

US Appeals Court Affirms Legality of Federal Sex Trafficking Law



The US Court of Appeals for the District of Columbia Circuit has upheld the Allow States and Victims to [Fight Online Sex Trafficking Act of 2017](#) (FOSTA), a law aimed at combating online child sex trafficking. The ruling comes as a response to an appeal from the US District Court for the District of Columbia.

Circuit Judge Patricia A. Millett authored the court's opinion, stating that FOSTA is not overbroad or unconstitutionally vague. The court also found that FOSTA does not violate the First Amendment. A key point in the ruling was the court's determination that FOSTA's definition of "participation in a venture" appropriately prohibits aiding and abetting a venture involved in sex trafficking while knowingly benefiting from it, which is not protected under the First Amendment.

Under FOSTA, it is now a felony to own, manage, or operate an "interactive computer service" with the intent to promote or facilitate the prostitution of another individual. Furthermore, FOSTA holds providers of such computer services liable for any third-party content they publish that violates the provisions of the act, making them susceptible to civil and state-law criminal actions. Additionally, FOSTA grants state attorney generals the authority to initiate civil actions against violators.

The Woodhull Freedom Foundation, an organization dedicated to combating censorship, eliminating discrimination based on gender or sexual identity, and protecting the right to engage in consensual sexual activity and expression, was one of the plaintiffs challenging FOSTA on constitutional grounds. In response to the court's ruling, Woodhull stated that they are carefully reviewing the decision and assessing their options for moving forward.

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The decision to uphold FOSTA carries significant implications in the ongoing battle against online child sex trafficking. By affirming the constitutionality of the law, the appeals court has provided a legal framework to hold accountable those who own, manage, or operate interactive computer services with the intent to facilitate the prostitution of others, particularly minors. FOSTA's provisions aim to protect vulnerable individuals from exploitation and create a safer online environment.

While FOSTA has faced criticism and legal challenges, with opponents arguing that it stifles free speech and imposes undue burdens on internet platforms, the appeals court's ruling solidifies its standing as a crucial piece of legislation in the fight against sex trafficking. The court's rejection of claims that FOSTA violates the First Amendment underscores the importance of prioritizing the well-being and safety of potential victims over potential constraints on online speech.

The court's decision aligns with efforts to empower state attorney generals to combat online child sex trafficking. By authorizing civil actions against violators, FOSTA equips these officials with additional tools to pursue justice and hold accountable those who engage in illegal activities.

While the ruling is undoubtedly a victory for advocates of stronger measures against sex trafficking, it also raises questions about the future of online platforms and their liability for third-party content. Internet service providers and platform operators now face increased scrutiny regarding the content they host or facilitate. This ruling serves as a reminder of these entities' legal responsibilities to ensure their platforms are not being exploited for illicit purposes.

As the Woodhull Freedom Foundation evaluates the court's ruling and considers its next steps, it remains to be seen how this decision will impact future legal challenges to FOSTA and its application. The ruling, however, reinforces the legal framework in place to combat online child sex trafficking, setting a precedent for continued efforts to protect vulnerable individuals and prosecute those involved in such heinous crimes.

The US Court of Appeals for the District of Columbia Circuit's decision to uphold FOSTA represents a significant victory in the fight against online child sex trafficking. By affirming the law's constitutionality and defining its parameters, the court has provided a solid legal foundation to hold accountable those involved in facilitating such criminal activities. This ruling marks a step forward in protecting victims, ensuring their safety, and creating a safer online environment.

Don't be a silent ninja! Let us know your thoughts in the comment section below.