The War on Sex Workers

Melissa Gira Grant | Jan. 21, 2013 1:30 pm

On August 30, a 19-year-old woman in Ann Arbor, Michigan, was arrested after a prospective client called 911 on her. He claimed she raised her fee for services after their initial online contact. The cops took her away in handcuffs.

There's nothing particularly unusual about this story, which initially appeared on AnnArbor.com. It's one of dozens you can find every day in police blotters and local newspapers around the country, often accompanied by mug shots. No women's rights organization compiles comprehensive data on how many people are arrested, tried, convicted, and incarcerated for prostitution-related charges. But their names and photos are lodged in search engines in perpetuity, no matter the outcome of their cases.

The consequences of such arrests can be life shattering. In Louisiana some women arrested for prostitution have been charged under a 200-year-old statute prohibiting "crimes against nature." Those charged—disproportionately black women and transgender women—end up on the state sex-offender registry. In Texas a third prostitution arrest counts as an automatic felony. Women's prisons are so overloaded that the state is rethinking the law to cut costs. In Chicago police post mug shots of all those arrested for solicitation online, a shaming campaign intended to target men who buy sex. But researchers at DePaul University found that 10 percent of the photos are of trans women who were wrongly gendered as men by cops and arrested as "johns." A prostitution charge will haunt these women throughout the interlocking bureaucracies of their lives: filling out job applications, signing kids up for day care, renting apartments, qualifying for loans, requesting passports or visas.

Not all people who do sex work are women, but women disproportionately suffer the stigma, discrimination, and violence against sex workers. The result is a war on women that is nearly imperceptible, unless you are involved in the sex trade yourself. This war is spearheaded and defended largely by other women: a coalition of feminists, conservatives, and even some human rights activists who subject sex workers to poverty, violence, and imprisonment—all in the name of defending women's rights.

Off Craigslist and Onto the Streets

A woman dressed from head to toe in khaki was trying to corral the few dozen people who showed up to picket in front of the New York offices of *The Village Voice*. Her eyes shaded from the blazing June sun by a safari-style brimmed hat, Norma Ramos pointed toward the entrance of the venerable alternative weekly with one hand, gripping a hand-printed placard in the other. It read, in deliberately uneven letters: "The TRUTH behind backpage.com: $2 MILLION PER MONTH by hosting sex trafficking ads."

Ramos is the executive director of the Coalition Against Trafficking in Women (CATW). According to promotional copy from the speaker's bureau that represents her, Ramos is at the forefront of "one of the most ignored and tragic social justice issues that affects our world." She takes credit (with some exaggeration) for shutting down Craigslist's "Erotic Services" listings, where anyone with an email address used to be able to post an ad offering sexual services to anyone with an Internet connection. After the demise of Erotic Services, which followed years of lobbying by law enforcement agencies and the National Association of Attorneys General, many sex workers opted for Craigslist's main competitor, Backpage.com, which saw a tremendous spike in new sex work ads. (The site, once owned by Village Voice Media, was recently split from the alt-weekly side of the business, partly due to the controversy over its content.)

Ramos' Craigslist fight, like the Backpage campaign that followed, drove up the cost of doing business for some sex workers. After opponents used the media and congressional hearings to dubiously link Craigslist to violence and exploitation in the sex trade, Craigslist began charging $5 per post for its Erotic Services ads, arguing that credit card numbers would help police locate advertisers who had been victimized. For sex workers who could not afford the fees, the next best choice was to take on the additional physical and legal risks of soliciting on the streets. All the buzz threw a spotlight on both sites, giving cops an excuse to step up stings that put Craigslist and Backpage advertisers in jail. Now Ramos is agitating for an encore.

Two months before the demonstration outside the *Voice*, feminist icon Gloria Steinem held court in the brothels of India as part of a humanitarian junket sponsored by the NoVo Foundation, one of the largest private women's charities in the United States. NoVo's money is Warren Buffett's money: $1 billion, transferred by the second wealthiest American to his son Peter, who chairs the effort along with his wife, Jennifer. Steinem accompanied Peter and Jennifer Buffett on a tour of Sonagachi, Calcutta's biggest red light

district. Steinem came away from her visit with an astounding proposal: What would really benefit the women who worked there—whom she described to the Calcutta Telegraph as "prostituted," characterizing their condition as "slavery"—would be to end sexual health services and peer education programs in brothels, programs that have been recognized by the United States Agency for International Development as best-practices HIV/AIDS interventions. Steinem described the women leading those health and education programs as "traffickers" and those who support them "the trafficking lobby."

How have we arrived at this point, that in the name of "protecting" women, or even ensuring their "rights," feminists are eager to take away their jobs and health care? Ramos, Steinem, and their allies deliberately conflate sex work and what they now call "sex trafficking" for their own reasons, not to advance the rights of sex workers. The result is—or should be—an international scandal.

How Sex Work Became "Sexual Exploitation"

Feminist fights over prostitution and pornography are old news. But anti–sex work feminism has come a long way from the magazine store picket lines of the 1970s and the campus anti-porn revivals of the 1990s. "Pornography is the theory, and rape is the practice," wrote feminist author and activist Robin Morgan in 1980. She is still around today, hosting a radio show on D.C.'s 1580 AM for the Women's Media Center. "Prostitution is paid rape," claims Melissa Farley, who has been fighting against sex workers since the 1990s and now produces reports for anti-prostitution organizations such as Demand Abolition. While these women once focused on ending sexual "objectification" in magazines and red light districts, today they are waging a global war that pits one class of women against another.

One architect of this shift is attorney Jessica Neuwirth, a founder of the women's rights organization Equality Now. In a 2008 interview with Barnard College sociologist Elizabeth Bernstein, Neuwirth described the change as a move away from "an earlier wave of consciousness about exploitation that took both pornography and prostitution almost together as a kind of commercial sexual exploitation of women." The rewrite was necessary, Bernstein explained in the journal Theory and Society, because the outright prohibition of porn and prostitution was not popular, putting feminists at odds with liberal allies such as the American Civil Liberties Union (ACLU). "They got battered down by ACLU types," Neuwirth told Bernstein. "By re-situating these issues in terms of the 'traffic in women' overseas and as a violation of international commitments to women's

human rights," Bernstein explained, "they were able to wage the same sexual battles unopposed."

These battles were now being fought in the name of combating "sexual exploitation," "sex trafficking," and "sex slavery." The activism has shifted to the realm of international law. In 2000 anti–sex work feminists attempted to push their redefinition of sex work into the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Norma Ramos and her allies wanted the protocol, which is intended to formally define trafficking across U.N. programs and to promote collaboration among U.N. member states in order to protect the rights of people who are trafficked, to define all prostitution as "trafficking." According to the Paulo Longo Research Initiative scholar Jo Doezema's 2010 book Sex Slaves and Discourse Masters, sex workers were supported by the U.N. special rapporteur on violence against women, who rejected the prostitution/trafficking equivalence. Sex workers also opposed the Coalition Against Trafficking in Women's substitute proposal, which described commercial sex as "sexual exploitation."

CATW went on a media offensive, seeking to discredit their opponents, even enlisting Sen. Jesse Helms to the cause. It worked. The protocol was approved and is now signed by 117 countries, defining sex for pay as "sexual exploitation." The protocol has given feminists legal and moral cover to target sex work under the banner of fighting trafficking.

"People have been very successful in using this term sexual exploitation in pushing legislation," says Ann Jordan, former director of the Program on Human Trafficking and Forced Labor at American University's Washington College of Law and an attorney who has defended the rights of trafficked persons. "Many of the people they talk to never ask them what they mean by it." But while sex work opponents have been successful in passing laws against "sexual exploitation," Jordan says, "they are not enforceable because no one knows what this means."

On the domestic front, anti–sex work activists scored one of their biggest wins with the 2005 reauthorization of the Trafficking Victims Protection Act (TVPRA). TVPRA earmarked $50 million for law enforcement agencies to "develop and execute programs targeted at reducing male demand and to investigate and prosecute buyers of commercial sex acts." Although ostensibly aimed at supporting victims of forced labor, TVPRA provides money for efforts to discourage men from hiring sex workers, including quasi-legal and legal activities such as escorting, pornography, stripping, and phone sex,

as well as for investigating the people they attempt to hire. Although nearly all prostitution-related law in the United States is made at the state or municipal level, redefining prostitution as trafficking provides a rationale for federal action against the sex trade.

Meanwhile, legislators in many states have responded to the demands of feminist activists by boosting penalties for prostitution-related offenses and prioritizing enforcement. "Think about it," Jordan says. "If you are a politician on the state or national level, and someone comes to you and says, 'There are these horrible men who are holding these innocent little virgins, and all you need to do is put money into law enforcement,'" you will want to act. Stepping up vice enforcement allows legislators to avoid the far more complicated steps necessary to support people who have been trafficked or to meaningfully address immigration and labor policies that drive people to migrate illegally or accept dubious work offers when few legal options are available. Tackling problems such as those, Jordan says, "doesn't allow you to go around and say you are 'saving sex slaves.'" The prohibitionist approach means "you don't actually have to deal with the people at the edges of society."

What happens when people in the sex trade—the people these laws supposedly are meant to protect—push back? Anti-trafficking activists often respond by denying their existence. At the June anti-Backpage protest, I watched Norma Ramos' staff distribute fliers to passers-by cautioning them against the very term sex work, a phrase that "completely masks the physical, psychological, and sexual violence inflicted on prostituted persons," although they had to acknowledge "it is a term that women in prostitution themselves use and prefer."

If this semantic debate seems a bit arcane for placards and fliers, the purpose was revealed 15 feet further down the sidewalk, where members of the Sex Workers Outreach Project New York (SWOP-NYC), a volunteer-based, grassroots group dedicated to improving the lives of sex workers, held a quiet counter-protest. SWOP members—current and former sex workers among them—greeted New Yorkers on their way through Greenwich Village with smiles and fliers, inviting them to throw their support behind the people who had real expertise on the sex industry. That day the police repeatedly instructed SWOP members to stay half a block away from Ramos' people. They made no such demands of Ramos.

Feminists, Cops, and Conservatives

An article in the August issue of Marie Claire follows Andrea Powell, executive director of Free Aware Inspired Restored (FAIR) Girls, as she trolls Backpage for classified sex ads she suspects were placed by or for minors: "Putting in an earbud and picking up her pink-and-black Kate Spade-encased iPhone to dial a local police officer, Powell says urgently, 'We have to report her now.'" But when the cops set up a sting operation against the advertiser, the story continues, "she said she was in fact an adult—and didn't want help from the police or anyone else."

Some activists view calling the cops to "rescue" people from the sex trade as the model of a successful human rights intervention. They don't count their victories by the number of people they help; they count them by arrests.

These tactics are part of a rise in what Elizabeth Bernstein calls "carceral feminism"; Harvard law professor Janet Halley calls it "governance feminism." Feminists once offered a powerful critique of the criminal justice system, but that argument has faded as they have found power within it. Not surprisingly, they have found conservative allies along the way.

In redefining sex work as an issue of bad men doing bad things to enslaved young women, anti-prostitution activists have recast themselves as liberators instead of scolds, while simultaneously making their message more attractive to the social conservatives who have at times distrusted them. The conservative Heritage Foundation has taken up the cause of "fighting sex trafficking," though mostly as a way to beat up on the Obama administration and the United Nations for not adopting even more punitive policy. The Protect Innocence Initiative, a partnership between the anti-prostitution Shared Hope International and the American Center for Law & Justice (the right's answer to the ACLU), gave a presentation at the Values Voters Summit in Washington last September touting the 40 bills it has persuaded state legislators to introduce since December 2011. The title: "Can You Protect Your Children From the Commercial Sex Industry?" Shared Hope International's director, former Rep. Linda Smith (R-Wash.), explained to the Values Voters audience that they should "put this issue in its proper position" alongside the anti-abortion cause.

Donna M. Hughes, a professor of women's studies at the University of Rhode Island, who praised George W. Bush for "put[ting] the fight against the global sex trade on par with the campaign for democracy in Iraq and the war on terrorism," is another conservative-friendly voice in the anti–sex work chorus. Hughes banged her own curious "women's rights" drum in support of the wars in Iraq and Afghanistan in a 2004 Washington Post

op-ed, co-written with second-wave feminist Phyllis Chesler, in which the duo criticized feminists for not seeing that conservatives "could be better allies on some issues than the liberal left has been."

Sex workers bear the brunt of this coalition's preference for using law enforcement to protect women's rights. Increased penalties for "sex trafficking," supported by such groups as the National Organization for Women New York (NOW-NYC) and the Chicago Alliance Against Sexual Exploitation (CAASE) have led to high-profile sting operations, such as a January 2012 bust in New York snaring a reported "200 johns" and seized many of their vehicles prior to arraignment. But demanding cops protect women by "going after the johns" doesn't exempt sex workers from arrest. A 2012 examination of prostitution-related felonies in Chicago conducted by the Chicago Reporter revealed that of 1,266 convictions during the past four years, 97 percent of the charges were made against sex workers, with a 68 percent increase between 2008 and 2011. This is during the same years that CAASE lobbied for the Illinois Safe Children Act, meant to end the arrest of who the bill describes as "prostituted persons" and to instead target "traffickers" and buyers through wiretaps and stings. Since the Act's passage in 2010, only three buyers have been charged with a felony. These feminist-supported, headline-grabbing stunts subject young women to the humiliation of jail, legal procedures, and tracking through various law enforcement databases, sometimes for the rest of their lives.

"It's fascinating that women who claim to be feminists" are so willing to use the law in this way, says Ann Jordan. Supporting anti-prostitution enforcement requires them to call in the muscle of "all these institutions that have oppressed women forever," she notes. "But they are willing to use the law to coerce a particular kind of behavior from women."

As a staff attorney at the Sex Workers Project at the Urban Justice Center, Melissa Broudo deals with the aftermath of crackdowns like the one in New York last winter. Broudo is one of the few lawyers who works to vacate the sentences of people who have been trafficked and who have been convicted of prostitution charges. "The hardest piece I've dealt with," Broudo says, "is trying to represent individuals who don't fit the model. They aren't a 12-year-old girl, or whatever the portrayal is. Men can be trafficked. Trans women and trans men can be trafficked, and are trafficked. Older women can be trafficked. I have clients who fall within all different categories, but they [don't match the conventional] picture of trafficking."

Oversimplified portrayals of trafficking can have devastating consequences for those who

are trafficked. “When I am vacating prior convictions for survivors,” say Broudo, “I view it as a legal hurdle if it’s someone who isn’t a cisgender [nontransgender] female minor at the time. And it shouldn’t be that way.” Broudo concedes that “you need people to understand that trafficking exists.” But she adds that “awareness isn’t enough, and awareness campaigns can have negative consequences. When somebody like [*New York Times* columnist] Nicholas Kristof writes an article about shutting down Backpage or applauding law enforcement efforts, it creates this picture that the answer is criminalization and punishment, and then people think we need to arrest more people, and that’s incredibly detrimental. And unfortunately, when there is more money and a mandate for arrests, that will often result in sex workers who may or may not have been forced into sex work being arrested.”

Sex-worker activists have long voiced this concern, not to protect the sex industry (as anti-prostitution campaigners claim) but to protect themselves from the violence of arrest and the violence that results from widespread social stigma and discrimination. Defenders of sex workers’ rights want to stop those arrests, while the feminists who should be their natural allies are pushing for more.

‘Sack of Bones on Gilgo Beach’

Between 2010 and 2011, the remains of 10 people, many identified as sex workers, were found on Long Island’s Gilgo Beach. New York sex workers, including SWOP members, responded by reaching out to the families of the victims, attending vigils, and providing support to one another. Networks such as these are strong among sex workers, who cannot rely on cops, courts, or other institutions most people can turn to in times of crisis.

NOW-NYC’s response to these murders, still unsolved, came in a letter from its president, Sonia Ossorio, to the *New York Daily News*. Against the backdrop of NOW’s campaign to increase stings and raids in the sex trade, Ossorio complained that the paper was out of bounds for running a column questioning the public good in keeping prostitution illegal. She closed her letter by invoking the murdered women who “ended up as sacks of bones on Gilgo Beach.” For Ossorio, these women’s deaths are a justification for prohibition rather than a wake-up call to the dangers that prohibition creates.

It is not sex work that exposes sex workers to violence; it is our willingness to abandon sex workers to violence in an attempt to control their behavior. Prohibition makes prostitution more dangerous than it would otherwise be by pushing it underground and stripping sex

workers of legal protection. The fight over that policy is about more than just strains between generations of feminism. It is about an unholy marriage of feminism with the conservatism and police power that many feminists claim to stand against.

Advocates for sex workers are making some headway in calling that alliance to account. In 2011, for the first time, sex-worker activists participated in the U.N. Universal Periodic Review of Human Rights (UPR), a review of all member states' human rights records conducted each four years. It was also the first year that the U.S. government's record on human rights was up for U.N. review.

Activist Darby Hickey, a transgender woman who has been involved in the sex trade and is currently an analyst at the Best Practices Policy Project, which defends sex worker rights, participated in the U.N. evaluation. Its findings reinforced what sex workers have been reporting for decades: American sex workers are vulnerable to discrimination and violence not simply because of their work but because of the ways institutions exclude and harm them. The United States signed on to UPR recommendations that "no one should face violence or discrimination in access to public services based on sexual orientation or their status as a person in prostitution."

"Now we'll see what they do with that," Hickey says, "and what steps they take to address violence from law enforcement and systemic violence." When it comes to criminalization and the prison system, Hickey says, "there's a general recognition that we're going in the wrong direction, but around prostitution it's going in the opposite direction, where people are saying, 'Arrest more people; increase penalties.'" Just as the war on drugs is in many ways a war on black people, Hickey says, the war on prostitution is a war on sex workers.

If we are going to call attacks on reproductive and sexual rights a "war on women," then let's talk about a war on women that has actual prisoners and a body count. It's a war on the women engaged in sex work, waged by women who will not hesitate to use their opponents' corpses as political props but refuse to listen to them while they are still alive and still here to fight.