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## **Sex Workers Change Legal Tack**

*Sex Workers Recognize Likely Effects Of Supreme Court Change; Switch Legal Focus To Sexual Privacy Challenge In California State Court System*

San Francisco, CA - Today, the Erotic Service Providers Legal, Education and Research Project (ESPLERP) announced that it has changed its legal strategy, and will no longer pursue an appeal to the Supreme Court of the Ninth Circuit Appellate Court's decision in ESPLERP V Gascon [16-15927] which challenged California's anti-prostitution law Penal Code 647(b) as unconstitutional.

ESPLERP also announced a revamped legal strategy to challenge the constitutionality of the same bad law (CA 647(b)), but this time in the California State court system - starting in California Superior Court.

"We were disappointed that the Ninth Circuit missed an opportunity to declare that the Constitution protects the right of consenting adults to engage in private sexual activity" said Louis Sirkin. "We were also disappointed that their decision relied on a 1998 case (*IDK, Inc. v. Clark Cnty.*), which has since been clearly superseded by *Lawrence v Texas*, the 2003 Supreme Court case which struck down sodomy laws nationwide and established a constitutional right to sexual privacy."

"With Justice Kennedy now retiring and no longer available to review his majority opinion in *Lawrence v Texas*, an opinion that affirmed sexual privacy, and being the key cases underpinning our case, there are too many unknowns in the Federal court system" said Phil Thomas, ESPLERP Board Member. "With him gone, and whoever is appointed, we are assuming that the Supreme Court will swing significantly against civil rights in general. So we do not see the sense of filing an appeal to a hostile Supreme Court. Better to seek protection in the California State court system."

*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. Contributions to support us can be submitted through our crowd fundraiser -  
[www.litigatetoemancipate.com](http://www.litigatetoemancipate.com).*

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