

August 31, 2023

Dear Mr. Steyer:

I am writing in response to Common Sense's <u>press release</u>, <u>letter</u>, and your <u>social</u> <u>media post</u> regarding California AB 1394 authored by Assemblymember Buffy Wicks. Your assertion that TechNet is "lobbying to allow pedophilia, bestiality, trafficking, and child sex abuse" is entirely false, defamatory, and completely ignores our member companies' long history as active participants in the fight against commercial sexual exploitation and child pornography.

Our commitment, and our member companies' commitment, to fighting back against sexual predators is crystal clear: the internet, and any platforms on it, should not be a safe haven for these activities and criminals should be prosecuted to the fullest extent of the law.

Since TechNet has spent the last several months working in good faith in pursuit of these objectives by negotiating amendments to this bill with the author and sponsors, we will assume your press release, letter, and social media post were the product of ignorance rather than malice.

Allow us to help you catch up on the latest with respect to your co-sponsored legislation:

- On June 26, TechNet approached Assemblymember Wicks with good faith amendments that would 1) make AB 1394 workable from both a legal and policy perspective and 2) result in the removal of more child pornography. We asked to sit down and negotiate, expressed a clear goal of negotiating industry-wide neutrality, and proposed a series of meetings to work in that direction.
- Since that time, we've had more than a dozen discussions and meetings with the author, sponsors, and other key legislative personnel, and those meetings have resulted in substantial progress. We know your organization didn't participate in those negotiations, so perhaps you're unaware of the details.
- During that process we have offered amendments that, if accepted, would result in the strongest piece of legislation in the country related to the removal of child pornography from the internet. We've made numerous concessions and focused our efforts on providing sound



policy alternatives that will result in more child pornography being removed from the internet. For example, despite our strong opposition to increased civil liability, our amendments do not aim to strike the two private rights of action against platforms that fail to comply with the bill.

- Importantly, our amendments attempt to protect AB 1394 from likely First and Fourth Amendment challenges that could invalidate the bill or help perpetrators keep evidence out of court to avoid prosecution for their abhorrent crimes. The last thing TechNet or our members want is for a criminal defendant to be able to overturn their conviction based on evidence collected as a result of this bill, and we hope Common Sense would agree.
- As of last week, we were a few minor details away from an agreement that would remove our opposition. Unfortunately, organizations like yours have decided to upend major points of agreement and are *knowingly* pushing away from collaboration and toward litigation.

As noted above, we've had productive, thoughtful conversations with the author and other supporters of AB 1394. Our offer remains the same as it did when we first started this process: we welcome the opportunity to negotiate amendments in good faith and discuss our shared goal of eradicating child pornography and sexual exploitation online. Until that time, we'll continue to propose solutions that result in the removal of more child pornography and ensure the perpetrators of these heinous crimes remain behind bars.

Sincerely,

Linde Moore

Linda Moore President and CEO