# Exhibit 1



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

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

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

© 2020 craigslist help safety privacy feedback terms<sup>new</sup> about mobile

1 of 1 8/27/20, 12:48 PM

# Exhibit 2



- ↑ Posted by u/Reddit-Policy 2 years ago ⑤
- New addition to site-wide rules regarding the use of Reddit to conduct transactions

Hello All—

We want to let you know that we have made a new addition to our <u>content policy</u> forbidding transactions for certain goods and services. As of today, users may not use Reddit to solicit or facilitate any transaction or gift involving certain goods and services, including:

- Firearms, ammunition, or explosives;
- Drugs, including alcohol and tobacco, or any controlled substances (except advertisements placed in accordance with our advertising policy);
- · Paid services involving physical sexual contact;
- Stolen goods;
- Personal information;
- Falsified official documents or currency

When considering a gift or transaction of goods or services not prohibited by this policy, keep in mind that **Reddit is not** intended to be used as a marketplace and takes no responsibility for any transactions individual users might decide to undertake in spite of this. Always remember: you are dealing with strangers on the internet.

EDIT: Thanks for the questions everyone. We're signing off for now but may drop back in later. We know this represents a change and we're going to do our best to help folks understand what this means. You can always feel free to send any specific questions to the admins here.

34% Upvoted

■ 13.0k Comments 🎤 Share 📮 Save 🛇 Hide 🗏 Report

1 of 15

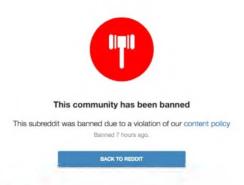
# Exhibit 3

#### reason.com

# Hours After FOSTA Passes, Reddit Bans 'Escorts' and 'SugarDaddy' Communities

Elizabeth Nolan Brown

5-6 minutes



#### screenshot/Reddit

Sometime around 2 a.m. last night, Reddit banned several longrunning sex worker forums from the platform. The move comes just hours after the <u>Senate passed a bill making digital</u> <u>facilitation of prostitution a federal crime</u>. Under the new law, social media sites and other hubs of user-generated content can be held criminally liable.

For months, sex workers have warned that the passage of "SESTA" or "FOSTA"—two similarly bad bills that were competing for dominance; FOSTA passed yesterday—would mark the end of all online forums for communication with clients, lawyers, or each other. To sex workers like <a href="Liara Roux">Liara Roux</a>, <a href="Louise Partridge">Louise</a> Partridge</a>, and <a href="Liz Lee">Jiz Lee</a>, Reddit's takedown of these subreddits confirmed their fears about the new legislation.

Even *if* individuals aren't targeted by law enforcement for placing ads, and even if individual cases brought by state prosecutors are struck down as unconstitutional, a lot of platforms will preemptively ban anything remotely related to sex work rather than risk it.

So far, four subreddits related to sex have banned: Escorts, Male Escorts, Hookers, and SugarDaddy. None were what could accurately be described as *advertising* forums, though (to varying degrees) they may have helped connect some people who wound up in "mutually beneficial relationships." The escort forums were largely used by sex workers to communicate with one another, according to Partridge. Meanwhile, the "hooker" subreddit "was mostly men being disgusting," according to Roux, "but also was a place that sometimes had people answering educational questions in good faith."

If you visit the Reddit "Hooker" community now, you'll see a notice that "this subreddit was banned due to a violation of our content policy." The "Escorts" and "Male Escots" pages provides a little more detail: "This subreddit was banned due to a violation of our content policy, specifically, a violation of

Reddit's policy against transactions involving prohibited goods or services."

Reddit yesterday <u>announced changes to its content policy</u>, now forbidding "transactions for certain goods and services," including "firearms, ammunition, or explosives" and "paid services involving physical sexual contact." While some of the prohibited exchanges are illegal, many are not.

Yet they run close enough up against exchanges that *could* be illegal that it's hard for a third-party like Reddit to differentiate. And the same goes for forums where sex workers post educational content, news, safety and legal advice. Without broad Section 230 protections, Reddit could be in serious financial and legal trouble if they make the wrong call.

Some have suggested that the new content policy, not FOSTA, is to blame for the shutdown of the sex-related subreddits. But FOSTA may also help explain Reddit's new content policy overall. (Reddit did not respond to my request for comment Thursday morning.)

FOSTA seriously chips away at Section 230, the federal provision that protects web publishers from being treated as the speaker of user-generated content. Proponents of FOSTA have insisted this is just a renovation of Section 230, not a demolition. But as Sen. Ron Wyden (D-Ore.)—who coauthored the Section 230 language in the '90s—noted yesterday, once you carve out a loophole for one bad thing (in this case, the change is allegedly meant to stop sex trafficking), it's easy for legislators

and courts to carve out loopholes and justifications for everything.

After all, murder is pretty bad. And everyone's pretty jazzed up about the "opioid epidemic" right now. Guns, too. Do you think Congress can resist asking if websites that facilitate these crimes shouldn't be just as liable as those that broker sex?

But as Wyden also pointed out yesterday, this strategy doesn't mean that more sex traffickers—or murderers, illegal arms dealers, etc.—will be caught and punished (and perhaps less overall, for a vareity of reasons). It just means treating websites like the criminals instead—which would make the government a lot of money, but do nothing for safety or justice.

"Section 230 was never about protecting incumbents," Wyden told his colleagues from the Senate floor Wednesday. Yet "despite the fact that section 230 undergirds the framework of the internet as we know it today, there's a signifficant effort to take it down and collapse it." The result will be "an enourmous chilling effect on speech in America," Wyden warned.

Looks like we're already seeing the effects.

4 of 4

# Exhibit 4

rollingstone.com

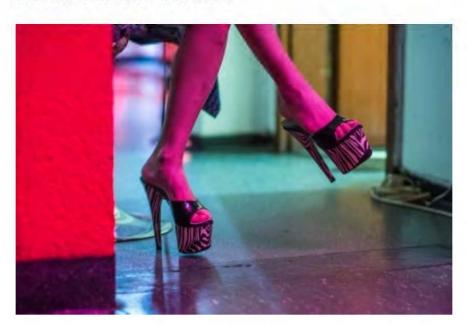
# How a New Senate Bill Will Screw Over Sex Workers

Tina Horn

10-13 minutes

March 23, 2018 9:33PM ET

Although designed to protect them, the controversial anti-sex trafficking bill could harm consensual sex workers



1 of 13

SESTA has been touted as a provision whose purpose is protecting children and girls from serial rape.

Andreas Arnold/picture-alliance/dpa/AP Images

On Wednesday, the Senate passed the Stop Enabling Sex-Trafficking Act by a bipartisan consensus of 97-2. SESTA amends Section 230 of the 1996 Communications Decency Act, a federal provision which protects online publishers – from Facebook to *The Erotic Review* – from being held liable for third-party user posts on their sites.

This development comes nearly a month after the House of Representatives passed the Allow States and Victims to Fight Online Sex Trafficking Act or FOSTA at a vote of 388-25, making posting or hosting online <u>prostitution</u> ads a federal crime.

After receiving this overwhelming Congressional approval, FOSTA-SESTA is now headed to President Trump's desk. Last month, Trump <u>tweeted</u> that he vowed to fight the "epidemic" of human trafficking, so it is expected that he will sign it into law.

Bolstered in part by a PSA featuring celebrities – including Amy Schumer and Seth Meyers – SESTA has been touted as a provision whose purpose is protecting children and girls from serial rape. Its authors and supporters have framed Section 230 as a loophole which allows websites to profit from forums which "knowingly assist, facilitate, or support sex trafficking."

If SESTA becomes law, victims of human trafficking will be able to sue the websites their abusers may have used to communicate with one another. The implications reach beyond justice for survivors, however, as consensual sex workers may be charged with facilitating prostitution if they use an online forum to exchange safety information such as bad date lists. The threat of prosecution has already led such forums to simply shut down rather than face potential legal liability. When sex workers don't have access to digital resources – such as Craigslist, Backpage, Rentboy or MyRedBook – they often engage in <a href="https://example.com/high-risker">high-risker</a> street work.

"I fear this legislation will not stop human trafficking," says Nat

Paul, a new appointee to the U.S. Advisory Council on Trafficking. Paul is a former sex worker and trafficking survivor, which she emphasizes are two different things. Like any other kind of abuse, trafficking thrives when victims can be isolated. Without free Internet forums, sex workers of all kinds will lose access to resources that can help them to both survive and thrive.

"The system should work to better understand human trafficking as a whole, instead of sensationalizing end-demand myths of girls stolen and exploited," says Paul.

Many grassroots organizations run by current and former sex workers have been voicing dissent against FOSTA and SESTA for months. They've clarified that sex workers choose to trade companionship, entertainment, fetish play, and other services to fellow adults, while those who are victims of trafficking are forced into providing such services against their will. The hashtag campaigns #LetUsSurvive and #SurvivorsAgainstSESTA have illustrated that many consensual sex workers believe they will be harmed by this bill that is supposedly designed to protect them.

The national ACLU is among the organizations who have publicly voiced their <u>opposition</u> to FOSTA-SESTA. In a statement sent to the Senate Commerce committee last November, they argued: "Online providers cannot and should not be subjected to criminal liability merely for facilitating the speech of others – even if elements of those communications are distasteful or even unlawful." The organization added that

such liability will actually make it more difficult to expose criminal activity.

"This legislation will drive demand into the street corners, the back alleys," explains Paul. "It will stifle meaningful discussions on education and safety, perpetuating the very problems they hoped to resolve."

Elliot Harmon, an activist with the Electronic Frontier Foundation a nonprofit organization that defends digital civil liberties, is concerned that online platforms are going to swiftly adopt automated filtering technologies.

"When platforms over-censor their users, marginalized communities are often silenced disproportionately," he points out.

While it is unclear if and when the bill will be made into law, it took less than 24 hours for some of its critics' fears to become reality.

Late Wednesday night, Reddit administrators banned the subreddits Escorts, Male Escorts, Hookers and SugarDaddy.

Alex Empire, who is the moderator of a subreddit called Sexworkers, received a messaged from reddit administrator zippylooda warning her that "any post that could facilitate the connection of sex sellers and sex buyers would be a violation" of the update to reddit's content policy.

Empire describes /r/sexworkers as "a community forum for sex workers, clients, and even those unaffiliated with the industry to

come together and ask questions and share resources." She is attempting to follow the admin guidelines to bring the subreddit into compliance.

"I fear that by the time FOSTA is signed into law all of our resources will be gone," she says.

By Thursday morning, Cityvibe, an adult dating website which offered listings for "escort videos, BDSM, massage, and more," had shuttered. Models who had paid for ads on the site took to social media, <u>expressing</u> outrage that their money had not been refunded.

On Friday, the entire "Personals" section of Craigslist, including the iconic "Missed Connections" column, was replaced by a message from the company, explaining that the risk of offering this tool would "jeopardize" all of their services.

Their statement concluded: "To the millions of spouses, partners, and couples who met through craigslist, we wish you every happiness!"

Sex workers and the peer-led organizations that serve them are preparing for the worst. Red Light Legal, which offers legal representation to anyone in the sex trades, is hosting an online know your rights workshop for creating arrest plans. Various informal groups are holding in person meetings to discuss safe ways to continue conducting business, as well as how to support the most marginalized among them.

Red, a community organizer with the Chicago-based organization Support Ho(s)e, anticipates that community

creativity will tested. "People will find ways to build new, or dust off old, methods of communication and outreach," they say. "I hope we can demonstrate that the best way to support survivors is by giving them access to safer housing, cash benefits, food stamps, visas, living-wage work, and life/gender affirming medical care immediately without red-tape."

Overall, the sex work community is devastated that this bill will take community resources away from consensual workers while doing demonstrably little to abolish trafficking or offer care to those who have been trafficked.

"Congress fucked up big time and is placing lives in harm because of ill informed best intentions," says Paul.



**PMC** 

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#### Verify it's you

To help keep your account secure, please log-in again.

#### Please log in

You are no longer onsite at your organization. Please log in. For assistance, contact your corporate administrator.

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# Exhibit 5

#### wired.com

#### Craigslist Shuts Personal Ads for Fear of New Internet Law

Nitasha Tiku

6-7 minutes

Online classified site Craigslist abruptly shut its <u>personals</u> <u>section</u> just days after Congress <u>approved a bill</u> expanding the criminal and civil liability of website operators over usergenerated content. President Trump is expected to soon sign the measure into law.

In an attempt to curb sex trafficking, the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) amends a bedrock law — Section 230 of the Communications Decency Act — that helped the internet flourish by shielding websites from liability for outside content.

Reddit also shuttered sections of its website as part of <u>a policy update</u> that prohibited "paid services involving physical sexual contact," but the company did not specifically call out FOSTA. Reddit's policy change <u>appears to</u> have affected the sections Escorts, Male Escorts, Hookers, and SugarDaddy.

Those moves, and others by less popular sites, appeared to

validate the concerns of the bill's opponents, who said the measure would prompt some site operators to ban or remove content to avoid running afoul of the new law. The measure weakens the "Good Samaritan" clause in Section 230 that protected internet companies trying their best to moderate illegal sex trafficking on their platforms. Legislators amended that clause after a judge in California dismissed criminal charges against Backpage.com over online ads featuring underage girls because, the judge said, the website and its CEO were shielded by Section 230.

Liara Roux, a sex worker, political organizer, and adult-media producer and director, says a handful of other sites shut advertising forums, including The Erotic Review and CityVibe, hours after FOSTA passed. "[E]verything we've been warning people about for a year has been proven true within 24 hours, before it's even signed into law," Roux said in an email to WIRED.

VerifyHim, a tool that helps sex workers avoid abusive clients and describes itself as "the biggest dating blacklist database on earth," also <u>said Thursday</u> that it is "working to change the direction of the site." Kate D'Adamo, a partner with the consulting firm Reframe Health and Justice, says VerifyHim has been a particularly vital safety and screening mechanism for sex workers.

Roux says these recent closures come on the heels of other efforts by tech companies that began in 2017, to ban or shadow ban sex workers from their platforms. "Not one of these sites,

including the big social media companies acting in knee jerk ways, wants this. ... The people who run safety resources are scared, scared for themselves and scared for their friends," she said.

In an announcement Thursday, Craigslist said, "Any tool or service can be misused. We can't take such risk without jeopardizing all our other services, so we are regretfully taking craigslist personals offline. Hopefully we can bring them back some day." Craigslist did not respond to questions from WIRED.

Senator Richard Blumenthal (D-Connecticut), a cosponsor of the bill, derided Craigslist's announcement. "If Craigslist is really telling us that they can't run a page on their website without knowingly facilitating sex trafficking, that would certainly be a damning admission," he said in a statement. <sup>1</sup>

In a statement, a spokesperson for Reddit said the site added a section to its <u>content policy</u> "forbidding transactions for certain classes of goods and services. Moving forward, we are prohibiting transactions that are either illicit or strictly controlled. Communities focused on such transactions and users who attempt to conduct them will be banned from the site."

Reddit declined to say whether its policy change was related to FOSTA, but the company signed a <u>letter</u> to members of Congress earlier this month protesting the bill. The letter was organized by Engine, a nonprofit representing tech startups, and was also signed by Automattic (the company that owns Wordpress), Patreon, Cloudflare, Twitter, Match Group (the

company that owns Tinder, OkCupid, and Match.com), Pinterest, Wikimedia Foundation, Github, Medium, and Yelp.

The tech industry was initially united against this legislative effort, but the Internet Association, a trade group representing major tech firms, reversed its position under pressure from Facebook, which was facing additional regulatory pressure from the Russia investigation, <a href="WIRED reported">WIRED reported</a> in December. Reddit is also a member of Internet Association, as is Google, which lobbied heavily against earlier versions of the legislation.

Evan Engstrom, executive director of Engine, said he expected this response given the ambiguity of the bill, especially for websites "that have large user bases commenting on a range of topics."

"This isn't at all a publicity thing. This is just a reality of how you have to do business when there's potential criminal liability for content that you may not necessarily see," says Engstrom. He expressed hope Congress would amend the new law to remove some of the ambiguity.

D'Adamo says she plans to reach out to members of Congress and nonprofits that advocated for the bill. "They were pretty explicit that sex workers and the community was wrong, and within 48 hours, we have already started facing the collateral consequences that everyone knew was coming.

"If this was about ending violence, then I want to know what their commitment is for violence against people who trade sex," D'Adamo says.

<sup>1</sup> **UPDATE**, **6:20PM**: This article was updated to include a statement from Senator Richard Blumenthal.

Internet Law

- Congress approved the <u>new law</u> to curb sex trafficking, but opponents warned that it would dampen online speech.
- A Senate cosponsor argued in support of the bill in this article.
- Legislative maneuvering over the bill began in earnest when a tech trade group opened the door to <u>amending</u> the Communications Decency Act.

5 of 5

# Exhibit 6

#### **MOTHERBOARD**

TECH BY VICE

# Sex Workers Say Porn on Google Drive Is Suddenly Disappearing

Sex workers are reporting that their Google Drive files are mysteriously locked or vanishing.

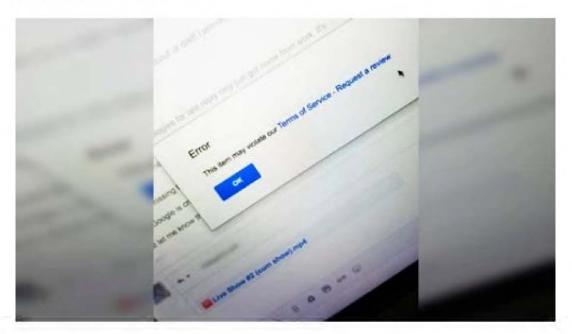


By Samantha Cole

March 21, 2018, 12:07pm







Porn performer <u>Avey Moon</u> was trying to send the lucky winner of her Chaturbate contest his prize—one of her videos, titled "POV Blowjob"—through her Google Drive account. But it wouldn't send, and Google wasn't telling her why.

would feel like he got ripped off and never come back again or worse, he could actually file a complaint with Chaturbate about me and they can take money from me."

She's not alone. Six porn performers I talked to and more on social media said that they suddenly can't download adult content they keep on Google Drive. They also said they can't a share that content with other accounts or send to clients. In some cases, the adult content is disappearing from Drive without warning or explanation. The porn performers I talked to started sounding the alarm on Twitter last week. They said that Google Drive no longer seemed sex-trade friendly, detailing error messages and sharing cloud storage alternatives with each other.

When I asked about sexual content being blocked on Drive, a spokesperson for Google directed me to the <u>Drive policy page</u>—specifically the section on sexually explicit material, which says, "Do not publish sexually explicit or pornographic images or videos.... Additionally, we do not allow content that drives traffic to commercial pornography." Writing about porn and sex is permitted, the policy states, as long as it's not accompanied by sexually explicit images or videos. According to Google, Drive uses a combination of automated systems and manual review to decide what's in violation.

# "It's very oppressive. And it's making my job hellish."

"I heard randomly that someone got one piece of their adult content flagged, that was stored on Google Drive," adult performer <u>Melody Kush</u> told me in Twitter direct messages. She's been using Google Drive for most of the last five and a half years she's worked as a performer full-time, but started using it more heavily for

received an error message, saying that the item may violate Google's Terms of Service, with a link to request a review.

The video title contained the phrase "cum show," which Kush suspected triggered the system.

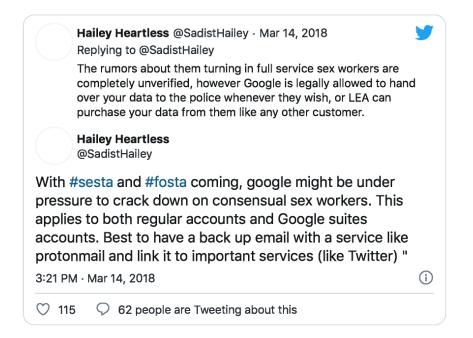
But unlike Kush and Moon, others have gotten this error on videos even when the title isn't explicit. "It's just the content, which is the strange part," adult performer <u>Lilly Stone</u> told me in a Twitter direct message. Her Drive account contains mostly adult content, but her images aren't affected by this error—only videos, some of which have begun to disappear without warning or explanation.

#### Read more: Google Docs Is Randomly Flagging Files for Violating its Terms of Service

"It seems like all of our videos in Google Drive are getting flagged by some sort of automated system," Stone said. "We're not even really getting notified of it, the only way we really found out was one of our customers told us he couldn't view or download the video we sent him."

Stone's files aren't removed from Drive, but when she tries to play the video or download it, she said Google gives her an error message: "Whoops! There was a problem playing this video" with an option to download the item, but the download link doesn't work.

Some sex workers are wondering if this has something to do with the <u>impending</u> <u>vote on the SESTA-FOSTA bill</u>, which is on the Senate floor for debate this week. Performer Hailey Heartless told me that she's not sure if it's a "blitz" that Google is doing, or if it's just something many sex workers noticed at once, and got the



It could also be that Google is simply, suddenly, deciding to enforce its Terms of Service. The fact remains that Google Drive is either glitching out and impacting people's livelihoods, or suddenly enforcing its Terms of Service without warning. Adult performer Ramona Flour told me in an email that she's been using a paid version of Drive with 1 TB of storage, which costs \$9.99 a month, for five years, but she just started getting error messages last week.

"It's very oppressive. And it's making my job hellish," Moon told me. "I'm still stressing about finding a way around this. I don't believe that Google should be allowed to dictate what you and another consenting adult send to each other through email."

TAGGED: PORN, TECH, MOTHERBOARD, SEX WORK, GOOGLE, DRIVE, ERROR, PORN PERFORMERS

# Exhibit 7

#### thedailybeast.com

#### The New Law That Killed Craigslist's Personals Could End the Web As We've Known It

Elizabeth Nolan BrownUpdated Mar. 24, 2018 9:37AM ET / Published Mar. 23, 2018 11:14PM ET

8-11 minutes

For countless folks who came of age in the 00s, finding a partner via the Craigslist personals section was a rite of passage. I remember pouring over the ads with friends, amazed at the sheer variety of sexual and romantic asks and desires out there, the strange and tantalizing mix of anonymity and eros and possibility. I brokered my best ongoing "casual encounter" through the Craigslist personals. I know others who met long-term partners and even spouses that way.

But as of Friday, the Craigslist personals section is no more. Consider it one of the first—but certainly not the last—casualties of new legislation passed by the Senate this week 97-2.

The <u>bill</u>, euphemistically known as the "Fight Online Sex Trafficking Act," or FOSTA, was <u>passed by the House of Representatives</u> in late February. It's been largely portrayed by the media and those in Congress as an "anti-sex trafficking"

measure. But while doing nothing to realistically fight sex trafficking, it manages to muck up all sorts of other serious things.

FOSTA will "subject websites to criminal and civil liability when third parties (users) misuse online personals unlawfully," Craigslist explains in the brief notice that now appears in place of potential partners if you try to go to a personals listing.

Under current law, the site can't be held legally liable if someone uses veiled terms to solicit commercial sex—aka prostitution—through the Craigslist personals. But FOSTA will change that, opening up Craigslist (and every other digital platform) to serious legal and financial jeopardy should it accidently "promote" or "facilitate" prostitution.

Prostitution, mind you, is not sex trafficking, which has a distinct meaning both colloquially and under the law. In the simplest terms, prostitution involves consent and sex trafficking does not.

"Any tool or service can be misused," Craigslist said a <u>statement</u>. "We can't take such risk without jeopardizing all our other services, so we are regretfully taking craigslist personals offline. Hopefully we can bring them back some day. To the millions of spouses, partners, and couples who met through craigslist, we wish you every happiness!"

Craigslist isn't the only one making changes since FOSTA's passage. On Friday, the adult-ad forum CityVibes disappeared. And on Thursday, Reddit banned several sex-related subreddits, including r/Escorts, r/MaleEscorts, and

r/SugarDaddy.

Reddit said the purge was enforcing its new content policy, which bans "transactions for certain goods and services," including "paid services involving physical sexual contact." But frequenters of these subreddits say they were forums for sexwork news, tips, questions, and camaraderie, not places where sex workers advertised their services.

This failure to distinguish between ads for prostitution and any discussion of prostitution is part of what has sex workers (and free-speech advocates) so worried. Sex worker blogs could be shut down, and they could find their social-media accounts suspended simply for being honest about their work.

This is because the core of FOSTA makes it a federal crime to "promote or facilitate the prostitution of another person," punishable by up to 10 years in prison, plus fines. For promoting the prostitution of five or more people, the penalty is 25 years, and the same if promoting someone's prostitution "contributed to sex trafficking."

Sex workers don't have to worry about being punished for posting their own ads, but they could run afoul of the law if working in pairs or helping a colleague place an ad.

#### Related in Politics

The primary target are websites, apps, messageboards, and other digital publishers, which have deeper pockets. To reach them, Congress had to carve a hole in Section 230, which has

governed the internet for 22 years. It protects web platforms from being sued in civil court or criminally charged by state prosecutors for third-party (i.e., user-posted) content. (It doesn't apply for federal crimes.)

Section 230 says that unless they create the content in whole or part, these platforms shall not be treated as the speaker of such content, and good-faith efforts at content moderation (like banning ads that explicitly mention illegal acts or auto-filtering out content that contains prohibited words) do not change this. Under FOSTA, this won't apply when paid sex is concerned. That's why sites are scrambling right now to prohibit any content that could get them held liable.

It's probably too late, or at least would be if legislators get their way. FOSTA "shall apply regardless of whether the conduct alleged occurred... before, on, or after such date of enactment." This is what's known as an ex post facto law, and it's explicitly forbidden by the U.S. Constitution.

No less than the U.S. Department of Justice has urged against passing FOSTA, calling it unconstitutional and saying that it would make prosecuting sex traffickers harder. "You're heading in the wrong direction if you [pass a bill] that would raise the burden of proof in cases against sex traffickers," said Oregon Sen. Ron Wyden Wednesday from the Senate floor.

Wyden—who co-authored Section 230—was the only Democrat to vote against the bill, and Kentucky Sen. Rand Paul the only Republican. An amendment to FOSTA proposed by Wyden

would have clarified that websites can try to filter out illegal content without increasing their liability, but it was overwhelmingly defeated.

Wyden stressed that FOSTA is not a matter of substituting some free-speech rights for a better ability to stop sex trafficking. Rather, it's imposing serious burdens while at best doing nothing for trafficking victims and quite likely making their lives worse.

For one thing, it incentivizes law enforcement to go after third parties rather than stop traffickers or rescue victims. It also takes away an important tool for finding trafficking victims—the open internet. This new paradigm creates huge incentives for cops and prosecutors to go after websites and apps rather than actual criminals—ensuring that real victims, and public safety, will suffer along with open expression. Online ads have allowed an untold number of victims to be identified and found. What's more, the digital trail of ads, emails, and texts can provide evidence that makes catching and prosecuting the perpetrators easier. Law enforcement loses this when traffickers switch to private, encrypted, or dark web forums.

Many sex-trafficking survivors and victims groups vocally opposed FOSTA, saying it fails to address the things they really need (like housing and job assistance) and will make saving future victims harder. Plus, even those being forced or coerced into prostitution benefit from things like screening out violent clients and not having to walk the streets.

The bottom line is that FOSTA "is not going to prevent sex trafficking [and] it's not going to stop young people from becoming victims," Wyden said. What it will do is create "an enormous chilling effect on speech in America," as sites move to squelch anything remotely related to a liability and "powerful political" forces weaponize it against minority voices.

We're already starting to see the chill, even though FOSTA hasn't even been signed into law yet. And it goes beyond speech related to sex. For instance, Reddit's sex-work subreddit bans were accompanied by bans of forums for gun talk and trading gaming logins, among others.

While Reddit would still have Section 230 protection should any illegal conduct arise from these forums, it's hard to say how long that will last now that's Congress has decided to start making exceptions.

After all, how can we say that Craigslist should be prosecuted if its ads broker prostitution but not a gun sale that leads to the next school shooting? How can we say that social media is criminally liable if a "john" meets a 17-year-old girl there, but not if two terrorists hook up and hatch out plans through their DMs? Or what about the next time hackers post illegally obtained state secrets (or nudes) on some remote corner of some social forum?

Sex trafficking is horrific. But so are a lot of other crimes. And under FOSTA, our law effectively says that both sex trafficking and paid sex between two consenting adults are more grave

offenses that rape, child molestation, mass murder, or anything else. What kind of logic is that?

The answer to this conundrum is that the creators of Section 230 were onto something. Because once we decide something like prostitution is so bad that it overrides it, what won't warrant an exception? And once we start treating technology as the guilty party in any badness it brokers, we will wind up with tech overlords terrified to let us speak about anything controversial at all.

7 of 7

# Exhibit 8



#### What happened to pounced.org?

Pounced was a furry personals site which operates a free service on behalf of the community. We are staffed by volunteers and cover our own costs as a benefit to the community. On April 11th, 2018 President Trump signed into law FOSTA, which attempts to make internet sites such as pounced.org liable for the way users use the site in an effort to address sex trafficking and prostitution.

FOSTA increases our liability significantly and chips away at one of the primary reasons we as a small organization can provide services to the community - the protection that had previously been offered to us by <u>Section 230 of the Communications Decency</u> act:

"No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider"

We didn't have to worry about what our users said using our platform, as we weren't liable for what they said.

FOSTA changes that in a way that makes sites operated by small organizations like pounced.org much riskier to operate. FOSTA essentially says that if we facilitate the prostitution of another person we're liable. If you read FOSTA carefully the bill says "or facilitate" - the problem is that "or facilitate" is ill-defined.

"(Sec. 3) The bill amends the federal criminal code to add a new section that imposes penalties-a fine, a prison term of up to 10 years, or both-on a person who, using a facility or means of interstate or foreign commerce, owns, manages, or operates an interactive computer service (or attempts or conspires to do so) to promote or facilitate the prostitution of another person."

We don't promote prostitution or sex trafficking. We're a personals site for the furry community, our goal was to allow members of our community to have a personals site dedicated solely to the community, and we've tried to serve our community well.

The problem is, with limited resources and a small volunteer staff, our risk for operating the site has now significantly increased. Now if someone posts an ad looking to exchange sex for something to pounced.org, and we don't catch it, is that facilitating prostitution? Is it enough to simply re-train our volunteer staff and update our terms of service?

Do we try to filter advertisements and forum posts? Do we ask our volunteer staff to take on the burden of reviewing all personal ads to insure we're in compliance - and what if they miss one? If we try to implement filtering will it be anything other than intrusive and ineffective, given the resources of a small organization like ours?

And we must now account for the fact that our liability to operate a service such as pounced.org has unequivocally increased, especially given that FOSTA explicitly makes this a criminal liability.

We now can be held accountable for the actions of others using our service. This bill is poor a trade off, it makes all service operators bear increased liability for the actions of their users or act as censors to their speech in exchange for targeting a few malicious services.

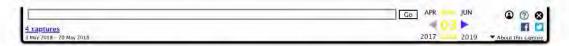
As an organization that operates a free service, is this trade off worth the reward of providing our services to the community?

We were able to offer pounced.org as a free service to the community because the liability to us was manageable and we could manage our cost effectively. We didn't frequently have to pay for lawyers, and we ate this cost when we did.

Would you be willing to try to accomplish the same if it meant you could be criminally liable for the actions of others who use a service you offered for free?

In many ways this bill targets small sites like ours directly, it favors organizations with the resources to invest in filtering technology, paid staff and legal support staff. It is less of an impediment for big organizations, while doing significant harm to small organizations like ours, which service niche communities like ours. Our larger competitors are not likely to find a large market in servicing the furry community, and so our community will suffer.

1 of 2 8/27/20, 2:00 PM



#### Why did we decide to cease operations?

We enjoyed operating pounced.org and serving the community, but ultimately operating without the full protection of the CDA, really is challenging for a small organization which was trying to offer a quality service for a small community for free. Essentially after having spent a lot of time deeply considering our options, life is too short to worry about what other people are saying using our site on the internet. It's unfortunate that the United States government decided to pass a bill which harms the voice of our community, which is why we must all be vigilant and protect our freedom of speech and take an active role in our government.

#### Once pounced.org shutdowns permanently what will happen to my data?

We have always tried to operate with a community first perspective. We will find some way to make your data available to you for a period of time, after which all member data will be destroyed. We will not sell your data or re-purpose it outside the context of operating pounced.org.

#### Thank you for all the kind words and support!

It brings us much happiness to know that we were able to serve our community for so many years.

Terms of service | Contact | Twitter | Resources

2 of 2

# Exhibit 9

# Erased

# The Impact of FOSTA-SESTA

& the Removal of Backpage



A community report by:

Danielle Blunt and Ariel Wolf of **Hacking//Hustling** 

Advised by Naomi Lauren of Whose Corner Is It Anyway

Abstract: A few days after Backpage was shut down by federal authorities, Public Law 115-164, better known as FOSTA-SESTA, became US law in 2017. The stated goal of this law was to reduce human trafficking by amending section 230 of the Communications Decency Act. What the law has actually done is put increased pressure on Internet platforms to censor their users. While the law has been lauded by its supporters, the communities that it directly impacts claim that it has increased their exposure to violence and left those who rely on sex work as their primary form of income without many of the tools they had used to keep themselves safe. In this sex worker-led study, Hacking//Hustling used a participatory action research model to gather quantitative and qualitative data regarding the impact of the removal of Backpage and the passage of FOSTA-SESTA on two groups of sex workers: those who work online, and primarily street-based sex workers who have limited access to technology. The results of our online survey (98 participants) and street-based survey (38 participants) indicate that the removal of Backpage and FOSTA-SESTA have had detrimental effects on online workers' financial stability, safety, access to community, and health outcomes.

**Key Words:** Trafficking, Sex Work, Prostitution, FOSTA-SESTA, Tech, Sex Trafficking, CDA 230, Internet, Content Moderation, Gig Economy, Public Health, Platform Policing

# This report was written by Danielle Blunt and Ariel Wolf of Hacking//Hustling with advisement by Naomi Lauren of Whose Corner Is It Anyway.

Much love, appreciation, and care to our sex working/trading community for sharing your insights and analysis, your organizing and survival strategies. We are grateful to everyone who took the time to complete this survey and to our graphic designer, Livia Foldes, who volunteered her labor and genius. This report was made possible with funding from our direct labor in the sex trades.

Hacking//Hustling is a collective of sex workers and allies working at the intersection of technology and social justice. It is a space for digital rights advocates, journalists, and allied communities to learn from sex workers and better understand the developing effects of "FOSTA-SESTA" on internet freedom for all. This organization was formed with the belief that sex workers are the experts of their own experience, and that an internet that is safer for sex workers is an internet that is safer for everyone.

**Whose Corner Is It Anyway** is a Western MA mutual aid, harm reduction, political education, and organizing group led by stimulant- and opioid-using low-income, survival, or street-based sex workers.

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**Naomi Lauren** (she/her) is a long time stripper and an organizer with Whose Corner Is It Anyway.

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# Introduction and Literature Review

# **Sex Work and Labor Trafficking**

We begin from this premise: under capitalism, all labor is vulnerable to hyper-exploitation. The risk of exploitation is increased in criminalized economies that lack labor protections, such as sex work. Many individuals who have traded sex live at the intersection of marginalized identities and may have limited access to other sources of income or employment due to stigma, discrimination, and lack of social support. In this way, sex workers face a similar risk of exploitation, as do undocumented laborers who perform domestic and agricultural work.

 (White Hughto, Reisner, and Pachankis 2015)

"Sex work" is a broad term used to describe exchanges of sex or sexual activity. Sex work is also used as a non-stigmatizing term for "prostitution," but in this report we use the term in its broader meaning. Using the term "sex work" reinforces the idea that sex work is work and allows for greater discussion of labor rights and conditions. Not every person in the sex trade defines themselves as a sex worker or their sexual exchange as work. Some may not regard what they do as labor at all, but simply a means to get what they need. Others may be operating within legal working conditions, such as pornography or exotic dancing, and wish to avoid the negative associations with illegal or informal forms of sex work. In addition to the exchange of money for sexual services, a person may exchange sex or sexual activity, or things they need or want, such as food, housing, hormones, drugs, gifts, or other resources. "Survival sex" is a term used by many non-profit organizations and researchers to describe trading of sex for survival needs.

- Meaningful Work: Transgender Experiences in the Sex Trades

The United States government has attempted to protect individuals from sexual exploitation through anti-trafficking legislation. In the United States, the Federal Victims of Trafficking and Violence Protection Act (TVPA) of 2000 defines trafficking as "the recruitment, harboring, transportation,

provision, or obtaining of a person for the purpose of a commercial sex act."<sup>2</sup> The TVPA does distinguish this from "severe forms of sex trafficking" by stating that it is "(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery."3 Under these two definitions, any and all persons who trade sex for money may be considered "trafficked," irrespective of the circumstances under which they engage in this work. In addition, any individual under the age of 18 who is involved in commercial sexual activity is defined as a victim of sex trafficking, 4 regardless of how the individual defines their experience. Many individuals who have histories of trading sex as a minor do so to acquire needed resources and to escape abusive living situations, facing no explicit external force, fraud, or coercion, other than the need to survive.<sup>5</sup> LGBTQ youth, who often face housing insecurity due to familial rejection, are seven times more likely to have experiences of trading sex for a place to stay than their heterosexual counterparts. 6 These individuals are labeled trafficking victims by the state and processed through the criminal justice systems or family court systems under the "safe-harbor" laws. 7 The singular focus of the anti-trafficking lobby on sex trafficking has been criticized for ignoring the complex forms of labor trafficking that occur in other labor sectors that outnumber cases of sex trafficking.8 The fact that those experiencing labor trafficking in any industry are also more vunerable to sexual abuse, with no legal recourse, is also highly overlooked.9

Many sex workers have argued that, in practice, the impact of anti-trafficking laws is opposite to their stated intent (protecting vulnerable populations). Anti-trafficking rhetoric and policing tactics disproportionately affect migrants, the insecurely employed, trans women, and women of color. In Brooklyn, 89% of the arrests for loitering for the purposes of prostitution were of women of color, many of them trans women who were then processed in the Human Trafficking Intervention Courts (HTICs). Of Sex workers who cross borders for employment are also at high risk for being arrested and labeled either traffickers or victims of trafficking.

2 TVPA 2000, Sec. 103(8)

- 3 (Chapman-Schmidt 2019)
- (Child Welfare Information Gateway. 2016)
- 5 (World Health Organization, 2015)
- 6 (Dank 2015)
- 7 Safe Harbor Laws is a provision of a statue that a specific action does not violate a rule or law. For example under Safe-Harbor laws prevent a young person trading sex for being arrested for prostitution and directs youth who trade sex to 'non-punitive' social services.
- 8 (Wolf 2019)
- (Global Freedom Center n.d.)

- 10 (White et al. 2017)
- 11 (M. Smith and Mac 2018)

These arrests and legal proceedings disrupt these workers' ability to earn a living and thus lead to increased, rather than decreased, vulnerability. There is a significant body of research that illustrates the harm caused by the policing of sex work on the street. In addition, anti-trafficking laws criminalize the very people whom sex workers depend on for safety an support. When a partner or family member provides housing, transportation, safe calls, or financial support to someone trading sex, this person under current legal definitions can be considered a trafficker. At the same time, many people in the sex trade report on complexities of experience regarding exploitation, force, and coercion that are not adequately addressed in the federal definition of trafficking. By defining all sex workers as victims of a criminal network, rather than as individuals attempting to survive under capitalism, the state claims power to intervene, surveil, and control rather than address the root causes of trafficking: poverty and vulnerability.

For sex workers, one of the many benefits of a decriminalized market place is the ability to negotiate with clients. Due to fear of law enforcement, street based sex workers often have less then five minutes to discuss what services they offer, what the prices for those services are, set boundries and vet potential clients. An Internet-based model has allowed workers to be more forthright in their advertising, negotiate costs and services prior to meeting and establish boundaries. Still, online sex workers are hesitant to speak directly about the services they offer because of fear of stings by undercover police. Without the ability to speak freely and clearly about what servicies they are willing to provide, many sex workers reported that they risk miscommunication with clients that could lead to violence or lack of payment.

Sex workers who oppose this legislation also point out that it collapses a range of experiences within the sex trade into a monolithic vision of sex work as inherently exploitative. In American legal discourse, "sex trafficking" is often conflated with all forms of sex work. <sup>16</sup> Sex trafficking is singled out from other exploitative labor practices; despite trafficking occuring in all labor sectors, media coverage of trafficking focusing disproportionately on the sex industry. <sup>17</sup> These discources reinforce the stigmatization of sex work and erase sex workers' lived experiences. In reality, individuals' motivations for trading sex exist within a complicted landscape of choice, circumstance, and coercion. However, in the mainstream media and legal system, the lives of those who trade sex are often reduced to a binary: victim or criminal. This study aims to explore beyond this binary and acknowledge how individuals

- 12 (M. Smith and Mac 2018)
- 13 (Platt et al. 2018)

14 (M. Smith and Mac 2018)

15 (Krüsi et al. 2012)

- 16 (Chapman-Schmidt 2019)
- 17 (Ashley 2015)

identify their experiences within the sex trades as subject to variation and change over time. Many of those who may meet the federal definition of human trafficking may choose not to define those experiences as such. By allowing our participants to present their own definitions of trafficking and to use their own words to describe their work in the sex trades, we hope to present data that more acurately reflect these nuances.

# **FOSTA-SESTA and Platform Policing**

Public Law 115-164, better known as FOSTA-SESTA, became US law in 2017. These bills were signed into law days after the federal authorities shut down Backpage, a popular website used by sex workers to connect with clients. Despite the bills being signed into law after Backpage was shut down, and at the time of this report's publication no one has ever been charged under this new law, supporters of the bills said that the removal of Backpage would not have been possible without FOSTA-SESTA. The stated goal of this law was to reduce human trafficking by amending section 230 of the Communications Decency Act. What the law has actually done is put increased pressure on Internet platforms to censor their users for fear of civil and criminal liability. While the law has been lauded by its supporters, the communities that it directly impacts claim that it has increased their exposure to violence and left those who rely on sex work as their primary form of income without many of the tools they use to keep themselves safe.

This study examines the impact of this new legislation, the removal of Backpage and the myriad of ways that sex workers are denied acceess to technologies on two different, though sometimes overlapping, populations of sex workers: those who work online and a group of primarily street-based sex workers who have limited access to technology.

With the advent of the Internet and websites like Craigslist and Backpage, sex workers were able to gain more control over their work environment and avoid some of the dangers of outdoor and street-based work, such as violence and homocide by clients, police violence, and being forced to have sex in exchange for not being arrested. When Craigslist Erotic Services opened, a 17% reduction in all female homicide was reported in the following years. In Intimate partner violence is one of the most common forms of violence that threatens the health and safety of women. The internet can be a powerful tool for vulnerable populations

18 (Cunningham, DeAngelo, and Tripp 2017)

to gain autonomy, financial security, and safety. For sex workers specifically, online platforms can allow them to advertise independently, screen clients more thoroughly, and build community with other sex workers.<sup>19, 20</sup>

Unfortunately, recent legislation took away these invaluable tools by putting pressure on social media platforms to censor their users and bar sex workers from online spaces. The movements of sex workers are surveilled, policed, and restricted through both traditional law enforcement and online-platform policing. This policing is done in the streets, <sup>21, 22, 23, 24</sup> through police using the carrying of condoms as evidence of prostitution; <sup>25, 26</sup> it is done indoors, through brothel-keeping laws; <sup>27</sup> it is done through data collection, through gang databases <sup>28</sup> and predictive policing; <sup>29,30</sup> and more recently, it is done online through banishment from advertising and social media.

On March 21st, 2018, FOSTA-SESTA passed the Senate (97-2). President Trump signed FOSTA-SESTA into law on April 11th. FOSTA-SESTA was sold as "anti-human trafficking" legislation by lawmakers. However, what this legislation actually does is give online platforms the power and incentive to censor their users for fear of "facilitating" sex work, thereby pushing sex workers off reliable and trusted platforms and into less safe working environments. Street policing (including racist, sexist, and transphobic policing tactics) intended to "clean up the streets" pushed sex workers online, and now with legislation such as FOSTA-SESTA, this policing is extended to online platforms, effectively, squeezing workers from both sides. Faced with this policing and social stigma, sex workers' own fears and self-censorship act as another form of policing within the community.

FOSTA-SESTA's passage was followed with an immediate chilling effect,<sup>31</sup> as platforms shuttered in anticipation of bankrupting lawsuits and possible criminal charges. Platforms used by mainstream audiences—like Reddit and Craigslist—deleted content before the law had even been signed.<sup>32</sup> As a result, the already-marginalized communities who use the web to find work and build community around sex work were suddenly locked out.

# **Methodology**

This report consists of participatory action-based, sex worker-led research and data collected through two peer-led organizations: Hacking//Hustling and Whose Corner is it Anyway. Eighteen months after FOSTA-SESTA was

- 19 (Campbell and Sanders 2018); (Internet Governence Forum 2019)
- 20 (M. Smith 2018)
- 21 (Sei Young Pyo, 2016)
- 22 (Ritchie n.d.)
- 23 (Grant n.d.)
- 24 ("#NoLoiteringJustLiving"
- 25 (Wurth et al. 2013)
- 26 (Grant 2014)
- 27 (ProCon.org n.d.)
- 28 (Gullapalli, 2019)
- 29 (LAPD Stop Spying Coalition 2013)
- 30 (Stop 2013)
- 31 Chilling effect is a term in law and communication that describes a situation where speech or conduct is suppressed by fear of penalization at the interests of an individual or group. It can affect one's free speech. (USLegal.com)
- 32 (Wired 2018)

signed into law, Hacking//Hustling conducted research through online surveys on how this legislation and the removal of Backpage were impacting marginalized communities' access to financial security, harm reduction working tools, and optimal health outcomes.

Hacking//Hustling began by gathering data on how people who trade sex utilize technology to stay connected to their communities. Hacking//Hustling created an online survey designed to gather both quantitative and qualitative data and distributed it via DecrimNY (a coalition of over 30+ organizations that work with the sex worker communities in New York City) and the broader online community of sex workers on Twitter. The survey was accessible and shared for a month. We received 98 responses from this initial outreach-based research effort. As this round of data collection was conducted via an online survey, the results reflect the experiences of sex workers who still have access to the internet (including social media platforms like Twitter). We then partnered with Whose Corner is it Anyway,33 an organization in Western Massachusetts of drug-using, low-income, survival-based, and/or street-based sex workers that provides mutual aid, harm reduction, and political education to its members. WCIIA assisted us in adapting the survey into a verbal interview format for sex workers who face significant barriers to accessing online or digital technology, in order to gain insight into how their lives are affected by surveillance and technology on the streets. One month after our initial online data collection, we conducted interviews with 38 members of WCIIA, four of which were conducted in Spanish.

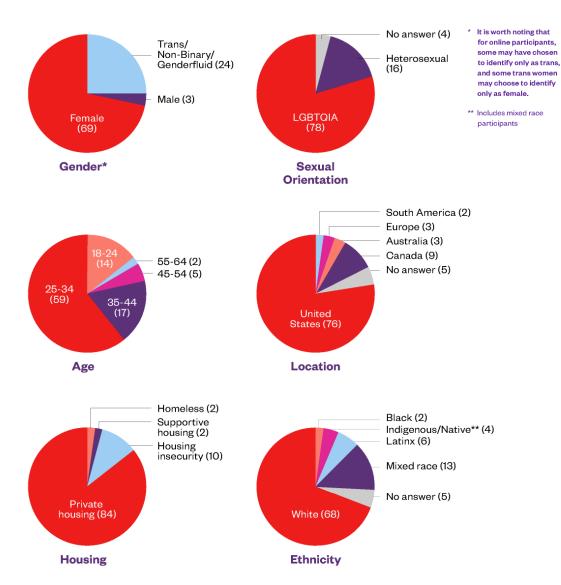
As it is difficult to tell what are the effects of the removal of Backpage, implementation of FOSTA-SESTA, the anticpation of its passage, or each platforms preexisting policies around sex worker content, the questions were framed as and are presented as "before/after April 2018" to reflect the changes in internet infastructure after the removal of Backpage and passage of FOSTA-SESTA.

33 Henceforth referred to as "WOIIA."

# **Key Findings**

#### **Survey Demographics**

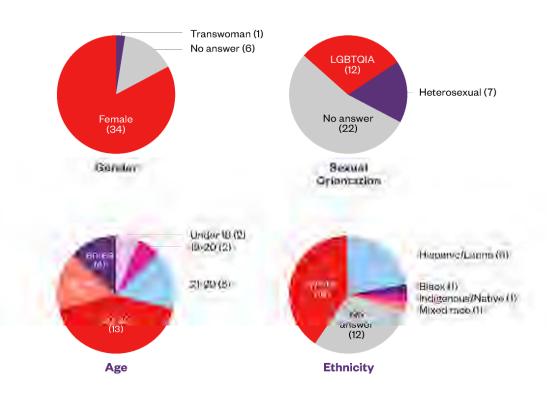
Of 98 internet-based workers

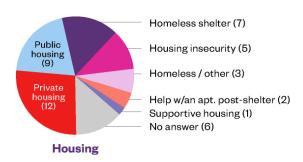


### **Survey Demographics**

From Whose Corner is it Anyway Sample size of 41

12% of surveys were completed in Spanish





# FOSTA-SESTA in Sex Workers' Own Words

The vagueness of the language and intent of FOSTA-SESTA adds to fear and the perception of violence, as well as an actual increase in exposure to physical violence. The fear surrounding FOSTA-SESTA is compounded by the obfuscation of the processes that online platforms use to discriminate against sex workers that may or may not be directly related to this law. General technological illiteracy and the opaque practices of platforms facilitate the spread of misinformation, feelings of paranoia, and lack of control in the sex working community. The fear and lack of adequate legal guides and resources surrounding FOSTA-SESTA has led to a chilling effect in the community as sex workers who work online have had to reassess their business models and still make ends meet.

It is important to gain an understanding of how sex workers interpret and understand this law. We asked sex workers to define, in their own words, how they understood FOSTA-SESTA.

The main patterns observed in how online sex workers defined FOSTA-SESTA was that they reported finding it to be an overbearing, paternalistic law that does nothing to actually fight sex trafficking—but instead would be used to censor sex worker presence online and create more dangerous situations. Many respondents suggested that this law represents a

Many respondents suggested that this law represents a moralistic fight against sex work in general.

moralistic fight against sex work in general, regardless of whether or not labor trafficking is involved. Many respondents saw this as an extension of the prohibitionist anti-trafficking movement's attempt to eradicate all forms of the sex industry with no regard for the safety of people in the sex trades.

When asked to define FOSTA/SESTA, online participants' responses centered on three primary themes (some quotes have been edited for clarity):

# 1) It removes key safety measures used by sex workers

- A bill that is aimed to stop sex trafficking but is making the sex work industry more dangerous.
- It's a law that is censoring sex workers and is making it difficult for us to conduct business with clients. It criminalizes sex workers even further.
- Making online platforms used by sex workers responsible for "sex trafficking" that happens on their site, leading to the shutting down of important online sites used for safety and information.
- A bunch of whorephobic bullshit law stuff making sex work even scarier.
- Removal of section 230 from the Internet and a death sentence for me.
- 2) Its aim is to create moral panic and perpetuate whorephobia
- An anti-sex trafficking bill that doesn't actually work, and was designed to hurt sex workers.
- The government controlling what women do with their bodies in a failed attempt to clean up the Internet by fearmongering.
- Overreaching whorephobia and misguided fearmongering.

Whorephobia is the fear or hatred of sex workers that often leads to discrimination, stigma and violence. It is a term that was coined by sex worker rights activists.

-USLegal.com

- It was written to remind whores that our lives are dispensable, we are not protected, our work is unseen and irrelevant, to destabilize our ability to live with any degree of agency, to flaunt the murders and negligent deaths of our loved ones as a daily reminder that the world does not mind at all watching us die and forgetting our names.
- **f** A complete bullshit mountain.

# 3) It doesn't actually help to prosecute real traffickers or keep people safe

- It's supposed to be a bill that helps end sex trafficking. What it really does is harm sex workers, and victims of sex trafficking... This law makes it much harder to even find [traffickers] as it's pushed them underground to the dark web.
- by making advertising my services much more challenging. This law actually does the opposite and just drives all sex work underground, where it's more difficult to find traffickers. It's interesting to note that Jeffrey Epstein didn't use a website to traffic young women and neither do the pimps I have met in my 17 years as a sex worker.
- A poor attempt to appear to be concerned about issues of human trafficking.

- Holding websites liable for users' speech involving anything sexually related which in turn specifically targets sex workers and not the victims of human trafficking.
- [It's] supposed to stop sex "trafficking" but willing sex workers are lumped into that definition.
- The purpose is supposed to stop sex trafficking but it's destroying rights of sex workers.
- It's a bill meant to punish human traffickers but mainly punishes consensual adult sex workers because laymen and law enforcement interpreting it are ignorant sadists.

The overwhelming majority of WCIIA respondents did not demonstrate an understanding of what FOSTA-SESTA is, or any direct impact it had on their work or safety. Sex workers who work online however, did have a strong understanding of not only the parameters of the law, but how it affects their lives and livelihoods. WCIIA workers who were interviewed expressed that they were already dealing with traditional law enforcement-based criminalization and didn't experience as direct an effect of a law regulating digital platforms.

## **Trafficking in Sex Workers' Own Words**

Trafficking takes many forms. It's not always someone being kidnapped and tied to a bed like a lot of people think. I was actually trafficked. It was an emotionally abusive situation where my only worth came from how much money I made. He found all of my clients and set up my appointments. I had no control and was not able to leave because he had control of all the money. It took me 3 years to escape.

—Online respondent

We also asked sex workers to define *trafficking* in their own words and where their experiences might have met or strayed from the legal definition of trafficking. A large majority of online respondents described trafficking as an act of "forced labor" where one party controlled another through violence or threats. In addition to "force," respondents included these commonalities they understood to be a part of labor trafficking: the taking of some, or all of one's money earned through sexual services, as well as transportation over state lines, underage sex work in any form, and kidnapping. Many online respondents noted that trafficking goes beyond the bounds of the sex industry and includes other forms of labor trafficking that are not mentioned or addressed within FOSTA-SESTA.

The most common theme from online respondents to this question was the lack of consent present in trafficking situations. Previous community research has noted that for some, economic hardship can be seen as a motivating factor in participation within the sex trades, constituting a type of force by capitalism.<sup>34</sup> This idea of financial desperation as a coercive force complicates the discussion around free will and coercion, but has never met any legal definition for trafficking resulting in leniency from prosecution.

34 (Wolf 2019)

Of the respondents from the WCIIA group, most defined trafficking in similar ways: primarily by the act of being forced into selling sexual services or performing that service while "someone else took all or most of the profit from it." Other common themes mentioned were: kidnapping, forced labor, and financial abuse, as well as drug trafficking.

- Trafficking was a word that I never heard when I first got into the business in 2002, back then it was called pimping. In my opinion, the terminology changed to conjure up images of white women being forced into sex work. Pimping is mostly associated with African-Americans and if I know anything to be true, it's that America is a deeply racist country that doesn't value black women as much as it should.
- **Solution** Nonconsensual work regardless of field.
- Bringing someone into another country. Usually servitude is implied, but more often it's field, domestic, or sweatshop, less often sexual.
- A too-wide term that don't say much about anything.
- I think it's an ambiguous term. There is abusive management in every industry.
- Forcing someone to perform sexual services where you keep the financial gain. Where the person does not have a choice, or is performing acts under duress or can't consent due to age, or intoxication.
- Promise work for people, take them away from family and friends and then not deliver the work that was promised (different conditions, payment and/or type of work).
- Humans who are transported from one place to another against their will for work and/or sex. Sex trafficking is rare, more human trafficking happens when there is a need for farm hands or needing low-paid workers.

# **Trafficking Statistics**

	Online Group (N=98)	<b>WCIIA</b> (N=36)
Has been trafficked by their own definition	10.2% (N=10)	22.8% (N=8)
Has been identified as a victim of trafficking by someone else	20.6 (N=20)	14.7 (N=5)
Entered the sex industry younger than 18	8.1% (N=8)	17.9% (N=7)
Identify as a victim or survivor in some way	28.1% (N=27)	Not asked
Has experienced violence before FOSTA-SESTA/April 2018	36% (N=35)	22.8% (N=8)
Has experienced violence after FOSTA-SESTA/April 2018*	33.8% (N=32)	13.9 (N=5)

Only 10% of the online respondents report experiences having been trafficked by their own definitions. These experiences primarily related to having a pimp. However, 20% say they have been identified as a victim of trafficking by someone else, and 4% say they have identified as a victim of trafficking in order to receive services from supportive services from the state or nonprofit. 8% of online respondents report having started working in the sex industry before the age of 18, which under the federal definition does not require explicit external force in order to be considered trafficking.

Of the WCIIA group, 18% reported entering the sex trades before the age of 18, and 20% self identifty as victims of sex trafficking. Twentytwo percent of WCIIA respondents report that at some point they were either held against their will by someone, someone had sex with them against their will, or had someone controlling money earned through their sex work.

It is important to note that statistics of experiencing violence after FOSTA-SESTA/April 2018 only represent a period of two years, while the previous numbers reflect violence experienced anytime before 2018.

Forty percent of online workers report identifying as a victim or survivor in some way, the majority of which was unrelated to their experiences in sex work: mostly from sexual assaults (some while working, but most specify that their assults were not related to sex work), domestic abuse, and childhood abuse.

## **Barriers to Other Forms of Labor**

**60.4%** of online respondents said they face barriers to accessing other forms of labor.

Those working within the sex trades do so for a variety of reasons that can usually be simplified into two factors: the need for income, and barriers that prevent them from earning enough through traditional means. We asked survey participants to describe barriers they face to other forms of employment.

In an open-ended question, the most common responses were mental illness, chronic illness, and disability, along with time constraints, such as single-parenthood and full time school enrollment. For some, systematic barriers such as previous criminal records, lack of education, and large gaps in resumes also prevented participants from getting other work. For many, sex work is seen as preferable labor due to signifigantly higher hourly rates. This reflected a need for flexibility and an inability or discomfort around sacrificing large amounts of their time for substandard wages.

Participation in formalized economies is often inaccessible to people living with disabilities. The flare-up periods that accompany many chronic illnesses, mental health issues, C-PTSD, PTSD, fibromyalgia, and other forms of non-specified somatized pain disorders create a barrier in an individual's ability to maintain stable employment within the rigid structure of traditional work. Mental health diagnoses and invisible disabilities are often more difficult to claim disability benefits for, especially when in order to claim those benefits you have to show up physically for appointments. Sex work is often one of the only ways that disabled people can support themselves and their families financially, especially when the state fails to provide adequate support and resources.

- 35 (Tastrom 2019)
- 36 Invisible Disability is an umbrella term that captures a spectrum of hidden disabilities. Invisible disabilities are disabilities that are not immediately apparent, they are often neurological in nature, difficult to diagnose and ohronic. (definition taken from Disabled/World.com)

While the majority of online participants reported that their experiences in sex work were positive and provided them with necessacry financial resources, many did report that they are survivors of violence and live with PTSD and somatic pain disorders. Many report that sex work was the only form of labor that they were able to maintain while dealing with the aftermath of a traumtic event or PTSD due to the flexible schedule, higher hourly rate, and the ability to take time off when needed.

### **50**%

of online respondents reported having chronic health issues of disabilities (most common were chronic pain, autoimmune disorders, endometriosis, mental health disorders).

## 8.16%

of online respondents defined themselves as financially secure with an overwhelming majority saying that they had income coming in but were generally stressed about their financial security. 23% identified as insecure and didn't know where their next money was coming from.

## 68.4%

of online respondents have received a mental health diagnosis (depression, anxiety, ADHD, PTSD were most common).

## **73.5**%

of online respondents say that their financial situation has changed since April 2018.

## **78.57**%

of online respondents report that the majority of income was from sex work.

## 79 5%

of online respondents are facing increased economic instability after April 2018.

## 46.94%

of online respondents had no other form of income.

# **45.74**%

of online respondents could not afford to place an ad for their services.

These barriers to traditional forms of labor and subsequent poverty are exacerbated by lack of access to traditional banking and financial technology tools, many citing that with the closure of their financial technology accounts such as PayPal or Venmo came the seizure of the funds, some losing as much as \$500 in the process. Sex workers reported that their accounts were lost due to clients referencing 'suspicious' activity in the memo, clients trying to retroactively reverse payments or telling their bank it was a fradulent charge, and being reported by an abusive partner or potential client.

Of the WCIIA respondents, 86% of WCIIA respondents reported having a mental health diagnosis. 19% of WCIIA reported increased economic instability after Backpage was removed and FOSTA-SESTA was signed into law. Our research suggests that this number is lower than the online group because WCIIA did not have the same reliance on online spaces before FOSTA-SESTA. None of WCIIA members defined themselves as financially secure, with 38.2% saying that they didn't know when they'd be getting money next.

## **Effects of FOSTA-SESTA**

While FOSTA-SESTA's purported purpose is to aid in the reduction of human trafficking, what we've witnessed within the scope of this study is that this law is contributing to the poverty that makes an individual more succeptible to labor exploitation and trafficking. By censoring the way that sex workers communicate with each other online, this law is also responsible for the dissolution of harm reduction tactics that allow workers to educate each other by sharing experiences with violent clients, exploitative mangement, and labor exploitation. This dismantling of an online-based sex work environment has played a role in the increased economic instability for 72.45% of the online participants of this survey, with 33.8% reporting an increase of violence from clients. 23.71% of online workers reported that their housing situation has changed since April 2018.

While FOSTA-SESTA was presented as a law that increases the safety of those at risk of human trafficking, 99% of online respondents reported that this law does not make them feel safer. The ability to work independently online has reduced the need for sex workers in dire financial situations to work on the streets or through an exploitative agency or third party. Working

37 (Chuang 2006)

online has given sex workers more autonomy over their labor and reduced the need to work under pimps and exploitative management. It has also provided more choices in client selection, by increasing the range of potential income sources as well as more possibilities to vet a client. **80.61%** of participants who took the online survey say they are now facing difficulties advertising their services.

Out of our online respondents with chronic illness, 26% reported an increase in the exacerbation of their symptoms after April 2018. For people with chronic health issues an exacerbation of symptoms or flare up can make it more difficult to work and increase financial and housing insecurity.

FOSTA-SESTA has reduced the number of sites that sex workers use to find clients, community and share harm reduction working tips. The free and the niche websites used by sex workers were some of the first to be removed after FOSTA-SESTA or in anticipation of the law being signed. Post FOSTA-SESTA, sex workers are reliant on fewer platforms to advertise. These platforms now have monopolized the market, and have the ability to raise their prices for advertising as well as the cut they take for potential sales. Sites like Eros.com have increased their scrutiny for new members, requiring more forms of identification and higher advertising prices. Community trust in Eros.com has simultaneously dwindled, with many believing that that information is being handed over to law enforcement and beng used to restrict immigration, after one of their call centers was raided.<sup>38</sup>

38 (Brown 2017)

Sex workers reported that after the removal of Backpage and post FOSTA-SESTA, they are having difficulties connecting with clients, and are reluctantly returning to working conditions where they have less autonomy (e.g., returning to work under a pimp or to a 9–5 that does not accommodate for their needs or disability). 40% of online respondents reported that over half of their clients came from Backpage. The fact that it was free to advertise on Backpage was particularly important to low income workers who either did not have the financial means to establish and host a private URL or those who use sex work as suplementary income and were uninterested or unable to invest in a more costly internet presence.

# Online sex sorkers describe their experiences post-FOSTA-SESTA

- Was bringing in plenty of income pre-FOSTA. When BP went down I didn't have a single client for 2 months. My savings dwindled and are now completely gone.
- I lost all my income, lost my clients and was forced to go back to working a 9 to 5 job that is ableist and doesn't accommodate my disabilities/health issues. Sex work gave me freedom and flexibility before I lost it all.
- I'm homeless and can't pay the bills.
- My income decreased by 58% in the year following FOSTA-SESTA.
- I used to make enough to be comfortable now I'm always barely scraping by.
- **ff** I feel totally erased.

#### **Digital Security and Harm Reduction**

Sex workers are concerned with their health and safety. Digital security practices can be thought of as harm reduction, just as a worker might take PEP or PREP to mitigate harm, a worker might adopt online digital security methods to stay safer. That being said, tools such as "bad date" lists and digital security methods and techniques are not equally accessible to everyone. People who are working on the streets are often sharing phones, or do not have consistent access to technology or to these tools that many online workers do.

Of those who utilized web-based harm reduction techniques, the most common tools used were sites dedicated to reviewing clients in an effort to flag those that with a history of violence, non-payment, or potential connections to law enforcement. Commonly known as "bad-date lists," sites such as these can fall within the vague parameters of what FOSTA-SESTA criminalizes. Another tool used by sex workers is a system of verification in which a new client gives the contact information of past providers to vouch for themselves. VerifyHim is just one example of the harm reduction tools that have been taken down after FOSTA-SESTA. In general, when sex work is criminalized, new clients are often hesistant to provide personal information used to verifiy their identities.

Sex workers also utilize several strategies to protect their anonymity from clients and law enforcement.

39 survivorsagainstsesta. org/documentation/ (visit this site to see a more complete list of websites that have been removed post-FOSTA-SESTA)

41%

of online respondents used a separate phone for sex work.

**91**%

of online respondents said they are not able to access harm reduction online that they were in the past.

91%

of online respondents used some sort of digital security technology. The most common were encrypted email accounts (55%), seperate Internet browsers (45%), VPN (33%), multi-factor authentication (41.5%) or encrypted messaging (39.33%)

94%

of online respondents said they advertise sex work related services using online public platforms and social media.

FOSTA-SESTA has reduced access to online spaces for sex workers, this data illustrates how this increases financial insecurity among already vulnerable populations. This has pushed sex workers into more dangerous working conditions with less financial agency to turn down work.

An internet-based work model has been adpopted by sex workers primarily due to the increased potential to create a safer work space. This work model has given sex workers the opppourtunity to utilize e-verification and create larger and more consise databases for black-listing of violent clients and potential undercover police. It also differs from street based work in terms of how meetings between clients and providers take place. Street based workers must identify clients and discuss logistics quickly to avoid the appearance of soliciting. This leaves little time for workers to assess their safety, discuss what will occur, and agree upon a price. A meeting made online can provide more time to negotiate terms, despite explicit communicationg about selling sex acts still being illegal.

The loss of income is the most immediate repercussion reported by online workers who now face barriers to working online. Of the online respondents surveyed **78.5%** said that sex work made of the majority of their income, while **47%** said it was their *only* form of income. Of this group **72.5%** reported that they are facing increased financial insecurity after the removal of Backpage and the passage of FOSTA-SESTA. The use of free advertising sites like Backpage, are especially important to those who are already financially insecure, as almost 46% of this group say that they cannot afford to place an ad on sites that charge for advertising.

Barriers that disrupt an online-based work model create an environment where harm reduction techniques that were previously in place become less accessible. Internet based workers still need the income that was lost due to the removal of their online platforms. Working with increased financial insecurity and increased criminalization leads to workers taking greater risks with clients that they previously were able to avoid.<sup>40,41</sup>

It is worth noting that many clients of sex workers are also aware of the changes in how sex workers operate and may feel embolded to act more violently knowing that fewer precautions are in place that would prevent their ability to harm or exploit sex work providers. The removal of bad-date lists and the inability for sex workers to communicate negative experiences with one another benefits those who intend to harm those who have little recourse in reporting violence against them. <sup>42</sup> An overwhelming 99% of online respondents reported that they do not feel safer since FOSTA-SESTA was signed into law.

- 40 (Reed et al. 2010)
- 41 (Mantsios et al. 2018)
- 42 (Thukral and Ditmore 2001)

Of the WCIIA members who were surveyed, 40% reported seeing an increase in the number of street based sex workers since the removal of Backpage and post FOSTA-SESTA. Since this change in the online land-scape of the sex trades, 36% of online respondants reported facing increased violence, with around 20% of WCIIA reporting the same. Only 5.25% of WCIIA respondents reported having consistent access to a personal cell phone over the past year.

Our research suggests that individuals who work online experienced a greater *increase* of violence than those who were already working on the streets after the removal of Backpage and the passage of FOSTA-SESTA. An online-based work model creates distance from the impact of criminalization and the violence of traditional policing. Now, many individuals who utilized the web as a harm reduction working tool no longer benefit from that buffer to violence.

#### **Police Interactions**

All of my worst experiences happened because of the police. [Sex work] is the highest paying job I've ever had and it allowed me to raise my children in a safe, middle-class neighborhood.

- Online respondent

The reductive, binary discourse surrounding sex work and sex trafficking has created an environment in which the punitive treatment and surveillance of sex workers by the state is normalized and lauded. The lack of a nuanced conversation on labor has led to environment where the complexities of the lives of those who trade sex are erased. As poverty is one of the most prominent factors that makes an individual vulnerable to trafficking, laws that criminalize sex work increase sex worker's exposure to violence and exploitative working conditions.

The inherent danger in police interaction has been reported on before. A recent study by the Center for Court Innovation (N=304) showed that 30% of participants were threatened with violence from a police officer, 27% were harassed for their gender presentation by police and 15% were raped by a

police officer (the police did not arrest them in exchange for sex).<sup>43</sup> As the criminalization of sex work is one of the main sources of violence that sex workers encounter, legislative infrastructure that pushes sex workers into more dangerous and more heavily policed working environments is a significant public health risk. An online respondent describes their experience with arrest as,

43 (White et al. 2017).

Severely traumatizing. I have had vice pull guns on me & have had sexual contact with me! I suffer from PTSD from excessive force & arrest.

Another online respondent said,

The hatred [the police] had for me was inexplicable, they seemed to really enjoy degrading me."

7% of online respondents reported having been arrested for sex work related offenses. This is considerably less that the 29% WCCIA respondents who reported having been arrested for sex work related offenses. The WCCIA group were arrested over three times as often while working on the streets. Having this level of increased surveillance greatly impacts how this demographic conducts themselves with customers, as well as increases their risk of violence from police and clients alike. A member of WCIIA describes her experiences of constant interactions with the police, "I've gotten into a car with an undercover officer. I've been arrested for Compton night walking. I've been pulled over after getting into a car. I've been arrested walking with a friend when they could not find another reason and was falsely accused." Another member of WCIIA says, "I wasn't even getting in a car. I was just walking and detectives walked up behind me and cuffed me. Another time I got in a car with a cop."

**18.5%** of online respondents have had interactions with police that did not lead to their arrest. An online respondent says that the police "used to 'verify' that I wasn't underage by pretending to be a client, showing up, going through my things and checking everywhere in the hotel room. Sometimes would tell the hotel staff what I did. I'd get kicked out. But would always 'warn' me." Another respondent said, "I've provided oral service to a cop that said, 'not to worry,' they were not looking for girls like me. They were looking for

drugs, traffickers, pimps. Bittersweet." A common theme of respondents who have had interactions with the police are fear, anxiety, panic attacks, violence, and PTSD.

Street-based workers and those who have lost access to online spaces are exposed to increased violence as they navigate more heavily policed economies. Our research suggests that an online model of sex work acts as a protective barrier to police violence. Legislation that reduces an individual's ability to utilize online working tools and increases financial insecurity puts vulnerable workers in closer proximity with police and state violence.

#### Community

Access to support groups and safety groups which are essential for my screening and networking with others. I like to also keep up to date with what's happening in the sex workers rights movement across the globe and Twitter has been great for that. I follow a lot of outreach organizations and activists.

—Online respondent

Access to the Internet has been shown to increase mental health outcomes in marginalized and criminalized communities. 44,45 The Internet provided a space for sex workers to share resurces, build community, and advertise their services. Sex workers who use social media to connect with community or share harm-reduction working tools may now find themselves isolated from their trusted networks and unable to find community members through regular searches. Access to community spaces (both online and offline) have been shown to reduce negative mental health outcomes, stigma, and rates of HIV transmission in sex workers. 46 97% of online respondents said that they use the Internet to access the sex worker community, 70% of this group said that they've noticed a difference in how they can access the community online, the vast majority of which noted a decrease in access to sex worker community after FOSTA-SESTA. Those who noted a decrease in their ability to access online sex worker community talked about sex worker and activist organization accounts being shutdown and shadowbanning. Those who noted an increase in their ability to access sex worker community

- 44 (Lucassen et al. 2018)
- 45 (Oserni 2015)
- 46 (Platt et al. 2018); (Shannon et al. 2015; Deering et al. 2014)

talked about the increased visibility of the sex worker rights movement online.

Many workers describe their relationship with online sex worker community as vital to their safety and a way to stay connected to and financially support the sex worker rights movement.

When I first started FSSW [full-service sex work] if it was not for Tumblr & other sites I would have had absolutely no idea how to screen & stay safe.

The ability to access harm reduction resources online was a common theme from online respondents on their relationship to sex worker community. One worker summarizes this relationship concisely when they say,

Everything I know about being safe in sex work is because I was able to speak to other sex workers online.

Other workers mentioned the ability to connect with workers from similar backgrounds. One worker talks about their experience with finding and joining a collective for Indigenous 2 spirit trans sex workers and dancers. They say,

### **ff** I never knew others existed.

70% of online respondents reported a noticeable difference in how they access sex worker communities online. Many describe the experience of losing access to their communities as chilling, depressing, and erasing. One online respondent says,

Sex workers are disappearing from the Internet. Workers' sites have been taken down, ad sites are hard to comply with and are always changing their rules, Twitter and Instagram are deleting accounts just for being a sex worker.

Another worker describes their experience after a Facebook support group for sex workers was shut down as depressing. They say,

# I was so down since I have zero friends in RL [real life] who do this type of work.

A few workers talk about how they are noticing a lot of websites getting stricter, with more accounts being shut down, deplatformed, and banned.

One worker describes why they said that their contact with the sex worker community has increased post FOSTA-SESTA and explains that while,

the accessibility might not be there, my need to take the initiative and make those connections sure has [increased].

Many reported having their accounts deleted or disappeared or being unable to find and connect with their friends after their accounts were deleted. Despite this, 50.5% of online workers surveyed say that their involvement in sex worker community has increased in some since the law was passed, with some stating that they're more determined then ever to seek out people with similar expiereinces in order to protect themselves, engage in activism, and look out for their fellow workers. This law has caused irreparable harm, but it has also galvanized online sex workers—many of whom are showing up in the streets to protest despite the risk of these laws. As a community that is in the process of being disappeared online, sex workers are shifting the narrative of sex work and continuing to organize.

Unsure over what is safe to post, many sex workers report a general sense of fear and paranoia around the consequences of their internet presence. The vagueness of this law, and what qualifies as the facilitation of human trafficking has left sex workers unable to assess the severity of the legal action that could be taken against them.

What we witnessed with the surveyed group from WCIIA is that the passing of this law has had very little effect on the lives of street-based sex workers. Even without a formal understanding of what the law does to online platforms, it was evident that for sex workers who don't use the internet there

is nothing within the legal reach of FOSTA-SESTA being done to decrease the vulnerablity of street-based and survival sex workers. While this group does employ harm reduction techniques, like bad-date lists and safety calls, these are mostly done on paper, through word of mouth, and with other street workers. This model lacks the permanency and reach of internet based techniques, but has not been affected by FOSTA-SESTA.

- [The Internet] allows me to interact and network with other sex workers, to be a part of ugly mug lists, to get a better understanding of the difficulties faced by workers who work in different capacities to me and how I can help them and support them, how I can work to help dismantle whorephobia experienced at different levels in the industry."
- Whole entire sites have disappeared! Or been changed, or deleted! Forums for sex workers providing safety info, info for screening clients, escort ad sites, etc.
- Less options to connect/access the community and a lot of censorship and accounts being wrongfully deleted from their platforms.
- I'm too afraid to access community online now.
- The Internet is barren of sex workers. Trying to search [for] any information or communities for sex workers results in just articles about busting prostitution.

I feel like more and more sex workers' accounts are being deleted on Instagram, plus shadowbanning on Twitter has made it harder to search for those who do sex work. They don't show up directly in the query even if you type in their exact handle.

Paranoia about how to do things online is THROUGH THE ROOF and nobody seems to know what is and is not permissible online.

#### **Financial Technology**

of online respondents reported using financial technologies in their sex work.

of WCIIA respondents reported not having access to a bank account.

33%
of online respondents said they had been kicked off of a payment processor.

10%
of WCIIA respondents reported ever receiving payment from sex work through an online payment processor.

Built into technological advances and financial infrastructure is legal liability. This creates a barrier to accessing technologies for people in heavily policed economies. The inaccessibility of financial technologies acts to further the income gap of folks who are pushed off of the platforms for vague violations of terms of service, for people who lack financial or technological literacy, and for people who may never have had access to these technologies to begin with.

Those who are not able to access common financial technologies or mainstream banking are left to using predatory financial services and payment processors that take between a 30-40% cut of earnings in order to sell their work. This process mirrors the practice of redlining,<sup>47</sup> which was outlawed in 1968.<sup>48</sup> This inequity also creates barriers to financial independence which is crucial to an individual's physical safety. Bardot Smith, a technologist, analyst, and dominatrix describes the impact of online discrimnation as a loss of opportunity. She shows how this discrimination "disproportionately affects people at the margins: queer people, people of color, sex workers. It comes down to people they (the platforms) have determined do not deserve access to money."

When an online sex worker is kicked off of a financial or social platform, they are at risk of losing their means of making money and risk losing access to community. The lack of access to these technologies also creates a barrier between sex workers and civilians when the most recent technological innovations are not equitably accessible.<sup>50</sup>

Sex workers aren't just at risk of losing accounts related to their sex work. Many sex workers report losing access to non-sex work related accounts and platforms, as they are often linked or share a credit card. Stigma, criminalization and the labeling of sex workers as 'high risk' mean that sex workers can't advertise on mainstream advertising platforms, like using Google Ads. This stigma can also mean that sex workers are blocked from using financial technologies for things unrelated to their sex work just because they have at one time been seen as having sold sex.

Community research found over 29 payment processors and pay apps that explicitly discriminate against sex workers using their platforms in their Terms of Service agreements. Fig. 72.% of online respondents reported using an online payment processor. 33% of online sex workers reported have been kicked off of a payment processor, many of whom said that the platform seized the funds in their account during the closure of their account. Many sex workers suggested that the reasons for their account closure were because of irresponsible memos in the payment app suh as "nudes", the use of a public facing work e-mail that may be on a list, a client reporting an account or a chargeback after rendering services.

- 47 Redlining is an unethical practice that puts services (financial and otherwise) out of reach for residents of certain areas based on race or ethnicity. It can be seen in the systematic denial of mortgages, insurance, loans, and other financial services based on location, rather than an individual's qualifications. (definition taken from Investopedia)
- 48 (Blue 2015)
- 49 (Smith 2019)
- 50 (Lake & Roux 2018)

51 (Lake & Roux 2018)

- [I was kicked off of] PayPal, years ago around 2015.

  A client put my work email in the memo! Idiot [A]

  I was kicked off and could never retrieve the \$500 balance. I'm lucky, they've stolen thousands from other women.
- [ I was kicked off of] Venmo, they said I was using it to 'sell services or gambling' but I was using it to accept donations when I was homeless the first time... It happened about December 2017.
- PayPal booted me about 10 years ago, I was unable to recover ~\$400 from my account.

#### **Shadowbanning**

While our research was not explicitly about shadowbanning, many online respondents brought up shadowbanning in their answers to qualitative questions. Many platforms explicitly ban adult content and sex worker use, some utilize what they refer to as algorithmic curation in a way that causes harm through more opaque practices. When this algorithmic curation is applied in a way that invisibilizes a community, this practice is colloquially referred to by users as "shadowbanning." 52 Many people, sex workers included, use social media to build a brand and to create an income. Hashtags and viral posts have the power to shift discourse in the public, 53 but in many instances, these tools do not work the same for sex workers. The architecture of digital spaces dictates who can find whom, and shadowbanning ensures that sex workers are unable to find each other: If you are unable to find someone, you are unable to build community with them, 54 and if you are unable to build community, you are unable to organize and fight back against harmful laws. It is important to note here that shadowbanning was occuring before FOSTA-SESTA, while many online respondents reported increased shadowbanning, shadowbanning cannot not be directly attributed to FOSTA-SESTA, but rather should be seen as a part of an increasing and overarching whorephobic online landscape.

- 52 Shadowbanning is an obfuscated, internal process that prevents certain accounts from showing up in a feed, or prevents their handle from being searchable, and is routinely used on sex worker accounts, or those thought to be sex workers, while simultaneously being denied by tech companies.
- 53 (Lake & Roux 2018)
- 54 (Tufekoi 2017)

Shadowbanning can prevent sex workers from participating meaningfully on social media. The obfuscated nature of shadowbanning and the fact that the platforms deny that it is happening, though they do admit they do that they prioritize the visibility of certain content. This leads to an environment where sex workers are simultaneously being erased from public spaces and their experiences of erasure are being ignored. The invisibilized practice of shadowbanning allows for the active silencing of a community without the platform having to lose valuable ad revenue. Due to the denial and obfuscation of these practices, it is difficult to hold platforms responsible for the violence of erasing marginalized voices, whereas the outright banning of sex worker accounts creates a space for a more visible protest.

Sex workers who use social media to connect with community or share harm reduction working tools, may find themselves isolated from their trusted networks and unable to find community through regular searches. Sex workers at a porn conference reported an interruption in their ability to network and make connections as 90% of their colleagues were unsearchable due to shadowbanning.<sup>55</sup>

55 (Fitzgerald & Sage 2019)

#### **Quotes on Shadowbanning**

- I feel like more and more sex workers' accounts are being deleted on Instagram, plus shadowbanning on Twitter has made it harder to search for those who do sex work. They don't show up directly in the query even if you type in their exact handle.
- Accounts are being deleted so quickly and without warning that sometimes a friend just \*poof\* and I never hear from them again, sometimes the one place I know how to reach them goes silent and I am only left to assume what happened.
- With people getting shadowbanned or deleted, a lot of who I followed are just GONE. Resources that were typed or infographic? GONE.

# Discussion & Recommendations

FOSTA-SESTA led to a chilling effect in the community. This chilling effect acts as another form of violence. In a research study conducted by the Internet Policy Review, it was found that 75% of respondents were "much less likely" to post after receiving a personal legal threat from a third party in regards to online activity. It is notable that female Internet users were significantly more likely to have their speech chilled online in response to legal notices being issued. Fa This indicates that those experiencing one or multiple intersecting forms of oppression are more likely to have their speech chilled online and be wary of sharing their experiences, connecting with community and sharing and receiving harm reduction tips. This means that the resources sex workers use to stay safe are not only disappearing from the Internet, but sex workers are deciding that sharing them may be too dangerous; and their speech is chilled. This is the work of the authoritarian state.

56 (Penney 2017)

Chilling effect is a term in law and communication that describes a situation where speech or conduct is suppressed by fear of penalization at the interests of an individual or group. It can affect one's free speech.

-USLegal.com

This chilling effect parallels the ways in which sex work is policed on the streets and the violence that ensues, and the communities that are most affected by this criminalization. In some cities, condoms have been used as evidence of prostitution in transphobic and racist policing tactics that selectively use this strategy to arrest people. This has led to sex workers choosing not to carry condoms because

having less access to safer sex tools was less risky than increased exposure to the police. Many individuals and harm reduction organizations feel a similar chilling effect when it comes to sharing harm-reduction working tips or providing safety and check-ins with fellow workers. Sex workers and allies have faced jail time for assisting a sex worker under trafficking laws; when 47% of black trans women have traded sex, this punitive sentencing of queer survival creates unnecessary fear and self-censorship in community. Self-policing creates a barrier from harm reduction working tools and serves as another form of violence that sex workers face.

57 (Wurth et al. 2013)

58 (Siouxsie 2018)

59 (Romano 2018)

60 (Romano, et al. 2015)

The criminalization of sex work remains a main catalyst of harm incurred against people in the sex trades. Repressive policing practices make sex workers more vulnerable to violence from the state, clients, and partners. There is no evidence that FOSTA-SESTA has curbed trafficking. Instead, our research suggests the opposite; that FOSTA-SESTA has created an enviornment where vulnerable populations are pushed into increased financial insecurity, making them more vulnerable to labor exploitation, and labor trafficking in the sex industry is pushed further underground. Just as sex workers warned, our research suggests that FOSTA-SESTA has increased sex workers exposure to violence while doing nothing to combat trafficking.

#### **Limitations**

The primary survey consisted of largely open ended questions, and was disseminated online through sites frequented by sex workers. It was completed by predominantly white, female, LGBTQIA identifying people, with the central age group being between 24 and 35. This is a limitation of the convenience sampling strategy employed, given that this doesn't necessarily reflect the racial, ethnic, or gendered breakdown of the full range of people who trade sex. Participants were mainly located in the United States, though some travelled internationally for work. Those outside of the US reported still feeling the effects of FOSTA-SESTA, as many websites they used were hosted within the United States. In order to complete the survey or to find it via the web, individuals who wound up taking the survey had to have some sort of access to Internet infrastructure.

In order to fill some of the demographic gaps in the initial survey, we also employed a secondary survey to a group of street based sex workers at a meeting of WCIIA, a Holyoke, MA based outreach group. The data from these surveys is largely inconclusive due to smaller sample size, a lack of completed surveys, and a demonstrated lack of understanding on the part of many participants on what FOSTA-SESTA is. The questionnaire distributed to the WCIIA participants was similar to the one taken by the online participants, but with input from WCIIA organizers many questions were added or reworded to gain greater understanding of issues more relevant to this group. As suggested by WCIIA organizers who reviewed this data, it is highly possible that police and system interactions were under-reported and

usage of certain apps and internet based techniques may be exaggerated or misunderstood. It is for these reasons that this survey was not the subject of our primary analysis, but supplementary data used to illustrate gaps in the reach of FOSTA-SESTA.

One of the difficulties that we faced while analyzing this data was that it was difficult to distinguish what is a direct effect of FOSTA-SESTA and what is a response to a greater, overarching whorephobic landscape. While online sex workers show a decent understanding of FOSTA-SESTA, we also saw an over attribution of effects in the online landscape to this law. For example, many people, sex workers and policy makers included, believed that the take down of Backpage was related to FOSTA-SESTA, when it was in fact taken down days before FOSTA-SESTA was signed into law. Another example of this is the shadowbanning and deplatforming of sex workers which seems to be increasing post FOSTA-SESTA, but has been happening for years.<sup>61</sup>

We suggest that future research focuses on access to the internet from a holistic sense, as it becomes difficult to differentiate the harm caused by specific laws or the removal of websites when they are happening as part of a larger whorephobic online ecosystem.

61 (Beres 2016)

### Recommendations and Relevancy

Our research suggests that many sex workers use online platforms and technologies to work safer and build community. Any legislation or policy that hinders an individual's use of a certain technology they use to reduce harm will only exacerbate harm. There is no evidence that FOSTA-SESTA has done anything to prevent sexual labor exploitation. Our research shows that this law has actually put people in more precarious financial situations that actually make individuals more vulnerable to trafficking, as well as decreasing access to previously established channels of communication used to protect sex workers against violence.

### **Platform Suggestions**

Barring sex workers from financial technologies and social media is a form of structural violence. When a private company owns what operates like a public space that is larger than the largest country in the world, relying on content moderation alone is an insurmountable task, one that often relies on the exploited, underpaid, and incredible traumatizing labor of workers.<sup>62</sup>

62 (Newton 2019)

The restricted access to certain technologies and particular websites occurs alongside enhanced monitoring, surveillance, and dubious human trafficking trainings by corporations from Uber to PayPal. This restriction, surveillance, and inequitable access to technology contributes to sex worker harm and marginalization. Legislation like FOSTA-SESTA should be seen in context, in an ongoing history of laws and regulations that utilize technology to give rise to new kinds of public-private partnerships and police women. The collaboration between the state, private tech companies, and the use of community as the eyes and the ears of police fuels surveillance capitalism. This is most apparent with the policing of migrant communities and sex workers. 44,85

Algorithmic curation is now largely an automated process based on image and content analysis as well as flagged and reported content. <sup>66</sup> Oftentimes, this curation means that the misogyny of the user is reflected back by the authority of the platform and it's moderators. Hashtags like #woman, #curvy, and #breastfeeding have been shadowbanned, indicating that that which is perceived as the feminine form is inextricable from sexual content, therefore problematized and removed from visibility on the platform. <sup>67</sup> These practices harm an individual's ability to take up public space, advertise their services, and connect with community; in these instances woman becomes a proxy for whore. Shadowbanning also silences workers and contributes to an echo chamber of anti-trafficking propaganda when sex workers are disabled from sharing their experiences widely on public platforms.

Shadowbanning and content curation can drown out the visibility of activist messages in favor of advertiser-friendly content.<sup>68</sup> This creates echo chambers, increasing polarization, and the erasure of voices of the people who are harmed by the platform and by the state.

63 Surveillance capitalism, a term popularized by Shoshana Zuboff, is used to describe the surveillance surrounding the capitalization of personal information.

- 64 (Khan, n.d.)
- 65 (Cyril, 2015)
- 66 (Gillespie 2018)
- 67 (Piper 2018)

68 (Tufekci 2017)

Similar to how sex workers face myriad barriers if they decide to report violence to police, <sup>69</sup> social media and financial platform moderators are equally unresponsive to reports of violence against sex workers online and when sex workers lose their accounts. <sup>70</sup> Platforms are more responsive to banning sex workers than they are to responding to Nazis. <sup>71</sup> Typically, platforms only respond to, or do not ban, financially stable white women with large followings, oftentimes celebrities who can have a representative from the platform. <sup>72</sup> Toften, a male photographer posting a suggestive photo of a woman won't be taken down, but if the subject posts the same image of herself, she may be banned or have her photo removed. <sup>74</sup> This is also how the Internet stays gentrified: sexuality is allowed if it's supported by privilege, mediated by a man, or directly making a platform money. <sup>75</sup>

Sex worker exclusive technologies, platform policing, and anti-sex work legislation push people into circumstances that make them more vulnerable to labor exploitation and labor trafficking. The silencing of sex worker opposition and the fearmongering surrounding trafficking push legislation that actually exacerbates the harms.

#### **More User Choice**

Users should be able to curate their feed and be offered more choice in the process. Platforms shouldn't be the ones dictating what is indecent. The current rules and processes of content moderation are easily weaponized by trolls to harass marginalized communities. If Instagram can lock you out of a device, why can't a user block an IP Address or device that someone is using to make new accounts with to harass, stalk, or send death threats? Why are we leaving the decision of what people see up to the platform rather than the user? If an individual reports someone's post, the reported person should have the option to block that person (and their IP address) to avoid potential future harassment or viewing of unwanted materials. Likewise, if someone is harassing a user they should have the option to block a device, not just a handle.

- 69 (Young Women's Empowerment Project 2012)
- 70 (Gil n.d.)
- 71 (Farokhmanesh 2018)
- 72 (Cole 2019)
- 73 (Fitzsimmons 2019)
- 74 (@RienzoKennedy 2 May 2019, 2:52 PM)
- 75 (@RienzoKennedy)

#### **Sex Worker Inclusion**

The inclusion of sex workers in the development of technology needs to be thought of as a diversity issue. Academics, journalists, legislators, and people who create technology should not build it without consulting the com-

munities that are most affected by their creations. Sex workers often live at the intersection of multiple marginalized identities and are the most immediately harmed by insecure and censored technology; if we create technology that is safe for sex workers, we've likely created technology that is safe for everyone. By listening to these communities, we will be able

If we create technology that is safe for sex workers, we've likely created technology that is safe for everyone.

to learn first-hand how they are impacted by emerging technologies and involve them in putting precautions in place to avoid negative social and health outcomes. The only way to ensure that new and emerging technologies don't harm vulnerable communities is by listening to the communities who are most impacted by poorly designed technology, legislation, and infrastructure.

## **Policy Recommendations**

The decriminalization of sex work and repeal of FOSTA-SESTA are our foremost recomendations. Without fear of prosecution, those who enter the sex trades within any part of the spectrum between choice and force, are more likely to report violence and exploitation. Currently seeking any legal recourse or aid after experiencing trafficking puts victims at risk of police violence, deportation, and incarceration, regardless of their choice to participate in the sex industry. In order to identify and eradicate these complex and clandestine forms of exploitation we must first ensure that victims are willing and able to speak openly about their experiences without fear of punishment. Legislation pushing the sex industry further underground has not made sex trafficking any easier to stop, and has done nothing to even attempt to address the various forms of trafficking that do not happen on the internet.

76 (Marsh 2019)

Trafficking is more complex then the simplified narratives popular in our culture, and it has been estimated by some to happen more frequently outside

the sex industry than within it.<sup>77,78,79</sup> In order to responsibly and equitably address the loss of autonomy and exposure to various forms of violence that makes human trafficking so abhorant, we must include labor trafficking in the discussion around human trafficking as whole. This discussion should include that those being trafficked for their labor are also vulnerable to sexual and structural violence, and support policies that strengthen the agency of exploited people. The voices and experiences of those who have experienced violence and labor exploitation should be the ones dictating what protections should be in place to prevent trafficking.

Furthermore, additional and more easily accessible aid is needed for those living in poverty, domestic violence situations, and those with undocumented citizenship and chronic health issues.

- 77 (Lee 2019)
- 78 (Albright and D'Adamo
- 79 (Lind 2014)

#### Decriminalize. Decarcerate. Destigmatize.

**Decriminalize** sex trade related offenses in New York that harm people who do sexual labor by choice, circumstance, or coercion, including sex workers and people profiled as sex workers, as well as people who purchase sexual services. Pass legislation and implement administrative policies that protect people in the sex trades from economic exploitation as well as interpersonal violence.

**Decarcerate** people who have been arrested on sex trade-related offenses so that people can move forward with their lives without lingering ties to the criminal legal system. Vacate criminal records related to prostitution and end the ongoing entanglement with the court system that the rescue industry produces.

**Destigmatize** the sex trade so that workers have access to housing, education, employment, health care, and other basic needs without restriction. Not everyone trading sex wants to continue doing so and we support evidence-based, harm reduction-rooted policies and funding that supports people's safety and empowers those seeking different work.

-Taken from DecrimNY.com

#### **Further Research**

We encourage further research to explore the ways that sex work is mediated by technology and how technology is used both as a facilitator and disruptor of sex work. Tech alters the way that people work and organize in all labor sectors, yet in most research on how tech shapes labor, sex workers are left out of the conversation. In Data & Society's recent anthropological report, *Disruption: How Tech Shapes Labor Across Domestic Work & Ridehailing*, despite sex workers being some of the first to theorize about how tech shapes domestic labor, <sup>80</sup> they are very conspicuously left out of the report. Further research on the gig-economy needs to include and center sex worker voices.

80 (Smith 2015)

In December of 2019 Representative Ro Khanna introduced a bill along with Senator Elizabeth Warren to study the effects of FOSTA-SESTA, specifically on the sex working community. This bill was created with the input of the sex working community, including over 70 grassroots and non-profit LGBTQAI organizations. Kate D'Adamo, a sex worker rights activist and partner at Reframe Health and Justice says, "The bill was written intentionally to not just replicate what was happening on the ground, but to use a lens of public health and harm reduction to contribute and re-affirm the valuable, robust community knowledge which already exists." This work will undoubtedly be impactful if researchers take this expertise seriously, and incorporate people with lived experience in the design, research, analysis and advisory of this work. While more expansive information will be helpful moving forward, policy makers should not wait to include sex workers' voices and expertise in the development of policies and conversations on internet and surveillance technology regulation. Research on health and safety often confirms that communities know first, and listening sooner rather than waiting on everyone else to catch up will save lives.

Further research into the complexities of human trafficking should also be directed toward better understanding and codifying how trafficking happens, without the notion that all sex work is inherently trafficking. The attribution of explicit force on those who do not claim to experience that type of exploitation has wasted resources, enangered sex workers and trafficking victims alike, and only created confusion about how trafficking is happening and how frequently. The perception of trafficking should also be informed by

the knowledge that exploitation happens more frequently to those who live within complex situations of immigration, intimate partner violence, poverty, disability, and various other axes of oppression. Without providing recourse specific to these situations, those who face exploitation may find it safer to remain quiet about the various other abuses they suffer.

Those who have worked in the sex trades are the experts of their own experiences. Research into these communities to do research. should have a participatory approach, or at least employ a community advisory board of people with a variety of expieriences in the sex trades. The simplest and most successful approach to understanding the complexities and nuances of these communities is to employ sex workers to do reasearch on the sex industry, or as the long-standing advocacy slogan says; Nothing about us without us.

# **Conclusion**

Lawmakers said that this bill was about "protecting" those vulnerable to sex trafficking. But our research suggests just what sex workers warned; FOSTA-SESTA actually makes individuals more vulnerable to human trafficking

and exploitation. This research has just begun to highlight the devastating impact of FOSTA-SESTA. These bills directly harm individuals engaging in sex work, many who live at the intersection of marginalized identities and may have limited access to other sources of income, while providing no concrete form of help to those already in exploitative or violent

Denying access to technologies should be understood not only as censorship, but as a form of structural violence.

situations. FOSTA-SESTA has exacerbated poverty and increased exposure to violence in the already marginalized communities who use the internet as a tool to gain financial independence in a safer way.

The current legal changes of FOSTA-SESTA alter the structure of the web, disproportionately harming the physical safety and mental health of already vulnerable communities who have most benefited from using an internet based work model. The Internet is now being policed with tactics akin to those used for 'cleaning up' sex workers from public view. Creating barriers for sex workers to access resources is not something that is new; FOSTA-SESTA has just created an infrastructural precedent to expedite the process.

Comparing our initial data of online workers with that of WCIIA, shows that those who are already being heavily policed on the streets do not feel the same immediate effects of FOSTA-SESTA. The street-based respondents from WCIIA already exist in a more heavily criminalized and policed economy. What FOSTA-SESTA did was push workers who had access to harm reduction working tools into less safe work environments, increasing their financial insecurity and exposure to violence.

Denying access to technologies should be understood not only as censorship, but as a form of structural violence. FOSTA-SESTA's fallout illustrates what happens when a fragile network meets the blunt force of the law. The result is stigma, isolation, poverty, and further entrenching inequality. Technology has permitted some groups, particularly early adopters like sex workers, to move faster than the law; what we are seeing now is the violent backlash. Access to technology, Internet infrastructure, and social media platforms have allowed sex work to come out of more dangerous and exploitative labor environments. Sex workers use the Internet as a harm reduction working tool by negotiating and screening for potentially violent clients on their own terms. FOSTA-SESTA, the removal of Backpage's adult services sections, and an environment of Internet censorship threaten the protective elements offered by a model of sex work mediated by the Internet.

We are living in a society that is systematically silencing marginalized voices. Legislation like FOSTA-SESTA encourages platforms to contribute to this silencing through erasing sex worker existence from the Internet. There is tremendous fear in the community as sex workers try to comply with and work around rules that aren't always apparent, and rules that are often enforced differently for different people. People are losing access to work and are less able to support themselves and their families. Increased financial insecurity, increased exposure to violence, lack of access to community resources, inability to find work, and increased feelings of fear and anxiety are a few very visible effects of FOSTA-SESTA.

# For more information visit HackingHustling.org



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# Exhibit 10

#### coyoteri.org

# After Fosta, It's like Hunger Games on Sex Workers

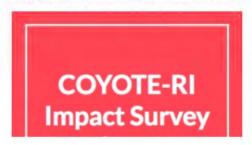
3 minutes

The passing of Fosta (Fight Online Sex Trafficking Act) is a hate crime. Congress is trying to kill Sex Workers!



#### After FOSTA Slideshow

Following the passage of SESTA, a sex worker-led organization COYOTE-RI conducted an impact survey and documented 260 responses (and growing). The data is still being collected and analyzed, but we have some clear takeaways that must be shared:



1 of 4 8/27/20, 2:04 PM



#### Of the 260 sex workers who responded to the survey...

- 77% (201 people) reported sex work as their sole income
- 75% (197 people) are supporting between 1-3 dependents

#### Within 2 Weeks of Backpage Shutting Down...

- Over 65% of participants report earning less income
- 25% (65 people) reported being unable to support themselves or their dependant's because their source of income was gone.
- 30% of participants report having stopped screening clients or having lowered their safety standards.
- 60% (156 people) report having taken sessions with less safe clients, out of financial desperation
- Between 6-10% of participants were evicted

We are still processing the data to illustrate how many sex workers are being approached by pimps, who see this new environment as ripe for taking control. With online advertising, sex workers have been able to work independently, but now that this tool is gone, the pimps are starting to harass newly vulnerable sex workers.

We are aware of one death linked to a young woman going out

2 of 4 8/27/20, 2:04 PM

onto the streets to work, as a result of having nowhere online to advertise. We are aware of one suicide linked to the overwhelming stress SESTA has caused. These are only the incidents we know of.

CRIMINALIZATION KILLS.

#### It's like HUNGER GAMES on sex workers



Internet sites allow sex workers to screen potential clients, stay informed & to be safer. Why don't you actually listen to the data or to the sex workers themselves? Who do you think will step in if sex workers can't independently use the internet to find clients?

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

#RepealSESTA #LetUsSurvive #SexWork



3 of 4

Thank You to <u>SWOP Seattle</u> for helping to analyze the data and creating the images.

There is a solution, Backpage RI is gone. Try Crockor.nz

#### Other important articles

Policing Modern Day Slavery 2014-2016

Sex Trafficking and the Sex Industry in the United

The Deadly Consequences of the Anti-Sex Trafficking Law"

4 of 4

# Exhibit 11

# COYOTE-RI Impact Survey Results - 2018

Analyzed by SWOP-SEATTLE

# Survey Results Overview

Results as of 5/26/2018 (rolling survey)

The national survey results cited in this presentation were gathered by COYOTE-RI, a sex worker advocacy group located in Rhode Island.

The purpose of this survey is to assess the immediate impact of congressional bills FOSTA and SESTA on the safety of people in the sex trade. This survey also examines the effect of the FBI seizure of Backpage.com on people in the sex trade.

This data was collected from 4/14 - 5/25 2018. The survey is rolling, but we're focusing on data from this timespan.

People surveyed: 262

# What are SESTA and FOSTA?

SESTA and FOSTA are two congressional bills that passed in April of 2018. While these bills purport to abolish sex trafficking, they were opposed by numerous organizations representing people in the sex trade, and received letters of opposition from the Department of Justice, the ACLU, the national Center for Transgender Equality, and many others.

SESTA and FOSTA were opposed by the <u>Freedom Network</u>, the largest network of anti-trafficking organizations in the USA.



These bill seek to abolish sex trafficking by holding the owners of websites accountable for the content that third parties post to their sites. These bills are specifically targeted at websites where ads for prostitution are posted.

These bills make no distinction between sex trafficking and consensual adult sex work, and their impact has been immediate. Within two weeks of SESTA and FOSTA passing, 20+ popular websites that sex workers used for advertising and screening shut down.

The enclosed presentation demonstrates the swift and dangerous impact FOSTA and SESTA have had on people working in the sex trade. Data in this presentation was analyzed from an impact survey conducted by <u>COYOTE-RI</u>.

## Freedom Network - Letter of Opposition:

FOSTA expands the criminalization of consensual commercial sex workers under the guise of addressing sex trafficking. This squanders limited federal resources and puts sex workers at risk of prosecution for the very strategies that keep them safe. Consensual commercial sex workers use harm reduction tools such as online forums to screen clients, avoid high risk activities, share resources, and protect each other.

Further criminalizing consensual commercial sex work,

The Freedom Network is the LARGEST network of anti-trafficking agencies in the United States.



# What is Backpage?



Backpage.com (BP) is a popular online classified website which has garnered national attention in recent years for it's active "adult" section, which was a place where people would post advertisements for erotic and sexual services.

In January of 2017, Backpage removed it's adult listings section due to pressure from a long legal battle surrounding concerns over sex trafficking on the site. Many sex workers quickly migrated their ads to the "personals" section of the website.

#### On April 6th 2018, Backpage.com was seized by federal agencies.

The results of the enclosed study review the impacts of both the January 2017 and April 2018 actions involving Backpage.com

To run an ad on Backpage cost between \$2-\$21 dollars (depending on the city), making it one of the most affordable paid advertising platforms for sex workers. Backpage.com was similar to MyRedBook.com and SFRedBook.com, two sites that were free to advertise on, and which included a private forum where sex workers could exchange safety and community information.

After the 2014 FBI seizure of MyRedBook.com and SFRedBook.com, SWOP-Sacramento interviewed 44 street based sex workers, 18% of whom had recently transitioned to the streets as a result of losing access to advertising websites\*.

\* SWOP-Sacramento, Sex Work and Human Trafficking in the Sacramento Valley - A Needs Assessment: https://docs.google.com/document/d/1ePpL82MikOAMOszoaJ7rWIUM2V gl gP3Bk32DHFO7s/edit

# **SUMMARY OF IMPACT**

#### **DECREASES IN:**

- Income for sex workers
- Available clients
- Screening practices
- Worker bargaining power



#### **INCREASE IN:**

- Risk taking by sex workers
- Contact from "pimps"
- Predators preying on desperation
- Demands for cheaper services

# Sex Work as Sole Source of Income

Was Sex Work your only means of income before FOSTA passed?

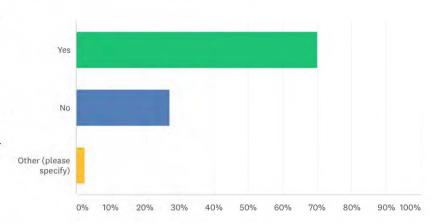
70% of participants (188 people) cited sex work as their sole form of income, before FOSTA passed.

#### **Testimonials:**

"Being disabled it provided enough money to cover bills that my disability checks could not"

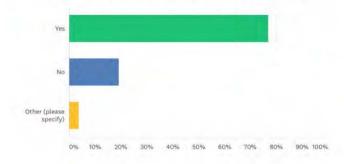
"I have other side hustles but sex work pays my rent and bills"

"I have always had mental and physical disabilities. Suicide is much more tempting now that my income and choice of profession is threatened."



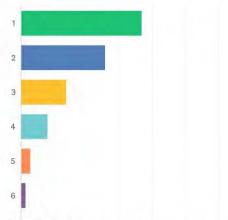
# Sex Worker as a Breadwinner

#### Are you the sole provider for your family?



77% of participants (207 people) reported being The sole providers for their families.

#### How many family members are you supporting?

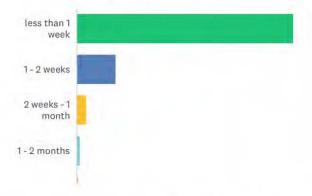


89% of participants (239 people) claimed to be supporting between 1-6 dependants.

<sup>\* 11% (30</sup> people) claimed no dependants.

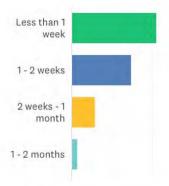
## **Backpage Closure and Loss of Income**

How long after Backpage closed did you observe a change in your income?



70% of participants (186 people) affected

How long was after backpage closed where you unable to support yourself and those dependent on you?



### 45% of participants (117 people) affected

<sup>\* 70</sup> people reported not yet being affected

<sup>\* 130</sup> people reported still being able to support themselves and dependants

## SEX WORKER TESTIMONIALS: DECREASE IN INCOME & FINANCIAL STRESS

"Encouraged to engage in activities outside my comfort zone because I need the income"

"My gas is shut off and I'm cleaning myself with hot water from my coffee maker."

"...I don't have any way to pay future housing costs starting for may."

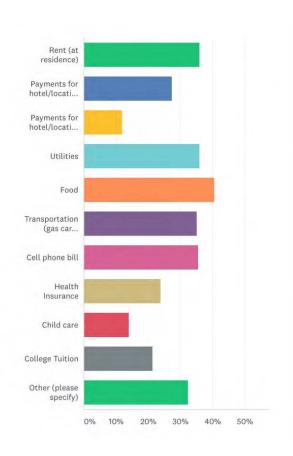
"I stopped advertising on BP after they removed the erotic services section last year (*Jan 2017*). It was my main source of income at that time, business dropped by 2/3rds immediately."

"After two months I took a regular 9-5 job, and still do some SW on the side, but am constantly going deeper into debt."

"Business is super slow. I'm still hanging in there. I using some of my savings"

"SESTA/FOSTA in general killed my business for about a month"

"Not completely unable (to support myself) but worsening daily"





60%

Percentage of sex workers who said they've had to take on less safe clients, to make ends meet.



# **SEX WORKER TESTIMONIALS: FEAR & INCREASED DANGER**

"I stopped taking clients for fear of being arrested."

"I've gotten lots of vague requests, predatory, messages from people claiming to have a history with me who don't."

"I've been getting lots of requests from less reputable clients."

"I have had an increase in pimps contacting me and known manipulative clients but I refuse to take them."

"A client threatened me with a knife."

"I keep getting many people asking for discounts and no wanting to screen."

"Too scared to work."



65%

Percentage of sex workers who said someone had tried to threaten, exploit, or get freebies from them, recently.



# SEX WORKER TESTIMONIALS: INCREASE IN PREDATORS

"Men calling themselves gorilla pimps have been trying to access all the girls since this has passed."

"I have been met with more folks trying to coerce me into work I don't want to do."

"I had a pimp contact me. That's unusual for me."

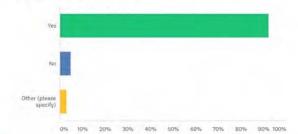
"I felt forced to offer discounts to a client in order for him to refer friends."

"Tried to negotiate my rates - sniffing for desperation."

"Threatened by pimp to work for him."

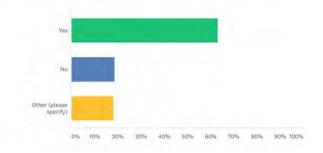
## Did you screen your clients before FOSTA passed?

- 92% said YES



### Did you still screen your clients after FOSTA passed?

- Only 63% said YES





# 28% drop in screening

**Screening** is a method sex workers use to verify the identity or reputation of a client, before agreeing to see them. **One of the biggest safety benefits to working online** is having the time and ability to screen new clients.



# SEX WORKER TESTIMONIALS: CURRENT SCREENING PRACTICES

"It's much harder because now it's face-to-face."

"FOSTA made it hard to find and screen suitable respectful clients."

"I try to, but have moved to "dating" websites that are in denial about sex work. It's much, much harder to screen since so many sex worker sites went down."

"No longer have verifyhim and am forced to take appointments with no notice or time to screen."

"Now it's face-to-face and within arm's length of someone and locations that are not desirable for safety"

"I've taken on more new clients without screening. My best clients and regulars are equally terrified to engage in our consensual time together."

"Not nearly as much.. when ur desperate u make exceptions."

"My standards had to be lowered because I am worried about not having enough clients"

"I try to still screen, but sometimes I just can't because I truly need the money."

"I can no longer screen without a safe platform."

### **CRIMINALIZED COMMUNICATION:**

Sex workers sometimes use references from other sex workers, as a means of screening clients. **References are word-of-mouth reviews of a client's behavior** that enable sex workers to make informed decisions about whether or not they will see a new client.

"I will only see people now who have solid references from people I know well."

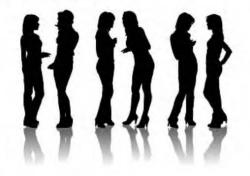
"I used TER as my main source of screening and it was also what gave me my reputation and clients.

That resource is no longer available. I now will have to rely more on provider references and just be extra careful."

"I take references from other providers. Many providers won't give refs now because they are afraid it violates FOSTA."

"I talk with other sex workers about clients and we try to gather as much info as we can, but a lot of the time we just don't know now that our online resources are disappearing"

What these sex workers may or may not know is that communicating about their history with a client, or encouraging another sex worker to see a safe client, can be considering "promoting prostitution". In some jurisdictions, this communication can even be considered trafficking.



## We are not being alarmist. Sex workers are in crisis.

The following testimonials are from sex workers wishing to report and document crimes via the COYOTE survey:

"Since FOSTA passed I've been working mostly with regular clients,

but I can't make my living off of just regulars and it's hard to screen now.

So I met with a new client that I had only met that night.

I got in his car and we went to his place a town over from where I live.

We got to his place and there were four other men there.

I was terrified but I was afraid to try to leave because I knew they would probably follow me.

I knew I would get hurt if I stayed and I would get hurt if I tried to leave.

I was gang raped that night by five men.

I was not paid. They stole everything I hadn't on me (which was not much.)

I was covered in bruises and scrapes and cuts. I did not go to the hospital because I was afraid.

I did not tell anyone (except for fellow sex workers so they know not to go with him)

because I was afraid."

"I received a text from a SW that said she did not know what to do now that bp (Backpage) was gone and was about to loose her motel room and that <u>she would have to start walking the streets in order to survive.</u>"

"Unsure of exact date and time my friend turned to workinh thevstreet and was btutally raped"

## **SUMMARY OF IMPACT**

### **DECREASES IN:**

- Income for sex workers
- Available clients
- Screening practices
- Worker bargaining power



### **INCREASE IN:**

- Risk taking by sex workers
- Contact from "pimps"
- Predators preying on desperation
- Demands for cheaper services

## Please help us stay safe.

## **Immediately:**

Repeal SESTA and FOSTA
Stop attacking our advertising and screening websites

## **Ultimately:**

Decriminalize consensual adult sex work Consult with us (sex workers) on the issues that affect us

## Exhibit 12

News & Politics Culture Technology Business Human Interest Podcasts

PRETTY BATACLYSMIC

FUTURE TENSE

## There Is No New Backpage

The government crackdown on online sex trafficking changed the business of sex—and left many consensual sex workers feeling less safe.

By APRIL GLASER FEB 13, 2019 • 5:38 PM

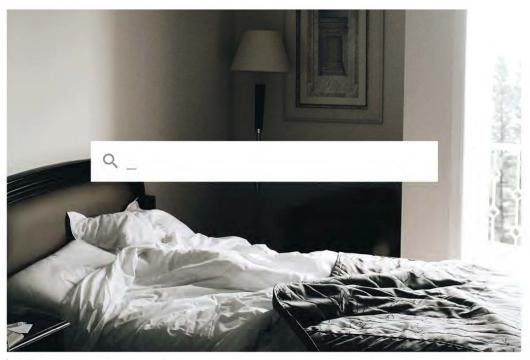


Photo illustration by Slate. Photo by feliperizo.co/Unsplash.

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Last April, two successive tremors shook the business of sex on the internet. The first was the dramatic FBI shutdown of Backpage, a website for posting online personals that had attained outsize importance among sex workers. Days after that, President Trump signed two new bills into law, the Stop Enabling Online Sex Trafficking Act (SESTA) and Fight Online Sex Trafficking Act (FOSTA), which together make websites that knowingly allow sex trafficking to happen liable for hosting the illegal activity—thus making it much easier for prosecutors to go after the proprietors of sites like Backpage. Both of these moves were meant to help some of the most vulnerable people impacted by the availability of sex online: individuals, often minors, being trafficked by pimps who sought out customers on sites like Backpage. Other venues took notice: Craigslist, for example, took down its personals section for fear of being held liable for activity on it. But like so many wellintentioned policies, these actions to help victims harmed another group in the process -people engaged in consensual adult sex work. When Backpage shuttered, "I was like, I'm fucked," a sex worker who calls herself Raven told me. "For me, I was like 'this has been the only way I have known how to survive." Raven, 27, has been a sex worker in some form or another since she was kicked out of her parents' house at 18. She relied on Backpage to find and vet clients—and most importantly, work for herself without an agency or pimp.

Cracking down on the forums where pimps solicit sex on behalf of trafficking victims was probably always going to affect a broader group. It's an unfortunate irony that while FOSTA and SESTA were supposed to make it harder for pimps to coerce or force people into sex work, the websites they targeted were favored by sex workers who wanted to *avoid* pimps. What's clear, 10 months after the passage of those laws, is that a solution that will safeguard both those who are being trafficked and those who are engaged in consensual adult sex work remains elusive. An array of Band-Aid-like solutions for vetting clients online only illustrates the depth of the problem—that until the law sees consensual adult sex work differently, it'll remain dangerous no matter what ingenious solution or policy emerges.

Given what happened on it, few would argue for restoring a site like Backpage. A lengthy Senate <u>investigation</u> into the site's founders, Michael Lacey and Jim Larkin (who also previously ran Village Voice Media, a chain of alt-weeklies that included the Village Voice), found internal emails that allegedly showed how the site's administrators edited posts with software that scrubbed words from ads that signaled illegal work with minors, like "amber alert" and "Lolita," rather than passing the information on to law enforcement.\* Lacey and Larkin, along with the site's CEO Carl Ferrer, were all charged with money

<u>laundering and pimping</u>. That investigation brought to light <u>terrifying stories</u> of young trafficking victims whose pimps relied on Backpage and who were raped hundreds of times, which gave momentum to the passage of FOSTA and SESTA.

Without Backpage, Raven has mostly left sex work, save for rare jobs with friends who need a partner because a client requested one—perhaps a positive outcome in the view of the laws' authors, but for Raven, who suffers from chronic pain and mental health issues, it's been "the only job where I could feasibly do a lot of work when I can. At times when I've had steady jobs with a schedule I always get suicidal and fuck it up." Others who previously relied on Backpage or Craigslist have gone to work for escort services, pimps, dungeons, or massage parlors that are known for offering a little extra, which all generally take a hefty cut of what clients pay. One sex worker I spoke to from New York told me some women she used to work with now drive for Uber. Some have returned to street work. And others still have tried to replace Backpage with other online services so they can still work independently. One newer option is Switter, a "sex work-friendly social space" made in Australia, where the sex business is largely legal. There are also sites like TNA Board, Tryst, and Eros, which all cost money to be on.

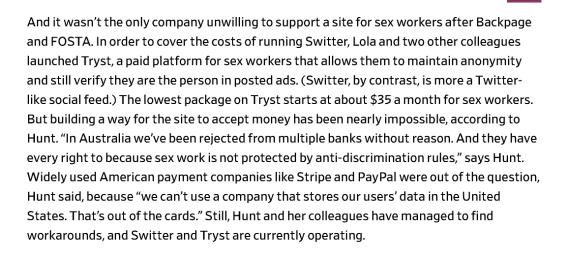
Importantly, most of these sites are not based in the United States, though Americans are able to post on them. The new laws chip away at the immunity enjoyed by websites under the 1996 Communications Decency Act, a bedrock internet law that has ensured online forums, including social networks and news sites with comments sections, generally aren't liable for what users post. Without that immunity, the legal risk of running a website that allows sex workers to advertise but could also attract sex traffickers is much, much higher. "It's become more of a buyers' market," a sex worker based in the Bay Area who goes by Chloe told me, explaining that without having as many potential clients to pick from, many in her community are returning to men they'd rather not see again. "When you look at screenshots that have surfaced from some of the client forums, you can see some of these guys who are real monsters celebrating about how now that the sites are down women can't charge whatever they want," Chloe said.

The creator of Switter wanted to create an option so sex workers could avoid such situations. Sensing that the Backpage investigation was coming to its end and that the passage of an anti-internet trafficking law was imminent, Lola Hunt, a sex worker based in Australia who was also a Backpage customer, decided to collaborate with a friend on creating a new platform for sex professionals to congregate. Switter launched at the start

of April, about a week before Backpage and Craigslist closed and FOSTA was signed into law. By May, the site had ballooned to around 70,000 users. But Switter's growth—the site now counts more than 209,000 users, according to Hunt—hasn't been free from turbulence. Within 10 days of FOSTA being on the books and less than a month of being operational, Switter's content delivery provider, Cloudflare, gave it the boot, forcing Switter offline and in search of a new option. The reason, according to Cloudflare's general counsel, was "related to our attempts to understand FOSTA, which is a very bad law and a very dangerous precedent." Whatever they felt, Cloudflare was treading cautiously around the new status quo.



# What all of these annoyances and limitations add up to is a greater likelihood of sex workers turning to the streets to solicit sex.



Jenny, a sex worker who also runs a nude housework business in Seattle, told me she lost all of her old regulars after Backpage and Craigslist because, she figures, they're afraid of getting busted. She now uses TNA Board, an online message board with local forums that costs money to use, but that hasn't been as steady as Craigslist and Backpage. "I'm in the red now. I don't have any savings," she told me. "I usually like to keep a few hundred cash in

the house. But right now, I'm worried because I'm not getting as many calls or emails. It's dead." Switter has certainly worked for some—but not all. For one thing, it operates like an open social network, and to ensure your posts are visible requires social-media savvy and regular use. It sorts posts using hashtags, which can make the site feel cacophonous, with some posters cramming in long strings of keywords. But the biggest problem is scale: None of these alternatives has as many clients as Backpage did, which means the sex workers have fewer of them to yet.

What all of these annoyances and limitations add up to is a greater likelihood of sex workers turning to the streets to solicit sex. In San Francisco, people who live in neighborhoods that are adjacent to strolls where street-based sex workers pick up clients have been complaining to the police about the uptick in prostitution in their neighborhoods, as one resident of the Mission neighborhood in San Francisco told CBS 5 KPIX earlier this month: "We've had recently sex workers performing their trade in our front yard, under our daughter's window." Pike Long, the deputy director of St. James Infirmary, a health and safety clinic for sex workers in the city, told me the clinic estimates the number of sex workers now doing street work in San Francisco alone has tripled since Craigslist's personals section and BackPage went offline. The uptick led to the creation of a "Sex Workers Abatement Unit" within the Mission police station, which often gives sex workers the choice of either going to jail or going through a diversion program. In Long's view that's coercive, since many sex workers often choose jail over going through a police-sanctioned program.

While there have been other <u>anecdotal reports</u> of upticks in solicitation for sex on the streets around the country that some police departments have attributed to the closure of Backpage, it's hard to get a full picture. One problem is that police generally lump sex workers and victims of human trafficking into the same statistics, making it hard to tell if there have been more arrests due to one or the other.

Consensual adult sex work and sex trafficking will likely always operate in overlapping spaces—whether online or offline. And just as the crackdown on Backpage has changed the landscape for sex workers, it's also pushed more sex trafficking onto the streets, where there's no telling who a client is before getting into a car. The internet certainly made it easier for everyone to sell sex, but it made it safer for a lot of people, too. If the goal is to improve outcomes, lawmakers should consider the reality that sex trafficking victims and sex workers aren't the same. And in such a criminalized area, built on informal economies

and fragile business arrangements with often deeply imbalanced power dynamics, any crackdown that attempts to help one community could be a tragedy for another.

Correction, Feb. 15, 2019: An earlier version of this article misidentified Jim Larkin's first name as John.

<u>Future Tense</u> is a partnership of <u>Slate</u>, <u>New America</u>, and <u>Arizona State University</u> that examines emerging technologies, public policy, and society.

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## Exhibit 13

### Craigslist Reduced Violence Against Women\*

Scott Cunningham Gregory DeAngelo John Tripp

Baylor University Claremont Graduate University Baylor University

February 2019

#### Abstract

Black market participants face considerable risks when providing illegal services, but sex workers are perhaps the most vulnerable due to serious threats of deadly violence. Investigative journalism and anecdotal evidence have reported that sex workers perceived significant safety benefits from advertising and screening customers using Craigslist's "erotic services" (ERS) section, which was used almost exclusively by sex workers offering illegal sex services. Protected by the Communications Decency Act, Craigslist expanded ERS from 2002 to 2010, ultimately providing the service in every market that Craigslist served. Using the geographically-staggered rollout of ERS, we estimate that ERS reduced the female homicide rate by 10-17 percent, with the reduction driven by street prostitution moving indoors and by helping sex workers to screen out the most dangerous clients. These results suggest that there may be adverse safety consequences that result from the 2018 passage of the "Fight Online Sex Trafficking Act" (FOSTA), which led to the closure of almost all websites that US sex workers had previously used for online solicitation and safety screening.

JEL Codes: I18, J16, K42

<sup>\*</sup>We would like to thank Mark Hoekstra, Jacob Shapiro, Ron Weitzer, Barbara Brents, Mark Anderson, Carly Urban, Andrew Rothman, Jim Savage, Luke Stein and seminar participants at Clemson University, Claremont Graduate University, Montana State University, Tulane University, Purdue University, the University of Georgia, the Texas Stata Empirical Microeconomics Conference, the Economics of Risky Behaviors Conference, California State University at Fullerton and the ProsPol Conference. For questions or comments please contact Scott Cunningham at scott\_cunningham@baylor.edu, Gregory DeAngelo at gregory.deangelo@gmail.edu, John Tripp at john\_tripp@baylor.edu

#### 1 Introduction

Prior to the Internet, illegal sex work was a dangerous occupation with a high homicide rate. While the exact number of sex workers in the United States is difficult to establish, a common claim made is that the number of yearly full-time female sex workers is 23 per 100,000 (Potterat et al., 1990). Potterat et al. (2004) estimate that the workplace homicide rate for female sex workers is 204 per 100,000 person-years. Outdoor solicitation (i.e., street prostitution) has historically been considered the most dangerous market segment for sex services with a death by homicide rate over 13 times higher than the general population (Lowman and Fraser, 1995; Church et al., 2001; Potterat et al., 2004).

A seemingly benign 1996 telecommunications bill called the Communications Decency Act (CDA), coupled with the emergence of the Internet, set into motion a series of events that profoundly altered illicit sex services markets (Leary, 2018). The Internet reshaped sex markets by allowing the creation of a myriad of institutions and technology-mediated practices that facilitated matching and reduced search costs (Cunningham and Kendall, 2011a, 2016). In the United States, these practices were enabled by platforms that were protected by the CDA against liability for content posted by users. Of particular importance was the emergence of centralized online clearinghouses for classified advertising (e.g., Craigslist, Backpage) and searchable review databases (e.g., The Erotic Review). Because these CDA-protected platforms allowed for the easy exchange of information and the coordination of sex work transactions, they spurred considerable debate and controversy. Some observers claimed these changes made the underground market safer (Bass, 2015a,b) while others argued the opposite (Hughes, 2004). Until this study, no evidence about its causal effects has been available.

In general, labor market clearinghouses improve markets through market thickening, reduced search and screening costs, and safer market participation (Roth, 2008). As-

<sup>&</sup>lt;sup>1</sup>By comparison, the second most dangerous occupation for females is the liquor store employee which has a workplace homicide rate of 4 per 100,000 (Castillo and Jenkins, 1994).

<sup>&</sup>lt;sup>2</sup>This high level of mortality risk may have been somewhat more palatable because economic mechanisms evolved to manage that risk. These include compensating wage differentials (Rao et al., 2003; Gertler, Shah and Bertozzi, 2005; DeAngelo et al., 2017), sorting indoors (Church et al., 2001), and/or integrating with intermediaries such as agencies, brothels and pimps (Reynolds, 1986; Levitt and Venkatesh, 2007) who provide screening and protection to sex workers in exchange for a percentage of revenue.

suming that sex markets react in a similar manner to legal markets, and because sex markets are characterized by a high level of violence, a thickening of the market would be expected to increase potential violence (Schapiro and Alpert, 2011). However, this might not be the case if the market thickening is accompanied by additional structural reorganization. In the context of prostitution, online clearinghouses have the potential to improve safety by redirecting exchange through the clearinghouse and replacing more risky outdoor face-to-face transactions and/or other intermediaries (e.g., pimps) with indoor, direct transactions (Bass, 2015a,b). Matching online through the clearinghouse enables both sides of the market to discern the quality of the match ex ante, through such activities as informal screening, circulated black and white lists, and online reviews (Cunningham and Kendall, 2011b; Grant, 2009).<sup>3</sup> This may provide the ability for sex workers to identify and screen out violent clients, law enforcement, and scammers. We seek to better understand this complex phenomenon by investigating the research question: What were the impacts of online clearinghouses on female safety through the reshaping of illegal prostitution markets?

In this study, we investigate the impact of the introduction of an online clearinghouse on female safety using the staggered roll out of Craigslist around the US for identification. From 2002 to 2010, Craigslist provided a service on its front page for matching buyers and sellers of erotic services (ERS). ERS originally provided free advertising to legal sex workers such as private dancers, but was quickly captured by illegal sex workers openly soliciting clients. ERS did not exist when Craigslist was initially launched. Rather, ERS was added later at different times in different cities as one of a bundle of 14 unrelated "services" sections of the website (e.g., legal, events, lessons, financial, real estate). We use the updating of the Craigslist front page with an ERS section in different cities at different points in time to identify the causal effect of ERS on violence against females.

We provide evidence that the introduction of the Craigslist ERS thickened the internetmediated market — reviews at *The Erotic Review* increased by 43 percent after the introduction of ERS. Further, rather than simply increasing the size of the online market,

<sup>&</sup>lt;sup>3</sup>Examples of informal screening include calling a client at his workplace, conducting extensive background checks online, and requiring letters of reference (Cunningham and DeAngelo, 2017).

the introduction of ERS caused additional structural changes, evidenced by the increase in the use of Craigslist emails, and the shift in the composition of the online market from predominantly agency-based transactions to sex workers working independently. Most importantly, we find evidence that ERS significantly reduced female homicide rates by as much as 10-17 percent. We do not find evidence that this was a more general reduction in homicide, as ERS is unrelated to male murder, females killed by an intimate partner, or manslaughters. This strengthens our assessment that ERS-driven changes in sex markets were the primary driver of the reduction in female murders.

While we cannot be sure that the opening of ERS is conditionally exogenous to the unobserved determinants of violence against women, we do know that its opening was unannounced and unexpected as Craigslist does no advertising before entering markets or making changes to its website. ERS was introduced only when Craigslist chose to roll out a new bundle of 13 other services, none of which related to sex work, as opposed to ERS alone. Third, we examine the pretreatment leads between treatment and control cities and show that both sets of cities had been traveling the same time path prior to treatment, on average, with regards to female homicides. Fourth, we examine the effect of ERS on a range of plausible falsification violent crime outcomes associated with more general secular violence trends, but not obviously related to ERS: female intimate partner homicide, male homicide and manslaughter. We find no effect on any of these placebo outcomes.

We propose three mechanisms that could explain our results. First, ERS may have enabled more screening, such as the use of references or background checks when seeing new clients. Second, the growth of the market, combined with more efficient matching may lead to repeat business with low-risk clients, thereby making the market lower risk to sellers. Third, the introduction of ERS may have caused outdoor street-based prostitution to transition to the safer, indoor channel. If so, then we would expect the composition of online sex workers to shift towards the marginal sex worker who would more likely be a former street sex worker. Our results indicate that the decline in female murders can be at least partially explained by more efficient matching, growth in repeat business, and the transition of outdoor sex workers to indoor venues.

The remainder of this article is organized as follows. In sections two and three, we discuss CDA, Craigslist's ERS, opposition to the introduction and presence of ERS, as well as our theoretical basis for causal effects. In section four, we describe the four unique data sets used in this study. In section five, we present evidence on the influence of ERS on providers reviewed at The Erotic Review. In section six, we present evidence of the mechanism that links ERS to reductions in female homicides. In section seven, we report a series of robustness analysis supporting our claim that ERS reduced female homicides. In section eight, we explore the mechanisms that caused the decline in female violence. Finally, in section nine, we conclude and discuss the implications of our study for market participants and law enforcement in the sex services space.

### 2 CDA, Craigslist, and Associated Opposition

#### 2.1 1996 Communications Decency Act §230

In 1996, Congress significantly altered telecommunication law by deregulating the broadcasting market through amendments to the Communications Act of 1934. While Congress's stated goal was to create more competitive markets in the telecommunications arena, the bill was far more sweeping due to its regulation of Internet speech. The original language of the Act contained anti-indecency and anti-obscenity provisions, while also providing criminal liability for a person who knowingly used a website to send to a legal minor comments, requests, suggestions, proposals, images or any other type of communication that depicted or described sexual or excretory activities (Kuzma, 2013). The bill became known as the Communications Decency Act because of these anti-obscenity provisions.

These anti-obscenity provisions were challenged on  $1^{st}$  Amendment grounds and the Supreme Court struck down the criminal liability provisions in the 1997 case  $Reno\ v$ . ACLU. The Court concluded that while it has "repeatedly recognized the governmental interest in protecting children from harmful materials", the anti-obscenity provisions of CDA posed an unacceptable burden on adult speech. The Court noted that "the CDA lacks the precision that the  $1^{st}$  Amendment requires when a statute regulates the content of speech" (Kuzma, 2013).

With the Supreme Court gutting the anti-obscenity provisions, a separate provision found at §230 entitled "Protection for private blocking and screening of offensive material" shaped the CDA's subsequent influence on the Internet's evolution. Part (c) of §230, entitled "Protection for 'Good Samaritan' blocking and screening of offensive material", had two relevant subsections for our discussion. The first stated that "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." The second point referenced civil liability and stated that "No provider or user of an interactive computer service shall be held liable on account of" the publishing on the website by third parties.

The consequences of §230 were far reaching because they provided nearly complete immunity for websites that published content by third parties (Kuzma, 2013). Since the section clarified that the website itself was neither the publisher nor the speaker with respect to information posted by others on the site, it therefore could not be held liable as an editor of the content of third party specific postings under libel laws or other torts that may be committed by those who post on the site. Through repeated decisions, courts have found nearly complete civil immunity for websites due to CDA §230. It was a profoundly important legal precedent because it resolved considerable uncertainty regarding liabilities which laid the foundation for the Internet's explosive growth.

#### 2.2 Craigslist and ERS

The classified advertising platform Craigslist (http://www.craigslist.org) is one of the most commonly visited websites in the world.<sup>4</sup> Craigslist is a generic classified-advertising website that facilitates multiple unrelated matching markets on a single, consolidated platform. Matching market interactions that take place on the Craigslist platform include job and resume posting, real estate/rental markets, general goods and services transactions, and dating/personal ads. Craigslist was founded in 1995 in San Francisco, began expansion in 2000, and then accelerated expansion across the US between 2004-2010 (Wolf, 2009). Craigslist's expansion focused initially on large cities, but by 2010 covered most

<sup>&</sup>lt;sup>4</sup>Alexa, a commercial web traffic data company owned by Amazon (http://www.alexa.com/siteinfo/craigslist.org), ranks Craigslist the 15th most popular website in the United States.

US cities and, as of 2017, the platform had a presence in over 700 locations, including multiple markets outside of the US. $^5$ 

After the initial launch, Craigslist repeatedly updated its site, each time without any advertising or announcement forecasting users about the imminent changes. Most of these updates took the form of subtle changes to its front page, including the augmentation of the services section. This section was expanded over time to include fourteen services, one of which was ERS. ERS was simply an advertising channel for legal erotic services such as private dancing, and almost immediately it was captured by illicit sex workers who used it to openly advertise to clients. Craigslist provided this service, despite its notoriety, in part because they were protected by its legal shield, §230 of the CDA.<sup>6</sup>

Figure 1 provides an example of the Craigslist front page before ERS while Figure 2 shows the front page of Craigslist after the introduction of ERS. Note that the updating of the front page included several additional services in addition to ERS. Further, Craigslist phased ERS into its front page in different markets over time, as illustrated in Figures 3-5. The introduction of ERS followed a heterogenous path, hitting the West Coast first, selecting larger cities next, and then moving away from the west coast gradually.

The impact of Craigslist on markets, both online and offline, was significant.<sup>7</sup> With regard to public health, Craigslist's entry has been associated with increased HIV incidence rates (Chan and Ghose, 2014; Greenwood and Agarwal, 2016), and an increase in online prostitution trends (Chan, Mojumder and Ghose, 2018).<sup>8</sup> But the effects of ERS have not been as extensively studied; what little we do know suggests that different effects

<sup>&</sup>lt;sup>5</sup>Dates and locations of Craigslist expansion are listed here: http://www.craigslist.org/about/expansion.

<sup>&</sup>lt;sup>6</sup>Craigslist eventually introduced pricing of ads at ERS at the recommendation of law enforcement who hoped that it would deter activity. While ads did decline under this price increase, Craigslist's revenues from the section increased substantially – potentially by tens of millions of dollars. See Cunningham and Kendall (2010) for a discussion of the impact that the introduction of pricing had on ERS advertising.

<sup>&</sup>lt;sup>7</sup>For example, Craigslist's market entry was associated with reduced classified advertising rates, increased subscription prices, and reduced circulation for print newspapers (Seamans and Zhu, 2014). Craigslist's entry also led to reduced online traffic and posting fees for competing job posting websites (Brenčič, 2016), reduced real estate vacancy rates (Kroft and Pope, 2014), reduced solid waste added to landfills (Fremstad, 2017), and increased price dispersion of secondary concert ticket markets (Bennett, Seamans and Zhu, 2015).

<sup>&</sup>lt;sup>8</sup>Our paper differs substantially from Chan, Mojumder and Ghose (2018). We investigate the impact of Craigslist on the structure of the prostitution market, and focus on this as a mechanism for investigating associated impacts on women's safety. In contrast, Chan, Mojumder and Ghose (2018) focus primarily on prostitution services and related trends at the county level.

were associated with ERS than Craigslist entry. For example, while Craigslist entry is positively associated with HIV incidence, one study found that ERS had negative effects on HIV incidence (Chan and Ghose, 2014).

In response to the growth of prostitution advertising on the site, as well as other concerns (e.g., increased human trafficking), Craigslist ultimately shut down ERS amid mounting legal pressure from federal and state government agencies (Miller, 2010). Law enforcement and activists had mixed responses to government shutdowns of online ERS. There were three primary arguments justifying the shut down. First, critics argued that Craigslist both facilitated prostitution transactions through ERS (Delateur, 2016), and made enforcement more difficult. Second, critics argued that the use of ERS was dangerous for the individuals involved. This argument was based primarily on some infamous cases in which serial killers and murderers targeted sex workers on Craigslist. Third, there was a widespread belief that online platforms were utilized by human traffickers, and their growth and importance were therefore supporting the infrastructure of human trafficking networks (Delateur, 2016). Alternatively, it could be that all or most opposition to internet-mediated sexual transactions is the result of moral repugnance (Roth, 2007, 2018; Gu, Roth and Wu, 2018).

However, these points have been disputed by both law enforcement and sex workers. Some law enforcement officials have suggested that shutting down online ERS made law enforcement more, not less, difficult by dispersing trafficking through more clandestine channels (Mehta, 2017; AP, 2017).<sup>11</sup> In addition, sex workers and journalists have argued that ERS shutdowns made sex work more dangerous (Bass, 2014, 2015a).

<sup>&</sup>lt;sup>9</sup>Thomas Dart, sheriff of Cook county, sued Craigslist because he estimated that between January and November 2008 his department devoted 3,120 man-hours and approximately \$105,081.00 to make 156 arrests (*Thomas Dart, Sheriff of Cook County v. Craigslist, Inc.*, No. 09 C 1385 [Northern District of Illinois Easter Division District Court, 2009]).

<sup>&</sup>lt;sup>10</sup>At the time of this writing, there is a still-at-large serial killer of Craigslist sex workers operating out of Long Island, New York (Kolker, 2013, 2014). In addition, there are several serial killers currently active who appear to target sex workers, but it is not clear that all of them used Craigslist or Backpage to target the victims (Henry, 2016).

<sup>&</sup>lt;sup>11</sup>This argument has some anecdotal support post-FOSTA implementation, with law enforcement reporting that the shuttering of Backpage has made law enforcement more difficult, with officer reporting that "...it has blinded us. We used to look at Backpage as a trap for human traffickers and pimps." (Fischer, 2018)

#### 3 ERS and Market Participant Safety

Illegal sex workers face multiple sources of risk, including risk of arrest, violence from clients and serial killers, and general environmental violence.<sup>12</sup> This high level of risk has led to the emergence of an extensive set of mechanisms (primarily related to screening, the location of solicitation and the coordination of assignation) that market participants use to increase safety. There are multiple segments in prostitution markets, ranging from the primarily higher priced independent "call girl," to escort agency workers, to street walking sex workers (Reynolds, 1986; Weitzer, 2011).<sup>13</sup> Segments differ in regards to levels of risk, as well as along numerous dimensions such as the quality of the workers, prices charged, services rendered, and location where services are performed.

Prior to ERS, sex workers had several ways in which to identify, screen, and transact with potential clients. An independent worker could advertise in alternative local print publications (e.g., *The Providence Phoenix*), develop reputation through online "review" websites, such as The Erotic Review,<sup>14</sup> or utilize paid online advertising. As an alternative to working independently, escort agencies provided advertising, screening, and matching services at a monetary cost to the worker. Independent and agency-affiliated workers screen potential customers before agreeing to meet, whereas, in contrast, a street walker has significantly less opportunity to screen before contracting. For this reason, so-called "indoor" prostitution has the potential to be less risky than streetwalking (Weitzer, 2011).

Although opponents argued that ERS made sex workers unsafe, violence against sex workers was not unique to Craigslist ERS transactions. Lowman and Fraser (1995) estimated that a female street sex worker is 60 to 120 times more likely to be murdered than a female non- sex worker. Brewer et al. (2006) explains, "Lone perpetrators accounted for the overwhelming majority of prostitute and client homicides. In these data sets, clients committed 57-100 percent of prostitute homicides, prostitutes committed 86-94 percent

<sup>&</sup>lt;sup>12</sup>In addition, sex workers are easy prey for sadistic individuals (Warren, Hazelwood and Dietz, 1996), as more than half of all serial killers' victims have been sex workers (Egger, 2003) and fully one third of all sex worker deaths are due to murder by serial killers (Brewer et al., 2006). The presence of psychopathic homicidal behavior poses a policy problem insofar as these groups of people are not easily deterred.

<sup>&</sup>lt;sup>13</sup>Some sex workers report working simultaneously across these different segments (Moran, 2015). See Reynolds (1986) for a detailed taxonomy of the historical tiers within the market prior to the Internet.

<sup>14</sup>https://www.theeroticreview.com/

of client homicides, and pimps committed 40-67 percent of pimp homicides. Serial killers accounted for more than one-third of prostitute victims, and nearly all such serial killers were clients." Further, the modal victim of a serial killer is a female sex worker, as these make up more than 50 percent of all serial killer victims (Egger, 2003).<sup>15</sup> In light of these risks, careful investigation of whether this technological shock significantly impacted female safety is of utmost importance.

#### 4 Description of Data

We investigate the effects of ERS on market participant safety using four unique datasets. First we collected data on the date on which ERS began operating in each city using the Wayback Machine to construct this dataset. Accessing each unique Craigslist website for each city in our dataset, we searched through the city's history for the first appearance of ERS. The first month in which ERS appeared was considered the first month in which ERS entered a market.

Our second dataset utilizes reviews from *The Erotic Review*, which is a reputation website (similar to Yelp.com), and one of the largest websites devoted to sex work in the United States (Cunningham and Kendall, 2016). Clients use The Erotic Review to share detailed reviews of sex workers. We use these data to measure whether a sex worker worked for an agency or independently, whether the provider provided an incall, <sup>17</sup> the average hourly price, <sup>18</sup> ratings on performance and appearance, and unstructured textual data provided by reviewers. We collected 344,561 unique reviews of 68,450 unique providers reviewed between 1998-2009 from across the United States. Our data contains information on reviews of providers from 185 cities in the United States. <sup>19</sup>

<sup>&</sup>lt;sup>15</sup>For a detailed review of the trends in sex workers as victims of serial homicides, see Quinet (2011).

<sup>&</sup>lt;sup>16</sup>The Wayback Machine first started archiving in 1996. It can be accessed at https://archive.org. <sup>17</sup>Outcalls are instances where the sex worker travels to meet the client. Incalls are instances where the client travels to meet the sex worker.

<sup>&</sup>lt;sup>18</sup>Price is based on a bundle of female characteristics and sex acts. We look only at the aggregate hourly price for simplicity.

<sup>&</sup>lt;sup>19</sup>Reviews reflect an individual client's self-reported experience with a specific escort. Reviewers are assumed to be clients who had visited the sex worker and later left a review of her on the website. Reviews remain on the website unless a complaint is made, at which point the offensive review may be removed by administrators. We utilized the calendar date of each review to determine whether the review was posted before or after ERS existed in the market. As reviews are the self-reported statements by individual

Our third set of data is the FBI's Supplemental Homicide Reports (SHR) for the years 1995-2009. These data contain information on the number of homicides, the gender of the victim and of the murderer, the circumstances of the murder, the weapon used and the relationship between the victim and the murderer (Fox and Swatt, 2014). However, Brewer et al. (2006) notes that sex worker homicides are grossly underascertained in the SHR.<sup>20</sup> This appears to be a by-product of the way in which information about the homicide is reported in the SHR. The monthly reporting schedule for participating agencies "requires agencies to report homicides in the month that they are discovered, even if that is not the month in which they occurred or if the social context of the homicide is not yet known. Sex worker homicides often go undetected for weeks, months, or years, so the SHR procedures have a built-in bias toward under ascertainment of many prostitute homicides" (Brewer et al., 2006, emphasis added). Thus, we focus on total female homicides for most of our analysis so as to avoid this biased underascertainment problem. Our proxy for female safety is the number of female victim homicides per 100,000 population. We also measure the number of male homicides and the number of females murdered by an acquaintance per 100,000 for our falsification exercise. These data use a total of 402 cities.

Finally, for one of our falsification exercises, we collected data on the number of manslaughters from the FBI's Summary Uniform Crime Reports Part I, and used jurisdiction-level files from Chalfin and McCrary (2017). These data contain information on 365 cities. Summary statistics for our data are shown in Table 1.

#### 5 Did Craigslist Affect Sex Worker Reviews?

We do not observe the universe of sex services because a representative survey or census of sex workers in the United States does not exist. Review websites have been used in previous studies both as a proxy and because these sites provide an interesting window into the online sex market in their own right (Cunningham and Shah, 2018). We examine the influence of Craigslist on the sex services market by examining its effect on reviews

clients about a specific escort, they are therefore subject to all caveats, such as hindsight bias.

 $<sup>^{20}</sup>$ For instance, there are only 49 such instances of a murder offense named as a prostitution death out of 31,250 observations.

at The Erotic Review.

Our identification strategy uses the staggered introduction of ERS in different cities across the US. For some cities, ERS was present on the day Craigslist entered the market, while in other cities, ERS opened months or even years later. Our approach is similar to the one taken by Kroft and Pope (2014), Seamans and Zhu (2014) and Greenwood and Agarwal (2016), though in each they use the Craigslist platform entry for identification; in contrast, we look at the opening of ERS, similar to Chan, Mojumder and Ghose (2018). Key to our identification strategy is that both Craigslist's entry into markets, as well as the entry of its ERS section, was ex ante unannounced. Assuming the evolution of the prostitution markets in treatment cities would have followed a similar path as control cities, then we are able to identify the causal effect of ERS.<sup>21</sup>

While we do observe when Craigslist introduced ERS in a market, we do not observe whether sex workers used the platform for advertising and solicitation. As such, our treatment estimates may simply be intent-to-treatment measurements. We investigate this more carefully using the email addresses of sex workers reviewed at The Erotic Review. When posting an advertisement on Craigslist, sellers are given a temporary pseudonymized Craigslist-specific email address (e.g., jdst7-5899208383@sale.craigslist.org). If sex workers became more reliant on Craigslist for meeting clients, it is plausible that clients would record the temporary Craigslist email in their review. The pseudonymized email address provides an additional level of identity protection for the worker at the point of solicitation.<sup>22</sup> Investigation of the The Erotic Review data shows that there were 129 unique providers whose profile contained a Craigslist email address. We plot this relationship between ERS opening in a market and the use of temporary Craigslist email addresses graphically in the upper left panel of Figure 7. As can be seen, the probability a

<sup>&</sup>lt;sup>21</sup>One may question whether our dataset has sufficient mass for the post-treatment period given the staggered introduction of ERS by market and month. We represent the number of cities by date before and after the treatment that are contained in our data in Figure 6. The x-axis depicts the number of months until or after the introduction of ERS and the y-axis presents the number of cities that appear in our panel with the recentered treatment value of the x-axis. We believe that there exists sufficient mass for identification in the pre- and post-treatment dates in our estimation.

<sup>&</sup>lt;sup>22</sup>As these are temporary emails, it is equally plausible that clients use the provider's real email address when interviewing after initial contact and not the temporary Craigslist email. This biases our estimates toward zero, and thus our estimates represent a lower bound.

sex worker had a Craigslist email prior to the introduction of ERS was zero, but increased substantially afterwards. Specifically, the use of Craigslist emails on The Erotic Review became more prevalent approximately 10 months after the introduction of ERS.

Given the 10 month lag between the introduction of ERS and the use of Craigslist emails on TER, we empirically investigated the impact of ERS using the following linear regression model:

$$Y_{mt} = \delta_1 D_{<10,mt} + \delta_2 D_{\geq 10,mt} + \beta X_{mt} + \varepsilon_{mt}$$

$$\tag{1}$$

where Y is the outcome of interest expressed as a count per 100,000 by market m and month t,  $D_{<10}$  is a dummy indicating 0-9 months after ERS opened in the market,  $D_{\geq 10}$  is a dummy indicating 10+ months post-entry, X is a matrix of market and month-by-year fixed effects (e.g., January 2001 dummy), and  $\varepsilon$  is an error term. All models are clustered at the market level to account for within-market serial correlation. Our model attempts to capture both short and long-run effects through the inclusion of two staggered treatment indicators.

Those results are presented in column 3 of Table 2. The effect of ERS opening on the probability of a Craigslist email is statistically significant at the 1-5 percent level. After the 10th month the probability a review contained a Craigslist email had quadrupled over the immediate effect.<sup>23</sup>

We also focused on outcomes associated with growth in the size of the internet-mediated market, specifically the effect that ERS had on total reviews and total number of providers. These are both aggregate market-level outcomes. To calculate the aggregate number of reviews, we summed all reviews at the city/month/year level. Columns 1 and 2 for Table 2 report the results from estimating equation (1). We find that in the first ten months, the number of reviews increased 41 percent over the mean, and 67 percent over the mean beyond that point. We also find that the number of unique providers reviewed increased by 29 percent (by market/month) in the first ten months, and then 43 percent beyond that.

 $<sup>\</sup>overline{^{23}\text{In}}$  addition to using typical cluster robust standard errors, we also constructed empirical p-values using randomization inference. We randomly assigned treatment dates using 1,000 permutations and estimated the probability that chance produced our coefficients. The effects were significant at the 5-10% level.

Next we examine the effect that ERS had on intermediary composition. We have two measures of firm intermediary in The Erotic Review: whether a provider works through an agency and whether they are independent, or self-employed. We find robust evidence that ERS led to a change in the employment characteristics of sex workers reviewed at The Erotic Review. In the first 10 months, the probability a sex worker was independent rose 6.5 percent, which is 12 percent of the mean. This effect persisted in the long run, as evidenced by the positive and statistically significant 10+ month coefficient. This increase in the probability of being independent is associated with a declining probability of agency employment. We suspect that this reversal is coming both from agency workers becoming independent, but maybe more importantly, a transition of women moving indoors who are otherwise unaffiliated with agencies. One can see this transition with graphical evidence in Figure 7. The introduction of ERS into markets had a profoundly negative effect on the vertical integration of workers with agencies suggesting that ERS reduced transaction costs (Williamson, 2002) or simply led to an introduction of sex workers who were unaffiliated with agencies.

### 6 Did Craigslist Increase Market Participant Safety?

Sex workers have claimed that their safety increased after the ERS platform opened in their markets, but some activists and law enforcement dispute this claim. Knowing whether ERS negatively or positively affected female safety is therefore an empirical question. In this section we examine the effect of ERS on female homicide rates. Since female homicides are infrequent at the city/month level, we estimate equation (1) using both OLS and a Poisson specification.<sup>24</sup> We estimate equation (1) using the OLS specification in columns 1-3 and using the Poisson specification in columns 4-6 of Table 3. In our OLS model, we estimate the effect of ERS on the number of female homicide cases per 100,000

$$E[Y_{mt}|D_{<10,mt},D_{\geq 10,mt},X_{mt}] = exp(\delta_1 D_{<10,mt} + \delta_2 D_{\geq 10,mt} + \beta X_{mt})$$
(2)

where all variables are defined the same as equation (1). All analyses allow errors to be correlated within cities over time when estimating standard errors (Bertrand, Duflo and Mullainathan, 2004).

<sup>&</sup>lt;sup>24</sup>We also estimated the effect using two common transformations of the female rate itself: the quartic root and the inverse hyperbolic sine. Our results are robust to either transformation and available upon request. Our Poisson model becomes:

and thus, the interpretation of our coefficient is as a marginal effect on the rate. In our Poisson model, the interpretation of our coefficient is as a semi-elasticity.

#### 6.1 Impact on Female Homicides

ERS would have increased violence against women if Craigslist was either more dangerous than the alternative, or the incidence of violence was increasing in the size of the market (Schapiro and Alpert, 2011). But, the fact that sex workers voluntarily selected into the Craigslist platform suggests that there was some reduction in cost, and potentially that includes safety, or at least perceptions thereof (Grant, 2009).

In column 1 of Table 3, we report results controlling for city fixed effects and month-year fixed effects (e.g., August 2000, September 2000, etc.). We find that ERS is associated with a longrun reduction of 0.019 female homicides per 100,000, which is a 14.6 percent reduction from the mean. In column 2, we also control for state-year fixed effects (e.g., California in 2000, etc.) which forces identification to come from comparisons within state-year. This causes the longrun coefficient to fall to -0.015 but remains significant at the 5 percent level. Finally, we include a control for city level population, which further brings the longrun coefficient down to -0.013 which is a 10 percent reduction in female homicide rates from a mean of 0.13. In column 4-6 we repeat these model specification using Poisson and find similar effects in magnitude and precision.

Next we examine the sensitivity of our analysis to the defined treatment windows. We examine 6-month, 9-month and 12-month longrun definitions and report those analysis in Table 4. Note that the 10-month window is the most conservative estimate of longrun effects. All other effects are either the same (6 month) or slightly larger and more significant.

The underlying research design behind equation (1) is differences-in-differences. The key identifying assumption for a differences-in-differences strategy is the claim that absent the intervention, female homicide rates would have evolved similarly in treatment and control units across the point of the intervention itself. This is fundamentally an untestable assumption because the counterfactual post-treatment evolution of homicide without ERS is unobserved for treatment units. But we can evaluate whether such a dy-

namic existed in the pre-treatment period by focusing on a sequence of leads. We examine this by estimating the following model:

$$Y_{mt} = \sum_{j=2}^{6} \gamma_j L_{m,t-j} + \sum_{i=1}^{8} \delta_i D_{m,t+i} + \beta X_{mt} + \varepsilon_{mt}$$
 (3)

where  $L_{mt}$  is five ten-month pre-treatment dummies and one pre-50 month dummy, and  $D_{mt}$  are seven post-treatment ten-month dummies<sup>25</sup> and one post-70 month dummy.<sup>26</sup> We present coefficient boxplots with 5th and 95th percentile confidence intervals from our OLS and Poisson regression in Figure 8 for easier interpretation given the large number of coefficients. As can be seen, the effect of ERS on female murders is a long-term negative effect starting at approximately the tenth month. Importantly, there is no statistical difference between the treatment units and the control units in the pre-treatment period. Coefficient estimates are nearly zero in three of the five estimates and always with large standard errors.

We conducted a test on the joint significance of the leads and lags, as well. The joint significance of the lags summing to zero can be rejected at p < 0.01 whereas the same test on the leads is significant at p < 0.9 in the OLS model, and similar levels of precision for the Poisson model.

We can calculate the number of saved female lives using a back-of-the-envelope calculation. Using the year prior to the introduction of ERS (2001) as our base year, we compute the number of total homicides at 1,754 total female homicides in our sample of cities. We then shrink this number by 10 percent which gives us 175 fewer murders as a result of ERS. Multiplying 175 fewer murders by eight years, we estimate approximately 1,400 fewer murders resulting from the introduction of ERS.

Are these magnitudes plausible? It is difficult to answer this question given that the true incidence of prostitution homicides is unknown. Most datasets do not record whether

 $<sup>^{25}</sup>$ We chose 10-month because it appears that the Craigslist email results suggest a 10-month lag (See Figure 7). We re-estimated our models using 6-month, 9-month, and 12-month dummies. The results do not change much. The significance is always on the lagged effect, and the precision is always p-values of 0.010 to 0.016. Shorter lag time is never significant: p-values range from 0.641 to 0.970. The effect sizes get larger with the lag.

<sup>&</sup>lt;sup>26</sup>We combine the last dummy so that all coefficient plots can be seen on the same graph. The omitted variable is the ten months just prior to treatment.

a female victim of a homicide was a sex worker, and those that do suffer from severe underascertainment biases built into the data collection methods. To our knowledge there is only one study that has attempted to estimate the incidence of prostitution homicide as a share of female homicides (Brewer et al., 2006). The authors concluded that 2.7 percent of all female homicides are prostitution deaths by clients. But this study has significant limitations. It is based on select data only from Chicago, St. Louis, Washington state, North Carolina, the SHR, 33 urban counties for one cross-section, and Colorado Springs. The issue of underascertainment bias would conceivably hold, and maybe moreso, for this select sample. Thus we interpret their estimates to be, at best, a lower bound. Our estimate of a 10 percent reduction in female homicides does suggest, though, that ERS created an overwhelmingly safe environment for female sex workers — perhaps the safest in history.

### 7 Robustness

We employ three robustness exercises on our primary female homicide result. First, we implement randomization inference on our linear fixed effects model to determine if the estimated treatment effect is robust when we consider randomly assigning treatment dates to city. Fisher (1935) argued that permutations of all possible treatment assignments provides a reasoned basis for testing the null hypothesis that there is no effect while avoiding distributional assumptions such as normality. Young (2018) notes that this Fisherian approach has some additional relevance in finite samples since its validity is not dependent on asymptotic theorems. Comparative case study approaches to causal inference have also noted the suitability of randomization inference when estimation uncertainty is the result of unknown counterfactuals as opposed to sampling uncertainty (Abadie, Diamond and Hainmueller, 2010; Buchmueller, DiNardo and Valletta, 2011). This is particularly relevant in our context because our data are all reported homicides by police jurisdictions choosing to submit to the UCR, not merely a sample. Thus there are many reasons to include randomization inference in our analysis.

Our randomization is as follows. Using the exact number of groups who received treat-

ment dates, we randomly assign treatment dates to cities. This essentially randomizes treatment profiles across panel units. We then estimate the effect of ERS on female homicide rates conditional on city, month-year, state-year and city population fixed effects. We repeat this exercise 1,000 times and save the coefficients on short and longterm exposure to ERS from each regression. We then merge all 1,000 coefficients with the true effect creating a sample of 1,001 observations where each observation is a regression coefficient for the shortterm exposure and the longterm exposure. We find that the estimated effect of -0.013 from a mean of 0.13 female homicides per city-month (a 10 percent reduction) is statistically significant at the 8% level, where significance is the coefficient's rank order divided by 1,001. We present our results from this analysis in both Table 5 and Figure 9. This is an interesting result in a sense for it suggests that the decline in female homicides is uniquely associated with the precise structure of actual treatment dates assigned across cities.

The second robustness check is a re-estimation of the treatment effect using matrix completion methods for panel data (Athey et al., 2018). Machine learning methodological approaches to causal inference is a rapidly growing area, and matrix completion is a recent application created for panel settings. The application of matrix completion to causal inference is natural given the potential outcomes framework explicitly frames the fundamental problem of causal inference as a missing data problem.

Imagine we could create two matrices of potential outcomes: a matrix of  $Y^0$  potential outcomes for all panel units over time representing female murder rates without ERS, and a matrix of  $Y^1$  potential outcomes for all panel units over time representing female murder rates with ERS. At any point in time, we observe only one of these potential outcomes for a city which creates numerous missing values. Missingness here is simply another perspective on the fundamental problem of causal inference - there is never a complete matrix because counterfactuals are always missing. If we were interested in estimating the average treatment effect for the treatment group, then we'd be estimating:

$$\widehat{\delta_{ATT}} = \frac{1}{N_T} \sum (Y_{it}^1 - Z_{it}^0) \tag{4}$$

where  $Y^1$  are the observed murder rate outcomes in cities with Craigslist ERS,  $Z^0$  are the estimated missing elements of the  $Y^0$  matrix for the post-treatment period and  $N_T$  is the number of treatment units. Matrix completion estimation uses the observed elements of the matrix of realized values of the  $Y^0$  potential outcomes matrix to predict the missing elements of the  $Y^0$  matrix, which are missing because in the post-treatment period we only observe  $Y^1$ .

Analytically, the imputing of missing counterfactuals is done via regularization based prediction. The objective in this approach is to optimally predict the missing elements of the matrix of potential outcomes by minimizing a convex function of the difference between the observed matrix of  $Y^0$  and the unknown complete matrix  $Z^0$  using nuclear norm regularization. Letting  $\Omega$  denote the row and column indices, (i, j), of the observed entries of the outcomes, and the unknown matrix Z to be estimated, the objective function can be written as:

$$\widehat{Z^0} = \arg\min_{Z^0} \sum_{(i,i) \in \Omega} \frac{(Y_{it}^0 - Z_{it}^0)^2}{|\Omega|} + \Lambda ||Z^0||$$
 (5)

where  $||Z^0||$  is the nuclear norm (sum of singular values of  $Z^0$ ). The regularization parameter  $\Lambda$  is chosen using 10-fold cross-validation. Athey et al. (2018) show that solving for the missing counterfactual using this matrix completion problem exploits richer patterns in the data and using extensive simulations show that the method outperforms other methods in terms of root mean squared prediction error.<sup>27</sup> We report the results from this analysis in Table 6. Here we report the entire ATT, which is -0.023, which is equivalent to a 17.6 percent in female homicide rates. We experimented with a dozen different seeds for our bootstrapping, and the p-values were consistently very small ranging from 0.008 to 0.028 with a median p-value of 0.015.

Finally, we examine the effect of ERS on females killed by acquaintances and intimate partners, male homicides, and manslaughters. As none of these are directly associated with sex markets or mechanisms originating from the sex markets, there should be no impact of ERS on them. We present those results in Table 7. Although several coefficients

<sup>&</sup>lt;sup>27</sup>We utilize the *gsynth* package (see https://cran.r-project.org/web/packages/gsynth/index. html for more information about the *R* package) to determine the missing components of the matrix.

are large, none are statistically significant.

### 8 What is the mechanism linking ERS to decreased murders?

Given the robustness of our homicide result, we investigated The Erotic Review more carefully to determine whether there was any evidence for screening and shifting away from higher risk activities. We focus on several measures which we believe can help shed light on our results.

Before we present our results, we discuss the layout of Table 8. Panel A uses the same specification in equation (1). These estimates all represent changes in mean values associated with entry. In Panel B we estimate the effect of ERS on entrants only. Entrants were defined as providers whose first review was 0-10 months post-ERS opening in their city, 10-20 months, and so on. To estimate the marginal effect of ERS on marginal entrants, we estimated the following equation:

$$Y_{imt} = \sum_{1}^{6} \delta_{t+\tau} E_{i,t+\tau} + \sum_{1}^{6} \gamma_{t+\tau} D_{m,t+\tau} + \beta X_{mt} + \varepsilon_{imt}$$
 (6)

where  $E_{it}$  is an indicator equaling one if the respondent appeared in our data after ERS (and in which band of months) and  $D_{mt}$  is an indicator equaling one for each of the time bands. We report estimates for  $\delta_t$  in Table 8 Panel B for each outcome.

We propose three mechanisms that link ERS to declining violence. Our possible mechanism is that ERS leads to greater market efficiency which leads to more repeat business (or both). We call this the "efficiency effect". The second possible mechanism is that the sex worker's work environment is becoming safer due to sex workers moving solicitation itself from outdoor street work to indoor work. We call this the "composition effect". The composition effect speaks to changes in entry, while the efficiency effect speaks to changes in the matching technology linking sex workers with clients. The final mechanism is that the Internet allows for the sex worker to increase screening, which we call the "screening effect". We can evaluate both of these, albeit somewhat indirectly.

#### 8.1 Efficiency Effect

The efficiency effect is simply a product of declining search costs and otherwise more effective matching through the availability of rich information about both sides of the market. Insofar as sex workers are able to sort into repeat working relationships with safe clients, then the propensity to experience victimization may fall. On the other hand, the effect may move in the opposite direction if declining search costs scale up the market to such a point that despite declining probabilities of violence, the absolute effect is positive.<sup>28</sup>

To evaluate the efficiency hypothesis, we searched client reviews and classified a review as referring to "repeat" business if it contained the words "repeat" or "regular". Approximately 15 percent of the sample were described by such reviews. Indeed, the introduction of ERS is associated with a higher probability that a review contains this sort of language — by 2 percent in the first ten months, and 2.7 percent thereafter. When we look at the effect that ERS had on entrants, though, we find very weak evidence that their behavior was noticeably different than incumbents. This suggests that ERS affected incumbents and entrants equally with regards to forming repeat liaisons with clients. And this suggests that the *need* to screen may in fact be falling simply as an artifact of improved matching in a market with considerably lower search costs and better matching functions.

### 8.2 Composition Effect

Evidence for women transitioning indoors and online is more difficult because we do not observe whether a woman is a street sex worker; only that she appears in the The Erotic Review database and at what point her first review occurred. But, we reason that if in fact there was an increase in street prostitution moving indoors and online, then we would expect the composition of The Erotic Review to present evidence of negative selection. This is because street sex workers are believed to fall on a lower rung of the informal sex

<sup>&</sup>lt;sup>28</sup>Consider an analogy involving automobile safety and aggregate traffic fatalities. As cars have gotten safer and more affordable, more people buy them and more accidents happen, even though the probability of an accident has fallen even putting aside any potential moral hazard raised by other authors (Peltzman, 1975).

market and may perhaps be less attractive.<sup>29</sup>

We look for evidence of this along several quality dimensions. First, we look at the effect that ERS had on appearance and performance ratings. Reviewers rated each worker on a scale of 1 to 10, with 10 being the highest measure of satisfaction. We find that ERS reduced the mean score slightly by 0.053 in the first ten months, and 0.131 after ten months. This effect became even more pronounced over time when we focus only on the entrants. After the introduction of ERS, entrant appearance worsened relative to incumbents, suggesting that the marginal sex worker was being drawn from a less professionalized pool of women. We also evaluated the impact it had on performance ratings — like appearance, ERS reduced the ratings on performance given by clients at the mean, but particularly for the entrants. Customer satisfaction can also be measured using a question that asked clients to state whether the experience was "as promised." This kind of ex post satisfaction measure is indicative of having one's expectations met. Here we find no effect on the population as a whole, but we do find large, negative effects among the entrants. We also looked at whether the sex worker provided a real photo; while again we find no effect for the population as a whole, we do find large negative effects among entrants. We examine a myriad of measures for quality, such as performance and meeting expectations, and they all indicate that the marginal entrant is significantly worse than the existing population of sex service providers.

While we cannot measure street prostitution experience directly, we can measure whether the word "street" appeared in a review. Over 6,000 reviews contained the word "street," and while not all of these appear to describe a street sex worker, a large number do. Such examples include a description that a woman appeared to be "street-like". We find that the introduction of ERS is associated with a negative occurrence of street mentions in a review. This suggests that the incidence of reviews with street mentions began disappearing with ERS. But, an interesting pattern emerges when we examine the effect of ERS on the characteristics of marginal entrants. All of the coefficients on the entrant variables are positive, and two are significant, suggesting that while ERS is associated

<sup>&</sup>lt;sup>29</sup>Scott (2002) notes that "street prostitutes have lower status than sex workers who work indoors. They are often in some state of personal decline (e.g., running away from abusive situations, becoming drug dependent, deteriorating psychologically, and/or getting less physically attractive)" (emphasis added).

with a negative mention of streets in reviews, entrants receive these mentions more often.

This is further evidence that the marginal entrants were street sex workers.

Transitioning indoors could also show up as a change in the location that sex workers meet with clients. We examine this by using a field where clients stipulated whether a meeting place occurred at his location (outcalls) or hers (incall). Outcalls have the potential for risk because the sex worker is in a foreign and unknown situation with a potentially unknown male (Bass, 2015a). As ERS has the potential to improve worker safety, it could increase the number of outcalls made, because of this reduction in risk (Peltzman, 1975). But we find economically large and statistically significant effects of ERS on the likelihood a reviewed sex worker provided incall services. Incalls increased by 4.9 percent in the first ten months, and 8.7 percent after that. But interestingly, this positive effect does not hold for the entrants. Entrant incall probabilities fall slightly after about the 41st month relative to incumbents. This is evidence that the marginal streetwalker is moving indoors — these women are, incidentally, the same women that are more inclined to take on outcall services.

Evidence for negative selection into the Internet mediated market may also show up in lower prices. Lower prices could be a reflection of supply and demand shifts, but it's also a reflection of the Internet drawing in women from the streets where prices are substantially lower. We examined this by investigating the impact of ERS on the sex worker's hourly adjusted price. We find strongly significant and economically meaningful declines in average prices per hour associated with ERS. The average hourly price fell by \$6.62 in the first ten months and then to \$14.82 after that. This effect is more pronounced among the entrants, though, whose prices are lower within 11-20 months after ERS opened.<sup>30</sup> The drop in price that we find appears to be much higher for entrants than for incumbents.

We also find that they were relatively less likely to offer incall services, even though the net effect for the post-treatment period is an increase in total incalls. This, again, suggests heterogeneity, since outcalls are higher risk. Altogether, these Panel B estimates are suggestive of the fact that the marginal entrant is a woman entering the indoor market

 $<sup>^{30}</sup>$ But as mentioned, is also entirely possible that the decline in price is due, not to heterogeneity and selection, but through an expansion in supply.

from a lower tier. We interpret these results as suggesting that despite the lower incidence of screening by entrants compared to incumbents, the reduction in homicides is likely a function of a combination of the efficiency and composition effects.<sup>31</sup>

#### 8.3 Screening Effect

Screening is one of the main ways that a sex worker manages the risks of seeing a new client. These methods are diverse and include formal registrations, such as white lists, circulated black lists of bad clients, as well as informal methods such as background checks and calling new clients at work (Cunningham and DeAngelo, 2017).<sup>32</sup> The ideal dataset to check for whether ERS led to more screening would be a panel of sex workers, or at worst a repeated cross section, in which we observe the decision to screen. Survey data shows that approximately 60% of Internet-mediated sex workers do in fact use references or some other method of screening, but these data are not available in a repeated cross-section (Cunningham and DeAngelo, 2017). This ideal data to our knowledge doesn't exist, so we move to what is available in TER. Clients wrote extensive reviews about each woman they visited and these reviews sometimes contained references to whether they had been knowingly screened. But it is important to note that we only observe individuals who successfully overcame the screening stage, and we only have mentions of screening if they client knew he had been screened and chose to mention it.

But, insofar as the marginal entrant into sex work was a former street sex worker, she had previously screened very little to none at all. This is because street solicitation requires quick decisions which leaves little time for collecting information about the client. Thus, if she screens at all, and is a former street sex worker, then it is likely that she was screening more than she would have had she remained on the street.<sup>33</sup> Thus we think we

<sup>&</sup>lt;sup>31</sup>While we do not ultimately find evidence for screening, we suspect that insofar as the declines in female homicides are a function of ERS expansion, then increased screening remains a plausible first order cause of the decline. The reason being, streetwalkers do not screen much at all. So if they are moving indoors, and this movement indoors causes a decline in risk, then it must be because Internet advertising and matching must be making it more difficult for clients to assault sex workers. The most likely explanation is that they are screening. But we ultimately are unable with these data to find evidence for this.

 $<sup>^{32}\</sup>mathrm{See}$  https://www.theeroticreview.com/info\_policies/whiteListFAQ.asp.

<sup>&</sup>lt;sup>33</sup>It is worth emphasizing that shifting street workers indoors has two dimensions. First, it may be that contemporary streetwalkers move indoors. Second, as the platform establishes a way for sex workers

are biased against finding impacts using TER data.

We measure screening using textual analysis and search for language in the client reviews correlated with screening such as "refer," "reference," "screen," "white list," and the names of specific screening services (e.g., p411).<sup>34</sup> Roughly 5 percent of the reviews contained such language.

We ultimately find no direct evidence for it in Table 8, Panel A, the last column labeled "Screen". There's no effect in the first ten months, and a slightly negative but insignificant effect for the 10+ month period. This suggests that ERS does not change the frequency with which matched clients knowingly experienced screening.

However, when we evaluate the effect that ERS had on new entrants' screening choices, we find a different pattern. New entrants were considerably less likely to screen when ERS entered, and this effect grew with time. This suggests that the women moving indoors and online were typically women with lower tendency to screen compared to incumbents. This does not mean that marginal entrants are decreasing their screening; only that they screen less than their incumbent counterparts. All that we can say is that screening as a practice did not lead to clients reporting an increase its occurrence on The Erotic Review when ERS was introduced to an area, and that entrants screened less than incumbents, comparatively speaking. This could be supported by workers joining only after online screening practices were in place and creating more broadly increases in safety. That increase in safety may therefore induce the marginal sex worker to enter as well.

# 9 Discussion and Conclusion

In this study, we find that the expansion of Craigslist's ERS was associated with declines in female homicide rates. We speculate that this may be driven by increased screening, greater efficiency in the market, and the shifting of sex workers from street locations with greater environmental hazards (Cunningham and Kendall, 2011a). While we do not find evidence for the screening effect, we do find evidence consistent with the efficiency and

to work indoors, then each wave of potential streetwalkers will simply sort directly indoors skipping the street altogether.

<sup>&</sup>lt;sup>34</sup>We also modify this classification by building a classifier that accounts for negations and other potential confusion (e.g. preference instead of reference).

composition effects.

The findings in this paper point to several potential positive impacts of allowing illicit sex workers to solicit through an online platform that enables improved efficiency and changes in the composition of the indoor/outdoor markets. One of these benefits is cost-effectiveness. Putting the magnitudes into context, we compare our estimates to the cost of achieving the same reductions in murders using an alternative mechanism: the hiring of additional police officers. How many more police officers would need to be hired to reduce female homicides by 10 percent?

Evans and Owens (2007) estimate the police-murder elasticity to be -0.84, which implies a police force employment increase of 12 percent.<sup>35</sup> We calculate the size of this counterfactual police force expansion using data from the 2001 LEOKA data (the year prior to ERS opening in the San Francisco Bay area), and aggregate the number of police and the size of the population. In total, there were 1,003,441 total police employed, a population of 289,627,938 in 2001, and the number of police per 100,000 equalling 346.5. To find the number of additional police, we increase the police by 12 percent which gives us 1,123,854 employed police officers, an increase of 120,413 police officers. Assuming an annual outlay of \$100,000 per officer, reducing female homicides by 10 percent would cost society an additional \$12 billion per year using higher levels of police employment. Craigslist ERS achieved the same result, in other words, and saved 1,400 female lives at a fraction of the cost of doing so using an increase in policing.<sup>36</sup>

Our study suggests that dialog must occur regarding the costs and benefits of anti-ERS enforcement. We suspect that this dialog is likely to require more nuance and sensitivity than has previously been the case, though, as ERS may increase the size of the prostitution market while simultaneously reducing violence. For example, we find strong evidence that ERS increased the proportion of independent sex workers and the number of reviews at

<sup>&</sup>lt;sup>35</sup>Using the definition of elasticity,  $-0.84 = \frac{-0.10}{P}$  if P = 0.12.

<sup>&</sup>lt;sup>36</sup>The most likely costs would be any welfare loss associated with repugnance and increased sex trafficking (Elias, Lacetera and Macis, 2015; Cho, Dreher and Neumayer, 2011). But if ERS is making prostitution less visible, then it should be reducing repugnance-related costs, not increasing it. The impact on trafficking is ambiguous on the other hand. Insofar as domestically trafficked women never become dependent on intermediaries in the first place, due to improved independent options, then ERS would reduce trafficking. All we can say is that the net effect is a reduction in homicides - including presumably that of trafficking women.

The Erotic Review, even as it reduced violence against women.

ERS had a major disruptive effect on the illicit market for commercial sex in the United States despite the nation's prohibition of prostitution. It is likely that ERS reduced many dimensions of risk and this, in turn, was responsible for both the market's growth and the decline in violence. More detailed investigation into the effect of ERS on serial killer activity in the US would potentially provide considerable value for understanding the repercussions of ERS in specific areas. There is still a great deal of research required in this area.

In addition, there are other important issues relating to the relationship between technology and sex markets that have not been analyzed. One opportunity for future research is the relationship between ERS and incidence of human trafficking. Unfortunately, the data does not presently exist that would enable us to answer this question.

#### 9.1 Potential Impacts of FOSTA

On April 11, 2018, President Donald Trump signed into law the Fight Online Sex Trafficking Act (FOSTA) which directly amended §230 of the Communications Decency Act. FOSTA removed the amnesties websites enjoyed under CDA §230 by making websites criminally responsible if their website was used to facilitate prostitution or sex trafficking. Penalties were upwards of ten years in prison. Contemporaneous to its signing, the DOJ seized Backpage and arrested numerous employees including top executives.

Almost overnight, the elaborate network of websites facilitating illegal sex markets was disrupted – from extremely influential websites shutting down to prominent sites blocking US-based IP addresses. As the closure of the sites occurred across the country at the same time, a differences-in-differences research design like ours cannot be performed to understand the impact that the law has had on public safety. The data itself is still years away from being made available for research. At present, we only have personal accounts made public through qualitative representation. Several newspaper reports suggest that FOSTA has indeed made sex workers' lives more dangerous by pushing them towards street work and pimps, as well as by removing screening as a convenient tool for predicting client violence (McCombs, 2018; Witt, 2018). Even police are reporting an increase in

street prostitution following FOSTA.<sup>37</sup>

FOSTA supporters hope that by shutting down Backpage, Craigslist's successor, as well as the myriad of websites pertinent to the illicit market, coercive sex work will be fundamentally disrupted. But the disruption of sex trafficking is not theoretically obvious under FOSTA. First, FOSTA did not provide resources to fragile families, so victims of abuse including runaway teens do not receive direct or indirect assistance such as housing. Thus the supply chain containing domestic trafficked victims is not disrupted by FOSTA. Second, whereas prior to FOSTA victims of trafficking could be identified and recovered at least in principle since they were trafficked on visible platforms, it is unclear that that can happen as often or as easily under FOSTA. Whereas children were recovered when police identified them on Backpage and Craigslist, it may be increasingly difficult to reunite them with families if solicitation moves to more clandestine solicitation channels.<sup>38</sup>

Another prediction is possible - one that is considerably bleaker than that painted by hopeful legislators, celebrity activists and some law enforcement. Insofar as FOSTA represents a major disruption in the matching markets linking safe clients to sex workers, then we might anticipate two effects. First, the marginal sex worker will leave the market if FOSTA causes her profits to become negative. Exiting may also be sub-optimal if the next best alternative is considerably worse from the worker's perspective. Thus we expect some exit under FOSTA, though how much depends on the elasticity of supply. Exiting sex workers following FOSTA are by definition the most elastic group of workers in part because they have alternatives which they find relatively acceptable. The women who do not or cannot exit are inelastic to FOSTA because they lack such outside options, and we expect that for these inframarginal sex workers, hardships under FOSTA will be considerable, which may include choosing to work with pimps, falling into predatory

<sup>&</sup>lt;sup>37</sup>Lt. Jimmy Sides of the San Antonio police told the Associated Press "I have seen a group of fresher faces, so that would make me think that they're new to the street, maybe from the internet? (Villarreal, 2018). Similar accounts were given by Phoenix police, who have experienced a "surge in street-prostitution arrests in 2018", and Houston.

<sup>&</sup>lt;sup>38</sup>Sgt. John Daggy, an undercover officer with Indianapolis's vice unit, told journalists that "with Backpage, we would subpoen the ads and it would tell a lot of the story. Also, with the ads we would catch our victim at a hotel room, which would give us a crime scene. There's a ton of evidence at a crime scene. Now, since [Backpage] has gone down, we're getting late reports of them and we don't have much to go by" (Fischer, 2018).

relationships with traffickers, and facing heightened risk of death and physical violence at the hands of unsafe clients who may have gained the upper hand without adequate screening.

In summary, we find support for sex workers' claims that the introduction of ERS made them significantly safer. We estimate that ERS led to a 10-17 percent reduction in female homicides. These negative effects on female homicides are consistent with theoretical predictions made by Logan and Shah (2012) and Persson and Lee (2016), suggesting that Internet platforms like Craigslist's ERS improved market (and potentially non-market) participant safety. While opposition may persist despite these gains due to "distaste for certain kinds of transactions" (Roth, 2007; Gu, Roth and Wu, 2018), or because prostitution is viewed as equivalent with sex trafficking, the potential improvements in female safety illustrated by our results suggest that it is important for policymakers to design policies that might improve the lives of trafficked victims without simultaneously harming others.

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 Table 1 Summary Statistics for the Craigslist sample (1995-2009)

Variables	Mean	Std. Dev	N
Female homicides per 100,000	0.13	0.39	54,424
Total reviews	85.65	126.86	4,150
Total providers	18.77	24.76	4,150
Craigslist email	0.002	0.04	68,450
Independent	0.56	0.50	68,450
Agency	0.34	0.47	68,450
Incall	0.84	0.36	68,450
Delivered as promised	0.87	0.33	68,450
Real photo	0.79	0.41	68,450
Hourly price	\$294.33	173.51	344,399
Screening	0.05	0.22	344,561
Repeat	0.15	0.37	344,561
Looks rating	7.46	0.98	344,561
Performance rating	7.32	1.42	344,561
Street	0.02	0.14	344,561
Female homicides from acquaintance killer per 100,000	0.03	0.13	54,272
Male homicides per 100,000	0.50	0.83	54,272
Manslaughters per 100,000	0.01	0.14	51,168

 Table 2 The effect of Craigslist's erotic services openings on production and intermediary characteristics

Dep var:	Reviews	Providers	Craigslist	Independent	Agency
ERS (first 10 months)	35.167**	5.519**	0.001**	0.065***	-0.069**
	(14.579)	(2.463)	(0.000)	(0.024)	(0.031)
ERS (post-10 months)	56.919** (25.502)	8.049* (4.424)	0.004*** (0.002)	0.058 * (0.033)	-0.073* (0.039)
N	4,150	4,150	68,450	68,450	68,450
Mean of dependent variable	85.65	18.77	0.00	0.56	0.34

Outcomes are binary variables equalling one if the vendor had the ascribed characteristic. Models control for city and date fixed effects. Robust standard errors clustered within city in parenthesis. \* p < 0.10, \*\* p < 0.05, \*\*\* p < 0.01

 ${\bf Table~3}~{\rm FE~estimates~of~the~effect~of~erotic~services~openings~on~female~murders~per} \\ 100,000$ 

Dep var:	var: Female Murders						
	1	2	3	4	5	6	
ERS (first 10 months)	-0.007	-0.007	-0.006	-0.075	-0.064	-0.059	
	(0.008)	(0.008)	(0.008)	(0.064)	(0.068)	(0.068)	
ERS (post-10 months)	-0.019**	-0.015**	-0.013*	-0.191***	-0.135**	-0.124*	
	(0.008)	(0.007)	(0.007)	(0.070)	(0.067)	(0.067)	
N	54,424	54,424	54,272	54,424	54,424	54,272	
Mean of dependent variable	0.13	0.13	0.13	0.13	0.13	0.13	
Estimation method	OLS	OLS	OLS	Poisson	Poisson	Poisson	
City FE	Yes	Yes	Yes	Yes	Yes	Yes	
Month-Year FE	Yes	Yes	Yes	Yes	Yes	Yes	
State-Year FE	No	Yes	Yes	No	Yes	Yes	
Population	No	No	Yes	No	No	Yes	

Outcome variable comes from the Supplemental Homicide Reports. Cluster robust by city standard errors are shown in parenthesis. \* p<0.10, \*\* p<0.05, \*\*\* p<0.05, \*\*\* p<0.01

 ${\bf Table~4}~{\rm FE~estimates~of~the~effect~of~erotic~services~openings~on~female~murders~per} \\ 100,\!000~using~varying~windows$ 

Dep var:			Female	Murders		
	1	2	3	4	5	6
ERS (first 6 months)	-0.003			-0.032		
	(0.010)			(0.081)		
ERS (post-6 months)	-0.013*			-0.123**		
	(0.007)			(0.063)		
ERS (first 9 months)		-0.004			-0.041	
		(0.008)			(0.071)	
ERS (post-9 months)		-0.015**			-0.142**	
		(0.007)			(0.066)	
ERS (first 12 months)			-0.005			-0.052
			(0.007)			(0.065)
ERS (post-12 months)			-0.016**			-0.157**
			(0.007)			(0.069)
N	54,272	54,272	54,272	54,272	54,272	54,272
Mean of dependent variable	0.13	0.13	0.13	0.13	0.13	0.13
Estimation method	OLS	OLS	OLS	Poisson	Poisson	Poisson
City FE	Yes	Yes	Yes	Yes	Yes	Yes
Month-Year FE	Yes	Yes	Yes	Yes	Yes	Yes
State-Year FE	Yes	Yes	Yes	Yes	Yes	Yes
Population	Yes	Yes	Yes	Yes	Yes	Yes

Outcome variable comes from the Supplemental Homicide Reports. Cluster robust by city standard errors are shown in parenthesis. \* p<0.10, \*\* p<0.05, \*\*\* p<0.01

 ${\bf Table~5} \ \ {\bf Estimated~effect~of~Craigslist~entry~on~female~homicides~per~100,} 000~using \\ {\bf linear~FE~with~randomization~inference~with~1000~draws}$ 

Dependent variable:	Female murders					
Coefficient:	0-10 months	10+ months				
True effect	-0.007	-0.013*				
5th percentile	-0.014	-0.016				
95th percentile	0.015	0.015				
Two-tailed test p-value	0.23	0.08				
N	53,576	53,576				
Procedure	OLS	OLS				

These are FE regressions using the Supplemental Homicide Reports. The model is linear fixed effects with 1,000 randomized permutations for creating the sampling distribution. Controls include city fixed effects, year-month fixed effects and state-year fixed effects. The panel presents 5th and 95th percentile confidence intervals from permutations tests and p-values from a two-tailed test. \* p<0.10, \*\* p<0.05, \*\*\* p<0.01

Table 6 Matrix completion estimation of ERS on female homicide rates

Dependent variable:	Female murders
ERS	-0.023**
	(0.010)

Matrix completion model with 10 folds for cross validation and 1,000 draws for bootstrapped standard errors. Model includes city and month-year fixed effects. \* p<0.10, \*\* p<0.05, \*\*\* p<0.01

Dep var:	Females b	y intimates	M	ales	Manslaughters
ERS (first 10 months)	0.001	-0.002	-0.017	-0.030	-0.001
	(0.003)	(0.134)	(0.016)	(0.037)	(0.003)
ERS (post-10 months)	0.003	0.107	-0.023	-0.057	0.002
	(0.003)	(0.148)	(0.026)	(0.057)	(0.004)
N	54,272	54,272	54,272	54,272	51,168
Mean of dependent variable	0.03	0.03	0.50	0.50	0.01
Estimation method	OLS	Poisson	OLS	Poisson	OLS
City FE	Yes	Yes	Yes	Yes	Yes
Month-Year FE	Yes	Yes	Yes	Yes	Yes
State-Year FE	Yes	Yes	Yes	Yes	Yes
Population	Yes	Yes	Yes	Yes	Yes

Outcome variable comes from the Supplemental Homicide Reports. Cluster robust by city standard errors are shown in parenthesis. Poisson was unable to converge for the manslaughter regression.\* p < 0.10, \*\*\* p < 0.05, \*\*\*\* p < 0.05.

					$\mathbf{Panel} \ \mathbf{A}$				
Dep var:	Repeat	Looks	Performance	Street	As promised	Real photo	Incall	Price	Screen
ERS (first 10 months)	0.020**	-0.053*	-0.066*	-0.003*	-0.001	-0.009	0.049***	-6.624*	0.000
	(0.009)	(0.030)	(0.034)	(0.001)	(0.012)	(0.015)	(0.013)	(3.555)	(0.004)
ERS (post-10 months)	0.027**	-0.131***	-0.110*	-0.003*	0.004	-0.022	0.087***	-14.823**	-0.005
	(0.013)	(0.049)	(0.064)	(0.002)	(0.018)	(0.020)	(0.024)	(6.246)	(0.007)
					Panel B				
Entrant 0-10mo post ERS	0.004	-0.122***	-0.489***	0.000	-0.051***	-0.099***	-0.038***	-17.226***	-0.002
_	(0.004)	(0.035)	(0.063)	(0.001)	(0.011)	(0.015)	(0.009)	(5.100)	(0.002)
Entrant 11-20mo post ERS	0.011**	-0.074**	-0.430***	0.004***	-0.049***	-0.065***	-0.006	-11.016**	-0.006**
_	(0.004)	(0.033)	(0.042)	(0.001)	(0.014)	(0.017)	(0.015)	(5.410)	(0.003)
Entrant 21-30mo post ERS	0.005	-0.170***	-0.469***	0.001	-0.054***	-0.039***	-0.007	-21.764***	-0.002
	(0.003)	(0.028)	(0.037)	(0.002)	(0.010)	(0.011)	(0.008)	(6.888)	(0.002)
Entrant 31-40mo post ERS	0.004	-0.137***	-0.547***	0.002	-0.055***	-0.046***	-0.011	-13.644**	-0.012***
	(0.006)	(0.024)	(0.041)	(0.002)	(0.010)	(0.010)	(0.009)	(5.684)	(0.003)
Entrant 41-50mo post ERS	0.002	-0.252***	-0.667***	0.002	-0.079***	-0.072***	-0.024**	-18.207***	-0.022***
	(0.003)	(0.023)	(0.033)	(0.001)	(0.010)	(0.016)	(0.011)	(6.673)	(0.003)
Entrant 50mo post ERS	0.009**	-0.522***	-1.073***	0.006***	-0.098***	-0.090***	-0.046***	-10.312	-0.039***
	(0.004)	(0.017)	(0.049)	(0.001)	(0.009)	(0.012)	(0.006)	(6.353)	(0.004)
N	344,561	344,561	344,561	344,561	68,450	68,450	68,450	344,339	344,561
Mean of dependent variable	0.15	7.46	7.32	0.02	0.87	0.79	0.84	294.33	0.05

Models control for city and date fixed effects. Robust standard errors clustered within city in parenthesis. \* p<0.10, \*\*\* p<0.05, \*\*\*\* p<0.01



Figure 1 Picture of NYC Craigslist front page before erotic services was an section.



Figure 2 Picture of Craigslist front page with zoomed "services" section.



Figure 3 Top panel is 1995. Bottom panel is April 2003.

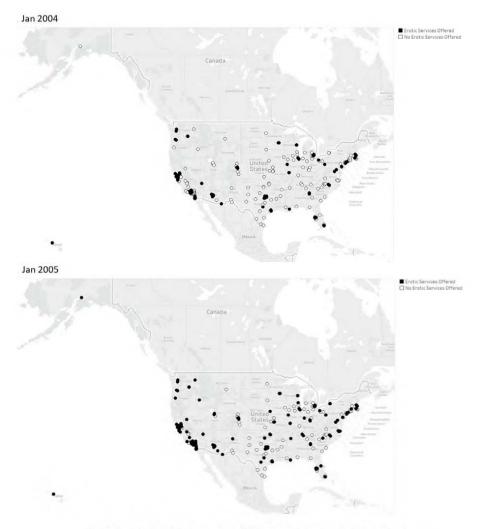


Figure 4 Top panel is Jan 2004. Bottom panel is Jan 2005.

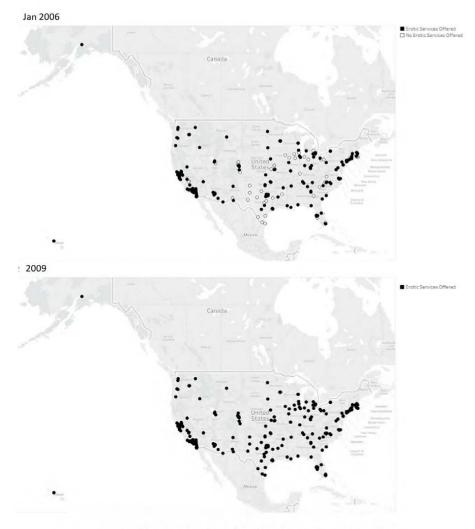


Figure 5 Top panel is Jan 2006. Bottom panel is 2009.

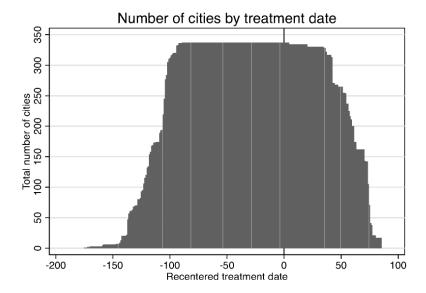


Figure 6 Number of cities represented in our sample relative to the time of treatment. The x-axis depicts the number of months until or after the introduction of ERS. The y-axis presents the number of cities that appear in our panel with the recentered treatment value of the x-axis.

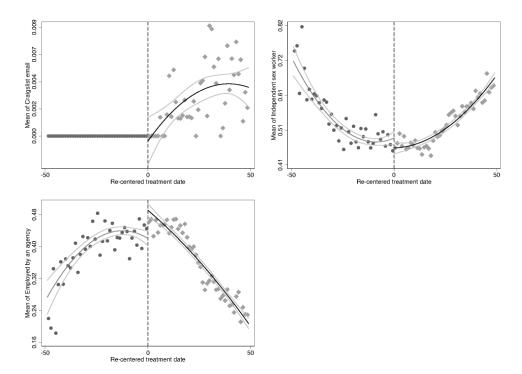
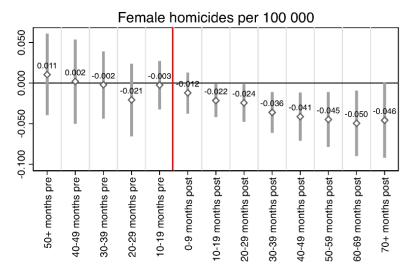
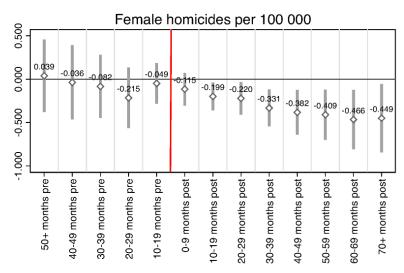


Figure 7 Conditional (binned) means of characteristics of providers before and after ERS. Top left is the likelihood a provider has a Craigslist email address. Top right is the probability of working as an independent sex worker. Bottom left is the probability of working for an agency.

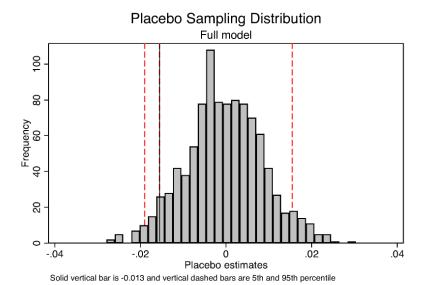


Model estimated with OLS includes month-year city state-year fixed effects and population



Model estimated with Poisson includes month-year city state-year fixed effects and population

Figure 8 Regression coefficient box plots from equation 2 for female murders using a linear (top panel) and Poisson MLE panel model (bottom panel).



**Figure 9** Sampling distribution of linear FE estimate of short and longterm ERS exposure on female homicide rates with 1,000 randomized treatment dates for inference. Black line is the true effect; red dashed lines are 5th and 95th percentiles.