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Sex Workers Consider Supreme Court Appeal After Ninth Circuit Denies Rehearing on Anti-Prostitution Law

Sex Workers Voice Frustration with Ninth Circuit; To Continue Fight For Sexual Privacy And Consider Appeal To Supreme Court

San Francisco, CA - Sex workers and advocates from the Erotic Service Providers Legal Education Research Project (ESPLERP) are disappointed that the US Court of Appeals for the Ninth Circuit has denied its request for an “en banc” hearing (before the full Ninth Circuit) of its decision to dismiss [ESPLERP v Gascon](#), which challenged California’s anti-prostitution law as being unconstitutional.

“We’re disappointed that the Ninth Circuit missed this opportunity to declare 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 an appeal to the Supreme Court. This is an important issue that affects all Americans, and it deserves further consideration by the courts.”

“It’s outrageous that the Ninth Circuit decision relied on a 1998 case (*IDK, Inc. v. Clark Cnty.*),” said Maxine Doogan, President of ESPLERP. “*IDK* has since been clearly superseded by *Lawrence v Texas*, the 2003 Supreme Court case which struck down sodomy laws nationwide and established a constitutional right to sexual privacy.”

ESPLERP’s court case is mostly funded by individual small contributions, but our opponents (the State of California) have very deep pockets - essentially using taxpayer dollars to deny us our rights. Contributions to support the court case can be made at our 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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