

## Crackdown urged on Web pimps

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Craigslist agrees to work with authorities **on** 'erotic services' ads

By Paul EganThe Detroit News

Fast becoming the marketing tool of choice for **pimps** and child predators in Metro Detroit and elsewhere, the **Web** site Craigslist **on** Thursday announced an agreement with state attorneys general to crack down **on** explicit and criminally suggestive content in its "erotic services" ads.

The agreement came the same day Gregory Fultz appeared in U.S. District Court in Detroit, accused of using Craigslist to promote a prostitution ring that exploited minors in Michigan, Louisiana and Georgia. Charged with Fultz in the same indictment is Dywon Lever, 29, of Redford Township.

Last week, Robert C. Daniels of Detroit was convicted in federal court in Port Huron of using Craigslist to run an interstate prostitution ring that exploited under-age girls. In that case, prosecutors alleged some of the ads posted by Daniels, 29, also known as "Motor City Mink," were child pornography.

There have been dozens of similar cases around the country, spurring discussion about whether Craigslist could potentially face criminal charges for aiding and abetting prostitution or trafficking in child porn.

Michigan Attorney General Mike Cox, one of only 10 state attorneys general who did not sign Thursday's agreement, does not feel it goes far enough, spokesman Matt Friendewey said. "We're looking at other alternatives," Friendewey said. He would not say what specific terms Cox felt the agreement lacked or whether criminal or civil action against Craigslist or other sites that post similar content was a possibility.

Groups that fight human trafficking and sexual exploitation hailed the agreement, under which Craigslist promises to get more detailed information and a credit card number from people who post such ads, cooperate with law enforcement and sue software companies that help posters circumvent the **Web** site's defenses against illegal content.

"Craigslist has stepped up," said Ernie Allen, president of the National Center for Missing and Exploited Children, who also signed Thursday's agreement. "This is unlawful activity, whether it happens **on** a street corner, over the telephone, or via the Internet."

Connecticut Attorney General Richard Blumenthal, who said in March he was weighing legal action against Craigslist for refusing "to take aggressive steps to curb apparent prostitution ads," spearheaded the agreement.

The **Web** site's chief executive, Jim Buckmaster, told The Detroit News in a recent e-mail that Craigslist is doing all its can to keep its site free of prohibited content and ads promoting illegal activity.

Buckmaster called child prostitution and human trafficking "horrific crimes," and said, "Misuse of Craigslist for illegitimate purposes is absolutely unacceptable, and eliminating such misuse is our top priority."

Illegal use of Craigslist is low relative to the tens of millions of legitimate ads posted each month, he said.

But Frank Barnaba, president of an anti-trafficking group called the Barnaba Institute, said prior to Thursday's agreement that Craigslist does not do enough to police its content.

"They should be monitoring much, much more than they really are," Barnaba said. "It's clearer than day what is going **on** ."

A clear case in which a child is used in an ad to solicit customers for sex "could be a criminal act," **on** the part of the **Web** site, Barnaba said.

Under federal law, **Web** sites such as Craigslist are generally immune from civil liability for content posted by third parties, but not from possible criminal prosecution.

Terrence Berg, the acting U.S. attorney in Detroit who has spent much of his career as a specialist in the prosecution of computer-related crimes, said before Thursday's agreement that **Web** sites that accept posts from third parties should not be oblivious to the possibility of criminal prosecution.

"The issue is knowledge and intent; you have to have that with every crime," Berg said. "If you have that with respect to distribution of child pornography, you have a crime."

Berg said, "The question is, does the company know that this stuff is **on** their network?' and "continuing conduct after knowing about it," could be used to show intent.

Certain **Web** networks that accept third-party content, such as MySpace and Facebook, do a good job of using filtering technology to keep out inappropriate or unlawful content, Berg said.

Still, many experts say it would be difficult, if not impossible, to prosecute Craigslist or similar **Web** sites for aiding and abetting prostitution or trafficking in child porn.

Internet forums that accept posts from the public were granted statutory immunity from civil liability under the federal Communications Decency Act of 1996, said Orin Kerr, a law professor at George Washington University Law School in Washington, D.C.

"The provider can't possibly know everything that's posted **on** their networks," Kerr said. "The government doesn't want to prosecute Craigslist. They want to work with Craigslist and have Craigslist take down anything that might violate the law."

Susan Brenner, a professor of law and technology at the University of Dayton School of Law, said "willful blindness" is another legal concept that can be used to obtain criminal convictions.

The owner of an answering service was successfully prosecuted in California when 85 percent of his business was coming from prostitutes who used the service to take calls from their johns, Brenner said.

A **Web** site could be prosecuted if it was set up specifically to market prostitution services or if those types of ads comprised most of their business, she said.

However, "I don't think Craigslist is intentionally aiding and abetting," she said.

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