

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND
COMMERCE
HEARING

on

SEXUAL EXPLOITATION OF CHILDREN
OVER THE INTERNET: WHAT PARENTS,
KIDS AND CONGRESS NEED TO KNOW
ABOUT CHILD PREDATORS

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2123 Rayburn House Office Building

Testimony by

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INTRODUCTION

Chairman Whitfield, Ranking Member Mr. Stupak, and other Members of the Committee.

My name is Justin Berry and I am 19 years old. I am here to speak about a danger facing this nation's children, one that threatens not only their emotional health, but their physical safety. This danger is internet child pornography, particularly involving the use of inexpensive web cameras which are used by adult predators to exploit children.

I speak from experience. For five years, beginning when I was 13 years old, I operated a pornographic website, featuring images of myself loaded onto the internet by webcams. I was paid by more than 1,000 men to strip naked, masturbate and even have sex with female prostitutes while on camera. My business was assisted by adult criminals, including companies that process credit card payments.

I am not proud of the things I have done. Nor will I personally attempt to avoid responsibility for those decisions. While I did not comprehend the magnitude of what was happening when I was 13, as I grew older, I progressively became corrupted and acted in shameful ways. Still, I repeatedly attempted to pull away from this sick business. But, each time, I fell back into this criminal world that had first seduced me, and eventually controlled me.

My experience is not as isolated as you might hope. This is not the story of a few bad kids whose parents paid no attention. There are hundreds of kids in the United States alone who are right now wrapped up in this horror. Within each of your Congressional districts I guarantee there are children who have used their webcams to appear naked

online, and I guarantee you there are also children in your district on the Internet right now being contacted and seduced online by sexual predators. I was an honor student, I was class president. My mom used all the latest child protective software. She checked what was happening in my room. She occasionally took away my computer keyboard. But she was no match for the child predators, who worked hard to make sure my child porn shows continued.

In my personal opinion, the law enforcement effort is no match for them either. Until recently, I never understood why these child predators always laughed about the government. Now I know the child predators are at least partially right. They have little to fear from law enforcement. Based on my case, efforts to prosecute these people are riddled with mistakes and bureaucracy. Unless something changes, hundreds, or even thousands, of children will be lost forever.

THE BEGINNING

I obtained a webcam at 13 after signing up for an account with earthlink.net. The company, as a promotion, sent me a free Logitech webcam. As a child drawn to computers, I was enthralled. I plugged the device into my computer, and then followed the instructions in the software. Within minutes, my webcam image was loaded onto a website called spotlife.com.

Like many young teenagers, I hoped my webcam would improve my social life. I didn't have a lot of friends and I was very lonely. I hoped the webcam would help me meet other teenagers online, maybe even find a few girls my age.

That never happened. No teenager outside of those in the webcam pornography business ever contacted me. But, I did hear from many child predators. Within minutes

of appearing on spotlife, I received an instant message from an adult male. This man, I now know, was a child predator. I did not understand that at the time.

More child predators followed. Looking back today, my thoughts seem foolish, but at 13, I believed these people were my friends. They were kind. They complimented me. They wanted to know about my day, and were endlessly patient in listening to me.

And they were generous. In no time, one of these men told me he wanted to send a gift. He showed me how to set up a “wish-list” on Amazon.com, which allowed anyone who knew my codename to send me a present, without requiring me to disclose my address. Soon, I was swamped with videos, cd’s and computer equipment – including better webcams – all free from my new friends. I always rushed back from school to scoop up whatever package was on my doorstep, before my mother got home from work.

My new friends were kinder and more generous to me than anyone I had ever known. I trusted them. And that was when everything changed. One afternoon, a few weeks after setting up my webcam, one of these men approached me online with a proposal. He would pay me \$50 if I took off my shirt for a few minutes while sitting in front of my webcam. He explained how to set up an account on Paypal.com – an instant online money payment system. I was excited about the \$50 – an amount that struck me at the time as a huge sum of money. Taking off my shirt seemed harmless; I did it at the pool. The money arrived, and I took off my shirt. My viewers complimented me, and it felt good.

BECOMING A PLAYER IN THE WEBCAM PORN INDUSTRY

The weeks that followed are a blur, but I now understand that, by removing my shirt, I had signaled that I could be manipulated. More gifts and money arrived, along with increasingly explicit requests. They wanted me to take off my pants, remove my underwear, and eventually masturbate on camera. The seduction was slow; each new request went only a bit further than the last, and the horror of what was happening did not strike me at the time.

I wish I could say that I hated what was happening. Perhaps that would absolve some of my sense of guilt. But the truth is, I did not. As more clothes came off, more people contacted me. The compliments were endless, the gifts and payments terrific. I thought I had achieved online what eluded me in real life: I was popular. Everyone wanted to know my thoughts. Everyone wanted to give me things. I was the king of my own universe. All I had to do in exchange was strip, and masturbate, while alone in my room.

Men began to reach out to me. One man, Ken Gourlay, approached me online to discuss my interest in computers. He operated his own web hosting company, called Chain Communications, and I was awed. Here was someone, running a real Internet business, talking to me, a 13-year-old kid, and treating me as an equal. And, in the months that followed, Ken raised the possibility of hiring me at Chain, as executive director of sales and marketing. It seemed like a dream come true.

As I was working for him, Ken recommended that I attend an elite computer camp at the University of Michigan, where I could obtain advanced certifications. My mother agreed to send me there that summer, while I was still 13. At the time, I thought it was just luck that Ken and Chain were based in Ann Arbor. I now know I had been set

up. Ken picked me up at camp one day, to show me Chain. He took me to his home. There, I was sexually molested by Ken, for what would prove to be the first of many times by Ken, and other adult men.

With the help of my family and my psychologist, I now understand that my molestation by Ken was a turning point that sent me on a path to self-destruction. Afterwards, Ken apologized, promising me it would never happen again. But it did.

By this time, I had formalized my webcam business. I had opened up a site called justinscam.com, where child predators could come and watch, and offer me money and gifts to do what they wanted. After my first molestation, I began to act out sexually. I was reckless. Part of me wanted to die. And every day on camera, part of me did.

MEMBERSHIP SITES

The next stage emerged with the help, once again, of Ken Gourlay. I decided that I should sell monthly memberships for a new site, jfwy.com. Ken offered to set up the membership section and host the business at Chain. People could now, using the site programmed by Ken, pay me a monthly fee through Paypal, and watch all they wanted.

Another computer executive, Gilo Tunno, was one of my members. He told me he had been an engineer at Intel and a principal designer of the Pentium 4 processor. I was so impressed. So when Gilo Tunno told me he wanted to hang out with me in Bakersfield, California — where I lived — and bring me presents, I agreed. I met him and we went to his hotel. At some point he gave me a \$1,500 projector and other gifts. We talked about Intel and computers. And then he molested me.

I look back on those events with Gourlay and Tunno and feel ashamed. All my explanations seem inadequate. How could I get myself into that situation? How could I

not see it? But this is one issue I wish to stress. Webcams and instant messaging give predators power over children. The predators become part of the child's life. Whatever warnings the child may have heard about meeting strangers, these people are no longer strangers. They have every advantage. It is the standard seduction of child predators, multiplied on a geometric scale.

I no longer cared about anything other than getting as much money as possible. But when another teenager in my town found videos from my website and distributed them to my classmates, I felt compelled to leave. My father lived in Mexico. I wanted to establish a relationship with him. My mother said I could visit him for a week.

MEXICO

My week long visit to Mexico was extended and extended again. At one point, my father asked where my money came from. I told him about my business. And he offered, in his words, to help "maximize the earnings potential." I had already established a new site, called mexicofriends.com, which featured me engaging in sex with Mexican women. My father helped by hiring prostitutes for me to have sex with on camera. The number of paid members skyrocketed. I was 16 years old.

I became even more self-destructive. I abused marijuana terribly, and consumed so much cocaine that I am amazed I survived. My life was a swirl of drugs, money and sex. When a paying member of my site, Greg Mitchel, offered to come to Mexico and bring me gifts, I accepted. He, too, sexually molested me. But I no longer cared. I just wanted his money. I had become exactly what my members viewed me to be, what their degrading conversations convinced me I was: a piece of meat, for sale to the highest bidder.

Just after my 18th birthday, I tried to leave the business. Money was still coming in from mexicofriends, but I wanted nothing to do with it. I used it to purchase clothes and other items for homeless people in California. I rented a truck and delivered the materials myself. I was looking for my own redemption. But I failed. I was still addicted to drugs, and Greg Mitchel urged me to return to the business as his partner. Together, he said, we could set up a new website, justinsfriends.com. I resisted for months, but could not find my way anymore in the real world. Depressed and high on drugs every day, I agreed to return to porn. The site was fully operational in June, 2005.

GETTING OUT

That same month, I met Kurt Eichenwald, a *New York Times* reporter who was working on a story about webcam pornography. He urged me to quit drugs and get out of the business, and I did. He asked for my help in exposing this world, and I agreed. And when I told him of other children who were being exploited and molested by adult men, he convinced me it was important to tell law enforcement what I knew. I agreed, even though I feared this meant I could be sent to prison. I believed that the government would protect the children being abused. I believed they would act quickly. I was wrong.

My lawyer, Stephen Ryan of Manatt, Phelps & Phillips, a former federal prosecutor, contacted prosecutors of the Department of Justice (“DOJ”) and was put in touch with the Child Exploitation and Obscenity Section (known as “CEOS”) on July 14, 2005. He informed them that the adults I had worked with suspected I was seeking out law enforcement. He told them my life was potentially in danger, and that evidence was being destroyed. He provided DOJ with a written proffer of my testimony, and described

the physical evidence of IP addresses, credit card information, and other proof I could make available. Mr. Ryan insisted that DOJ provide me with immunity for my testimony to protect me. He was confident they would respond promptly. Mr. Ryan was wrong also.

Almost two weeks passed. Finally, we informed the Child Exploitation and Obscenity Section that I was flying to Washington, not at government expense, and would be available to meet with them for two days, July 25 and July 26. At almost the last minute, CEOS scheduled the meeting.

In our meetings, I identified children who were currently being exploited and molested, as well as the men who were committing the crimes. I identified the adult child molesters such as Mr. Mitchel, Mr. Tunno, and others. I told of the Internet locations where evidence of these crimes could be found. I informed them I had the names, credit card number and computer IP addresses of approximately 1,500 people who paid to watch child pornography from my sites, and identified the adult businessmen who facilitated the credit card payments necessary for these businesses. The FBI case agents I spoke with were professional and of the highest integrity. I cannot say enough good things about them. But the Child Exploitation and Obscenity Section did not make me confident.

Weeks passed, seemingly without progress. I cannot describe the agony of that time. Each night I wondered, were the children I knew being molested that night? Were they being filmed? Why was no one stopping this? I understood it would take time to decide whether I should have immunity. But why couldn't they rescue children still in danger?

In late August, my lawyer informed CEOS, in writing, that if they did not act, he would take me elsewhere to get state law enforcement officials to begin work on the matter. Mr. Ryan began discussions with California Attorney General Lockyer, whose staff agreed to consider taking the case. Also, at that time, I believe the *New York Times* was preparing a story about the government's failure to do anything about my case. I remember Kurt asking me what I would tell other camkids who wanted to disclose *their* ring of predators to law enforcement. I told Kurt, knowing my message would be heard by other kids, that no one should ever step forward again. I got the distinct feeling that the CEOS prosecutors did not know what to do with me or my information.

Then, everything changed. It was so sudden that I have come to believe the CEOS feared that the *New York Times* was going to report the delay. But whatever the cause, I was granted immunity. My lawyer turned over the physical evidence. The following week, on September 12, 2005, Greg Mitchel was arrested. I expected this to be the first of many prosecutions. Again, I was wrong.

I wish I could say the prosecution story had a happy ending. It did not. At that time, I was concerned I would be killed by the adults who would be harmed by my testimony and who were frantically searching for me. After the Mitchel arrest, a sensitive government document was deliberately unsealed from court records. It is my understanding this was done by the U.S. Department of Justice. While names were blacked out, the document clearly identified potential defendants under investigation, as well as the fact that I was the witness against them. Worse, it warned all the adult perpetrators across the country I was cooperating with law enforcement. The local U.S.

Attorney was quoted in the newspapers, based on the release of the document. And all of it appeared on the Internet, where the adult perpetrators looking for me could read it.

I feared for my life. CEOS then offered me government protection, which I needed, in part, because CEOS or the U.S. Attorney's Office had deliberately sought the release of the Affidavit. I declined their offer. I do not trust CEOS to protect me. I feared the actions of CEOS from that day forward, although not nearly as much as I feared the anger of the predators.

CONCLUSION

Today, I've been off drugs for nine months, and just finished my first quarter at college. My grades are good, and I have friends.

Had I not met Kurt Eichenwald, I would never have had this chance at a new life. I will never be able to repay what he has done for me. In a profession which is taught to "get the story," he did that, but he treated me with the compassion of the Good Samaritan. I have my life back.

But every day, I have regrets, not just for the dreadful decisions I made in past years, but for failing to have the impact I had hoped on this illegal trade.

I have never been asked by law enforcement about any of the 1,500 names I provided them. Some of those who molested me, like Mr. Gourlay, and who made all of this possible, are continuing to live their lives, unaware or uncaring about any government inquiry. People like Mr. Brown, who operate the credit card infrastructure of webcam child pornography, have been permitted to continue their work, seemingly undisturbed by any law enforcement effort. I have watched as my former members go online to attack me, boldly proclaiming themselves as my former customers, and having

no fear that their self-disclosure could result in their arrest. And events have proved them right.

Since I left the child pornography business last summer, I have risked everything to get to tell these facts to persons who care, like this Committee. It is my hope that the Congress will do everything it can to see to it that children are protected and that our law enforcement effort is competent to combat this evil. Thank you.