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THE EVOLUTION OF POLICING TENDENCIES
TOWARDS SEX WORK IN AMERICA:
COLONIAL ERA TO TODAY

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Prostitution is commonly referred to as the world's oldest profession. According to most state statutes, prostitution involves the exchange of anything of value for any sexual contact. Not only has prostitution been around for thousands of years but there is also no end in sight. In the United States the sex trade is an estimated \$14.6 billion industry with one million sex workers involved.¹ Yet besides a few counties in Nevada, prostitution is illegal throughout the US. Historically, the number of sex workers has grown as the population expanded. Thus the existence of sex work has not changed but the policing of it has shifted dramatically over the years. In this paper I will split the criminalization of prostitution into four distinct eras: the pre-progressive era (colonial period until late 19th Century), the Progressive Era (late 19th century to the early 20th century), the era of state criminalization (most of the 20th century), and the current era of nascent decriminalization (late 20th century to today).

From the colonial period until the 19th Century the authorities viewed sex work through the prism of morality. Those involved in the sex trade were seen as having loose morals but not committing a criminal offense. During the pre-progressive era there were societies, like the New York Female Moral Reform Society, whose goal was to rescue prostitutes from their moral failings.²

¹ Havoscape, comp. *Prostitution: Prices and Statistics of the Global Sex Trade*.

Havoscape Books, 2015. Electronic. See also www.havoscape.com/prostitution-statistics

² Dacid J. Lanquin, "Prostitution and Antiprostitution," in *The Oxford companion to United States history*. Ed. Paul S. Boyer Oxford: (Oxford University Press, 2004.) 626.

During the Progressive Era sex work was still seen as a moral issue but it began to get more complicated. At this time the public, and especially the media saw prostitution as a violation of women, a spreader of disease and the disruption of family and society. The public viewed prostitutes as the prey of predatory clients and pimps. During the Progressive Era (circa 1900-1920) one of the few federal laws regarding prostitution was imposed, the Mann Act (1910).³ Until the early 2000s that was the only federal law regulating prostitution. Also during the Progressive Era was the start of Red Light District Abatement Laws that closed “red light districts” where prostitution took place with little to no policing. In the period following the Progressive Era most states enacted statutes to completely ban prostitution.

Around the 1980s began a major shift in the policing of prostitution. Borrowing from Progressive Era philosophy, today law enforcement has begun to treat prostitutes as victims and their clients as predators. In this paper I will shed light on this new era of policing and show how negative ideas of female sexuality, or lack there of, converge with radical feminism to create a new philosophy that female sex workers are always the victim of their male clients. I acknowledge the existence of male prostitutes, however male sex workers are not the focus of law enforcement or legislating bodies so I chose to mostly exclude them from research. The police indifference to male prostitution is striking because studies show that 20% of sex workers are male.⁴

³ The Mann Act (18 U.S.C.A. § 2421 et seq.)

⁴ Havoscape, comp. *Prostitution: Prices and Statistics of the Global Sex Trade*.

In addition to discussion of the current era, I will provide a prediction of what the next era may look like and what it ought to look like. I will provide evidence of this by detailing a brief history of each era and the motivations behind the different and evolving philosophies involved in each, focusing primarily on the current era. I will further prove the existence of this new era of decriminalization with trends in arrest statistics, evidence of the willful ignorance of police departments regarding the existence of prostitution, changes in state laws and the recent trend of “John Schools” and “John Shaming.”

Under the enumerated powers of congress in the constitution, the federal government has no authority to regulate prostitution except through interstate commerce. Before the Mann Act was enacted in 1910 there was no federal law regarding prostitution. Instead, regulating prostitution was done mostly through local ordinances. During the Pre-Progressive and Progressive Eras, prostitutes could be arrested for crimes like “open lewdness” “vagrancy” or “being an inmate of a house of ill fame”. A “house of ill fame” is a brothel or any place that houses the selling of sex. During this time when prostitution was legal, some states and cities still had laws regulating and prohibiting keeping a house of ill fame.⁵ Because there was not a direct law prohibiting prostitution in most states, enforcement varied from region to region. ⁶

⁵ Neil Larry Shumsky, "Tacit Acceptance: Respectable Americans and Segregated Prostitution, 1870-1910," *Journal of Social History* 19, no. 4 (Summer 1986): 665.

⁶ John C Burnham, *Bad Habits: Drinking, Smoking, Taking Drugs, Gambling, Sexual Misbehavior and Swearing in American History* (New York U.P., 1994).

The Pre-Progressive Era saw prostitutes as “fallen women” or women who were once innocent but had fallen into a life of immorality⁷. For the most part reformers had sympathy for the women due to the likelihood of unfortunate financial circumstances that brought them to prostitution but ultimately it was thought that they were in that position because of loose morals⁸. During the 19th century most cities and states allowed prostitution to exist as long as it was confined to certain “Red Light” districts. Prostitution was definitely frowned upon but not illegal. During this period red light districts cropped up in most cities. The most significant ones were New Orleans’ Storyville, Chicago’s Levee district, Philadelphia’s Hell Town and Washington D.C.’s Murder Bay. Murder Bay was located adjacent to Pennsylvania Avenue. The space that is now home to the National Gallery of Art was once home to 109 brothels and 60 saloons.⁹ Before the establishment of brothels, during the Civil War, Murder Bay was called “Hooker’s District” due to the large number of prostitutes stationed there to provide

⁷ John D’Emilio, and Estelle B. Freedman. *Intimate Matters: a history of sexuality in America* (New York: Harper & Row, 1988), 151.

⁸ Ruth Rosen. *The Lost Sisterhood: Prostitution in America, 1900-1918*. (Baltimore, MD: Johns Hopkins University Press, 1994), 170.

⁹ [Within sight of the White House: section of Washington, D.C., known as "Hooker's Division," which contains 50 saloons and 109 bawdy-houses--list of 61 places where liquor is sold with government sic but without city licenses]. [Washington?: s.n., 189-?, 1890] Map. Retrieved from the Library of Congress,

<https://www.loc.gov/item/87694066/> (Accessed July 08, 2017.)

company to General Joseph Hooker's Army of the Potomac.¹⁰ Thus, the word hooker became synonymous with prostitute.¹¹

The period of debauchery-confined districts came to a close during and following the Progressive Era. In the decades following the Industrial Revolution cities began to expand tremendously. As the need for male labor increased so did the number of prostitutes to service them. By 1912 New York City was home to an estimated 15,000 prostitutes and over 1,800 brothels.¹² The sudden increase in prostitution sent a panic throughout the middle and upper classes, resulting in adverse public opinion and. At this time there was also a change in the general public's opinion on prostitutes the "White Slave" Scare.

During this time sensationalist newspapers would frequently write stories about innocent white country girls who were tricked into a life of vice by handsome men who sought nothing more but to sell them as sex slaves.¹³ These women would be told they

¹⁰ Peter C Hennigan. "Property War: Prostitution, Red-Light Districts, and the Transformation of Public Nuisance Law in the Progressive Era," *Yale Journal of Law & the Humanities*, 16, no. 1 (2004).

¹¹ Ann Landers, "Origins Of 'Hooker' Hooks More Than A Few Readers." *Chicago Tribune*. August 20, 1994. Accessed July 08, 2017.

¹² D'Emilio, and Freedman. *Intimate Matter*, 210.

¹³ D'Emilio and Freedman, *Intimate Matters* 208.

owed a debt to the house and could not leave until the debt was paid.¹⁴ While there were cases of this happening, it is unlikely that most or even a significant proportion of sex workers were white slaves. A 1850 study of New York City prostitutes was unable to find any women who said they were forced into sex work. One former factory worker turned prostitute claimed that “there is more money and pleasure in being a sport.”¹⁵ It was assumed that no godly woman would choose a life of sex work no matter her circumstances, so she must have been tricked into sex work¹⁶.

In 1908 the newly established and relatively unknown Bureau of Investigation (now known as the Federal Bureau of Investigation) examined prostitution in American cities. A study of 1106 prostitutes yielded only 6 who claimed to be victims of White Slavery while most just blamed their financial circumstances and lack of better options.¹⁷ Despite this finding the Bureau of Investigation supported the creation of the Mann Act (commonly referred to as the White Slave Act), which would prohibit the transportation of women across state lines for “immoral purposes”.¹⁸ Coincidentally with the Mann Act was the largest expansion of the Bureau of Investigation’s jurisdiction since its

¹⁴ Clifford Griffith Roe, *Horrors of the white slave trade: the mighty crusade to protect the purity of our homes* [1911], <https://archive.org/details/horrorsofwhitesl00clif>

¹⁵ D’Emilio and Freedman. *Intimate Matter*, 214.

¹⁶ Ibid

¹⁷ History Channel, *History’s Mysteries: The History of Prostitution*.

¹⁸ The Mann Act (18 U.S.C.A. § 2421 et seq.)

establishment. Before the Mann Act there was relatively few federal laws in which the Bureau could investigate.

Progressives and the general public were also concerned with the spread of venereal disease. At the time there were no antibiotics to cure sexually transmitted diseases. The Bureau of Social Hygiene was created in 1911 by J. D. Rockefeller Jr. after he committed to investigating the white slave trade. This bureau funded research aimed at influencing public policy on a number of social issues but especially sex work and white slavery.¹⁹ Studies done by the Bureau of Social Hygiene found that more than half of sex workers had venereal diseases. The Vice Commission in Chicago found that even sex workers known to have a venereal disease by the keepers of the brothel, were still allowed to continue working.²⁰

These studies are most likely accurate, however there could be bias due to the Bureau's ultimate motivation to end white slavery through the reduction of prostitution. The Bureau of Social Hygiene was not the only institute to do research into venereal disease. STDs were a serious issue during the Progressive Era due to the lack of medical knowledge to treat them.

¹⁹ The Rockefeller Archive Center "Bureau of Social Hygiene Archives, 1911-1940," Rockefeller Archive Center Website, <http://rockarch.org/collections/rockorgs/bsh.php>

²⁰ *The Social Evil in Chicago; a Study of Existing Conditions with Recommendations by the Vice Commission of Chicago: A Municipal Body Appointed by the Mayor and the City Council of the City of Chicago, and Submitted as Its Report to the Mayor and City Council of Chicago.* (Chicago: Gunthorp-Warren Print., 1911.) 74.

On a state level, Red Light Abatement Laws began to be introduced starting with Iowa in 1909. These laws were used to stamp out red light districts by making their existence illegal. Red Light Abatement Laws closely resembled the Liquor Abatement Laws of the previous decade.²¹ After Iowa passed the first Red Light Abatement law, most states followed suit. In just ten years, 41 states had Red Light Abatement Laws. In California declaring brothels “nuisances” shut down red light districts. According to the 1914 nuisance abatement law in California:

“Every building or place used for the purpose of lewdness, assignation, or prostitution and every building or place wherein or upon which acts of lewdness, assignation or prostitution are held or occur, is a nuisance which shall be enjoined, abated and prevented as hereinafter provided, where the same be a public or private nuisance.”²²

By labeling brothels as nuisances, California and other states were able to shut down red light districts before actually criminalizing prostitution. By 1952 Galveston, Texas was the only city in the country with a red light district.²³ States successfully used rarely enforced nuisance laws to stamp out societal woes while meanwhile trampling on individual rights.

²¹ Hennigan, "Property War."

²² Abatement of Nuisances California Proposition 30 (1914).

http://repository.uchastings.edu/ca_ballot_props/63 [Retrieved June 17, 2017]

²³Hennigan, "Property War."

The red light abatement laws began the era of state statutes. Most states first closed down red light districts before totally outlawing prostitution. In the case of Illinois, the Chicago Levee district was almost completely closed down by 1911 when its most influential brothel, the Everleigh Club (famous for popularizing the terms “Poon tang” and “to get laid” or rather “*everleighed*”), was shut down.²⁴ Although red light districts were shut down by the early 20th century, it was not until 1961 that Illinois actually criminalized prostitution.²⁵ At that time the exchange of money for a sexual act was forbidden by law but it was not until 1995 that the definition of prostitution expanded to encompass sexual acts in exchange for *anything of value* not only money.²⁶

By 1971, all states had outlawed prostitution except for Nevada in which several counties chose not to follow suit with the rest of the state.²⁷ These counties continue to allow prostitution inside of established brothels. During this time period of relatively universal criminalization of prostitution, female prostitutes were being arrested at much higher rates than their male clients. In 1976 COYOTE (Call Off Your Old Tired Ethics), a sex workers’ rights group, challenged the Rhode Island statute that criminalized

²⁴ Karen Abbot, *Sin in the Second City: madams, ministers, playboys, and the battle for America's soul*. n.p.: (New York: Random House, 2008.)

²⁵ IL Criminal Code 1961: Section A-20 Prostitution (§ 11-14)

²⁶ Public Act 88–680 eff. Jan 1, 1995

²⁷ Richard Symanski "Prostitution in Nevada." *Annals of The Association Of American Geographers* no. 3: (1974) 357.

prostitution. They cited data that showed that female prostitutes were arrested at much higher rates than their clients.²⁸

Four years later, after a long legal battle the Rhode Island legislature amended the statute in question allowing for indoor prostitution to be legal while street prostitution remained criminalized. Although the case was never settled, COYOTE took this act as validation of their argument and sued for their legal fees. The court did not side in their favor but indoor prostitution remained legal from 1980 until 2009 when the definition of prostitution expanded to encompass indoor prostitution.²⁹

During the same time that COYOTE was formed other sex workers' rights organizations formed. Today there are more activist groups than ever before. The Sex Workers Outreach Program provides media justice for sex workers who have been wronged by authorities or clients. The Desiree Alliance is currently active and seeks to "reinvigorate the sex workers' rights movement in the U.S."³⁰ The Sex Workers Project is based in New York City and seeks to eliminate human trafficking and to improve the working conditions for sex workers.³¹

²⁸ *Coyote v. Roberts*, 502 F Dupp. 1342- Dist Court, D. Rhode Island 1976

²⁹ *Coyote v. Roberts*, 502 F Dupp. 1342- Dist Court, D. Rhode Island 1980

³⁰ Elizabeth King. "3 Sex Workers' Rights Organizations That Fight Every Day to End The Stigma." *Bustle*. July 28, 2015. See www.bustle.com/articles/100518-3-sex-workers-rights-organizations-that-fight-every-day-to-end-the-stigma

³¹ *Ibid.*

While there has been an increase in sex workers' rights groups there has always been an increase in groups that oppose legalization. Most of these groups operate under two assumptions that human trafficking can only be stopped by eliminating prostitution and majority of sex workers are forced into sex work. These groups see prostitution as a caveat of male supremacy rather than a feminist expression of female sexuality and individual rights like sex workers' rights groups believe. Radical feminism, which has its roots in the 1960s, became more popular in the late 20th century. Radical feminism seeks to reorder society in ways that subvert male supremacy. Radical feminism sees prostitution as a shining example of man's domination of women. According to a radical feminist prostitution would not exist in a society that was not male dominated.³² This philosophy is the grandchild of the white slavery scare. Like in the progressive era, today's anti-prostitution activists cite human trafficking as a major reason to end prostitution.

Opponents of prostitution cannot fathom a woman to have any sexual agency or to freely choose sex work.³³ Echoing Progressive Era rhetoric, there are many news stories involving trafficked women and girls. Human trafficking is a serious issue that affects way more individuals than it should; however, how accurate are human trafficking statistics? According to the director of the Crimes against Children Research Center at

³² Karni Kissel and Maureen Davey. "The Prostitution Debate In Feminism: Current Trends, Policy And Clinical Issues Facing An Invisible Population," *Journal of Feminist Family Therapy: An International Forum* 22, no. 1 (February 2010): 1-21.

³³ Rosen, *The Lost Sisterhood*, 171.

the University of New Hampshire, David Finkelhor, most trafficking statistics are just guesses.³⁴ This begs the question: is this just a repeat of the white slavery scare?

Regardless of what that answer is, America is not the only country having a similar reaction to human trafficking. Sweden officially adopted the philosophy that all sex workers are victims of their clients in 1999 when implementing a law that decriminalized the selling of sex while stepping up penalties for buying it.³⁵ This approach is called the Swedish or Nordic model of prostitution. Other countries, most notably Canada, have also adopted the Swedish model. The United States has yet to officially adhere to this argument but individual states have started to make changes to their criminal codes in order to protect sex workers.

States have primarily done this through the enactment of Safe Harbor laws. These laws call for the dismissal of prostitution charges for human trafficking victims. Since 2014 42 states and Washington D.C. have passed safe harbor laws.³⁶ In order to be eligible under safe harbor laws, a prostitute must prove they were coerced into sex work. In Illinois just working in a brothel or massage parlor would count as coercion.³⁷ These

³⁴ Rebecca Beitsch, "More States Separate Prostitution, Sex Trafficking." *Stateline*. October 21, 2015.

³⁵ David Crouch, "Swedish Prostitution Law Targets Buyers, but Some Say It Hurts Sellers," *The New York Times*. March 14, 2015.

³⁶ Beitsch, "More States Separate Prostitution."

³⁷ J.D. Obenberger " A Primer on the Law of Prostitution in Illinois." XXXLAW - State Laws - Primer on the Law of Prostitution in Illinois.

laws are put in place to help the victims of human trafficking but in practice could be used as a defense for many freely working in the sex industry.

Illinois is leading the country in the decriminalization of selling sex. As of 2014, the state statute was amended to allow for those charged with prostitution to receive treatment at mental health rehabilitation centers instead of going to jail.³⁸ On top of this decrease in punishment, Illinois has completely decriminalized juvenile prostitution in an attempt to shield minors from charges. Now a Child Protection Case must be opened any time a juvenile is picked up for prostitution instead of arresting the minor.³⁹ Not only is juvenile prostitution decriminalized but, as of 2016, any felony prostitution charges can be sealed and expunged.⁴⁰ This is a significant step further than the usual safe harbor laws that usually only allow this for human trafficking victims. Maryland enacted a similar statute two years prior to Illinois in 2015.

While Illinois prostitutes are enjoying lesser restrictions due to human trafficking concerns, their clients are facing stiffer consequences than ever. Some states have increased penalties for “johns” (the clients of prostitutes) while decreasing them for prostitutes. Illinois definitely leads the silent movement to follow the Swedish model of policing prostitution. While it has made significant steps to reduce the criminality of selling sex by decreasing the penalties, the state legislature has increased the penalty of

³⁸ Public Act 098-0621

³⁹ J.D. Obenberger, "A Primer on the Law Of Prostitution in Illinois."

⁴⁰ Public Act 098-0637

soliciting a prostitute from a misdemeanor to a Class 4 felony in 2010.⁴¹ Also at this same time the impound fee for any vehicle used to solicit a prostitute was increased from \$200 to \$1000.⁴² That money is to go directly to the police department that made the arrest. This gives a huge incentive to police officers to arrest clients rather than the sex workers themselves.

In other states, new types of punishments for clients have become popular. “John Schools” are rehabilitation programs for those convicted of soliciting sex. The curriculum of John Schools involves the health and legal dangers of continuing to solicit prostitutes as well as the negative impact that sex work has on women and girls and scary statistics on the percentage of sex workers who are human trafficking victims.⁴³ The 24-hour news cycle sensationalizing tales of human trafficking echoes the sensationalize newspapers of the progressive era. As stated previously, these statistics are mostly speculations, however they are routinely included in the curriculum of John Schools in order to try to dissuade Johns from reoffending.

Aside from convincing Johns that human trafficking is rampant, John Schools try to change a variety of beliefs that are assumed to be held by the Johns. A Department of

⁴¹ Public Act 096-1464

⁴² Public Act 096-1464

⁴³ Michael Shively, Kristina Kiliorys, Kristin Wheeler, and Dana Hunt, “An Overview of John Schools in the United States.” June 15, 2012. Summary Based Upon Research from the Study, A National Assessment of Prostitution and Sex Trafficking Demand Reduction Efforts, Cambridge, MA. Prepared for The National Institute of Justice

Justice funded overview of John Schools in the U.S., found that the common beliefs that John Schools attempt to reverse are the following:

- “1. The belief that the risk of arrest and legal sanction are low.
2. Denial or ignorance of the risk of contracting STDs or HIV through purchased sex.
3. Ignorance of the risk of being robbed or assaulted by prostitutes or pimps.
4. Denial or ignorance of the negative impact prostitution has on the neighborhoods in which it occurs.
5. Ignorance of the links between street prostitution and larger, organized systems of sex trafficking.
6. Denial or ignorance of what motivates them to solicit prostituted women or girls (e.g. addictions, compulsions, unmet social or sexual needs).
7. Denial or ignorance of the negative impact of prostitution on “providers.”
8. Denial or ignorance of the fact that money is the only reason prostituted persons have sex with them.”⁴⁴

⁴⁴ Michael Shively , Kristina Kiliorys, Kristin Wheeler, and Dana Hunt. “An Overview of John Schools in the United States.” June 15, 2012. Summary Based Upon Research from the Study, A National Assessment of Prostitution and Sex Trafficking Demand Reduction Efforts, Cambridge, MA.

“John Shaming” is another relatively new trend used to try and reduce the demand for sex work. John Shaming involves posting pictures or personal information of those arrested for soliciting a prostitute on the internet, television, or newspaper.⁴⁵ In 2013 the Nassau District attorney Kathleen Rice and Police Commissioner Thomas Dale led a sting operation to arrest johns. According to Rice the sting was required in order save women from abuses and “achieve gender fairness.”⁴⁶ Rice is essentially saying every female sex worker is a victim of her clients when, in reality, the sex worker is profiting from them.

On top of radical false feminist ideology, john shaming is often a violation of individual rights. In the case of the Nassau sting, the johns had not even been convicted when Rice released their photos and personal information to news outlets. Large newspapers like the Huffington Post, the Daily Mail, and the New York Post all published the names and photos of the johns arrested. Although they did mention that all were innocent until proven guilty, the damage was already done for those with their faces plastered across national news.⁴⁷ Nassau County is not the only region that participates in john shaming. Most states now have john shaming campaigns.⁴⁸ Conversely, there has

Prepared for The National Institute of Justice

⁴⁵ Suzy Kimm, "The Shame Game," *New Republic*, April 2016, 17-25.

⁴⁶ Ibid, 20

⁴⁷ Kimm, "The Shame Game," 20.

⁴⁸ Ibid, 24

never been a sting targeting sex workers that resulted in such a public display of their information.

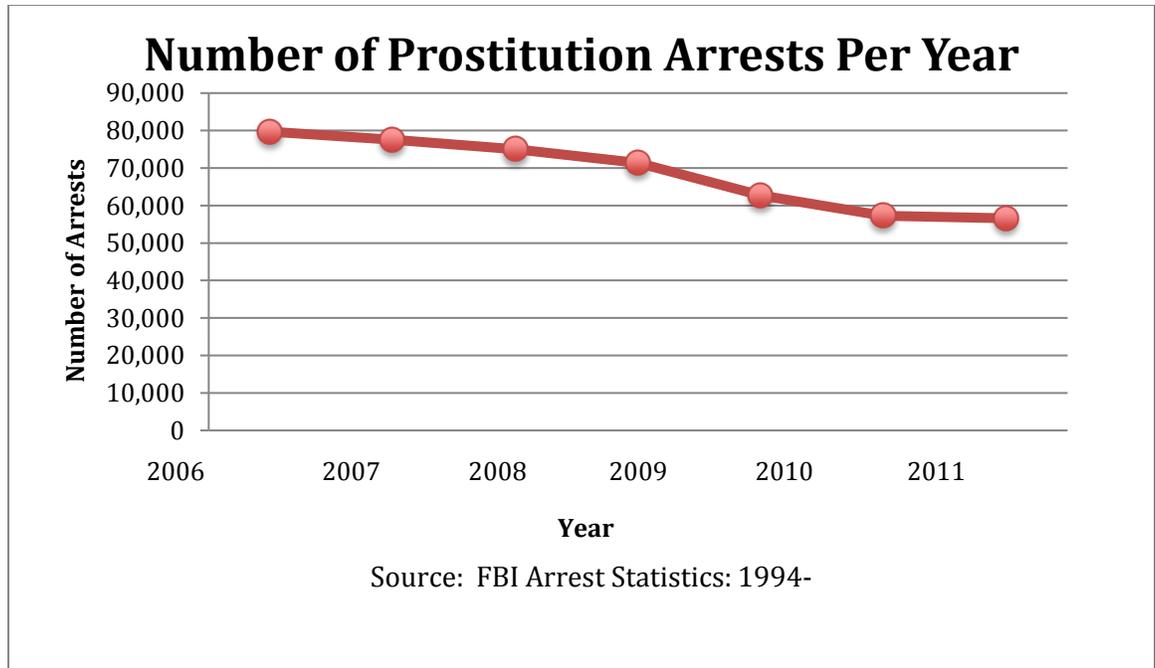
“Dear John” letters are also used by law enforcement agencies in an attempt to curb demand. These letters are sent to the legal residence of those registered to a car that was observed frequenting areas known for prostitution. These individuals have not been arrested or charged with prostitution. The only “crime” committed was being in a neighborhood known to be frequented by sex workers and their clients. The theory is that someone in the household other than the arrestee will see the letter resulting in further punishment for the crime of solicitation.⁴⁹ Even if no one else in the household sees this john letter, law enforcement agencies are still motivated to send the letters to scare individuals and make them aware of police presence.

As penalties increase for their clients, arrests of sex workers have decreased dramatically as sting operations shift to focus on johns more than ever before. From 1990 to 2010 the Department of Justice reports that the arrest rate for prostitution declined 55%.⁵⁰ From 2006 to 2012 alone prostitution arrests decreased 29%.⁵¹ This is likely due to

⁴⁹ Shively, et al., *A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts, Final Report*.

⁵⁰ Howard N. Syder. *Arrests in the United States, 1990-2010*. Publication. Office of Justice Programs, U.S. Department of Justice. Washington, D.C.: The Bureau of Justice Statistics, 2012.

willful ignorance on the part of police departments. According to a prosecutor in King County Washington, prosecutors in his jurisdiction now decline to prosecute sex workers due to the new ideology that sex workers are victims. In King County the arrest rates for sex workers versus their clients have generally flipped. Before more sex workers were arrested but now the focus is on their clients⁵².



Although the trend is to generally moving towards decreasing the demand for prostitution, one subsection of sex work, sugar relationships, has remained relatively untouched by law enforcement on both ends. The term “sugar relationships” describes the relationship between a wealthy individual- the “sugar daddy” (or the less commonly,

⁵¹ National Center for Juvenile Justice. "FBI Arrest Statistics: 1994-2012." Easy Access to FBI Arrest Statistics. https://www.ojjdp.gov/ojstatbb/ezaucr/asp/ucr_display.asp Accessed July 08, 2017.

⁵² Beitsch. "More States Separate Prostitution."

“sugar mommy”) and their “sugar baby” (typically young women 18-24). Sugar relationships can range from nothing more than a traditional relationship to straight prostitution.

The dating website Seeking Arrangement specializes in these relationships. Although Seeking Arrangement specifically prohibits sex workers from using their site,⁵³ in reality that is nothing more than a way to cover any legal issues that may arise. There are many legitimate arrangements and relationships formed on SA but it is also a hotbed for those wanting to buy or sell sex without the concern of law enforcement. Sugar relationships are often romanticized in pop culture and therefore do not carry the same negative connotations that prostitution does.⁵⁴ The sugar baby is seen as more of a “gold digger” than a victim of human trafficking. It is much easier for law enforcement to turn a blind eye to this form of prostitution than others because of the assumed distance from human trafficking and because the clients of these refined sex workers are wealthier than the average john.

Although many sugar babies are seen publicly as immoral due to the notion that they are hustling money from wealthy older men and women, the general opinion of sex workers is that they are trustworthier. According to a 1999 poll conducted by Fox News,

⁵³ "Terms of Use | The #1 Site for Mutually Beneficial Arrangements." Seeking Arrangement. Accessed July 08, 2017. <https://www.seekingarrangement.com/terms>.

⁵⁴ Ruth Padawer. "Keeping Up With Being Kept," *The New York Times*. April 11, 2009. Accessed July 08, 2017; Sarah Wexler. "The Secret World of Sugar Babies," *Cosmopolitan*. June 05, 2017.

Americans trust a prostitute to tell the truth (48%) over a used car salesman (14%), a politician (14%).⁵⁵ The public opinion today is much different than it was during the pre-progressive and progressive eras. Sex work as a profession may not have enough support at this time for large-scale decriminalization but there is increasing support. In 1985 only 23% of Americans were in favor of legalizing prostitution.⁵⁶ However, by 2012 47% of Americans believed that prostitution should be legalized.⁵⁷ A 2016 Marist poll found that 44% of Americans believe that sex work should be legal while 55% are either unsure or believe that sex work should remain illegal.⁵⁸

⁵⁵ Fox News. Fox News/Opinion Dynamics Poll, Jan, 1999 [survey question].

USODFOX.011599.R28. Opinion Dynamics [producer]. Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, iPOLL [distributor], accessed Jun-21-2017.

⁵⁶ Time/Yankelovich, Skelly & White Poll, Sep, 1985 [survey question].

USYANK.855732.Q09B. Yankelovich, Skelly & White [producer]. Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, iPOLL [distributor], accessed Jun-21-2017.

⁵⁷ 60 Minutes/Vanity Fair Poll, May, 2012 [survey question]. USCBS.201205BVF.Q52. CBS News [producer]. Cornell University, Ithaca, NY:Roper Center for Public Opinion Research, iPOLL [distributor], accessed Jun-21-2017.

⁵⁸ Point Taken, WGBH. Point Taken/Marist Poll, May, 2016 [survey question].

USMARIST.0523116PT.R01. Marist College Institute for Public Opinion [producer]. Cornell University, Ithaca, NY: Roper Center for Public Opinion Research, iPOLL

While there is blatant sexism in the enforcement tendencies of law enforcement, the 44% of Americans that believe sex work should be legal can at least rejoice in the fact that some steps are happening to decriminalize prostitution. However, the victimization ideology persists although its justification is faulty. There are an alarming number of cases in which women are truly the victims of human trafficking, but that does not mean the rights of all sex workers should be diminished. We do not outlaw driving cars after ingesting any amount of alcohol just because some people endanger the lives of others by driving drunk, instead we regulate alcohol consumption and punish those who do endanger the lives of others.

Not only is the logic faulty, it is dangerous. As penalties increase for Johns, their willingness to provide verifiable information previous to a sexual act with a sex worker will decrease. This only endangers the sex worker more as they have to just hope that their client will not abuse them. The closing of red light districts has only increased the amount of beatings and abuse that prostitutes face.⁵⁹ Proponents for the Swedish model claim that making only the selling of sex legal will make professionals more likely to come to the police if they are attacked. However, if they do not have any information about their client, would it be worth it for them?

It is doubtful that the US will totally decriminalize prostitution any time soon but it is more likely that it will follow Sweden and Canada to decriminalize at least the selling of sex. Despite how illogical it may seem, it is more politically feasible. Sex

[distributor], accessed Jun-21-2017.

⁵⁹ Rosen, *The Lost Sisterhood*.

worker rights activists and anyone who backs individual rights can think positively as this being a possible stepping stone, or rather a step backward to the pre-progressive era, towards decriminalization.

The real dangers of prostitution in the pre-progressive era came from hygiene practices and the lack of contraceptives. Today, with modern medicine, many of the venereal diseases that plagued red light districts of the 19th and 20th centuries could be eliminated with antibiotics and there could be mandated STD screenings for prostitutes and clients. In addition sex workers could be required to have a license just like a massage therapist. Licensing would provide a safety net for trafficking victims by forcing the law enforcement to only go after those unlicensed or to provide a time for a victim to seek help.

Sex work is not going anywhere. As the population increases and sexual mores become more liberal/permissive, the demand for prostitutes will only increase despite efforts of law enforcement to curb the practice. Women will continue to enter sex work freely despite current ideology that says that no woman would choose this life for herself. The ideology is strongly challenged by the sugar baby phenomenon. In reality a woman with no education can make more money through sex work than any other entry-level job. Any return to sex-work prohibition will only make the profession more dangerous. Examining the four eras of policing sex work illustrates important differences in the ideology that created the environment conducive to each policing practice. It is important to understand how the opinion of the sex workers has changed from a woman with loose morals to a victim of human trafficking. The sex workers themselves have not changed, only the opinion and policing of them has changed.