



# **Beyond Decrim: Anti-Criminalization & Equity**

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# Justice Rivera



She/her; ella/elle pronouns

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# Reframe Health & Justice



RHJ

RHJ is a QTPOC collective working at the intersections of harm reduction, healing and systems change.

Health equity, CBA, policy & advocacy

@harmreductionfemmes

# Your Turn!

- What we can call you
- Pronouns
- Where you reside
- One thing you are excited to learn or talk about today



# Overview of the Day



01

*Hella racist history*

& how it manifests  
today

02

*Anti-  
criminalization*

03

*Racial equity  
within the sex trade*

How do we move  
forward?

# What do you need to create a bold space?



- Assume best intentions & receiving feedback with grace
- Pacing
- Stretching to ask questions

*Virtual altar to the sex work Goddesses and our  
badass ancestors*

- The Harvery Girls
- Sylvia Rivera
- Carol Leigh

# Our Hella Racist History (using Body Autonomy as a guide)



## Country Building


To have a country, needed a citizen and a non-citizen.

Was the slave. After 1865, became the immigrant starting with Chinese immigrants.

Start to see criminalization develop as the primary tool of maintaining white supremacy.

“The story of sex and substance regulation - two of those powerful drivers of embodied self-determination and expansion of personal liberty, has always existed in American society. Their policing and regulation have been a story about trying to understand narrative, federalism, and the bounds of a state ruled by police to enforce culture. Over the past 200 years, slavery, colonization, and imperialism have weaponized substances and non-Christian sexuality against non-white communities during periods of heightened immigration and to expand or maintain federal powers after war. When a prohibitionist approach to one is losing traction, the other ramps up.”






# 1800 – 1903

## Key Themes



- This is a period of state formation where individual states were forming an identity. Because they were local, the laws were all local.
- During this period, prostitution was generally regulated instead of outright criminalized, though the roots of anti-prostitution and anti-sodomy laws began with the suppression of vice. Regulation focused on zoning and keeping prostitution out of site rather than policing bodies.
- Next came the roots of alcohol prohibition along with Irish and Jewish immigration.
- Drug regulation began with the enactment of pharmaceutical standards, but drugs weren't a crime of morality yet.
- 1869 brought a shift: the need for a non-citizen rested on borders. This era sparked a proliferation of hash immigration laws, especially around Asian immigration. Opium use and Chinese prostitution became focal points for racist propaganda. The main drivers of which were doctors and the medical establishment.
- Prostitution bans came before drug bans, mirroring what was happening internationally.






# 1904 – 1916 Key Themes



- Strengthening and shaping the role of the federal government came in the form of the first federal prohibition law (opium), creation of the FBI, federal jurisdiction to regulate prostitution across state lines, and the formalization of federal regulation of drugs into five schedules.
- The need to create an American identity relied on the federal government as enforcer and punisher of non-citizens. Took the form of anti-Mexican drug propaganda and policies, and anti- Eastern/Southern European “white slave” rhetoric and protections.
- Marijuana and prostitution criminalization began on the state level.
- Suppressing birth control information was a Temperance movement/ Christian morality issue until eugenics concerns provoked a desire for population control. Pioneer birth control activist, Margaret Sanger, promoted contraceptives through a eugenics platform, intentionally partnering with African American churches in the South.
- Strong focus on individual responsibility included product labels on substances and Red Light Abatement laws, as well as nuisance orders.
- Rise in knowledge of venereal disease led to forced sterilization and classification of prostitution as a sexual crime rather than public order.



# 1917 – 1950 Key Themes



- Federal vs state tension was defined by federal closure of local red-light districts, the creation of the Narcs and FDA and their use to target black and brown communities, national alcohol prohibition and its reversal, as well as marijuana taxation.
- WWII disrupted the international heroin and opium trade leading drug seekers and users to drug stores and physicians for narcotics. At this time, anti-drug sentiment and criminalization centered around marijuana meaning its use was punished more harshly than heroin or other narcotics.
- Expansion of military bases meant an extension of eugenics and the use of substances by the government to create a super soldier. Meanwhile, soldiers used substances to cope with pain and the conditions of American exploitation. This contributed to unprecedented rates of PTSD in the aftermath of combat.

# 1951 – 1967

## Key Themes



- The first mandatory minimum penalties were instituted along with the expansion of jails, and prison labor.
- Jimmy Carter ran for President on a platform of marijuana decriminalization. He lost, but his platform built the base for Nixon's anti-drug response in the late '60s.
- Non-violent resistance led to institutional gains. There was a sociopolitical ideology shift related to bodily autonomy: addiction is a disease, porn actors can unionize, people of color can desegregate, and LGBTQ people exist.
- Media was influential as both a tool of control and a platform for educating the general public about corruption and abuse that was occurring across the country. By 1960, 90% of American households had a TV compared to 20% ten years prior.

# 1968 – 1981

## Key Themes



- Modern prisons system - created by Nixon and Rockefeller - retribution towards the Rockefeller drug laws.
- Creation of Non-Profit Industrial Complex and government control over the momentum of social welfare programs.
- Marriage of prison and non-profits: federal funding was given to drug treatment programs and cities engaging in prostitution diversion programs, victim assistance centers opened.
- States lost power surrounding drug regulation, but brothels opened in Nevada and indoor prostitution was legalized in Rhode Island.
- Development of grassroots support systems. Formation of sex worker and drug user rights movements as we know today.

# 1982 – 1999

## Key Themes



- Syringe exchange started underground. The first wave of states legalized syringe exchange, and Congress' reaction was to prevent federal funding from going to the programs.
- Civil Rights era progress was halted by the war on drugs which increased penalties for drug possession and instituted sentencing disparities. Drug courts began.
- Second wave and anti-porn feminists began anti-trafficking organizations and used trafficking rhetoric to enforce victim-perpetrator dichotomies. Porn was protected so John Schools began.
- Resistance was institutionalized: The movement for drug policy reform began, sex workers received services through community-based public health programs, and strip clubs unionized. Resistance groups had to become formal organizations to get access to public and private funding, but funding bans and philanthropic elitism limited program's effectiveness.

# 2000 – 2007

## Key Themes



- After a decade without international wars in the '90s, things went global in a different way when Dick Cheney negotiated overseeing foreign policy as Vice President - started to see expansion of Executive branch powers.
- Human trafficking was defined on the federal level and anti-prostitution funding bans were imposed throughout federal funding streams.
- States regained control: prostitution-free zones in DC, Rhode Island began efforts to criminalizes all sex work again.
- Community resistance both broadened and became more specialized: YWEP formed, SWOP USA formed, first international day to end violence against sex workers.



# 2008 – today

## Key Themes



- Drug war loses traction: reduction in crack vs. cocaine disparity, removal of federal mandatory minimums in drug laws, relaxation of the federal syringe exchange funding ban.
- State-based drug policy reform gained traction and so did local carceral responses to the sex trade: Marijuana legalization and psilocybin decriminalization vs. expansion of third-party charges, mandatory minimums, and enhancements for purchasers.
- The Feds seized and closed online advertising venues as civil responsibility to monitor the sex trade resurfaced in a modern online context.

# Key take-aways



America's ideological wars all have the same racist root and purpose

Population control



They are also used to maintain federal power

Federal vs. state tension

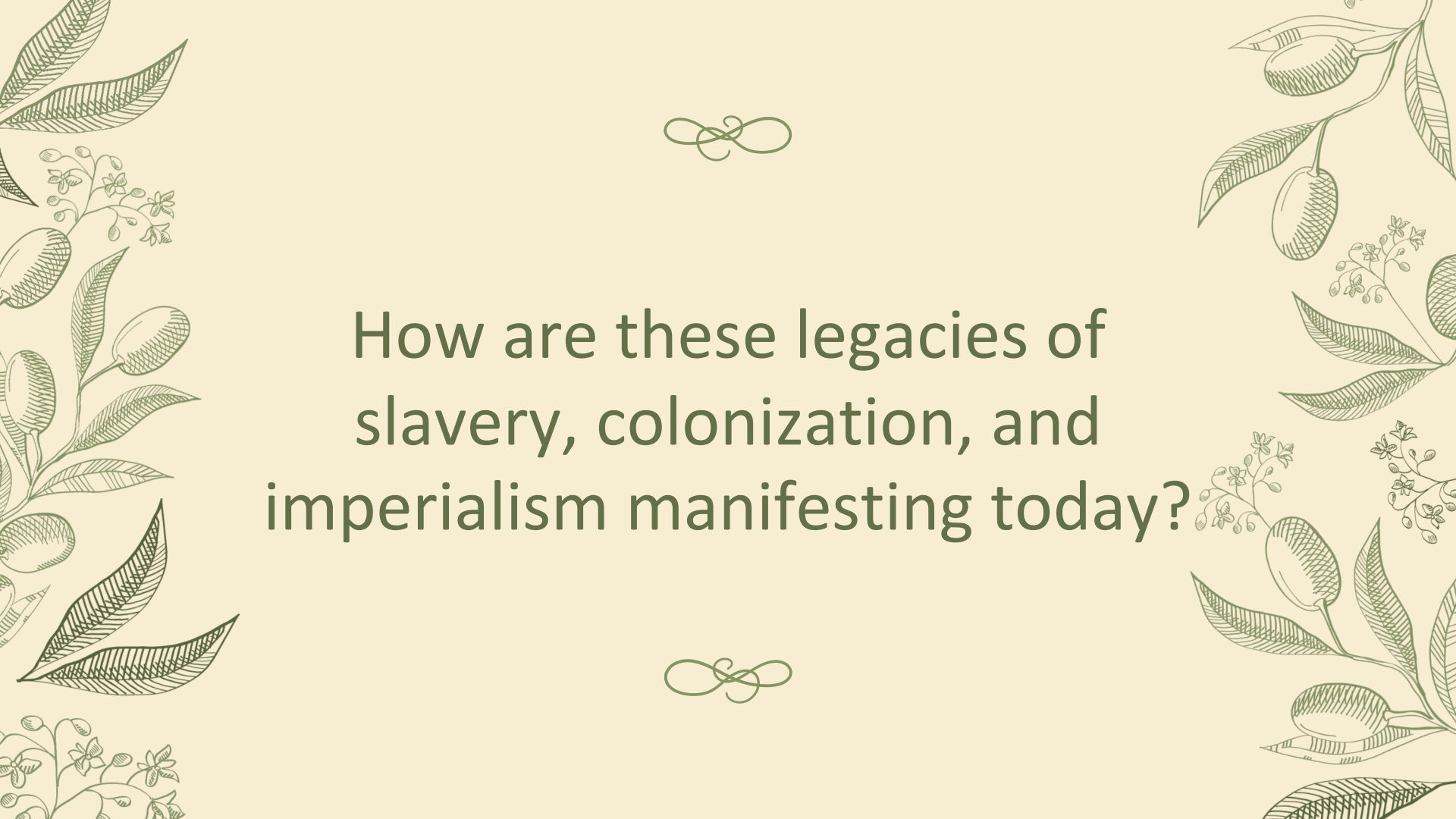


When one ceases to meet these aims, another is used



# *Brecacito*



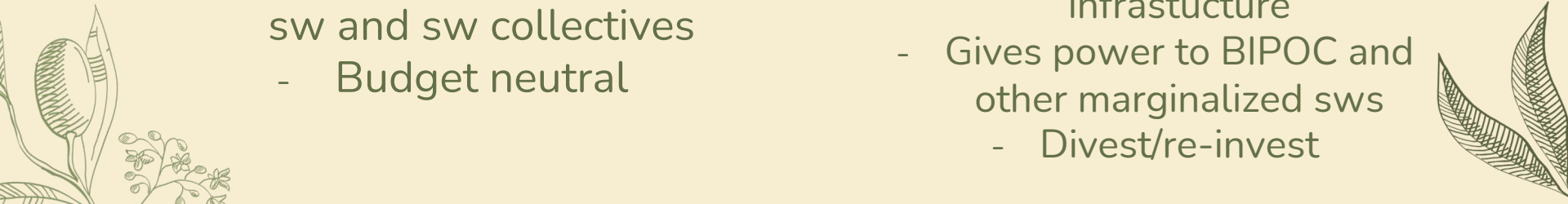


How are these legacies of  
slavery, colonization, and  
imperialism manifesting today?



# Advocating for Anti-criminalization

## *Decrim*

- Removes crim surrounding the sex trade
  - Not trafficking charges
  - Makes police allies to sex workers
  - Gives industry oversight to sw and sw collectives
    - Budget neutral
- 

## *Anti-crim*

- Removes the large layer of crimin surrounding surveilled communities
- Addresses mechanisms of mass incarceration
- Builds alternative justice infrastructure
- Gives power to BIPOC and other marginalized sws
  - Divest/re-invest



# Racial equity in the sex trade




- Anti-criminalization
- Allying and uniting with BIPOC-led or informed SW rights groups + repro justice + queer and tran liberation + drug policy reform
- Addressing racism in the sex trade:





# Discussion

- What surprised you about how different narratives moved on the timeline?
  - How does your own community/ ancestral lineage fit into this timeline?
  - What was older or more recent than you expected?
  - We often think of change and progress as linear in history - things move towards the better and the more just. What does this timeline say about the arc of justice?
  - This timeline is US-centric. How has the development of nation/state/borders shaped this timeline?
  - How do you think about the role of history in your current social justice and change work?
- 



# THANKS!



*Do you have any questions?*

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