

For Disabled Sex Workers, Congress' Anti-Trafficking Legislation Is Life Threatening

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FOSTA and SESTA claim to target websites that could be used for trafficking. In reality, they have restricted the ability of consensual sex workers to advertise their services, which has led to a decrease in income and safety—and disabled sex workers are feeling the strain particularly hard.

Before Freya Wynn entered the sex industry, she worked as a custodian for an urban school district.

Wynn lives with a “right lung glued in place” as a result of “a spontaneous hemopneumothorax / tension pneumo[nia] six years ago.” She also has several undiagnosed, but nevertheless disabling, conditions. “I’ve gone in to work on a chipped hip before, I’ve gone into work on a collapsed lung before,” she told *Rewire News*.

Her employer limited her hours, so she didn’t qualify for health insurance. Meanwhile, she watched “co-workers suffer from celiacs, diabetes, and then be disposed [of].”

“It was the only thing available to me,” Wynn said of her custodial job. “I know I’d sooner be worked into dust than [be] given a chance at a decent living.”

Or, at least, that was what she thought before she became a porn actress and an escort. As an escort, she said, “I can choose my own hours. I can work from home.” Her appearances as a porn actress have won an [Adult Video News award](#), which recognizes achievements in the adult entertainment industry. Sex work, Wynn said, has accommodated her disabilities better than employment that locked her into a tight routine, particularly because her “chronic pain ebbs and flows and follows no schedule.” She appreciates that disability-related shifts in capacity are something she can “work around with sex work.”

“I just wanted to survive,” she said.

In recent months, however, Wynn has started to face difficulties in the sex work industry as well, thanks to new federal legislation. Earlier this year, U.S. Congress passed [Fight Online Sex Trafficking Act](#) (FOSTA) and [Stop](#)

[Enabling Sex Traffickers Act \(SESTA\)](#). The laws claim to target websites that could potentially be used for trafficking. In reality, they have restricted the ability of consensual sex workers to advertise their services, which in turn has led to a decrease in income and safety—and disabled sex workers, like Wynn, are feeling the strain particularly hard.

Disabled people like Wynn experience poverty and job discrimination at uniquely high rates. This is due to a variety of factors, including stigma, structural ableism in the workplace, and rising medical costs. Some disabled adults are also subject to labor rules that allow them to be paid significantly less than non-disabled people in similar positions. This “[subminimum wage](#)” is based on the assumed productivity of disabled workers. The bottom of the scale is difficult to ascertain, but these workers, many of them employed within [sheltered workshops](#), can make less than one dollar an hour.

In 2016, the last year statistics are available, [26.6 percent of non-institutionalized disabled adults lived below the poverty line](#), as opposed to 12.7 percent of the U.S. population overall. The [median household income for families that contained at least one disabled person of working age](#) was \$43,300 as opposed to the \$59,039 median household income that same year, [according to the United States Census Bureau](#). These numbers vary slightly by type of disability, but are uniformly higher than average. For cognitively disabled people, the poverty rate is over 32 percent. Meanwhile, federal and state disability benefits come with income caps that exclude some disabled people from working on the books. That’s if individuals are able to receive benefits at all: Between 2000 and 2010, [only 28 percent of applicants were approved for disability](#) benefits the first time they applied.

For disabled people who are unable to secure benefits because their condition or symptoms fall out of the scope of federal care, the financial strain can be unbearable. Approval rates for federal disability benefits differ vastly by condition, severity, and state. And without documentation of disability, workers can be fired from their jobs for issues arising from their disability. Others are forced to hide the disabling symptoms of their conditions in order to stay employed.

And those who are able to obtain government assistance may find it doesn’t stretch far enough to allow a disabled person to live comfortably without additional income. Sex work is sometimes the only option to make the exorbitant amount of money medical bills and other living expenses require with relative speed, without waiting for reimbursement or approval. Medical assistance, food stamps, and other government benefits can be

maintained while bringing in cash under the table. Sex work can also be a way for disabled people to work out of their own homes if necessary, or only when they are able.

Overall, sex work can be a way for disabled people to cope with the financial realities of an imperfect system.

While some forms of sex work are criminalized, others are completely legal—such as stripping, webcam modeling, and appearing in pornography. Unfortunately, both legal and illegal forms of sex work have been affected by FOSTA and SESTA, and sex workers have been endangered as a result. [Instagram scrubbed its search bar clean of the #stripper hashtag](#), [Bank of America has frozen the accounts of suspected sex workers](#), and [sites that host lists of violent or disrespectful clients have been shut down](#), in addition to the removal of Craigslist's personals section and Backpage.

Spaces that allowed sex workers to advertise online [made](#) the industry safer. Without access to these services, the most marginalized sex workers, including disabled sex workers, are punished. FOSTA and SESTA makes clients nervous about prosecution, they say, and the shrinking client pool could be driving down service prices and forcing providers to offer services they otherwise would not.

Wynn, for example, is now feeling the financial strain and uncertainty that the recent federal legislation has begun to cause. "I've just been continually trying to dig myself out of a position I swear I could have readily climbed out of in the context and material situation of years past, but it seems and feels that my luck has now run dry," said Wynn, who is currently unhoused. "I just feel like I'm against the wall."

Some sex workers also fear that the laws could be used to prosecute them for trafficking or other crimes, even if they are not participating in illegal forms of sex work.

Ginger is a sex worker living with physical and cognitive disabilities as well as mental illness. They are a part-time user of mobility devices. "I limp, but it's not there all the time," Ginger explained. "I don't look disabled."

Ginger, who did not complete high school, told *Rewire News* they've had "trouble finding other forms of employment" outside of sex work.

Ginger started trading sex for housing after being kicked out of their parents' house just before their 18th birthday. They began appearing in porn and later found work within the sex industry through Craigslist's now-extinct "erotic services" section. Ginger receives temporary disability payments allocated by the state as they wait for their [Supplemental Security Income](#) application to be approved. They worry those benefits will be threatened in light of the increased scrutiny on sex workers and their clients that may come with FOSTA and SESTA.

"Those of us on federal benefits have a greater worry when it comes to hiding money. SSA is authorized to check our financial accounts. They can check anything linked to our Social Security numbers," Ginger told *Rewire News*.

"I am reliant on the system. If I get caught in anything I lose everything and I can't go back. I know a lot disabled sex workers are in the same position," Ginger said.

Rae, a white nonbinary person, uses sex work to pay the costs associated with their disabilities. They are also among the vast majority of sex workers interviewed for this story who reported having experienced [domestic violence, child abuse, or intimate partner violence](#).

"I've had medical bills piling up that I am paying off. I also have credit debt from leaving my abusive home life and over \$100k in student loans," Rae told *Rewire News*.

Rae says that FOSTA and SESTA have increased the likelihood of workplace violence for full-service sex workers like them. "I am more afraid than ever of being caught or killed by a cop that poses as a john, or a john that wants to blackmail me with these new laws. I started taking more chances when FOSTA/SESTA were passed," they said. Rae said increased client pressure in the wake of these laws has led them to meet clients more quickly, screen them less thoroughly, and engage in riskier activities.

Rae, like several of the other workers interviewed, said that FOSTA and SESTA perpetuates and facilitates violence against sex workers. "Many sex workers are unable to get new clients, meaning they are forced to keep clients who may be abusive," they told *Rewire News*.

"I have had to get more creative and less picky about clientele. I rush more when I find someone who is actually willing to meet and not waste my

time,” Wynn explained. “I show my face or other identifying pictures more easily to obtain more clientele, which is dangerous for my identity.”

“The people I know are panicking,” Ginger stressed. “I’ve been watching people scramble to change the services they provide and the language around them. They’ve had to change everything around. Their income has seriously decreased. They haven’t been making ends meet. It makes things a lot more precarious than they would be any way.”

The irony of FOSTA and SESTA is that human trafficking, in the sex industry and other cash-dominant industries, existed long before digital services such as Backpage. In many ways, the fear and precarity the laws force on consensual sex workers is likely to make more than a few turn to predatory agencies and pimps. By taking advantage of the public’s fear of sex trafficking, celebrities and politicians such as Amy Schumer and Sen. Tammy Duckworth (D-IL) may have believed they were helping women. Instead, they have exposed a workforce composed predominantly of women to additional danger and uncertainty.

In fact, Maizea, a sex worker of mixed heritage who started trading sex at age 11 to escape a sexually abusive home, believes that politicians and celebrities who claim to be feminists only care about trafficking when convenient, while people in the sex industry and sex trade prevent and undermine trafficking every day. For instance, sex workers had previously used sites to share information about potentially dangerous clients, some of whom were pimps and traffickers. FOSTA and SESTA took many of the bad client lists and spaces where sex workers shared safety tips offline. Without these resources, consensual sex workers are left with less protection than before.

“Who cares about us but us? Who lifts us up? Who goes through ads and realizes we’re being pimped out or trafficked? Who feeds us emotionally as well as literally? Who really gives a shit and is willing to do something about it? [Sex workers] are!” Maizea wrote to *Rewire News*.

In the wake of these violent laws, sex workers—disabled and able-bodied alike—are building networks of support to counteract the legislation’s ill effects. Sex worker-led [organizing, advocacy, and fundraising](#) has flourished as a result of FOSTA/SESTA, much of it explicitly inclusive of disabled sex workers.

“Sex Workers, ill or not, need to take [care] of each other because we will die without each other. It isn’t enough to say we deserve to live and survive; we deserve decriminalization,” Maizea said.