

University of Rhode Island

From the Selected Works of Donna M. Hughes

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Victory in Rhode Island

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Available at: https://works.bepress.com/donna_hughes/92/

*Victory in Rhode Island
Memo from Michael Horowitz¹*

October 30, 2009

To All:

In stunning culmination of a David-Goliath struggle that, at least until lately, few believed the David side had the slightest chance of winning, the Rhode Island legislature enacted three major anti-trafficking bills last night that the Governor will soon sign into law.

That these laws were passed is a tribute to the efforts of:

- local community activists;
- the Pulitzer Prize-worthy columns of the *Providence Journal's* deputy editorial page editor Ed Achorn;
- the volunteer work and remarkable research skills of Melanie Shapiro and Margaret Brooks, two women who, with Donna Hughes, led Rhode Island Citizens Against Trafficking;
- anti-pimp law enforcement officials from Rhode Island and elsewhere;
- Bishop Tobin and the R.I. Catholic Diocese and important Protestant denominations and their leaders;
- Laura Lederer, Robert Flores and Michael Shively;
- letters (for the most part solicited by Hughes) from such service providers as the National Center for Prosecution of Child Abuse, the National Center for Missing and Exploited Children, the Barnaba Institute, Covenant House, The My Life My Choice Project and Kim's Project; and, critically,
- the determined leadership of the amazing Representative Joanne Giannini, the bills' chief sponsor; and, most of all,
- Donna Hughes.

Having had much experience and some success in passing difficult human rights laws, I have NEVER seen leadership as determined, as focused, as strategic, as successful and, most of all, as brave as that provided by Donna in producing last night's outcome. She became -- still is -- the subject of blogs and web sites filled with attacks, literal hatred and barely veiled threats against her. (Subject to the warning that it contains materiel that may offend some, check out

¹ Michael Horowitz is a highly effective international human rights activist. He drafted the original federal Trafficking Victims Protection Act that passed in 2000. He has been the national anti-trafficking coalition leader who organized and lobbied for the passage of the Trafficking Victims Protection Reauthorization Acts in 2003 and 2005 and the William Wilberforce Trafficking Victims Protection Reauthorization Act in 2008.

"The Princess Diaries" at <http://www.realprincessdiaries.com/2009/10/donna-hughes-advocates-the-abuse-of-sex-workers/> for an example of the attacks on Hughes.) She sat through legislative hearings at which most of the committee members ridiculed and patronized her -- and then, as her efforts began to succeed, viciously assailed her. At the last hearing, in tribute to her remarkable efforts, witnesses (accurately) accused her of "hijacking" the state's legislative process.

Last night's victory involved the most difficult legislative challenge of all: an effort to alter the status quo by changing existing law which in this case had made Rhode Island the only state in the US where "indoor" prostitution and trafficking was legal. The effort seemed impossible because the leadership and most Members of the R.I. Senate Judiciary Committee, all with long-term tenure and secure seats, were ardent defenders of all but minor changes to the status quo. Those Senators were of course supported by operators of the state's proliferating and highly profitable strip joints/brothels who rightly treated the Giannini bills as Armageddon challenges. And those opponents of the bills were passionately joined by a national network of academic, NGO activist and blogger defenders of "sex work" who saw R.I. as "their" policy and intellectual bridgehead.

The battle was made acutely difficult and at times seemingly impossible by the split within our coalition over whether or not to "decriminalize" prostitution -- i.e., to remove trafficking victims from police and judicial jurisdiction. This split caused many erstwhile allies to seek the defeat of the Giannini bills -- and in many cases to do so even at the cost of protecting Rhode Island's intolerable status quo.

As noted, the Giannini bills represent a stunning achievement. They:

- Outlaw all forms of employment of minors in "adult entertainment establishments." (This unexpected, 11th hour provision is a tribute to the end-stage momentum created by Giannini and Hughes.)
- Include -- to the astonishment of many and very much the product of Hughes' efforts -- major provisions that, for the first time, make forced, non-sexual labor a form of prosecutable human trafficking.
- Increase and in some cases create criminal penalties against pimps, johns and knowing landlords of brothels.
- Defeat and reverse a Senate-passed effort to repeal every existing R.I. law that made pimping a per se crime.
- Make it a flat-out per se felony to engage in pimping in R.I., and make it an aggravated felony to engage in pimping by force, fraud or coercion -- precisely the outcome all of us have fought long and hard for.
- Make all acts trafficking of minors per se aggravated felonies and, in the process, repeal R.I.'s obscene law that required proof of fraud, force or coercion to convict traffickers of minors.
- Make "indoor" prostitution illegal but bar convictions of provable victims of trafficking, and permit the expungement of all prostitution-related conviction records of girls/women (but not of johns).

- Require R.I. police officials to regularly report on the anti-trafficking steps they have taken and progress they have made in enforcing the new laws.

A final point, and plea, remains to be made. The Rhode Island struggle brought to light a disagreement in our coalition that, unless worked through, will threaten future legislative progress in Congress and at the state level. Even more importantly, it will threaten our ability to ensure effective enforcement of the laws on the books -- i.e. effective prosecution of johns and traffickers -- and also threaten meaningful funding for victim rehabilitation services.

The rift over whether to "decriminalize" prostitution takes place between groups and leaders who share the desire to root out sex traffickers and trafficking -- to see in particular that all acts of pimping are vigorously prosecuted under per se criminal laws, and to see that the victims of johns and traffickers have meaningful opportunity not only to survive their abuse but to lead meaningful lives.

On one side of the debate are people who, understandably, believe it wrong to criminalize acts of prostitution -- who see in laws that do so policies that punish victims.

On the other side are people who believe that eliminating police and judicial jurisdiction from victims of trafficking ensures their continued enslavement at the hands of their traffickers -- and who believe that acute public pressure on law enforcement officials to prosecute traffickers can reverse the disrespect with which many police officials treat victims and cause the law enforcement community to become active supporters of enhanced victim service programs.

Both sides of this policy debate seek the same end, and the R.I. debate now makes clear the imperative need for them to begin active, respectful discussion and debate with each other -- informed by the participation of anti-trafficking law enforcement officials and survivor-based service providers.

I conclude with three thoughts. They are clear breakthroughs that all of us can agree have been produced by many provisions of the Giannini bills. Equally, they are produced by the passion and occasional venom that flowed in R.I. between groups and coalition leaders who need to find their way back to each other:

1. The "sex work" crowd has neither credibility nor support in a country now increasingly on our side -- and increasingly ready to treat traffickers as priority targets of the criminal system and its victims as persons meriting understanding, respect and assistance.
2. That this historic outcome -- the dream that many of you have labored in lonely fashion to make real long before I or other newcomers to the debate became engaged in it -- will not take place if we allow our coalition to become fragmented.
3. That our greatest present need is to find a forum -- and perhaps a skilled and savvy mediator -- to lower the temperature of our "decriminalization" debate, to help us reach

common understandings of the real issues this debate puts on the table and, most of all, to remind us of the goals and more pressing objectives that we share.