

No. 90510-0

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

J.S., S.L., and L.C.,

Respondents,

v.

VILLAGE VOICE MEDIA HOLDINGS, L.L.C.,
d/b/a Backpage.com; BACKPAGE.COM, L.L.C.;
NEW TIMES MEDIA, L.L.C. d/b/a Backpage.com,
Appellants.

AMICUS CURIAE BRIEF OF
THE COALITION AGAINST TRAFFICKING IN WOMEN (“CATW”),
IN SUPPORT OF RESPONDENTS

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I. IDENTITY AND INTEREST OF AMICUS

The identity and interest of amicus curiae are set forth in the accompanying Motion for Leave to File an Amicus Curiae Brief.

II. INTRODUCTION

Sex trafficking, including the sale of children for commercial sex, is rampant on Backpage.com, which profits millions of dollars each year by the advertisements it hosts. The trial court agreed with Respondents' assertion that Backpage.com's posting rules and content requirements are a thin facade and that Backpage.com serves largely as a hub for sex trafficking. Consequently, if the Court grants Backpage.com Section 230 immunity, the purpose of the Communications Decency Act ("CDA") will be perverted only to protect websites, not children, and a legal protection will be carved out for the rapidly-growing internet marketplace of trafficking in women and children for sex.

Backpage.com knows that its "adult" section is facilitating sex trafficking. As Backpage.com's counsel Liz McDougall, then counsel for Craigslist, explained before a House committee in 2010:

[A]ctivity on Backpage spiked, both in May 2009 when craigslist implemented the credit card payment procedure, and it spiked because the perpetrators knew that was much easier then for them to be caught on craigslist, and they moved their traffic [and on] September 3 when Craigslist took down the adult services section, and the *traffic moved again over to Backpage.*

Domestic Minor Sex Trafficking: Hearing Before the Subcomm. on Crime, Terrorism, & Homeland Sec., 111th Cong. 175-76 (2010) (statement of Liz McDougall, Partner, Perkins Coie LLP, Seattle, WA) (emphasis added) (“McDougall Statement”). Counsel for Backpage.com further understands that sex trafficking “is a problem that involves the luring and seduction of victims. It involves the social conditions that make victims susceptible. It involves the culture and profitability of pimps and of organized crime. And it involves demand.” McDougall Statement at 174. However, in refusing to shut down its “adult” section, Backpage.com has chosen to turn a blind eye to the demand for commercial sexual exploitation that it fuels and facilitates. Congress did not intend to protect websites such as Backpage.com that knowingly serve as platforms for the commercial sexual exploitation of women and children when it enacted the CDA.

III. STATEMENT OF THE CASE

CATW adopts the Statement of the Case set forth by Respondents.

IV. ARGUMENT OF AMICUS CURIAE

A. SEX TRAFFICKING IS PREVALENT IN THE UNITED STATES

The incidence of sex trafficking worldwide is staggering—millions of victims are exploited in the commercial sex industry in countries around the world. Federal Bureau of Investigation, *FBI Law Enforcement*

Bulletin: Human Sex Trafficking, Mar. 2011, http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march_2011/human_sex_trafficking (“FBI Bulletin”). Within the broader umbrella of all human trafficking (both labor exploitation and sexual exploitation), the United Nations Office on Drugs and Crime (“UNODC”) has reported that 57 to 62 percent of all trafficking victims detected were trafficked for sexual exploitation. United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* at 35 (2012). Moreover, the UNODC reported that women and girls accounted for roughly 75 percent of trafficking victims. *Id.* at 7. Any statistics attached to trafficking are likely to underestimate its incidence because traffickers “prey on excluded populations—many trafficking victims come from backgrounds that make them reluctant to seek help from authorities or are otherwise particularly vulnerable—marginalized ethnic minorities, undocumented immigrants, the indigenous, the poor, persons with disabilities—whose experiences often make them reluctant to seek help from the authorities.” *Trafficking in Persons Report*, 2013 U.S. Dep’t of State Ann. Rep. 8-9. Sex trafficking is the fastest-growing business and the third-largest criminal enterprise in the world. FBI Bulletin. Havoscope, which tracks global crime, estimates that revenue worldwide from prostitution is \$186.00 billion per year. European Parliament, *Sexual*

exploitation and prostitution and its impact on gender equality at 6 (2014).

The relevant statistics in the United States are similarly likely to underestimate the scope of the problem. According to the Attorney General, “[d]ue to the hidden nature of the crime—trafficking victims may work in the open, but the coercion that ensnares them may be more subtle—it is difficult to accurately estimate the extent of victimization.” *Attorney General’s Ann. Assessment of U.S. Gov’t Activities to Combat Trafficking in Persons*, 2011 Att’y Gen. Ann. Rep. 1. However, methods of obtaining the relevant data are improving and all data demonstrate that the problem is extensive. In 2010, the Office of Justice Programs’ Human Trafficking Reporting System identified 2,515 suspected incidents of human trafficking for investigation between January 2008 and June 2010, of which 82 percent were classified as sex trafficking and nearly forty percent involved allegations of prostitution or sexual exploitation of a child. US Dep’t of Justice Bureau of Justice Stats., *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*, Apr. 2011, <http://www.bjs.gov/content/pub/pdf/cshti0810.pdf>. The actual number of victims is almost certainly far higher.

The number of cases pursued by law enforcement—though they only represent the tip of the iceberg of incidents of trafficking—is growing. In fiscal year 2012, the FBI reported 440 investigations initiated

involving the sex trafficking of children, an increase from 352 in fiscal year 2011. Also in fiscal year 2012, the DOJ initiated cases against 162 defendants for sex trafficking and the Civil Rights Division initiated 34 cases involving sex trafficking. In total, the DOJ convicted 105 sex traffickers. *Trafficking in Persons Report*, 2013 U.S. Dep't of State Ann. Rep. 382-83. In 2014, the FBI announced that it had carried out its eighth annual "Operation Cross Country," in which it recovered 168 victims between the ages of 11 and 19 and arrested 281 people in 106 cities. Mary Beth Marklein, *168 children rescued from sex trafficking, FBI says*, USA Today, June 23, 2014, available at <http://www.usatoday.com/story/news/nation/2014/06/23/fbi-trafficking-sex-children/11271829/>. When combined with cases pursued by local authorities, see *Human Trafficking Database*, <http://www.law.umich.edu/CLINICAL/HUTRAFFICCASES/Pages/searchdatabase.aspx> (last visited June 22, 2014) (listing human trafficking cases, including sex trafficking cases, in both state and federal court), it is clear that the crime is extremely prevalent in the United States.

B. PROSTITUTION IS DAMAGING FOR ITS VICTIMS AND IS RARELY CHOSEN FREELY

Despite almost universal opposition to sex trafficking, attitudes towards prostitution tend to be more accepting. However, a large amount of data demonstrates that prostitution and sex trafficking are inextricably

linked. *See, e.g.*, Dorchen A. Leidholdt, *Prostitution and Trafficking in Women: An Intimate Relationship*, in *Prostitution, Trafficking, and Traumatic Stress* 167, 178 (Melissa Farley ed., 2003). “Sex trafficking and prostitution overlap in fundamental ways,” says CATW Board Member, Dorchen A. Leidholdt. *Id.* “[T]he dynamics of trafficking and prostitution are the same dynamics, and their commonalities far overshadow their differences. In spite of efforts to differentiate and separate prostitution and trafficking, the inescapable conclusion is that the difference between the two, at best, is one of degree, not of kind.” *Id.* Prostitution is a form of violence that deprives prostituted people of human dignity through cruel, degrading, discriminatory, and traumatic acts. *See* U.N. Committee on the Elimination of Discrimination Against Women, *Violence Against Women*, General Recommendation No. 19 ¶¶ 1, 4, 6, 7, 10, 12-16, 24 (11th Session, 1992) (recognizing prostitution as a practice of discrimination against women under the Convention Against All Forms of Discrimination Against Women); United Nations Commission on Human Rights, *Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, Sigma Huda* at 10, E/CN.4/2006/62 (Feb. 20, 2006) (finding, “[b]ased on her experience and investigations as Special Rapporteur, . . . that most prostitution is accomplished by one or more of the illicit means outlined in subparagraph

(a) of the [Palermo] Protocol and therefore constitutes trafficking”); European Parliament Committee on Women’s Rights and Gender Equality, *Report on sexual exploitation and prostitution and its impact on gender equality*, Rapporteur Mary Honeyball at 6, A7-0071/2014 (Feb. 3, 2014) (defining prostitution as “a form of slavery incompatible with human dignity and fundamental human rights”).

Assertions that prostitution is a way of life that women enter and remain in freely simply do not square with the facts. Due to social vulnerabilities such as sexual abuse during childhood, race and sex inequality, drug addiction, and poverty, victims enter prostitution because they lack choices. Pimps and traffickers routinely use force, fraud, coercion, deception, abuse of a person’s vulnerability, abuse of power, and other means to exploit. See Polaris Project, *Human Trafficking FAQs*, <http://www.polarisproject.org/human-trafficking/human-trafficking-faqs> (last visited August 19, 2014).

The evidence for these assertions, and for the deleterious effects of prostitution on women and children, is overwhelming. A 1998 study of adolescents sold in the commercial sex industry found that 89 percent began in prostitution when they were younger than 16. Susan M. Nadon et al., *Antecedents to Prostitution: Childhood Victimization*, 13 J. of Interpersonal Violence 206, 213 (1998). The average age at which girls

first become victims of prostitution is 12-14; boys and transgender youth, 11-13. FBI Bulletin. The majority of domestic victims in the sex industry are runaway and homeless youth. The State Department reports that about a third of teens who run away from home—about 150,000 a year—are trafficked within 48 hours. *Online and Anonymous: New Challenges to Prosecuting Sex Trafficking* (NPR radio broadcast Aug. 3, 2013), available at <http://npr.org/templates/transcript/transcript.php?storyId=208664066> (“*Online and Anonymous*”). Childhood is not a time when a fully free and informed choice, particularly regarding sexual matters, can be made, and the risk of commercial sexual exploitation of children by adults is high. When engaging in commercial sex, a child by definition is being sexually abused and sex trafficked. See 18 U.S.C. § 1591.

Once in prostitution, the lives of women and children are radically altered. Violence is a way of life, resulting in “trauma, desensitization, and dissociation.” Gretchen Clark Hammond & Mandy McGlone, *Entry, Progression, Exit, and Service Provision for Survivors of Sex Trafficking: Implications for Effective Interventions*, Glob. Soc. Welf. at 4 (Mar. 22, 2014). In a transnational research study on prostitution, 71 percent of 854 prostituted people had been physically assaulted in prostitution; 63 percent said they had been raped. Melissa Farley et al., *Prostitution and*

Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder, 2 J. of Trauma Practice 33, 34, 44 (2003). A study in Portland, Oregon, found that prostituted women were raped once a week, on average. Susan Kay Hunter, *Prostitution is Cruelty and Abuse to Women and Children*, 1 Mich. J. Gender & L. 91, 92 (1993). A study in Colorado Springs, Colorado, determined that women “in prostitution face the most dangerous occupational environment in the United States,” with the two main causes of death in the study being homicide and drug overdoses. John J. Potterat et al., *Mortality in a Long-term Open Cohort of Prostitute Women*, 159 Am. J. of Epidemiology 778, 783-84 (2004).

Prostitution also subjects individuals to an escalated risk of HIV/AIDS and other sexually transmitted diseases because of a lack of negotiating power to get purchasers of sex to use condoms. See Janice G. Raymond et al., Coalition Against Trafficking in Women, *Sex Trafficking of Women in the United States: International and Domestic Trends* at 11, 72-73, 81 (2001). In the experience of many, the price of resistance is often more violence. *Id.* at 72-73. The trauma of prostitution has been found to produce post-traumatic stress in 68 percent of survivors—a level equivalent to that of rape victims or combat veterans. Farley et al., *Nine Countries* at 47, 56. The trauma can also manifest in “panic attacks, generalized anxiety, depression, suicidal ideation, and obsessive-

compulsive disorder.” Hammond & McGlone, *Entry, Progression, Exit, and Service Provision* at 6. Additional risks are sexual and reproductive health problems due to abortions, vaginal and pelvic pain, and untreated sexually transmitted diseases. *Id.* In a 1985 study, prostituted women in Canada faced risk of premature death at 40 times the Canadian national average. Report of the Special Committee on Pornography and Prostitution, 2 *Pornography and Prostitution in Canada* 350 (1985).

Though the vast majority of women want to escape prostitution, *see* Farley et al, *Nine Countries* at 51, 56 (finding 89 percent), there are many barriers to exit: stigma, HIV or other serious physical health issues, mental health disorders, drug and alcohol addiction, lack of education and job skills, and an arrest record. For those under the control of traffickers, the challenges are even greater. Traffickers often move their victims around the country to keep them isolated and disoriented. FBI Bulletin. They also confiscate their victims’ identification documents, which “further limits a victim’s ability to escape the situation, as she is rendered nameless and faceless.” Hammond & McGlone, *Entry, Progression, Exit, and Service Provision* at 3. Traffickers and pimps subject their victims to gang rape, beatings, and other forms of abuse to keep them physically and mentally subservient. FBI Bulletin.

In the face of these realities, CATW cannot accept arguments that

prostitution is a freely chosen profession that leaves women and children subjected to it unharmed; CATW is therefore dedicated to preventing Backpage.com and other website hosts from facilitating the sale of women and children on the internet. As CATW has declared before the United Nations, “[t]here is no responsible way of buying a human being. Women, and men, are not products or commodities, nor should they be bought and sold as such.” Statement by CATW, European Women’s Lobby, Mediterranean Network Against Trafficking in Women, and Rosa, United Nations Office on Drugs and Crime Vienna 2012 6th Session (Oct. 15, 2012).

C. WOMEN AND CHILDREN ARE TRAFFICKED FOR PROSTITUTION THROUGH BACKPAGE.COM, WHICH PROFITS

As acknowledged by counsel for Backpage.com, since Craigslist’s decision to remove the “Adult Services” section from its website, much of the business of recruiting and selling prostituted women on the internet has moved to Backpage.com. *Online and Anonymous*; McDougall Statement at 175-76.

Law enforcement is keenly aware of this trend. In May 2012, for example, there were more than 50 cases in 22 states of people charged with advertising underage girls on Backpage.com. *Anderson Cooper 360 Degrees* (CNN television broadcast May 10, 2012), *available at*

<http://transcripts.cnn.com/TRANSCRIPTS/1205/10/acd.02.html>.

(“Anderson Cooper Broadcast.”) After the bust of a sex-trafficking ring in Florida in 2013, the Polk County Sheriff Grady Judd declared that “[i]t’s abundantly clear to us that [Backpage.com is] facilitating . . . human trafficking.” Keyonna Summers, *After sex-trafficking arrests, Backpage.com under fire*, Tampa Bay Times, May 19, 2013, available at <http://www.tampabay.com/news/publicsafety/crime/after-sex-trafficking-arrests-backpagecom-under-fire/2121858>. The sheriff described Backpage.com as “complicit” because it charges higher fees for “adult” advertisements than it does for other types of listings. *Id.* In June 2014, the FBI used Backpage.com to carry out its most recent crackdown in “Operation Cross Country.” Matt Nussbaum, *Local prostitution ring busted in national FBI crackdown on human trafficking, ‘Operation Cross Country’*, Pittsburgh Post-Gazette, June 22, 2014, available at <http://www.post-gazette.com/breaking/2014/06/22/Local-prostitution-ring-busted-in-national-FBI-crackdown-on-human-trafficking-Operation-Cross-Country/stories/201406220177#ixzz368PjURcK>.

Backpage.com attracts pimps and sex traffickers because it offers them convenience and a low cost of doing business. Pimps post images of young adults or, many times, minors, who they are offering for sale for jobs. The price of posting is modest, and it can be done anonymously.

Online and Anonymous.

The Nashville Backpage Report found that, during a three-month period, 2,051 new posts advertised for prostituted sex in the Nashville area alone, with an average price of \$154 (in-call) or \$216 (out-call). The average age reported was 25.4 years old. Operation Broken Silence/End Slavery Tennessee, *The Nashville Backpage Report* at 19-20 (2012). (This number is almost certainly erroneous and skewed higher than it should be, as traffickers do not accurately report the ages of their underage victims.) A May 2012 Arizona State University study estimated nearly 80 percent of advertisements in Backpage.com's "adult" section were for prostituted women and that almost 10 percent of the 900 advertisements appeared to be for girls under 18. Arizona State University, *Study finds extensive prostitution ads on Backpage.com*, Sep. 24, 2012, https://asunews.asu.edu/20120924_backpage_study.

Backpage.com, through the intentional design and content of its website, earns revenue by assisting pimps and sex traffickers escape detection by law enforcement. Backpage.com provides allows pimps to use prepaid credit cards, for example, that are not validated by any third-party source. *Online and Anonymous.*

One common tactic of traffickers is to constantly move their victims between states. This is a technique that "use[s] isolation from

family, friends, and the public to limit the victim's ability to build supportive social networks, as well as her ability to be recognized and rescued." Hammond & McGlone, *Entry, Progression, Exit, and Service Provision* at 3. The coordination necessary to implement this technique is made possible because of the anonymity and nationwide reach of Backpage.com. In the 2012 Nashville Backpage.com study, only 41 percent of the phone numbers listed were from Tennessee. The remaining 59 percent were from 38 other states, revealing that Backpage.com is a conduit for human trafficking across state lines. *The Nashville Backpage Report* at 19-20.

Even a brief visit to the website illustrates these phenomena. In the United States, Backpage.com's front page for each city has a section called "adult," under which there are a number of sections including "escorts," "strippers and strip clubs," and "dom & fetish." Suggestive photos and language fill the advertisements in the "escorts" section, making it abundantly clear that the advertisements are for prostitution. An example from the Auburn, Alabama site under the title "Sizzling Hot! Super Sexy and Great Body – 19" reads: "I am sweet, warm, friendly and eager to please. I would love spending time with you tonite for a nice treat. I am ready and Available Now. The pics are accurate, you won't be disappointed. 100% Satisfaction with me." The poster's age is listed as 19,

and the location as: “Auburn, Birmingham, Dothan, Gadsden, Huntsville, Mobile, Montgomery, Muscle Shoals, Tuscaloosa, In your arms ;).” Backpage.com Auburn, AL site (visited April 18, 2014). The fact that this girl is available in such a wide range of cities strongly suggests that she is under the control of pimps who are moving her among several states.

Many advertisements are of women of a particular ethnicity, with language such as “just got to town” revealing the likely occurrence of international sex trafficking. Backpage.com’s Charleston, SC site reads: “New Romanian in Town. Only for a week. Book an appointment now. – x0x0, Alina.” Backpage.com Charleston, SC site (visited May 13, 2014).

Many advertisements also use code words to suggest youth—telltale signs of sex trafficking of young girls. An advertisement on the Seattle page reads: “I am HONEY, 20 yrs old JAPANESE Model Girl, 5’4” & 108 lbs! 35D-24-34 . . . This is my 1st Time experience & look forward to meeting you.” Backpage.com Seattle, WA site (visited April 18, 2014).

Visits to Backpage.com’s international pages make it clear that Backpage.com facilitates and permits sex tourism as well. One example from Russia, with an ad that links to “young-escort.ru,” states: “Our girls will be in your hotel / apartment in 20 minutes. Select the right girl for you from the pictures and call us anytime.” Backpage.com Moscow site

(visited May 13, 2014). Another example, from the Taipei site, states, “hi gentleman, new arriving in Taipei? Boring and lonely in hotel room? Want hot Taipei girl for different fun to relax yourself? I am the one you are looking for! You call me SISI, I am 18 years old this year.” Backpage.com Taipei site (visited May 13, 2014). Although the ad states that “you can call me directly!” a list of “[o]ther ads by this user” link to advertisements for “xiaoxue,” “misty,” and “AMY,” indicating that the advertisements are placed by a trafficker or pimp with several girls under his control.

CATW worked with a child victim who was trafficked for sex over Backpage.com. Interview by Sanctuary for Families with “Brianna,” child sex trafficking victim, in New York, N.Y. Brianna was kidnapped from school at the age of nine and sold into prostitution, where she was a slave for years. From April to December 2010, Brianna, then 14 years old, was raped repeatedly via advertisements on Backpage.com’s “adult” website. In under five minutes Brianna’s image, whereabouts, and price could be uploaded on Backpage.com’s website from a cellular phone. The procedure for posting on the site was simple enough that 14-year-old Brianna could do it, which she did while her pimp loomed threateningly over her shoulder. As soon as the post was up, the calls would start coming in. The calls would slow down as other traffickers and users posted their own advertisements which pushed Brianna’s posting farther

down the page. The pimp would make her re-post the advertisement several times a day, paying the fee to Backpage.com every time, in order to maintain a steady stream of clients. Brianna was raped on up to 35 “dates” a night on Backpage.com. Backpage.com facilitated Brianna’s exploitation because of the ease in which Backpage.com fuels demand for the purchase of girls, and made it easier for Brianna’s third pimp to avoid the police and escape law enforcement detection.

Despite her third pimp being convicted and sentenced for trafficking, Brianna is perplexed that Backpage.com is permitted to continue to profit from the victimization of other children—for it is abundantly clear that Backpage.com makes enormous profits from its advertisements for prostitution. The internet research firm AIM Group reported that the advertisements Backpage.com hosts reaped almost \$27 million in 2011. Anderson Cooper Broadcast. Given that the “adult” pages are some of the only ones for which Backpage.com charges its users, the economic benefit to Backpage.com of this service is significant—from April 2012 to March 2013, Backpage.com generated \$33.2 million from its “adult” section, which totals 81 percent of all online prostitution advertising revenue. AIM Group, *Monthly revenue from online prostitution ads crosses \$5 million*, Mar. 22, 2013,

<http://aimgroup.com/2013/04/22/monthly-revenue-from-online-prostitution-ads-crosses-5-million/>.

There have been many calls for Backpage.com to remove the illicit “adult” content from its website. In March 2014, Senator Mark Kirk of Illinois called for legislation making it illegal to advertise prostitution on the internet and allowing the federal government to shut down websites that have such advertisements. *Sen. Kirk Calls for Law to Stop Internet Ads for Prostitution*, CBS Chicago, Mar. 10, 2014, <http://chicago.cbslocal.com/2014/03/10/sen-kirk-calls-for-law-to-stop-internet-ads-for-prostitution/>. The website of Ann Wagner, Congresswoman of the 2nd District of Missouri, declares that “[s]exual predators can go online and have child prostitutes sent to their hotel rooms as easily as if they were ordering a pizza.” Congresswoman Ann Warner, *Human Trafficking & Online Prostitution Advertising*, <http://wagner.house.gov/Human%20Trafficking%20%26%20Online%20Prostitution%20Advertising> (last visited June 29, 2014). Additionally, 266,799 people signed a petition on Change.org for Backpage to remove its “adult” pages. *Tell Village Voice Media to Stop Child Sex Trafficking*, <http://www.change.org/petitions/tell-village-voice-media-to-stop-child-sex-trafficking-on-backpage-com> (last visited June 29, 2014).

Multinational companies should not only “[h]ave a policy

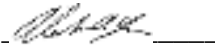
commitment to respect human rights” but should also “[c]arry out human rights due diligence” and, “[w]ithin the context of their own activities, avoid causing or contributing to adverse human rights impacts and address such impacts when they occur.” O.E.C.D., *Guidelines for Multinational Enterprises* at 31 (2011). Google, for example, has taken a step towards recognizing that Google AdWords should not contribute to demands for commercial sex. Google announced in March 2014 that, beginning in June 2013, “sexually explicit content will be prohibited, and guidelines will be clarified regarding promotion of other adult content.” Google AdWords, *Adult Content*, March 2012, https://support.google.com/adwordspolicy/answer/4271759?hl=en&ref_topic=29265. The mandates of corporate responsibility to protect human rights—as well as the obvious relevant legal obligations under both domestic and international law—make clear that Backpage.com cannot hide behind protestations of being a neutral content provider and avoid its responsibility for the egregious violations of human rights from which it directly profits.


V. CONCLUSION

Sex trafficking is a modern form of slavery, which Backpage.com undeniably promotes under its “adult” section. Backpage.com is now invoking Section 230 of the CDA to facilitate trafficking of minors. This is a gross reversal of the intent of the statute, the purpose of which in part

is “to deter and punish trafficking in obscenity, stalking, and harassment by means of computer.” 47 U.S.C. § 230. The overall purpose of the CDA is promoting decency on the internet, and Section 230 was written with the specific purpose of protecting websites as a forum for the exercise of free speech. But Backpage’s “adult” section is not at all a forum for free speech—it is a marketplace for the buying and selling of sex, including with children. The idea that Congress intended to protect the interests of websites like Backpage.com as they host human trafficking is an absurd result. The Court should affirm the decision of the trial court.

Dated: September 3, 2014
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