

Sex Workers vs. Spitzer

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The former "Love Guv" is back in the public eye and calling himself a feminist, but the anti-prostitution measures he signed into law make life more dangerous for women in the sex trade.



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Yes," Eliot Spitzer told host Chris Hayes on MSNBC, he is a feminist. Hayes had just played him a clip in which Sonia Ossorio, the National Organization for Women's (NOW) New York City chapter president, denounced him for paying for sex. "Do we want an elected official," Ossorio asked, who has "participated in sustaining an industry that we all know has a long history of exploiting women and girls?" Spitzer countered that, as governor, he passed a tough anti-sex-trafficking law (never mind that he broke part of it). It was a conflict you rarely see in public: two people competing

for feminist cred over sex work—Spitzer the prosecutor (and repentant customer), Ossorio the spokeswoman (that sex workers never asked for). As is often the case, their sex trade bona fides don't extend to actually having done sex work, but in using sex workers to make a political point. What they missed was that they were shouting from the same side of the stage: Both NOW's Ossorio and comeback-hopeful Spitzer believe the right thing to do is enact laws that result in taking power away from sex workers and putting more of them through the criminal-justice system. Both are losing propositions in which those who suffer most are the women who are already among the most marginalized and criminalized individuals in our society.

Demanding that police conduct more anti-prostitution stings may identify some people who are forced or coerced into the sex trade, but they will result in many more sex workers going to jail. Look at the numbers for just last week's multi-day, multi-city stings against people in the sex trade, Operation Cross Country, conducted by the FBI in concert with local law enforcement. The FBI boasts that it charged 150 people it describes as "pimps." The FBI left off their press releases the 41 adult women arrested as sex workers during the course of these raids in Las Vegas, or the 64 adult women arrested as sex workers in Louisiana, or countless others who did not appear in local news reports. What will happen to those women, now that they have criminal records? How will time in jail or even a court-mandated program provide them with an alternative income?

Just passing tough laws against prostitution doesn't make any material improvements in the lives of sex workers. In fact, such laws can put sex workers' lives at stake. According to a Human Rights Watch investigation that included interviews with over 200 current and former sex workers in New York, Washington, San Francisco, and Los Angeles, there is a widespread pattern of

police seizing sex workers' condoms during the course of an arrest. Law enforcement justifies this practice as collecting "evidence." Of sex workers surveyed by the PROS Network (Providers and Resources Offering Services to Sex Workers) and the Sex Workers Project at the Urban Justice Center, 42 percent had their condoms seized by the police, and nearly half had at some point not carried condoms for fear of police repercussions. A law against condoms-as-evidence passed the New York State Assembly this June, and New York's City Council is considering a similar resolution. If Spitzer and NOW need a feminist issue, this would be an ideal one, as it's something sex workers themselves are calling for.

The comparative absence of sex workers' voices in the media is why Ossorio can cast Spitzer as an exploiter, though to those of us who have done sex work, as a client he sounds only typically, if not commonly, irritating. Married and with a stable job, he was a regular who booked multi-hour appointments. As an affidavit revealed, Spitzer had trouble adhering to escort agency protocol (he blamed the ATM when he didn't have enough cash on hand; he balked at sending wire transfers as requested). Reporting back to the agency madam on an appointment with Spitzer, Ashley Dupre said, "I don't think he's difficult. I mean ... it's just kind of like ... whatever." In sex work, "whatever" in the context of a client can be commonplace, even welcome—boring is at least predictable. I can say that with some authority, not just because I did sex work, but because I'm in a position in my life to come out and write that—I was already working as a writer and journalist when Spitzer stepped down in 2008. Writing meant I had another source of income, and publishers-willing, a platform. If more sex workers who wanted to speak publicly had the material support I have, and if the media and politicians would listen to them, Ossorio, Spitzer, and all those who share their anti-prostitution positions—that are at heart anti-prostitute—would face far more challengers.

Though they now appear to take opposing positions on sex work, it shouldn't be surprising that Ossorio once worked alongside Spitzer to pass anti-prostitution laws. In 2007, she launched NOW-NYC's campaign for New York's sex trafficking law, appealing to the governor to create new ways to prosecute even more people for buying sex. "Ironically, Spitzer was very focused on beefing up penalties against the clients of sex workers, on the grounds this would be a deterrent to prostitution," Juhu Thukral wrote in 2008, when she was the director of the Sex Workers Project (SWP) at the Urban Justice Center. Ossorio demanded those increased penalties as both a political and criminal justice strategy. "If we don't stem the tide of demand for prostitution, that demand will continue to be met by coercion, violence, force and exploitation," reads Ossorio's bio on the website "New York's New Abolitionists." "Our great challenge as a society is to change attitudes, to stigmatize going 'to a prostitute.'" Though the anti-prostitution activists were by some measures successful—they passed their law—the legislation didn't stoke enough stigma to stop even the man who signed it from going to a prostitute.

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Because stigma doesn't work that way; it can't be harnessed and directed, or isolated only to the men who buy sex. Under "end demand" policies, sex workers are as stigmatized as they long

have been, and they still face violence from the public and from police. Anti-prostitution activists sometimes tout Sweden's laws, which theoretically don't treat women who sell sex as criminals, but rather the men who buy sex. Since police are tasked with catching their customers, sex workers are still targeted in stings. According to the Global Network of Sex Work Projects, this police surveillance has driven some sex workers further underground. In recent years, the United Nations Development Project's Global Commission on HIV and the Law have recommended ending the criminalization of both people who sell and who buy sex, and to allow for the creation of safe, legal workplaces. UNAIDS and the World Health Organization also recommend repealing laws against sex work in order to safeguard sex workers' health and rights.

"We and other advocates for sex workers opposed this approach" of criminalizing customers, Thukral wrote, "because our daily experience shows that no deterrent has yet stopped sexual desire and also because criminalization just drives everyone involved in the sex trade, including [SWP's] clients who need services and safety, further underground." What Ossorio and other proponents of "end demand" policies ignore is that law enforcement cannot be so easily re-ordered in service of their feminism.

Spitzer, as attorney general, would be familiar with the distance between laws on the books and how they are actually enforced. He would know how much more likely it would be that the women he hired and those who ran escort services would do time than their clients. He would know that vice stings tend to target the more visible sex workers—people who work on the street, or on high-traffic websites like Craigslist and Backpage. Big operations against "elite" "discreet" online-based agencies, like the one he got caught up in, make headlines, but they aren't the norm. Spitzer knew it was unlikely that someone like him would ever face the full force of the law.

"When you went after Wall Street titans," CNN's Jake Tapper asked Spitzer, "you painted yourself as fighting for the little guy. But I think a lot of people might look at you and think, look, you're somebody with money, you're somebody with power and this is a perfect example of how people like you don't end up doing the time the way that the average person does." Spitzer replied that in his case, he felt the anti-sex trafficking and prostitution law was enforced fairly, by which he apparently meant the fact that he was never arrested or charged.

Spitzer appears to support the same two-tiered legal system he wanted to disrupt in the financial sector, where a low-level loan administrator is more likely to be charged with fraud than the guys in the boardroom who conspired to peddle junk mortgages. As Elizabeth Warren put it, "I'm concerned that Too Big to Fail has become Too Big for Trial." This isn't to say Spitzer himself should be charged and jailed for his solicitation, but that he of all people should be in a position to understand that our system regarding sex work is just as broken as our financial one.

Perhaps Spitzer would understand this more clearly if he took his script on sex work policy from the people who actually live under it. But politicians hardly appeal to the sex worker vote; they, like the general public, see even those who have long left the trade through the smeary lens of their fantasies and fears, not as neighbors and constituents. But to engage sex workers directly in policies that shape their lives would actually be a step in a feminist direction, whether that's

around issues that already make headlines, like "john stings," or concerns such as condoms-as-evidence or creating safe workplaces. These strategies aren't as "sexy" as cross-country busts and stories of politicians-gone-wild, but that's the point.

What current policies criminalizing sex work favored by those on both the left and the right do is lead us to stigmatize not so much prostitution as prostitutes. Sex workers' clients are far more likely to re-emerge with merely a fine, promising "never again." They might even re-invent themselves as moral and just. Those who partnered with the former governor to fight prostitution would be wise to use this moment to learn that there could be no bigger poster child for the failure of those laws to stigmatize clients than their former champion Eliot Spitzer.

He may say he is done with sex workers. I hope they are not done with him.

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So what, in your opinion, would be an effective way to end sex trafficking, underaged prostitution and coerced prostitution? I certainly don't think that criminalizing prostitution itself is effective, beneficial to sex workers or beneficial to trafficking victims, but neither is suspending investigations into trafficking rings and law enforcement efforts to end child prostitution.

Not everyone involved in the sex trade is there willingly. Those men and women, boys and girls, need and deserve help. If thinking that makes me an "anti-prostitution activist", rather than a concerned human being, then so be it. But you're painting with too broad a brush by labeling any effort to stem sex trafficking as anti-woman and anti-sex worker.

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