

The Wrong Cure for Sex Trafficking

Zach Weissmueller | Apr. 23, 2014 1:30 pm

"If there were no demand for commercial sex, sex trafficking would not exist in the form it does today," reads the first line of a 2013 State Department report on curbing sexual slavery. In other words, if only we could just stop people from wanting to pay for sex altogether, the market for this nasty trafficking business would disappear once and for all.

Californians favor an equally ineffective approach to combating sex trafficking. Proposition 35-a Golden State law that passed overwhelmingly in 2012, thanks in part to a series of public awareness campaigns featuring such celebrities as Demi Moore and Ashton Kutcher-enacted harsher criminal penalties for sex trafficking. But waging "war" on the problem will only drive up prices and embolden more hardened criminals to get into the businesses.

So what would actually reduce sex trafficking? Making prostitution legal.

"I'm not a victim. I'm not being coerced. But the law doesn't see me that way," says a Los Angeles-based prostitute who asked to be identified as "Holly." She runs her own online escort service, which she started during the 2008 recession as a way to make ends meet. Holly says Prop. 35 has made her less safe: If she were ever assaulted, its draconian provisions would make it too risky to go to the police.

The case of Nevada, the only state where sex work is legal, demonstrates how lifting prohibition makes prostitutes safer. The dominant player in the industry is Dennis Hof, who operates seven of the state's 18 legal brothels, including the Moonlite Bunny Ranch, featured on HBO's late-night series *Cathouse*.

"When you legalize something, it takes all the nonsense out of the business," says Hof. "It takes the criminals out of the business and it puts money into the coffers of society."

Nevada still tightly regulates the sex trade. Prostitutes undergo mandatory weekly STD testing, and Hof says not a single licensed sex worker has ever turned out to be infected with HIV.

Density restrictions prevent the brothels from locating in highly populated areas like Las Vegas, which is one reason the vast majority of prostitutes in Nevada still choose to practice illegally.

Because of the downsides of working in a highly regulated market, some sex workers eschew Nevada-style "legalization" in favor of what they call "decriminalization," which would simply remove all prohibitions on sex work. But decriminalization wouldn't get the state entirely out of the business; local governments would still regulate the buying and selling of sex in the ways they oversee other service industries. Advocates point to New Zealand's laissez-faire sex trade policies as a model worth emulating.

Maggie McNeill, a retired sex worker and the author of the upcoming book *Ladies of the Night*, favors decriminalization, but she says it's unlikely to happen through the legislative process without a massive cultural shift. She hopes that one day the Supreme Court will strike down sex work bans in the same way it did away with restrictions on abortion (*Roe v. Wade*) and sodomy (*Lawrence v. Texas*).

While their strategies may differ, decriminalization and legalization advocates agree that the anti-trafficking hysteria that led to Prop. 35-and the tough-on-crime rhetoric conflating trafficking and consensual prostitution-only drives the trade further underground and makes life for sex workers more dangerous.

"It's the oldest profession, and it's not going to go away until everyone doesn't want to have sex anymore," says Hof. "So give me an alternative."