

**January 9, 2017**

**Statement of Backpage.com regarding the U.S. Permanent Subcommittee on Investigations' Censorship of Adult Classified Advertisements**

The decision of Backpage.com today to remove its Adult section in the United States will no doubt be heralded as a victory by those seeking to shutter the site, but it should be understood for what it is: an accumulation of acts of government censorship using extra-legal tactics.

Like the decision by Craigslist to remove its adult category in 2010, this announcement is the culmination of years of effort by government at various levels to exert pressure on Backpage.com and to make it too costly to continue.

But while the Adult category has been closed down in the United States, certain things will not happen.

First, this act of censorship will not reduce the problem of human trafficking, and those who suggest otherwise are deluding themselves and their constituencies. Instead, it undermines efforts by Backpage.com to cooperate with law enforcement and provide information to identify, arrest and prosecute those who engage in human trafficking. We are gratified by the supportive messages of appreciation from law enforcement across the country with whom we have worked to identify, arrest, and prosecute criminals.

Second, it will not end the fight for online freedom of speech. Backpage.com will continue to pursue its efforts in court to vindicate its First Amendment rights and those of other online platforms for third party expression. In the end, the company believes that courts will continue to hold, as they have consistently so far, that heavy-handed government tactics to suppress a forum for Internet speech violates basic constitutional values.

One of the ongoing battles involves the overly broad and punitive subpoena for documents issued by the Senate Permanent Subcommittee on Investigations, not for any valid legislative purpose, but specifically to exert pressure on Backpage.com. The company has complied with the subpoena upon threat of being found in contempt if it does not. But the critical First Amendment questions raised by this abuse of congressional authority currently are pending before the United States Court of Appeals for the D.C. Circuit.

A court filing in this case by the Cato Institute, DKT Liberty Project, and the Reason Foundation compared the Subcommittee's abuse of power as "emblematic of a disturbing pattern of legislative committees brandishing their subpoena power as a weapon to attack individuals and entities that engage in speech or conduct disfavored"

by the government. A court filing by The Center for Democracy and Technology and the Electronic Frontier Foundation added that PSI's "invasive, burdensome inquiry into Backpage.com's editorial practices creates an intense chilling effect, not only for Backpage, but for any website operator seeking to define their own editorial viewpoint and moderation procedures for the third-party content that they host."

We are confident that the courts ultimately will find, as the Supreme Court did after the abuses of the McCarthy era by this same subcommittee, that "[i]nvestigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible." *Watkins v. United States*, 354 U.S. 178, 187 (1957).