

University of Rhode Island

From the Selected Works of Donna M. Hughes

September 11, 2009

Levesque Misrepresents View of Laura Lederer

Donna M. Hughes, Dr.



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Senator Levesque's Misrepresentation of Former State Department Official's View on the Need for a Law Against Prostitution

Donna M. Hughes
Co-founder, Citizens Against Trafficking

This Citizens Against Trafficking Bulletin is a bit on the dense side, but an important point needs to be made.

Last week (September 4, 2009), Senator Charles Levesque (D-Portsmouth and Bristol) sent an email that misrepresented the view of Laura Lederer on the need for a prostitution law in Rhode Island. His email is reproduced in full below. Senator Levesque's letter was printed in the *Providence Journal* (September 9, 2009) under the title "Anti-prostitution law means more deaths."

Laura Lederer served as Senior Advisor on Trafficking in Persons to Under Secretary of State for Democracy and Global Affairs at the U.S. Department of State. She was also the Executive Director of the Senior Policy Operating Group on Trafficking in Persons, a high level interagency policy group that staffed the President's cabinet-level Inter-agency Task Force on Trafficking in Persons.

In mid-August she wrote to President of the Senate Teresa Paiva-Weed and Speaker of the House William Murphy urging them to pass the House prostitution bill. (That letter is reproduced below.)

On September 4, Senator Levesque pulled a paragraph from her letter and used it to justify his view that there should be no law against prostitution.

On September 5, Lederer wrote a brief letter to Levesque and the General Assembly protesting his misrepresentation of her views. Below is Lederer's response to Levesque's email. And by the way, Levesque then wrote an email to Lederer saying "I resent you suggesting that I "took [your views] out of context."

The emails and letters referred to above are on the following pages.

Letter of Clarification from Laura Lederer

FROM THE DESK OF
LAURA J. LEDERER

September 5, 2009

Dear Senator Levesque, Senators, Representatives and Editors at the Providence Journal and Newportri.com:

I just received an email in which my views are misrepresented. Let me clearly state my position: I believe every state needs to have anti-prostitution and anti-pimping laws in the criminal code. Contrary to your statement, I examined both the House and the Senate bills before I wrote a letter recommending the passage of the House prostitution bill (H 5044A).

Prostitution continues to be a serious problem in many communities. It is a complicated issue, but often, this is a result of lack of equitable enforcement of existing prostitution laws. In the United States, and more recently, in countries around the world, legislators, law enforcement officials, and citizens are recognizing the harm of prostitution. As a result, enforcement policies are changing. Enforcing current legislation and (where there is no law) passing and enforcing new laws will help solve the “revolving door” problems.

I want to reiterate my view that ***pimping and related crimes, such as pandering, transportation and harboring for prostitution, and deriving support and maintenance from prostitution, must remain felonies***, as they are in the current Rhode Island criminal code. I know of no state in the United States reducing penalties for pimping crimes; most states are strengthening their laws and increasing penalties for pimping. Pimps are serious criminals who cause great personal harm to those they control and exploit.

I have included a full copy of my letter below.

Sincerely yours,



Laura J. Lederer

Senator Levesque's Original Email

Fri, 4 Sep 2009 05:34:55 -0700 (PDT)

From: chas Leve <repclevesque@yahoo.com>

Subject: Today's Pro JO op ed by Ms. Hughes

To: senators@rilin.state.ri.us, Rhode Island Representatives <representatives@rilin.state.ri.us>

Cc: Professor Donna Hughes

All,

We have been once again treated to an article by Ms. Hughes that amply demonstrates who occasional relationship with the truth.

There are reasonable arguments on both sides of this discussion; unfortunately, Ms. Hughes has opted not to participate but rather distort and exaggerate. She has clearly left any concept of academic pursuit of knowledge and is fully in the employ of propaganda and advocacy.

I am quoting here from a letter that Ms. Hughes sent, from Professor Lederer, certainly knowledgeable in this area, who, though I do not feel she had the two bills side by side, clearly concluded that a bill similar to the House version was preferable. But, in the midst of her letter, she states a follows:

"It is easy to understand why legislators might find decriminalized prostitution attractive. The current criminal justice system has not been effective in assisting young women and children who are caught up in prostitution. Whether they were lured in, or began voluntarily, or were forced or coerced, almost all women and children in prostitution become trapped in the systemic exploitation and violence. To date, the criminal justice system has been a revolving door of arrest, prosecution, conviction, jail time, and then back on the street again. Those who support decriminalization argue that it is time to take the criminal justice focus off the women and children and place it squarely on the exploiters: the traffickers, the pimps, and the end users (johns)."

This analysis correctly states the current result in roughly 49 other states. I do not know of any reason to assume that RI will, upon passing of a version of the House bill, have any other result than is expressed by Professor Lederer, and have the same result as every other prohibition in this country's history: the activity will be driven "underground", will become more dangerous for the participants, resulting in more incarcerations and, yes, it is not being dramatic, more deaths.

I am aware from different conversations that many of you would support a bill similar to the current House version. I respect that. I think it is wrong, but I respect the consideration and sincerity that you have brought to your decision. It is, as I have said, a matter upon which reasonable people might differ.

Sincerely,

Chuck Levesque

Laura Lederer's Original Letter

Laura J. Lederer, J.D.
5311 Tractor Lane
Fairfax, VA 22030

August 17, 2009

Senator M. Teresa Paiva-Weed
President of the Senate
Rhode Island Senate
Providence, Rhode Island 02903

Dear Senator Paiva-Weed:

I write to urge Rhode Island legislators to draft and pass a law criminalizing prostitution in Rhode Island. My own background gives me some perspective on the challenges Rhode Island faces today. In 1997, I founded and directed The Protection Project at Harvard University's John F. Kennedy School of Government in 1997. In that capacity, I collected the laws of every country in the world addressing human trafficking and related activities (prostitution, pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, soliciting, and more). I also teach a course in international law on human trafficking at Georgetown Law Center. In addition, for five years I served as Senior Advisor on Trafficking in Persons to Under Secretary of State for Democracy and Global Affairs at the U.S. Department of State, and for seven years I was the Executive Director of the Senior Policy Operating Group on Trafficking in Persons, a high level interagency policy group that staffed the President's cabinet-level Inter-agency Task Force on Trafficking in Persons.

In addition to giving law enforcement the tools to investigate, arrest, prosecute, and convict, the laws of a state are also a set of rules of conduct recognized by a community and enforced by an established and agreed upon process. It is important that the body of law addressing sex trafficking and prostitution takes a cohesive and holistic approach to this complicated problem. Criminalizing pimping, pandering, procuring, and profiting from prostitution, but not the act of prostitution itself, guarantees confusion and lack of enforcement by officials of the law. It creates a cognitive dissonance that reverberates throughout the system.

It is easy to understand why legislators might find decriminalized prostitution attractive. The current criminal justice system has not been effective in assisting young women and children who are caught up in prostitution. Whether they were lured in, or began voluntarily, or were forced or coerced, almost all women and children in prostitution become trapped in the systemic exploitation and violence. To date, the criminal justice system has been a revolving door of arrest, prosecution, conviction, jail time, and then back on the street again. Those who support decriminalization argue that it is time to take the criminal justice focus off the women and children and place it squarely on the exploiters: the traffickers, the pimps, and the end users (johns).

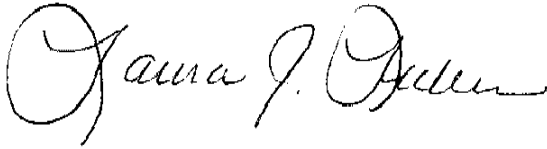
In actuality, justice is better served if all of the activities associated with prostitution are criminalized. The criminal justice focus can be lifted from the women and children by making prostitution a misdemeanor, reflecting the exploitation, coercion, trickery, and violence that are almost always a part of prostitution. In the future, diversion programs and services can be offered to those who need and want them. But criminalizing it sends the message that we recognize that prostitution is part of a triangle of activity, and that no one corner of the activity will be condoned by the law. It allows law enforcement to investigate and enforce the law pertaining to all aspects of the activity.

Clearly, pimping and pandering remain felony activities with severe penalties, as they are presently in the Rhode Island criminal code, and as they are, for example, in Georgia's new law. This allows law enforcement to go after the thugs who exploit using rape, assault, drugs, and other forms of violence to control. In the same way, it is just as important to strengthen laws against the end users or buyers, who are the ones who are fueling the market and creating the demand. Criminalizing prostitution does not mean that we will not aim the full force of the law at those in the positions of power in the system.

Let me conclude with the story of the late Norma Hotaling, an 18 year victim of prostitution, who became a survivor and creator of SAGE, one of the first service providers to women and children trapped in prostitution. Norma told me that she owed her life to the laws and law enforcement officers who arrested her for prostitution – because it forced her into the services that she needed – chemical detox, food, clothing and shelter, medical assistance, legal assistance, and finally therapy. She became a light and a leader for all those still caught in this terrible exploitation. Saving lives is what criminalizing prostitution is ultimately about.

I hope that Rhode Island makes the right choice as it passes House bill H 5044A to protect its citizens.

Sincerely yours,

A handwritten signature in black ink, reading "Laura J. Lederer". The signature is written in a cursive style with a large, looped initial "L".

Laura J. Lederer, J.D.

Cc: Representative Gordon D. Fox

Cc: Representative Donald Lally

Cc: Representative Joanne Giannini

Cc: Patrick Lynch, Attorney General

Cc: Brendan Doherty, Superintendent State Police