

Resolution Condemning SESTA-FOSTA

WHEREAS, on April 11, 2018 the *Stop Enabling Sex Traffickers Act and Allow States and Victims to Fight Online Sex Trafficking Act* (“SESTA-FOSTA”) amended Section 230 of the Communications Act of 1934 so that websites would become civilly & criminally liable for promoting prostitution or human trafficking.

WHEREAS, SESTA-FOSTA’s stated purpose, outlined in Section 2 of the Act, to support people who have been trafficked is aggravated rather than ameliorated by the enforcement powers the law creates. Instead, SESTA-FOSTA further criminalizes and exploits sex workers and people connected to the sex trade.

WHEREAS, SESTA-FOSTA has and will continue to disproportionately harm black workers and other workers of color, queer and gender non-conforming youth, transgender women, rural workers, immigrants, workers living with disabilities, people who use drugs, and society’s other most marginalized groups, by increasing surveillance and limiting resources for communities already excessively criminalized.

WHEREAS, as a result of the legislation, a number of online resources for people in the sex trade shut down including: Craigslist and Backpage personals, Reddit threads, Google drive content, sections of VerifyHim, and a multitude of other online content. These tools, among other features, allowed sex workers to screen or warn others about potentially violent clients.

WHEREAS, online resources are a vital tool of safety for people who trade sex and are endangered by SESTA-FOSTA. For example, after the FBI shut down myRedBook (an advertising site for workers in California and Nevada), people in the sex trade experienced an increase in violence, homelessness, and poverty as a result. A recent study also found Craigslist’s erotic services section decreased the homicide rate among *all* women by 17.4%.

WHEREAS, since the enactment of SESTA-FOSTA, sex worker organizations report increased cases of missing and killed sex workers as a direct result of an inability to access online safety features provided by the websites affected by SESTA-FOSTA.

WHEREAS, SESTA-FOSTA is a part of a wider movement to criminalize the tools and practices people in the sex trade use to increase their safety. Working with other workers under cooperative models, hiring support staff, and driving a friend to a job are all acts of mutual aid now used to label sex workers as human traffickers under SESTA-FOSTA and previous “anti-trafficking” laws passed by Congress and state legislatures. Rather than increasing safety, criminalization increases the likelihood that sex workers will be made dependent on exploitative third-parties and/or be trafficked.

WHEREAS, SESTA-FOSTA makes prosecuting actual cases of human trafficking more difficult as it drives the entire sex trade further underground.

WHEREAS, SESTA-FOSTA has led to the abridgement of fundamental rights, including free speech and freedom of association, for people targeted as sex workers in online spaces and peer networks with an online presence. Desiree Alliance’s annual conference, the largest sex worker rights annual convening, has already been canceled as a result of these chilling effects.

WHEREAS, the fight for Net Neutrality is incomplete as long as websites are incentivized to monitor content and limit internet access from people targeted as sex workers.

WHEREAS, the closure of many online sites has impacted sex workers and people profiled as such beyond the U.S. borders because these sites were used internationally.

WHEREAS, the same tactics sex work prohibitionists use to promote anti-sex work laws, which focus on sexual deviancy, exploited children, religious dogma, and “hidden” multi-million dollar networks, have historical roots in the anti-abortion, anti-LGBTQ and anti-black movements. These tactics serve as carceral measures meant to undermine individual autonomy and dignity.

WHEREAS, a person’s choice to be involved in the sex trade lies on a spectrum, like all other industries, that can range from labor exploitation, reluctant involvement, a means to achieve other career objectives, or a long-term career choice. Like all labor, sex work can serve as an important means to provide for one’s self or family. These myriad experiences do not alter the fact that SESTA-FOSTA does more harm than good.

WHEREAS, supporting people in the sex trade means encouraging access to affordable, reliable and community driven advertising venues free from criminalization, policing, and surveillance.

WHEREAS, the best experts on policies related to the sex trade are people with lived experiences in the trade itself and those who are directly impacted by structures of criminalization and oppression.

WHEREAS, sex workers come from all areas of life including the legal field and make up a part of the NLG membership.

WHEREAS, sex work is work and all erotic labor is as legitimate as any other form of labor.

BE IT RESOLVED, NLG condemns SESTA-FOSTA and all attempts to further criminalize people’s involvement in the sex trade. NLG is in solidarity with the plaintiffs in *Woodhull Freedom Foundation et al. v. United States* and all others harmed by SESTA-FOSTA.

BE IT FURTHER RESOLVED, in line with the 2016 NLG Resolution Supporting the Abolition of Prisons, the Guild adopts a position for the full decriminalization of sex workers, their clients, and related third-parties, and demands an immediate end to the policing of communities profiled as sex workers and all sex work criminalization laws and practices.

IMPLEMENTATION: The Queer Caucus will take the lead in implementing this resolution. The National Office will support the implementation by: drafting a press release regarding the resolution, share resources on this topic created by NLG with members and the public, link the resolution to the NLG website, email the resolution to members, circulate the resolution on social media, send the resolution to relevant press, promote and highlight committee work on this issue, provide logistical support for a webinar on this topic, highlight work around sex worker rights in Guild Notes and NLG Review, and adopt the decriminalization of sex work as a foundation principle of the NLG. NLG members are encouraged to support local sex worker rights organizations and participation in International Sex Worker Rights Day (Mar. 3), International Whores’ Day (June 2), International Day to End Violence Against Sex Workers (Dec. 17) and other organizing events. Members are encouraged to engage in intersectional movement building with communities and organizations most affected by criminalization laws (see “Whereas...” #3). Importantly, NLG strongly encourages all current chapters, committees, and projects to add “sex workers and people who have traded sexual services” as a protected class to any future non-discrimination policies.

ENDORSEMENTS: NLG Queer Caucus and The United People of Color Caucus. These caucuses have supporting citations for this resolution available for anyone interested.

1 The National Office & the Queer Caucus have consented.

2 The following sex worker rights organizations also endorse this resolution: Best Practices Policy Project (USA), Black Sex Workers’ Collective (New York City), Desiree Alliance (USA), Philadelphia

Red Umbrella Alliance, Sex Workers Outreach Project (USA), Survivors Against SESTA (USA), The Support Ho(s)e Collective (Chicago/NYC), New Jersey Red Umbrella Alliance.