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SENATE JOINT MEMORIAL 8003

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Kohl-Welles, Padden, Kline, Roach, Fraser, Carrell,  
Darneille, and Pearson

1 TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND  
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4 UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of  
6 the State of Washington, in legislative session assembled, respectfully  
7 represent and petition as follows:

8 WHEREAS, The Communications Decency Act was enacted in 1996, nearly  
9 seventeen years ago when the internet was still in a fledgling state  
10 and accessible only to about twenty million Americans; and

11 WHEREAS, The internet of 1996 would be largely unrecognizable in  
12 2013, lacking nearly all of the popular sites of today, such as  
13 YouTube, Google, Twitter, Facebook, Wikipedia, Craig's List, and  
14 Backpage.com; and

15 WHEREAS, Today, the internet makes it possible for companies such  
16 as Backpage.com to earn millions of dollars annually from the sale of  
17 location-specific internet advertisements, some of which directly  
18 facilitate the sex trafficking of minors and other victims; and

19 WHEREAS, Section 230 of the Communications Decency Act assures  
20 internet service providers like Backpage.com nearly complete immunity

1 from liability for the significant and known role they play in  
2 promoting today's sex trafficking industry through the sale and  
3 distribution of adult escort advertisements on the internet; and

4 WHEREAS, When the Communications Decency Act was written in 1996,  
5 section 230 was intended to encourage internet service providers to  
6 promote the growth of the internet without incurring liability for  
7 third-party communications during a time when the average American with  
8 internet access spent thirty minutes each month on the web, compared  
9 with today's average of twenty-seven hours per month; and

10 WHEREAS, The internet has evolved in ways few expected, making  
11 section 230 of the Communications Decency Act now outdated within the  
12 context, scope, and capability of today's internet to instantly  
13 disseminate information and facilitate rapid communication; and

14 WHEREAS, Without a change to section 230 of the Communications  
15 Decency Act, states remain powerless to enact meaningful reforms to  
16 hold accountable those internet service providers who profit from the  
17 sale of adult escort advertisements while turning a blind eye to their  
18 role in facilitating crimes against children and refusing to implement  
19 any bona fide measures to verify the age of persons featured in those  
20 advertisements;

21 NOW, THEREFORE, Your Memorialists respectfully pray that Congress  
22 update and amend the Communications Decency Act to reflect the current  
23 scope and power of the internet, to acknowledge the publisher-like role  
24 of companies like Backpage.com who profit from the sale and  
25 distribution of advertisements on the internet, and to authorize states  
26 to enact and enforce laws holding internet service providers  
27 responsible when they knowingly facilitate child sex trafficking  
28 through the sale of adult escort advertisements.

29 BE IT RESOLVED, That copies of this Memorial be immediately  
30 transmitted to the Honorable Barack Obama, President of the United  
31 States, the President of the United States Senate, the Speaker of the  
32 House of Representatives, and each member of Congress from the State of  
33 Washington.

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