

## **A Critical Analysis of the Enactment of the Allow States and Victims to Fight Online Sex Trafficking Act of 2018**

Hannah DeLacey<sup>1</sup>

### **Abstract**

This paper presents a critical analysis of the Allow States and Victims to Fight Online Sex Trafficking Act of 2018 (FOSTA), and the debate in the United States Congress that led to its enactment. Although the stated intention of this law was to protect victims of trafficking and for websites to be held accountable for their role in facilitating trafficking, FOSTA was controversial. It was predicted that FOSTA would be ineffective at achieving these goals and that sex workers would be disproportionately affected.

Two methodological approaches were used in order to understand why and how FOSTA was enacted - phronetic analysis (Flyvbjerg, 2001) and Bacchi's (2009) the what's the problem represented to be approach. These approaches guided the process of analysis of congressional debates related to FOSTA, and the collection and analysis of additional data.

Based on this analysis, this paper argues that lawmakers and other stakeholders created and disseminated a powerful narrative about sex trafficking in order to convince lawmakers to vote in favor of FOSTA. Those who spoke out against this narrative were ignored or silenced, and those who were expected to be most impacted by FOSTA (e.g. sex workers) were excluded from the discussion. This article gives insight into the lawmaking process and how it can be shaped by various actors and ideologies, and how sex workers are impacted by legislation aimed at curtailing sex trafficking.

### **Keywords**

FOSTA, sex trafficking, law-making, Backpage.com

---

<sup>1</sup> Hannah DeLacey, University of Leiden. Email: h.s.delacey@law.leidenuniv.nl  
Citation Format: DeLacey, H, 'A Critical Analysis of the Enactment of the Allow States and Victims to Fight Online Sex Trafficking Act of 2018' (2022) 2 *International Journal of Gender, Sexuality and Law* 100.

## **Introduction**

“Classified-ads Website, Backpage.com Under Fire Over Sex Trafficking” (Norfleet, 2012).

“Full Court Press: Law Has Protected Website Used to Sell Teen Sex Slaves” (McGovern, 2014).

“Three Teens Sue Backpage.com Over Sex Trafficking” (Dolak, 2012).

Backpage.com was a website that allowed users to post classified ads for goods or services, including adult services. The website faced multiple allegations of facilitating sex trafficking including the sex trafficking of minors. Cases brought on by victims of these crimes against Backpage.com were dismissed by judges because of Section 230 of the Communications Decency Act of 1996 (US) which withheld criminal liability for interactive service providers for user-generated content (McGovern, 2014). Backpage.com was not alone in receiving allegations of facilitating sex trafficking and other websites had already been shut down for similar allegations (Feuer, 2017; Gira Grant, 2015). Despite these shutdowns, the problem persisted and there were demands from victims and their families, anti-trafficking organizations, law enforcement groups, and other actors to change the law (e.g. I Am Jane Doe, 2017). An 18-month investigation by The Permanent Subcommittee on Investigations into Backpage.com found that they were knowingly facilitating sex trafficking, and lawmakers used these findings as a catalyst to amend the aforementioned Section 230. The result of this was the Allow States and Victims to Fight Online Sex Trafficking Act of 2018 (FOSTA).<sup>2</sup>

There has been a long history of legislation in the US aimed at ending sex trafficking and prostitution through punitive measures, and in the last few decades, there has been an increased focus on the problem of sex trafficking (e.g. Chuang, 2010; 2014; Weitzer, 2014). In 2000, the Trafficking Victims Protection Act (TVPA) was enacted and it has been continuously reinstated. Under the TVPA, sex trafficking is defined as the “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” by means of force, fraud or coercion, or of a person under the age of 18 years of age. It has been frequently stated

---

<sup>2</sup> FOSTA is a combination of two separate bills: The Allow States and Victims to Fight Online Sex Trafficking Act and the Stop Enabling Sex Traffickers Act (SESTA). The combined bill is often referred to as FOSTA/SESTA. In this article, I refer to the enacted combination bill as FOSTA, and I only reference SESTA when it was specifically mentioned in a source.

that sex trafficking is on the rise (Moore, 2015; Roe-Sepowitz et al, 2017) because of the ease at which advertisements can be placed on the Internet (Portman, 2017).

Prior to enactment, FOSTA was controversial (e.g. Goldman, 2018b; Gira Grant, 2018a). There were many benefits and downsides expressed about the law being enacted. It was argued by groups such as lawmakers and victims and their families that it was necessary in order to end Internet-facilitated sex trafficking, to hold websites accountable for their role in facilitating trafficking, and to give victims justice. It was feared that without this legislation being enacted, young women and girls would continue to be sold for sexual services online and that websites would continue to profit off their suffering (IamJaneDoeFilm.org, n.d.). On the flip side, concern was expressed by groups such as lawyers and sex workers that FOSTA would have far more negative effects, including on victims of trafficking (Gira Grant, 2018a). Others pointed to the detrimental impact that the law could have on free speech because FOSTA states that websites can face both civil and criminal liability at charges, which could put an unfair burden on new and smaller websites without the ability to pay for expensive manual and automatic content moderation and legal fees (Electronic Frontier Foundation, 2018; Goldman, 2017; Jeong, 2017). Furthermore, concern was expressed that ads for paid sexual encounters would become dispersed across many websites and on websites based outside of the United States or on the dark web which would make it more difficult for law enforcement to find victims of trafficking and to prosecute traffickers (Jackman, 2018b; Selyukh, 2018). There was also concern because the language of FOSTA does not differentiate between sex work and trafficking. This lack of differentiation could result in sex workers being overly targeted by moderation, and having the tools they use to screen clients and share safety tips shut down. These shutdowns could result in some being forced to engage in street-based prostitution (Horn, 2018; SWOP USA, 2017; Quinlan, 2018). Finally, it was feared that FOSTA would set a precedent for other amendments to Section 230 (Reynolds, 2020).

Even with the aforementioned concerns, some of which were expressed during the congressional debates, FOSTA was enacted with almost unanimous bipartisan support. Lawmakers seem to have been overwhelmingly convinced of the essentialness of this new law. In this article, I look closer into the question of why FOSTA was enacted and how the aforementioned – and other – concerns were discussed and assessed during the legislative process, and give insight into the social and political forces which shaped this legislation. I use a combination of literature review and critical content analysis organized around the phronetic

approach and guiding questions (Flyvbjerg, 2001), and complementary guiding questions from the what's the problem represented to be approach (Bacchi, 2009). I use this method to critically examine the law-making process and to bring to light the network of stakeholders involved, the values and interests which are represented, highlight who was left out of the discussions, and to suggest how things could be done differently. Understanding the forces behind the enactment of FOSTA is important because it sheds light onto ongoing concerns about Internet-facilitated sex trafficking (e.g. Kristoff, 2020), and the challenges faced by the sex workers' rights movement (e.g. NSW, n.d.).

I begin the article by first outlining the research approach chosen for this analysis, followed by an overview of the data collection process. Next, the paper presents the results as they fall into five different thematic sections, analyzing the data using the phronetic analysis and WPR approach. The article ends with reflections on the broader implications of this research.

### ***Research Approach***

This research used literature review as a method of data collection and critical content analysis to analyze the collected data. I wanted to understand how FOSTA was created and enacted by taking into account the political and social factors. Therefore, I selected two methodological approaches: the phronetic approach (Flyvbjerg, 2001) and the what's the problem represented to be approach (Bacchi, 2009).

The aim of phronetic research is to understand the values, interests and power relationships in order to create a detailed understanding of how social and political situations are shaped by various actors, the underlying power relationships, and what the consequences of this may be. I used the questions asked in phronetic research to guide the collection of documents and to structure the results of this article:

1. How did we get there?
2. Where were we going? What or who drove this change and with what agendas?
2. Who gained and who lost, and by which mechanisms of power?
3. Was this development desirable?
4. What, if anything, should be done about it?

I also used Bacchi's (2009<sup>3</sup>) what's the problem represented to be approach to aid with the analysis of the collected documents. The questions in the WPR approach are complementary to and encompassed by those asked in phronetic research, and they are aimed at uncovering how problems are represented in certain policies and what this can tell us about how policy makers understand and construct problems. By way of looking at the proposed solution to a problem and working backwards, the WPR approach uncovers the underlying 'truths', values, and norms embedded in the proposed solution.

### **Data Collection**

I collected data for this research from multiple sources<sup>4</sup> in order to answer the aforementioned phronetic questions. The resulting corpus consisted of 236 items<sup>5</sup>.

The initial phase of research was focused on answering the question "How did we get there?". I accomplished this by examining the broad theoretical perspectives on law making and governing. Then, I looked at more specific literature on sex trafficking, the regulation of prostitution, and how these laws have been shaped throughout US history by various actors, social, and ideological forces. I traced developments and changes in legislation from the early 1900s<sup>6</sup> to modern times. Through this initial phase of research, I situated FOSTA within a broader historical timeline of legislation aimed at regulating sex work and sex trafficking, and developed insights into the social and legal context in which FOSTA was enacted.

In the second phase of research, I aimed to answer the questions "Where were we going? What or who drove this change and with what agendas?". In order to answer these questions, I collected governmental transcripts and reports about FOSTA/SESTA, including the report on

---

<sup>3</sup> The six questions in the WPR approach are:

1. What is the problem represented to be in a specific policy?
2. What presuppositions or assumptions underlie this representation of the 'problem'?
3. How has this representation of the problem come about?
4. What is left unproblematic in this problem representation? Where are the silences? Can the problem be thought about differently?
5. What effects are produced by this representation of the problem?
6. How and where has this representation of the problem been produced, disseminated and defended? How could it be questioned, disrupted and replaced?

<sup>4</sup> News articles (122), videos (30), press releases (27), congressional debates (23), blogs (16), other documents (6), court documents (5), open letters (4), congressional investigation on Backpage.com (2) and a documentary (1).

<sup>5</sup> Please contact the author directly for a copy of the corpus: h.s.delacey@law.leidenuniv.nl.

<sup>6</sup> This period was selected because this was when there was a rise in concern about the exploitation of women and girls in the United States and the first legislation was enacted which specifically used the term "trafficking" (18 U.S.C. §§ 2421–2424).

Backpage.com from the Permanent Subcommittee on Investigations (2017), transcripts of the Subcommittee Hearing about this investigation (2017), and transcripts of all of the congressional debates related to FOSTA or SESTA before it was enacted.<sup>7</sup> These documents provided information on the law-making process, including information about the lawmakers who sponsored and co-sponsored FOSTA and SESTA, and how they supported their argument that this legislation was necessary. Then, I explored all the stakeholders and data which were referred to during the congressional debates. I started by looking into the lawmakers who sponsored and co-sponsored FOSTA/SESTA and how they spoke about it in press releases or in the media. I also looked into the other stakeholders they referred to or cited in public statements. Following this, I examined the non-governmental organizations and stakeholders that were referred to during the debates. I wanted to understand the connections between these groups and with the lawmakers sponsoring or co-sponsoring FOSTA/SESTA, and the discourse they used in relation to sex work and sex trafficking. Subsequently, I looked into the data which was cited during the congressional debates, where this data came from, and the methodology used by these organizations to produce the data. Finally, I looked at news articles and other forms of media which were about FOSTA or SESTA, the documentary *I Am Jane Doe*, anti-trafficking efforts in the United States, and the investigation into Backpage.com. These sources informed upon the discussions taking place in mainstream society and among specific groups in relation to FOSTA, SESTA, Backpage.com, and sex trafficking.

In the third phase of research, I focused on answering the questions “Who gained and who lost, and by which mechanisms of power?”, “Was this development desirable?”, and “What, if anything, should we do about it?” To answer these questions, I used the aforementioned data, and I gathered new data which talked about the outcome of FOSTA and the proposed changes for the future from sources such as media, open letters from academics, and public statements from lawmakers (e.g. press releases; media interviews).

## **Results**

### *1. How Did We Get There?*

I interpreted the question “how did we get there?” to mean “what historical, social, and legal factors created an environment in which a law like FOSTA would or could be passed?”. In order

---

<sup>7</sup> The debates in the House of Representatives and the Senate took place during 2017 and 2018.

to answer this question, I familiarized myself with (academic) literature about the history of sex work and sex trafficking in the United States, how the narrative about sex work and sex trafficking changed over time, the individuals or groups who shaped this narrative, and how these issues are viewed currently.

There is a long history of anti-trafficking and anti-sex work legislation in the United States. One of the earliest laws aimed at fighting sex trafficking was the White-Slave Traffic Act of 1910 or what is now more commonly referred to as the Mann Act (Mann Act, 18 U.S.C. § 2421). The Mann Act made it a felony to transport “any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose” across state lines or internationally. Weeks (2018) argued that the Mann Act was a response to the rise in fears about the world changing at the beginning of the 20th century. However, the Mann Act was written broadly enough that it criminalized many forms of sexual behavior, while few actual traffickers were ever prosecuted under the law (Lieberman, 2019).

Throughout the 20th century, even as society began to be more open and accepting of sexuality, there continued to be concerns about sex and sex work. People began to push back against the loosening of restrictions and in the 1970s and 1980s, moral panics arose about children being victimized by sexual predators and the dangers of pornography. Both of these were used as catalysts to enact more restrictive legislation, despite the lack of evidence to support many of the claims (Best, 1990; Dworkin & MacKinnon, 1988).

Concerns about trafficking came to the forefront of public debate again in 2000 when the U.S. Department of State released a report which stated that between 45,000 and 50,000 people, mostly women and children, were trafficked into the US each year by gangs and criminal networks (U.S. Department of State, 2000). Lawmakers were under pressure to address this issue (Capous Desyllas, 2007) and in response, they enacted the Trafficking Victims and Protection Act (TVPA) with rare bipartisan support (Bunting & Quirk, 2017). The TVPA enacted harsh penalties on traffickers, especially if the victims were children, and all underage people selling sex were considered to be victims of trafficking. However, the TVPA had many shortcomings, such as being the result of a moral panic (Chapkis, 2003; Weitzer, 2011), ignoring victims of labor exploitation (Peters, 2011), and criminalizing sex workers (Chapman-Schmidt, 2019).

Fighting human trafficking was a key policy issue in the early 2000s for the Bush Administration (Soderlund, 2005), and they increased funding from 91 million dollars in 2003 to 120 million dollars in 2004 (Report to Congress from Attorney General John Ashcroft on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2003). Restrictions on faith-based organizations receiving government funding were also lifted and large amounts of money have been given to Evangelical Christian groups to fund their national and international anti-trafficking work (Bernstein, 2018; Butler, 2006; Stockman, Kranish, Cancellows & Baron, 2006).

These anti-trafficking organizations, neoconservatives, religious leaders, NGOs, and abolitionist feminists played and have continued to play a large role in shaping trafficking policy (Bernstein, 2018; Block, 2004). They have also shaped the public's understanding of (sex) trafficking, such as by spreading the belief that the only way to abolish sex trafficking is to abolish prostitution by ending demand (Lobasz, 2019; NSWP, 2018; Outshoorn, 2005). The anti-trafficking movement is unique in that it unites people across political and ideological backgrounds (Bernstein, 2018; Soderlund, 2005), and being against sex trafficking or prostitution is a relatively easy and risk-free stance for a politician or corporation to take while at the same time not directly challenging their political or economic interests (Bunting & Quirk, 2017). The US government has spent millions annually funding anti-trafficking organizations, which have a vested interest in upholding the 'problem' of sex trafficking, while at the same time doing little to actually help victims (Moore, 2015).

Within the trafficking narrative used by governments, media, many anti-trafficking organizations, and the public, there is a tendency to speak in terms of "innocent victims" who are typically young and naïve girls, and "evil perpetrators" (e.g. Doezema, 2002; Weitzer, 2007). There is also a tendency to distinguish between victims who are deserving of help and those who are at fault for the circumstances they are in. Presenting victims and traffickers in this way makes it easier to gain support for efforts to help victims (Kempadoo & Doezema, 1998) while at the same time infantilizing women and taking away their power and agency (Agustín, 2003). This is further exacerbated by a criminal justice system that either criminalizes sex workers or forces them to identify as victims of trafficking in order to avoid a life-altering criminal record (Leon & Shdaimah, 2012; Luminais, Lovell & McGuire, 2019).



## 2. *What or Who Drove this Change and With What Agendas?*

In the following sections, I used data collected from the congressional debates and corpus to answer the questions “What or who drove this change and with what agendas?”. Answering this was further guided by the questions “How have lawmakers produced the problem which FOSTA is intended to solve? How has this representation of the problem come about and what are the underlying assumptions of this problem representation (Bacchi, 2009)?” By way of asking these questions, I wanted to understand the actors who were involved in creating and enacting FOSTA, and what underlying beliefs or knowledge were driving their actions. Moreover, I scrutinized the secondary data sources and paid attention to stakeholders’ perceptions of sex work and sex trafficking.

Based on my analysis, I found that these changes were largely driven by lawmakers, the media, anti-trafficking organizations and other groups who supported this legislation, by representing trafficking through an “innocent victim - evil perpetrator” narrative, using false or misleading statistics, misrepresenting the impact of FOSTA, and ignoring people or data which argued against FOSTA. In the following six subsections, I outlined each of these findings.

### 2.1. *Backpage.com Hearing, Congressional Debates, and the Media*

In June 2015, the United States Senate Permanent Subcommittee on Investigations began to look into Backpage.com’s role in facilitating sex trafficking. They stated that Backpage.com had knowingly facilitated sex trafficking because they had manually or automatically changed ads by deleting words or images that suggested that the person was underage, and then posted these ads. FOSTA and SESTA were drafted in response to the concerns about Internet-facilitated sex trafficking and specifically the case of Backpage.com.

Around this time, Mary Mazzio, a documentary filmmaker and lawyer, read about cases of child sex trafficking in the Boston Globe. She was shocked to learn that child sex trafficking was taking place in the United States and this inspired her to create the documentary *I Am Jane Doe* (Center on Sexual Exploitation, 2018). The documentary was credited with putting a spotlight on the problem of child sex trafficking in the US and pushing lawmakers to amend Section 230 (Anderson, 2017). The documentary followed three girls and their families as they fought against Backpage.com and its parent company, Village Voice Media. Numerous court cases failed and

eventually it was decided that legislative change was necessary to prosecute Backpage.com. *I Am Jane Doe* featured lawmakers who sponsored or co-sponsored FOSTA and SESTA, as well as representatives from anti-trafficking organizations, lawyers, and other actors. The documentary ended before FOSTA and SESTA were introduced as bills but people associated with the documentary and lawmakers continued to work together until FOSTA was enacted.

A private screening for the documentary was held for members of Congress in Washington DC. The event was co-hosted by Mary Mazzio, anti-trafficking organizations, and the mothers, lawyers, and others who appeared in the film. At this private screening, Representative Ann Wagner announced that she would introduce legislation to amend Section 230 and the resulting legislation was FOSTA (though she had already been working on the legislation for a year) (Anderson, 2017; IAmJaneDoeFilm.com/resources/, n.d.). Later, during the congressional debates about FOSTA, lawmakers were encouraged to watch the film:

There is a recent documentary, and I would encourage you to look at it. It is powerful and tough, but it is important. It is called "I am Jane Doe." It chronicles the cases of three young girls who were sex trafficking victims bought and sold on Backpage. In 2014, these girls brought cases against Backpage, accusing them of knowingly assisting in their trafficking. The ads on Backpage for each of these girls explicitly promoted their youth. These were underage girls.

(Senator Portman, S. 163 – 130, 2017)

Alongside this, there was widespread support for FOSTA in the media, and some of these stories were shared by lawmakers during the congressional debates. The media can play a major role in shaping legislative agendas (Hier, Lett, Walby & Smith, 2011), and in the case of FOSTA, it played a large role in shaping the discourse around Backpage.com and the expected impact of FOSTA. Many of the articles were written in response to the documentary *I Am Jane Doe* with emotion-evoking headlines such as "Sold for Sex: Underage Trafficking Victim Shares How She Was Saved From Abuse in New Documentary" (Aradillas, 2017) and "Film Exposes Underworld of U.S. Children Sold Online for Sex" (Malo, 2017). Articles retold the stories of the girls from the film and called for action to be taken to protect them and other (potential) victims. At the same time, articles vilified the men who owned Backpage.com and praised the lawmakers who were working to make legislative changes (e.g. Kelly, 2017; Kristof, 2017).

Mazzio and the network of people associated with the documentary continued to exert influence on the legislative process. When there was concern that FOSTA would not pass, Mazzio organized a coalition of NGOs, nonprofits, survivors, and advocates to produce a public service announcement about the importance of FOSTA (50Eggs, 2018). Using celebrities to promote anti-trafficking messages is a common tactic used to sway the public's opinion and spread anti-trafficking (mis)information (Haynes, 2014). Mazzio also organized a series of meetings and a rally in Washington with NGOs, advocates, survivors, and non-profits to encourage lawmakers to move forward with the legislation ([IamJaneDoeFilm.com/resources](http://IamJaneDoeFilm.com/resources), nd).

## 2.2. Groups Supporting the Legislation

Many groups or organizations were mentioned throughout the congressional debates as supporters of FOSTA and SESTA. These groups included over 50 attorneys general from across the United States and over 50 other organizations including faith-based groups, the civil rights community, anti-trafficking organizations, national law enforcement groups, technology companies such as Facebook and Oracle, and other major companies such as Walt Disney and 21<sup>st</sup> Century Fox (Congresswoman Maloney, H.R. 164 – 35, 2018).

Technology companies were originally vocally against FOSTA. When they faced pressure from these major companies, lawmakers changed the wording within the bill in order to fulfill the demands of the tech companies, and subsequently received their support (McCabe, 2017; Oberhaus, 2017). This support included a written statement from Facebook which was included in the congressional debates:

Those of us in the United States must recognize that these deplorable acts of buying and selling children for sex don't just happen in other countries. They happen here as well--right under our noses, on our streets, and on the Internet. We all have a responsibility to do our part to fight this. That's why we at Facebook support efforts to pass amended legislation in the House that would allow responsible companies to continue fighting sex trafficking while giving victims the chance to seek justice against companies that knowingly facilitate such abhorrent acts.

(Sheryl Sandberg, Chief Operating Officer of Facebook, H.R. 164-35,  
2018)

There have been increased efforts to develop public-private partnerships between the US government, NGOs, anti-trafficking organizations, and multi-national corporations, since the Bush era. Multi-national corporations have funded campaigns and shaped the perception of sex trafficking and have provided policy solutions, which have often been to their economic benefit. Elizabeth Bernstein (2018) coined the term redemptive capitalism to describe the social responsibility campaigns from multi-national corporations aimed at using “market-based solutions” to solve issues such as human trafficking. These social advocacy campaigns are not benignly altruistic; they work to publicly define the “moral compass” of the company and are beneficial for the brand value, shareholder trust, risk aversion, and future business opportunities. Furthermore, not taking a public stance on being against human trafficking can be dangerous for a company because they can become the target of anti-trafficking campaigners (Bernstein, 2016; 2018). Anti-trafficking organizations and law enforcement groups also have a vested interest in publicly supporting anti-trafficking legislation and the further creation of the problem of sex trafficking. These organizations receive large amounts of funding from the US government and private donors to address these issues (Moore, 2015).

### 2.3. Sex Trafficking and Victim Narratives

During the congressional debates, lawmakers referred to the cases from the Backpage.com investigation, conversations they said they had with victims, stories they read in newspapers, and information they learned from anti-trafficking organizations. They primarily focused on stories of (young) women and children (Eichert, 2019)<sup>8</sup> and used emotionally evocative language to create a sense of urgency about the problem:

This legislation will ensure that our society continues to protect the innocent and punish those who seek to profit from their sexual enslavement.

(Senator Costa, H.R. 164 – 35, 2018)

Lawmakers linked the lack of proper legislation to the exploitation of children, and in doing so (falsely) implied that it was the lack of legislation that was the cause of this exploitation:

---

<sup>8</sup> The frequency of gender and age identifiers used in the congressional debates about FOSTA: adult an, 7; adult woman, 33; boys, 3; girls, 46; genderless children, 66. It is also interesting to note that perpetrators' gender was reported as: male, 7; Female, 0 (Eichert, 2019).

Online sex trafficking is flourishing in America because there are no serious legal consequences for the websites that profit from the exploitation of our most vulnerable.

(Congresswoman Wagner, H.R. 164 – 35, 2018)

Lawmakers described sex trafficking during the congressional debates in line with the dominant narrative about sex trafficking. This narrative is shaped by various actors from the government, anti-trafficking organizations, and the media (Weitzer, 2006). Awareness-raising campaigns are a common tool used to educate the general public about sex trafficking. These campaigns feature emotional imagery and language while offering simple solutions to complex problems (O'Brien, 2016). Though sex trafficking does occur, it does not occur at the scale or in the way it is often portrayed (Weitzer, 2011). This dominant narrative is based on questionable data but the 'facts' are repeated frequently enough that few question their validity and they are accepted as truth (Bunting & Quirk, 2017). These 'facts' have formed the basis for a moral crusade against sex trafficking (Weitzer, 2007). Stories about sex trafficking reinforce the largely inaccurate narratives about crime and victimhood and portray only certain types of victims as being worthy of protection - typically young, innocent, white, and female (Christie, 1986; Hoyle, Bosworth & Dempsey, 2011). Fighting sex trafficking has broad political support (Bunting & Quirk, 2017) and is a powerful tool used by governments to gain support for punitive measures (Bernstein, 2018; Capous Desyllas, 2007).

#### 2.4. False or Misleading Statistics

Throughout the congressional debates, statistics about sex trafficking in the US were used to argue in favor of enacting FOSTA. Based on these statistics, lawmakers said that sex trafficking was on the rise, and they claimed it was in part because of the internet. Therefore, FOSTA was needed to stop this from happening. However, statistics on human trafficking are difficult to collect and are largely inaccurate due to factors such as over and under application of the term trafficking, problems with finding hidden populations, overemphasis on trafficking for sexual exploitation, and criminalization of victims (Aronowitz, 2010; Goodey, 2008; Tyldum & Brunovskis, 2005)<sup>9</sup>.

---

<sup>9</sup> Misrepresented or inaccurate statistics have been successfully used in the past to pass anti-trafficking legislation in the US (Chapkis, 2003).

One of the most frequently cited statistics throughout the debates was:

There was an astounding 846%<sup>10</sup> increase from 2010 to 2015 in reports of suspected child trafficking. They [NCMEC] found this to be ‘directly correlated to the increased use of the internet to sell children for sex’.

(Representative Duncan, H.R. 164 – 35, 2018)

This statistic was also present in the testimony from Yiota G. Souras, the Senior Vice President and General Counsel of the NCMEC, submitted to the Subcommittee Hearing on Backpage.com. On first reading, this statistic is indeed shocking. However, it is problematic for a number of reasons. The NCMEC based their number of “*reports of suspected child sex trafficking [emphasis added]*” on the people who called their tip line and reported a person under 18 who *could be* being trafficked. They counted every report as a different case even if it was about the same child, and they did not track actual cases. The Human Trafficking Hotline, run by the Polaris Project (another source cited in the congressional debates), had similar problematic methods of data collection (Bourgeois, Rodriguez-Cayro, Humiston & Jinx, 2020). Thus, the argument about the essentialness of FOSTA was based on misleading statistics.

Furthermore, the lawmakers frequently over-emphasized the extent to which Backpage.com was linked to cases of sex trafficking. For example, Senator Portman stated:

Anti-trafficking organizations, such as NCMEC, Shared Hope International and others have told us that the majority of online sex trafficking cases they encounter occurs through one website, and that is Backpage.com. NCMEC says that Backpage is involved in about 75 percent of online trafficking reports it receives from the public. Shared Hope International says it is more than that.

(Senator Portman, S. 164 – 44, 2018).

However, there are reasons that this statement is problematic. For example, in 2010, Craigslist.com, which used to be one of the main websites for hosting adult services ads, shut

---

<sup>10</sup> The number is sometimes said to be 842% or 800% but the most commonly cited is 846%. 846% is also the same number that is cited in the letter written by the NCMEC and given to the Permanent Subcommittee on Investigations Committee on Homeland Security and Governmental Affairs of the United States Senate (Souras,2015),

down their personal and adult ads sections, and in 2011, the NCMEC requested that a link to their tip line be posted on top of Backpage.com's site (Nolan Brown, 2018). The dramatic rise in reported cases to the NCMEC during this time could have also been impacted by these factors.

Moreover, the amounts of victims reported during the congressional debates was not in line with government statistics. A study cited during the congressional debates from the University of Texas found that there were more than 300,000 victims of human trafficking in Texas, of which 79,000 were minors (Busch-Armendariz, et al, 2016;<sup>11</sup> Jackson Lee, 15:00, 02-27-2018). Senator Schumer cited a different report from the NCMEC which reported between 9,000 and 10,000 cases of child sex trafficking in the United States in 2016 (Senator Schumer, S. 164 – 49, 2018). However, during a similar period, the Department of Homeland Security only identified 435 victims of any form of trafficking (Department of Homeland Security, 2016<sup>12</sup>).

## 2.5. Misrepresenting the Impact of FOSTA

Throughout the congressional debates, lawmakers repeatedly emphasized that FOSTA and SETSTA were “narrowly crafted” and would only impact “bad actors”. For example, Senator Portman stated that:

The Stop Enabling Sex Traffickers Act puts in place three narrowly crafted and commonsense reforms. First, it allows victims to seek justice against websites that knowingly facilitate crimes against them. Second, it eliminates the Federal liability protections for websites that assist, support, or facilitate a violation of Federal sex trafficking laws—laws already on the books. Finally, it will enable State law enforcement—not just the Department of Justice—to take legal action if these businesses violate Federal sex trafficking laws.

(Senator Portman, S. 163 – 130, 2017)

Calling the law “common sense” gave the impression that FOSTA would be benign and its implementation would not have any negative consequences. Lawmakers also stated that FOSTA

---

<sup>11</sup> The methodology used in this study was problematic. It used risk indicators (e.g. homelessness), information in existing databases, and responses from social service providers to *estimate* the prevalence of human trafficking in Texas.

<sup>12</sup> The Homeland Security “What is Trafficking” infographic report does not state which types of trafficking are being represented in the statistics. However, another infographic on their website does contain information on the different types of trafficking.

would not have an impact on websites that offer harm reduction information for sex workers, HIV prevention material, and community support resources (Senator Blumenthal, S. 164 – 49, 2018). In doing so, they misrepresented the effects of FOSTA, perhaps unintentionally, but this meant that other lawmakers voted on a law without a complete and accurate understanding of the (consequentially negative) impacts that it could have.

There were a few instances when it was pointed out that the information presented was flawed. Senator Wyden spoke during the congressional debates and even though he was generally in favor of legislation aimed at fighting sex trafficking, he believed that FOSTA would have too many unintended consequences. He was concerned that ads for paid sex with victims of trafficking would move to the dark web or foreign-based servers. If this happened, he predicted, it would be more difficult for law enforcement to find victims and they would no longer have the ability to subpoena websites or gather evidence against traffickers. As a result, it would become more difficult to prosecute traffickers. Senator Wyden also submitted letters into the congressional record from the Cato Institute and the American Civil Liberties Union (ACLU) which stated their opposition to this bill on the grounds that it would not make the lives of victims safer and it would not make it easier to find traffickers. The Cato Institute and the ACLU also argued that it would negatively impact the lives of sex workers, it would be damaging to freedom of speech and the digital economy, and overall, the benefits would not outweigh the risks (Senator Wyden, S. 164 – 49, 2018). Overall, however, the congressional debate was far overshadowed by statements in support of FOSTA/SESTA, about how “narrowly tailored” the law would be and that it would only target “bad actors” (e.g. Senator Blumenthal, S. 164 – 49, 2018).

## 2.6. Ignored or Not Allowed to Speak

As previously described, there exists a dominant narrative about sex trafficking in the United States that focuses on the ideal victim/evil perpetrator and is perpetrated by extreme stories of abuse experienced by mostly women and girls. This narrative was pervasive throughout the congressional debates and almost everyone who spoke shared the same kind of story, and used similar emotive language and sensationalist imagery (e.g. Senator Carolyn B. Maloney, H.R. 164—35, 2018; Weitzer, 2014). The documents submitted to the official record also followed the same narrative (e.g. news articles about trafficking; Reynolds, 2020), and they consistently conflated sex work with sex trafficking (Chamberlain, 2019; Eichert, 2019).



Information that was not in line with this narrative was almost entirely excluded from the congressional debates. The two letters submitted to the congressional record by Senator Wyden from the ACLU and the Cato Institute very briefly touched on the fact that FOSTA could harm sex workers (S. 164 – 49, 2018). The Department of Justice also submitted a letter to Congress which stated that FOSTA would make it harder for them to find and prosecute traffickers. Additionally, lawmakers failed to mention the countless sex workers who use websites to advertise their services and screen clients, and the extent to which posting ads online has improved the working conditions of sex workers (Quinlan, 2018).

Law professor Eric Goldman made similar remarks during the U.S. Senate Committee on Commerce, Science and Transportation in 2017 in regard to SESTA (Goldman, 2017). He argued that SESTA was not the right solution to end sex trafficking, that it would be counterproductive and could potentially lead to more harm. Goldman argued that SESTA would lead to greater moderation costs for online service providers and that automatic moderation has a high level of error; the difficulty of detecting euphemisms and suggestive language by automatic moderation could lead to over-censoring or force companies to use expensive manual moderation. Furthermore, Goldman argued that existing laws, such as the SAVE Act,<sup>13</sup> already targeted sex traffickers (Goldman, 2017). However, his statements were not referred to in the congressional debates related to FOSTA or SESTA and therefore many lawmakers were likely unaware of the problems he highlighted about the legislation. Those that were aware continued without heeding his warnings (Masnick, 2017).

Some may argue that FOSTA is about sex trafficking and not about sex work. However, when lawmakers create legislation from the perspective that all sex work is sex trafficking, this makes the law about sex work (Weitzer, 2006). There was not a single instance of sex workers being allowed to speak or submit evidence during the congressional debates, despite the massive impact the legislation was expected to have on them (e.g. Lampen, 2018; SWOP USA, 2018). Sex workers and their allies tried to speak out against FOSTA through creating advocacy groups (e.g. Stop SESTA), making statements against FOSTA (SWOP USA, 2018), creating social media campaigns, and by writing an open letter to members of congress (Academics United

---

<sup>13</sup> The Stop Advertising Victims of Exploitation Act was enacted in 2014. This act “amends the federal criminal code to prohibit knowingly: (1) advertising commercial sex acts involving a minor or an individual engaged in such an act through force, fraud, or coercion; or (2) benefitting financially or otherwise from such advertising knowing that the individual involved was a minor or victim of force, fraud, or coercion (SAVE Act, 2014).”

Against FOSTA/SESTA, 2017). However, the enactment of FOSTA without consideration of these concerns demonstrates that they too were largely ignored.

In the End, What or Who Drove this Change?

By analyzing congressional debates and the additional material collected for the corpus, I determined that there were a number of key factors which worked to create and enact FOSTA. The cases against Backpage.com and the subsequent congressional investigation acted as a catalyst for the proposal of FOSTA and SESTA. Lawmakers used a variety of different tactics in order to shape how FOSTA was understood by their fellow lawmakers and to encourage them to vote in favor of this legislation. Their arguments in favor of this law were further supported by various forms of media, such as news articles and the documentary *I Am Jane Doe*, and fit within the preexisting narrative about sex trafficking in the United States. Moreover, lawmakers supported their arguments by using problematic statistics about the prevalence of sex trafficking to make the problem seem larger and more urgent. Vocal support for this legislation was given by various anti-trafficking groups, victims and their families, law enforcement, technology companies, and the public, which further enhanced the reputation of this legislation and encouraged others to vote in favor of enacting it. FOSTA was presented as the solution to the problem of internet-facilitated sex trafficking that would give victims justice, allow websites to be held liable for their role in facilitating sex trafficking, and prevent exploitation of new victims in the future. However, lawmakers barely acknowledged the groups who would be impacted by this legislation, such as sex workers, and did not accept input from these groups during the legislative process.

### 3. *Who Gained?*

As described throughout this article, there were many lawmakers, individuals, and organizations fighting for FOSTA to be enacted. These advocates argued that FOSTA was essential in order to stop Internet-facilitated sex trafficking and to prosecute websites that were enabling victims to be sold. Enacting FOSTA was a major victory for all of these groups, especially the victims and their families who were at the center of the case against Backpage.com. They had fought for years to get justice for their children, whose abuse was facilitated by Backpage.com.

Lawmakers who sponsored and co-sponsored FOSTA or SESTA also gained through the enactment of this legislation. They too had worked for years to make this legislative change, and passing it signified moving a step closer to ending sex trafficking and protecting the most vulnerable in society. Shortly after FOSTA was enacted, a celebratory video was released by lawmakers which touted that there had been a 90% decrease in ads online for paid sex (House Judiciary GOP, 2018). Successfully passing a major piece of legislation, especially one aimed at protecting vulnerable women and children, was likely a reputational benefit for these lawmakers and something which they could continue to use to garner support from constituents. It also helped build their politically advantageous image of being “tough on crime” (Sun Beale, 1997).

As a result of the enactment of FOSTA, widespread changes were made on websites in order to comply with this legislation. These major changes included the censorship of adult content, including on social media platforms such as Tumblr or Instagram (Cheves, 2018; Ettachfini, 2018), a move many would likely consider a positive outcome of this legislation. Moreover, technology companies such as Thorn (a vocal supporter of FOSTA (Blue, 2019)) produced automatic moderation software for websites such as Facebook and Twitter, and likely received financial gains from selling their products in the wake of FOSTA. The cost of implementing automatic moderation software also may have stopped new companies from entering the market which could have helped major tech companies maintain their dominant market positions (Goldman, 2018). Furthermore, companies who vocally supported FOSTA solidified their position as moral actors who are against exploitation and sex trafficking and retained the reputational and financial gains from this position.

FOSTA was also a win for anti-trafficking organizations. These groups exist because of the widespread fear of sex trafficking, and a piece of legislation based on their ‘data’ not only legitimizes them as a source of information, but it also perpetuates the belief that sex trafficking is a major problem that needs to be tackled (Moore, 2015).

Lawmakers, companies, anti-trafficking organizations, and those who worked to enact FOSTA benefitted from it. However, notably, the potential victims who this law was intended to protect have only symbolically benefitted from this legislation and there have been no tangible

benefits for them as a result of FOSTA<sup>14</sup> (Blunt, Coombes, Mullin & Wolf, 2020; Blunt, Wolf & Lauren). The following section will outline who ‘lost’ as a result of FOSTA.

#### 4. *Mostly it is Who Lost (Unless you Think Censorship and Death are Great)*

Since FOSTA was enacted, many of the outcomes that opponents of the law predicted in the previous section materialised, and FOSTA only briefly reduced the number of ads for sex work online (Tarinelli, 2018). Law enforcement reported that it became harder to find potential victims of trafficking and traffickers (Goebel, 2019; St. Mary, 2019; Tarinelli, 2018). This is because previously, law enforcement could search for missing people on Backpage.com, and they were likely to find them because it was one of the most commonly used websites. Ads may now be placed across various websites, on the dark web, or communication is taking place offline, using encrypted text-based communication apps. Searching in so many places takes longer, and it means that victims are potentially in danger while law enforcement works to find them.

Despite lawmakers repeatedly saying how “narrowly targeted” FOSTA would be, it has not been. It has had far-reaching effects on individuals, organizations, and companies that are in no way involved in sex trafficking. Many websites were shut down because of FOSTA<sup>15</sup> due to fears of being prosecuted and because they were unable to afford costly moderation. Major social media sites, such as Tumblr, Instagram, and Facebook, changed their terms of service to ban or severely restrict adult content. While some may argue this is a good thing, social media sites have erred on the side of caution and over-censored content, and there have been numerous reports of (non) adult content makers having their accounts banned or shadowbanned (Cole, 2018a; Tierney, 2018; Fitzgerald and Sage, 2019). Legal sex workers, such as webcam models and adult content creators, rely heavily on social media platforms to build a fan base, interact with clients, and advertise their services (e.g. Jones, 2020; Sanders et al, 2017). Losing a social media account or personal website can be devastating for their businesses, and often results in losing their content, fanbase, and the years of work put into creating these accounts. This kind of major loss can be both financially and emotionally devastating (Eichert, 2019). Blue (2018) highlighted the vast number of groups who have been impacted by FOSTA from LGBTQ+ people to models,

---

<sup>14</sup> According to research from Hacking and Hustling (Blunt, Wolf & Lauren, 2020), 99% of surveyed sex workers reported that they do not feel safer because of FOSTA, 72.45% reported that FOSTA has played a role in their economic instability, 21% reported that they can no longer access online harm reduction tools, 33.8% reported an increase in violence from customers, and 80.61% reported that they are facing difficulties advertising online.

<sup>15</sup> For a partial list of websites shutdown since FOSTA, please see <https://hackinghustling.org/resources/discriminatory-tech-actions> (Last accessed 23 May 2022).

educators, bloggers, abuse survivors, artists, and others, which is far beyond who lawmakers said would be affected. Blue (2018) has called the removal of their content from the Internet a “kind of cultural genocide”. FOSTA has also had an impact on sex workers from around the world, not just those who are located in the United States (Bogle, 2019; Musto et al, 2021; Tichenor, 2020).

Credit card companies and payment processors such as PayPal, Venmo, Snapchat, or Cash App, already strict about their use by sex workers and adult businesses, further increased restrictions and their enforcement under FOSTA. Some major adult websites, such as OnlyFans<sup>16</sup>, PornHub, and AVN Stars, were demonetized by payment processors in the wake of FOSTA because of heightened concerns about sex trafficking (AVN, 2021; Barry, 2021). If sex workers are caught using these platforms, they risk being banned and having their money seized<sup>17</sup> (Blunt & Wolf, 2020).

Following the enactment of FOSTA, tools that full-service sex workers used to maintain their safety were taken down from the Internet. This increased the vulnerability of full-service sex workers. Many of them had to see potentially dangerous clients (Blunt & Wolf, 2020; Gira Grant, 2018b) or return to street-based sex work, which was even more dangerous during the COVID-19 pandemic (Blunt, et al., 2020; Lampen, 2018). Sex workers reported large losses of income and increased insecurity (Blunt & Wolf, 2020), and victims of trafficking were put in more precarious situations (Goldman, 2019). There were also more reported incidents of violence, rape, and an increase in pimping and trafficking (Anderson, Ravani & Cassidy, 2018; Cole, 2018b; Villarreal, 2018). Traffickers and pimps approached formerly independent full-service sex workers to offer them protection and clients (McCombs, 2018). Immediately after Backpage.com was shut down, 13 sex workers went missing and two were found dead, and there were reports of suicide due to FOSTA (Simon, 2018a; 2018b). Reports of arrests for prostitution increased after FOSTA was enacted, which was in part due to more sex workers having to do street-based sex work (Fischer, 2018).

In the end, those who ‘lost’ are the people that FOSTA was supposed to protect, and

---

<sup>16</sup> In August 2021, OnlyFans announced that it would ban all sexually explicit material in October 2021. They said the change was because of payment processors. Within a week, OnlyFans suspended the policy change and said that they had received assurances from payment processors that adult content would be able to remain on their site and continue to be monetized (Barry, 2021).

<sup>17</sup> This was weaponized by bad actors who purposefully reported accounts of sex workers (Martineau, 2018).

many more people have been collateral damage. With this in mind, the following section will answer the question “What, if anything, should be done about it?”.

##### 5. *What, if Anything, Should be Done About It?*

One of the central features of phronetic research is to suggest how things could be changed or made different. In order to answer this question, I collected material that addressed the outcome and impact of FOSTA being enacted, the changes members of communities impacted by FOSTA were calling for, and how the problems brought about by FOSTA could be mitigated.

Many people, including sex workers and their allies, academics, and victims of trafficking, have argued that the first step that needs to be taken to reduce the collateral damage of FOSTA (Chamberlain, 2019), and to protect the safety and well-being of sex workers is to repeal FOSTA (e.g. Jackson & Heineman, 2018). Moving forward, legislative efforts related to sex work need to involve input from sex workers themselves and to be guided by evidence-based research (Open Society Foundation, 2015). An open letter signed by over 250 academics who study sex work and trafficking was sent to President Joe Biden and vice president Kamala Harris. The letter called for them to reevaluate their approach regarding sex work and sex trafficking, to create policies based on research, and to “protect the rights, privacy and autonomy of workers in the sex trade” (Brents et al, 2021). Making these changes would be a major step forward for sex workers, those who are vulnerable to exploitation, and victims of trafficking.

There have been multiple court cases aimed at repealing FOSTA on the grounds that it is unconstitutional. However, these cases have been unsuccessful in court so far (Gellis, 2020).<sup>18</sup> Other attempts to repeal FOSTA have also been unsuccessful, such as a proposed bill to study the unintended consequences of FOSTA (S. 3165: SESTA/FOSTA Examination of Secondary Effects for Sex Workers Study Act 2019). Even if it had been approved, it is unclear whether the Biden administration would have allowed these changes to be made. Biden publicly stated his desire to abolish Section 230 (New York Times Editorial Board, 2020), and Vice President Harris was one of the key players in cases against Backpage.com and the enactment of FOSTA (Nolan Brown, 2018).

---

<sup>18</sup> *Woodhull Freedom Foundation, et. al. v. U.S* (2020) Civil 18-1552 (RJL).; representing the Internet Archive, Human Rights Watch, The Woodhull Freedom Foundation, Eric Koszyk and Alex Andrews.

The next step being called for by those in the sex industry is for sex work to be decriminalized and recognized as work. This would mean that sex work would be protected by labor, health, and safety regulations. It would also allow for sex workers to negotiate fees and safe sex practices with their clients and managers, and to work in shared spaces with other sex workers, all of which would increase their safety (Armstrong, 2014a; Jackson & Heineman, 2018; van der Meulen & Durisin, 2008). Additionally, it would mean that administrative and criminal penalties and prohibitions on sex workers, their clients, and their places of work would be removed (Shannon & Csete, 2010). Decriminalization of sex work aids the fight against human trafficking because sex workers are well-positioned to identify potential victims and direct them to resources, and it removes the fear of being criminalized for helping others (Jana, Dey, Reza-Paul & Steen, 2013; UNAIDS, 2009). Moreover, decriminalization has been consistently linked with a reduction in violence against sex workers, including violence from police, and an improvement in access to health and safety resources (Armstrong, 2014a; Comte, 2013; Human Rights Watch, 2019). Decriminalization has also been linked with a reduction in criminalization and the consequences of having a criminal record while improving sex workers' access to justice (Able, Fitzgerald & Brunton, 2009; Armstrong, 2014b). This would be especially relevant for migrants, trans people, and people of color who are sex workers and are currently disproportionately impacted by the criminalization of sex work (Musto, et. al., 2021). Resources that sex workers used to screen clients, share safety information, and advertise their services need to be reinstated and accessible to sex workers (Blunt, et. al., 2020).

Furthermore, factors that increase vulnerability to trafficking, such as lack of affordable housing, poor access to education, limited opportunities for well-paid work, unavailable legal migration opportunities, inequality, lack of access to physical and mental health care, and domestic violence need to be addressed with meaningful efforts to tackle these problems (Open Society Foundation, 2015). Even if sex workers want to leave the sex trade, they often face huge barriers to accessing the mainstream labor market due to criminal records incurred while doing sex work, gaps in employment history, and the widespread stigma against sex workers (Best Practices Policy Project, 2010; International Women's Human Rights Clinic, 2012). If lawmakers really want to help people leave the sex industry, they need to work to create an environment in which it is actually possible and to provide resources to support sex workers who want to leave the trade, rather than the current system of criminalization and restrictive exit programs which force sex workers to identify as victims (Bromfield, 2015; Luminais, et. al., 2019).

## **Conclusion**

In this article, I used the phronetic approach and its guiding questions to understand why and how FOSTA was enacted. FOSTA was created and enacted by a group of lawmakers who claimed that it would stop Internet-facilitated sex trafficking and would protect the most vulnerable in society. They were supported by a large network of stakeholders, who helped shape and reinforce the narrative around sex trafficking. Lawmakers used inaccurate data, anecdotal evidence, and dominant narratives of sex trafficking, misrepresented the impact that FOSTA would have, and ignored or silenced the voices of people who spoke out against FOSTA. However, the outcomes of FOSTA have not been in line with the stated goals. While lawmakers and other stakeholders have benefitted from this legislation, many have been irrevocably harmed. This work highlighted the politicization of the law-making process, especially in relation to laws about sex trafficking and sex work, and the importance of questioning who has a role in the law-making process and whether they are working in the interests of those they claim to represent.

FOSTA criminalized websites for the content that they host and in doing so, forced widespread censorship of online spaces (e.g. Blue, 2018; Cheves, 2018; Ettachfini, 2018). Moreover, FOSTA continued the focus on crime and punishment as a solution to stop trafficking (Bernstein, 2018), rather than getting to the core of what makes people vulnerable to exploitation and trafficking, such as homelessness, unemployment, domestic violence, or familial rejection of LGBTQ+ youth (Cole, 2018b; Gira Grant, 2018a; Musto, et. al., 2021). FOSTA exacerbated vulnerabilities and heightened the surveillance of sex workers and victims of exploitation under the guise of protection, and it had the greatest impact on those who were already marginalized (Blunt, et. al., 2020; Chapman-Schmidt, 2019; Liu, 2020; Musto, et. al., 2021). Taking this into account makes me wonder—what was the actual goal of FOSTA?

## **References**

50Eggs. (2017). Mary Mazzio and I Am Jane Doe Featured on Tucker Carlson Tonight. Available at: <https://vimeo.com/234579189>.

Able, G., Fitzgerald, L., & Brunton, C. (2009). The Impact of Decriminalization on the Number of Sex Worker in New Zealand. *Journal of Social Policy*, 38(3), 515-531.



Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (FOSTA). § 2(1); S. 1693 § 2.

Agustín, L. M. (2003). A Migrant World of Services. *Social Politics*, 10(3), 377-396.

Andersen, T., Ravani, S., & Cassidy, M. (2018, 15 October). The Scanner: Sex Workers Returned to SF Streets After Backpage.com Shut Down. *San Francisco Chronicle*. Available at: <https://www.sfchronicle.com/crime/article/The-Scanner-Sex-workers-returned-to-SF-streets-13304257.php>.

Anderson, J. (2017, 19 May). A Movie About Online Sex-Trafficking Might Actually Get Laws Changed. *The Washington Post*. Available at: [https://www.washingtonpost.com/entertainment/a-movie-about-online-sex-trafficking-might-actually-get-laws-changed/2017/05/18/039c2824-3a50-11e7-a058-dbb23c75d82\\_story.html](https://www.washingtonpost.com/entertainment/a-movie-about-online-sex-trafficking-might-actually-get-laws-changed/2017/05/18/039c2824-3a50-11e7-a058-dbb23c75d82_story.html)

Aradillas, E. (2017, 8 February). Sold for Sex: Underage Trafficking Victim Shares How She Was Saved From Abuse in New Documentary. *People*. Available at: <https://people.com/crime/sold-for-sex-underage-trafficking-victim-shares-how-she-was-saved-from-abuse-in-new-documentary/>.

Armstrong, L. (2014a). Screening Clients in a Decriminalized Street-Based Sex Industry: Insights into the Experiences of New Zealand Sex Workers. *Australian and New Zealand Journal of Criminology*, 47(2), 207-222.

Aronowitz, A. A. (2010). Overcoming the Challenges to Accurately Measuring the Phenomenon of Human Trafficking. *Revue Internationale de Droit Penal*, 81, 493-511.

Ashcroft, J. (2003). *Report to Congress from Attorney General John Ashcroft on U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year 2003*. Available at: <https://www.justice.gov/archive/ag/annualreports/tr2003/050104agreporttocongresstvprav10.pdf>

AVN. (2021, 2 December). AVN Stars, GayVN Stars to Discontinue Monetization Features. AVN. Available at: <https://avn.com/business/articles/technology/avn-stars-gayvn-stars-to-discontinue-monetization-features-903845.html>

Bacchi, C. L. (2009). *Analysing Policy: What's the Problem Represented to Be?*. London: Pearson Education.

Barry, E. (2021, 16 August) Why OnlyFans Suddenly Reverse its Decision to Ban Sexual Content. *Time*. Available at: <https://time.com/6092947/onlyfans-sexual-content-ban/>

Bernstein, E. (2007). The Sexual Politics of 'New Abolitionism'. *Differences: A Journal of Feminist Cultural Studies*, 18(3), 129-151.

Bernstein, E. (2016). "Redemptive Capitalism and Sexual Investability". In Orloff, A.S., Ray, R., & Savci, E. (eds.) *Perverse Politics? Feminism, Anti-Imperialism Multiplicity. Political Power and Social Theory*, 30. Bingley: Emerald, 45-80.

Bernstein, E. (2018). *Brokered Subjects: Sex, Trafficking, and the Politics of Freedom*. Chicago: University of Chicago Press.

Best, J. (1990). *Threatened Children: Rhetoric and Concern About Child-Victims*. Chicago: University of Chicago Press.

Best Practices Policy Project (2010). Report on the United States of America. *Submitted to the UN Human Rights Council for the 9<sup>th</sup> Universal Periodic Review*. Available at: [http://lib.ohchr.org/HRBodies/UPR/Documents/session9/US/JS5\\_%20HSRI\\_Joint%20submission5\\_JS.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/session9/US/JS5_%20HSRI_Joint%20submission5_JS.pdf).

Block, J. (2004). Sex Trafficking: Why the Faith Trade is Interested in the Sex Trade. *Conscience*, 25(2).

Blue, V. (2018, 7 December). The Internet War on Sex is Here. *Engadget*. Available at: <https://www.engadget.com/2018-12-07-the-internet-war-on-sex-is-here.html>

Blue, V. (2019, 31 May). Sex, Lies, and Surveillance: Something's Wrong with the War on Sex Trafficking. *Engadget*. Available at: <https://www.engadget.com/2019-05-31-sex-lies-and-surveillance-fosta-privacy.html?>

Blunt, D., Coombes, E., Mullin, S., & Wolf, A. (2020). *Posting Into the Void: A Community Report. Hacking/ Hustling*. Available at: <https://hackinghustling.org/wp-content/uploads/2020/09/Posting-Into-the-Void.pdf>.

Blunt, D., & Wolf, A. (2020). Erased: The Impact of FOSTA-SESTA and the Removal of Backpage on Sex Workers. *Anti-Trafficking Review*, 14,117-121.

Blunt, D., Wolf, A. & Lauren, N. (2020). *Erased. The Impact of FOSTA-SESTA & the Removal of Backpage: A Community Report. Hacking & Hustling*. Available at: <https://hackinghustling.org/erased-the-impact-of-fosta-sesta-2020/>.

Bogle, A. (2019, 21 June). What Happened After Aussie Sex Workers Were Kicked Off American Websites? *Australian Broadcasting Company (ABC) News*. Available at: <https://www.abc.net.au/news/science/2019-06-22/fosta-sesta-laws-impact-australian-sex-workers-one-year-later/11229724>.

Bourgeois, K., Rodriguez-Cayro, K., Humiston, G., & Jinx. (2020, 2 August). So You Want to End Child Sex Trafficking? Here's How to Find Organizations That Are Truly Doing That. *Medium*. Available at: <https://medium.com/an-injustice/so-you-want-to-end-child-sex-trafficking-42154a7e4455>.

Brents, B. G., Jones, A., Hausbeck Korgan, K., & Weitzer, R. (2021, 3 March). Open Letter from Scientists for Sex Worker Rights. As cited in Nolan Brown, E. Science-Based Policy Means Decriminalizing Sex Work, Say Hundreds of Researchers. *Reason*. Available at: <https://reason.com/2021/03/03/science-based-policy-means-decriminalizing-sex-work-say-hundreds-of-researchers/>.

Bromfield, N. F. (2015). Sex Slavery and Sex Trafficking of Women in the United States: Historical and Contemporary Parallels, Policies, and Perspectives in Social Work. *Affilia*, 31, 129-139.

Bunting, A. & Quirk, J. (2017). Contemporary Slavery as More than Rhetorical Strategy? The Politics and Ideology of a New Political Cause. In Bunting, A. & Quirk, J. (eds.) *Contemporary*

*Slavery: The Rhetoric of Global Human Rights Campaigns*. Pp. 5-35. Ithaca; London: Cornell University Press.

Busch-Armendariz, M., Nale, N. L., Kammer-Kerwick, M., Kellison, B. J., Torres, M. I. M., Cook-Heffron, L., & Nehme, J. (2016). Human Trafficking by the Numbers: The Initial Benchmark of Prevalence and Economic Impact for Texas. *Institute on Domestic Violence and Sexual Assault, the University of Texas*.

Butler, J. S. (2006). *Born Again: the Christian Right Globalized*. London: Pluto.

Cole, S. (2018a, 28 June). Patreon is Suspending Adult Content Creators Because of its Payment Partners. *Vice*. Available at: [https://www.vice.com/en\\_us/article/vbqwwj/patreon-suspension-of-adult-content-creators](https://www.vice.com/en_us/article/vbqwwj/patreon-suspension-of-adult-content-creators).

Cole, S. (2018b, 30 April). Pimps are Preying in Sex Workers Pushed off the Web Because of FOSTA-SESTA. *Vice*. Available at: <https://www.vice.com/en/article/bjppqvz/fosta-sesta-sex-work-and-trafficking>.

Capous Desyllas, M. (2007). A Critique of the Global Trafficking Discourse and U.S. Policy. *The Journal of Sociology & Social Welfare*, 34(4), 57-80.

Center on Sexual Exploitation. (2018). Award Banquet Keynote Address: I Am Jane Doe and Section 230- Mary Mazzio. Available at: <https://vimeo.com/269117324>

Chamberlain, L. (2019). FOSTA: A Hostile Law with a Human Cost. *Fordham Law Review*. 87(5), 2171 - 2211.

Chapkis, W. (2003). Trafficking, Migration and the Law: Protecting Innocents, Punishing Immigrants. *Gender and Society*, 17(6), 923-37.

Chapman-Schmidt, B. (2019). 'Sex Trafficking' as Epistemic Violence. *Anti-trafficking Review*, 12, 172-187.

Cheves, A. (2018, 6 December). The Dangerous Trend of LGBTQ Censorship on the Internet. *Out*. Available at: <https://www.out.com/out-exclusives/2018/12/06/dangerous-trend-lgbtq-censorship-internet>.

Christie, N. (1986). The Ideal Victim. In Fattah, E. (ed.), *From Crime Policy to Victim Policy: Reorienting the Justice System*. Basingstoke: Palgrave Macmillan.

Chuang, J. (2010). Rescuing Trafficking From Ideological Capture: Prostitution Reform and Anti-Trafficking Law and Policy. *University of Pennsylvania Law Review*, 158, 1655-1728.

Chuang, J. (2014). Exploitation Creep and the Unmaking of Human Trafficking Law. *The American Journal of International Law*, 108(4), 609-649.

Communications Decency Act of 1996, (CDA), Pub. L. No. 104-104 (Tit. V), 110 Stat. 133 (Feb. 8, 1996), *codified at* 47 U.S.C. §§223, 230.

Comte, J. (2014). Decriminalization of Sex Work: Feminist Discourses in Light of Research. *Sexuality & Culture*, 18, 196-217.

Department of Homeland Security. (2016). Fact Sheet: Combatting Human Trafficking at DHS. *Press Release*. Available at: <https://www.dhs.gov/news/2016/10/24/fact-sheet-combating-human-trafficking-dhs#:~:text=In%20FY%202016%2C%20DHS%2C%20through,identified%20435%20victims%20of%20trafficking>.

Doezema, J. (2002). The Ideology of Trafficking. Conference Paper Presented at: Work Conference 'Human Trafficking', 15 November 2002, Center for Ethics and Value Inquiry (CEVI), Ghent University. Available at: <https://www.nswp.org/sites/default/files/DOEZEMA-IDEOLOGY.pdf>

Dolak, K. (2012, 30 July). Three Teens Sue Backpage.com Over Sex Trafficking. *ABC News*. Available at: <https://abcnews.go.com/US/washington-teens-sue-backpage-sex-trafficking/story?id=16888671>.

Dworkin, A. & MacKinnon, C. A. (1988). *Pornography and Civil Rights: A New Day for Women's Equality*. Minneapolis: Organizing Against Pornography.

Eichert, D. (2019). "It Ruined My Life": FOSTA, Male Escorts, and the Construction of Sexual Victimhood in American Politics. *Virginia Journal of Social Policy & the Law*, 26(3), 201-245.

Electronic Frontier Foundation (2017). Stop Franken-FOSTA. *Press Release*. Available at: [https://www.eff.org/files/2018/03/05/frankenfosta\\_one\\_pager\\_final.pdf](https://www.eff.org/files/2018/03/05/frankenfosta_one_pager_final.pdf).

Ettachfini, L. (2018, 29 May). Users Accuse Instagram of Censoring Hashtags About Sex Work and Women. *Vice*. Available at: <https://www.vice.com/en/article/xwmg3j/instagram-sesta-fosta-censorship-hashtag-woman>.

Feuer, A. (2017, 2 August). Owner of RentBoy.com is Sentenced to 6 Months in Prison. *New York Times*. Available at: <https://www.nytimes.com/2017/08/02/nyregion/rentboy-jeffrey-hurant-sentence-sex-work.html>.

Fischer, J. (2018, 3 July). Running Blind: IMPD Arrests First Suspected Pimp in 7 Months. RTV6. Available at: <https://www.theindychannel.com/longform/running-blind-impd-arrests-first-suspected-pimp-in-7-months>.

Fitzgerald, J. & Sage, J. (2019, 12 June). Shadowbans: Secret Policies Depriving Sex Workers of Income and Community. *Tits and Sass*. Available at: <http://titsandsass.com/shadowbans-secret-policies-depriving-sex-workers-of-income-and-community/>.

Flyvbjerg, B. (2001). *Making Social Science Matter: Why Social Inquiry Fails and How it Can Succeed Again*. Oxford: Cambridge University Press.

Gellis, C. (2020, 27 January). Welcome News: DC Circuit Revives the Constitutional Challenge of FOSTA. *TechDirt*. Available at: <https://www.techdirt.com/articles/20200125/14073943797/welcome-news-dc-circuit-revives-constitutional-challenge-fosta.shtml>.

Gira Grant, M. (2015, 15 August). How the Feds Took Down Rentboy.com. *Vice*. Available at: <https://www.vice.com/en/article/mvx7ma/how-the-feds-took-down-rentboycom-826>.

Gira Grant, M. (2018a, 26 January). Proposed Federal Trafficking Legislation Has Surprising Opponents: Advocates Who Work With Trafficking Victims. *The Appeal*. Available at: <https://theappeal.org/proposed-federal-trafficking-legislation-has-surprising-opponents-advocates-who-work-with-bf418c73d5b4/>.

Gira Grant, M. (2018b, 14 March). Anti-Online Trafficking Bills Advance in Congress, Despite Opposition from Survivors Themselves. *The Appeal*. Available at: <https://theappeal.org/anti-online-trafficking-bills-advance-in-congress-despite-opposition-from-survivors-themselves-e741ea300307/>.

Gira Grant, M. (2018c, 10 April). Anti-Backpage Law Not Yet Enacted, But the Crackdown On Sex Workers Has Already Begun. *The Appeal*. Available at: <https://theappeal.org/anti-backpage-law-not-yet-enacted-but-the-crackdown-on-sex-workers-has-already-begun-e5f11d409adf/>

Goebel, T. (2019, 7 February). Sex Trafficking: Backpage Gone, But Not the Problem. *Delmarva Now*. Available at: <https://eu.delmarvanow.com/story/news/local/delaware/2019/02/07/backpage-gone-but-not-sex-trafficking-police/2539934002/>.

Goldman, E. (2017, 25 September). My Senate Testimony of SESTA + FOSTA Hearing Linkwrap. *Technology & Marketing Law Blog*. Available at: <https://blog.ericgoldman.org/archives/2017/09/my-senate-testimony-on-sesta-sesta-hearing-linkwrap.htm>.

Goldman, E. (2018, 26 February). Congress Probably Will Ruin Section 230 This Week. *Technology & Marketing Law Blog*. Available at: <https://blog.ericgoldman.org/archives/2018/02/congress-probably-will-ruin-section-230-this-week-sestafosta-updates.htm>.

Goldman, E. (2019). The Complicated Story of FOSTA and Section 230. *First Amendment Law Review*, 17, 279-293.

Goodey, J. (2008). Human Trafficking: Sketchy Data and Policy Responses. *Criminology and Criminal Justice*, 8(4), 421-442.

Haynes, D. F. (2014). The Celebritization of Human Trafficking. *The ANNALS of the American Academy of Political and Social Science*, 653(1), 25-45.

Hearing Before the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs United States Senate. (2017). Backpage's Knowing Facilitation of Online Sex Trafficking. Available at: <https://www.hsgac.senate.gov/subcommittees/investigations/hearings/backpagecoms-knowing-facilitation-of-online-sex-trafficking>

Hier, S. P., Lett, D., Walby, K., & Smith, A. (2011). Beyond Folk Devil Resistance: Linking Moral Panic and Moral Regulation. *Criminology & Criminal Justice*, 11(3), 259-276.

Horn, T. (2018, 3 March). How a New Senate Bill Will Screw Over Sex Workers. *Rolling Stone*. Available at: <https://www.rollingstone.com/politics/politics-features/how-a-new-senate-bill-will-screw-over-sex-workers-205311/>.

House Judiciary GOP. (2018). Putting an End to Online Sex Trafficking Through FOSTA: The Fighting Online Sex Trafficking Act. Available at: [https://www.youtube.com/watch?v=NfygwxyzlZs&feature=emb\\_logo&ab\\_channel=HouseJudiciaryGOP](https://www.youtube.com/watch?v=NfygwxyzlZs&feature=emb_logo&ab_channel=HouseJudiciaryGOP).

Hoyle, C., Bosworth, M., & Dempsey, M. (2011). Labelling the Victims of Sex Trafficking: Exploring the Borderland Between Rhetoric and Reality. *Social & Legal Studies*, 20(3), 313-329.

H.R. 163 – 117 Congress (2017). Fight Online Sex Trafficking.

H.R. 164 – 34. (2018). Report on Resolution Providing for Consideration of H.R. 1865, Allow States and Victims to Fight Online Sex Trafficking Act of 2017.



Human Rights Watch. (2019, 7 August). Why Sex Work Should Be Decriminalized. *Human Rights Watch*. Available at: <https://www.hrw.org/news/2019/08/07/why-sex-work-should-be-decriminalized>.

I Am Jane Doe Film (n.d.) *I Am Jane Doe*. Available at: <https://www.iamjanedofilm.com/>.

International Women's Human Rights Clinic, CUNY School of Law. (2012). Clearing the Slate: Seeking Effective Remedies for Criminalized Trafficking Victims. Available at: <https://www1.cuny.edu/mu/law/2014/02/24/new-report-on-remedies-for-criminalized-human-trafficking-victims-released/>.

Jackman, T. (2018, 11 April). Trump Signs 'FOSTA' Bill Targeting Online Sex Trafficking, Enables States and Victims to Pursue Websites. *Washington Post*. Available at: <https://www.washingtonpost.com/news/true-crime/wp/2018/04/11/trump-signs-fosta-bill-targeting-online-sex-trafficking-enables-states-and-victims-to-pursue-websites/>.

Jackson, C. A., & Heineman, J. (2018). Repeal FOSTA and Decriminalize Sex Work. *Contexts*, 17(3), 74-75.

Jana, S., Dey, B., Reza-Paul, S., & Steen, R. (2013). Combatting Human Trafficking in the Sex Trade: Can Sex Workers Do It Better? *Journal of Public Health*, 36(4), 622-628.

Jeong, S. (2017, 14 September). Sex Trafficking Bill is Turning Into a Proxy War Over Google. *The Verge*. Available at: <https://www.theverge.com/2017/9/14/16308066/sex-trafficking-bill-sesta-google-cda-230>.

Jones, A. (2020). *Camming: Money, Power, and Pleasure in the Sex Industry*. New York: New York University Press.

Kelly, A. (2017, 2 July). Small Ads Sex Trafficking: The Battle Against Backpage. *The Guardian*. Available at: <https://www.theguardian.com/global-development/2017/jul/02/fight-for-my-daughter-battle-against-backpage-child-sex-trafficking>.

Kempadoo, K. & Doezema, J. (1998). *Global Sex Workers: Rights, Resistance, and Redefinition*. London: Routledge.

Kristof, N. (2017, 12 January). When Backpage.com Peddles Schoolgirls for Sex. *The New York Times*. Available at: <https://www.nytimes.com/2017/01/12/opinion/when-backpagecom-peddles-schoolgirls-for-sex.html>.

Kristof, N. (2020, 4 December). The Children of Pornhub. Why Does Canada Allow This Company to Profit off Videos of Exploitation and Assault? *The New York Times*. Available at: <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>.

Lampen, C. (2018, 21 May). Sex Workers and Advocates Explain Why the House's Online Sex-Trafficking Bill is Bulls\*\*t. *Dailydot*. Available at: <https://www.dailydot.com/irl/sex-workers-sex-trafficking-bill/>.

Leon, C. & Shdaimah, C. (2012). JUSTifying Scrutiny: State Power in Prostitution Diversion Programs. *Journal of Poverty*, 16, 250-273.

Lieberman, H. (2019, 4 March). 'Why Laws to Fight Sex Trafficking Often Backfire.' *The Washington Post*. Available at: <https://www.washingtonpost.com/outlook/2019/03/04/why-laws-fight-sex-trafficking-often-backfire/>.

Lobasz, J. K. (2019). *Constructing Human Trafficking: Evangelicals, Feminists and an Unexpected Alliance*. London: Palgrave Macmillan.

Luminais, M., Lovell, R., & McGuire, M. (2019). A Safe Harbor is Temporary Shelter, Not a Pathway Forward: How Court-Mandated Sex Trafficking Intervention Fails to Help Girls Quit the Sex Trade. *Victims & Offenders*, 14(5), 540-560.

Malo, S. (2017, 8 February). Film Exposed Underworld of U.S. Children Sold Online for Sex. *Reuters*. Available at: <https://www.reuters.com/article/us-usa-trafficking-film-idUSKBN15N2DT>.

Martineau, P. (2018, 30 November). A Quiet War Wages Over Who Can Make Money Online. *Wired*. Available at: <https://www.wired.com/story/quiet-war-rages-who-can-make-money-online/>.

Masnack, M. (2017, 19 September). Senator Blumenthal Happy That SESTA Will Kill Small Internet Companies. *TechDirt*. Available at: <https://www.techdirt.com/articles/20170919/11061838242/senator-blumenthal-happy-that-sesta-will-kill-small-internet-companies.shtml>.

Mazzio, M. (n.d.). *Resources*. I Am Jane Doe Film. <https://www.iamjanedofilm.com/resources/>

Mazzio, M., & Sokolow, A. (Producers), Mazzio, M. (Director). (2017). *I Am Jane Doe*.

McCabe, D. (2017, 3 November). Tech Giants Reach Compromise on Sex Trafficking Bill. *Axios*. Available at: <https://www.axios.com/silicon-valley-giants-reach-compromise-on-trafficking-bill-2506040517.html>.

McCombs, E. (2018, 11 May). This Bill is Killing Us: 9 Sex Workers On Their Lives In the Wake of FOSTA. *HuffPost*. Available at: [https://www.huffpost.com/entry/sex-workers-sesta-fosta\\_n\\_5ad0d7d0e4b0edca2cb964d9](https://www.huffpost.com/entry/sex-workers-sesta-fosta_n_5ad0d7d0e4b0edca2cb964d9).

McGovern, B. (2014, 18 October). Full Court Press: Law Has Protected Websites Used to Sell Teen Sex Slaves. *Boston Herald*. Available at: <https://www.bostonherald.com/2014/10/18/full-court-press-law-has-protected-website-used-to-sell-teen-sex-slaves/>.

Moore, A. E. (2015, 27 January). Money and Lies in Anti-Human Trafficking NGOs. *Truthout*. Available at: <https://truthout.org/articles/special-report-money-and-lies-in-anti-human-trafficking-ngos/>.

Morgan, E. (2020). On FOSTA and the Failures of Punitive Speech Restrictions. *Northwestern University Law Review*, 115(2), 503-548.

Musto, J., Fehrenbacher, A. E., Hoefinger, H., Mai, N., Maciotti, P. G., Bennachie, C., Giametta, C., & D'Adamo, K. (2021). Anti-Trafficking in the Time of FOSTA/SESTA: Networked Moral Gentrification and Sexual Humanitarian Creep. *Social Sciences*, 10(58) 1-18.

New York Times Editorial Board. (2020, 17 January). Opinion: The Editorial Board. Joe Biden: Former Vice President of the United States. *The New York Times*. Available at: <https://www.nytimes.com/interactive/2020/01/17/opinion/joe-biden-nytimes-interview.html?smid=nytcore-ios-share>.

Nolan Brown, E. (2018, 21 August). The Senate Accused Them Of Selling Kids for Sex. The FBI Raided Their Homes. Backpage.com's Founders Speak for the First Time. *Reason*. Available at: <https://reason.com/2018/08/21/backpage-founders-larkin-and-lacey-speak/>

Norfleet, N. (2012, 10 June). Classified-Ads Website Backpage.com Under Fire Over Sex Trafficking. *Star Tribune*. Available at: <https://www.startribune.com/classified-ads-website-under-fire-over-sex-trafficking/158383545/>.

NSWP. (2018). NSWP Statement on International Day to End Violence Against Sex Workers. *NSWP: Global Network of Sex Work Projects*. Available at: <https://www.nswp.org/resource/nswp-statements/nswp-statement-international-day-end-violence-against-sex-workers-0>.

Oberhaus, D. (2017, 11 September). Major Tech Companies Have Stopped Fighting an Internet Sex Trafficking Bill. *Vice*. Available at: <https://www.vice.com/en/article/qv3xnm/sesta-google-facebook-sex-trafficking-censorship>.

O'Brien, E. (2016). Human Trafficking Heroes and Villains: Representing the Problem in Anti-Trafficking Awareness Campaigns. *Social & Legal Studies*, 25(2), 205-224.

Open Society Foundation. (2015). 10 Reasons to Decriminalize Sex Work: A Reference Brief. Available at: [https://www.opensocietyfoundations.org/uploads/cc072baf-14b2-48f8-8c5f-30d7e9a6ec14/10-reasons-decriminalize-sex-work-20150410\\_0.pdf](https://www.opensocietyfoundations.org/uploads/cc072baf-14b2-48f8-8c5f-30d7e9a6ec14/10-reasons-decriminalize-sex-work-20150410_0.pdf).

Outshoorn, J. (2005). The Political Debates on Prostitution and Trafficking of Women. *Social Politics: International Studies in Gender, State & Society*, 12(1), 141-155.

Peters, A. W. (2011). Trafficking in Meaning: Law, Victims and the State. Unpublished Doctoral Thesis, Columbia University. Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/231589.pdf>

Portman, R. (2017, 19 September). Sen. Rob Portman: It's Incredible that Online Sex Traffickers Still Get Legal Protection as They Commit Crimes. *Fox News*. Available at: <https://www.foxnews.com/opinion/sen-rob-portman-its-incredible-that-online-sex-traffickers-still-get-legal-protection-as-they-commit-crimes>.

Quinlan, C. (2018, 27 February). House Overwhelmingly Passes a Bill That Conflates Sex Work and Sex Trafficking. *Think Progress*. Available at: <https://archive.thinkprogress.org/house-bill-endangers-sex-workers-advocates-say-7a47ce9b2b4f/>.

Reynolds, C. (2020). "Craigslist is Nothing More than an Internet Brothel": Sex Work and Sex Trafficking in the U.S. Newspaper Coverage of Craigslist Sex Forums. *The Journal of Sex Research*, 58(6), 681-693.

Roe-Sepowitz, D., Gallagher, J., Hogan, K., Ward, T., Denecour, N., & Bracy, K. (2017). A Six Year Analysis of Sex Traffickers of Minors. *Arizona State University Office of Sex Trafficking Intervention Research*.

S. 163 – 130. (2017). Statements on Introduced Bills to Join Resolutions.

S. 164 – 49. (2018). Allow States and Victims to Fight Online Sex Trafficking Act of 2017.

S. 164 – 44. (2018). Economic Growth, Regulatory Relief, and Consumer Protection Act—Continued.

Sanders, T., Scoular, J., Campbell, R., Pitcher, J. & Cunningham, S. (2017). *Internet Sex Work: Beyond the Gaze*. London: Palgrave Macmillan.

Selyukh, A. (2018, 21 March). Congress Passes Legislation to Curb Online Sex Trafficking of Children. *All Things Considered*. Available at: <https://www.npr.org/2018/03/21/595791401/congress-passes-legislation-to-curb-online-sex-trafficking-of-children>.

Shannon, K., & Csete, J. (2010). Violence, Condom Negotiation and HIV/STI Risk Among Sex Workers. *Journal of the American Medical Association*, 304(5), 573-574.

Simon, C. (2018a, 25 April). On Backpage. *Tits and Sass*. Available at: <http://titsandsass.com/on-the-death-of-backpage/>.

Simon, C. (2018b, 25 September). "They Want Us Dead"—Anti-Trafficking Laws Attack Drug-Using Sex Workers. *Filter Mag*. Available at: <https://filtermag.org/they-want-us-dead-anti-sex-worker-laws-threaten-our-lives-above-all-if-we-use-drugs/>.

Soderlund, G. (2005). Running from the Rescuers: New U.S. Crusades Against Sex Trafficking and the Rhetoric of Abolition. *NWSA Journal*, 17, 64-87.

St. Mary, R. (2019, 13 February). How New Laws Targeting Human Trafficking Are Chilling Online Expression-- And Endgagering Sex Workers. Available at: <https://www.metrotimes.com/detroit/how-new-laws-targeting-human-trafficking-is-chilling-online-expression-and-endangering-sex-workers/Content?oid=20091510>.

Stockman, F., Kranish, M., Canello, P. S., & Baron, K. (2006, 8 October). Bush Brings Faith to Foreign Aid: As Funding Rises, Christian Groups Deliver Help-- With a Message. *Boston Globe*. Available at: [https://www.boston.com/news/world/africa/articles/2006/10/08/bush\\_brings\\_faith\\_to\\_foreign\\_aid](https://www.boston.com/news/world/africa/articles/2006/10/08/bush_brings_faith_to_foreign_aid)

Stop SESTA. (n.d.). Stop SESTA/FOSTA. Available at: <https://stopsesta.org/>.

Sun Beale, S. (1997). What's Law Got to Do With It? The Political, Social, Psychological and Other Non-Legal Factors Influencing the Development of (Federal) Criminal Law. *Buffalo Criminal Law Review*, 1(23), 23-66.

SWOP USA (2017). SWOP-USA Stands in Opposition of Disguised Internet Censorship Bill SESTA, S. 1963. Available at: <https://swopusa.org/blog/2017/08/11/call-to-actionpress-release-swop-usa-stands-in-direct-opposition-of-disguised-internet-censorship-bill-sesta-s-1963-call-your-state-representatives-and-tell-them-to-fight/>.

SWOP USA (2018). House Passing Misleading FOSTA Bill Causes Country Wide Outrage! Press Release. Available at: <https://swopusa.org/blog/2018/03/02/house-passing-of-misleading-fosta-bill-causes-country-wide-outrage/>.

Tarinelli, R. (2018, 28 November). Online Sex Ads Rebound Months After Shutdown of Backpage. *The Associated Press*. Available at: <https://apnews.com/8d34b688960d4e4ead14960c4e378c86>.

Tichenor, E. (2020). "I've Never Been So Exploited": the Consequences of FOSTA-SESTA in Aotearoa New Zealand. *Anti-Trafficking Review*, 14, 99-115.

Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 102(b) (14-15) (2000).

Tyldum, G., & Brunovskis, A. (2005). Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking. *International Migration*, 43(1-2), 64-87.

UNAIDS (2009). Guidance Note on HIV and Sex Work. Available at: [https://files.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306\\_UNAIDS-guidance-note-HIV-sex-work\\_en.pdf](https://files.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf).

United Nations Office on Drugs and Crime. (2008). An Introduction to Human Trafficking: Vulnerability, Impact and Action. Available at: [https://www.unodc.org/documents/human-trafficking/An\\_Introduction\\_to\\_Human\\_Trafficking\\_-\\_Background\\_Paper.pdf](https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf)

United States Senate Permanent Subcommittee on Investigations Committee on Homeland Security and Governmental Affairs. (2017). Backpage.com's Knowing Facilitation of Online Sex Trafficking. S. Hrg. 115-6.

U.S. Department of State (2000). Victims of Trafficking and Violence Protection Act of 2000. Trafficking in Persons Report. Public Law 106-386. 114 Stat 1464.

van der Meulen, E., & Durisin, E. M. (2008). Why Decriminalize? How Canada's Municipal and Federal Regulations Increase Sex Workers' Vulnerability. *Canadian Journal of Women and the Law*, 2, 289-331.

Villarreal, A. (2018, 24 September). Side Effect of Trafficking Law: More Street Based Prostitution? *Associated Press*. Available at: <https://apnews.com/article/5866eb2bcf54405694d568e2dd980a28>.

Weeks, J. (2018). *Sex, Politics and Society: The Regulation of Sexuality Since 1800*. New York: Longman.

Weitzer, R. (2007). The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade. *Politics & Society*, 35(3) 447-475.

Weitzer, R. (2011). Sex Trafficking and the Sex Industry. The Need for Evidence-Based Theory and Legislation. *Journal of Criminal Law and Criminology*, 101(4), 1337-1370.

Weitzer, R. (2014). New Directions in Research on Human Trafficking. *The ANNALS of the American Academy of Political and Social Science*, 653(1), 6–24.