



Prostitution protesters make strange bedfellows

Sex workers have been actively fighting for their rights on many fronts in the US for years. Now organisations opposed to prostitution are joining in their fight, but they all have their own agendas

By: Tracy Quan - June 24, 2013

Last week, the American prostitutes' rights movement officially lost its innocence.

A collective endorphin rush rippled through the Twittersphere. Sex workers shared the news of a United States Supreme Court decision overturning the notorious anti-prostitution pledge - a legacy of the Bush years which Obama's administration has tried to defend.

Practically speaking, the pledge was a handicap for anyone doing HIV prevention with sex workers. If you remained neutral about prostitution or non-judgmental, you were ineligible for PEPFAR funding. In a 6-2 ruling, the court affirmed that the US government violates free speech rights when it requires HIV projects to explicitly oppose prostitution.

I've been following this case for months, watching the lead plaintiff, Open Society Foundations (OSF), acquire strange new allies, such as Heartbeat International which aims to "rescue women from abortion" and operates more than 1,300 faith-driven "pregnancy help" centres.

Without sex workers diligently building a movement over many decades, this lawsuit would not have happened. Sex workers have been loudly protesting the anti-prostitution pledge since 2003, but our involvement in the Supreme Court challenge was carefully handled and rather muted. Perhaps we were a little dumbstruck to find ourselves in bed with Heartbeat International, the ominous sounding Becket Fund for Religious Liberty and the Christian Legal Society, who are all opposed to prostitution.

This unlikely coalition scored a major victory on Thursday. As The New Yorker's Amy Davidson puts it, upholding the pledge "would leave no room for silence." Could a Catholic church that seeks funding for a daycare centre be compelled by a city government to say they're in favour of contraception? What about pregnancy counsellors who prefer not to mention abortion? Free speech for recipients of government funding turns out to be a cause with legs. Support also came from the Centre for Reproductive Rights, CATO Institute, and the New York Times.

While the legal status of prostitution is unchanged by this ruling, it's a coming of age - with all the trouble that implies - for the US sex worker rights movement. The lawsuit was quietly

divisive. Sex workers argued about whether these allies were simply hijacking our cause to secure their own free speech rights, and whether this could be good for the movement

During the build-up to Thursday's decision, Cliterati blogger Maggie McNeill warned readers that our allies were simply "protecting their own interests," adding that "once this is over they'll be right back in bed with the other prohibitionists." She has been critical of the American Civil Liberties Union (a friend of the OSF's lawsuit) for perpetuating grotesque stereotypes about sex work.

The day after the Supreme Court ruling, sex workers in New York experienced a more practical victory. Free speech often seems like an abstraction, but getting arrested for carrying condoms is an everyday problem. On Friday, the New York State Assembly passed a new bill that prohibits police from using condoms as "evidence of intent to engage in prostitution-related offences."

There's one more hurdle for the No Condoms As Evidence bill. If it passes in the State Senate, New York will be the first state to ban this retrograde police practice, and we hope other states will follow.

Here too there are political bedfellows. One of the most capable supporters of this bill is prosecutor Kathleen Rice in Nassau County, a New York City suburb, who prides herself on "tough and progressive solutions." Her support comes with a price. Two days before a press conference for No Condoms As Evidence, Rice announced that 104 men had been arrested for trying to buy sex from police disguised as escorts. It was painful to see these men being named and shamed in the media - impossible not to see them as sacrificial rams, given the timing. Perhaps Rice feels pressure to appear tough on crime as she embraces the No Condoms As Evidence bill, but there's no mistaking her message. She is anti-prostitution.

I'm proud of the No Condoms As Evidence bill, but I have to question the cynicism that surrounds its passage. It's wrong to act as though arresting customers is acceptable to sex workers. Many would say it's dangerous to support the career moves of a prosecutor. At the same time, nobody wants to walk away from the work that goes into crafting a new law and building a coalition to get it passed. These are the compromises mainstream activists are tempted to consider.

By comparison, getting into bed with those anti-abortion people seems like a lark - doesn't it?