

Letter in opposition to SB648

My name is Trisha Newalu. I am representing myself and my community today.

I am a certified sex educator, and an intimacy coordinator. I am the founder of the Erotic Laborers Alliance of New England.

We provide resources and support to sex workers and trafficking survivors.

I contributed to the development of a porn literacy curriculum with Boston University for students in high school.

I was on the front lines in reforming on set safety standards and comprehensive consent within the mainstream adult industry.

That work inspired the international me too movement.

I have been an actor and producer of adult entertainment for 23 years.

Many of those years I ran a full time studio right here in New Hampshire. Where I lived voted, payed taxes and employed residents.

In the state of New Hampshire, it is perfectly legal to produce adult entertainment

In

2008, the New Hampshire Supreme Court ruled in State v. Theriault that producing pornography does not constitute prostitution under state law.

With legal reasoning citing

First amendment protections highlighted that pornographic acting is generally considered a protected expression under the first amendment.

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It is a contradiction that our live free or die state would now pass legislation that takes away freedoms and legitimate employment opportunities from its residents. There are more content creating sex workers in New Hampshire than you think. They are your neighbors, they shop at your grocery store

They are your constituents. Many of these workers rely on online platforms to create adult entertainment to earn a living and put food on the table for their families.

Senate Bill 648 harms the consumer and it harms the content creator. First Amendment protections apply to online speech, freedoms of political discourse and choice of entertainment as much as First Amendment protections apply to life offline.

In 1996 the U.S. Congress passed a law, Section 230 (originally part of the Communications Decency Act), that protects Americans' freedom of expression online by protecting the intermediaries we all rely on.

Congress wanted to encourage internet users and services to create and find communities. Section 230's text explains how Congress wanted to protect the internet's unique ability to provide true diversity of political discourse and opportunities for cultural development, and... intellectual activity. Diverse communities have flourished online, providing us with political, educational, cultural, and entertainment services.

As of right now there is no hack proof guaranteed way to safely collect copies of government identification from consumers according to cyber security experts.

A government-issued identification card check conducted by a third-party is going to accomplish nothing but create a false sense of security

A minor looking to access adult entertainment will find a way around it.

The minors you are interested in protecting they know how to use VPN's

The New Hampshire adults seeking entertainment deserve to search the vast World Wide Web without having to upload their government issued identification.

We can all agree that underage viewing of adult entertainment is NOT something we want.

There are other ways to protect minors from viewing potentially harmful adult material online.

We believe, that parents, not the state

Should take action to restrict what is allowed to be viewed.

Technology exists to aid in the

Parental responsibility to control the potential content that their children may have access to.

There are already reasonable verification methods in place on most adult websites.

There are non profit organizations that work to mitigate underage viewing of adult content.

The Electronic Freedom Frontier and

The Free Speech Coalition are available to offer more reasonable solutions that do not involve government regulation when viewing online entertainment.

The vague language in Senate Bill 648 conjures images of good old fashioned book burnings fueled by fear of the written word

Section 1(b) states

Pornographic material may take the form of photographs, videos, WRITINGS , audio recordings, or animation, among other media formats.

I am a published erotica writer. I am an artist. My words are my art. You must not censor art. In 1963 after being arrested for obscenity Hugh Hefner, argued in court that the female form was art. That this female figure throughout history was painted, sculpted and yes written about as art. He set a precedent against the legal perception of obscenity.

It's a slippery slope and to what end where the state may have the power to sanction anything as morally right or wrong.

Even the written word.

On behalf of myself and my community we urge you to reconsider writing as pornographic material as it pertains to this proposed legislation.

We also ask that you consider the possible long term ramifications of government interference of freedom of speech, choice, art, writing and legitimate employment in the granite state.

Thank you for your attention and your time today

I'm glad to answer any questions you may have.