

Original

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

2:18-cv-01737-GMN-CWH

JODY WILLIAMS; as an individual,)
and dba SEX WORKERS)
ANONYMOUS; and TRAFFICKING)
AND PROSTITUTION SERVICES:)
both projects under the umbrella of the)
nonprofit 501c3 corporation)
OMNI-SCII,)
5516 Boulder Highway, #2F378)
Las Vegas, NV 89122,)
(702) 488-1127 Telephone)
msjodywilliams@gmail.com,)

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

Plaintiffs, appearing Pro Se)

JURY DEMAND REQUESTED

-vs-)

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COUNSEL/PARTIES OF RECORD	
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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

UNITED STATES OF AMERICA,)
And JEFFERSON B. SESSIONS,)
In his official capacity as the)
ATTORNEY GENERAL OF THE)
UNITED STATES,)
950 Pennsylvania Avenue, N.W.)
Washington, DC 20530,)

MARK ZUCKERBERG, CEO, dba)
FACEBOOK)
1 Hacker Way, Menlo Park, CA 94025)

ALPHABET, INC., a parent company)
For GOOGLE, INC.)
1600 Amphitheater Parkway)
Mountain View, CA 94043,)

AMAZON, INC.)
410 Terry Ave. North)
Seattle, WA 98109-5210,)

SHELDON G. ADELSON, as an)
Individual, and as the owner and dba)
REVIEW JOURNAL NEWSPAPER)

1 Las Vegas Review-Journal)
 1111 W. Bonanza Road)
 2 P.O. Box 70, Las Vegas, NV 89125,)
)
 3 JESSE MALEY, as an individual and as)
 VP OF PROJECT PROSPER OF)
 4 FLORIDA, and also dba SWOP, which)
 stands for SEX WORKERS OUTREACH)
 5 PROJECT, and as the reported author)
 of the website at www.ratethatrescue.org,)
 6 and as the founder of "OUT OF THE)
 LIFE, a sex trafficking program that was/is)
 7 based out of Florida,)
 1060 Lotus Pkwy, #1011)
 8 Altamonte Springs, FL 32714)
)
 9 DOES 1 through 10,)
)
 10)
 11 Defendants.)
 12)

INTRODUCTION

13
 14 This is an action for declaratory and injunctive relief challenging the constitutionality of
 15 the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 ("FOSTA" or the
 16 "Act"), which created a new federal offense that prohibits the use or operation of websites
 17 with the intent to "promote" or "facilitate" prostitution, expanded potential liability for federal
 18 sex trafficking offenses, and amended Section 230 of the Communications Decency Act of 1996,
 19 47 U.S.C. § 230 ("Section 230" or "CDA"), to limit federal immunity for online platforms that
 20 host third-party speech. Using expansive and undefined terms, FOSTA's criminal penalties and
 21 ruinous civil liability turn entirely on what content and viewpoints online speakers publish, the
 22 content and viewpoints that a platform allows to be posted, and the editorial policies a platform
 23 uses in determining whether to block, modify or remove material created by others. The law has
 24 already muzzled countless online speakers and led to closure of many online platforms that
 25 hosted their speech.
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1 By this action, Plaintiffs seek to have the Act declared unconstitutional under the First,
2 Fifth and Fourteenth Amendments of the United States Constitution, both on its face and as
3 applied to Plaintiffs, and to enjoin the government from enforcing the Act. Plaintiffs are
4 individuals and organizations engaged in constitutionally protected speech on the Internet that
5 have already been harmed by FOSTA.
6

7 Plaintiffs advocate for the decriminalization of sex work, both domestically and
8 internationally, provide education, health and safety resources, operate the only hotline in the
9 world answered by ex-sex workers and survivors of sex trafficking 24/7 that is not connected to
10 the government or law enforcement in any way, and more broadly works to support sex workers
11 in the exiting process from sex work, (sex work including prostitution, stripping, madaming,
12 porn performing, phone sex, web cam performing, and any form of sex or sexually related
13 commercial activity whether legal or illegal), as well as providing supplemental support to sex
14 workers who are working on achieving sobriety from drugs and alcohol, those who are trying to
15 escape and recover from pimps as well as from being sex trafficked, and building new safe lives
16 after these experiences, and are thus concerned that continuing their advocacy and assistance
17 efforts will be considered “promoting or facilitating” prostitution, or that prosecutors or civil
18 litigants will allege that they “recklessly disregard” that their activities may “contribute to” sex
19 trafficking.
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22 Further, they have been banned from advertising on any site for fear it will be taken as an
23 “acknowledgment” or “admission” the owners are aware of prostitution going on through their
24 site, as well as they’ve now had their url, and even the director’s personal social media and blog,
25 blocked, banned, or otherwise hidden from the public view, for fear they’ll be constructed as
26 “supporting prostitution” and thus sanctioned, their sites shut down, or even find themselves
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1 arrested as the Backpage owners were not long ago in Arizona. Examples of how they have
2 already been blocked, banned, or even prevented from sending out their url to people on
3 Facebook as part of their outreach work is attached as Exhibit 1 to this complaint.

4 This plaintiff has suffered constitutional and monetary injuries because the online
5 platforms she used to disseminate her speech have shut down because the operators reasonably
6 fear liability under FOSTA. Still others are uncertain as to the legality of their well-established
7 practices and have denied her placement of the url for www.sexworkeranonymous.com in fear of
8 violating FOSTA, and/or winding up arrested and shut down like Backpage was. A case of
9 selective prosecution if we ever saw it.

10
11 FOSTA represents the most broadly-based and comprehensive legislative censorship of
12 Internet speech since Congress passed the anti-indecency provisions of the CDA in 1996, which
13 were struck down in a unanimous Supreme Court ruling. FOSTA contains a number of
14 speech-restricting provisions, but most significantly, it:

- 15
16
- 17 A. Created new federal criminal and civil liability for anyone who “owns, manages, or
18 operates an interactive computer service” and speaks, or hosts third-party content,
with the intent to “promote or facilitate the prostitution of another person.” 18 U.S.C.
§ 2421A(a);
 - 19 B. Expanded criminal and civil liability to treat any online speaker or platform that
20 allegedly assists, supports, or facilitates sex trafficking as though they are
participating “in a venture” with individuals directly engaged in sex trafficking. Id. §
21 1591;
 - 22 C. Carved out significant exceptions to the immunity provisions of 47 U.S.C. § 230 to
23 create new criminal and civil liability for online platforms based on whether the
content and viewpoints expressed by their users’ speech might be seen as promoting
24 or facilitating prostitution, or as assisting, supporting or facilitating sex trafficking.

25 FOSTA’s prohibitions are entirely content-based, imposing harsh criminal penalties and
26 authorizing heavy civil liability for online publishers who allegedly “promote” or “facilitate” the
27 “prostitution” of another person, or who act in “reckless disregard” that their actions “contribute
28 to sex trafficking.”

1 Both through direct restrictions and because of multiple layers of ambiguity, FOSTA is
2 driving constitutionally protected speech off the Internet at a rapid pace; and, like the CDA
3 before it, FOSTA “threatens to torch a large segment of the Internet community.” *Reno v. ACLU*,
4 521 U.S. 844, 882 (1997). FOSTA’s restrictions on speech cannot satisfy strict scrutiny because
5 they do not effectively serve a compelling interest and are not the least restrictive means of
6 attempting to do so, its operative provisions are vague and overly broad, and its selective
7 alteration of federal immunity for online intermediaries is designed to promote censorship. These
8 constitutional defects are magnified by the law’s ex post facto application.
9

10 The threat to online freedom of expression is significant. As the Supreme Court explained
11 in *Reno*, the Internet burst onto the scene as a unique and wholly new global medium of human
12 communication that gave individuals access to information as “diverse as human thought” on
13 topics ranging from “*the music of Wagner to Balkan politics to AIDS prevention to the Chicago*
14 *Bulls.*” *Id.* at 849-52.
15

16 It also naturally enabled people to communicate about sex, which the Court has
17 acknowledged is “*a great and mysterious motive force in human life*” that “*indisputably [has]*
18 *been a subject of absorbing interest to mankind through the ages; it is one of The vital problems*
19 *of human interest and public concern.*” *Roth v. United States*, 354 U.S. 476, 487 (1957).
20

21 The other unprecedented innovation of online communication is that it allows individuals
22 to both publish and receive information, and it facilitates countless interactions on a worldwide
23 scale. As the first courts to consider the implications of this new medium quickly determined, the
24 Internet is “*the most participatory form of mass speech yet developed,*” and it makes possible for
25 the first time in history “*a never-ending worldwide conversation.*” *ACLU v. Reno*, 929 F. Supp.
26 824, 883 (E.D. Pa. 1996) (Dalzel, J.), *aff’d*, 521 U.S. 844.
27
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1 The need to protect the online ecosystem has become even more vital in the two decades
2 since these initial decisions, as ways to access the Web have multiplied and social media have
3 become a part of daily life. In the personal eye witness experience of the plaintiff, it was the
4 single biggest act to free up the tyranny and control a few men held over the workers and
5 performers within the sex industry as well dramatized in the film “Boogie Nights” – an unofficial
6 history of the porn industry which is intertwined completely with today’s sex industry. Porn has
7 always been a form of marketing for prostitution since photography was invented. Freedom
8 which has been inch by inch ground lost as more and more legislation has moved the workers
9 back under the control of the industry makers.
10

11 The initial impulse of Congress to this wondrous new medium was to censor it. Senator
12 James Exon proposed the CDA to prohibit “indecent” speech online as part of a comprehensive
13 rewrite of the Communications Act. At the time, Congress believed it could freely regulate
14 Internet speech under a relaxed level of First Amendment scrutiny, the same as it regulates
15 broadcast radio and television, expression directed to minors, or certain “secondary effects.”
16 Reno, 521 U.S. at 867.
17

18 Another section of the CDA, Section 507, prohibited transmission of information
19 “intended for producing abortion.” See *Sanger v. Reno*, 966 F. Supp. 151, 157-58 (E.D.N.Y.
20 1997). However, another provision of the CDA, Section 230, was added to Senator Exon’s
21 proposal as something of a First Amendment “savings clause.” Internet Freedom and Family
22 Empowerment Act, H.R.1978, 104th Cong. (1995).
23

24 It was based on the recognition that free expression on this new medium would greatly
25 depend on the ability to host third-party speech without incurring the risk of liability, and to
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1 make editorial judgments about what expression to permit. See, e.g., *Batzel v. Smith*, 333 F.3d
2 1018, 1027-29 (9th Cir. 2003).

3 Without such protections, and especially in light of the censorship provisions elsewhere
4 in the CDA, online communication would have been far less robust, diverse, and free. *Zeran v.*
5 *Am. Online, Inc.*, 129 F.3d 327, 330 (4th Cir. 1997).

6
7 The Supreme Court rejected not just the CDA's specific censorial provisions, but also the
8 very premise on which they were based, admonishing that "*our cases provide no basis for*
9 *qualifying the level of First Amendment scrutiny that should be applied to this medium.*" *Reno*,
10 521 U.S. at 870.

11
12 It raised alarms about any approach to Internet regulation that would cast doubt among
13 speakers about whether they might risk liability if they communicated about such things as birth
14 control practices, homosexuality, sexually oriented topics, or the consequences of prison rape
15 (among many other matters). *Id.* at 871.

16
17 And it has reaffirmed and expanded on these findings in decisions over the past twenty
18 years. E.g., *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002); *Ashcroft v. ACLU*, 542 U.S.
19 656 (2004). Just last year the Supreme Court observed that the Internet, and particularly social
20 media, has become an indispensable place to exchange ideas because it "*offers 'relatively*
21 *unlimited, low-cost capacity for communication of all kinds.'*" *Packingham v. North Carolina*,
22 137 S. Ct. 1730, 1735-36 (2017) (quoting *Reno*, 521 U.S. at 870). It accordingly urged "*extreme*
23 *caution before suggesting that the First Amendment provides scant protection for access to vast*
24 *networks in that medium.*" *Id.* at 1736.
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1 Throughout this same period, Section 230 of the CDA remained intact, and numerous
2 courts held its speech protective provisions provided essential support for online freedom of
3 expression. E.g., *Jones v. Dirty World Ent'm't Recordings LLC*, 755 F.3d 398, 408-09
4 (6th Cir. 2014); *Universal Commc'n Sys., Inc. v. Lycos, Inc.*, 478 F.3d 413, 418-19 (1st Cir.
5 2007); *Batzel*, 333 F.3d at 1027-29. 11.

6
7 These twin pillars of online free expression – strict scrutiny of any regulation of online
8 expression, coupled with freedom to transmit third-party speech without risk of civil or criminal
9 sanctions – have helped maintain the Internet as “*the premier technological innovation*
10 *of the present age.*” *American Libraries Ass'n. v. Pataki*, 969 F. Supp. 160, 161 (S.D.N.Y. 1997).

11
12 Because the medium is the most democratized forum for communication in human
13 history and facilitates speech that is both good and bad, there have been ongoing efforts to
14 impose various types of restrictions. Some believe Aaron Schwartz was even murdered by
15 people trying to control and regulate the internet itself.

16
17 Even after the Supreme Court invalidated the indecency regulations of the CDA,
18 Congress adopted, and for a decade the government defended, the Child Online Protection Act,
19 which sought to prohibit Internet speech considered “harmful to minors.”

20
21 But after two trips to the Supreme Court, that measure was invalidated under the same
22 principles articulated in *Reno*. See *ACLU v. Mukasey*, 534 F.3d 181 (3d Cir. 2008). The various
23 efforts to restrict online speech illustrate the difficulty of regulating in this area without going too
24 far, and underscore “*the importance of preserving free speech on the internet, even though that*
25 *medium serves as a conduit for much that is distasteful or unlawful.*” *Google v. Hood*, 822 F.3d
26 212, 220 (5th Cir. 2016).

1 Passage of FOSTA represents the latest such effort, and is another example of where
2 Congress got the balance wrong. Plaintiffs oppose all forms of human coercion and therefore do
3 not question congressional intentions – but do question their sources and true understanding of
4 the nature of what they’re trying to regulate and affect. And they support appropriately targeted
5 and effective measures to end sex trafficking.

6
7 But FOSTA will not reduce such practices; to the contrary, it only makes matters worse.
8 The law erroneously conflates all sex work with trafficking. They obviously don’t seem to be
9 able to understand the difference either between “promotion” and that of “outreach” into a
10 specific community for the purposes of providing exit resources.

11
12 By employing expansive and undefined terms to regulate online speech, backed by the
13 threat of heavy criminal penalties and civil liability, FOSTA casts a pall over any online
14 communication with even remote connections to sexual relations.

15
16 It has impeded efforts to prevent trafficking and rescue victims, and has only made all
17 forms of sex work more dangerous.

18
19 FOSTA has undermined protections for online freedom of expression, contrary to the
20 near unanimity of judicial decisions over the past two decades.

21
22 Plaintiffs therefore urge this Court to declare FOSTA unconstitutional and to enjoin its
23 enforcement.

24 PARTIES

25 Plaintiffs, JODY WILLIAMS, (hereafter “Jody”), is the founder, and current director, of
26 the World Service Office of Sex Workers Anonymous, (hereafter “SWA”), a 12-Step
27 international fellowship of men, women and transgenders modeled after Alcoholics Anonymous
28 and Narcotics Anonymous (since drug sales are illegal – more so after NA), Trafficking and

1 Prostitution Services, (for our activities that fall outside of the 12-Step traditions, or guidelines
2 set down on how to operate a 12-Step fellowship), (hereafter “TAPS), and SWAN (a program
3 that offers support to the family members of sex trafficking members, and those in the sex
4 industry modeled after Alanson – a program that offers support to the family members of
5 alcoholics), who are all projects that operate under the umbrella of the 501c3 nonprofit OMNI-
6 SCII for business purposes. The url mainly used for their outreach purposes is
7 www.sexworkersanonymous.com. She currently resides in Las Vegas, Nevada.
8

9 In order to protect the anonymity of the members of Sex Workers Anonymous, that of
10 T.A.P.S., and SWAN, this lawsuit is being brought using Jody’s name only to speak for the
11 program members’ themselves. She is filing this lawsuit with their group conscience.
12

13 Defendant, Attorney General Jefferson B. Sessions III heads the United States
14 Department of Justice, which is the agency of the United States government responsible for
15 enforcement of federal criminal laws, including the statute at issue in this case.
16

17 Defendants, United States of America includes all federal government agencies and
18 departments responsible for implementation of the Act.

19 Defendants, Facebook Inc. was founded in 2004 and is based in Palo Alto, California.
20 Facebook’s headquarters are located at 156 University Avenue, Suite 300, Palo Alto, CA 94301.
21 At all times material to this complaint, Facebook’s course of business, including the acts and
22 practices alleged herein, has been and is in or affecting commerce, as “commerce” is defined in
23 Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 45.
24

25 Facebook is the largest social network service provider in the United States. According to
26 Facebook, there are more than 350 million active users, with more than 100 million in the United
27 States. More than 35 million users update their statuses at least once each day. More than 2.5
28

1 billion photos are uploaded to the site each month. Facebook is the largest photo sharing site on
2 the internet, by a wide margin. As of August 2009, Facebook is the fourth most-visited web site
3 in the world, and the sixth most visited web site in the United State

4 Defendants, Googleplex is the corporate headquarters complex of Google and its parent
5 company Alphabet Inc.. It is located at 1600 Amphitheatre Parkway in Mountain View,
6 California, United States, near San Jose. Google is the Internet, media and technology company
7 responsible for some of the world's most utilized Internet applications and social networking
8 tools. Most Internet users know Google as the leading search engine for information on the world
9 wide web, but the company is also responsible for Android, Google Glasses and various
10 applications that help make the Internet a more user-friendly and fluid space.
11

12 Defendants, Amazon.com, Inc., doing business as Amazon (/ 'æməˌzɒn/), is an American
13 electronic commerce and cloud computing company based in Seattle, Washington, that was
14 founded by Jeff Bezos on July 5, 1994. The tech giant is the largest Internet retailer in the world
15 as measured by revenue and market capitalization, and second largest after Alibaba Group in
16 terms of total sales. The amazon.com website started as an online bookstore and later diversified
17 to sell video downloads/streaming, MP3 downloads/streaming, audiobook downloads/streaming,
18 software, video games, electronics, apparel, furniture, food, toys, and jewelry. The company also
19 produces consumer electronics—Kindle e-readers, Fire tablets, Fire TV, and Echo—and is the
20 world's largest provider of cloud infrastructure services (IaaS and PaaS). Amazon also sells
21 certain low-end products under its in-house brand Amazon Basics.
22

23 Defendants, The *Las Vegas Review-Journal* is a major daily newspaper published in Las
24 Vegas, Nevada, since 1909. It is Nevada's largest newspaper and one of two daily newspapers in
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1 the Las Vegas area. It is ranked as one of the top 25 newspapers in the United States by
2 circulation. Defendant Sheldon G. Adelson is a billionaire who purchased the Review Journal.

3 Defendants, JESSE MALEY, as an individual and as VP OF PROJECT PROSPER OF
4 FLORIDA, a 501c3 nonprofit corporation based in Florida, that is supposedly funneling money
5 to facilitate the operation of SWOP, otherwise known as SEX WORKERS OUTREACH
6 PROJECT, and as the reported author of www.ratethatrescue.org, and the founder of “Out of the
7 Life” in Florida, a sex trafficking program that may, or may not, still be in existence today. The
8 same people who built RatethatRescue, also built the slanderous site which is a direct attack
9 upon Sex Workers Anonymous and Jody Williams personally at
10 www.sexworkersanonymous.org.
11

12
13 DOE defendants 1 through 10, inclusive, are sued herein under fictitious names. Their
14 true names and capacities are unknown to plaintiffs. When their true names and capacities are
15 ascertained, plaintiffs will amend this second amended complaint by inserting their true names
16 and capacities. Plaintiffs are informed, believes, and thereon alleges that each of the fictitiously
17 named defendants is responsible in some manner for the occurrences, events, and happenings
18 herein alleged and caused injuries and damages to plaintiffs as herein alleged.
19

20 Plaintiffs are informed and believes, and thereon alleges that, at all times mentioned
21 herein, the defendants and each of them were acting for and on behalf of each of the other
22 defendants as their agent, affiliate, officer, director, manager, principal, alter ego, servant,
23 representative and/or employee and that all acts, conduct and omissions herein alleged were
24 perpetrated while said defendants were acting within the authorized course, scope and purpose of
25 said relationship(s) and with the full authority of the other defendants.
26

27 Plaintiffs are further informed and believes, and thereon alleges that, at all times
28

1 mentioned herein, the facts, circumstances and consequences of the alleged acts/omissions of the
2 defendants, along with the alleged acts/omissions themselves, were known to, ratified and
3 adopted by each of the other defendants.

4 **JURISDICTION AND VENUE**

5 This action arises under FOSTA and the United States Constitution, particularly Article I
6 and the First and Fifth Amendments as well as parts of the Fourteenth Amendment..

7 This Court has original jurisdiction over these federal claims pursuant to 28 U.S.C. §
8 1331.

9 This Court has authority to grant the requested declaratory judgment pursuant to 28
10 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57, because the case presents an
11 actual case or controversy within the Court's jurisdiction.
12

13 This Court has authority to issue the requested injunctive relief under Federal Rule of
14 Civil Procedure 65, along with its inherent power to render equitable relief.
15

16 Venue is appropriate pursuant to 28 U.S.C. § 1391(e)(1).
17

18 Plaintiff does not know the true names and capacities of defendants designated as Does 1
19 through 10, inclusive, and therefore sues such defendants by such fictitious names. Plaintiff will
20 amend its complaint when the true identities of said defendants are revealed or become known.
21

22 **MANDATORY JUDICIAL NOTICE = PRO SE FILING**

23 Jody respectfully requests this Court to take the following Mandatory Judicial Notice(s):
24 WHEREAS: *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959); *Picking v. Pennsylvania R. Co.*,
25 151 Fed 2nd 240; *Pucket v. Cox*, 456 2nd 233.

26 Pro se pleadings are to be considered without regard to technicality; pro se litigants'
27 pleadings are not to be held to the same high standards of perfection as lawyers. *Brotherhood of*
28

1 *Trainmen v. Virginia ex rel. Virginia State Bar*, 377 U.S. 1; *v. Wainwright*, 372 U.S. 335;
2 *Argersinger v. Hamlin*, Sheriff 407 U.S. 425 said that Litigants can be assisted by unlicensed
3 laymen during judicial proceedings. *Conley v. Gibson*, 355 U.S. 41 at 48 (1957), "*Following the*
4 *simple guide of rule 8(f) that all pleadings shall be so construed as to do substantial justice*"...

5 *"The federal rules reject the approach that pleading is a game of skill in which one*
6 *misstep by counsel may be decisive to the outcome and accept the principle that the purpose of*
7 *pleading is to facilitate a proper decision on the merits."*

8
9 The court also cited Rule 8(f) FRCP, which holds that all pleadings shall be construed to
10 do substantial justice. *Puckett v. Cox*, 456 F. 2d 233 (1972) (6th Cir. USCA). It was held that a
11 pro se complaint requires a less stringent reading than one drafted by a lawyer per Justice Black
12 in *Conley v. Gibson* (see case listed above, Pro Se Rights Section). *B. Platsky v. CIA*, 953 F.2d
13 25, 26 28 (2nd Cir. 1991), "*Court errs if court dismisses pro se litigant without instruction of*
14 *how pleadings are deficient and how to repair pleadings."*

15
16 Jody is proceeding in this matter "pro se", and asking the court to please accept her
17 statement about her having to appear "pro se" before proceeding into evaluation of this motion.

18
19 Pro se litigants' court submissions are to be construed liberally and held to less stringent
20 standards than submissions of lawyers. If the court can reasonably read the submissions, it
21 should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax
22 and sentence construction, or litigant's unfamiliarity with rule requirements.

23
24 *Boag v. MacDougall*, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982); *Estelle v.*
25 *Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976) (quoting *Conley v. Gibson*, 355
26 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)); *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594,
27 30 L.Ed.2d 652 (1972); *McDowell v. Delaware State Police*, 88 F.3d 188, 189 (3rd Cir. 1996);
28

1 *United States v. Day*, 969 F.2d 39, 42 (3rd Cir. 1992) (holding pro se petition cannot be held to
2 same standard as pleadings drafted by attorneys); *Then v. I.N.S.*, 58 F.Supp.2d 422, 429 (D.N.J.
3 1999).

4 The courts provide pro se parties wide latitude when construing their pleadings and
5 papers. When interpreting pro se papers, the Court should use common sense to determine what
6 relief the party desires. *S.E.C. v. Elliott*, 953 F.2d 1560, 1582 (11th Cir. 1992). See also, *United*
7 *States v. Miller*, 197 F.3d 644, 648 (3rd Cir. 1999) (Court has a special obligation to construe pro
8 se litigants' pleadings liberally); *Poling v. K. Hovnanian Enterprises*, 99 F.Supp.2d 502, 506-07
9 (D.N.J. 2000).

10 Jody has the right to submit pro se motions, even though they may be inartfully drawn
11 but the court can reasonably read and understand them. See, *Vega v. Johnson*, 149 F.3d 354 (5th
12 Cir. 1998). Courts will go to particular pains to protect pro se litigants against consequences of
13 technical errors if injustice would otherwise result. *U.S. v. Sanchez*, 88 F.3d 1243 (D.C.Cir.
14 1996).

15 Moreover, "the court is under a duty to examine the complaint to determine if the
16 allegations provide for relief on any possible theory." *Bonner v. Circuit Court of St. Louis*, 526
17 F.2d 1331, 1334 (8th Cir. 1975) (quoting *Bramlet v. Wilson*, 495 F.2d 714, 716 (8th Cir. 1974)).
18 Thus, if this court were to entertain any motion, they would have to apply the standards of *White*
19 *v. Bloom*.

20 Furthermore, if there is any possible theory that would entitle the Respondent to relief,
21 even one the respondent hasn't thought of, the court cannot dismiss or uphold the trial court's
22 ruling. Connecticut articulated a standard similar to that used in the federal courts.
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1 In *Cersosimo*, the Supreme Court stated: “*It is our established policy to allow great*
2 *latitude to a litigant who, either by choice or necessity, represents himself in legal proceedings,*
3 *so far as such latitude is consistent with the just rights of any adverse party*” (*Cersosimo v.*
4 *Cersosimo*, 449 A.2d 1026 (1982)).

5 **BACKGROUND**

6 *LEGISLATIVE HISTORY*

7
8 As enacted, FOSTA combined provisions of a bill passed by the House, the Allow States
9 and Victims to Fight Online Sex Trafficking Act of 2017, and a bill the Senate passed, the Stop
10 Enabling Sex Traffickers Act (“SESTA”), to create what experts called “the worst of both
11 worlds.” Eric Goldman, ‘Worst of Both Worlds’ FOSTA Signed Into Law, Completing Section
12 230’s Evisceration, Technology & Marketing Law Blog, April 11, 2018,
13 [https://blog.ericgoldman.org/archives/2018/04/worst-of-both-worlds-fosta-signed-into-law-](https://blog.ericgoldman.org/archives/2018/04/worst-of-both-worlds-fosta-signed-into-law-completing-section-230s-evisceration.htm)
14 [completing-section-230s-evisceration.htm](https://blog.ericgoldman.org/archives/2018/04/worst-of-both-worlds-fosta-signed-into-law-completing-section-230s-evisceration.htm).
15

16 On April 3, 2017, Representative Ann Wagner introduced FOSTA, H.R. 1865, with a
17 stated purpose of “clarify[ing] that Section 230 ... does not prohibit the enforcement ... of Federal
18 and State criminal and civil law relating to sexual exploitation of children or sex trafficking[.]”
19 163 Cong. Rec. H2629 (daily ed. Apr. 3, 2017).
20

21 As later explained in the House Report on the bill, it was “*designed to combat online sex*
22 *trafficking by providing new tools to law enforcement through a new federal criminal statute and*
23 *by making it easier for states to prosecute criminal actor websites by amending section 230 of*
24 *the Communications Decency Act.*” H.R. Rep. No. 115-572, pt. 1, at 3 (2018). The bill also
25 proposed to amend 18 U.S.C. § 1591 to define the term “participation in a venture” relating to
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27
28

1 trafficking, and to impose liability on interactive computer services in connection with
2 “publish[ing] information” in furtherance of trafficking offenses.

3 On August 1, 2017, Senator Rob Portman introduced the first version of SESTA, the
4 purpose of which was said to be the same as FOSTA. 163 Cong. Rec. S4670-71 (daily ed. Aug.
5 1, 2017), S4670S. It proposed amending Section 230 to eliminate immunity for “*any State*
6 *criminal prosecution or civil enforcement action targeting conduct*” that violates federal
7 criminal law prohibiting certain forms of sex trafficking, and to remove immunity for federal
8 civil suits by victims of sex trafficking under 18 U.S.C. § 1595. The bill defined “participation in
9 a venture” as knowingly “assist[ing], support[ing], or facilitat[ing]” sex trafficking. Id.
10

11 As Congress weighed the legislation, experts warned it would have a widespread
12 censorial impact on online speech, that it would fail to reduce trafficking, and that it would make
13 sex work itself more dangerous. Senator Ron Wyden warned the bill “*punches a hole in the legal*
14 *framework of the open internet.*” 164 Cong. Rec. S1869 (daily ed. Mar. 21, 2018). Groups as
15 diverse as the ACLU and the Cato Institute opposed the measure.
16

17 Cato cautioned that “[*a*] *combined FOSTA/SESTA would benefit established social*
18 *media platforms and trial lawyers at the expense of an open internet while doing little to prevent*
19 *sex trafficking.*” Id. S1867. The ACLU predicted “the scope of the bill’s language will
20 encompass the actions of sex workers who have no connection to trafficking whatsoever within
21 its enforcement, including effective harm reduction and anti-violence tactics.” Id.
22

23 Plaintiffs put forth that all sex trafficking takes place because of the exchange of money.
24 Where does it stop? Do we outlaw money in an effort to control sex trafficking? What about the
25 telephone? Sex trafficking happened over the phone before the internet was born, and is still
26 being used in the facilitation of sex trafficking. Do we outlaw the telephone? Did we not learn
27
28

1 from Prohibition that all outlawing something does is drive up the price and demand which
2 empowering organized crime?

3 Congress was also warned that despite its stated intention to assist law enforcement and
4 anti-trafficking efforts, the proposed law would actually hinder such efforts, and pose grave risks
5 to sex workers. Russ Winkler, a Special Agent in Charge with the Tennessee Bureau of
6 Investigation who oversees human trafficking investigations, explained the investigative value of
7 above-ground online advertising sites, and urged Congress “*to consider this as yet another*
8 *example of the need for legal structure that ensures that law enforcement can access the digital*
9 *evidence we need to keep the public safe.*” Plaintiffs agree completely with that statement as
10 spoken by someone who is actually in the trenches and knows what he’s talking about.
11

12
13 Latest Developments in Combating Online Sex Trafficking: Hearing before the
14 Subcomm. on Commc'ns and Tech. of the H. Comm. on Energy and Commerce, 115th Cong. 4
15 (2017) (statement of Russ Winkler, Special Agent in Charge, Tennessee Bureau of Investigation)
16 at p.4. The Freedom Network, an anti-trafficking organization, urged caution in making changes
17 to Section 230 immunity.
18

19 The Freedom Network explained: “*It is important to note that responsible website*
20 *administration can make trafficking more visible – which can lead to increased identification.*
21 *There are many cases of victims being identified online – and little doubt that without this*
22 *platform, they would have not been identified. Internet sites provide a digital footprint that law*
23 *enforcement can use to investigate trafficking into the sex trade, and to locate trafficking victims.*
24 *When websites are shut down, the sex trade is pushed underground and sex trafficking victims*
25 *are forced into even more dangerous circumstances. Street-based sex workers report*
26 *significantly higher levels of victimization, including physical and sexual violence. This means*
27
28

1 *that trafficking victims face even more violence, are less likely to be identified, with less evidence*
2 *of their victimization.”* [https://freedomnetworkusa.org/app/uploads/2017/10/](https://freedomnetworkusa.org/app/uploads/2017/10/FNUSAUrgesCautionCDAREform.pdf)
3 [FNUSAUrgesCautionCDAREform.pdf](https://freedomnetworkusa.org/app/uploads/2017/10/FNUSAUrgesCautionCDAREform.pdf).

4 A coalition of women’s rights organizations similarly cautioned Congress that the law
5 would harm rather than help sex workers: *“By removing online platforms for sex workers, the*
6 *legislation eliminates an important tool to screen clients and negotiate safe working conditions,*
7 *exposing sex workers to violence and putting their lives at risk. The legislation not only harms*
8 *sex workers, it will also undermine the US government’s own goal of ending trafficking.”*

9
10 *“Women’s Rights Organizations Call on Congress to Protect Sex Workers Rights in Fight to End*
11 *Trafficking of Persons,”*
12 <https://iwhc.org/press-releases/congress-protect-sex-workers-rights-end-trafficking>.

13
14 FOSTA was reported out of the House Judiciary Committee with an amendment that
15 proposed to expand the bill, to add a provision to the federal criminal code. The newly crafted 18
16 U.S.C. § 2421A, governing interactive computer services, sought to prohibit reckless
17 disregard of sex trafficking, and the promotion or facilitation of prostitution.

18
19 On February 26, 2018, the House Committee on Rules approved H.R. 1865 with an
20 amendment offered by Representative Walters that would add SESTA, creating a combined
21 FOSTA-SESTA bill as H.R. 1865. 164 Cong. Rec. H1248 (daily ed. Feb. 26, 2018). The House
22 passed H.R.1865 and the bill was referred to the Senate the following day. 164 Cong. Rec.
23 S1293 (daily ed. Feb. 28, 2018).

24
25 As the combined H.R. 1865 was proceeding toward enactment, the Department of Justice
26 wrote Representative Robert Goodlatte, one of the bill’s sponsors, to voice serious concerns. See
27 164 Cong. Rec. H1297 (daily ed. Feb. 27, 2018).
28

1 It wrote that “*Section 2421A as originally drafted is broader than necessary because it*
2 *would extend to situations where there is a minimal federal interest, such as to instances in*
3 *which an individual [] uses a cell phone to manage local commercial sex transactions involving*
4 *consenting adults.*”

5 DOJ criticized the bill’s changes to Section 1591 as “unnecessary,” and shared a “serious
6 constitutional concern” with retroactive removal of Section 230 immunity. Id. DOJ wrote that
7 “[i]nsofar as this bill would ‘impose[] a punishment for an act which was not punishable at the
8 time it was committed’ or ‘impose[] additional punishment to that then prescribed,’ it would
9 violate the Constitution’s Ex Post Facto Clause.” Id. (quoting *Cummings v. Missouri*, 4 Wall.
10 277, 325-326 (1867); and citing *Beazell v. Ohio*, 269 U.S. 167, 169-170 (1925); U.S. Const. art.
11 I, § 9, cl. 3).

12 Despite this, the House made no changes to the portions of the bill revising Section 1591
13 or to those making retroactive changes to Section 230. On March 21, 2018, the Senate approved
14 the legislation without amendment. 164 Cong. Rec. S1849 (Mar. 21, 2018).

15 The President signed H.R. 1865 into law on April 11, 2018, and FOSTA took effect. A
16 man who the plaintiffs assert “has a dog in this race” of wanting to silence the voices of sex
17 workers online coming straight from their mouths unattached by political agendas as evidenced
18 by the scandal involving him and two sex workers – Stormy Daniels and a Playboy model.

19 The Law as Enacted FOSTA effected three major changes in the law: (1) it created a new
20 federal crime, codified at 18 U.S.C. § 2421A, prohibiting the use or attempted use of any facility
21 of interstate commerce to promote or facilitate the prostitution of another person; (2) it amended
22 Section 230 of the CDA to allow state authorities to prosecute Internet service providers if the
23 underlying conduct would violate Section 2421A or 18 U.S.C. § 1591, and to permit civil causes
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1 of action based on violations of Section 1591; and (3) it expanded the scope of Section 1591 to
2 prohibit “participation in a venture” involving sex trafficking to include any action “knowingly
3 assisting, supporting, or facilitating” a violation of the law.

4 Section 2421A makes it a felony to use any means of interstate commerce, including
5 operating an interactive computer service “*with the intent to promote or facilitate the prostitution*
6 *of another person.*” It creates an “aggravated violation” of the same provision when the
7 underlying conduct “*promotes or facilitates the prostitution of 5 or more persons*” or when a
8 defendant “*acts in reckless disregard*” of the fact that his conduct “contributed to sex trafficking”
9 of a minor. The new provision also allows for civil recovery and mandatory restitution for
10 victims of the aggravated violation.
11

12 Under Section 2421A, any person or platform may be criminally liable if they own,
13 manage or operate a website or other interactive computer service with the intent to promote or
14 facilitate prostitution (or if they conspire or attempt to do so). The law does not define what it
15 means to “promote” or “facilitate” prostitution, nor does it specify what constitutes “the
16 prostitution of another person,” even though “prostitution” is not defined in federal law. Since
17 pornography is the means by which prostitution is promoted – does this mean all pornography is
18 now outlawed? Kind of hard to sell a hamburger when you can’t publish pictures of hamburgers
19 or say the word “hamburger” or create a group for hamburger lovers to congregate to market to.
20 Pornography and prostitution are as intertwined as hamburger meat and hamburger buns to a
21 hamburger. You outlaw one and you basically outlaw the other. What about art? What about
22 memoirs? Where are the lines drawn?
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1 The statutory language to “promote or facilitate” is reasonably read to extend to persons
2 who engage in broad categories of protected speech that makes sex work safer and easier,
3 including speech advocating for the decriminalization of sex work, harm reduction,
4 including speech identifying bad clients and other risks to sex workers, and speech seeking to
5 reach sex workers to inform them of their legal rights, medical resources, or other informational
6 material.
7

8 A person may be convicted of an “aggravated violation” under Section 2421A(b) if they
9 use or operate a facility of interstate commerce, including an interactive computer service, with
10 intent to promote or facilitate prostitution of another person and (1) promotes or facilitates the
11 prostitution of 5 or more persons; or (2) acts in reckless disregard of the fact that such conduct
12 “contributed to sex trafficking.” Section 2421A(b) does not define the terms “promote,”
13 “facilitate,” or “contributed to sex trafficking.”
14

15 Plaintiffs also don’t see this addressing the very real fact that legalized prostitution does
16 exist within the United States in a few counties in Nevada. What about their website? Has the
17 legal prostitution in Storey and Nye counties in Nevada now no longer allowed to promote their
18 workers without being in violation of a federal law now? Does this mean Dennis Hof has
19 committed a crime by updating the photos of his legal prostitutes he’s promoting today?
20

21 Anyone convicted of violating Section 2421A(a) shall be fined, imprisoned for up to 10
22 years, or both. Anyone convicted of an “aggravated violation” under Section 2421A(b) shall be
23 fined, imprisoned for up to 25 years, or both. In addition to criminal penalties, Section 2421A(c)
24 provides that any person injured by reason of a violation of Section 2421A(b) may recover
25 damages and attorneys’ fees in an action in federal court. Section 2421A(d) provides that, in
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1 addition to any criminal or civil penalties, a court “shall” order restitution for any aggravated
2 violation of Section 2421A(b)(2), which is subject only to a “reckless disregard” standard of
3 mens rea.

4 FOSTA’s changes to the preexisting statutory immunities contained in CDA Section 230
5 will permit both civil and criminal causes of action to be brought that previously were
6 immunized under federal law.

7 FOSTA amended Section 230(e) *to state that it shall no longer provide immunity for “(A)*
8 *any claim in a civil action brought under section 1595 of title 18, United States Code, if the*
9 *conduct underlying the claim constitutes a violation of section 1591 of that title;” “(B) any*
10 *charge in a criminal prosecution brought under State law if the conduct underlying the charge*
11 *would constitute a violation of section 1591 of title 18, United States Code;” or “(C) any charge*
12 *in a criminal prosecution brought under State law if the conduct underlying the charge would*
13 *constitute a violation of section 2421A of title 18, United States Code, and promotion or*
14 *facilitation of prostitution is illegal in the jurisdiction where the defendant’s promotion or*
15 *facilitation of prostitution was targeted.”*

16 As amended by FOSTA, Section 230 will no longer provide federal immunity for civil
17 actions brought under 18 U.S.C. § 1595, where the underlying claim constitutes a violation of 18
18 U.S.C. § 1591.

19 As amended by FOSTA, Section 230 will no longer provide federal immunity for
20 state law criminal prosecutions where the underlying charge would constitute a violation of 18
21 U.S.C. § 1591.

22 As amended by FOSTA, Section 230 will not provide federal immunity for state
23 law criminal prosecutions where the conduct underlying the charge would constitute a violation
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1 of 18 U.S.C. § 2421A involving the “promotion” or “facilitation” of prostitution in states where
2 prostitution is prohibited.

3 The Section 230 amendments became effective upon the date of FOSTA’s enactment,
4 and the changes to the CDA’s statutory immunities apply “*regardless of whether the conduct*
5 *alleged occurred, or is alleged to have occurred, before, on, or after such date of*
6 *enactment.*”

7
8 Along with the changes in Section 230, FOSTA provides that state attorneys
9 general may bring civil actions as *parens patriae* under 18 U.S.C. § 1595 if there is reason to
10 believe “*an interest of the residents of that State has been or is threatened or adversely affected*
11 *by any person who violates section 1591.*”

12
13 FOSTA’s changes to 18 U.S.C. § 1591 expand the law’s scope to define “participation in
14 a venture” to mean “knowingly assisting, supporting, or facilitating a violation of” the
15 prohibition on sex trafficking.

16
17 The amendment is ambiguous about what *mens rea* the language about “participation in a
18 venture” requires. As amended, the law does not appear to require participants to realize, or even
19 suspect, a crime has occurred or will occur. Plaintiffs also don’t see how this provides an
20 exemption for the legal prostitution that currently exists in Nevada either. Does this mean
21 Dennis Hof is committing a felony if he places a “help wanted” ad online for a new prostitute to
22 employ at the ranch?

23
24 Violations of 18 U.S.C. § 1591 are punishable by mandatory minimum sentences of ten
25 or fifteen years (depending on the victim’s age and the use of coercion), and fines of \$250,000
26 for individuals and \$500,000 for organizations.

27 Moreover, FOSTA’s amendments to Section 1591 changed the scienter structure
28

1 of the previous version of the law, which was most recently amended in 2014 to incorporate
2 “advertising” into the trafficking offense.

3 FOSTA’s expansive definition of “participation in a venture” to mean “knowingly
4 assisting, supporting, or facilitating” now means that Section 1591 encompasses many types of
5 speech other than advertising.

6
7 As a result, while those publishing advertising are protected by a specific knowledge
8 requirement, those whose speech amounts to “assisting, supporting or facilitating” sex trafficking
9 are subject to only a reckless disregard standard.

10 **FOSTA’s Immediate Impact**

11 FOSTA’s creation of new federal offenses for “promotion or facilitating prostitution” and
12 “reckless disregard of sex trafficking” with broad, undefined terms, and related retrenchments of
13 Section 230 immunity, had precisely the chilling effect on protected online speech that Congress
14 was repeatedly warned would occur.

15
16 Since FOSTA’s passage, numerous interactive computer service providers that
17 enable interpersonal contact by their users, including many that lack even a remote connection to
18 content that might be considered sexually oriented, have removed content, closed down entire
19 sections, or been shuttered altogether out of fear of state or federal prosecution, or ruinous civil
20 liability.

21
22 These include websites that host personal ads, facilitate dating and community
23 forums devoted to lawful adult sexual relationships, and online platforms that hosted speech
24 about non-sexual massage therapy. Some have taken these actions based simply on the risk of
25 liability because they cannot afford to monitor their sites under the new law.

26
27 Two days after the Senate passed H.R. 1865, Craigslist eliminated its Personals
28

1 section, including non-sexual subcategories such as “Missed Connections” and “Strictly
2 Platonic.” Users now receive “404 Errors” if they attempt to access those pages. Craigslist
3 released the following statement US Congress just passed HR 1865, “FOSTA ”, seeking to
4 subject websites to criminal and civil liability when third parties (users) misuse online personals
5 unlawfully.

6
7 Any tool or service can be misused. We can’t take such risk without jeopardizing
8 all our other services, so we are regretfully taking craigslist personals offline. Hopefully we can
9 bring them back some day. Plaintiffs not only did a lot of good solid outreach work to make
10 contact with people who are out of sex work today because of ads they placed on Craiglist for
11 Sex Workers Anonymous – but before law makers started meddling we were able to rescue a lot
12 of pimped juveniles that today are locked away from sight. We sure can’t count on one of the
13 clients to inform us of activities like this because they’ve now been criminalized so they can’t tip
14 us off without risking arrest themselves. Unless they were to call our hotline and tip us off about
15 it – but as of today how can they find us since we’ve been wiped off the internet by FOSTA?
16
17

18 To the millions of spouses, partners, and couples who met through craigslist, we wish
19 you every happiness! About FOSTA, CRAIGSLIST, <https://www.craigslist.org/about/FOSTA>
20 (last visited June 26, 2018.). Craigslist also shut down its Therapeutic Services section and will
21 not permit ads that were previously listed in Therapeutic Services to be re-listed in other
22 sections, such as Skilled Trade Services or Beauty Services. Plaintiffs are informed and believe
23 that this action also was taken as a result of the FOSTA’s enactment.

24
25 In response to FOSTA, the Desiree Alliance, an organization that advocates for
26 sex workers’ human, labor and civil rights, cancelled its July 2019 conference “Transcending
27 Borders: Immigration, Migration, and Sex Work”. The Desiree Alliance is a national coalition of
28

1 current and former sex workers, health professionals, social scientists, sex educators, and their
2 supporting networks, who work for an improved understanding of sexual policies and of the
3 human, social, and political impacts of criminalization surrounding global policies in sex work,
4 and its conference would have been the largest U.S. gathering to address human, labor, and civil
5 rights for sex workers.

6
7 In an online post, the Desiree Alliance's Director, Cris Sardina, stated that because of
8 FOSTA, "*our leadership made the decision that we cannot put our organization and our*
9 *attendees at risk.*" See <http://desireealliance.org/conference>.

10
11 Reddit – a website where users post content, including news articles, photographs,
12 or links to other online content, and participate in comment threads to discuss the “posts” – also
13 has censored itself and its users in response to FOSTA. **Reddit being yet another site that's**
14 **removed all mention of Sex Workers Anonymous' website in the process.**

15
16 On the day the Senate passed FOSTA, Reddit published an announcement that
17 specifically banned “Paid services involving physical sexual contact.” Reddit began to remove
18 several “subreddits” relating to sex, including: r/Escorts, r/MaleEscorts, r/Hookers, and
19 r/SugarDaddy. The moderator of the r/sexworkers subreddit – which is described as “a
20 community forum for sex workers, clients, and even those unaffiliated with the industry to come
21 together and ask questions and share resources” – received a warning that the subreddit could be
22 shut down if administrators felt that it infringed on Reddit's new policy.

23
24 VerifyHim formerly maintained various online tools that helped sex workers
25 avoid abusive clients. It described itself as “the biggest dating blacklist database on earth.” One
26 such resource was JUST FOR SAFETY, which had screening tools designed to help sex workers
27 check to see if they might be meeting someone dangerous, create communities of common
28

1 interest, and talk directly to each other about safety. Following passage of FOSTA, VerifyHim
2 took down many of these tools, including JUST FOR SAFETY, and explained that it is “working
3 to change the direction of the site.” Plaintiffs’ ad for SWA has also been removed for fear it will
4 be an admission they know prostitutes are using their site.

5 Nitasha Tiku, “Craigslist Shuts Personal Ads For Fear of New Internet Law,” Wired
6 (March 23, 2018), [https://www.wired.com/story/craigslist-shuts-personal-ads-for-fear-of-new-](https://www.wired.com/story/craigslist-shuts-personal-ads-for-fear-of-new-internet-law/)
7 [internet-law/](https://www.wired.com/story/craigslist-shuts-personal-ads-for-fear-of-new-internet-law/). Screening is still active, but it appears user generated safety tips have been
8 removed.

9
10 Pounced.org, a personals website serving the “furry” community with a goal of having an
11 online space dedicated solely to that community, shut down entirely. Though the furry
12 community includes people with an interest in anthropomorphized animals, which sometimes
13 includes sexual fantasies, the site did not promote prostitution or sex trafficking. As a small, free
14 site that relied on volunteer resources, the organization decided it could not take the risk of
15 moderating third-party postings to manage the new burdens created by potential liability under
16 Section 2412A, if it did not have the protection of Section 230. It expressly attributed its closure
17 to FOSTA, stating: FOSTA changes [things] in a way that makes sites operated by small
18 organizations like pounced.org much riskier to operate. FOSTA essentially says that if we
19 facilitate the prostitution of another person we’re liable.

20
21
22 If you read FOSTA carefully the bill says “or facilitate” – the problem is that “or
23 facilitate” is ill-defined. <http://pounced.org/why.html>.

24
25 FOSTA’s effects have been repeated on various platforms across the Internet. On
26 Facebook, an adult filmmaker shared a request from journalist Sofia Barrett-Ibarria seeking sex
27 workers to speak to for a Vice article on the impact of SESTA. The user was banned from the
28

1 social network for 30 days. Natasha Lennard, “*Law claiming to fight sex trafficking is doing the*
 2 *opposite – by cracking down on sex work advocacy and organizing,*”

3 The Intercept (June 13, 2018), [https://theintercept.com/2018/06/13/sesta-fosta-sex-work-](https://theintercept.com/2018/06/13/sesta-fosta-sex-work-criminalize-advocacy/)
 4 [criminalize-advocacy/](https://theintercept.com/2018/06/13/sesta-fosta-sex-work-criminalize-advocacy/) .

5 In Las Vegas, Nevada, there are sex clubs that are legal such as the Green Door. You pay
 6 a cover charge and then have sex inside the club. What about ads for legal sex clubs? Swingers
 7 clubs? Swingers advertise their parties and events also for sexual purposes. Where does the line
 8 begin and end here? What about adult toys for that matter that “facilitate” sex?
 9

10 **12-STEP PROGRAM AS RELIGION COVERED BY 14TH AMENDMENT**

11 The 12th Step of AA states, “*Having had a spiritual awakening as the result of these*
 12 *steps, we tried to carry this message to alcoholics, and to practice these principles in all our*
 13 *affairs*’ (Alcoholics Anonymous, Alcoholics Anonymous World Services Inc., at 59-60 [3d ed
 14 1976] [emphasis in original]).

15
 16 The 12th Step of Sex Workers Anonymous reads, “*Having had a spiritual awakening as a*
 17 *result of these steps, we tried to carry this message to sex workers, and to practice these*
 18 *principles in all our affairs.*” (Steps adapted courtesy of permission of Alcoholics Anonymous
 19 World Services, Inc.)

20
 21 Courts agree that AA is a religion for certain Establishment Clause purposes. See Garber,
 22 *supra* note 20, at 930; see also *Warner v. Orange Cnty. Dep’t of Prob.*, R 115 F.3d 1068, 1074–
 23 77 (2d Cir. 1997). For example, neither courts nor government agencies may compel or coerce
 24 attendance at AA meetings. See, e.g., *Griffin v. Coughlin*, 673 N.E.2d 98, 99 (N.Y. 1996).
 25 Nor may taxpayer money fund private rehabilitation centers that coerce AA attendance.
 26 *DeStefano v. Emergency Hous. Grp., Inc.*, 247 F.3d 397, 402 (2d Cir. 2001).
 27
 28

1 There are extensive cases going into the discussion that A.A. has been declared a form of
2 religion by as high as the Supreme Court of the land, with even communications between
3 members being granted the same “clergy privilege” that priests are afforded during confession
4 with their clergy members. Which is also what makes our hotline so unique.

5 We not only use the establishment of privileged communications to cover the callers to
6 our hotline to ensure they are given total confidentiality, but the founder/director has gone one
7 step further to have anyone who answers the hotline, including herself, being ordained as a
8 minister with the proper credential to hold up to a subpoena or warrant in order to totally ensure
9 that any information they receive from a call on the hotline is protected with the same degree of
10 confidentiality as they would if they were to be confessing to a priest.
11

12 The 12th step is the final part of the program where one “carries the message” of what
13 they’ve learned in their recovery out to find others who may benefit from that message. Now,
14 just as an alcoholic isn’t going to go into a bar to do that outreach work because that’s just a
15 “slippery slope” for them, so too would it be just as dangerous for us physically even to do things
16 like go out into the streets where the “tracks” are, the massage parlors, strip clubs, legal brothels,
17 etc., for us to do direct outreach. Especially with the existence of “gorilla pimps” who literally
18 just kidnap women they want to pimp, and then that’s it – they’re then trafficked. So we are not
19 going to physically endanger our members who have recovery by asking them to physically go
20 out to where prostitution is happening to do their 12-step work.
21

22 For us, our 12-step work is accomplished via the internet where we are physically safe.
23 This in our opinion is an expression of our religion. Since we are allowed to pick any “God of
24 our understanding”, this applies to all of our members whether their “higher power” is that of a
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1 Christian God, Muslim God, Buddhist views on God, or even G.O.D. – Good Orderly Direction
2 for our atheist members.

3 The United States Catholic Bishops writes at [http://www.usccb.org/issues-and-
5 action/religious-liberty/upload/](http://www.usccb.org/issues-and-
4 action/religious-liberty/upload/), "*Our_First_Most_Cherished_Liberty.pf* Religious liberty is not only
6 *about our ability to go to Mass on Sunday or pray the Rosary at home. It is about whether we can make
7 our contribution to the common good of all Americans. Can we do the good works our faith calls us to
8 do, without having to compromise that very same faith? Without religious liberty properly understood,
9 all Americans suffer, deprived of the essential contribution in education, health care, feeding the hungry,
10 civil rights, and social services that religious Americans make every day, both here at home and overseas.
11 What is at stake is whether America will continue to have a free, creative, and robust civil society—or
12 whether the state alone will determine who gets to contribute to the common good, and how they get to
13 do it. Religious believers are part of American civil society, which includes neighbors helping each other,
14 community associations, fraternal service clubs, sports leagues, and youth groups. All these Americans
15 make their contribution to our common life, and they do not need the permission of the government to
16 do so. Restrictions on religious liberty are an attack on civil society and the American genius for voluntary
17 associations.*

18
19
20 The 14th amendment allows for freedom of religious expression without restriction.
21 However how are we supposed to engage in outreach, which is part of our religion in SWA, if
22 we can't be seen online?

23 **12-STEPS AS A FORM OF THERAPY COVERED BY 14TH AMENDMENT**
24

25 In 1958, in a mostly forgotten case, the Fifth Circuit sweepingly pronounced that under the
26 Fourteenth Amendment, "the State cannot deny to any individual the right to exercise a reasonable
27 choice in the method of treatment of his ills." *England v. La. State Bd. of Med. Exam'rs*, 259 F.2d 626,
28

1 627 (5th Cir. 1958) (emphasis omitted) (holding that plaintiffs could challenge Louisiana’s prohibition on
2 the practice of chiropractic medicine as a due process violation).

3 The court’s unqualified language may have been overly optimistic, however: many years
4 later, it is hardly certain whether, and to what extent, the government can interfere with
5 individuals’ medical treatment choices.

6
7 There is significant research to establish that 12-Step programs are a form of therapy
8 that are even considered a part of medical treatment for some.

9 <https://terrygorski.com/2013/10/21/is-a-a-legally-a-religion/> states”

10
11 1. **Twelve Step Facilitation (TSF)**, a psychoeducational program which prepares
12 patients to benefit from 12-Step Groups, has been found equally and in some areas more
effective than both Cognitive Behavioral Therapy (CBT) and Motivational Interviewing (MI).

13 2. **Twelve Step Programs** have risen to the level of “a science-based intervention” for
14 substance use disorders.

15 3. **Science-based Standards:** Twelve Step Programs are now recognized in the research
16 literature as being equally effective, less expensive, and more readily available, not just when
17 compared to other recovery support groups like SMART, but when compared to professional
addiction treatment programs in general.

18 4. **Managed Care Organizations (MCOs):** Managed Care Organizations (MCOs) may
19 be one of the big winners with Obama Care. Everything healthcare will probably come under
20 some form of managed Care review. Although nothing is certain as of this writing, MCOs are
already leaning toward Twelve Step Facilitation Programs followed by a referral to 12-Step
21 Programs as the first level of intervention.

22 5. **The Impending Collision:** So what is being set into play are two powerful movements
23 involving Twelve Step Programs. To reduce healthcare costs 12-Step Facilitation may be
24 mandated as an initial level of treatment. Technically speaking, professional Twelve Step
Facilitation (TSF) programs would prepare patients to accept and succeed with a referral to 12-
Step Programs. At the same time court rulings have held Twelve Step Programs to be religious.

25 6. **The Big Bang:** The collision between the government’s obligation to control
26 healthcare costs as mandate by the ACA will propel 12-Step Program referrals and may deny
27 other services until patients have demonstrated failure at that level of care. At the same time, a
big part of the (TSF) Process will be to motivate people to get involved in Twelve Step Meetings
28 which are now legally defined as religious. Separation of Church and State may well collide with
government health care cost containment.

1 **7. Why Might It Happen?** This collision could well occur because so many addiction
2 treatment professionals, owners of addiction treatment programs, and government bureaucrats
3 won't see it coming. The government is a bloated lumbering beast gorging itself on money that it
4 doesn't have. The bureaucrats, as of this writing, cannot even get the computer hubs for
5 insurance purchases to work and this is after over three-years of preparation and over \$1.5 billion
6 dollars spent. When this system is literally imploding on itself, who is really is going to notice a
7 little thing like cost containment trumping the separation of church and state.

8 The Center of Addiction writes, "*Many people suffering from alcoholism have been*
9 *helped by AA either as an alternative to or in addition to professional treatment. Because AA*
10 *appears helpful to many people with severe alcoholism, many of its principles have been adopted*
11 *by professional treatment programs, especially those following the Minnesota Model (for*
12 *example, Hazelden/Betty Ford). Other forms of professional treatment which emphasize AA*
13 *principles or techniques have also been studied and found effective, including Twelve-Step*
14 *Facilitation Therapy or Individual/Group Drug Counseling. Most addiction treatment providers*
15 *and many healthcare professionals will also recommend AA or other peer self-help meetings as*
16 *an addition to professional treatment.*"

17 I'm sure just about anyone would agree that a sex trafficking victim would be suffering
18 from PTSD in early recovery.

19 Psychology Today at [https://www.psychologytoday.com/us/conditions/post-traumatic-](https://www.psychologytoday.com/us/conditions/post-traumatic-stress-disorder)
20 [stress-disorder](https://www.psychologytoday.com/us/conditions/post-traumatic-stress-disorder) wrote, "*Group treatment is an ideal therapeutic setting because trauma survivors*
21 *are able to seek help and support while sharing traumatic material in a safe environment. As*
22 *group members achieve greater understanding and resolution of their trauma, they often feel*
23 *more confident and able to trust themselves as well as others. As they discuss and share trauma-*
24 *related shame, guilt, fear, rage, doubt, and self-condemnation, they learn to focus on the present*
25 *rather than the past. Telling one's story and directly facing the grief, guilt, and anxiety related to*
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1 *trauma enables many survivors to cope with their symptoms, memories, and other aspects of*
2 *life.”*

3 If our 12-step program is a form of medical treatment that the American citizen has the
4 right to choose under the 14th amendment, then I ask you, how are they to find out about us if we
5 can't exercise our ability to express ourselves on the internet freely? Can a doctor advertise he
6 treats a specific problem without speaking about that problem? How therefore are we to speak
7 about the subject of sex trafficking if we can't even be seen online speaking about anything?
8

9 **Impact on Plaintiffs and Upon Sex Trafficking Itself**

10 Before Alcoholics Anonymous was created – there was no concept of alcoholism.
11 During Prohibition, the church felt alcoholism was moral weakness or even demonic possession.
12 Psychology felt it was mental illness because why else would someone do what these people did
13 such as drink wood alcohol to get their drug? Politicians felt it inspired crime. It was not until
14 the alcoholic got sober and started speaking out in the press that the very concept of alcoholism,
15 and the field of recovery, was born. Who else then would be more of an expert on alcoholism
16 than Bill Wilson? The very term “sex trafficking” would not have even been invented, let alone
17 become an Act – had it not been for the work started by Jody Williams.
18

19 There is no other program, or hotline, or person for that matter, that has worked within
20 the arena of trying to assist people of any gender over 18 years of age to either exit the sex
21 industry as a profession and/or to escape from a pimp and/or a sex trafficking situation, and to
22 find recovery after one's time within the sex industry other than myself, Jody Williams, founder
23 of the 12 Step fellowship originally called Prostitutes Anonymous in 1987. No one, no person,
24 no program, started speaking up in the media about the need for decriminalization to those forced
25 into prostitution and for an Act declaring the trafficking of Americans illegal until Jody started
26
27
28

1 doing outreach for PA, and raising public awareness about this being a very real issue as part of
2 that outreach. Accomplishments done by the power of the free press and free speech.

3 The name of this program was changed in 1995 because the word “prostitute” was not
4 able to bypass adult filters set up on the search engines such as Yahoo and Google, nor the very
5 offices who would be looking out for a resource such as this like the police department, county
6 mental health and health departments, social services, probation and parole, juvenile services,
7 domestic violence shelters, drug treatment programs detox centers, college and university
8 libraries and computer labs, university professors, reporters, politicians, therapists, counselors,
9 doctors, the CDC, and any other type of office, business or government agency who routinely
10 places adult filters on their computers their employees use when doing their work/research on
11 behalf of the clients they serve. Through trial and error, we found the only name that would
12 bypass the filters was “Sex Workers Anonymous”.
13

14
15 Thus we were forced into a name change – which then put us on the “sh**t list” of many
16 groups that belonged to the faith-based community, the Catholic Church, pro-life groups, anyone
17 who receives funding from these types of groups.
18

19 Besides putting us on this list where the religious right groups felt we were taking a
20 “position” with the name change, which was not the case (as a 12-Step group we can not take a
21 position on an outside issue such as where we stand on the legalization, decriminalization, etc.,
22 of the sex industry), we also heard the uproar from the sex workers’ rights groups such as PACE,
23 The Desire Alliance, Red Umbrella Fund, COYOTE, and other groups that existed in 1995
24 (SWOP was not created until 2003 by Robin Few – so they weren’t a problem at that time), who
25 also felt we were taking a “position” with the name change that were angered at us by what they
26 perceived as us doing this.
27
28

1 Because of the backlash we encountered with the name change, I had to embark upon a
2 telephone campaign to contact all of these groups to explain what was going on, and re-establish
3 our relationships again. Which I was able to do fairly cost-effectively because of being able to
4 locate these people online, reach out to them via email or fax, and hold conversations with them
5 online instead of the way I had before paying \$1.00 a minute for long distance phone calls and
6 paying out \$1000 a month for our phone bills to keep the hotline line open.
7

8 But we didn't have a choice if we were going to survive but to do this. To explain, prior
9 to 1987, no other hotline, nor program existed like ours which provided for the support of
10 someone wanting to exit the sex industry for whatever that reason was: whether that reason be
11 because they were being pimped, trafficked or simply getting too old or sick to continue working
12 or just getting sick of the industry and wanting to retire.
13

14 The reason was simple – the industry was so highly glamourized in America society back
15 in the 60's, 70's, 80's and 90's even when I was growing up (I was born in 1960). I grew up
16 seeing books hitting the NY Best Seller List such as the "Happy Hooker" and Xaviera Hollander
17 being treated like a rock star. There were movies made about her, she appeared on talk shows,
18 Penthouse gave her a regular column to give advice in, so she was a celebrity when I grew up.
19

20 Playboy almost made it a "rite of passage" for young starlets to break into Hollywood by
21 appearing in his magazine. But no one got more attention than the women who became
22 "centerfolds", or "Bunny of the Year". Which didn't happen unless you were at the frequent
23 parties at the mansion. Look at Dorothy Stratton's story – she worked at a Dairy Queen when
24 she was a teenager. Dorothy comes to Playboy, appears in the magazine, meets famous director
25 Peter Bogdonovich at a Hef party at the mansion, and next thing you know she's a star in big
26 Hollywood movies.
27
28

1 Everywhere you looked during the time period I grew up in, prostitution was portrayed as
2 a “victimless crime”. The whole idea of what is now called “sex trafficking” so much so didn’t
3 exist – we didn’t even have that word back then in our English language or slang even. The
4 closest word we had for the idea of “forced prostitution” was that of “white slavery”. However,
5 if you said the words “white slavery” to anyone back in my day, they’d look at you like you were
6 nuts because it was believed those kinds of things went out with the days of the Barbary Coast.

7
8 To illustrate very well how America viewed the concept of “white slavery” as outdated,
9 and no longer even existing back when I was young, I point to the 1968 very popular movie
10 “Thoroughly Modern Millie” with Julie Andrews.

11
12 This film’s plot was about a hotel in New York where females would go stay while trying
13 to become actresses. The hotel was owned by Asians who would knock these women out, and
14 then ship them out to opium dens to work as prostitutes. The setting of the movie was that of a
15 musical comedy satire. Back in the day when we only had CBS, ABC and NBC as our TV
16 channels – this meant in 1968 probably most of America saw this movie and laughed literally at
17 the idea of American women being sold into prostitution.

18
19 However, I entered into the “life” about 1979. I call it that because to work as a
20 prostitute it’s not like you just go get a job, and then after your shift you return back to your
21 personal life like you would if you were a cashier or a waitress. It didn’t work that way back in
22 that time before the internet. You couldn’t pick up a book on “How to be a Prostitute” and if you
23 could – it’s not like you’d go out and try it. It was a culture of people that you fell into almost
24 like a cult. In fact, when I was indoctrinated into that culture I was even cautioned to “cut off
25 anyone who isn’t in the game because they’re dangerous to you”. If you think it’s not an
26 identity, and just a job, let me ask you what other profession identifies by their job as that of the
27
28

1 “prostitute”. If a trucker calls to say he was kidnapped and raped do they care if he’s a
2 “trucker”? When a woman who worked as a real estate agent is murdered is she identified on the
3 news as “realtor” like we are when the news says “prostitute murdered”?

4 To be involved in prostitution means you’re also around the world of other things illegal
5 – such as drugs, guns, blackmail, even murder, gangs and mafia figures. Your tool in trade
6 becomes just as much about your ability to be discrete as it is your ability to service a clients’
7 sexual needs.
8

9 It also marks you as a target for predators. Interviews with rapists have stated they will
10 look for women like this to target because they are unlikely to be prosecuted, or even a report
11 made about the attack. There are a certain type of “bandits” who target prostitutes because they
12 know they carry a lot of cash and won’t call the police. Prostitutes are the favorite target of
13 serial killers. When’s the last time you heard of a serial killer targeting hair dressers?
14

15 In 1979 I was a drug free college student studying to become a therapist. Needing money
16 for school, I walked into a nightclub called the Valley West which was a front through which
17 drugs and prostitution entered the San Fernando Valley. Mind you, this was done long before
18 the internet even existed, so traffickers don’t need the internet at all to do what they do. This is
19 where we came from in fact.
20

21 The “family” that owned the club soon introduced me into a way of life they had been
22 doing for generations. Many of you have heard the comedian Richard Pryor talk openly about
23 his mother working in his grandmother’s brothel. These were the people I fell in with and soon I
24 was working as a madam and a prostitute.
25

26 It was while there I saw many women trapped in the life with no way out. The men
27 didn’t use force to keep them with them, nor to make them prostitute. Yes, there was violence,
28

1 but not to force them to prostitute. Again, this was a culture that you wouldn't understand unless
2 you were involved in it yourself back then. My point being what held those women there wasn't
3 guns or bars, but their children and their love of the men they were involved with. I called them
4 "pimps" because these were personal relationships these women were involved with where they
5 chose to provide for these men financially because again that was their culture.

6
7 When I was first brought into this "family" in fact, the head of the family explained to me
8 the roots of this culture came from when the African Americans were freed from slavery. He
9 told me the slave masters had gotten used to using their women for sexual purposes, and this
10 didn't change after they were freed. That the white men would come sniffing around for sex in
11 the black neighborhoods after they were freed, and these naturally became the first "red light"
12 districts.

13
14 But what were the men to do? If they even so much as tried to walk down the street they
15 could be lynched. It's not like there were "help wanted signs – negro's apply within" hung out
16 for them after they were freed. So the men capitalized on the white men waiting to be served by
17 entertaining the white men with singing, dancing, music, tending bar and selling drugs.

18
19 These early men and women were married mind you and as such the women gave their
20 money to their men to manage because that's what married couples do – whether common law or
21 not. Outcast white women found their way into these brothels because mind you this was before
22 we had things such as welfare and disability to fall back upon if you didn't have a job.
23 Remember women couldn't own property or vote back then so it was not abnormal to give their
24 money to the men to handle.

25
26 When these families disbursed and moved into urban areas, the men still weren't able to
27 find work, but their women could easily as prostitutes. So it appeared to outsiders like these
28

1 women are making money and then turning it over to this man who just sits around all day. But
2 again that's an "outsider" view that developed and was demonized within the media with
3 characters like "Huggy Bear" on Starsky & Hutch. Blackexploitation movies from the 1970's
4 didn't help those views either. Movies produced by white men.

5 Laws were invented stating it was illegal to "receive earnings from a prostitute". The
6 roots of this was not to attack sex trafficking, but to find some grounds to attack the African
7 American male and put him back into jail.

8 Why? Chain gangs. African American men might not be technically slaves of plantation
9 owners any longer, but there was need back in the past for men to work the chain gangs. The
10 pimping laws were originally put on the books to target African American men who weren't
11 working "jobs" for felony arrests. Since the word "pimp" is now so racially charged – it's been
12 substituted interchangeably today with "sex trafficking". Didn't George Carlin have a routine
13 about the "sanitization of language"?

14 If I'm wrong that this law was a smoke screen used to try and incarcerate newly freed
15 African American men – then explain to me why when the Mann Act was passed in 1910 but
16 from then until to date the only two people in our history who were ever convicted of this were
17 two African American men who married white women.

18 One was Chuck Barry the musician when he married a white woman and then went on
19 tour. The second was Jack Johnson, the boxer, who also took his white wife on tour with him
20 professionally. So even the Mann Act, supposedly written to help trafficking victims back in
21 1910, was only a smoke screen to incarcerate African American men who married white women
22 and were in the public eye to make examples of them of a "lifestyle" we didn't approve of –
23 without calling it what it was – racism.

1 After I left this “family” about 1981, I did work as an “independent” escort for a time. I
2 set up my own phone, ran my own ads, and worked entirely alone. The only people who
3 benefited from my money was myself, my mother and grandmother. My mother was suffering
4 from mental illness and severe back problems and was on disability for her income. My
5 grandmother had been living off her husband’s VA benefit which was cut in half when he died.
6 So I was taking care of my family during this time period. They were not “trafficking” me. They
7 were not pimping me either. If anything I was hiding what I was doing from them.
8

9 Yet my mother was arrested in 1984 for “pimping” me. The proof? A photo of me
10 handing her a \$20 bill and her handing me back a bucket of KFC chicken. Under the law, that
11 was felony pimping. So don’t tell me laws aren’t worded in certain ways sometimes to just be
12 able to justify any old kind of nonsense when the government wants to target someone.
13

14 Anyway, while I was working entirely alone, I was hearing in the news about a record
15 number of prostitutes being kidnapped, raped and murdered. This was Los Angeles in the
16 1980’s and even historians will tell you this was a record time for serial killings of prostitutes.
17 The Grim Sleeper killed about 200 prostitutes. The Green River killer reportedly killed about
18 400 prostitutes. The list when on. These statistics made me very scared for my safety, especially
19 when cell phones started coming out.
20

21 Before, when a client would use a land line listed telephone number I didn’t worry.
22 Those kinds of phones told me this was a real person and not going to make trouble for me. But
23 when cell phones came out – this was the first time in the history of the sex industry when
24 escorts started being attacked because the killers could order them delivered like pizza. The
25 police knew about this. It was being reported on the news. But did they do anything about it?
26 No. Why? Because we were “criminals” in their eyes. Something I sought to change when I
27
28

1 started the push for what became the Trafficking Act of 2000 so that some of us could finally be
2 recognized as the “victims” we were. I had hoped for decriminalization, so we could be treated
3 like any woman, but Attorney General Edwin Meese told me that this country will “never stop
4 arresting prostitutes – they’re too valuable as a source of filling up jails and for information”.

5 But back then, in an effort to protect myself, and other women I cared about, I started
6 networking within the industry with other madams and escorts who were also working
7 independently. We had to protect ourselves because the police wouldn’t help us. If we called to
8 report a problem pimp or john – we were the ones they’d threaten to arrest. So I set up the first
9 computerized screening service through Telecheck and TRW so we could verify a client’s
10 identity. I also opened up the first live phone sex service so a woman could “work from home”.

11 The reason was simple – I had more and more women calling me asking for help to
12 escape a violent pimp who was out of control due to the flooding of cocaine into Los Angeles
13 over what has now been called “Iran Contra”.

14 If these women went back to their regular clients, or any regular haunts or the “track”,
15 then their pimp would find them, drag them back and there would be hell to pay. Setting up the
16 phone sex service and the screening service allowed us to SCREEN OUT THE PIMPS. In
17 other words, screening allowed these women to break free of these pimps as well as to maintain
18 their physical safety from the crazy “johns”.
19

20 I had so many women at one time running away from their pimps, I decided to open up
21 an incall operation. But I wanted it to be “legal”. So I opened up a “legal” adult theater where
22 the clients came to pay \$250 to watch an adult film for 30 minutes with a nude hostess. The sex
23 was free. Therefore we were not engaging in prostitution and it was a legal business.
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1 But that's when we started getting shaken down by the police, and I kept having
2 "bandits" trying to rob us because they knew we had a lot of cash and didn't want to call the
3 police because a lot of these women had outstanding warrants out.

4 I then set up the first live phone sex business that was bringing me in about \$30,000 a
5 week. Once I had that income, I shut down the adult theater. Still having six months on my
6 lease, and because I was still getting calls to hide these women out from their pimps, I kept the
7 warehouse stocked with the beds, refrigerator, TV, and everything needed for one to live out of it
8 for a time. I later learned it was the first safe house for adult sex trafficking victims in the USA.

9
10 During this time, I was approached by men who were involved within our CIA, FBI and
11 LAPD. They wanted to involve me in operations THEY ran using prostitutes. I called this "sex
12 trafficking" because these men had no personal relationships with these women. They were
13 marketing them like cattle. These women were being forced to work as prostitutes by these men
14 threatening them with repercussions if they didn't work, and if they didn't turn over a certain
15 quota of money daily. It was not so simple for these women to escape their situation because
16 many of them were kept behind locked doors, or under guard. They were always being watched
17 by a guard of some kind.
18

19
20 We couldn't call the police to aid in their escape because the authorities were always
21 involved in the very situation we were trying to get these women help to get out of. These
22 situations were not confined to women either. I soon learned of establishments that were
23 trafficking in men and even young boys.
24

25 During this time I witnessed the actual "sales" of women in what was called "white
26 slavery". I saw women going off to jobs in other countries as singers or dancers who were
27 suddenly trapped in houses of prostitution and unable to get back home. I would try and get
28

1 them help, only to have the local authorities either do nothing, not care, not believe us as to what
2 was happening – or worse we were told there “were no laws against this” to do anything.

3 I saw women loaded onto diplomat planes at LAX. I tried calling airport security and the
4 police and I was told there was “nothing they could do” because there “were no laws” allowing
5 them to stop what was happening. Especially since these planes, by law, couldn’t be stopped or
6 searched evidently. You have to realize we had no laws against the trafficking of American
7 women back then – only Chinese women and juveniles across state lines in the Mann Act.
8

9 Every time I tried to speak to the good police, FBI, the Attorney General, etc., I was told
10 “we don’t have any laws on the books that allow us to do anything about THIS sort of thing”.
11 They couldn’t even do anything to prosecute a simple street pimp.
12

13 Why? Because the laws against pimping required proof that money was transmitted from
14 the prostitute, to the pimp’s hands. Now how can you get proof that a prostitute has given the
15 pimp her cash if she’s handing that cash to her pimp at her private residence? You can’t. Not
16 unless you get her to testify against him which would be a suicide mission – then or today.
17

18 But yet every day the police were arresting the prostitutes. Didn’t matter if they knew the
19 women had been forced for whatever reason – THEY were the ones classified as the “criminal”
20 and they went to jail back then.

21 I will never forget the day that I had tried to get some help to some women who were
22 being kept inside of a massage parlor in Hollywood, California. They weren’t allowed to leave
23 the property. It was always locked. The women there were being forced to work there. The
24 only reason I knew about it was because my clients started telling me about this place where the
25 women were being held inside like prisoners. To see if this was true, I went there to “inquire
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1 about a job” to see for myself what was going on. I soon learned they wouldn’t hire “outside
2 help” because they did in fact have a pool of women locked inside the spa they were using.

3 I went to the police who then raided the place. They raided it alright and ARRESTED
4 THE WOMEN. Then what? Where were they to go after they were arraigned I ask you? They
5 didn’t speak English. They had no money and no ID. They had no where to live and no car
6 and no family. They had been brought here from another country. So when the court let them
7 go – where were they to go? (I saw the same thing happen in 2007 in Las Vegas with Operation
8 Dollhouse by the way.) I then watched as the owner of the massage parlor came and took them
9 back BECAUSE THEY HAD NOWHERE ELSE TO GO. The police said “there’s nothing we
10 can do unless you want us to lock them up longer.”
11

12
13 Oh, and LAPD wasn’t very happy about the safe house I’d set up. Why? Because there
14 were LAPD officers who were running one of the largest escort services in LA at the time called
15 “Talk of the Town”. The women who weren’t happy about being raped by cops, their money
16 taken from them, and given quotas, would come to me to have me help them get out of the
17 industry. I’d stash them at the warehouse until we could arrange to get them out of state, and out
18 of the sex industry away from these dangerous maniacs. I was also helping women escape pimps
19 through this warehouse. So, a lot of pimps weren’t happy about it.
20

21 So how did they shut it down? They got a woman to lie and claim I had been pimping
22 her out of the warehouse by threatening to violate her probation if she didn’t lie. Since there
23 wasn’t a shred of evidence this was true, that’s why they arrested my mother under that bogus
24 “pimping” charge. Then told me they’d send her to prison for 10 years if I didn’t cop a plea.
25 Meaning my safe house was shut down under a smoke screen much like what’s being set up here
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1 today by FOSTA. I see nothing in here as to what safeguards are in place to stop someone from
2 framing another person just to shut their website down – just like I got arrested for in 1984.

3 The press backed them up too. I was dubbed “The High-Tech Madam”. The only person
4 who spoke to the press after my arrest was the arresting officer. How could I have gotten my
5 side of the story out back then? We didn’t have an internet back then. If we had – I would have
6 been able to post the truth about what was happening to me in real time. But with FOSTA –
7 where would I print a story like that if this were to happen to me today?
8

9 Something had to change. Only our media back then was being controlled by people who
10 were selling sex. No different than alcohol or tobacco = there are people who are selling sex.
11 There is a “sex industry” just as there is a “music industry” and a “fashion industry”. Only in the
12 USA, this covers the porn industry, gentlemen’s clubs, massage parlors and of course the legal
13 brothels of Nevada.
14

15 Guess who promotes these titans of the sex industry online? You guessed it – Google,
16 Facebook, Twitter, YouTube, Instagram, etc. Go to google and type in massage parlors,
17 gentlemen’s’ clubs or porn of any flavor and look at the ads that pop up. Same for Yahoo.
18 Facebook has done beta testing to direct you to your nearest massage parlor or strip club based
19 on your zip code. They also advertise these establishments.
20

21 Let me tell you about a promoter I knew who worked for the legal brothels in Nevada.
22 She told me her biggest challenge was to get the men to get past the hookers online, and in the
23 bar of the casino, to get them to go 100 miles outside of town to the brothel. She was paid by
24 commission, so every time a client bailed on an appointment she lost money. Her biggest
25 complaint was that the guy would be bombarded with women from the minute he touched down
26 at the airport to the time he would get checked in because there were prostitutes on the streets, in
27
28

1 the bars, in the lounges, standing out by the cab stands, etc. They were all over the same internet
2 she was using to try and get them into the brothel.

3 Now who do you think benefits most by cracking down hard on the illegal prostitution in
4 Nevada? The women? Or the legal brothels who want to make sure that the potential customer
5 who wants to get laid can't find anyone to cooperate with him in the hotel so he resorts to take
6 that 100-mile trip to get what he wants?
7

8 This is a battle that is raging online as we speak. If a client goes online looking to get
9 laid and all he finds are ads for massage parlors, strip clubs, legal brothels and porn – and he
10 can't find one single ad for an independent prostitute what do you think he's going to do? He's
11 going to get up and go in and pay the cover on those establishments, or he's going to purchase
12 the porn, OR he's going to purchase a "special membership" to find the information he can't find
13 free online anymore. **Only how much you want to bet who is going to benefit by patrolling
14 the internet to make sure no one else is advertising who isn't within those guy's network
15 paying them to be in that directory?**
16

17 **Prostitution is not going to go away. By outlawing the advertising online – you drive
18 the business to the traffickers just as Prohibition drove booze to the bootleggers.**
19

20 I knew we couldn't get any laws passed to change any of this until we FIRST got the
21 country to realize these things I was seeing in the 1980's were in fact real. The only way to do
22 that, was to get the voices of real life sex workers out there talking about their own personal
23 experiences. Why did it have to be their own personal experiences? Because if they tried to talk
24 about anything else, someone could get an injunction against them, or slap them with a
25 defamation lawsuit, that's why.
26
27
28

1 Back in 1987 when I launched this program, we were able to get free air time on cable
2 TV, as well as free public service announcements. On top of that, anytime anyone came on the
3 air talking about anything involving a law change – they were required to have an opposing
4 viewpoint along with them. Using these tools available to us before the Telecommunications
5 Act of 1995 passed – we were able to start getting OUR voices out there about what we, as the
6 actual workers within the sex industry, were experiencing.
7

8 To get these voices, I had the hotline. We had set up the first alternative sentencing and
9 diversion program in Los Angeles in 1987 for prostitutes. This gave us people to work with that
10 were the people we interviewed on those cable TV shows. When they had some “time”, we had
11 them going on talk shows telling their stories. The more we appeared on TV, radio and in
12 magazines and newspapers, the more calls we got from others who wanted help also.
13

14 Before the internet was born, when a social worker, police officer, probation officer,
15 therapist, etc., needed a resource – they used to have resource directories they’d look in for that
16 information. Our hotline and program were listed in all those print directories. But they were
17 expensive to purchase. Many nonprofits used to have xerox copies of the pages they needed.
18 For them, we sent them flyers to post and use on how to reach us. The printing and postage bills
19 were astronomical. To pay for the cost I was having to work two and three jobs.
20

21 Once the internet was born however, the directories were all thrown out. It was now
22 quick, easy and cheap to simply look up resources online. So when we found our website for
23 “Prostitutes Anonymous” blocked overnight by these adult filters, we tried seeing if the
24 programmers could go around them.
25

26 We were told we’d have to pay the cost of hiring programmers to come in and change
27 their codes at the cost of hundreds of thousands of dollars IF they’d even agree to let us mess
28

1 around with their codes at the companies like Yahoo and Google. Since we have no operating
2 money, and I was working three jobs as it was just to keep the phone on, that was out of the
3 question.

4 We had no choice to stay in business but to change our name. That's why we changed to
5 Sex Workers Anonymous in 1995. But it paid off in spades we felt when we were able to use the
6 internet and the press we had previous to 1995, to gather together the people who wrote and
7 passed the Trafficking Act of 2000.

8
9 Something that would not have happened had we not been able to get our voices heard.
10 Heard without having to pay to have it heard I should add – **because the “little guy” can’t even**
11 **match the money held by his oppressor.**

12
13 When the internet was born, what I witnessed was the mafia, or the “sex industry” if you
14 prefer a better term for the men who control this industry, lost control of the workers and
15 performers who were able to set up their own sites overnight. Performers were able to sell their
16 own images without going through a company anymore – keeping all the money for themselves.

17
18 The sex industry to me I find is very much like what I saw in the film “Hoffa” when it
19 showed the challenges truck drivers were up against before Hoffa organized the Teamsters.
20 Prostitutes were very much in the position truckers were before the Teamsters. They just don't
21 have a voice individually – and the people profiting off them aren't going to speak for their
22 interests either.

23
24 Only the invention of the internet allowed the prostitutes and performers to set up their
25 own companies themselves and allowed for independence – thus removing any ability these men
26 had to control them like they had controlled and exploited women like Linda Lovelace and
27
28

1 Marilyn Chambers. Back in the days before the internet, the sex industry was dominated by
2 maniacs like the Mitchell Brothers, Chuck Traynor, the Hell's Angels, Meyer Lansky, etc.

3 The internet did more than free up the hold a few men had over the workers. The internet
4 in my opinion was the best tool ever designed to not only catch, but to prove the case against, the
5 true traffickers in the sex industry.

6
7 Why? First of all, ask any cop, judge or DA and they will tell you that the prostitute, or
8 victim's testimony, isn't that stable or credible, even if she lives to testify. These women are
9 brainwashed, on drugs, traumatized, and often live in such a fantasy world in order to cope with
10 what's happened to them, it's like trying to get testimony out of a four-year-old on the stand.
11 They can be easily discredited by any good defense attorney. They can also be easily
12 intimidated into changing their testimony or just plain shut up.
13

14 I'm a case in point. I was a victim of sex trafficking myself and when the DA in my case
15 BEGGED me to "tell me what you know" I knew good and well I'd never live another day if I
16 opened my mouth. If I did live, I knew my testimony would be attacked because of who I was. I
17 also knew even if I was believed, even if I got to the stand with it, that it would just be
18 suppressed "in the interest of national security". You can't build a reliable solid case based on
19 the word of a victim alone without solid evidence.
20

21 Resting the case on the testimony of the victim is not the best way to win convictions.
22 Anyone in Vice from the 80's and early 90's will back up what I'm saying here. They know
23 how frustrating of a task it was to try and convince a prostitute to turn on her pimp or trafficker.
24

25 Can you depend upon the testimony of a client? Not since there's been a move to
26 criminalize the buying of sex you won't. Most clients are married. To afford to buy sex –
27 they're working jobs or running their own companies. These are men of substance. Look at
28

1 what's going on right now with Donald Trump. Do you think if he felt Stormy Daniels was
2 being trafficked he'd risk his neck going to the authorities about it? Give me a break. You
3 won't EVER get a conviction against a trafficker if you depend upon the testimony of a client.

4 When the internet abounded with sex workers – that was the best thing that could ever
5 happen to sex trafficking. It was so good, I was averaging the identification and rescue of on
6 average one teen victim a week. How?

7
8 Before this whole “attack Craigslist” campaign kicked up, the traffickers thought no one
9 knew what they were doing. They used to actually post real pictures on the ads. Back then, I'd
10 get a call on the hotline asking me if I could help locate a juvenile victim from either the police
11 or a mother. I'd ask for a photo of the kid.

12
13 On average, I'd locate the child within hours. Then we had to retrieve them. That was
14 easy. We had chapters of SWA all over the country. I was able to get in touch with our chapter
15 who knew who the local sex workers and “johns” were. We were able to find a customer who
16 was willing to help us set up a phony “date”. We called it a “john sting”. We would then have
17 the child back home by evening this way. The police had all of the evidence they needed from
18 the ad placement, and the money that was used to place the ad, to be able to build a case against
19 the pimp/trafficker.

20
21 We were so good at this that the movie “Fighting for my Daughter” was released in 1995
22 starting Lindsey Wagner based on our work helping to find these kids. Which is why when these
23 people started up this campaign to start attacking Craigslist I tried showing them how we were
24 making HISTORY getting these kids back in a way that wasn't possible before to do, and they
25 weren't listening. It took me some time to figure out why they weren't listening – but now I
26
27
28

1 believe I know why. **The movie also alerted the traffickers we had found a way to get to**
2 **them and they had to strike back.**

3 What I've seen coming down through law making since 2002, I believe is a campaign
4 that's been pushing the sex industry off line being manipulated by the sex industry itself. I think
5 it's no different than when Pablo Escobar got his claws into Congress to pass laws favorable to
6 drug traffickers. Did he announce it was to benefit drug traffickers? Hell no. But anyone who
7 knew the industry could see what was up. That's what I'm seeing since 2002 anyway.

8 I say that by watching what's been happening as site by site by site has been shut down
9 by these so called "do gooders". I'm sorry, but I remember when Pablo Escobar used to tell the
10 press he was "just a businessman" when he got himself into the Mexican Congress so he could
11 write laws that favored the drug trade.
12

13 Which is what I believe is happening right now with respect to the sex industry by
14 watching the impact of SESTA/FOSTA, and how it's pushing the workers back under the control
15 of the so called "legal" industries where it's impossible to get a conviction against a sex
16 trafficker. You push this offline – and how, I ask you HOW, are you going to get proof of sex
17 trafficking if you push this onto the street and into back rooms and in cash?
18

19 If I'm wrong – show me one single case of a pimp or sex trafficker that's been even filed
20 within a so called "legal" establishment within the sex industry such as a porn production
21 company, a gentlemen's club, a legal brothel, or even a bar or nightclub – where prostitution and
22 sex trafficking used to flourish before the internet was born and a small handful of men used to
23 be in control over the industry as a whole.
24

25 Pablo Escobar is a perfect example to explain the parallel to what I'm seeing going on
26 today with the sex industry and all this so called "sex trafficking" legislation. He was a drug
27
28

1 trafficker who didn't want to find himself extradited to America. If he was to have to go to jail,
2 he wanted it to be in a jail of his own construction literally which gave only the illusion of
3 incarceration. He accomplished this by going in under the arm of another person to get his foot
4 in the door of Congress, and by eliminating anyone who opposed this. Once he was in Congress,
5 he was writing laws to benefit the cocaine industry he had control over to make sure he had even
6 more control. We all know what happened after that.
7

8 **You remove the ability for independents to advertise on the net and what do we**
9 **have? We have prostitution going back to the way it was before the internet – that's what**
10 **you have. An industry I'm telling you from eye witness experience was controlled and**
11 **dominated by organized crime – that today make the Italian Five Families Mafia look like**
12 **pussies. YOU ALSO REMOVE OUR ABILITY TO DO ANYTHING TO STOP IT OR**
13 **HELP.**
14

15 This is what I've been seeing happen since the movement started to try and drive
16 prostitution off the internet because it's also very apparent the people and agencies who are
17 pushing for this have no interest in actually helping to fight sex trafficking.
18

19 If they did – how come they haven't even bothered to so much as contact, let alone
20 consult with, the very person who made the fact they can even mention the word "sex
21 trafficking" without being literally laughed at in today's society – which is myself. If this
22 problem were alcoholism – I'm Bill Wilson. This whole discussion wouldn't even be happening
23 if not for my work. It's not like you can't find me in two seconds online. It's not like I haven't
24 written the sponsors of these laws trying to get them to talk to me before they passed either.
25

26 If Ms. Wagner and Mr. Porter were doing this because they truly cared to help sex
27 trafficking victims – then why not talk to us about our thoughts at least once about this problem?
28

1 We are listed on the National Trafficking Hotline's directory so it's not like they don't know we
2 exist or that we're not legitimate. It's not like they don't know we exist because I have reached
3 out to them. If no other person has talked to as many survivors as I have over 32 years now all
4 over the USA – then why not talk to me at least once about this? I have a database of 190,000
5 members right now – why not ask to hear from them if this was about me personally?
6

7 There is no one anywhere in this country who has spoken to more people affected by this
8 very issue directly than myself. That includes Lois Lee of Children of the Night because she
9 hasn't answered her own hotline for 32 years like I have. I've personally spoken to more victims
10 of sex trafficking than ANYONE in this country – yet I have not been consulted once about what
11 I think about the issue by these people making these laws supposedly designed to help us.
12

13 Does anyone remember when big tobacco used to get up and bold face lie to Congress?
14 How about when they used to give Congress fake bought research to support their industry?
15 Remember when they launched their “stop kids from smoking” campaign which in reality was
16 just a clever marketing campaign to kids? Do you really think that as much money that is
17 involved in the sex industry – that the same tactics aren't being used today to also fool Congress?
18 Again, why have I, the person who started this very movement – have never been invited to
19 speak at Congress or about any of these laws? They've sure stacked Congress with a lot of
20 actors pretending to be victims. Hell, even actors like Aston Kutcher who I'm sorry is not
21 someone I say knows more about this subject than I do that's for sure. Especially when he's
22 appearing to ask for money and increase the hits on his website. I've got no other reason to
23 speak than the truth because I don't receive federal funding to do our work.
24
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1 The result is that the more of these laws they're passing – the further we have been
2 pushed out of being able to help the people we have set out to help to the point where our hands
3 have now been completely, utterly tied.

4 We were pushed out of the media entirely by the Telecommunications Act of 1995, and
5 even further out of the media when Sheldon Adelson announced his ban to us of all media he
6 was in control of. (See my Declaration attached for what I mean by this in more detail.) So we
7 have been unable to get the voices of our members out into the media, as well as to use the media
8 for outreach purposes, because of this every increasing push of us off the media.
9

10 That left us with the internet to do our outreach, which by the way is also part of our
11 program. Working the 12th step is doing outreach within a 12-step program. So for us, getting
12 ads out on the websites where it can be seen by those who might need to call us is how we
13 continue to make the hotline ring. It's not like the men who are in control of the industry are
14 going to put our number out there on their sites. But by telling us we can't do our outreach
15 online, you're also infringing upon my spiritual beliefs. **Since Alcoholics Anonymous has been**
16 **declared by the Supreme Court as a "religious program", then you're legislating and**
17 **regulating something that is a part of my religion, and therefore infringing upon my**
18 **religious freedom even when you block me from doing my 12th step this way.**
19
20

21 To quote Dennis Hof from the Bunny Ranch legal brothel when we asked him why he
22 wouldn't post one of our flyers up for his employees to know about us, "I spend too much money
23 getting these girls in here to have you ruin it all by taking them out of here." So the only people
24 in my opinion who want us off the internet are the men who profit off the control over this
25 industry – which is the soil upon which trafficking blooms.
26
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28

1 SWOP is no help either like they used to be. It was founded in 2003 by Robin Few.

2 When she was in control of SWOP, we worked with them as partners. They were always doing
3 harm reduction and safety education outreach directly within the industry in ways we couldn't.
4 We could count on them to do outreach we couldn't – and to provide us with referrals.

5 Our members are now in recovery. We can't go back onto the "track" where our ex-
6 pimps can see us because if they see us again they'll murder us, or kidnap us back to work again
7 under them. We can't go back to the clubs we escaped from. Nor can we go back to the people
8 who know us that will tell people we escaped from we're even still alive.

9 So SWOP used to do the outreach we couldn't do (alcoholics can't do outreach in bars –
10 it's too slippery – same concept here), and then they would provide us with referrals of people
11 who wanted help to either exit the industry, to escape a pimp, or to get out from a trafficking
12 situation. For years we had a good working partnership with them. If things were still like that –
13 I wouldn't be filing this lawsuit.

14 But Robin died in 2012. A few months after her death, we saw a whole other agenda
15 "take over" that group. A "take over" is exactly what it was also. One that was not interested in
16 the workers, but clearly one with an agenda. We watched as they tried to flush out every sex
17 worker in every major city possible. To identify them, write down their license plate numbers,
18 identify their banking information, and to gather as much information on them as possible. They
19 were even having meetings in open public places where they could easily be photographed
20 without their permission. Money was being handed out like candy from somewhere to
21 accomplish these events we could never identify the source. But it was not something real sex
22 workers do.
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1 Once they got a good handle on the local workers, they then started the campaign to
2 make sure either that they didn't know who we were, or if they did, they were not going to
3 contact us for any reason. Old time members who knew us who stood by us were literally
4 drummed right out of SWOP. Those who stood by us online were literally banned from SWOP
5 groups by the administrator. We were banned by the administrators of the groups. When we
6 asked what was going on because this violated their own rules – we were told that they were
7 threatened into doing it or they'd be removed from the "circle of influence". In any industry,
8 fashion industry, music industry, film industry – when you get blacklisted its career death. The
9 sex industry is no different. It was very clear to us and everyone who was over the age of 40
10 years old in SWOP that we had become blacklisted within SWOP for some reason.
11

12 Once they had control over SWOP, every single interview given in the press since 2013,
13 has been from the same handful of women who are simply changing their names to appear to be
14 a larger group of women than they are. I can further show you how these same interviews
15 coming out of SWOP were being used to actually cover up actual sex trafficking such as in the
16 Seattle arrests involving the Korean prostitutes. A copy of one of these articles is attached as
17 Exhibit 2. SWOP did not know these women personally, but yet were being quoted as saying,
18 "oh no they're not trafficking victims who were on that site".
19

20 The problem I have with this is that of someone who has been a sex worker. A huge
21 arrest has just gone down. People are in the process of being arrested. SWOP when they gave
22 that quote had no idea what those individual women who were on that site were involved in, nor
23 what their attorneys might have been advising them to cop to in order to defend themselves. For
24 all SWOP knew, just one of those women might have been wanting to say she was a trafficking
25 victim, whether true or not, because that was the position she wanted to take when the cops came
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1 knocking on her door. ANYONE actually truly involved in sex work who is saying they're on
2 the side of the sex worker would NEVER EVER make a position statement about something like
3 this where people are in a position to be arrested over what's going on. How did they know that
4 one of these women wasn't being trafficked and was trying to get the police to believe her? How
5 would the police believe her if SWOP is saying "oh no they're not victims"?

6
7 Also, why was SWOP being quoted about a sex trafficking bust? Let's think logically for
8 a moment here – wouldn't it be logical to contact the country's oldest, and largest, program that
9 operates a hotline for sex trafficking victims, a program that is responsible for the passing of the
10 Trafficking Act of 2000 in the first place giving this issue federal recognition if you wanted to
11 get a quote as to a sex trafficking shut down? But instead you have the reporters contacting a sex
12 workers' rights group about a sex trafficking situation? I'm sorry but I kind of feel like isn't that
13 asking Al Capone to comment on whether or not a raid on a speakeasy was one of his
14 establishments, or one of his competitors' he had the cops shut down as was his practice? The
15 ONLY place anywhere online I saw any comments from our organization about this situation,
16 one we had been involved with out of the public eye going back to 2007 actually, and did know
17 something about from the "inside view", was our social media online. Again, take that away
18 from us and you take away the only voice we have left to be heard.

19
20
21 **Please note the AUTHOR of this article is KATHERINE KOSTER – who is on**
22 **SWOP'S board by the way.** I'm sorry – but this article shows that what's happening here is
23 the loss of a free press and our right of free speech about issues that are directly related to not
24 only our personal issues, our religion, our treatment program, but also our economic income.

25
26 I say this because we had women calling us in direct connection to that operation telling
27 us horror stories of sex trafficking in that ring that was linked to Joonhon David Lee – a man who
28

1 was arrested who was involved in sex trafficking while working for Homeland Security, ICE,
2 and also on the human trafficking task forces for both California, Arizona and Nevada. While
3 caught red handed flying Chinese, and then Korean women, over to the USA on Homeland
4 Security money and time, to be trafficked, under threats of receiving the death penalty if
5 deported back to China using his ICE connections, when Liang Yaohui was involved in literally
6 1000's of massage parlors while also serving on the Chinese government which handed out death
7 penalties – he was only charged with bribery because he enjoyed “government official
8 immunity” for his actions. Yet SWOP stepped in and speaking for the women themselves
9 announced “these women were not being trafficked”. Of course in all their interviews since
10 2013 they state that “sex trafficking doesn’t exist”.

11
12
13 Now I was only able to voice my opinions about any of this in our social media online.
14 None of the reporters working on any of these stories would print anything we had to say.

15 SWOP represents itself to be for sex workers to benefit them. Okay if so then why do
16 they treat myself, and anyone who identifies as a member of Sex Workers Anonymous, as if
17 we’re a cockroach they found in their kitchen pantry to be stamped out immediately?
18

19 To prove my point, I am an ex-sex worker. I am clearly devoted personally to the idea
20 of the decriminalization of prostitution. I have been helping people within the industry for 32
21 years. I operate a hotline answered by ex-sex workers to help sex workers exit the industry. I
22 created a program that provides for an alternative to incarceration for anyone who is convicted of
23 prostitution, so they don’t have to go to jail, lose their home or have their kids taken away.
24

25 Now the idea that you don’t have to go to jail if you’re convicted of prostitution, and that
26 you can find an alternative to jail without having to hire an expensive attorney to help you I think
27 is valuable information for a prostitute to know about don’t you?
28

1 SWOP post-2013 don't seem to think so. But rather than tell someone like Amber Batts
2 in Alaska that to avoid going to jail, losing her home, kids and husband, all she had to do was
3 contact our hotline and we could have arranged for her to have received an alternative to
4 incarceration for her sentence – SWOP actively kept that information from Amber Batts. I don't
5 call that working in her best interests personally.
6

7 Even if you were a drug dealer, and you saw someone with a drug problem, or who was
8 arrested on a drug charge – would you not refer them to Narcotics Anonymous? But yet the
9 post-2013 SWOP acts like we don't even exist anymore.

10 My own uncle was an infamous Venice drug dealer who got over 1000 people into
11 Alcoholics Anonymous while he was still dealing. So anyone within an industry knows there are
12 people who need a 12-step program – but suddenly SWOP seems to have some kind of problem
13 with us. If you look at their current literature – they don't even mention the word “exit” or
14 “recovery” anywhere and they flat out deny that “sex trafficking” is even real. I'm sorry but real
15 sex workers know that's not the case. Real sex workers know there is going to come a day when
16 you're going to want to quit, or have to quit, and you're going to need some support, even help,
17 to make that transition – trafficked or not.
18
19

20 Also, if they were truly for the voices of all sex workers, both active and past, then why
21 have I been excluded from any and all of their work since 2013 when Robin died? I don't mean
22 just me either – but anyone who even so much as mentions our name is chased out with threats.
23 Why were any SWOP members who expressed any support of us chased out of SWOP and even
24 threatened physically to not speak to us again if this is truly an organization of sex workers by
25 sex workers?
26
27
28

1 Jesse Maley is not the person who took over SWOP when Robin died. She is not a co-
2 founder of it either. She had retired from the sex industry and was working as a hair salon owner
3 when I met her in 2013. That was when she was in the process of shutting down the program
4 she'd started in Florida called "Out of the Life" because residents of the program accused her of
5 using the place as a front for sex trafficking and selling drugs.

6 She claimed she was set up by pimps to get it shut down. Which is possible. Who
7 knows. All I know is the last time I spoke to her about April of 2013, she said she was
8 "retreating from the whole field because she was tired of all the infighting and going to focus on
9 her husband and her salon instead".
10

11 The people who have been controlling SWOP since 2013 have been engaging this
12 country in a very sophisticated game of "catfish". They've been getting away with paying actual
13 sex workers to license them their names, images, etc., and to sign non-disclosure agreements so
14 they can make it appear that real sex workers are in support of their position and that of SWOP.
15 They've been able to do this because the internet offers a high degree of anonymity – people
16 think because the site says it's "Jane Doe" that they're actually talking to Jane Doe. How would
17 they know that they're talking to a licensee of Jane Doe's image that was paid for because the
18 sex industry is trying to push the workers back off the internet where they can be controlled once
19 again into the streets like they were before the internet was born – by getting up under some
20 politicians who don't know diddly squat about how this industry really works who want to make
21 themselves look good for the voters? Isn't this how Hitler got control over the media so he could
22 promote his propaganda? Didn't he go after the pornographers who were in control of the
23 alternative media by claiming it was "to protect the children?" Have we learned nothing from
24 history?
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1 There has been a campaign afoot in this country since 2007 to fool the public as to what
2 the voices of sex trafficking victims have to say. That was the year we started seeing the
3 “actors” who were pushing an agenda – such as Samoly Mam to name but one who was exposed
4 as a fraud on the cover of Newsweek. She’s just one of many who have come out to send out
5 “disinformation” about what this issue is about. **Look at the amount of press she got vs. us.**

6
7 If I’m wrong, then tell me what legislation would be heard about alcoholism without at
8 least someone from Alcoholics Anonymous, if not Bill Wilson or Dr. Bob personally, there to
9 testify as to that legislation. Yet where’s been our invite to any of these hearings, meetings,
10 discussions, anything – including this lawsuit filed by the parties who include Jesse Maley, the
11 Electronic Freedom Foundation, the Internet Archive, and the Woodhull Freedom Foundation –
12 who I need to point out again are not experts in this subject nor do they have anywhere near the
13 expertise nor experience that I do – yet I was not invited to be a part of their lawsuit – forcing me
14 to file my own. Clearly even THEY didn’t want to include our voices in their so called “fight for
15 free speech”. As long as it’s anyone but us I guess they’ll call it free speech.

16
17 We have a president who has gone to great lengths to silence the voice of two women, we
18 know of, within the sex industry. I offer that if these women were not attacking Trump – we
19 STILL wouldn’t have heard from them because it’s not really them we’re hearing from. We’re
20 hearing from the people behind them making their voices heard because they have an agenda to
21 get rid of Trump as President. On their own, where were their voices before now?

22
23 When you read our complaint, and our supporting declaration, you’ll see we can’t count
24 on ANYONE to provide us with referrals for one reason or another. The ONLY chance we have
25 of reaching out to our target population we’re trying to reach is to be able to exercise our religion
26 if you will, and our right of free trade, and free speech, online without the restrictions that have
27
28

1 been placed on us by FOSTA. In the words of the author of the Trafficking Act of 2000,
2 Michael Horowitz, this movement has “become a federal entitlement program”. A copy of the
3 article where he’s quoted as saying this movement has been hijacked from its original purpose is
4 attached as Exhibit 3 to this complaint.

5 **Never heard opinions like this before? Well you won’t hear them again if you allow**
6 **SESTA/FOSTA to stand either because the last line of open uncensored communication**
7 **that I have to reach into the industry to connect to them to let them know that help is**
8 **available is through the internet.** This Act was the last nail in my coffin. I have now been
9 blocked from every site, every search engine, and I’m now completely invisible online as of
10 today.
11

12
13 That’s the impact this has had on us and the impact you will have on America is you will
14 allow sex trafficking to run unchecked and rampant again if you don’t repeal this Act
15 immediately.

16 **CAUSES OF ACTION**

17
18 **COUNT I**

19 **First Amendment—FOSTA’s Overly Broad Speech Restrictions**

20 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

21 There can be no doubt that FOSTA “prohibits a substantial amount of protected
22 expression.” It creates a new federal crime targeting anyone who “owns, manages, or operates an
23 interactive computer service” with the intent to “promote” or “facilitate” prostitution or who
24 recklessly disregards that they are “contributing to sex trafficking” and it authorizes state
25 prosecutions and civil actions for such actions.
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1 The law provides no definitions, nor does it suggest discernable limits for what might
2 constitute promotion or facilitation of prostitution or trafficking. A law is “unconstitutional on its
3 face if it prohibits a substantial amount of protected expression.” *Free Speech Coalition*, 535
4 U.S. at 244; *United States v. Stevens*, 559 U.S. 460, 473 (2010). Likewise, a law that targets
5 speech is facially unconstitutional if there is a “likelihood that the statute’s very existence will
6 inhibit free expression” by “inhibiting the speech of third parties who are not before the Court.”
7 *Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789, 799, 800 (1984). “Because
8 First Amendment freedoms need breathing space to survive, government may regulate in the area
9 only with narrow specificity.” *NAACP v. Button*, 371 U.S. 415, 433 (1963).
10

11 For that reason, “if the Government could achieve its interests in a manner that does not
12 restrict speech, or that restricts less speech, [it] must do so.” *Thompson v. W. States, Med. Ctr.*,
13 535 U.S. 357, 371 (2002).
14

15 Each of FOSTA’s operative provisions suffers from substantial overbreadth. Section
16 2421A (FOSTA § 3) criminalizes speech that may be alleged to “promote” or “facilitate”
17 “prostitution,” and FOSTA contains no definitions or limiting principles that might constrain
18 those expansive concepts. It provides for an aggravated violation and greatly heightened
19 penalties for a user or operator of an interactive computer service who “promotes or facilitates
20 the prostitution of 5 or more persons” or who “acts in reckless disregard” of the fact that his
21 conduct “contributed to sex trafficking” of a minor, again without limiting or defining what
22 constitutes a “contribution to “sex trafficking.” FOSTA’s expansion of liability under 18 U.S.C.
23 § 1591 (FOSTA § 5) to define “participation in a venture” to include “assisting or supporting, or
24 facilitating a violation of” the prohibition on sex trafficking does not appear to require that a
25 participant realize, or even suspect, that a crime has occurred or will occur. And FOSTA’s
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27
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1 amendment of Section 230 (FOSTA § 4) selectively removes statutory immunities from the 8
2 broad provisions modified by the other sections and creates a powerful incentive for online
3 platforms to restrict speech.

4 The aggravated violation set forth in Section 2421A(b)(2) is inhibiting the speech
5 of sex worker advocates even though they do not advocate for, and indeed are firmly opposed to,
6 sex trafficking. Although Section 2421A(b)(2) applies specifically to conduct “contribut[ing] to
7 sex trafficking,” Congress expressed that sex trafficking and non-trafficking prostitution are
8 “inextricably linked.” HR.. Rep. No. 115-572, pt. 1, at 6. Thus, given Congress’s view
9 conflating prostitution with sex trafficking, those who advocate for sex workers, as set forth
10 above, are reasonably fearful they will be found to be in “reckless disregard of the fact that such
11 conduct contributed to sex trafficking,” a problem compounded by the fact that “contributed to
12 sex trafficking” is undefined.

13
14
15 In the music industry, you have bootlegging. Can you separate bootlegging from the
16 music industry? No. What about ticket scalping? Nope. Does the fact ticket scalping exist
17 mean every ticket sold is illegally sold? No. What this law is doing is essentially outlawing
18 every online source that even talks about concert tickets however. It has the same affect because
19 the sex industry is just that – AN INDUSTRY. You can’t separate sex trafficking from
20 prostitution or the sex industry anymore than you can the music industry either.

21
22 FOSTA’s amendment to 18 U.S.C. § 1591 does not define what constitutes “assisting,
23 supporting, or facilitating” or “contributing to” sex trafficking. The breadth and indeterminacy of
24 those terms threatens to impose criminal liability based on mere generalized knowledge of
25 another’s conduct.
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1 FOSTA's prohibitions are not limited to online platforms that host advertising, that
2 provide adult services, or even that "offer" any kind of services at all. Under FOSTA,
3 anything on an online platform, commercial or non-commercial alike, that can be said to
4 "promote" or "facilitate" prostitution or trafficking is at risk of criminal prosecution or ruinous
5 civil liability.

6 Accordingly, websites that support sex workers by providing health-related
7 information or safety tips could be charged with promoting or facilitating prostitution.
8 Additionally, websites that make possible any interpersonal or intimate connections, such as
9 "personals" or "dating" information, face obvious risks from prosecutors and civil litigants.
10

11 FOSTA's broad provisions empower 50 state attorneys general and enterprising
12 plaintiffs' lawyers across America to concoct arguments for what might constitute "promoting"
13 or "facilitating" prostitution or trafficking.
14

15 FOSTA's overbreadth is not cured because it preserves immunity under Section
16 230(c)(2), which shields service providers from liability for "good faith" efforts to restrict access
17 to material they consider to be "obscene, lewd, lascivious, filthy, excessively violent, harassing,
18 or otherwise objectionable, whether or not such material is constitutionally protected."
19 47 U.S.C. § 230(c)(2). FOSTA's selective modification of intermediary immunity under Section
20 230 creates an overwhelming incentive to over-censor online speech. Moreover, immunity under
21 Section 230(c)(2) does not affect the new federal crime created by 18 U.S.C. § 2421A, which
22 itself is overly broad.
23

24 As a direct and proximate result of Defendants' violation of the Free Speech Clause of
25 the First Amendment, Plaintiffs have suffered irreparable harm, including the loss of their
26 constitutional rights, entitling them to declaratory and injunctive relief and nominal damages.
27
28

COUNT II

First Amendment—FOSTA’s Content-Based

Restrictions Fail Strict Scrutiny

1
2 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

3
4 FOSTA as a whole targets online speech, creating new federal offenses and removing
5
6 current statutory immunities for anyone who “owns, manages, or operates an interactive
7
8 computer service.” 18 U.S.C. § 2421A(a); 47 U.S.C. § 230(e)(5). FOSTA’s prohibitions are
9
10 entirely content-based, imposing harsh criminal penalties and authorizing heavy civil liability on
11
12 any online publisher who “promotes” or “facilitates” the prostitution of another person or who
13
14 acts in “reckless disregard” that their actions “contributed to sex trafficking.”

15
16 The new federal crime set forth in 18 U.S.C. § 2421A (FOSTA § 3) is itself a
17
18 content-based restriction on speech. The provision makes it a felony to use any means of
19
20 interstate or international commerce, including operating an interactive computer service “with
21
22 the intent to promote or facilitate the prostitution of another person.” Determining what speech
23
24 might constitute “promoting” or “facilitating,” or what acts are included in “prostitution” require
25
26 the government to base criminal liability on the content of speech.

27
28 The statutory language to “promote or facilitate” extends to websites or individuals who
engage in broad categories of protected speech, including speech advocating for the legalization
of prostitution, harm reduction, including speech identifying bad clients and other risks to sex
workers, speech seeking to reach sex workers to inform them of their legal rights, medical
resources, or other informational material.

FOSTA’s changes to 18 U.S.C. § 1591 also impose a content-based restriction on
speech. By expanding the law’s definition of “participation in a venture” to mean “knowingly

1 assisting or supporting, or facilitating a violation” of the law, it requires the government to
2 evaluate what speech may be liable under those capacious terms.

3 FOSTA’s amendment of Section 230(e) of the CDA imposes a content-based
4 restriction on speech by selectively removing immunities designed to promote online freedom of
5 expression. The removal of immunity for cases brought under 18 U.S.C. § 2421A, or 18 U.S.C.
6 § 1591 (and its civil counterpart 18 U.S.C. § 1595), incorporates the content-based speech
7 restrictions adopted in FOSTA’s other sections. Accordingly, the same First Amendment
8 infirmities that apply to those sections are equally true of the Section 230(e) amendment.
9 Additionally, because of the selective removal of immunity, the changes to Section 230 create a
10 government-induced incentive for online platforms to censor third-party speech for any area of
11 human interaction that even arguably falls within FOSTA’s reach.
12
13

14 As a general matter, “the First Amendment means that government has no power
15 to restrict expression because of its message, its ideas, its subject matter, or its content.”
16 Stevens, 559 U.S. at 468 (quoting *Ashcroft v. ACLU*, 535 U.S. 564, 573 (2002)). “[R]egulation of
17 speech is content based if a law applies to particular speech because of the topic discussed or the
18 idea or message expressed.” *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2227 (2015);
19 *United States v. Playboy Entm’t Grp., Inc.*, 529 U.S. 803, 811 (2000). Such content-based
20 restrictions of speech, “enforced by severe criminal penalties, have the constant potential to be a
21 repressive force in the lives and thoughts of a free people.” *ACLU*, 542 U.S. at 660. “A law that
22 is content-based on its face is subject to strict scrutiny regardless of the government’s benign
23 motive, content-neutral justification, or lack of ‘animus toward the ideas contained’ in the
24 regulated speech.” *Reed*, 135 S. Ct. at 2228 (citation omitted).
25
26
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1 The First Amendment “demands” that such restrictions “be presumed invalid, and that
2 the Government bear the burden of showing their constitutionality.” *ACLU*, 542 U.S. at 660
3 (citations omitted).

4 To satisfy strict scrutiny, the government must prove the law is “narrowly tailored to
5 promote a compelling Government interest,” meaning it must directly advance the government’s
6 interest, it must be neither overinclusive nor underinclusive, and no “less restrictive alternative
7 would serve the Government’s purpose.” *Playboy Entm’t Grp.*, 529 U.S. at 813.

8 FOSTA fails strict scrutiny because the law does not directly advance the government’s
9 objective. To the contrary, as Congress was warned, the law has made it more difficult for law
10 enforcement to investigate trafficking, and hindered operations of anti-trafficking organizations.
11 Statement of Freedom Network, “Freedom Network Urges Caution in Reforming the CDA.”
12

13 FOSTA also fails strict scrutiny because it is not narrowly tailored. It prohibits
14 both commercial and non-commercial speech about sex work that does not involve sex
15 trafficking. It also criminalizes speech that furthers public health and welfare goals such as
16 provision of health and educational resources to consensual, adult sex workers, as well as
17 advocacy for the decriminalization of sex work. Congress’ belief that this non-commercial
18 speech about prostitution contributes to sex trafficking is not supported by evidence.
19

20 FOSTA also fails strict scrutiny because its draconian approach imposes the most,
21 not the least, restrictive alternative to restricting online speech. See *Free Speech Coalition*
22 , 535 U.S. at 244 (“a law imposing criminal penalties on protected speech is a stark example of
23 speech suppression” and “a textbook example of why we permit facial challenges to statutes that
24 burden expression”). Violations of Section 2421A are subject to 10 years in prison, while
25 aggravated violations carry a sentence of up to 25 years. 18 U.S.C. § 2421A(a)-(b). In addition,
26
27
28

1 FOSTA authorizes criminal enforcement both by federal authorities and by the 50 state attorneys
2 general. 18 U.S.C. § 2421A(a); 47 U.S.C. § 230(e)(5); 18 U.S.C. § 1595(d).

3 FOSTA imposes these criminal penalties on speech despite the fact that federal
4 law already prohibits sex trafficking and allows the government to prosecute those who exploit
5 their victims. 18 U.S.C. § 1591. FOSTA instead expands the scope of the law to punish those
6 who host speech of which the government disapproves.
7

8 However, under the First Amendment, “[t]he normal method of deterring unlawful
9 conduct is to impose an appropriate punishment on the person who engages in it.” *Bartnicki v.*
10 *Vopper*, 532 U.S. 514, 529-30 (2001).

11 In addition, FOSTA authorizes civil damages claims in federal court, strips away
12 existing statutory immunities from civil liability in state and federal courts, and imposes
13 mandatory restitution “in addition to any other civil or criminal penalties authorized by law.”
14 18 U.S.C. § 2421A(c)-(d); 47 U.S.C. § 230(e)(5). Just as with criminal penalties, the prospect
15 of significant civil liability based on the exercise of free speech is circumscribed by the First
16 Amendment. *Snyder v. Phelps*, 580 F.3d 206, 217-18 (4th Cir. 2009), *aff’d*, 562 U.S. 443
17 (2011); *New York Times Co. v. Sullivan*, 376 U.S. 254, 264-65 (1964).
18
19

20 The government cannot meet the “heavy burden” under strict scrutiny, *Reno*, 521
21 U.S. at 879, unless it can show FOSTA restricts speech “no further than necessary.” *ACLU*, 542
22 U.S. at 666. Strict scrutiny is not satisfied where Congress has used “a butcher knife on a
23 problem that requires a scalpel to fix.” *Backpage.com, LLC v. Cooper*, 939 F. Supp. 2d 805, 813
24 (M.D. Tenn. 2013). Because FOSTA does not employ the least restrictive means of satisfying its
25 purpose, the Court should declare that the law violates the First Amendment.
26
27
28

1 As a direct and proximate result of Defendants’ violation of the Free Speech Clause of
2 the First Amendment, Plaintiffs have suffered irreparable harm , including the loss of their
3 constitutional rights, entitling them to declaratory and injunctive relief and nominal damages

4 **COUNT III**

5 **First and Fifth Amendments—FOSTA’s Vague Speech Restrictions**

6 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

7 Not only is FOSTA overly broad, its restrictions on speech also are unconstitutionally
8 vague. It imposes criminal penalties based entirely on speaking or publishing online
9 with the “intent” to “promote” or “facilitate” the prohibited offenses but does not define those
10 terms. The Act creates further ambiguity by increasing punishment for those who act “in
11 reckless disregard of the fact that such conduct contributed to sex trafficking,” yet with no
12 definition of what it means to “contribute to sex trafficking.” 18 U.S.C. § 2421A(b)(2).
13
14

15 As a general proposition, vague laws offend due process because they fail to give
16 people of ordinary intelligence fair warning of what conduct is prohibited, allow arbitrary and
17 discriminatory enforcement, and delegate basic policy matters to policemen, judges and juries for
18 resolution on an ad hoc and subjective basis. *Grayned v. City of Rockford*, 408 U.S. 104, 108
19 (1972). Statutory vagueness takes on added significance where the government seeks to regulate
20 speech. Entirely apart from due process concerns, vague statutes that affect “sensitive areas of
21 basic First Amendment freedoms” are unconstitutional because they “inevitably lead citizens to
22 ‘steer far wider of the unlawful zone’ ... than if the boundaries of the forbidden areas were
23 clearly marked.” *Id.* at 109.
24
25

26 A vague law that regulates expression “raises special First Amendment concerns
27
28

1 because of its obvious chilling effect on speech.” *Brown v. Entertainment Merchs. Ass’n*, 564
2 U.S. 796, 807 (2011) (Alito, J., concurring) (quoting *Reno*, 521 U.S. at 871-72). “Where a
3 statute’s literal scope ... is capable of reaching expression sheltered by the First Amendment, the
4 [vagueness] doctrine demands a greater degree of specificity than in other contexts.”
5 *Smith v. Goguen*, 415 U.S. 566, 573 (1974). And where penal statutes are involved, as they are
6 with FOSTA, “[p]recision of regulation must be the touchstone in an area so closely touching our
7 most precious freedoms.” *NAACP*, 371 U.S. at 433.

8
9 FOSTA falls far short of this constitutional standard. It imposes criminal penalties based
10 entirely on speaking or publishing online with the “intent” to “promote” or “facilitate” the
11 prohibited offenses but does not define those terms. The Act creates further ambiguity by
12 increasing punishment for those who act “in reckless disregard of the fact that such conduct
13 contributed to sex trafficking,” yet with no definition of what it means to “contribute to sex
14 trafficking.” 18 U.S.C. § 2421A(b)(2). The vagueness of “contributed to sex trafficking” is
15 compounded by Congress’s belief that sex trafficking and consensual sex work are “inextricably
16 linked,” thus raising the probability that Congress considers anything that “contributes to” sex
17 work, whatever that means, to also “inherently” “contribute to sex trafficking.”
18
19

20 Even under normal due process standards, an intent to “facilitate” criminal activity can be
21 constitutionally vague. FOSTA’s inclusion of an “intent” standard does nothing to cure the law’s
22 vagueness where the operative terms “promote” or “facilitate” are ambiguous and undefined.
23

24 The language added to Section 1591, defining “participation in a venture” to mean
25 “assisting, supporting, or facilitating” muddies rather than clarifies the provision because
26 Congress at the same time asserted an “inherent link” between sex trafficking and consensual,
27 adult sex work.
28

1 The result is a great ambiguity regarding whether Congress included any speech
2 “assisting” sex workers to also be inherently “assisting” sex trafficking.

3 FOSTA’s vague mandate can be used by prosecutors and private litigants in all 50
4 states to censor speech and threaten lifestyle choices with which they disagree. FOSTA provides
5 them the perfect tool for driving material they dislike from the Internet , even though it is
6 constitutionally protected.
7

8 Given the massive criminal penalties and the prospect of onerous civil liability, online
9 platforms large and small will have no choice but to “steer far wider of the unlawful zone.”
10 Grayned, 408 U.S. at 108 (citation omitted).

11 As a direct and proximate result of Defendants’ violation of the Free Speech Clause of
12 the First Amendment, and the Fifth Amendment, Plaintiffs have suffered irreparable harm ,
13 including the loss of their constitutional rights, entitling them to declaratory and injunctive relief
14 and nominal damages.
15

16 **COUNT IV**

17 **First Amendment—FOSTA’s Selective Removal of Statutory Immunity**

18 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

19 Section 230 of the CDA was predicated on an understanding that the Internet
20 would be crippled if online providers could be held liable for third-party content, “given the
21 volume of material communicated ..., the difficulty of separating lawful from unlawful speech,
22 and the relative lack of incentives to protect lawful speech.” Lycos, 478 F.3d at 418-19. At the
23 same time, Congress recognized that Internet service providers are likely to abandon efforts to
24 self-regulate content posted on their sites if efforts “to review and omit third-party defamatory,
25 obscene or inappropriate material make a computer service provider ... liable for posted speech.”
26
27
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1 Batzel, 333 F.3d at 1029.

2 To serve these twin goals, Congress adopted two different immunity provisions:
3 Section 230(c)(1), which bars imposing liability on service providers for alleged harms arising
4 from content posted by third parties, and Section 230(c)(2) which shields service providers from
5 liability for good faith efforts to restrict access to material they consider to be “obscene, lewd,
6 lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such
7 material is constitutionally protected.” Together, the two immunity provisions reinforce
8 important First Amendment protections.
9

10 FOSTA selectively limits the scope of immunity for third-party postings that
11 relate to prostitution and sex trafficking and does not define what it means for an online platform
12 to “promote” or “facilitate” prostitution or trafficking. Nor does it define what constitutes
13 “prostitution” or “contributing to sex trafficking.” Accordingly, the newly structured
14 “immunity” provisions leave intermediaries with only one choice – to broadly censor third-party
15 content even though it is constitutionally protected.
16

17 FOSTA amended Section 230(c)(1) of the CDA, which previously provided that online
18 intermediaries are not to be treated as the publisher or speaker of third-party speech, so
19 that it no longer bars civil claims under 18 U.S.C. § 1595; state criminal charges where
20 underlying conduct would violate 18 U.S.C. § 1591; or state criminal charges for conduct that
21 would violate 18 U.S.C. § 2421A in jurisdictions where prostitution is illegal. By limiting the
22 scope of Section 230(c)(1) and preserving only the immunity of (c)(2) based on blocking or
23 removing posted content, FOSTA transforms the law into an engine of censorship contrary to
24 First Amendment principles.
25
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1 As modified by FOSTA, the only way for an online platform to be confident that Section
2 230 immunity still applies is to over-censor what may be posted – and to do so, as Section
3 230(c)(2) provides, “whether or not [such speech is] protected by the First Amendment.” 47
4 U.S.C. § 230(c)(2).

5 Because FOSTA enables enforcement through potential state prosecutions and
6 civil claims, websites are compelled by the law to err on the side of excessive censorship, and the
7 new provisions provide a mechanism for the exercise of a heckler’s veto.
8

9 Past experience suggests that those seeking to impose liability under Sections 1591 or
10 1595 (and, by logical extension, under the new federal crime under § 2421A), simply will argue
11 that any website that allows postings regarding “escorts” or “adult services” (or anything else
12 promoting human interaction, such as “dating” or “personals”) is promoting or facilitating
13 prostitution, or contributing to sex trafficking.
14

15 Section 230 previously barred liability based on bare allegations that a website
16 “encouraged” unlawful content in some way based on the understanding that such a basis for
17 liability would effectively eclipse the immunity Congress sought to provide. E.g., Jones, 755
18 F.3d at 408-09. Under FOSTA, it is not necessary to allege a website encouraged the posting of
19 material in violation of its provisions, but only that the operator “promoted” or “facilitated
20 ” prostitution, or disregarded that postings “contributed to sex trafficking,” which could be
21 anything.
22

23 The only rational response under FOSTA is for websites to broadly censor
24 constitutionally protected material and immediately take down material subject to a complaint,
25 which is exactly what has occurred FOSTA passed.
26
27
28

1 Whether or not this was the intended outcome, it is the inexorable result of the way
2 FOSTA is drafted, and it cannot be reconciled with the First Amendment.

3 As a direct and proximate result of Defendants' violation of the Free Speech Clause of
4 the First Amendment, Plaintiffs have suffered irreparable harm , including the loss of their
5 constitutional rights, entitling them to declaratory and injunctive relief and nominal damages
6

7 **COUNT V**

8 **First Amendment—FOSTA's Defective Scienter Standard**

9 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

10 FOSTA is unconstitutional because it seeks to evade constitutional requirements
11 for scienter. The First Amendment precludes the government from imposing liability for
12 distributing expressive materials without proof of scienter. *Smith v. California*, 361 U.S. 147
13 (1959). "The Constitution requires proof of scienter to avoid the hazard of self-censorship of
14 constitutionally protected material" *Mishkin v. New York*, 383 U.S. 502, 511 (1966). See
15 *Elonis v. United States*, 135 S. Ct. 2001, 2009 (2015) ("[W]rong doing must be conscious to be
16 criminal.") (citation omitted).
17

18 FOSTA amended 18 U.S.C. § 1591 to provide that violation of the law requires
19 only "participation in a venture" that includes "knowingly assisting, supporting, or facilitating"
20 prostitution or trafficking.
21

22 However, the law does not define what constitutes "assisting, supporting, or facilitating"
23 such activities. While FOSTA requires "intent" to promote or facilitate prostitution, the breadth
24 and vagueness of those terms threatens to impose criminal liability based on mere generalized
25 knowledge of another's conduct.
26

27 FOSTA's "aggravated" offense under 18 U.S.C. § 2421A(b)(2) further dispenses
28

1 with scienter by imposing liability based on “reckless disregard” of the fact that conduct
2 “contributed to sex trafficking.” This provision strips away the requirement of specific
3 knowledge mandated by the Constitution in favor of an amorphous standard that – like the 49
4 “promote or facilitate” language – threatens liability based on inferences of generalized
5 knowledge. The predictable result of this legislation has been “self-censorship of
6 constitutionally protected material” on a massive scale. *Mishkin*, 383 U.S. at 511.
7

8 As a direct and proximate result of Defendants’ violation of the Free Speech Clause of
9 the First Amendment, Plaintiffs have suffered irreparable harm , including the loss of their
10 constitutional rights, entitling them to declaratory and injunctive relief and nominal damages
11

12 COUNT VI

13 **Fifth Amendment and Article I of the Constitution**

14 **FOSTA’s Ex Post Facto Provisions**

15 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

16 Section 4(b) of FOSTA sets forth an effective date to allow enforcement “regard-
17 less of whether the conduct alleged occurred, or is alleged to have occurred, before, on, or after
18 such date of enactment.”
19

20 This provision implements changes to 47 U.S.C. § 230(e), which authorizes (1) civil
21 claims that are predicated on violations of criminal law set forth in 18 U.S.C. § 1591; (2)
22 criminal prosecutions brought under state law where the underlying conduct violates
23 Section 1591; and (3) criminal prosecutions brought under state law where the underlying
24 conduct violates the newly adopted prohibitions in 18 U.S.C. § 2421A.
25

26 On its face, FOSTA violates the Constitution’s command that “[n]o ... ex post facto Law
27 shall be passed.” U.S. Const. art. I, § 9. This “presumption against retroactive legislation is
28

1 deeply rooted in our jurisprudence, and embodies a legal doctrine centuries older than our
2 Republic.” *Landgraf v. USI Film Prods.*, 511 U.S. 244, 265 (1994). The Supreme Court has long
3 recognized retroactive legislation as “oppressive, unjust, and tyrannical,” and therefore
4 “condemned by the universal sentence of civilized man.” *Ogden v. Sanders*, 25 U.S.
5 (12 Wheat.) 213, 266 (1827).

6
7 FOSTA (1) allows states to prosecute conduct that states could not prosecute at
8 the time it occurred, and (2) exposes defendants to increased penalties that were
9 unavailable prior to FOSTA. This is precisely the type of legislation the Ex Post Facto
10 Clause was designed to prohibit, because it “makes an action, done before the passing of the law,
11 and which was innocent when done, criminal.” *Calder v. Bull*, 3 U.S. (3 Dall.) 386, 390 (1798);
12 *Bailey v. Fulwood*, 793 F.3d 127, 135 (D.C. Cir. 2015)

13
14 The prohibition on ex post facto laws is also necessary to protect due process.
15 Through the prohibition on Ex Post Facto Clause, “the Framers sought to assure that legislative
16 Acts give fair warning of their effect and permit individuals to rely on their meaning until
17 explicitly changed.” *Weaver v. Graham*, 450 U.S. 24, 28-29 (1980). It also “restricts govern-
18 mental power by restraining arbitrary and potentially vindictive legislation.” *Id.* at 29. “Critical
19 to relief under the Ex Post Facto Clause is ... the lack of fair notice and governmental restraint
20 when the legislature” punishes conduct in excess of what was prescribed when it occurred.
21 *Id.* at 30.

22
23 These same considerations bar enforcement of FOSTA’s amendment to Section
24 230(e)(5)(A), which eliminates immunity for civil actions predicated on violations of 18 U.S.C.
25 § 1591.
26
27
28

1 The Ex Post Facto Clause limits civil legislation that has a punitive effect. *Flemming v.*
2 *Nestor*, 363 U.S. 603 (1960); *Burgess v. Salmon*, 97 U.S. (7 Otto) 381, 385 (1878).

3 In this case, FOSTA’s selective modification of statutory immunity from civil liability
4 applies only to actions found to violate federal criminal law. See *Baltimore & Ohio R.R. Co. v.*
5 *New York, New Haven & Hartford R.R. Co.*, 196 F. Supp. 724, 745 (S.D.N.Y. 1961)
6 (“Withdrawal of immunization, any more than conferral of approval, cannot have a retroactive
7 effect.”).

8
9 Accordingly, FOSTA’s amendment of Section 230 is the sort of punitive legislative
10 conduct that the Ex Post Facto Clause is designed to prevent. Section 4(b) of FOSTA was
11 adopted contrary to DOJ’s warning that FOSTA’s effective date makes it an unconstitutional ex
12 post facto law to the extent it “imposes a punishment for an act which was not punishable at the
13 time it was committed” or “imposes additional punishment to that then prescribed.” 164 Cong.
14 Rec. H1297 (daily ed. Feb. 27, 2018).
15

16 As a direct and proximate result of Defendants’ violation of the Fifth Amendment,
17 Plaintiffs have suffered irreparable harm , including the loss of their constitutional rights,
18 entitling them to declaratory and injunctive relief and nominal damages.
19

20 COUNT VII

21 **EQUAL PROTECTION – FOURTEENTH AMENDMENT**

22 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

23 By reason of the aforementioned speech restriction, including the resolution, created,
24 adopted, and enforced under color of state law,

25 Typically, “an equal protection violation occurs when a regulation draws distinctions
26 among people based on a person’s membership in a ‘suspect’ class. Suspect classes include
27
28

1 race, alienage, and national origin.” *Srail v. Vill. of Lisle*, 588 F.3d 940, 943 (7th Cir. 2009)
2 (internal citation omitted). An equal protection claim also may be pursued under a “class-of-
3 one” theory, “where the plaintiff alleges that he has been intentionally treated differently from
4 others similarly situated and that there is no rational basis for the difference in treatment.”
5 *Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000).
6

7 Defendants have unconstitutionally deprived Plaintiffs of the equal protection of the law
8 guaranteed under the Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983, in
9 that Defendants are preventing Plaintiffs from expressing a message based on its content and
10 viewpoint, thereby denying the use of a forum to those whose views Defendants find
11 unacceptable.
12

13 The class-of-one doctrine “recognizes that the Equal Protection Clause may give[]
14 rise to a cause of action on behalf of a ‘class of one’ where the plaintiff d[oes] not allege
15 membership in a class or group if the plaintiff can show that she has been intentionally treated
16 differently from others similarly situated and that there is no rational basis for the difference in
17 treatment.” D.B. ex rel. *Kurtis B. v. Kopp*, 725 F.3d 681, 685 (7th Cir. 2013) (quoting *Olech*,
18 528 U.S. at 564) (some internal quotation marks omitted) (Seventh Circuit’s alterations and
19 emphasis).
20

21 The actions of Defendants, as described above, violate the Equal Protection Clause
22 of the Fourteenth Amendment of the United States Constitution in that such actions are not
23 inflicted upon US citizens who are not considered seniors.
24

25 In all of this, Defendants, and each of them, have, acting under the color of state law,
26 deprived Plaintiff of rights, privileges, or immunities secured to them by the Constitution and
27 laws of the United States in violation of 42 U.S.C. § 1983.
28

1 The practices described above, including, but not limited to, the lack of providing the
2 plaintiffs with the same protection as anyone else.

3 As a direct and proximate result of Defendants' violation of the Equal Protection Clause
4 of the Fourteenth Amendment, Plaintiffs have suffered irreparable harm, including the loss of
5 their constitutional rights, entitling them to declaratory and injunctive relief and nominal
6 damages.
7

8 **COUNT VIII**

9 **VIOLATION OF RELIGIOUS FREEDOM**

10 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

11 The 14th Amendment states, "Congress shall make no law respecting an establishment of
12 religion, or prohibiting the free exercise thereof.
13

14 U.S. Code › Title 42 › Chapter 21B › § 2000bb– (a) In general, states, "Government shall
15 not substantially burden a person's exercise of religion even if the burden results from a rule of
16 general applicability, except as provided in subsection (b).
17

18 (b) Exception Government may substantially burden a person's exercise of religion only
19 if it demonstrates that application of the burden to the person:

20 (1) is in furtherance of a compelling governmental interest; and

21 (2) is the least restrictive means of furthering that compelling governmental interest.

22 (c) Judicial relief: A person whose religious exercise has been burdened in violation of
23 this section may assert that violation as a claim or defense in a judicial proceeding and obtain
24 appropriate relief against a government. Standing to assert a claim or defense under this section
25 shall be governed by the general rules of standing under article III of the Constitution.
26
27
28

1 By reason of the aforementioned speech restriction that FOSTA represents, including the
2 resolution, created, adopted, and enforced under color of state law, Defendants have
3 unconstitutionally deprived Plaintiffs of their right of religious freedom guaranteed under the
4 Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983, in that Defendants are
5 preventing Plaintiffs from expressing a message based on its content and viewpoint, which is the
6 expression of their 12th step, therefore their religion, that's doing their outreach to another online,
7 thereby denying the use of a forum to those whose views Defendants find unacceptable.
8

9 As a direct and proximate result of Defendants' violation of the Fourteenth Amendment,
10 Plaintiffs have suffered irreparable harm, including the loss of their constitutional rights, entitling
11 them to declaratory and injunctive relief and nominal damages.
12

13 COUNT IX

14 **VIOLATION OF 14TH AMENDMENT**

15 **RIGHT TO CHOOSE YOUR OWN MEDICAL TREATMENT** 16 **WITHOUT GOVERNMENT INTERFERENCE OR RESTRICTION**

17 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

18 In 1958, in a mostly forgotten case, the Fifth Circuit sweepingly pronounced that under
19 the Fourteenth Amendment, "the State cannot deny to any individual the right to exercise a
20 reasonable choice in the method of treatment of his ills.
21

22 A 12-Step program, such as what Sex Workers Anonymous is, is a program of recovery
23 that a victim of sex trafficking should be able to choose as the method of their recovery, whether
24 they choose it to be their sole treatment, or to be used in conjunction with other types of therapy
25 and/or medical treatment they may feel they need once they're in recovery.
26

27 Now, how is anyone supposed to make a decision as to what to choose freely as to their
28 medical treatment in recovery unless we're allowed to express our right of free speech to put

1 information out there that will reach their ears and eyes so that they can consider us. Elimination
2 of us as a consideration is the same thing as a denial because they're removing us from the
3 choice making process.

4 By reason of the aforementioned speech restriction that FOSTA represents, including the
5 resolution, created, adopted, and enforced under color of state law, Defendants have
6 unconstitutionally deprived Plaintiffs of their right of medical freedom guaranteed under the
7 Fourteenth Amendment to the U.S. Constitution and 42 U.S.C. § 1983, in that Defendants are
8 preventing Plaintiffs from expressing a message based on its content and viewpoint, which
9 program does constitute a tool of medical treatment, that's doing their outreach to another online,
10 thereby denying the use of a forum to those whose views Defendants find unacceptable.
11

12 As a direct and proximate result of Defendants' violation of the Fourteenth Amendment,
13 Plaintiffs have suffered irreparable harm, including the loss of their constitutional rights, entitling
14 them to declaratory and injunctive relief and nominal damages.
15

16 **COUNT X**

17 ***Intentional and Negligent Tortious Interference with Prospective Advantage***

18 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

19 "The tort of intentional or negligent interference with prospective economic advantage
20 imposes liability for improper methods of disrupting or diverting the business relationship of
21 another which fall outside the boundaries of fair competition." (See, *Settimo Associates v.*
22 *Environ Systems, Inc.* (1993) 14 Cal.App.4th 842, 845 [17 Cal.Rptr.2d 757], internal citation
23 omitted.)
24

25 Additionally, "it is sufficient for the plaintiff to plead that the defendants "[knew] that
26 the interference is certain or substantially certain to occur as a result of his action." (See, *San*
27
28

1 *Jose Construction, Inc. v. S.B.C.C., Inc.* (2007) 155 Cal.App.4th 1528, 1544—1545 [67
2 Cal.Rptr.3d 54], internal citations omitted.)

3
4 Plaintiffs had established relationships with people through their online presence, and that
5 they were benefiting from both by the generation of calls to the hotline, as well as economically
6 by how this online activity would then also produce book sales of the books published by Jody
7 Williams – one of which include the “Recovery Guide for Sex Workers Anonymous” which is
8 like the “Big Book” for Alcoholics Anonymous, as well as her books for SWAN. She won’t
9 even be able to think of marketing her memoirs once they’re done until this matter is repaired
10 about being made to “disappear” online completely as has happened now.

11
12 The main source of income for any 12 step program is their literature. Without being
13 able to sell their literature online, they are not only “out of business” as far as the calls to the
14 hotline goes, but also as to their book sales. Especially for SWA who doesn’t make a penny off
15 donations from SWA members.

16
17 To not violate pimping laws – SWA can’t take donations from active prostitutes. Yet
18 when one quits prostitution, that person is usually flat broke for about two years. SWA hasn’t
19 received a cash donation from a member in probably 20 years. All money is derived from
20 literature sales period. If SWA can’t sell books – then we’re out of business financially also.

21
22 SWA had ONE financial supporter that appeared in 2013 in direct connection with their
23 reputation for sex trafficking work. As this supporter entered the sex trafficking advocacy field
24 in Florida, and was in the same circles as Jesse Maley, he was BOMBARDED with smears,
25 rumors, lies, and all sorts of slander and defamation with respect to SWA and Jody personally.
26 Talk he was unable to do a thing to counter because he would have then violated the anonymity
27 of the person he had come to us to help to escape sex trafficking with our help he solicited.
28

1 Everywhere he went when he so much as mentioned SWA or Jody's name, he was
2 bombarded with smears, lies, defamation, and other verbal attacks upon her reputation as well as
3 SWA's. Now it's one thing if these things were the personal opinion only of the person who
4 was stirring this pot to discourage the Florida sex trafficking community with Jody, SWA and/or
5 TAPS, in any way, but now that it's come to light that it was done by Jesse Maley, who was
6 doing this as a means of direct competition to try and stamp out SWA so she could take over that
7 influence herself – then this comes under a different light. Yes there's the right of free speech.
8 But when you're yelling "fire" in a theater, or doing this to try and stamp out a competitor using
9 lies and also trying to cause so much emotional distress that person will abandon their work –
10 then it becomes a whole other thing that is illegal in the USA and the court should award
11 punitive damages for when they see the full extent of what this woman did in Florida, as well as
12 the "omissions" have caused Jody and SWA by Sheldon's "blacklisting" campaign. All of
13 which SESTA/FOSTA just put the last nail in the coffin of to seal the death of SWA and Jody's
14 advocacy work if we can't get these things repealed.
15
16
17

18 When SESTA/FOSTA was passed, one by one the way people online were able to find
19 Sex Workers Anonymous and/or Jody Williams' social media, which each fuel each other hand
20 in hand, were slowly either blocked, banned, disconnected, or in some way made so that the
21 general public looking for information on the relevant topics would not be able to reasonably
22 find a way to the sites run by either Jody Williams, T.A.P.S., S.W.A., SWAN, or any of the
23 avenues that each links to the other to fuel online traffic.
24

25 That includes ads that were placed on sites like Craigslist, Backpage, The Erotic Review,
26 My Redbook, Eros, and sites which one by one have either been shut down, blocked, banned,
27 etc. also.
28

1 The wrongful conduct of Defendants as described above was designed to disrupt the
2 economic relationships between Jody and SWA, and indeed, the relationships were disrupted as
3 a result of Defendants' intentional, and negligent interference in that prospective customers and
4 merchants have declined to do business with plaintiffs as a result of the conduct of Defendants in
5 communicating with them that to do so would somehow put them into danger of being arrested
6 themselves like the Backpage site owners were to name but one of the sites that have been
7 targeted by the groups that are behind the lobbying for SESTA/FOSTA.

9 Defendants' intentional and negligent interference with plaintiffs economic relationships
10 constituted an unfair trade practice in violation of Business and Professions Code section 17200.

11 Defendants have acted with malice, oppression and fraud, with intentional disregard for
12 the plaintiffs' rights, and deliberately acted to shut down the last line of outreach left available
13 to the plaintiffs – which was the internet and social media through the use of their free speech.
14

15 As a proximate result of Defendants' intentional and negligent conduct, plaintiffs suffered
16 damages in an amount to be proven at trial.

17 The conduct of Defendants in interfering with plaintiffs' economic relationships was
18 intentional, willful, and calculated to cause damage to plaintiffs' lawful business.

19 The conducts were perpetrated with actual malice and ill will toward plaintiffs and with
20 the intentional and improper purpose of causing damage.
21

22 There was no justifiable cause for Defendants' actions. As a result, an award of punitive
23 damages is warranted.
24

25 **COUNT XI**

26 **DEFAMATION/SLANDER/LIBEL**

27 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.
28

1 Plaintiffs have been subjected to both intentional and negligent direct forms of written
2 and oral defamation, slander and/or libel by the defendants.

3 These acts have been done in a variety of methods which will be proven through
4 discovery before the time of trial.

5 First of all, there is the implied defamation plaintiffs are suffering as a result of these
6 blocks and bans which are related directly to the passing of SESTA/FOSTA. This was passed to
7 supposedly shut down any form of prostitution and/or sex trafficking activity. For the plaintiffs'
8 online sites and social media to be blocked, banned, shut down, etc. as a result of this – that is an
9 implied accusation that we were involved in either prostitution and sex trafficking itself, or the
10 “facilitation and promotion” of it or some other form of violating SESTA/FOSTA. That to us is
11 the same as saying that Narcotics Anonymous was pushing illegal drugs onto people. It has
12 resulted not just in an economic loss, but a great loss of reputation as well. That is clearly
13 evident when Jesse Maley was asked to participate in the lawsuit with respect to SESTA/FOSTA
14 involving the Woodhull Freedom Foundation, the Electronic Freedom Foundation, Human
15 Rights Watch, and the Internet Archive. For them to choose her, who doesn't run an
16 organization near the size or history of Sex Workers Anonymous, nor who has worked with as
17 many prostitutes, sex workers and/or sex trafficking victims as Jody personally, as well as SWA
18 as a whole, who hasn't been involved in this fight as long as Jody or SWA, implies that there's
19 something somehow defective not just in Jody personally, but in SWA itself.
20
21
22
23

24 This could have been caused by Jesse Maley herself, or it could have been because the
25 people behind that lawsuit rightfully want to receive publicity for this lawsuit. Which they aren't
26 going to receive to the same level if they were to attach Jody and SWA as a party because of the
27 blocks, bans, and blacklisting that's been heaped upon them by SESTA/FOSTA, as well as
28

1 Sheldon Adelson and SWOP who have been actively using their contacts with the press to make
2 sure that their names don't appear in any press they have any control over that would also appear
3 online. The lack of appearance online of the names of Jody and SWA is just as defaming, if not
4 damning, as an outright attack. Imagine if you will a list prepared by a national publication of
5 "Top Places to Seek Drug Treatment" that did NOT list Narcotics Anonymous within that list.
6
7 The omission of their name is just as defaming as outright saying that the program is ineffective,
8 or downright harmful because the program does exist – so why is it being omitted unless
9 something is wrong with them?

10 Jesse Maley, through SWOP, has been using these SESTA/FOSTA blocks and bans to
11 her advantage to position SWOP into direct competition with SWA knowing that SWOP is being
12 written about in publications like the Review Journal, Rolling Stone, and any other publication
13 that is also not putting any quotes about the subject from SWA in the same article to give equal
14 space. This gives the impression to the public they are the ONLY persons who have an expert
15 opinion to weigh in on this issue, which is false, misleading, and also is a form of tortious
16 economic interference, giving them an unfair trade advantage, as well as being a form of
17 defamation against the plaintiffs.
18
19

20 If the court determines that the statements which have been made orally, and in writing in
21 social media, as well as the omissions of their names from certain articles and stories, is
22 reasonably susceptible to a defamatory interpretation, it is for the jury to determine if a
23 defamatory meaning was in fact conveyed to a listener or reader. (See, *Kahn v. Bower* (1991)
24 232 Cal.App.3d 1599, 1608 [284 Cal.Rptr. 244].) Lastly, "The sine qua non of recovery for
25 defamation . . . is the existence of falsehood." . . . "Because the statement must contain a
26 provable falsehood, courts distinguish between statements of fact and statements of opinion for
27
28

1 purposes of defamation liability. Although statements of fact may be actionable as libel [or
2 defamation], statements of opinion are constitutionally protected...’ That does not mean that
3 statements of opinion enjoy blanket protection.

4 On the contrary, where an expression of opinion implies a false assertion of fact, the
5 opinion can constitute actionable defamation. The critical question is not whether a statement is
6 fact or opinion, but “whether a reasonable fact - finder could conclude the published statement
7 declares or implies a provably false assertion of fact.” (See, Wong, supra, 189 Cal.App.4th at p.
8 1370, internal citations omitted.)
9

10 Defendants have acted with malice, oppression and fraud, with intentional disregard for
11 the plaintiffs’ rights, and deliberately acted to shut down the last line of outreach left available
12 to the plaintiffs – which was the internet and social media through the use of their free speech.
13

14 As a proximate result of Defendants' intentional and negligent conduct, plaintiffs suffered
15 damages in an amount to be proven at trial.

16 The conduct of Defendants in interfering with plaintiffs’ economic relationships was
17 intentional, willful, and calculated to cause damage to plaintiffs’ lawful business.
18

19 The conducts were perpetrated with actual malice and ill will toward plaintiffs and with
20 the intentional and improper purpose of causing damage.

21 There was no justifiable cause for Defendants’ actions. As a result, an award of punitive
22 damages is warranted.
23

24 **COUNT XII**

25 **Intentional and Negligent Infliction of Emotional Distress**

26 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.
27
28

1 It is well-known that malicious Defamation creates an Intentional Infliction of Emotional
2 Distress cause of action. It can also cause a negligent infliction, especially when exacerbated by
3 the fact Plaintiffs' have had their hands tied by being unable to do anything about it because of
4 being unable to sue someone they had thought previously was responsible – a currently active
5 sex worker.

6
7 This idea has forced the plaintiffs' to “stand take it” when reading the obvious lies that
8 have been posted on sites like www.ratethatrescue.org, www.sexworkersanonymous.org, as well
9 as various comments on social media made by reported SWOP members directly, and indirectly,
10 to, and about, the plaintiff personally, and SWA itself. The same as to the statement made to
11 Jody on behalf of Sheldon Adelson supposedly that her name, and that of SWA, was
12 “blacklisted” within any media he had control over “no matter how many people die because of
13 not finding help through your organization” to quote the messenger.

14
15 Plaintiff also being unable to fight back because of not being able to produce proof of
16 said comments being lies because to sue and/or subpoena the people who could verify said
17 statements would violate their anonymity – something that a 12 Step program can not do. When
18 it was about Jody's personal reputation, this was not something that was an “inside issue” to
19 SWA, and therefore Jody has had to just “take it for the team”.

20
21 But now that we're seeing that these attacks have been motivated by SWOP positioning
22 itself to be acting in a direct competitive manner to the plaintiffs, and with the intent of pushing
23 the plaintiff, and SWA out of business, so they could take over full control of the “marketplace”,
24 then that makes this an “inside issue” and why we're not filing this cause of action against
25 defendants for the intentional and negligent infliction of emotional distress upon the plaintiffs.
26 We also see that Sheldon has been trying to make us “disappear” so that SWOP could also voice
27
28

1 the opinions he's been wanting to have influence America – which is that of the “legalization” of
2 prostitution, not “decriminalization” – a position he's known for favoring both here and in China
3 also where he operates casinos which would benefit from legalized prostitution, as well as his
4 clearly known views on being against any unions.

5 An idea that Jody on a personal level supports because the very obvious difference in
6 power between the voice of a “worker” vs. that of someone like Dennis Hof for example who has
7 a lot of money, power and connections at his fingertips. So much power so he wasn't afraid to
8 tell the Kardashian family's publicist to “go to hell” when the Lamor Odom scandal was breaking
9 in the press. Doing that shows he has a great deal of control over the media to be that confident.
10

11 When's the last time you saw one of the bunny ranch's prostitutes' speaking her mind
12 about her job without Dennis standing right next to her, or even hovering over her? I ask you,
13 would you speak your mind honestly about your job with your boss standing over your shoulder
14 staring at you? We aren't hearing from the women at the ranch – we're hearing **MARKETING**.
15

16 I have also yet to see an interview with an ex-brothel prostitute who is no longer
17 employed within the sex industry speaking her mind freely other than the interview we posted
18 online or Audrey – the woman who spoke her mind about working within the legal brothels once
19 she'd been out of the life for two years, and who spoke so clearly about her feelings on the
20 subject she got the Nevada Legislature to agree to nix a proposal to expand the legal brothels into
21 Las Vegas when she countered the Brothel Association's lobbyist who was pushing for this in an
22 uncalendared back room hearing that was held in February of 2013 – interestingly while sex
23 trafficking hearings were going on in the very next room and all of the “anti-sex trafficking
24 advocates” didn't provide Aubrey with one bit of support when she defeated this bid for
25 expansion into Vegas. Her accomplishment conspicuously absent the Review Journal.
26
27
28

1 “A cause of action for intentional infliction of emotional distress exists when there is: (1)
2 extreme and outrageous conduct by the defendant with the intention of causing, or reckless
3 disregard of the probability of causing, emotional distress; (2) the plaintiff’s suffering severe or
4 extreme emotional distress; and (3) actual and proximate causation of the emotional distress by
5 the defendant’s outrageous conduct.’ I would imagine when Sheldon sent a messenger to let
6 Jody KNOW she was being “blacklisted” the intent had to be to cause emotional distress.
7

8 A defendant’s conduct is ‘outrageous’ when it is so ‘extreme as to exceed all bounds of
9 that usually tolerated in a civilized community.’ And the defendant’s conduct must be ‘intended
10 to inflict injury or engaged in with the realization that injury will result.’ ” (See, *Hughes v. Pair*
11 (2009) 46 Cal.4th 1035, 1050—1051 [95 Cal.Rptr.3d 636, 209 P.3d 963]).
12

13 Anyone who has researched my work, or talked to me for two minutes, knows I have
14 devoted my whole life to this work. I have not finished college because of the demands of SWA.
15 I have spent over \$450,000 of my own person money supporting SWA because we weren’t even
16 incorporated as a nonprofit until 2013 because every penny we’ve been getting ahold of has had
17 to go for the expenses of the direct services we were doing for the members of SWA, and callers
18 to the hotline. When given a choice between buying a plane ticket for an escaped sex trafficking
19 victim to return to her family, or spending money to incorporate, Jody’s chosen to take care of
20 that victim. She has lost two marriages behind the demands of SWA work. Her daughter was
21 sexually assaulted and possibly deliberately run over by an SUV in an attack meant to silence her
22 in 2007 because of SWA work. Jody has had to literally go “underground” to protect her life,
23 and that of her daughter, because of periods when pimps and traffickers have been looking for
24 her to take her life in retaliation for a rescue, or to silence her for what she knew, like the year
25 she had to go “off the grid” after Jeane Palfrey’s death in 2009, which her opinion was a murder
26
27
28

1 to silence her. Attacks when then started being directed at Jody shortly after she knew was
2 because of what she knew about Jeane's "Black Book", who was in the book, and why she
3 would have been murdered for what she knew about what her book proved with respect to our
4 governments' involvement in sex trafficking. She has lost countless friends who haven't wanted
5 to get close to her because of her work with SWA. Jody's been unable to even have a job for 30
6 years because no one wants to hire the "founder of SWA", so she's been forced to either support
7 herself off SSI disability and/or freelance employment through the nonprofit corporation as a
8 paralegal, graphic designer, website designer, or anything else she could do to pay the rent
9 legally.
10

11 Anyone who could see the devotion, dedication and sacrifice that Jody's put into her
12 SWA work, would have to reasonably know that to drive SWA "out of business" would be an
13 "infliction of emotional distress" equal to depriving her of air to breathe. This is not only her
14 life's work, she considers it her personal form of religion if you will as to why God put her here
15 on this earth as her mission/purpose in life. Without being able to operate SWA and it's related
16 hotline – there is no higher purpose to her life in her opinion because she's been literally doing
17 this kind of work most of her adult life. Her daughter has been raised to "take the reins" upon
18 her death even – being trained on how to do what Jody does for SWA by her very upbringing.
19

20 Moreover, "Severe emotional distress [is] emotional distress of such substantial quantity
21 or enduring quality that no reasonable man in a civilized society should be expected to endure
22 it." (See, *Fletcher v. Western Life Insurance Co.* (1970) 10 Cal.App.3d 376, 397 [89 Cal.Rptr.
23 78].) Lastly, "It is for the court to determine whether on the evidence severe emotional distress
24 can be found; it is for the jury to determine whether, on the evidence, it has in fact existed."
25 (See, *Fletcher*, supra, 10 Cal.App.3d at p. 397, internal citation omitted.)
26
27
28

1 Defendants intentional and outrageous statements made to the press and online about the
2 plaintiffs which will be proven through discovery before trial, certainly caused the plaintiffs to
3 suffer severe emotional distress in that her advocacy career, her livelihood, and her character and
4 standing in the community have all been tarnished by the defendants' false statements, as well as
5 omission of her statements and work within the press and social media over which the
6 defendants have exerted control. Given the gravity of defendants' statements, severe emotional
7 distress suffered by plaintiffs can certainly be reasonably inferred; and who should be expected
8 to endure this that's human?
9

10 Defendants have acted with malice, oppression and fraud, with intentional disregard for
11 the plaintiffs' rights, and deliberately acted to shut down the last line of outreach left available
12 to the plaintiffs – which was the internet and social media through the use of their free speech.
13

14 As a proximate result of Defendants' intentional and negligent conduct, plaintiffs suffered
15 damages in an amount to be proven at trial.

16 The conduct of Defendants in interfering with plaintiffs' economic relationships was
17 intentional, willful, and calculated to cause damage to plaintiffs' lawful business. The conducts
18 were perpetrated with actual malice and ill will toward plaintiffs and with the intentional and
19 improper purpose of causing damage. There was no justifiable cause for Defendants' actions. As
20 a result, an award of punitive damages is warranted.
21

22 **COUNT XIII**

23 ***CYBER HARASSMENT AND STALKING***

24 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.

25 Cyber-stalking is using text-messaging, emails, or other online means in a way that
26 causes the victims to reasonably feel frightened for their safety or the safety of their family or
27
28

1 housemates. Defendants can be convicted of violating NRS 200.575(3) even if they did not mean
2 to alarm the victim.

3
4 Defendants SWOP's individual members, behavior which was condoned by SWOP by
5 their refusal to tell them to stop this behavior, their use of Facebook (or other social media) from
6 2015 to present was clearly designed to seriously alarm, annoy, torment or terrorize the plaintiff
7 and such postings, as explained in more detail in her declaration attached to this complaint,
8 served no legitimate purpose other than to spread obvious hatred, or intense dislike, of the
9 plaintiffs. In the face of such comments, surely plaintiffs suffered substantial emotional distress,
10 and, in fact, such distress can be reasonably inferred from defendants' public Facebook postings
11 or messages. Therefore, plaintiffs should be rightly compensated for the harm suffered as a
12 consequence of defendants' actions, intentional and negligent, of harassment, stalking, and
13 outright threats which were directly aimed at Defendant.
14
15

16
17 As but one example, refer to the site of www.sexworkersanonymous.org where there are
18 photos posted of the UPS mail drop used by the plaintiff that used to be at 3395 S. Jones Blvd.,
19 Las Vegas, NV 89146. That address was used for about 15 years by the plaintiffs. That address
20 was on all their social media, websites, and printed materials such as calendars, flyers, posters,
21 business cards, letterhead, etc.
22
23
24

25
26 Then the defendants connected to SWOP, made it very clear they were staking out that
27 address waiting for the plaintiff, or someone connected to SWA, to appear at this address to pick
28

1 up the mail. Also, when going to this address, for all they knew this address was the plaintiffs'
2 home when they went to the address to then discovery it was a UPS box address.

3
4 This was then announced online, photos were published, and they stated they were
5 “waiting for her to appear” for what purpose one could only guess. Considering the threats that
6 were being made both in social media, by email, by telephone, both in public social media and
7 private direct messages to cause the plaintiffs severe physical harm, possibly even death, and
8 considering how many women in this field have been murdered, including even reporters such as
9 Gary Webb, who was probably murdered because of the information he was getting published
10 which is much like what the plaintiffs talks about also – for all she knew these people had come
11 looking for her to do her harm or worse. Or anyone from SWA, or even her daughter – whoever
12 might have shown up at this address.
13
14
15
16

17 Because of this stalking, the plaintiffs was forced to changed her address to the one at
18 present on Boulder Highway. This cost her a tiny fortune to update the address on social media,
19 directory websites, as well as to reprint the letterhead, business cards, flyers, calendars, and all
20 printed materials which had to be reprinted with the new address solely because of the
21 defendants’ stalking and threats which were published online and directed at her privately.
22
23
24

25 These threats were also directed at anyone who identified as a SWA member, as well as
26 anyone who expressed any support of Jody and/or SWA either. People were told if they
27 “continued to talk to Jody they would be blacklisted just like her”, as well as “get themselves
28

1 into trouble” (whatever that means), as well as other threats that will be provided to the court
2 through discovery and before trial to show the levels this reached.

3
4 At one point, a private investigator was hired who followed Jody’s online activities using
5 her IP address so that every single thing she posted online was identified. Then this investigator
6 would show up and start attacking whatever Jody was doing. If she was talking to someone, that
7 person would start being threatened. If she left a comment, that comment would be attacked. If
8 she posted an ad on Craigslist, that ad was immediately flagged and taken down. This online
9 “shadowing”, harassment, threats directed at her, directed at anyone she would talk to, anyone
10 she even knew for that matter, would go on literally seven days a week, in 8 hour shifts a day
11 like someone was hired to do this full-time as a job.

12
13
14
15
16 Further, the sites such as www.sexworkersanonymous.org were set up to not only grab
17 the IP address of the person who came to the site researching SWA, therefore “potential
18 members”, but they would also attach a cookie to the site so they’d follow the person’s activities.
19 By doing this, they were able to get an idea who was thinking of reaching out to SWA for
20 assistance. Jody started having people tell her that after going onto this site, they started getting
21 threats and hearing all sorts of defamatory lies about SWA and Jody by someone who would call
22 them up a with “warning” about how they had to be “careful about Jody” or “else something bad
23 might happen to you” or other such threats veiled as warnings – said information that was
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1 obtained by grabbing their IP information off their online activity which was our members, and
2 potential members, also being stalked by SWOP members.

3
4 The only way plaintiffs were able to stop these private investigators from doing this
5 stalking, harassment activities were to identify them, and then threatened to report them to the
6 licensing board for the state they were located in. This didn't stop with just one investigator
7 either. When one investigator was sent a "cease and desist" letter – they'd stop. But
8 immediately another new investigator would start up with the same actions. This went on for
9 almost a year. Screen shots were saved of all of this, which will be provided to the court through
10 discovery and before time of trial so the court can see what kind of harassment the plaintiff is
11 talking about they endured. Again, this is one thing if this was just a personal dislike behind
12 this. But now we see that this was about deliberately trying to obligate SWA and get Jody out of
13 this arena – then it becomes a whole other matter which is actionable and is therefore part of this
14 lawsuit against the defendants.
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20 Defendants have acted with malice, oppression and fraud, with intentional disregard for
21 the plaintiffs' rights, and deliberately acted to shut down the last line of outreach left available
22 to the plaintiffs – which was the internet and social media through the use of their free speech.
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25 As a proximate result of Defendants' intentional and negligent conduct, plaintiffs suffered
26 damages in an amount to be proven at trial.
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1 The conduct of Defendants in interfering with plaintiffs' economic relationships was
2 intentional, willful, and calculated to cause damage to plaintiffs' lawful business. The conducts
3 were perpetrated with actual malice and ill will toward plaintiffs and with the intentional and
4 improper purpose of causing damage. There was no justifiable cause for Defendants' actions. As
5 a result, an award of punitive damages is warranted.
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8 **COUNT XIV**

9
10 **VIOLATION OF FEDERAL TRADE COMMISSION
AND NEVADA DECEPTIVE TRADE PRACTICES ACT**

11 Plaintiffs reallege and incorporate all preceding paragraphs as if fully set forth herein.
12

13 The Nevada Deceptive Trade Practices Act, Nev. Rev. Stat. §§598.0903, et seq., provides
14 that the following types of conduct constitute deceptive trade practices:
15

- 16 a. "knowingly making a false representation as to the
17 characteristics, ingredients, uses, benefits, alterations or quantities of
18 goods or services for sale or lease or a false representation as to the
19 sponsorship, approval, status, affiliation or connection of a person therewith;
20
21 d. knowingly making any other false representation in a transaction;
22
23 e. offering to sell or lease goods or services which the seller or lessor in truth
24 may not intend or desire to sell or lease, and refusing to show the goods."
25

26 Defendants are engaging in unfair and deceptive acts and practices also according to the
27 Federal Trade Commission. See 15 U.S.C. § 45. Such practices are prohibited by the FTC Act,
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1 and the Commission is empowered to enforce the Act's prohibitions. *Id.* These powers are
2 described in FTC Policy Statements on Deception and Unfairness. Fed. Trade Comm'n, FTC
3 Policy Statement on Unfairness (1980), available at <http://www.ftc.gov/bcp/policystmt/ad>
4 [unfair.htm](http://www.ftc.gov/bcp/policystmt/ad) [Hereinafter FTC Unfairness Policy.

5 A trade practice is unfair if it "causes or is likely to cause substantial injury to consumers
6 which is not reasonably avoidable by consumers themselves and not outweighed by
7 countervailing benefits to consumers or to competition. 15 U.S.C. § 45(n); see, e.g., *Fed. Trade*
8 *Comm'n v. Seismic Entertainment Productions, Inc.*, Civ. No. 1:04-CV-00377 (Nov. 21, 2006)
9 (finding that unauthorized changes to users' computers that affected the functionality of the
10 computers as a result of Seismic's anti-spyware software constituted a "substantial injury without
11 countervailing benefits."). The injury must be "substantial."
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14 FTC Unfairness Policy, *supra* note 113. Typically, this involves monetary harm, but may
15 also include "unwarranted health and safety risks." *Id.*; see, e.g., *Fed. Trade Comm'n v.*
16 *Information Search, Inc.*, Civ. No. 1:06-cv-01099 (Mar. 9, 2007) ("The invasion of privacy and
17 security resulting from obtaining and selling confidential customer phone records without the
18 consumers' authorization causes substantial harm to consumers and the public, including, but not
19 limited to, endangering the health and safety of consumers.").

20
21 Emotional harm and other "more subjective types of harm" generally do not make a
22 practice unfair. *Id.* Secondly, the injury "must not be outweighed by an offsetting consumer or
23 competitive benefit that the sales practice also produces." *Id.* Thus the FTC will not find a
24 practice unfair "unless it is injurious in its net effects." *Id.* Finally, "the injury must be one
25 which consumers could not reasonably have avoided." *Id.*
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1 This factor is an effort to ensure that consumer decision making still governs the market
2 by limiting the FTC to act in situations where seller behavior “unreasonably creates or takes
3 advantage of an obstacle to the free exercise of consumer decision making.” Id. Sellers may
4 not withhold from consumers important price or performance information, engage in coercion, or
5 unduly influence highly susceptible classes of consumers. Id. The FTC will also look at
6 “whether the conduct violates public policy as it has been established by statute, common law,
7 industry practice, or otherwise.” Id. Public policy is used to “test the validity and strength of the
8 evidence of consumer injury, or, less often, it may be cited for a dispositive legislative or judicial
9 determination that such injury is present.” Id.

10
11 The FTC will make a finding of deception if there has been a “representation, omission or
12 practice that is likely to mislead the consumer acting reasonably in the circumstances, to the
13 consumer’s detriment. FTC Deception Policy, supra note 112.

14
15 First, there must be a representation, omission, or practice that is likely to mislead the
16 consumer. FTC Deception Policy, Supra note 112; see, e.g., *Fed Trade Comm’n v. Pantron I*
17 *Corp.*, 33 F.3d 1088 (9th Cir. 1994) (holding that Pantron’s representation to consumers that a
18 product was effective at reducing hair loss was materially misleading, because according to
19 studies, the success of the product could only be attributed to a placebo effect, rather than on
20 scientific grounds). The relevant inquiry for this factor is not whether the act or practice actually
21 misled the consumer, but rather whether it is likely to mislead. FTC Deception Policy,
22 supra note 112.

23
24
25 Second, the act or practice must be considered from the perspective of a reasonable
26 consumer. Id. “The test is whether the consumer’s interpretation or reaction is reasonable.” Id.
27 The FTC will look at the totality of the act or practice and ask questions such as “how clear is the
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