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www.Desireealliance.org

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The Desiree Alliance has serious concerns over the ongoing attacks against sexual freedoms of adult-oriented industries. We view the right for consensual sexual freedoms as fundamental civil liberties every citizen is afforded to engage in without legal recourse, without policing, and without moral repercussions. These intrusions and deprivations debase personal privacy and equality that censor the First Amendment right guaranteed to every citizen. The targeting, profiling, arrests, and convictions against vulnerable populations inherently impair the health and well-being of communities that have limited or no access to services that provide safe working environments and protections against state-sanctioned violence. When government begins to criminalize sex in the guise of morality and jettisons legal language, we question the validity and reasoning as to why government interference belongs in the consensual labor of sex and online advertising sites that provide safety from second and third party interferences and exploitations.

We consider the unbalanced policing of online adult-oriented websites as a direct assault against the sex worker community. Section 230 of the 1996 Communications Decency ACT states that *"No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider"* (47 U.S.C. § 230), therefore, not legally liable for the words of third parties who use their services. The

Supreme Court struck down portions of this Act as unconstitutional and was successfully argued on the First Amendment against the censoring of adult interactions and communications online of sexually explicit nature (*Reno v American Civil Liberties Union* 521 U.S. 844 (1997) (*Shea v Reno* 930 F. Supp. 916 (S.D.N.Y. (1996)). When we tolerate and accept government intimidation as sovereign, we must uphold the First Amendment right and question authority regarding protected constitutional freedoms (*Backpage v Dart* No. 15 C 6340 (2015)). Elected officials cannot legitimize the piecemealing of constitutional guarantees in the expressions of skewed rhetoric designed upon moral principles. Targeting websites of adult-content as criminal initiates legal vulnerabilities to the entirety of the world wide web. We again defer to the 1996 Communications Decency ACT where legal provisions have been built upon this document for more ardent surveillance on the internet (*Children’s Internet Protection ACT, SAVE ACT, Palermo Protocol*). Many site owners and managers fully cooperate with government agencies taking reasonable and responsible measures to counter the trafficking of adults and minors through awareness, providing online resources, and warning labels directly on their websites. According to the Federal Bureau of Investigations, involuntary servitude and commercial sex acts, trafficking convictions are dwindling, exhibiting online warnings and cooperation have been successful in countering human trafficking. Prostitution and disorderly conduct arrests in the US from 1981 until 2013, data shows 1.8% of these cases involved minors (*Almodovar - Operation Do The Math*). U.S. global policing will affect public entities in all contexts that expands further than websites displaying adult-centered material. Criminalizing the ability to freely engage in consensual adult content has been rejected recurrently by state and federal courts exemplified by *Brown v Entertainment Merchants Association* 564 U.S. 08–1448 (2011), *United States v. Playboy Entertainment Group*, 529 U.S. 803 (2000), *Ashcroft v. Free Speech Coalition*, 535 U.S 234 (2002).

We reject the frameworks of anti-trafficking discourses as conflated and ultimately dangerous to those who labor in alternative economies that the laws do not protect and serve or, wholly provide representations. We acknowledge trafficking exists in the most deplorable and heinous conditions through capital means of demand and supply. However, when government entities and funded stakeholders are not held accountable for accurate trafficking data, the burden of

proof lies upon public knowledge of such data. Incorrect data purposely distorts the right of the public to make informed decisions and skews the balance of how far governments can regulate consensual sexual freedoms. We find this deeply problematic as sex trafficking has never been an epidemic; No statistics put forth by the US Justice Department, FBI, or credible research has shown an epidemic. Factually, government statistics represent hyper-criminalization and arrests disproportionately affecting communities living in economic disparities and in communities of color. Marketing mass hysteria to gain public support reifies trafficking in all forms, (i.e. labor, sex, and human trafficking) and furthers the demand for these economies to thrive in clandestine markets regardless of government objectives to curb or eradicate trafficking. Enacting laws upon existing laws only expands the consumption for underground labor forces that ultimately hinder and defeat the purpose of the laws designed to aid victims of trafficking. These deterrents do not mitigate nor alleviate circumstances of human trafficking and only exacerbates the installation of fear and retributions of dangerous retaliations put upon by the government itself.

The Desiree Alliance and the undersigned individuals and organizations believe losing the ability to freely engage in constitutional freedoms is negligent on behalf of legal systems that are designed to uphold First Amendment decisions of the courts. As representatives of sex workers rights and our allies, we reject the continued legal attacks on sex workers in erroneous retaliations in the pretext of suppressing human trafficking.

Desiree Alliance
Sex Workers Outreach Project USA - SWOP USA
BAYSWAN (Bay Area Sex Worker Advocacy Network)
COYOTERI (Call Off Your Old Tired Ethics)
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ACT UP NY
ISWFACE
SWOP Maryland
Anna Forbes MSS, Independent Consultant
Sex Workers Outreach Project Tucson
Prevention Access Campaign
JD Davids
Sex Professionals of Canada

Strass - Syndicat du Travail Sexuel
STROLL - Portland
Barb Brents, PhD, University Nevada Las Vegas
SWOP Behind Bars
Sex Worker Open University, UK
International Committee on the Rights of Sex Workers, Europe
Woodhull Freedom Foundation
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New Jersey Red Umbrella Alliance
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Trans Masculine Advocacy Network
Counter Narrative Project
Red Light Legal
SWOP Tampa Bay
SisterLove, Inc.
Free Speech Coalition
Dr Hernando Chaves
The Body.com
Global Network of Sex Work Projects-NSWP
US PROStitutes Collective
Clients of Sex Workers Allied for Change -CoSWAC
Sex Workers Project
Second Chance Reentry, Inc
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Helping Individual People Survive - HIPS

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Ruby Corado, Casa Ruby

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Las Organización de Trabajadoras del Sexo de El Salvador - OTS-ES

Best Practices Policy Project

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