

SESTA-FOSTA

presentation by Lauren B.

RUJ - Red Umbrella Justice

*special thanks to Davette Baker and
Virgil Duvalier for their constant
advocacy on this issue. And to Molly
Lancelot for helping to reach out to
and educate trafficking organizations
about SESTA.*

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- ÿ What is SESTA?
- ÿ What is it supposed to do?
- ÿ How is it affecting sex workers?
- ÿ How is it affecting trafficking victims?
- ÿ How is it affecting 'average' citizens?

What is SESTA-FOSTA?

Originally two separate bills, FOSTA (Allow States and Victims to Fight Online Sex Trafficking Act), a House bill brought forth by Missouri Representative Ann Wagner, and SESTA (Stop Enabling Sex Traffickers Act), a Senate bill brought forth by Ohio Senator Rob Portman, were amended and combined into one bill on February 20, 2018.

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What is SESTA-FOSTA?

- The amended bill passed the Senate 97-2 on March 21, 2018.
- Senators Rand Paul of Kentucky and Ron Wyden of Oregon were the only two no votes. Wyden cited he was "deeply troubled that this bill's approach will make it harder to catch dangerous criminals, that it will favor big tech companies at the expense of startups and that it will stifle innovation" as reasons for voting against the bill.
- Senator John McCain did not vote.
- The bill was signed into law by Habanero Hitler/Apricot Adolf on April 11, 2018.

What is SESTA supposed to do?

- To curb sex trafficking online, particularly via Backpage.
- To create an exception to Section 230 of the 1996 Communications Decency Act holding website platforms accountable if third parties post ads related to the sex trade (including consensual sex work). The goal of this is supposed to be that policing online sex trade rings gets easier.

Source: <https://www.vox.com/culture/2018/4/13/17172762/fosta-sesta-backpage-230-internet-freedom>

What is SESTA-FOSTA?

- Section 230 states "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."
- Restrictions on section 230: Congress brought forth a resolution in the House in February 2018 called "Providing for consideration of the bill (H.R. 1865) to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes."

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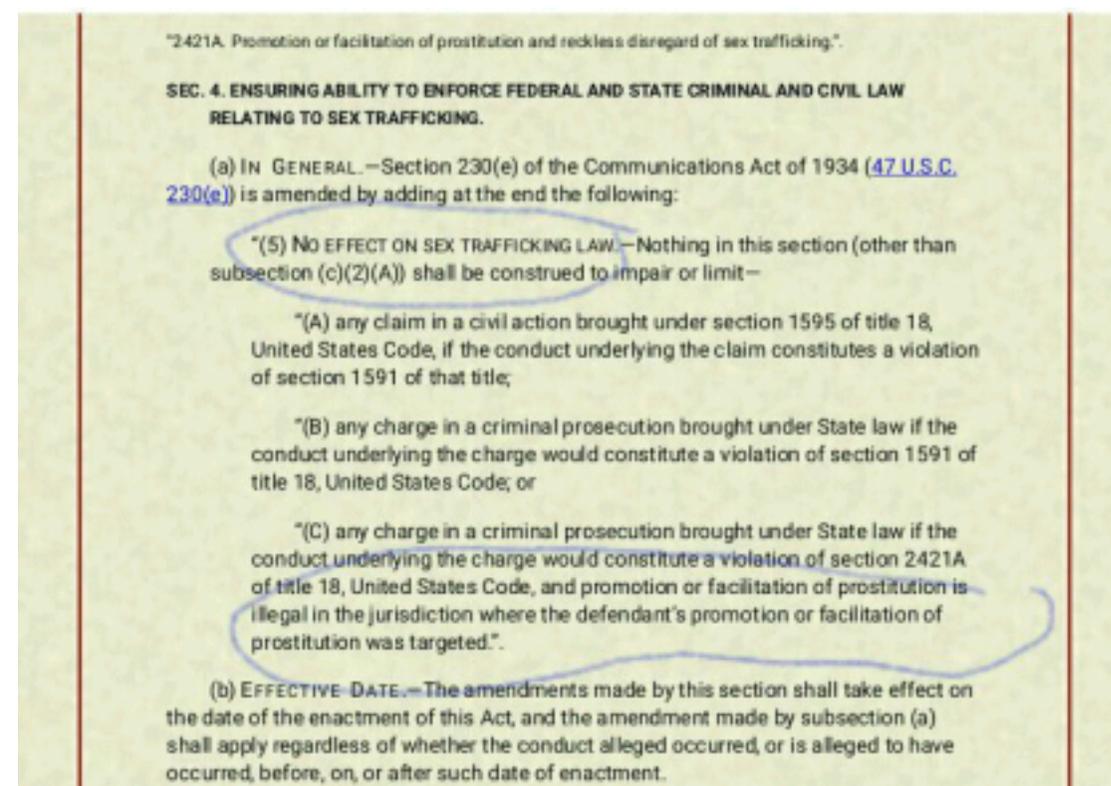
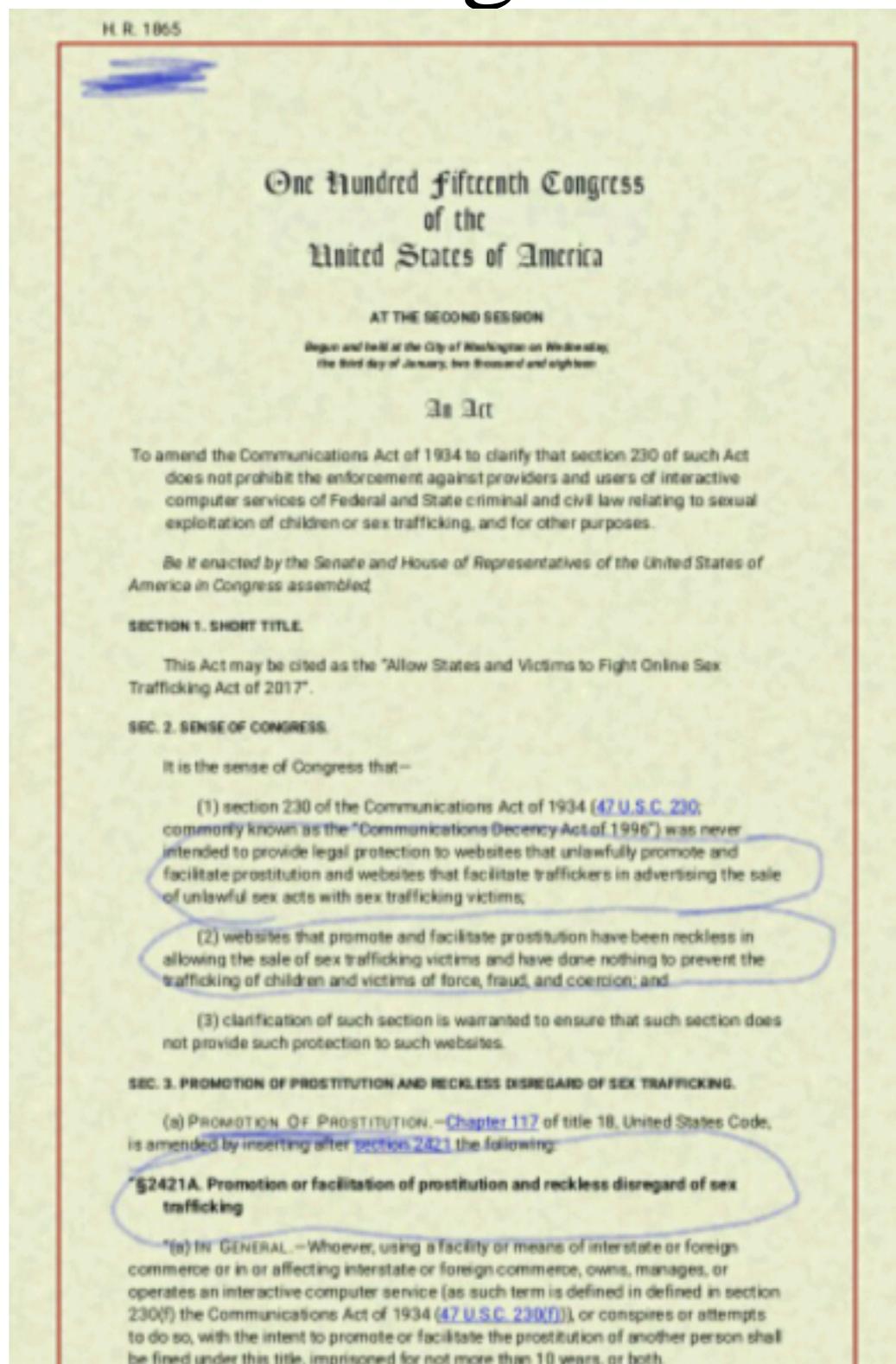
Unconstitutional

Ex Post Facto

- ÿ A law that retroactively changes the legal consequences of actions that were committed before the enactment of the law (Wikipedia).
- ÿ According to Sec.4(b) of HR 1865 (FOSTA), "Effective Date.-- The amendments made by this section shall take effect on the date of the enactment of this Act, and the amendment made by subsection (a) shall apply regardless of whether the conduct alleged occurred, or is alleged to have occurred, before, on, or after such date of enactment."
- ÿ The US Constitution forbids ex post facto laws at both the federal and state levels. Article 1, Section 9, Clause 3 (federal law) and Article 1, Section 10 (state law). "No bill of attainder or ex post facto law shall be passed."

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Conflating Sex Trafficking and Sex Work



Backpage

backpage

Choose a location

Alabama

Auburn
Birmingham
Dothan
Gadsden
Huntsville
Mobile
Montgomery
Muscle Shoals
Tuscaloosa

Alaska

Anchorage
Fairbanks
Juneau
Kenai Peninsula

Arizona

Flagstaff
Mohave
Phoenix
Prescott
Show Low
Sierra Vista
Tucson
Yuma

Arkansas

Fayetteville
Fort Smith
Jonesboro
Little Rock

California

Bakersfield
Chico
Fresno
Humboldt
Imperial
Inland Empire
Long Beach
Los Angeles
Mendocino
Merced



most ad

backpage.com and affiliated websites have been seized

as part of an enforcement action by the Federal Bureau of Investigation, the U.S. Postal Inspection Service, and the Internal Revenue Service Criminal Investigation Division, with analytical assistance from the Joint Regional Intelligence Center.

Other agencies participating in and supporting the enforcement action include the U.S. Attorney's Office for the District of Arizona, the U.S. Department of Justice's Child Exploitation and Obscenity Section, the U.S. Attorney's Office for the Central District of California, the office of the California Attorney General, and the office of the Texas Attorney General.

Backpage record certification requests should be sent to info@backpage.net. Please remember to attach the records you need certified and the certification document that you are requesting be completed and returned to you. Please allow 2-3 days for your request to be processed. If you have a record certification request that requires urgent attention, indicate that by including the word "URGENT" in the subject line of your email.

April 6, 2018

Worcester

Harrisburg

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Backpage

- ÿ A lot of this started with Backpage, or rather a desire to get rid of Backpage.
- ÿ BP was pretty well known as a site for sex work related ads (even after they removed their adult ads section in February of 2017).
- ÿ BP has also been used by police both to arrest people paying for sex and consensual sex workers AND with BP helping law enforcement in investigations into ads on its site, particularly sex trafficking (*Source: https://www.washingtonpost.com/news/true-crime/wp/2017/07/18/under-attack-backpage-com-has-its-supporters-as-anti-trafficking-tool-but-many-differ/?utm_term=.b332c5b34eb4*).

Backpage

- Similar websites have been taken down in the past, but authorities' attempts to get BP taken down due to the sex work and sex trafficking ads on its website were blocked by the part of Section 230 that states that websites aren't responsible for content posted by their users. This was stated explicitly by a judge in December 2016 when a lawsuit against BP was dismissed.
- However, a month later a Senate investigation found BP complicit in the trafficking of children saying they knowingly edited trafficking ads.
 - § It was stated, however, by Senator Rob Portman (who sponsored SESTA) that "even under current law, I believe that this evidence of illegality should lead to a successful prosecution."
- A month later a documentary called "I Am Jane Doe" was released and focused on trafficking survivors, Backpage, and the idea that the part of the CDA that protected BP needed to be done away with. Lauren B.

Backpage

- ÿ 2 months later, on April 3, 2017 FOSTA was introduced in the House and on August 1, 2017 SESTA was introduced in the Senate. Representative Bob Goodlatte (Chairman of the House) cited holding BP accountable as a reason for pushing FOSTA forward.
- ÿ The problem is, Backpage was shutdown on April 6, 2018, but SESTA was still signed into law on April 11, 2018.
- ÿ And none of the charges brought forth against BP had anything to do with trafficking, even though that is cited as one of the reasons they were shut down. The charges against them are money laundering and facilitating prostitution. (*Source: <https://www.justice.gov/opa/pr/justice-department-leads-effort-seize-backpagecom-internet-s-leading-forum-prostitution-ads>*)

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US Congress just passed [HR 1865, "FOSTA"](#), seeking to subject websites to criminal and civil liability when third parties (users) misuse online personals unlawfully.

Any tool or service can be misused. We can't take such risk without jeopardizing all our other services, so we are regretfully taking craigslist personals offline. Hopefully we can bring them back some day.

To the millions of spouses, partners, and couples who met through craigslist, we wish you every happiness!



This community has been banned

This subreddit was banned due to a violation of our [content policy](#)

Banned 1 day ago.

[BACK TO REDDIT](#)

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How is SESTA Affecting Sex Workers?

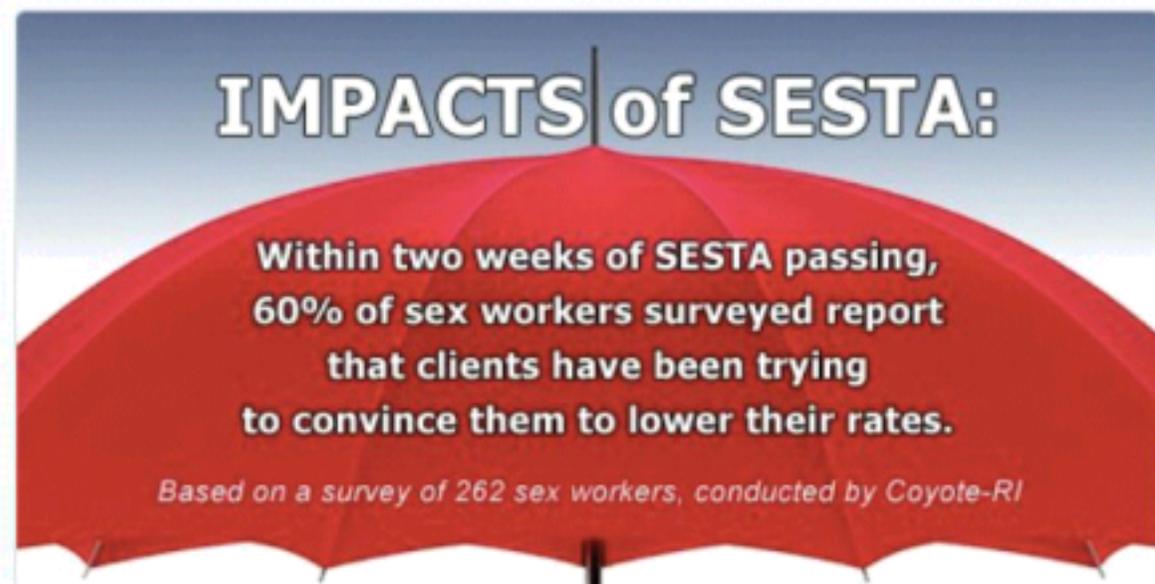
- ÿ Losing access to bad date lists and forums (TER, VerifyHim forums, MyRedBook, etc), which leads to not knowing which clients are high risk and not being able to warn others.
- ÿ Sites shutting down, which increases the likelihood of having to do street sex work, which carries a higher risk of violence and death.
- ÿ Already exclusive sites getting more exclusive ("panic mode") - this essentially leaves the most marginalized sex workers out (queer and trans swrs, poc swrs, disabled swrs, swrs who are IV drug users, survival sex workers, and those with intersecting identities).
- ÿ Sex workers are being pulled into trafficking (TRAFFICKING IS INCREASING) because pimps are calling up swrs, especially those who were previously able to escape those situations, and promising them clients. (*Source: https://motherboard.vice.com/en_us/article/bjpqvz/fosta-sesta-sex-work-and-trafficking*)

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How is SESTA Affecting Sex Workers?

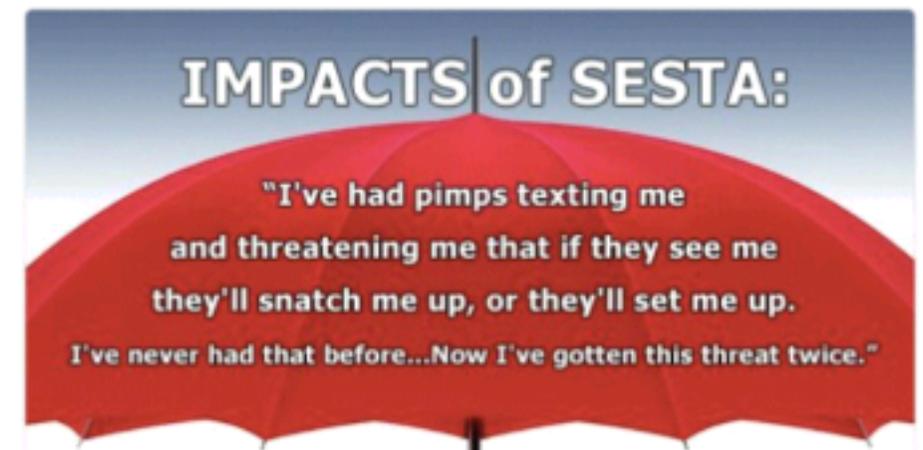
- ÿ Clients are aware of the circumstances that sex workers are in and many are taking advantage by using the fact that many sex workers may not have access to bad date lists anymore and are trying to harm them, or are refusing to pay the prices that a lot of sex workers normally request (Ex. offering \$40 or \$60 instead of \$160 or \$200), or are refusing to wear condoms if they have to pay those prices.
- ÿ Actual harm reduction and legal groups that help sex workers are shutting down. SWOP Sacramento (a group that helps sex workers and trafficking victims) stopped its operations in early April - after SESTA passed, but before it was signed into law. They provided bad date lists, know your rights classes, a hotline, and condom dispersal (*Source: <https://theslot.jezebel.com/facing-sesta-and-political-threats-sex-worker-organiza-1824257817>*)
- ÿ Many sex workers have already gone missing, been killed, or taken their own lives due to the higher risk and stress of not knowing how they'd make ends meet.

A survey conducted by @Coyoteri after FOSTA and SESTA passed reveals that 60% of sex workers have had clients try to get lower rates. Predatory clients know that sex workers are vulnerable right now, and are trying to prey on panic. #sexwork



Since Backpage closed (due to the passing of SESTA), sex workers have seen a huge uptick in the amount of pimps trying to take over their business. This is NOT an improvement, this is NOT safe.

#RepealSESTA #LetUsSurvive #SexWork



Source: <http://coyoteri.org/wp/after-fosta-its-like-hunger-games-on-sex-workers/>

How is SESTA Affecting Trafficking Victims?

ÿ I was unable to find a single thing that has said that a trafficking victim has been helped since this legislation passed.

SESTA's Impact on Trafficking

- ÿ Increase in number of consensual sex workers who are now being pulled into trafficking situations due to pimps promising them more clients.
- ÿ Basically this was implemented without actually providing a way for anyone to actually leave the sex trade. Sites are shutting down, but they aren't reporting suspected cases of trafficking now (which is what they were doing before) because to do that now could leave them responsible for trafficking charges. So those trafficking victims simply move on to the next site.

Effects of SESTA Outside of Sex Trafficking and Consensual Sex Work

- Microsoft: Skype/Xbox Live/OneDrive/Office - banning accounts that use "offensive language" and going through users private data. No nudity or "inappropriate talk" (long-distance relationships affected).
- Amazon - a lot of fictional erotica has been pulled from being sold, especially erotica written by many independent writers.
- TOS of different apps and internet platforms have been changing since laws took effect.

What Next?

§ June 1st: A National Day of Action

ÿ Hold legislators accountable

ÿ Meet with your representatives

ÿ <https://survivorsagainstsesta.org/june-1-a-national-day-of-action/>

§ June 2nd: IWD (International Whores Day - aka "Día Internacional de las Putas, PutaDei, International Sex Workers Day, Día Internacional de la Trabajadora Sexual) is a day to gather sex working people, their co-conspirators, accomplices, loved ones and communities together in protest to demand an immediate cessation of police and state violence, the end of whorephobia, stigma and shaming, and call for the decriminalization of all sex work now!"

ÿ Source: <https://survivorsagainstsesta.org/june-2-iwd/june-2-is-iwd-a-day-of-direct-actions/>

What Next?

§ Know Your Rights Trainings - NLG has done KYR trainings related to sex workers rights groups in other states. SWOP has a KYR kit that is helpful once an event is in place.

Further Reading

- U <https://www.congress.gov/bill/115th-congress/senate-bill/1693>
- U <https://www.congress.gov/bill/115th-congress/house-bill/1865>
- U <https://cdt.org/insight/frequently-asked-questions-section-230-sex-trafficking-and-current-legislation/>
- U <https://www.xbiz.com/news/234894/fsc-issues-statement-on-backpage-com-seizure>
- U <https://techpolicycorner.org/how-sesta-fails-to-counter-sex-trafficking-2584d1f0c04c>
- U <https://www.rollingstone.com/politics/features/controversial-anti-sex-trafficking-bill-screw-over-sex-workers-w518323>
- U <http://philadelphia.cbslocal.com/2018/03/27/microsoft-ban-offensive-language-xbox-skype-office-account/>
- U <https://www.eff.org/deeplinks/2018/02/fosta-would-be-disaster-online-communities>
- U <https://www.freespeechcoalition.com/priorities/policy/sesta-fosta-section-230/>
- U <https://www.dailydot.com/debug/what-is-sesta-fosta-bill/>
- U <https://www.vox.com/culture/2018/4/13/17172762/fosta-sesta-backpage-230-internet-freedom>
- U https://motherboard.vice.com/en_us/article/qvxeyq/trump-signed-fosta-sesta-into-law-sex-work

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Dedicated to those who have gone missing, lost their lives, or chosen to end their lives as a result of SESTA-FOSTA, the shutting down of Backpage, and other issues tied to SESTA as discussed in this presentation.

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Resources

- § <https://www.414allmke.org/> (locations for free condoms and std testing clinics in Milwaukee)
- § <https://www.usenaughtybags.com/> (locations for free condom packs)
- § Places to access PrEP (when accessing PrEP you can tell them you have multiple sexual partners. Mentions of sw can end up in your medical record so be aware that other doctors may be able to access that info in the future)
 - ÿ 16th Street Community Health Clinic (also has Needle Exchange) - HIV Case Manager direct line: (414) 897-5584, Specific Information regarding HIV or Testing: (414) 897-5645, <http://sschc.org/health-community/hiv-program/>
 - ÿ AIDS Resource Center of Wisconsin (also has Needle Exchange) - 820 N. Plankinton Ave, Milwaukee, WI 53203; 414-223-6800, arcw.org (I know for a fact they serve the insured, uninsured, and underinsured)

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Resources

§ Places to access PrEP (cont'd):

- ÿ Milwaukee Health Services (MLK Clinic) - 2555 N. Dr. MLK Dr., Milwaukee, WI 53212; 414-267-2807 (ask for a nurse when you call). This place accepts insured and uninsured.
- ÿ Froedtert Hospital - 9200 W. Wisconsin Ave, Milwaukee, WI 53226; 414-805-6444 (ask for Sally) This place does not accept uninsured patients.

§ Know Your Rights Resources

- ÿ <https://redlightchicago.wordpress.com/know-your-rights/>
- ÿ <https://redlightchicago.wordpress.com/in-case-of-arrest-what-not-to-do/>
- ÿ <http://www.nlg.org/know-your-rights/> (downloadable NLG KYR pocket guide)

Resources

§ Important Phone Numbers

ÿ Sex Worker Warmline: 1-877-776-2004

ÿ National Domestic Violence Hotline: 1-800-799-7233

ÿ National Suicide Hotline: 1-800-273-8255 (*be aware that they will call the police if they think you're actively a harm to yourself or others in the moment)

ÿ Trans Lifeline: 1-877-565-8860

ÿ National R**pe Crisis Line: 1-800-656-HOPE(4673)

§ Sojourner Family Peace Center - 619 West Walnut Street, Milwaukee, WI 53212; 414-276-1911 (main number), 414-933-2722 (Emergency Domestic Violence Shelter and 24 hour Confidential Domestic Violence Hotline), <https://familypeacecenter.org/resources/getting-help/>

§ Food Pantries - Feeding America Eastern Wisconsin; 1700 W. Fond du Lac Avenue, Milwaukee, WI 53205; 414-931-7400 (call and they should be able to help you find your nearest pantry); *proof of Wisconsin residency is required; <https://feedingamericawi.org/find-help/pantry-locator/>

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