

ABSTRACT

Title of Document: YOUTH ENGAGING IN PROSTITUTION: AN EXAMINATION OF RACE, GENDER, AND THEIR INTERSECTIONS

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Between 2008 and 2012, 10 states took steps to decriminalize young people arrested for prostitution while providing them with court-mandated services to help them recover from their experiences with prostitution. In 2006, the National Institute of Justice funded a study to estimate the population of youth engaging in prostitution in the New York City area. As a part of the study, 249 young people engaging in prostitution (YEP) were interviewed about their experiences. This dissertation explores the legislation created to address YEP and the incorporation of ideas in public discourse into legislative policy, as well as how these policies reflect the experiences and needs of YEP as they articulate them. This interdisciplinary, feminist study explores how these differing constructions and the relationships between them are built within raced, gendered, and classed power relations. To answer these questions, the dissertation uses quantitative and qualitative methods and draws from theories of feminism, intersectionality, harm reduction, and strength-based social work.

YOUTH ENGAGING IN PROSTITUTION: AN EXAMINATION OF RACE,
GENDER, AND THEIR INTERSECTIONS

By

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Dedication

This dissertation is dedicated to the all the people
who could not stand next to me
but who stand with me.

Acknowledgments

Where to begin on a journey that has been so long that it required a decade of help and support. This dissertation is a reflection of the support and generosity of many. To my advisor, Dean Thornton Dill, thank you for your support and encouragement. Thank you for your reads and re-reads and re-re-reads. I appreciated your constructive feedback and your ability to laugh with me when we were both frustrated. To my committee members, thank you for your time and your energy. Dr. Kim, thank you for your strength-based feedback throughout my tenure at Maryland. Dr. Curtis, thank you for bringing me into the fold and sharing your knowledge and expertise with me. I continue to learn from you and look forward to continuing to work with you.

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come for us. Clare Jen taught me that my contribution to feminist theory was unique and important.

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Chapter One: Introduction

In 2000, I met Emily, a young woman in the juvenile court house in New York City. She was wrapped in a white sheet to cover herself as the clothes she wore revealed much of her body. The white sheet protected her from the stares of the other youth in the detention area, the guards, the lawyers, and myself. She was 15 years old and had been picked up early that morning by police, walking in an area known for prostitution. Because it was not a sting operation, Emily was technically arrested for giving her wrong name and date of birth. This charge led her to be held in the juvenile court and a case was quickly brought around the context of when she had given this false information—what she was wearing, the area she was in, and how she had repeatedly approached cars on the street.

Over the course of two years, I worked on this young woman's defense case against charges of prostitution—observing the ways the defense lawyer, prosecutor, and judge constructed her in order to meet their respective goals. The defense lawyer portrayed her as a helpless victim of adult exploiters in need of rehabilitation and the opportunity for a second chance. The prosecutor constructed a story of a victim who needed protection from the streets, insisting that she had a pimp—even though Emily denied it—and that her safety could only be attained by incarcerating her. The judge in many ways constructed Emily as a delinquent and deviant problem-child, exemplary of what was wrong with the seediest parts of New York. I also had the privilege of watching Emily construct her own identity as she saw fit for different situations—sometimes as a reflection of others' constructions of her, sometimes as how she wanted to be seen by others, and on the rare times she let her guard down, just as herself.

I will never know what construction of Emily, or what response to Emily's arrest, would have yielded the best outcome for her—but I do know that she was rarely consulted. She was transferred from detention hall to hospital mental health center to juvenile prison. I left the organization to pursue graduate school just as her defense lawyer attempted to get her out of juvenile prison by arguing she be placed in a therapeutic foster home. The court would still have control over her—if she stepped out of line she could be placed back in the juvenile prison without having committed a new crime—but at least she would be in a home. It would have been the first time in over two years that she could say that much.

This experience marked me. I worked in the juvenile court for two years and very few other cases had the same impact on me as Emily's had. When I left New York, I looked for theories in the classroom and organizations in the community that might help me make sense of her life: how her race, class, and gender intersected to shape her circumstances and what she as an individual chose to do with those circumstances; how these factors also ensured that many people tried to define her; and the possibility that their definitions were a reflection of their own perspectives.

Over the next few years, I met more people in the sex trade and heard their stories—listening for how they were the same and different when placed next to my memories of Emily. I came to see the validity of understanding that young people have agency but they do not make their decisions in a vacuum. They exert agency within constraints.

News stories paint a picture of a new social problem in the U.S.: young people engaging in prostitution (YEP).¹ The population of YEP, by all accounts, is larger than ever before and younger women than ever before are involved. Girls, it is argued, some as young as 12 years old, are routinely being exploited in prostitution rings in the United States. To address the growing problem of girls involved in prostitution, New York passed the Safe Harbour for Exploited Children Act (NYSHA) in 2008. NYSHA removes youth arrested for prostitution out of delinquency proceedings (the equivalent of criminal court proceedings in the adult system) and into child welfare proceedings. Between 2008 and 2012, nine states took similar steps to “save” the young people portrayed in the media as being victimized by prostitution. Taken together, these safe harbor acts are an effort to decriminalize young people arrested for prostitution while providing them with court-mandated services to help them recover from their experiences with prostitution.²

To what extent does the young woman in the news stories exist and is she representative of YEP? How does the story that is told about YEP in the news and in the academic literature shape the social policies that seek to address YEP? How does the story, and how do the social policies, relate to the stories of a sample of YEP in New York City as they describe their experiences with prostitution? How are these differing constructions and the relationships between them built within raced, gendered, and classed power relations? This dissertation explores the legislation created to address YEP and the incorporation of ideas in public discourse into legislative policy.

Public policies that seek to address the concerns associated with YEP construct youth in particular ways that reflect the dominant discourse of the time. The federal

¹ News stories here refers to news paper, magazine, and news website articles from 2009-2012.

² I will use the spelling “harbour” when referencing the New York act and “safe harbor acts” refer to general laws regarding YEP.

government has been regulating prostitution through legislation since the late 1800s. What connections are there between two early acts that regulated prostitution, The Alien Importation Act of 1875 and the White Slave Trade Act of 1910, and contemporary policies? The current ways of understanding YEP are shaped by the history of legislation; the historical analyses of these laws, because they are so tied to race/citizenship and gender, reinforce the need to analyze contemporary legislation by race and gender. Historical analysis also frames another question of this study: what happens when criminal and juvenile justice laws are used to address social problems? Exploring these questions helps connect the ways dominant perceptions of youth and prostitution emerge in contemporary public policies.

There are many ways of understanding YEP. Public policies and academic research work in conjunction to present one version. Two research questions dominate the academic literature on YEP: Why do youth enter prostitution and what are their experiences with prostitution? These two questions produce three themes in the academic literature: (1) YEP experience high levels of physical, sexual, and psychological abuse in their family of origin (Lowman, 1987; Estes, 2001 and 2005; Silbert & Pines, 1982) that may influence their decision to enter prostitution (for young women see Silbert & Pines, 1983; Brown, 1979; for young men see Lloyd, 1976, Price et al., 1984, Scott, 2003) and characterize their experiences with prostitution (Boyer, 1989; Weisberg, 1984a; Silbert & Pines, 1981; Farley et al., 2003); (2) Youth often turn to prostitution because of a precarious living situation or homelessness, which results from the aforementioned abuse (Seng, 1989; Boyer, 1989; Flowers, 2001; Greene et al, 1999; Reid, 2011); (3) Drug use is rampant among YEP (Halter, 2008; Flowers, 2001; Balfour, 2008; Ives, 2001; Klain,

1999; Silbert, Pines, and Lynch, 1982) and may also be a precursor to prostitution (Greene et al., 1999; Klain, 1999; Reid, 2010).³ Therefore, throughout this body of work youth are most often portrayed as victimized, homeless drug-users. Much of the academic literature on YEP (and adults engaging in prostitution) hypothesizes that childhood trauma and familial problems explain why people enter into prostitution. The message behind this is two-fold: that prostitution is to be avoided (a moral-laden position), and that childhood trauma is insurmountable.

I recognize that the existing academic literature contributes to identifying the struggles and challenges facing YEP—that some youth struggle with addiction, that abuse can be a common experience (both before and during the time young people engage in prostitution), and that many youth find securing safe housing challenging. I draw from these challenges to analyze how public policies could be better crafted to address the needs, health, and well-being of YEP. That being said, this study questions how a singular perception of YEP—from problem-focused research that theorizes about YEP solely from a deficit-based approach—works against the goals of public policies to help YEP. I examine the relationship between the way the scholarly literature describes YEP and the ways that a sample of YEP in New York describe their experiences with prostitution. What within the academic literature does this sample support and what assumptions about YEP do they challenge?

Building on the work of Cudore Snell, author of one of the first strength-based treatments of youth and prostitution, I explore how the research about the problems youth face can best be served when rounded out with research on their resiliency in the face of

³ The research from these studies (on pimps, traffickers, and drug use) is only applicable to young women's experience.

oppression. In order to contextualize the topic for the reader, Chapter Two presents the theories, like those of Cudore Snell, that frame the dissertation and a review of the academic literature on YEP. Chapter two explores the questions and theoretical positions that have historically driven research on YEP and outlines the theories that are most productive in answering the dissertation's research questions. Chapter Three presents the dissertation data and research methodology. The data comes from two sources—interview data from a sample of YEP in New York and the legislation that seeks to address YEP, including the New York's Safe Harbour for Exploited Children Act (NYSHA).

This study seeks to answer the overarching question: What is the relationship between the ways in which YEP construct themselves and the ways they are understood in recent public policies? To answer this question, I explore the ways YEP present themselves, asking: How do they describe their experiences and their needs? How do they make meaning of these experiences? What do they deem important?

It also explores a set of questions about constructions of YEP in policy and academic literature, which include: Are these self-constructions congruent with the ways that social policies construct YEP? This study also looks at ways in which YEP are constructed by social policies: How does the construction of YEP in the academic scholarship inform public policies that impact YEP? Who promotes these public policies and to what end? What story do the people who influence policies tell about YEP? What meanings are associated with the language used in the public policies regarding YEP?

To answer these research questions, I analyze interviews with a sample of YEP and the legislation put forward to address YEP to understand the relationship between

them. Chapter Four introduces the reader to the sample of YEP. Who are these youth? What are their experiences with prostitution? What are the patterns in their stories and experiences by race, gender, and their intersections? Chapter Five focuses on the legislation that seeks to address YEP, using a historical and contemporary analysis of legislation and the surrounding discourse of the legislation. Chapter Five outlines how the parameters of YEP experiences are shaped by contemporary public policies and looks for historical patterns within which to understand modern political constructions of YEP.

The conclusion explores the different possibilities for conceptualizing and constructing YEP. What has and has not been asked about YEP by academic researchers and the people who influence public policy? How might the questions that researchers and others ask of YEP be influenced by their theoretical position? How could different research questions and different theoretical positions expand the current ways of knowing and responding to YEP? These questions lead to an exploration into what is known about YEP—through an examination of how YEP are constructed into a singular narrative by the academic literature and public policies—and what could be known about YEP—through an analysis of interview data from a sample of YEP wherein they discuss their experiences, their needs, and their expectations for the future.

This study is an important contribution to the current research available about YEP. If a disjuncture exists between the singular media narrative and the ways YEP construct themselves, there are implications for public policy, advocacy and YEP. The topic of YEP has been given greater attention in the past decade, but little is known about how the experiences of YEP differ by the intersecting experiences of racism and sexism. Therefore, as well as contributing to policy-relevant research on YEP, this dissertation

enhances the work in feminist theory on prostitution through the inclusion of strength-based/resiliency theories and contributes to the growing body of intersectional research on the impact of social locations on people's experiences (Dill and Zambrana, 2009 ; Collins, 2000; Bowleg, 2008; Garcia, 2010). This study fills a gap in the academic literature and promotes a deeper understanding of YEP's lives and experiences. It is not my intention, by presenting the sample of YEP, to replicate the false overgeneralization that stems from a singular story. The goal is to complicate the existing knowledge which constructs a particular image of YEP. I offer the analysis of this dissertation with respect for the work that activists and scholars have put into helping youth. There is a certain anxiety, explored in Chapter Six, that my research questions contain a complexity that paralyzes reform efforts.

Definition of Key Terms:

YEP I use the term youth engaging in prostitution (YEP) to define a specific population—boys, girls, and transgender youth who are under 18, live in the United States, and exchange sexual services for currency. The currency can take such diverse forms as food, shelter, drugs, and/or money. I use this term politically—as others have used terms such as prostituted women or the commercial sexual exploitation of children. I prioritize the term youth or young person and only secondarily acknowledge that the subset of youth I research for this dissertation engage in prostitution. This is a purposeful semantic move to ensure that the focus stays on the fact that prostitution is not the entirety of these young people's identity and that their engagement in prostitution is a choice. For more on the topic of young people, prostitution, and choice, please see Chapter Two.

PINS/CHINS PINS is an acronym standing for “person in need of supervision.” It is a legal term used in New York to define “a child under the age of 18 who does not attend school, or behaves in a way that is dangerous or out of control, or often disobeys his or her parents, guardians or other authorities” (New York Family Court website, 2012). In other states, these youth may be labeled “children in need of supervision” (CHINS)—a court process focused on social services. Within the special category of PINS/CHINS, the young person is not a criminal but, in the eyes of the state, still requires a modicum of judicial control.

Pimp The term pimp can refer to a fairly neutral definition, such as that found in Melissa Ditmore’s *Prostitution and Sex Work* (2011): “a man who manages a venue or workers in the sex industry” (17). But it is more often associated with gender-based violence, control, and exploitation (Barry, 1995). A more traditional understanding of pimps and YEP evokes heavily involved relationships: often the two people live together; one engages in the trading of sex and the other, the pimp, provides for the person’s needs (food, housing, ‘protection’ etc.) and receives all or most of the money; the two people are often romantically involved (or were at one time).

Market Facilitator A market facilitator makes a profit from helping someone enter the sex trade or, once in the sex trade, find customers. The difference between a market facilitator and a pimp lies in the nature of the relationship. The term market facilitator elicits a more neutral relationship and is not associated with a specific gender. While a pimp is a market facilitator, a market facilitator is not in every case a pimp. Curtis et al. (2008) first used the term ‘market facilitators’ in the NIJ-funded John Jay study to expand the terminology beyond pimp(s). Curtis’ shift in language from pimp to

market facilitator validates situations in which youth sought and found assistance to engage in prostitution in ways that were not as exploitive as situations involving youth with pimps. Youth often defined relationships with market facilitators as, for example, mutually convenient and did not always present overt concerns of exploitation.⁴

As opposed to pimps, market facilitators may not be romantically involved with the young person, they may be a peer (for example, another youth engaging in prostitution), or a relative. I distinguish between market facilitator and pimp to identify two different types of relationships YEP may be involved in where the other person directly or indirectly profits from prostitution. Throughout this analysis, I indicate if the market facilitator is a traditionally-defined pimp.

⁴ Curtis et al. (2007) acknowledge the “spin” some youth would put on these relationships; they prioritized letting the youth’s words speak for themselves and allowing the reader to judge (72).

Chapter Two: Agency within Constraints and Feminist Debates on Prostitution

This dissertation seeks to understand the relationship between discourses of YEP as constructed in public policy and as expressed by YEP themselves. Important to this research is how the two constructions (and the relationship between them) are built within raced, gendered, and classed power relations. This chapter examines the utility of approaching these questions from the perspective that youth have agency within constraints—that is, to recognize that young people make decisions and that those decisions can be shaped by the co-constructing natures of social locations such as race, class, and gender. My use of the theory of agency within constraints is informed by a particular combination of feminist theories of sex work, intersectionality, harm reduction, strength-based social work, and discourse analysis.⁵

Though these feminist theories share a common interrogation of the impact of power on people's experiences and the drive to understand individual experiences within larger patterns, they often operate within different spheres. This dissertation, with YEP as the focus, works to put these theories into conversation with one another to understand

⁵ The terms sex work/er are attributed to Carol Leigh. For more on the origins of the terms sex work/er and their links to feminism see Carol Leigh's chapter "Inventing Sex Work" in Jill Nagle's *Whores and Other Feminists* (1997). I use the term sex work and prostitution interchangeably in this chapter only. Sex work is an umbrella term that encompasses the range of trading sexual acts for currency (be that money, drugs, shelter or gifts). The term sex work is also a political stance—it firmly roots me within a genealogy of feminist theory that argues prostitution is "not an identity but as an income-generating activity or form of labor" (Kempadoo, 1998, 3). I limit the use of sex work to this chapter to align myself with feminist theories of sex work while simultaneously differentiating this branch of feminist theory (sometimes called self-determination feminism) from feminist theories of prostitution (sometimes referred to as abolitionist feminist theory). For more on the naming of self-determination and abolitionist feminisms, please see Elaine Murphy and Karin Ringheim's interview of Joe Doezma in the 2002 *Reproductive Health and Rights—Reaching the Hardly Reached*. For the rest of the dissertation, I chose to use the term prostitution—specifically youth engaging in prostitution or the acronym YEP. The strategy behind this word choice is simple: it is an attempt to focus the reader on the content of the dissertation without being distracted by a debate around enveloping young people into the terminology of sex work. I prioritize the noun youth to remind the reader that these are young people first and foremost. Prostitution is one thing that youth participate in among a range of activities. Often theorists use the term prostitute, which I believe works to construct young people's entire identity. Identifying them as youth who engage in prostitution allows space for youth to have multiple identities.

efficacy of agency within constraints as a theoretical model. I begin by describing the theoretical construction of agency within constraints followed by an examination of current applications of this theory for YEP. I conclude with a discussion of the strengths and limitations of the theory.

Agency within Constraints

The concept of agency within constraints captures the essence of my approach to YEP. As a researcher, I try to find patterns among people's experiences, especially with respect to race and gender, without losing sight of the diversity of those experiences. Agency within constraints allows me to explore how YEP describe the choices they make within the spectrum of options available to them. This approach acts as a guide toward balanced conversations about and with YEP: discussions that identify the impact of social location on the ability to choose without undermining young people's right to choose regardless of their social locations.

Iris Ofilia Lopez uses agency within constraints in *Matters of Choice* (2008) to discuss the finding that Puerto Rican women chose sterilization at the same rates in the 1960s and the 2000s. Regarding her maneuvering through the controversial topic of whether women were forced into or chose sterilization, she states,

In order to obtain a nuanced view of Puerto Rican women's sterilization experiences, it is important to focus on the diverse reasons that motivated their decisions and to explore the range of their social circumstances, their gender awareness, and the interplay between agency and constraint through a more comprehensive model. (xi)

Lopez is committed to analyzing patterns within people's unique experiences. She forces herself to explore the "rich variety of individual experiences, even when women face

similar constraints and live in the same community” (148). She finds agency within constraints the most effective model for this exploration.

Agency within constraints is an analysis that “transcends the binary model of agency and constraint” (Lopez, 2008, xv) looking instead for the elements of agency while not denying that choice is not made entirely freely. Feminist theory on sex work, intersectionality, harm reduction, strength-based social work, and discourse analysis frame my use of agency within constraints. These theories suggest youth have different motivations for entering prostitution and may have different experiences with prostitution. Furthermore, these differences should be explored for their relationship to the intersections of YEP’s social locations.

Anne McClintock (1993) argues three themes dominate the theoretical discourse on sex work: “the politics of agency, the politics of representation, and the politics of alliance across social imbalances of power” (2). I find McClintock’s discussion of the discourses on sex work helpful for organizing the way I synthesize feminist theories of intersectionality, harm reduction, strength-based social work, and discourse analysis in my approach to YEP in this dissertation. In this section I discuss how I put these theories into conversation in ways that come together to articulate the interplay between agency and constraint for YEP.

Agency

Choice and agency are central tenets of feminist theories of sex work, harm reduction and strength-based social work. Feminist theorists of sex work acknowledge that some people are trafficked and prostituted against their will and that the majority of trafficking victims are women; however, they also recognize that many people choose to

engage in sex work (Weitzer, 2007; Augustin, 2007). In feminist theory of sex work, as well as harm reduction and strength-based social work theories, people who engage in prostitution are understood as agents who make decisions that they perceive are best for them even if those decisions are not free from harm. Therefore, in the McClintock's "politics of agency" these theories promote sex workers as agents. According to feminist theories of sex work, arguments that deny agency are invalid because of the moral assumptions that anyone who engages in prostitution, as a deviant form of sex/sexuality, must be forced or fooled—in other words, they must be victims (Rubin, 1993).

For example, in *The Prostitution Prism*, feminist theorist of sex work Gail Pheterson (1996) argues that debates centered on victimization are clouded by a moral perspective. The moral scope understands the sex worker is signified as a sexually stigmatized woman. Sex workers are often associated with indecency because they violate sexual norms and societal values (Pheterson, 1996). From this stance, no one would choose to engage in sex work. From an anti-sex work perspective, Kathleen Barry (1979), for example, argues that women who believe they willingly engage in prostitution are unaware of the power of the patriarchy and cannot escape 'sexual terrorism'. Prostitution, in many ways, has come to be the epitome of societal violence against women—it is always an exploitive practice that objectifies and degrades women and promotes violence against women (Barry, 1995; Raymond, 1995).

Feminist theorists of sex work argue that these victim-based theories are rooted in gender stereotypes (Ditmore, 2010). The gendered nature of victimization arguments becomes clearer when the theoretical treatment of women engaging in prostitution is compared to that of men (and, to an extent, transgender sex workers). Men are seen to

command a more liberated and independent position in the discourse than their female counterparts (Marlowe, 1997). The same dichotomy holds true for young men and women—where girls are constructed as victims of trafficking or exploitation, while boys are discussed as strategically surviving the streets or venturing into the underground world of homosexuality.⁶ In the news reports and academic research on both adult and youth prostitution, men/boys are seen as making a choice and women/girls are seen as having choices made for them.

Feminist theory of sex work holds that the lens of victimization and exploitation, when applied to prostitution, universalizes these experiences and thus makes invisible the context of these experiences (Rubin, 1993). Wagenaar and Altink (2009) argue that the lens of victimization can further serve to justify state sanctions that attempt to control sex workers and their sexuality. Their work asks why, if theories about prostitution equate women as victims, the laws are written to construct them as criminals. Wagenaar and Altink (2009) argue that this inconsistent message of labeling women as victims while sanctioning them as criminals stems from the unique position sex workers hold in public policy; they are considered “a victim on an individual level, while as a group they are considered a threat to society” (2009, 165). Feminist theorists of sex work, like Wagenaar and Altink, argue instead for an analytical lens that encompasses the wide range of experiences within prostitution and for sex work to be legitimized and thus protected as work.

Theories of harm reduction and strength-based social work support the position on agency found in feminist theories of sex work. Harm reduction theories validate people’s unique experiences by guiding practitioners to meet people “where they’re at”

⁶ See R. Barri Flowers (2001).

(Harm Reduction Coalition, 2011). Harm reduction theory, which emerged in public health approaches to drug use in the 1990s, articulates the benefits of applying a spectrum of intervention strategies to public health concerns—from safety to managed risk to abstinence (Harm Reduction Coalition, 2011). Harm reduction theory attempts to work from a value-neutral standpoint toward public health topics (Keane, 2003). For prostitution, a value-neutral position means supporting people’s choice to engage in sex work and supporting people to strategize as individuals and groups on ways to reduce the harm associated with sex work (Maher, 2000).

Harm reduction theory of sex work on a practical level means condom distribution, safety information sharing (specifically about recent crimes committed against people engaging in prostitution), and discussing safety strategies (working in lit areas; carrying legal protection such as mace; communicating with friends about where, when, and with whom they were going). It can also mean helping people who want to leave prostitution—either by building skills for alternative employment or, when they are in danger, providing them with transportation out of the area and information about social services at their destination.

On a more theoretical level, harm reduction recognizes the necessity for addressing the *conditions* of risky behaviors rather than the risky behaviors in isolation. This translates into relating sex work to discussions of racism, classism, sexism, homophobia, and transphobia. Another example is harm reduction’s commitment to work on more affordable housing options, reforming policies that target and criminalize people who engage in prostitution, and forging relationships between the police and the community to address discrimination against sex workers. Harm reduction theory posits

that all of this work is consistent and necessary to a theoretical position of sex workers as agents with self-determination.

Strength-based social work theory emerged as a contemporary movement at the same time as harm reduction and holds many of the same philosophical groundings. Like harm reduction theory, strength-based social work theory similarly believes in meeting people where they are (Hepworth, et al, 2010). Strength-based social work theorists are committed to exploring the elements of agency within people’s decisions and work to employ this commitment in all social service interactions.

Strength-based social work theory developed as a contemporary movement to address a tendency in the field to focus on pathology and deficits (see Cowger, 1992; Saleebey, 1992; Weick, Rapp, Sullivan & Kisthardt, 1989).⁷ Using a system of social diagnosis, similar to that used in the medical field, clinical social work theory moved toward identifying, diagnosing, and treating people’s problems so that clinical social workers are trained to look for “what is wrong, what is missing, and what is abnormal” (Clark, 1998: 46).⁸

Strength-based social work theorists saw this shift as devaluing people’s agency. In clinical social work, they argued, the social worker was placed in the position of power and the person seeking services is conceptualized as a problem to be solved. In strength-

⁷ For more on the early roots of strength-based social work theory see Keith-Lucas, 1953.

⁸ DuPlessis Van Breda (2001), in her literature review on resilience theory (another term for strength-based social work theory), notes that beginning in the 1930s and 40s a branch of social work began to shift away from community organizing to individual mental health treatment—treatment and diagnosis were conceived of primarily in psychoanalytical terms. This shift led to individual psychological explanations for social problems that “permeated social work thinking with a pathogenic perspective” (DuPlessis Van Breda, 2001, 199). Dennis Saleebey (1996), an early supporter of strength-based social work theory, felt the saturation of psychosocial approaches in social work explained the new emphasis on “individual, family, and community pathology, deficits, problems, abnormality, victimization, and disorder” (296). Contemporary strength-based social work theory developed to enrich social work practice with information about individuals’ and communities’ past successes and current resources.

based social work theory, the person seeking services is considered the expert in their life and the social worker is there to help them meet their goals. To meet the goals of the person seeking services, the social worker focus is on his or her strengths, assets, and ability to make decisions.

Similar to harm reduction, strength-based social work theory guides the practitioner to explore people's range of choices and support their ultimate decision—the person seeking services is seen as the expert in their life and the social worker as an additional resource. This is in contradiction to the pathogenic mental health theories that hold the expertise of social workers and assume client irrationality. Alan Keith-Lucas (1953), an early thinker of strength-based social work theory and practice, asserts that pathology-based clinical social work theory declared one group after another (starting with unmarried mothers) as “incapable of making its own decisions” without skilled case work from a professional social worker (1076). Strength-based social work theory was committed to identifying the “possibilities for choice, control, commitment, and personal development” (Saleebey, 1996). Therefore, the theory follows that people who engage in sex work are not irrational (as a victim-based theory of prostitution would assume) but are agents with the ability to choose.

So far this discussion has focused on adults in the sex trade. Agency is even more controversial in discussions of young people and prostitution. The idea of choice is considered moot because people under eighteen in the United States, and other parts of the world, are not considered mature enough to make choices—about voting, serving in

the army, drinking, and, most importantly for the purposes of this topic, having sex.⁹ If young people are not considered able to make decisions about sex—and this is acutely true for young women (Fass, 2003)—the logic follows that they cannot choose to engage in prostitution. Because youth are intellectually and socially immature and prostitution is wrong, it is not surprising that the majority of scholars writing about YEP start from the assumption that youth are not capable of making a choice to engage in prostitution and do not develop theories or engage in conversations about agency (Jeffreys, 2000).¹⁰

Historian Paula Fass (2003) argues that assumptions about young people’s inability to choose to have sex inappropriately frames adolescence as a predictable and fixed stage in life and Raby (2002) contends that these ideas of youth/juveniles/adolescents are social constructions—only “given meaning through cultural, historical, and linguistic locations” (Raby, 2002, 24). These varying cultural meanings of adolescence over history and across time left Fass (2003) wondering about the time of life before adolescence, asking “what, after all, is a child?” (972). She found that the concept of childhood was constructed partially through the creation of U.S. institutions—education, laws, and courts—and developed around a definition of childhood that extended adolescence to eighteen years old. In this way, Fass argues, adolescence became an extension of childhood rather than a preparation of adulthood, “although its in-between status was meant to suggest how one could unfold into the other” (972).

⁹ The mistrust of adolescent’s sexual agency is not simply a social understanding. Statutory rape laws codify social understanding of young people’s sexuality into law: young people (16 to 18 depending on the state) cannot legally consent to having sex with adults.

¹⁰ Some scholars have questioned the influence of this theoretical standpoint on research, suggesting that it diminishes the ability to understand the perspective of the young people involved (Shaw and Butler, 1998; Melrose 2002).

Kerry Robinson (2005) argues that childhood is socially constructed and insists that ideologies that maintain children as innocent and immature come from “middle-class, puritanical, religious discourses that view sexuality as inherently immoral, sinful, and an expression of unruly and corrupt working-class public immorality” (69). Robinson (2005) sees the historical and present-day policing of children and youth’s sexual behavior as the consequence of socially constructing children as innocent and childhood as a time of innocence.¹¹

Rebecca Raby (2007) argues that notions of childhood as a time of innocence is a social construction. She explores YEP’s access to agency working from the assumption that the social construction of childhood innocence drives the need to control sexuality. She attempts to walk the fine line of simultaneously recognizing young people are developmentally in a different place than adults *and* recognizing that adolescence is a socially constructed category defined through contradicting discourses—those that define children as either perpetual victims or conniving agents. Feminist theories of intersectionality argue that the discourses of children and childhood with regard to sex and sexuality are further complicated by race, class, and gender. Raby sees the discursive effects of these contradicting discourses (victim or agent) as unequal across different intersecting social locations. The social construction of childhood tends to “homogenize a diverse and unequal group of people” (Raby, 2002, 25) when in reality the association of childhood with sexual innocence, and with the need to control sexuality both emerge through gender, class, and race formations. In particular, the “surveillance and regulation of youth is significantly affected by gender, class and race” (426). Raby’s view is

¹¹ I would argue this has gone beyond policing to include punishing sexual behavior and punishing it in ways that disproportionately impact working class youth and youth of color.

supported by other fields—such as law and sociology—which find consistent disproportionate impact on communities of color, generally, and women of color, in particular (Roberts, 1997 and 2002; Maher, 2000; Alexander, 2012).

These scholars illustrate the dearth of material that promote debate about YEP's access to agency. The deconstruction of the assumptions about adolescence and young people's sexual selves suggests there is room for debates about agency with regard to YEP and prostitution. There is a need for a theoretically-based dialogue on YEP as having agency within constraints.

Representation

The second theme that dominates the theoretical discourse on sex work is the politics of representation. For the purposes of this dissertation, representation of sex work focus on how prostitution, and specifically YEP, are represented or constructed in public policies and legislation and the context that brought about the legislation—media stories and testimonies to government bodies.

Reformers work tirelessly to advocate for public policies concerning youth and prostitution, and they believe reform will improve the lives of young people. Yet, reform policies almost always have both positive and negative impacts. In fact, “unintended consequences are ... an integral component of the reform process not aberrations” (Chunn, 1970, 2). Discourse analysis theory challenges the notion that policy-making is a ‘rational’ process based on incontrovertible evidence or truth (Hewitt, 2009). Discourse analysis theory in public policy thus investigates how power relations produce dominant discourses and marginalize others (Hewitt, 2009).

I find Nancy Naples (2003) definition of feminist discourse analysis particularly helpful to illustrate ways that the politics of representation are taken on in public policies.

She defines feminist discourse analysis as a theoretical approach that

“focuses attention on the social and political context, subject positions, and power relations in and through which social movement frames or governing practices are generated, circulated, and reinscribed within different discursive and institutional sites as well as the shifting discursive fields surrounding the production of...social policy” (85).

This theory is especially useful when examining YEP because social policies targeted at YEP cannot be understood without the social and political context of prostitution which, as drawn out throughout this chapter and dissertation, is bound by layers of race, gender, power, and different understandings of morality.

Raby (2006) demonstrates the necessity for discourse analysis of legislation on YEP in a way that connects it to the politics of representation. In order to understand the reciprocal relationship between representation and legislation, Raby analyzes two pieces of Canadian public policy directed at youth that emerged at the same time but with two different ends. She sees legislation as a mirror that reflects societal views on gender, age, and choice—it is thus informed by and informs the constructions of YEP. One of the Canadian laws decriminalized youth involved in prostitution and was targeted at girls. The other Canadian law criminalized juvenile delinquents and was targeted at boys. Raby (2006) argues that the two public policies, when taken together, reflect the arguments made in feminist theories of sex work: they constructed young women as victims and young men as rational agents to be held accountable for their actions. These laws add to the dominant discourse of YEP as victimized girls in need of protection and marginalize the alternate discourse of YEP as having agency within constraints.

The dominant discourse for YEP, which constructs them as victims, shapes public perspectives on YEP particularly because they are juveniles thought not to be able to make mature, informed, decisions. This approach has been institutionalized in legislation, rendering the concept of agency invisible. The dominant discourse is rooted in the first theme found in the research—that young people’s prostitution is a result of abuse and there is no degree of choice or agency.

In the following chapters, I ask if the approach to YEP as always victims is appropriate in terms of the lived experiences of YEP. In this study, I use feminist discourse analysis theory to look closely at the “policy making processes, their implementation and impacts, as well as organizational management within the institutions of government” (Hewitt, 2009, 5). As a contribution to policy-relevant research, this dissertation seeks to understand how these policies relate to the experiences of YEP and come to represent the experiences of YEP.

For this dissertation, the analysis focuses on the group of legislation that created a wave of reform to decriminalize YEP in the United States and its connection to the culmination of efforts by activists to reposition youth in the U.S. as victims. These efforts, and the resulting laws, are ripe for analysis because of the language they use and the moral underpinnings of political and social service conversations about youth and prostitution. Therefore, the environment within which the legislation was created, passed, and enacted is as important as the legislation itself.

Alliance across social imbalances of power

The third theme in the discourse on sex work is the politics of alliance across social imbalances of power. People theorizing about sex work engage in “alliance across

social imbalances of power” with varying degrees of success. What I take from this third theme is the commitment within theories of sex work to recognize imbalances of power; which is, in essence, an acknowledgement of the idea of constraint that is subsumed under the theory of agency within constraints. I draw from feminist theories of intersectionality to actualize this third theme.

Intersectionality theory posits that people’s social locations intersect and shape each other as socially constructed systems of power and inequality (Crenshaw 1991; Collins, 1993; Dill and Zambrana, 2009). In other words, theoretical approaches and analysis cannot separate race from class from gender from sexuality/citizenship/ability and other social locations because people cannot divide their experiences along the different social locations they embody.

Intersectionality—part analytical tool, part theory, and part methodology—supports the strength-based approach’s insistence on centering the ways multiple social locations coalesce to frame people’s experiences with power. It also supports theories of sex work that identify gender as one of many social identities (including race, class, ability, and citizenship among other dimensions of difference) that place people at risk for exploitation and victimization within prostitution (Kempadoo, 1998 and 2005), while holding that prostitution is not necessarily equated with exploitation and victimization.

Kamala Kempadoo (2004), investigating the racialized othering that takes place in prostitution in the Caribbean, writes that race and class are “earmarked, along with gender, as primary sets of relations of power within which the sexual subject is to be explored and theorized” (2004, 29). Kempadoo’s work illustrates how prostitution is

taken up in different ways in the work of feminist scholars of intersectionality by analyzing how the constraints on agency are experienced through race and racism.

This dissertation draws from intersectionality theory to expand the current knowledge about YEP—knowledge that is for the most part color-blind.¹² Intersectionality theory reframes traditionally color-blind or race-neutral social problems to ask questions about the impact of racism and sexism on people’s experiences.¹³ I find Kimberlé Williams Crenshaw’s (1995) work on the discourses that frame domestic violence as a color-blind social problem particularly helpful in understanding the necessity for an intersectional analysis of prostitution as a social problem. She asserts, “Racial politics is often linked to gender violence in the way the violence is experienced, how the interventions are shaped, or the manner in which the consequences are politicized and represented” (550). Crenshaw’s analysis provides a framework for analyzing YEP— the impact of race/racism and gender/sexism on how young people experience prostitution, how interventions are shaped, and how the consequences of engaging in prostitution are politicized and represented.

Dorothy Roberts (2002) argues, “Racism allows us to predict with absolute certainty the color of families you will see if you walk into any urban juvenile court...” (94). Similarly, Kimberlé Williams Crenshaw (1991) argues racism and sexism are critical units of analysis to truly understand the complexity of violence against women of color. Angela Davis (2000) asks, “How do we develop analyses and organizing strategies against violence against women that acknowledge the race of gender and the gender of race?” (1). Roberts, Crenshaw, and Davis have successfully argued that both race/racism

¹² Color-blind or color-blindness is used here to refer to ignoring racial differences.

¹³ For more on the erroneous assumptions within color-blind or race-neutral arguments, see Edward Bonilla-Silva (2003), Alexander (2012), and Guinier and Torres (2002).

and gender/sexism play a significant role in structuring the effects of social problems and the way the state addresses those social problems.

Within the intersectionality scholarship on adult prostitution, racism is analyzed for the ways it intersects with poverty and gender oppression to influence who is controlled in prostitution (Fusco, 1998) and the degree of control (Nelson, 1993). Women of color living in poverty are overrepresented (both in the United States and globally) among those who are identified as being forced into prostitution or have their interaction with prostitution heavily prescribed—who they work for, with whom they work, where they work, and how much of their work benefits them financially (Kempadoo, 1998).

This is not to say that women of color who engage in prostitution do not have agency. As Kempadoo (2004) points out, not every woman of color living in poverty chooses sex work. Therefore, intersectionality theory allows for the perspective that prostitution is not about poverty but about the exploitation of poverty and the gendering and racialization of poverty—the multiple imbalances of power. Race, class, gender, or the intersection of these three social locations does not predict who will engage in prostitution. However, the exploitation experienced by groups and individuals located at the intersections of these three locations certainly tips the scale in terms of who is most likely to choose prostitution and their experiences with prostitution—including the safety of their decision to engage in prostitution.

I apply a feminist intersectional framework to this dissertation to fill a gap in the current literature as to how the experiences of young people differ when analyzed in relationship to their social locations. Feminist theories of intersectionality, then, are used to guide feminist discourse analysis of public policies on YEP and feminist theories of

sex work inquiries into the lives of YEP. For the purposes of this dissertation, I focus on the intersection of race and gender, a decision driven by the data currently available. This decision is discussed further in the following chapter on research data and methodologies.

Current Applications of Agency within Constraints

There are a handful of scholars who employ the theoretical model of agency within constraints and recognize young people's choices around prostitution. Cynthia Cruz (2006), for example, advancing the work of critical pedagogy through testimonies of homeless/transient queer youth of color in Los Angeles, argues for the lens to change “from that of youth with very little agency to that of social actors capable of rational decision making and critical agency” (22).¹⁴ Cruz's dedication to drawing out the agency, or critical agency, of youth of color stems from her commitment to recognizing strength and resiliency—a commitment of this dissertation as well.

Resilience is the successful adaptation of an individual despite risk and adversity (Fergus and Zimmerman, 2005). Resiliency research refers to a body of international work that grew out of strength-based theory, finding a home mostly in theories of social work, education and psychology, in response to studies that focus exclusively on risks youth face with the presumption of inevitable failure (Zimmerman and Arunkumar, 1994; Johnson and Wiechelt, 2004). Resilience theorists consider both the risk factors and the protective factors. Protective factors are traits that prevent or reduce vulnerability—or, in other words, help offset risk factors. Resilience theory does not disregard difficult or traumatic experiences or discount risk factors (Saleebey, 2002).

Rebecca Raby (2007) promotes treating youth as resilient agents who make decisions with the caveat that their decision-making does not happen in a vacuum. She

¹⁴ The term “queer” refers to people who identify as gay, lesbian, bisexual, transgender, and/or questioning.

recognizes “the possibility of choice made within a system of inequalities, but a choice made not from a place of victimhood but often well-considered strategy or even empowerment” (19). Raby forces the researcher to consider the implications of an abolitionist standpoint through which prostitution only produces victims. Raby argues that labeling these youth as victims “undermines agency, self-knowledge and self-efficacy” (20).

Heather Montgomery’s (1998) research on youth who engage in prostitution in Thailand is another articulation of agency within constraints.¹⁵ Exploring the world of sex tourism in one Thai village, Montgomery concludes that isolating prostitution from “other economic and social choices is pointless and leads only to narrow moralistic arguments about whether prostitution is ‘right’ or whether any prostitute, either adult or child ‘really’ chooses prostitution” (150).¹⁶ Montgomery believes that the morality debate, tied up in arguments of choice, draws attention and energy away from the real root of the exploitation of the children she worked with: that is, poverty and social exclusion. The children in her study had choices—to be exploited through prostitution or through another role in the illegal labor market (usually in a sweatshop or as a scavenger). Focusing on the realm of possibilities within the system of inequality may help researchers and social activists let go of the implicitly moral debate around choice.

My research questions, analysis, and theoretical framework are driven by a strength-based approach. Rather than seeing only what has gone wrong for YEP, I use

¹⁵ The youth in Montgomery’s study ranged in age from 10 to 14 years old. These youth represent the younger end of the youth continuum.

¹⁶ For examples of the agency within constraints perspective on the adult side from an intersectional feminist theory standpoint, see Denise Brennan (2004) *What’s Love Got to Do With It?* Brennan sees room in the feminist debate on prostitution for experiences beyond the story of the victim. She says, “In light of debates over whether sex work can be anything but exploitative, ethnographic accounts of Dominican women’s experiences in Sosúa suggest a wide range of experiences within the sex trade exists, some beneficial and some tragic” (23).

agency within constraints to widen the focus to include the unique abilities and talents YEP report using to meet challenges. In other words, the agency within constraints perspective requires the researcher look for moments of agency within extremely trying circumstances. This theoretical approach does not deny the challenges that YEP face. Instead, the challenges are complemented by information on the strengths and resilience YEP employ.

Critiques

Agency within constraints is a new theoretical model but the debate on agency has a rich history. The debate of choice, is on the whole, relegated to adults engaging in prostitution because the majority of scholars assume that children cannot choose prostitution, as pointed out in the previous section on agency. Choice within adult prostitution continues to be contentious and feminists are generally thought to fall within one of two camps: self-determination and abolitionist feminists. This chapter focuses on feminist theorists of sex work, also called self-determination feminists, and the connections I see between these theories and those of harm reduction and strength-based social work theory. Drawing from the work of Jo Doezema, I use the terms “abolitionist” and “self determination” in place of the traditional terms “radical” and “liberal” because of the somewhat confusing shift in terminology over time.¹⁷ The group of feminists once identified as *radical* would now be identified as liberal feminists, as they seek to use the system to change the system—they strive for equality through political and legal reforms. In this dissertation they are identified as abolitionist feminists. They view prostitution through the lens of abuse and victimization. Many abolitionist feminists draft legislation and public policy that address prostitution—primarily seeking its end because women are

¹⁷ For more on radical and liberal feminism, see Alison Jaggar (1983) *Feminist Politics and Human Nature*.

victimized by the institution of prostitution. Those once identified as *liberal* feminists, because they were sexually liberal, are now more likely to identify as “sex positive” or radical feminists. In this dissertation they are sex work feminists or self-determination feminists.

Abolitionist feminist are highly critical of the theories of agencies and representation as posited by feminist theories of sex work, harm reduction, and strength-based social work. Abolitionist feminists hold that prostitution is about victimization, exploitation, and oppression. They work to eliminate all forms of prostitution (on the street, brothels, and escort services) and focus on female prostitution (Barry, 1995; McKinnon, 2006; and Dworkin, 1976). Women’s position within prostitution is viewed as a result of force, coercion, or manipulation, and women who engage in prostitution are seen as victims with no choice. For abolitionist feminists, no female experience of prostitution can exist outside of gender oppression—patriarchy, the system of a male dominated society, drives prostitution and gender is the root of all exploitation and inequality. They argue that the cultural context within which prostitution currently operates—where women are oppressed and victimized by the patriarchy—does not allow for prostitution to ever not be exploitive and makes prostitution damaging to all women, not just those who sell sex (Shrage, 1989). Because it is not considered a choice, the term sex work is particularly offensive—prostitution is not work, which implies choice, it is exploitation.

Abolitionist feminists are critical of the self-determination feminist tendency to champion prostitution as empowering and lucrative and to ignore its psychological violence and emotional harm (Weitzer, 2005; Farley, 2005). They argue that exploitation

of one woman, specifically through prostitution, leads to the degradation of all women. There can be no choice in the matter of prostitution because women face overwhelming structural limitations that leave them prey to victimization and violence. All forms of prostitution, according to abolitionist feminists, represent violence against women (Barry, 1995). They argue that agency within constraints is not a relevant theoretical model because the constraint of gender oppression is understood as negating all choice in prostitution, independent of any other constraint.

Rachel Lloyd (2005), Executive Director of Girls Education and Mentoring Services, a non-profit focused on getting young women out of street-based prostitution, takes a similar approach as this dissertation—looking for the context within which young women make the decisions to engage in prostitution. Her argument diverges when she insists the choice is removed instead of recognizing it as a choice made within constraints. She concludes that adolescent girls “cannot be considered willing participants” (2005, 17). This argument is rooted in two things: (1) her experience that violence and exploitation marks all of the youth she encounters; (2) her starting point that prostitution is wrong for young women. The first component is problematic because all of the youth Lloyd works with are looking to leave street prostitution through the help of a social service organization. In other words, Lloyd, by design, does not encounter youth who challenge her theoretical position. The second component is a value-laden position that frames a particular intervention for young people engaging in prostitution. That Lloyd finds young women that have been victimized and want to leave prostitution only serves to reinforce her theoretical framework. Those who do not want to leave, as well as young men and transgender youth who engage in prostitution (willingly or not), fall out

of her theoretical framework and are made invisible in a most tangible way: they are not offered the services of her organization.

Self-determination feminists insist that focusing on violence as *the* experience of prostitution rather than as *an* experience of prostitution denies sex workers agency. Defining the act as violent assumes that no one would ever freely choose prostitution (Weitzer, 2005). Self-determination feminists criticize abolitionist feminists for generalizing the experiences of women who are involved in pimp-controlled prostitution and generating essentialist discourses that prostitution is a single, culturally familiar social practice, which can be traced to a single cause—the global subordination of women. This universal discourse excludes stories of women who engage in different kinds of prostitution and engage in them from different positions of power framed by their intersecting social locations. Even within the experience of pimp-controlled prostitution, experiences may differ with people’s relationship to power.

Steinstra argues that the abolitionist position, in addition to generalizing the experience of women in one kind of prostitution (pimp-controlled women), also “universalizes women’s experiences, divorcing the experience of gender from that of class or race” (203). This argument is similar to women of color’s criticism of contemporary middle-class white women’s movement’s in the United States that call for sisterhood bound by gender (Barkley Brown, 1992). The experience of gender oppression, in this case as it relates to prostitution, does not create sisterhood because the oppression is experienced differently at the intersection of other social locations.

This chapter has put forth intersectionality as a useful theoretical tool to understand the impact of these intersecting social locations on the experiences of YEP.

Intersectionality is a “leading feminist paradigm” of theory and method of analysis (Zack, 2005, 1) but it is not without its critics. Naomi Zack argues intersectionality is a detriment to gender-based politics. She seeks a return to inclusive feminism—to “reclaim the idea that all women have something in common” (2005, 2), and validates the theory that women are different but questions whether differences by race and class “erase all commonality among women” (2005, 2). She argues that intersectionality leads to segregation and that “intellectual segregation is not a solution to inequality” (6). Zack fears that continued segregation only further weakens feminism.

Jennifer Nash (2008) also critiques the merits of intersectionality. Nash differs from Zack in that her project is not to dismantle intersectionality but to “begin to sort out the paradoxes upon which its theory rests in the service of strengthening its explanatory power” (2008, 14). Nash asserts that current intersectionality scholarship leaves unresolved questions about the structure of an intersectional methodology, the utility of centering Black women’s experiences, and the lack of a clear definition.¹⁸

Bonnie Thornton Dill and Ruth Zambrana (2009) speak to this critique in their anthology of intersectionality theory across disciplines. They conclude that intersectionality is difficult to define by design because “dimensions of difference are not readily separable but mutually constituted” as products of particular historical and social moments (2009, 275). They come as close to a definition as any in the last paragraph of the book when they say “there is no single category (race, class, ethnicity, gender, nation, or sexuality) that can explain human experience without reference to other categories”

¹⁸ I draw from Kimberlé Crenshaw when I capitalize ‘Black’ throughout the dissertation. To quote Crenshaw (1981), “I capitalize ‘Black’ because Blacks, like Asians, Latinos, and other ‘minorities,’ constitutes a specific cultural group and, as such, require denotation as a proper noun. By the same token, I do not capitalize ‘white,’ which is not a proper noun since whites do not constitute a specific cultural group. For the same reason I do not capitalize ‘women of color’” (1244).

(287). Their anthology drives home a central point about intersectionality—its power lies in finding the nuances in the struggle between anti-essentialism and overemphasis on individual agency.

Though critiqued for not clearly defining the central characteristics and principles, intersectionality theory's broad application makes it pliable across research projects. For this research project, it is particularly important because of the many ways race and gender together impact the construction of YEP.

Like intersectionality, harm reduction theory is also critiqued for not clearly defining its central characteristics and principles. Externally, harm reduction is critiqued broadly among more conservative approaches to public health as condoning and even encouraging risky behavior (Keane, 2003). Internally, harm reduction theorists argue that the attempt to articulate a value-free approach is neither truthful nor productive. Hathaway (2001), for example, contends that harm reduction theory should embrace the set of unspoken values among its constituents—that of the right to use drugs and the decriminalization of drug use. Hathaway argues that harm reduction too often looks for common ground with more conservative public policy practitioners who lean towards abstinence from illegal drugs.

Another internal argument is the utility of the rhetoric of safety and of healthy drug use. Miller (2001) argues that centering the strategy of harm reduction in terms of safety and healthy drug-use associates harm reduction with middle-class values (Miller, 2001). Miller argues that justifying harm reduction theory to the middle-class takes attention away from issues such as the role of poverty and inequality in access to safer

ways of using drugs and the repercussions of drug use while increasing the power of medical expertise (Miller, 2001).

Power is at the root of the critique of strength-based social work theory—that the equality postulated by strength-based social work theory is hard to make effective, particularly where social differences exist (Lucas, 1953). Other critics assert the theoretical approach ignores problems and trauma (Clark, 1996, 58) as well as the “absence of sufficient community resources available to address the [presenting] problems” (Brun and Rapp, 2001, 280).

However, advocates of the approach, such as Weick, Rapp, Sullivan, Kisthardt (1989), counter that limited resources are not predictive of a person’s success or failed change. Weick, Rapp, Sullivan, Kisthardt (1989) view pathology-based social work theory as too individualistic and argue instead that social work theory focus on “social-environmental explanations of human problems” (351). Weick et al. (1989) provide the following example to illustrate the point:

Even when conditions such as poverty are seen to limit severely people’s ability to manage their lives, attention often is concentrated exclusively on efforts to change the behavior of those affected. The difficulty in changing social conditions deters helpers from keeping those factors in the picture, and results in a view of people as the cause of their own problems. (351)

In other words, pathology-based social work practice oversimplifies the problem. If addressing social conditions (racism, sexism, classism, etc.) is too overwhelming, the practitioner can disassociate individuals from their context, identify what is wrong with them, and treat the presenting problems. The strength-based approach forces practitioners to recognize larger systems that impact people’s lives and start with the assumption that people have the power within themselves to negotiate these systems of oppression.

Conclusion

Prostitution is controversial, in part, because it is often associated with abuse. Each side of the feminist debate fights passionately for its own camp or cause; but these causes are based upon an interesting and rarely noted similarity—both groups desire to support and protect women, and others engaging in prostitution, from violence, abuse, and degradation. I cannot dismiss abolitionist feminists, though I am highly critical of their position. Abolitionist feminism helps to identify the struggles and challenges facing YEP. I draw from these challenges to analyze how public policies could be better crafted to address the needs, health, and well-being of YEP.

However, ultimately the abolitionist feminist position only tells one part of the story. Because the sole focus of abolitionist feminist theory is on gender oppression, it excludes men and transgender people and ignores the impact of racism and classism. Abolitionist feminists do not deny that men and transgender women participate in prostitution, but they exclude them because they are different and complicate the theory that gender oppression is at the root of prostitution.

Kathleen Barry (1984) justifies the focus on women and gender by citing the power differential between men and women, which “makes male prostitution quite a different practice than female prostitution”; therefore, the “victimization and enslavement to which women are subject in male-dominated society find no equivalent in male experience” (11). While there may be truth to the idea that prostitution is experienced differently by gender—a question this dissertation explores—it seems too convenient to dismiss male and transgender experiences in theories about prostitution. What might be learned about prostitution if male and transgender experiences were included in the development of theories of prostitution? How might arguments for or against prostitution

change? Denying the existence of male and transgender experiences in prostitution weakens the arguments of abolitionist feminist theories of prostitution. The social location of gender trumps all other social locations, denying the diverse experiences of people engaging in prostitution—across genders but also the diverse experiences within the sub-groups of male, female, and transgender sex workers. Because abolitionist feminist theory only tells the story of gender, nuances about the experience of prostitution are lost and theories are not complex enough.

Melissa Farley is one of the most prolific contemporary writers on prostitution from an abolitionist perspective. She has attempted to respond to the critique of abolitionist feminist’s exclusion of men and transgender women involved in prostitution by including them in a recent study (2003). Unfortunately, though included in the study, their experiences were made irrelevant—they made up less than 10% of the total sample and were excluded from the discussion section.¹⁹ Farley’s discussion of the common experiences of violence and trauma she found across prostitution relied on gender oppression to explain the high rates of victimization within the sample. Farley argues that sex inequality makes long-term prostitution the equivalent of slavery or concentration camp prisons for women who become “primarily what masters, Nazis or customers want them to be” (58). The exclusion of men and transgender women from abolitionist feminist theories universalizes women’s experience with prostitution and ignores the social intersections that describe the reality of prostitution—even for women.

¹⁹ Though estimates vary, young men are said to prostitute at the same rates as their female counterparts (Young and Meyer, 2005). Transgender youth have been found, in part because they are excluded from gainful employment, to engage in prostitution at higher rates than young men and women (Garofalo et al, 2006).

Though I take seriously the critique of abolitionist feminist theory that asserts self-determination feminists deny violence and harm that can be associated with prostitution as well as the debates about the relevance of agency for young people, in the end I believe that feminist theories of sex work are the most useful to eschew essentialist discourses of YEP. Feminist theories of sex work and self-determination feminist theories guide my application of agency within constraints for YEP because they allow for a myriad ways of understanding YEP that reflects the complex experiences young people have in prostitution. I draw from the feminist theorists of sex work to question how the conversation about YEP might be different if we take out the assumption that prostitution is wrong.

Agency within constraints is a useful theoretical framework through which to conduct research about YEP. Agency within constraints allows for a deeper investigation into young people's lives—seeking a balance between the challenges associated with young people's involvement with prostitution and information about when and how they are able to employ their agency. A more complex understanding of YEP furthers policy-relevant research on YEP and can provide insight into productive intervention and prevention strategies. It also demonstrates a respect for young people and forces the recognition of the diversity of their experiences. Prostitution is something they engage in and sex is something they trade, but the theory of agency within constraints allows researchers to ask what else makes up their lives—their peer networks, their vision of themselves, and their expectations of the future. These theories, by validating people's choices *as their choices*, lessen the bias implicit in questioning participation in

prostitution. Agency within constraints does not seek to minimize the concerns of exploitation. It contributes to a different dimension of understanding YEP.

When placed in conversation with feminist theories of sex work, harm reduction, and strength-based social work, intersectional theory can interrogate how race, class, and gender inequalities can shape both the agency and the constraints. YEP cannot be fully understood through race, class, or gender alone. The constraints on a person's or group's agency are contextual, and in the United States we must interrogate the role of the *intersection* of race, class, and gender. Feminist theories of sex work, supported by harm reduction and strength-based social work theories, argue that everyone has agency and intersectionality helps draw out the nuances in the way agency is shaped in the U.S., and globally. While people have the right to self-determination, U.S. power structures help scholars predict which people will have greater access to self-determination because they are allotted a broader spectrum of choice(s). Additionally, intersectionality helps us to ask the hard question, as sought in this dissertation, about if there are differences according to race, gender, and their intersections with regard to the consequences of choosing to engage in prostitution.

The group of legislation known as the safe harbor acts that made up the wave of reform is ripe for analysis because of its language and the moral underpinnings of political and social service conversations about youth and prostitution. The social, political, cultural context within which the legislation was created, passed, and enacted is as important as the legislation itself because of the way the environment impacts the legislation. The position that people who engage in sex work are victims dominates the most recent environment and shapes public and policy perspectives; it has been

institutionalized in legislation. This is particularly acute for YEP because they are juveniles thought not to be able to make mature, informed decisions.

While abuse and victimization exist in prostitution, it is imperative to understand how different people are more likely to experience these harms and to think through the applicability of current legislation given that experiences with prostitution (and the harms associated with it) vary. My work with YEP taught me that not all people engaging in prostitution find it abusive or exploitative. While some of the youth and adults I worked with did not feel they had much control over the various options available to them, they also did not think of themselves as victims or always articulate their experiences from the stance of victimization. Racism, classism, and sexism simultaneously create group experiences *and* unique individual experiences with prostitution. The research questions for this dissertation—that analyzing the way young people explain their experiences alongside the way their experiences have been told for them (specifically through public policies)—help draw out the nuances about youth’s experiences with prostitution.

This dissertation seeks to understand the effect of individual agency within the intersections of race, class, and gender constraints. The research questions require a complex, interdisciplinary research framework that questions how these dimensions of difference and power intersect. In the next chapter, I discuss the data and the interdisciplinary and mixed methodology used to analyze the data for this dissertation.

Chapter Three: Data and Methodology

To answer the research question about the relationship between YEP's construction of themselves and the construction of YEP through public policies, this dissertation analyzes and compares two sets of data: (1) raw interview data from a sample of YEP in New York (John Jay interviews) and (2) written documents that contributed to the development and implementation of the Safe Harbour for Exploited Children Act of New York (NYSHA).

The raw interview data is from *The Commercial Sexual Exploitation of Children in New York City* (2010), a study conducted by the Center for Court Innovation and John Jay College of Criminal Justice (John Jay) funded by the National Institute of Justice (NIJ) that is referred to as the "John Jay interviews". The population estimate study gathered information on the population's size, characteristics, and service needs. The NYSHA (passed in 2008 and enacted in 2010) decriminalized the charge of prostitution for young people arrested in New York.

The written documents include the original sources: the text from the NYSHA as well as written and oral testimony around the safe harbor acts—the NYSHA and responses to YEP nationally made by people involved with the development and implementation of the NYSA. It also includes periodicals (newspapers and magazines) and online news sources tracked with a weekly Google alert for the time period between 2009 and 2012.²⁰

I employ three distinct methods of analyzing these data: i) a content analysis of all the raw interview data (n = 249) from a sample of YEP in New York (the John Jay

²⁰ Google Alerts are email updates of the latest relevant Google results (web, news, etc.) based on specific queries. The query for the Google alert was "teen prostitution."

interviews); ii) descriptive statistical analyses of the interview data (the John Jay interviews); and iii) a discourse analysis of current legislation targeting YEP and the documents that surrounded the legislation (mainly, the NYSHA—its development, the discourse around it, and its early implementation). Mixed methodologies is a common approach in Women’s Studies research, as the questions posed within feminist theory cannot be adequately answered using a single approach. Mixed methods are also championed in the field of intersectionality studies. Dill and Zambrana (2009), in *Emerging Intersections: Race, Class, and Gender in Theory, Policy, and Practice*, assert that “intersectionality must embrace multiple methodological approaches to capture the complexities and nuances in the lives of individuals and the experiences of groups of people” (280). Such an approach is necessary to effectively analyze the multiple discourses on YEP at the center of this dissertation.

This chapter is organized by the two sets of data. I begin with the strengths and limitations of the John Jay interviews from *The Commercial Sexual Exploitation of Children in New York City* (2010) study and outline the reason for using both content analysis in the form of grounded theory and statistical analysis for this data. I then turn to the second set of data around the NYSHA (2010) and describe why discourse analysis is the chosen methodology for these data.

The Commercial Sexual Exploitation of Children in New York City Study (2010)

The Data

In 2005, the NIJ granted two sites—the Center for Court Innovation (CCI) and John Jay College of Criminal Justice (John Jay) in New York and Georgia State University in Atlanta, Georgia—a one-year grant to research youth who engage in prostitution. Specifically, NIJ wanted a deeper understanding of the population’s size,

characteristics, and service needs. The data analyzed for this dissertation comes from the New York study: *The Commercial Sexual Exploitation of Children in New York City*.

John Jay was charged with providing NIJ with an “ethnographically rich description of the local CSEC (Commercial Sexual Exploitation of Children) population” (Curtis et al. 2010, 1). Dr. Ric Curtis, chair of the Anthropology Department at John Jay, led the research team. Dr. Curtis’ expertise in ethnography with traditionally difficult to access communities helped shape the research approach for this study. Using Respondent Driven Sampling (RDS), a subject-recruitment tool that is discussed more below, the team of researchers conducted in-depth interviews with youth who had traded sex for money, shelter, food, and/or drugs. The interview protocol consisted of 93 questions that covered the following topics:

- demographic characteristics;
- market involvement (when youth began engaging in prostitution and their current level of involvement);
- market facilitation (person or people who assist them in engaging in prostitution);
- network size (number of youth they know who engage in prostitution);
- client demographic characteristics;
- health history;
- service history and needs;
- arrest history; and
- expectations for the future.

I was given access to the interview transcripts and a Statistical Package for the Social Sciences (SPSS) file with the original coded data. This dissertation analyzes 249 interviews of youth recorded between 2006 and 2007.

The John Jay interviews represent the largest investigation into the lives of YEP in the U.S. to date. Interviews were conducted using the rigorous and well-established methodology of RDS for locating research participants. RDS has been found particularly

effective in recruiting subjects from historically hard to reach populations (Heckathorn, 2002). Hard to reach or “closed” populations are defined by Heckathorn (1997) as having two characteristics: they have no sampling frame, “so the size and boundaries of the population are unknown;” and they exhibit strong privacy concerns “because membership involves stigmatized or illegal behavior, leading individuals to refuse to cooperate or give unreliable answers to protect their privacy” (174). Given these concerns, such populations do not always allow for standard probability sampling methods, which become “either inapplicable or prohibitively costly because their subjects lack a sampling frame, have privacy concerns, and constitute a small part of the general population” (Heckathorn, 2002, 11).

RDS capitalizes on the social connections of closed populations to construct a sample of that population. RDS has been found effective in recruiting large numbers of research participants in a short amount of time (Abdul-Quader et al., 2006) and can recruit a representative sample regardless of the entry point into the community (Heckathorn, 1997). While most research on YEP includes small samples and relies heavily on convenience sampling, the John Jay interviews have a generally representative sample of young men and women.²¹

Researchers validated the interview protocol by asking various stakeholders to review and provide suggestions. The group of stakeholders included consultants from the only social service organizations in New York that work exclusively with young women involved in prostitution—Girls Education and Mentoring Services (GEMS) and Sexual Assault and Violence Intervention (SAVI). The executive director of GEMS provided training for the principle researchers and ensured that the research reflected the expertise

²¹ The study failed to recruit sufficient transgender youth. This will be discussed further in Chapter Five.

of people who work with YEP. When researchers were struggling to obtain a representative sample of young women working with a traditionally-defined pimp, GEMS and SAVI were instrumental in recruiting participants.²²

John Jay also consulted with expert researchers to help them understand the challenges of conducting research with youth living primarily on the streets. This suggests that the researchers understood that youth involved in prostitution and youth living on the street are not necessarily one and the same, but that they overlap enough to warrant grounding the researchers in knowledge on both groups.

The qualitative data, in the form of answers to open-ended questions, illuminates the perspectives of the youth and provides a unique opportunity for their voices to be included when interrogating the relationships among YEP and the intersections of race and gender.

The data has two main limitations: groups are missing within the represented YEP in this study and there exists the potential for social desirability response bias.

The original researchers assert that the data set may not directly reflect the true population of YEP in New York (Curtis et al., 2010). Specifically, the number of transgender youth and girls working with traditionally-defined pimps is very low compared to what social service providers believe to be the actual number engaging in prostitution (Rees, 2010). Additionally, many of the young women working with traditionally-defined pimps in this study were directly recruited from either GEMS or

²² The reason for describing this relationship as a ‘traditionally-defined pimp’ will be fully explored in Chapter Five. In short, I use the term “traditional pimps” to differentiate this group of people from the market facilitators, whom I discuss later, that many youth use. A traditional pimp is a person who exploits another person through prostitution. The term market facilitator will be described in more detail in Chapter Five; it refers to people who help others trade sex, but the relationship is not characterized as violent or exploitive.

SAVI. Both of these social service organizations are often court-ordered for young women and take an abstinence approach to their intervention.²³ Because these organizations were crucial in recruiting this subset of the YEP population, the remarks of these young women may be shaped by their interactions with them.

Other missing populations include non-English speaking youth (all of the youth interviewed spoke English); youth in brothels and massage parlors; and trafficked youth.²⁴ These latter two groups are not represented in this sample in part because, even among an insular population, they represent an extremely hard to reach sub-group. Social service organizations and police departments have had little success in breaking into these very private circles, so it was no surprise that researchers were also not successful in recruiting them to participate in the research.

The final limitation concerns “social desirability response bias.” This is generally associated with public health and psychology research. It implies that when working within a sensitive topic like prostitution—one steeped in morality and judgment—it is imperative to address what could influence young people’s responses to the interview questions. This is not the same as not trusting young people or accusing them of lying. However, a researcher needs to be aware that people who participate in research may, for many reasons, want to be seen in a certain light—and this is even more present when the

²³ An abstinence approach is based on the premise prostitution and other “specific categories of behavior [drugs, for example] are inherently objectionable and should be eliminated” (Ditmore, 2006, 7).

²⁴ The United Nations defines trafficking in the following way in Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons: “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” The protocol can be accessed here, <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.

topic is related to social morals and values, such as sex and prostitution (Morisky, Ang, Sneed, 2002). In public health and psychology research, social desirability response bias is most often present with regard to research on health, drug use, and sexuality. Interviewees in these scenarios may feel apprehensive of the researchers' evaluation, which could lead to a desire to placate or please the researcher (Collins, Shattell & Thomas, 2005). Examples of this in this research may include youth discussing prostitution as bad or immoral; youth advising others to not to get involved in prostitution; or youth over reporting the extent to which they practice safer sex.²⁵

Methodology

The large and richly detailed data-set from the John Jay interviews helps elucidate the relationship between young people's experiences with prostitution and the policies that address these experiences. The data also provides a glimpse into how these experiences (and their relationship to public policy) are embedded in power structures of race, class, and gender. Qualitative and quantitative analysis was conducted with the responses from 249 interviews with YEP as part of the NIJ study in New York City from 2006 to 2007. The responses were organized into the following topics:

- socio-demographic characteristics (age, race, gender, and current living situation);
- entrance into prostitution (when youth began engaging in prostitution, motivation for entering prostitution, and assistance entering prostitution);
- experience with prostitution (person or people who assist them in engaging in prostitution, conditions of their involvement in prostitution, drug use, earnings, main expenses, and perceptions of the benefits and

²⁵ "Safer sex" is used here instead of "safe sex" to more precisely reflect that these practices reduce, but do not completely eliminate, the risk of sexually transmitted infections (STIs). Every sexual contact involves some form of risk and "safer sex" captures the continuum of risk from very low to extremely high. The term was coined in the mid-1980s by community activists groups of gay men who found the public health terms associated with healthy sexual practice fraught with moralistic overtones. For more on the origins of the term safer sex, see Simon Watney's chapter, "Safer Sex as Community Practice" in *Culture, Society and Sexuality: A Reader* (1999) edited by Richard Parker and Peter Aggleton.

- challenges of the trading sex—challenges include the risks of arrests, assault, and contracting a sexually transmitted infection); and
- resilience (their help-seeking behavior such as the last time the youth visited a doctor and/or service organization, their condom use, ways they take safety precautions, their social support, and expectations for the future).

Below, I consider in detail each methodology used in this dissertation’s mixed approach.

Qualitative Analysis—Grounded Theory.

The interviews were analyzed using a grounded theory approach. Grounded theory is a common qualitative research method to identify and analyze themes through a close reading of data and systemic categorization to organize information. The data was taken through three phases of coding: open, axial, and selective (for more on the phases of grounded theory, see Creswell, 2007).

In the *open coding* phase, close readings were conducted of each of the interviews to determine common themes throughout the population. *Axial coding* consisted of conducting another close reading of the interviews looking for patterns according to race, class, and gender within the general themes. Finally, the data was analyzed for themes at the intersections of race, class, and gender in the *selective coding* phase.²⁶

Lisa Bowleg (2008) states that an initial analytical strategy is to “regard individual accounts as individual experiences” (317); subsequent analytical stages seek to identify how these individual accounts “are shaped by their location within social hierarchies...” based on race, class and gender (318). The data was organized in an Excel database to track themes that emerged illustrating the patterns of individual accounts within social hierarchies. Cases that exemplified the themes were re-analyzed to reveal

²⁶ See Bowleg (2008) for more on the coding phases when intersectionality employs grounded theory.

nuances in these patterns, and quotes were extracted to provide examples and context for the reader.

Whereas previous academic research focused almost entirely on the deficits of and challenges faced by YEP, this study, within the themes of race and gender, also looked for themes of strength and resiliency, as well as future aspirations in order to address this limitation.

Despite the strengths of this methodology, this dissertation is still based on secondary data analysis, which has limitations. Because this is a secondary data analysis, I am constrained by the original team's research questions. The wording of questions shapes how people respond to them. I was not a part of the development of the interview protocol, nor was I active in the interview process. Therefore, while readers are made aware of my theoretical framework in relation to the data, they are left in the dark regarding those of the original researchers. The readers do not know how the original researchers' social locations may have influenced the research questions and the original methodology. Additionally, I am potentially limited in my ability to paint a detailed picture of the sample from the John Jay interviews because of the questions the original researchers chose to ask. For example, I am able to compare this sample with the current available literature on YEP with regard to substance use, and housing but I am unable to explore the patterns by race, gender, and their intersections with regard to histories of abuse—an area that the John Jay research team was prohibited from exploring under the conditions of the Internal Review Board.

My analysis is also limited to the issues prioritized by the initial researchers. For example, the original researchers did not include questions about class background or

sexual orientation as part of the interview protocol. As a result, I was not able to complete a full intersectional analysis, and had to focus mainly on race, gender, and their intersections, knowing that the inclusion of class background into my analysis would likely lead to interesting findings.²⁷ Youth were also not asked about their perception of the impact of race/racism and gender/sexism, or about how they perceive these social identities impact their own experience. Therefore, I was left to infer or omit an examination of the impacts of some social locations. Additionally, it is unclear how the impact of the youth's social locations worked in relation to the social locations of the researchers.

Because this is a secondary analysis, and I rely on the written text of a conversation, I have no knowledge of the young people's reactions to certain questions, the original emotional expression and nonverbal cues. I do not have access to the various meanings conveyed, for example, through long pauses, or whispers. The storytellers, in this case the youth, would be more fully revealed not simply through the telling of their stories, but through the style of telling they choose (Bruner, 1986). In my analysis of the data, I have no access to these dynamics of meaning.

Quantitative Analysis—Applied Statistics. The quantitative analysis was conducted using an SPSS file of the original John Jay data. Through descriptive data analysis, the responses were organized by the youth's race and gender around each of the

²⁷ I attempted to surmise young people's class background by coding the last high school attended. The high schools named by young people were checked against the New York City's Department of Education's website, which houses information about the percentage of students eligible for free/reduced lunch and the schools' Title I status. To qualify as a Title I—Improving the Academic Achievement of the Disadvantaged—school, typically around 40% or more of its students come from families that qualify under the U.S. Census's definitions as low-income, according to the U.S. Department of Education (<http://www2.ed.gov/programs/titleiparta/index.html>). Unfortunately, there was only valid information regarding schools for about 80 young people, which was not large enough to conduct any statistical analysis.

qualitative themes—entrance into prostitution, experience with prostitution, and resilience (For the full table of responses organized by race and gender See Appendix A: Characteristics of the Study Population—A Summary). When differences were noted in the number of responses by race or gender category, a chi-square test was performed to see if the responses were distributed differently according to gender or race. A confidence level of .05 was adopted for all statistical tests. Chi-square test results are presented in the following notation:

$$\chi^2(2, N = 232) = 4.6, p = .09$$

Where: χ^2 is the computed statistic for the chi-square test, in the parenthesis the degrees of freedom and the number of observations, and the resulting p value. If the p value is equal or smaller than the confidence level the difference is statistically significant. This will be clarified in Chapter Four. For now, I will clarify that when the chi-square test was statistically significant, there is a relationship between two variables being analyzed in the sample—for example, race and arrests, gender and social support, or race/gender and drug use.

The New York Safe Harbour for Sexually Exploited Children Act (2010)

The Data

The NYSHA was passed in New York in 2008 and went into effect in 2010. The act, described in more detail in Chapter Five, decriminalized youth arrested for prostitution. New York was the first of many states in a wave of juvenile justice reforms around YEP to decriminalize young people arrested for prostitution. The NYSHA of New York effectively changed the state's Family Court Act—which governs the activities of young people that fall under the jurisdiction of the New York court system and, of those activities, what actions can be taken by the judiciary.

These changes moved youth arrested for engaging in prostitution out of delinquency proceedings (the equivalent of criminal court proceedings in the adult system) and into child welfare proceedings. Under the new legislation, the child welfare system treats YEP as “in need of supervision”—a special category that allows for a modicum of judicial control. While youth still face fact-finding hearings and dispositions (similar to the judgment of adults as guilty or not guilty), they can only be placed in a non-secure facility by a judge.²⁸ Under this legislation, the youth have the right to access safe housing and counseling, which, in some cases, can be court mandated.²⁹

The safe harbor acts, of which New York was the first to pass, were part of a wave of reforms of juvenile delinquency statutes led by activists seeking to reposition youth engaged in prostitution in the U.S. as victims. These efforts, and the NYSHA, are ripe for analysis because the language they use reflects cultural, political and social service perspectives on prostitution specifically in relationship to YEP. Hewitt states that policy analysis can include the “policy making processes, the implementation of policy and impacts, as well as organizational management within the institutions of government” (Hewitt, 2009: 5). This study analyzes aspects of the process and organizational management and early signs of its implementation. It is too early to fully assess implementation and impact.

²⁸ Non-secure detention is a placement facility for young people. Non-secure detention does not have the same security requirements as secure facilities. The New York Family Court Act defines a non-secure facility as one characterized by the “absence of physically restricting construction, hardware and procedures” (§301.2: Definitions)

²⁹ In some states, including New York, this category is called “Persons in Need of Supervision” (PINS), in others it is “Children in Need of Supervision” (CHINS). A PINS is defined by the New York Family Court Act as a “person less than eighteen years of age who does not attend school in accordance with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child’s care, or other lawful authority, or who violates the provisions of section 221.05, 230.00 or 240.37 of the penal law.”

To study the process and context of the NYSHA, the study analyzes text from the NYSHA as well as written and oral testimony around the safe harbor acts—the NYSHA and responses to YEP nationally made by people involved with the development and implementation of the NYSA. It also includes periodicals (newspapers and magazines) and online news sources tracked with a weekly Google alert for the time period between 2009 and 2012.

Legislative harbingers of these safe harbor acts date back to the turn of the century. Examples include the Alien Prostitution Importation Act (1875) and the White Slave Traffic Act (1910). This history is also part of the context that shapes my understanding of the recent trend to decriminalize and “protect” YEP.

The NYSHA is representative of a movement in the U.S. to work with youth as victims of sexual exploitation and not delinquents breaking the law. The NYSHA put New York in the lead of this wave of reform, and all legislation that followed was modeled after it. Although the legislation was passed in 2008, it was only enacted in 2010. This short time period may not allow the dissertation to fully uncover the impacts of this legislation. Nevertheless, the dissertation will analyze the intent of the legislation, the discourse that surrounded the legislation, and the initial implementation. Analyzing historical patterns along with the contemporary discourse on the NYSHA, will allow for the exploration of the research questions about the public policies—were they written with an understanding of the plight of a particular type of YEP and then generalized to all YEP?

Methodology

Academic analysis of public policies, such as the NYSHA, traditionally includes a four-step process of 1) problem structuring; 2) forecasting and analysis; 3) deciding; and 4) monitoring and evaluating (Guess and Farnham, 2000). Because this is not a traditional policy analysis, the methodology for this dissertation is more aligned with qualitative research methods including discourse analysis. Discourse analysis is more useful than a traditional policy analysis for this dissertation because of the focus on the relationships between the policy, the policy makers, and the target population of the policy.

Some theorists view discourse analysis as precarious because of the lack of a straightforward methodology (Hewitt, 2009). However, Sharp and Richardson (2001) view discourse analysis as a way to construct a critical narrative of the story (or stories) told about a political act. For this dissertation, taking my cues from Sharp and Richardson (2001), the methodology focuses on the struggles and outcomes of the NYSHA, new practices that resulted from the NYSHA, changes in communication about YEP, and the linkages between the changes around YEP and institutional structures. Sharp and Richardson's theory suggests that scholars gain new insights by questioning the differences between policy rhetoric and how the policy plays out in practice.

I chose discourse analysis because it "challenges researchers to question policy making processes, how dialogue takes place, and how power relations produce dominant discourses and marginalizes others. Such questions require researchers to be reflective, querying the research material in ways that they may not otherwise consider" (Hewitt, 2009: 13). Because the topic of youth and prostitution is controversial and often is tied to people/communities' opinions about morality/values (often tied to religious morals and

values), young people, and sex, the conversation around the passing of the NYSHA, or similar acts, is potentially as important as the language of the act itself.

Discourse analysis also complements my use of intersectionality as a part of my theoretical framework. Discourse analysis calls for the incorporation of the “sociohistorical context that transcends the observed data” (Bowleg, 2008, 320). The sociohistorical context, using an intersectionality framework, explores the intersections of race, class, and gender. Therefore, in Chapter Four, I conduct a sociohistorical analysis of the public policies that have historically targeted prostitution in order to understand YEP and the contemporary policies that affect them. A sociohistorical analysis of prostitution would be incomplete without attending to the intersections of various social locations. For the purposes of the sociohistorical analysis in this dissertation, the locations are citizenship, ethnicity, race, class, and gender—or, perhaps more precisely, xenophobia, nationalism, racism, classism, and sexism.

Drawing from discourse, content, and sociohistorical analysis, I examine the language of the NYSHA for underlying themes—including how the NYSHA is similar or different from legislation passed in other states that address YEP; analysis of the language used; the underlying messages regarding race, class, and gender; and the language used to represent the problem. I consider the dominant discourse that emerges through this legislation, and ask how the NYSHA came to define YEP as a social problem and how it seeks to address the problem.

Chapter Four: Youth Engaging in Prostitution

I don't like to call myself a prostitute, I'm a working ... I'm working just like anybody else. And I'm making money the same way, I'm paying bills. I mean, I'm not a prostitute. I make money—I earn money—the best way I know how to do.

In order to explore the way YEP construct themselves, this chapter presents an analysis of interviews with YEP from a study funded by the National Institute of Justice (NIJ) and conducted by John Jay College of Criminal Justice (John Jay). The researchers interviewed 249 young people in New York City (and the surrounding areas) who traded sex for money, shelter, food, and/or drugs ('John Jay interviews').³⁰

The youth's stories are offered in comparison to what is already known about this population, given the academic literature review in the introductory chapter. As a reminder, there are three themes in the academic literature:

- (1) YEP experience high levels of physical, sexual, and psychological abuse in their family of origin that may influence their decision to enter prostitution and violence characterizes their experiences with prostitution; young women are more likely to experience abuse which may explain their overrepresentation in prostitution;
- (2) Youth often turn to prostitution because of a precarious living situation or homelessness, which results from the aforementioned abuse; and
- (3) Drug use is rampant among YEP and may also be a precursor to prostitution.

Taken as a whole, the academic literature presents a singular dominant story of YEP. This chapter analyzes the data to see where the John Jay interviews supports the

³⁰ Please see more details about the data and the analysis plan in the methods chapter.

dominant story and where the stories of the young people in this sample challenge or complicate the dominant story.

The chapter begins with an introduction to the youth through the demographic data of the sample. The chapter moves forward with a presentation of the youth's entrance into prostitution and experiences with prostitution. The chapter explores how youth in this sample describe the circumstances around which they begin engaging in prostitution, their living situations, their use of substances, as well as their interactions with the state (the police and social services).

The chapter then turns to this dissertation's contribution to the field of YEP with an analysis of youth's resiliency and their expectations for the future—something that is largely missing from what is known about YEP. This chapter asks how do YEP protect themselves? Who do they turn to for help? What do they want for themselves in the future? An additional contribution to the academic literature is the way that race and gender are analyzed throughout this chapter. For a complete presentation of the data distributed by race and gender, please see Appendix A.

A central question of this dissertation is the relationship between the John Jay interviews and the current body of knowledge on YEP. Have academics and activists defined YEP properly? Therefore, each section will present the current knowledge about YEP as it relates to that section, through analysis of quantitative and qualitative data from the John Jay interviews.

Socio-Demographics

The academic literature is heavily focused on the experiences of young women. That is to say, the majority of studies in the last twenty years are based on all-female

samples (Bittle, 2002). Many studies indicate an overrepresentation of youth of color, specifically young Black women (Flowers, 2001). The academic literature reports a range of ages that people report entering prostitution, but almost all the academic literature indicates the majority of people enter prostitution before the age of 18. Regarding housing, the academic literature identifies most youth as homeless (Cusick, 2002).³¹

Table 1 shows the demographic information of the sample by race and by gender. The study included almost equal numbers of young men (n = 111) and women (n = 119). The study failed to recruit a significant number of transgender youth (n = 19).³²

Sixty-three youth identified as Black, 59 as white, and 62 as Latino. Sixty-five youth were coded in the research category of race as “other youth of color”—these youth identified as either multi-racial, Asian American, or Native American. In total, 76% of the youth identified as youth of color (190) and 24% as white (59). When compared to census data from New York City, the John Jay researchers were able to obtain a fairly representative sample of youth across various race categories (See Table 1).³³

³¹ This may be, in part, linked to the definition used. Many studies define youth as homeless if they have “spent at least one night in a youth shelter, an improvised shelter (e.g. an abandoned building, a public place, or a subway or other underground location), on the streets, or in the home of a stranger” (Greene et al., 1997). The John Jay study did not inquire about a history of homelessness (for example, if they had asked “have you ever spent at least one night on the street”) but instead focused on the youth’s current living situation and asked them how long they had been in that living situation.

³² Recent studies report transgender youth to be 3.5 times more likely to participate in prostitution than their male and female counterparts (Gwadz, M. V., et al., 2009).

³³ According to the U.S. census, Latino is not a race but an ethnicity and Latinos may have also chosen a race. In the 2010 census, race and Hispanic origin (ethnicity) are separate and distinct concepts and when collecting these data via self-identification, two different questions were used. For more on the ways race and ethnicity were defined and captured in the 2010 census, please see <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>. This is a different way of capturing race and ethnicity data than what was used in the NIJ study. In the NIJ study, youth were asked to identify their race *or* ethnicity. Youth were then coded as White, Black, Hispanic, or Multi-racial. For more information see Curtis et al, 2008.

Table 1 Sample vs. New York City Youth by Race and Gender^a

Preferred Gender Category	Self-Identified Race Category				TOTAL
	% (n)				
	White	Black	Latino	Other Youth of Color	
Female	11 (27)	12 (30)	12 (31)	12 (31)	48 (119)
Male	12 (31)	10 (26)	12 (29)	10 (25)	44 (111)
Transgender	0 (1)	0 (7)	1 (2)	4 (9)	8 (19)
% of Study Sample	24	25	25	26	100
% of NYC Population	25	25	35	15	100

^aStudy population n = 249. New York City Population: Adapted from *Population Under 18 Years by Mutually Exclusive Race and Hispanic or Latino Origin, 2010*, U.S. Census Bureau, 2010 Census Public Law 94-171 File and 2010 Summary File 1.

The majority of youth in the study sample were at the higher end of the 14- to 18-year-old range: 95% of the youth reported they were 16 or older (See Table 2).³⁴ The demarcation of who is over and under 16 years old is important for the New York context, in which youth who are 16 years or older are processed in the adult justice system and those who are under 16 are processed in the juvenile justice system.

Table 2 Age of Youth at the Time of the Interview (n=249)

Age	N	Percentage of Sample
14	4	2
15	8	3
16	17	7
17	61	24
18	135	54
Over 18	24	10

In this sample of YEP, the young people reported a range of housing situations that went beyond the singular category captured by ‘homelessness’. To capture the

³⁴ Though the John Jay researchers attempted to conduct research only with youth under the age of 18, some research participants who reported they were older were included because their experience was relevant or they clearly had connections to other under-18 YEP. For more description of this decision, see Curtis et al. (2007).

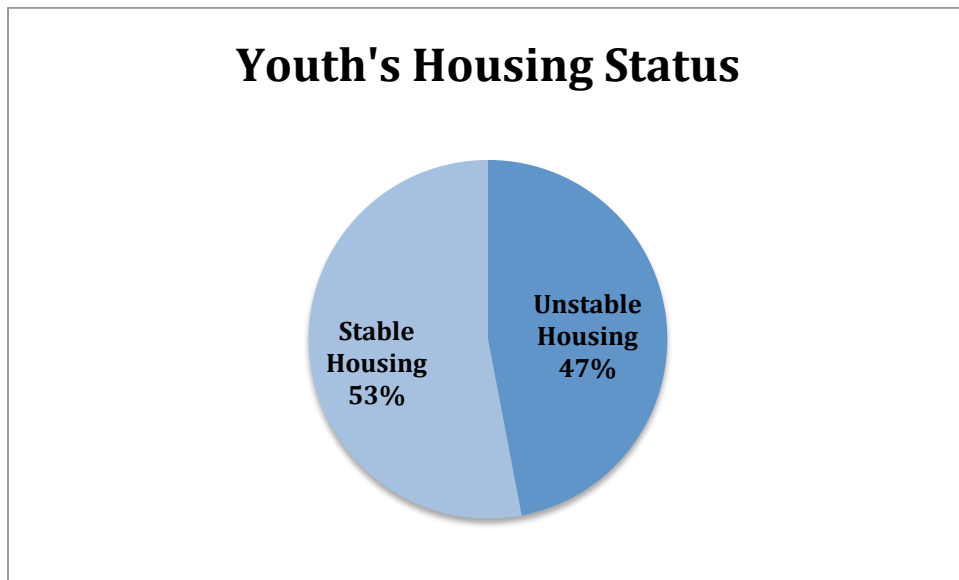
nuances of young people’s housing situations, the youth’s responses about their housing situation were broken into two categories: stable and unstable.

Table 3 Housing Situations Defined

Category	Definition
Stable Housing	Living with family, friends, or on their own at a single address for six months or longer. ³⁵
Unstable Housing	Living with family or friends (including clients’ homes) for less than six months; ³⁶ Youth who rented hotel rooms; Traditionally defined homeless youth—staying on the street, squatting in abandoned buildings, or accessing (routinely or infrequently) the city’s shelter system.

One hundred and thirty three youth from the sample reported having stable housing (53%) and 116 youth from the sample reported having unstable housing (47%) (See Figure 1).

Figure 1 Youth's Housing Status (n=249)



³⁵ There is little agreement on the definition of stable housing. U.S. Department of Housing and Urban Development, defines stable housing as “safe, decent, and sanitary” (www.hud.gov) but does not provide guidelines for how long someone must have access to that housing for it to be considered stable. Generally, six months is not adequate time to be considered “stable” housing (Yaroni, 2010). However, I use this time frame because the youth stories suggest that they consider their housing stable if they reside at the same place for at least six months.

³⁶ Many of these youth reported bouncing between different friends’ and/or family members’ homes, but always having a place to stay.

Housing research suggests that youth transition in and out of various types of living conditions and that studies that fail to address the diversity of housing situations of young people has led to a body of literature that is unhelpful when designing and disseminating policy and services (Wayman, 2009). Consistent with the research on young people and homelessness, 30 youth (12% of the sample) reported living in multiple situations that crossed the boundaries between stable and unstable housing. Sixteen youth moved within various types of stable or unstable housing (eight in each category). Kim, the 17-year-old Black woman introduced earlier, explained her movement between stable and unstable living situation this way: “[O]kay, you could say I live wit’ my boyfriend, but I still live wit’ my moms.”

Unstable Housing

One hundred and sixteen youth in the sample (47% of the sample) reported living in unstable housing situations. Again, the term unstable housing refers to youth who are traditionally captured as homeless—youth who were living in the streets, squatting in abandoned buildings, or accessing the city’s shelter system. It also includes a category of youth that less is known about—youth who did not have stable housing but were not traditionally homeless because they stayed in the homes of family members or friends, often known as ‘couch surfing.’

Natalia, an 18-year-old Latino woman from New York, reports a housing situation representative of the large group of youth in the sample who were categorized as having unstable housing but were not entirely homeless. They spend time on the streets or with friends, often because of turmoil with their family. Natalia reported,

Well, I’m not, like...really livin’ on the street. But I been, like, in and out my house and stuff, ‘cause...you know, my mother doesn’t accept my sexuality. So

when she kicks me out, I’m like, practically, in the street. Or just my friend house or something.

Youth like Natalia who reported “bouncing around”—often between their family home, friend’s houses, and the streets—and coded as having unstable housing. These youth may represent what the Young Women’s Empowerment Project (YWEP) categorizes not as homeless but as *home free*. YWEP is a member-based social justice organizing project in Chicago for girls, transgender girls, and young women ages 12 to 23 who have current or past experience in the sex trade and street economy. YWEP found the categories of homelessness did not represent the experiences of the young women participants in their program. They assert,

Home free means that we have a right to decide our housing options. Some girls feel like living on the street or leaving their house behind is empowering. We respect all girls’ right to choose where and how they get shelter. (Torres and Paz, 2011)

In the John Jay interviews, many youth talked about their living situation as something they chose. One young woman exemplifies this position when she describes not living at home “‘cause I *choose* [not to].”

Table 4 shows the percentage of youth across different racial and gender categories with unstable housing.

Table 4 Unstable Housing by Race and Gender (n=249)

	WHITE			BLACK			LATINO			OTHER YOUTH OF COLOR		
	F	M	T	F	M	T	F	M	T	F	M	T
n	12	25	1	6	17	3	11	14	2	13	8	4
Percentage of race/gender group	44%	81%	100%	27%	65%	43%	35%	48%	100%	46%	32%	44%
Percentage of racial group	64%			41%			44%			38%		

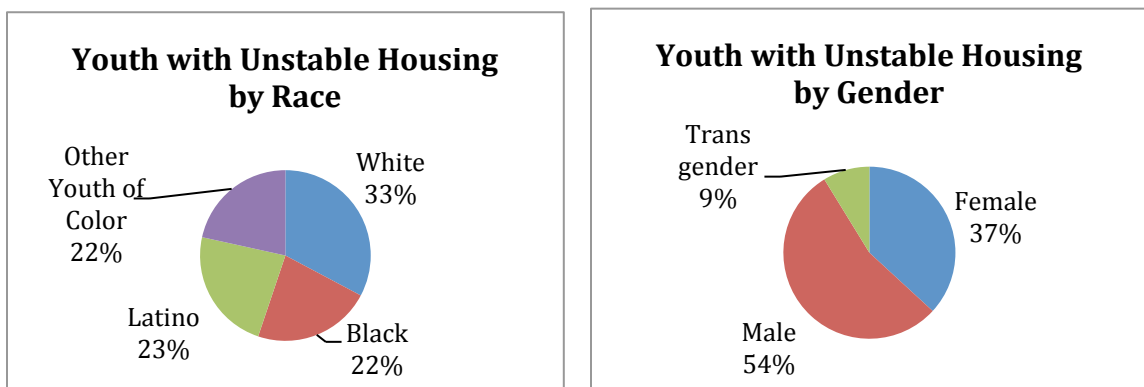
Note: F stands for Female, M stands for Male, and T stands for Transgender.

Young men from the entire sample more often reported living in unstable housing (58% of young men as compared to 53% of transgender youth and 35% of young women). When transgender youth are removed, because of their relatively low numbers across the race/gender categories, young white men had the highest rates of unstable housing across the race/gender categories (81% of white men) followed by young Black men (65% of Black men).

Young men (51 young men) and white youth (24 youth) reported living on the streets or squatting (17% of white youth) more often than other race or gender groups. Youth categorized racially as “other” reported staying in shelters more often than other racial categories (21 youth).

Figure 2 distributes the population of youth who reported unstable housing by race and gender; in other words, it represents the distribution of youth within unstable housing by race and also by gender. Thirty three percent of the youth who reported having unstable housing were white and 54% were male.

Figure 2 Unstable Housing by Race and Gender (n=116)



A sub-population of the unstable housing group in this sample were transient youth. Thirty-three percent of the youth in this study were living on the streets and could be defined as chronically homeless or transient. The high percentage of white young men

who reported having unstable housing may be in part due to the large number of white youth among the transient population—youth who traveled in between cities and primarily lived on the street or squatted in homes.³⁷

Doug, described earlier, fits this definition. Doug was completely homeless and spent most nights on the street. Doug is also a part of the group of youth who were transient—they were not from New York and did not necessarily plan to stay in the city long term. Transient youth in this sample moved from city to city and lived primarily on the streets. Many of these youth used each other as resources to learn about what city or town to go to next and how to stay safe there.

Another transient youth, Wendy, provided a wealth of information about survival strategies in a number of different cities. She is an 18-year-old white woman who moves from city to city, and at the time of the interview she was squatting in three different abandoned buildings. She stated that the benefit of working and living in New York over Baltimore—the last city she lived in—was the social services available to young people here. She pointed out that she was able to get free medical care in New York as an example.

Thirty-six youth (14% of the entire sample) identified themselves as LGBT during the interviews.³⁸ In the qualitative analysis a theme emerged wherein youth disclosed their sexual orientation when discussing their housing situation. Many of them spoke of the connection between leaving home and their parents' responses to their sexual orientation or gender identity. Of the 36 self-identified LGBT youth, 32 (89%) did

³⁷ Sixty-five youth were not from New York City, 24 of whom were white youth (19 were boys). Sixty percent of the 65 youth who were not from New York did not have stable housing.

³⁸ Youth were not asked questions that would reveal their sexual orientation. These numbers represent those who self-disclosed during the course of the interview.

not have stable housing. Of the 32 youth 17 were young men, nine were young women, and six identified as transgender. Twenty eight of the 32 youth who identified as LGBT and did not have stable housing were youth of color. White youth were the most likely to report unstable housing overall but the least likely to associate their unstable housing with their sexual orientation.

Stable Housing

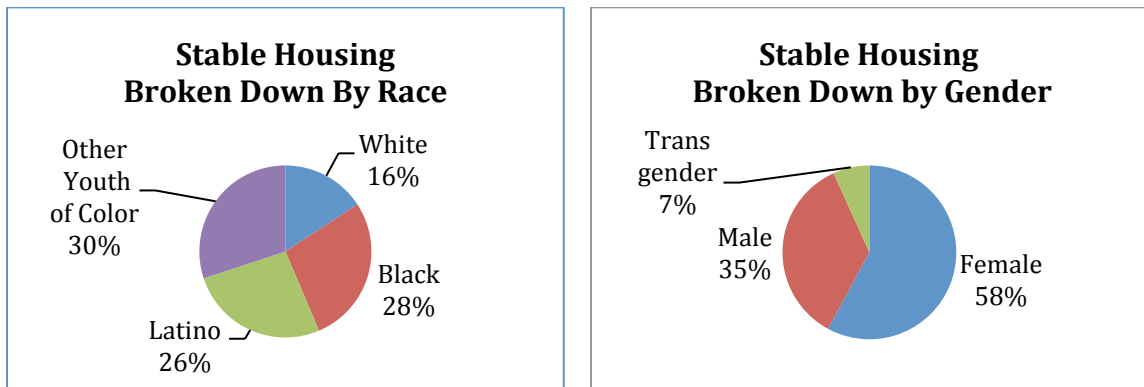
Contrary to the current knowledge that posits most YEP are homeless, a little over half of the youth in this sample reported currently living in a stable housing situation (133 youth; 53%). There were no statistically significant differences by race or gender for youth having stable housing (See Table 5).

Table 5 Stable Housing by Race and Gender (%)

	WHITE			BLACK			LATINO			OTHER YOUTH OF COLOR		
	F	M	T	F	M	T	F	M	T	F	M	T
Percentage of Race/Gender Group	56	19	0	80	35	57	65	52	0	58	68	56
Percentage of Race Group	36			59			56			62		
Percentage of Sample	8			15			14			16		

As shown in Figure 3, which represents race and gender distribution within the group of youth who reported stable housing, young white youth and young men make up smaller percentages of the youth reporting stable housing.

Figure 3 Stable Housing by Race and Gender (n=133)



A small percentage of this subsample of youth reported living on their own for more than six months (11 youth, 4% of the sample). Melissa, a 17-year-old multi-racial woman who identified herself as Black and Latino, lives on her own with her daughter in public housing in Manhattan. She supports herself and her daughter with her daily earnings working in prostitution. She enjoys living on her own. She left her mother because of disagreements “a long time ago”—but she dreams of a better living situation for herself and her daughter. She discussed saving up money to get a house out of New York. It is of note that of the 104 youth who reported entering prostitution because they were homeless, 10 reported having stable housing at the time of the interview. Six of these youth with stable housing lived on their own, two lived with their family, and two stayed with friends.

Trading sex was the main way three of the youth who lived on their own maintained their apartments. Kevin, an 18-year-old Latino man, moved to New York City from Florida and says once he moved here he had to “make ends meet” and now has his own apartment. He uses his earnings from the sex trade to pay for his apartment and his bills. He does the math for his expenses: “Well, my rent is ... \$950 and my cell phone bill is around \$60. And then food, a month ... probably a month, is around ... a hundred. And

a MetroCard. So it's ... pretty expensive.” For the rest of the youth, although being homeless was the main reason they were motivated to begin trading sex, prostitution had not resulted in their ability to have stable housing.

Summary of Housing Status

With regard to housing status, the youth in the sample were a heterogenous group. Though this finding is supported by the contemporary research on youth and housing it challenges the academic literature on YEP which generally reports that YEP are homeless. Just more than half of the youth in the sample have stable housing. And of the youth who do not have housing, very few are living on the street—most bounce between homes of friends and families. Young white men reported living in unstable housing more often than other race/gender groups. Young Black women more often reported living in stable housing than other race/gender groups.

Entrance into Prostitution

The median age YEP reported entering the sex trade was 16 (See Table 6).³⁹ The youngest reported age of entry was 11 years old and the oldest was 19 years of age.

Table 6 Age of Youth at Entrance into Sex Trade (n=246)

Age	N	Percentage of Sample (%)
Under 14	40	13
14	36	15
15	48	20
16	63	26
17	47	19
18 and over	19	8

Much of the academic literature on YEP has sought to understand *why* some youth

³⁹ The mean age of entry was 15.6 and the mode was 16.

become involved in prostitution, there has been less research on *how* youth enter prostitution. This section will present the youth's responses surrounding how they entered, which sometimes includes information about why they entered. As stated at the beginning of this chapter, most scholars assert a positive relationship between abuse (specifically in the family) and motivation to enter prostitution. The academic literature and news reports on YEP posit the relationship between prostitution and young people as exploitive and there is rarely a discussion about choice (O'Connell Davidson, 2005). Anyone who is involved in the young person's entrance is characterized as a pimp and this relationship is marked by violence, abuse, exploitation, and manipulation (Twill, Green, and Traylor, 2010).

Less frequent are the studies that focus on the immediate needs that prompt young people to enter prostitution, one focus of the John Jay interviews. John Jay researchers asked youth to describe how they got involved with trading sex (this included information about whether they had anyone help them begin engaging in prostitution) and for what the youth trade sex.

Conducting a secondary analysis on the data to unpack why youth chose to begin engaging in prostitution was a complicated process. I present two young people's narratives to demonstrate the complexity of coding the stories they tell.

Doug is 17 years old, white, and identifies as male. His experience is exemplary of the complex entrance into prostitution:

I was desperate for money—I was hungry, I was sleeping in the streets—and I met some people who were doing it. And they kinda introduced me to it. Since then I've kinda been stuck with it...as my source of income. It's my way of getting money.⁴⁰

⁴⁰ All of the names of youth in this chapter, and throughout the dissertation, are fictitious. Youth did not provide their names during the research study and, if they did, they were not recorded in the transcripts.

Doug's prostitution could be seen as the result of being homeless, having friends who could introduce him to prostitution, being self-motivated to take care of himself the best way he knew how, or a combination of these factors.

Jennifer's story is similarly complicated. She is a 16-year-old Black woman who identified herself as a lesbian during the interview.⁴¹ Here she explains her entrance into prostitution:

I lived on the street for awhile, 'cause my mom kicked me out when I was 12 because I told her that I might be gay. Well, when my mom kicked me out, I didn't have nowhere to go. I lived on the street for a couple a days. Then I met this one girl, and she told me... she asked me, do I wanna make money 'cause she said I'm a pretty girl—and I said, "Sure." At that point, I was like, "Whatever," because I was already livin' on the street. So that's how I got into the business.

Jennifer describes a difficult time—emotional turmoil with her mother and surviving on the streets. If there was a need to code or explain Jennifer's reason for entering as one thing, there could be many interpretations: family problems, homophobia, homelessness, or a need for money.

Jennifer and Doug's stories illustrate the complicated nature of YEP's entrance into prostitution. In fact, all of the YEP in this sample highlight the difficulty of trying to isolate a singular reason young people enter the sex trade.⁴² Jennifer and Doug's homelessness may have driven them into prostitution, or proven to be the immediate need they sought to resolve, but it was their peer network that provided the avenue. After all, not all homeless youth turn to prostitution to survive. Kempadoo (2004) asserts that prostitution is not about poverty but the exploitation of poverty. Therefore, the entrance

⁴¹ Youth were not asked to identify their sexual orientation. Any references to information about a youth's sexual orientation were volunteered by youth during the interview.

⁴² Throughout this chapter, I use the terms *prostitution* and *sex trade* interchangeably. Both terms refer to the trade of sex for money, food, shelter, and/or drugs.

into prostitution for Jennifer and Doug is not about their state of being homeless but about someone acting to exploit that homelessness. If there was a sufficient and safe housing structure, Jennifer and Doug would not be ripe for exploitation—though they still may have engaged in prostitution, but it would not be a result of someone seeking to gain from their housing instability.

To unpack the complexity of the circumstances of the youths’ entrance into the sex trade, their responses are organized here into three sub-sections: *motivations* for entering prostitution, *nature* of their entrance into prostitution, and whether they used any *assistance* to enter into prostitution. Youth’s responses were coded by taking the entirety of the interview, or in other words the whole narrative, into account.

Youth’s *motivation for entering prostitution* was coded into four categories: drugs, homelessness, money/desperation, and unknown motivation (See Table 7).⁴³ Youth were coded as having ‘unknown motivation’ when their responses did not fit into one of the other three categories.

Table 7 Definitions of Youth's Motivation for Entering Prostitution

Category	Definition
Drugs	Responses that referred to entering prostitution to support a drug habit.
Homelessness	Responses that discussed living on the street or having no place to stay.
Money/Desperation	Responses that discussed being desperate for money. These responses referenced a need, not a want, for money.
Unknown	Responses may make reference to curiosity, boredom, or capitalizing on an opportunity that presented itself. These responses did not indicate any pressing need for money for things like shelter, food or drugs. If money was discussed, it was in reference to the desire for material objects. None of these youth were homeless when they entered prostitution.

An example of unknown motivation is a young woman who said, “I was, um, in the strip club scene. I had a few friends who were strippers—they were all older than me, and, you

⁴³ Please note that for responses to motivation for entering prostitution, n=227.

know, they told me what they did. How they were able to make, like, four or five hundred more a night.”

The *nature of youth's entrance into prostitution* was coded into two categories: voluntary or involuntary. This distinction was coded based on the way youth described their first experience with prostitution.⁴⁴ This is a new method of coding the youth's responses but it reflects the ways the youth of this sample of YEP represented their stories during the John Jay interviews. Youth coded as *involuntary* discussed having no choice. Youth were coded as *voluntary* if they articulated having a choice to enter prostitution, even if their choices were constrained by the need for housing or money.

Assistance entering prostitution was coded into four categories: relative, market facilitator, friend, or no assistance. As defined in the introductory chapter, a market facilitator is anyone who financially benefits from a youth's engagement in prostitution. A friend or a relative could be a market facilitator, if they financially benefited from helping a youth enter prostitution. For this sample, none of the relatives who were reported as helping youth enter prostitution reportedly received a percentage of the young person's money. Some friends did receive money, and if they did they were coded as market facilitators. Only friends who did not receive any financial gain from youth are coded as 'friends'.

As example of the coding process, consider James, an 18-year-old Black male. James is adamant about his lack of a choice:

I mean, I had no choice, basically ... to do what I did, see what I'm saying? 'Cause it was hard for me to get a job, no matter [how many] interviews I went to nobody would hire me, so I had no choice but to turn to the streets, and try to, you know, make my money and make ends meet.

⁴⁴ Please note that for nature of entrance into prostitution, n=232.

James' response was coded as: nature = involuntary, motivation = money, and help entering = friend. Though James was homeless at the time of the interview, and this may be what currently motivates him to continue to engage in prostitution, when he first entered the sex trade he was living at home and described money as the main motivator.

Another example is Sherri, an 18-year-old white female originally from New Jersey. The nature of Sherri's entrance into prostitution was described as voluntary, though under what could be considered harsh circumstances. At the time of the interview, Sherri had two customers. She did not participate in prostitution very frequently and did not work the streets—though it was on the street that she met her first customer. When asked how she got started with prostitution, she explains the circumstances around her decisions:

My mom got cancer. And, um, the job I had wasn't like ... enough money for me to go back and forth to Jersey. So ... I met this ... this guy pulled up to me on the street, and ... he asked for my number. And ... I was, like, drunk that night. So ... one thing led to another, and ... I started that way.

Sherri was coded as: nature = voluntarily, motivation = money, and help entering prostitution = none.

These three categories are hard to disentangle. Table 8 is presented to clarify the ways the *motivation* and *nature* of youth's entrance are often multilayered and tied together.

Table 8 Youth's Entrance into Prostitution

Reported Driving Motivation	Nature of Entrance (N)		Totals	
	Involuntary	Voluntary	%	N
Homeless	23	81	46	104
Unknown Motivation	0	66	29	66
Money/Desperation	4	28	14	32
Drugs	6	18	11	24
Totals	15% (33)	85% (193)	100	226

Note: n = 226.

Table 8 shows that the majority of youth reported entering prostitution voluntarily (85% of the sample) and that the main driving motivation reported was related to homelessness (46% of the sample). This table represents a new way of reading youth's entrance into prostitution—at the intersection of motivation and nature of their entrance (See Figure 5 below for a visual of the help youth reported receiving entering prostitution). This table helps draw out the complexity of the different ways youth enter prostitution while still organizing the responses into groups that can be analyzed for patterns.

No youth who were coded as 'unknown motivation' entered involuntarily—which speaks to the parameters of the 'unknown motivation' category. These are youth who did not report any constraints in their decision to engage in prostitution. Youth who reported actively seeking out prostitution that did not have a known driving motivation made up about 27% of the sample (66 youth). For example, Kat, a 17-year-old multi-racial female, entered prostitution at 13 because she was curious. She explains, "I was just bein' curious and shit. 'Cause I'm like always comfortable with my sexuality and shit ... so it wasn't just men, it was also a woman, that I was doin' it with." Camilo, a 14-year-old Latino boy, began engaging in prostitution at 12 while living at home and without an apparent driving motivation. He explained, "I just ... thought about it, and I figured a way I could

get paid for that. So I just do it.” Their responses were both coded as: nature = voluntarily, motivation = unknown, help entering = none.

Another example of unknown motivation is Julia, a 19-year-old Latino woman. Julia told researchers she needed money to establish freedom from her parents. She reported that a friend took her to a party: “My friend was like, you know, ‘Come with me ... and I’ll introduce you to a guy.’ I got paid—and I got my freedom—and the things that I needed to get. You know, clothes and stuff.” Julia was coded as: nature = voluntarily, motivation = unknown, help entering = friend.

Rare were the young people who reported being completely forced into prostitution—who were either kidnapped or coerced by a market facilitator. Only two youth in the sample described their entry in this way. Both of these market facilitators fit the definition of a pimp. Laura, an 18-year-old Latino woman, reported her involvement began after she was kidnapped when she was 15. “My father had one of his best friends kidnap me. And he started pimpin’ me. And he started tellin’ me I have to sell my body, in order to pay my father’s debt.” Laura is one of two young women of color who reported being kidnapped.⁴⁵ No other youth reported kidnapping as their entrance into prostitution.⁴⁶ Laura eventually escaped her situation and began engaging in prostitution on her own. She discussed this decision, almost a second entrance, as a decision she made to earn money to survive on the street—where she was living with her boyfriend. She complained that shelters would not allow couples to stay together, forcing them to stay on

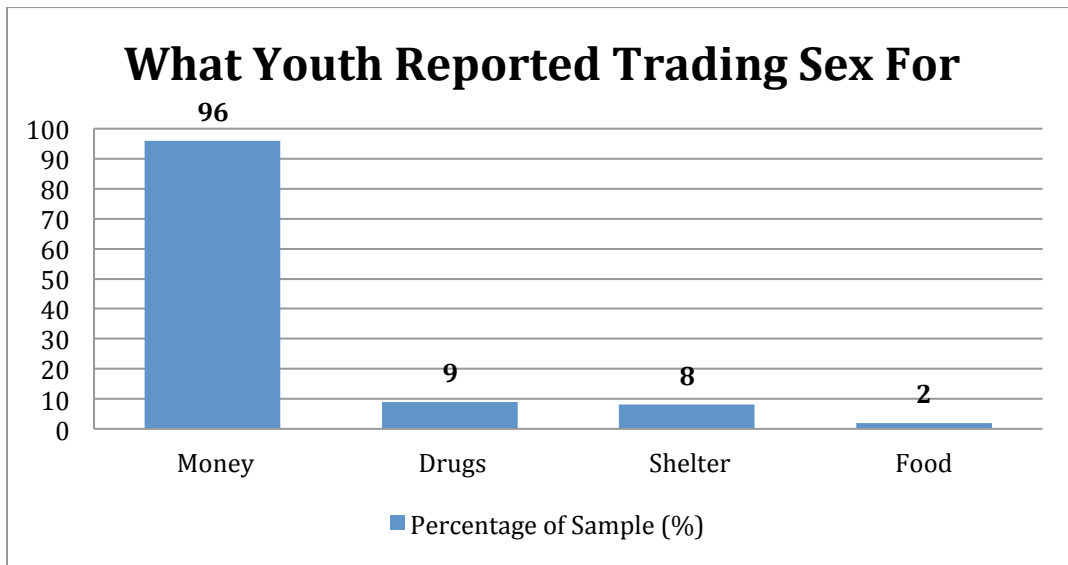
⁴⁵ One young woman was 15 years old when she was kidnapped, the other was 14. The 14-year-old was kidnapped by a man that fits the description of a traditional pimp, but she did not actually engage in prostitution. She was held for several days and pressured by the young man who held her. She reports never engaging in prostitution, but she had been arrested for prostitution.

⁴⁶ However, some youth reported kidnapping by customers as something they experienced as a part of prostitution. Violence in prostitution is discussed in the following section.

the street and in need of money. Laura’s interview was coded according to her initial entrance into prostitution.

Another indicator of young people’s motivation to enter prostitution and nature of their entrance into prostitution may lie in what they trade sex for. The youth’s responses were coded into four categories: money, drugs, food, or shelter. Two hundred and thirty-eight youth reported they trade sex primarily for money. Drugs (23 youth) and shelter (21 youth) were the next most common reasons for trading sex (See Figure 4 for the percentages associated with these n’s).

Figure 4 What Youth Reported Trading Sex For (Percentages)



Note: n = 249 and the categories are not mutually exclusive.

The number of youth who traded sex for food was significantly less—with only six youth reporting that this was something they traded sex for. All six of the youth who reported trading sex for food also identified one of the other categories (money, drugs, or shelter) as another primary reason for trading sex. That being said, 136 (54.6%) youth in the sample reported food as the first thing they bought (when answering a different question). Therefore, food may still be a strong motivation.

Thirty-four youth reported they would trade for a combination of the above reasons or ask for different things at different times. This suggests that the sex trade for youth is dynamic. The differences over time with regard to what youth traded sex for that were not easy to discern from this secondary analysis and could be explored in future research. Lourdes, a young woman of color (self-identified as Puerto Rican and Dominican), traded sex for shelter, money, or drugs. She recalls when she started trading sex at fifteen,

Um ... I needed a place to stay. Um, my first customer wasn't really, I guess, a customer. 'Cause I don't think of them as customers, but like people that I know who end up like ... expecting sex in exchange for drugs or services.

Now that she is 18, she mostly trades sex for money when she doesn't have a job. She says, "It's a very, like, you know ... Sugar Daddy type of thing. Where I'll just get handed ... wads of cash."

Race and Gender Analyses. As shown in Table 8 (on page 71), there was no statistically significant difference in the distribution of youth by *nature of entry* to prostitution across both race and gender groups.⁴⁷ A chi-square test of significance was run to examine the relationship between "nature of entry" into prostitution and both race and gender. No significant differences were found. There was a slight variation with regard to gender: about 80% of young men and transgender youth discussed their entrance as voluntary compared to 75% of young women.⁴⁸ The raw data shows a fairly

⁴⁷ Chi-square test for nature of entrance into prostitution by gender: $\chi^2(2, N = 232) = 4.6, p = .09$ and by race, $\chi^2(3, N = 232) = 1.69, p = .63$.

⁴⁸ Chi-square test for nature of entrance into prostitution by gender: $\chi^2(2, N = 232) = 4.6, p = .09$

equal distribution of youth across the race/gender groups in the sample, also suggesting that the entire sample is experiencing the same nature of entrance into prostitution.⁴⁹

Table 9 Motivation for Youth's Entrance by Race and Gender (n=227)

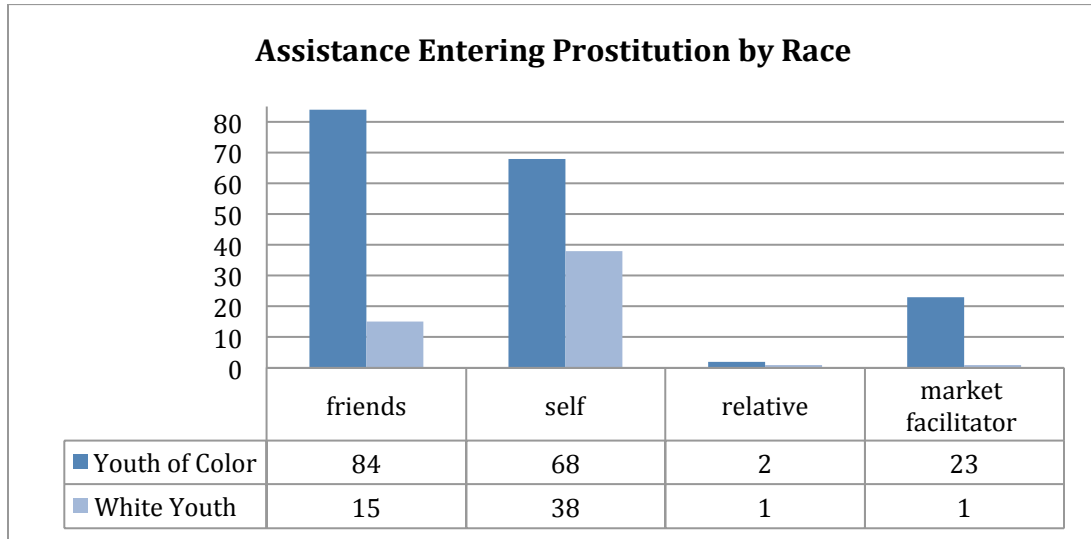
	WHITE			BLACK			LATINO			OTHER YOUTH OF COLOR			Totals
	F	M	TG	F	M	TG	F	M	TG	F	M	TG	
Homeless	12	15	0	9	11	4	10	12	1	12	12	6	104
% of race group	46%			38%			37%			46%			
Unknown Motivation	7	5	0	13	8	2	5	10	1	9	6	1	67
% of race group	20%			37%			26%			25%			
Money/Desperation	4	2	0	7	3	0	8	3	0	2	2	1	32
% of race group	10%			16%			18%			8%			
Drugs	4	6	0	0	2	0	4	2	0	4	2	0	24
% of race group	17%			3%			10%			9%			

Table 9 illustrates the numbers of youth who reported different *motivations for entering* prostitution by race and gender. For youth who said drugs were the main reason they entered the sex trade, there was a 10 percentage point difference between white youth (17% of white youth) and youth of color (7% of youth of color). With the greatest difference being between white youth and Black youth. For youth who said they were desperate for money, there were large percentage point differences between girls (18% of girls), boys (9% of boys), and transgender youth (5% of transgender youth). Although these differences are of interest because of their relevance to policy development, they should be interpreted with caution. The gender differences could be related to the ways young people discuss their initial motivation for entrance. Alternately, it could be that gender norms shape how young people talk about desperation. For example, a young Puerto Rican woman represents a common response of young women in this category, “So I felt like I had no choice. And I needed money.”

⁴⁹ See Appendix A

Figure 5 illustrates assistance the numbers of youth in the sample who reported having to enter prostitution and is broken down by two categories—youth of color and white youth.

Figure 5 Assistance Entering Prostitution by Race (n=232)



White youth more frequently reported entering prostitution without assistance (69% of white youth) than youth of color, who more often reported entering prostitution with assistance from friends (47% of youth of color) (see Figure 5 for the n’s associated with these percentages). There were not many differences across the gender groups, with the exception of interactions with market facilitators. Young women made up almost all of the people who worked with market facilitators to enter prostitution: 22 young women (18% of young women) versus 2 young men (2% of young men). When race and gender are analyzed simultaneously, only one white young woman talked about working with a market facilitator to enter the sex trade. Therefore, my discussion of market facilitators with regard to how youth enter prostitution is almost solely referring to young women of color (there is a separate discussion about market facilitators and young people’s experiences with prostitution in the next section).

Nine of the 22 youth (40%) who worked with a market facilitator to enter prostitution were also coded as entering prostitution involuntarily. Kim, a 17-year-old Black female, describes her involuntary entrance this way,

Um, I just started runnin' away, and I ... I needed a place to stay. And I was tired a runnin' the streets, so I started. It wasn't like I was into doin' it. It's that I wanted somewhere to stay. So ... you know, I thought I had no choice but to go there. 'Cause I didn't wanna go home, 'cause I wanted to be grown and get my own way and so I found a pimp.

Kim's description draws a picture of having no choice but to enter prostitution when she says "it wasn't like I was into doin' it" and that she "had no choice but to go there." At the same time, Kim was not recruited or manipulated by a pimp to enter prostitution—she sought out a market facilitator. Kim is coded as having a market facilitator, but this relationship and the power dynamic generally associated with relationships between pimps and young people is seemingly turned on its head. Traditionally pimps are understood as choosing youth to exploit with the exploited youth having little control, but Kim reports that she went out looking for a pimp, implying she chose this relationship.

Five youth reported that a relative helped them enter prostitution. Maggie, a 17-year-old white girl, reported that her cousin helped her enter the sex trade. She said,

I started at 15, for drugs. My um, my cousin was into that. And, you know, she said, "You could do it, you know, you're pretty enough." She said, "Just close your eyes, and ... whatever happens, happens." And I did. And ... with all the money I bought [inaudible]. It's not just a [inaudible] with coke anymore, you know, now it's like the money and, you know, to get my ass back on track.

Tony also had a relative's help when he wanted to enter the sex trade. He found himself homeless after moving to New York from Florida. He explains how it is he came to live on the streets:

Um, many situations. Um, I lost my I.D., and I couldn't find work. And then, um—since I'm not like a ... I'm not a New York resident, and ... I'm a permanent

resident ... alien, so—it's harder ... to get my documents that I need, quick enough. And it's more expensive.

When he became homeless, he returned to prostitution—something he started when living in Florida with the help of a relative. He said,

“Um, I guess it was ... I had someone that was related to me that I was really close to and ... that's what she had to do. And, um, I worked with her too—during that time—and, like ... like I answered the phones and stuff.”

Summary of Youth's Entrance into Prostitution

Traditionally, the academic literature and news reports on YEP simplify the reasons youth begin engaging in prostitution by presenting a singular story of adults preying on innocent children who have no choice. Data from the sample of youth from New York that participated in the John Jay interviews demonstrate that youth's reasons for entering prostitution are complicated and multi-layered.

When their stories are examined, the narratives show that although there are youth who enter prostitution against their will many youth enter prostitution voluntarily. As found in the current academic literature and news reports on YEP, a large portion of youth in this sample, regardless if they articulated prostitution as a choice or not, reported entering prostitution because of unstable housing. Explored less in the past literature is the substantial group of young people who enter prostitution voluntarily whose exact motivation is unknown—these youth articulate not having the same drives to meet their basic needs as the other youth in the sample.

Intersectional analysis, which is mostly absent in the academic literature on why youth enter prostitution, shows that there are patterns by race and gender to consider. White youth are more likely to identify drugs as their primary motivation for entering prostitution and girls are more likely to say they entered prostitution because they were

desperate for money. Young women of color made up almost the entire sub-group of YEP who reported that they worked with a market facilitator to enter prostitution. Though this supports the research on YEP that states a major difference between young men and women's experiences with prostitution is the presence of pimp for young women, this section is only about how youth *entered* prostitution. The academic literature to date on YEP does not analyze the differences within young women in regards to pimps, the analysis from this chapter suggests that this is a gap. Given that all of the youth in the sample who reported that a pimp was involved with their entrance into prostitution were young woman of color, race and gender should be analyzed jointly in future research. The John Jay interviews allows a researcher to disaggregate assistance entering prostitution with using a market facilitator to find customers once involved with prostitution. The later category is addressed in the next section.

Experience with Prostitution

This section focuses on young people's experiences with prostitution, specifically their interactions with market facilitators, working conditions, drug use, earnings, expenses, and perceptions of the benefits and challenges of the sex trade.

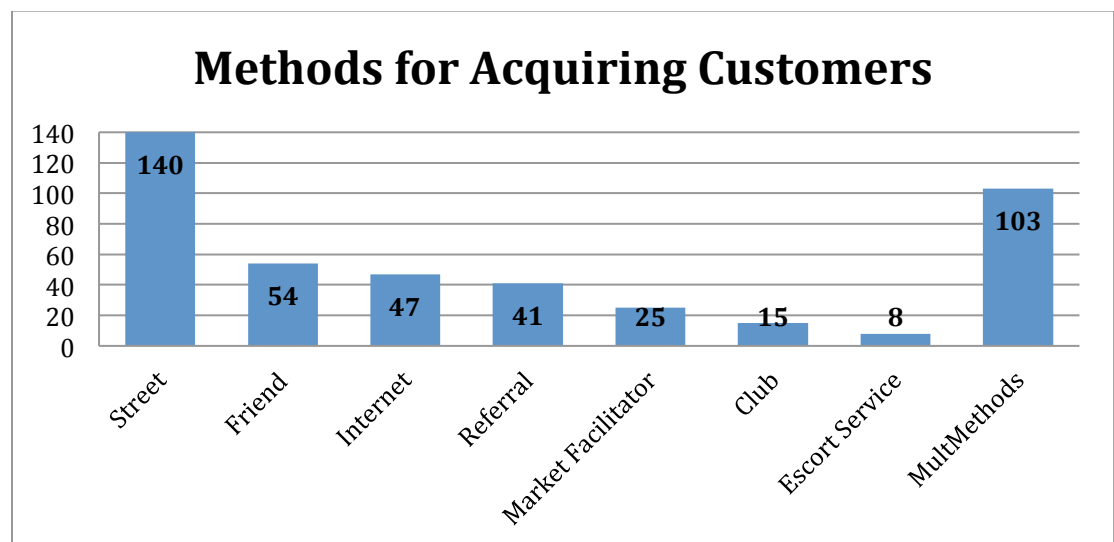
With regard to the discussions of YEP's experiences with prostitution in the academic literature, the gender of the youth studied impacts the focus and conclusions of the study. For example studies about young men do not focus as often on victimization (prior to or as a part of prostitution) as do studies of young women. Regardless of the focus of the gender of the youth involved in the studies, most research focus on the negative repercussions of engaging in prostitution. The challenges related to involvement in the sex trade are numerous and well documented—drug addiction (Barnitz, 2001;

Reid, 2010; Balfour, 2008; Fong, 2008) and victimization (by pimps and by customers) (Small et al., 2008; Tyler et al., 2000; Whitbeck, 2000; Farley, 2004) are most common. The John Jay interviews represents one of the first inquiries into what youth believe to be the benefits of trading sex.

How Youth Acquire Customers

The research on YEP has primarily focused on youth who use the street to procure clients (Price et al 1984).

Figure 6 Methods for Acquiring Customers (n=249)



As shown in Figure 6, the data illustrates that the vast majority of youth get customers on the streets (140 youth, 56% of the sample). The next most common ways to obtain customers are through a friend (54 youth), the internet (47 youth), or referrals from customers (41 youth).⁵⁰ Few youth reported working in clubs (15 youth) or going through an escort service (8 youth).

⁵⁰ These categories are not mutually exclusive. Friends and customers are not market facilitators because they do not receive any money from the youth for introducing them or referring them to customers.

It should be noted that youth were given multiple opportunities to discuss working with market facilitators—when asked about their entry, how they procured customers, and if they share their money with anyone. At each stage, the number of youth who describe working with a market facilitator varies. This reflects the fluidity of these relationships—some youth worked with a market facilitator to enter prostitution but then worked on their own, or vice versa. When asked how they acquire customers, 25 youth reported currently using a market facilitator. When asked if they were working with a market facilitator, 40 youth responded affirmatively. This is different than youth who discussed using a market facilitator when explaining how they became involved in prostitution. In total, 53 youth described at some point working with a market facilitator. The use of the term “market facilitator” reflects the reality that not all people who help others engage in prostitution have the same characteristics stereotypically associated with pimping and pimp culture.

Neither the academic literature nor the news reports on YEP include market facilitators, though there is a wealth of literature on women and pimps. The academic literature and news reports mark relationships between pimps and women as abusive and exploitive (Boxill and Richardson, 2007). As described in the beginning of the chapter, market facilitators are people who help others engage in prostitution and receive a percentage of the earnings. Angela, a 17-year-old youth who identified her race/ethnicity as Puerto Rican and white, described her relationship to a market facilitator in this way:

I don't ... work for anyone, but I have people that help me ... get ... customers, you know? So, no, I don't really work for anyone. I do [give them a cut of the money], because ... you know, I wouldn't have gotten the ... deal, if it wasn't for them. You know, we help each other out, basically. If I know something, I'll let them know.

Market facilitators are differentiated from friends or acquaintances who might help young people engage in prostitution for no financial gain. Monique, a 17-year-old woman who identified herself as Puerto Rican and Trinidadian, illustrates the difference when she describes how she relies on friends but they do not receive any money for their help. She says, “Um ... it’s both—my friend gets me customers and you know, people who know people ... basically.” When asked if the friend gets any of her earnings, she says, “No. It’s just my money.”

Youth are not necessarily committed to the market facilitator they work with. Young people may work with a market facilitator to help them get started in prostitution, or they may begin themselves and then at some point use others to help find customers who then get a percentage of the earnings. For example, the sub-group of transient youth, those youth who reported moving from city to city (discussed in detail in the section on housing), often used market facilitators when they would first get to a new city, but used referrals and connections once they were established. These youth described working with people who were knowledgeable about sex work and would provide them, as newcomers, with information about potential clients, areas to work, working conditions, and payment.

Again, 53 youth in the sample (21% of the sample) reported ever working with a market facilitator (see Table 10). Young women reported working with a market facilitator more often than their male counterparts. Similar to youth who use a market facilitator to enter the sex trade, the largest sub-group of youth working with market facilitators is youth of color, and specifically young women of color (See Table 10).

Table 10 Youth Who Reported Working with a Market Facilitator by Race and Gender

	% of Youth of Color (n)	% of White Youth (n)	Total (n)	Percentage of Gender Category
Female	39 (36)	15 (4)	40	34
Male	14 (11)	3 (1)	12	10
Transgender	6 (1)	0 (0)	1	0.5
Total	25 (48)	6 (5)	53	

Note: n = 249.

A total of 16 youth in the sample, all young women of color, described the market facilitator they worked with in such a way that it could be categorized as a “pimp”.⁵¹ Shenique, a young Black woman, discussed her relationship with the market facilitator, whom she identified as a pimp, in this way:

[A friend] introduced me to somebody—that she used to be with—so ... I just started ... It was a pimp. I lived with a group of girls in his apartment and he would get clients. He ... paid for everything ... clothes, food, bills.

Of the 16 young women of color who described the market facilitator as a traditional pimp, three young women described violence in the relationship. Kim, a 17-year-old Black woman, recalled, “I was ... out there [on the street] with black eyes and broken noses. I was out there ... messed-up. And if I didn’t wanna go, you best believe I got beat and put out there anyway.”

Some young people had relationships that might be characterized as a traditionally defined pimp, but they themselves did not see it that way. Olivia, a 20 year old white woman, talked about the dream she and her partner had of building up their

⁵¹ One young man identified the person he worked with as a pimp, but the description of their relationship did not reflect the traditional stereotype of a pimp. For example, the young man was not living with the market facilitator nor was this person providing him with his basic needs, like food. The young man would go to the market facilitator when he wanted to find customers; he was not obligated to this person in any way except that the person received a substantial amount of the earnings. When asked why he continued to work with the market facilitator, the young man responded “Cause right now if I do it wit' out him ... if I do it wit' out him, I ... I got myself thinkin' that I won't be able to survive in the street.” He was coded as working with a market facilitator, but not as working with a traditionally defined pimp.

money together. When she began engaging in prostitution, he would help her, but she did not want to call him her pimp:

I wouldn't ... I wouldn't really even call it that [a pimp], because ... the way it started, it's like we was getting' money to work towards something for both of us. I don't even know what to call it. 'Cause it was kinda crazy, but yeah, you could say that we were dating.

She said this man eventually became obsessed with her and violent. At the time of the interview, she had a restraining order out against him. No other youth who worked with market facilitators reported violence in that relationship.⁵²

It is interesting to note that many of the 25 youth who primarily acquired customers through a market facilitator at the time of the interview were able to articulate the benefits of working with someone. Wendy, an 18-year-old white girl originally from Baltimore, discussed the benefit of working with a market facilitator when negotiating prices: "That's why I like talkin' to somebody else, 'cause ...they'll already have it set up." As Wendy explains, working with someone else, usually a friend, means she has to do less work. Her friends call her to meet someone they have with them, make the arrangements (location and service), set the price, handle the money exchange, and give Wendy her share of the money. Having a market facilitator also helps her avoid problems with the law. When asked if she had ever been arrested for prostitution, she explained, "No. That's, again, why I ... try to talk to other people, because the cops are really *sneaky* here, from what I understand." I return to market facilitators, and the ways youth describe some of the benefits of working with a market facilitator, in the section on work conditions.

⁵² This is to not say that these young people did not experience violence. In fact, 11 youth of this sub-group reported having been victimized. All of the reported violence was perpetrated by customers.

The data shows that many young people use multiple ways to procure customers (87 youth). Carmen, a transgender woman of color (self-identified as Puerto Rican and Black), discussed how she moved from finding customers on chat-lines to escorting to working the street.⁵³ She says she started on chat-lines and escorting, but then changed her practice: “Like then I started, um, findin’ locations that were safe and then I moved from the escort to out in the open. Outside.”

Charles, an 18-year-old Asian American man, lives mainly on the street after moving to New York from Chicago. In Chicago, Charles used friends to obtain referrals for prostitution. Since moving to New York he does not have the same connections, and therefore relies primarily on the street to find customers.

Shenique, the young Black woman mentioned above, also used multiple methods over time. She met her market facilitator, whom she identified as a pimp, through a friend. He arranged everything—finding the customers, negotiating the price, and transporting her to the locations—and kept all of the money, though he paid for everything she needed or wanted. A month prior to the interview, she left her pimp to begin working on her own. Though she does not go into detail, the severing of the relationship had no complications. Once on her own, she worked the streets and was subsequently arrested and referred to social services (GEMS).⁵⁴ After her arrest, she moved off the street and now only trades sex with people she trusts, who she identifies in the interview as her regulars, and occasionally picking up customers on the internet (Craig’s List). In most cases internet usage is combined with other means of soliciting customers. Forty-seven youth reported using the internet to obtain customers, of which 35

⁵³ Chat lines are phone numbers that people over 18 years old can call for a fee to meet other adults.

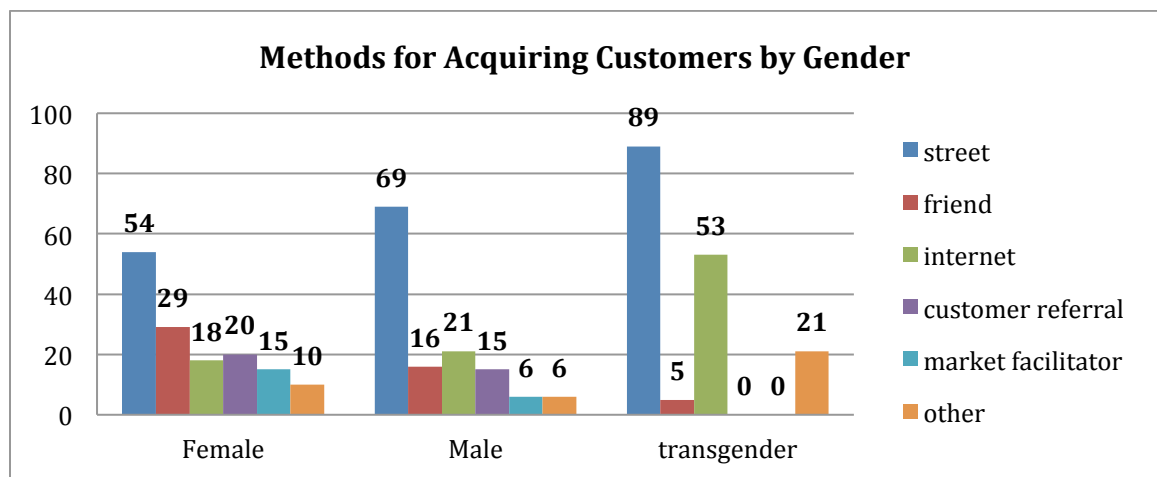
⁵⁴ GEMS, Girls Education and Mentoring Services, was introduced and defined in Chapter Two.

youth (74% of the sample that used the internet) also used other avenues for engaging in prostitution.

Race and Gender Analyses. Differences in acquiring customers across race groups were small with one exception: youth categorized as “other” were 10 percentage points higher in reporting using the internet to acquire customers (See Appendix A).

There were interesting small differences by gender in ways youth acquire customers (see Figure 7). For example, though everyone reported using the streets to acquire customers at high rates, transgender youth had the highest rates. Young women reported using friends to acquire customers more often than other gender categories. Additionally, young women, as previously discussed, reported using market facilitators more often than other gender categories.

Figure 7 Methods for Acquiring Customers by Gender (n=249)



Note: Categories are not mutually exclusive

Street recruitment is an example of differences across gender categories. Youth who acquire customers on the street represent the most visible method of engaging in prostitution—and therefore, these youth might interact more often with law enforcement. Transgender youth report working on the street and on the internet more frequently than

the other gender categories. When comparing young men and women, young men more often report working on the street. There was a statistically significant 15-percentage point difference between young men and women with regard to acquiring customers on the street.⁵⁵

Drug Use

The academic literature on YEP suggests that drug use is both a predictor of engaging in prostitution and part of the experience of prostitution (Schissel and Fedec, 1999; Finkelhor and Ormrod, 2004). Prevalence estimates of substance use among YEP have varied substantially across studies. This variability is due to methodological factors such as variation in the drug use measures employed. Past statistics on reported drug use were reported as high as 94% of study populations (Farley and Barkan, 1998). One hundred and sixty-six youth (66%) in this sample reported using drugs (not including alcohol). Marijuana was the most popular drug (134 youth, 54% of the sample). By removing marijuana and focusing on hard drugs (coded as cocaine, crack, and heroin), the number of youth reporting drug use drops to 88 youth (35% of the sample). Seventy-nine youth used multiple kinds of drugs (31% of the entire sample; 48% of youth who reported using drugs).

An additional 63 youth reported using alcohol and 57 youth reported smoking cigarettes.⁵⁶ Alcohol and cigarettes have been coded in previous research as “drugs”

⁵⁵ Excluding transgender youth, the distribution of youth who acquire customers on the street compared to other means of acquiring costumers, was statistically different from young men and women. $\chi^2(1, N=230) = 5.8, p = .02$.

⁵⁶ These numbers may include youth who did drugs; they are not mutually exclusive categories.

which may explain why the result of this study shows lower rates of drug use than previous studies find (Tattersall, 1999; Greene et al, 1997).⁵⁷

Race and Gender Analyses. When comparing race groups, White youth (across gender) reported using drugs more often than other race categories (95% of white youth). This represents a statistically significant 47-percentage point difference when compared to youth of color (see table 11).⁵⁸ Almost the same percentage point differences by race are present when marijuana is taken out and hard drug use is analyzed by race.

Table 11 Reported Drug Use by Race (n=249)

	Percentages (n)			
	White	Black	Latino	Other Youth of Color
Total Percentage of Race Group	95	60	65	49

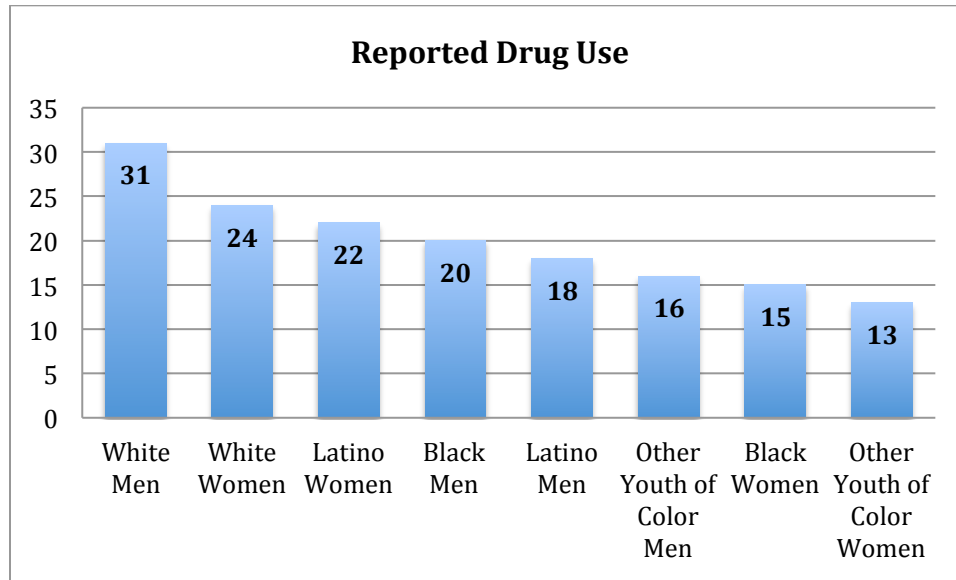
Note: These numbers exclude alcohol users and n = 249.

When comparing gender groups, young men of all races (77%) also reported using drugs more often than girls (62%) or transgender youth (37%) of all races. There are comparable differences between genders within each racial group. Figure 8 illustrates the distribution of reported drug use across race and gender groups.

⁵⁷ Tattersall (1999), and many authors on YEP use similar language, states “prostitutes are almost always involved with drugs” (8).

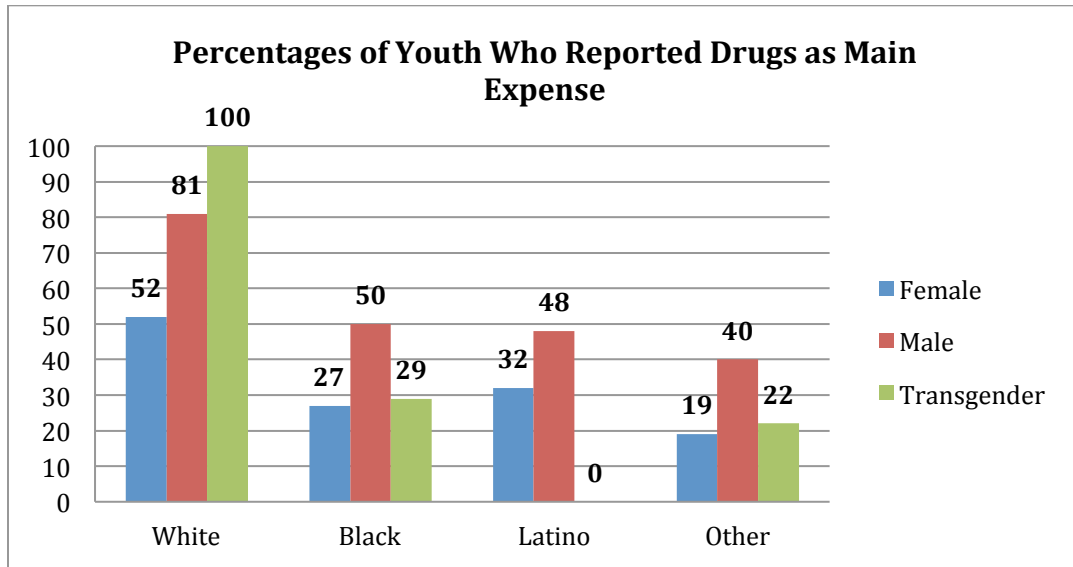
⁵⁸ $\chi^2(3, N=249) = 22.60, p=.000$.

Figure 8 Drug Use by Race and Gender (n=249)



For hard drug users, the differences between young men and women were more present; there is a 20-percentage point difference, with young men reporting use of hard drugs more often than any other gender category (46% of young men used hard drugs as compared to 27% of young women and 26% of transgender youth; see Appendix A). There was a 34-percentage point difference between white youth (68%) and youth of color (34%) who reported drugs and alcohol as their main expense (See Figure 9 for the n's associated with these percentages).

Figure 9 Percentages of Youth Who Reported Drugs as Main Expense (n=249)



Summary of Experiences with Prostitution

With the advent of internet technology, I assumed the number of youth using the internet as an interface for prostitution would be high. I also assumed that youth would only use one method of finding customers—that some would only work the streets while others who work the clubs would never work the streets.⁵⁹ This assumption did not hold true in the analysis of the John Jay interviews.

The academic literature on YEP suggests that a marked difference between young men and women’s experiences with prostitution is the presence of pimps for young women. The data from this sample of YEP in New York supports and complicates this notion. Young women of color were in fact the only YEP to report relationships that resemble the traditional definition of a pimp. That being said, young men (across race categories) relied on other people to help them acquire customers—either through market facilitators, friends, or relatives. Previous research on young men has painted a picture of

⁵⁹ See Elizabeth Bernstein’s analysis in *Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex* (2007) for a discussion of the tiers found in the adult sex industry.

the lone hustler who runs with a gang of delinquent young men but works on his own (Dorais, 2005). The sample of YEP from the John Jay interviews does not support this claim. Similarly, young women are often involved in a market facilitator relationship that resembles that described by their male counterparts, ones that are not exploitive but that was seen by the young people as beneficial.

Drug use was an area that drew out differences by race across the gender categories—with significantly more white youth across the gender categories reporting use of drugs and spending on drugs. The gap between white youth and youth in other race groups across the gender categories widens when marijuana is removed from the analysis and only hard drugs are analyzed.

Risk Associated with Prostitution

Youth reported three main risks they associated with prostitution: being arrested, being assaulted, or contracting a sexually transmitted infection (STI).⁶⁰ This section explores the reality of the three risks youth associated with prostitution by race and gender.

Risk of Arrest

Over half of the youth in this sample were arrested at least once (54% of the sample). Eighty-seven youth (35% of the sample) reported being arrested more than once.

⁶⁰ STD and STI are often used interchangeably, even by the Center for Disease Control and the World Health Organization. I use the term sexually transmitted infection because it represents a broader range of meaning than the term sexually transmitted disease (STD). In medical terms, infections are only called diseases when they cause symptoms. This is why many practitioners are currently using the term STI instead of STD—because people may have an STI and only have mild symptoms and no medical symptom to treat. For more see the Planned Parenthood website (<http://www.plannedparenthood.org/health-topics/stds-hiv-safer-sex-101.htm>).

Table 12 Arrest by Race and Gender

	Percentages (n)				Total N	Percentage of Gender
	White	Black	Latino	Other Youth of Color		
Female	41 (11)	50 (15)	39 (12)	(15)	53	45
Male	61 (19)	77 (20)	69 (18)	(15)	72	64
Transgender	0 (0)	57 (4)	100 (2)	(4)	10	53
Total Percentage of Race Group	51	62	52	52	135	

A relationship emerged between age and arrest—not surprising, the older youth more often reported having been arrested than others.

A logistic regression analysis was used to explore the relationship between the likelihood of getting arrested (dependent variable, coded one [1] if youth ever arrested and zero [0] otherwise) and the youth’s race (being white versus non-white) and gender (being male versus non-male, female or transgender), and controlling for other characteristics (drug use, living in the streets, where youth take customers, being from outside of New York, carrying a weapon, or having no social support).⁶¹ When controlling for race and these other variables, young men and drug users were found to be more likely to be arrested than others. There was no association between youth who reported being arrested and any of the following categories: reported using drugs, living in the streets, where youth take customers, being from outside of New York, carrying a weapon, or having no social support. The logistic regression suggests a need for a more comprehensive multivariate analysis.

⁶¹ Because there was an apparent relationship between arrest and the race/gender categories in the chi square analysis, multiple logistic regressions were performed to analyze how race, gender and their intersections could predict likelihood of arrest. The factors listed increase the risk of arrest. Logistic regression was used to estimate the correlation between race, gender, and their intersections and the likelihood of arrest controlling for these other factors available in the data.

Arrests were organized into four categories—drug-related (53 youth), prostitution (44 youth), severe crimes (51 youth), and misdemeanor crimes (60 youth).⁶²

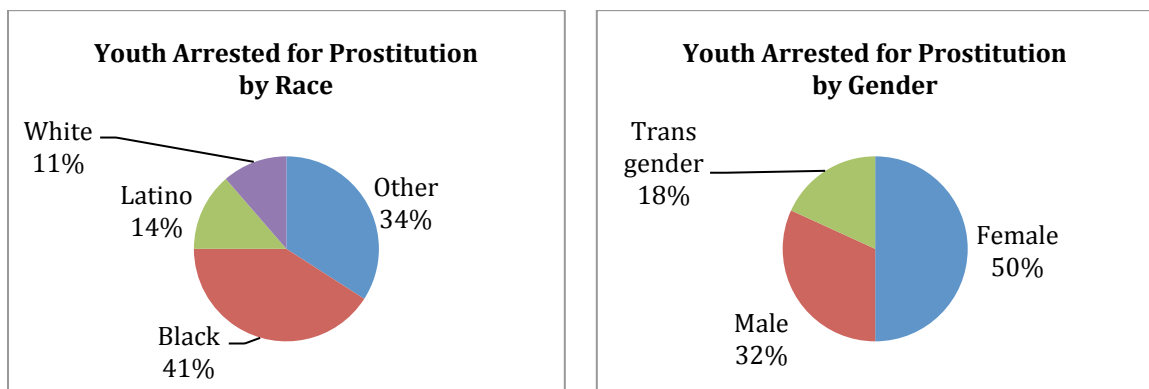
Table 13 Arrests Categories Defined

Category	Definition
Drug-related	drug possession and drug dealing charges
Prostitution	solicitation and prostitution charges
Severe crimes	assault, gun possession, robbery, and theft charges
Misdemeanors	disorderly conduct, jumping the turnstile, loitering, having an open container, public urination, trespassing, and vandalism charges

Regarding arrests for misdemeanors and drug-related charges, there were no significant differences by race, but there were differences by gender.⁶³ Young men more often reported being arrested for misdemeanors and drug-related charges (39 young men or 35% of the boys in the sample).

Regarding arrests for prostitution, statistically significant differences were found by both race and gender. Black youth (18 Black youth or 29% of Black youth in the sample) more often reported being arrested for prostitution than youth in other race categories (see Figure 10).

Figure 10 Youth Arrested for Prostitution by Race and Gender (n=44)



⁶² These categories are not mutually exclusive.

⁶³ A chi-square test was performed to determine if youth of different races were distributed differently across the arrests for drugs and misdemeanors. The test failed to indicate a significant difference, $\chi^2(3, N = 249) = 3.85, p = .227$.

Transgender youth (8 transgender youth or 42% of transgender youth in the sample) more often reported being arrested for prostitution than other gender categories (see Figure 9).⁶⁴ When transgender youth are removed, young women report slightly more often that they are arrested for prostitution. When race and gender are analyzed together, young women of color, specifically young Black women, more often report being arrested for prostitution. The gap between young women of color reported arrests for prostitution and other race and gender groups is significant at between 15 and 17 percentage points (see Table 14).

Table 14 Arrest for Prostitution by Race and Gender

	Percentages			
	White	Black	Latino	Other Youth of Color
Female	7	30	3	32
Male	10	15	14	12

Daniel, an 18-year-old Puerto Rican man, was incarcerated for almost a year after being arrested for solicitation. He explains, “I had a couple a warrants before that, that’s why it equaled up to a year. It coulda been just ... wiped off.” He explains it was easier for the police to arrest him when he worked the streets. He has not been arrested since he began working with a market facilitator. He explains, “Yeah, now I just be called—I know where to meet ‘em—and that’s it.”

Regarding arrests for severe crimes, there were no significant differences by race and gender categories. Mark, an 18-year-old Latino man who identified himself as gay

⁶⁴ I tested the association between arrests for prostitution and race, controlling for gender, using logistic regression. After controlling for gender, drug use, working on the street, and race had no statistically significant association with reporting being arrested for prostitution.

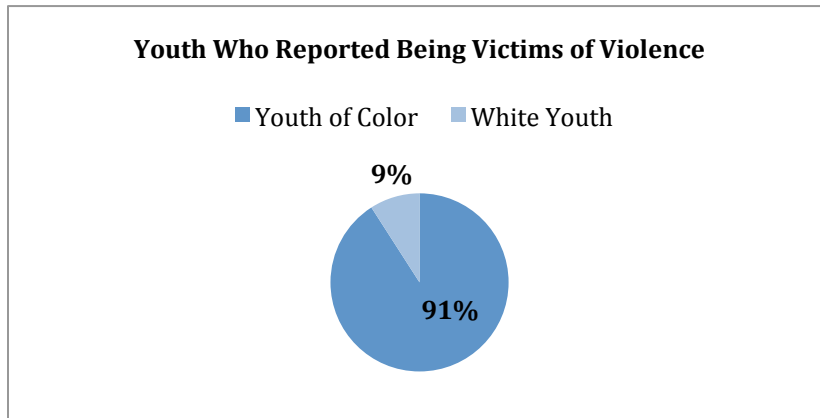
during the interview, was coded as committing a serious crime—he was arrested for theft—but he did not feel he would get jail time:

I have been arrested, but not for prostituting. Um, I was trying to get ... money. And I was, like, basically desperate ... a pick pocketing ... kind of thing. So ... I have a court date in September ... which I'm hoping that ... that the person drops the charges 'cause they got everything back. And ... I didn't hurt them or anything—and I didn't have no record prior to that—and I was in jail for like a day and a half or something. And there were like all these straight guys there like, "Oh, look at that homo," and everything.

Risk of Assault

Fifty-five youth in the sample (24% of sample) reported being victims of violence.⁶⁵ White youth less often reported being victims of violence than other race groups. Of the youth who reported violence, 91% of them were youth of color (see Figure 11).

Figure 11 Youth Who Reported Being Victims of Violence by Race (n=55)



Black youth most often reported being victims of violence at 29%. There were no differences across the gender categories, with roughly 20% of young men, women, and transgender youth all reporting being a victim of violence at some point in their lives.

⁶⁵ Note, the n for this analysis is 229. This number aggregates all responses about violence related to prostitution—from clients, market facilitators (including people traditionally defined as pimps), other youth, and police.

Customers were the most often reported perpetrators of violence against the sample of the youth (27 youth). Carla, a 19-year-old Black woman, described her experience with violent customers

I had issues where, you know, a guy wants to lock the door, drive you around. I had one guy punch me in my face before. Like, I don't know what was the problem. Like, the vibes—when we first ... we was talking—it was okay. We drove around some more. And then we wasn't—the vibes wasn't right. I told him, "Let me out." But before he let me out, he punched me in my face.

Another source of violence for YEP is other youth on the street. Julia reported that she was living with other girls who also engaged in prostitution. She and another girl fought once: "She said that I was tryin' to steal one of her customers, and it wasn't really like that. She's just jealous of me." Other experiences of violence came from other youth (14), market facilitators (3), and the police (2).⁶⁶

Young men also reported being victims of violence from living on the street. One young man living on the street reported, "I've had a beer bottle thrown at my head—been kicked in the face—you know, I can fight. I ... I might be small, I might be young, but I will kick someone's ass."

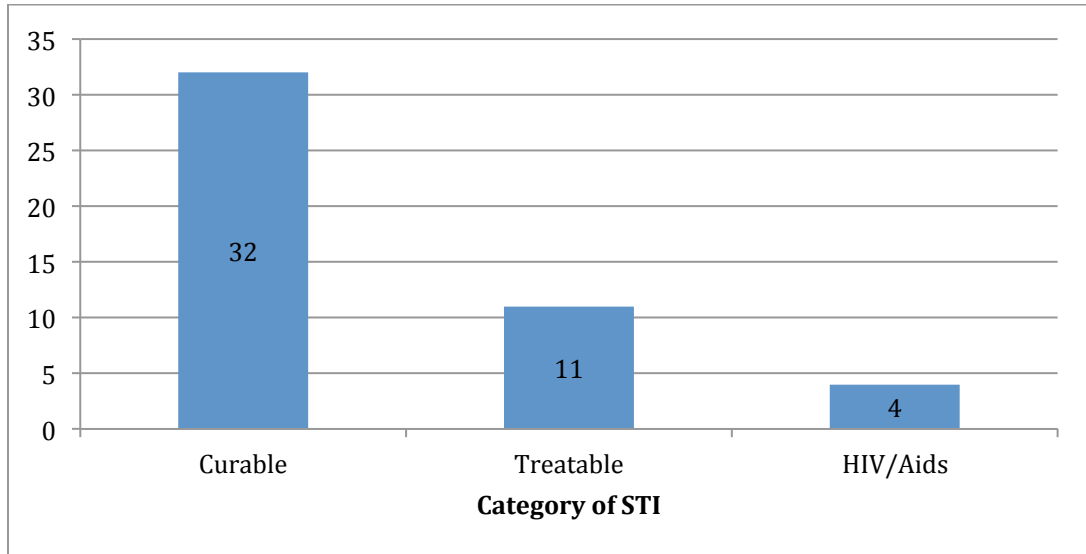
Risk of Sexually Transmitted Infection (STI)

Overall, the young people displayed a great awareness of the risk of contracting a STI and took measures to reduce that risk. Forty-nine youth (20%) reported at some point contracting an STI. Forty-seven of these youth provided information about the STI —32 had a curable STI (chlamydia, crabs, and gonorrhea); 11 had a treatable, but not curable, STI (hepatitis b, herpes, and human papillomaviruses, commonly known as 'hpv'); and four youth had HIV (see Figure 12). There were no significant differences by race or

⁶⁶ These categories are not mutually exclusive.

gender categories on whether a youth had contracted a STI or the severity of the STI (see Appendix A).

Figure 12 STIs as Reported by Youth (n=241)



Questions were not asked about young people’s personal sexual activity. Therefore, it was not clear from the interviews whether youth contracted STIs while engaging in prostitution or if they engaged in risky sexual activity outside of what they consider to be “work.” Caleb did talk about his personal sexual life and how he contracted a curable STI:

I don’t have an STD now ... ain’t nuttin’ wrong wit’ me. As soon as I go out, check myself out. I’m clean, then six months later I do it again, I’m clean, so ... One time, well, I wouldn’t say it was a STD. Only one time when I was messin’ wit’ this girl. But ... that was crazy, that it happens with a girl not a guy. But okay. Um, and I had cleared that up.

Summary of the Risks Associated with Prostitution

The academic literature on YEP represents the experience of prostitution as plagued by risks. The youth in this sample of YEP in New York identified three major risks associated with their relationship to prostitution: arrest, violence, and contracting an STI. Youth are much more likely to be arrested (54%) than to experience violence (24%)

or contract an STI (20%). When race and gender are analyzed, youth of color more often report experiencing risks associated with prostitution than white youth.

Young men are also more likely to be arrested, though no less likely to report being victims of violence, when compared to young women. Although beyond the scope of this dissertation, as more extensive and systematic exploration is needed, the findings suggest the experience of youth varied dramatically by the combination of their age and race.

The academic literature on gender differences with regard to violence in prostitution is hard to compare to this sample because so often young men are not asked about experiences of violence, where as young women are almost always asked about violence (Cates, 1989; Lillywhite and Skidmore, 2006). What is of note, is that young people of color (across gender categories) more often reported being victims of violence.

YEP's Resilience

Drawing from the strength-based theoretical standpoint and as contribution to the current knowledge on YEP, I explored areas where youth describe themselves as resilient despite the obstacles in their lives. Resilience has been defined as “the ability to adapt in the face of tragedy, trauma, adversity, hardship, and ongoing significant life stressors” (Newman, 2005: 227). As described in Chapter Two, resiliency theory (and a strength-based approach) does not deny that there are challenges in people’s lives. Instead, the goal is to identify both the risks within a specific context as well as the protective processes (Williams, 2010). This section clarifies the protective processes youth employed. Young people discussed various ways they prioritize self-care—by using condoms, amassing social support, strategizing how to protect themselves in the sex

trade, and through help-seeking behavior (accessing social services and medical care). Youth also articulated the benefits of engaging in prostitution, which is explored in the last portion of this section.

Condom Use

Almost all of the youth reported using condoms (240 youth)—either all of the time (185) or sometimes (55). Only four youth reported never using condoms (3 young men and 1 young women). Young women and transgender youth report using condoms “all the time” slightly less often than boys (71% of young women and 77% of young men). Youth knew where to get free condoms, and when they did not use condoms they often justified the action stating that they were paid more for not using condoms or were forced by the customer to not use condoms. Some youth reported using condoms for intercourse but not oral sex. For example, Ben, an 18-year-old white young man, reported, “I use condoms like when I ... have sex ... sexual stuff, I’m gonna use a condom. If I’m givin’ someone head or if I’m doin’ orally to somebody, I ... I don’t usually use protection, I don’t need protection.”

Social Support

The vast majority of youth identified their friends and family members as a part of their safety net—people they could rely on if they were in trouble (106). This included a temporary place to stay, someone to call in case of an emergency, and also someone they relied on for their safety when they went with a client or to alert them of the presence of police.

Much less frequent were youth who identified a type of formal support when asked who they could rely on if they were in trouble (14). The formal support services

youth discussed were social service agencies or the police. When in trouble, these supports were not the first place youth would turn despite the fact that almost all youth knew of social services agencies in New York and many of them accessed these services on a semi-frequent basis (see section on social services).

All but one of the youth who reported not having a social support network also reported not having stable housing.⁶⁷ Also, there was a 12-percentage point difference in reported social support between young men and young women—with young men reporting more often that they did not have social support. Young white men had the lowest rates of reported social support (see Appendix A).

Safety Measures

Family and friends were the most common resource youth utilized to protect themselves from problems with customers and authorities while working (81 youth, 33% of sample). As an example, Ana, an 18-year-old Latino woman, described the strategy she and a friend used while working:

Me and my friend—'cause it's just like me and her—really, like we hold each other down or whatever. We never ... when we're together, like, she never goes ... and does her stuff, if I'm doin' what I'm doin' at the same time—like, you know, like she'll go and I'll watch her. 'Cause we don't, you know, we don't wanna get raped and stuff. She don't ever wanna leave me by myself, and I don't never wanna leave *her* by herself.

Kevin, an 18-year-old Latino man, identified his neighbors as his strategy for dealing with difficult customers: “Well, you know, my next-door neighbor—who’s a bouncer at a club—he normally is around, so if there’s any problem. But ... there’s never been a problem.”

⁶⁷ The relationship between youth who reported having a social support and having stable housing, compared to these without social support was statistically significant, $\chi^2(1, N = 249) = 4.89, p = .027$. For more on the relationship between social support and housing stability (more social support resulted in a greater number of nights in stable housing), see Pickett-Schenk et al (2007).

Another 18-year-old Latino male, Rodolfo, explained why it was often better to have strategies like the two described above instead of carrying weapons: “I’m afraid that the police will stop me, and then like they’re gonna search me. Like, and I don’t wanna be carryin’ a weapon. I took Karate and Tai Kwon Do self-defense classes.” If friends or informal support were not an option, youth would often use strategies to avoid trouble—like running away or avoiding areas that police were known to patrol (81 youth).⁶⁸

Nevertheless, many youth chose to take the risk of carrying weapons (154 youth, 63% of the sample).⁶⁹ The most common weapon carried by youth was a knife (88 youth). Pepper spray was also very common (35 youth).⁷⁰ White youth reported carrying a weapon more often than youth in other race categories (71% of white youth versus 60% of youth of color). There were no differences in reported weapon carrying across the three gender categories.

Many youth carried other types of “weapons” that would not get them arrested if they were stopped by the police. Luis, an 18-year-old Latino male, used hairspray because “it’s not a weapon, if the cops pull you over.” A chain with a lock was another weapon youth relied on to protect themselves but also avoid problems with the police. Two transgender youth (one white and one Latino) carried scissors with them to protect themselves and avoid problems with the police.

⁶⁸ It should be noted that these statements were in response to a generic open-ended question that asked youth how they avoided trouble, not about how they avoid the police. It was clear from some interviews that youth saw the police as a threat and ‘trouble’ and discussed ways to avoid them when reporting on how they stay safe while engaging in prostitution.

⁶⁹ Note, n = 244.

⁷⁰ In New York state, it is illegal for people younger than 18 years of age to carry pepper spray.

Medical Care

The majority of youth reported seeing a doctor within the last six months (196 youth, 85%).⁷¹ An additional 24 youth had been to the doctor within the last year. There were no differences with regard to accessing medical services across the race groups or between young men and women. Eighteen of the 19 transgender youth in the sample (95%) had been to the doctor in the last six months as compared to about 77% of young men and women.

Some youth in the sample reported reactively seeking medical services, but they were outnumbered by youth who were proactive about their health. The young people in this sample were aware of the risk of sexually transmitted infections and took steps, beyond condom use, to protect their physical health. Sherri is exemplary of most youth—she accessed doctors through her relationship with social service organizations. She had been to the Ali Forney’s Day Center, a social service organization in New York City, three weeks prior to the interview and had a general check-up by a doctor.

Social Services

More than two-thirds of the youth had ever visited a youth service agency and almost all of them knew how to access social services or had accessed them at some point. Very few youth did not know where to find help. Those who did not access social services were often actively making a choice. A 17-year-old Black woman living at a friend’s house describes it this way, “No [I haven’t been to an organization]. If it gets that rough, like I’ll ... beg to come home or I’ll stay at a friend’s house.”

Many youth used the social services fairly tangentially—dropping in to take a shower or grab a meal. Others were more heavily involved staying in shelters or meeting

⁷¹ n = 232

regularly with a counselor. There were no significant differences between young men (68%) and women (62%) with regard to accessing social services. Transgender youth, however, more often reported accessing social services (95%). There were no significant differences across the different race categories with respect to access to social services.⁷²

There were also no major differences noted across race or gender categories with regard to *which* social service agency youth chose to access. Overwhelmingly, youth across race or gender categories relied on the Streetwork Project for assistance (95 youth, 38%).⁷³ The Streetwork Project is an outreach program and a multi-service center run by Safe Horizon, the largest victims' services agency in the U.S. The Streetwork Project uses a harm reduction approach to their services.⁷⁴ Vincent, an 18-year-old Black man, when asked why he liked The Streetwork Project, responded, "Oh, I like the people, the staff. It's like ... it's kinda like my second home. Like, if I don't wanna ... if I don't feel comfortable here, I could go to Streetworks and feel comfortable."

Another young person described her positive experience with The Streetwork Project harm reduction approach. Wendy, an 18-year-old white woman, goes to The Streetwork Project to shower, make phone calls, and use the computer. She stated, "[T]hey pretty much know you're gonna do what you're gonna do ... but they're just there to make sure you do it safe."

⁷² $\chi^2(3, N = 245) = 1.5, p = .68.$

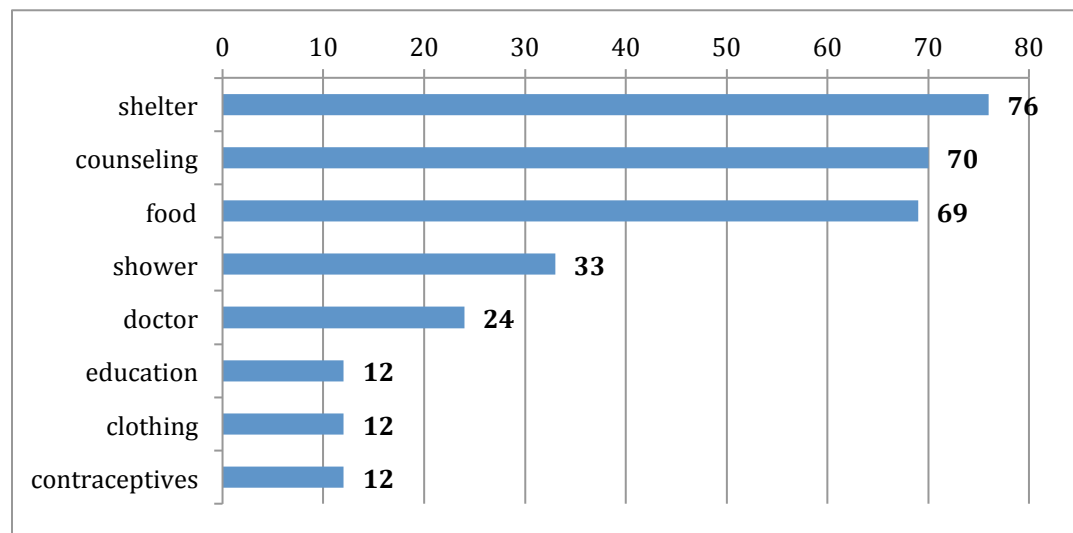
⁷³ Youth commonly refer to The Streetwork Project as "Streetworks."

⁷⁴ As per their website, The Streetwork Project provides clients (children, teens and young adults up to age 24) with the following free services: legal, medical and psychiatric services, individual and group counseling, case management, advocacy, help in obtaining identification, emergency and crisis housing, GED preparation and support, help in obtaining Medicaid and other benefits, hot meals, showers, clothing, wellness activities including acupuncture, yoga, nutritional counseling, HIV prevention counseling, parenting groups, drop-in groups and the opportunity to socialize in a safe, non-judgmental setting. Streetwork is LGBT-friendly. All clients are assigned a primary counselor who can assist them in accessing needed services, including referrals when necessary. Retrieved February 7, 2012 [http://www.safehorizon.org/index/what-we-do-2/helping-youth-14/streetwork-project-141.html].

Girls who were recruited into the study through the researchers’ relationship with GEMS and SAVI had a less positive view of the experience of accessing social services. A typical response from a young woman who was mandated to a social service program comes from Whitney, a 20-year-old Black woman. She discussed her relationship to GEMS in this way: “Uh, it was awright . . . It was okay. [regarding if they meet her needs] No, not really.” The less than positive responses may be due in part to the mandatory nature of the young women’s participation with these organizations.

Youth most frequently reported accessing service organizations for shelter (76 youth). Counseling (70 youth), food (69 youth), and showering (33 youth) were the next most frequent responses (Figure 13).

Figure 13 Services Access by Youth (n=245)



Note: These categories are not mutually exclusive.

With regard to counseling, there were some significant gender differences— young women reported accessing this service more often than young men or transgender youth; young men more often reported accessing shelter services. With regard to race, white youth (across gender) more often reported accessing food services.

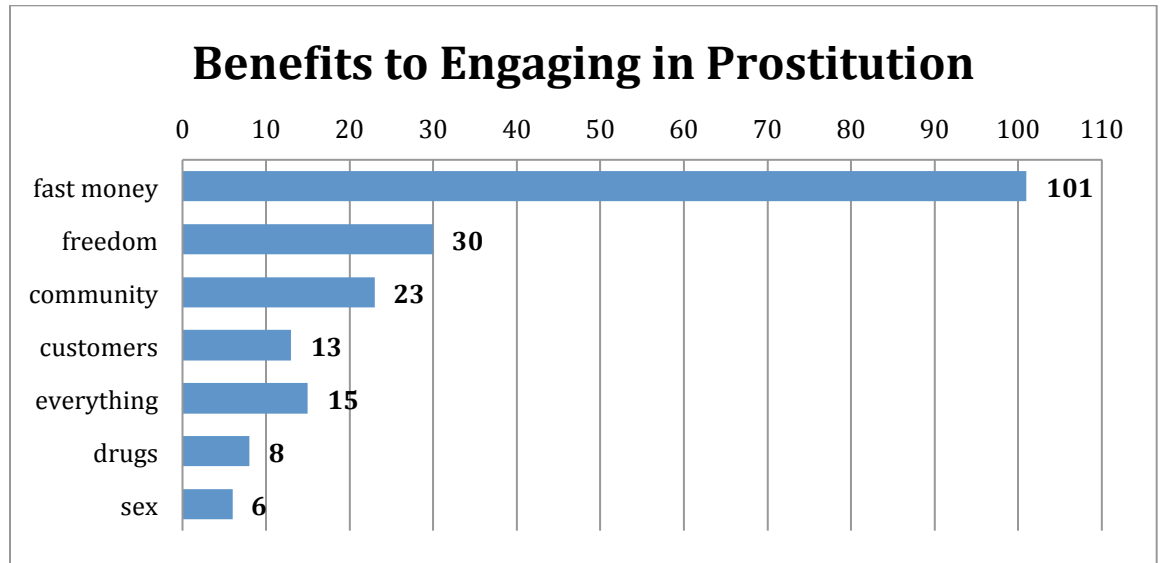
Most transient youth, who could compare New York to other locations because of their history, felt that the social services New York City provided were adequate and even “good” as compared with their experiences in other cities (33% of sample). When youth offered suggestions as to what other services could be provided, the major theme was training programs for ways to make money legally—what youth called going “straight.” As Chanel, an 18-year-old Black woman, explained, “I think they should have a little bit more trainin’ programs so that way everybody could have, you know what I’m sayin’ ... ‘Cause Cosmetology school is actually too expensive for me. So how ‘bout like havin’, you know what I’m sayin’, a free trainin’ program.”

Benefits to Engaging in Prostitution

One hundred and seventy-three youth (69%) reported liking something about prostitution and 23 described more than one thing they like about prostitution.⁷⁵ Two prominent themes that came out of youth discussing what they like about “the life” were the money (101 youth) and a sense of freedom (30 youth). The appreciation of money was fairly equal across the race and gender groups. The same can be said for freedom and gender. White youth were more likely to say they enjoyed the freedom they associated with prostitution (see Figure 14).

⁷⁵ Alternatively, 207 youth (83%) cited at least one thing they did not like about prostitution. Twenty-eight of these cited multiple reasons they did not like prostitution.

Figure 14 Benefits of Engaging in Prostitution (n=240)



The overrepresentation of white youth within the topic of freedom may be due in part to the overrepresentation of transient youth among the white group of research participants. From the qualitative analysis, it became clear that when asked what they like about “the life,” some transient youth interpreted the question as referring to living on the streets and having a transient lifestyle. For example, Itma, an 18-year-old Latino woman, answered the question this way:

What I like about my life—like doin’ the things that I do—it’s ... only thing I like about it, is I’m ... I’m a free spirit so, like, I like to do what I wanna do. Like I don’t want anyone tellin’ me what to do, I don’t like rules at all. So, like, me—bein’ this way—like I can do what I want, and be free, basically. Nobody’s tellin’ me I gotta be home at a certain time, or ... anything like that, so ... it’s just cool. Like, it’s great. I don’t like when, like, in the winter time, it gets cold, you know? It gets really cold. [laughs] And, like, sometimes, like there’ll be days that sometimes I don’t have any money. Like, and those are the days that are not good for me. Like, you know, like ... like it’s cool in the summer time, when it’s hot, you know—when you’re out in the street, and you sleep on a bench or something like that somewhere—like, it’s alright.

Others enjoyed the community they were a part of (23 youth); some enjoyed meeting new people and getting to know their customers (13 youth).

Fifteen youth said they love everything about prostitution (15 youth), but generally the young people's relationship with prostitution was complicated. Melissa, a 17-year-old woman of color, explained her feelings this way when asked if there was anything she liked about prostitution:

No, nothin'. Only thing I ... matter a fact, lemme stop lyin', the only thing I do like about it, is I have the comfortability (sic) knowin' that ... I can always financially take care a my daughter. I'm savin' her ... I'm savin' her to have a college fund. Like I said, I'm takin' care of the bills, I'm takin' care of her.

Many of the youth could identify things they liked about prostitution, and just as many young people could identify things they did not like about prostitution. Caleb, an 18-year-old Black man, reflected the complicated feelings many youth had toward the sex trade: "I can't say I like it, it's just ... business. It's not really a pleasure, it's just business. I dislike everything. But I mean, it's money, so I can't complain."

Future Expectations

The majority of youth did not want to pursue prostitution as a lifelong endeavor (85% of the sample). Many felt it was something they did now because they needed or wanted to, but that at some point they would change the way they made money. The interview questions do not afford an analysis about the strength of youth's desire to get out of prostitution. The limited information from youth in this study is complicated by the potential for social desirability response bias overall and specifically for questions about future expectations.

They often talked about getting "legitimate" or "straight" work, reflecting the acute awareness that prostitution was not seen as legitimate and came with an array of risks. Youth also discussed aspirations that reflect values associated in the past with the middle class—going to school (157 youth), graduating college (40 youth), or getting a

good paying job (150 youth). Scott, a multi-racial 18-year-old man, talked about the stability he looked forward to: “I want to make enough money, get a bank account, find a place to lease.” Very few youth articulated dreaming beyond fundamental markers of stability—such as a place to live and food to eat. Many youth, especially white youth (16 white youth), expressed hope to overcome their addictions (28 youth). For example,

I wish ... I could obtain money in easier ways. And I wish I could stop doing drugs. And I wish I could ... get a hold of my life, I wish I could get a hold of myself. But ... I'm still gonna be happy either way, but ... that's the only thing I dislike. Like sometimes I kinda wanna stop doing drugs, and sometimes I kinda wanna get outta the life—get outta this life and stuff—but it's hard. It's hard once you start doin' that shit and you start makin' money. And it's so easy to make money and stuff, it's hard to get out of it.

Future plans leaned toward practicality: for example, wanting to work in IT or become a medical assistant. Ninety-five percent of youth expressed a desire to go back to school or college (197 of 208 responses). Many youth discussed wanting to help young people—either by providing social services or counseling.

Summary of Youth’s Resilience

Youth reported various ways they are resilient—especially through self care. Almost all youth use condoms, access social support, and seek medical and social service care pro-actively. There were some slight gender differences—with boys reporting less social support than young women and transgender youth (white young men had the lowest reported social support). Young women are more likely to access social services for counseling where as young men report using social services for shelter. There were minor race differences but of note was the higher rates of white youth reporting carrying a weapon to protect themselves, relating prostitution to freedom, and needing addiction

counseling to leave prostitution. As stated with housing, this may be due to the overrepresentation of sub-group of transient white youth.

Conclusion

Despite attempts by scholars to universalize to all YEP a single story about the experiences of prostitution, it is apparent that the youth in this study represent a heterogeneous group. The findings in this chapter challenge some of the current knowledge about YEP. Data reported here demonstrates that entrance into prostitution is extremely complex with some youth entering voluntarily; that the numbers of youth who are exploited by a traditional pimp are very low, and many youth illustrate resilience through their help-seeking behaviors.

This chapter represents a new way of understanding youth's entrance into prostitution—as the combination of motivation and nature of entry. Based on the new complexity that this analysis brings to the understanding of youth's entrance into prostitution, the analysis of the John Jay interviews suggests the differences between young women and men are not as stark as perhaps understood in past literature. Young women do represent a slightly larger proportion of young people who describe their entrance into prostitution as involuntary, but there was little difference regarding motivation. Where young men and women differ, which has not been explored in the past, is in their housing stability. Young men were more likely to not have stable housing. Also, the analysis shows far fewer numbers of traditionally defined homeless youth, with over half of the youth reporting they had stable housing.

Youth in this study do use drugs, but only 35% are using “hard” drugs such as cocaine, crack, heroin, and hallucinogens. It would also seem that although violence is

familiar to young people, it stems from different aspects of their lives than previously thought: mainly customers and other youth on the street. Very few youth report abuse at the hands of a market facilitator—though all the youth who reported abusive relationships with market facilitators were young women of color.

It is also interesting, given societal anxieties of providing access to social services to YEP, that over two-thirds of the youth in the sample are already accessing social services. Youth in this sample report knowing where to go for help—either informally to their friends and family or more formally by accessing one of the organizations that serve youth. The most popular social service organizations operate from harm reduction theory—serving youth’s needs with a nonjudgmental approach. Organizations that served LGBT youth were also very popular, even among youth who did not identify themselves in the interview as falling into this category.

This chapter also provides the field with an analysis of patterns by race, gender, and their intersections. The largest gaps between the different race/gender groups were to be found by race and not necessarily gender. White youth more often reported using drugs, especially hard drugs, having unstable housing and less social support. Youth of color more often reported working with market facilitators, being arrested and being victims of violence. When race and gender are considered simultaneously, young women of color made up the entire sub-sample of youth reporting a relationship with a market facilitator that was similar to that of a traditional pimp. Young white men most often reported unstable housing. Young Black men most often reported being arrested.

Chapter Five: Legislating Youth Engaging in Prostitution

Chapter Four illustrated the inability of one story to capture the range of experiences among YEP because they are a varied and complex population. Some youth articulate their entrance into prostitution as voluntary while others report being forced into prostitution. The majority of youth report needing a place to stay as the main motivator for entering prostitution, but there were still others who reported needing money or who did not articulate a particular driving motivation for entering prostitution. Given the complexity of the needs and motivations for youth with regard to prostitution, how have public policies begin to address YEP?

The dissertation explores the relationship between policies and the experiences of YEP. Given the data presented in Chapter Four on the sample of YEP in New York, this chapter analyzes the public policies that define and prioritize the needs of YEP. In other words, who do the public policies think YEP are? How big of a population of YEP do the public policies believe there to be? Who needs protection under the public policies, why do they need protection, and from whom or what do they need protection? How do public policies that seek to address YEP benefit and constrain the people it purports to help?

Given the interdisciplinary nature of the dissertation, it is important to explore the public policy from various angles. This chapter draws from history, public policy, and media. The chapter begins with a presentation of the New York's Safe Harbour for Exploited Children Act (NYSHA). New York, as the first state to pass a safe harbor act, became the model for the other states that passed or are considering passing such legislation. The NYSHA is also important for the purposes of this dissertation because it was drafted at the same time as the John Jay interviews. The context of the NYSHA is

also important. This chapter presents written and oral testimony around the safe harbor acts—the NYSHA and responses to YEP nationally made by people involved with the development and implementation of the NYSA. It also includes periodicals (newspapers and magazines) and online news sources around YEP.

The current wave of reform cannot be fully understood without placing it into historical context. Therefore, after a description of the NYSHA, the chapter provides a brief history of legislation on prostitution. Specifically, the Alien Prostitution Importation Act of 1875 and the White Slave Traffic Act of 1910 are analyzed to explore how people engaging in prostitution were constructed through the development and implementation of those acts—who was seen as needing protection in these public policies, why did they need protection, and from whom or what did they need protection? Patterns established in relationship to these two acts provide a useful framework for understanding contemporary legislation regarding YEP.

The chapter concludes with an intersectional analysis of the contemporary approaches to YEP. The development of NYSHA is explored for the raced and gendered messaging in the law and the potential implications of the law.

The Safe Harbor Acts

NYSHA was introduced in 2007, passed with changes in 2008, and enacted in 2010. It effectively changed the New York Family Court Act, which governs the power of the Family Court to “take action in the lives of children, parents and spouses” (New York Family Court, 2011).⁷⁶ The New York Family Court Act defines a juvenile delinquent as “a person over seven and less than sixteen years of age, who, having committed an act that would constitute a crime if committed by an adult ... is not

⁷⁶ <http://www.nycourts.gov/courts/nyc/family/overview.shtml>

criminally responsible for such conduct by reason of infancy” (Family Court Act, § 301.2).⁷⁷ The Family Court Act defines the activities (crimes if they had been committed by adults) under the jurisdiction of the New York court system and what actions the judiciary can take.

Prior to the NYSHA, New York judges routinely used extensive stays in secure juvenile justice facilities (the equivalent of maximum security prisons in the adult system) to handle cases of young people found to be guilty of engaging in prostitution, although they always had other options. The Family Court Act guidelines were to place the child in the “least restrictive available alternative ... consistent with the needs and best interests of the respondent and the need for protection of the community” (Family Court Act, § 352.2). Advocates of the NYSHA felt the Family Court Act needed to be changed to guide judges’ decisions and reduce judicial discretion while also requiring that social services aimed at the needs of YEP be legislatively mandated for young people (Ginsburg and Bella, 2008).

The NYSHA, for most youth (the exceptions are described below) who are arrested and brought to Family Court for charges of prostitution, are assumed to be victims of trafficking. For these cases, the prosecutor (presentment agency) is not needed to change the case from a delinquency proceeding to a PINS petition—in other words, under the Family Court Act, this now happens automatically and takes that power away from the prosecutor. However, the NYSHA also includes many exceptions for when the automatic change does not happen and the case remains in delinquency proceedings.

The NYSHA language states,

⁷⁷ http://law.onecle.com/new-york/family-court/FCT0301.2_301.2.html

In any proceeding under this article based upon an arrest for an act of prostitution, there is a presumption that the respondent meets the criteria for a certification as a victim of severe form of trafficking as defined in section 7105 of title 22 of the United States Code (Trafficking Victims Protection Act of 2000). Upon the motion of the respondent, without the consent of the presentment agency, a petition alleging that the respondent is in need of supervision shall be substituted for the delinquency petition. (§2.3)⁷⁸

When a young person is subject to a PINS proceeding, the judge cannot place the youth in a secure facility. Judges, in PINS cases, do not have jurisdiction over the young person as a delinquent but still can make court orders, giving them a degree control. Instead of secure facilities, the judge can place a youth in non-secure juvenile facilities and the judge can order the youth to counseling. This section of the provision helps divert young people out of the potentially traumatizing justice system while offering them an array of social services.⁷⁹

However, there are exceptions. The lawmakers created a loophole in the legislation, effectively weakening the protections for YEP. The NYSHA continues:

If, however, the respondent is not a victim of a severe form of trafficking as defined by the federal trafficking victims protection act of 2000 or has been previously found under this article to have committed an offense ... or has been previously adjudicated ... and placed with a commissioner of social services ... or expresses a current unwillingness to cooperate with specialized services for sexually exploited youth, continuing with the delinquency proceeding shall be within the court's discretion, the necessary findings of fact to support the continuation of the delinquency proceeding shall be reduced to writing and made part of the court record. If, subsequent to issuance of a substitution order under this subdivision, the respondent is not in substantial compliance with a lawful order of the court, the court may in its discretion, substitute a petition alleging the respondent is a juvenile delinquent for the petition alleging that the respondent is in need of supervision. (§2.3)

⁷⁸ A petition is the juvenile code language for 'criminal charges'.

⁷⁹ For more on how the juvenile justice system can be traumatizing for young people, please see the Annie E. Casey Foundation's 2011 report, *No Place for Kids: The Case for Reducing Juvenile Incarceration*. The report was retrieved on January 7, 2012 at http://www.aecf.org/~media/Pubs/Topics/Juvenile%20Justice/Detention%20Reform/NoPlaceForKids/JDA_I_DeepEnd_Embargoed.pdf.

In other words, if youth resist services or have a history of juvenile justice contact (whether for prostitution or any other delinquent act) the court is not bound to proceed with the case as a PINS proceeding. When they are no longer PINS cases, judges can incarcerate YEP in secure juvenile justice facilities.

New York passed the Safe Harbour for Sexually Exploited Children Act in an attempt to address the complicated issue that YEP present to states. The number of states that followed suit and the quickness with which these states modeled their approach after New York is striking. These changes, when taken together, represent a movement establishing a particular construction of YEP and the way interventions are understood. These laws convey a particular perception about YEP, their needs, and the “right” intervention based on a particular understanding of YEP that defines the population and their needs.

In less than six years, nine states made efforts to decriminalize prostitution for the youth involved. Connecticut (2010), Illinois (2010), Washington (2010), Minnesota (2011), Vermont (2011), Massachusetts (2012), and Florida (2012) followed suit passing their own “safe harbor” acts.⁸⁰

Texas took a different path—using the court system rather than the legislature. The Texas Supreme Court ruled in 2010 that because state law stipulates minors under the age of 14 cannot legally understand the significance of consenting to sex, they cannot be prosecuted for prostitution. Rather, the court said, they must be treated as victims of human trafficking and sexual exploitation. One of the deciding judges, Justice O’Neil, echoed the sentiments of many lawmakers when she wrote in the decision that “children

⁸⁰ The Florida bill is awaiting signature by the governor after passing the house and senate in March, 2012. This law will take effect January 2013.

are the victims, not the perpetrators, of child prostitution” (Supreme Court of Texas, 2010). Finally, California, Missouri, and New Jersey are working toward safe harbor acts of their own by introducing legislation for action in 2010 and 2011.

Under the new laws, the child welfare systems of each state treat YEP as either “persons in need of supervision” (PINS) or “children in need of supervision” (CHINS)—a court process focused on social services. Within the special category of PINS/CHINS, the young person is not a criminal but, in the eyes of the state, still requires a modicum of judicial control. With the new laws, youth can only be placed by judges in non-secure juvenile facilities, and youth have the right to access safe housing and counseling.⁸¹ Some of these services can be court mandated.

The development of the NYSHA will be analyzed in detail toward the end of this chapter. For now, I turn to the history of legislation aimed at YEP. The historical patterns of addressing prostitution provide insight into the contemporary constructions of youth, prostitution, and the ways to address prostitution.

Historical Context—Prostitution, Citizenship, and Race

The history of legislation on prostitution in the U.S. is important in any consideration of the contemporary social policies that seek to address YEP. Patterns in

⁸¹ A non-secure juvenile facility is defined by the New York Family Court Act as “a facility characterized by the absence of physically restricting construction, hardware and procedures” (Family Court Act, § 301.2). A safe house is defined in the NYSHA as, “residential facility operated by an authorized agency ... including a residential facility operating as part of an approved runaway program ... or a not-for-profit agency with experience in providing services to sexually exploited youth and approved in accordance with the regulations of the office of children and family services that provides emergency shelter, services and care to sexually exploited children including food, shelter, clothing, medical care, counseling and appropriate crisis intervention services at the time they are taken into custody by law enforcement and for the duration of any legal proceeding or proceedings in which they are either the complaining witness or the subject child. The short-term safe house shall also be available at the point in time that a child under the age of eighteen has first come into the custody of juvenile detention officials, law enforcement, local jails or the local commissioner of social services or is residing with the local runaway and homeless youth authority” (SHA § 447-a. Definitions). The “Office of Children and Family Services,” also known as OCFS, is the agency in New York responsible for juvenile justice.

the history of legislating prostitution can help illuminate the potential implications of the NYSHA and the contemporary reform movement for young people. The Alien Prostitution Importation Act (1875) and the White Slave Traffic Act (1910), and the context within which each of these acts were passed, are analyzed here to explore the legacy of societal perceptions of YEP. Both the Alien Prostitution Importation Act and the White Slave Traffic Act were the result of combined efforts of social reform activists, the media, and politicians. The themes surrounding race and gender found throughout the two historical acts are explored for their relevancy in contemporary discussions about the correct way to address prostitution.

Alien Prostitution Importation Act (1875)

The Alien Prostitution Importation Act of 1875—also known as the Page Act after its sponsor, California Congressman Horace F. Page—was the first federal legislation to regulate prostitution in the U.S. It was also the first federal restriction on immigration. As the first law restricting prostitution, it set the national approach against prostitution. By also being the first law restricting immigration, this act connected gender and race/citizenship to sex and prostitution (Johnson, 2004).⁸² It was not that women born in the United States were not engaging in prostitution at the time of the act, but the legislation targeted only women immigrating to the U.S. The act attempted to “save” immigrant women and therefore assumed the guilt of all foreign-born women (and therefore the innocence of all U.S.-born women).

Though the act’s name referred to all people who were not U.S. citizens, the law specifically included women from China, Japan, or “any Oriental country” (Gyory,

⁸² See Lisa Lowe’s *Immigration Acts* (1996) for more on the race and gendered implications of this legislation on Asian American communities in the U.S.

1998). The Alien Prostitution Importation Act was marketed as protecting Chinese women from being trafficked to the U.S., but historians demonstrate that the legislation was closely tied to U.S. efforts to control “the twin evils” of Chinese immigration: forced male labor and forced female prostitution (Johnson, 2004, 126). The legislation was presented as rescuing Chinese women, who were “brought for shameful purposes, to the disgrace of the communities ... and to the great demoralization of the youth of those localities” (Gyory, 1998, 71). Redemption came at a cost—in order to control women immigrating from China and Japan, all were assumed guilty of prostitution and therefore wayward souls in need of saving, leading to easy defense of the need to ban their immigration to save them from themselves.

Historian Lucie Cheng (1984) traces the advent of the movement to ‘save’ Chinese women and push for legislative reform to the movement of white women to the west coast in greater numbers. These white women from the east coast brought with them Puritan morality and concern for preservation of the family. Cheng (1984) also connects media and politicians’ effective use of inflated numbers to the increase in the interest and public sense of urgency toward action against immigrant women in prostitution. For example, she illustrates how estimates of Chinese women engaging in prostitution given during legislative hearings ranged “from 200 to 2,700,” and argues that these numbers reveal less about the actual victimization of Chinese immigrant women and more about the testifier’s “political biases and self-interests” (421). The greater numbers produced a sense of urgency that something needed to be done to save Chinese immigrant women from the exploitation of Chinese men who forced them into prostitution (Cheng, 1984).

Politicians and media reports during this time, emphasized the vice and criminality of Chinese men (Gyory, 1998).

Reform and saving Chinese women came in the form of legislation that strictly curbed their ability to migrate to the U.S. The language was explicitly moral and explicitly vague: Chinese women could no longer immigrate to the United States “for lewd and immoral purposes” (Cheng, 1984, 71). Historian George Peffer (1986) argues that the wording of the Alien Prostitution Importation Act effectively made it less about restrictions on women engaging in prostitution and more about “general restrictions of Chinese female immigration” (Peffer, 1986, 42). Peffer (1986) argues it “failed miserably in its attempt to halt the immigration of Chinese laborers...in regard to female migration however, this legislation appears to have been more effective” (29). As a result of the legislation, it was almost impossible for Chinese wives or girlfriends to join Chinese men working as laborers in the U.S. Scholars state that Chinese women found themselves at the intersection of race, class, and gender rooted in “American prejudices against the Chinese” (Peffer, 1986, 42). In fact, after the Page Act was instituted, Chinese women’s immigration to the United States from 1876 to 1882 declined by 68% from the previous seven-year period (Peffer, 1986).

Chinese women who successfully arrived in California, then, often battled the prejudices of the U.S. men and women who sought to save them. Cheng (1984) argues that white U.S.-born women found an industry for themselves in the saving of Chinese women and girls. She asserts that saving the Chinese slave girls “seemed to have become the ‘white woman’s burden’” (426). The white saviors were motivated by a sense of moral superiority. Cheng (1984) argues that “the more they [white women] saw Chinese

women as helpless, weak, depraved, and victimized, the more aroused was their missionary zeal” (426). The method of saving included training in ‘motherhood’ and ‘industrial skills.’ Women were taught cooking, cleaning, and general housekeeping. They were expected to maintain the “safe house” that harbored them in addition to the manual labor that they were often forced into to pay for their stay (Cheng, 1984).⁸³

Many Chinese women resisted the inculcation of Puritan morality (Cheng, 1984).⁸⁴ There is historical evidence that they would run from the ‘safe houses’ where they were placed. Cheng argues that this resistance to being saved through white women’s moral crusades highlights the advent of a culture of “saving” women in the U.S.; profitable businesses/industries were generated in the movement to ‘save’ people and, simultaneously, a resistance movement to being “saved.” Therefore, many white middle-class men and women, reaped indirect benefits from both the exploitation of Chinese women and from “saving” them (Cheng, 1984). They benefitted economically by creating the saving industry that sought to end the enslavement of Chinese women. Ironically, in the process of ‘saving’ Chinese women, and other Asian women, from the “evils of prostitution”, social reform activists helped pass the Alien Prostitution Importation Act—effectively limiting Asian women’s ability to legally immigrate to the United States for many years. The passing of the act was a culmination of social reform activists and media pressure on politicians who were easily convinced of the benefits of curbing immigration from Asian countries.

⁸³ Cheng (1984) notes that women who ran the safe houses in California where Chinese women and girls were brought after being ‘saved’ from prostitution had a contract with many fruit growers in California and the women were often sent to work in the fields for four to eight weeks.

⁸⁴ For contemporary accounts of escapes from being rescued, see Gretchen Soderlund’s “Running from the Rescuers” (2005).

The White Slave Traffic Act (1910)

The 1910 White Slave Traffic Act—also known as the Mann Act, after its sponsor, Illinois Congressman James Robert Mann—expanded on the precedent set by the Alien Prostitution Importation Act. Not only did the White Slave Traffic Act broaden the specific restrictions targeted at Asian women, specifically the Chinese, to include women brought from any foreign country into the U.S., it also broadened the definition of trafficking to include transporting women across state lines, effectively expanding this umbrella to explicitly cover U.S.-born women (Beckman, 1984). The White Slave Traffic Act solidified the connection between prostitution laws and race/citizenship in the U.S. started by the Alien Prostitution Importation Act.

The White Slave Traffic Act passed during the Progressive Era.⁸⁵ Referred to as the “revolution in morals” (Burnham, 1973, 885), the Progressive Era was a time of extreme anxiety over sexual morality and a rapidly changing society. The Progressive Era sought to uphold a singular ideal of morality that stood firmly at the apex of race, class, gender, and nation/citizenship. The ideal was a morally upstanding, sexually innocent white U.S.-born woman who is either middle-class or working to become middle-class (Odem, 1995).⁸⁶

Just preceding the Progressive Era, there was mounting pressure on the U.S. from the international arena to take a stand on trafficking. During the height of the Progressive Era, President Theodore Roosevelt signed an international agreement with 13 countries to fight trafficking in women for prostitution. Marlene D. Beckman (1984) argues the movement of concern for internationally trafficked women that led Roosevelt to sign the

⁸⁵ Historians vary in the range of dates they associate with the Progressive Era, but all fall within the years between 1870 and 1920.

⁸⁶ In this time period of increased immigration and the first laws aimed at curbing immigration, race and citizenship were tightly bound. Whiteness implied a “native-born” white U.S. citizen.

agreement quickly turned into a movement focused on protecting white women born in the U.S. She links the protection of white women in the U.S. from prostitution to the larger concern of protecting whiteness. White women, were viewed as holding up the purity of the white race (Dowd Hall, 1993).

Historians argue that protecting whiteness was of concern during that time because of the rapid changes occurring in the U.S. connected to immigration and urbanization (Beckman, 1984; Langum, 1994). The increasing numbers of immigrants and the shift to a more urban economy angered and scared the U.S. Protestant elite, who fought to maintain “small town religious idealism” (Burnham, 1973, 887) by regulating behavior—and the White Slave Traffic Act was exemplary of this fight.

Concurrent with pressure to fight international trafficking, social reformers of the Progressive Era were finding public policy a useful platform for their desire to regulate female sexual behavior in the U.S.—something that was previously considered a private concern (Ehrlich, 2006). The pressure to legislate the age of consent was one of the first examples of social reformers using their passion, and access to privilege and power, to advocate for public policy and employ it toward their goal of regulating individual behavior. Ehrlich (2006) argues that these campaigns to raise the age, which began toward the end of the 19th century, paved the way for “greater acceptance of state control over the female body based upon prevailing normative understandings of appropriate behavior” (158).

With the groundwork laid by the age of consent laws, social reformers jumped on rumors and news stories about slavery rings in the U.S., often run by Black and Chinese

men, kidnapping young white women and forcing them into lives of prostitution.⁸⁷ Rumors were also circulating that immigrant women, promised a better life in the U.S. by lewd foreigners, found themselves trapped in prostitution upon arrival (Langum, 1994). Many people supposed that the enslavement of girls as prostitutes was a highly organized activity (Stange, 1998). Statements by public officials and the media fanned the hysteria (Langum, 1994). Activists used the words “white slavery” to promote images of “women held in bondage against their will, of mysterious druggings and abductions of helpless young girls, and of unexplained disappearances of innocent and naive immigrants forced into lives of prostitution and vice” (Beckman, 1984, p. 1111).

The rumors and media fanfare painted a picture of rampant prostitution across the U.S. (and beyond its borders), providing protestant elites with the evidence they needed to begin reform efforts that would protect young women and punish dangerous men. The fear of white slavery was based “not on a large number of documented cases, but rather, was fueled by fears of cultural contamination due to immigration, moral pollution, social anxieties about changing gender roles, sex, class, and race relations at the turn of the century” (Wahab, 2002). The protection of white women was portrayed as integral to the protection of white middle-class society.

The Progressive Era was unique in that the focus was on saving individuals or groups of “fallen” women rather than on the conditions that led to their “downfall” (Langum, 1994). The women involved in prostitution represented the ideal group of fallen women to try to rehabilitate. Langum (1994) argues that focusing on the individual

⁸⁷ Exemplary of the media stories is the journalistic expose that brought *The Maiden Tribute to Modern Babylon* by William T. Stead described in detail the captivity of young women for the purposes of prostitution. For more, see Ehrlich (2006).

gave reformers hope—saving an individual was much more gratifying for reformers than trying to dismantle an entire system.

The language of the White Slave Traffic Act supported this transition to focus on individuals and empowered law enforcement agencies to increase the surveillance, arrest, and prosecution of women. The language of the act specified that people who coerce “any woman or girl to go from one place to another in interstate or foreign commerce ... for the purposes of prostitution or debauchery, or any other immoral practice, whether with or without her consent ... shall be deemed guilty of a felony” (Beckman, 1984, 1112). Two specific phrases in this act empowered law enforcement agencies to increase the surveillance, arrest, and prosecution of women at this time—“any other immoral practice” and “with or without her consent.” The inclusion of the former allowed for wider interpretation beyond prostitution by enforcement agencies. In fact, many of the initial prosecutions under the Mann Act were of men and women arrested after the woman traveled to meet a boyfriend for vacation or on business trips (Ditmore, 2006). Also, though couched in terms of protecting white women, the statistics on prosecutions show that the majority of women they came into contact with under this law were first generation daughters of immigrants (Wahab, 2002).⁸⁸

The inclusion of the words “whether with or without her consent” gave law enforcement agencies, primarily the FBI, wide-ranging power. Although the Mann Act language, with its focus on those who would force women into prostitution, could be read as “protecting” women, the reality was much different. Melissa Ditmore (2006) argues

⁸⁸ It should be noted that Jack Johnson, an African American professional boxer, was the first man to be prosecuted under the White Slave Traffic Act. Johnson was investigated by the Federal Bureau of Investigation for transporting his white girlfriend, who later became his wife, across state lines (Langum, 1994).

that because women made up the majority of people prosecuted under the act, and not the men supposedly trafficking them, it suggests many of these arrests captured women consensually engaging in prostitution. Referring back to historian Lucie Cheng's work, the historical analysis of the White Slave Traffic Act suggests a repetition of the pattern initiated by the Alien Prostitution Importation Act wherein the state works to 'save' women who were not looking to be saved.

Missing in much of the analysis on the Progressive Era, but important for this intersectional analysis, is a discussion of racism. While this era is mostly known for its attempts to control sexuality and morality, it was also a period of intense racism and the height of Jim Crow segregation (Rouse, 1991). The context of racism is imperative to understanding the Mann Act. As racism played a part in the Alien Prostitution Importation Act—the focus of which was about controlling women of color (specifically Chinese and Japanese immigrants) from men of color (specifically Chinese men)—the White Slave Traffic Act can be read as controlling and protecting white women from men of color. The language and media hype to save immigrant women from traffickers was influenced by the language of saving Chinese women from human traffickers in the Alien Prostitution Importation Act, but here the concern shifted to the “need to protect white women from assaults by black men” (Holden-Smith, 1996, p. 33). Again, white women were entering the work force in greater numbers at this time, as the country witnessed a migration of people into urban areas along with an increase in immigration from eastern and southern Europe (Chapkis, 1997). Similar to the historical arguments that the Alien Prostitution Importation Act was linked to fears of immigration, historian Wendy Chapkis (1997) argues the White Slave Traffic Act was in part a reaction to fears

associated with the emancipation of enslaved Africans who were perceived, she notes, “as a threat to sexual and racial purity” (43).

Historian Holden-Smith (1996) builds on the theory that the Mann Act was connected to a fear of recently emancipated Black men, by juxtaposing the White Slave Traffic Act’s success against the failure of anti-lynching legislation. She notes that the arguments against the anti-lynching legislation were rooted in the rights of states, which fought federal oversight. Given the power the White Slave Traffic Act bestowed on the federal government over states, Holden-Smith questions the relative ease with which lawmakers were able to pass it. She argues that it passed because it was perceived that federal power would be used to protect white women from the danger of sexual trafficking by men of color.

Holden-Smith (1996) asserts that just as the anti-lynching effort failed because “the interest in protecting whites from blacks overrode concerns about protecting black life,” the Mann Act succeeded because the “perceived need to protect whites from blacks overrode concerns about states’ rights” (45). We see here a coupling of complimentary fears—the fear *of* Black men and the fear *for* white women. Wrapped up in this failure/success are racist stereotypes of Black men and sexist and racist perceptions that white women (and only white women) needed or deserved legal protection. Holden-Smith (1996) argues that

A principal motive for passage of the Mann Act...was not simply that white women were being tricked, drugged, and kidnapped into prostitution, as anti-white slavery activists contended, but also that they were being forced into prostitution where they would be used for the benefit of at least some black men (33).

The White Slave Traffic Act and the southern history of lynching perpetuated myths of Black rapists, fed into the new culture/industry of “saving,” and helped control “the sexuality and increasing autonomy of white women” brought about by urbanization (Holden-Smith, 1996, 61). Again, it was white women, and only white women, that deserved protection in this scenario. Black women’s sexual vulnerability was not a concern in the White Slave Traffic Act (Holden-Smith, 1996; Wahab, 2002; Chapkis, 1997). White men’s sexual relationships with enslaved African women and free African American women (mostly forced through rape) were not a concern; protecting southern white women was essential to preserve the integrity of the white race (Dowd Hall, 1993).

The Alien Prostitution Importation Act laid the groundwork for controlling women through the legislative control of prostitution while simultaneously creating the structure of a uniquely U.S. industry of “saving” women.⁸⁹ The rhetoric of saving and protecting permeates the discussions of these two interrelated, and racially motivated, public policies and is helpful in contextualizing contemporary legislation addressing YEP. Tangentially, the Alien Prostitution Importation Act and White Slave Traffic Act were passed through the cumulative effort of social reformers, the media, and politicians. This pattern may also be of interest in reviewing the contemporary attempts to address YEP.

Contemporary Approaches to YEP

The historical context of the public polices addressing YEP allows for patterns to be drawn out regarding who the public policies seek to address through protection. How

⁸⁹ For more on the political discomfort of U.S. histories of “saving” see Lila Abu-Lughod’s “Do Muslim Women Really Need Saving?: Anthropological Reflections on Cultural Relativism and Its Others” *American Anthropologist* 104(3): 783-790 (2002). A particularly powerful suspicion raised in this article is the rhetoric of saving people and what that implies about U.S. attitudes. Her suspicion is rooted in a long history of U.S. saving schemes aimed at Muslim women.

do these patterns compare to current approaches to YEP? This section will outline the impact of reforms in the U.S. approaches to juvenile justice and international trafficking and how these efforts allowed for the development of the safe harbor acts.

Juvenile Justice Reform

The current wave of policies targeted at reforming states' approaches to YEP is part of a cyclical pattern of approaches to young people in the U.S. taken by the juvenile justice system (Bernard and Kurlychek, 2010). Three time periods with distinct approaches to juvenile justice are presented here to illustrate the cycle in U.S. approaches to juvenile justice. (1) The 1970s Children's Rights Movement sought to protect, or save, children from adults and the evils of society (Guggenheim, 2005). (2) The 1980s and early 1990s, the era of the "super-predators," the pendulum of reform efforts swung in the opposite direction, with public policies working to protect adults/society from children (Feld, 2000). (3) Currently, a shift is beginning with the pendulum swinging once again to place the responsibility of protection squarely on adults—to protect youth from adults and society (Bernard and Kurlychek, 2010).

Children's Rights Movement. Youth engaging in street prostitution emerged as a modern public issue in the U.S. during the mid-1970s (Weisberg, 1985). Scholars have connected the advent of the hippy movement, which brought a rash of white middle class runaways to the west coast, to the founding of the first youth shelter in the early 1970s. Diane Bracey (1979), one of the first people to draw from feminist criminology to understand YEP, argues that when "running away from home became a middle-class phenomenon...the question of juvenile prostitution became a matter of great concern" (viii).

The young people infiltrating the sunny parts of the west coast caught the attention of society and the media. News reports began to ask how these youth were surviving on the streets, and “discovered” that young people were engaging in prostitution (Weisberg, 1985). The public pressured elected officials to address this “new” social problem. By the end of the 1970s, a solid “children’s rights movement” was established, culminating in congressional hearings on youth engaging in street prostitution (Weisberg, 1985).

Super-Predator Era. The Children’s Rights Movement began to erode during the hotly-contested political elections of the late 1980s—during which crime and safety, for the first time in recent history, became part of the presidential election platform (Vohrenberg, 2009). The media hype around a few select incidents of youth crime or suspected youth crime (such as the case of the Central Park Jogger) created a fear of young people.⁹⁰ This fear was racialized, with images of young Black men as murder suspects fueling the fire.⁹¹ Politicians exploited the fear of youth and “decried a coming generation of ‘super-predators’ suffering from ‘moral poverty’” (Feld, 2000: 208).⁹² The super-predator era was also connected to the fear of an epidemic of crack users. At that

⁹⁰ For more on the false confessions and wrongful convictions of the young Black and Latino men that came to be known as the “Central Park Jogger case” please see, Julia Dahl’s “The Central Park Jogger Case: A Lesson on Wrongful Convictions” written for *The Crime Report*. The article can be accessed at: <http://www.thecrimereport.org/news/inside-criminal-justice/2011-05-the-central-park-jogger-case-a-lesson-on-wrongful-co>.

⁹¹ For example, Gillian and Iyengar (1998) found that in a study of viewers from a variety of backgrounds “[a] mere five-second exposure to a mug shot of African-American and Hispanic youth offenders (in a 15-minute newscast) raises levels of fear among viewers, increases their support for ‘get-tough’ crime policies, and promotes racial stereotyping” (46).

⁹² I see a connection here with Dorothy Roberts’s argument that the 1980s attack on Black female recipients of welfare trickled down to their children. In *Killing the Black Body*, she asserts that the media “increasingly portray Black children as incapable of contributing anything positive to society” and that “Black children are predisposed to corruption” (1997, 19). She ends her argument with a simple but profound statement: “Black children are born guilty” (21). The disparaging images of Black motherhood’s impact on the images of Black children, specifically the crack babies of the 1980s, may be linked to the evolution of the super-predator.

time, users of crack were also painted with a broad brush stroke: they were people of color in poor neighborhoods that were ruining their communities because of their addiction that could only be stopped through a strategy of mass incarceration (Roberts, 1997).

The era of the ‘super-predator’ is also considered the ‘get tough’ movement (Bernard and Kurlychek, 2010). Young people were demonized in order to support harsher sentencing laws, specifically policies under which youth could be transferred to criminal court and incarcerated in adult prisons (Feld, 1999). Youth tried as adults faced, for the first time in modern history, the possibility of life sentences (Alexander, 2012).

At the same time that more young people were being transferred to the adult system, young people in the juvenile system were more often being treated as “little adults”—focusing juvenile justice system priorities on the need for strict safety and security. Juvenile facilities were transformed to look and run like adult prisons, the physical structures remodeled to include barbed wired, security walls, and locked units (Mendel, 2011). They were also run like adult correctional facilities, with fewer opportunities for youth to participate in programming and education. Depending on the state, the trend of treating youth (across genders) like adults and focusing on individual accountability—rather than the societal conditions that lead to criminal activity—continued into the mid-1990s (Feld, 1999).

Current Juvenile Justice Reform. In the past decade, the pendulum has swung once again within juvenile justice to saving children, the impact of which can be seen in the treatment of young people arrested for prostitution. The original Children’s Rights Movement has resurged to protect young people from adults and to frame the juvenile

justice system as an institution of rehabilitation and not simply punishment (Mendel, 2011). The current approach to juvenile justice is undergoing major reforms with juvenile justice agencies across the country de-centralizing juvenile justice placement facilities to keep youth closer to their families and communities (Vera Institute of Justice, 2009), refurbishing facilities to look less like adult facilities (Wright Edelman, 2010), and through court rulings that support a different approach in punitive treatment for children (Liptak and Bronner, 2012).

A Focus on International Trafficking

The wave of legislative reforms focused on youth and prostitution is a part of this juvenile justice reform cycle; it also came at a time of heightened sensitivity to the plight of women and children in international human trafficking and prostitution. The combination of activists' work and a robust media campaign raised the collective societal consciousness on YEP. Award-winning documentaries and news reports emerged on prostitution of girls in India, Cambodia, and Thailand (Scully, 2001).⁹³ There were also global meetings of government and non-profit leaders on the problem of international trafficking.⁹⁴ These activist efforts resulted in the passing of the Trafficking Victims Protection Act (TVPA) in 2000. In the past, women and girls brought into the U.S. for prostitution were arrested and detained or deported. With the passing of the TVPA, people engaging in prostitution, primarily women and girls, identified as trafficked by law enforcement agencies receive social services and legal benefits—including, in some

⁹³ See for example, the documentary *Born into Brothels* (2004) on the children of sex workers in India; a series of articles by Nikolas Kristof on the topic between 2007 and 2011; and the CNN Freedom Project Series at <http://thecnnfreedomproject.blogs.cnn.com/>,

⁹⁴ For more on these global meetings see the United Nations website, www.unodc.org.

cases, visas. Millions of dollars in funding are allotted to support programs for trafficking victims domestically and abroad (Reiger, 2007).

The TVPA extends its most extensive protection to women and children found to be “severely trafficked”—defined as victims of “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age” (H.R. 3244-7 103.8). Severely trafficked victims are juxtaposed to “sex trafficking victims”(H.R. 3244-7 103.14). Though both definitions within the TVPA identify as guilty the person who transports people for prostitution, they differentiate in their definition of the person who engages in prostitution as either a willing agent or a passive victim. The TVPA’s definition of a victim harkens back to the White Slave Traffic Act’s use of wording: “with or without her consent.” The TVPA’s distinction has two effects. First, it creates two categories of people: those who are forced and those who are not forced into being transported for prostitution. And second, because “severely trafficked” includes all people under 18, it always presumes that young people are forced.

Activists have debated the usefulness of the TVPA. The act’s original language only protected from deportation those people defined as severely trafficked victims and those who cooperated with the prosecution of traffickers. Workers in the field of violence against women argued that it would be “unheard of for a rape victim to be denied assistance such as safe housing and medical treatment simply because she chose not to testify against her rapists” (Reiger, 2007: 250). Yet, the TVPA’s original language sets up this scenario for undocumented women trafficked in the U.S. and forced to engage in sex work. Others saw unintended consequences in empowering the prosecutors and law

enforcement agencies through the TVPA. Anti-trafficking laws often combine “measures to punish traffickers with those to prevent women from entering or staying in the sex industry voluntarily” (Murphy and Righeim, 1998, 14). Therefore, the TVPA tends to justify repressive actions against people who choose to engage in sex work (Ditmore, 2011).

U.S. social reformers began advocating for the application of similar protections for victims of domestic trafficking that they began to call the commercial sexual exploitation of children (Estes, 2001). These advocates argued that the prostitution of children was also happening in the United States (Smalley, 2003; Waters, 2008). Although the success of the TVPA and the international movement against trafficking was debated among sex workers and gender-rights activists alike, U.S. reformers, like End Child Prostitution and Trafficking International (ECPAT), applauded efforts to grant women and children the status of “victim” and the protections this status afforded them (ECPAT, 2008). Organizations like ECPAT, GEMS, and SAVI (the latter two were introduced in Chapter Three) believed they could have the same success for young women who were not trafficked across borders but, in the eyes of the reformers, were no less exploited.

Abolitionist Feminist Activists

Activists from ECPAT, GEMS, and SAVI, which one could argue work from an abolitionist feminist theoretical standpoint, found that the attention garnered by the movement against international trafficking was easily translatable to their allies working in the New York juvenile justice system, specifically The Legal Aid Society and the

Correctional Association, seeking to restrict the power of the juvenile court.⁹⁵ These groups came together, in the form of a committee on the commercial sexual exploitation of children, and the abolitionist feminists' narrative of YEP as in need of saving came to dominate the current discourse on YEP, defining it as a social problem.⁹⁶ In order for action to be taken, YEP had to be constructed as a social problem and one that could be fixed within existing policies and institutions that would win political support (Lindblom, 1986). This required that the abolitionist feminists' construction of YEP become the dominant discourse on the matter.

Political scientist, Maarten Hajer (2006) argues that a discourse is considered dominant if society “accepts the rhetorical power” of the new discourse and the new discourse is “reflected in the institutional practices of that political domain” (71). In the case of YEP, the rhetorical power of abolitionist feminists worked to shift the system’s perception of YEP from viewing prostitution as individual deviancy to viewing the existence of YEP as a social ill to be remedied through public policy.⁹⁷ The rhetorical power of the current wave of reform is also clear in the policy shift in the system’s response to YEP—from punishment to therapeutic social service interventions (for those who are amenable to change).⁹⁸ The perception of YEP as a societal concern in some

⁹⁵ For more on the abolitionist feminist perspective, please see the discussion of feminist theory in Chapter Two.

⁹⁶ In 2003, the New York City Mayor’s Office of the Criminal Justice Coordinator, with funding from the Office of Juvenile Justice and Delinquency Prevention, convened a Commercial Sexual Exploitation of Children taskforce to identify gaps in services. Members of the taskforce included law enforcement, prosecution, defense bar, court, other criminal justice agencies (juvenile and probation), other city and state child-serving agencies, and community based-programs and services that serve youth. For more information, see Muslim et al, 2008, *The Commercial Sexual Exploitation of Children in New York City Volume Two*.

⁹⁷ Systems here refers to both the political system and the juvenile justice system. The latter of which was eased by the alliance ECPAT, SAVI, and, particularly, GEMS made with the juvenile justice reform efforts in New York (see Baker, 2010).

⁹⁸ With the NYSHA, the court retains the discretion to treat youth as juvenile delinquents subsequent to the PINS substitution if they do not comply with the court’s directive.

ways is oppositional to and yet not a total departure from the Progressive Era. The Progressive Era focused on rehabilitating the individual deviant as a strategy to cure social problems, but it also sought to “fix” young women in reformatory houses (Odem, 1995). Similarly, the shift in the contemporary response to YEP still focuses the attention to the social problem on the young women. The activists seeking reform, like those from GEMS or Legal Aid, could have chosen to create public policy that addressed the conditions that provided the opportunity for prostitution—such as housing, youth employment, drug treatment, or family counseling centers. Instead, the people pressuring for the passage of the safe harbor acts continued to focus on the rehabilitation of individual youth arrested for prostitution.

The question remains: How did abolitionist feminists come to this position of rhetorical authority? The abolitionist feminists garnered strength for their position by working with language on two fronts: (1) they highlighted how YEP in the U.S. was new and different from the past; and (2) they showed discrepancies between the treatment of international and domestic trafficking.

(1) YEP are constructed as a new and different social problem. The historical analysis of the Alien Prostitution Importation Act and the White Slave Traffic Act at the turn of the 20th century alluded to the role of the media and politicians in creating a fanfare around trafficking in women and girls through the use of inflated numbers. Similarly, reports by the police, district attorneys, and activist research organizations fuel the current fascination with the long-standing reality of YEP, framing it as new and different—with ‘different’ implying worse or more extreme. The mass media—both print and broadcast media reviewed for this dissertation—portrayed a wave of prostitution that

was affecting a racially/geographically different group of girls than ever before, a younger group of girls than ever before, and that it was impacting larger numbers of girls than ever before. The current anxieties reflected in the media treatments of YEP parallel those of a century ago.

The Christian Science Monitor story “Sex Trade Lures Kids from the Burbs” (Clayton, 1996) is exemplary of the media treatment of YEP that framed the contemporary social problem as new and different than past manifestations of youth and prostitution. The director of a U.S. non-profit working to save children from prostitution is quoted as saying,

What’s happening in America is so different from the way it used to be. Pimps used to recruit in the city. But they discovered it’s much easier to work the burbs. The kids are naive, materialistic, and vulnerable to the pimp's message. It’s the strangest thing I’ve ever seen. (3)

The language and wording above promotes anxiety among the general public that prostitution is no longer isolated as an urban phenomenon but a problem that the average family-next-door should address. This rhetorical move is laden with race and class stereotypes—that prostitution is something that happens in the city (read: people of color, poverty) and that recruiting in the suburbs (read: white, middle class) is an aberration.⁹⁹ Because of this aberration, the logic follows, something must be done.

The same theme runs through another media story, “This Could be Your Kid” (Smalley, 2003). The message within this *Newsweek* article is clear from the title: the average U.S. family—not the families of Thai girls or New York City kids—should wake up and pay attention to prostitution. An activist tells the reporter that

⁹⁹ See also *Slavery in the Suburbs* by Tracy Smith for CbS news (February 11, 2009). Accessed from the website on May 8th, 2011: <http://www.cbsnews.com/stories/2007/09/12/eveningnews/main3254966.shtml>.

compared to three years ago, we've seen a 70 percent increase in kids from middle- to upper-middle-class backgrounds, many of whom have not suffered mental, sexual or physical abuse. People say, 'We're not from the ghetto.' The shame the parents feel is incredible.

The article does two things by defining suburban prostitution as an aberration: identifies abuse as a normal precursor to prostitution and characterizes prostitution as an activity of the 'other'—specifically youth of color living in poverty in U.S. cities. This article suggests that parents and family members need to pay attention to the state of domestic prostitution and YEP. In fact there is a warning from a detective in the article that brings home the point, "Everyone thinks they are runaways with drug problems from the inner city. It's not true. This could be your kid" (Smalley, 2003). This article was part of a recurring message: fighting against trafficking means protecting young white suburban women from the violence of urban prostitution.

The print and broadcast media reviewed for this dissertation consistently report that YEP is a new problem that involves younger children than ever before in greater numbers than ever before. It was not uncommon during the time leading up to the passage of the NYSHA to read an article that cites girls "as young as 10" (Milloy, 2002; Urbina, 2009; Levenson, 2008; Anderson, 2007).¹⁰⁰

Similar to the fanfare at the turn of the 20th century—which historians revealed was fueled by the strategic use of inflated numbers by activists, the media, and politicians (Cheng, 1985)—statistics, in the case of the article above "a 70 percent increase,"

¹⁰⁰ This message continues to be repeated after the passage of NYSHA. In an article in the Los Angeles Times in 2012, the point is reiterated that the numbers of young people involved in prostitution in California "defy the notion that underage sex trafficking is a Third World problem" (Boxall, 2012). Again a law enforcement official is quoted to legitimize the anxiety: "People just don't realize that child sex trafficking is happening right here. Some as young as 12 and 14 are being bought and sold on the streets of Los Angeles County" (Boxall, 2012). The article goes on to say that "girls as young as 11 have been picked up for prostitution" (Boxall, 2012). In a news article about Kansas City, Missouri the age of girls being trafficked is reported as young as six years old (Cameron, 2012).

strengthen activist claims. The “70 percent increase” quoted above from *Newsweek*, a national magazine, has no context and no citation. Time and again, even when hard numbers are not invoked, the news media, justice officials, and politicians repeat the call that prostitution involving young people is a growing problem.

Similarly, other scholars, activists, media, and politicians have quoted and re-quoted statistics on the extent of prostitution among young people in the U.S. These statistics, which put the numbers of U.S. youth at risk for sexual exploitation at between 100,000 and 300,000, were cited by newspapers, magazines, and scholarly articles across the country as coming from a non-profit organization that cited the federal government. Except the federal government never reported this number.¹⁰¹

Despite the lack of substantiation of these numbers, they have been used to justify the changes in law by reinforcing the popular message that prostitution among young people is happening in greater numbers and in different ways than ever before. If changes in the law are not based on evidence, on what are they based? Pye Jakobsson (2012), Swedish sex worker and activist, suggests that it has more to do with people's values than the evidence. According to UNESCO director, David A. Feingold (2010), because the topic of YEP summons a moral panic and people are appalled by crime against youth “they do not question whether it is occurring—and if so, whether it is occurring on the scale that is alleged” (57).¹⁰² These numbers prompted national summits on YEP that have led to increased federal funding to research on and service provision for YEP

¹⁰¹ For a critical analysis of the use of inflated statistics on YEP, see The Village Voice’s “Real Men Get Their Facts Straight” by Martin Cizmar, Ellis Conklin and Kristen Hinman published June 29, 2011. I accessed this article on July 5, 2011 at <http://www.villagevoice.com/2011-06-29/news/real-men-get-their-facts-straight-sex-trafficking-ashton-kutcher-demi-moore/>.

¹⁰² UNESCO stands for the United Nations Educational, Scientific and Cultural Organization. The UNESCO Trafficking Project is based out of the UNESCO Bangkok office.

beginning in 2003.¹⁰³ Since 2003, Operation Innocence Lost, developed by the FBI's Criminal Investigative Division, in partnership with the Department of Justice and National Center for Missing & Exploited Children (NCMEC), "to address the growing problem of domestic child sex trafficking in the United States" (Federal Bureau of Investigation, 2012), has had \$80 million allocated to their programs annually (Thrupkaew, 2012). Since the TVPA was re-authorized in 2008, the criminal justice system has received 2.5 times more money than victims' services (Thrupkaew, 2012). In 2010 the federal government granted over \$21 million to fight sex and labor trafficking (U.S. Department of State, 2011).

(2) Treatment of International versus Domestic Trafficking. The activists in New York City that made up the committee on the commercial sexual exploitation of children strategically used arguments at the intersection of race and gender to illustrate the inequality between treating young women trafficked internationally for prostitution as victims (TVPA) and treating girls in the U.S. as juvenile delinquents.¹⁰⁴

In one example, reporter Jessica Lustig's 2007 article in *New York Magazine* describes the different protocols used depending on young women's citizenship. She writes,

If Lucilia [an adolescent girl born in the Bronx] were a 13-year-old Chinese girl smuggled to New York and made to work in a Queens brothel, she would not be

¹⁰³ Activists and scholars came together in 2003 at the *Breaking the Silence* national summit on YEP in the U.S. This summit is cited as the driving factor influencing an upsurge in federal funding in this area. The summit, and much of the research on the impact of the summit, quotes the statistics that the Village Voice finds incredible. For more on the summit and federal funding allocated to address YEP see the Office of Juvenile Justice and Delinquency Prevention's Bulletin from July 2010 and a report by the Urban Institute of Justice's Justice Policy Center, "An Analysis of Federally Prosecuted CSEC Cases since the Passage of the Victims of Trafficking and Violence Protection Act of 2000" submitted to the Department of Justice in 2008.

¹⁰⁴ In the most recent re-authorization of this law (2008), assistance to trafficked minor *girls* is granted immediately, no longer on the condition that they provide assistance in the investigation and prosecution of traffickers (Schwartz, 2008).

seen, in the eyes of the authorities, as a prostitute at all. She would be a sex slave, a victim of human trafficking, and if she had the good fortune to be discovered by the police, she would be given federal protection and shielded by the Trafficking Victims Protection Act of 2000.

Lustig's synopsis of Lucilia's predicament illustrates U.S. activists' frustration over the dichotomy in the treatment of international versus domestic girls in prostitution. The article also reveals the gendered nature of this frustration—young men and transgender youth were almost entirely kept out of these conversations.

GEMS founder and director Rachel Lloyd used a similar tactic but often with more racialized names. In her testimony to the United States Senate Committee on the Judiciary in 2010, she juxtaposed the experiences of Katya and Keisha.¹⁰⁵ She states,

We've created a dichotomy of acceptable and unacceptable victims, wherein Katya from the Ukraine will be seen as a real victim and provided with services and support, but Keshia from the Bronx will be seen as a 'willing participant,' someone who's out there because she 'likes it' and who is criminalized and thrown in detention or jail.

Racialized language was a tactic Lloyd used frequently to highlight the white/Black dichotomy subsumed within the international/domestic dichotomy. Lloyd articulated the belief that young women in New York were not granted the same protections because the majority of the girls were from urban areas and Black (Lloyd, 2011).¹⁰⁶

Editorials by the popular Nicholas D. Kristof of the *New York Times* put forth a similar message. In an article in 2009, Kristof stated that “Americans tend to think of forced prostitution as the plight of Mexican or Asian women trafficked into the United States and locked up in brothels. Such trafficking is indeed a problem, but the far greater scandal and the worst violence involves American teenage girls” (Kristof, 2009). Here,

¹⁰⁵ For a description of GEMS, please see Chapter Two.

¹⁰⁶ Nicholas Kristof, op-ed columnist for the *New York Times*, also made this argument in his article on May 6, 2009.

Kristof juxtaposes Mexican and Asian women with American teens and states that the American teen is the “far greater scandal” and that they even experience the “worst violence” (Kristof, 2009).

The abolitionist feminist cause to protect girls from prostitution successfully controlled the narratives told about YEP. Their message dominated the media and the political landscape, establishing a strong rhetorical dominance of the idea of young women being victimized and forced into prostitution. In the same way that violent, uncontrollable youth became emblematic of the failure of the juvenile justice system to be ‘tough on crime’ during the ‘super predator’ era of the 1980s, abolitionist feminists championed YEP as representative of ineffective juvenile justice policies—the system simply could not work adequately with youth committed for non-violent offenses. Abolitionist feminists joined the cause of juvenile justice reformers to argue that the juvenile justice system was an inappropriate intervention for YEP. They successfully defeated arguments to the contrary that had dominated for some time—that incarcerating YEP was the only way to protect them from the streets and controlling pimps.¹⁰⁷ A third position, that YEP should be treated as a public health issue and not a criminal justice issue (asserted by self-determination or sex work feminists, which was discussed in Chapter Two), was not represented in the debates—no one took this view in community panels, congressional or senate hearings, or news outlets.

The second stage of Hajer’s theory of discourse dominance—when a group’s discourse moves from rhetorical dominance to be “reflected in the institutional practices”

¹⁰⁷ See arguments by Lori Iskowitz, Associate Corporate Council (equivalent to a prosecutor in the adult system), Queens County, NY. For example, comments made on a panel of the National Organization for Women, May 28, 2007 entitled, Mean Streets: NY Kids Caught in the Sex Trade.

(2006, 61)—was also successful in the abolitionist feminist cause: In 2008, NYSHA passed—the first piece of decriminalization legislation regarding YEP in the country.

Intersectional Analysis of the Safe Harbor Acts—Development and Discourse

The language of the NYSHA, which became the model for the other acts around the country, is a reflection of the activists who pressured the state for reform. As historical analysis highlights, the Alien Prostitution Importation Act and the White Slave Act had particular goals—there was a group to be protected, there was reason for them to be protected, and there were people they needed to be protected from.¹⁰⁸ Similarly, YEP are currently constructed in a particular way; as sexually exploited children (primarily girls) who need protection to prevent them from being victimized by adults (primarily men).¹⁰⁹ This section explores the same questions posited about the historical acts: Who are these children? Why do they need protection? This section examines the act in relationship to what was learned about YEP from the John Jay interviews analyzed in Chapter Four.

As demonstrated in the previous section, the construction of YEP as victims was supported by a media campaign that created anxiety about a growing number of young girls kidnapped and forced into prostitution. Time and again, print and broadcast media reviewed for this dissertation report that it is children who are involved in prostitution in

¹⁰⁸ Of interest, but outside of the scope of this dissertation is the role of prosecution and law enforcement in these acts. This dissertation has primarily focused on discourse about the process of victimization and to what end this discourse formation serves the interests of victim advocates. To what end does this discourse formation of people victimized in prostitution meet the needs of law enforcement and prosecution? I assume this is very different over time, but there is evidence that suggests the White Slave Trade Act helped the Federal Bureau of Investigation garner more funding and strength and that they used this not to service the needs of victims but to create large, costly investigations and prosecutions of organized crime (Ditmore, 2010). Similarly, Melissa Ditmore (2010) and David Feingold (2010) suggest the TVPA supports law enforcement budgets to “fight” organized crime and terrorism. This is an area ripe for future research.

¹⁰⁹ Of note here is that this section and this dissertation focus on the construction of YEP as victims. An important complimentary component is the construction of men, specifically, in the contemporary moment, Black men, as the perpetrators and exploiters. Though outside the scope of this dissertation, the symbiotic nature of this relationship should be considered in future research.’

the U.S. The age of these “children” is consistently referred to as: “as young as 12 years old” (Jeffreys, 2000).¹¹⁰

The association of prostitution with very young people is supported by the testimony in support of the act. Many of the references in testimony and evidence supporting the NYSHA emphasized the involvement of children as young as 12 years old (Bigelsen and Cilenti, 2007). In the memo that accompanied the introduction of the act in the New York State Senate and Assembly to justify its passage, attorneys representing the New York City Bar testified that the NYSHA, if passed, would reach “children—some as young as 12 or 13—who likely have experienced trauma, homelessness or abuse in their lives” (2).

An example of the strategic use of the word ‘children’ within the NYSHA is evident even in the process involved in naming the act. Prior to the Safe Harbour for *Sexually Exploited Children* Act, New York Assemblyman William Scarborough introduced the Safe Harbour for Exploited *Youth* Act (Schwartz, 2008-2009; Scarborough, 2005).¹¹¹ The shift from the initial title is a shift in language from ‘youth’ to ‘children’ and includes the introduction of ‘sexually’ to clarify the type of exploitation.¹¹² Why use the word children to represent a group made up mostly of teenagers? The language shift may seem neutral at face value, but closer analysis

¹¹⁰ As recent as September 2012, an article was published with the headline: “Sex traffickers force girls as young as 8 into prostitution in central Florida” (accessed on September 11, 2012 at http://articles.orlandosentinel.com/2012-09-03/news/os-teenage-sex-trafficking-orlando-20120903_1_prostitution-victims-of-sexual-exploitation-fbi-agents).

¹¹¹ The original legislation introduced to the assembly in 2007 gave judges the discretion to convert delinquency petitions to Person in Need of Supervision (PINS) petition. In the act that passed in 2008, the case is automatically converted to a PINS petition and can only be reversed if the juvenile is not in compliance with the court’s orders. As described in the beginning of Chapter Four, a PINS case is court process more focused on social services. Within this special category, the young person is not a criminal but, in the eyes of the state, still requires a modicum of judicial control.

¹¹² For a full version of the Act’s history, see 2007 Bill Tracking N.Y. A.B. 5258-C.

suggests the change from *youth* to *children* helps further emphasize YEP's innocence and victimhood and, therefore, their need for protection. The articulation of a topic that mostly impacts teenagers as an issue about children is problematic because the words child and children are equated with innocence (especially sexual innocence), girlhood, and the inability to consent (Fischer, 2006), and as I argue below, girlhood.

As Chapter Four of the dissertation demonstrated, the majority of young people engaging in prostitution in New York within the sample of the John Jay interviews are past young childhood: 90% of the youth from the John Jay interviews were 16 years old or older. In New York, these youth are actually processed in the adult system and therefore would not be aided by the passing of the NYSHA.¹¹³

I return to Rebecca Raby's work first discussed in Chapter Two. Raby (2006) interrogates legislation in Canada similar in scope and language to the NYSHA, asserting that using the term children creates a "liminality that allows teenagers to be interpellated into discourses of childhood" (14). By holding young people in this liminal space, activists and legislators insert YEP into discourses of childhood—a state of innocence, naivety, and asexuality to be protected. Raby goes on to say, "Arguably, childhood in this context is deployed as a rhetorical tool—by defining young people as children, their involvement in prostitution becomes distinctly troubling and teenagers are understood to be innocent victims. Confining these young people for their own safety is thus quite logical" (14).

Who does this logical conclusion pertain to? In other words, who needs to be confined for their own safety? The remarks of the district attorney of Brooklyn suggest

¹¹³ In New York, people 16 years of age and older are processed in the adult criminal court. See New York Family court Act 301.2 Definitions which defines a "juvenile delinquent" as a person "over seven and less than sixteen years of age."

that when the NYSHA uses the term children, it is actually referring to girls: “It [NYSHA] has enabled us to rescue young women, girls really, from the grip of traffickers” (Adelson, 2012). A supporter of the NYSHA reminded legislators who the young people needed to be protected from in her testimony to the legislator, “Just as battered women do not 'engage in domestic violence' . . . sexually exploited youth do not 'engage in prostitution' - they are brutally exploited by the adults who buy and sell them” (Adcock, 2008). These two quotes reflect the association of the NYSHA with girls or young women.

Scholars have shown that legislation about prostitution is almost always directed at women and girls (Wahab, 2002; Jeffreys, 1999; Raby, 2006). Historically, prostitution has been equated with women—as evidenced by the fact that male prostitution almost always requires the gendered modifier.¹¹⁴ The United Nations conventions and related documents on prostitution associated prostitution with women until 1949. The United Nations’ Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) was the first time it strategically incorporated gender-neutral language of “persons”, replacing the term women and girls that had been used in all prior United Nations proceedings. Stienstra (1996) outlines the historical development of United Nations protocols and conventions on prostitution and concludes that “this change does not appear to have been made to specifically address homosexuality . . . rather the legislation still appeared to address prostitution primarily as a heterosexual encounter” (196)—and therefore continued to focus only on women and girls. The

¹¹⁴ For evidence of the need for modifiers when discussing male prostitution see, Kerwin Kaye (2004), Robin Lloyd (1976), Donald E.J. MacNamara (1965), Price et al. (1984), J. Cates (1989), E. Coleman (1989), A. Markos et al. (1994). All of these citations, which can be found in the bibliography of the dissertation, clarify the population they are studying by inserting the term “male” in the title.

gender-neutral language is read as broadening the scope of prostitution to trafficking of people for work, not just prostitution, which included men and boys (Brand, 2010).

Critics also argue that the law was not about trafficking, but about prostitution generally and brothel owning specifically (Ditmore, 2006). They assert that the Convention condemns trafficking but without explicitly defining the term.

Steinstra argues that the Convention's acts and testimonies served to strengthen the assumptions that prostitution was about women and that "prostitutes, especially white women, were passive victims who were lured or coerced into this work" (Stienstra, 196). Though the language affirms that this act, focused on persons, is to supersede the Convention's previous White Slave Traffic acts (1904 and 1910) and Suppression of the Traffic in Women and Children acts (1921, 1933), scholars contend the language affirms that prostitution is about "oppressor men and oppressed women" (Doezema, 2002).¹¹⁵ In fact, cases in the U.S. that have used the TVPA, state that "the statute focuses on those (usually men) who make money out of selling sexual services of human beings (usually women) they control and treat as their profit-producing property" (United States v. Todd, 584 f.3d, 788, 799 [9th Cir. 2009]).

The language of the NYSHA both assumes and supports this position: prostitution is about women and YEP is about girls. The use of the term children is one way in which the language of the act focuses on girls with seemingly gender-neutral language. Feminist media scholars have shown the term child/children has been feminized, especially in terms of victims/victimization.¹¹⁶ Examples of the feminization of victimized children

¹¹⁵ Please note that the White Slave Traffic acts here refer to the two acts passed at the international level by the United Nations, not the White Slave Traffic passed in the United States.

¹¹⁶ See Kerry Robinson's argument in her critique of childhood sexuality studies that the construction of childhood sexuality has been similar to the construction of adult women's sexuality, in which 'innocence'

abound in the academic literature on war and discourses of fear wherein the idealized victim is feminized (Drew, 2004). The term ‘children’ has been shown in law and media studies to be associated with the feminine or girls. As an example, political rhetoric has historically equated women with children (Oakley, 1994). Similarly, media studies have shown the feminization of victims/victimhood, especially child victims (Weissmann, 2009).

Similarly, for prostitution, women and children are feminized as they are pulled into “participating in powerful social scripts of victimization that ventriloquize their own needs and fears for the purposes of social control” (Stabile and Renstschler, 2005, xiv). The feminized victim is part and parcel of the messaging around ‘protection’ and ‘saving’—protection scenarios, especially those scripted around prostitution, require a helpless, speechless, female or feminized victim to maintain the dynamics of power and powerlessness (Stabile and Renstschler, 2005; Soderlund, 2005). Therefore, the legislation’s use of the term ‘children’ in reference to young people who are sexually exploited suggests a focus on girls in prostitution.

Stienstra (1996) purports that referencing children when legislating around prostitution has almost always implied girls. She centers her argument on evidence that legislation in the U.S. and Europe using the term children “failed to include reference to homosexual prostitution” (195). There is also the case of the numerous United Nations documents that use some version of the phrase “trafficking in persons, especially women and children”.¹¹⁷ This apprehension is supported by documentation that although the

is gendered. See also Elizabeth M. Stanko’s work in feminist criminology on the gendering of victims and victimization.

¹¹⁷ See the United Nations 2000 Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.

taskforce behind the NYSHA was educated about the involvement of young men and transgender youth in prostitution, they maintained a singular focus on girls with market facilitators or pimps (Muslim et al., 2008).

Robinson and Davies (2008) center their argument that children have been equated with girls in the concept of innocence. Their work antagonizes the “cultural power invested in the notion of childhood innocence, which operates to fix understandings and perceptions of childhood and girlhood” (355). The social construction of childhood innocence, rooted in constructions of girlhood, frames the discussions about girls’ sexuality. They argue for the deconstruction of childhood innocence—a static perception of girlhood that ignores young women’s ability to make choices about their bodies and sex as well as ignoring young men and transgender youth. Equating childhood with girlhood produces a singular definition of childhood that negates the option that childhood is a “multiple, dynamic and culturally constructed experience” (355). The rhetorical play on words shifts the focus away from all young *people* engaging in prostitution toward young *women* engaging in prostitution.

The use of the word “children” does not just signify a focus on girls, it also infantilizes young women’s choices and decisions and constructs them as perpetual victims, not agents. Joanna Phoenix argues that the recognition that YEP can be victimized in prostitution and that this victimization can stem from the effects of poverty and racism is not the same “as the constitution of them [YEP] in policy as always and already victims of child (sexual) abuse and the violence of men” (Phoenix, 2002). Raby (2006) expands upon the effects on young women of the gendered use of the term children: “If teenagers are framed as children when it comes to sex, and it is

predominantly young women who are of concern when it comes to sex work, then it is young women who are being constructed as children who are in need of protection” (18).

As an example of this, the language of the NYSHA stipulates the creation of safe houses in areas that “cannot be readily accessed by the perpetrators of sexual exploitation” (NYSHA, §447-a.2). As of the writing of this dissertation, no funding has been allocated to create a safe house. In 2011, the government agency charged with providing safe housing testified that they are responding to the need by referring youth to “a residential program called “Gateways” providing intensive, specialized care for girls ages 12 to 16 who have been victims of commercial sexual exploitation and trafficking” (New York City Council Testimony, 2011). Gateways residential program is only for girls, suggesting that the implementation of the act thus far has only focused on young women.¹¹⁸ Because the act has no funding it is difficult to disentangle the intention of the act from the implementation of the act.

In this way the NYSHA reifies the need for girls to be protected, either from manipulative adults or from themselves. The language and motivation of “protection” has a long history that makes it worthy of suspicion, some of which is outlined in the historical analysis section of this chapter with regard to race, gender, and immigration. Scholars have also shown that historically, girls’ sexuality and sexual behavior has been much more likely to be problematized than boys (See Odem, 1995; Chesney-Lind, 2004) and that language of protection excludes boys and transgender youth (Snell, 1995). The implementation of the NYSHA relays the messages that girls are seen as children and boys as adults; that boys make rational decisions and girls are agency-less victims; and

¹¹⁸ Gateways is run by Jewish Child Care Association of New York in partnership with GEMS (see the Jewish Child Care Association website, access by the author on January 8, 2011 at http://www.jccany.org/site/PageServer?pagename=programs_residential_gateways).

finally that girls need protection and boys are self-sufficient. Transphobia makes invisible the experiences of transgender youth in these conversations that recreate gender dichotomies (see Snell, 1995).

The NYSHA, beginning with its development, though little known so far about its implementation constructs prostitution as a concern about children, not teenagers and only about young women to the neglect of young men and transgender youth.

The virgin/whore dichotomy is a feminist tool of analysis referring to the tendency of society to view women as either innocent victims or licentious manipulators in order to separate those who are worthy of protection and understanding from those who deserve to be punished. The result is a means of controlling women's sexuality (see Juarez and Kerl, 2003; Steinstra, 1996). The major provisions of the NYSHA perpetuate the virgin/whore dichotomy.

The NYSHA distinguishes between those who are deserving of services and those who are not. The NYSHA provides "protection"—access to a safe house, social services, and mental health treatment—to young women who are cooperative with authorities and have a clean arrest history. Cooperation with authorities may include testifying against the people who facilitated involvement in prostitution. As a reminder, from Chapter Four it was demonstrated that the sample of YEP in the John Jay interviews relied most frequently on market facilitators, who may be a traditionally-defined pimp, but might also be other young women or other YEP.

On the other hand, the law permits the court to process young women as juvenile delinquents (e.g.—deny them access to the NYSHA protections) if

the respondent is not a victim of a severe form of trafficking as defined by the federal trafficking victims protection act of 2000 or has been previously found

under this article to have committed an offense ... or has been previously adjudicated ... and placed with a commissioner of social services ... or expresses a current unwillingness to cooperate with specialized services for sexually exploited youth, continuing with the delinquency proceeding shall be within the court's discretion, the necessary findings of fact to support the continuation of the delinquency proceeding shall be reduced to writing and made part of the court record. If, subsequent to issuance of a substitution order under this subdivision, the respondent is not in substantial compliance with a lawful order of the court, the court may in its discretion, substitute a petition alleging the respondent is a juvenile delinquent for the petition alleging that the respondent is in need of supervision. (§2.3)

In other words, the NYSHA restricts accessing services from youth who fall into one or more of four categories: (1) they are not a victim of severe trafficking; (2) they previously committed an offense; (3) they previously were found guilty and were incarcerated; and (4) they express an “unwillingness to cooperate with services” (NYSHA, §2.3).¹¹⁹

The power of the judge to revert a case back to a delinquency proceeding was evident in one of the first cases brought into New York Family Court after the passing of the NYSHA. In the case of *New York State v. Bobby P.* (2010), the court denied the motion for the substitution of a PINS petition for the delinquency petition.

The Court extensively detailed the young woman's history to justify the denial:

Although the respondent is only 15½ years old, she has suffered deprivation at the hands of her own parents who have previously neglected her and whose parental rights have long been terminated. Notwithstanding the demonstrated inability of her own parents to care for her, the state through its courts and public and private social service agencies have attempted to provide the respondent with stability and the necessities required to become a healthy and well-adjusted adult. However, there is no indication that these efforts have proved successful. According to the supervisor at New York Founding, respondent has been involved in prostitution since the age of twelve, and attempts to correct this self-destructive and dangerous behavior have failed. Respondent has regularly run away from her foster home for long periods of time when her whereabouts have been unknown to those charged with caring for her (*In re. Bobby P.*, N.Y.S.2d, 2010).

¹¹⁹ The Family Court Act's use of “commissioner” here refers to the state juvenile justice agency.

The decision stated

...giving proper consideration to the respondent's extensive history, her behavioral pattern, her choice to engage in the 'street life,' even at the cost of temporarily losing custody of her own infant child, and her demonstrated lack of sound judgment and maturity, the Court finds it would be unwise to and inappropriate (In re. Bobby P, N.Y.S.2d, 2010).

In the justification, the Court does not cite any criminal or delinquent actions of the young woman. In fact, the Court acknowledges that "While respondent has no prior juvenile delinquency or PINS adjudications which would disqualify her ..., this Court has serious doubts as to respondent's current willingness to accept and cooperate with specialized services for sexually exploited youth" (In re. Bobby P, N.Y.S.2d, 2010). The Court cited the provisions within the act that allowed the Court, based on their doubts and the youth's history, the power to turn a case against a youth for prostitution into a delinquency proceeding. The Court went so far as to acknowledge the young woman was willing to cooperate with prosecutors on the case against a market facilitator, the Court wrote, "the extent and usefulness of that assistance is questionable" (In re. Bobby P, N.Y.S.2d, 2010).

Because responses to prostitution are about girls and the need to protect girls, the NYSHA can be read as holding girls' sexuality to unequal standards compared to their male counterparts, the consequences of which are morality-based punishment or "treatment" The case of Bobby P. helps draw out the unequal standard. The Courts decision is primarily based on her history of "engaging in the 'street life'", running away, and her mothering. Because of her victimization (being abused as a child), and the assumed reactions to that victimization (running away), the court chose to 'protect' her by adjudicating her a delinquent and confining her in a juvenile justice placement facility.

The case of “Bobby P.” illustrates the ways that a false dichotomy is set up. “Good girls” are referred to as victims and offered protection under the Act; those who consent to sex work are punished and shamed (e.g. “whores”). The pattern of partitioning out the good versus bad girls strengthens the dichotomy between the two.

When the act passed, Rachel Lloyd was quoted as saying:

“This legislation is not only due to lawyers but to survivors’ advocacy. We had girls from GEMS journey up to Albany for four years straight. We’ve seen legislators weep. They really saw what this law means. It means, Oh my God, these are children. They’re not bad, they’re not loose women, they’re not dirty, terrible girls” (Adcock, 2008).

Lloyd’s statement reflects her vision of the NYSHA, that it will reframe young women as victims and differentiate them from ‘loose women’. Lloyd’s distinction in some ways works against her vision as it reifies the virgin/whore dichotomy that is then used against the young women she sought to protect through her advocacy for the NYSHA.

With regard to being defined as a *victim of severe trafficking*, the NYSHA is unclear. The NYSHA references the 2000 TVPA’s definition of severe trafficking,

(C) DEFINITION OF VICTIM OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—For the purposes of this paragraph, the term “victim of a severe form of trafficking in persons” means only a person—(i) who has been subjected to an act or practice described in section 103(8) as in effect on the date of the enactment of this Act; and (ii)(I) who has not attained 18 years of age; or (II) who is the subject of a certification under subparagraph (E).

Because the NYSHA references the TVPA’s definition of severe trafficking, defined as victims of “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age” (H.R. 3244-7 103.8), all people that come to the Court in New York under the age of 18 involved in prostitution would fall into this category. Therefore, there would not be anyone under the Family Court’s jurisdiction who is not always already a “victim of

severe trafficking.” It is difficult to understand, then, instances when youth would not be defined as a victim of severe trafficking. With regard to being defined as *previously committing an offense*, this offense does not have to be prostitution related and can refer to anything from arrest to placement with the state. The third stipulation of *previously being found guilty and placed with the commissioner* refers to previous juvenile incarcerations (the equivalent of being found guilty in the adult system and receiving a prison sentence). The final stipulation citing *an unwillingness to cooperate with services* is seemingly left ambiguous on purpose, considering that services are defined by the Safe Harbor Act as “including food, shelter, clothing, medical care, counseling and appropriate crisis intervention services at the time they are taken into custody by law enforcement and for the duration of any legal proceeding or proceedings in which they are either the complaining witness or the subject child” (NYSHA, 2008).

Moreover, the judge can also reinstate delinquency proceedings if the young person is at first found to be a victim of trafficking (and therefore processed as a PINS petition) but then subsequently found to not be in compliance with court orders. Court orders from PINS cases cover a spectrum of social services—some of which are considered important by almost all of the actors involved with YEP, such as help with housing and medical services. Other services are more controversial. For example, activists with the goal of rehabilitating YEP so they will cease to engage in prostitution advocate for specialized mental health treatment focusing on trauma and victimization. There can also be court orders that do not have any direct correlation with prostitution and do not constitute criminality, such as mandated school attendance, curfews, and incorrigibility. Noncompliance with any of these areas, even those that do not constitute a

new crime, allows the court to withdraw the PINS petition and reinstate the delinquency proceedings.

The NYSHA could be construed as defining the “right” kind of victim and subsequently distributing services or punishment according to these definitions. Therefore, the NYSHA could be criticized for the same reasons that activists criticized the TVPA—services only go to the deserving victims. The virgin/whore dichotomy reifies the sexual double-standard for men and women. In neither of the two scenarios put forward in the false dichotomy of the Safe Harbor Act—the perfect and compliant victim or the ungrateful willing delinquent—does the young woman necessarily win. It is a matter of definition and scale.

The undeserving victim (“virgin”) does not gain her freedom. She will be placed in a non-secure detention facility (much like a group home) with a bed capacity of between 6 and 8 other young women. Her daily routine, laid out for her, will be a mixture of educational programming, mental health treatment, and, sometimes, substance use counseling. She may be pressured to cooperate with the police and the district attorney to prosecute people in her life—whether she perceives them to be traumatizing exploiters or loving boyfriends and family. There are many reasons she may not want to testify against them.

The young person who does not cooperate (the whore)—who does not project remorse or has a history of engaging in prostitution or other delinquent acts—will be processed as a juvenile delinquent. Generally, young women are placed in secure facilities (prisons). Her daily routine will be similarly structured as in the group home, but her movement within the facility will be restricted and, depending on where she is

placed, programming and services, especially mental health services, may be limited. She will be in a much larger institution with a bed capacity of 100 young women. If she has family or other supportive people in New York City, they will be between a one to six hour drive away, as the girls juvenile correctional facilities are located in upstate New York.¹²⁰

Building on feminist theories of intersectionality, which assert that race and gender frame young people's involvement in and experience of prostitution, the NYSHA falls short of challenging the role of racism and sexism in the experiences of YEP. Though the activists who developed the act attempted to shift cultural perceptions away from individual deviancy to societal-based explanations for prostitution, the remedies the NYSHA puts forward reinforce individual pathology by focusing on the individual person arrested for prostitution.

The NYSHA implies individual fault (even if that individual is worthy of protection/redemption) and individual-level responses. The non-profit organization *Justice for Girls* criticized similar legislation in Canada, arguing that responding to YEP through the juvenile justice system—whether it be through delinquency or PINS proceedings—further “marginalize[s] and institutionalize[s] young women ... rather than addressing poverty, male violence, colonial devastation of First Nations communities, or shamefully inadequate and inappropriate voluntary services for young women” (Justice for Girls, 2011).

I draw from this critique to think through the implications of court-mandated services for YEP—especially when, in practical terms, it means court-mandated services

¹²⁰ I only reference young women here because they make up almost the entire group of young people arrested and processed in the juvenile justice system for prostitution (Muslim, Labriola, and Rempel, 2008).

for young women of color engaging in prostitution since they make up the constellation of young people arrested for prostitution.¹²¹ *Justice for Girls*' analysis highlights the inability of legislation focused on individuals to address the societal circumstances. *Justice for Girls* further complicate the problem by writing about the future of young women under state control. After spending time in a safe house or in a juvenile justice facility, young women are released back into communities affected by racism, class inequalities, and violence.

The NYSHA attempts to protect young women from prostitution, but “instances of ‘protection’ for young women have often had problematic applications, particularly in terms of class and race” (Sangster, 2002). The “protection” of young women through the justice system is linked to historical models of controlling women by saving them, and a simplistic reading of these acts ignores systemic inequalities at work in U.S. legislation on prostitution. Examples from this chapter that demonstrate using the discourse of protection and saving to enact punishment and control include the language of protection strategically used to challenge the immigration of Chinese women at the turn of the century (Cheng, 1984); absence of protection for women of color during the height of the Progressive Era (Odem, 1995); and the shifts in the approach to juvenile justice that cycles through phases of protection (either protecting youth from society or vice versa) (Feld, 1999).

Conclusion

At first glance, the NYSHA provisions to the Family Court Act are a step in the direction of decriminalizing young people engaging in prostitution. Though it is too early

¹²¹ Twenty of the 22 young women in the John Jay study who reported being arrested for prostitution were women of color.

to understand the impact this legislation will have on young people in New York, in other states, and on future federal legislation, the initial reactions from scholars and activists have been in favor of the change in legislation (Sullivan, 2011). The arguments constructed around YEP are hard to argue against—facing the truth that young people in the U.S. are engaging in prostitution, many communities, starting with New York, felt the need to respond with a similar intent and power to that of their international peers on the global stage. Further, activists such as Rachel Lloyd argued that not only was it unfair to deny young women in the U.S. the same protections as their international counterparts, it was also racist.

In reference to the dissertation's research questions posed in Chapter One, what experiences are deemed important and, in turn, what needs are deemed insignificant, the analysis demonstrates that the NYSHA, in its development, discourse, and early implementation, deems only important the experiences of young women under the control of a pimp. The NYSHA is limited because of its narrow gender focus (women only) and because it ignores race. It is not that the young woman positioned in media reports as the face of prostitution, the victimized young woman tragically exploited by a pimp, does not exist. But the data from Chapter Four questions whether she is representative of YEP when taken as a whole. The John Jay interviews suggest she does exist but that she is not representative and, therefore, this chapter questions why she has become the face of YEP. What purpose is served by characterizing prostitution as something that only affects young women?

I agree with those working to give young people from the U.S. equal access to protective social services as are given, at least on paper, to their counterparts from other

countries. However, it remains unclear whether the NYSHA, or the legislation and court orders that followed, will ultimately help young women meet their personal goals. I am troubled by the negative consequence of denying the fact that young men and transgender youth engage in prostitution and are *also* worthy of social services. While the protections afforded international girls and the punishments placed on domestic girls carried racist undertones, the legislation's attempt to remedy racist stereotypes led directly to a sexist stereotype—that girls need protection and boys make rational decisions. The way the legislation is written and has been subsequently funded denies the existence of young men and transgender youth. The data analysis from Chapter Four challenges the utility of a women-only focus because half of the sample was young men and transgender youth.

Though the data analysis from Chapter Four examines patterns by gender, the patterns are not fully understood without simultaneously analyzing race. Lloyd and her counterparts were keen to this intersectional analysis. I agree with Rachel Lloyd or others who held a mirror up to politicians, activists, lawyers, and judges and asked, “What if this was your daughter? What if Keisha was Katya? Then what would you do?” (U.S. Congress, 2010). Activists were right to force the recognition of the injustice in the false dichotomy at the core of the differential treatment between young women from the U.S. (specifically young women of color) and those from other countries (specifically from eastern Europe). The data analysis from Chapter Four suggests that further research is needed on the patterns related to gender and race, specifically young women of color's relationship to market facilitators and being arrested.

In an ideal world, the efforts of advocates who fought for the NYSHA would mean that young women in New York City are no longer treated as delinquents. All YEP

would be provided the social services that they deserved from the beginning. With access to such services, their choice to engage in prostitution—with fewer constraints pressuring it—perhaps would have been made more freely. Moreover, youth who never wanted to engage in prostitution would have other ways to meet the needs that prostitution met, or they would have been protected from exploitive adults who took advantage of them.

In the reality of its initial implementation, NYSHA has had little impact on the services that YEP have access to; there is a continued denial of young men and transgender youth because the focus continues to be on young women; and the young women who are targeted continue to be vulnerable to being processed as juvenile delinquents.

Chapter Six: Conclusion

After meeting Emily, the young woman introduced in the first chapter of the dissertation, I worked with other young people and adults in the sex trade with a special interest in hearing their stories—listening for how they were the same and different when placed next to my memories of Emily. I came to see the validity of understanding that young people have agency but they do not make their decisions in a vacuum. They exert agency within constraints.

When my work with YEP shifted into a scholarly pursuit, a harm reduction-focused, strength-based approach to work with people in the sex trade, together with theories of intersectionality and feminism, molded how I read and interpret the academic work on YEP, the public policies that seek to respond to YEP, and the interviews with young people in the data I analyzed. Similar to the work of Jyoti Sanghera (2005), I challenge the assumption that YEP “constitute a homogenous category—children, devoid equally of sexual identity and sexual activity, bereft equally of the ability to exercise agency and hence in need of identical protective measures” (6). My work also pushes forward Melissa Ditmore’s fight to diversify the stories told about adults in the sex trade:

Sex workers are often represented as a homogenous population, even though stark differences may be seen in gender, race, and class as well as in labor conditions. This creates significant difficulties when attempting to produce research that is both a reflection of reality and of any use. (Ditmore, 2006, 398)

This dissertation responds to Ditmore’s and Sanghera’s call to look for the differences among YEP. Its findings show that this group is diverse and that their needs cannot be met by legislation rooted in legal interventions.

The Story—Constructing YEP

YEP are constantly represented by one story, what I refer to as *the* story. This is the story of an innocent, abused and victimized young woman lured into prostitution at 12 or 14 years of age by an exploitative older man. The discourse surrounding the NYSHA and its early implementation, presented as color-blind and gender-neutral by politicians and activists, constructed youth as a homogenous group marked by victimization and need. The history of public policies addressing prostitution presented in Chapter Five suggests that public policies purporting universalism—especially those that embody hotly contested issues of morality, consent, age, race, and gender—have in fact resulted in disproportionate impacts across intersections of race, class and gender.

Though the events and context may be different, the patterns found in those first policies addressing YEP can yield a framework and context for understanding current legislation. The repetition of language found across public policies and media treatments of YEP over time—that girls and women are unwittingly exploited by abusive men in ever greater numbers and ever more abusive situations—suggests we do not have different ways of talking about YEP. Repeating the language allows for the creation of one story of YEP and one way of responding to YEP—they need to be saved.

Contemporary public policies “save” young people by moving them out of the juvenile justice system to provide them with the help they need to overcome the trauma that led them to prostitution and/or resulted from their engagement in prostitution. Decriminalization is appealing as an approach—especially if it can get young people out of a juvenile justice system that has been shown to be “no place for kids” (Mendel, 2011). But as shown in Chapter Five, the appeal should be considered with caution. Elizabeth

Bernstein (2007) gives voice to the anxiety with which I approached researching the NYSHA: decriminalization has historically “failed to achieve either empowerment or protection for women in the most vulnerable tiers of the industry” (183).

The NYSHA’s attempt to decriminalize certain young people could, in time, prove to lead to possibly more state intervention in young women’s lives because it provides court-mandated social services. The signs from the early implementation suggest a singular focus on young women. The act also is designed specifically for young women working with a traditionally defined pimp: the overwhelming majority of the sample of YEP analyzed in Chapter Four would, in fact, not be identified by authorities because so few of them work with a traditionally defined pimp. And if they were, they would not be eligible for services because either (1) they are a young man or transgender youth and the city does not have the services for them as set forth in the NYSHA (safe homes, for example) or (2) as Chapter Five illustrated, many of them had a history of arrests, which allows the Family Court to move forward with the delinquency proceeding and deny the motion to process the youth as a PINS case.

Many Stories—Complicating Ways of Knowing

The raw data from the sample of YEP presented in Chapter Four represents an oppositional discourse to the attempts to homogenize YEP and the construction of *the* story created about YEP. The interview data shows that young people engage in prostitution in a variety of ways—engaging in prostitution does not result in a common experience. *The* story, as defined, is actually *a* story among many other stories. The analysis of the sample of youth in the John Jay interviews, especially the section on motivation and nature of their entrance into prostitution, suggests that they be recognized

as agents, not victims; their stories articulate a view of prostitution not as the end of a downward spiral, but as one part of their life—and not necessarily a devastating part.

Social science research looks for the commonalities among groups, but intersectional analysis examines relationships between commonalities and differences. For this dissertation, intersectional analysis helps uncover whether the commonalities and differences among YEP's stories draw a pattern across intersections of race and gender. The analysis of race and gender patterns shows that areas such as drug use, housing stability, market facilitators, and arrest had different implications for youth by race, gender, and their intersections. Youth of color more often reported being victims of violence and being arrested. White youth more often reported using drugs and having unstable housing situations. Young men reported having less access to informal social support. Young women of color represented almost the entire group of youth who worked with potentially exploitative market facilitators to enter prostitution. The importance of these differences is hard to tell from the initial data: this is an important area for future research.

Overall, many of the youth's constructions of themselves and their lifestyles challenge popular assumptions about their experiences. Youth are far less frequently working the streets under the control of an exploitative pimp and far more frequently engaging in prostitution when and how it suits them. This group is also older and more diverse than previous studies have shown—the majority are over 16, there are equal numbers of young men and women, and race groups match that of the city's population. The majority of youth are not hard-core drug users and entered prostitution voluntarily, and half of them had stable housing.

Of particular interest to this dissertation is the fact that youth construct their needs and ability to access social services in ways that do not reflect how they are currently discussed by activists and politicians. The NYSHA was developed in a particular historical moment, when more attention was being given to the exploitation of women and children in international trafficking rings and the gap in services to protect them. The perspectives of the youth in this sample do not suggest a gap in services but do highlight a preference for agencies that are rooted in nonjudgmental, harm reduction approaches to social service. The youth reported wanting the opportunity for employment and job training programs. Important to policy considerations is that this desire for more social services offering job training and employment is not unique to YEP—it holds true for many young people in juvenile justice systems and youth who are living in areas marked by lack of opportunity and poverty.¹²²

Policy Implications

With the goal of contributing to policy-relevant research, this dissertation examines the relationship between public policies that seek to respond to YEP and the way youth talk about their needs and experiences. When only one story is told, it suggests there is only one way to respond to the story. By repositioning *the* story as *a* story among many of YEP, the data suggests that attempts to homogenize YEP are a misrepresentation of their needs and concerns.

The young people who participated in this study are not put forward to deny the existence of trafficked women and children or the severe exploitation of girls working under the control and manipulation of traditionally defined pimps. This work is not an attempt to ignore the unequal and often very dangerous conditions that young people may

¹²² For more on young people in the juvenile justice system, see Shanahan and Villalobos Agudelo (2011).

experience when they engage in prostitution—or that race, class, and gender may frame the difficult situations that often lead them into street prostitution. Conversely, it validates these young women’s experiences while expanding the knowledge about YEP. This young woman, painted in detail in the construction of *the* story, does exist. However, the dissertation’s analysis suggests she is not representative of YEP. Young women can be exploited and their needs should be met, but policies that universalize and generalize their experiences to the broader community of YEP are unfair and potentially harmful.

Decriminalizing prostitution for youth in the sex trade might reduce the harm brought to bear upon young women who would otherwise languish in juvenile justice facilities. This is especially true given the findings of this research that youth of color, though they report less frequently participating in activities that would heighten their risk of arrest (for example, living on the street or using drugs), more often report being arrested.¹²³ But it remains to be seen whether young women will be protected by the NYSHA. Historically, intersectional analysis of public policies that draw attention to young people in prostitution suggest they have resulted in more enforcement and more state control over their lives. Additionally, the NYSHA, with the provision of a safe house for young women and dedicated therapists/counselors, has the potential to draw funds and energy away from the social service organizations that are already successfully working with YEP.

¹²³ The finding that young people of color from this sample more often report being arrested, reflects the experiences of young people of color in the juvenile justice system at large. Disproportionate Minority Contact (DMC) refers to the “disproportionate number of minority youth who come into contact with the juvenile justice system” (Office of Juvenile Justice and Delinquency Prevention DMC Virtual Resource Center website <http://www.ojjdp.gov/dmc/index.html> accessed December 27, 2012). The term reflects the potential disproportionate representation at all decision points within the juvenile justice continuum.

It is difficult for me to make policy recommendations regarding prostitution in the current political and social climate, as I do not believe that it should be illegal. I firmly believe that prostitution should not be considered a crime and therefore I take issue with policies that work from the assumption that it is a criminal or delinquent activity. Though this leads me to generally support decriminalization efforts, how these efforts have been shaped by abolitionist feminists does not result in less state intervention—just slightly different state intervention. I believe that decriminalization could, with a reframing of the topic, lead to less state intervention. Ultimately, I envision avenues to meet youth’s needs outside of the justice system.

The current legislation to decriminalize prostitution for people under 18 does not go far enough. With the current system, access to services is predicated on arrest and processing through the justice system. Additionally, the NYSHA is set up, with all of the stipulations that weaken the act and allow the Court to adjudicate the youth delinquent, to only decriminalize a small group of youth. Because of the current implementation, which is focused on young women working under the control of a traditionally-defined pimp, the effect may be that the NYSHA channels much needed resources into social services that impact a very small percentage of the YEP population and makes invisible the experiences of young men and transgender youth. The Streetwork Project was by far the most accessed service in New York and their non-judgmental, harm-reduction approach should be a model for future responses to YEP.

I use the term *response* instead of *intervention* because the latter assumes young people want or need help and the former respects young people’s choice to access the kinds of services they want when they want them. The youth in this sample illustrate that

young people do not always want help. Social services need to be flexible and adaptive to the needs and wants of YEP as they articulated them. The findings of this study suggest that this includes shelter, clothing, and food along with the longer-term needs for job training and employment. Because such a large percentage of YEP trade sex for money, social service organizations should consider taking on the model of the Center for Employment Opportunities by providing youth with employment that pays them at the end of each work day (Center for Employment Opportunity, 2011). This would reduce the anxiety that might be produced waiting two weeks for a paycheck in a traditional work environment.

Areas for Future Research

The young people's stories support the theoretical position of YEP having "agency within constraints." The young people's experiences present a broader definition of YEP, one that more accurately reflects the range of their experiences as decision makers and leaves room for considering the context within which they make their decisions. The data supports the concept of agency within constraints and I have built a strong argument through the use of theory and data analysis to illustrate the utility of this position.

Nevertheless, I am cautious about the potential implications of such a position—and fearful of how conservative lawmakers might interpret young people with agency. As progressive juvenile justice activists begin to strategically use the new science on brain development to argue that because young people are not mature in their judgment or problem solving skills they should not be treated as adults with regard to criminal culpability (supporting a treatment-oriented approach instead of a punitive response), the

question arises: What are the implications of a position that could be understood as arguing that young people make decisions? In other words, the argument for agency within constraints could be simplified as young people who knowingly commit a crime. How might it undermine the work of juvenile justice activists and play into the hands of people determined to punish young people for poor choices? I make the argument for agency within constraints from the assumption that prostitution is not a crime; but for those who work from the position that prostitution is a criminal activity, how could the argument for YEP agency empower their argument for punishment? This is an area that should be explored further in future research.

Another area for future research is the interactions of youth with the state—specifically the police and the court system. Jacqueline Lewis (2010) argues that “it is the existence and applications of public policies aimed at various sectors of the sex work community, especially the criminal law, that are the prime source of harm for people working in the sex industry” (286). The youth in this study do not make a case for horrific abuse by the police—only two report abuse by the police. This goes against reports created by youth in the sex trade in Chicago. The Young Women’s Empowerment Project (YWEP) found that the state was the primary actor in the majority of abuse, both mental and physical, experienced by young people. This area should be explored more fully. One potential reason for the difference could be different policing practices in New York and Chicago. YWEP is run by young people and they use peer educators to conduct research and also distribute self-administered questionnaires that young people fill out on their own—this might allow for a disclosure of more sensitive information than having adult researchers (as used to collect the data analyzed in this dissertation).

Race and gender differences were complicated in this study: areas such as drug use, housing stability, market facilitators, and arrest showed statistically significant differences among these groups that need to be explored further. These differences could be a result of communication styles or sampling. Future research should continue to integrate intersectionality as both theory and methodology—framing the research questions and the analysis. Sexual orientation also seemed to be a social location that frames young people’s experience; but because the original research did not collect data on this, no firm conclusions could be drawn. This, again, leaves a gap for future exploration. There was also a lack of data on class background, which constrained my ability to examine this issue.

This data set was also not able to integrate the voices of young people who spoke languages other than English. Young people were not asked their citizenship status, but one could assume from their responses about where they grew up that the vast majority of the sample was made up of U.S. citizens. The stories of young people who are undocumented may be markedly different from U.S.-born youth. Furthermore, none of the youth worked in brothels or massage parlors: future research could explore the commonalities and differences in these experiences as compared to the youth in this study.

Conclusion

The initial findings that the majority of the youth in the sample have been arrested illustrate a definitive need to decriminalize prostitution. I agree with activists that the juvenile justice system is not equipped to work with young people accused of prostitution. I also agree, referring back to the historical analysis in the dissertation, that

racism plays a central role in the construction of who is deemed worthy of state protection and whom the state needs to be protected from. I add to the debate that sexism also plays a role in the decisions that are made about state interventions.

Based on historical patterns, the ability of legislation to ultimately help young women meet their goals is questionable. Historical scholars showed, as I discussed in Chapter Five, that the Alien Prostitution Importation Act of 1875 and the White Slave Traffic Act of 1910 fell short of meeting the goals of helping women and in fact may have had the opposite effect—negatively impacting the experiences of immigration for women in 1875 and criminalizing women in 1910. Alternatively, the legislation has the negative consequence of denying that young men and transgender youth engage in prostitution and are worthy of social services. The legislation proposed, through its attempt to remedy the racist stereotypes, may unwittingly perpetuate sexist stereotypes that girls need protection and boys do not.

This dissertation attempts to complicate current ways of knowing YEP—to turn knowing into holding complexities. It demonstrates that the singular story, *the* story, of YEP as traumatized victims is but one story. There are many ways to experience the sex trade for young people in New York City, and understanding the nuances among these different experiences can help those wanting to better serve the needs of YEP.

Appendix A

Appendix A

	White			Black			Latino			Other Youth			Totals	Total N
	F	M	T	F	M	T	F	M	T	F	M	T		
Demographics														
Total	27	31	1	30	26	7	31	29	2	31	25	9	249	249
Age of Youth at Time of Interview														
14	1	1	0	0	0	0	0	1	0	1	0	0	4	249
15	2	0	0	1	0	0	1	1	0	0	3	0	8	
16	3	3	0	1	1	0	2	1	0	6	0	0	17	
17	9	5	0	9	4	3	12	5	0	8	5	1	61	
18	9	18	1	14	20	4	14	20	2	12	13	8	135	
Over 18	3	4	0	5	1	0	2	1	0	4	4	0	24	
Age of Youth at Entrance into Sex Trade														
Under 14	3	6	0	5	3	0	2	6	1	3	4	0	33	246
14	4	5	0	2	2	1	5	3	0	9	5	0	36	
15	8	3	1	9	4	1	8	3	0	5	5	1	48	
16	5	7	0	9	10	1	10	7	0	5	5	4	63	
17	5	7	0	4	2	4	5	8	0	5	4	3	47	
18	2	3	0	1	4	0	1	1	1	2	2	1	18	
Over 18	0	0	0	0	0	0	0	0	0	1	0	0	1	
Unstable Housing														
Hotel	1	0	0	1	2	0	1	3	0	2	1	0	11	249
Shelter	1	8	0	5	6	4	5	8	2	10	9	2	60	
Squatting	4	6	0	0	0	0	0	1	0	2	0	1	14	
Streets	10	13	1	4	16	0	10	13	0	5	9	1	82	
Motivation to Enter Prostitution														
Homelessness	12	15	0	9	11	4	10	12	1	12	12	6	104	227
Unknown Motivation	7	5	0	13	8	2	5	10	1	9	6	1	67	
Money/Desperation	4	2	0	7	3	0	8	3	0	2	2	1	32	
Drugs	4	6	0	0	2	0	4	2	0	4	2	0	24	
What Youth Reported Trading Sex For														
Money	25	30	1	30	25	7	28	27	2	29	25	9	238	249
Drugs	7	3	0	0	2	0	4	1	0	4	0	2	23	
Shelter	3	3	0	2	2	0	4	2	0	4	1	0	21	
Food	1	2	0	0	0	0	0	2	0	1	0	0	6	
Multiple Reasons	8	4	0	2	3	0	4	3	0	7	1	2	34	
Nature of Entrance into Prostitution														
Involuntary	5	7	0	6	2	1	5	2	0	9	1	0	38	232
Voluntary	22	22	0	24	22	5	23	25	2	20	21	8	194	
Assistance Entering Prostitution														
Relative	1	0	0	0	0	0	0	0	0	0	2	0	3	245
Market Facilitator	1	0	0	8	0	0	6	1	0	7	1	0	24	
Friends	5	10	0	12	12	4	17	14	0	12	7	6	99	
No Assistance	20	18	0	10	12	2	5	12	2	11	12	2	106	

Appendix A

	White			Black			Latino			Other Youth			Totals	Total N
	F	M	T	F	M	T	F	M	T	F	M	T		
Method of Acquiring Customers														
Streets	16	22	1	18	21	6	15	19	2	15	15	8	158	249
Friends	6	4	0	10	3	0	13	5	0	6	6	1	54	
Internet	4	3	0	6	5	3	7	5	1	5	10	6	55	
Customer Referral	6	4	0	8	5	0	5	4	0	5	4	0	41	
Market Facilitator	3	1	0	7	1	0	4	3	0	4	2	0	25	
Other	2	0	0	6	3	1	1	2	0	3	2	3	23	
Youth Who Reported Working with a Market Facilitator														
Yes	4	1	0	11	2	0	6	3	0	10	4	0	41	249
Drugs														
Multiple Drugs	11	20	1	3	9	1	8	9	0	7	8	2	79	249
Alcohol	5	9	1	4	11	0	5	10	0	5	11	2	63	
Weed	15	22	1	15	18	2	19	14	0	11	14	3	134	
Hard Drugs	16	25	1	2	8	2	8	9	0	6	9	2	88	
Cocaine	9	16	0	2	8	2	7	5	0	6	8	2	65	
Crack	3	2	0	0	0	1	2	1	0	3	0	1	13	
Heroin	9	12	1	0	1	1	1	4	0	1	2	2	34	
Hallucinogens	3	2	1	1	4	0	3	4	0	2	3	0	23	
Other	1	1	0	0	2	0	1	0	0	1	4	0	10	
Reported Spending Money on Drugs and Alcohol														
Drugs	14	25	1	8	13	2	10	14	0	6	10	2	105	249
Alcohol	1	6	0	1	3	0	1	4	0	3	3	0	22	
Arrested														
Severe (Violent) Crime	23	20	1	21	21	7	28	22	1	27	18	9	198	225
Drug-related	22	20	1	27	18	7	25	20	1	28	18	9	196	
Misdemeanor	26	20	1	26	14	6	24	21	1	26	17	7	189	
Prostitution	25	28	1	21	22	2	30	25	1	21	22	7	205	
Victims of Violence														
Yes	2	3	0	9	8	1	9	8	0	8	4	3	55	229
STIs as Reported by Youth														
Curable	4	3	0	7	4	1	4	2	1	3	3	0	32	241
Treatable	2	2	0	1	0	1	2	0	0	2	0	1	11	
HIV/AIDS	0	0	0	0	0	1	2	0	0	1	0	0	4	
Condom Use														
No	1	1	0	0	1	0	0	0	0	0	1	0	4	249
Always	17	24	1	23	20	4	21	23	1	23	19	8	184	
Sometimes	9	4	0	7	5	3	9	5	1	6	5	1	55	
Social Support														
Formal	1	1	0	3	1	0	3	3	0	1	0	1	14	247
Informal	13	10	1	16	8	1	12	12	2	16	10	5	106	
Medical Care														
Last Six Months	18	25	1	25	20	6	22	23	2	25	18	8	193	232
Last Year	5	3	0	3	2	1	2	3	0	2	3	0	24	

Appendix A

	White			Black			Latino			Other Youth			Totals	Total N
	F	M	T	F	M	T	F	M	T	F	M	T		
Services Accessed														
Contraceptives	3	0	0	1	2	1	0	2	0	1	2	0	12	245
Clothing	2	2	0	2	1	0	1	1	0	1	2	0	12	
Educational Classes	1	1	0	1	0	1	1	1	0	4	1	1	12	
Doctor	0	3	0	3	6	1	3	3	0	2	2	1	24	
Shower	4	9	1	2	2	0	6	4	0	1	3	1	33	
Food	10	13	1	5	4	3	10	5	2	6	7	3	69	
Counseling	9	10	0	11	0	3	14	4	1	8	7	3	70	
Shelter	4	11	0	3	10	4	9	10	2	11	8	4	76	
Benefits to Engaging in Prostitution														
Sex	0	0	0	0	1	0	0	2	1	1	1	0	6	240
Drugs	0	0	1	1	2	0	0	0	0	3	0	1	8	
Everything	2	1	0	0	1	0	1	3	0	2	2	3	15	
Customers	2	1	0	0	2	1	1	3	0	0	3	0	13	
Community	1	5	0	1	2	2	0	5	0	4	2	1	23	
Freedom	9	6	0	4	3	0	2	2	0	2	2	0	30	
Fast Money	9	12	1	16	11	5	11	10	1	13	10	2	101	

Appendix B

Appendix B: John Jay College of Criminal Justice Interview Guide

1. How old are you?
2. What's your date of birth?
3. What's your ethnicity?
4. What's your gender?
5. How many school years have you completed?
6. What's the name of your last school?
7. When did you last go there?
8. For how long have you been in the life?
9. Where are you from?
10. Where do you live?
11. Who else do you live with?
12. How long have you lived there?
13. Who pays the rent/bills?
14. How old were you when you first started having sex?
15. Tell me how you got involved.
16. Do you work on the streets these days?
17. How do you get the customers?
18. Are you on Craig's list, My Space or other internet site?
19. What websites are you on?
20. Where do you go with the customers?
21. What do you trade sex for?
22. Who negotiates prices with the customers?
23. What prices are charged?
24. About how much money do you make each?
25. About how much money did you make last week?
26. Do you share your money with anyone?
 - a. If yes, with whom and how much do you share?
27. If yes, how much do you share?
28. What's the first thing you pay/buy when you get money?
29. Do you have any other source of income?
 - a. If yes, what is this source?
30. What are your main expenses?
31. Do you owe anyone money?
 - a. If yes, how much do you owe?
 - b. If yes, for what do you owe?
 - c. If yes, to whom do you owe?
32. Do you work the tracks?
33. Do you usually work the same track?
 - a. If yes, where?
34. About how many days did you work last week?
35. When did you last work?
36. Have you had any trouble, been in a verbal or physical fight?
 - a. If yes, tell me what happened.
 - b. If yes, with who?
 - c. Tell me about your most recent fight.

37. How do you protect yourself against beatings, theft, or fights?
38. How many customers do you see in a typical day or week?
39. Tell me about the customers.
 - a. What is (are) the profession(s) of your customer(s)?
 - b. What is (are) the ethnicity(ies) of your customer(s)?
 - c. What is (are) the age(s) of your customer(s)?
 - d. Where do your customers live?
 - e. What is the marital status of your customer(s)?
 - f. What is the gender of your customer(s)?
 - g. How many of these would you refer to as steadies?
40. Do you have a market facilitator?
 - a. If yes, what is the gender of the market facilitator?
 - b. If you do, can you tell us about him/her?
 - c. How did you get to know him/her?
41. Do you know any others like him/her?
42. How many others work for him/her?
43. How many other people do you know who do what you do?
 - a. What is their gender?
 - b. What are their ages?
 - c. What are their ethnicities?
 - d. How do they get their customers?
 - e. How many of these are girls, boys, transgenders?
44. Do you ever use protection?
45. Have you ever had a sexually transmitted infection
 - a. If yes, what STI?
46. When was the last time you checked up with a doctor?
 - a. What did you go to the doctor for?
47. Where did you go to see the doctor?
48. Do you have any health-related troubles?
49. What drugs do you take?
50. How much do you spend on drugs per day?
51. When did you start taking them?
52. Have you gone to any social service agency?
53. If yes, where have/do you gone/go?
54. What services did you go for?
55. Who would you go to when in trouble or doubt?
56. Have you had any run-ins with the police?
 - a. If yes, how often?
 - b. If yes, why?
57. How many times have you been arrested?
 - a. For what kind of offenses?
 - b. When was the last time that you were arrested?
 - c. Where were you arrested?
58. Have you ever had a problem with the police? If yes, what kind?
59. What do you do to keep away (avoid) from the police?
60. How many times have you been to court?

- a. For what charges?
 - b. What court did you go to last time?
61. What are the things that you like about this life?
 62. What are the things you dislike about this life?
 63. Would you like to leave the life?
 64. What changes do you need to see to be able to leave?
 65. Do you wish there were people who could help you?
 66. Do you ever think of going back to school?
 - a. If yes, what do you want to do?
 67. What would you like to study?
 68. Would you like to find a better living arrangement?
 - a. If yes, what kind of arrangement?
 69. Is there anything else you would like to share with me?
 70. Are there any services that are currently not being offered that you would like to have access to?

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