

Sex Work, Free Speech, and Censorship: What Librarians need to know about SESTA-FOSTA



Some ideas to start:

- Unfiltered Internet access where it's safe to access adult sites which they need for advertising
- Physical privacy screens on computer monitors
- Phone charging stations in the library
- Bathrooms large enough for people to change clothes and use baby wipes and mirrors well lit enough to put on make-up.
- Tech classes on privacy technologies like Tor and setting up a VPN
- Basic graphic design classes for marketing
- Pay attention to SESTA-FOSTA in the courts

Q. What can librarians do to help?

Because of the challenges of sex work, sex workers have been experts on using privacy technologies. Privacy is paramount to this work both for workers and clients. Since SESTA-FOSTA passed, the digital landscape has become more dangerous for sex workers using the internet to build their businesses.

Since privacy is a core value of library workers, this is a great chance to serve our communities by sharing our knowledge of privacy technologies as well as learning from our communities by learning about the privacy needs of sex workers.

Q. What is SESTA-FOSTA?

The Stop Enabling Sex Traffickers Act and Allow States and Victims to Fight Online Sex Trafficking Act are the U.S. Senate and House bills that as the SESTA-FOSTA package became law on April 11, 2018 after the versions passed by both the House and the Senate were merged to create the package. While the law was intended to cut down on sex trafficking, it has limited sites that allowed sex workers to do their work more safely and independently.

Q. What does that mean?

The law was designed to stop human traffickers from using classified ad services on the Internet by holding platforms accountable for postings. However, the law is so broadly written, it effectively harms Section 230 (passed in 1996) of Communications Decency Act. In addition to the First Amendment implications, it also violates the Fifth Amendment because it holds platforms liable for speech before the law was passed which is prohibited by the Constitution's *ex post facto* laws.

Q. What is Section 230?

Section 230 protects online platforms from liability about what their users post. Without it, the internet as we currently know it wouldn't exist. And it's not just big companies that depend on Section 230, non-profits, fanfic sites, and any place that allows user to comment are subject to this law. For example, websites like Facebook and Twitter that depend on user generated content wouldn't be viable without the protections that Section 230 provide. With SESTA-FOSTA, large companies like Facebook and Twitter could survive because of their financial resources to defend themselves in court, but start-up sites will never have the chance to compete with already established platforms because one court case could consume all of their financial resources.

Q. How does it harm Section 230 if it is designed to stop sex trafficking?

While the law is intended to make it harder for sex traffickers to work online because the law is written so broadly it has created unintended consequences. These dangerous for sex workers and those advocating for the decriminalization of sex work. One example of the broadness of the law is tweeting- "Decriminalize sex work now!" could be prosecuted under SESTA-FOSTA.

Q. Wait, but human trafficking is like really bad, right?

Yes, human trafficking, be it sexual trafficking, forced labor, or debt bondage, all violate human rights and deny dignity to our fellow humans. SESTA-FOSTA doesn't actually stop human trafficking though. Instead, the law's greatest impact has been on sex workers making their work more dangerous. They can no longer share information online openly.

Q. Does SESTA-FOSTA stop sex trafficking at all?

No, there is no indication that SESTA-FOSTA stops sex trafficking. The law itself doesn't target human traffickers. It limits online speech. In fact, the United States Department of Justice (the 2018 one) urged Congress not to pass SESTA-FOSTA as written because it would make it harder for law enforcement and the DOJ to find and prosecute human traffickers.