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Children, women in peril: Prostitution as an institution not 'victimless'

By Erika Stutzman
Posted: 02/17/2011 05:25:18 AM MST

A local businessman is caught in an Arizona sting and accused of offering \$100 to have sex with a minor. The former CEO of Sunflower Farmers Market and Boulder philanthropist told his former employer that he believes he is not guilty. His preliminary hearing is next week.

The accusation touched off a debate: What is the age of consent? It's 18 in Arizona. But a 17-year-old boy or girl can consent to sex in Colorado; so can a 15- or 16-year-old, as long as the partner is either his or her spouse or less than 10 years older.

But let us focus on the alleged \$100.

Prostitution is illegal in Colorado and Arizona. And while stories about the Super Bowl focused on the National Anthem and the game itself, police in Texas were on the lookout for human traffickers, who come to the game specifically to sell teenagers to football fans for sex.

So just legalize it, right? If girls aspire to grow up to be purchased as sex toys by older men, go on and let them make that stunning career choice. It would be legal and aboveboard, like in the Netherlands. Right?

Wrong. The United Nations lists that country as one of the top destinations for human trafficking, most of which is for prostitution. The top destinations: the United States, the Netherlands, Thailand, Japan, Israel, Belgium, Germany, Italy and Turkey. Most of the victims were from Asia and Eastern Europe.

It's largely underground, so official figures are a mere shadow of the problem. But the Dutch government was able to identify more than 800 trafficked people in 2008; 763 of them were girls and women. In one case, six traffickers were prosecuted for a ring that included more than 100 female victims, some as young as 16. Eight years after that country legalized prostitution, all of the victims were forced to work as prostitutes; their captors were extremely violent.

So while it's important to protect children with age of consent laws, it's just as important not to scoff at the notion that prostitution -- legal or not -- creates an underground slave trade, and is in no way a victimless crime.

State Senate President Brandon Shaffer, D-Longmont, is proposing a state law that would further dispel that myth. Senate Bill 85 is modeled after programs that have seen some success in several cities. Instead of going after prostitutes to prosecute them for breaking the law, the measure would try to educate clients who are first-time offenders. Those arrested would have the opportunity to plead guilty and avoid jail time by attending courses about human trafficking and the abuse, drugs, addiction and diseases that surround prostitution.

Failure to complete the program could result in a fine or jail or both. It would only apply to first-time offenders. A similar program in San Francisco has reduced criminal justice costs and recidivism.

Football legend Lawrence Taylor last month admitted he patronized a prostitute in a hotel. The tiny slap on the wrist he received should be overshadowed by the facts: Police say the 16-year-old girl he patronized was severely beaten and drugged by her pimp to force her participation.

Stings like the one in Arizona or laws like Shaffer's designed to reduce this horror continue to be necessary to fight this victim-filled crime.

-- Erika Stutzman, for

the Camera editorial board

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[youtoo](#) · 1 day ago

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Pass all the laws you want; there's a reason prostitution is called the world's oldest profession. Legalization would allow adult prostitutes to come out of the shadows and have their problems more easily addressed. Precious resources would then be available to fight child prostitution and forced prostitution as well.

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[El_Quijote](#) · 1 day ago

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So much for "her body, her choice." In this area, the state gets to control the woman's body.

I suspect legalizing prostitution will have more benefits than keeping it illegal, for all the reasons youtoo states.

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[Jeepcit](#) · 3 hours ago

+3

I have to agree El.

While trafficking in human sex trade and the use of minors should be illegal and severely punished, prostitution should not.

I find it amazing the someone like Erika, a strong advocate of what a woman does with her reproductive organs, thinks that government should control what a woman does with her sexual organs.

I can't for the life of me figure out how to differentiate between the two.

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re: the UN report, you really should look at original sources. It very well may be that legalization has simply allowed more cases to be uncovered since the victims are more publicly visible. As noted by the report itself, the stats may be a positive sign that victims are being identified and helped in a country with high stats whereas in other countries they aren't even identified, especially given the tiny percentage of victims assumed to be identified. Here are some clips from that UN report:

http://www.unodc.org/pdf/traffickinginpersons_rep...

"Caution is also advised at negatively interpreting the human trafficking situation in those countries for which more information is currently available. A high level of reporting of human trafficking in a country (i.e. by many sources) can, in some cases, be correlated with the existence of a national policy against human trafficking. In other words, a greater depth of detailed information regarding the human trafficking situation in a country may reflect the existence of a considered and well-resourced attempt to ascertain the likely level of trafficking in persons, as opposed to countries where little information is known though the actual amount of human trafficking activity may be at a similar or higher level. Hence a high level of reporting can be interpreted as a positive indicator. The extent to which a bias might exist against those countries for which there is a high level of reporting of human trafficking is discussed throughout Chapter 4."

". The Dutch National Rapporteur Against Trafficking in Human Beings estimates that only 5% of victims report their victimization or come to the attention of government authorities²¹"

"There is a large disparity between the number of known cases and estimates of trafficking in persons."

"The main criticism of human trafficking estimates is that the ranges are often excessively wide, sometimes as much as a high of 10 times that of the low estimate. In reports providing human trafficking estimates, the methodology for calculating any estimates used is rarely given. Reports also often fail to indicate whether estimates are annual figures or cover a period of several years.²⁵"

" For example, while all sources available in English were screened for content, due to research and resource constraints, source institutions publishing solely in some other official United Nations languages (i.e., Arabic, Chinese and Russian) were not scrutinized at all. Due to the linguistic capabilities of the research team, identified sources in Spanish, French and German were included in the data collection exercise.¹⁰¹ The reliance on the collection of data in these languages may result in a bias, in the Trafficking Database, to European source institutions."

"There are several reasons why the reporting of human trafficking may vary between countries, regardless of the actual severity of trafficking in persons. Levels of reporting of trafficking in persons may vary due to: geographical bias; political emphasis; the comprehensiveness of various national legal definitions of human trafficking and child trafficking; the non-recognition of different forms of exploitation; the availability and quality of official statistics and reporting; the availability and quality of national structures for victim identification, referral, assistance and repatriation; the extent of bi- and multi-lateral cooperation; and confusion between trafficking in persons and other forms of irregular migration."

"Only four of the 113 source institutions clearly identified or generated information on human trafficking within a country. "

"In spite of all efforts made to avoid multiple entries of the same trafficking in persons cases, there is a possibility that this may have occurred when different source institutions replicated the same information without explicit reference to the original, primary source. "

"Five percent (5%) of the source institutions covered by the Trafficking Database can be classified as various forms of popular media."

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Report



Controversy_Now · 23 hours ago

+3

It is also unclear how well the data is differentiated from illegal voluntary immigration, especially if media reports are included. The web page for group countering trafficking of women starts its page of info on the Netherlands

here: <http://www.catwinternational.org/factbook/Netherl...>

With a media clip making the incredibly stupid inference that: "In Amsterdam, Netherlands, 80% of prostitutes are foreigners, and 70% have no immigration papers, suggesting that they were trafficked". When of course they may be voluntary illegal immigrants. Unfortunately for emotional reasons when a horrendous crime is involved some people are inclined to try to inflate figures to draw more attention to it.

A more recent UN report also notes the issue of the detection problem, that human trafficking for forced labor is less

likely to be detected than that for sex trafficking since the end use is more hidden. Obviously illegal prostitution is going to be more hidden than legal prostitution sites and hence trafficking is going to be more detected (but not necessarily more prevalent) where prostitution is legal. Here is its comment on the forced labor case:

<http://www.unodc.org/documents/human-trafficking/...>

"Global Report on Trafficking in Persons"

"Finally, the 'visibility bias' is the idea that trafficking for forced prostitution is more likely to be detected than trafficking for forced labour. Prostitution (whether forced or voluntary) involves the general public because it must be visible – taking place in streets, bars or public spaces in urban areas – to attract potential clients. Conversely, most of the victims of forced labour often work in hidden locations, such as agricultural fields in rural areas, mining camps and garment factories or within the closed environment of a house in the case of domestic servitude. As a consequence, the detection of victims of trafficking for forced labour is less probable than the identification of victims of traffick- ing for forced prostitution."

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[ctmulder](#) · 21 hours ago

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So legalizing prostitution will not stop the underground activity, but legalizing marijuana will stop the illegal drug trade?

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[voice_reason](#) · 20 hours ago

0

Erika: What was Eliot Spitzer's punishment for patronizing a prostitute?

The liberal establishment again looked the other way when it was "one of their own."

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[Controversy_Now](#) · 20 hours ago

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The editorial seems to be confusing two separate issues: adult prostitution and prostitution of minors. I suspect that most people who feel adult prostitution should be legalized still think children should be protected from exploitation and underage prostitution should remain illegal..

I suspect prostitution is a lower law enforcement priority at the moment because it mostly involves consenting adults. However if adult prostitution were legalized and only underage (or enslaved) prostitution were illegal.. then I suspect it would become a much higher priority for law enforcement because all illegal prostitution would involve minors or slaves. There would be no rationalizations about it being a "victimless crime" if it only involved children and slaves. You might idealistically hope that you can somehow enforce all existing prostitution laws better, but is it more important to keep your idealism or to deal with the real world where this approach is harming children?

The illegal prostitution trade would be far smaller (once the bulk of the market, adult prostitution, was legalized) so there would be more of a chance law enforcement could get a handle on the problem and keep it in check. They wouldn't just ignore obvious ads for illegal prostitution in magazines or online because they'd know the ads represented either children or slaves. Legal establishments would have an incentive to ensure that all the workers are adult and see less reason to risk human trafficking when they can operate legally if they avoid it. (I discount the claim made above about the Netherlands as it seems far more likely they simply are reporting more since they have the resources to discover more of the illegal human trafficking prostitution rings when they don't need to focus on the voluntary legal trade).

I'd suggest in fact there would be a far better chance to save children if it were legal for adults and that the current approach is harming children and you should consider whether its better to save children in the real world than to continue the flawed current approach where children are harmed just because you are squeamish about letting consenting adults exchange money in private for something you don't like for whatever reason.

Consenting adults are allowed to choose to risk brain damage by boxing or martial arts fighting, or risk harm to themselves skiing, rock climbing, etc. Consenting adults are allowed to have sex for free or to make money taping themselves having sex. Consenting adults are allowed to make money in dead end jobs, or risk harm to themselves firefighting or being a police officer.

In general we need to educate children better so they grow up and are able to make better choices and to attempt to educate adults better about the options they might have for a better life. You just happen to personally find it distasteful for people to get paid for sex I suspect and wish to legislate your personal preferences onto others. If you didn't like broccoli and attempted to outlaw people selling that for a living, or consuming it, I suspect that view would be described as being a sign of a "control freak" or "fascist" (even if some of us would secretly like the idea of not needing to pick broccoli out of restaurant meals).

If you can get past your personal distaste and advocate for legalization for adult prostitution perhaps eventually we can focus on saving children, unless you feel your personal comfort is more important than the welfare of these children?

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[dancing_badger](#) · 20 hours ago

-1

is the argument that prostitution would eliminate or reduce human trafficking? I'm guessing the latter is much more likely than the former.

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[Controversy_Now](#) · 19 hours ago

+1

If the occupation is legal then its easier for people to decide to call the police if there is any violence, rather than not wishing the police to discover their occupation. Or do you prefer in the real world seeing women being victims of violence they didn't sign up for simply because you dislike their job so you wish it outlawed? I personally dislike the thought of prostitution but don't feel a need to force others to make the same choices I do.

Legalizing adult prostitution also makes it easier for those concerned about the welfare of prostitutes to find and help them and try to counsel them to change careers. Allowing people to publicly talk about prostitution establishments makes it more likely for them to review them and force place to compete on factors such as safe sex and disease free/tested girls.

There is a "risk premium" that increases the prices charged for black market goods and services. Making prostitution legal would reduce the prices.. and hence reduce the incentive for girls to go into that line of work, and would allow the ones considering it to more easily learn about what its really like since information would be public about it.

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[Controversy_Now](#) · 19 hours ago

-2

An interesting journalistic integrity question is whether you will publicly acknowledge your misrepresentation of the UN report. I'm suspecting you just read the BBC article that mentions it, linked from a wikipedia entry on the Netherlands I saw. Journalists commonly keep passing around distortions/misinformation once one starts with it.

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[Controversy_Now](#) · 18 hours ago

-2

Oh, also even if human trafficking were happening in the Netherlands more than other countries (as noted the data collection described in that report makes it impossible to determine that, the rankings are fairly meaningless and its more likely that a higher percentage of it is discovered there which is a positive thing), that wouldn't be enough to indicate anything about the cause and effect.

It might be the case there is say due to the culture a larger demand for illegal underage sex there regardless of whether adult prostitution is legal or not. Changes in trafficking that occur over time when legalization or recriminalization happens would be the only way to determine an effect. However even that could be misleading due to the "sin tourism" distortion issue.

When an activity is made legal in one location, but not in the surrounding areas, it draws "sin tourism" just like Las Vegas does for gambling. If the activity were legal everywhere there wouldn't be a spike of it in the one area. Its possible (I haven't looked into it) that legal sex activity in Netherlands draws some customers from other countries who also wish underage illegal activity. That is simply displacing the activity which presumably is also done in their home country as well. Spreading the activity out allows it to be lower in each jurisdiction vs. concentrated in one and spreads out the law enforcement budgets needed to deal with it, vs. concentrating it in one area and perhaps overburdening law enforcement.

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[Controversy_Now](#) · 17 hours ago

-1

Albert Einstein noted:

"The prestige of government has undoubtedly been lowered considerably by the Prohibition law. For nothing is more destructive of respect for the government and the law of the land than passing laws which cannot be enforced. It is an open secret that the dangerous increase of crime in this country is closely connected with this."

The same goes for prohibition of adult prostitution, and drugs.

Perhaps people obsessed with making things consulting adults do illegal need to consider what should be an obvious trivial observation applicable in general not just to prostitution.

If law enforcement has a budget \$X to do their job.. the more crimes there are the fewer \$ they can afford to enforce each law. The more effort they spend on crimes like drugs and adult prostitution, the less budget they have to deal with violent crimes or say underage prostitution. The less law enforcement is able to deter a crime (like drugs), the less seriously criminals take law enforcement and the less deterrent factor it has. If they focused their effort on a smaller number of violent crimes they would do a better job on those crimes and criminals would perceive more of a risk of being caught which leads to fewer crimes. Spreading them too thin increases crime.

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[Yaakovv](#) · 17 hours ago

+3

The fact is that for adult prostitution, the only logical support for keeping it illegal is that we don't want to live in a society with prostitution. I concur with that. The same is true for any payment for sex acts. It corrupts society.

Kudos to Erika for bringing up the contradictions in the age of consent laws. The reason we have these contradictions is that we disagree about when a child is to be treated as an adult. Legally, the age of adulthood can range from 12 to 18 depending on whether the issue is sex, marriage, murder, theft, etc.

Does it make sense to have different ages or should we make it one uniform age?

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[rmsusa](#) · 14 hours ago

+1

How does it corrupt society? What does that mean?

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[Yaakovw](#) · 11 hours ago

+1

Every society has norms of behavior. Some are healthy some aren't. An example of physical behavior that is unhealthy would be the game of "chicken" played with two cars on a one lane road. Drivers drive towards each other at high speed and the first one to swerve off loses. This game is obviously dangerous and does society no good. Although all the participants are of legal age and they don't hurt anyone else, the game is illegal in most states.

Another example is cigarettes. When smoking cigarettes was a societal norm it was dangerous and costly, although everyone involved was a responsible adult. One argument for making cigarettes illegal is that it is a destructive societal norm.

Promiscuity invariably involves the spread of disease. It also involves psychological damage to women, even if they get rich off it. Although I can't prove it to you, I believe that it is bad for men to view women as sex objects rather than as people, and it is ultimately demeaning for men. As a societal norm, prostitution tends to make society dysfunctional.

Does this answer your questions? If you think that I am hopelessly old fashioned or moralistic or something like that, we can assume that you have enjoyed making the comments you will make and we don't have to subject other people to your tirade.

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[Controversy_Now](#) · 1 hour ago

+2

The problem is that your definition of "healthy" seems to include moral judgements which vary between individuals. While this doesn't fall under the 1st amendment, the whole point of that was to separate church from state. These days many people may feel their views are not coming from a church but from their own personally defined morality, but the principle is still the same. What if someone feels its not "healthy" for women to walk around without their faces covered by veils? Or not "healthy" to eat meat, watch television, play football, etc?

The issue of playing "chicken" only arises on public streets where others may be in danger. I don't know if it is outlawed among voluntary participants on private land or not. However boxing and martial arts fighting are legal.

What seems "unhealthy" is your desire to force others to bend to your particular morality and personal choices. Those who come at this from a religious perspective need to consider that its my understanding most view humans as being given free will to make their own choices so they can be later evaluated based on those choices.

Many people make bad choices in life, choose the wrong careers, etc. Would you start forcing people to be tested and require them to make the career choices you wish them to see because you feel another is unhealthy?

You should be able to catch where the line is drawn when you are honest enough to acknowledge "although I can't prove it to you" about some viewpoint, then perhaps that viewpoint isn't a common secular almost-objective sort of thing that should be the realm of public law but is instead a personal moral choice which you feel you wish to impose on others.

Laws should focus on simply protecting people from forcing them to do things against their will, things like violent crimes, theft, slavery, etc., and protecting children who aren't considered capable yet of making certain choices for themselves. Or do you feel that you are the adult and the rest of the population consists of children you need to make choices for? Isn't that a bit, er, self-centered/arrogant?

Reply

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[Yaakovw](#) · 37 minutes ago

+1

We have lots of laws that protect the the ambiance of society. From drug laws, to laws restricting the practice of medicine and other professions, to zoning laws, public obscenity, the list is endless. We punish people for breaking laws with the wrong motivation (hate crimes), and in public schools we discipline children for incorrect moral beliefs.

Those are laws restricting behavior. We publicly support zoos, museums, broadcasting and certain culturally approved music all of which is there to present culturally approved messages. We require classes for some people convicted of crimes. These classes are nothing but moral lessons, they have nothing to do with skills or information. These are laws which make proactive efforts to change people so that they believe the things they should.

The argument that it shouldn't be so may be correct but it is not the system we are currently under. Your desire that it be otherwise does not change the facts. And yes, reckless driving on private property is illegal in most states.

I am not talking about morality by your definition. I am talking about what is psychologically and sociologically healthy. The reason I can't explain it is that it will take too long. Hundreds of thousands of words and years of communication. Your apparent belief that anything can be reduced to an email is ridiculous and is probably the product of an inadequate education..

Your belief that any time I disagree with you about societal standards that I am arrogant is arrogance.

Reply

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TDSeven · 55 minutes ago

+1

Does it make since to have different ages based on gender; such as what seems to be the case when yet another FC female teachers rapes a student?

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Report



taconite · 13 hours ago

+2

Sounds like there's a few guys here who have to pay for it.

Reply

Report



summerof1975 · 13 hours ago

+5

NPR did a good documentary on teen trafficking and prostitution last December and interviewed many girls who had escaped 'The Game'. The girls are truly victims and deserve a better life.

Reply

Report



normajeana · 10 hours ago

+2

"The fact is that for adult prostitution, the only logical support for keeping it illegal is that we don't want to live in a society with prostitution. I concur with that. The same is true for any payment for sex acts. It corrupts society."

So you would rather live in a society in which law enforcement is corrupted by bad laws which they are supposed to enforce, and must do so arbitrarily and selectively because of the vast number of individuals who engage privately? Can you be so ignorant that you do not know the end results of bad laws?

And you want to live in a society in which adult individuals do not get to choose what they can and cannot do with their own bodies? Apparently you do, because that is what happens when one segment of 'society' decides what morals values everyone else must live by. In case you didn't know it, that's NOT freedom, which is supposed to be what OUR society is based upon. Either I own my own body or the state does... and if you believe that the state owns our lives and bodies, who do I have to sleep with to get the rights to my own life back?

I suppose you endorse a society in which we arrest, prosecute and incarcerate non violent consenting adults and send them to jail at a huge cost to taxpayers, which leads to the loss of scarce and valuable police resources and makes those resources unavailable to go after real rapists? There are thousands of untested rape kits nationwide, rape kits from women who were really seriously harmed by a rapist and who had the courage to go to the police, file a report, undergo an extremely embarrassing and further traumatizing physical exam to gather evidence from their most private parts, and hope that the cops will someday find the perpetrator and the perpetrator will be punished. Instead of being able to do so, the cops focus on the private sexual behavior of consenting adults... that's the society you want to live in?

There is NO logical argument to continue to prohibit private consenting adult commercial sex, only your subjective opinion that somehow society is corrupted because someone takes money for sex that they could have anyway as long as they were not paid for it. Not to mention that there are so many lonely individuals who do not have a partner, spouse or other companion with whom to share intimacy- men who are widowed, divorced, disabled or socially inept. Without professional sex care providers, how will they ever know what it is like to be held, cuddled, and given sexual pleasure? Do you believe that society is better off when such unlucky individuals are left to suffer in loneliness?

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2 replies · active less than 1 minute ago

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Yaakoww · 32 minutes ago

+1

Please check my above post. I covered, I believe, all of these points.

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normajeana · less than 1 minute ago

+1

There has never been a society in which prostitution did not exist. There is not currently a society on earth in which prostitution isn't occurring. That said, we can decide whether or not we want a society in which hypocrites enforce laws (think 'prohibition') and pick and choose which prostitutes and which clients of prostitutes to arrest, based on the 'cooperation of the victim/prostitute' and the political clout of the client.

When cops make prostitution arrests, they are often allowed to 'go as far as necessary' to make that arrest, including having sex with a suspected prostitute... the cops gets paid to have sex on duty- with your taxpayer dollars- doesn't that make him a prostitute and YOU his pimp? And in communities where cops are disallowed this 'benefit' they can and do hire civic minded men in the community to go undercover and have sex- for money- and then testify against the suspected prostitute. Is this what you had in mind for society?

Not to mention that when cops make prostitution arrests and the suspected victim/ prostitutes don't cooperate by saying the words that make their activity a crime, the cops falsify their reports and lie under oath on the witness stand to make their cases stick. When it is learned that cops lied, it discredits EVERY other arrest the officer made, allowing real criminals to walk the streets as their convictions are tainted.

And in what universe do we live that children are disciplined for having 'incorrect moral beliefs'? Did I miss something and Sharia Law was implemented while I was busy fighting for my right to choose what to do with my own body? I don't recall seeing anything in the Constitution of the United States which gave ANYONE the right to impose their moral values on the rest of us. In fact, the Constitution is there to protect the individual from the mob, to protect MY right to LIFE, LIBERTY and the PURSUIT of MY Happiness- NOT YOURS! You really ought to go live in a Muslim or totalitarian country where your values are more appropriate, because you clearly do not get the intent of the Constitution or of Freedom!

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