



# **State Violence, Sex Trade, and the Failure of Anti-Trafficking Policies**

resisting criminalization as the solution to “modern day slavery”

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State Violence, Sex Trade, and the Failure of Anti-Trafficking Policies:  
Resisting Criminalization as the Solution to “Modern Day Slavery”  
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# Table of Contents

Introduction . . . . .	1
Trade Secrets: The Tough Talk of the New Anti-Trafficking Movement. . . . .	2
FBI’s Campaign to “Rescue” Youth Continues to Cause Mass Arrests of Adult Women in the Sex Trade . . . . .	9
Stop Labeling Sex Worker Activists “Pimps”: Criminal Charges Do Not Tell the Whole Story . . . . .	11
Trans Women of Color in the Sex Trade Misclassified as “Clients” in Chicago’s “End Demand” Initiative . . . . .	14
Gangs and Sex Trafficking: Latest Target in the “War on Trafficking” . . . . .	16
The Opportunity Cost of the NYC’s Anti-“Sex Trafficking” Taxicab Rule . . . . .	21
Economics of “End Demand”: Reducing Demand Can *Increase* Supply in Prostitution Market . . . . .	23
Anti-Criminalization: Criminalization Happens on the Ground, Not in the Legislature. . . . .	29
System Failure Alert! Information . . . . .	32

# Introduction

This booklet is yet another compilation of short essays and articles I've been writing about sex work, sex trade, and the anti-trafficking movement.

In spring of 2011, I wrote *War on Terror and War on Trafficking: A Sex Worker Activist Confronts the Anti-Trafficking Movement*, which focused on debunking main claims of mainstream anti-trafficking organizations. In *Understanding Complexities of Sex Trade/Work and Trafficking* published in late 2011/early 2012, I discussed what sex trade actually looks like for people who come from complicated backgrounds, demonstrating how mainstream anti-trafficking rhetoric and politics harm the very people they are intended to "rescue."

Essays in this compilation extend the analysis of the previous two booklets on this important topic, with a special emphasis on the context of pervasive surveillance and criminalization of communities of color, immigrants, street youth, as well as people in the sex trade. Throughout the booklet, I am calling for a new multiracial coalition against state violence and criminalization, instead of narrowly focusing on sex workers' rights or on sex trafficking.

I hope that this booklet stimulates conversations among feminists, sex workers, progressive activists, and all others who need to be part of this emerging coalition.

If you are interested in learning further about the topics I discuss in this booklet, please follow me in social media:

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or read other booklets:

*Surviving the Witch-Hunt: Battle Notes from Portland's 82nd Avenue, 2007-2010*

*War on Terror & War on Trafficking: A Sex Worker Activist Confronts the Anti-Trafficking Movement*

*Understanding the Complexities of Sex Trade/Work and Trafficking*

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# Trade Secrets: The Tough Talk of the New Anti-Trafficking Movement

First published in *Bitch: Feminist Response to Pop Culture* magazine, Winter 2011 issue

In the 2008 film *Taken*, Liam Neeson plays Bryan Mills, a retired CIA operative whose undercover past is called into action when his daughter is kidnapped while traveling abroad and sold into sexual slavery. Using his counterterrorism skills to torture and murder those who stand between him and his daughter's captors, he eventually rescues his daughter and comes home a hero, with no consequences exacted for the violence he's inflicted in the name of his daughter's safety.



The film was a commercial, if not critical, hit (a sequel is forthcoming in 2012), perhaps because, like many a made-for-TV movie or *Law & Order: Special Victims Unit* episode, it served a voyeuristic interest in the world of forced prostitution and sex trafficking involving attractive young, white, middle-class female victims and ethnically Other (Eastern European in this particular case) male perpetrators. Its success also mirrored the real-world events of a presidential administration that justified the use of torture—euphemistically referred to as “enhanced interrogation techniques”—as a valid means of preventing catastrophic terror attacks, and which dismissed reported cases of extreme prisoner abuses like those at Abu Ghraib as exceptions: safety at any cost, by any means necessary.

The self-purported inspiration for Bryan Mills was retired colonel Bill Hillar of the U.S. Army Special Forces (a.k.a. the Green Berets), who was a popular keynote speaker, trainer, and consultant on the topic of human trafficking. Claiming to have multiple advanced degrees, he gave lectures, trainings, and consultations in which he described his daughter's abduction into sex slavery to law enforcement officials, private groups, and college audiences. According to Hillar, his daughter was abducted and sold to a brothel while traveling through Southeast Asia with a friend. Using his professional connections as a counterterror specialist, Hillar supposedly, like Neeson's character, traveled around the globe in search of his daughter. But, as he sadly told audiences, his story did not have the same ending: Despite his efforts, his daughter never came home.

Hillar was widely acclaimed as an American hero who, despite his loss, continued to share his experience and expertise in an effort to end human trafficking. In November 2010, he was scheduled to present the keynote lecture at the annual conference of Oregonians Against Trafficking Humans (OATH), on whose board he served. When, at the last minute, he

canceled his appearance due to personal circumstances, OATH instead presented a video recording of one of Hillar's earlier lectures.

As an audience member at that presentation, I felt unsettled by Hillar's demeanor in the video. There was something off in his graphic, detailed description of the taking, selling, and murdering of his daughter, and the fact that there was little to no mention of their relationship prior to her abduction. So I wasn't entirely surprised to learn, months later, that the "personal circumstances" that precluded Hillar's appearance at the conference included a pending investigation into his long history of fraud. As it turned out, Hillar never served in the U.S. Army, let alone the Green Berets. He had no academic credentials, nor any expertise in counterterrorism. And his daughter was never kidnapped, trafficked, or murdered.

Yet the simulacrum that is Bill Hillar has become part of the reality of the anti-trafficking movement, in which a language of militarization and vengeance is the basis for a disturbing take on activism in the name of the exploited.

"Human trafficking" is a relatively new term to describe the selling and trading of people. While it had been used in policy contexts in the past (as in the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others), it entered common parlance around 2000 with the passage of the Trafficking Victims Protection Act. A quick search on a news database shows that there were only three references to "human trafficking" or "trafficking in humans" before 2000. It was mentioned 9 times in 2000, 41 times in 2001, and broke 100 mentions for the first time in 2005. In 2010, there were more than 500 references.

The proliferation of the term signifies a rhetorical shift on the part of the U.S. government. Simply put, framing forced migration and labor (sexual and otherwise) as the work of international criminal enterprises, comparable to the smuggling of drugs and weapons, elides the reality that it is a social and economic issue arising from poverty, economic disparities, globalization, and unreasonable restrictions on migration. The U.S. government's approach places the focus squarely on identifiable enemies who are often construed, like the kidnappers in *Taken*, as evil, sadistic, ethnic Others—ignoring the ways in which capitalist social and economic structures (some of which the U.S. government has actively promoted) make people vulnerable.

As a result, the United States' recent commitment to a "War on Trafficking" mimics previous efforts—the epically failed "War on Drugs," the nightmarish "War on Terror"—copying the "Just Say No" urgings of the former and the "Either you're with us or you're against us" rhetoric of the latter and offering an easy, black-and-white worldview that lacks structural analysis into systems of inequality and domination.

Take anti-trafficking newcomer Stop Child Trafficking Now (SCTNow),

which is quickly gaining the support of companies like Facebook and Microsoft as well as the blessing of celebrities like Ashton Kutcher. The organization describes its “innovative approach” to addressing the trafficking of minors thus:

Stop Child Trafficking has chosen to fund a bold, new approach, one that addresses the demand side of child sex trafficking by targeting buyers/predators for prosecution and conviction. [...] SCTNow has launched a national campaign to raise money for retired military operatives targeting the demand side of trafficking.... These operatives use the skills developed in the War on Terror in this war to bring down predators. Professional law enforcement have vetted this strategy and are eager to work with these operative teams once funding is secured.

Special Operative Teams gather information about child predators both in the U.S. and abroad.... These teams possess skills beyond the average military or law enforcement individual—skills that enable them to achieve their goals in foreign lands independently, without support of U.S. law enforcement resources.

Part of me wishes that this approach could really work. But shouldn't we be a bit hesitant to trust military operatives who developed their skills in the War on Terror, seeing as how these same “experts” led the United States to invade a country that had nothing to do with 9/11, detained Arab and Muslim Americans without due process, tortured innocent civilians and prisoners of war, conducted surveillance on Arab and Muslim communities in the United States, “renditioned” suspects to countries to outsource torture, and illegally wiretapped our telephone calls?

SCTNow's description of its “special operations”—which the organization outsources to Global Trident, a private for-profit military intelligence firm with close ties to defense contractor Northrop Grumman, evangelical Christian outlet Middle East Television, and former members of military and domestic intelligence agencies—is troubling. Equally disturbing is the fact that, as a private organization, “the Special Operatives are not bound by the same restrictions that keep U.S. law enforcement from conducting research against sexual offenders.” Thus, the intelligence they gather need not be limited to something that is directly related to trafficking or even prostitution. Operatives are encouraged to record anything and everything that they deem relevant or interesting, which means they can collect information about immigration status or the personal lives of people uninvolved with sex trafficking. Because the organization is a private entity, the usual policies of evidence discovery do not apply, and neither do prohibitions against racial profiling and entrapment. There is no public oversight. So while the organization claims to obey all applicable laws, can we feel truly confident when these same experts violated laws and regulations in their supposed pursuit of “terrorists”?

SCTNow, like many contemporary anti-trafficking organizations such as Shared Hope International and Love146, is part of a Christian fundamentalist movement (an article in the November 2011 issue

of *Christianity Today* even carried the subtitle: “Leading [Portland, Oregon’s] efforts to halt child trafficking is a network of dedicated Christians. Just don’t go advertising it.”). SCTNow was founded by Ron Lewis, the televangelist pastor of North Carolina mega-church King’s Park International Church, and his wife, author Lynette Lewis. Though I have spoken to several members of SCTNow who insist that most of the organization’s money comes from its nationwide “awareness walks,” King’s Park appears to be the organization’s single largest funder. Other prominent funders of anti-trafficking groups include NoVo Foundation, started by one of Warren Buffett’s children, and Hunt Alternatives Fund, founded by heirs to the fortune of Texas oil tycoon H.L. Hunt.

Given this background, it is not surprising that SCTNow, along with similar anti-trafficking concerns, uses a simplistic language of good and evil in its discussions of trafficking. In this way, its selling of the anti-trafficking movement closely mirrors the selling of the “War on Terror” in the immediate aftermath of the 9/11 attacks. Instead of untangling the resentment against American imperialism built up globally through centuries of exploitation, many Americans rushed to accept the nonsensical explanation, put forth by politicians and pundits, that terrorists “hate us because they hate freedom.” We wanted enemies that we could name and locate so that we might destroy them, not lessons in humility and self-reflection. Likewise, today’s mainstream anti-trafficking movement appeals to middle-class Americans with the idea that trafficking happens because there are bad people out there just waiting to take your kids away from schools and malls. Thus, its prevention efforts focus less on the systemic realities of poverty, racism, domestic abuse, and the dire circumstances surrounding runaway and throwaway youth, and more on installing high-tech security cameras at schools and stationing more security guards at malls. And it measures the success of its activities by the number of criminal convictions it achieves, rather than by the long-term health and well-being of the women and children who are most at risk.

Furthermore, contemporary anti-trafficking efforts like SCTNow and USAID, with its “anti-prostitution pledge,” conflate prostitution and trafficking, even when their efforts are well-meaning. They may rightly reject the Hollywood myth of the glamorous, happy hooker who’s fully in control of her circumstances, but in doing so they substitute an equally simplistic trope that denies resiliency and agency in the choices people make to survive structural inequalities. This, too, appeals to a simplistic idea: Namely, that no one chooses to engage in prostitution unless they are physically or psychologically forced to do so. If we believe that prostitution happens because bad people (often depicted as men of color) force good children (often depicted as white and middle-class) into engaging in it, all we need to worry about is how to keep these bad people out of our schools and communities and let law enforcement handle the rest.

Indeed, there’s a historical precedent for what we’re witnessing today. In the late 19th and early 20th century, the profile of the American citizenry



was changing: Racial and sexual anxieties took hold in the United States as emancipated slaves moved north, white women organized to demand suffrage, and immigrants from Eastern Europe and Asia flocked to the country. One result was a “white slavery” panic stoked by xenophobia. In response, an evangelical Christian movement was mobilized to combat the alleged evil. The presence of Asian women in brothels drew particular attention; because Asian women were considered hyper-submissive and therefore incapable of exercising agency, it was assumed that they had been imported for the purpose of sexual slavery. The panic eventually subsided without producing any actual evidence of such slavery, but its rhetoric did produce the nation’s first federal law against prostitution and trafficking, the Mann Act, and effected the extension of the openly racist Chinese Exclusion Act.

It’s not a stretch to say that the United States today is in the midst of similar anxieties about the nation’s racial and ethnic makeup. Anti-immigration sentiment is violently high, and legislations, such as that enacted in Arizona in 2010, are dangerously broad. Fear of terrorism is used to justify discriminatory treatment toward Muslims, Arabs, and many others who don’t fit a status-quo “American” look. Queer and trans people are still marginalized, but are coming closer to equality every day, at least in their legal status, including the right to marry someone of the same gender. And of course, we have a president of the United States whose father was an immigrant from Kenya and whose middle name is Hussein. So it’s particularly frustrating to witness the rise of a simplistic, military-minded anti-trafficking movement that refuses to engage with the social, economic, and political nuances of the environment in which it exists. Even more galling is the movement’s failure to acknowledge (and is, in fact, responsible for) undoing the many existing collaborations between public health officials, anti-violence activists, healthcare professionals, homeless advocacy groups, advocates for youth, immigrants, queer and trans people, groups led by people of color organizing within their own communities, sex workers, and other groups that took many years (beginning in the early stages of the 1980s AIDS epidemic) to develop.

Many of the groups in this broad coalition, especially the small grassroots groups led by members of vulnerable communities themselves, have been forced to shut down or scale back due to harsh economic conditions in recent years, while groups led or influenced by religious ideologues and law enforcement officials are expanding their reach as they receive anti-trafficking grants. Groups that have traditionally worked together are split between those that prioritize working with and seeking to empower the people who engage in the sex trade and those that support using state powers to crack down on prostitution. Some feminist foundations that previously supported grassroots groups—the Women’s Funding Network and New York Women’s Foundation among them—seem to have put their dollars on the anti-trafficking bandwagon. Women’s Funding Network, for instance, recently sponsored and promoted a methodologically flawed study claiming that sex trafficking of minors on Internet classified sites in New York, Michigan, and Minnesota had increased by up to 65 percent in

just six months.

Groups committed to social and economic justice are being replaced by a movement that promotes religious ideology, action-hero solutions, and flawed research (e.g., the oft-repeated but false claim that the “average age of entry into prostitution” is 12 to 14, or that 100,000 to 300,000 youth are forced into prostitution in the United States). The mainstream anti-trafficking movement negates the history of resistance against violence and self-empowerment within marginalized communities, and seeks to further militarize our schools, our borders, our public spaces, our society. And, as has been pointed out by the likes of INCITE! Women of Color Against Violence, granting more power to police, courts, prisons, immigration enforcement, and counterterrorism “experts” very often makes women and girls of color, as well as other marginalized people, more, rather than less, vulnerable to violence.

Take, for instance, the November 2010 raid of Club 907 in Los Angeles, a “hostess club” where men pay women to drink nonalcoholic beverages with them and to dance for them, fully clothed. According to the *L.A. Times*, the raid was intended to investigate allegations including labor code violations and human trafficking, but 81 out of the 88 people arrested were women working as hostesses, many of them undocumented immigrants who had been instructed by club management to obtain fake IDs. The *Times* further reported that the hostesses were “required to earn \$600 a week for the club, which means being selected by men to socialize for at least 20 hours.... Those who don’t meet the quota see their wages drop to 16 cents a minute and receive no paycheck at all until they make up the shortfall. If a customer leaves without paying, the dancer is in debt to the club.” The police knew in advance that many women working at the club were likely to be undocumented, and that they were likely to be severely exploited by the club owners, in conditions possibly reaching the legal definition of human trafficking. Yet the cops moved in as if the women were the criminals rather than the victims. That they arrested more than 80 women on criminal charges arising from their undocumented status should lead us to question the authorities’ commitment to enforcing labor laws and protecting victims of human trafficking.

The battle feminists and human-rights activists are facing now is not a simple rehash of whether sex work should be legal, or can be empowering, or is itself grounds for victim status. It’s about how to acknowledge the realities of trafficking and work to curb it while not tacitly supporting and furthering the tone set by religious fundamentalists, myopic law enforcement, and sensationalistic media. In September 2010, Third Wave Foundation issued a statement that emphasized a need to recognize “young people engaged in sex work and impacted by the sex trade as critical partners in ensuring health and justice” rather than viewing them as powerless victims in need of unilateral “rescue.” With support from INCITE! and Third Wave Foundation, a group of radical women of color, queer people of color, and indigenous people who have engaged in or are currently engaging in the sex trade held a

national leadership institute, which led to the recent formation of FUSE (Fed Up and Strategizing for Empowerment). FUSE works to counter the worldview that collapses the complexities and diversity of people's experiences within the sex trade as well as social and economic factors that shape them into an overly simplistic notion of "modern-day slavery." It opposes Hollywood-style "solutions" that harm the very people—like the hostesses at Club 907—they ostensibly aim to help, and calls for approaches that engage and empower those of us who experience the sex trade. The struggle must be ongoing, because no single policy change—decriminalizing prostitution, for instance—will fundamentally transform the social and economic structures that abet the exploitation of marginalized communities.

Activists like those in FUSE face an uphill battle in an environment dominated by organizations that mask their moralism with a desire to protect the vulnerable, politicians who want to score tough-on-crime approval points, the private security industry that makes money off crisis and panic, the mass media that profit from oversimplification and sensationalism, and celebrities who need a pet cause. Still, regardless of how one thinks about prostitution and pornography, feminists have a common investment in solutions that actually reduce violence.

Feminists have been organizing against trafficking of women, children, and others for the purpose of sexual exploitation long before televangelists, counterterrorism experts, and celebrities got on board. We can lead society once again by refocusing the anti-trafficking movement to center the voices and struggles of people whose stories are not the ones dramatized on the movie screens—and who are all the more vulnerable for their erasure.

## Update

Shortly after this article was published in *Bitch* magazine and AlterNet, an NBC affiliate station in Kansas City aired an investigative story about SCTNow which pointed out that the organization "is not living up to its promoted message of taking child predators off the streets." (KSHB Action News, 10/27/2011).

According to reporter Ryan Kath, local nonprofit organizations around the country were contacted by SCTNow about "partnering" for its fundraising campaigns, but none of the money raised in these communities seemed to remain in the communities to provide services for victims or to expose human trafficking. He went on to report that SCTNow paid \$400,000 per year for "special operative teams" of ex-military and law enforcement officials to investigate predators, but could not confirm that its activity had led to any arrest or prosecution.

Following year, SCTNow chose not to hold any fundraising events in Kansas City, stating that "we are enlisting supporters and raising money in communities that believe in us and our cause." (KSHB Action News, 09/07/2012).

# FBI's Campaign to "Rescue" Youth Continues to Cause Mass Arrests of Adult Women in the Sex Trade

*June 25, 2012*

I've been keeping track of all prostitution arrests (mostly adult women who are selling sex) in Portland area for the last several months for a project I am working on right now, and noticed an unusual spate of arrests over last week. It was quite depressing to see so many women being criminalized and imprisoned for simply trying to survive, so I wrote this comment on my facebook wall:

There have been 14 arrests of women engaging in prostitution in Multnomah and Washington counties in the last week. At least half of them have been arrested for the same offense in the last year, and three in the last couple of months. One woman has been arrested 10 times in less than a year (and the only reason she wasn't arrested any more than that is that she spent much of last year in jail). Why is our government wasting resources criminalizing people instead of using the same resource providing real options?

One of the reasons arrest records seemed unusual last week was that they were spread out to various parts of Portland as well as to surrounding cities of Gresham and Beaverton: ordinarily, East Precinct of Portland Police Bureau arrests vast majority of the women, followed by North and Central precincts.

On Monday (June 25th), I find the explanation: over the weekend, FBI and local law enforcement authorities around the nation have conducted yet another installment of Operation Cross Country, the coordinated nationwide three-day hunt for victims of "commercial sexual exploitation of children" (CSEC, or as I'd like to call it, CSEY with "children" replaced with "youth"). According to the FBI Innocence Lost Initiative press release, this iteration resulted in "recovery of 79 children" and arrests of "104 pimps" by the 47 FBI-local task forces over the three days.

Interestingly, FBI did not release the total number of arrests, which includes "pimps," buyers, and sellers of sex, as they did in the past. During the Operation Cross Country V (November 2010) for example, FBI reported that 885 people were arrested overall, 99 of which were "pimps." Since arrests of buyers is extremely rare, it is reasonable to assume that the vast majority of arrests that were not for the "pimps" were arrests of people who trade sex, mostly women (including trans women). OCC-V claims to have "rescued" 69 minors from CSEY nationwide, while more than 10x women were arrested for basically doing the exact same things these young people were doing. We are unable to make a similar comparison of scale because FBI chose not to publish the number of all arrests.

Below is an updated chart summarizing the information released by FBI through its press releases.

	<b>Date</b>	<b>Cities</b>	<b>“Rescues”</b>	<b>“Pimps”</b>	<b>All Arrests</b>
<b>1</b>	06/2008	16	21		390
<b>2</b>	10/2008	29	49	73	642
<b>3</b>	02/2009	29	48		571
<b>4</b>	10/2009	36	52	60	700
<b>5</b>	11/2010	40	69	99	885
<b>6</b>	06/2012	57	79	104	

Source: Compiled from FBI Press Releases, 2008-2012.

Interestingly, FBI no longer publicizes the number of all arrests during the nationwide sweeps, possibly because that information reveals the fact the campaign to “rescue” young people actually result in mass arrests of adult women in the sex trade.

But is it worth it if many young people are “rescued”? *Daily Mail* (06/26/2012) reports that teenagers “rescued” from prostitution “were handcuffed and held in police custody until they could be placed with child welfare organisations,” which could mean prolonged involvement of child welfare systems and involuntary “rehabilitation” services that have already failed many youth—the very institutions that many of these young people have run away from in the first place.

I also suspect that many of these “pimps” are not actually those who control youth or exploit them, but friends, partners, and family members who are accused of being pimps. Real (abusive) pimps are notoriously difficult to identify or to prosecute, and they also do not share their victims (like 3 young people to 5 pimps). Some “pimps” may even be adults sex trade who are mentoring or working with each other.

Lacking further the disclosure from FBI, I looked up local media reports for more details, including the breakdown of “arrests” (short summary: they are mostly adult women in the sex trade). You can find the roundup of information combed from various local media sources on my blog at:

<http://eminism.org/blog/entry/326>

# Stop Labeling Sex Worker Activists “Pimps”: Criminal Charges Do Not Tell the Whole Story

May 30, 2012

Last week, sex trafficking survivor and activist Stella Marr wrote an interesting article “exposing” some of the leaders of sex worker’s rights groups as “pimps” who are “posing” as sex workers, ostensibly to silence survivors like herself and to promote “policies that protect pimps.” I appreciate her effort to address the conflict of interest within sex worker organizing as it is something I’ve been speaking out about, but I am troubled by her use of criminal records to support her claim that many “sex worker activists” are actually “pimps.”

That said, I want to state this first: regardless of what one’s views regarding prostitution and sex trade are—whether they are pro- or anti-prostitution, feminist or moralistic, libertarian or paternalistic, secular or religious—I feel a sense of connection to and camaraderie with everyone who has lived through abuse and exploitation in the sex trade. I hesitated responding to Ms. Marr because I fear that there are people out there who are not one of us, who would quote my words to attack her, as they would use her words to attack me and others like me. But this discussion is so important that I could not avoid it.

One of my first encounters with the national sex worker’s movement was in 2001, when I attended a series of workshops for sex workers held in conjunction with the Sex Worker’s Art Show in Olympia, Washington. I was naive about the racial/class/etc. division within the sex worker’s movement at the time, so I was really excited to be surrounded by sex workers who were proud, not ashamed, of what they did. I had never thought that it was possible to validate myself as a “sex worker,” rather than feeling ashamed or damaged about my experiences. (And this honeymoon period with the sex worker’s “community” and the sex worker identity lasted for less than a year.)

But even to my naive self, it felt very weird and offensive to hear one of the presenters chastise sex workers “who don’t enjoy their job” as being “sex-negative.” It was later that I found out that she had stripped behind a protective glass while she was a graduate student “as part of a research project,” and was managing a sex toy shop at the time. No wonder: as a manager, she had a vested interest in convincing her employees (which, I don’t consider sex toy shop workers to be “sex workers,” but that’s beside the point) that their jobs are fun and liberating: it’s cheaper than offering good pay and benefits.

Similarly in 2004, I was involved in the debate at/around St. James Infirmary, a free comprehensive health clinic specifically for sex workers in San Francisco. In order to make up about \$80,000 budget shortfall

after a funding cut from the city, SJI organized “Erotic Health Day,” on which “much of San Francisco’s adult entertainment community, including local exotic dancers, adult entertainment club owners, and sex workers” donate 10% of their proceeds to the clinic. The fundraiser was endorsed by the owners of the clubs (Hustler Club, New Century Theatre, Market St. Cinema, and others), but many sex workers were concerned that dancers would be forced or pressured by their bosses to give up their earnings.

In addition, there was a concern about St. James Infirmary, an institution that has to stand on the side of the vulnerable workers, becoming financially dependent on the bosses who exploit dancers every day. The controversy was further exacerbated after critics discovered that one of SJI’s board members (at the time) was a club owner, and that the board had contracted with his company to provide publicity for the fundraiser.

In that sense, Ms. Marr is right: for a movement that purports to promote the notion that sex work should be treated just like any other work, its failure, in many instances, to actually treat sex workers’ interests and rights violations like any other workers’ is deeply troubling, even though there are also many sex worker activists with labor rights and other social justice analyses.

Where I become concerned about Ms. Marr’s article is her reliance on criminal records to label and dismiss someone as a “pimp.” Charges she conflates with “pimping,” such as promoting/facilitating prostitution, running a brothel, etc. do not necessarily mean that someone is controlling or taking advantage of another person, or even profiting from another person’s sexual labor. Under Oregon law, for example, “promoting prostitution” is defined as:

A person commits the crime of promoting prostitution if, with intent to promote prostitution, the person knowingly:

- (a) Owns, controls, manages, supervises or otherwise maintains a place of prostitution or a prostitution enterprise; or
- (b) Induces or causes a person to engage in prostitution or to remain in a place of prostitution; or
- (c) Receives or agrees to receive money or other property, other than as a prostitute being compensated for personally rendered prostitution services, pursuant to an agreement or understanding that the money or other property is derived from a prostitution activity; or
- (d) Engages in any conduct that institutes, aids or facilitates an act or enterprise of prostitution.

This statute, which is similar to many other jurisdictions’, is quite broad. For example, it can apply to sex workers who share a “work space” to save money or watching out for each other to increase safety for themselves, or to people (including friends) who provide transportation

and other services for sex workers to work more safely, even if they are not controlling another person or profiting from their sexual labor. I am personally guilty (although I have never been charged with promoting prostitution), for example, of helping a friend who had just left a pimp learn to use Craigslist to post ads on her own, among other things, that might fall under this broad definition.

One reason it is so broad is that real pimps (i.e. those who control other people and pocket their earnings) are notoriously difficult to prosecute for what they do, which in Oregon law is called “compelling prostitution.” Prosecutors want to have the option to charge them with something that is easier to prove in court. But the same law can be and are used to target sex workers, survivors, and our associates—sometimes even as a threat to coerce us into “cooperating” with the prosecution against those they perceive to be “pimps.” In addition, while I don’t have any hard data, I would not be surprised if racial/class/gender/etc. stereotypes and prejudices sometimes influence what specific charges are brought against sex workers and victims of sex trafficking.

The distinction between people who “engages in any conduct that institutes, aids or facilitates an act or enterprise of prostitution” and those who actually perform the sexual labor (trafficked or otherwise) is not as clear as Ms. Marr suggests. Many of us who trade sex, regardless of why or how we do it, are also vulnerable to prosecution under “promoting prostitution” laws: it can apply when we exchange health and safety tips or are on the lookout for a friend who is getting into a strange vehicle. It will definitely apply when a pimp asks (or makes) us talk to and recruit other “girls.” That should not disqualify us from speaking as a sex worker or a survivor of abuse and exploitation for that matter; in fact, it is part of what it means to be a sex worker or survivor of abuse and exploitation in the sex trade.

Pimps who control and abuse other people should never be allowed to speak as a sex worker or lead a sex worker organization. But people whose criminal histories include “promoting prostitution” and other similar charges are not necessarily guilty of controlling and abusing us, and some of them are actually not any different from us. Ms. Marr is correct to point out that sex worker’s movement often fails to address the inherent conflict of interest that exists within the sex industry as well as in the sex worker’s movement, but I don’t agree with her tactic of using people’s criminal history to reduce them to “pimps” just like her abusers.



# Trans Women of Color in the Sex Trade Misclassified as “Clients” in Chicago’s “End Demand” Initiative

*June 6, 2012*

In her blog post “Mug Shots: Transgender ‘Johns’,” research methodologist Rachel Lovell reveals that a large number of people whose mug shots have been posted by the Chicago Police Department as individuals arrested for soliciting for prostitution (i.e. buying sex) appear to be transgender women of color.

According to Lovell, Chicago Police Department has been posting mug shots and personal information of people who were arrested as “buyers” of sex online in 2005. Public posting of the mug shots of people arrested as “buyers” of sexual services has been a cornerstone of many “end demand” campaigns targeting the “johns” throughout the country.

Her research center, Social Science Research Center at DePaul University, began collecting the published information since 2010, and she almost immediately noticed a curious trend: a significant portion of mug shots seem to show individuals wearing clothes, hair, makeup, and accessories that are clearly feminine in presentation, despite the fact they are categorized by the police as male “buyers” of sex. In fact, over 10% of the mug shots published in the two-year period from March 2010 to March 2012 show faces of trans women.

Those who consider trans women as “men in disguise” might jump on such finding as an evidence supporting their prejudice, while the rest of us instinctively get the feeling that there is something wrong with the notion that over 10% of individuals who have been arrested as “johns” are trans women. Further analysis by Lovell and her team indicate that there is, indeed, something unusual going on.

According to her breakdown of arrest data, there are stark differences between non-transgender men who are arrested as “johns” and trans women who were arrested for the same offense, beyond their gender identity and presentation. Trans women who were arrested as “johns” tend to be overwhelmingly (92.7%) Black, compared to less than half of non-trans arrestees; they are much younger too.

Young trans women of color are not known to patronize prostitutes in droves. But they are known to be more likely to engage in prostitution to survive, more so than any other group I can think of. In fact, any young trans woman of color is vulnerable to be profiled and arrested as prostitutes even if one is not engaging in the sex trade. This is also the group most often targeted for hate crimes, and for police harassment and brutality. Lovell is probably right to assume that these women are far more likely to be sellers, not buyers, of sexual services.

It is not clear to me if they are actually arrested under false premise as “johns,” or the Chicago Police Department is simply publishing names and photos of any legally male individuals arrested for prostitution (since many laws do not distinguish buyers and sellers—which is another discussion). But regardless, there is no question that they know exactly what they are doing: maliciously punishing and humiliating women for their race, gender, gender identity, and class for daring to survive.

This intentional mislabeling of trans women of color as “johns” by the Chicago Police Department of course reminds me of the recent case of CeCe McDonald, a Black trans woman who has just been sentenced to serve 41 months for defending herself against violent assailants. In McDonald’s case, too, she is not just punished for doing what she had to do to survive, but on top of that she is misclassified as a male perpetrator: she will spend her sentence in a men’s prison. The message is clear: for trans women of color, survival is a crime.

There has been a huge war of words over a radical feminist conference in the U.K. that excludes trans women from attendance over the last couple of weeks, but that exclusion does not occur in a vacuum. The same radical feminists who disregard trans women’s lived realities of womanhood under the patriarchy are also behind the punitive/criminalizing approaches to prostitution including “end demand” initiatives (e.g. Sheila Jeffreys who has been banned from the venue of the radical feminist conference for hate speech against trans women before the venue canceled the conference altogether is the Australian representative of Coalition Against Trafficking in Women).

Trans women of color know that this is not just an issue about some obscure conference of close-minded folks: transphobia, racism, and the persecution of women and other people in the sex trade are inseparable, and the violence of trans exclusion and misclassification, racial and gender profiling, hate crimes against trans women of color, and State violence are all connected and constantly present in the lives of trans women of color.

# Gangs and Sex Trafficking: Latest Target in the “War on Trafficking”

*July 16, 2012*

Popular discourse surrounding human trafficking in the U.S. have gone through several transformations since the dawn of this century. For example in 2000, with the passage of Trafficking Victims Protection Act in the United States, and the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons by the United Nations (as a supplement to its Convention against Transnational Organized Crime), “human trafficking” began to be understood primarily as a transnational criminal enterprise comparable to illegal trafficking of weapons and drugs. This perspective is a distinct departure from the more traditional approach which dealt with human trafficking in relation to poverty, migration, labor, and development.

The next transformation took place around 2008-2009, when American media and politicians began focusing (sometimes exclusively) on domestic minor sex trafficking (DMST) or commercial sexual exploitation of children (CSEC—although I believe it should be called CSEY with the word “youth”), instead of the more traditional emphasis on foreign victims who are trafficked transnationally. The frequency of media coverage of DMST/CSEY exploded, as did the number of “anti-trafficking” groups (which mostly focus on DMST/CSEY) in the U.S., and the sensationalistic rhetoric of “modern day slavery” and “sex slaves” became commonplace.

There is yet another rhetorical and substantive transformation of the U.S. anti-trafficking discourse taking place today, even though few people outside of the law enforcement and anti-trafficking groups that partner with them are taking notice. The shift I am pointing out is the recent move by the U.S. government agencies to re-classify DMST/CSEY as a primarily “gang” issue and take actions accordingly.

This is a trend I’ve been sensing for a while, but it was not until I heard directly from an assistant to the U.S. Attorney’s Office in Oregon that it had moved the issue of DMST/CSEY to the purview of its “gang unit” (as opposed to the civil rights division, which handles transnational labor trafficking) that I began to realize that there is something to the vague suspicion that I had been feeling. Further research has confirmed that there is a deliberate shift in the rhetoric and strategy U.S. government agencies and its allied anti-trafficking groups employ in their campaigns against DMST/CSEY.

Media reports about DMST/CSEY involving street gangs precede official government declarations by two to three years. They first began appearing in the U.S. context in 2008, when teenage gang members were arrested for “sexual assault, engaging in organized criminal activity, prostitution, and kidnapping and trafficking of a person” in Fort Worth

(*Dallas Morning News*, 01/16/2008). There were several other reports in Missouri, Washington State, Minnesota, and elsewhere in the next couple of years as well (*New York Times*, 07/23/2008; *Seattle Times*, 03/26/2009; *Star Tribune*, 09/23/2010; and others). A report by the San Diego Anti-Trafficking Task Force claimed that “street gangs are partly to blame for an increase in teenage prostitution,” describing it as the “second largest source of income for San Diego gangs” after drug dealing (*KPBS*, 11/09/2010).

(Note that this discussion is limited to media reports in the United States. News stories linking “gangs” to sex trafficking have been common in Europe since at least mid-2000s, but the “gangs” they are referring to are very different from what U.S. media are calling “gangs.” In the European context, “gangs” are frequently members of Russian mafia and other “grown up” criminal organizations with clandestine ties to members of the political and business establishment class, unlike U.S. street gangs that are made up primarily of youth of color.)

Former Republican presidential candidate and Texas governor Rick Perry was one of the first political leaders to call attention to the link between gangs and DMST/CSEY. According to *Houston Chronicle* (08/20/2010), Perry proposed “stiffer penalties” for human trafficking—25 years to life—on the premise that penalties were “directed at gang members who run the prostitution rings.”

The shift in the law enforcement’s approach to DMST/CSEY is evident in the changes from the FBI’s 2009 National Gang Threat Assessment to its 2011 revision.

In the 2009 edition of the report, there is not even a single mention of sex trafficking or DMST/CSEY except for statements that report the fact that some gangs operate “prostitution rings” or (voluntary) smuggling of “illegal aliens.” On the other hand, the 2011 edition contains a specific section about “Gangs and Alien Smuggling, Human Trafficking, and Prostitution” which describes human trafficking and forced prostitution as major sources of revenue for gangs:

Human trafficking is another source of revenue for some gangs. Victims—typically women and children—are often forced, coerced, or led with fraudulent pretense into prostitution and forced labor. [...] Prostitution is also a major source of income for many gangs. Gang members often operate as pimps, luring or forcing at-risk, young females into prostitution and controlling them through violence and psychological abuse.

Three weeks after the release of the 2011 National Gang Threat Assessment, NPR’s “All Things Considered” aired a story titled, aptly, “Gangs enter new territory with sex trafficking” (11/14/2011), which seemed to have served as a template for many other news reports about the “new” development. NPR reported:

[A] new FBI threat assessment says MS-13 and other street gangs have been moving into some different territory: human trafficking. The bureau says gang members are leading women and children into forced prostitution. [...] “You have a gang that’s taking advantage of people that are in a desperate situation, usually runaways or someone that’s looking for help from the gang,” [Immigration and Customs Enforcement investigator John] Torres says.

U.S. Attorney General Eric Holder echoed the message in his April 2012 speech about human trafficking at Clinton School of Public Service at the University of Arkansas:

As incomprehensible as it seems, trafficking in girls is an increasingly prevalent part of gang activity. These crimes are seen as “low risk and high reward.” [...] Today, these transactions can be executed quickly, conveniently, and anonymously over the Internet—and many of them involve young children. [...] Because we know these heinous crimes can arise in any criminal context—and because it is not uncommon for traffickers to be involved in a variety of other criminal enterprises, [...] we are taking steps to ensure that investigators and prosecutors who work on organized crime, gang, and financial crime cases are fully trained to identify human crimes—and human trafficking victims.

Contrast this to Holder’s earlier public statements, such as the November 2009 written testimony to the Senate Judiciary Committee or the May 2010 speech at the National Conference on Human Trafficking, both of which strongly condemn sex trafficking and emphasizes how the Department of Justice is vigorously fighting it, but do not make any link between sex trafficking and street gangs.

Anti-trafficking groups and activists have picked up on the trend as well. For example, anti-prostitution scholar and activist Laura Lederer published an article titled “Sold for Sex: The Link Between Street Gangs and Human Trafficking” on the exact same day the FBI released its revised National Gang Threat Assessment. Lederer wrote:

The facts from hundreds of criminal cases show a clear link between dangerous street gangs and the scourge of human trafficking. [...] With state and national crackdowns on drug trafficking, gangs have turned to sex trafficking for financial gain.


She further argues that strict enforcement of anti-trafficking laws could be “another prosecution weapon against the dangerous street gangs that endanger our communities and our nation. [...] The vigorous prosecution of human trafficking can help bring down street gangs that also engage in murder, robbery, and drug trafficking.”

Anti-trafficking groups have frequently argued that there are two main types of pimps: “boyfriend/finesse pimps” and “gorilla pimps”: The former refers to pimps who use romantic gesture and psychological manipulation to control their victims, while the latter describes those who use physical violence and intimidation to force the victim to engage in prostitution.

Below is an example of this classification, taken from a 2011 presentation by Polaris Project, a national anti-trafficking organization.

## PIMP-CONTROLLED TRAFFICKING - RECRUITMENT

Finesse Pimp	Gorilla Pimp
<ul style="list-style-type: none"> <li>• Presents as a caring individual</li> <li>• Makes promises of a better life/romantic future</li> <li>• Control is through psychological manipulation</li> </ul>	<ul style="list-style-type: none"> <li>• Obtains victims through abduction</li> <li>• Immediate rape and physical abuse</li> <li>• Strict confinement and isolation</li> <li>• Limited access to outside world</li> </ul>

 POLARIS PROJECT  
FOR A WORLD WITHOUT SLAVERY

Source: Polaris Project

Below, you will see a newer version of the same classification system, taken from a May 2012 presentation by YouthCare, a Seattle-based homeless youth advocacy organization (which, like Portland’s Janus Youth, seems to have bought into the police-centered approach to DMST/CSEY). Instead of two, the slide depicts three distinct categories of pimps: “boyfriend pimp,” “gorilla pimp,” and the all-new “gang pimp.”

### Types of Pimps:

Boyfriend Pimp	Gorilla Pimp	Gang Pimps
<ul style="list-style-type: none"> <li>• Psychological control and manipulation</li> <li>• “Sells the dream”; youth believes pimp is her boyfriend</li> <li>• Violence as enforcement</li> </ul>	<ul style="list-style-type: none"> <li>• Severe violence and forced drug use as primary control</li> <li>• Frequently kidnap youth and traffic out of area</li> </ul>	<ul style="list-style-type: none"> <li>• Gang pimping is a newer trend</li> <li>• Girls often used sexually/violently in gang initiation</li> <li>• Dual loyalty to gang and “boyfriend”</li> </ul>

 YOUTHCARE  
FOR A WORLD WITHOUT SLAVERY

Source: YouthCare

What is ignored in all of these discussions of the (racially coded) evils of “gangs” is that many young men of color (and others) become gang members and engage in its criminal activities for many of the same reasons many young women of color (and others) are lured into the sex trade: poverty, failure of social and child welfare systems and public education, lack of viable economic opportunities, psychological and historic trauma. After all, what is the moral difference between a young woman who is told to go out and sell sex, and a young man who is told to go out and sell drugs? And yet, the mainstream anti-trafficking discourse would have us believe that the young woman is an innocent victim but the young man is an evil criminal.

Anti-trafficking discourse has always carried racist and xenophobic overtones, but the recent shift in the rhetorics and strategies of U.S. government agencies is escalating it to the level indistinguishable from the racist, classist War on Drugs and its vilification of youth of color, immigrants, street youth, among others. That we have a movement that claims to be outraged by the horrors of “modern day slavery” which then targets the descendants of those who have survived slavery and colonization as its primary perpetrators while remaining completely oblivious to the legacies and consequences of these historical trauma is nothing short of perversity, a moral and logical failure.

If we are to believe, which I do not necessarily object to by the way, that gangs play some role in DMST/CSEY, our approach to solving the problem cannot and should not rest on the “vigorous prosecution” alone. We need strategies to offer more attractive alternatives to gang life that are compatible with human rights and dignity for all involved, those that empower marginalized communities to take care of their constituents and deal with problems they have in their own initiative and leadership.

# The Opportunity Cost of the NYC's Anti-"Sex Trafficking" Taxicab Rule

*July 10, 2012*

In June, New York City mayor Michael Bloomberg signed into law a new regulation targeting taxicab drivers who knowingly transport people who are engaging in prostitution. The new law imposes a \$10,000 fine and the revocation of taxi license when the driver or owner of that taxi is convicted of such crimes as promoting prostitution (first through third degree), compelling prostitution, or sex trafficking, if the licensed vehicle was used in the crime.

Critics of the law have pointed out that the new regulation might lead cab drivers to refuse rides to any woman who are suspected of being prostitutes or sex trafficking victims (based on their appearance and other factors) out of fear that giving transportation to someone who might be involved in the sex trade could be construed as "promoting prostitution."

Indeed, when the bill was proposed, female bartenders who must frequently use cab to go home late at night held a protest against the proposed law. The president of the New York State Federation of Taxi Drivers also protested the regulation, arguing that it would encourage police officers to arrest innocent cab drivers who are simply doing their job.

While members of the New York City Council assure us that the law does not require cab drivers to determine who is or is not involved in the sex trade, pointing out that the driver has to be first convicted of one of the crimes listed above before the additional penalty kicks in, drivers' and female riders' fears are not entirely unwarranted, considering how broadly "promoting prostitution" is defined. Under law, "promoting prostitution" could simply mean that one "knowingly causes or aids a person to commit or engage in prostitution," which providing transportation to and from a "date" would qualify, for example.

That said, my concern with this law is not about innocent cab drivers who might be wrongly targeted because he or she transported someone who turned out to be a prostitute or trafficking victim, or even about innocent female riders who experience inconvenience and annoyance as they are refused rides. My concern is about the loss of an opportunity to actually partner with cab drivers to offer resources and support to people in the sex trade, including victims of sex trafficking (though most actual sex trafficking rings do not use commercial cabs, as pointed out by the Sex Workers Project at Urban Justice Center; they generally use private vehicles that are not licensed as taxi).

New York City does intend to provide training to cab drivers to identify and report suspected sex trafficking victims. But that is not likely to be helpful to the actual victims of sex trafficking, as many victims would



simply go back to their traffickers rather than testifying against them in the absence of legal, financial, and emotional support and services they need. It is also very annoying and inconvenient to those who are wrongly reported as potential trafficking victims, and downright harmful to those who are non-trafficked sex workers, immigrants, and others who wish to avoid interacting with the law enforcement.

Contrary to the sensationalistic rhetoric of “modern day slavery” and “sex slavery,” the actual practice of sex trafficking in the United States—where one person exercises power and control over another person to exploit that person sexually for financial gain—usually looks more like domestic violence than chattel slavery (or rather, what most people imagine chattel slavery to be). We should not hesitate to call the police when we hear or see signs of immediate, life-threatening violence from our neighbor’s house, of course, but calling the police may not always be the best response when we are supporting a friend or neighbor who is in an abusive relationship. In an ongoing, long-term relationship that has elements that are abusive, and I include many “sex trafficking” or “pimping” relationships in this, calls made to the police, especially by a third party, might make things worse and more dangerous for the victim, not safer.

There are many initiatives within anti-domestic violence movement that attempt to build community support for people who are in ongoing, long-term abusive relationships. One example of such strategy is anti-DV organizations partnering with cosmetology schools and practitioners to educate hairstylists and others in the field to become the first line of support and information referral point for victims of domestic violence. Hair salons are ideal, because they are female-dominated space where women spend a long time chatting with each other about their lives while their hair is being done, away from their husbands and boyfriends.

The purpose of the partnership is not so that hairstylists can identify and report suspected abuse victims to the police; it is to build trust and rapport with the women, hear their stories, provide support and encouragement, and when a woman is ready and willing, give her resources she needs to escape from violence. What I wish the New York City had done is to adapt a similar strategy to reach out to people in the sex trade through cab drivers, whether or not their circumstances meet the legal definition of “sex trafficking.”

The problem with the New York City law is not that innocent drivers might get caught in the crossfire; it is that it discourages them from building trust and rapport with people in the sex trade by generating the fear that any knowledge about their passengers’ involvement in the sex trade might incriminate them and expose them to persecution. The problem is not that cab drivers have no way of determining who is or is not a prostitute; it is that they are prohibited from knowing who is, or from forming relationships with people in the sex trade that might one day allow more trafficking victims and other people in the sex trade to come forward and access support and services they need.

# **Economics of “End Demand”: Reducing Demand Can \*Increase\* Supply in Prostitution Market**

*August 30, 2012*

“End demand” approach to addressing human trafficking continues to gain traction, as law enforcement agencies across the country hold the third “National Day of Johns Arrests.” The 10-day simultaneous campaign against alleged buyers of sex is led by Cook County Sheriff Tom Dart, who claims that 66 johns have been arrested in Cook County alone.

Of course, Sheriff Dart’s claim is dubious, considering the fact that Chicago (which is in Cook County) Police Department routinely misclassifies trans women (frequently young trans women of color) who have been arrested for selling sex as “buyers”: as of this writing, the Chicago PD lists 36 “sex buyers” on its website dedicated to publicly humiliating alleged “sex buyers,” of whom 7 are clearly dressing as women (and a couple more appear gender-ambiguous).

I have in the past pointed out why “end demand” policies are harmful to people who work in the sex trade, and even provided a further explanation for the economics of “end demand” policies. But recently I had an online exchange with someone who goes by the name “uncorrelated” and seems to know a lot more about development economics than I do that helped me explore a possibility that I have hinted before but did not feel confident enough to articulate, because it appeared to go against basic economic theories which I have not been formally trained in anyway.

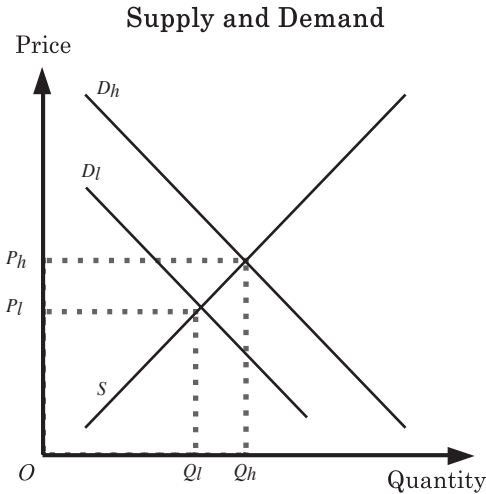
But after my conversations with “uncorrelated,” I am now prepared to make an unconventional and counter-intuitive claim: that “end demand” approach to prostitution, which seeks to reduce demand for commercial sex through public education, prosecution, public humiliation, and other means, may increase prostitution, rather than decrease it, under certain (realistic) conditions.

There are two important assumptions for this claim to be true. First, I assume that prostitution market has extremely low (or negative) downward price elasticity of supply, particularly at the lower end of the market (it makes sense to focus on the lower end, because prostitution market is highly segmented and people at the lower end are the ones most vulnerable to abuse and exploitation), because of lack of viable economic alternatives. Second, I assume that people who trade sex face a trade-off between generating income through sex trade and spending time and energy doing other activities (child-raising, family, community, school, leisure, etc.).

Elasticity is the degree to which changes in one economic variable (such

as price) can affect another (such as demand). It is calculated as the ratio of percentage change of the variable that is affected to that of the variable that is manipulated: for example, price elasticity of demand (i.e. degree to which demand is affected by the changes in the price) is calculated as (the change in demand):(the change in price). If a 20% increase in price for a particular product resulted in a 20% decrease in demand, the price elasticity of that product is 1; on the other hand, if the same price increase only caused a 10% decrease in demand, the elasticity is 0.5.

Proponents of “end demand” policies implicitly presume normal (high) elasticity in prostitution market: that is, they believe that a reduction in demand would be met with a comparable reduction in supply, arbitrated by the lower price for sex. Below is a supply and demand chart that presumes normal elasticity.

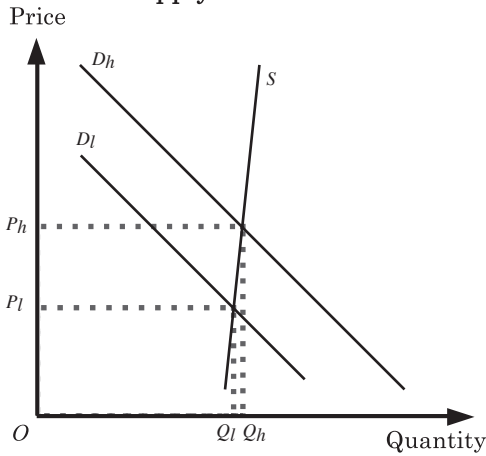


$D_h$  and  $D_l$  are demand curves (although I’ve made them linear lines for the sake of simplicity) corresponding to high and low demand scenarios. Where the demand curve intersects with the supply curve (represented by the line labeled  $S$ ) determines the price for which sex is traded, and the quantity of sex traded. The chart indicates that reduction of demand (shifting from  $D_h$  to  $D_l$ ) lowers both price and quantity of commercial sex.

But the supply side of prostitution market (people in the sex trade) are often there in the first place because they lack other viable or comparable economic options, and the reduction of the demand (and hence the price of sex) does not change that circumstance. If many sellers of sex do not have comparable alternatives to selling sex, they will be stuck trading sex for money even if the demand (and hence the price) goes down. That is, supply in prostitution market is downwardly inelastic.

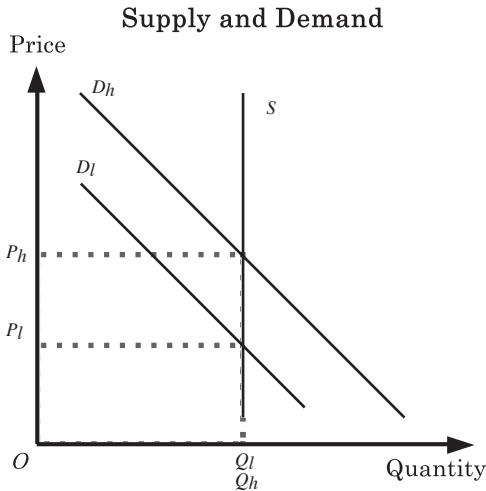
The next chart demonstrates this inelasticity of supply. Since price elasticity of supply is defined as the ratio of change in supply to that of price, lower elasticity can be represented by a more steep supply curve.

## Supply and Demand



This chart shows the same high and low demand curves, but the supply curve has been modified to reflect a lower price elasticity of supply. Compared to the first chart, this chart shows a more drastic drop in the trading price of sex, and much smaller decrease in the quantity of sex traded. That would mean that prostitution would become far less profitable but not much less prevalent.

A more extreme version of this scenario is the one in which (virtually) none of the people currently in the sex trade have viable alternatives (which, many anti-prostitution activists argue is the case). If none of them could find other sources of income, the supply elasticity would equal zero, which would look like this:



In the “zero elasticity” scenario, the level of demand (and hence the price) is irrelevant to the level of supply, because people are dependent on having income from it. Of course if the reduction in demand is more extreme—to the point they can’t find any buyers for sexual services at a price that is more profitable than, say, panhandling—there will be no supply whatsoever. But within reason, lower demand would only result in lower income and equal quantity of prostitution in the zero elasticity scenario.

Zero elasticity scenario may seem extreme and unrealistic, but it is not, especially when we are limiting our discussion to the lower end of the prostitution market. In fact, under certain circumstances elasticity can even be negative relative to what is generally expected: that is, a decrease in demand (and hence price) can lead to an increase (rather than decrease) in supply.

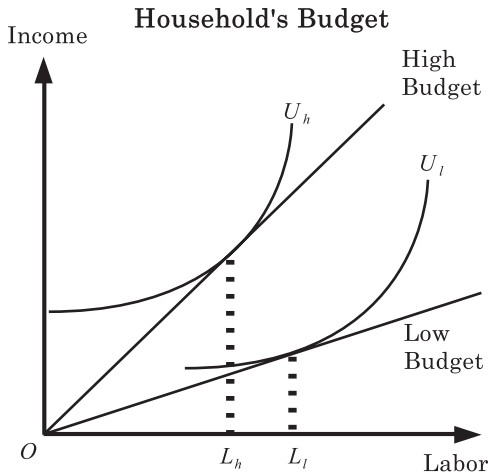
As counter-intuitive as it may be, this phenomenon is not unheard of in the field of development economics. For example, when the wage (price of labor) declines in a developing nation, families may try to compensate for the lower hourly wage by working longer hours, even sending children to work alongside adults rather than to school. Similarly, economists have observed that “fair trade” initiatives designed to increase payments to farmers in the developing nations for agricultural exports have sometimes resulted in these farmers working less hours—which may be a good thing if it makes them healthier or give their children opportunities to go to school. (See the chapter two of *Development Microeconomics* by Pranab Bardhan and Christopher Udry.)

This occurs because households face a different set of economic incentives compared to corporations. Corporations can hire more people or fire existing employees in response to the fluctuations in the market demand, but households cannot expand or contract at will. Increasing the amount of work necessarily reduces the amount of time and energy one has for other activities such as child-raising, family, community, education, and leisure. Because of this trade-off, households (and individuals) behave differently than do corporations.

Someone who works in the sex industry also faces this trade-off: the amount they work in the sex trade is negatively correlated to the amount of time and energy they have for other activities. When the market is booming, they might be able to make ends meet with minimal amount of work, which allows them to focus their time and energy for other things; however when the market bottoms out, they might be forced to work longer hours to make ends meet, sacrificing other responsibilities (e.g. children left by themselves or with untrustworthy associates) or their health (less sleep, less leisure time).

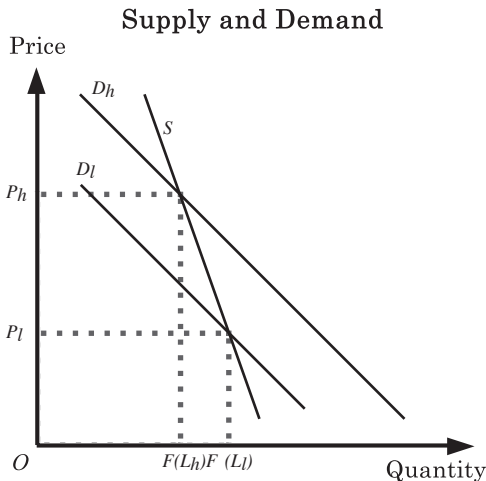
The next chart (provided by “uncorrelated”) compares “high budget/wage” and “low budget/wage” scenarios.  $U_h$  and  $U_l$  are indifference curves that show the optimal balance between the amount of labor and the level of income (i.e. household utility) under each scenario, as determined by the household. The straight lines represent the simple correlation between

the amount of work one performs and the income from that work: higher wage obviously means one can earn more for the same amount of work, hence the more steep line.



The amount of work each household decides to perform is determined at the intersection of the indifference curve and the wage line. When the price of sex decreases and the wage line shifts to the lower one, the amount of labor performed by the household goes up, from  $L_h$  to  $L_l$ , rather than going down, as predicted in a simpler economic model. If my analysis is correct, prostitution market is more like labor market in these developing nations than simpler commodity markets for things like corn and wheat.

The next chart takes into account this analysis to show what actually happens when "end demand" policies are implemented with the aim to reduce demand for commercial sex.



When the demand decreases from  $D_h$  to  $D_l$ , lowering the price from  $P_h$  to  $P_l$ , the supply actually increases, from  $F(L_h)$  (supply level in the high wage scenario) to  $F(L_l)$ . This is the exact opposite from what proponents of “end demand” policies have implicitly presumed would happen, and yet it is the logical, economically-sound conclusion if you add to the mix two simple, entirely reasonable assumptions about the lack of alternatives and the trade-off faced by people in the sex trade.

One might challenge the first assumption on the basis that many people in the sex trade actually do have other viable economic opportunities and will flee the sex industry if the price starts to decline. That may be true for some segments of the prostitution market, but unlikely for many who are in the lower end of the market, whom I am focusing here. I also do not expect any “end demand” proponents to make this argument, since they tend not to believe that prostitution can be freely chosen work for vast majority of people who are in the sex trade.

Proponents of “end demand” policies are more likely to challenge the second premise, arguing that people in the sex trade are frequently (physically for psychologically) forced to engage in prostitution, and are not in the position to make rational, utility-maximizing decisions for themselves. But if pimps are making decisions, they would certainly not accept a lower income simply because the market has bottomed out: they would likely use greater coercion to extract even more labor and thus income from the person they are controlling. So the end result would be the same: less demand leads to more supply.

“End demand” policies should be rejected because they harm the very people they are intended to help, and does not even succeed at reducing the supply of commercial sex in the long term (and may in fact increase it). Any reduction of demand will be temporary, because as long as there are no other viable economic opportunities, the price will decrease until it reaches a level that can attract enough demand to return. And on top of that, “end demand” policies push away clients (johns) who are relatively safer to work with and draw in those who are most dangerous, as I’ve argued before. The solution to economic desperation and vulnerabilities is to address that economic injustice, not to (make failed attempts to) mask its symptoms.

Note: I am seeking economists or economics students who are interested in collaborating on pushing this analysis further. For example, I want to figure out a systematic way to test the hypothesis through creative use of public information such as online sex ads and arrest records (indicating major sweeps) city by city. This may be a publication opportunity. Please email me at [emi@eminism.org](mailto:emi@eminism.org) if you are interested... and please share this article with people you know who might be interested.

# Anti-Criminalization: Criminalization Happens on the Ground, Not in the Legislature

*November 17, 2012*

I attended Harm Reduction Conference for the first time this year, and it was also the first year this conference had the “sex worker track,” a series of workshops and presentations throughout the conference dedicated to addressing harm reduction approach to meeting the needs of sex workers and people in the sex industry. I kept getting recruited to present in more panels, and ended up doing six presentations in four days (they are posted on my blog at [eminism.org/blog](http://eminism.org/blog)).

But there is a downside to holding a specific “track” on sex workers’ issues, as it became clearer as activists and advocates working for people in the sex industry discussed among ourselves: I felt that “sex workers’ issues” was treated like a separate set of issues, distinct from issues affecting people who use drugs—the central focus of the conference overall—despite the fact there are large overlaps between issues and concerns faced by both groups. And it is not just in the sense that many people in the sex trade also use drugs; more importantly, it is because social and economic circumstances that exacerbate risks both groups face are often the same.

For many activists participating in the “sex worker track,” it was obvious that the ascent of the mainstream “anti-trafficking” discourse that reduces the complex issue of sexual labor to evil “traffickers” forcing innocent “victims” into prostitution and prescribes further policing and prosecution as the solution is not just harmful to sex workers, but to people of color, immigrants, street youth, and all others whose lives are under pervasive surveillance and criminalization.

We were also keenly aware that police encroachment of social service systems under the guise of fighting human trafficking (mainly domestic minor sex trafficking) is dismantling the coalition based on harm reduction principles between social and economic justice movements and public health administration that we have built over last several decades, with devastating consequences for many other vulnerable communities in addition to people in the sex trade. But I’m afraid that the rest of harm reduction community are not recognizing this clear and present danger to the entire harm reduction movement because they compartmentalize “sex workers’ issues” as a side business, rather than one of the central themes of the entire movement.

One of the most exciting things that came about as a result of our discussions at the Harm Reduction Conference is a new framing for addressing how attacks on people in the sex trade which are perpetuated



by the mainstream anti-trafficking discourse operate in relation to other ways communities are targeted and criminalized by the state.

Mainstream (white, middle-class) sex workers' movement in the U.S. puts lots of emphasis on "decriminalizing" prostitution and sex work—i.e. eliminating laws that prohibit consensual adult commercial transactions involving sexual contact—as well as destigmatization of sex work. But to those of us who are street-based, immigrants, youth, transgender, etc. this agenda appear to be based on the naive premise that people engaging in prostitution are targeted by the state because the legislature has passed laws to criminalize prostitution. Those of us who live under pervasive surveillance and criminalization know that the cause and effect run the other way around: we are just targeted and criminalized for who we are, and the laws are passed by the legislature to justify it and make it more efficient.

In other words, criminalization happens on the ground, not in the legislature. For example, even though some States have passed "safe harbor laws" that define minors who are "rescued" from prostitution as victims rather than criminals, young people are still arrested and detained as juvenile delinquents, "material witnesses," mentally incapacitated, etc., or are "charged up" with drug and other crimes that result in longer sentences than simple misdemeanor prostitution offenses. Young people, especially young women of color and transgender women, are still profiled as suspected prostitutes, and are targeted for "stop and frisk" in search of drugs and condoms, which is construed as an evidence for prostitution. They are still forcibly placed under the child welfare system that many young people had to run away from in the first place, instead of simply serving 12 days in jail as they did before. We are not targeted just because we trade sex for money, food, shelter, survival; we are just targeted, period, and it is simply slightly more convenient for the state that some of us are also breaking laws against prostitution (and even if we aren't—we are automatically suspects).

What we need is an anti-criminalization movement, not decriminalization movement. An anti-criminalization movement is not just about sexual freedom or "right to choose," although it supports these ideas too. More fundamentally, it is about fighting for social and economic justice in the face of pervasive state violence against communities of color, immigrants, street youth, drug users, and others. An anti-criminalization movement is not just about changing laws, but about delegitimizing state violence from its very foundation of colonialism and genocide to slavery and the Prison Industrial Complex.

We saw a beginning of this new alliance in California, where voters earlier this month overwhelmingly approved Prop. 35, a ballot measure enacting several "anti-trafficking" laws focusing on increasing criminalization and policing. Even though Prop. 35 easily won statewide, the array of organizations that publicly stood against this problematic statute was impressive: along with some sex worker and civil liberties organizations, the list of critics included Black Women for Wellness, Latinas for

Reproductive Justice, and Causa Justa / Just Cause—organization led by people of color for people of color who saw through the feel-good anti-trafficking rhetoric of Prop. 35 and recognized it for the racism, sexism, and xenophobia that underlie the increased surveillance and criminalization of their communities.

It is this new, emerging alliance against criminalization of our people and communities in an increasingly multi-racial and queer/trans-friendly America that gives me hope in spite of the massive overreach of policing and criminalization advanced by the mainstream anti-trafficking movement. We need to continue having conversations not just about decriminalization as a matter of legal reform, but about anti-criminalization, linking the struggles of people in the sex trade with other people and communities that are also facing state surveillance and criminalization, building alliances with organization for racial, economic, gender, housing, queer/trans, and immigration justice.

(Thanks to people I spoke with at the conference, especially S. and K. for your insight that informed much of what I wrote here. This isn't my personal manifesto, but something that came bubbling in the space among and between all of us. I love you.)

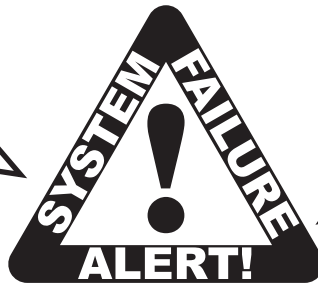
# System Failure Alert! Information

bus driver said my service animal was just a pet and didn't allow me to ride. i think it's because i am/look homeless.

Are your support  
"SYSTEMS"

doctor at the clinic asked me why i was so upset about being raped if i've had sex with people i don't know for money before.

my teacher does not respect my gender identity or call me by the name i want them to use.



when i went to emergency room, the nurse told me that it wasn't a shelter and i wouldn't be sick if i wasn't using drugs.

police searched me at a bus stop, and questioned why i was carrying two cell phones, or if i was selling drugs.

working  
for YOU?

my case worker thinks that my boyfriend is pimping me but it's not true.

**System Failure Alert!** is a new grassroots project that empowers street youth and other people by helping each of us *share our stories and experiences* of "system failures"—problems we had with social service, medical, law enforcement, and other systems that are supposed to help us—and stories about *how we cope* with these problems and *take care of ourselves*. We let people know about these stories through *SFA!* zines, internet, and public events, and use the stories to try to *make "systems" treat youth and adults better*.

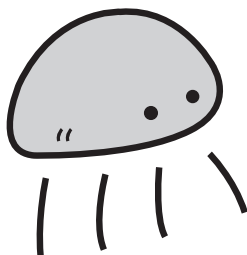
Let us know if you want to get involved, and/or have stories to tell. We are looking for youth, adults, activists, advocates, students, *rogue* social workers and medical providers (ya know, the good ones), and others to join!

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