
No. 15-1724

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

JANE DOE NO. 1, a minor child, by her parent and next friend MARY ROE,
JANE DOE NO. 2, and JANE DOE NO. 3, a minor child, by her parents and next
friends SAM LOE AND SARA LOE,

Plaintiff-Appellants,

v.

BACKPAGE.COM, LLC, CAMARILLO HOLDINGS, LLC (f/k/a VILLAGE
VOICE MEDIA HOLDINGS, L.L.C.), and NEW TIMES MEDIA, LLC,

Defendant-Appellees.

On Appeal from a Judgment of the
United States District Court for the District of Massachusetts,
Hon. Richard G. Stearns

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*:
COVENANT HOUSE, DEMAND ABOLITION, ECPAT USA, HUMAN
RIGHTS PROJECT FOR GIRLS, MY LIFE, MY CHOICE OF JUSTICE
RESOURCE INSTITUTE, NATIONAL CRIME VICTIM LAW INSTITUTE,
SANCTUARY FOR FAMILIES, AND SHARED HOPE INTERNATIONAL
IN SUPPORT OF PLAINTIFF-APPELLANTS AND REVERSAL OF THE
RULING BELOW**

I. Identity and Interest of Amici

Pursuant to Federal Rule of Appellate Procedure 29, Covenant House, Demand Abolition, ECPAT-USA, Human Rights Project for Girls (“HRPG”), My Life, My Choice of Justice Resource Institute (“MLMC”), the National Crime Victim Law Institute (“NCVLI”), Sanctuary for Families (“SFF”), and Shared Hope International (“Shared Hope”; collectively, the “Movants”) respectfully request permission to file the Brief of Amici Curiae (the “Amicus Brief”) attached hereto as Exhibit A, in support of the Brief of Appellants Jane Doe No.1, Mary Roe, Jane Doe No. 2, Jane Doe No. 3, Sam Loe and Sara Loe, dated September 28, 2015.¹

Movants are nonprofit education and advocacy organizations that work with, and on behalf of, among others, child victims of sex trafficking.

- **Covenant House** provides services to homeless, abandoned, abused, trafficked, and exploited youth.
- **Demand Abolition** combats the demand for purchased sex in order to help eradicate the illegal commercial sex industry, including sex trafficking.
- **ECPAT-USA** works to protect every child’s basic human right to grow up free from the threat of sexual exploitation and trafficking.
- **HRPG** works to ensure that young women and girls live a life free of violence and exploitation.
- **MLMC** provides a continuum of services aimed at preventing and intervening in the commercial sexual exploitation of children.

¹ Movants sought consent from the parties to file the Amicus Brief. Appellants consent to the filing of the Amicus Brief. Appellees do not consent to its filing.

- **NCVLI** works to promote balance and fairness in the justice system through crime victim centered legal advocacy and education.
- **SFF**, as the largest nonprofit in New York dedicated exclusively to serving victims of domestic violence and sex trafficking, is committed to promoting the safety, healing, and self-determination of thousands of survivors every year.
- **Shared Hope** works to prevent sex trafficking and to assist sex trafficking victims with restoration and justice.

II. Purpose of Amicus Brief

Appellants are victims of domestic child sex trafficking. Movants have extensive experience assisting sex trafficking victims, victims of crimes, and/or vulnerable youth populations. They also have extensive experience researching and addressing ways to eliminate sex trafficking and assist victims of sex trafficking. Movants are uniquely positioned to inform the Court regarding issues relevant to this case, the resolution of which will affect the welfare of Massachusetts' and Rhode Island's most vulnerable children.

Movants' proposed Amicus Brief will address the particularized and harmful impacts of sex-trafficking domestic minors, which is facilitated by the internet advertising promoted by and hosted on websites like those belonging to Defendant-Appellee Backpage.com. Movants can inform the Court on issues relating to the commercial sexual exploitation of Massachusetts and Rhode Island youth in greater detail than that included in the briefs filed by the parties. Movants' brief will explain the scope and consequences of domestic sex trafficking of children, particularly in Massachusetts and Rhode Island. Additionally, the proposed brief

will identify Backpage.com's role in the sex trafficking industry, including its facilitation and promotion of the victimization of children.

Movants believe that an understanding of these issues and their public policy implications is integral to determining whether Backpage.com's conduct is immune pursuant to the Communications Decency Act. *Alexander v. Hall*, 64 F.R.D. 152, 155 (D.S.C. 1974) (where the issue presented is an issue of public interest, amicus brief permitted to ensure a "complete and plenary presentation" of the issue so that the court "may reach a proper decision."). Because Movants' brief will assist the Court and supplement arguments of the parties, this Motion should be granted. *Massachusetts Food Ass'n v. Massachusetts Alcoholic Beverages Control Comm'n.*, 197 F.3d 560, 567-68 (1st Cir. 1999) (amicus briefs presenting additional arguments permitted to "help the court toward right answers").

III. Conclusion

For the foregoing reasons, Movants respectfully request that, pursuant to Federal Rule of Appellate Procedure 29, the Court grant permission to file the attached Amicus Brief.

Dated: October 5, 2015

/s/Stacey J. Rappaport

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HUMAN RIGHTS PROJECT FOR GIRLS, MY LIFE, MY CHOICE
OF JUSTICE RESOURCE INSTITUTE, NATIONAL CRIME
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STATEMENT PURSUANT TO FED. R. APP. P. 29(C)(5)

Pursuant to Federal Rule of Appellate Procedure 29(c)(5), *amici curiae* state as follows: no party's counsel authored this brief in whole or in part; no party or party's counsel contributed money that was intended to fund preparation or submission of the brief; and no person other than counsel for *amici curiae* contributed money that was intended to fund preparation or submission of the brief.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, counsel for proposed *amici curiae* makes the following disclosures:

(1) *Amici curiae* are all non-profit organizations.

(2) *Amici curiae* are not publicly held entities.

(3) None of the *amici curiae* is a parent, subsidiary, or affiliate of, or a trade association representing, a publicly held corporation, or other publicly held entity.

No parent companies or publicly held companies have a 10% or greater ownership in *amici curiae*.

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Amici Curiae Covenant House, Demand Abolition, ECPAT-USA, Human Rights Project for Girls (“HRPG”), National Crime Victim Law Institute (“NCVLI”), My Life, My Choice of Justice Resource Institute (“MLMC”), Sanctuary for Families (“SFF”), and Shared Hope International (“Shared Hope”; collectively, “Amici”) respectfully submit this Brief of *Amici Curiae*, pursuant to Rule 29 of the Federal Rules of Appellate Procedure, in support of the position on appeal of Plaintiff-Appellants, and request that the Court reverse the district court’s ruling granting Defendant-Appellees’ motion to dismiss.

IDENTITY AND INTEREST OF AMICI

Amici are nonprofit education, service, and advocacy organizations that work with, and on behalf of, among others, child victims of sex trafficking:

1. Covenant House provides services to homeless, abandoned, abused, trafficked, and exploited youth.
2. Demand Abolition combats the demand for purchased sex in order to help eradicate the illegal commercial sex industry, including sex trafficking.
3. ECPAT-USA works to protect every child’s basic human right to grow up free from the threat of sexual exploitation and trafficking.
4. HRPG works to ensure that young women and girls live a life free of violence and exploitation.
5. MLMC provides a continuum of services aimed at preventing and

intervening in the commercial sexual exploitation of children.

6. NCVLI works to promote balance and fairness in the justice system through crime victim-centered legal advocacy and education.
7. SFF, as the largest nonprofit in New York dedicated exclusively to serving victims of domestic violence and sex trafficking, is committed to promoting the safety, healing, and self-determination of thousands of survivors every year.
8. Shared Hope works to prevent conditions that foster sex trafficking and to assist sex trafficking victims with restoration and justice.

Amici seek to advance and protect the rights and interests of sex trafficking victims, and to prevent future victimization. Amici thus have a substantial interest in preventing the illegal marketing and sale of sex trafficking victims on Backpage.com. Because Amici have extensive experience assisting sex trafficking victims and addressing ways to eliminate sex trafficking, they are uniquely positioned to inform the Court regarding issues relevant to this case.

STATEMENT OF THE CASE

Plaintiff-Appellants are three child victims who were repeatedly raped after their adult sex traffickers advertised and sold them for sex on the website Backpage.com. (Second Amended Complaint, dated December 29, 2014 [ECF Dkt. No. 22] (the “SAC”) ¶¶ 1-3.) Plaintiffs were first marketed and sold on Backpage.com at the ages of 15 to 16, 15 to 17, and 15. (*Id.* ¶¶ 15-17.)

Defendant-Appellee Backpage.com¹ is a major provider of online advertising for the illegal sale of sex. (*Id.* ¶¶ 1, 5, 7.) In exchange for fees, Backpage.com advertises prostitution services. (*Id.* ¶ 4.) Backpage.com has become well-known as a website for customers seeking to find and purchase sex, and it makes millions of dollars every year from this illicit advertising, including the advertising of children for sex. (*Id.* ¶ 10.)

In 2014, Plaintiffs brought the Complaint against Backpage.com in the District of Massachusetts (the “District Court”), alleging several causes of action stemming from the marketing and sale of Plaintiffs for sex in Massachusetts and Rhode Island on Backpage.com. (*Id.* ¶¶ 108-147.) Backpage.com filed a Motion to Dismiss the Complaint on January 16, 2015 (the “Motion to Dismiss”), alleging that the Communications Decency Act (the “CDA”) grants it immunity from suit. The District Court granted the Motion to Dismiss on May 15, 2015. Plaintiffs subsequently brought this appeal.

¹ Defendant-Appellees include Backpage.com LLC, Camarillo Holdings, LLC (f/k/a Village Voice Media Holdings, L.L.C.), and New Times Media, L.L.C. Defendant-Appellees are referred to collectively herein as “Backpage.com.”

ARGUMENT²

Sex trafficking, which includes the commercial sexual exploitation of minors,³ is a serious and pervasive problem throughout the U.S.⁴ The vast majority of suspected human trafficking incidents in the U.S. investigated between January 2008 and June 2010, involved either prostitution or the sexual exploitation of a child, 83% of whom were identified as U.S. citizens.⁵

The sex trafficking industry is growing rapidly⁶ and has already claimed many victims in Massachusetts, Rhode Island, and beyond. The surge in the industry is attributed in part to the growth and increasing availability of the

² All materials cited herein are publicly available. If the Court wants copies of any of the cited materials, Amici will readily provide them.

³ *See, e.g.*, Trafficking Victims Protection Act of 2000 (hereinafter, “TVPA”) § 103(9), (14), 22 U.S.C. § 7101.

⁴ *See, e.g.*, AG Coakley Commends Passage of Human Trafficking Legislation (2011), <http://www.mass.gov/ago/news-and-updates/press-releases/2011/ag-commends-passage-of-human-trafficking-bill.html> (last visited Sept. 25, 2015) (“Human Trafficking is one of the most egregious human rights violations that we see in our world today. . . . The average age of girls forced into the sex trade is between 11 and 13 years old.”).

⁵ Bureau of Justice Statistics, Most Suspected Incidents of Human Trafficking Involved Allegations of Prostitution of an Adult or Child (Apr. 28, 2011), *available at* <http://www.bjs.gov/content/pub/press/cshti0810pr.cfm>.

⁶ *See, e.g.*, TVPA § 102(b)(2) (“The sex industry has rapidly expanded over the past several decades.”).

Internet.⁷ Websites like Backpage.com facilitate sex trafficking by providing a cheap, easy, and anonymous marketplace for traffickers and buyers to trade in illegal sex.⁸ This marketplace includes the sale of children for sex, making Backpage.com a facilitator of the “most hideous, and possibly least acknowledged, human rights violation of our time.”⁹

Plaintiffs’ allegations regarding Backpage.com’s facilitation of their victimization are sufficient to place Backpage.com outside the scope of CDA immunity,¹⁰ and to permit this case to go forward. Moreover, the importance of the issues at stake and the implications that resolution of these issues have for the

⁷ See, e.g., U.S. Department of Justice, Child Exploitation and Obscenity Section, <http://www.justice.gov/criminal/ceos/subjectareas/prostitution.html> (last visited Sept. 25, 2015) (“Technological advances, in particular the Internet, have facilitated the commercial sexual exploitation of children by providing a convenient worldwide marketing channel.”).

⁸ See *infra*, Part II.

⁹ Sara Dillon, *What Human Rights Law Obscures: Global Sex Trafficking and the Demand for Children*, 17 UCLA Women’s L.J. 121, 139 (2008).

¹⁰ For example, the Complaint alleges, *inter alia*, that Backpage.com “believe[s] that the availability of children on their website enhances the perceived advantages of the website in the eyes of many potential pimps and traffickers” (SAC ¶ 6), “knowingly and intentionally . . . refined their website to increase the incidence and profitability of advertisements reflecting and encouraging the exploitation of children, [and] took various steps to sustain the impression among pimps, traffickers and customers that Backpage.com is a safe and effective vehicle for transactions involving young girls and boys.” (SAC ¶ 9).

welfare of Massachusetts' and Rhode Island's children mitigate against dismissing Plaintiffs' claims. The Court should allow Plaintiffs to pursue their causes of action against Backpage.com and gather the facts necessary to fully advise the Court on the important questions raised by this litigation.¹¹ Accordingly, Amici respectfully urge the Court to reverse the District Court's grant of Appellee's Motion to Dismiss.

I. THE DOMESTIC SEX TRAFFICKING INDUSTRY ROUTINELY VICTIMIZES CHILDREN

A. Commercial Sexual Exploitation of Children Is Fueled by Soaring Demand in the United States, Including in Massachusetts and Rhode Island.

Trafficking for the purpose of commercial sexual exploitation is a grisly reality that impacts millions of girls worldwide and hundreds of thousands of girls in the U.S.¹² Some estimates indicate that the U.S. has the third-largest number of

¹¹ See, e.g., *J.S. v. Village Voice Media Holdings, L.L.C.*, No. 90510-0, 2015 WL 5164599 (Wash. Sept. 3, 2015) (holding that sex-trafficked plaintiffs sufficiently pleaded facts against Backpage.com and its co-defendants that "would show that defendants helped to produce the illegal content" and remanding to trial court for discovery).

¹² United Nations Population Fund, *Ending Violence against Women and Girls*, http://www.unfpa.org/sites/default/files/pub-pdf/swp2000_eng.pdf (last visited Sept. 25, 2015); Linda Smith & Cindy Coloma, *Renting Lacy: A Story of America's Prostituted Children*, 95 (Shared Hope Int'l 2009). There is no doubt that the sex trafficking industry victimizes men and boys. However, because the

children being prostituted in the world.¹³ Children are illegally sold for sex in all 50 states and the District of Columbia.¹⁴ Victims come from all backgrounds and are of all races and ages.¹⁵ Typically, victims are first prostituted between the ages of 12 and 14, but children even younger than that are being sold for sex as well.¹⁶

This grim reality is exacerbated by the availability of marketplaces like Backpage.com. Backpage.com's role in developing commercial sex advertising fuels the problem in part because of "the ease of scheduling encounters on the

victims of sex trafficking are predominately women and girls, and because Plaintiffs here are girls, Amici usually refer to the trafficking of "girls" herein. *See* TVPA § 102(b)(4) ("Traffickers primarily target women and girls.").

¹³ *See* Dillon, *supra* note 9, at 130.

¹⁴ *See, e.g.*, Polaris Project, *The Victims*, <http://www.polarisproject.org/human-trafficking/overview/the-victims> (last visited Sept. 25, 2015) ("[V]ictims have been identified . . . in all 50 states, and in Washington, D.C.").

¹⁵ *See, e.g.*, Polaris Project, *Human Trafficking*, <http://www.polarisproject.org/human-trafficking/overview/> (last visited Sept. 25, 2015) ("In the U.S., victims can be men or women, adults or children, foreign nationals or U.S. citizens. While they share the trait of vulnerability, victims have diverse ethnic and socio-economic backgrounds, varied levels of education, and may be documented or undocumented.").

¹⁶ *See, e.g.*, Megan Annitto, *Consent, Coercion, and Compassion: Crafting a Commonsense Approach to Commercial Sexual Exploitation of Minors*, 30 *Yale L. & Pol'y Rev.* 1, 9 (2011) ("Some children are prostituted as early as age nine, while the average age of entry into prostitution is estimated to be between twelve and fourteen.").

Internet and using online tools to avoid law enforcement and detention.”¹⁷

B. Children Are Particularly Vulnerable to Sex Trafficking

The sex trafficking industry victimizes women, men, and children. Children, however, are particularly vulnerable to sex trafficking because of their emotional and economic dependence on others.¹⁸

Adolescents generally have not fully developed the ability to analyze decisions and understand their full consequences, and often their immaturity makes it difficult for them to distinguish between “bad” options and “good” options.¹⁹

¹⁷ Andy Metzger & Mike Deehan, *Task Force: Help Trafficking Victims*, Patriot Ledger, Aug 20, 2013, at 2 (quoting former Massachusetts Attorney General Martha Coakley).

¹⁸ See, e.g., *Miller v. Alabama*, 132 S. Ct. 2455, 2464 (2012) (“[C]hildren ‘are more vulnerable . . . to negative influences and outside pressures,’ including from their family and peers; they have limited ‘contro[l] over their own environment’ and lack the ability to extricate themselves from horrific, crime-producing settings.”) (quoting *Roper v. Simmons*, 543 U.S. 551 (2005)); *Roper*, 543 U.S. at 569 (“[J]uveniles are more vulnerable or susceptible to negative influences and outside pressures.”); *In re B.W.*, 313 S.W.3d 818, 821 (Tex. 2010) (“[C]hildren are more vulnerable to exploitation by others even in the absence of explicit threats or fraud.”).

¹⁹ See *Miller*, 132 S. Ct. at 2465 (children have a “proclivity for risk” and an “inability to assess consequences”); Annitto, *supra* note 16, at 5 (“[U]nderdevelopment in certain areas of the adolescent brain affect behavior, decision making, and the ability to understand consequences.”); Lawrence Steinberg, *Risk Taking in Adolescence: New Perspectives from Brain and Behavioral Science*, 16 *Current Directions in Psychol. Sci.* 55, 56 (2007) (children have not developed the “psychosocial capacities that improve decision making . . .

Children are often ill-equipped to understand how certain behavior affects their own well-being, and, as a result, children that are enmeshed in the sex trafficking industry often do not recognize that they are being exploited, manipulated, or that they are in danger.²⁰

Numerous laws recognize that a minor requires protection from decisions related to sexual activity.²¹ For example, states recognize that persons under a certain age (generally 16 to 18 depending on the state) cannot consent to sex in most instances.²² Moreover, many states now recognize that laws criminalizing prostitution should not apply to children because prostituted children are victims,

such as impulse control, emotion regulation, delay of gratification, and resistance to peer influence”).

²⁰ See, e.g., Anitto, *supra* note 16, at 13 (“When a pimp introduces a young girl into prostitution, she fails to recognize that she is a victim and becomes trapped”).

²¹ See, e.g., Noy S. Davis & Jennifer Twombly, *State Legislator’s Handbook for Statutory Rape Issues* (6th ed. 2000) 1, 8-13, available at <http://www.ojp.usdoj.gov/ovc/publications/infores/statutoryrape/handbook/statrape.pdf>; *Aguilar v. Gonzales*, 438 F.3d 86, 91 (1st Cir. 2006) (under Rhode Island law, children under sixteen are “by definition not able to consent” to sex); *United States v. Cadieux*, 350 F. Supp. 2d 275, 279 (D. Me. 2004) (explaining 1983 amendments to Massachusetts law which provided that children under fourteen cannot consent to sex).

²² See, e.g., Davis & Twombly, *supra* note 21, at 1, 8-13.

not criminals.²³ Under federal, Massachusetts, and Rhode Island law, children who are prostituted are deemed victims of trafficking without having to prove force, fraud, or coercion.²⁴ Under federal law, such children are considered victims of a “severe form of trafficking” and, under Massachusetts law, traffickers of such children are subject to sentences that range from a mandatory minimum of five years to a maximum of life imprisonment.²⁵ In Rhode Island, the maximum penalty is fifty years imprisonment.²⁶ In Massachusetts, businesses convicted of trafficking face fines of up to \$1,000,000.²⁷

Virtually all children are economically dependent on adults to provide essential needs like food, clothing, and shelter. Traffickers use this economic vulnerability to attract and trap children, and are adept at targeting the most economically and socially vulnerable populations—children with a history of abuse, poverty, neglect; runaway or homeless youth; and youth in foster homes or

²³ See, e.g., Tessa L. Dysart, *Child, Victim, or Prostitute, Justice through Immunity for Prostituted Children*, 21 Duke J. Gender L. & Pol’y 255, 265-67 (2014).

²⁴ TVPA § 103(8), (13); Mass. Gen. Laws c. 265 § 50(a)(ii); R.I. Gen. Laws § 11-67-6(b).

²⁵ TVPA § 103(8), (13); Mass. Gen. Laws c. 265 § 50(b).

²⁶ R.I. Gen. Laws § 11-67-6(c).

²⁷ Mass. Gen. Laws c. 265 § 50(c).

under the care of social services.²⁸ These children likely do not have stable adults in a position of trust to help them and are often unaware of the options available from government or non-profit groups.²⁹ The adults they turn to for “help” end up exploiting them in the commercial sex trade or otherwise.³⁰ Many victims feel that their trafficker is their only option for survival and are therefore susceptible to their trafficker’s control.³¹

In addition to capitalizing on this economic vulnerability, traffickers are

²⁸ See *United States v. Brooks*, 610 F.3d 1186, 1199-1200 (9th Cir. 2010) (adults targeted minors with “no money, no job, and . . . nowhere to live” to engage in prostitution); *In re B.W.*, 313 S.W.3d at 825-26 (children with a history of abuse and/or neglect are most at risk of sexual exploitation); Covenant House, *Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York*, 6-7, 14-15, 20 (May 2013) (hereinafter “Covenant House Study”), available at <http://www.covenanthouse.org/sites/default/files/attachments/Covenant-House-trafficking-study.pdf> (discussing the particular susceptibility of troubled youth to sex trafficking); Protecting Vulnerable Children: Preventing and Addressing Sex Trafficking of Youth in Foster Care, Testimony of John D. Ryan for the U.S. House of Representatives Committee on Ways and Means Subcommittee on Human Resources (Oct. 23, 2013), available at <http://www.missingkids.com/Testimony/10-23-13> (“[C]haracteristics that may put [children] at risk for commercial sexual exploitation[] includ[e] being a runaway, being in foster care or affiliated with a gang.”).

²⁹ See Covenant House Study, *supra* note 28, at 6, 15; Phoebe Sloane *et al.*, *Improving Outcomes for Homeless Youth*, Soc. Issue Rep. (Sept. 2012) at 4.

³⁰ See, e.g., Covenant House Study, *supra* note 28, at 11, 14-15.

³¹ See, e.g., *id.*

adept at taking advantage of children’s developmental immaturity.³² Traffickers nurture an emotional connection with a child, acting as her boyfriend and/or protector.³³ They provide whatever the child needs at the time—affection, affirmation, protection, shelter, food, clothing.³⁴ Once the child begins to depend on, or has fallen in love with, her “boyfriend,” he uses his position of trust and power to sexually exploit her.³⁵ He often reinforces his power with severe violence, torture, branding, and/or rape.³⁶

As a result of traffickers’ psychological control, children often experience “trauma bonding” with their traffickers, which is characterized by “an incredibly intense or important relationship, but one in which there has been an exploitation

³² See Joan A. Reid, *Doors Wide Shut: Barriers to the Successful Delivery of Victim Services for Domestically Trafficked Minors in a Southern U.S. Metropolitan Area*, 20 *Women & Crim. Just.* 147, 148-50, 158 (2010).

³³ See Annitto, *supra* note 16, at 12-15; Covenant House Study, *supra* note 28, at 11.

³⁴ See, e.g., Smith & Coloma, *supra* note 12, at 119-20.

³⁵ See *id.* at 29 (trafficker exercises emotional control over children, acting as “dictator and boyfriend at the same time”); *In re B. W.*, 313 S.W.3d at 824-25 (“Most of these children are controlled by their pimps through a combination of emotional and financial security mixed with violence and drugs, and are unaware that the treatment they are receiving is against the law.”).

³⁶ See Annitto, *supra* note 15, at 16-17; Darren Geist, *Finding Safe Harbor: Protection, Prosecution, and State Strategies to Address Prostituted Minors*, 4 *Leg. & Pol’y Brief* 67, 75-76 (2012).

of trust or power.”³⁷ This is one of the many factors preventing a child from leaving her trafficker, and is a bond that often requires intense therapy to break.³⁸

C. The Consequences for Child Victims of Sex Trafficking Are Devastating

Large numbers of children are repeatedly raped every day. A child sold for a sexual service is not a child who has “chosen” to engage in prostitution.³⁹ Anyone who suggests otherwise profoundly misunderstands the nature of trafficking: “It [i]s really the commercialized rape of our children.”⁴⁰ As the U.S. Department of Justice explains:

The term prostitution in connection with children can confuse one’s understanding of this form of child sexual exploitation. The term itself implies the idea of choice, when in fact that is not the case. It is

³⁷ NCMEC, *Commercial Sexual Exploitation of Children: A Fact Sheet*, http://www.missingkids.com/en_US/documents/CCSE_Fact_Sheet.pdf (last visited Sept. 25, 2015).

³⁸ See WestCoast Children’s Clinic, *Research to Action: Sexually Exploited Minors (SEM) Needs & Strengths*, 11-13 (2012), available at http://www.westcoastcc.org/WCC_SEM_Needs-and-Strengths_FINAL.pdf; Geist, *supra* note 36, at 75-78.

³⁹ See, e.g., Exploiting Americans on American Soil: Domestic Trafficking Exposed, Hearing on H.R. 972 before the Comm’n on Sec. & Cooperation in Europe, 109th Cong., at 6 (2005) (“[C]hildren can never consent to prostitution. It is always exploitation.”)

⁴⁰ Jessica Lustig, *The 13-Year Old Prostitute: Working Girl or Sex Slave?*, NY Magazine (Oct. 24, 2007), available at <http://nymag.com/news/features/30018/> (quoting Robert J. Flores, former head of the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice).

important to emphasize that the children involved are victims.⁴¹

The consequences of this repeated rape cannot be overstated—“women and children who are trafficked into prostitution are physically, mentally, and emotionally devastated by the crime, and this devastation is lasting—with injuries, illnesses, and impairments continuing for decades.”⁴²

Sex trafficking victims are particularly susceptible to physical, emotional, and psychological abuse. Nearly all sex trafficking victims suffer physical injuries from beatings and rapes by traffickers and/or purchasers.⁴³ Traffickers use “beatings, burnings, cuttings, gang rape, and sodomy” as means of controlling their victims,⁴⁴ and victims are subject to the whims—sometimes extraordinarily

⁴¹ See *Child Exploitation and Obscenity Section*, U.S. Dept. of Just., <https://web.archive.org/web/20150412194126/http://www.justice.gov/criminal/ceos/subjectareas/prostitution.html> (last visited Oct. 2, 2015).

⁴² Laura J. Lederer, et al., *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities*, 23 *Annals Health L.* 61, 62 (Winter 2014); see also U.S. Department of State, *Trafficking in Persons Report* (June 2013) (hereinafter, “2013 TIP Report”), at 31 (“Sex trafficking has devastating consequences for minors”).

⁴³ See, e.g., Melissa Farley, *Prostitution, Trafficking, and Cultural Amnesia: What We Must Not Know in Order To Keep the Business of Sexual Exploitation Running Smoothly*, 18 *Yale J.L. & Feminism* 109, 112- 17 (2006) (detailing the extreme violence that victims of commercial sexual exploitation endure).

⁴⁴ Geist, *supra* note 36, at 75-76; see also *The Prostitution of Children*, U.S. Dept. of Just., <http://www.justice.gov/criminal-ceos/prostitution-children> (hereinafter

violent—of those who purchase them.⁴⁵ In extreme cases, victims “are sometimes worked or physically brutalized to death.”⁴⁶ Further, victims are more susceptible to drug or alcohol addiction, particularly because such substances are often forced on them by their traffickers as a means of maintaining control.⁴⁷ The victims also have an increased risk of contracting serious and/or deadly diseases; an increased risk of long-lasting reproductive issues; and high rates of dietary issues, including severe weight loss, malnutrition, and eating disorders.⁴⁸ Most sex trafficking victims suffer from significant mental health issues, including depression, anxiety, nightmares, flashbacks, and/or low self-esteem, and they often feel socially ostracized and blamed for their supposed “choices.”⁴⁹

“Prostitution of Children”) (last visited Sept. 29, 2015) (“It is not uncommon for traffickers to beat, rape or torture their victims.”).

⁴⁵ See Geist, *supra* note 36, at 76-77.

⁴⁶ See TVPA § 102(b)(11).

⁴⁷ See, e.g., Lederer, *supra* note 42, at 75-76 (“Many survivors were dependent on drugs or alcohol while they were trafficked either because the substances were forced on them as a control mechanism by their traffickers or because substance use was a means of coping with the immense abuse they suffered.”); Prostitution of Children, *supra* note 44 (traffickers “use drugs and alcohol” to maintain “control”).

⁴⁸ See TVPA § 102(b)(11) (“Trafficking exposes victims to serious health risks,” including “deadly diseases [like] HIV and AIDS.”); 2013 TIP Report, *supra* note 41, at 31; Lederer, *supra* note 42, at 68, 71-74, 79.

⁴⁹ See Lederer, *supra* note 42, at 70; 2013 TIP Report, *supra* note 42, at 31; Linda A. Smith, *et al.*, *The National Report on Domestic Minor Sex Trafficking*:

These consequences, to a greater or lesser extent, affect almost all victims of sex trafficking, but they are even more pronounced for children.⁵⁰ Not surprisingly, given the multifaceted trauma inflicted by the sex trafficking industry, victims have an extraordinarily high rate of attempted suicide and post-traumatic stress disorder.⁵¹

II. BACKPAGE.COM FACILITATES AND PROMOTES THE VICTIMIZATION OF CHILDREN

The sex trade has many similarities to traditional businesses; its success depends in part on efficiently marketing and selling its “product”—in this case, sex with children.⁵² The Internet has provided traffickers with a remarkably easy and cost-effective way to do this, opening up new and vast markets for the commercial

America’s Prostituted Children, Shared Hope, 41-42 (May 2009), available at http://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf.

⁵⁰ See Mary P. Alexander *et al.*, *Community and Mental Health Support of Juvenile Victims of Prostitution*, 1 *Med., Legal, & Soc. Sci. Aspects of Child Sexual Exploitation* 397, 397-98 (2005); 2013 TIP Report, *supra* note 41, at 31.

⁵¹ See Lederer, *supra* note 42, at 70; Melissa Farley & Howard Barkan, *Prostitution, Violence, and Posttraumatic Stress Disorder*, 27(3) *Women & Health* 37-49 (1998).

⁵² See Meredith Dank *et al.*, *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities*, 112, 190-91 (The Urban Institute Mar. 2014).

sex industry.⁵³ Websites such as Backpage.com are a significant means by which traffickers advertise child victims to potential customers, facilitating the sexual exploitation of children.⁵⁴

A. Backpage.com Is the Leading Online Marketplace for the Sale of Illegal Sex

Backpage.com’s “adult” section is “[o]ne of the most well-known online classified sites” for sex trafficking.⁵⁵ The “anonymity and accessibility” of Backpage.com create the “perfect storm for the proliferation of sex trafficking.”⁵⁶ After Craigslist shut down its “adult services” section in 2010, Backpage.com acquired a huge portion of the online prostitution business and is now “the nation’s leading publisher of online prostitution advertising.”⁵⁷ According to a study by the

⁵³ See, e.g., *Exploiting Americans on American Soil*, *supra* note 39, at 33 (sex traffickers are using the Internet to grow their businesses); Smith, *supra* note 49, at 17 (“the accessibility to commercial sex markets on the Internet is staggering”).

⁵⁴ See *id.*; Prostitution of Children, *supra* note 44.

⁵⁵ NPR Staff, *Online and Anonymous: New Challenges to Prosecuting Sex Trafficking*, NPR (Aug. 3, 2013), <http://www.npr.org/2013/08/03/208664066/online-the-web-of-sex-trafficking-can-be-even-more-obscure>.

⁵⁶ Shared Hope, *Memorandum: Facilitation of Domestic Minor Sex Trafficking*, 1 (Sept. 9, 2013), available at http://sharedhope.org/wp-content/uploads/2014/04/Shared-Hope-Written-Remarks_Arizona-Governors-Anti-Trafficking-Taskforce_Sex-Trafficking-on-Classified-Website.pdf.

⁵⁷ AIMGroup, *Online prostitution-ad revenue crosses Craigslist benchmark* (2013), available at <http://aimgroup.com/2013/07/10/online-prostitution-ad-revenue-crosses-craigslist-benchmark/>.

Advanced Interactive Media Group, LLC, (“AIMGroup”), some 69,450 advertisements for “escorts” and “body rubs”—both euphemisms for prostitution⁵⁸—were posted on Backpage.com in May 2013, earning the website about \$4.5 million—a figure consistent with monthly levels throughout the year.⁵⁹ A significant percentage of Backpage.com’s ads in the adult services section of the website are for prostitution of trafficking victims.⁶⁰ Backpage.com realizes a substantial financial benefit as a direct result of its active promotion and facilitation of sex trafficking.

Federal and state leaders recognize that Backpage.com is a major facilitator of sex trafficking. U.S. Representative Ann Wagner specifically identified Backpage.com as a “top forum” for the posting of prostitution advertisements.⁶¹ Congress has also recognized that “third party ads for massages, body rubs, [and]

⁵⁸ *Id.*; Letter from the National Association of Attorneys General to Samuel Fifer, dated Aug. 31, 2011 (hereinafter “A.G. Letter”), at 1, available at <http://www.naag.org/assets/files/pdf/signons/Backpage%20WG%20Letter%20Aug%202011Final.pdf>.

⁵⁹ AIMGroup, *supra* note 57.

⁶⁰ *See Backpage.com, LLC v. Dart*, No. 15 C 063460, 2015 WL 5174008, at *12 (N.D. Ill. Aug. 24, 2015) (“uncontroverted evidence . . . establishes, at least, that a large percentage of the ads in the adult services portion of the Backpage.com website are ads for prostitution . . . connected to human trafficking.”)

⁶¹ Alan Scher Zagier, *Wagner Promotes Bill to Shut Down Online Sex Ads*, Wash. Times (Mar. 13, 2014) (Representative Wagner introduced the SAVE Act).

escort services” are simply “thinly veiled references to prostitution.”⁶² In addition, in a unanimous resolution, the U.S. Senate “call[ed] on Village Voice Media Holdings, LLC to act as a responsible global citizen and immediately eliminate the ‘adult entertainment’ section of the classified advertising website Backpage.com to terminate the website’s rampant facilitation of online sex trafficking.”⁶³ Similarly, current Massachusetts Attorney General Maura Healy has called on Backpage.com to remove the adult section from its website citing Backpage.com’s responsibility for “most of the human trafficking cases” prosecuted by her office.⁶⁴ Rhode Island Attorney General Peter Kilmartin has stated that “[t]he common thread around [Rhode Island’s] human trafficking cases is backpage.com, the favored site for human traffickers.”⁶⁵

In addition, 46 state attorneys general (including Attorney General Kilmartin and Massachusetts’s then-Attorney General Martha Coakley), in a letter to Backpage.com, identified the website as a “hub” for the trafficking of minors:

⁶² *Id.*

⁶³ S. Res. 439, 112th Cong. (2012).

⁶⁴ Statement from AG Healy Calling on Backpage to Remove Adult Section from Its Website (2015), <http://www.mass.gov/ago/news-and-updates/press-releases/2015/2015-07-07-backpage-statement.html> (last visited Sept. 25, 2015).

⁶⁵ Patrick Anderson, *Boy, 16, Gets 15-Year Sentence in Prostituting of Teen Girls*, *The Providence Journal*, Sep. 17, 2015, at A2.

As our state’s chief law enforcement officers, we are increasingly concerned about human trafficking, especially the trafficking of minors. Backpage.com is a hub for such activity This hub for illegal services has proven particularly enticing for those seeking to sexually exploit minors.⁶⁶

The letter chastised Backpage.com’s purported efforts to limit advertisements for prostitution, stating that “[t]he prominence of illegal content on Backpage.com conflicts with the company’s representations about its content policies.”⁶⁷

Backpage.com disingenuously attempts to downplay its prominent role in the online trafficking of girls and women by pointing to the conduct of other online sites. In the court below, for example, Backpage.com argued that it is “myopic to focus on just the Internet or any one website” when sex traffickers avail themselves of many other technological platforms, “including Facebook, MySpace, and Craigslist (still), Twitter, Tumblr, and others.”⁶⁸ This argument misses the mark entirely. That sex traffickers use other websites or technological means to sell children for sex in no way exculpates or mitigates Backpage.com’s universally recognized leading role in this horrendous online marketplace. The “everyone else

⁶⁶ A.G. Letter, *supra* note 58, at 1.

⁶⁷ *Id.* at 2.

⁶⁸ Def’s. Resp. to Briefs of Amici Curiae, No. 14-cv-13870, Dkt. # 45, at 5-6 (D. Mass. Mar. 25, 2015).

is doing it too” argument is a meritless attempt to justify the facilitation of the brutal victimization of countless girls and women.⁶⁹

B. Backpage.com’s Illegal Marketplace Includes the Sale of Children for Sex

Despite its title, the “adult” section on Backpage.com includes advertisements for children.⁷⁰ Indeed, Backpage.com itself admits that at least 400 advertisements a month in its “adult services” section potentially involve minors—although the actual number is likely much higher.⁷¹ A study by the non-profit group YouthSpark in Atlanta surveyed service providers across the nation on questions related to domestic minor sex trafficking victims. Seventy-two percent of the child victims in their care were bought and sold for sex online; 53% of those

⁶⁹ AIMGroup, *supra* note 57; *see also* SAC ¶ 9 (Backpage’s actions have “dramatically increase[d] the revenues and market share of Backpage.com.”).

⁷⁰ *See generally, id.*

⁷¹ S. Res. 439, 112th Cong. (2012) (finding that “Backpage.com vice president Carl Ferrer acknowledged . . . that the company identifies more than 400 ‘adult entertainment’ posts that may involve minors each month” and finding that “the actual number of ‘adult entertainment’ posts on Backpage.com each month that involve minors may be far greater than 400”). While the company reports that these advertisements involve minors, it nevertheless leaves the advertisements on its website. *See* Deborah Feyerick & Sheila Steffen, *A Lurid Journey Through Backpage.com*, CNN (May 10, 2012), *available at* <http://thecnnfreedomproject.blogs.cnn.com/2012/05/10/a-lurid-journey-through-backpage-com/>.

child victims reported being trafficked on Backpage.com.⁷²

Backpage.com does little to curb the abuses on its website. Backpage.com only has two purported requirements relating specifically to advertising and minors—the person posting the advertisement (often the adult trafficker) must click on the posting rules page, which includes the following statements: (i) “I will not post any material on the Site that exploits minors in any way” and (ii) “I am at least 18 years of age or older and not considered to be a minor in my state of residence.”⁷³ Worse still, traffickers can post advertisements of children without fear of recourse—Backpage.com allows traffickers to post advertisements anonymously.⁷⁴ Traffickers also can post provocative photographs of minors on Backpage.com, with their faces blurred in an attempt to hide their youth.⁷⁵

Traffickers and buyers have developed a code so that buyers specifically seeking underage girls can identify them quickly. Backpage.com allows many

⁷² Shared Hope, Memorandum: Facilitation of Domestic Minor Sex Trafficking, *supra* note 56.

⁷³ *Posting Rules*, Backpage, <http://posting.boston.backpage.com/online/classifieds/PostAdPPI.html/bos/boston.backpage.com/?u=bos&serverName=boston.backpage.com&superRegion=Boston®ion=5933827§ion=4381&category=4443> (last visited Sept. 25, 2015).

⁷⁴ NPR Staff, *Online and Anonymous*, *supra* note 55.

⁷⁵ *See, e.g.*, SAC ¶ 57 (samples of Backpage.com advertisements, some of which include photographs with blurred faces).

common code words used by traffickers to appeal to those looking to purchase sex with children, like “young,” “new to town,” and “fresh.”⁷⁶

Backpage.com’s lax advertising “requirements” create an online forum that is both lucrative and dangerous. Traffickers profit from the sale of children for sex advertised on Backpage.com; Backpage.com profits from these traffickers; and buyers get a free and anonymous way to shop for child sex.⁷⁷

⁷⁶ See Ann Gerhart, *Sex-trafficking Opponents Fight Craigslist’s ‘Adult Services’ Ads*, Wash. Post (Aug. 7, 2010), available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/08/06/AR2010080606376.html>; see also, SAC ¶ 56 (samples of Backpage.com advertisements, some of which use the descriptions “young,” “new to town,” and “fresh”).

⁷⁷ In the District Court, Backpage.com argued that if held liable here, it would be confronted with shuttering its site, which will “deprive[] law enforcement of a cooperative partner” in combatting sex trafficking. Def’s. Resp. to the Briefs of Amici Curiae, No. 14-cv-13870, Dkt. # 45, at 7 (D. Mass. Mar. 23, 2015). On the contrary, it will deprive traffickers of an easy and effective way to sell girls and women. Backpage.com claims that, as was the case when Craigslist shut down its escort section, the industry will simply move to a new site, “beyond the jurisdiction and reach of law enforcement.” *Id.* But, even if sex traffickers move on to new forums, Backpage.com’s current facilitation of the trafficking industry is not justified. And, despite Backpage.com’s claim, law enforcement does not universally “lament” Craigslist’s removal of its escort section. See Mark Latonero, *Human Trafficking Online, The Role of Social Networking Sites and Online Classifieds*, USC Annenberg Center on Communication Leadership and Policy, at 27 (Nov. 2012), https://technologyandtrafficking.usc.edu/files/2012/11/HumanTrafficking2012_No v12.pdf (some law enforcement surveyed “stressed that cooperation alone did not provide sufficient reason to keep [Craigslist’s] adult section open,” and the ones

C. Backpage.com is a Full Participant in the Sex Trafficking Industry.

Backpage.com actively promotes sex trafficking.⁷⁸ Law enforcement officers across the country attest to the “basic correlation between advertising on Backpage.com and unlawful sexual activity.”⁷⁹ This past summer, law enforcement agencies nationwide arrested more than 1000 sex traffickers and sex buyers as part of an annual sting operation.⁸⁰ Sherriff Dart of Cook County, Illinois, whose office spearheaded the sting, “has repeatedly attacked Backpage.com as a haven for pimps and traffickers,” and made Backpage.com the primary target of the sting.⁸¹ About “two-fifths of the arrests [from the sting] stemmed from online prostitution ads, and 98% of those ads were placed on

who questioned its closure described Craigslist, contrary to Plaintiffs’ allegations here regarding Backpage.com, as “very pro-law enforcement”); *see also* A.G. Letter, *supra* note 58 (46 state Attorneys Generals believe Backpage.com’s “efforts have proven ineffective.). In any event, law enforcement is resourceful enough to continue finding ways to combat sex trafficking without the alleged “cooperation” of Backpage.com.

⁷⁸ SAC ¶ 112; A.G. Letter, *supra* note 58, at 1 (Backpage.com is “dedicated to the promotion of prostitution.”).

⁷⁹ *Backpage.com v. Dart*, 2015 U.S. Dist. LEXIS 116625, at *5 n.1 (N.D. Ill. Sept. 2, 2015).

⁸⁰ Charlotte Alter, *More than 1,000 Pimps and Johns Arrested in Nationwide Prostitution Sting*, Time (Sept. 3, 2015) <http://time.com/4022124/prostitution-nationwide-sting/> (last visited Sept. 25 2015).

⁸¹ *Id.*

Backpage.com.”⁸²

Backpage.com promotes and facilitates sex trafficking, and more specifically, facilitated the sale and subsequent multiple rapes of the three girls who are plaintiffs in this litigation. Backpage.com cannot avoid liability by touting its alleged cooperation with law enforcement in certain cherry-picked investigations.⁸³ Backpage.com’s culpability arises from its use of technology to play a key role in the trafficking of girls and women, causing devastating and irreparable harm that cannot be mitigated through Backpage.com’s disingenuous purported “cooperation.”⁸⁴

⁸² *Id.*

⁸³ Backpage.com’s District Court brief in opposition to amicus curiae cites alleged receipt of “thank you” notes from law enforcement. *See* Def’s Resp. to the Briefs of Amici Curiae, No. 14-cv-13870, Dkt. # 45, at 13-14 (D. Mass. Mar. 23, 2015). Although Backpage.com claims alleged “cooperation” with law enforcement, it has, in fact, made affirmative efforts to thwart law enforcement through systematic identification and removal of law enforcement’s undercover advertising. *See* Kevin M. Ryan, *Holding Backpage.com Accountable*, Covenant House (Sept. 12, 2014), <https://www.covenanthouse.org/kevin-ryan-blog/holding-backpagecom-accountable>.

⁸⁴ Def’s Resp. to the Briefs of Amici Curiae, No. 14-cv-13870, Dkt. # 45, at 13-14 (D. Mass. Mar. 23, 2015) (“Houston police conducted a sting operation by placing ads on Backpage.com, arresting sixty men for soliciting prostitution.”). However, in its District Court reply to amici curiae, Backpage.com claimed that it is part of the solution, and has undertaken efforts to make its site a “risky place” for sex traffickers. *Id.* at 9-10. *But see* Br. for the Appellants, No. 15-1724, Doc. #

CONCLUSION

For the foregoing reasons, as well as the reasons set forth in the Brief of Appellants the Court should reverse the District Court's dismissal of Appellants' action.

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00116894746, at 42-44 (1st Cir. Sept., 28, 2015) (Backpage falsely assured NCMEC and law enforcement that it would, *inter alia*, be vigilant in attempting to detect trafficking of minors, increase its reporting of suspicious advertisements, evaluate and adopt both routine and advanced techniques to detect advertising of children, and be a model of cooperation with law enforcement.).

This amicus curiae brief has been endorsed by the following:

Advisory Council on Child
Trafficking
Alexandria, VA

Americas Rotarians Against Child
Slavery
Roswell, GA

Arizona Anti-Trafficking Network
Mesa, AZ

Arizona Legal Women and Youth
Services (ALWAYS)
Phoenix, AZ

Atlanta Dream Center - Out of
Darkness
Atlanta, GA

AZMen
Phoenix, AZ

Beasister2asister
New York, NY

Advocates for Freedom
Gulfport, MS

Charlotte Law Advocates Against the
Trafficking of Humans (CAATH)
Charlotte, NC

Children at Risk
Houston, TX

Church Women United in New York
State
Rochester, NY

Coalition Against Trafficking in
Women
New York, NY

DC Stop Modern Slavery
Washington, DC

Delores Barr Weaver Policy Center
Jacksonville, FL

Equality Now
New York, NY

Exploit No More
Milwaukee, WI

Feminists for Nonviolent Choices
Rochester, NY

Girls Educational & Mentoring
Services
New York, NY

Girls of the Pacific Northwest
Portland, OR

Ho'ola Na Pua
Haleiwa, HI

Mission 21
Rochester, MN

Human Life of Washington
Bellvue, WA

Mission14, Inc.
Baltimore, MD

InterVarsity's New York City Urban
Project
New York, NY

Mount Oak Fellowship United
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Iowa Network Against Human
Trafficking
Ames, IA

National Council of Jewish Women
Washington, DC

Jericho Road Inc.
Brooklyn, NY

National Organization for Women
New York
New York, NY

New Life Refuge Ministries
Corpus Christi, TX

On Eagles Wings Ministries and Hope
House
Charlotte, NC

Kids Are Not For Sale in Oregon
Coalition
Portland, OR

Othayonih Research
St. Paul, MN

LifeWay Network, Inc.
Forest Hills, NY

Rebecca Bender Ministries
Grants Pass, OR

Lovelight Foundation
Ann Arbor, MI

Run Against Trafficking (R.A.T.
Race)
Phoenix, AZ

Mentari Human Trafficking Survivor
Empowerment Pogram
New York, NY

Selah Freedom
Sarasota, FL

Side-By-Side Church International
Santa Ana, CA

Vale United Methodist Church
Oakton, VA

Soroptimist International of Atlanta
Atlanta, GA

Violence Intervention Program
New York, NY

Soroptimist International of Stuart
Palm City, FL

West Florida Center for Trafficking
Advocacy
Tarpon Springs, FL

St. Mary of the Lake Human
Trafficking Working Group
White Bear Lake, MN

WestCoast Children's Clinic
Oakland, CA

SWLA Abolitionists
Lake Charles, LA

YWCA of Brooklyn
Brooklyn, NY

The National Crittenton Foundation
Portland, OR

Zonta Club of Pinellas County
Tarpon Springs, FL

Tom Horne, former Attorney General,
State of Arizona

U.S. Representative Ann Wagner
2nd District of Missouri

**CERTIFICATE OF COMPLIANCE PURSUANT TO
FED. R. APP. P. 32(A)(7)(C)**

I, Stacey J. Rappaport, as counsel for *Amici Curiae*, hereby certify pursuant to Fed. R. App. P. 32(a)(7)(C), as follows:

(1) This brief complies with the type volume limitation of Fed. R. App. P. 32(a)(7)(B) because this brief contains 6,310 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

(2) This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14-point type.

Dated: October 5, 2015 /s/ Stacey J. Rappaport
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CERTIFICATE OF SERVICE

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