

## Editorials

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# Backpage gets day in court to explain its sex market



*People opposed to child sex trafficking rally outside of the Washington Supreme Court in Olympia in 2014. The court ruled Thursday in favor of three young girls who sued Backpage.com, claiming they were sold as prostitutes on the site. Rachel La Corte The Associated Press file, 2014*

Did Congress in 1996 inadvertently protect the selling of girls to rapists? The Washington Supreme Court doesn't think so. It's going to let three young women bring their case against Backpage.com to a Pierce County jury.

The court's ruling Thursday dealt a devastating legal setback to Backpage.com, the online bazaar whose "adult" section is the go-to place for pimps who prostitute girls and coerced women.

The website has been struggling every which way to avoid having to defend its practices in court. It actually has a plausible legal theory.

The U.S. Communications Decency Act, passed in 1996, established broad legal protection for Internet service providers. To foster free speech and commerce on the Web, Congress included a provision — Section 230 — that shielded legitimate ISPs, merchants and online forums from lawsuits over items posted by third parties.

Example: Yelp can't be sued by a restaurant if a diner gives it only one star and pans the spaghetti sauce. A newspaper can't be sued if a troll posts a nasty comment about another commenter. Honest Web enterprises deserve and need this protection.

But what if a company knowingly enables prostitution, as Backpage.com blatantly does? This is a website that carries such come-ons as "SouthernGalsDoltBetter," "CurVacious BIG BOOTY" and "NEW SEXY YOUNG GIRL" — along with all-night prices, half-hour specials, etc.

The company argues, in effect: "Erotic goddess' didn't show us her business plan. How could we know what 'Exotic Asian playmate' means? Prices — what prices? Anyway, Section 230 has us covered."

It might seem quaint to point out, but prostitution is a crime. Some libertarians might not like that fact, but they haven't repealed the law. Despite its winks and nods, Backpage.com is knowingly abetting a criminal industry.

Unfortunately, this industry isn't all about frolics among consenting adults. Pimps sell children and addicted, damaged women. Often, the addicted, damaged women were smuggled into the country as virtual slaves or were coerced into the trade as girls. Sex with underage females is a form of rape. This form of rape routinely comes with beatings and other cruelties, from pimps and from the customer-rapists.

When investigators break human trafficking rings in this country, they usually find that the victims were advertised on Backpage.com.

The three women who won the right to sue Backpage.com last week illustrate the vicious underside of industry. They were runaways — two 13, one 15 — who were lured by pimps. One was advertised on Backpage.com as an "80 DOLLAR SPECIAL" when she was a seventh-grader.

They're arguing that Backpage.com wasn't merely a neutral forum for advertisers but was complicit in their prostitution. They maintain that the website's guidelines for posting items to its adult section were crafted to coach pimps on how to evade investigators.

The core purpose of Section 230 is of paramount importance. But we don't think Congress was out to protect criminal activity and sex trafficking when it drafted the U.S. Communications Decency Act. It certainly wasn't out to protect companies that didn't give a damn whether their sites were used to sell 13-year-olds.

Maybe Backpage.com doesn't fit that description. Fine — it can tell that to the jury.

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