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FREQUENTLY ASKED QUESTIONS - LONG ANSWERS

1. Question: Summarize the Human Trafficking Prevention Act

<https://www.youtube.com/watch?v=AEFF2EYMbEo>

Answer: In a nutshell, the Human Trafficking Prevention Act (1) reduces crime by making prostitution hubs, child pornography, revenge pornography, and obscenity, as defined under the existing obscenity code, more inconvenient to access; (2) the act protects children and families from unhealthy, unprotected, and illegal content; (3) it creates a legitimate pool of funds to finance programs and groups that are working to offset the secondary harmful effects of easily accessible prostitution hubs, child pornography, revenge pornography, and obscenity; (4) the act creates a new revenue stream for manufacturers and retailers who can charge a filter deactivation fee of their own, in fulfilling a duty of care owed to their customers, at the expense of human traffickers and predatory pornographers; and (5) this act reduces the size of government by preventing crime and the harm imposed to the public health, which otherwise must be addressed by a flood of other regulatory measures. This act confirms that some doors are better left unopened.

IMPACT ON LOCAL BUSINESS

2. Question: In terms of hurting business, will this act cause retailers and manufacturers of products that distribute the internet to lose money; won't it cost the retailers and manufacturers to install filters, manage a reporting website, and to maintain the quality of the filters?

<https://www.youtube.com/watch?v=e1Odq26G3OY>

Answer: This act will not cause the retailers and manufacturers of products that distribute the internet to lose money. Instead, this act literally creates a new revenue stream that has the potential of making retailers and manufacturers a huge profit. This is an anti-exploitation bill, not an anti-business measure. Although a consumer will have to at least pay a \$20 fee to have the filter deactivated, which will go to the state to help it offset the secondary harmful effects of pornography and prostitution hubs, the retailers in this state can charge an additional deactivation fee of their own - if they want to - the retailers can set the amount to be what it feels the market can bare. That is, the retailer can charge a filter deactivation fee also to offset any of the costs of compliance with this act. For example, the retailer could charge an additional \$40 filter

deactivation fee on top of the \$20 fee. Anyone who supports this bill should know that they are supporting business and economic development. Manufacturers and retailers of products that distribute the internet have no duty of loyalty to child pornographers, human traffickers, and pornography content providers. Retailers can charge their own filter deactivation fee and if a consumer does not want to pay it, then they do not have to choose to have the filter deactivated.

3. Question: How can this act, which only regulates retailers and manufacturers in this state, compel and incentivize out of state manufacturers to install and ship their products with activated filters to this state, while providing the mechanism to deactivate to the retailer so that the retailer can comply?

<https://www.youtube.com/watch?v=mhP3EsG9M-E>

Answer: It would likely be the easiest solution if all manufacturers, whether out of state or in state, agreed to install the filters, manage the reporting website, send out filter updates in response to complaints, and provide the retailers with the mechanism to deactivate the filter. This act does not only create a new revenue stream for Tech retailers but for out of state manufacturers as well by implication. This act literally creates a financial incentive for out of state manufacturers to help the retailers in this state comply. Although a consumer will be forced to pay the \$20 filter deactivation fee, which will go to the government, the retailer can charge a filter deactivation fee of its own. The retailers in this state can negotiate a deal with out of state manufacturers, offering to give out of state manufacturers part of the proceeds from the filter deactivation fee charged by the retailer to install the filters to help the retailer comply with the safety standard established by this act. This bill by default creates a new revenue stream for out of state manufacturers to profit from - stimulating and growing the economy, not hurting it. Additionally, this act discourages the consumption of harmful unprotected obscene speech that promotes victimization and harms the public's health. This act is not anti-technology. This act merely asks that the manufacturers and retailers roll back the dark side of their technology - such as distributing child pornography and promoting prostitution, all of which is illegal activity, encouraging divorce.

Also, there is another pragmatic consideration that will naturally pressure the out of state manufacturers to help the retail stores comply with this regulation. Since many states will pass this act into law, it will naturally compel the retailers to inform out of state manufacturers that if they want to continue to sell their products in their state, they will have to install filters, help maintain the quality of the filters, help manage the reporting website, send out filter updates, and provide the retailers with the mechanism to deactivate. With many states turning this act into law, it would be an irrational business decision for the manufacturers to refuse to accommodate a demand that would protect children, reduce female victimization, and allow the Tech Enterprise to comply with products liability and obscenity laws. The non-responsiveness of the Tech

Companies could totally backfire from a public relations standpoint. If the out of state manufacturers want to promote the idea that their products are “family friendly,” they will naturally comply.

4. Question: Why should libertarians support the Human Trafficking Prevention Act - doesn't this act expand government and regulation?

<https://youtu.be/SO0B8ecvzRs>

Answer: Libertarians should absolutely support this act in accordance with the foundational premises of their own value system: this act will greatly reduce government regulations, the size of government, and the costs imposed on taxpayers overall. One way or the other, our society is paying a huge cost to deal with the fallout of easily accessible pornography and prostitution hubs. There are social costs, like divorce and pornography addiction, and there is a cost to criminal justice, like enforcing laws against human trafficking, voyeurism, possession of child pornography, and domestic violence. Society can “pay now” or it can “pay later” by continuing to have to address the secondary harmful effects that the pornography and prostitution hubs online generate. There are more people in jail in the United States than in any other Country. The United States cannot prosecute its way out of a sexual holocaust and porn pandemic. This bill will reduce incarcerations and victimization, which will reduce government overreach and the steps towards a police state. Respectfully, the public health cannot afford for libertarians to refuse to think, when it comes to deciding what are the optimal set of restrictions that should be applied. On the basis of the most elementary analysis, it is clear that this is an act that helps business and allows children and families stay safe, which reduces the additional need for government measures in other areas. In terms of intellectual dishonesty, it is not helpful for libertarians to be in a state of denial about an act that creates a new revenue stream for business and reduces government regulation overall.

Furthermore, the total prohibition against any form of government regulation is completely unrealistic and would create a state of nature. Consider this: a fish on the grass is not free. It is only when the fish is confined to water that it can swim lightening fast, thrive, and even breath. The same is true with humans. Mankind does not flourish best when child pornography, prostitution hubs, and obscenity are all one click away or unavoidable. Without “truth,” there is no “freedom.” “Freedom” comes from the “truth.” “Freedom” is not the “presence of restrictions” nor the “absence of restrictions.” “Freedom” is the presence of the “right restrictions,” the set of restrictions that objectively fits the givenness of our nature, the truth about “the way we are,” and the truth about “the way things are.” The set of restrictions that promote the most amount of peace, intimacy, reconciliation, healing, and forgiveness, in order to advance human flourishing to the maximized capacity are the set of restrictions that the state and federal legislature should adopt. The Supreme Court has found that the State has a compelling interest to uphold community standards of decency in Paris Theater. The state has an opportunity to impose a filter deactivation fee that will completely finance state programs that are

indispensable, like the Human Trafficking Task Force and the victims compensation fund. These state programs are not going to sua sponte fund themselves. The filter deactivation fee also empowers non-profit non-government groups in the state to receive the funding to run their operations, which reduces the need for more government programs, while advancing the goal of libertarians directly.

5. Question: Will this bill impose an unreasonable burden on business?

<https://www.youtube.com/watch?v=RBbekKnp3KM>

Answer: This act imposes a nominal burden on the Tech business, ultimately creating a new revenue stream for the retailers and manufacturers that was not there before. Take the issue of designing the filter technology, highly effective and robust filtering software has already been developed. Filters have come a long way since the 1990s and just about every school in America is using some kind of filter apparatus whether at the device, ISP, or router level. There are third party filtering companies that are more than willing to partner with the retailers and manufacturers to design quality filters so that they can comply. Right now manufacturers (and sometimes retailers) of products that distribute the internet already install other software inside of their machine. Therefore, requiring that they also install filter software does not create an unreasonable additional burden - especially since this matter involves safety and the protection of the public's health. The protection of children takes priority over convenience.

The manufacturers and retailers often advance a fictional charade that "they do not have the ability to filter." But that is an outright lie they float to avoid being regulated. Take Apple for example, Apple's laptops already come with "parental controls." The parental controls are not activated by default and only work if the consumer creates a third party account and has the skills to figure out how to launch the application. The parental controls provides zero protection for the primary purchaser, who has privity of contract with the retailer, making parental controls a sham solution. Plus, Apple has no real incentive to maintain the quality of parental controls. It is not too much to ask that either the retailer or manufacturer of a Apple laptop activate the parental controls as to the main account and withhold the password. Ta-da, problem solved! The Apple retailer in this state could easily do this and be in compliance even if the out of state manufacturer refused to cooperate to ensure compliance. The fact that Apple sells products with parental controls to minors is itself an omission of guilt under products liability and obscenity laws.

Just as the attendant at the 711 has to check IDs when a consumer buys alcohol or an obscene magazine, it is not too burdensome to require that the Tech retailers verify age, when consumers ask to have the filter deactivated. Most retail stores already check IDs to match the name on the credit card with the name on the ID. It is not too burdensome for the retailer to also verify the age while they are at it. This act imposes a nominal burden on business, while producing major benefits for families and communities by increasing safety. The real loser are

humans traffickers and predatory pornographers who try to force encounters with obscene content without consent, which can lead to liability.

6. Question: Will the Human Trafficking Prevention Act hurt local businesses

<https://www.youtube.com/watch?v=9YzO9F4f5W8>

Answer: If a consumer was going to order products on online, they likely would be inclined to do so anyway. They have the right to do that now. The probability that a consumer would drive to another state to buy products without filters is not rational from a cost-benefit standpoint. It would be cheaper for the adult consumer who wanted to have the filter deactivated to just pay the one time filter deactivation fee at the local retailer than it would be for them to spend the time and gas money to cross state lines to purchase. Most minors don't have the means to travel to other states to purchase products that distribute the internet, and it would be cheaper for adults who want to have access to child pornography, prostitution hubs, and obscenity to simply pay the filter deactivation fee when they buy the product from the local dealer.

Moreover, the passing of a Federal Filter Act, which regulates all of the manufacturers of products that distribute the internet in the United States, will end this concern. The complimentary Federal manufacturing bill is in the works currently through the commerce committee and has not yet been filed or signed into law. It is important to note that President Trump signed a pledge to oppose pornography after winning the General election. Once the Federal Filter act passes into law, it will mean that if a consumer purchases a product online from somewhere like Amazon, it would be shipped to the consumer with filters installed, and to deactivate the filter, the consumer would presumably have to go to the local authorized retailer to have it deactivated, paying the \$20 filter deactivation fee and any additional fee set by the retailer at their discretion. This would make the local retailer in the state money, helping business, not hurting it, through a transaction that would have otherwise not come into existence. If the consumer does not want to pay the filter removal fee, then they do not have to choose to get the filter deactivated in the first place. Moreover, since a majority, if not all, states will present the Human Trafficking Prevention Act, it means that the fear that local consumers in the community will go out of state to buy filterless products is a moot point. It is necessary that we compel as many states as possible to present this act at their legislative session starting at the 2017 legislative sessions. It is not enough for the states to declare the pornography is a public health crisis. They have to do something about it.

7. Question: Which products, manufacturers, and retailers in this state does this act really apply to?

Answer: This act applies to any product that distributes the internet and makes content on the internet accessible. So, Internet Service Providers, computers, and cellphones are regulated under this act.

BI-PARTISAN SUPPORT

8. Question: Is the ACLU the primary author of the Human Trafficking Act?

<https://www.youtube.com/watch?v=s3LIL8YFJE>

Answer: The primary author of the bill is the ACLU. The ACLU deserves the credit. The Federal Congress attempted to regulate pornography online twice by passing two statutes. The ACLU was the group that filed lawsuits to cause the Communications Decency Act (CDA) and Child Online Privacy Protection Act (COPPA) to be struck down for violating the First Amendment heightened scrutiny considerations at the Supreme Court. It was the ACLU who argued in *Ashcroft v. Am. Civil Liberties Union* (2004), the case before the Supreme Court to have COPPA struck down, that filters were the best alternative solution, since filters are “the least restrictive means” to regulate the harmful unprotected speech of pornography online. The Supreme Court agreed that the ACLU’s filter solution was Constitutionally sound. Now that the a majority of states are presenting legislation that codifies the filter solution recommended by the ACLU and ratified by the United States Supreme Court in *Ashcroft*, the ACLU cannot now turn around and argue that “it didn’t really mean it” when it advocated the legitimacy of filter solutions.

9. Question: Is the Human Trafficking Prevention Act a bipartisan bill?

<https://www.youtube.com/watch?v=XnEnG4Wkb6M>

Answer: This act is bipartisan. In some states, only Democrats are sponsoring the bill in the house and senate, in other states, only the Republicans are. However, in some states both Democrats and Republicans are sponsoring the bill together. In some states the Democrats are presenting the bill in the house and Republicans in the Senate. We have yet to find a single politician - Republican or Democrat - who believes that the continued distribution of pornography through products that distribute the internet to minors is a good idea. By this point, basically every family has been adversely impacted by internet pornography in some way - both liberal and conservative.

There are certain aspects of this act that typically appeal to Democrats. For example, Democrats favor (1) fighting human trafficking; (2) reducing female objectification; (3) having a valid government revenue that finances state programs like the victims compensation fund; and (4) reducing the prison population.

There are certain aspects of this act that regularly appeal to Republicans. For example, Republicans favor (1) fighting human trafficking; (2) protecting children and families, (3)

upholding community standards of decency, (4) protecting the religious freedoms of consumers who do not want to be influenced by pornographic materials, and (5) reducing the prison population.

IMPACT ON CRIMINAL JUSTICE

10. Question: How does this act impact criminal justice?

<https://www.youtube.com/watch?v=okhz9Zn8p6A>

Answer:

Prostitution: Take Prostitution and Human Trafficking, this act will single handedly inflict the greatest blow to human trafficking demand since the inception of the Internet by making it is easier to avoid having access to prostitution hubs. It pushes them underground. We interviewed countless jons who all say the same narrative after they have been arrested - they “just wish it was not so easy to hire prostitutes” online. What happens is that consumers use pornography to numb out emotional pain. After a while many of them want to have porn-like experiences in “real life” and they open the door to hiring escorts, which can create a vicious cycle that victimizes everyone. Our society does not function best when hard core pornography and prostitution hubs are one click away or unavoidable. Our society does better when there are barriers in place. The temptation to hire a prostitute to deal with one’s emotional challenges will be reduced tremendously by this act. “Prevention,” not prosecution, must be the first response to this problem. It is both shallow and intellectually dishonest to suggest that we can “end human trafficking,” but we can reduce sex slavery by making the Tech Companies comply with the prohibition against promoting prostitution by forcing them to put prostitution hubs behind digital blinder racks on the front end by default. Law enforcement agencies across the United States compassionately stand behind this act, which shows that the police are not for prosecutions as a first response. Law enforcement has been put in a terrible position because online prostitution hubs promoted by the Tech Enterprise has made enforcement incredibly difficult, while at the same time greatly proliferating criminal activity and subjecting law enforcement to increased endangerment. As Polk County sheriff’s department said in regards to this act, “this is something that should have become law a long time ago.” This bill better sets up law enforcement for success, reducing the increased danger that prostitution hubs creates for them. The passing of this act confirms that blue lives matter.

Moreover, as Mothers Against Trafficking Humans, Shared Hope, and In Our Back Yard have all attested under oath on behalf of this initiative “pornography online is an advertisement for prostitution.” The evidence shows that pornography normalizes false permission giving beliefs on sex and erodes consent. The current condition that filterless products are sold in makes them inherently sexually exploitative and a catalyst for sexual voyeurism and prostitution.

Prostitution and pornography are tied together in a seamless interconnected continuum that connects with organized crime and drug trafficking. By requiring that child pornography, revenge pornography, prostitution hubs, and obscenity as defined under the existing obscenity codes be placed behind the digital blinder rack, the tech companies will be fulfilling their existing legal obligation under the obscenity statute that prohibits companies from promoting prostitution and obscenity.

Child Pornography: This act will greatly reduce child pornography offenses and prosecutions. Right now if a consumer stumbles onto child pornography on a filterless device in this state, they could be facing 20 years in prison. Once this act becomes law, it will mean that if a consumer is charged with child pornography possession, it would likely have meant that they intentionally choose to have the filter deactivated and then subsequently interfaced with the illegal content. The passing of this act will strengthen the element of intent for child pornography prosecutions and better accords with the 14th Amendment's Due process clause. Furthermore, people who are arrested for child pornography did not grow up thinking "someday I want to get off to child pornography." People who are convicted for child pornography offenses almost always started by interfacing with softcore pornography, which triggered a slippery slope of the heart, which ultimately requires more extreme forms of obscene imagery to achieve the same high.

Revenge Pornography: This act will greatly mitigate the impact on revenge pornography victims. Right now there is a push by a majority of the states to criminalize revenge pornography acts, which is not invalid. There are 34 states that have revenge pornography laws currently. This act will reduce the harm imposed on the victim of revenge pornography by reducing the number of people who have access to such images. Here is an example to understand the concept. Once this act becomes law, it would mean that if a naked picture of a female minor was upload by a peer to embarrass her, the image would be placed behind the digital blinder rack, which would mean that her peers could not readily have access to the image and only adults who consented to have the filter removed and paid the fee would readily be able to view it. By reducing instant exposure to the revenge pornography image, it will mitigate the injury to victims of revenge pornography crimes.

On balance, there is not a Human Trafficking, child pornography, or revenge pornography law that comes within the ball park close to the superiority of this act on basically all accounts in terms of a positive impact on criminal justice and the protection of minors.

THE COMMERCE CLAUSE

11. Question: Does the Human Trafficking Prevention Act violate the commerce clause?

<https://www.youtube.com/watch?v=53CAdTUerXI>

Answer: This act does not violate the commerce clause. This bill regulates the manufacturers and retailers only in the state at issue by telling the manufacturers and retailers that they cannot allow products to leave the retail stores without first installing custom made filters that automatically make a reasonable ongoing attempt to block out

(1) prostitution hubs, (2) child pornography, (3) revenge pornography, and (4) obscenity as defined under the existing state and federal obscenity code. It is true that the Federal Congress will present a bill that is similar to the Human Trafficking Prevention Act that will focus on regulating the manufacturers of products that distribute the internet, telling manufacturers that they cannot allow products to be shipped across state lines without first having pre-installed activated filters that are password protected. The Federal bill will complement the state's law at issue here, and will be introduced through the Commerce Committee.

A simple analogy that can be used to understand how this act does not violate the Commerce Clause is as follows: take the auto industry, the state legislature has passed a law that tells Toyota dealerships within the state that they cannot allow the cars to leave the dealership without first having installed custom designed seat belts. Presumably, Toyotas are not manufactured in the state at issue but are made elsewhere and then shipped into to the dealership in the state. Whether the manufacturer or retailer decide to design and install custom designed seat belts is an issue for them to negotiate and figure out together, but the bottomline is that the retailer has to comply with the standard set by the legislature, ensuring, one way or another, that consumers do not drive the vehicle off the lot unless seat belts are first installed to mitigate the the harmful effects that could occur from using the car as it was intended. After all, without "cars," there is no such thing as "car wrecks." Likewise, without "filterless products," there is not online prostitution solicitation and internet pornography addiction. The state's seat belt law that applies to the local dealership does not violate the commerce clause for the same reason that this filter act does not either, when it comes to the local Tech retailer.

By passing this law that applies to the retail stores in this state it would likely encourage the retailers to put pressure on out of state manufacturers to modify their products so that the retailer will be in compliance and can sell the manufactures products for their mutual benefit. Yet, there are retailers who might want to open the box and install filters of their own. Take Best Buy, for example, right now a consumer who buys a product that distributes the internet from Best Buy who wants to have filters added to make it safer can pay Geek Squad to install a filter. Once this act becomes law, it could be the case that Best Buy chooses to have Geek Squad install filters on the front end once the product sent by the manufacturer is received and before the product is sold. Best Buy's Geek Squad could charge their own filter deactivation fee to offset the cost of installing filters and maintaining the quality of the filter. If the consumer had a problem with the deactivation fees, the consumer does not have to pay it and does not have to have the filter deactivated.

12. Question: Why make the Human Trafficking Prevention Act a state law, not federal?
<https://www.youtube.com/watch?v=3bYrFeyUfqE>

Answer: It is far better to make this matter a state law issue for several reasons. First, this bill pulls directly from the existing state obscenity codes repeatedly. This act reinforces and makes the existing codes strong. This act erases the double standard when it comes to the Tech Enterprise in comparison to “bricks and mortar” pornography shops that the state is regulating. This act strengthens the state’s code immensely concerning prostitution and obscenity. Although there is a Federal obscenity code, the state obscenity statutes are clearer and stronger. Second, it is preferable that this act be enforced by the State’s District Attorney’s office and by the state courts, not the Federal Courts and the Department of Justice. Overall, the state government is better equipped to enforce this law.

This act directly parallels the “display statute,” which all 50 states have on their books. The display statute requires retailers like, newsstands and 711s, to put obscene content, like Playboy and Hustler, behind a blinder rack that can only be removed by the retailer if the consumer is over 18 and verifies their age, after demonstrating a desire that the retailer remove the opaque covering.

Moreover, this act pulls from the state’s obscenity codes that prohibit the distribution of obscenity to minors and the prohibition against the promotion of prostitution. It is illegally irrational to prohibit a minor from seeing an R-rated movie only to allow them to walk around with an X-rated theater in their pocket in the form of a filterless iphone.

Additionally, the Supreme held in the *Paris Theater* that the state’s have a compelling interest to uphold community standards of decency. The state has an opportunity to charge a fee that will pay for some state programs. It is better that the state government profit off of this act than the federal government. This act legitimately allows the states to collect a filter deactivation fee that will go to finance the victims compensation fund, human trafficking hotline, and human trafficking task force, while creating a grants program to enable groups within the state that are fighting domestic violence, child exploitation, divorce, and human trafficking to be more equipped to do their job. These programs are not just going to fund themselves on their own.

FIRST AMENDMENT

13. Question: Is the Human Trafficking Prevention Act an unreasonable encroachment on freedom of speech?
<https://www.youtube.com/watch?v=VFdZARIMK5o>

Answer: As the Supreme Court said in famous cases of *Miller*, “pornography is unprotected speech.” The legislature has the right to regulate the “time, place, and manner” of obscene speech in a way that is the “least restrictive means” in order to comply with first amendment

heightened scrutiny standards. The legislature cannot unilaterally prohibit obscenity and prostitution hubs completely, and this act does not call for that. But this act will survive First Amendment Constitutional challenge because it allows adult consumers who want to have access to child pornography, revenge pornography, prostitution hubs, and obscenity the right to personally assume the risk and choose to have the filter deactivated. Therefore, this act is not part of a “pornography prohibition crusade” nor a campaign to “legislate morality.” Once this act becomes law, it is not as if child pornography, revenge pornography, prostitution hubs, and obscenity are gone for good, the content will merely be hidden behind a digital blinder rack by default in compliance with the existing state and federal obscenity laws. This act is not about the First Amendment, this act is about allowing adult consumers the fundamental right to regulate their own mental health. Minors should - of course - have no say in the matter.

It is the narrative floated by the Tech Companies that to regulate them whatsoever violates the free speech rights of their consumers. But that argument is completely intellectually dishonest. The real freedom interest protected in this act is the fundamental right for consumers to personally choose whether they are exposed to obscene content or not, instead of having the Tech Enterprise patronizingly make that choice for them, pretending that is “freedom,” when it is not. The current condition that products that distribute the internet are sold in are sexually exploitative because they unduly exploit human biology, hijacking neurotransmitters like dopamine, oxytocin, serotonin, and beta fosb. Consumers should have the freedom to consent before being exposed to pornographic sexual content that is designed to overwhelm the senses and provoke arousal and can lead to criminal liability. It is the duty of the manufacturers and retailers to sell their products in the safest condition possible in order to not desensitize the sensibilities of non-consenting consumers.

The two controlling Supreme Court cases that make this act survive first amendment considerations insurmountably are *Ginsberg* (1968) and *Ashcroft v. Am. Civil Liberties Union* (2004). The Tech Companies that opposed this measure in the litigation supporting this bill could not get around these two Supreme Court cases. In *Ginsberg*, the USSC found that the display statutes that require bricks and mortar stores to place physical obscene content behind a blinder rack are Constitutional as the least restrictive means to regulate harmful pornographic speech. All 50 states have the display statute, and the Constitutionality of those laws have been challenged 179 times in Court and ultimately upheld in *Ginsberg*. Here is the controlling legal analogy: since the “physical display” laws that make “physical retailers” place “physical pornography” behind a “physical blinder rack” are Constitutional under the Supreme Court’s holding in *Ginsberg*, then a “digital display” law which makes “digital products” that distribute the internet, which are miniature retailers themselves, have to place “digital pornography” behind a “digital blinder rack” is also Constitutional under the exact same legal basis as *Ginsberg*. All 50 states can pass the Human Trafficking Prevention Act, which mirrors the display statutes now. A vast majority of states will present this bill in 2017 legislative session for that reason.

<https://soundcloud.com/user-388559927/does-the-human-trafficking-prevention-act-violate-the-first-amendment>

14. Question: Does the Human Trafficking Prevention Act create a black book register?

<https://www.youtube.com/watch?v=9tgs6k6Xp-U>

Answer: This act does not in any way require that adults who choose to have the filter deactivated be put in a database that is made available to the public. Just like a consumer who buys a playboy or condoms are not logged into a register of some kind, the same applies to adults who choose to take the steps to have the filter deactivated. The retailer “may” require that consent to deactivate be in writing, but this act does not force them to do that. But the retailer is required to receive consent at a “face to face” encounter to verify the consumer’s age before deactivating the filter. It is true that in a criminal or civil trial, it could be discoverable whether a consumer choose to have the filter removed. But the retailers do not have to create a database is available to the public.

15. Question: How does the Human Trafficking Prevention Act shift the burden?

<https://www.youtube.com/watch?v=6r2HkE99KpM>

Answer: When a person buys a product that distributes the internet, there is an automatic burden that is created. Either consumers who want to avoid being exposed to pornography are going to have to undertake steps to avoid the content or consumers who want to have access to child pornography, revenge pornography, prostitution, and obscenity, are going to have to undertake the additional steps to acquire the content. Why would lawmakers sit back and reward pornographic speech and punish the proponents of clean speech? That is backwards. The Tech Companies products should be modified so that consumers are “opted out” of pornography by default, and the consumers who want access to the unprotected and illegal content have to take the additional steps to acquire the unprotected content. This act shifts the onus off of consumers who want to avoid exposure, and places the burden on adult consumers who want to assume the risk to take the steps to acquire the content.

<https://soundcloud.com/user-388559927/how-does-the-human-trafficking-prevention-act-shift-a-burden>

16. Question: How does the Human Trafficking Prevention Act connect to zoning ordinances concerning strip clubs?

https://www.youtube.com/watch?v=uAn_-ZBStkA

Answer: Currently, a state cannot do away with strip clubs. But a state can zone strip clubs to the undesirable and hard to reach parts of town. For example, strip clubs can be zoned away from schools, churches, and suburbs, for example. The rationale behind the zoning of strip clubs applies here. For example, lawmakers wanted to give the husband of five children plenty of time to turn the car around, as he drives from the suburbs to toward the strip club late at night - hoping that he will deal with his emotional challenges in a less destructive way. The Supreme Court has found that strip clubs produce a lot of criminal activity, and the same is true with pornography and prostitution hubs made available through products that distribute the internet.

Here is a simple illustration that drives this point home. If a parent hands a child a cookie, and says “whatever you do don’t eat the cookie, eat kale instead,” and then walks into the other room, the probability of the unsupervised child impulse eating the cookie is high. However, if the parent takes the cookie and puts it on the top shelf and places some obstacles in front of it, the probability of the unsupervised child undertaking a herculean effort to acquire the cookie is reduced.

17. Question: Under the Human Trafficking Prevention Act is the filter deactivation fee even Constitutional?

<https://www.youtube.com/watch?v=PyKqTZFrQms>

Answer: The Supreme Court has found over and over again that secondary harmful effects of pornography are well established and that the State has a compelling interest to uphold community standards of decency. Online pornography and prostitution hubs often leads to divorce, addiction, voyeurism, and victimization, which imposes a major cost on the state government and communities. There is a reason why most states have a human trafficking hotline, a human trafficking task force, and victim compensation fund. Those state programs will not sua sponte fund themselves. The filter deactivation fee has a rationally related narrowly tailored interest tied to a compelling state interest in upholding community standards of decency, and is squarely Constitutional on that basis. The filter deactivation fee is justified under the Supreme Court’s holding in *Paris Theater* and a Texas Supreme Court case - *Combs*.

There were three state statutes that were relied on in coming up with the filter deactivation fee. One from Utah, Texas, and Pennsylvania.

The Utah Statute: Utah has a “filter” statute already. Utah’s filter statute basically states that if a consumer has an Internet Service Provider (ISP) and wants to have filters installed to protect them or others from being exposed to obscenity, they can undertake the effort to reach out to the ISP and demand that the ISP install a filter. The ISP then must comply, but the ISP can charge a filter installation fee. A Federal lawsuit was filed to challenge the Constitutionality of that statute by a group pushing this act. Basically, Utah got it backwards. ISPs, along with the makers and retailers or other products that distribute the internet, will now be required to sell their products with filters activated with the mechanism to deactivate withheld. Adult consumers

who want the filters deactivated will now be the party required to reach out to the ISP and verify their age before the filter is deactivated. Instead of having a filter installation fee, there is now going to be a filter deactivation fee, which will go to the state to offset the secondary harmful effects of pornography on society and go to the retailer to cover the cost of compliance with this act, if the retailer wants to charge a fee also.

Texas: Has a five dollar strip club tax. So when a person goes to a strip club in Texas, they have to pay the admission fee on top a five dollar fee that goes to the state to fund a grants program that literally enables hundreds of anti-human trafficking, anti-domestic violence, anti-child exploitation, and anti-pornography groups to have the funds to meet an important state interest. The Constitutionality of the five dollar strip club tax was upheld by the Texas Supreme Court in the *Combs* case. The same Constitutional legal basis behind the five dollar strip club tax is the same legal basis supporting the filter deactivation fee in the Human Trafficking Prevention Act.

Pennsylvania: Pennsylvania has a statute that creates a grants program that finances and enables groups that are fighting human trafficking, domestic violence, and upholding community standards of decency. There is no reason for the state to reward obscene speech and to make it more difficult for the groups that are fighting sexual exploitation to have to struggle in doing so.

The anti-human trafficking groups and programs will not simply fund themselves. The twenty dollar filter deactivation fee will create a pool of funds that will enable these programs and groups within the state to reduce criminal activity, direct victimization, and transferable collateral suffering.

18. Question: Will this act hurt third party filtering companies - putting them out of business?

Answer: To begin, third party filtering companies should have never existed to begin with. Imagine buying a car without seat belts and going to some third party that lacks the insider knowledge of the car and asking them to speculate on how to make seat belts to make the product safer. It always should have been the duty of the manufacturer and retailers to custom design filters to make the products comply with state and federal obscenity laws in the defense of the public's health. Third party filtering companies were created to try to make the products that distribute the internet safer. The very existence of third party filtering companies - alone - is proof that the manufacturers and retailers of products that distribute the internet are inherently dangerous. In the litigation that gave birth to this act, the CEO of Net Nanny, Brent Bishop, testified under oath that his company should not even be in business. Nearly all of the third party filtering companies are willing to partner with the Tech Enterprise to ensure that their products comply with this act. If that occurs, this act will help the third party filtering companies business financially. A lot of retailers and manufacturers might contract with groups like Content Watch and Covenant Eyes to help them comply. But in the event that a third party filtering company was put out of business because of this act, they should not be left out in the cold. Third party filtering companies that are harmed by this act should be allowed to apply for grants created out

of the \$20 filter deactivation fee to be made whole again. This is another reason to have the \$20 filter deactivation fee.

As Ralph Yarro, a Tech Expert Giant and CEO of Think Atomic, testified in Federal Court in the litigation that gave birth to this act, there is a fundamental problem with third party filtering companies: they lack the insider knowledge to make the filters function optimally. Apple, for example, has a closed system. There are a lot of advantages for having a closed system - there are fewer viruses for example. But a closed operating system makes it incredibly difficult for third party filtering companies to guess how to make filters effective. Even when a third party filter is functioning correctly on a product, if the manufacturer subsequently changes the operating system even slightly, it can completely obsolete the filter. There are scenarios where a parent bought a third party filter and had it installed to protect their children, thinking that they were shielded from exposure. Then the manufacturer modified the operating system, which nullified the filter. Meanwhile parents thought that their children were safe from exposure when they were not.

IMPACT ON SOCIETY

19. Question: Will this bill shake things up generally?

<https://www.youtube.com/watch?v=HOt0kix3daY>

Answer: This act will shake things up in general and every scenario cannot be anticipated. Retailers and manufacturers have the opportunity to capitalize on a new revenue stream. They will be negotiating with each other how to comply with this act. No business wants to be regulated. The idea that consumers should self-regulate by default is utter nonsense. For the past two decades the Tech Enterprise has not been regulated, and society is not better off because of it. One of the reasons the legislature exists is to improve safety. The state legislature can set a standard of safety for the retailers and manufacturers in the state to meet, and it is up to the Tech companies to figure out how to meet it. Unless they are forced to do so, the Tech Companies are never going to take the steps to make their products safer and in compliance with obscenity laws.

It could be the case that playboy will want to have two websites “playboy.com,” which non-obscene content which is not filtered and “playboy.xxx” which is obscene and is filtered. Backpage.com might want to make two websites, backpage.net, which does not have adult services section and backpage.com, which does have adult services, which is filtered. The legislature cannot possibly anticipate every scenario in how this bill will shake things up, but the legislature has a duty to the public to protect the consumer’s safety, health, and welfare.

20. Question: Do all small independent router companies have to have activated filters that are password protected installed?

Answer: This is a bit of a trickier question to answer, which is the result of the shake up. For one thing, it is clear that this act applies to Internet Service Providers, who are at the front of the causal chain before the routers. A router is the physical part of the product that plays a role in distributing the ISP's signal in distributing content on the internet. Technically all routers sold by the retailer would need to be modified to have filters installed that block pornography by default. Yet, the ISP can filter obscenity out on the ISP level before the signal gets to the router level. So, there could be an exception here for small third party independent router companies, but they have to work that out with the ISPs. There is no doubt that the ISP must ensure that they are complying with this act. The ISP could decide to filter out obscenity at the ISP level or they could require that the consumer use routers that they provide that have filters - filtering out obscenity at the ISP level. Either way, it is the ISP's duty to ensure that they are in compliance with this act - that their consumers are opted-out of pornography until they take the necessary steps to opt-in.

21. Question: Will the Human Trafficking Prevention Act block all LGBTQ websites?

<https://www.youtube.com/watch?v=ECO5aKQiiZg>

Answer: No. This act will not automatically block websites that advocate LGBTQ orthodox. But this act will block out LGBTQ websites that are pornographic. Yet, homosexual porn, like heterosexual porn, is not done away with permanently, it is just put behind a blinder rack.

22. Question: Doesn't this bill have the potential to create a 1984 scenario?

Answer: No. Not as the act is written. The bill only goes to only regulate prostitution hubs, child pornography, revenge pornography, and obscenity as defined under the existing obscenity code. The bill will place the major pornographic websites and prostitution hubs behind the blinder rack. This bill does not regulate the social interactive websites like Facebook, Twitter, and youtube. Social interactive websites already have their own reporting center where if obscene content is posted, it can be reported and removed quickly. This act will likely indirectly put a bit of pressure on the social interactive websites to do a good job at removing obscenity from their websites.

23. Question: Is this legislative effort by right wing extremist in an attempt to shame atheistic liberals who think pornography is harmless?

<https://www.youtube.com/watch?v=tCYDAfhLWGo>

Answer: No. "Sex" is good. God made it. But "healthy sex" is all about context. Sex is powerful, and a government that cares about its people will pass laws to better enable and encourage its

citizens to have sex in settings that accord with “the truth about our nature” and “the truth about the way things are.” Humans do not flourish best when they are getting off to child pornography, obscenity, and prostitutes as a way of dealing with the pains of life. This law regulates the manufacturers and retailers of products that distribute the internet within this state in a manner that makes the objective “healthy choice” the “easy choice.”

This is not a “right” or “left” issue, but a matter of “right” and “wrong.” After Utah passed its resolution in April 2016 declaring that “pornography is a public health crisis,” the New York Times wrote an article called “It’s O.K., Liberal Parents, You Can Freak Out About Porn.” The NY Times article establishes that the war on pornography is not a way to attack liberals who believe that truth is relative. The entire article can be read here:

<http://www.nytimes.com/2016/07/17/opinion/sunday/its-ok-liberal-parents-you-can-freak-out-about-porn.html>

24. Question: Does this act help or hurt women?

<https://soundcloud.com/user-388559927/does-the-human-trafficking-prevention-act-reduce-female-objectification>

Answer: Anyone with common sense knows that pornography “objectifies women.” Many believe that pornography dehumanizes and depersonalizes women. Men are attracted by sight naturally, and this bill will reduce human trafficking, sexual voyeurism, and domestic abuse - protecting women’s rights. While the retailers and manufacturers of products that distribute the internet, owe no allegiance to pornographers and human traffickers, they do have a “moral responsibility” to protect their consumers.

This act gives people who at one time thought it was wise to participate in pornography a second chance at a stable family life. There are former porn actresses who have left the industry, married, and who now have children and a marriage. Because of their past decision, their children and husbands can be reminded that there is a video of her being intimate with someone outside of their family. That imagery can be traumatizing to the wife, father, and children, damaging families tremendously. This act is a mercy centric and gives many a second chance at living a maximized life.

FEASIBILITY

25. Question: Under the Human Trafficking Prevention Act how can the Tech Companies define obscenity? Isn’t one man’s art another man’s vulgarity?

https://www.youtube.com/watch?v=_DYols7ZLul

Answer: The Tech Companies love to pretend that they do not have the ability to define obscenity, and so, therefore, they cannot filter out obscenity. First, there is the famous “I know it

when I see it” standard given by the Supreme Court. The United States Supreme Court has defined what obscenity is in a multitude of cases. The most famous case is *Miller*. But beyond that this state’s obscenity code clearly defines what obscenity, child pornography, and prostitution is. Ignorance of the law is no excuse, so the idea that the distributors of pornography do not know what “pornography is” is merely an indefensible excuse.

CONSUMER PROTECTION AND PRODUCTS LIABILITY

26. Question: How does the Human Trafficking Prevention Act relate to products liability?

<https://www.youtube.com/watch?v=afqo-sEksxl>

Answer: Instrumentality and control factor: Products that do not leave the instrumentality and control of retailers and manufacturers are subjected to higher levels of care owed to the consumer. So, for example, if a person buys a chainsaw from the home depot, the tool is held to a lower standard of care, even if it is more dangerous product, than a computer, router, and cell phone. Laptops, cell phones, routers, etc do not leave the instrumentality and control of the retailers and manufacturers. The products stay in contact with the retailer and manufacturer even after they have left the store. The manufacturers and retailers of products that distribute the internet have the capacity to send out software updates. Manufacturers and retailers of products that distribute the internet can send out filter software updates to ensure that unprotected content that is supposed to be blocked is and content that is not supposed to be blocked is not.

Cigarette Vending Machines: The United States Supreme Court found that cigarette vending machine manufacturers and retailers can be held strictly liable for the harm caused by the content that is accessible inside of their devices. That analogy applies squarely here. Filterless laptops, cell phones, and routers are effectively “pornographic vending machines” and must be treated as such. To improve the safety of the products, the obscene content can only be made available to consenting adults.

False Advertising: Steve Jobs already admitted to the press that Tech companies have a “moral responsibility” to keep pornography off of their products. By passing this act, for the first time since the inception of the internet the Tech Companies can actually market their products as family friendly without committing fraud, violating the Lanham act, and consumer protection statutes.