



The Honorable Robert Lighthizer
U.S. Trade Representative
600 17th St. NW
Washington, DC 20006

July 27, 2017

Re: Don't Let NAFTA Shield Child Sex-Trafficking

Dear Ambassador Lighthizer:

Free trade activists and protectionist advocates alike can agree that trade agreements should not promote illegal activity, least of all when it harms the most vulnerable Americans. Yet that is what the tech industry and its allies are promoting by seeking a negotiating position in the upcoming North American Free Trade Agreement negotiations that would protect web sites like Backpage.com which facilitate online child sex-trafficking. I am writing on behalf of Consumer Watchdog, a nonpartisan nonprofit public interest group to warn against adopting a negotiating position that would protect such rogue websites.

Tech industry groups such as the Internet Association, speaking on behalf of 40 tech firms including Google, Facebook and Twitter; the Computer and Communications Association; the Computer Technology Association and the Electronic Frontier Foundation are calling for the renegotiated NAFTA to include a provision similar to Section 230 of the Communications Decency Act. Courts have interpreted Sec. 230 to exempt websites from liability for illegal activity on their sites, even when they actively participate in that activity. These companies claim they are acting in the name of Internet freedom, but this freedom must not come at the expense of the most vulnerable.

Backpage.com, has become a virtual hub for child sex-trafficking. By one count 73% of child trafficking reports in the United States involve this notorious website. Backpage hides behind the cloak of CDA Sec. 230 while too many in the tech industry blindly and reflexively claim that needed amendments would undermine Internet freedom. Now tech companies and trade associations are pushing to enshrine their misguided view in our trade agreements.

A recent Washington Post article, "*Backpage has always claimed it doesn't control sex-related ads. New documents show otherwise,*" (https://www.washingtonpost.com/local/public-safety/backpage-has-always-claimed-it-doesnt-control-sex-related-ads-new-documents-show-otherwise/2017/07/10/b3158ef6-553c-11e7-b38e-35fd8e0c288f_story.html?utm_term=.b965ef54d775)

makes clear Backpage's deep involvement in this sordid exploitation. It is possible that with the release of new documents the company may finally be held to account for some of its abuses. However, Backpage has claimed protection under Section 230 far too long. Finally, Congress is beginning to act to end this outrageous and exploitive abuse of Section 230. Rep. Ann Wagner's bipartisan bill, H.R. 1865, with 37 cosponsors would do just that. A similar bill is expected to be introduced in the Senate soon.

It makes no sense to blindly adopt Sec. 230's provisions in an international trade agreement just as the law in the United States is likely to be amended.

In May Consumer Watchdog, DeliverFund, Faith and Freedom Coalition, The Rebecca Project for Justice, Trafficking in America Taskforce and Nacole S., a sex-trafficking victim's mother, released a comprehensive report detailing Backpage's wrongful activities and how Google has spent millions to fund efforts to thwart any changes in Section 230.

(<http://www.consumerwatchdog.org/resources/backpagereport.pdf>) As detailed in the report, primary recipients of Google's largess are two nonprofit organizations, The Center for Digital Democracy (CDT) and the Electronic Frontier Foundation (EFF). As documented in the report, CDT and EFF have frequently jumped to aid Backpage as it faced various legal challenges.

You may view the news conference about the study here:

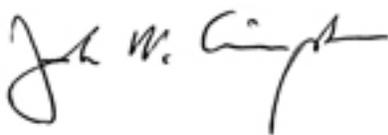
<https://www.youtube.com/watch?v=XjUsU02rzHMf>

Google, CDT, EFF, the Internet Association, the Computer and Communications Association, the Computer Technology Association and other tech industry representatives may claim to be protecting free speech and Internet freedom, but their activities have done little more than protect a notorious sex-trafficking hub from being held accountable by its victims. Backpage's abuses and the fight by its victims to hold it accountable are the subject of a new documentary film, *I am Jane Doe*. (<http://www.iamjanedofilm.com>) Watch it. It is now available on Netflix or you can download it from Google Play, iTunes or Amazon. We predict you'll clearly understand the abuses that blind defense of Sec. 230 enables and why its provisions must not be included in NAFTA or in any other international trade agreement.

Section 230 of the CDA provides that a website can't be held liable for what's posted on its site by others. This is intended to promote free speech on the Internet, which is vital to our democracy. Internet freedom, however, must not come at the expense of children who are sex-trafficked. Just as the First Amendment does not allow you to shout "fire" in a crowded movie house, or to assist hit men and drug dealers in their criminal activity, CDA Section 230 must not be allowed to protect an exploitative business that is built on child sex-trafficking. Its provisions must not be extended to international agreements.

We call on you to resist the calls from the tech industry that are based entirely on self-interest and reject calls to adopt Sec.230-like language in the NAFTA agreement. Backpage must finally be held accountable for its ongoing facilitating of child sex-trafficking.

Sincerely,



John M. Simpson
Privacy Project Director