

September 17, 2018

The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

One of the most gratifying days of our lives was standing next to you in the Oval Office as you signed the FOSTA-SESTA bill. We are and continue to be so grateful to you (and to Ivanka Trump) for your leadership on this piece of crucial legislation. We were proud to be by your side that day, representing the thousands of children in this country who were sexually exploited online, seeking justice. The pain that many of us went through, either because of our own exploitation or the trauma (including murder) of our children and family members who were sold on websites like Backpage.com will never go away. However, we were comforted by the passage of this important legislation, knowing that victims, as well as local and state law enforcement, now have tools to hold bad actor websites accountable when knowingly engaging in this crime.

We write to you as we are alarmed by the United States Trade Representative's decision to include Section 230-like language in the recent trade agreement with Mexico that will, in the words of Google-funded groups, create an end-run around FOSTA-SESTA. Thus, the new tool to hold websites accountable that knowingly engage in the crime of sex trafficking may now evaporate. We do not understand why the USTR would agree to include language that could undermine the very legislation that you and Ivanka played such a critical role to get enacted. We have learned that the Section 230 protections inserted into the trade agreement were included to obtain Senator Ron Wyden's support (and his help to get Democrats to vote for the agreement). We hope that is not true because Senator Wyden led the unsuccessful effort to stop the passage of the FOSTA-SESTA legislation, and to now allow him a backdoor way to effectively kill this critical new law (or put its legality at risk in an international trade agreement) would be a miscarriage of justice and put thousands of people's lives at risk once again.

As you may know, Google and its various funded groups tried to kill FOSTA-SESTA in Congress and it is those same Silicon Valley monied interests that set their sights on the NAFTA discussions to insert and expand the protective shield of Section 230. As the Electronic Frontier Foundation (EFF) stated back in January, "Exporting Section 230 to Mexico and Canada isn't the only reason to advocate for its inclusion in a modernized NAFTA. This negotiation comes at a time when Section 230 stands under threat in the United States, currently from the SESTA and FOSTA proposals, which could escalate into demands that platforms also assume greater responsibility for other types of content. As uncomfortable as we are with the lack of openness of trade negotiations, baking Section 230 into NAFTA may be the best opportunity we have to protect it domestically."

Hence our letter to you, Mr. President. Exporting the Section 230 problem of Backpage.com and other bad actors who are shielded from civil liability, even when engaging in criminal conduct themselves, is a disservice to children everywhere.

On behalf of trafficking survivors and those who have lost love ones like us, we ask you to remove this language from the U.S. – Mexico trade agreement before it is too late. The inclusion of Section 230-like language was at the behest of the American tech lobbies – and removing that language we believe would be acceptable to the Mexican government (and Canadian government), and, more importantly, will help protect thousands of children who are currently being sexually exploited online.

Sincerely,

Nacole S, Mother of a Sex Trafficked Child
JS, Survivor
Kathy McGibbon, Survivor
Amy Sickle, Survivor
Chelsi Lancaster, Survivor

