

Brian Donovan
Professor
Department of Sociology
University of Kansas
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Trafficking Narratives and the Prosecution of NXIVM

NXIVM (1998-2018) was a hierarchical organization that combined elements of self-help groups, multi-level marketing, and new religious movements. The organization embodied characteristics of a “commercial cult” (Boyle-Laisure 2015, 225). In 2019, federal prosecutors charged several leaders in NXIVM with sex and labor trafficking. Prosecutors successfully convicted Keith Raniere and other NXIVM leaders of human trafficking based on testimony of force, fraud, and coercion that occurred within a subgroup of the organization called DOS. Although stories about ritualistic branding and sexual coercion within DOS received the most media attention, prosecutors called an array of witnesses to testify about the breadth of the organization’s manipulation and harm. Except for Raniere, DOS was a women’s only group. It operated as a multi-tiered organization with each member having a handful of “slaves” who reported their daily activities, often in fifteen-minute intervals, to their “masters.” DOS slaves were also required to carry out chores for their masters and be constantly available by cellphone to participate in “readiness drills.” Keith Raniere, the creator of NXIVM, stood atop the DOS hierarchy and sexually exploited several DOS members.

I use a wide range of court documents and testimony from several witnesses to analyze *People v. Keith Raniere*. In this study, I focus on trial transcripts detailing the trafficking narrative and testimony produced by three victims of Raniere and DOS: Nicole, Daniela, and Sylvie (their last names were redacted). Totalling approximately 4,000 pages, these transcripts

cover several weeks of the trial. The transcripts have been purchased through *Pacer*, an online database used by legal practitioners that houses federal court documents.

The trials of NXIVM speak to the use of trafficking narratives and anti-trafficking legislation to combat authoritarian organizations. As the NXIVM case shows, the legal framework of anti-trafficking provides a compelling strategy to combat sexual violence and coercion within authoritarian groups. Law enforcement agencies have historically faced challenges when addressing cult-based abuse because of the fuzziness and legal ambiguity surrounding concepts like “mind control” (Boyle-Laisure 2021, 217). For example, Daniela, a long-term member of NXIVM in her 20s, testified that Raniere persuaded her to engage in “incessant writing” of her “ethical breaches” that he reviewed and critiqued (*People v. Raniere*, May 30, 2019, Pg. 2943). She described Raniere as, “basically my entire life” and said that she was “highly dependent on him and his community, which he controlled, and he was also my only friend” (*People v. Raniere*, May 29, 2019, Pg. 2668). She also carried on a sexual relationship with Raniere that, while technically consensual, was warped by the power differences between them. These practices, while not trafficking per se, were part of a daily web of control that kept her trapped in the organization and that damaged her mind and body. By using trafficking as a catch-all category, prosecutors could address forms of violence like grooming and gaslighting that occupy ambiguous places in the legal landscape. Likewise, the trauma-bonds created within a cult are legally intelligible within an anti-trafficking framework that prosecutes pimps. In this way, the use of anti-trafficking laws to prosecute NXIVM echoes the use of “seduction” laws to combat sexual violence in the early 20th century. Testimony in seduction trials described crimes that, in the early 21st century, one would recognize as acquaintance rape but, in the early 20th century, these scenarios could not be prosecuted as rape because of unreasonable standards of

force (Donovan 2016). The use of anti-trafficking laws to prosecute NXIVM represents a creative, albeit indirect, way to address abuses in so-called cults, and it is a strategy that has been given vigorous support by some legal scholars.

Yet, the prosecution of NXIVM demonstrates enduring problems with anti-trafficking efforts in the United States. The case of NXIVM and the trial of Raniere shows how trafficking prosecutions have extended beyond the original scope intended by the creators of anti-trafficking legislation, thus exemplifying the net-widening and mission-creep tendencies of anti-trafficking efforts in the United States. Since the passage of the Mann Act in 1910, prosecutors have used federal laws against human trafficking to address a wide range of criminal activity, and anti-trafficking laws have been harnessed to agendas that have little to do with trafficking as it is commonly understood. Anti-trafficking efforts typify “carceral feminism” (Bernstein 2012) and “carceral protectionism” (Musto 2016), actions ostensibly aimed at helping women, but ones that have unintended consequences in expanding the reach of the criminal justice system, often in ways that hurt the very women the laws were allegedly designed to protect. Notably, Raniere was the only man in NXIVM convicted of trafficking, yet several women, including some whom he was said to have abused, were prosecuted and imprisoned.

The rise and fall of NXIVM, its fusion of neoliberal marketing and cultic ritualism, has been the subject of several documentaries and tell-all books. Very little academic attention has been paid to the group and most of it has addressed its psychological aspects (Raine 2021). This study intends to contribute to scholarly understandings of the organization and its place in early 21st century American cultural history. With its focus on the legal dimensions of the organization, this research will engage with, and put into dialogue, the sociology of law, historical trial analysis, and critical trafficking studies. The transcripts of this project have been

collected and analyzed. An initial draft of the paper is near completion and a final version of the paper will be complete by September 2022.

Works Cited

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