Don’t Legalize Prostitution

By MADELEINE KEARNS | August 8, 2019 10:07 AM

It would make a grave problem worse

Los Angeles

It’s dark outside and difficult to see through the tinted windows. At the wheel is Sergeant Yolanda Valento of the human-trafficking unit of the Operations-South Bureau of the Los Angeles Police Department. She’s in plain clothes, wearing a bulletproof vest, and carrying a 9mm Glock. The police...
Street, the spine of South L.A. and one of the most notorious prostitution tracks in the country.

On the corner of 79th Street two male officers are standing, talking to an 18-year-old girl. She’s wearing a see-through neon dress, her nipples obscured by two condom packets. I ask her name, and she points meekly to a tattoo down the side of her face. It spells “C.A.S.H.” Facial tattoos, I learn later, are used by pimps as branding.

“How long have you been doing this?” I ask her.

“Since I was 13.”

“How does it make you feel?”

“Nasty. Just nasty.”

“Do you get to keep the money you make?”

“Not tonight.”

Like several other streetwalkers I’ve met tonight, “Cash” started her day at a strip club. Twelve hours later, she headed to “Fig,” where she expected to see some familiar faces — clients, “johns,” out here looking for her after watching her dance. About an hour ago, her pimp showed up and took all her day’s earnings. There are dark smudges under her false eyelashes, and the left one has started to peel. It’s her little sister’s birthday tomorrow, she tells me; now she’s worried she’ll be spending it in jail. “I honestly feel like crying,” she says.

Sergeant Valento, who’s standing in earshot, walks over. “Just warnings tonight, hon,” she says, scribbling a number on the back of a card and handing it to her.
she offered help to this girl but not the others. She explains that most girls won’t give cops the time of day but that they just might if they’ve hit rock bottom.

California’s penal code defines the sale of sex as a misdemeanor, punishable by up to six months in jail or a $1,000 fine. In L.A., many locals have limited sympathy for streetwalkers, who are seen as a public nuisance. Kids pass them on their way to and from school, which prompts many complaints.

“They come out wearing thongs and see-through nighties and everything just hanging out. I explain to them, ‘If you lived right here, would you want to see this?’” says Officer Robert Jaramillo, who has worked the area for 13 years. Officer Alex Ramirez recalls once having to chase a girl several blocks — “Man, she was fast!” And accompanied by Sergeant Valento, I got my own taste of what the cops call “attitude.” Before storming off, a woman in a colorful slip said, “I know my rights and I’m not talking to some f***ing reporter.”

The main aim of a human-trafficking unit, of course, is to catch not a prostitute but a pimp. Valento hears through the police radio that a girl has given money to someone in a car that is about to drive past us. She gets the license plate. Officer Ramirez excitedly recalls a time that the Vice Division busted a pimp at the McDonald’s on Figueroa and Florence, known as a hot spot for those in “the game.” This guy had five prostitutes at his beck and call and was bringing in around $14,000 a week. If convicted, he’ll do 30 years. Though the girls and women are not the enforcement priority, national studies suggest that most solicitation-related arrests are of prostitutes.

When California outlawed prostitution in 1872, the law’s drafters had several motivations. Prostitution created such public-health problems as venereal disease; it was associated with a plethora of other crimes, including robbery and murder; and it contributed to moral and societal decay.
in law and life, that the debate about legalization has centered on the interests of the prostituted themselves.

For those who take a holistic view (lumping together buyers and sellers, pimps and prostitutes), there are two competing approaches: either criminalization, outlawing all prostitution-related activities; or decriminalization or legalization (in the latter, the state regulates when, where, and how it can take place), bringing prostitution out of the shadows and into the market. Implicit in both sides’ arguments is the assumption that prostitution, on the part of prostitutes, is a choice. Here, a distinction is drawn between prostitution and sex trafficking (defined as prostitution via force, fraud, or coercion). Sex trafficking, everyone agrees (at least ostensibly), ought to remain illegal.

Out of 50 states, only Nevada has legalized prostitution, and then only in some of its counties. This year, however, New York and Washington, D.C., introduced decriminalization bills. Democratic presidential candidates Cory Booker, Mike Gravel, and Tulsi Gabbard have all said that they support legalization, though how they would go about it is another matter — the issue remains a matter for state, not federal, government.

On the left, politicians are increasingly responding to a global movement of so-called sex-positive feminism, funded to the tune of millions and advanced by mainstream celebrities and journalists. Its advocates maintain that “sex work” is a legitimate — even empowering — form of labor. On the right, this view is helped along by laissez-faire libertarians, who consider it a moral right to engage in market activities without state interference, and by conservatives, who maintain that regulation of legal prostitution would contain and sanitize the industry. Indeed, proponents on both the left and the right suggest that legalization would make prostitution safer for those involved while lessening the scale of sex trafficking. They are wrong on both counts.
In 2013, a study published in World Development — titled “Does Legalized Prostitution Increase Human Trafficking?” — examined cross-sectional data from 116 countries. The researchers found that “the legalization of prostitution has two contradictory effects on the incidence of trafficking, a substitution effect away from trafficking and a scale effect increasing trafficking.” What the study’s authors discovered is that the scale effect outweighs the substitution effect. In other words, there is more sex trafficking in countries with legalized prostitution than in countries where prostitution is prohibited. An additional cross-country comparison of Sweden (where prostitution is criminalized) with Denmark (where it is decriminalized) and Germany (where it is legalized) had consistent findings.

There is a moral objection, too. While a degree of coercive influence is expected in any labor arrangement (the fear of not being able to pay rent, for example, might motivate a person to stick to an unpleasant job), many believe that prostitution — overwhelmingly female — is inherently and inexcusably exploitative. Informed by this conviction, the Swedish parliament passed a law in 1999 that outlawed pimping, brothels, and the purchase of sex — though not the sale of one’s own body; thus, pimps and johns are prosecuted, but not prostitutes. The “Nordic model,” as it’s now known, is informed by social-democratic theory; the original, post–World War II definition of human rights; and a feminism that views prostitution as a structural barrier to gender equity. In practical terms, the result has been to shrink Sweden’s prostitution market while decreasing the rate of sex trafficking. It’s been so successful that Norway, Iceland, Canada, France, Ireland, Northern Ireland, and Israel have all followed suit. America would be wise do to the same.

“I was making numerous arrests, and I quickly realized that it was an issue that could not be arrested away — that services were needed,” says Stephany Powell, an LAPD vice sergeant turned executive director of Journey Out, a nonprofit helping victims of sex trafficking and commercial exploitation.
sexual exploitation. “It may look like a choice, but that ‘choice’ is based on a faulty foundation,” she says. According to Powell, between 85 and 90 percent of their clients have been molested as children, and a similar proportion come from the foster-care system.

Edward O. Laumann, a sociologist at the University of Chicago who has researched sex for decades, tells me that, on average, females who as children had sexual contact with adults have a higher number of sexual partners in adulthood than those who did not have such contact. In his research, he found that “the principal underlying theme” of such females was that they “tended to be more sexually interested and show that interest earlier in their lives.” Neither the severity nor the frequency of the sexual abuse altered this outcome. Another indicative factor of precocious sexual interest, Laumann said, was absent fathers.

Among prostitutes, broken families and childhood sexual abuse are common. It’s not that such women intentionally pursue sexual licentiousness. Rather, their early life experiences predispose them to certain behaviors. Like most people, many are, in fact, looking for love and stability. This is where the “Romeo” pimp comes in. These are “master manipulators” who “try to create a façade of a relationship,” according to Jamisha Andrews, who helps prostitutes find housing at a safe haven in downtown L.A. “It’s a crazy, manipulative technique, but it works and always has,” Andrews says. Powell agrees: Romeos find vulnerabilities in the victim’s personality, “whether it be low self-esteem or non–parental support.” And when they can’t find one, they create one.

Mariah Stewe is a self-described “welfare baby” who grew up in L.A. without a father in the home. She was molested at the age of seven. Then, when she was 18, the state cut off all child support. Her mother had fallen ill, and she desperately needed to pay the rent. It was then that she met her trafficker,
flowers for Mariah’s mom when she was in the hospital. Stewe was so in love that when Roberto took her to a strip club and introduced her to the owner — who called her “pretty” and said she could make $500 by dancing like the other girls — she thought little of it. After her mom got worse, and with Roberto’s persistence, she agreed to dance. She’d drink excessively just to get through the shift. “Just shot after shot after shot after shot and [I was] sweating so much.” She says she made up to $800 a night but never saw a dime.

As a stripper, Stewe was working in a legal sector of the sex industry — but that didn’t stop her from being trafficked. From Roberto, Stewe was handed from pimp to pimp. For a short while, she lived in a “trap house” in L.A. with no furniture or running water, but soon she was sold to another pimp in Vegas. The Vegas pimp was more of a “gorilla” than a Romeo. In other words, he managed by fear and brutalized the women if they were disobedient. The women stayed with him in his penthouse and were instructed to “pee with the door open.” Stewe learned that good behavior was the only way to avoid beatings. She would look on terrorized at the effects of the beatings — “black eyes, hair ripped out, and bloody lips.” She remembers one time that one woman arrived back late to his car. The pimp walloped her so hard that “she flew to the back of the SUV.” Earning the gorilla pimp’s trust eventually provided Stewe with an opportunity to escape.

Lauren Hersh, the national director of World Without Exploitation (a coalition of 160 organizations fighting human trafficking and sexual exploitation in the U.S.) and a former prosecutor in a sex-trafficking unit in New York City, says that sometimes women who are being abused claim otherwise. “There’s all sorts of psychology around that,” Hersh says. “But I would say the vast majority of survivors that I’ve worked with, and I’ve worked with probably thousands at this point — once they’re out of this exploitative situation, they’ll tell you that they weren’t there by choice.”
In Nevada, Melissa Farley, an American feminist, conducted a three-year study of the health and well-being of prostituted women in the legal brothels. (As the only state with legal prostitution, Nevada is the only place in the U.S. where researchers can compare legal and illegal prostitution.) Legal establishments, incidentally, constitute only 10 percent of prostitution in the state, much of which is still trafficking. Farley discovered that of the 45 women she interviewed, ten had been trafficked as children and 36 said they would leave immediately if they felt there was a viable alternative.

Though prostitution has been legal in the Netherlands since 1988, general bans on brothels and pimping were not lifted until 2000. This was done with the intention of making the industry safer for those involved. But that isn’t what happened — at least not according to the National Police Service’s investigation, commissioned by the National Prosecutor’s Office, and its summarizing report, Beneath the Surface. Published in 2008, the report revealed that between 50 and 90 percent of prostituted women in three Dutch cities were “working against their will.” The authors also found that a significant number had been physically abused by their employers, some for as long as ten years, evidence that had been overlooked by brothel inspectors. They wrote:

Victims who made reports or submitted statements to the police tell of how they were beaten with baseball bats, and how they were made to stand outside in the cold water of lakes in holiday parks during winter. There were also reports of forced abortions, breast enlargement (forced and voluntary) and tattoos with the names of pimps.

“I believe if a prostitute or former prostitute wants to see prostitution legalized, it is because she is inured both to the wrong of it and to her own personal injury from it,” writes the Irish activist and former prostitute Rachel Moran in her book Paid For: My Journey through Prostitution. Indeed, when Julie Bindel, an English feminist and the author of The Pimping of Prostitution: Abolishing the
primarily a madam (a female pimp) and had worked as a prostitute herself for only six months. No matter. Hollander’s The Happy Hooker: My Own Story sold 20 million copies worldwide.

At Gems Uncovered, a faith-based rehabilitation center in Long Beach, I meet the organization’s director, Mary White. She tells me about a time she was counseling a former prostitute:

> And I asked her, “What were your dreams when you were a young girl?” And she kept looking down at her hands until it seemed like five minutes had passed. And so, I just remained silent. I thought she was maybe reminiscing or something. And then finally she looked up at me with tears rolling down and said, “I never had any dreams.” And I said, “Okay, so what are you dreaming today?”

At Gems, White’s mission is to “turn victims into survivors.” She introduces me to one of her greatest success stories, Tangelina Myles. Myles now works alongside White as a counselor for victims. Myles was born premature to a drug addict and raised in the L.A. foster-care system. By the time she was 18 — when she met her trafficker — she’d seen 23 placements. Darren was tall, dark, handsome, and around 40 years old. He’d been in foster care, too, he said. “It was a lot of those ‘me too’ moments when you feel you’re in tune with someone,” Myles says. He paid lots of attention to her, buying her gifts and paying her compliments. When he asked her to move with him to New York City, she said yes. She was in love.

Soon after arriving in New York, however, the beatings started. Kicking, biting, hitting, and “all sorts of crazy stuff.” One night, Darren and his friend raped her. “I just kept thinking, But he loves me, but he loves me, but he loves me,” she says. Myles now realizes that this was all “part of the breaking-in process.” It was trafficking from there on. Darren would bring her to sketchy hotels and to strange men’s apartments. She’d have sex with between six and 13 clients a day.

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One day Myles tried to take her own life by swallowing a handful of pills. “I woke up to [Darren] with his hands around my neck telling me that if I wanted to die, that he was gonna kill me, that I wasn’t allowed to kill myself,” she says. The second time Myles overdosed, Darren dropped her at a bus stop in January dressed in flip-flops and a T-shirt. “I remember looking down and my eyes were watering,” Myles says. “There was dirty snow. Dirty sludge, with black and brown and whites.” She passed out. An off-duty officer found her, took her to a hospital, contacted social services, and likely saved her life.

Of the dozens of law-enforcement personnel, community members, doctors, housing specialists, outreach coordinators, activists, and survivors I spoke with — in other words, those with the most detailed and intimate knowledge of the sex industry — not one favored legalizing the purchase of sex. Taina Bien-Aimé, executive director of the international Coalition Against Trafficking in Women, said, “We are talking about a global multi-billion-dollar industry in which millions of women and girls are being bought and sold. . . . Every single dollar that is made in the industry is from sex buyers.” Speaking as an African American, she went so far as to say, “Brown and black women’s bodies have always been economic profit centers through abuse and exploitation.” And she sees the sex trade as “just the continuation of that legacy.”

Of course, politicians will nod from time to time in the direction of anti-trafficking measures. Barack Obama said we ought to call trafficking modern slavery. Last year President Trump signed FOSTA-SESTA (the House bill, Fight Online Sex Trafficking Act, with the Senate bill, Stop Enabling Sex Traffickers Act), which will make websites such as Craigslist subject to criminal and civil liability when third parties promote illegal prostitution on them. This legislation, which critics say violates the First Amendment, is backed by most Democratic 2020 candidates, including those who favor legalizing prostitution. Though
navigated the sex market, the new law will likely have some marginal effect, which is why some anti-trafficking groups consider it a step in the right direction. Backpage, shut down by law enforcement, has been replaced by a similarly graphic site that fuels prostitution.

Not everyone is happy about such measures, however. “Legal recognition of sex work and gender identity” made the top 20 largest funding initiatives for George Soros’s Open Society Foundation, which, in 2017, donated a total of $45.8 million to be distributed among various groups. But as with “gender identity,” the messaging around “sex work” is contradictory and counterproductive. For instance, the same Teen Vogue that published a report in July on Jeffrey Epstein — the billionaire recently convicted of sex trafficking girls as young as 14 — had published an op-ed three months prior entitled “Why Sex Work Is Real Work.” The phrase “sex work” is, of course, broad by design. It also includes pimps.

Almost none of the loudest voices for “sex-workers’ rights” — nor, of course, the editors at Teen Vogue — are the ones being prostituted. In researching The Pimping of Prostitution, Julie Bindel visited a non-governmental organization in Cambodia, “Women’s Network for Unity,” that falsely presented itself as a union representing 6,500 “sex workers.” Bindel had arranged to meet a group of prostitutes, but also present was a board member from the NGO, who proceeded to talk “for and over the women.” That didn’t stop Bindel from finding out the truth. She writes that of the prostituted women she spoke to,

all told me how much they hated selling sex for a living. . . . The women did not appear to be empowered. Some had become pregnant by buyers and were caring for babies. Three were HIV positive. All of the women had been raped on multiple occasions. Each told me they could get out of prostitution if only they had $200 to buy formal identification papers, because this was the only way to secure legitimate employment in the service industry or a factory. None of the women were familiar with the international campaign to de-criminalise the sex trade, and all said that they wanted out.
Social media have a lot to answer for. Pimps can now contact girls directly through Facebook and Instagram. Andrews, who helps find housing for prostitutes in downtown L.A., explains that there’s a whole code system with hashtags: #RPGO (real pimping going on) and #RHGO (real hoeing going on) and #304 (on old-school calculators, flipped upside down, it spells HOE). What those who work in trafficking prevention are keen to stress is that there’s nothing to stop any girl — whether at school or at college, whether in foster care or from a good home — from being enticed online.

“I’m starting to see more of the Romeos,” says Sergeant Valento. She explains that “you have the younger girls looking at some of the social-media websites and these influencers,” which, combined with confusing messages from Hollywood, glamorize the industry. The pervasiveness of hardcore pornography also makes young people less safe online. Valento remembers when a patrol unit stopped a twelve-year-old on Fig who was standing in “some hot pink shorts and a tiny bra top,” at the encouragement of a slightly older teen. Of the 35,402 females arrested for solicitation between 2003 and 2012 in Los Angeles County, approximately 1,400 were children. Some were as young as nine.

Figueroa street is a major artery, a stop on a track, circulating warm bodies from Nevada to Texas, from Northern to Southern California and across the United States. The FBI regularly combs Fig for missing children. But there are many more adults — prostituted, first, as children — who end up there. Now, with the advance of the Internet and social media, the prostitution activity on Fig is fast. Sex buyers can order online and be in and out within minutes. The Vice investigators match speed with experience. Some have been on the job for as long as 30 or 40 years. They know what they’re looking for. Lone male drivers. Girls in provocative clothing — not walking from A to B like most people but loitering on corners, flagging down vehicles, stepping in and out of cars. Sometimes an undercover cop will go over and fix a price for a sex act — $50 for...
I accompanied LAPD officers on two patrols. One hour during the day, then another at night. We must have seen around two dozen women on Figueroa. There was Chantel, dressed in high-heel boots and a pink dress; she had “the rare gift of being both polite and evasive,” Sergeant Valento observed. There was Mariella, wearing a low-cut black dress about three sizes too small, who answered every question with “That depends.” There was the cheerful duo — a 32-year-old and a 22-year-old — both great fun and reeking of booze. There was a 21-year-old, who, grinning from cheek to cheek, told a police officer that no, people don’t stare because they feel sorry for her, they stare “because I’m a hoe.”

Then there was “Cash.” Poor Cash. With her sad, tattooed face — and going home with empty pockets. As Sergeant Valento walked me from the car to the station, she spoke as if reading my mind: “I do see these women as victims. You have to have no support system. You have to have nothing going for you. You have to have trusted someone and been let down so bad to be out there doing that.”

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