PERCEPTIONS OF SEX TRAFFICKING LEGISLATION

BY SEX WORKERS

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PERCEPTIONS OF SEX TRAFFICKING LEGISLATION

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ABSTRACT

In April of 2018, President Donald Trump signed into law the Stop Enabling Sex Trafficking Act/Allow States and Victims to Fight Online Sex Trafficking Act (SESTA/FOSTA) package. This set of bipartisan legislation was billed as a way of combatting sex trafficking by holding websites responsible for any sex work advertisements on their platform. This research examines the effects of SESTA/FOSTA on sex workers through a content analysis of social media posts. Data consist of 476 tweets collected from self-identified sex workers on the social media platform Twitter about the SESTA/FOSTA legislation. These tweets expressed the lived realities, perceptions, and emotions endured by sex workers in the wake of SESTA/FOSTA to better understand the impact of this legislation on the lives of sex workers. Taken together, the data provide insight into the ramifications of anti-sex trafficking legislation in a country with heavy sex work criminalization.
The faculty listed below, appointed by the Dean of the College of Arts and Sciences, have examined the thesis titled “Perceptions of Sex Trafficking Legislation by Sex Workers” presented by Victoria N. McMahan, a candidate for the Master of Science degree, and certify that in their opinion it is worthy of acceptance.

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CHAPTER 1
INTRODUCTION

The term “sex work” is relatively new, having first been established in the 1970s (“Carol Leigh coins the term “sex work””, n.d.), but the types of work it encompasses are not new. At different points in time sex workers have been called many things – prostitutes, whores, women of the night, courtesans, street walkers. As time passed, new forms of sexual entertainment were created, and today many of those are considered under the umbrella of sex work. Strippers, webcam models, phone sex operators – all these can be considered sex work, albeit with various levels of sexual contact or behavior. Whether any of these things are even work is contentious today, but those who self-identify as sex workers are very adamant about their professions as actual professions.

Is sex work work? This question depends on who you ask, and when. The push for worker rights within the movement is relatively new, but prostitute’s rights movement of the 1960s through the 1980s set the tone for today’s sex worker movement. The movement began with the conceptualization of prostitution as a victimless crime, in an effort to destigmatize sex work (Jenness, 1993). This led to efforts in the late 1970s into the 1980s by an organization called Call Off Your Tired Old Ethics, or COYOTE, to recast prostitution as legitimate service work in order to justify decriminalization. The leaders of COYOTE argued that it is a misconception that sex workers sell their body. Rather, a prostitute is being paid for their time and skill (Jenness, 1994, p. 68). Additionally, they argued that most prostitutes voluntarily choose to engage in prostitution. To them, most women who work as prostitutes have made a conscious
decision to do so. They have weighed their choices and alternatives and have chosen sex work.

COYOTE and its descendants in the sex workers’ rights movement represent only one perspective on sex work. On the other end of the spectrum, there are those who argue it is decidedly not work and is instead a form of rape and exploitation. This camp is made up of a strange coalition of right-wing Christians and radical feminists. These groups are typically known as abolitionists, harkening back to Civil War-era slavery abolitionists. It is from this abolitionist line of thinking that the rhetoric of prostitution as “modern day slavery” emerged (Smith & Mac, 2018). For abolitionists, sex work does not exist, and all “sex work” is sex trafficking. Abolitionists, emphasizing the social and structural constraints that people operate under when selling sex, argue that sex work should be viewed through the lens of exploitation rather than autonomy. When confronted with the notion that some sex workers express a degree of autonomy by choosing to engage in prostitution, the abolitionist perspective is that there is no true choice, and these women must be saved.

These perspectives are more than mere rhetoric; they have material implications for people engaged in sex work. Because there is empirical overlap in the activities considered sex work and sex trafficking, laws designed to regulate one necessarily constrain the other. This study takes as a starting point the distinction between sex work and sex trafficking while recognizing this empirical overlap, in order to explore the impact of anti-sex trafficking legislation on sex workers. Donald Trump signed into law two sets of anti-sex trafficking legislation in 2018 that targeted online platforms where sex workers post advertisements and upload content. These two laws, Stop Enabling Sex
Trafficking Act and Fight Online Sex Trafficking Act, also known as SESTA and FOSTA, have had a profound effect on sex workers—and sex workers have a lot to say about it. The legislation has been hailed by some as a blatant attempt at online censorship and patriarchal control of women. Since sex workers are by-and-large either women or assigned female at birth, many feel as though these laws are blatant attempts at controlling the autonomy of women who fall outside the social norm. This study examines sex workers’ experiences, opinions, and feelings by analyzing posts on the social media platform Twitter. Analysis reveals that self-identified sex workers have an overwhelmingly negative perception of SESTA and FOSTA, and feel as if their autonomy is being constrained by the government. In order to regain some agency, some sex workers used social media as a platform to share their experiences and beliefs.
CHAPTER 2
LITERATURE REVIEW

Legal Regulation of Sex Work and Sex Trafficking

Though sex work has been criminalized in the United States for some time, it is only in the past few decades that the moral crusade against sex trafficking began. Ronald Weitzer, in his article “The Social Construction of Sex Trafficking” (2007), asserts that this push towards anti-sex trafficking legislation is part of a moral crusade against pornography. In addition, O’Brien (2017) asserts that sex trafficking legislation in the US is heavily informed by the country’s approach to sex work—sex work seen here in the form of porn. Comprised of religious and radical feminist groups, this crusade targeted local and national lawmakers including President Ronald Reagan, who created a commission on pornography. This commission relied on testimony from many in the anti-pornography movement and rejected counterclaims. The Justice Department accepted the commission’s recommendations and implemented them to create a new obscenity unit within the agency (Weitzer, 2007).

Over time, this crusade against pornography spread to other forms of sex work, and the fear mongering about sex trafficking began, spearheaded primarily by the religious right and abolitionist feminists. This movement spurred political engagement and attendant legal change. As a political issue, combatting human trafficking has enormous bipartisan appeal—courtesy of the abolitionist rhetoric of modern-day slavery in which it is steeped. Often, those who see sex work and sex trafficking through the lens of modern-day slavery refer to themselves as “abolitionists”. Abolitionists want the complete abolition of prostitution in any form, often believe that prostitution and sex
trafficking have a cause-and-effect relationship. To them, legalization or decriminalization of sex work creates conditions for sex trafficking to flourish (O’Brien 2017). It is important to point out the hypocrisy of this stance. If women are victims of structures larger than themselves, how can they be blamed? If they have no agency, then there is no personal fault for what happens to them. Jenness (1993) states that law enforcement often views prostitution as criminal because of perceived or real relations with other forms of crime, such as organized crime, robbery, or narcotics. If abolitionists believe everyone in the sex industry lacks agency, they do not express it by working with law enforcement and policymakers to reduce the number of people arrested for prostitution in jails and prisons.

One of the most glaring flaws with all anti-sex trafficking legislation is how it defines, or refuses to define, sex work. The term “prostitution” is frequently used instead—despite the fact that prostitution represents just one of many forms of sex work.¹ Prostitution, often considered a stigmatized term, is still heavily used in legislation and academic work, but other forms of sex work exist and should be examined, such as cam modeling, stripping, and professional dominatrix work. Both SESTA/FOSTA fail to define the difference between sex work or prostitution and sex trafficking. This is not the only instance of this, and it can be seen throughout legislative history that the difference is either not recognized or left out entirely. This omission is justified by the abolitionist perspective guiding the legislation, in which sex workers cannot consent to sex in exchange for money. From this perspective, it is impossible to consent to sex when

¹This same conflation is sometimes made in academic work on the issue. For the purposes of this research, prostitution will be used to describe a specific form of sex work when discussing material that uses the term prostitution.
money is involved because the involvement of money shifts the power in an exploitative direction. Because sex work cannot be consented to, it therefore does not exist and need not be attended to (Weitzer, 2007).

This is problematic for sex workers. For instance, a precursor to SESTA/FOSTA identifies sex trafficking as “the recruitment, harboring, transportation, provision, or obtaining of a person for a commercial sex act” (Victims of Trafficking and Violence Protection Act, 2000). This definition incorporates all migrant sex work, regardless of whether it is consensual. However, the legislation penalizes only “severe forms of trafficking” in which a commercial sex act has been “induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age” (O’Brien, 2017). Additionally, few precautions are put into place to protect “legal” forms of sex work. For instance, SESTA/FOSTA jeopardized the income of online sex workers such as porn performers and cam models by deleting their online content. No precautions were put into place to make sure these completely legal, taxable forms of income were protected from the legislation.

So how do law enforcement know who is on the streets out of force or choice? According to Vox, “In a 2003 survey of street-based sex workers in New York City, 80 percent said they had been threatened with or experienced violence, and many said the police were no help. In fact, 27 percent of respondents in the survey said they had experienced violence from police officers” (North, 2019). It is a contradiction to find no distinction between sex work and sex trafficking while also arresting individuals for prostitution. Instead of blaming Johns for violent behavior or society for creating the conditions that lead individuals to engage in sex work, sex workers themselves receive
the brunt of the blame (Jenness, 1993, p 32). Moral crusaders see the complete eradication of prostitution as “the only way to protect women from harm and to protect society from the prostitute” (Jenness, 1993, p. 32).

In April of 2018, bipartisan legislation passed the US House and Senate to be signed into law by President Donald Trump. This set of legislation, known as SESTA/FOSTA, was spearheaded by Democratic Senator Kamala Harris and sponsored by 27 Democratic and Republican senators—representing broad bipartisan support. Though few politicians expressed opposition to the laws, many sex workers and sex worker rights advocates were fearful the legislation would only harm sex workers by constraining their autonomy further and jeopardizing their ability to do their work safely, by considering them victims of trafficking rather than autonomous workers with a right to a safe work environment. These fears were rooted in the language of the legislation. SESTA, for example, exempts websites frequently used by sex workers (e.g., Craigslist and Backpage) from legal protection under the Communications Act of 1934, stating that the Act “was never intended to provide legal protection to websites that facilitate traffickers in advertising the sale of unlawful sex acts with sex trafficking victims” (Stop Enabling Sex Traffickers Act of 2017). This designation of websites that facilitate the sale of sex as facilitating sex trafficking cast the “problem” of the websites as solely one related to trafficking, to the exclusion of the consideration of sex work. FOSTA takes this a step further by establishing enhanced penalties in the form of a fine, 25 years in prison, or both for the person who allows or promotes the facilitation of prostitution of five or more persons or acts recklessly in such a way that contributes to sex trafficking (Allow States and Victims to Fight Online Sex Trafficking Act of 2017).
Safety For Whom?

Anti-trafficking legislation aims first and foremost to keep people (specifically, trafficking victims) safe. But the ways in which it does so can endanger sex workers. By ignoring sex work—and thus sex workers—completely, anti-trafficking legislation fails to see the unintended harms that can come to sex workers as a result. Sex work is an occupation with a high degree of risk. The advent of the internet provided sex workers with new tools to keep themselves safe, and sex workers have been able to take their business off the streets and into spaces where they feel more comfortable and in control. For instance, the website VerifyHim was used for some time by sex workers as a database where information on “johns” (men who purchase the services of sex workers) can be uploaded for other sex workers to see. This allows sex workers to screen for dangerous clients and upload information for other sex workers to avoid dangerous johns or scam artists. Online services such as VerifyHim and Craigslist’s now-defunct Erotic Services section were shown to decrease female homicide by as much as 17.4 percent (Cunningham et al, 2017, p. 4). Similarly, Jones (2017) found that online information sharing has allowed sex workers to decrease their risk of bodily harm and physical violence, as well as providing an easier and safer avenue to engage in activism, particularly activism that promotes the decriminalization of sex workers. This information sharing was a vital part of minimizing risks, specifically victimization of the sex workers. Allowing sex workers to use online platforms keeps them safe; while pushing them off websites forces them into more dangerous situations.

Since the passage of the SESTA/FOSTA package, many have spoken out that the legislation has not achieved its stated purpose—asserting that, to the contrary, it has made
it more difficult to catch traffickers and rescue victims. Advocates who work daily with sex workers, particularly the most vulnerable sex workers, have reported that many are being forced back onto the streets for the first time in years (Fischer, 2017). In Indianapolis, police report that cases of human trafficking have dried up. With Backpage, police would be able to subpoena ads to help identify trafficking victims, and would allow officers to catch their victim in a hotel room which provides a crime scene. Without Backpage, police receive reports far too late or do not receive any at all (Fischer, 2017).

According to Kristen DiAngelo, the Sex Worker Outreach Project’s executive director, after the closing of the online resource Redbook, sex workers were pushed onto the streets (Berlatsky, 2017). Regardless of the reasons, there are those who must remain in the sex industry, and taking Redbook forced part of the population of sex workers to move into more dangerous territory. DiAngelo also emphasizes that access to online advertising makes sex trafficking less, rather than more, likely—thus rendering women even more vulnerable. “On the street, women are visible; it’s easy for pimps and traffickers to find them. Online,” DiAngelo says, “women can run their own business and predators don’t have immediate access to them!” (Berlatsky, 2017). Maxine Doogan, the founder of the Erotic Services Union, expressed concern when Redbook was initially shut down, and feared that women would be put in harm’s way rather than being “rescued” from sex trafficking. These women relied entirely on MyRedBook for their livelihood, and without it had very few options for survival (San Francisco Examiner, 2014).

**Agency and Autonomy Under Capitalism**

Agency is a slippery concept, perhaps nowhere more so than with regard to sex work under capitalism. For the purposes of this article, agency is defined as the ability of
an actor to act within their given environment. Agency is at the core of consent. Under capitalism, there is only so much autonomy or agency that can be expressed by any individual. Capitalism requires that there be a separation of classes, i.e. those who own things (the bourgeois) and those who work things (the proletariat) (Marx, 1847). In exchange for labor, workers are given money with which they must purchase necessities to survive, such as rent or food. Due to this necessity, all labor under capitalism comes with varying degrees of agency. A young person in a blighted part of a city may find few options for employment, so they can only assert agency over what options they do have. Some choose to work at a fast food restaurant making less than a livable wage, or others are forced by their circumstances into petty crime such as theft or drug dealing. The options and opportunities available to people are different depending on circumstances, therefore whether something is the result of agency/free will or the forced result of capitalism is difficult to measure.
CHAPTER 3
METHODOLOGY

This study utilizes an inductive, qualitative content analysis to examine the effects of SESTA/FOSTA from the perspective of sex workers. Data from 476 tweets posted by self-identified sex workers were analyzed in order to answer the question: How do sex workers perceive the impact of sex trafficking legislation on their lived realities? In the section below, I describe the Twitter platform, describe my data, and discuss my analytic strategy.

Twitter

Twitter is a micro-blogging social media platform that allows users to post public messages (“tweets”) of up to 280 characters. Tweets can be posted in isolation or as part of larger “threads” created by a single user to discuss an issue at length. Users can interact with each other on the public forum of Twitter by either “replying” to a tweet or “retweeting” another user’s tweets. Replying will create a thread that can easily be followed, while “retweets” create a separate, new tweet. Retweets can reproduce the original tweet without additional commentary, or can include added text from the retweeting user. Users are also able to directly address other users with the “@username” function; tweets that use this function are still public, but “tag” a specific user to alert them to the communication. When users post tweets, they have the option of utilizing “hashtags,” which are essentially keywords preceded by the # symbol (e.g., #SESTA, #FOSTA). These hashtags are essentially user-identified categorizations (or rudimentary qualitative codes) for the tweet that are used to organize topics for search and
presentation purposes. For instance, hashtags are how users know when a topic is “trending” and allow users to follow or search for specific topics.

Twitter is a logical choice to answer the research question at hand. The platform boasts 126 million daily active users (Shaban, 2019), including a large community of sex workers who cultivate a social media presence in order to create their own brand and attract clients. Posts on Twitter are publicly available; unlike Facebook, for instance, the default settings allow users to follow others without first needing approval. This ease of access allowed me to easily search tweets using the platform’s own search function.

**Sampling Strategy**

I selected tweets from April 1 to July 31, 2018—a time period beginning 11 days before the passage of SESTA/FOSTA. This timeframe was selected because, due to the public nature of the bill’s passage, many of the effects of SESTA/FOSTA were being felt before the legislation was officially signed. Additionally, it begins 11 days before the passage of the legislation in order to encompass the entirety of the month of April instead of only part of the month. This was done to keep things as simple as possible for the search function to work properly.

Within this timeframe, I collected all tweets that met certain inclusion criteria for keywords related to topic (SESTA/FOSTA) and user (whether the user self-identified as a sex worker). The final data set includes 476 tweets from 85 users. I organized my data prior to analysis using the word processor Scrivener. I created folders for each hashtag, and in each folder was a document for each individual user. In those documents I copied and pasted the users’ tweets. Some users only used a single hashtag, while others used multiple hashtags within a single tweet. When a tweet utilized more than one of the five
primary hashtags, the tweet was only included with the hashtag that was used to originally find it, so as not to duplicate the data. The process by which the sample was selected is described below.

I began by searching for the keywords SESTA and FOSTA during the time period of April 1 to July 31. The resulting tweets were then checked to determine whether the tweet was posted by a sex worker. Sex workers were identified via user self-identification in their profile or in the selected tweet. The qualifying tweets were saved in a tab in the word processing program Scrivener under the sex worker’s username (@username). Because Twitter’s search function does not always produce all results matching the search criteria, selected users’ profiles were then searched again using Twitter’s “advanced search” function for any tweets with keywords SESTA and FOSTA during the same time period that might have been missed. These tweets were searched five users at a time, added to the relevant user’s individual tab in Scrivener, and counted. No tweets from outside the sampling frame of April 1 to July 31 were included, and all tweets were verified to be posted by sex workers living and working in the United States.

Based on a review of the selected tweet, I identified five additional hashtags utilized to discuss SESTA/FOSTA: #SurvivorsAgainstSESTA, #RepealSESTA, #LetUsSurvive, #FuckSESTA, and #FuckFOSTA. I searched these hashtags using an identical process to the earlier keywords: first searching tweets during the time period, then identifying sex workers using profile and tweet information, and finally recorded those tweets in Scrivener. As each tweet was added to the Scrivener file, it was labeled with the specific keyword which produced it in the search (e.g., all tweets found via a search for the hashtag #RepealSESTA were placed under that hashtag; if other keyword
hashtags were also in the tweet, they were noted, but the tweet was not duplicated in the dataset under another keyword.

When a selected tweet was discovered to be part of a larger thread discussing SESTA/FOSTA, the entire thread was included in the sample. As long as at least one tweet within the thread utilized one of the five hashtags, all tweets within the thread were recorded. Retweets with commentary were also included, but the original tweet was not included in the final tweet count, nor were they included in the coding process. The original tweet in a retweet was included for context only. Occasionally, this method revealed additional users that did not show up in any initial search if the original tweet was from a sex worker and posted within the set timespan. Sometimes the search function would not display all users because of shadow banning, so their tweets would not have shown up in the original search function. Users are “shadow banned” when they are not outright banned from the platform, but their content is not easily available. Sometimes this means content is only available to the user, sometimes it means their content cannot be accessed unless searching those profiles exclusively. Their profiles were also searched for the primary 5 hashtags plus the “SESTA/FOSTA” keyword search. If the original tweet discussed SESTA/FOSTA or used one of the five hashtags, a document would be created for that user in the Scrivener file for the specific hashtag or keyword used. These steps were taken to try to keep the data collection process as streamlined as possible, and to reduce the chance of recording irrelevant tweets such as duplicates. Additionally, these steps help ensure as as robust a sample as possible along the chosen parameters (self-identified sex workers tweeting about SESTA/FOSTA).
Tweets were excluded from the sample if they were advertising for something else, such as services or an outside website/blog post, unless the tweet also discusses the contents of whatever is being advertised, such as providing opinions or news. Additionally, retweets without commentary were not included, which eliminated retweets where the user did not add any text and simply selected the “retweet” button.

**Analytic Strategy**

Data were coded inductively using Atlas.ti software. Each tweet was initially coded using open coding in Atlas.ti, with emergent themes identified both during this reading and from field notes taken during the data collection process. Tweets were coded tweet-by-tweet with 263 codes being the final count. Once the open coding was complete, I engaged in focused coding, in which I went back and systematically applied the 263 codes to the full body of data so that any codes developed later in the coding process would be applied to applicable tweets coded earlier in the process. After this was completed, I identified major themes within the codes and sorted the codes relevant to those themes into “code groups.” Each code group was named for the relevant theme, essentially using code groups to visualize the themes.
CHAPTER 4
FINISHINGS

I began this research with the understanding that sex work and sex trafficking are two distinct concepts. I found through this research that though the two concepts are separated, empirically there was some overlap. Some users that were identified as sex workers also described themselves as survivors of sex trafficking, and they discussed their experiences with sex work and sex trafficking differently. Though the tweets did not explicitly state what the differences between sex trafficking and sex work are, it generally came down to the degree of agency sex workers are able to express. For instance, sex workers are able to express their agency by posting their own ads, screening their own clients, and dictating their own standards for each client. One sex worker who identified themselves as a “Neo-Tantric Massage Specialist” tweeted that “pimps are out in full force now trying to recruit both successful independent [sex workers] and those who may be too inexperienced to know how to work through this chaos on their own.”

The concept of agency crystallizes empirically in the form of pimps—an important element distinguishing sex trafficking from sex work. A pimp is, generally, a man who controls and arranges meetings with johns in exchange for part or all of the earnings. However, this distinction is muddied or altogether elided under SESTA/FOSTA and similar legislation, where one does not need to actually be a pimp to be considered one. Some sex workers bring up that simply allowing a friend to post an ad from their laptop would constitute pimping or facilitating trafficking under SESTA/FOSTA.

This particular instance of SESTA/FOSTA’s conflation of sex work and sex trafficking exemplifies the larger problem with the legislation from the perspective of sex workers...
workers: in failing to see them, it harms them. Consequently, the data revealed remarkably negative reactions at SESTA/FOSTA. Not a single tweet from a self-identified sex worker expressed any form of understanding of, or support for, the packaged legislation. To the contrary, they largely viewed the legislation as a patriarchal attempt to control women’s bodies and livelihoods. Sex workers discussed what they saw as both the consequences and goals of SESTA/FOSTA and similar legislation, believing impacts of the law were intentional. In response to these challenges to their agency, the users were generally very politically engaged, whether calling for the repeal of SESTA/FOSTA, encouraging others to contact representatives, or tweeting straight from political rallies and events. Their tweets were often passionate calls for support from civilians and politicians alike, and politics seemed to be a primary way for these sex workers to express their personal agency. Agency is a particularly salient theme for sex workers, who are keenly aware of the ways in which the rhetoric surrounding their profession strips them of agency. The data suggest that sex workers are using Twitter as a way to exercise agency, whether by using it as a platform to gain clients or as a mechanism to express political frustration.

**SESTA/FOSTA as Patriarchal Control**

Many of the consequences seen under anti-sex trafficking legislation are believed to be a deliberate assertion of control by the patriarchal state – in the case of SESTA/FOSTA, the United States federal government. As one sex worker pointed out, the United States has a long history of oppressive legislation aimed at sex workers, stating, “Not too long ago the US Government, assisted by similar crusades, had ‘concentration camps for prostitutes’ and ‘promiscuous’ women for "public safety"
because they decided it was fine to declare women a disease vector and imprison them without trial.” It was a commonly held belief that SESTA/FOSTA was created with the intent of controlling women’s bodies, attacking sexual expression, and censoring online speech. Sex workers tweeted that their websites had been taken down and sarcastic tweets about social media companies monitoring private conversations. “I lost 700 followers overnight” tweeted a user who described themselves as an “award winning XXX actress”. Another user, a cam model, tweeted that “pimps started calling WILLING sex workers who were using online platforms” because they were aware of how vulnerable these workers had become. The language of SESTA/FOSTA was pointed out as a means of controlling sex workers by denying them agency—a key prerequisite for consent. Whether a person can consent to a sexual encounter in exchange for money is a contentious topic amongst those who do not sell sex, but the data suggest that sex workers are very capable of seeing how consent operates (and does not) in their own lives. Similarly, they see how SESTA/FOSTA negates their right to consent to sex work, thus denying them agency. One user tweets, “SESTA/FOSTA conflates consensual activity with nonconsensual activity. It intentionally uses the ambiguity of a word like ‘knowingly’ to create fear in web platforms and those that use them,” tweeted one user. She continues that SESTA/FOSTA does not make a distinction between those who consent and those who are threatened and coerced, which will make the situation more dangerous for the more vulnerable party.

Not only were SESTA/FOSTA seen as harmful to sex workers, they were also seen as harmful to trafficking victims. Many of the sex workers asserted that if the lawmakers truly wanted to end human trafficking they would support the
decriminalization of prostitution, instead of aiming to eradicate it under the mantle of human trafficking. Giving people rights instead of taking them away was viewed as a better method of fighting sex trafficking, as it would ensure trafficking survivors are able to access help without fear of being criminalized. Similarly, sex workers stated they would be more safe if their work were decriminalized because they would be able to report abusers without fear of arrest themselves. Without decriminalization, SESTA/FOSTA is seen by sex workers as nothing more than a thinly veiled attempt to tell women what they can and cannot do with their own bodies. “The message is ‘we don’t care about the safety or lives of sex workers, and we don’t value the tools most useful in identifying and recovering trafficking victims,” tweeted a sex worker and organizer with the Sex Worker Outreach Project in Seattle, WA. This user is referencing sites like Backpage which has historically been an avenue for law enforcement, including the FBI, to identify and rescue sex trafficking victims because law enforcement was able to determine who was there willingly and who was not. In light of the Backpage founders being charged with “aiding and abetting” prostitution, sex workers believe SESTA/FOSTA has nothing to do with sex trafficking due to Backpage’s history in aiding law enforcement at federal, state, and local levels.

Instead, many sex workers in the sample saw SESTA/FOSTA as outgrowths of a problematic “rescue industry” that operates with a profit motive rather than a humanitarian one. These organizations rely on the existence of the sex industry in order to continue making money, leading them to appear disingenuous to sex workers. Anti-trafficking organizations are seen as having a fundamental stake in the existence of sex trafficking and lacking any real desire to end the practice, at least at higher levels.
Organizations such as these cannot survive without donations and grants from others to continue, so the industry relies on the very existence of sex trafficking. A political organizer and sex worker tweeted in a thread in regards to the rescue industry, “These so-called anti-trafficking groups are, through good intention or otherwise, laying the foundation for human rights atrocities on a massive scale./ We have to call it out now to stop it. We need to protect the rights and lives of people in the sex trade, survivors & workers.” They link to a 2015 Vice article with the headline “The Young Women Who Created A New Way To Bust Sex Trafficking” (Weissman, 2015) and continue, “I looked up who started this particular company, and of course it's a teary eyed white christian girl. These colonialists and imperialists never once stop to think what their ‘help’ looks like to the people whose lives they decide are in their hands.” This user asserts that those who wish to support survivors should back organizations that stand for decriminalization instead of companies in the rescue industry that rely on sex trafficking to exist for funding. “Save us from saviors,” they finish.

**Fear and Consequences**

It was common for sex workers to tweet about their fear that, by eliminating websites like Backpage, SESTA/FOSTA would render sex workers more vulnerable. This vulnerability spanned multiple arenas, from economic security to physical safety to criminal justice system involvement. In their expressions of displeasure with SESTA/FOSTA, many simultaneously lamented the loss of sites like Backpage. One user tweeted a thread about how discovering Backpage changed her life. When she began sex work, she had been dating a heroin addict, and during one of his withdrawals she was fearful he would have died without heroin. Desperate, she attempted to find johns on the
street, but was eventually referred to Backpage as a potential resource. She was able to make enough money to buy her boyfriend what he needed, and over the next few months her boyfriend pimped her out for more drugs. Despite how terrible it was to be at the mercy of an abusive boyfriend-pimp, she determinedly tweeted that she was grateful for Backpage for keeping her off the streets. She was homeless, and law enforcement refused to help her when she told them she was being pimped out by her boyfriend. The only resource she had was a website that allowed her to post an advertisement instead of working on the street, and she was clear that Backpage was not at fault for the abuse of her boyfriend. He alone was responsible for his actions. Backpage allowed her to stay alive.

SESTA/FOSTA were also seen as a threat to the economic security of legally-employed sex workers. In response to a petition circulated around the time of SESTA/FOSTA’s passage, a Nevada sex worker tweeted that legal brothels were now being targeted. “This should show everyone that this is an attack on our community and has NOTHING to do with trafficking and EVERYTHING to do with consensual workers. #LetUsSurvive” she tweeted, linking to an article about potentially banning the Bunny Ranch in Lyon County, Nevada. These consequences are even more suspicious to sex workers given the fact that the content of sex workers who engage in legal forms of sex work being deleted from the internet. Cam models and porn performers reported their self-made content being deleted even though they did not engage in sex for money, and sex workers of all types discussed having their bank accounts shut down.

Banking was an incredibly common theme in the data. It is important for people to be able to bank in today’s modern society, and there are various marginalized groups
of people who already have a difficult or impossible time banking, such as felons. However, sex workers have reported their banking being taken away from them, which leaves them vulnerable. If a sex worker cannot access a bank, they cannot deposit their money and must keep it on them, which in itself is very dangerous. In discussing the possibility of a SESTA/FOSTA-related bill sponsored by senators Marco Rubio and Elizabeth Warren, one sex worker expressed fear of sex workers losing access to banks. “The already crazy pressure the feds put on those who deal with our money will increase and so will their demand for info. They will look at all cash transactions and those accounts will become under more and more scrutiny. Most likely a lot more of us will get banned.../The impetus of this bill is to generate reports or data about us... thus, they will make arrests and as usual we will be the collateral damage. Tellers will be told to look for things such as men with young girls who don’t seem happy, which is probably every man with a teenager!/Not to mention how many interracial relationships will come under fire along with porn stars, cam girls, girls who work in Nevada in legal brothels and all those who deposit a check from legal industries... that could all be taken away./I could be wrong, I have no crystal ball, but if government past performance is any indication of future performance we have a problem. And if it was really to help us, which one of us did they discuss it with? Yep, my point exactly, it’s not about us or helping us....” Though this series of tweets is not only discussing SESTA/FOSTA, it exemplifies the displeasure with all similar legislation as one larger problem.

The passage of SESTA/FOSTA prompted concerns about safety as well as economic vulnerability. While some sex workers were fearful for themselves, others were more concerned about the wellbeing of the most vulnerable of their community. All sex
work is, to an extent, dangerous, but how much danger the worker is in depends on their resources, visibility, and support systems—all things that sex workers can, with autonomy and agency, control themselves. One dominatrix tweeted, “What it [SESTA/FOSTA] DOES do is push actual traffickers and their victims further out of reach.” She is not the only one to assert that removing online platforms makes things more dangerous for trafficking victims. A non-binary sex worker and human trafficking survivor tweeted “I don’t think people understand just how much traffickers depend on isolation to survive.” They stated that fear is a weapon used by traffickers, and recounted their personal tale of being told they could not go to the police because they (the victim) would not be believed and would be arrested for breaking the law. They believe that SESTA/FOSTA will make trafficking survivors even less visible and more difficult to find. “If you can’t fucking find us,” they continued, “you can’t offer resources.”

“I’m gonna tell you the story of how Backpage helped keep me safe during one of the scariest most dangerous times of my entire life,” they recounted in another thread. “The fact that not all trafficking looks the same is an important fact to consider because, as weird as it sounds, people need to realize that places like Backpage provided a measure of safety for some trafficked people.” This was a sentiment shared by others. Sex trafficking (and sex work) does not look the same in all situations. The hyper-sensationalized story of a young woman being kidnapped from the streets and held in captivity is not the reality for many, if not most, sex trafficking victims.

They continue, “And remember when I said we need to provide resources to trafficked people? Well, as distasteful and counterintuitive as it sounds, "resources" includes tools to help keep trafficking survivors safe while they are still being
trafficked. Not every trafficked person can safely leave their abusers. I couldn't. My traffickers did unspeakable things to me when I tried to leave. They hurt me, hurt people I loved. So, for me (and many other trafficked people), harm reduction was an absolute necessity.” Again, this is a sentiment shared by others who tweeted their experiences. There was a common refrain among sex workers on Twitter. “Rights not rescue” is advocated for heavily in the data, showing that sex workers would rather be given resources rather than a blanket assumption that they need to be rescued. Avenues to leave are certainly part of these necessary resources, but making it the main focus at the expense of sex worker lives is a folly.

“I dunno. I'm probably forgetting things. I talk a lot about being a trafficked kid & truth be told, it takes its toll & my brain is fried./I guess I'll just say that I proudly stand with #SurvivorsAgainstSESTA. Call me all the dirty names you want. And I have been called names./All I'm saying here is I know what trafficking is, I know how it works, I know how traffickers operate, and not one person has been able to give a reason why doing things like passing #SESTA/#FOSTA and closing sites like #Backpage will help people being trafficked. Not. One.”

Some sex workers lamented that their fears were already coming true. A dominatrix who was very active in tweeting about SESTA/FOSTA stated, “numerous women have gone missing or been murdered as a direct result of being forced onto the streets.” Unfortunately, it was not uncommon for sex workers to report they had first- or second-hand knowledge of another sex worker being missing or murdered since the laws were passed. The murder of a sex worker named Brandy Odom was tweeted about by multiple sex workers and cited as the “first confirmed” sex worker homicide as a result of
SESTA/FOSTA. She was murdered in Brooklyn, New York in April of 2018. Her name and image were circulated after her death and attributed by many to SESTA/FOSTA under the assertion that being able to post an advertisement online would have prevented her from being murdered. Other names were commonly circulated, such as Sasha Garden and Mya Madison. “This is #MyaMadison. She was a mother, daughter, and sister; she was found dead in a hotel room in Poughkeepsie a few days ago. #FOSTAIsmurder #FuckFOSTA #RIPMya pic.twitter.com/cwdInXQYK7” tweeted a PhD candidate and sex worker from Nevada. In anger, a sex worker and activist tweeted, “I don’t know how ANYONE who voted for #Sesta can even look at themselves in the mirror or stand to be in their own skin. YOU ARE RESPONSIBLE- You did this. #BloodOnYourHands #SashaGarden #SayHerName #NoJusticeNoPeace #TransIsBeautiful #FuckSesta #SexWorkIsWork.” Another sex worker tweeted that in just a single day after the passage of SESTA/FOSTA, she knew of two verified sex worker homicides in her immediate community. This same sex worker tweeted asking if anyone was keeping a running count of sex worker homicides, missing persons, and assaults due to SESTA/FOSTA. She expressed concern that these crimes were going unnoticed and would be forgotten because nobody was keeping track.

Sex workers also expressed fears that SESTA/FOSTA would be used to further criminalize their work. “Facilitating prostitution” is a contentious part of the SESTA/FOSTA package, and because of how purposefully vague it is written many sex workers are fearful of how it will be used. One sex worker tweeted “if a website can be taken down for ‘facilitating trafficking’ where does that stop? What about banks that let sex workers have an account to pay their rent? Are they ‘facilitating trafficking?’” This
was a common fear throughout the data collected. Many are fearful that they would be further criminalized for facilitating their own trafficking or the trafficking of another sex worker by simply helping them post an advertisement online.

**A Need For Solidarity**

Another prevalent finding within these tweets is the very real desire for solidarity from those outside of sex work and even within it, as is put by a male porn performer, “Male sex workers and porn performers need to speak up this Saturday. Do the right thing. #funkfosta #decriminalization #destigmatizesexwork”. Another sex worker expresses frustration that celebrities who came up through the sex industry are not offering their support. “I think the one thing that irritates me about celebrities who were part of the sex industry (and supposedly unashamed/proud/blah bull shit) is that NONE OF THEM ARE HELPING WHEN THE INDUSTRY NEEDS THEIR VOICES. COME ON, HELP YOUR PEOPLE OUT. #FuckSESTA #FuckFOSTA”. Another worker had similar sentiments when calling out celebrity Amber Rose by tagging her in a tweet. “DO NOT SUPPORT @DaRealAmberRose UNTIL SHE SPEAKS ABOUT #SESTA/FOSTA We’re waiting... #sexworkersunite #REPEALSESTA #decriminalizesexwork #supportsexworkers #sexwork #adultindustry”.

The issue of shadow banning encouraged sex workers to call upon others for support. “The #LetUsSurvive won't trend because sex worker accounts are shadow banned. Non-sex workers, please amplify our voices! Sex workers, lets make new accounts to talk about this without being silenced!” This sentiment is mirrored by yet another worker, this time by someone who identified as a survivor of human trafficking. “Support is good. Tweet about things like how closing #Backpage is bad. Tweet about
how #SESTA and #FOSTA are dangerous. But please for the love of fuck, amplify the voices of sex workers. This isn't an abstract concept to us. This is our lives. LISTEN TO SEX WORKERS.”

In the time around the passage of SESTA/FOSTA, sex workers used Twitter to spread the message that SESTA/FOSTA is harmful to their community. Many engaged in real-world political action and used the platform to recruit others to their meetings, rallies, and events. One sex worker tweeted on April 19, 2018 to spread word of an “emergency community gathering” that was targeted at transgender and gender-diverse sex workers in the Seattle, WA area. Sex workers tweeted with passionate words, asserting their autonomy through political action. Though not all sex workers are engaged in illegal forms of sex work, engaging in political action allowed sex workers to advocate on their own behalf. “Get ready to see some badass whores at city hall fighting for #decrim!” one sex worker tweeted from Las Vegas in June of 2018. Most who tweeted from or about political actions in their respective areas reported little violence at the actions themselves, though it was still reported. Under the #letussurvive tag, a sex worker reported attending a march in Oakland, CA where a motorist hit a barrier biker. They motorist was reported to have shouted “you whores better get out of the fucking road or I’m gonna run you over too.” This event alarmed the sex worker, who continued that this is “not a time for non-violent action” because “there are people out there who want to kill us.” The belief that sex workers were in danger was common across the board.

Fear of similar laws being passed was common. Some attempted to recruit others to fight the passage of new laws and saw sex workers as collateral damage, intended or otherwise. “Please, don’t let this bill be another FOSTA, let’s catch it before it passes.
The link is mobile friendly, doesn’t require identifying info, and takes just a couple minutes. Speak up for yourselves, speak up for those you are fans of, speak up! [http://s952.tribunus.org/](http://s952.tribunus.org/).
CHAPTER 5
DISCUSSION

There were limitations to this study. There was no real way to verify sex worker status other than self-identification. Additionally, I only collected data from four months in the year 2018. There is a lot to learn from Twitter data, but unfortunately Twitter censors quite a bit of potential data. Since the collecting of this data, some users were deleted, leaving my records as the only proof of these tweets. Collecting a wider set of data may not have been possible at the time, and certainly attempting to gather information now would mean quite a bit of information has been lost to shadow banning and deletion by the platform.

Capitalism is responsible for the conditions that lead to both sex work and sex trafficking. Capitalism, as defined by Karl Marx, is the ownership of the means of production by the bourgeoisie. The bourgeoisie, or ruling class, benefit from subjugating certain classes of people. Patriarchal societies have existed since before capitalism, but the two have coexisted and actively worked together over the past few hundred years. Sex work has existed for a millennia. Prostitution is often cited as the “oldest profession” in the world. Whether or not that is true can be debated, but it has existed for a long time. Sex work has existed in many forms, from temple prostitutes in the ancient world to the legal brothels of 15th century Italy. Marxist feminist scholar Silvia Federici argues in *Caliban and the Witch* (2004) that the rise of communalism threatened capitalism. This was a time of increased workers’ power, and mass uprisings against the elite worried the upper echelons of society. Contraception and abortion were heavily regulated against in order to produce new workers after the decimation of much of Europe during the Black Plague. It
benefited the ruling class to force women into roles of servitude, forcing them into the unpaid labor of the home. (Federici, 2004). The subjugation of women under capitalism was a reaction to the rise of social liberation, and women who broke from the social contract of daughter-wife-mother were heavily stigmatized.

All labor is exploitative, but they are exploitative to different degrees. One of the many arguments abolitionists use against sex work is that it is traumatic for those involved, and this is one of the reasons why it needs to be illegal (or, as with the Nordic Model, illegal to buy sexual work). This is not a great reason for criminalizing a group of people. For those who are traumatized by sex work or sex trafficking, it is better to provide rights instead of taking them away and backing them into a corner. Trauma can come from many jobs. Soldiers often suffer from PTSD, but few of the Christian groups who advocate against sex work are also advocating against the military industrial complex. Jobs not deemed “dangerous” by society can also cause trauma, such as being forced to work in a garment factory. Human labor trafficking is alive and well in the world, but nobody argues for criminalizing making clothing so long as those involved are not forced into it and are provided workers rights. A profession does not need to be “safe” to be valid, and all workers are deserving of good working conditions. So how exploitative is sex work? It is not a zero sum game. Regardless, sex work will not vanish under capitalism, so it is a moot point to argue for its criminality based on exploitation. Instead, providing resources offers those who may be caught unwillingly in the sex industry to either work more safely or exit entirely.

Sex work was often one of the few avenues for women to obtain money and other resources for survival. Just as today, sex work through time is not black and white.
Today, “sugar babies,” or those who date wealthy people in exchange for expensive gifts, money, and other benefits, are often considered sex workers, but sometimes they will distance themselves from the term as well as the sex industry. In a similar fashion, women throughout time have exchanged sexual services or relationships for survival. Whether they are lower noblewomen having affairs with high ranking noblemen for status, courtesans planting themselves in royal society, or college students “dating” businessmen for a monthly allowance, often what separates these people is not the acts they engage in but the ways in which society views them.

Today there exists a “whorearchy” in the sex industry, where the amount of sexual contact one has with their customers places them in a different social position. Strippers may scoff at other strippers in the club who “go home” with clients. Sugar babies may consider themselves in legitimate relationships that happen to include financial support. If that is the case, it further blurs the line where sexual labor is concerned. Some feminists have argued that marriage is itself a form of prostitution, as historically marriages occurred more for financial reasons than romantic ones.

There are those who actively push against this whorearchy today and call for solidarity amongst all who labor in the sex industry. They argue this is a form of respectability politics and adds to the same stigmas that get sex workers actively killed. A few tweets in the data highlighted exactly this, such as a tweet asking former stripper Amber Rose to speak out and use her platform against SESTA/FOSTA. A camgirl who went by the name of “Melody” tweeted asking her followers not to support Amber Rose used her platform to speak out.
This study brings to light the need for more sociological research of sex work and sex trafficking, particularly work that highlights the needs of sex workers. As of this writing, the SESTA/FOSTA Examination of Secondary Effects for Sex Workers Study Act of 2019-2020 has been introduced into the Senate. This study aims to direct the Secretary of Health and Human Services to conduct a study on the unintended consequences of SESTA/FOSTA (SESTA/FOSTA Examination of Secondary Effects for Sex Workers Study Act of 2019-2020). This is sponsored by Senator Elizabeth Warren, who notably signed on to SESTA/FOSTA, and is co-sponsored by Senators Bernard Sanders and Ron Wyden.

It is not enough to simply ask Congress to conduct a study. Academics should make a priority out of speaking with and including sex workers in the research process. It is the government that created the problem of SESTA/FOSTA, and it is important for political leaders to understand the consequences of not including sex workers in the political process.
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VITA

Victoria Nelle McMahan was born May 2, 1991 in Kansas City, Missouri. She was educated first in the Kansas City Missouri Public Schools before transferring to the Park Hill Public School system, where she graduated from Park Hill in 2009.

Victoria attended the University of Kansas for a year before returning home and transferring to the University of Missouri – Kansas City, where she discovered the Criminal Justice program and determined it was the correct program for her. Having a keen mind for social justice, she used what she was able to learn through the program to bring to various social work jobs she has held in the Kansas City area. As an undergraduate, she held an internship at the Metropolitan Organization to Counter Sexual Assault in Kansas City, serving on the Wyandotte County Sexual Assault Prevention Coalition.

As an academic, Victoria plans on pursuing a Ph.D. in sociology to continue her work in matters of social justice. She plans to bring a lens of social justice to all her endeavors, and hopes to pursue research that furthers the cause of sex worker rights.