

## 4 Discursive Responses to an Underage Porn Star

### The Traci Lords Scandal

David Church

The revelation that one of the adult video industry's biggest stars, Traci Lords, had performed in over 75 feature films while still under the legal age of majority (18 in the United States) became national news and spawned an industrywide panic. At a time when the adult industry, under increased legal scrutiny by the Reagan administration, was attempting to bolster its public image as a legitimately corporatized business sector while also adapting to the low production and distribution costs of easily circulated, shot-on-video (SOV) texts, the Lords scandal proved a perfect storm for controversy. Born Nora Kuzma in 1968, Lords had moved to California as a teenager, where she became estranged from her family during a period that included drug abuse and sexual abuse by her mother's boyfriend. This man (surnamed Rogers) helped Lords fraudulently acquire a driver's license with a 1962 birthdate. Using this document, Lords became a centerfold model (at age 15) in the September 1984 issue of *Penthouse*, then became a prolific performer in adult films over the next 20 months. By January 1986, she founded the Traci Lords Company (TLC) with her manager/boyfriend, Stuart Dell. They traveled to France in May 1986 to shoot *Traci, I Love You*—which contains her only legal hardcore performances, filmed just after her 18th birthday—but authorities arrested the couple shortly after they arrived home. The Los Angeles District Attorney announced the case on July 17, 1986, and the industry immediately withdrew Lords's videos from circulation—with the exception of *Traci, I Love You*, belatedly released in 1987. Leveraging her notoriety into a legitimate career, Lords has appeared in a steady line of genre movies and television shows, in addition to becoming a singer and fashion designer.<sup>1</sup>

Despite these events being retold countless times in popular media, the Lords scandal has been relegated to little more than passing allusions or lengthy footnotes in most previous academic work on the adult film and video industry. This reticence is partly due to Film and Media Studies' emphasis on textual and representational analysis—a method curtailed when nearly all of her hardcore films remain legally unwatchable. Even if legal scholars like Clay Calvert argue that “[t]he study of existing child pornography by professors and others in academia ... does not constitute an

exploitative use of either children or child pornography ... [and] could actually inform legislation designed to curb or to redress such exploitative uses,”<sup>2</sup> no academic exemption exists. Chuck Kleinhans also alludes to the Lords scandal in his discussion of the semiotics of child pornography and the practical difficulties of researching its prevalence, since inadvertently viewing such images itself constitutes a crime, regardless of intent.<sup>3</sup>

Although some legal scholars have criticized US child pornography laws for ascribing more semiotic power to these images than the documentation of virtually any other heinous act, child pornography nevertheless remains a special class of crime wherein viewing evidence of the said crime is considered a replication of the original misdeed, under the presumption that *any* act of viewership not only re-inflicts the originally documented act of abuse but will also encourage more production of such abuses.<sup>4</sup> While there are important differences between the commercially produced-and-withdrawn Lords videos (initially taken to depict a legally adult performer) and the black-market “cottage industry” of “kiddie porn” that exploits preadolescent children, as described in the *Final Report* of US Attorney General Edwin Meese's Commission on Pornography,<sup>5</sup> the conflation of these very different types of visual documents under the increasingly broad umbrella of child pornography is an important part of the scandal's legacy.

If anything, the erasure of the illicit Lords films has been all the more productive of verbal/written discourse about the events in question, since nearly Lords's entire pornographic oeuvre can only be talked *around* today. Hence, the podcast as an aural storytelling form is an apt choice for exploring the overall affair: Lili Anolik and Ashley West's podcast *Once Upon a Time ... in the Valley* (2020) exhaustively (re)litigates competing claims, in light of how Lords herself was never formally brought to trial and cross-examined.<sup>6</sup> Yet, because Lords refused to directly participate in new interviews for *Once*, she remains the absent center of her own story, speaking in period interviews and other historical materials, but ultimately more often talked *about* by myriad other people. For this reason, *Once* adopts a tripartite structure, debunking some of Lords's claims but also attempting to thread between a “she said, they all said” opposition, until Anolik and West ultimately arrive at an “ambiguously ever after” conclusion (ep. 12). Although oral histories typically privilege the actions of individuals over those of institutions, *Once*'s lack of direct interviews with either Lords or the two men who facilitated her entry into and out of the adult industry (Rogers and Dell) opens this chapter's examination of the supplemental context that contributes a broader historical picture of the scandal's larger implications.

#### The Structure of *Once Upon a Time ... in the Valley*

Billing itself as “if *Boogie Nights* [1998] had a three-way with *Gone Girl* [2014] and *A Star Is Born* [2018],” *Once* consists of 12 episodes, arranged into three parts. Parts 1 and 2 comprise roughly half of the series' nine-hour

duration, with Part 1 solely consisting of the first episode—featuring Lords’s side of the story, as drawn from her 2003 memoir and associated publicity interviews—and Part 2 consisting of the adult industry’s side of the story, as told by industry insiders across episodes 2–6. As Anolik explains, Part 1 reads as a cautionary tale about a predatory industry, whereas Part 2 paints Lords as a femme fatale whose long con left her vilified as a traitor to the porn industry, albeit reclaimable as a sort of “feminist icon” for duping a male-dominated industry for her own gain. *Once*’s co-hosts acknowledge, then, that Parts 1 and 2 represent moralistically oversimplified narratives, with merely the roles of victim and victimizer reversed, depending on whose vested interests—Lords vs. the porn industry—are privileged in the retelling (ep. 1, 7).

The gendered quality of these competing narratives is notable since Lords’s reputation as a potentially unreliable narrator raises ethical questions around Part 2’s goal of rebutting her claims—especially during the #MeToo movement’s revaluation of women’s narratives about entertainment industry abuse. In her memoir, for instance, Lords maintains that heavy drug use has rendered her memory of that period as a “gray area,” and yet she paradoxically dismisses any contrasting accounts by other industry personnel as wholesale lies.<sup>7</sup> Much of Part 2 provides the uninitiated listener with context about the 1980s adult industry, with Anolik assuming a rhetorical role that echoes many of Lords’s characters: an “innocent” naïf in need of initiation into the porn world by a more (sexually) experienced man (ep. 2)—here personified by West, host of the adult film history podcast *The Rialto Report* (2014–). A Wall Street banker by day and fan-scholar by night, West regularly criticizes academic historians for not extensively pursuing primary interviews with adult film veterans. West positions himself as a proxy spokesperson for the adult industry’s counternarrative, which ironically makes more sense in light of how *The Rialto Report* already participates in a siloing of historical information favorable to industry perspectives, not unlike Lords’s own assertion that hers is the only definitive account and all others are faulty.<sup>8</sup>

By contrast, Anolik describes increasingly identifying with Lords from a female perspective, based on her background research for Part 3, for which Anolik serves as the primary narratorial guide. Anolik and West “try to push ourselves in” to Lords’s head (ep. 7) without her consent, using interviews about her early life in Ohio and Southern California in a compelling attempt to explain how and why Lords entered and left the adult industry: reluctantly turning to hardcore work once the discovery of her nude modeling ostracized her from high school, then finally leaving the industry amid a cocaine-fueled burnout, with both federal authorities and unscrupulous business partners closing in. Although Part 3 is prone to armchair psychologizing, Anolik and West do present several significant, newly uncovered sources, such as a previously unheard 1985 taped interview with Lords and a book proposal for an earlier, unpublished Lords memoir.

Yet, even as Part 3 offers a much more nuanced, agentive take on Lords’s industry participation, the hosts acknowledge the absence of Lords’s direct participation at a narrative moment when a critical take is most needed. Anolik, for example, describes listening to the 1985 interview as like “conducting a séance,” while West argues that Lords did not need to be interviewed for the podcast because she had already told her version of events from 2003 onward. Small wonder, then, that Part 3 also foregrounds the vagaries of memory, self-mythologization, and compensatory fictions, with the hosts selectively weighing which aspects of the competing narratives might fit together and which might be unresolvable. Despite the project’s predominant focus on interviews, *Once* also implicitly points toward the fact that oral-historical methods are only as reliable as the faith placed in their interviewees—hence the need to employ a variety of other research methods, including those more attuned to larger institutional and legal factors, as the rest of this chapter will examine.

Indeed, *Once* ends by comparing Lords’s mid-1980s films to contemporary sex tapes, making the dubious argument that Hollywood stars repress their secret desires to “actually” be porn stars (ep. 11). Yet, Anolik conflates the important issues of consent that differentiate porn films originally produced for public consumption from Hollywood celebrities’ private moments stolen as the mainstream equivalent of “revenge porn” against successful women. Hence, the podcast’s reticence to address how those surviving images continue to be weaponized against Lords complicates its hosts’ ostensible sympathies with their subject. Ending their story by downplaying the ethical implications around digital-era image circulation ultimately betrays its tellers’ entrapment in a morass of analog-era voices, still more concerned with the sensationalism of “who said what” than the larger implications that continue to haunt American society.

### Industrial Shifts Toward Respectability

Echoing oral history’s biases toward narrating history as the product of individual choices rather than institutional shifts, *Once* portrays Lords’s industry competitors, such as Ginger Lynn, as successfully making demands for better pay and benefits from production companies (ep. 4). Likewise, *Once* describes Lynn’s attitude toward the porn business as a warm-hearted embrace of a surrogate family, while depicting Lords’s founding of her own company as an “ideologically different,” mercenary use of the existing industry apparatus (ep. 5). Indeed, David Jennings, director of several Lords films, posits that she deliberately formed TLC with shadier business partners like producer Honi Webber and tape distributor Sy Adler because their rumored mob connections meant they were less likely to scrutinize Lords’s age (ep. 10).

Peter Alilunas, however, explains that much as *Adult Video News* (1982–) styled itself as a legitimate trade publication, newer porn companies like

Vivid Video (founded in 1984) exemplified an emerging generation of producer-distributors who valued quality product and strove for corporate respectability. Vivid broke with the industry practice of paying per-diem rates to top performers, instead signing specific stars to exclusive contracts in exchange for royalty payments and a degree of creative control over their public personas. Hence, Vivid dodged a bullet by passing over Lords in favor of signing Lynn as their first contract star, especially since its profit-sharing practice required keeping a longer paper trail than a mob-run company would have risked.<sup>9</sup> In this regard, rather than top stars simply asserting autonomy, Vivid was already in the process of changing the business in a top-down way when signing Lynn over Lords—a rejection which likely drove Lords to look at increasingly residual corners of the industry for financial backing.

These industry moves toward respectability also help explain why the Lords case generated such consternation in the wake of the July 1986 revelation about her true age. Adult Film and Video Association lawyer John H. Weston called for the immediate withdrawal and destruction of Lords's newly illegal tapes; manufacturers were encouraged to take the tapes back from retailers in exchange for refunds or different titles, but the scandal still created millions of dollars in losses.<sup>10</sup> Various rumors circulated that Lords was rattled out by jealous starlets, disgruntled business partners, or concerned family members. Lords herself has offered several explanations over the years: that Adler misunderstood Lords's true birthdate and went to the authorities under the misunderstanding that *all* of TLC's films would fall under the window of legality and therefore skyrocket in market value (*Once*, ep. 12); or that Rogers squealed in exchange for a plea deal on an unrelated drug charge (ep. 1). *AVN*, in fact, reported that adult film actor Stacey Donovan turned informant for the L.A. Police Department in June 1986 in order to avoid a drug charge, "reveal[ing] that she aided investigators in the Traci Lords case"—although whether Donovan actually had dirt on Lords or was trying to curry favor with the authorities is unclear.<sup>11</sup>

Among the most popular theories among *AVN* readers was the suggestion that Lords herself went to the authorities as the last step in a long con. Unlike Ginger Lynn, Lords did not earn any royalties from her earlier films, so she stood to lose nothing financially from their withdrawal. If anything, this action would merely increase consumer demand for her one legally available film, produced by her own company.<sup>12</sup> Furthermore, *AVN* reveals that Lords had already taken a hiatus from adult films in mid-1985 in a stated effort to "break into legitimate modeling," which only made her participation in future hardcore films all the more in demand.<sup>13</sup> With this hiatus happening when "many distributors and retailers believe[d] Lords ha[d] been over-exposed," it is not difficult to see her temporary step back from hardcore work as testing the waters before returning to form TLC in January 1986.<sup>14</sup>

Hence, when it emerged that Lords was seeking a distributor for *Traci, I Love You*, some industry members called for a united front in rejecting

distribution offers, to make an example of the now-blacklisted star. This animosity was redirected at Caballero Control Corporation, one of the industry's biggest companies, when it picked up the rights to the film for a \$100,000 windfall and became the top-selling adult video of 1987. Yet, some video duplicators and retailers were actually *more* willing to carry the highly profitable tape as it was no longer directly handled by TLC.<sup>15</sup> *AVN* grudgingly recommended that retailers looking to serve existing Lords fans and others lured in by the "curiosity value" of "her now-legendary dupe of an industry" should "taste the forbidden fruit. It's always better when you get what you can't have."<sup>16</sup>

Since interview-based research methods predominantly treat films as production events, rather than as texts primed for close analysis, *Once* says virtually nothing about the actual content of *Traci, I Love You*. *Once*'s silence around the film's plot is especially glaring in light of West's unsubstantiated claim to have been unknowingly hired as a production assistant on the film while a student in Paris (ep. 6)—a telling coincidence if true, and blatant self-mythologization if not. As her one legally available adult film, then, we might look to *Traci, I Love You* for clues to her alleged participation in a sophisticated deception. Indeed, the video opens with photographer Jean-Paul (Gabriel Pontello) explaining how his job allows him to "explore" and "collect" beautiful women like Traci, whom he deems the symbol of ultimate sexuality. Traci's own voiceover enters as she arrives in Cannes, having "borrowed" money from her manager for a break from her "tits-and-ass grind" back in the States. Noting that the past year has been very draining and her emotions are starting to affect her roles, she describes Cannes as the perfect setting for exhibitionists, where she plans to rub elbows with a legitimate film producer in order to prove her talent as an actor.

She has a fling with Jean-Paul during a photo shoot, but running out of money, she then accepts an invitation to film producer Mr. Alisair's (Alban Ceray) palatial home, which doubles as a private sex theater. After several nude women groom Traci ("like a child being washed down by grown-ups," she narrates), she proves herself in the "arena of pleasure," yet returns to Jean-Paul in a perfunctory denouement. "There are new things for Traci to learn in the future," Jean-Paul intones, and the video concludes with the prominent message, "All Actors and actresses are over the age of eighteen." Most of the video consists of a climactic orgy scene, leaving the central love triangle sorely underdeveloped. But the happy ending has Traci spurning an adult film producer for "new things ... to learn in the future" that seems like more than a wink that Lords herself was already well on her way to planning a mainstream crossover.

#### The Meese Commission and the Specter of Child Pornography

While *Once* repeatedly notes that the Meese Commission was stacked against the adult film industry from the start, the podcast downplays the extent to

which one specific canard was central to the Commission's *Final Report*: accusations that child pornography was rampant in the industry. As Whitney Strub notes, 45 of the 92 recommendations in the *Final Report* concerned child pornography—even though “the report had earlier called child pornography ‘largely distinct from any aspect’ of the adult porn industry.”<sup>17</sup> The *Final Report*'s July 1986 release virtually coincided with the public revelation, only two weeks later, about Lords's true age. Here, it seemed, was vindication for the federal government's claims that even the mainstream porn industry exploited underage performers—even if Lords's proximity to the legal age of majority was anomalous from the *Final Report*'s emphasis on prepubescent children as the victims of “‘genuine’ child pornography.”<sup>18</sup>

Small wonder, then, that many members of the adult video industry smelled conspiracy in the fact that Lords's brief hardcore career could be almost exactly measured by the time between the Commission's 1984 formation and the public release of its findings. The sheer fact that Lords herself never faced formal charges for her role in the long-term deception was enough to suggest that she was either a government plant from the start or had turned informant along the way—as was the rumor that the authorities had been tipped off about her underage status in early 1985, but allowed her to keep working well into 1986 to pad the Commission's findings. Importantly, Lords herself denies having turned informant, and describes being harassed with FBI subpoenas to testify against child pornographers once government prosecutors conflated her case with the underground market in “kiddie porn.”<sup>19</sup>

Indeed, the scandal's significance cannot be understood without a fuller understanding of the historical trajectory of the child pornography laws that existed by 1986. The first major legislation passed to target child pornography was the Protection of Children Against Sexual Exploitation Act of 1977, which specifically punished creators and distributors of obscene materials depicting children in sexually explicit conduct.<sup>20</sup> The US Supreme Court's 1982 decision in *New York v. Ferber* made a major legal change by “recogniz[ing] child pornography as a category of material outside the protection of the First Amendment.” It ruled that distribution of such material is legally punishable, even if the offending material does not fulfill the obscenity test established in *Miller v. California* (1973), since a child could still be sexually exploited during the production of a work that was not technically deemed “patently offensive” in a given locale.<sup>21</sup> As Alilunas notes, it was no coincidence that President Ronald Reagan announced the Meese Commission's formation during the same May 21, 1984 signing of the Child Protection Act, since Reagan's announcement rhetorically linked the adult video industry with the newly passed law. The 1984 law used the *Ferber* decision to strike the obscenity requirement for successful prosecutions of child pornography, while also extending penalties to non-commercial production/circulation.<sup>22</sup> The 1984 law raised the age of majority for appearing in a pornographic image from 16 to 18 years

old, so regardless of whether the age of consent differed on a state-by-state level, the legal age for appearing in such imagery now matched the nationwide age of legal adulthood, and anything short would qualify as “child pornography.”<sup>23</sup>

The Lords scandal tipped legislators' hands to adopt one of the *Final Report*'s key recommendations: “a statute requiring the producers, retailers or distributors of sexually explicit visual depictions to maintain records containing consent forms and proof of performers' ages.”<sup>24</sup> Although *Once* depicts the adult industry as forming a unanimous posture of self-defense, the editors of *AVN* actually endorsed another Meese Commission recommendation (while admitting it would be an unpopular opinion)—raising the age for participation in hardcore scenes to 21—to provide more legal buffer against a repeat of the Lords affair.<sup>25</sup> Congress ultimately maintained the federal age of majority (consistent with the 1984 law) instead of a higher age, but the Child Protection and Obscenity Enforcement Act of 1988 henceforth required producers of non-simulated adult material to retain accurate records of all performers' ages, with distributors required to affix a statement of compliance with this law (18 USC Section 2257) on all copies of said material—typically as an onscreen preface and/or small print on a video box. In this regard, every adult video commercially produced and released since 1988 still bears this small material trace of Traci Lords's legacy (Figure 4.1).<sup>26</sup>

The government's case against X-Citement Video owner Rubin Gottesman represents the potential penalties for continuing to sell the illicit Lords films after July 1986. The same month that Lords's true age became public, undercover agents posing as video store owners specifically requested videos made prior to her 18th birthday. Although Gottesman initially expressed hesitation due to their illegality, the sale was arranged, and he was arrested in April 1987 for child pornography distribution. Gottesman subsequently “testified that he knew of the rumors that Lords was under 18 when she made the tapes but that he believed she was over 18 at that time. Gottesman knew Lords personally, having met with her between forty and fifty times over a



Figure 4.1 An example of the warning label that all websites with explicit sexual material must carry regarding the performer's age.

three-year period. He testified that he believed she falsely floated the rumor that she was under 18 when the tapes were made" to increase the market value of *Traci, I Love You*.<sup>27</sup> The court, however, did not buy his argument that because he (allegedly) discounted the announcement of Lords's true age, he had not "knowingly" distributed child pornography.

Gottesman appealed his conviction: it was reversed on the grounds that the 1977 law placed an unconstitutional *scienter* requirement upon distributors, by holding them to the same level of legal responsibility for knowing the content of their distributed material (e.g., age of performers) as the video's original producers. Then, the Supreme Court finally upheld Gottesman's conviction in 1994, returning to the Congressional intent behind the 1977 law in order to clarify a grammatical ambiguity in the original law: that the term "'knowingly' ... extends to both the sexually explicit nature of the materials and to the age of the performers," despite occupying separate sub-clauses.<sup>28</sup> Legal scholars have continued to debate the precedent this set: that the Supreme Court should bend their interpretation of an ambiguously written law in the most constitutionally-adherent direction possible, rather than striking down the law as unconstitutional. To some scholars, this constitutes judicial overreach, by projecting more onto a given law than was clearly established via Congressional intent.<sup>29</sup> Although *Once* presents the general contours of Gottesman's initial arrest (ep. 6), it does not analyze the *U.S. v. X-Citement Video* decision, arguably the most important and far-reaching legacy of the entire scandal, perhaps deeming the minutiae of legal theory too dry and boring to include in a documentary aimed at non-academic viewers/listeners.

### Textual and Contextual Afterlives

As *Once* tells it, the adult industry has been "foaming at the mouth" (ep. 1) to explain its side of the Lords story ever since 1986, but *Traci's Big Trick* (1987) demonstrates how the industry had attempted their own narrativization of the scandal far earlier. Starring Jacqueline Lorian as "Traci" alongside a number of Lords's former co-stars, Honi Webber rushed *Traci's Big Trick* into production in an attempt to recoup the financial losses caused by her previous partnership in TLC.<sup>30</sup> The video reminds the viewer of the Lords scandal's basic facts through the lyrics of its title song, and opens with Traci arriving at World Modeling Agency to seek work from Jim South (John Stagliano). Filmmaker "Mr. Black" (Peter North) arrives, looking for someone to play a dog in his latest opus—an obvious allusion to Gregory Dark and *New Wave Hookers* (1985), in which Lords and North both appeared—and he decides to cast Traci as a devil. She soon leaves an abusive boyfriend (Scott Apollo) for Stuart (Jerry Butler), to whom she lies that she has just turned 18. Stuart orchestrates a deal with Adler (Ron Jeremy) for exclusive rights to work with Traci, while Adler contacts Webber (Sharon Mitchell) to ask if Webber still plans to sell her existing video company.

Stuart borrows \$25,000 from Adler to travel to France, but Traci confesses her actual age while the plane is still airborne, so Stuart furiously calls Webber and Adler to break the news. As Webber begins fielding calls from the media, Traci begins negotiating the highest offer for her side of the story. Turning to laugh at the camera/viewer, Traci's concluding voiceover explains that the authorities can't do anything to her since "the adults in the business" will be held responsible.

Although narratively filling in certain gaps with conjecture, *Traci's Big Trick* closely follows the industry's version of the events, even using many of the central players' real names, almost as a pornographic docudrama intended to absolve everyone but Lords. Although a mix of industrial self-defense and cynical cash-in produced by Lords's former business partners, *Traci's Big Trick* is also notable for its reenactments of the sex scenes from *New Wave Hookers* and *Traci Takes Tokyo* that had just been withdrawn from circulation. For viewers in 1987, this film might have provided the fantasy of still watching Lords in more hardcore roles than those legally available in *Traci, I Love You*—even if the actual Lords is (again) an absent center here. For adult film historians today, however, these reenactments might also offer additional (if unconfirmable) details about these legally inaccessible scenes.

*Once* discusses the popular rumor that Lords turned herself in so that she might gain federal protection from Webber and Adler's alleged mob connections, who were allegedly angered that Lords and Dell initially appeared to have returned from France with no finished film in hand. *Once* also describes Webber and Adler as cockroaches scurrying away from the light of legal exposure once the Lords's scandal broke (ep. 10). In fact, *Traci's Big Trick* (unmentioned in the podcast) proves that Webber and Adler were quite willing to foreground their own identities in this public repudiation of Lords rather than vanishing into the shadows.

Amid these industry attempts at narrativizing the scandal, we might ask what the afterlife of the illegal Lords films continues to be today, especially since *U.S. v. X-Citement Video* proved that continued circulation of the films could be successfully prosecuted. Within months, a handful of the withdrawn films were re-edited to excise any sex scenes featuring Lords, then re-released in legally compliant form; *New Wave Hookers*, for instance, lost not only the "devil" scene between Lords and Rick Cassidy that is reenacted in *Traci's Big Trick*, but also replaced her image on the video box cover with that of her rival, Ginger Lynn. Most of the edited and reissued videos were either films with larger production values to recoup, or more prominent filmmakers at the helm, or those distributed by larger companies with available money to invest in salvaging older product. As David Jennings recalls, the mid-1980s glut of SOV product meant that even a major star like Lords was no longer a guarantee of strong returns,<sup>31</sup> so it is little surprise that most of the cheaper and more forgettable SOV productions from smaller companies were not reissued. Retailers generally reported that the removal of Lords tapes from

their shelves had not disproportionately affected their businesses, since so many other tapes were still available.<sup>32</sup> Moreover, these excisions occurred amid a wider climate of industry self-censorship that saw video distributors attempting to avoid obscenity prosecutions by editing out fisting, BDSM, and depictions within the fiction of rape, incest, or underage characters from pre-Meese films.<sup>33</sup>

Laura Helen Marks, for example, describes the 1986 reissued version of *Talk Dirty to Me: Part III* (1984)—a glossy 35-mm production that had won AVN's 1984 award for Best Picture—as haunted by Lords as a structuring absence. Now redubbed *The New Talk Dirty to Me: Part III*, Lords's prominent role is recast with a much older actor (Lisa DeLeeuw), with the excised scenes re-shot on videotape and spliced into the original film. For Marks, the reissued version may represent an act of defiance against Meese-era scrutiny of the porn industry, but the jarringly visible shifts in casting and shooting medium are nevertheless an embarrassing admission by the film's producers that plot coherence and star performers had become similarly disposable factors in the "Silver Age" of porn. Lamenting how Lords's excision destroyed the textual unity of films that other creative personnel worked hard to elevate above the rising tide of SOV dreck, Marks implicitly suggests that the uncut versions of some Lords films have aesthetic/historical value in their own right—even if the 1984 Child Protection Act had already negated aesthetic value as a First Amendment defense by separating child pornography into a separate class of unprotected materials from "obscenity."<sup>34</sup>

Unlike the autobiographical clues offered in *Traci, I Love You*, many of these earlier roles—in which she sometimes played underage characters—verge on the adult industry's continuing fetishization of youth, such as "barely legal"-themed videos. In the latter, a performer might display her ID to the camera as proof of legal adulthood, with the industry's more stringent, post-Lords record-keeping requirements becoming perversely reframed as erotic for treading so closely to the taboo.<sup>35</sup> Although the Meese Commission's *Final Report* admitted that "this variety of material does not cater to the pedophile, but instead to those who prefer material with young-looking models,"<sup>36</sup> the industry still uses "teen" to hyperbolically describe a larger range of performers based more on body and facial types than actual age. Women well into their 20s might still be advertised as "teens," much like the elastic application of "MILF" for older-looking models.<sup>37</sup> In this regard, the industry can both abide by and capitalize upon the same legal strictures and social discourses that roundly demonize pedophilia, a stigmatization that Richard D. Mohr describes as culturally disavowing how widespread (non-explicit) imagery of sexualized youth already is in popular culture.<sup>38</sup>

Indeed, the ubiquity of "teen" as one of the most common descriptors and metadata tags within the legal world of online pornography already tells us something about the commonality of heterosexual male desire for models whose actual age is not stated, but whose appearance plays upon a fantasy

rooted in disavowal (e.g., "I know that person is legally an adult, but all the same ..."). Of course, this disavowal allowed Lords to pass herself off as an adult for as long as she did; as she lied to AVN in 1985, "I look my age, I'm 22, but without my makeup, I look about 18. ... You could put my hair in a pony tail (sic) with light pink lipstick and I could pass for 17. The only thing that gives it away is my tits."<sup>39</sup> Because puberty can arrive at different ages in different people, breast development is hardly a reliable indicator of age. Viewing the illicit Lords films today would thus have little evidentiary value pertinent to the scandal itself, since the chronological age of "older adolescent" and "adult" performers cannot be accurately discerned from secondary sex characteristics.<sup>40</sup> The 1984 and 1988 laws setting the legal bar for performing in hardcore films at the age of legal adulthood were, after all, intended to resolve possible ambiguities around the ages when teenagers might reach psychological/sexual maturity.<sup>41</sup>

These issues resurface in discussion board threads on Adult DVD Talk, when porn fans debate the "before" and "after" status of Lords's films. Some older discussants admit to having seen the Lords tapes before the scandal broke, evincing nostalgia for a period associated with their own youth, but most claim to have destroyed the tapes in 1986. Others remark that Lords was overrated compared to legal performers of the same era, dismissing such nostalgia as retrospectively colored by the scandal. Some of these threads post links to European websites where the illegal Lords films are sold in countries where the age of majority is lower than the United States, although many discussants warn Americans against purchasing said videos. There are also references to vintage Lords VHS tapes occasionally selling for inflated prices with product descriptions using her birth name as cover in the (now-defunct) adults-only section of eBay.

Most notable, though, are the threads that either ask other posters to discuss their "favorite" underage Lords scenes or express confusion about whether early Lords content is still illegal if it can be accidentally stumbled across online or purchased from European distributors. Whereas the former threads are very short-lived, with more experienced forum members noting that discussions of child pornography are not allowed on the website, the latter have provoked more heated discussion. American respondents unambiguously clarify that all of Lords's films before *Traci, I Love You* are illegal—while other respondents express skepticism about the legal ramifications for consuming the illicit films outside the United States or whether American authorities would even be concerned with films that are now many years older than Lords herself had been when she appeared in them. And, in a humorous rebuttal to requests for Lords's "legal" films, respondents will sometimes paste a list of her many post-1987, non-pornographic movies.<sup>42</sup>

It is likely no coincidence that most of these threads date from the mid-2000s, a period when streaming video was quickly supplanting the sale of physical video objects, since illicit Lords content was no longer relegated to the sort of vintage material that might be secreted away in private collections.

Much as the mainstream film and music industries spent this same period battling ease of access to illegally duplicated content, the Internet had opened up new distribution avenues for media content that did not fully fit the scope of previous child pornography laws.<sup>43</sup> The strong warnings provided by members of the porn fan community, then, aimed to dispel any lingering doubt that the illegality of Lords's early films had somehow changed by the 2000s. Even if it might have been unlikely for authorities to focus law enforcement efforts on contemporary viewers of those films, it was not altogether implausible—particularly in the context of the George W. Bush administration's renewed war on pornography that included the 2003 passage of the PROTECT Act, which

criminalized the offering or solicitation of child porn as a felony even in the absence of any actual obscene material and included virtual distribution. In other words, simply convincing someone that an Internet file contained child porn took on penalties comparable in severity to actually transmitting child porn.<sup>44</sup>

Indeed, unlike the moment in 1986 when physical copies of her videos and magazines were purged, it is the seemingly "immaterial" quality of streaming online content that has also rendered the legal ramifications of their continued circulation less material in the minds of some viewers. Much like these fan-cultural warnings, there is a pragmatic need for the Lords scandal to remain narrativized in its historical and legal context for as long as that content continues to circulate, lest the legal consequences of digging up such radioactive material contaminate a wider range of people than Lords herself.

Legal theorist Carissa Byrne Hessick argues that child pornography laws should be revised to re-focus attention on whether child abuse occurred during the act of *production* (rather than around the secondary act of *circulation*), since reputational and emotional harm can result from *any* publicly circulated documentation of one's sexual activity, regardless of how it was produced.<sup>45</sup> In Lords's case, however, even if she was no more demonstrably "abused" by those *within the industry itself* (as opposed to, say, Rogers) than any of her legally adult contemporaries, she was still below the age of consent in California, so almost all of her films would fall into Hessick's revised definition of child pornography. Moreover, the reputational harm from their continued circulation remains relevant, since "fans" and trolls continue to harass Lords by posting underage photos on her Twitter feed—to which she (like the Adult DVD Talk members) frequently offers the sharp reminder that these images are now classified as child pornography. Although these images may have been produced with Lords's (fraudulent) consent, they now resurface more akin to female celebrities' non-consensually circulated sex tapes and hacked nude photos. As the tagline for *Once Upon a Time ... in the Valley* trumpets, "Before there were sex tapes, there were sex tapes. Before there was Paris [Hilton] or

Kim [Kardashian], there was Traci. The first, the best, the O.G. hard core since '84." Yet, that false equivalence does more than conflate sexually explicit imagery made for commercial/public vs. non-commercial/private circulation. It also ignores the crucial distinction that one must be *legally able* to consent to participate in such imagery in the first place—a qualification that places child pornography outside the bounds of the adult video industry. As a benchmark in the evolution of such laws, as well as in the industry's growth into an institution that still fetishizes youth (albeit in legal ways), the Lords scandal represents an important limit case for permissible representations of desire and consent.

### Acknowledgments

Thanks to Peter Alilunas and Laura Helen Marks for sharing their unpublished work on the scandal, to The Kinsey Institute for their *AVN* back issues, and to the volume editors for their invaluable comments.

### Notes

- 1 Lords, *Underneath It All*; "Traci Lords Returns," 4; Palermo, "Sex Films Pulled"; "Traci's Age in Doubt," 8; McNeil et al., *The Other Hollywood*, 377–85, 415–21, 462–6; Rosen, *Beaver Street*, 146–64; Jennings, *Skinflicks*, ch. 12.
- 2 Calvert, "Opening Up," 266. Original italics.
- 3 Kleinhans, "Virtual Child Porn," 75, 77–9.
- 4 Adler, "The Perverse Law," 216, 242–4; Harvard Law Review Association, "Child Pornography," 2218–27; Hessick, "The Limits," 1437–41, 1444–8.
- 5 *Attorney General's Commission*, 406–10 [hereafter, *Final Report*].
- 6 Anolik and West, *Once Upon a Time* [hereafter, *Once*, with in-text citations by episode number].
- 7 Lords, *Underneath It All*, 279–80 (quoted), 283.
- 8 See, for example, filmmaker Shaun Costello's criticism of West's proprietary attitude toward adult film history, "The Ashleyfication of Smut."
- 9 Alilunas, *Smutty Little Movies*, 99–100, 119–30, 248n18.
- 10 Jennings, *Skinflicks*, ch. 12. Also see "Distributor Offers Solution," 4; Weston, "It's the Law?," 8.
- 11 "Confidential News-Line: Actress," 4.
- 12 Paone, "The Traci Lords Saga," 18, 20, 51.
- 13 "Traci Lords to Make Film," 4.
- 14 Goldman, "Retail Feedback," 8.
- 15 "News Flash," 70; "Confidential News-Line: Traci," 1, 3.
- 16 McMahon, "Traci, I Love You," 24.
- 17 Strub, *Perversion for Profit*, 202. Also see *Final Report*, 433–58.
- 18 *Final Report*, 618n459.
- 19 Lords, *Underneath It All*, 117, 124–6.
- 20 Egan, "Level of Scierter," 1343–7.
- 21 Strub, *Perversion for Profit*, 196–7; Egan, "Level of Scierter," 1351; Schauer, "Ashwander Revisited," 75. Notably, Schauer was one of the Meese commissioners.
- 22 Alilunas, *Smutty Little Movies*, 31, 167, 174. Also see Egan, "Level of Scierter," 1351–2.

- 23 Hessick, "The Limits," 1459; Kleinhans, "Virtual Child Porn," 72-3.
- 24 *Final Report*, 618, 623.
- 25 Paone, "Editorial," 3; Rosenblatt and Paone, "Special Report," 6.
- 26 Richards and Calvert, "The Legacy of Lords."
- 27 McNeil et al., *The Other Hollywood*, 454-6; Egan, "Level of *Scienter*," 1356-62 (quote at 1358). In a separate case, Martin Abbitz, owner of Alexis Video Distributors, had already been charged in September 1986 for selling over 100 Lords tapes to undercover cops ("Video Distributor Busted," 7).
- 28 Egan, "Level of *Scienter*," 1381.
- 29 Schauer, "Ashwander Revisited," 74-85, 88-90; Egan, "Level of *Scienter*," 1362-82; Burke, "*United States v. X-Citement Video*"; Singer and Huask, "Of Innocence and Innocents," 890-8; Wiley Jr., "Not Guilty," 1043-4, 1050-51, 1088-90, 1096-8.
- 30 Jennings, *Skinflicks*, ch. 12.
- 31 *Ibid.*, ch. 11.
- 32 "Retail Feedback," 9.
- 33 Church, *Disposable Passions*, 132-7.
- 34 Marks, "The New Wave."
- 35 Kleinhans, "Virtual Child Porn," 75; Adler, "The Perverse Law," 245-55.
- 36 *Final Report*, 405n70, 618n459. The sexological classification *ephebophilia* (desire for late adolescents between ages 15 and 19) is more apt here than the catch-all term "pedophilia"—even if this distinction would not be legally recognized around Lords films consumed after July 1986. See Blanchard et al., "Pedophilia," 336.
- 37 Paasonen, *Carnal Resonance*, 133.
- 38 Mohr, "The Pedophilia." Also see Adler, "The Perverse Law," 250-73; Kleinhans, "Virtual Child Porn," 71-4.
- 39 Rosenblatt, "Interview," 54.
- 40 *Final Report*, 618; Kleinhans, "Virtual Child Porn," 75. Indeed, after the scandal broke, industry insiders began referring to her breasts as augmented by "baby fat," retrospectively linking her youth to her duplicity.
- 41 Hessick, "The Limits," 1459n111, 1475n211; Kleinhans, "Virtual Child Porn," 75-6.
- 42 These discussion threads are archived at Adult DVD Talk, accessed June 7, 2019, <https://www.adultdvdtalk.com/pornstar/traci-lords/topics>.
- 43 Harvard Law Review Association, "Child Pornography," 2211-27.
- 44 Strub, *Perversion for Profit*, 290.
- 45 Hessick, "The Limits," 1451-76.

## Bibliography

- Adler, Amy. "The Perverse Law of Child Pornography." *Columbia Law Review* 101, no. 2 (2001): 209-273.
- Alilunas, Peter. *Smutty Little Movies: The Creation and Regulation of Adult Video*. Berkeley: University of California Press, 2016.
- Anolik, Lily, and Ashley West. *Once Upon a Time ... in the Valley*. New York: Cadence13, 2020. <https://shows.cadence13.com/podcast/in-the-valley>
- Attorney General's Commission on Pornography: *Final Report*. Washington, DC: U.S. Government Printing Office, 1986.
- Blanchard, Ray, Amy D. Lykins, Diane Wherrett, Michael E. Kublan, James M. Cantor, Thomas Blak, Robert Dickey, and Philip E. Klassen. "Pedophilia, Hebephilia, and the *DSM-V*," *Archives of Sexual Behavior* 38, no. 3 (2009): 335-350.

- Burke, Patricia A. "United States v. X-Citement Video, Inc.: Stretching the Limits of Statutory Interpretation?" *Louisiana Law Review* 56, no. 4 (1996): 937-958.
- Calvert, Clay. "Opening Up an Academic Privilege and Shutting Down Child Modeling Sites: Revisiting Child Pornography Laws in the United States," *Dickinson Law Review* 107, no. 2 (2002): 253-287.
- Church, David. *Disposable Passions: Vintage Pornography and the Material Legacies of Adult Cinema*. New York: Bloomsbury Academic, 2016.
- "Confidential News-Line: Actress Admits Accepting Payoffs from Cops for Industry Information." *Adult Video News Confidential*, June 1987.
- "Confidential News-Line: Traci, I Love You: Maybe Not Everyone Does, But Everyone Will Buy." *Adult Video News Confidential*, September 1987.
- Costello, Shaun. "The Ashleyfication of Smut." *Shaun Costello's Blog*. September 13, 2017. <https://shauncostello.com/tag/ashley-spicer/>
- "Distributor Offers Solution to 'Traci Lords' Dilemma." *Adult Video News Confidential*, September 1986.
- Egan, Christina. "Level of *Scienter* Required for Child Pornography Distributors: The Supreme Court's Interpretation of 'Knowingly' in 18 U.S.C. Section 2252." *Journal of Criminal Law and Criminology* 86, no. 4 (1996): 1341-1382.
- Goldman, L. R. "Retail Feedback." *Adult Video News Confidential*, June 1985.
- Harvard Law Review Association. "Child Pornography, the Internet, and the Challenge of Updating Statutory Terms." *Harvard Law Review* 122, no. 8 (2009): 2206-2227.
- Hessick, Carissa Byrne. "The Limits of Child Pornography." *Indiana Law Journal* 89 (2014): 1437-1484.
- Jennings, David. *Skinflicks: The Inside Story of the X-Rated Video Industry*. Kindle edition. Bloomington, IN: AuthorHouse, 2000.
- Kleinhans, Chuck. "Virtual Child Porn: The Law and the Semiotics of the Image." In *More Dirty Looks: Gender, Pornography, and Power*, edited by Pamela Church Gibson, 71-84. London: British Film Institute, 2004.
- Lords, Traci Elizabeth. *Underneath It All*. New York: HarperCollins, 2004.
- Marks, Laura Helen. "The New Wave: The Fallout of Traci Lords." Paper presented at the Society for Cinema and Media Studies Conference, Atlanta, March 30-April 3, 2016.
- McMahon, Thomas. "Traci, I Love You" (Review). *Adult Video News*, September 1987.
- McNeil, Legs, Jennifer Osborne, and Peter Pavia. *The Other Hollywood: The Uncensored Oral History of the Porn Film Industry*. New York: HarperCollins, 2005.
- Mohr, Richard D. "The Pedophilia of Everyday Life." In *Curiouser: On the Queerness of Children*, edited by Steven Bruhm and Natasha Hurley, 17-30. Minneapolis: University of Minnesota Press, 2004.
- "News Flash: Caballero Announces Traci Lords Blockbuster." *Adult Video News*, July/August 1987.
- Paasonen, Susanna. *Carnal Resonance: Affect and Online Pornography*. Cambridge, MA: MIT Press, 2011.
- Palermo, Dave. "Sex Films Pulled; Star Allegedly Too Young." *Los Angeles Times*, July 18, 1986.
- Paone, John. "Editorial: The Traci Effect." *Adult Video News*, September 1986.

- Paone, John. "The Traci Lords Saga: Still Not Many Answers." *Adult Video News*, September 1986.
- "Retail Feedback: Traci Who?" *Adult Video News Confidential*, October 1986.
- Richards, Robert D., and Clay Calvert. "The Legacy of Lords: The New Federal Crackdown on the Adult Entertainment Industry's Age-Verification and Record-Keeping Requirements." *UCLA Entertainment Law Review* 14, no. 2 (2007): 155-206.
- Rosen, Robert. *Beaver Street: A History of Modern Pornography*. London: Headpress, 2012.
- Rosenblatt, Barry R. "Interview: Traci Lords." *Adult Video News*, August 1985.
- Rosenblatt, Barry R., and John Paone. "Special Report: Biting the Hand That Feeds Us." *Adult Video News Confidential*, March 1987.
- Schauer, Frederick. "Ashwander Revisited." *Supreme Court Review* 1995 (1995): 177-204.
- Singer, Richard, and Douglas Huask. "Of Innocence and Innocents: The Supreme Court and *Mens Rea* Since Herbert Packer." *Buffalo Criminal Law Review* 2, no. 2 (1999): 861-945.
- Strub, Whitney. *Perversion for Profit: The Politics of Pornography and the Rise of the New Right*. New York: Columbia University Press, 2010.
- "Traci Lords Returns with Exclusive Contract." *Adult Video News Confidential*, February 1986.
- "Traci Lords to Make Film for C.D.I." *Adult Video News Confidential*, November 1985.
- "Traci's Age in Doubt; Retailers Pull Tapes." *Adult Video News*, August 1986.
- "Video Distributor Busted for Selling Traci Tapes." *Adult Video News*, October 1986.
- Weston, John H. "It's the Law?" *Adult Video News Confidential*, October 1986.
- Wiley, Jr., John Shepard. "Not Guilty by Reason of Blamelessness: Culpability in Federal Criminal Interpretation." *Virginia Law Review* 85, no. 6 (1999): 1021-1162.
- Lords, Traci. *Traci Lords: The Fall of Traci Lords*. Paper presented at the Society for Cinema and Media Studies Conference, Atlanta, March 30-April 2, 2010.
- McMahon, Thomas. "Traci Lords: A Review." *Adult Video News*, September 1987.
- McNeil, Legs, Jennifer Osborn, and Peter Pavon. *The Other Hollywood: The Unseen Oral History of the Porn Film Industry*. New York: HarperCollins, 2004.
- Mohr, Richard D. "The Pedophilia of Everyday Life." In *Children in the Question of Children*, edited by Steven Brim and Patricia Hurley, 17-30. Minneapolis: University of Minnesota Press, 2004.
- "New Flash: Canadian Actress Traci Lords Blacklisted." *Adult Video News*, August 1987.
- Parker, Susan. *Current Research: Adult and Online Pornography*. Cambridge, MA: MIT Press, 2011.
- Parker, Dave. "Sex Films Pulled: Star Allegedly Too Young." *Los Angeles Times*, July 18, 1986.
- Reid, John. "Fighting The Traci Lords: Adult Film News, September 1986.

## Part 2 *Traci and The Lover*

### Adaptation

#### Literary Sources and Filmic Specificity