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## Long fight against online sex trafficking for McCaskill, Wagner culminates in Senate passage

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**WASHINGTON** • The U.S. Senate overwhelmingly passed on Wednesday a bill aimed at shutting down online sex traffickers, culminating a multiyear effort by two Missouri politicians of opposite political parties but shared policy goals.

The 97-2 vote was reflective of Congress' increasing attention toward internet speech and commerce, ranging from sex trafficking to Russian meddling in the 2016 elections to private information scraped off social media sites and sold to political campaigns.

Wednesday's approval of legislation against sex trafficking came from an "honest and true bipartisan effort to get at a really serious problem in this country," said Sen. Claire McCaskill, D-Mo., a co-sponsor of Senate amendments to the bill that last month was pushed through the House by Rep. Ann Wagner, R-Ballwin.

President Donald Trump is expected to sign it.

The legislation amends Section 230 of the 1996 Communications Decency Act by allowing more vigorous civil and criminal prosecution against sites that knowingly host illegal activity, such as the advertising of children for sex.

Passed at the dawn of the internet age, Section 230 was designed to protect internet sites from liability for the speech of others, including advertisers.

But critics said the law had been overwhelmed by the explosion of the online sex trade, where sites such as Backpage profited off that trade. Backpage fought prosecution aggressively and generally won, with judges citing Section 230 protections.

Civil libertarians and Trump's Department of Justice raised concerns about the bill's constitutionality and unintended consequences. Both the liberal ACLU and libertarian Cato Institute opposed it, with Cato declaring it "the end of the open internet."

But John Simpson, privacy and technology project director at Consumer Watchdog, said Congress' action will "have long-range consequences not only for protection of individuals and

families online, but also for a re-evaluation of these companies' duties to police their platforms to make sure the public isn't taken advantage of by criminal enterprises or illegal activity."

Wagner said she was first alerted to sex trafficking while serving as the U.S. ambassador to Luxembourg from 2005-2009. Annual reports on human trafficking in Europe told stories of child sex trafficking. Back home, she said she discovered the problem was "hiding in plain sight" in St. Louis.

After her election to Congress in 2012, Wagner, representing the freshman class, got a commitment from GOP leadership to focus and move legislation on the issue. Several anti-sex trafficking laws followed, culminating with Wednesday's action targeting online advertisers.

The House passed Wagner's bill on Feb. 27, the 47th legislative action on the bill, on a vote of 388-25, but not until sponsors attached language that Sen. Rob Portman, R-Ohio, McCaskill and others had pushed in the Senate. They argued that without the change, the bill on the House floor would have continued to shelter "bad actors" and complicated efforts to go after the illegal sex trade.

While disagreeing with that characterization, Wagner said the Senate amendment contained similar language she originally proposed.

Over the past three years, Wagner has given frequent speeches on the topic, including to a United Nations conference on international human trafficking last September in New York City.

Wagner honed rhetoric such as "the scourge of modern-day slavery" and "slave traders." She attended hearings and news conferences featuring young people who had been trafficked, and parents of children who had died in the sex trade.

Last week, Wagner participated in a White House conference on sex trafficking called by Ivanka Trump, after the daughter of the president threw her support behind the House-passed bill.

"Two long years and a lot of work and a lot of ups and downs," Wagner said after the House vote, "but when this passes and it's signed into law, it will all have been worth it."

After Senate passage Wednesday, White House Press Secretary Sarah Huckabee Sanders said: "This bipartisan piece of legislation takes an important step forward in fighting the despicable act of human trafficking."

McCaskill's route to the finish line befitted her prosecutorial, confrontational style. On the Senate floor Wednesday, she noted that as a former prosecutor in Kansas City, she had tried more sex-crime cases than anyone in the Senate.

McCaskill investigated Backpage, went to court and worked with Republican senators, particularly Portman, who spearheaded the legislation in the Senate along with Sen. Richard Blumenthal, D-Conn.

Three years ago, McCaskill and Portman opened an investigation of Backpage that led to several legal and investigative showdowns. They forced the first contempt of Congress declaration in more than 20 years. Backpage fought that all the way to the Supreme Court, and lost.

Backpage lawyer Liz McDougall did not comment Wednesday, but she has argued that by singling out her employer, politicians will drive illegal online sex traffic into darker internet corners.

The Portman-McCaskill report on Backpage was a turning point, in that it revealed instances of Backpage employees' suggesting to advertisers how they could hide online criminal acts by "altering ads before publication by deleting words, phrases, and images indicative of criminality, including child sex trafficking."

That revelation, McCaskill said, made it easier to push legislation despite initial opposition from Big Tech firms such as Google, Facebook and others.

"The investigation we did exposed how this provision was protecting bad guys," McCaskill said. "It made the legislative case."

The McCaskill-Portman report "exposed the facts that led to the argument that led to the passage of this bill," said Sen. Heidi Heitkamp, D-N.D.

The Internet Association, which represents Google, Facebook and other Big Tech firms, eventually dropped its opposition after the Portman-McCaskill report.

But not all tech interests were supportive. The Consumer Technology Association, which represents online entrepreneurs, raised questions again Wednesday about the legislation's constitutionality and backed efforts by Sen. Ron Wyden, D-Oregon, to amend it with language protecting "good Samaritans" that could inadvertently get caught in its enforcement.

"The U.S. leads the global internet economy because we created the best legal system that finds fault with bad actors, not platforms," said Michael Petricone, the group's senior vice president of governmental affairs. "Once you punch a hole in Section 230, every stakeholder threatened by the online economy will run to Congress to seek ways to make it easier to sue internet companies."

The push for final passage also got a political break when Wagner decided to not challenge McCaskill in Missouri's nationally pivotal Senate race. Had Wagner done so, the debate would have had a sharper political edge in Missouri, complicating the legislative process.

But in the end, the bill passed with Republicans and Democrats supporting it, and with a broad array of victims' rights groups and state and local law enforcement groups applauding it.

"You just don't show up here and immediately pass legislation," McCaskill said. "You gotta work it."