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Sex Workers To Continue Challenge Of Prostitution Laws In Ninth Circuit

Ninth Circuit Dismisses Sex Workers' Appeal Challenging California's Anti-Prostitution Statute; ESPLERP To Continue Fight For Sexual Privacy And Considers Filing For Rehearing In Ninth Circuit.

San Francisco, CA - Today, the Erotic Service Providers Legal Education Research Project was very disappointed to hear that the United States Federal Ninth Circuit dismissed its appeal of the District Court's decision in [ESPLERP v Gascon](#), which challenged California's anti-prostitution law Penal Code 647(b) on the grounds that it is unconstitutional.

"We're disappointed that the Ninth Circuit missed this opportunity to declare, with certainty, that the Constitution protects the right of consenting adults to engage in private sexual activity, even if they are paying for it or getting paid" said Louis Sirkin, ESPLERP's lead lawyer, and one of the nation's preeminent First Amendment and criminal defense attorneys. "We're mindful that, in our nation's history, other constitutional issues have taken a persistent and continuing effort until the courts get it right. This case is not over and we are seriously considering requesting a rehearing by the full court. This is an important issue that affects all Americans, and it deserves further consideration by the courts."

"We have 14 days to file for a rehearing before the full Ninth Circuit", said Maxine Doogan, President of ESPLERP. "It is mind boggling that today's Ninth Circuit decision relied on a 1998 case (*IDK, Inc. v. Clark Cnty.*), which relied on the 1986 Bowers v Hardwick case (which upheld a Georgia sodomy law), when both have since clearly been superseded by Lawrence v Texas, the 2003 Supreme Court case which struck down sodomy laws nationwide."

ESPLERP's court case is mostly funded by individuals making small contributions, but our opponents (the State of California and various District Attorneys) have very deep pockets - essentially using our taxpayer dollars to deny us our rights. Contributions to support the court case can be submitted through our crowd fundraiser - www.litigatetoemancipate.com.

The Erotic Service Providers Legal, Education and Research Project (ESPLERP) is a diverse community-based coalition advancing sexual privacy rights through litigation, education, and research.

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