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Economic Justice for Sex Workers

*Margo St. James**

As long as Americans feel justified in blaming depreciating property values on the women who strut their dimly lit streets at night, no woman can achieve economic justice—never mind sex workers.

*Margo St. James was born in Bellingham, Washington in 1937. She moved to San Francisco in 1959, joining the Beatnik scene in North Beach. She was erroneously arrested for prostitution in 1962. While working off her bail, she met defense attorney Vincent Hallinan who convinced her to attend law school. Although Ms. St. James never graduated, her education at Lincoln Law School enabled her to successfully appeal her prostitution conviction. In 1973, Margo St. James founded Call Off Your Old Tired Ethics (COYOTE), the first prostitutes' rights organization in America. She lives in both San Francisco and on Orcas Island, Washington.

Though organizing prostitutes is a felony in California, Ms. St. James has never shied away from advocating on behalf of women and men involved in sex work. Despite the threat of arrest, Ms. St. James continues to organize politically for the repeal of the prohibition on adult consensual sex. Throughout the 1970s and 1980s, she testified before state and international governments on trafficking in women, violence against women and the effects of the prohibition on prostitution on society. While attending the UNESCO (United Nations Educational Science and Cultural Organization) Conference in Paris, St. James and other activists met with Simone de Beauvoir, who convinced them to form the International Committee for Prostitutes Rights (ICPR). Eleven years later, this international network of women's rights activists coalesced in Amsterdam at the first of two World Whores Congresses organized by St. James. In the 1970s, Ms. St. James led the fight in San Francisco to stop penicillin injections and the quarantine of women arrested for prostitution. Later, St. James was appointed to the Women's Advisory Committee by the Chief of Police, where she helped to integrate women into the department.

In 1996, Ms. St. James declared her candidacy for a seat on the San Francisco Board of Supervisors, placing 7th in a field of 27 candidates who were vying for six open seats. Her campaign was heralded as a tremendous success in challenging the political establishment.

Ms. St. James has been a guest lecturer at Hastings College of the Law, Harvard University and Stanford University, among others. She has also spoken at American Bar Association conferences.

Ms. St. James currently serves as a member of the San Francisco Drug Abuse Advisory Board to the City and County of San Francisco, the Potrero Hill Neighborhood House, Exotic Dancers' Alliance and Stop Prisoner Rape. She is an elected delegate from the 13th Assembly District to the California State Democratic Party and founder of the Victoria C. Woodhull Democratic Club. Her archives are held by the Schlesinger Library on the History of Women in America at Radcliffe College.

This issue of the Hastings Women's Law Journal is devoted to economic justice for sex workers. This is an ironic topic, given that no woman in America is even guaranteed the right to abortion, let alone economic autonomy. NOW (National Organization for Women) calls the issue of abortion a political gender battle over choice. I call it social control of women. No woman in America will be guaranteed the right to abortion as long as sex for sale is criminalized, nor will we be guaranteed economic justice. I challenge abortion rights activists to lock elbows with us—with sex workers—against our common enemy: injustice. Issues surrounding women's sexuality are debated by members of the government, individuals who, not surprisingly, are from the middle- to upper-class, the same class which controls ninety-nine percent of all real estate.

Though women have come a long way since 1973 when COYOTE (Call Off Your Old Tired Ethics) was founded, any woman who has risen through the ranks of corporate America is still accused of having slept her way to the top—an accusation she either dismisses, or to which she simply resigns herself. Sex work is a woman's issue. Classifying one as a whore, or placing guilt on women is an exacting tool, used throughout history to subjugate opposition and to maintain social control of disempowered classes.

When an anonymous woman becomes the scapegoat for any one of society's ills, such as the devaluation of property (which in actuality is the result of a failed tax system), any woman can be suspect, and all women are at risk. Fear of accusation, with its accompanying horrors, plays a profound role in the division of women into the classes of "whore" and "madonna." For the "madonna," the cross she bears is the never-ending struggle to separate herself from the "whore," lest she herself fall among the accused.

Applied to the accused, that is, to the whores, justice in California is not only blind, but it is also deaf and dumb. We whores can and will be evicted from our homes once we have agreed to sex in exchange for money "or other consideration."¹ Our husbands or lovers can be sentenced as felon procurers (pimps) if they benefit financially from our work. Our children can be tried as inmates of a house of prostitution if we agree to have sex or "a lewd act" in exchange for money in our own homes. Indeed, it is the blindness of the law, not justice, which instills the fear that in turn promotes this stigma; it is ignorance that perpetuates the protectionist ban on exchanging sex for money.

As long as abolitionist feminists work hand in glove with law enforcement to craft new ways to promote prohibition, they abdicate the right to later complain that any sexual liberties, including abortion and a woman's

1. Prostitution is defined as including "any lewd act between persons for money or other consideration." CAL. PENAL CODE §647(b) (West 1998).

right to control her own body, are also being restricted.

If prostitution were decriminalized, women would finally be given control of their own bodies, control of their own destinies. And society would finally have taken an affirmative step toward removing the glass (read, "class") ceiling over all women's human rights.

By removing sexuality from the long arm of the law, our society would empower women to make choices. Indeed, some would choose sex as work, and others would simply choose to say yes to the money, regardless of their job. Our collective mission must be to remove the stigma attached to demanding pay for services rendered.

As the new century approaches, I challenge all young feminists to take a hard look at today's feminism and its parallels to Victorian values. In 1975 when I attended the UNESCO (United Nations Educational Science and Cultural Organization) Conference of the 26th Congress of the IAF (International Abolitionist Federation), held in France, I was the first whore ever in its one hundred year history to take the floor. I was not invited to the Conference, but went at the urging of my friend and ally, Marilyn Haft, then an ACLU (American Civil Liberties Union) attorney in New York.

The IAF was founded 125 years ago with the purpose of getting rid of prostitution. Having failed resoundingly, its goal had modified by 1975 to end the exploitation of prostitutes throughout the world! On the surface it seemed COYOTE and the IAF shared the same goals. However, by the end of the Congress, we learned that our goals could not be further apart.

The 1975 Victorians of UNESCO wanted to save "fallen women," but wanted to do nothing to change the laws or global values promoting the subjugation of women as a class. Mr. Pignier, the president du Comite directeur of the IAF, presented its position, after which he deigned to talk to me about the issues. His eyes darted from side to side and I couldn't help watching in fascination as a thin line of perspiration drew itself across his upper lip. I assured him that I would speak only in the most genteel terms. He then apologized for never inviting a prostitute to speak at the Congress, but confessed the IAF's fear "of disruption." "We are happy to find you are intelligent and well-bred," he said.

The irony was rich. Just months before, the hookers of Lyons went on strike and occupied the Catholic Church in protest against policies that resulted in the loss of their children, lovers and homes—policies similar to those in America today. The Lyons strike became the undoing of the local chief of police, who was exposed by the women workers for exactly what he was, the biggest pimp in all of France. Most importantly, it was a "red collar" strike to remember, a show of tremendous force. While housewives in America were burning their bras, the French whores took it to the "red thread,"² denying Frenchmen a basic need, until economic justice for

2. De Rode Draad (Eng. the "red thread") is the name of the Dutch prostitutes' rights

whores was guaranteed. Held in the wake of one of the most poignant and defining moments of the prostitutes' rights movement, the condescending attitudes of IAF members spoke louder than their words. What you do speaks so loudly, I cannot hear what you say.

In the hallowed halls of UNESCO, Paris "authorities" proclaimed that the brothels had all been closed in 1946, although many remained and flourished. A Communist representative espousing decriminalization and rehabilitation conveniently failed to mention that Cuba still had prostitution out on the street, that the middle-men were still getting rich and that women were obliged to remain prostitutes because of the laws. While I knew that juveniles were being bought by customers (who should have been the ones the police pursued), the IAF was clueless. Their respective governments instead focused their attention on the prostitutes who, with government authority, were first squeezed as informants, then thrown back in the hoosegow, or back to the country from which they immigrated—many with the word "prostitute" stamped right on their passports.

When I took the floor of the Congress, I demanded that they include a member of the so-called "victim class" in their dialogue. I challenged their provincial attitudes toward sex and sex work. I called it work. They called it slavery. They called charity social work. I said that charity is just another form of social control. The Victorians at UNESCO were wed to the same parochial attitudes that perpetuate our subordination as a class today in America—held not only by the Fundamentalists, from whom we expect it, but also by the abolitionist feminists.

To understand the value of liberty, one need look no further than the price women pay to be trafficked into the free world. The modern Victorians decry trafficking in women, but are silent on the issue of international border reform. The modern Victorians, like those of the IAF, call trafficking slavery, then turn a blind eye to the policies of their own governments that continue to prosecute women who flee developing countries in hope of opportunity—reasons remarkably similar to those of our country's founders. The modern Victorians single out sex work; in reality, women, men and children are transported across national borders for any number of industries—all with the hope of one day attaining freedom, liberty and justice *for all*. Let us not forget the momentum a prohibition carries in its wake. As long as the Volstead Act remained on the books, the underground economy was perhaps the largest industry in the nation—giving rise to the very organized crime that today has evolved into the traffickers. Today, we're not discussing the prohibition of alcohol, but rather the right to self-determination.

As young lawyers embarking on careers of which a generation before could only dream, I urge you to consider the power of liberty, juxtaposed

organization. The expression is translated in English to mean, "the bottom line."

with its vulnerability. Our liberty, our right to our destiny, our right to decide our future, whether it includes property, money, progeny or not, is the most precious right for which we can ever unite.

As long as women remain divided into “whore” and “madonna,” there can be no economic justice for any woman, and women will be blamed for everything—from depreciating property values, to sexually transmitted diseases, and yes, to provoking their own rape and murder.

For all sex workers (especially the young black woman I saw in court last month) charged once again with prostitution, for whom the words, “guilty your honor,” stick in their throats like glue, I enter a plea of innocent.

Because ignorance is no excuse for a law.