

## *I am Jane Doe – Director’s Statement*

It’s after midnight and your daughter hasn’t come home. You don’t know where she is. Her friends don’t know where she is. You wait until 5AM and then call the police. This heartbreak happens every night in America, in every city, and every town. Children go missing. Rich children and poor children. Children of all ethnicities and color. Mostly girls, but also boys and transgender children. Many are preyed upon and seduced in online chat rooms, at the mall, or even fast-food restaurants. And then, these children simply disappear.

What happens to them? Estimates vary, but thousands of children who go missing are bought and sold for sex. Online. Officials call this “sex trafficking,” which is a sanitized description of a child who is shuttled from motel room to motel room and repeatedly raped. The children most at risk for child sex trafficking are those who are homeless, LGBTQ, runaway, adopted and in foster care. 73% of the children trafficked online who are reported by the public to the National Center for Missing & Exploited Children (NCMEC), are bought and sold on Backpage.com, a company formerly owned by the Village Voice. According to a Senate report, Backpage is worth between \$450-\$600 million dollars, the bulk of its profitability attributable to ads selling children and adults for commercial sex.

Several young girls and their mothers decided to file lawsuits against Backpage, seeking to hold the company partially responsible for the damage and trauma to their daughters. Most of these cases have not gone well for these Jane Doe children, who have run up against Section 230 of the Communications Decency Act, which protects websites from liability for third party posts. Backpage has, thus far, successfully argued that although it hosts ads for the sale of these children, it does not create the ads, and thus is immune from all liability. The 1<sup>st</sup> Circuit Court of Appeals recently agreed, expanding the protection of Section 230 to cover alleged criminal activity. The court ruled that even if Backpage profited from or participated in child sex trafficking as a co-conspirator or otherwise, it still could not be held criminally liable. Meanwhile, Backpage has made millions of dollars from these types of sex ads and children continue to be bought and sold every day on Backpage.com.

When I read about Jane Doe No. 1, Jane Doe No. 2, and Jane Doe No. 3, all middle-school girls from Boston who had filed suit against Backpage, three things struck me. First, I was stunned to learn about the breadth and scope of child sex trafficking, and that it happened in such alarming numbers in the United States. Second, I remember thinking how brave these young girls were, putting a face to the pain and a voice to the trauma they experienced. They were standing up and fighting back on behalf of thousands of other children who had been sold online. Third, it was clear from reading various court documents that many federal judges didn’t understand the actual crime of child sex trafficking. How could hosting child sex ads be legal in the United States?

My goal with this project was to ask that very question. And to create awareness about the institutions that are enabling this crime against children to proliferate online, including federal judges and special interest groups (often supported by technology companies). The Electronic Frontier and Center for Democracy and Technology, two high profile special interest groups dedicated to internet freedom, have actively been supporting Backpage with these legal cases against the Jane Doe children.

Given the damage that is happening to children on sites such as Backpage (and there are many other websites like Backpage), we hope this project gives rise to two specific discussions. First, that members of Congress, tech companies, website operators, NGOs, and internet freedom groups come together to discuss ways that internet freedom can be vigorously maintained, while better protecting children victimized by online sex trafficking. Second, there is a larger question about whether website companies should bear more responsibility for harm that occurs on their sites. The evolution of doing business online has resulted in greater efficiency and profitability for companies, but now that the market has matured, why are websites still protected under Section 230 when off-line brick and mortar companies do not enjoy such protection?

Whether adults sell themselves on Backpage for consensual sex (which they do), or whether Backpage sells couches (which it does), are not topics of concern to us. Our only concern with this project is the purchase and sale of children for rape and sexual abuse and examining who should bear responsibility for that harm.

-Mary Mazzio

Mary Mazzio is an award-winning documentary filmmaker, Olympic athlete, recovering lawyer, wife of one and mother of two. For more about Mary: [www.50eggs.com/about-50-eggs/](http://www.50eggs.com/about-50-eggs/). Mary's most recent film, *Underwater Dreams*, raised approximately \$100 million dollars in public and private commitments to fund STEM education for under-represented students in partnership with the White House, where the film was screened with introductory remarks by President Obama. The film, with funding from the Gates Foundation, Bezos Family Foundation, Laurie M. Tisch Illumination Fund, and others, is doing a deep dive in major cities across the US. For more about this project, which has reached hundreds of thousands of underserved children, (including press, our partnership with NBCUniversal/Comcast, Epix, and other information), the website is: [www.UnderwaterDreamsFilm.com](http://www.UnderwaterDreamsFilm.com). President Obama's remarks are here: <https://vimeo.com/131891915>.