

grace farms foundation

January 9, 2018

Attorney General George Jepsen
Office of the Attorney General
State of Connecticut
55 Elm Street
Hartford, CT 06106

Re: Backpage.com

Dear Attorney General Jepsen:

Please accept this letter as a request that your Office investigate, and file suit against, Backpage.com for its knowing participation in the trafficking of Connecticut's most vulnerable citizens - - our children. The time has come for Connecticut, in its long-standing role as a leader among the Attorneys General of the States of our Nation, to bring long overdue justice to the Connecticut victims who have suffered grievous harm due to the wanton and conspiratorial actions of Backpage. As January is Human Trafficking Awareness Month, there is no better time than the present to announce that your Office will pursue all viable actions against any internet site, including Backpage, that continues to pursue illicit profits by preying on our children.

During your distinguished tenure in Office, you have consistently and diligently pursued justice for Connecticut's citizens for a wide array of corporate misconduct that negatively impacts our citizens. See, e.g. October 19, 2017 Press Release (Connecticut Joins \$120 Million Settlement with General Motors Over Defective Ignition Switch); October 20, 2017 Press Release (AG Jepsen Leads Bipartisan Letter Urging Pharmacy Benefit Management Services to Implement Opioid Mitigation Programs); October 24, 2017 Press Release (Connecticut Joins Bipartisan Coalition Opposing Industry Effort to Preempt State Oversight, Enforcement on Student Loan Debt); October 31, 2017 Press Release (AG Jepsen Leads Coalition in New, Expanded Complaint in Federal Generic Drug Antitrust Lawsuit). As your own website makes clear, "[a]s the public's lawyer, [you are] here to . . . ensure our children . . . are safe from abuse and neglect." We can think of no greater demonstration of your desire to protect our children than to pursue a civil action against Backpage.com, providing long overdue justice to our youngest citizens and their families. A monetary judgment against Backpage.com and/or monies obtained from a civil settlement could be used to pay the expenses involved in rehabilitating the Connecticut victims who have been bought and sold on this website.

The fact is, sex trafficking has moved out of red-light districts, onto our laptops and into our communities. As you are no doubt fully aware, a bipartisan investigation by the Senate of the United States brought to light a key contributor to the proliferation of sex trafficking in Connecticut and the rest of the United States: Backpage.com. Backpage.com is not just some fly-by-night operation, but a mainstream Internet business that has had a dramatic effect on the marketplace for the commercial sexual exploitation of children, with both traffickers and the men who seek to buy sex using it to an alarming extent. Recent reporting by the Washington Post indicates the depth of Backpage's knowledge and collusion with the traffickers, and its cutthroat practices in attempting to lure traffickers away from competing websites. See, e.g., Washington

Post July 11, 2017 (“Backpage Has Always Claimed it Doesn’t Control Sex-Related Ads. New Documents Show Otherwise”).

Senate investigators revealed that high-ranking Backpage officials knew that their site was being repeatedly used to advertise the sexual exploitation of children. But instead of shutting down the ads like other services had, these same officials - acting out of sheer corporate greed - aided and abetted the children’s suffering by rewriting and sanitizing advertisements to remove incriminating references that might make clear the true subject of the ads. Working in concert with the traffickers who sought to market children, Backpage staff admitted that they worked to “put lipstick on a pig” so that the ads could run, not so the children could go free. The Senate report estimates that more than 70% percent of the children that the National Center for Missing and Exploited Children catalogued as sexually exploited were offered to clients via advertisements running in the “adult” advertisement section of Backpage.com. As you well know, these victims are not high society escorts seeking to accompany wealthy clients to the opera. They are children, Connecticut’s children, offered for sale with labels such as “fresh” and “new in town” in an easily understood code.

When it comes to sex trafficking, Connecticut has already demonstrated its leadership role by becoming the first State in the Nation to require hotel employees to be trained to recognize the signs of all forms of human trafficking. See Public Act No. 16-71 (An Act Concerning Human Trafficking); see also January 19, 2017 Press Release of Dannel P. Malloy (Governor Malloy Announces Launch of Public-Private Partnership to Help Hospitality Employees Identify Warning Signs of Human Trafficking). The Connecticut Department of Children and Families has begun documenting the hundreds of thousands of dollars expended per victim associated with the specialized care necessary for trafficked minors, as it works to restore numerous children to a life without sexual exploitation. Connecticut should not, and cannot, wait for the current Federal administration or other States to step up, but should do what it takes to fight sex trafficking here in Connecticut and bring Backpage to justice, whether on its own or through the type of multi-jurisdictional litigation that worked to hold tobacco companies responsible.

There is strong precedent for holding Backpage liable for knowingly participating in aiding and abetting sex traffickers. As you are no doubt aware, the State of Washington held that Backpage.com could be held liable under State law if it was found to have helped produce illegal internet content. See *J.S., S.L., and L.C. v. Village Voice Media Holdings LLC d/b/a Backpage.com and BACKPAGE.COM LLC*, September 3, 2015 (No. 90510-0). In short, the federal Communications Decency Act (“CDA”), 47 U.S.C. Section 230, provides no immunity under State law where an internet provider such as Backpage.com does more than merely host internet content but participates in editing and shaping that content. In light of the recent revelations that Backpage staff worked to affirmatively “put lipstick on a pig,” Backpage’s reliance on the CDA to shield itself from civil liability is not, and cannot be, a bar to a civil action. Recognizing its own exposure, Backpage.com wisely reached a civil settlement with the plaintiffs in the Washington civil action. See *The Seattle Times* October 3, 2017 (“Backpage.com Settles Suit by 3 Washington Women Who Said They Were Sold for Sex as Teens”).

As a leader among Attorneys General in our Nation, you have never hesitated to pursue justice for the citizens of this State. In your remaining months in Office, we urge you to demonstrate once again that same

courage and leadership by initiating an investigation concerning the actions of Backpage.com. We, the undersigned, stand willing to join you in this effort to pursue justice for Connecticut's children.

Respectfully Submitted,



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