Breaking Free (MN); Coalition Against Trafficking in Women International (CATW); Mentari Survivor Empowerment, Inc. (NY); More Too Life (FL); National Center on Sexual Exploitation (NCOSE); Organization of Prostitution Survivors (OPS, WA); Rights4Girls (DC); SPACE International-US branch; Survivors for Solutions; Traffickinghub Movement; United Against Slavery (TN); and author Christine Stark

no avail. The experience led her to drop out of school, develop drug addiction, and become homeless. She continues to suffer complex trauma and rarely leaves her home.

MindGeek, which owns Pornhub and at least 160 other hardcore pornography websites, serves as a case study of corporate indifference regarding harm caused to women and children on its platform. It has received widespread international condemnation for facilitating and profiting from criminal acts including sex trafficking, filmed sexual abuse of children, and non-consensually recorded and distributed pornography.<sup>3</sup>

Based on the presented evidence,<sup>4</sup> including testimony of victims and MindGeek executives before the Canadian Standing Committee on Access to Information, Privacy and Ethics, it is clear that MindGeek has violated federal sex trafficking and child protection laws, particularly child pornography distribution and reporting laws.<sup>5</sup> For example, MindGeek executives stated in the Canadian hearing that their company reviews each video before it is publicly posted<sup>6</sup> thus, supporting the contention that they knowingly and willfully distributed child sexual abuse materials which are present on their sites. Since MindGeek monetized the child sexual abuse materials, these admissions also show that they knowingly facilitated and benefited from sex trafficking of minors.<sup>7</sup>

Additionally, because MindGeek intentionally placed a download button on every video distributed on Pornhub until December 2020, after being exposed by the *New York Times*, the company has violated federal age verification and record keeping laws under 18 USC Section 2257 for over a decade. This is because the download button caused the direct *transfer* of pornography from MindGeek servers to individuals' devices around the globe.

MindGeek and other pornography websites using a similar business model must be held accountable. It is urgent that Congress demand that law enforcement agencies investigate MindGeek as the pace setter in what amounts to a massive criminal enterprise. Anything less than full legal accountability is an injustice to victims whose lives have been damaged as a result of MindGeek's knowing and willful actions. Moreover, in actions that may also be consumer fraud, MindGeek has admitted to enabling U.S. citizens to violate federal child pornography possession laws by encouraging the download and possession of images of child sexual abuse (i.e., child pornography).<sup>8</sup>

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<sup>3</sup> Nicholas Kristof, "The Children of Pornhub. Why Does Canada Allow this Company to Profit Off Videos of Exploitation and Assault?" *The New York Times*, December 4, 2020, [www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html](http://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html).

<sup>4</sup> House of Commons Canada, "Meeting No. 21 ETHI," *Protection of Privacy and Reputation on Platforms Such as Pornhub*, 43rd Parliament, 2nd Session, February 22, 2021.

<sup>5</sup> 18 U.S.C. § 1591 (sex trafficking through facilitating and profiting from commercial sex acts involving children) ; 18 U.S.C. §§ 2252A (knowing receipt or distribution of child pornography), 2258A (requirement to report known child sexual abuse material) , 2260 (foreign imports - receipt and distribution of child pornography).

<sup>6</sup> Statement of Feras Antoon, "Because every single piece of content is viewed by our human moderators," before the House of Commons Canada, "Meeting No. 19 ETHI," (time marker 00:11:27), *ibid*.

<sup>7</sup> See also statement of David Tassillo, "It- it i- it is possible that people committing crimes are able to circumvent our systems," before the House of Commons Canada, "Meeting No. 19 ETHI," (time marker 01:33:19), *ibid*.

<sup>8</sup> Statement of Serena Fleites, "... it had already been basically downloaded by people all across the world. It would always be uploaded, over and over and over again. No matter how many times I got it taken down, it would be right back up again," before the House of Commons Canada, "Meeting No. 18 ETHI," (time marker 1:36:53), *ibid*.

By its failure to implement age verification during pornography content uploads and pornography consumption, MindGeek has facilitated harms against massive numbers of children, both in front of the screen—through exposing children to pornography—and behind the screen—by facilitating images and films of child sexual abuse. It has also caused extensive harm to women who never agreed to have intimate material recorded or uploaded and distributed worldwide—resulting in immense profit to the company, which sells premium subscriptions, sells advertisements, harvests massive user data, and owns multiple related businesses. Based on MindGeek’s testimony and its longstanding business practices, it is clear to us that MindGeek cannot be trusted to self-regulate. Yet this is what lack of enforcement and regulation has permitted.

A central role of government in a just society is to protect its most vulnerable. In this spirit, we call on Congress to use your authority to demand the Department of Justice and FBI conduct a full criminal investigation into MindGeek, and to hold its leadership accountable to the fullest extent of the law.

Please use your authority to protect vulnerable and victimized adults and children from this predatory and unethical corporation, a firm that exemplifies the depth and breadth of criminality when law enforcement fails to police digital space.

Signed,

## 132 Survivors of Sexual Exploitation and 630 NGOs

### UNITED STATES

#### *ALASKA*

##### **Staci Yates**

Director of Human Trafficking  
Recovery Services, Mat-Su Youth  
Housing

#### *ALABAMA*

##### **Barbara Fowler**

Fowler Davis LLC

##### **Abby Grace Worrell**

Anti-Human Trafficking Committee,  
Junior League of Birmingham

##### **Pat Mccay**

Chair, North Alabama Human  
Trafficking Task Force

##### **Pamela Rasberry**

Advocate, Trafficking Hope

#### *ARKANSAS*

##### **Louis Butterfield**

Founder & Director, Center for  
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##### **Hannah Keener**

Owner, Zenith Studios

#### *ARIZONA*

##### **Julie Karcis**

Vice President, Central Phoenix Inez  
Casiano NOW

##### **Sharon Slater**

President, Family Watch International

##### **Nancy Baldwin**

Executive Director, Hickey Family  
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##### **Marianne Salem**

Chairman, Mohave County Human  
Trafficking/Domestic Violence  
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#### *CALIFORNIA*

##### **Jewell Baraka**

Survivor of Sexual Exploitation

##### **Kim Rogers**

Rape Survivor

##### **Michelle Clemente**

Survivor Leader

##### **Marti Macgibbon**

Survivor Leader & Advocate, Mentari

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**Jon Tillay**  
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**Ruchira Gupta**

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**Gregg Carrick**  
Pastor, Grace Church

**Cheryl Mahoney**  
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