

Backpage.com's Knowing Facilitation of Online Sex Trafficking

January 10, 2017

Senator Claire McCaskill

Opening Statement

Thank you, Chairman Portman, for holding this hearing. I hope this investigation can serve as a clear sign to the American people that both parties can work together, the way that we have, to address one of the most devastating issues in our country. Not only have we cooperated in a productive way on this Subcommittee, but the Senate as a whole has affirmed the importance of our investigation by voting unanimously to enforce our subpoena to Backpage in federal court. In voting 96-0 to compel Backpage to respond to our requests, the Senate recognized that our investigation into the market leader in selling sex online is a legitimate and important use of the Subcommittee's authority.

Backpage is a \$600 million company built on selling sex, including sex with children. And the company knows it. According to one former moderator, his colleagues, quote, "went through the motions putting lipstick on a pig, because when it came down to it, it was what the business was about." Several former moderators even told the Subcommittee that certain Backpage employees contacted prostitutes advertised on the site and used their services. When moderators had the courage to point out this illegal activity, management came down hard on the employees. After one moderator apparently concluded in his account notes that a Backpage user was a prostitute, Andrew Padilla, Backpage COO, stated, quote, "[I]eaving notes on our site that imply we're aware of prostitution, or in any position to define it, is enough to lose your job over."

More troublingly, documents produced to the Subcommittee also show that Backpage often erred against reporting potential child exploitation. In one email, for example, a Backpage supervisor instructed moderators that, quote, “[y]oung ads do not get deleted unless they are clearly a child.” A Backpage supervisor also apparently hesitated before believing reports from third parties concerning underage escorts. In February 2010, for example, a detective alerted Backpage to the fact that a 17-year-old girl featured on the site had asked the company to remove her photos, but was, quote, “told they couldn’t be until enough people reported her as potentially underage.” As a matter of policy, according to internal documents, Backpage will only escalate the review of an ad for child exploitation when an individual claims *they* or an *immediate* family member are at risk; uncles reporting nephews or grandmothers reporting grandchildren will not suffice.

Throughout this investigation, I have spoken of a 15-year-old girl who was sold for sex on Backpage across the United States before seeking help at Cardinal Glennon Children’s Hospital in St. Louis. According to court documents, this young woman was walking down a street in Madison, Missouri, in June 2015 when her future trafficker—a young man from Park Hills—approached in a pickup truck. She was contemplating suicide after a fight with her father, and in her distraught state she was coerced into joining the young man and his wife as they sold her and multiple other girls for sex over a six-week period. Earlier this year, Chief Judge Michael Reagan of the Southern District of Illinois sentenced the husband and wife perpetrators of this crime to life in prison and 20 years, respectively. In handing down one of these sentences, Chief Judge Reagan stated that the couple had “[stripped] an individual of the right to feel secure [and] control and trust what she did with her own body.”

It is crucial that we keep our focus on this 15-year-old girl, and the experiences of countless other young girls like her. The parents of two of these girls are here with us today to discuss how their daughters were advertised and sold on Backpage. Both girls found themselves trapped, not on a street corner, but in an online marketplace that billed children as “weekend specials,” under less stringent rules than those for ads selling motorcycles or pets. One mother here today—then living in St. Louis with her other children—was forced to take the unimaginable step of buying time with her daughter in a desperate attempt to rescue her.

These experiences remind us that this investigation is not about curbing the First Amendment rights of online platforms for speech—rights which are more important now than ever—or using the powers of the Subcommittee to target private actors engaged in unpopular conduct. This investigation is about understanding how criminals systematically use online platforms to transform normal American teenagers into sex slaves. As part of this work, it is critical for the Subcommittee to understand the efforts companies selling sex online undertake to prevent trafficking—and if our current laws are inadequate to spur these efforts, we need to know this too. Our responsibility, as elected representatives, to protect the most vulnerable Americans requires nothing less.

At our last hearing, I promised that Chairman Portman and I would not go quietly into the night and simply give up in the face of the repeated roadblocks Backpage has raised against this investigation. Working together, we fought Backpage all the way to the Supreme Court to vindicate our right to receive the documents we requested, we subpoenaed records from banks, accounting firms, and court proceedings, and we spoke with countless stakeholders and experts in the fight against trafficking. This is not a punitive, partisan campaign—this is congressional oversight. And I have another promise: I will continue to do everything in my power to protect

young women—and young men—from being exploited and assaulted, on Backpage.com or anywhere else.

I look forward to getting answers from our panelists today.