

June 17, 2025

The Honorable John Thune  
Majority Leader  
United States Senate

The Honorable Charles Schumer  
Minority Leader  
United States Senate

Sen. Ted Cruz  
Chairman  
Commerce, Science, and Transportation  
United States Senate

Sen. Maria Cantwell  
Ranking Member  
Commerce, Science, and Transportation  
United States Senate

Dear Majority Leader Thune, Minority Leader Schumer, Chair Cruz, and Ranking Member Cantwell:

The Woodhull Freedom Foundation is an organization dedicated to defending sexual freedom as a fundamental human right. In carrying out our work, we strongly advocate for [free speech](#) and [privacy](#) protections, and it is in this capacity, we write to express our opposition to the Kids Online Safety Act (KOSA). Because we share the intended goals of this legislation—to keep children safe online—we must express our deep concerns that KOSA will not serve this purpose, but it will present a grave threat to freedom of expression and the privacy of Americans.

Since KOSA was originally introduced, Woodhull has [sounded the alarm](#) that, although the goal may be admirable, the approach will not keep kids and teens safe online and will only cause harm. We have repeatedly [raised these concerns](#) in [letters to Congress](#) detailing KOSA's threats to civil liberties, digital rights, and LGBTQ+ rights. We urge lawmakers to accept the fundamental flaws of KOSA because of its potential to be used as a tool for mass censorship of constitutionally protected speech online.

In our responses to earlier versions of KOSA, [Woodhull highlighted](#) how the bill's broad language has the potential to censor information that young people need access to, including sexual and reproductive health education materials. This is due to the "duty of care" requirements, in which online platforms must prevent or mitigate "harms to minors"; the current version of KOSA continues to define such harms far too broadly. The result will be social media platforms blocking or filtering entirely legal content to avoid running afoul of the vague language still contained in KOSA.

We at Woodhull know [social media companies are extremely risk-averse](#) in the face of government interference with their content moderation practices. Most recently, we saw how online platforms reacted to a set of laws passed by Congress in 2018, the Senate bill Stop Enabling Sex Traffickers Act, and the House bill, Fight Online Sex Trafficking Act (collectively known as SESTA/FOSTA). Like KOSA, SESTA/FOSTA was attempting to address a serious issue, human trafficking. Instead of being an

effective anti-trafficking tool, however, SESTA/FOSTA has most often been used to force large swaths of constitutionally protected speech off the internet.

The Government Accountability Office [documented the ineffectiveness of SESTA/FOSTA](#) in their 2021 report, detailing law enforcement's nearly nonexistent use of the law to prosecute trafficking cases. Woodhull funded a [peer-reviewed study](#) that demonstrated how online platforms censored constitutionally protected speech to avoid new legal liability created by SESTA/FOSTA. We also challenged SESTA/FOSTA in court based on violations of the First Amendment (free speech), the Fifth Amendment (due process/vagueness), and the Ex Post Facto Clause of Article I, Section 9 (retroactive punishment). Although the Court did not issue the constitutional ruling Woodhull sought, it held that [the law must be interpreted narrowly](#) to avoid "grave constitutional questions." We urge you and your colleagues to apply the lessons learned from SESTA/FOSTA: undermining free speech will not create a safer internet.

We are also deeply concerned about the [ongoing privacy risks](#) inherent in even this most recent version of KOSA. In addition to removing First Amendment-protected speech, online platforms are also likely to respond to KOSA by imposing age verification requirements. These requirements not only create unconstitutional barriers to access information online, but also open up all internet users to [unacceptable risks to their privacy and security](#). Online age verification processes require internet users to [expose themselves to data and identity theft](#) while enjoying their constitutional right to freedom of expression.

Children's safety online does not require compromising free speech rights. We ask you and your colleagues to recognize this truth and vote no on this legislation unless its ongoing threats to freedom of expression are addressed.

Your consideration of these matters is very much appreciated.

Sincerely,



Ricci Joy Levy  
President & CEO  
Woodhull Freedom Foundation