

PART TWO

Liberalism and Prostitution

CHAPTER SIX

Porn Stars, Radical Feminists, Cops, and
Outlaw Whores

*The Battle Between Feminist Theory and Reality,
Free Speech, and Free Spirits*

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On a very warm summer evening in the San Fernando Valley, the golden California sun is about to dip below the horizon, leaving long spiraling trails of drifting orange and pink clouds to cover the darkening western sky. A slight breeze can be felt as the outside temperature drops to a more comfortable 89°, a welcome indication that darkness will bring even more relief from the day's record high of 104° in the shade.

Inside a one-story, four-bedroom, canary-yellow, California Ranch-style house on a nondescript street in the upper middle-class Los Angeles suburb designated "Encino," a slightly built but very busty blonde female is taking a shower. She's had a long day and the sweat from the heat and her sex partners has taken its toll on her and all she wants to do is collect her pay and get into her air-conditioned BMW, drive to Gelsons on Van Nuys to pick up a pint of Ben and Jerry's "Cherry Garcia" ice cream before driving to her upscale West Los Angeles apartment. The cool water erases the memories of the day's intense labor as it trickles down between her famous silicone-enhanced breasts, down her flat abs, between her legs, and on to her well-pedicured feet. In another bathroom on the other side of the house, one of her sex partners is also showering. He, too, is exhausted from the daylong session, which required a number of "money shots." For him, the end of the day promises a relaxing evening

in the pool with his girlfriend and their three-year-old son, a T-bone steak grilled to perfection, and a few cold beers to unwind.

Now dressed and feeling much refreshed, he and the blonde, hereafter called Blonde A, enter the living room where they pick up their respective envelopes on the coffee table—containing their pay for the day’s sexual activities.

Inside the one-story, four-bedroom, adobe-colored California Ranch-style house next door, a slightly built but very busty blonde female, hereafter called Blonde B, is taking a shower. She, also, had a long day and the sweat from the heat and her sex partners has taken its toll on her and all she wants to do is collect her pay and get into her air-conditioned BMW, drive to Gelsons on Van Nuys to pick up a pint of Ben and Jerry’s “Cherry Garcia” ice cream and drive back to her Encino home. The cool water erases the memories of the day’s intense labor as it trickles down between her silicone-enhanced breasts, down her flat abs, between her legs and on to her well-pedicured feet. In another bathroom on the other side of the house, one of her sex partners is also showering. He, too, is exhausted from the hour-long session. For him, the end of the day promises a T-bone steak grilled to perfection, a relaxing evening in the pool with his girlfriend and their three-year-old son, and a few cold beers to unwind.

Blonde B has already dressed and enters the living room as her partner joins her and places an envelope on the coffee table—containing her pay for the hour’s sexual activities.

Suddenly the thunderous roar of a police helicopter directly overhead disturbs the quiet neighborhood, and the blare of sirens approaching pierces the serenity of the early evening calm. The first patrol car screeches to a stop in front of house B, just as Blonde A and her sex partner step outside to go to their cars. The other patrol cars pull up alongside the first until a caravan of black and white units completely block the street. Armed officers swarm out of the cars and surround house B, shotguns poised and ready for action. The powerful beam of light from the helicopter, focused on house B, turns the growing twilight into day. Inside, Blonde B and her male companion face each other, looking extremely perplexed. They go to the window to see what all the commotion is about—not knowing that they are the targets of the police activity outside.

The front door bursts open as it yields under the collective force of the cops and their weapons. The lead officer barks commands at the two to put their hands in the air. A female officer comes up behind the blonde and forces her to the floor with her baton. The lead officer again barks at the male and demands his name. Once given, the officer nods his head and signals that the man can leave. His hands nervously flailing about in midair, the man quickly runs out of the front door and flees into the night.

On the floor, Blonde B's hands are behind her back. She is not offering any resistance, but the female officer nevertheless has a gun drawn on the "suspect." Blonde B looks up at the lead officer and demands to know what she has done that she is being treated thus. The officer grabs the envelope stuffed with cash lying on the coffee table and waves it at her; his voice trembles with scorn, "You're under arrest for prostitution, you whore!"

Outside, Blonde A and her companion ask one of the armed officers milling about the yard of house B what is happening. "Got a whore living in there, ma'am. She was entertaining one of her 'johns' when we got a call from a neighbor telling us that there was an act of prostitution in progress!" The rest of the crew from house A gather outside to watch the action. The cameraman tightly clutches his video camera under his arm—after all, it is the only thing that differentiates the earlier sexual activity in house A from the criminal sexual activity in house B.

As the handcuffed Blonde B is escorted out of her house and shoved into the first patrol car parked in her driveway, Blonde A sighs. She is, of course, distressed to see her neighbor dragged off to jail—but at least *she* never has to worry about being arrested for prostitution, because she is exercising her First Amendment rights when she performs her sex acts for money—the Supreme Court of the United States said so.

Even though the incident above is fictional, the legal situation it describes is real. The 1988 California "People versus Freeman" decision,¹ which ostensibly legalized prostitution on camera, produced a division in the sex industry as it left outside the law those sex workers who did not have a camera and crew present to document their paid sexual performances.

The Freeman decision ostensibly disconnected prostitution and its ancillary activities, pandering and pimping, from making any adult material that was not obscene. Specifically, the court held, "[E]ven if Defendant's conduct could somehow be found to come within the definition of 'prostitution' literally, the application of the pandering statute to the hiring of actors to perform in the production of a non-obscene motion picture would impinge unconstitutionally on First Amendment values." According to P.J. Huffstutter, Times Staff Writer in an *LA Times* article, "To the California Supreme Court, ruling in Freeman's case, that definition meant that an adult filmmaker could hire actors and actresses to perform sexual acts as long as they were being recorded on film. In its 1988 decision, the California court said there is no evidence that Freeman paid the acting fees 'for the purpose of sexual arousal or gratification, his own or the

1. *People vs. Freeman*, 46 Cal.3d 419, 250 Cal.Rptr. 598, 758 p.2d 1128 (1988).

actors’.’ Instead, he hired them simply to make a non-obscene movie—an act protected by the *First Amendment*.²

To someone who does not know or understand the fine variances of the law,³ paid acts of sex all look alike; if it looks like a duck, walks like a duck, and quacks like a duck, it must be a duck. It must be very puzzling

2. *Los Angeles Times*, January 12, 2003, *See No Evil* By P.J. Huffstutter, Times Staff.

3. Prostitution defined: “in that there is much disagreement on all sides on what constitutes prostitution, I will use the legal definitions from the California Penal Code; other states’ legal definitions are similar although may be worded differently.

“CALIFORNIA PENAL CODE SECTION 647. Every person who commits any of the following acts is guilty of disorderly conduct (a) misdemeanor (b) who solicits or who agrees to engage in or who engages in any act of prostitution. A person agrees to engage in an act of prostitution *when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution*. No agreement to engage in an act of prostitution shall constitute a violation of this subdivision unless some act, in addition to the agreement, is done within this state in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act. As used in this subdivision, “prostitution” *includes any lewd [the touching of breasts, buttocks or genitals for the purpose of sexual gratification or arousal]? act between persons for money or other consideration*. 653.20 (a) “Commit prostitution” means to engage in sexual conduct for money or other consideration, but does not include sexual conduct engaged in as a part of any stage performance, play, or other entertainment open to the public. (b) “Public place” means an area open to the public, or an alley, plaza, park, driveway, or parking lot, *or an automobile, whether moving or not*, or a building open to the general public. (c) “Loiter” means to delay or linger without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered. 653.22. (a) It is unlawful for any person to loiter in any public place *with the intent to commit prostitution*. This intent is evidenced by acting in a manner and under circumstances which openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution.

PIMPING: 266h. (a) Except as provided in subdivision (b), any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person’s prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, is guilty of pimping, a felony, and shall be punished by imprisonment in the state prison for three, four, or six years.

PANDERING: 266i. (a) Except as provided in subdivision (b)? any person who does any of the following is guilty of pandering, a felony, and shall be punished by

to discover that our courts consider that the only thing that separates a crime from protected free speech is the intent or purpose of the individual orchestrating the acts of sex. In this case, if you can prove that *you* did not intend to get turned on, and that the sole purpose of paying for the acts of sex is to make money through the sale of your produced film, from others who ultimately will (hopefully) get turned on, then you are not exploiting the persons who are being paid to have sex.

However, to be protected speech, not only must there be a lack of intent to get turned on, but in most states there must also be a separation of time and space between those who are performing paid acts of sex and those who pay to get turned on. In its determination that regarding a [live] theatrical performance in Arizona,⁴ where two women fondled each other's breasts on stage, "the State could prosecute for prostitution a woman who, in the setting of a sexual theater, performed sexual acts upon other women for the gratification of customers who paid to watch, without having to prove obscenity;" STATE of Arizona versus TAYLOR [No. 1 CA-CR 88-927. November 6, 1990], the court said in reference to the California Freeman decision, "While the film [produced by Hal Freeman] might ultimately have induced sexual arousal or gratification in the hands of remote consumers, the performers were separated from such consumers by time and the distancing medium of film. Any question of illegal sexual arousal or gratification thus required a judgment concerning the nature of the film—a judgment indistinguishable from the question of obscenity".

And by reason of this intent, time and distance separation, paid sexual performers are transformed from prostitutes into actors, and all the

imprisonment in the state prison for three, four, or six years: (1) Procures another person for the purpose of prostitution.

(2) By promises, threats, violence, or by any device or scheme, causes, induces, persuades or *encourages* another person to become a prostitute.

4. STATE of Arizona, Appellee, vs. Laure TAYLOR, Appellant. No. 1 CA-CR 88-927. November 6, 1990. Defendant was convicted of four prostitution-related crimes before the Superior Court of Maricopa County, Cause No. CR-87-06582, Gregory H. Martin, J., and she appealed. The Court of Appeals, Fidel, J., held that State could prosecute the defendant for prostitution and avoid burden of proving obscenity, even though the defendant had, in the setting of a sexual theater, performed sexual acts upon other women for the gratification of customers who paid to watch. Affirmed.

A defendant's engaging in the fondling of another woman's breasts under a fee arrangement whereby undercover police detectives paid to watch the defendant and the other woman constituted "prostitution." A.R.S.? 13-3211, subs. 5, 8, 9. Hmm... the detectives got to watch the show—and although they 'paid' (the tax payers did the 'paying')? the money was confiscated as evidence and so the performance was free for the cops.

adjuvant State rationales cited in prohibiting prostitution become irrelevant. Again from the State of Arizona versus Taylor, “[the] State has legitimate interests in regulating prostitution unrelated to suppressing free speech; supporting rationales include preventing communicable disease, preventing sexual exploitation, and reducing assorted criminal misconduct that tends to cluster with prostitution. USCA Const.Amend. 1.”

The problem with these legislative/government rationales is that they are often intentionally vague and subjectively worded and don’t appear to need facts or logic to support them. Surely the State realizes that regardless of *when* the induced sexual arousal or gratification occurs with the “remote consumers,” the persons (performers, actors, etc.) engaging in multiple sex acts with a variety of partners are at risk of catching and spreading communicable diseases, particularly if they do not engage in safe sex practices. If preventing communicable diseases is truly a legitimate rationale for regulating [prohibiting] prostitution, it must also be for those who engage in the same type of sexual behavior in front of a camera. It does not seem to matter that in all the many, many reports from the health studies conducted on prostitutes, time and time again it is concluded that the amount of attributable STDs to prostitutes is negligible in proportion to the number of acts of sex involved.⁵ If noone pays any attention to these reports, many written by the Center for Disease Control, it is a waste of the taxpayer’s money for the government to continue to pay for the research conducted by these health institutions.

The word “exploitation” is a subjective and condescending term, which when combined with “sexual” becomes a politically explosive concept promoted by radical feminists, legislators, and religious conservatives to denote what they consider to be the infantile mental capacity of those whom these groups have deemed to be the “exploited.” Logically, it is not possible for a consenting adult who engages in the exact same behavior to be considered “exploited” in one situation and not the other. At least the radical feminists and religious conservatives are consistent in their argument that *all* porn and prostitution are “sexual exploitation,” even if their argument is fallacious. If exploitation is inherent in prostitution, as is frequently claimed by state governments in their prohibition

5. *Oregon Law Review*, Vol. 55, 1976, p. 556: “The reporter’s first argument for continued penal sanctions that prostitution is a significant factor in the spread of venereal disease, is contradicted by recent studies which show that prostitutes account for a very small percentage of those infected with gonorrhea or syphilis. . . . Dr. Charles Winnick. . . has stated ‘We know from many different studies that the amount of VD attributable to prostitution is remaining fairly constant at a little under 5 percent, which is a negligible proportion compared to the amount of VD that we have. . . .’ ”

rationales, how does this exploitation disappear in the presence of a camera? And what are these acts of “assorted criminal misconduct that tend to cluster with prostitution” and why do they disappear when time and distance separate the “remote consumer” from the performers? As we have learned from our prohibition experiment, almost all of the alleged acts of assorted criminal misconduct are a direct result of the criminalization of prostitution rather than the work itself, and such misconduct and ancillary crimes would disappear if consenting adult prostitution weren’t against the law.

If the average person who looks at the behavior of a prostitute and a porn actor and cannot distinguish one from the other, believe me, the average prostitute cannot distinguish it either. It is incomprehensible that identical behavior is, in one set of circumstances, protected by the constitution, but in another set of circumstances can result in arrest, criminal prosecution and incarceration if those present at the scene of the paid sexual performance, whether or not participants, are sexually gratified or even *merely* aroused. All because it is spuriously alleged by those who make and enforce the law that the latter activity will always result in “sexual exploitation” regardless of the age, intellect, educational background, or consent of those who are “exploited.”

As I mentioned previously, there are many radical feminists and others whose worldview allows no distinction between prostitution and pornography. These feminists, however, are not champions or defenders of decriminalizing prostitution for consenting adults—rather they make the astonishing claim that *all* pornography and prostitution are “...*incompatible with the dignity and worth of the human person and must be eliminated.*”⁶ What a terrifying thought for anyone who knows how draconian the current sentencing laws are for prostitution and its related activities and the dramatic increases in these penalties that would have to be legislated and enforced to accomplish this!⁸

6. (From the 1995 United Nations Women’s Conference in Beijing, China: Platform for Action, paragraph 225 [Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. There has been a long-standing failure to protect and promote these rights and freedoms in relation to violence against women. Gender-based violence and *all forms of sexual harassment, prostitution, pornography, sexual slavery and exploitation, including those violations resulting from cultural prejudice, racism and racial discrimination, xenophobia, ethnic cleansing, religious and anti-religious extremism and international trafficking in women and children, are incompatible with the dignity and worth of the human person and must be eliminated.*...])

On their web site and in the literature distributed by the Amherst, MA-based Coalition Against Trafficking, it is stated:

“... We agree that pornography is violence against women, a mainstay of male power and female subjugation, and a practice of sex discrimination. . . . It is important to make the connections, additionally, between pornography and prostitution. Pornography is actually a practice of prostitution. It is the sex of prostitution made public. Pornography can only be manufactured through the prostitution of women and children, i.e., through the buying and selling of the women and children who perform the sex of prostitution before cameras. The sex of pornography is the real sex of prostitution, only it is bought for public display and distribution. . . . Sexual exploitation is a practice by which person(s) achieve sexual gratification or financial gain or advancement through the abuse of a person’s sexuality by abrogating that person’s human right to dignity, equality, autonomy, and physical and mental well-being. Sexual exploitation includes sexual harassment, rape, incest, battering, pornography and prostitution. . . . All prostitution exploits women, regardless of women’s consent.”⁷

These patently subjective statements are the worst form of patronization there is, and it is clear that they lump together more than pornography and prostitution. In their minds, there is no difference between an

7. “China Executes a Woman for Running Prostitutes,” March 2, 1999 (*Reuters*). Beijing: “China has executed a woman for running a prostitution racket in Beijing, the China News Service said on Tuesday. It said Ma Yulan, 41, ran 10 prostitutes from her restaurant and a hotel in 1996 and 1997 and was executed on Monday. All of Ma’s assets were confiscated by the Beijing No. 1 People’s Intermediate Court, it said. It gave no more details. China handed down its first death sentence for prostitution in November under new criminal statutes approved by the National People’s Congress, or parliament, last March.” Prostitutes are beheaded in Iraq and other Muslim countries in an effort to stamp out or “eliminate” prostitution. Is this what these feminists have in mind for the rest of the world to achieve their goals?

“Cops Hit Suspected Valley Prostitution Dens,” *Los Angeles Daily News*, June 25, 2003, By Ryan Oliver, Staff Writer: “In one of the LAPD’s largest prostitution stings in several years, vice detectives fanned out across the San Fernando Valley on Wednesday and simultaneously raided seven suspected prostitution dens fronting as legitimate businesses. Approximately 100 officers took part in ‘Operation Silver Bullet,’ netting 14 arrests,” said Detective Rick McElroy. “Because of the influx of locations, it’s been necessary to do unconventional means of enforcement to keep a lid on this type of activity,” McElroy said. If you can do the math—that it takes seven officers to arrest one suspected prostitute—you won’t get even half that many cops to respond if you call for help while you are being robbed—or if you are the victim of a rape or spousal abuse!

adult woman and a child, excluding themselves and their feminist or academic peers. The rest of us women, particularly those of us in sex work, might as well accept our lot as the poor, feeble-minded creatures we were considered at the turn of the twentieth century,⁸ because as far as these feminists are concerned, we are just not capable of self-determination when it comes to sex in general, and commercial sex specifically.

There is a new approach being taken by some of these paternalistic feminists in that they are now pressing for the decriminalization of prostitution for the prostitute, but demanding increased laws and penalties for our clients. “We don’t want *you* to go to jail,” they say as they pat us on the head, “just the men who make it possible for you to pay your bills.” These feminists and the legislators they influence don’t have a clue how the real world works and don’t seem to understand that there are simply not enough law enforcement resources in the world to arrest all the men who are our clients. This means that the police who enforce the law will simply shift their emphasis from “if you don’t give me the sex, money or information you’re going to jail tonight, Honey” to “if you don’t give

8. *The Lost Sisterhood—Prostitution in America, 1900–1918*, Ruth Rosen, John Hopkins University Press, 1982. “A surprisingly high percentage of prostitutes were described as feeble-minded and gradually the belief in feeble-mindedness as a cause of prostitution received widespread acceptance. The Massachusetts White Slave Commission found that only 154 out of 300 interviewed prostitutes could be described as “normal.” The ‘mental defects’ of the others, they asserted ‘were so pronounced and evident to warrant the legal commitment of each one as a feeble-minded person or as a defective delinquent.’...”

“What was feeble-mindedness? ... Another writer noted that two kinds of feeble-mindedness existed among prostitutes: those ‘whose sexual inclinations are abnormally strong or whose power of self-control over natural impulses is abnormally weak’ and those ‘who are passive, non-resistant, and will yield to anyone.’ The Massachusetts investigation into white slavery further explained that the ‘well known immoral tendencies and suggestibility and social incapacity of the feeble-minded cause them to drift naturally into prostitution. The feeble-minded need only opportunity to express their immoral tendencies.’”

“It appears, then that feeble-mindedness had little to do with women’s mental capacities; rather, the term ‘explained’ both ‘inherited strains of degeneracy’—for which the prostitute could not really be blamed—and willful immoral behavior. That many prostitutes expressed contempt for middle-class niceties and values was offered as strong evidence of their feeble-mindedness. ... Rather than indicating mental deficiency, the label feeble-minded instead referred to prostitutes’ refusal to conform to middle-class values and behavioral patterns. Using the scientific language of the day, reformers could both excuse and blame prostitutes at the same time, thus expressing their deep ambivalence about the nature of prostitution and female sexuality.”

me the sex, money or information, I am going to arrest YOUR clients tonight, Honey.” How does it make life better for prostitutes to have the police threaten to arrest our clients so we can’t earn a living? Later in this chapter I will address what I hope are the unintended consequences of the enforcement of these laws at length.

It is irrational and illogical to declare that any human activity that *may* lead to abuse or exploitation “*must be eliminated*,” and to condemn through legislation adults who, with full knowledge of their actions, freely choose to engage in commercial sexual activity that may offend moral or feminist sensibilities. As a woman and a retired sex worker (prostitute) I am deeply offended by their assertion that regardless of my consent, I was sexually exploited. However, I do agree with these feminists that pornography and prostitution are one and the same.

The word “pornography”⁹ literally means the [erotic] writings of¹⁰ prostitutes. When filmed, pornography becomes the re-enactment of the type of sexual activities in which prostitutes typically engage, with ‘actors’ playing the role of prostitutes. These actors are not themselves prostitutes, anymore more than an actor playing the role of a lawyer on TV is really a lawyer, right? Not exactly. When I refer to the “actors playing the role of prostitutes” I don’t mean the script actually defines the role

9. “Pornography is easily recognized but is often difficult to define concisely. The word pornography originates from the Greeks who defined it as writing *about* prostitutes.” (Easton, 1998, p.605). http://www.slais.ubc.ca/courses/libr500/fall1999/www_presentations/c_hogg/define.htm.

Additional: [“ETYMOLOGY: 19th Century: from Greek pornographos writing of harlots, from porne a harlot + graphein to write”] <http://www.wordreference.com/English/definition.asp?en=pornography>.

“‘Pornography’ derives from the Greek (harlot, and graphos, writing). The word now means (1) a description of prostitutes or prostitution (2) a depiction (as in a writing or painting) of licentiousness or lewdness: a portrayal of erotic behavior designed to cause sexual excitement.’ *Webster’s Third New International Dictionary* [Unabridged 1969].”

10. It is interesting to note that a number of sources interpret the original Greek language words as meaning “writings *about* prostitutes/harlots” but others as meaning “writings *of* prostitutes/harlots.” There is a significant difference between the two—as one indicates that prostitutes were merely the subject of erotic stories and the other indicates that the prostitutes themselves may have generated erotic stories or literature—possibly for the reading pleasure of their clients at a later time, or as a method of advertising by describing their particular skills and services to entice potential clients. In today’s world, phone sex would be the equivalent of erotic story telling, where women (or men)? spin exciting sexual tales for the caller, with the sole purpose of inducing orgasm orally.

being played as that of a prostitute, rather than the various, explicit, clearly non-monogamous, recreational sexual activities being depicted are not the type of activities commonly practiced by so-called “good girls” or “good women,” wives, girlfriends, radical feminists (that whore-Madonna conundrum thing), and that to engage in such promiscuous conduct for pay, one is taking on the attributes of a prostitute in both the literal and metaphorical sense.

The goal of the prostitute is to excite, turn on, and give pleasure to his or her clients, for which the prostitute is paid, either in cash or “other consideration”; the goal of the porn actor is to excite, turn on, and give pleasure to the consumer, for which the porn actor is paid—either in cash or “other consideration.” In addition, whereas the prostitute is only seeking to sexually stimulate and gratify his or her clients, the porn actor must also sexually stimulate and gratify the partner porn actor (particularly where the partner is male and an erection and ejaculation cannot be faked), or the goal of a satisfied consumer will not be achieved. In this sense, the porn actor ‘out-prostitutes’ the prostitute because the porn actor is responsible for the sexual gratification of more persons for the same pay.

If the average person, radical feminists and prostitutes can see that the work done by porn actors and prostitutes is fundamentally the same, why don’t most porn actors and producers of porn view it the same way? Because producing and acting in porn is legal and prostitution is not, and that is the point. There should be no legal distinction between the two groups of sex workers, and all those who work in the adult sex industry should join together to make their industry legal and safer for everyone. Where there is abuse, coercion, or underage persons employed by unscrupulous individuals or companies, the entire sex industry must take appropriate action to rid itself of these truly criminal elements.

The sex workers who had been involved in porn when it was still considered prostitution, and many of them had been arrested on prostitution charges, continue to be activists in the sex worker rights’ movement. Most of these old-school porn actors have always considered themselves to be whores^{II} and understood we were all in the same boat morally, regardless of our work’s legality. However, the new crop of porn actors seem not to know anything of their legal history and care not to involve themselves

II. Ancient whore culture where the sacred prostitute was honored and revered has made a resurgence among its present-day adherents—sex-positive females who embrace their sexuality and find joy and inner peace in their work in the sex industry—strong women who have reclaimed whoredom from its negative connotation created by Judeo-Christian religions.

in the continuing battle fought by those still outside the law. And despite the fact that many of them have private paid sexual encounters with their fans, they do not consider themselves prostitutes.

If one can make no fundamental distinction in the work done by porn actors and prostitutes, other than that one group is protected by the First Amendment and the other is not, are there perhaps emotional or temperamental differences between porn actors and prostitutes themselves? I would have to say absolutely that there are.

One might ask why doesn't someone who works outside the law "change professions" so they can do the same work legally? If one type of work were the same as the other, wouldn't it be wise to go with the work that won't send one to jail? Although there are as many reasons for men and women seeking employment in the sex industry as there are for men and women seeking employment anywhere else, the way in which sex workers prefer to work¹² underscores differences in personality types and their general perception of themselves. It is not just a simple matter of changing careers so one can steer clear of laws that can send one to jail.

To get work, porn actors generally need to be young and attractive, particularly the females. It helps if one is an exhibitionist, as one will be displaying one's body for many to view. With luck, one's videos will be on the market for years to come. As one begins to age, the available roles decline, and making the transition from adult films into mainstream movies is a feat accomplished by very few.

In prostitution, it may help to be young and attractive, but it isn't necessary—despite all the claims to the contrary, which insist that the majority of prostitutes are fourteen years or younger when they enter prostitution. One can be older, heavy set, and a prude and still be successful as a prostitute, allowing sex workers to remain in their careers much longer than in porn. This alone may be a determining factor for those adults considering their options in the sex industry. Other very important factors for me, at age thirty-two when I chose prostitution over porn work, were that I did not have to put up with multiple "retakes" on a daylong film shoot, there was no crew to drool over me, no casting couch, no fellow actors' egos to step on, and so forth. That's not to say these working conditions are overly demanding or intolerable, just that

12. I am writing only about adult sex workers who consent to the work they do—not underage children or women who were forced into sexual labor against their will. Having been a sex worker for a number of years before retiring to become a full-time activist and writer, I feel qualified to speak from this perspective. I was thirty-two years of age when I chose the profession of prostitution after leaving a ten-year career with the Los Angeles Police Department.

they were not palatable to me. These are just some of the many significant reasons to prefer prostitution as a profession.

There are so many more work options in prostitution that don't exist in making porn. For example, a sex worker may not like to have intercourse or intimate body contact with his or her clients and prefer to perform a full body massage to bring their clients to orgasm. This can be done in the sex worker's home, at the client's home or hotel room, or at a massage parlor, depending upon where a sex worker feels most comfortable working.

Another option for sex workers who may not want intimate body contact with clients is to specialize as a dominatrix or fantasy fulfillment expert. When one is performing some types of fantasy fulfillment with a client, it may not even be necessary to remove one's clothing much less have sexual contact. I had a client whose fantasy was cross dressing—and all I did to earn my pay was to apply cosmetics to his face, help him select a sexy ensemble, tell him how beautiful he was, and create fantastic stories for him about sexual encounters with non-existent women that took place in a non-existent apartment. For these encounters, I didn't get undressed and he masturbated to orgasm while I talked to him.

Often, when a session does include sexual intercourse of any sort, the sex might last a mere five minutes or less, while stimulating conversation is the primary activity that occurs during the time one spends with a client. The reason for this is that many clients just don't fit the public concept of a horny married man out to cheat on his wife. Clients of prostitutes are often men who are widowed, newly divorced or disabled, either physically or socially. It is comforting to them to know that sex is available if they want it, but sex isn't necessarily the reason for making a date with a sex care provider. There is certainly much less wear and tear on one's body working this way than a porn actor would encounter in a day's work.

Other employment alternatives¹³ for prostitutes include working in a brothel, legal or otherwise; working for an escort service; working for

13. For this discussion I am deliberately leaving out street workers, although there are places around the world where working on the street is not only safe, but also legal, and where it is a desirable method of working. Street prostitution in the United States carries such a negative connotation, in part because it is the most visible form of prostitution, which is constantly presented by the media as representing all prostitution and it is seen as the last stop for desperate men and women who may or may not be diseased and drug-addicted. According to some government statistics, research and general knowledge of the other forms of prostitution, street workers may in fact only represent between ten and fifteen percent of prostitution. [evidence?]?In any other profession, this percentage of workers would not be touted as a representative "majority" and the media would be taken to task for suggesting that it was.

a madam or madams (male or female); advertising on the internet or in newspapers and magazines and being self-employed; working out of bars, strip clubs or other semi-public places where one might find eager clients, having a same-sex partner to perform private “shows” for clients (the client only watches but does not participate); working as an in-house prostitute for a hotel or casino (where clients are referred by the concierge or bellman); working as an in-house prostitute for a corporation (VIP guests of the company are sent to the company apartment where the sex workers entertain them, and the company, rather than the client, pays the sex worker); and working the circuit (this means the sex worker travels from one city to the next and remains in that city long enough to entertain all the interested clients of the host madam, who generally provides an apartment or hotel room where the sex worker stays and entertains the clients).

A sex worker can work in as many areas of the industry as one wants, choosing to work in all areas or only one, as time allows and financial needs require. Some choose to work as employees in places such as brothels or massage parlors, which create a more traditional work environment for the sex worker. By “traditional” I mean that they are required to show up for work a certain number of days per week and work a set number of hours, and they are probably paid in much the way other employees are, at the end of a work week or a daily shift rather than per encounter. Employees of an escort service might also be required to be “on-duty” a certain number of days or evenings a week, although they might not have to go to a physical location to report for work before they are given an assignment. In the Nevada brothels, which are legal, the women are required to live on the premises during their tour of duty. They may only work a particular shift, such as days, afternoons, evenings, or nights, but they must remain in the house even when they are off duty unless accompanied by an escort from the management team to go shopping, to do their errands, or go out to dinner. From my perspective, the only advantage of working in a legal brothel is that one doesn’t have to contend with the daily fear of arrest and incarceration.

Sex workers who are self-employed and work through advertisements in newspapers, magazines, and on the internet are the most likely to possess the “Outlaw Whore” free spirit personality. As long as one is employed by someone else, one is less likely to be outspoken and by necessity be more cautious in one’s speech, attitude, and actions. This “Outlaw Whore” or “bad girl” mindset is a positive trait that often gets short shrift by society in general and feminists in particular. Only true “bad girls” can say outrageous things that need not be retracted for propriety’s sake. Only “bad girls” can point fingers at society’s moral hypocrisy

and flaunt their sexuality—something that both radical feminists and society seem to find threatening. “Whores” upset the social order because they refuse to be controlled and don’t buy into the “woman as victim by consequence of her birth” rhetoric that these feminists embrace and are determined to impose on all women. “Whores” don’t need the emotional crutches offered by those benevolent feminists who wish to save women from men. Who can blame these feminists for not wanting to debate the issues with outspoken whores?¹⁴ They know their fatuous arguments won’t stand up against a woman who knows who she is and what she wants.

I am not claiming that “outlaw whores” wish to remain outside the law. On the contrary, most of the “outlaw whores” I know have been fighting for the decriminalization of prostitution, loudly and frequently, vocalizing their opinions to whoever will listen. Unfortunately their (our) voices have been subjugated by the chronic babble from the radical feminists who have the ear of the legislators and the media. Only the victimized prostitute is allowed to be heard—the poor, sad, pathetic creatures that they are—periodically trotted out of their dismal habitats for the public display of their cliché-driven lives by the MacKinnon/ Barry/ Dworkin gang, and by the religious conservatives who have adopted the radical feminist rhetoric.

Unlike the virulently anti-porn, anti-prostitution academics, feminists and religious conservatives who disallow the very existence of a “happy hooker,” outlaw whore activists know and freely acknowledge that there are women and children *and* men for whom sex work is wholly inappropriate. We know that abuse exists in every area of human life—domestic abuse, child abuse, elderly abuse, labor abuse, police abuse—and we condemn these abuses. Many of us have come from abused lives (does anyone know of any human being anywhere who hasn’t suffered some form of abuse at some time in their life?) but found a way to overcome the abuse and heal ourselves by taking back our sexuality and declaring ourselves independent, free agents who will do with our lives what we want, and will say what we think, and to hell with social convention. And we have paid dearly for our attitude.

14. Despite repeated attempts to engage feminists such as Andrea Dworkin, Catharine McKinnon, and Kathleen Barry in academically sponsored debates with sex workers and other pro-decriminalization feminists, they refused these opportunities. Kathleen Barry was invited to present at the 1997 International Conference on Prostitution sponsored by Cal State University, Northridge, and COYOTE, but declined the invitation because she could not have a general session where she was the sole presenter.

Many were the atrocities committed against prostitutes by the reformers and moral crusaders of the late nineteenth and early twentieth century¹⁵ who claimed to “love the sinner, but hate the sin.”¹⁶ They wanted to save our souls,¹⁷ they said, and reform us to be good girls who married and raised many children for our husbands/owners. Of course once we had become “soiled,” we weren’t really fit to become wives or to be accepted by the community, so the reformation actually worked to force us into low-paying employment or to become wards of the state.

Anti-sex feminists have replaced these moral “reformers” and their creed is “love the prostitute, but hate her work and her clients”, . . . which is not that different from the creed of their spiritual ancestors. These feminists wish to “rescue” us from “male aggression” rather than “reform” us. And along with this protectionist “for your own good” philosophy, which has been incorporated into current laws, have come the atrocities committed against us by law enforcement and other government agents. In today’s world, if we have an arrest record, we are “soiled” and unfit for

15. *Police Corruption—A Sociological Perspective*, Edited by Lawrence W. Sherman, 1974: “prostitution was a particularly vexing legal and police problem and most reform movements in New York City developed out of revelations of police protection of organized prostitution” pp. 56–57.

16. “Love the sinner, hate the sin” a phrase that came to be associated with the anti-gay and lesbian Christians of the late twentieth century—was the concept behind most of the reformers’ work with prostitutes.

17. *Uneasy Virtue* by Barbara Meil Hobson, 1987: “Female Reformers idealistically believed that the vulnerability of all women, regardless of class, to make sexual aggression would create a Christian sisterhood able to transcend class differences in their mutual struggle. The New England Female Reform Society had two strategies for eliminating the sexual double standard. One strategy was to press for legal remedies that would punish men who violated chastity codes. The other, more important strategy was to use social ostracism—informal sanctions—against the seducer. The society knew that prejudice against the fallen woman was so strong that a virtuous woman who had any contact with her would become morally contaminated, loss of reputation was assumed.”

More than a century-old campaign: “The anti-pornography campaign dates back to the Victorian period in the late nineteenth century in Great Britain.” Past generations of feminists attacked prostitution, pornography, white slavery, and homosexuality as manifestations of undifferentiated male lust,” said Judith Walkowitz in her article: “The Politics of Prostitution.” But these earlier moral campaigns, she says, frequently “failed to achieve their goals.” Feminists who started a discourse on sex “lost control of the movement as it diversified.” This “resulted from contradictions in their attitudes; in part, it reflected feminists’ impotence to reshape the world according to their own image.”

other high-paying employment opportunities that require licenses, which our arrest records preclude us from obtaining. Thus we are forced into low-paying jobs—if we can find employment at all—or we must become wards of the state. But thank goodness, the “*abrogating*” of our “*human right to dignity, equality, autonomy, and physical and mental well-being*” has been thwarted.

Earlier I expressed hope that the inexcusable but inevitable consequences of enforcing these laws are not what those who support anti-prostitution, anti-pornography legislation intended. However, that is presupposing that none of these feminists or legislators have read account after account of police corruption and abuse relating to the enforcement of prostitution laws, accounts often written by police themselves.¹⁸ In the real world, where prostitutes live, “protectionist” feminist and academic theories collide with human nature. Laws prohibiting consensual commercial sex are enforced by fallible human beings, and sting operations to arrest female prostitutes are carried out by men—aggressive men who also possess sexual appetites, greed, and little concern for achieving the lofty goals of those who write the laws. Some courts have ruled that these police officers may have sex with those suspected of being prostitutes in order to arrest them.¹⁹ Since these cops are paid to have sex as part of their job, doesn’t that make the cops “prostitutes” as well? Shall we include them in the class of victims whose work is “incompatible with the dignity and worth of the human person” and must be eliminated?

In other horror stories, some judges have refused to prosecute men who have forced sex upon a woman who was a prostitute, noting that women

18. *LA Secret Police Inside the LAPD Elite Spy Network* by Mike Rothmiller and Ivan G. Goldman. “Detectives would lure the sucker into a trap with a call girl. . . and lots of cops had a list of call girls with whom they traded information and other favors.” p. 91 “There was the time a black pimp by the name of Willy Cunningjam complained to [officer]? Skrah that a certain deputy chief was shaking down one of his hookers for free sex. . .” p. 133. “In the old days—going back to Prohibition and into the thirties and forties—the LAPD had been a typically corrupt urban police force, probably even more corrupt than most. The town was brimming with brothels. . .” p. 143.

19. Spokane WA(AP) “Prostitution investigators may have sex.” “Police agents may engage in sex to carry out prostitution investigations as long as they don’t try to trap anyone into the crime,” a Spokane County District Court judge has ruled. A two-month investigation last fall, which reportedly involved spending \$2,000 for two agents to engage in sex acts for evidence, did not constitute entrapment, Judge Daniel Maggs ruled. . . . “It may violate public morals, but personal beliefs can’t be substituted for the law,” Maggs said.

who make whores out of themselves are not afforded the protection of the law against rape or sodomy.²⁰

Prostitutes are frequently targets of other police and judicial abuse as well, and when the cops are caught, they seldom get arrested or go to jail. In a classic example of what really happens when these laws are enforced, this 1984 incident in San Francisco is far from being an isolated case.

“Prostitute at Cop Party to Testify Today,” May 17, 1984, *San Francisco Chronicle*, by Robert Popp and Randy Shilts: “. . . *The San Francisco criminal grand jury has so far subpoenaed two women in the case, including the woman allegedly hired by two vice officers to orally copulate a recruit during the rowdy Police Academy graduation party. . .*”

Notice the date? Let’s see what happens to her the following day:

“Police Party Prostitute Arrested,” May 18, 1984, *San Francisco Chronicle*: “The woman reputed to have performed a sex act on a San Francisco police cadet was arrested early yesterday on prostitution charges. . . [the day after she testified before a grand jury about police misconduct]. . . This is the woman who allegedly performed oral sex on a cadet at a police graduation party. . . She was apparently taken to the party by police officers and paid for her services. As a result the entire graduation class was ordered to be retrained on police ethics and conduct and five police officers were suspended. . .”

And how was this situation finally resolved? Were the vice cops who hired the prostitute charged with pandering and sent to prison for years and years under the mandatory sentencing law? No. According to the *San Francisco Chronicle*, August 2, 1984, by Robert Popp: “No Indictments due in S.F. Cops Sex Party.” No cops lost their job, and no one went to jail except the prostitute. A very typical outcome for those charged with

20. *Los Angeles Times*, April 24, 1986, by Mark Arax: “Judge Says Law Doesn’t Protect Prostitutes, Drops Rape Count.” . . . Pasadena Superior Court Judge Gilbert C. Alston granted his own motion last week for a finding of not guilty in the case against Daniel Zabuski, a former South Gate police jailer. In granting the motion [to dismiss]. . . Alston made a general statement that a working prostitute could not be the victim of a rape, even if she was forced to engage in sexual intercourse. . . In an interview, Alston repeated his belief that the law did not afford prostitutes protection against rape or sodomy. . . ‘A woman who goes out on the street and makes a whore out of herself opens herself up to anybody,’ Alston said. ‘She steps outside the protection of the law. That’s a basic and fundamental legal concept. . . .’ ” (It should be noted that Judge Alston was a former police officer, according to the article.)

protecting women from “sexual exploitation” who do the real exploiting. Unfortunately such cases are common.²¹

It seems that police have always had a difficult time keeping their pants up around prostitutes. Whether it was the turn of the nineteenth century, the middle or the late twentieth century, cops and judges²² just can't be

21. In Sacramento, California, Superior Court Judge Benjamin Diaz was fined \$265 and placed on three years probation for soliciting a prostitute, which he said he did for laughs (*Sacramento Bee*, November 5, 1984, UPI). The judge was cited for soliciting a prostitute and engaging in a lewd public act. A police report said that a woman named Kasandra Daniels was seen getting into a car driven by Diaz, who had been drinking with friends at a nearby bar. A police officer said that upon following the couple into a nearby alley he saw the woman performing oral sex on Diaz. The prostitute was arrested and released on \$2,000 bail. Judge Diaz was cited and released on his promise to appear at his arraignment. He pleaded no contest to the charges, and remained in his own courtroom and attended to his regular calendar. Daniels went to jail, which I am sure she didn't find one bit amusing.

22. “Hookers: Cops Made Us Squad-car Sirens,” by Murray Weiss, Criminal Justice Editor, *New York Post*. New York, September 29, 1998, p. 14: “Prosecutors for the Manhattan district attorney and internal police probes heard numerous accounts of cops in uniform being serviced inside [Ramos]? brothel on West 39th Street, in apparent exchange for not busting the 60-hooker operation. Ramos claimed she provided cops with sex for up to 15 years, but only one of the six cooperating cops has admitted ongoing sexual dalliances.”

“Five Brothel-case Cops Face Arrest—Indicted In Sex-for-protection Scandal” by Murray Weiss Criminal Justice Editor, *New York Post*. New York, April 27, 1999, p. 16: “As many as six cops implicated in the scandal have been cooperating with authorities since last summer when cops arrested [Helena Ramos]?and her prostitutes—who then complained that officers in uniform routinely visited her West 39th Street brothel for sex. . . Ramos identified the officers who protected her operation in exchange for leniency on the prostitution charges, officials said. . . .”

“Cops Spilling Their Guts In Brothel Probe,” by Murray Weiss, *New York Post*. New York, September 27, 1998, p. 4: “The sources say reputed Midtown Madam Helena Ramos identified cops who frequented her West 39th Street brothel from NYPD personnel file photos. . . . In addition to turncoat cops and Ramos' confessions, investigators won the cooperation of a number of hookers who work for Ramos or who ply their trade on Manhattan's West Side streets. . . .”

“Vice Squad Nails Cop On John Rap” by Philip Messing, *New York Post*. New York, July 13, 2002. p.008: “Officer John Brower, 35, an NYPD cop for 11 years who had been assigned to the 111th Precinct in Bayside, Queens, was off-duty when he allegedly approached a woman at 4 a.m. at the intersection of Ingraham Street and Porter Avenue. . . .”

“Vice Cop Nabbed In Hooker Assault” by Erika Martinez. *New York Post*. New York, January 28, 2001, p. 030: “Detective Anthony Downing, 27, a

trusted to behave in a manner ostensibly envisioned by the feminists whose philosophical ideals are inscribed into law. Surely the following incidents are the *unintended* consequences of the enforcement of the law and were not what the legislators, religious conservatives, or radical feminists had in mind to protect women from sexual exploitation!

Los Angeles Daily News, September 25, 1994, Dennis McCarthy, “Donut Shop Smells Good, Public Nuisance label reeks”: The woman behind the counter filling an order of a dozen assorted doughnuts at Orvilles Originals didn’t look or sound like a public nuisance. She looked and sounded like a woman working hard to make a living. But in the eyes of the Los Angeles City Office of Zoning Administration, Zuita Contador was public enemy No. 1. . . . “I don’t understand it. The police say I should not sell doughnuts to prostitutes. I say ‘Fine, tell me who is and who is not a prostitute.’ They say I should know one when I see one. OK, but I ask them to please sign a paper so that if I am sued for not serving someone because I think they are a prostitute, the police will be responsible, not me. They won’t sign any paper. I am a doughnut maker not a policeman,” Zuita says.”

Perhaps the police didn’t want Zuita Contador to sell doughnuts to prostitutes because the cops were concerned about the prostitutes’ health and well-being. No one knows better than cops how detrimental to one’s health eating all those sugar-laden, cholesterol-filled doughnuts can be! But is it “protecting women from sexual exploitation” by pressuring mom-and-pop doughnut stores not to sell doughnuts to prostitutes? What’s next? Why should doughnut shops be the only stores verbally prohibited from selling to prostitutes? Why shouldn’t the police be able to insist that clothing stores not sell clothes or shoes to prostitutes? And if the police insisted that no one could rent apartments or houses to prostitutes, which they already do by applying the red-light abatement laws that many states have enacted, prostitutes would all be homeless and naked. This would certainly make them very easy to identify! Why not a scarlet letter tattooed on their forehead? Or perhaps if all prostitutes were forced to wear an unflattering paper jump suit, they could be persuaded to stop exploiting themselves!²³

six-year vet who works in the Manhattan South Vice Squad, allegedly picked up an 18-year-old Manhattan woman in the Hunts Point section of the Bronx at around 4:30 a.m. . . .”

Los Angeles Times, Orange County Edition, October 11, 1988, by Terry Pristin and Mark Landsbaum: “Two Orange County municipal judges are being investigated by the state Commission on Judicial Performance for allegedly offering lenient treatment to prostitutes in exchange for sex. . . .”

23. “Police Seize Clothes to Collar Prostitution” *Los Angeles Times*, February 20, 1996, by Lee Romney: “Officials say taking garments can be an effective

Of course, this treatment is only applied to uncooperative prostitutes. Madams and prostitutes who provide information, money,²⁴ and sex to cops are lauded as being helpful and are allowed to continue to practice their trades.²⁵ When the notorious Hollywood Madam Heidi Fleiss'

tool... the practice of seizing the clothes of suspected prostitutes is just one in an arsenal of enforcement tools that frustrated officers hope will put a halt to the revolving door of misdemeanor prostitution arrests... Critics denounce the paper clothing (jump suits given to the prostitutes)? as sexist and possibly unconstitutional, noting that no other criminal suspects are treated this way... But vice detectives say the jump suit gimmick... is a legal and effective way to make the arrest process as unpleasant as possible... "The more we can cost a hooker—as far as the time out of service—and do it within the legal framework that's what we're trying to do," Costa Mesa (CA)? Police Sgt. Loren Wyrick said: "We're trying to make them as uncomfortable as possible..." (No doubt to prevent to the further "abrogating [of] that person's human right to dignity, equality, autonomy, and physical and mental well-being...")

24. *Police Corruption—A Sociological Perspective*, Edited by Lawrence W. Sherman, 1974: "... A precinct could be rated by the number of establishments featuring gambling and prostitution, which could be systematically assessed by the police. When Captain Alexander S. 'Clubber' Williams... was transferred to the Twenty-ninth Precinct, the city's most fashionable red-light district, he rubbed his hands together and spoke of moving up from 'salt-chuck' to 'tenderloin'. Thus the district was christened 'the Tenderloin.' " pp. 50–51

25. *San Diego Union*, September 30, 1990, by Joe Cantelupe and Dayna Lynn Fried: "Continuing allegations of relationships between San Diego police officers and prostitutes have raised troubling questions about how the department polices itself against such improper ties... Did police officials turn a blind eye toward such relationships between its officers and prostitutes? ... Police officers getting involved and having sex with prostitutes is hardly a new problem... Police Chief Bob Burgreen said last week that the department is reviewing its policies to determine whether it was careful enough in ensuring that officers do not become involved [sexually] with the prostitutes they work with... However, Burgreen said dealing with prostitutes—especially on an informant basis—is 'a very large part of our business' and that perhaps citizens in a largely conservative community like San Diego may have a hard time understanding that... " I know I have a hard time understanding how this helps reduce the "sexual exploitation" of women!

Los Angeles Times, March 1987, by Kim Murphy: "Ruling that it is 'unrealistic to expect law enforcement officers to ferret out criminals without the help of unsavory characters, a federal appeals court has reinstated criminal charges against a suspected heroin dealer caught with the help of a prostitute acting as a government informant."

San Diego Union Tribune, 1988, by Joe Cantlupe: "Trial Could Uncover Way Police Operate Vista, CA." As the trial of Oceanside police officer Rex Nemeyer—a 36-year old patrolman accused of supplying drugs to a prostitute—unfolds, it

procuring predecessor Madam Alex <AQ: This sentence is not clear. > was arrested by one officer who was upset that she no longer provided information to *him*, veteran Los Angeles Police Detective, Daniel Lott, testified on her behalf, stating “. . . The information we gleaned from her far surpassed what she was doing. . . ”²⁶

What Elizabeth Adams, aka Madam Alex, was “doing” was “pandering and pimping,” which according to former Los Angeles District Attorney, Ira Reiner, are worse crimes than rape or robbery.²⁷ I doubt if robbers or rapists would be allowed to continue to engage in their criminal pursuits even if they provided extremely valuable information to the cops, and yet feminists and legislators don’t seem to be the least bit troubled by the selective enforcement practices of cops, which are engendered by the protectionist legislation they advocate.

The sexual abuses committed by law enforcement agents are not limited to prostitutes.²⁸ If law enforcement cannot be trusted to protect

promises to give the public glimpses into the inside politics and hidden mechanics of the police department itself. . . ‘Prostitutes have been specifically targeted’ by the Oceanside police, [defense attorney Craig] Griswold said, because officials believe that vice activities are linked to illegal drug sales and theft downtown. ‘The goal of the night shift was to find, interrogate, and gain information from prostitutes. There was intense competition and pride among the police in striving to meet department goals,’ the lawyer said.”

26. *Los Angeles Times*, May 19, 1990, Lois Timnick: “Beverly Hills madam, Elizabeth Adams, was lauded for her undercover police work Friday by the same agency that arrested her on suspicion of pandering in 1988. ‘She was the best informant I ever met,’ veteran Los Angeles Police Detective Daniel Lott testified. . . ‘Adams had enough class not to flaunt her brothel activities and the department looked the other way because of the help she provided on numerous criminal cases. . . We considered Betty as an undercover agent. . . The information we gleaned from her far surpassed what she was doing. . . ”

27. *People vs. Almodovar*, December 9, 1985, L.A.S.C. No. A-394853 p. 19, 1; pp.29–38, “Nevertheless, in terms of impact upon the victim, whereas a robbery may have a traumatic effect on the victim lasting weeks or months, pandering can lead its victim to a lifetime of shame and degradation, robbing her of her bodily integrity, personal privacy, self-respect and reputation. Whereas rape is accomplished by one act of force, pandering can cause a woman to be pressured into an endless series of acts of indiscriminate sexual intercourse, which progressively rape her spirit, character, and self-image. Unlike rape, pandering is a cold-blooded, calculating, profit-seeking criminal enterprise. It is clearly a ‘vicious practice.’ ”

28. <http://www.policeaccountability.org/drivingfemale.htm>. “In April, 2002, a Virginia state trooper was indicted for soliciting sex from female drivers in return for dropping traffic charges against them. Just one week earlier, a San Bernardino,

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“good women,” how can radical feminists, courts, and legislators trust law enforcement agents with proper enforcement of laws that regulate [prohibit] prostitution or pornography, as these feminists include in their long-term goals to eliminate? These abuses are not going to go away, as any honest politician or cop will concede. Historically, this has fre-

California, police officer was charged with sexually assaulting or raping 11 women while on duty. Also in March 2002, a suburban Philadelphia police officer was convicted of raping an intoxicated woman while on duty and in uniform. ”

“These and numerous other cases highlight a national problem of ‘driving while female’ where police officers use their authority, often in traffic stops, to harass or assault women drivers, or to take advantage of women who have been stopped for legitimate violations.”

“The ‘driving while female’ problem became apparent in early 2001 in a series of cases on Long Island, New York. On New Year’s Day, 2001, a Suffolk County (NY)? police officer stopped a female driver for an alleged traffic violation and instead of issuing her a traffic ticket forced her to strip and walk home wearing only her underpants.” Reports of ‘driving while female’ abuses are found in every part of the country, and the level of abuse runs the gamut from harassment to sexual assault and even murder:

- In 2000, a Houston, Texas, police officer was convicted and sentenced to twenty years in prison for the sexual assault of a female driver.
- A Milwaukee police officer was sentenced to eight years in prison in 1998 for sexually assaulting a female driver.
- In 1996, a Chicago police officer was sentenced to four years in prison for fondling women during traffic stops.
- And in perhaps the most grotesque case of all, Cara Knott was murdered in 1986 by a predatory California Highway Patrol officer who stopped her for a traffic violation. “These are not isolated incidents. A review of national print media from 1990 to 2001 revealed literally hundreds of allegations of ‘driving while female’ abuses, and an average of over a dozen substantiated cases each year.”

The estimate cited in this report is conservative in two ways. First, it only includes abuses that were substantiated by the criminal justice system (i.e., the officer was indicted, found guilty, etc.)? Second, it defines “cases” by the number of victims. Many officers were charged with several criminal counts associated with each victim.

Additionally, there is good reason to believe that these cases represent only the tip of the iceberg. Many victims do not come forward because of humiliation and fear of reprisal. And some police departments do not accept and investigate complaints from many victims who do come forward.” . . . And when the victim is a prostitute, she is even less likely to be believed and will not file a complaint because she will never get any justice from the cops or the courts.

quently been the case.²⁹ Feminists, legislators, religious conservatives or any others are far too nescient to be allowed to inspire, influence, author, or enact legislation if they believe that human nature has changed significantly to make one postulate that the integrity of the police officer of the twenty-first century will no longer be compromised when pitted against these unenforceable laws and the temptations that confront them!

The credibility of radical feminists must be called into question if they continue to support legislation as a means of achieving their goal to eliminate all pornography and prostitution. If they refuse to recognize the vast and fundamental difference between forced prostitution and sex work in which some (many) women and men willingly engage, they do not have the best interests of prostitutes or any other women at heart. If they will not acknowledge the horrible damage and destruction of lives caused not by the work itself but by the laws which prohibit voluntary, adult commercial sexual activity, they cannot continue to claim moral high ground for their position of the “elimination” of all forms of violence against women, if it was ever theirs to claim.

The state rationales for prohibiting prostitution must also be exposed as the irrational, irresponsible, histrionic, balderdash arguments that they are, and as well, expose the law-makers who continue to use such rationales to “control prostitution.”

The recent 2003 Supreme Court decision, in *Lawrence versus Texas*, which overturned state sodomy laws was ballyhooed by conservative justices and law-makers as being the harbinger for the repeal of all sorts of

29. In the book *Police Corruption—A Sociological Perspective*, edited by Lawrence W. Sherman (1974): “Introduction toward a sociological theory of police corruption,” Sherman writes, “Part of the dilemma may be resolved by considering those universal aspects of police work that make corruption possible or likely. . . Discretion. The most important constant is the extraordinary discretion inherent in police work. The officer’s exercise of the discretion to arrest someone or not and his choice of the specific charge has numerous bases, both legitimate and illegitimate. It is the legitimate bases that allow an officer to cover up any illegitimate basis for his discretion, particularly the choice not to make an arrest.” [p. 12]? And what “crime” but prostitution could offer an officer more latitude in discretion of whether or not to arrest a woman who is willingly plying her trade?

In “The Integrity of the European Police in 1914,” Raymond P. Fosdick describes how “. . . wherever the control of prostitution by regulation has been attempted it has been accompanied, if not by open corruption, at least by grave suspicions that such corruption exists. . .” (pp. 64–65). And from a high official of Scotland Yard, “we cannot guarantee the integrity of the police against the vicious influences arising from unenforceable laws” (pp. 68).

“morality” laws. “This effectively decrees the end of all morals legislation,” wrote Justice Antonin Scalia in his dissenting opinion. “State laws against bigamy, same-sex marriage, adult incest, prostitution, masturbation, adultery, fornication, bestiality, and obscenity are likewise sustainable only in light of Bowers’ validation of laws based on moral choices,” wrote Justice Scalia. “Every single one of these laws is called in to question by today’s decision.” And repealed they should, no, *must* be. The Texas state prosecutor acknowledged that the sodomy law wasn’t really enforced, but he maintained that the law served to keep some people from committing homosexual acts. . . . And this serves a free society in what way? Is there anything moral or defensible about the police corruption that results from the arbitrary enforcement of laws, which have the sole purpose of controlling a group of women whose sexual activities some people find offensive?

Thankfully, the majority of the Supreme Justices disagreed with Texas’ discrimination policy. “The petitioners are entitled to respect for their private lives,” Justice Anthony Kennedy wrote for the court’s majority. “The state cannot demean their existence or control their destiny by making their private sexual conduct a crime.” And although he voted against overturning the Texas sodomy law, Justice Clarence Thomas said that if he were a Texas legislator and not a judge, he would vote to repeal the law: “Punishing someone for expressing his sexual preference through non-commercial consensual conduct with another adult does not appear to be a worthy way to expend valuable law enforcement resources.” Thomas does not mention why he believes that punishing *commercial* consensual adult conduct is a worthy way to expend valuable law enforcement resources.

Well then, how shall those of us who wish to eliminate the real source of violence against prostitutes proceed? Do we petition the courts to overturn the prostitution laws on the grounds that the laws are and can only be arbitrarily enforced and thus do not and will never provide equal protection under the law? Are there truly any constitutional “free speech” grounds for separating pornography and prostitution if the acts are one and the same? And if there are fundamental personality differences between porn actors and prostitutes, do these differences justify the criminalization of one group and the liberation of the other? Further, if the end result of both commercial activities is the “sexual arousal and gratification” of someone at some time, is the state justified in criminalizing the sexual behavior of those who provide or are the recipients of immediate gratification *because* it is immediate and not delayed?

A battle must be fought—in public, in court, and in the legislature—to change the minds and hearts of those who control the laws. The myth that

is perpetuated by the radical feminists through the media that all prostitution and pornography equals violence against women must be countered by the reality of the lives of sex workers. Yes, there is violence against women, and men, and children, in so many areas of life, but promoting irresponsible laws that are arbitrarily enforced causes the greatest violence against us.

This battle must be fought by all those who gain from the sex industry—the sex workers and the consumers, the porn producers, and the legal teams who support them. Sadly, it has been my experience that much of legal adult industry does everything it can to distance itself from outlaw prostitutes because they have already won their freedom and now wish to acquire the respect of the community. Being associated in any way with outspoken outlaw whores is not good for their image.

However, if radical feminists and religious conservatives had their way, the state governments, indeed all governments everywhere in the world, would criminalize any commercial behavior between men and women that resulted in sexual arousal or gratification of anyone at any time, whether or not it was considered “free speech.” Radical feminists are using the United Nations Platform for Action to accomplish their goals. By labeling pornography as “an act of violence against women,” by equating consenting adult sex work with coerced prostitution and stating that both are “incompatible with the dignity and worth of the human person and must be eliminated,” and by demanding that member countries enact legislation that reflects their philosophy, the radical feminists may accomplish what the religious conservatives could not, and porn stars and producers may end up as outlaws once again.

Perhaps before that happens, porn stars and porn producers will catch the “outlaw whore” spirit and speak up to demand rights for all of us. The issues that divide us, as sex workers, should only relate to our personal employment preferences and not to prison bars.