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Backpage.com shuttered 'adult' ads section: Did it do enough to stop child sex trafficking?

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Four top executives with the online classifieds service Backpage.com appeared Tuesday on Capitol Hill for a congressional hearing on allegations that their firm has made money by failing to combat sex trafficking – but they refused to testify, citing their rights against self-incrimination.

Backpage had announced late Monday that it would immediately shutter a section of its website designated for "adult" ads, only hours after the Senate's Permanent Subcommittee on Investigations published its report ahead of Tuesday's hearing. The report rained brimstone on the company's documented approach to moderating ads suspected of promoting adult prostitution and even child sex abuse, and it accused the firm of concealing illegal activity by actively sanitizing the content its users publish.

Although some lawmakers and child advocacy groups praised the report and Backpage's decision to shut down its adult ads section, some civil libertarians cried foul.

"When government officials move beyond the bully pulpit and conduct persistent pressure campaigns to achieve a result repeatedly denied to them in court, we're in the territory of unaccountable government censorship that is anathema to First Amendment values," Emma Llansó, free expression director at the Center for Democracy and Technology, said in a statement. "With government actors at the highest level publicly threatening and bullying journalists and activists, the risks of unchecked extralegal censorship are all too clear."

Sen. Rob Portman (R) of Ohio and Sen. Claire McCaskill (D) of Missouri spearheaded the report alleging that Backpage had knowingly facilitated advertisements for illicit sexual conduct, as Politico reported. The website used automated and manual filtering techniques to scrub words commonly associated with illegal activity, prior to an ad's publication – a setup that effectively coached users on "how to post 'clean' ads for illegal transactions," the report alleges.

The owners, furthermore, claimed they had sold their website to a foreign company in 2014, when they instead used "a complex chain of domestic and international shell companies" to hide their continued ownership and control, the report adds.

"These are not the practices of an 'ally' in the fight against human trafficking," Senator Portman said during his opening remarks at Tuesday's subcommittee hearing. "These are the practices of a corporation intent on profiting from human trafficking – and human misery – and profit they have, at the expense of countless innocent victims."

But others see the investigation as government overreach, a bald effort to coerce Backpage into rejecting not only illegal content but also speech the authorities find offensive. Ronald Weitzer, professor of sociology at George Washington University and author of a book about the legalization of prostitution, says there's some flawed reasoning undergirding the government's approach to Backpage and its previous approach to Craigslist.

"There's an assumption on the part of the authorities, with only anecdotal evidence, that these sites are vehicles for underage prostitution and trafficking," Dr. Weitzer tells The Christian Science Monitor in a phone interview Tuesday. "And, certainly, some of that does occur on the site, as has been demonstrated by arrests that have been made of people advertising on the site."

The government can and should investigate instances of suspected child sex trafficking, but it should be careful, Weitzer says, to avoid smearing websites as complicit in illegal industries unless and until a clear and convincing case can be made.

"They really need to have better evidence that a site like this is a place where that occurs frequently," he says.

David Greene, civil liberties director for the Electronic Frontier Foundation (EFF), said courts across the United States have affirmed the fact that Section 230 of the Communications Decency Act shields Backpage and other online publishers from liability for the content their users create. And shaming a website like Backpage into shutting down its adult listings will have a chilling effect on constitutionally protected free speech, he said.

"Ads for adult services are not presumptively illegal," Mr. Greene said in a statement emailed to the Monitor. "As Backpage, and Craigslist before it, maintained, it must be the duty of law enforcement, not Internet platforms to enforce the laws against those who actually offer illegal services."

Those who lauded the subcommittee's report, however, see things differently.

"It has always been Backpage's responsibility to ensure its site is not being used to facilitate the crime of child sex trafficking," the National Center for Missing and Exploited Children (NCMEC) said in a statement, noting that "a child is now less likely to be sold for sex on Backpage.com" thanks to the company's decision.

In 2010, NCMEC President Ernie Allen told a House committee that an estimated 100,000 minors are trafficked for sex each year, perhaps more. And the center's general counsel, Yiota Souras, told a subcommittee that a wide majority of suspected trafficking cases reported to NCMEC involve Backpage.

"Technology has fundamentally changed how children are trafficked," Ms. Souras testified. "Today, an adult can shop from their home, office or hotel room, even on a cellphone, to buy a child for sex."

But the company contends that it cooperates fully with police, and some advocates suggest shuttering the adult ads section will make law enforcement more difficult.

"The ability to search for and track potentially exploited children on a website and have the website bend over backwards to help and cooperate with police the way Backpage did was totally unique. It not only made law enforcement's job easier, it made them much more effective at rescuing kids and convicting pimps," Dr. Lois Lee, founder and president for Children of the Night, said in a statement released by Backpage.

"When you close down such a site, it forces those individuals into more hidden, even less visible domains that the authorities have less information on or ability to investigate," Weitzer adds.

Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute, wrote that the bottom line is the government cannot assume that sexually oriented ads are illegal.

"Laws censoring such websites have been roundly and repeatedly held to violate the First Amendment," he wrote.

"But the law is one thing, and less-direct pressure tactics are quite another," he added. "It's harder to hold government accountable when it tries to hide what it's up to with public letters, demands, and investigations, even if meritless."