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November 28, 2007

BY EXPRESS MAIL, REGULAR MAIL AND FACSIMILE

Commander Paul Zambouras
Metropolitan Bureau of Investigation
Vice/Organized Crime Section
Post Office Box 1673
Orlando, Florida 32804

Re: craigslist

Dear Commander Zambouras:

We are counsel to craigslist and this letter is in response to two letters from you to Jim Buckmaster of craigslist. The first, dated September 28, was received on October 22. The second, dated November 20, was received on November 26. This letter also follows up on my earlier letter to you dated October 24, 2007.

To put the matter in context, some background information may be helpful. Since its origin in 1995, craigslist has served the general public as a relatively non-commercial online community where normal people can communicate freely among themselves and find what they need in their everyday lives, including jobs, housing, goods and services, romance, friends, and community information. In 12 years time craigslist has grown dramatically, and today approximately 100 million people use 450 local craigslist sites in 50 countries to post over 30 million monthly postings, generating nearly 10 billion page views each month. Craigslist commonly gets thank you notes from users who have literally assembled every meaningful aspect of their life using the site, including their spouse, their job, their house, their car, furnishings, their pet, and many of their current friends, all through craigslist, all for free.

While craigslist has just 25 employees, the craigslist site is moderated by its entire online community of users, each of whom is empowered to "flag" for removal any advertisements that are objectionable, illegal, or that otherwise violate craigslist's terms of use.

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However, craigslist doesn't rely exclusively on community moderation to enforce its Terms of Use. In particular, craigslist has taken various measures to minimize the misuse of the site for inappropriate purposes, including: (1) banning all illegal activity in its Terms of Use, (2) placing prominent notices on its posting forms warning against illegal activity, (3) providing the aforementioned community moderation system whereby craigslist's users flag inappropriate ads for removal, (4) placing prominent notices asking users to flag inappropriate ads, (5) removing inappropriate ads that are brought to staff attention (6) prohibiting the use of all adult-oriented categories by persons under the age of 18, (7) placing notices encouraging users to report any suspected abuse of minors, (8) using electronic screening to block certain advertisements that craigslist believes will be in violation of its Terms of Use before they are posted, including without limitation advertisements with words or combinations of words (such as "anal") that indicate a high probability of violation of craigslist's Terms of Use, (9) responding promptly to inquiries and requests for assistance from law enforcement officers, and (10) giving periodic briefings for groups of law enforcement officers on how to efficiently obtain information from craigslist.

Although it is always looking for ways to further improve, craigslist believes the measures it currently takes to minimize the misuse of the site for illegal activity are as good or better than those provided by the many newspapers, alternative weeklies, and telephone yellow page publishers that for decades have made a profitable business out of accepting "erotic services" ads. We have noted your efforts to dissuade these sorts of companies from accepting these types of advertisements.

I also note your request that craigslist eliminate the Erotic Services section. Unlike newspapers and the yellow pages, craigslist is in the business of providing free and instantaneous self-posting mechanism for millions of users to communicate directly among themselves. And while craigslist is open to any and all suggestions for minimizing misuse of our site, it is craigslist's belief that the elimination of this category would not accomplish the desired result, and would have undesirable consequences.

Craigslist's "erotic services" category was established at the request of craigslist users, who were tired of seeing escort services, sensual massage providers, exotic dancers, webcam operators, phone sex operators, sellers of adult merchandise, and various other "adult" services posting in the regular personals and services categories. Craigslist knows from its past history that if there was not an "Erotic Services" section, people seeking to advertise erotic services would simply place their advertisements in the "Personals" categories, and other "Services" categories -- thus significantly reducing the usefulness of craigslist for all parties, without achieving any of the goals you are hoping for. Accordingly, the unfortunate reality is that elimination of Erotic Services as a category will increase misuse of the site, rather than decrease it.

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We stress the fact that craigslist does not condone any form of illegal activity on its site, and views itself as a victim of such activity, much like any other community that is subjected to illegal activity. It will continue to cooperate with law enforcement, and certainly values continued dialogue with you and other law enforcement officers regarding ways to improve the site.

We have responded to your letters because we have represented craigslist for many years and have the benefit of familiarity with the way craigslist works. However, to facilitate dealing with your agency regarding these issues, craigslist has also engaged Kirk Kirkconnell, a Florida lawyer, to assist it. Kirk's number is (407) 644-7600, and please feel free to contact either Kirk or me if you would like to further discuss this letter.

Finally, craigslist would like to thank you for acknowledging the Chicago housing litigation, where the broad immunity of Internet companies (and craigslist in particular) for advertisements posted by others was re-affirmed by the District Court for the Northern District of Illinois. The Chicago housing litigation was but one of a series of cases reaching the conclusion that 47 U.S.C. § 230 provides immunity to interactive computer services for postings to their site made by others. The immunity provided by Congress protects interactive computer services from state criminal sanctions as well as civil sanctions. *Voicenet Communications v. Corbett*, No. 04-1318, 2006 WL 2506318 (E.D. Pa. Aug. 30, 2006). However, this immunity applies only to interactive computer services, which distinguishes craigslist from the weekly newspaper referenced in your letter.

Craigslist appreciates that you have approached it as a law abiding citizen seeking to cooperate with law enforcement to deal with a shared problem. Hopefully this letter will help promote mutual understanding and serve as a starting point for craigslist to work together with your office to make additional improvements to the craigslist site in pursuance of its shared goal of minimizing the misuse of craigslist for inappropriate purposes.

Very truly yours,



Edward Wes

cc: J. Buckmaster
K. Kirkconnell