

TERRI-JEAN BEDFORD'S
BLOGS, ARTICLES AND SPEECHES
PART 4

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Chapter 16: January 2 to June 2, 2014
The Debate Continues

A huge national debate began the new year. I made the points I wanted to, and during these months made speeches, noted below, which you will see shortly in full.

January 2. The New Year for Sex Workers and Women. It has been brought to my attention that police enforcement of our now unconstitutional laws has fallen off dramatically, particularly in Toronto. It appears that the police have only been enforcing the laws against street sex workers, and this may be because the Ontario Appeal Court upheld that one law of the three. It will be interesting to see if they now continue to prevent screening of clients in public. If so, will they use other laws meant to prevent selling things on the street, or will they continue to invoke the laws set to expire in December? I am also curious to see if they will step up investigations of reported rapes, sexual harassment on the job or wife-beating. I hope so.

January 4. Prostitution is Not Bad. In various occupations women are subject to violence, intimidation, sexual harassment and even rape. I believe only about 10 per cent of rapes are even reported. Women in the RCMP, Armed Forces and police forces are routinely being sexually harassed. Do you want your daughter in these situations? Do you want them being nursing home orderlies? Do you want them working in sweatshops, or minimum wage service jobs where sexual harassment may be thrown in as an extra? These same women, by the way, are having sex where, when and with whom they want. They may have sex in sex clubs. They may work in massage parlours. They may be strippers. Yet, when they simply decide to ask for money, at a good rate of pay, for intercourse or some fantasy role play somehow someone's line has been crossed. Those who draw such lines should be ashamed of themselves. If women chose to sell themselves or men chose to buy sex with them, nobody has any right to tell these consenting adults what they can or cannot do in private; and no clever play on words will make it otherwise.

One of the main reasons I have fought the laws was the lack of clarity, both in the laws and how they would be enforced. I sent this letter to the prime minister and of course to the media. Various media reprinted it in whole or in part. Here it is in its basic final form, much as it appeared in some newspapers and on line, but I have done a bit of editing

here. I will give the article in several installments, each date January 8, to make for easier reading.

January 8. Six Questions for the Prime Minister on Prostitution. New prostitution laws may be on the way thanks to last month's decision by the Supreme Court of Canada, but much will now depend on the sexual orientation of the prime minister – namely, his orientation on whether or not to restrict what consenting adults do in private. The PM and his former justice minister, Rob Nicholson, insisted the laws were constitutional. Now, fifteen judges, including those in the lower courts, have put to rest the government's feckless handling of the file and unanimously declared prostitution laws null and void. Not that we need laws, but the PM has a year to come up with new ones. Since Stephen Harper has a majority and runs a tight ship, he's the one on the spot. That means he'll tell you – yes you – what you can and cannot do in private and what happens if you break whatever new laws he brings in. That means answering some questions.

January 8. Question 1: What is a sex act? Is it a sex act when a man gets an erection and inserts his penis into a woman or another man? Is orgasm an issue here? Is it a sex act if a registered masseuse massages a naked man, without touching his genitals, and he has an erection? What if the masseuse is not registered? Say it's me. Is it a sex act if I give a naked man a massage while he is fully restrained and I don't touch his genitals? What if another man is watching and masturbating while watching all this? I could go on. I think you get the idea.

January 8. Question 2: What is a prostitute or sex worker? Is a woman a prostitute or sex worker if she has sexual intercourse with a man in gratitude for a favour, such as home repairs? What if she just gets a promissory note in return for sex? What if a man pays his wife or girlfriend for sex? What if he pays her to hold his hand or let him masturbate in front of her while she verbally humiliates him by calling him a lackey of the prime minister?

January 8. Question 3: What is a bawdy house? Is it a bawdy house if a woman, almost daily, stays home and has sexual intercourse for money or some other form of payment? What if a man pays to just look at her as she washes dishes? Is it a bawdy house when in this home or place of business there is no genital touching? What if all customers are fully clothed? Is it a bawdy house if the woman sets up a dungeon with bondage and discipline equipment and rents the room to others, such as married couples, who are not involved in any financial transaction?

January 8. Question 4: What is an indecent act? Under the old laws, indecency was loosely defined as something that violated community standards. Can the prime minister be more specific and list acts that are indecent, and do so with a high degree of specificity? The courts struck down the old prostitution laws last month partially because they were too vague. So it is important for the PM to be clear. I look forward to his lists and explanations.

January 8. Question 5: What is violence? As a dominatrix, I enjoy controlling and punishing men. As a dominatrix, I have never been charged with assault or unlawful confinement, despite significant acts of restraining, whipping, spanking, tickling and pinching of clients. Is paying to get whipped by me, where no injury results, more violent or more abhorrent than being blindsided by a 300 pound lineman whose job it is to play football?

January 8. Question 6. What is a conservative? Here's what I think a conservative stands for: he believes government should respect the privacy of citizens; he respects the rights of consenting citizens to privacy in the bedroom or dungeon; he believes these freedoms should extend to all segments of society; and he believes government should refrain from imposing arbitrary more judgments on citizens.

January 8. Conclusion. I think people should be free to decide about prostitution for themselves. I also know that prostitution is going on all over the place under Harper's government, and that women – get ready for this – are actually often asking criminals to protect them from the authorities under the laws the prime minister has fought to retain. The PM's handling of this issue to date has been a blow against safety for women and in favour of organized crime. Going forward, he really must define his sexual orientation if he is serious about doing his job.

January 12. Surfing the Internet About Our Canadian Prostitution Debate. Over the last several days I have spent several hours reading articles and comments posted on the Internet relating to our Supreme Court victory striking down Canada's laws intended to restrict prostitution, whatever that is. The first thing that had me shaking my head was that when critics of our position point to the negative aspects of sex work, they often completely fail to realize that when something (or related activities) is illegal, those negative aspects arise largely because of the very fact it is not legal. They also fail to point out that women are victims in many conventional workplaces. In the Canadian and American military sexual harassment and rape are almost systemic, as are the cover-ups. Even in offices women are subjected to it. Domestic household servants are trafficked in illegally and sexually abused, yet we don't outlaw nannies. Many factory workers in Canada are trafficked in illegally and sexually abused, and we don't close factories. They also fail to point out, and this is critical, that in the future many women who come from advantaged backgrounds, or who have choices, will enter the sex trade. They did not do so before because of fear of the authorities and the negative aspects created by the laws that were struck down. I know a number of such women who earn good livings now, love their work and are free from the sexual harassment, low wages and long hours that are the lot of so many women. If the government does not bring in any laws to replace the ones struck down, and for a change enforces the immigration and other laws, I have no doubt that the people who look into the sex trade will find fewer members who were forced into it and fewer who want to exit.

January 14. Read the Decisions. In my last blog I wrote about some things that occurred to me when I read articles and comments posted on the Internet about the Supreme Court decision striking down the existing prostitution related laws once and for all. In this blog I want to mention one thing I held back on mentioning then. That is, simply, how rare it was for those commenting to say that they had read the decisions (there were three decisions by three courts). When I spoke in the lobby of the Supreme Court on December 20, 2013, and was asked about other countries, I said that any comment about other countries should be a comment about what the decision of the trial judge said. She looked at the evidence, trial tested, about other countries. Two years of hearings and tens of thousands of pages of trial tested evidence were the basis of her decision. That was part of the basis for striking down the laws. The same is true about the judge's findings about any negative impacts on society if the laws remained struck down (none), and the negative aspects if they remain in place (many). Again, trial tested. So, if people have an opinion, it is good to know if it is informed. I don't expect many people to read these documents of course, but it would be nice if they started their comments by saying either: "I have read the decisions" or "I have not read the decisions." If someone says "I don't need to read the decisions to comment on the decision of the Supreme Court, or the lower courts," that someone is a fool.

In this interval I spoke at the University of Windsor. The speech will appear below shortly.

January 26. Giving Interviews. I have been invited to over a dozen interviews or to speak at events in the last month. With the exception of my pre-planned visit to the University of Windsor, and the Windsor Star, I have turned them all down. I must now get ready for another round of chemotherapy and use what energy I have for doing necessary things. That being said, I spend an average of one hour a day at my computer. Half the time I reply to e-mail and Facebook messages. The other half I review articles supporters send that they think I would be interested in reading, along with some comments of their own as they see what is being said or done about the issues we have been involved in. I have resolved to tell you what I am thinking once or twice a week in a blog, and I will make public appearances or release statements beyond my blogs, if possible if any of the key people who have fought with us think I can make a difference. My blogs will appear on my Web site (terrijeanbedford.com).

January 29. Taking the First Step. I have been told by reliable sources that the so-called right wing commentators have been remarkably silent about what the government should do about our victory at the Supreme Court. They tell me that our opponents realized that the so-called Nordic model is not workable for the same reasons the old laws were not. They also tell me that my letter called "The Sexual Orientation of Stephen Harper" helped remind all discussing the issues before us that before we discuss any new laws or models, we must first decide specifically what behaviours or acts among consenting adults in private are to be prohibited and why. If that first step is not taken, on all sides of

the debate, the discussion will be pointless and any new laws will be a fiasco. Any uncertainty will breed waste and misery.

February 9. The Laws Fall Further. One by one the provinces are announcing that they are not using the struck down prostitution laws, meaning they are not laying new charges and are often dropping charges where cases were pending. We should note that the number of such charges have been falling steadily over the last few years, despite a growing population and growth of the sex trade. The reason for this last development has been that the authorities do not want to proceed using laws that are unconstitutional. For years Justice Minister Nicholson said the government viewed the laws as constitutional. Now his replacement, Mr. MacKay, says not enforcing them is not an option. Yet he is no longer being listened to. Prime Minister Harper hired these guys and keeps paying them. Do we want anyone, let alone these guys to tell us what consenting adults may do in private? For now we are free and we activists must ensure that any new laws (and there should be none) are fair and don't do the same damage as the old ones.

February 15. The Debate Before the Debate. There have been meetings across the country about what new legislation should replace the struck down prostitution laws. Here are some of my observations from the information that has reached me. There is a general understanding of how the so-called Nordic Model (which criminalizes the purchase of sex but not the sale) is flawed in the same ways the old laws were. There is also understanding about the horror of imposing someone else's morality on consenting adults in private. Also, there has been no comment from the so-called abolitionist side in response to my letter saying the government must specify what behaviours among private consenting adults are prohibited. There has been much discussion about the decision of police forces and provinces to stop enforcing the existing laws which were left in place for a year. Some nasty surprises await the government if they try to bring in new laws that are not clear and not up to constitutional standards. Might we have a Canadian spring? Or are we going to just let the prime minister continue to do what organized crime wants him to do?

February 19. The Government Consults Consenting Adults. The federal government is now seeking input from Canadians about how to regulate sex acts between consenting adults in private. Problem is, they don't say which acts are sex acts. I asked this in a paper I circulated last month called "Prime Minister Harper's Sexual Orientation" (also issued as my blog on my site -terrijeanbedford.com- for January 7, 2014). I asked straight questions. The answer to each question was a yes or no. I also asked for a why to each yes or no. I said that Mr. Harper's sexuality would guide his answers, and it was his answers that were going to guide new laws. So I think before Canadians give their input they should be clear about exactly what it is the government wants direction on. Is it going to be illegal to run or go to a fetish house where no sexual intercourse occurs? Are couples who play bondage games at home for free to be arrested if some sort of payment is deemed to have occurred? The Supreme Court said any new laws cannot be over-broad or arbitrary. They also said that new laws must be clear with precise definitions. Is the

prime minister going to take the unbelievably stupid option of the Nordic Model and top it off without giving precise definitions - just so he can buy some more time while the courts again repudiate him - and so keep the sex trade underground, which puts women in unnecessary danger, and is what organized crime wants? How long is he going to put limited law enforcement resources under further strain while not even speaking out about sexual harassment of women at work, in the RCMP, in the armed forces – or domestic abuse? Does he want the forces of the state controlling men who might be clients of sex workers? A man might be afraid to pay for dinner on a date. A woman could blackmail a man by reporting to the police that he tried to “buy sex.” I look forward to hearing from him. I'm sure you do too.

In this interval I spoke at Concordia University. The speech will appear below shortly.

February 27. Once Again: Why the Nordic Model is Bad. Laws supposedly meant to protect sex workers by penalizing only so-called pimps and clients, and not sex workers, will replicate the harms and illegalities of the laws just struck down and may not survive the courts. The other countries did not have our recent court ruling on what makes laws themselves right or wrong – meaning whether the laws are arbitrary in their application, unclear about what is or is not a crime, discriminatory in how they impact sections of the public, or contribute to the ills they are supposed to prevent more than prevent them. So, that ruling means the Nordic Model is wrong. Here are a few more problems with it. (1) Such laws criminalize anyone who shares in a sex worker's earnings, including her husband, other family members and friends. These are people police can harass or threaten to charge as an associate. (2) The laws even form a barrier to sex workers who wish to marry and or leave the business for other reasons. A husband becomes legally vulnerable, even if he shares the household expenses. Women who support their husbands in whole or in part in other occupations, and, yet, no one passes laws against living off the proceeds of a their work. Why are sex workers singled out from women in other occupations? That singling out is not legal after the recent court decision - discriminatory. (3) The Nordic approach also makes sex workers less safe. Pimps often provide services for and protection to sex workers. For example, they drive women to appointments, wait in the car, and know when to worry if the woman does not return. They copy down the license plates of cars into which street walkers climb, which provides some safeguard against the women simply disappearing. (4) Laws against clients endanger sex workers on the street. These women are the most vulnerable of sex workers because they lack the safety of working indoors and non-violent men are far more likely to be afraid of and discouraged by the prospect of being arrested than are psychopaths. This is especially true of family men or those who have a respected position in their communities. A minister, a lawyer, a teacher, a psychologist or a doctor have a great deal to lose by being arrested and having the arrest publicized, so are reluctant to take the risk. (5) There will not necessarily be fewer women selling sex, however, especially on the street level where driving forces like drug-use keep the numbers high. With a smaller pool of customers for whom to compete, these women may act with less caution; for example, they may be more willing to get into cars they might otherwise not

get into. On the other hand, there will be as many physically abusive men and criminals in the client pool because a person who is willing to beat or to kill a sex worker is unlikely to be discouraged by the possibility of a minor charge of buying sex. The preferred clients have moved to the Internet, but the dangerous ones stayed on the streets. (6) Those on the streets work in risky conditions because they go further into remote areas. Under the Nordic Model they have to do the negotiation very quickly. It doesn't give them any time to assess risk. The quick negotiation will also result from a client's unwillingness to linger a moment longer than necessary. (7) It is currently common practice for sex workers to screen their clients in advance to seeing them. They know the client's name and phone number. Under the Nordic Model, however, clients have more incentive to remain anonymous rather than risk arrest. Sex workers will have to accept calls from blocked numbers and won't know who they are seeing. (8) There is no indication that the Nordic Model being considered for Canada at present would adequately define what are not permissible acts between consenting adults in private for money or not, and so the law will fail for that alone. (9) I could go on and on, but enough for now.

March 4. How I Am Doing. I want to thank all those who have been asking after me. I came down with a cold about three weeks ago and because of my other problems I was in very bad shape and had to have help just to get around and prepare some food and do the chores. That was for about a week. Over the last two weeks I have been getting better. Most days I can spend some time at my computer, and so have been able to do a couple of blogs and respond to e-mails. I will be making a couple of major speeches this month, or so I am told. More about that another time, but I will have my remarks posted on my Web site.

In this interval I spoke at the Law Union of Ontario. The speech will appear below shortly.

April 3. It Looks Like They Got It. I have been getting reports and reading media from all over the country and it is quite clear that there is no consensus among authorities or the public that the purchasers of sex acts, whatever that means, should be targets of any new legislation. Ditto pimps, whatever they are. Instead, there is a consensus that if people are being forced into sex work or want out of it they should have help made available to them. Just like our side has been saying. But let's not stop there. Let's have help for our women in uniform who are being sexually harassed and assaulted. I wouldn't want my daughter in the military or the RCMP. Too much sexual abuse. Let's have exit strategies and rescues for them as well. We might even want to throw in a rescue program for whistle blowers in the civil service who have been betrayed. Is this beginning to sound like a Tough on Harper Agenda?

April 6. The Barrage Against the Nordic Approach. I have seen and been told that there has been a constant stream of articles saying the government should not criminalize the purchase of sex or being a pimp. It appears that a couple of items in favour of that

approach, such as put forward by Member of Parliament Joy Smith, have been demolished. Other articles have revealed how police in several areas of Canada are cooperating in treating the sex trade, whatever that is, just like any other business. So the question going forward is who gets hurt. If Mr. Harper brings in new laws, instead of basically enforcing remaining laws for a change, organized crime and bad pimps and so forth will prosper and celebrate. If he does what we have advocated, women will be safer and better off in every respect. If he finds the idea of women being paid for sex acts (which he has yet to define) wrong, he should look at the booming businesses of strip clubs, massage parlours, dungeons, and escort agencies that have flourished since he came into office. It's a little late in the game to get up on a high moral horse. I'm up on mine, and I think women should not be legally required to perform sex acts only for free.

There seemed to be little more to say as we waited to see what the government would do.

May 4. New Prostitution Laws May Be Coming Soon. I believe that the government has the information it needs to recognize that the Nordic approach will replicate the harms of the laws just struck down and won't even be legal in itself. They also do not want to have the burden of telling us what we cannot do as consenting adults in private. So two things. If they do bring the Nordic model, meaning say they are targeting customers and associates of sex workers, it means they are just kicking the can down the road again, so they can say the courts forced them to decriminalize sex work. If they don't, they will finally in effect decriminalize it, and just bring in laws targeting the negative aspects of the sex trade such as human trafficking. Laws like that are already there, so it means they say they will enforce existing laws for a change, or actually do something to protect women. Either way, we have won, will win and there is no going backwards. When the new law comes out, I will make sure I read it and ask what other informed observers think of it before I comment publicly. That is something those opposed to our challenge should consider trying some time.

During this time the government ran an on-line survey for public input into what the new law should be.

June 2. Government Prostitution Survey Results: A Message From Terri-Jean Bedford. The survey is a scam. I say that despite the fact that the respondents agreed with us that the sale of sex should remain legal. The respondents were also not decisively against the purchase of sex or in favour of charging all the associates of sex workers. So even this rigged survey, assuming we are being correctly informed about the response, does not give clear direction to the government. I say the survey was rigged and a scam for a number of reasons. Here are some of them. For one, who drew up the questions? Why wasn't there a question asking if the government should tell consenting adults what they can do in private for money? Why wasn't there a question asking what should be included in the definition of a sex act or sex? Why wasn't there a question about which crimes police should ignore in order to devote scarce resources to ensuring that women only have sex for free? As to criminalizing the purchase of sex, I am including below an

open letter from many leading Canadian intellectuals familiar with the issues at hand. I ask you to read the letter. Look as well at who received it and who sent it. It should convince you that if the government does introduce the so-called Nordic approach it will ensure that Mr. Harper and his ministers will be seen as cowards only looking out for themselves by doing what organized crime wants them to do: meaning preventing women from protecting themselves, ensuring they can only have sex for free and denying consenting adults in private basic liberty. We can do better than that. Ask the Supreme Court. What follows is an open letter signed by some of Canada's leading experts in the field.

I am not giving the letter here. It essentially said the Nordic approach should not be adopted. It was an impressive document, as was the very long list of distinguished signatories.

Chapter 17: January 2014
Speech: University of Windsor

The timing for this speech was lucky. Originally scheduled for November it had to be postponed until January, mainly because of pressures on staff and students late in the term compared to early in the term. The Supreme Court victory was in late December. So I was news when it came time to speak. I consider this my first major speech, because due to Bedford Versus Canada the rules of the sex trade were going to change. I was given up to half an hour to speak, a first for me. The striking down of the laws was no longer something that we were advocating or might happen. Also, rules for any new laws were also in place. On top of all that, I was speaking in my home town. The media was there in force and some classes were canceled at the law school so they could hear me speak. Chanelle Gallant, head of Maggie's, a sex worker outreach project in Toronto, was there with me and would speak as well. She was a staunch ally. After the speeches we answered questions.

How many of you saw me on television last month? One of the things I said was that Prime Minister Harper offered me an appointment to the Senate, as a government whip. Well, today, here in my home town of Windsor, I am declining his offer. You see, it seems Senators are always in trouble with the police, and I've had enough of that.

It's exciting to be back in my old home town again. The university certainly has grown. One part of that growth I am told has been the womens' studies and social justice areas of study. I am also told that the legal battles that I and so many other women have been fighting these past two decades have received considerable attention in various departments here, and for that I am grateful. The Associate Dean of Arts, Humanities and Social Sciences, Eleanor Maticka-Tindale was an expert witness in 2009, supporting our motion to strike down the so called prostitution laws in Ontario. In 1998 Daryl Hill of the Department of Psychology here was an expert witness at my trial, testifying about cross-

dressings, and whether it was sex. Julie Fraser, a Ph. D candidate in that same department spoke at my fund-raiser in 2000; and both graduate and undergraduate students have visited me in person, spoke to me over the phone, e-mailed, and sent me their papers over the years. Thank you all again.

And I have also spoken here. In 2009 Professor Young, Val Scott and I spoke at the law school about our Charter Challenge, then just beginning. Now I have the pleasure to be here just after it has ended, and WE have won. I want to talk about that word - WE. We are thousands, at varying levels of involvement.

The first person to mention, in my view, is Madam Justice Susan Himel. She won too because her decision was reviewed by fourteen judges, first at the Ontario Court of Appeal and then the Supreme Court. In the end everything she decided was upheld.

There are of course the three plaintiffs, or as some would call us, affiants – Myself, Val Scott and Amy Leibovitch. Val Scott has publicly advocated for the rights of sex workers for over twenty years. Amy Leibovitch is younger than Val and I. Her participation was most critical of all because she is not retired like Val and I are and her standing was not subject to challenge.

Then there is Professor Young, who deserves the Order of Canada, and his fellow lawyers and the rest of the legal team. About ten lawyers represented the matter through three levels of court. About twenty students worked on the matter.

Then there were the expert witnesses. About a dozen of them, on our side, who came to Toronto and testified for us – Eleanor included.

There were the activists and sex workers across the country who spoke to the matter and marched in the streets. One of the most prominent women in Canada is beside me today, Chanelle Gallant. She is one of the leaders of such women.

There were as well the vast number of citizens who informed themselves at universities, community colleges, high schools and informally.

In a larger sense WE also includes the women of Canada, for whose freedom a blow was struck, and all Canadians. This is because any new laws must meet new guidelines of fairness.

Before 2010 the federal government's tough on crime agenda was meant to impose harsher penalties for violating laws that were themselves clearly illegal, such as the bawdy house law. When the first decision came out striking the laws down in 2010 they announced their intent to appeal within three hours. When the Ontario Court of Appeal basically supported the first judge in 2012 they appealed again; stating that they still

believed the laws were constitutional. Now I ask you, are you going to accept anything, anything these guys come up with now?

Mr. Harper and his trained seals are on record as saying that prostitution is bad. What does he mean by prostitution? Let's just say for now he means sexual intercourse for money. Well guess what. I say it's good. And I happen to be right. Escort services, bawdy houses, strip joints, massage parlours and informal arrangements among adults are occurring everywhere. And this was under the now defunct laws and under Mr. Harper's tough on crime agenda – which is a scam. Mr. Harper was doing what organized crime and bad pimps wanted him to do, which is to keep women underground and subject to blackmail and potential harm.

I can't comment responsibly about his economic policies, his foreign policies or about what he is doing to protect the environment. But I can say that he has been a national disgrace in his handling of the matter in which I have been involved. If he is really concerned about the welfare of women, why does he not speak out about wife-beating, which is a national epidemic, or about divorced fathers who can but don't pay child support. Why is he silent about sexual harassment in the armed forces and RCMP? Why is he silent about the shortage of women's shelters or the refusal of women's shelters to accommodate family pets, which abusive husbands use as hostages to keep battered wives in the home. Why doesn't he speak out about low wages and low social assistance or the shortage of affordable housing – which encourage women to become prostitutes by the way? Why do he and his supporters undermine groups which promote human rights and address matters that affect women? A real man protects poor women and children. Why doesn't he visit food banks or public housing complexes or our overcrowded jails? Are aboriginals better or worse off since he came to power?

Whatever the reasons are the facts are there. Show me press clippings or videos where he has spoken on these matters. You won't find much. What you will find is that he only needs to appeal to a minority of voters to remain in power. Thus he has hidden from these issues. Take the current matter as an example. He crows about how judges should not make policy because they are not elected. Yet he hid behind the robes of the judges to make the matter go away for a while. Now he is in a bigger mess than ever.

I fought this battle before. In 1986 I was raided in Windsor, but I did not have the means to fight. In 1994 I was raided in Thornhill and decided to fight, because this time I had help. In 1998 the judge gave an appalling short oral decision after a long trial and refused to say what I could and could not do. The real travesty then was that the Ontario Court of Appeal made an even worse decision, and the Supreme Court refused to hear the matter. Professor Young said he took the case because, as he said “You guys broke all the rules.” What he meant was that the justice system was not designed to allow justice, and that if the authorities did what they did you just took it and moved on. To this day, I cannot tell you what my crime was back then. The laws as they were written were so vague and arbitrary in their enforcement, that they were unconstitutional. Remember, in my first

trial in 1995, the charges were thrown out because they were too vague. But the courts then basically said that was okay, and what was done to me was okay. Well, it wasn't, and the ruling last month by the Supreme Court, unanimously said so. Remember that the three provisions which were struck down specifically were done so in part because the Criminal Code definitions were vague as to what was a crime and what was not. That, in my view, is the first stage of the debate now under way. Exactly what private activities between consenting adults will the police devote scarce resources to stopping? The Supreme Court has now said that this must be answered before we comment on what model, or what laws, if any, should be brought in to the Criminal Code to replace what was struck down.

It's good to come back, after twenty years, a winner and in the right. Remember, I had a lot of help. They say that the price of freedom is eternal vigilance, and that means every citizen who can should do something, however little, to ensure that our freedoms are protected. If prostitution remains legal and no new laws are passed to regulate it, things will be better. We have many other laws that protect women. We just need those laws enforced for a change.

Thank you all very much.

After the speeches and questions we got a standing ovation from about half the audience and the applause was sustained. I noticed that most were women. I then was interviewed by the media, mainstream as well as campus press. The rest of the day was spent at a lunch with professors and graduate students and then at the library concerning the placing of my papers in the archives. In the evening some old friends visited me at the hotel. It was a great day. The next day, before heading out of town, I did an interview at the Windsor Star, which can still be seen on the Web.

Chapter 18: February 2014
Speech: Concordia University

I visited Concordia because one of the expert witnesses for our side, Frances Shaver, was a professor there and a staunch supporter of the cause. I did not treat this as a major speech because I had one coming up less than a month later, there were other speakers and a panel discussion.

It's good to be back in school. In two of the facilities I ran we had classrooms too, complete with desks and blackboards. Have you ever been in the classroom of a dominatrix? I make the students, most of them middle-aged men, dress as girls. Their lessons usually included the strap, the whip and of course standing in the corner. The tuition was hundreds of dollars per visit, and they would leave deep in debt. Just like Concordia.

So, we may have new prostitution laws. The government wants our input. That's going to be tough, since they won't specify what they are talking about. I think it's safe to say they mean, by prostitution, sexual intercourse for money or other payment. But what about what I do? If a man pays me to kiss my feet, or for me to spank him with his pants on, is it prostitution? I wrote an article which some of you may have read asking many such questions. I am on record as saying that any model or whatever we may discuss, must first specify what behaviour between consenting adults in private is being controlled by the government. The Supreme Court, and the lower courts agreed. Any new laws must be clear in defining what constitutes a sex act. If they are not, no model will be enforceable. So I look forward to hearing from my fellow speakers tonight, and perhaps from you in the audience, what I can and cannot do if I open another facility. And why.

One thing everyone is agreed on is that sex workers, whatever that means, have a right to safety. The courts were clear. No other person involved in a legal activity is prevented from taking basic safety measures. The fact that some operators who hire and supervise sex workers are not good people is not a basis for legislating against that practice. Women are sexually harassed in the RCMP, the armed forces, offices and the home. Why not outlaw the people responsible for that? Why just the so-called pimps, good and bad? And why should I not be allowed to hire security, salespeople, receptionists and so forth? Why should I be denied police protection for doing a legal activity? Why single out sex workers, whatever they are?

If Mr. Harper gets tough on prostitution he will be doing what organized crime and terrorists want him to do, meaning, he will divert the already strained resources of police, courts and jails to cracking down on women in their bedrooms while dangerous criminals get a pass.

The Harper government, in 2010, announced an appeal of Judge Himel's decision within three hours of its release, which caught them off guard. Shame. Then, after the Ontario Court of Appeal sided with her for the most part, Mr. Nicholson, then justice minister, said the government still believed the laws were constitutional, all three laws. Well, fifteen judges say he was either lying or stupid. You choose which. The sad part is that this is the same Harper bunch that may bring in new legislation. Mr. Harper himself has not even answered the simple question of whether he has read the Himel decision. Sad. I can't comment responsibly on his policies on the economy, foreign affairs or the environment. But I can say that the less he brings in to regulate the sex trade, and the more he does to enforce the laws still on the books to protect women, the better he will be doing his job. Thank you.

Chapter 19: March 2014
Speech: Law Union of Ontario

This was my second major speech. In it I make major points that should be considered when new laws for the sex trade are considered and how to respond to possible new

legislation is considered as well. The audience was legal professionals, so I shared that part of my experience with them. Of course I attacked the government for their handling of the sex trade issue. My supporters did not publicize the event and perhaps the Law Union did not make a full effort in that respect or did not want publicity for their meeting. The upshot was that it received no media coverage, but the speech is on the Web now. The closing joke went over big.

Before I say anything else I want to acknowledge Dr. Henry Morgentaler, who died this summer. I appreciate what he was up against, not just because I have been in legal wars and in jail too, but also because both of us were advocating for women. Blessed be his memory.

Now, on the lighter side, let me tell you a little story I think you'll appreciate. Some years ago I was whipping a client strapped to a bench. With each lash he had to call out "thank you mistress, another please" and he had to sound like he meant it. After he had wept to my satisfaction I removed his restraints and let him kiss my boots. Then I told him to get dressed and meet me at the front door. Now get this. When I let him out the door we said goodbye to each other. He said "Goodnight mistress." I said "Goodnight Your Honour."

Speaking of judges, our judges are now, thankfully, addressing the federal government's so called "Tough on Crime Agenda", which is a scam. The government itself is an offender if laws passed are unconstitutional, or contrary to Canada's values. Is it patriotic to focus on length of sentences and ignore overcrowding in prisons? Ignore the misuse of warrants? Ignore the under funding of legal aid? Ignore spousal abuse? Ignore the shortage of shelters for women, or of shelters that accept family pets so the wife beaters can't use the family pet as a hostage? Is it patriotic to be caught by surprise by the sexual harassment scandals about women and minorities in the armed forces and the RCMP? And, my friends, is it patriotic to tell women they can only have sex if they have it for free?

Did you know that our constitutional challenge prevented a mandatory minimum prison sentence for keeping a common bawdy house? Even a sad sack like former justice minister Rob Nicholson should have realized that the law was flawed. Justice Himel struck down the law in 2010 and the government was caught completely off guard. They didn't even know the decision was being released. I doubt if Mr. Harper and Mr. Nicholson even knew of the challenge. Yet, an appeal was announced within 3 hours of the release of the decision, despite the fact that Judge Himel said Parliament's involvement was required. Same reflex reaction after losing at the Ontario Court of Appeal. Nicholson said the government's position was still that the laws were constitutional. Beverly McLaughlin and the Supreme Court, in my opinion, then confirmed that Mr. Harper and Mr. Nicholson and their cronies were either liars, who just wanted the issue to go away, or dummies. She did not say which. Take your pick. Then remember that this is the same gang that may be drafting new legislation.

Mr. Harper has replaced Mr. Nicholson with Mr. MacKay, the former defence minister. Women and minorities being harassed in the armed forces is more of a problem than enemy fire. Let that be Mr. MacKay's legacy. Now it appears he is going to add to it by bringing new laws that will not stand and will not be enforced or be obeyed, perhaps something like the so-called Nordic approach. If they bring that in it will blow up in their faces. My fellow speakers will be telling you all about that shortly. But I want to make a couple of observations of my own.

For one, that approach targets men and Mr. Harper gets more support from men than women. The governments that brought in that legislation are more left wing and more female supported than Mr. Harper's government. It also means we women can accuse a guy who took us to dinner of trying to buy sex from us. The potential for blackmail of men is endless because women cannot be charged for selling sex. I'm sure Mr. Harper's power base of white collar men will be thrilled to have that hanging over them.

And remember something else, something very important. The other countries who outlawed the purchase of sex acts, whatever they are, did not have a Himel decision which the Supreme Court has made a guideline for new legislation. Those very laws from other countries might be illegal in Canada. Discriminatory, too broad, overreaching, work against their stated objectives, blah, blah, blah and on and on against the Nordic approach. I think we get it.

Judge Himel said that laws other than the ones she struck down address the worst aspects of prostitution, aspects which, in large measure, resulted from the laws she struck down. So no new laws need to be introduced. The higher courts agreed. They seemed to say there was nothing less patriotic than to take the position the government has taken and is considering.

And of course law enforcement officials point out that serious criminals would go undetected and unpunished if resources had to be devoted to ensuring women only had sex for free.

And there's more. Perhaps most important of all. New legislation must tell us what we cannot do in private as consenting adults for money or not. The Supreme Court said new laws, if vague, would not be viable, whatever the approach. When a new law comes in it will have terms of reference. It will say "for purposes of this act, a sex act is defined as" and blah blah. If the blah blah is not clear, the law is not itself legal. Thank you Beverly McLaughlin. Home run girl!

Now tell me, what part of all this does Mr. Harper not get? Why didn't Mr. Nicholson and Mr. MacKay, who are lawyers, resign rather than advocate laws that everybody knows are unworkable and are a disgrace to a free society? I cannot comment responsibly about Mr. Harper's economic, foreign or environmental policies and so forth. But what I can

say is that, in my opinion, on matters of criminal justice he has fallen beneath the dignity of many of the criminals he says he is getting tough on.

Not only that. Some of you may have heard that Mr. Harper keeps calling me and offering to appoint me to the Senate, as a government whip. Well, I am a convicted prostitute, and he keeps trying to buy me, so he would be a John. I will have to report him. No – means – no, Stevie! Bad boy!

Well, enough about him. I also want to talk tonight about lawyers and my long journey at their side. First I want to bring to your attention that I believe that Val Scott, Amy Leibovitch and I probably got too much credit for striking down the prostitution laws. Our legal teams got too little credit. Let me drop a few names: Professor Young, Marlys Edwardh (who fought for Dr. Morgantaler), Ron Marzel, Stacey Nichols, Sabrina Pingitore, Kendra Reinhardt, Katrina Pacey, Daniel Sheppard and other lawyers fought for our side directly and indirectly.

I have been fighting, and my lawyers have been fighting on my behalf, against the laws that were struck down for twenty years. In my youth I was too poor and lacked the support to contemplate challenging the laws. But in 1994, when I was raided in Thornhill that changed. I had support. You can read all about that in my book, but with that support I took a position. I was selling role play and refused to sell sex. Yet I was raided and charged as a prostitute. David O'Connor represented me at my bail hearing and did a good job. The late Ken Danson began my defence preparations and Morris Manning took over from him. Morris also represented Dr. Morgantaler. My supporters recommended that change and Ken was supportive. Ken told me, even after he was replaced, "Terri, you can't plead guilty. Promise me you won't". Morris lived up to his reputation and at my trial the charges were thrown out because they were too vague. Unfortunately that did not hold up on appeal. Murray Klippenstein took over. He worked with Charlie Campbell and was advised by Paula Rochman and assisted by Wendy Snelgrove. That was in part because I and my supporters felt that lawyers with a reputation as activists were going to be important as the matter became a high profile battle of attrition. During this time George Callahan, a true gentleman and pit bull as the situation required, assisted me in ensuring my private affairs were in order. He also joined Klippenstein's team, which was then disqualified. They were ruled in conflict because they represented all the accused together. Fortunately, Osgoode Professor Alan Young signed on as an advisor to the team and was ready to take over if the Klippenstein team was disqualified, and he did. He was assisted by lawyer Leah Daniels, who taught at Seneca, when my trial finally got under way in 1998. They spent all summer on the case and had a team of students assisting them.

It was a barn burner of a trial. The CNN truck and all the major networks staked out the courthouse in Newmarket, wherever that is. The trial went on for weeks and the questions to be decided, as some reporters said, were as fundamental as those raised in the recent Supreme Court decision – in my view more fundamental. Judge Roy Bogusky, with all

the mass media assembled, gave a short oral decision. He said the people there had to make a living and were in a hurry to leave. What a fool. Even he was lucky to get a seat at the trial. He refused to say which of the things I did were not legal and what he did specify was for such poor reasons that no appeal that was not rigged would uphold such a disgusting miscarriage of justice. He said the misuse of the search warrant was an understandable reaction of young bucks. Rosie DiManno finished off his reputation for good in her column.

Professor Young and Paul Burstein (who needs no introduction) did the appeal in 1999. Well, Judge Finlayson of the Ontario Court of Appeal wrote the worst decision in its history. Read it some time. It was so poor, lawyers told me, that it meant that a stripper or waitress could be charged as a prostitute and it was almost impossible to have a search warrant that could be challenged. It was so poor that judges afterwards threw out prostitution and bawdy-house charges simply because my conviction and appeal decision were such garbage that they became precedents to cite when acquitting. Ever wondered why prostitution convictions fell steadily since, despite the rising population and the growth of the sex trade, whatever that is? Answer in part, Finlayson.

Some of this was pointed out by now Judge Corbett, who sought leave to appeal to the Supreme Court. He worked with Lucy McSweeney and Timothy Banks, then an articling student, when David prepared his masterful factum in 2000. Unfortunately it was not heard.

Professor Young remained active for me, and when I reopened in downtown Toronto just after my conviction he asked the police if they had any objection to what I was doing, which was identical to Thornhill – which resulted in a massive raid and trial. I was open 4 years. No raid, no trial. Another lawyer, Pierre Cloutier, advised me on and assisted me in the handling of the administrative matters of my business, like registration and minute books and so forth.

Just after I closed Professor Young told me he was considering challenging the constitutionality of some of the prostitution laws in court and wanted me to be one of the plaintiffs. Want to know what is involved in a Charter challenge? Try it some time. Half a million dollars when you cost everything it takes. Like tons of volunteer legal time. The work involved with the experts. Try three years of hearings and related preparation. Try dealing with government lawyers who do not hesitate to offer crap as evidence and argument. If you don't believe it was crap ask Judge Himel and the Supreme Court. Try to deal with a government that orders their lawyers to make it go away by any means necessary and then orders them to appeal, when there are no grounds to appeal, simply to make the issue go away. A government that has no regard for Charter challenges.

Then try dealing with a portion of the media who in one breath points to the downsides of the sex trade, whatever that is, while turning a blind eye to the finding of the courts that the very laws they are fighting to retain are largely the cause of those evils. Try dealing

with commentators who bring in obscure new studies or reports, not tested in court, to attack legalization of the sex trade, while ignoring the findings of a virtual three year public inquiry, with evidence tested in court, that resulted in the Himel decision and what it had to say about other countries. Barbara Kay and Margaret Wente are two recent examples of such cherry pickers who don't even say in their columns if they have even read the decision. Rosie DiManno said "read the damn decision," out of frustration with such lousy journalism.

It was never our intent to work our way to the Supreme Court. If Mr. Harper and his justice ministers were doing their jobs, they would have said that even if Judge Himel was partly right the laws needed changing, and not defending. They had the choice of acting all along. But they put themselves first.

In 2011 I published my memoirs, where I tell all about my legal battles. I got help from, you guessed it, a lawyer. Sender Herschorn and his staff were wonderful in ensuring I was within the law in writing the book, in what I said in the book and in advising me on drafts. He wrote to those mentioned in the drafts and sent them copies and made sure that no one had grounds to sue me. He also helped me with the writing and was encouraging throughout. He assisted me in private legal matters as well.

So you see, there is a great deal that lawyers can do for their clients in the sex trade, or those considering entering it, other than just react to charges or arrests. Lawyers can act proactively. Chanelle and Karen are going to talk about that, and believe me, they know their stuff and I am so grateful to share this time with them tonight because what they have to tell you is very important.

I want to conclude by sharing just one one last thing about lawyers with you. It's the same lousy joke I tell whenever I speak to audiences of legal professionals or law students. The one good thing about the joke is that it's so bad, it ensures I have to shut up and sit down immediately. Here's the joke.

Question. What's the difference between a dominatrix and a woman lawyer? Answer. The dom returns phone calls. Thank you all very much.

Chapter 20: June 4 to June 18, 2014

Blogs and Articles: Bill C-36 Introduced

The legislation was a version of the so-called Nordic model, named after legislation in Sweden which had as its focus the making of the purchase of sex acts illegal, but not making the sale illegal. It appeals to types who want to abolish the sex trade and view all sex workers as victims and all clients and enablers as victimizes. In the Bedford Versus Canada decision the approach was discredited, but the government seemed to be more interested in its moral agenda than in protecting women.

June 4. Dominatrix Responds to New Prostitution Law. I have read the document in question and had it carefully explained to me by experts. The new law would basically prohibit the purchasing of and advertising of sex for sale. It would also penalize persons who were in an exploitative relationship with sex trade workers. Mr. MacKay called sex work degrading and said other means must also be added by other bodies to enable women to get out of the sex trade. I see now why Mr. Harper told MacKay to table the bill while he was out of the country. The bill is a rework of the old legislation and will fare no better. We may not even need a constitutional challenge to gut it. It spits in the face of the courts and judges will know this. It repeats the legal and safety shortcomings of the old laws. It does not even define what is and what is not a sex act. As a dominatrix I need to know this so I can punish Mr. Harper for such incompetence. Mr. MacKay called the sex trade degrading. Who the hell is he to tell women they have to only have sex for free? Who the hell is he to tell consenting adults what they can and cannot do in private? How can he stand for a ban on advertising an activity that is legal? I have news for him. Many women love being sex trade workers. Many men who visit sex trade workers, which include some well known members of his own party, are prominent and highly regarded members of society who love their families. This is the same government that kept insisting that the old laws were constitutional and should be kept. Are we going to believe them now? Neither he nor Mr. MacKay nor the dumped Mr. Nicholson would say if they had read the decision of Justice Himel which the Supreme Court endorsed. It said there are plenty of existing laws which address the worst aspects of prostitution, aside from the ones she struck down. Politics is the oldest profession. Mr. Harper and Mr. MacKay have trumped up incompetent and unethical legislation so they can blame the courts when all restrictions on the sex trade, as distinct from other forms of business, are finally removed. Just like the rest of his "Tough on Crime Agenda" this is a scam and ignores real measures that could be taken to protect Canadian women. Organized crime, human traffickers and exploitative pimps are celebrating today. Mr. Harper is encouraging the women in the sex trade to go underground, where these evil people lie in wait.

On June 15 this article appeared in some publications in advance of red umbrella rallies across Canada, where sex workers demonstrated against C-36.

June 15. In 2007 I was one of three women who began a constitutional challenge of Canada's prostitution laws. I am the Bedford in Bedford Versus Canada. Before that I was wrongly convicted under these laws, which were struck down in 2010 by Justice Himel. In 2012 the Ontario Court of Appeal basically supported her decision and in 2013 the Supreme Court, Chief Justice McLachlin writing, voted unanimously to support it as well. They said the laws were arbitrary, too vague, worked against stated objectives, endangered specific groups and put unfair restrictions on a legal activity, the sex trade. Unfair because no similar restrictions exist on other legal activities.

All through this Mr. Nicholson, the Justice Minister, insisted the laws were constitutional, while Mr. Harper hid from the media and said he didn't know who I was. Who were they

kidding? Perhaps the legal advisors they had then were the ones who are advising them now.

Finally Mr. Harper dumped Mr. Nicholson and replace him with Mr. MacKay, possibly to reward Mr. MacKay for making the military a hotbed of sexual harassment and cover-ups. Mr. MacKay, with Mr. Harper out of the country of course, tabled new laws to replace the ones struck down and made other amendments to the Criminal Code.

That was over a week ago. I have been reading and hearing a lot of reaction since that time. In fact, so much has been written and said about the proposed new law in recent days that I don't need to tell you about it here, except to say again that it will not survive the courts, is not enforceable on any significant scale and is a gift to organized crime if it does stand up.

Word is getting around already that these new laws will bog down. In my opinion, the end result is in sight. The government will once again, as in the past, fail to legislate private sexual behaviour of consenting adults, abortion rights, rights to safe injection sites, mandatory minimum sentences, same sex marriage, inter-racial marriage, and so forth. This is just more politics at the expense of the vulnerable to kiss up to religious nuts. This hopefully last chapter is no surprise to me at all given the government of the day.

I don't know to this day if any of these men have read the 2010 judicial decision. If they did they would have realized that a three year trial of such depth would have provided some insights about needed changes, and they could have changed the law back then. Instead it is only now that they decide the purchase of sex should be illegal. They had three years to arrive at this brilliant insight. The judge in 2010 told them to act then if at all. They chose not to act, but to run, and now they are doing it again.

This is because these new laws are actually designed to fail, and they know it, but it makes the issue go off their desk for a while. They do not seem to understand or care that the new laws create the same harms and injustices as the old ones, probably worse. Instead, they want to oppose prostitution, or appear to do so, at all costs – and the costs will be high.

If they were seeking to assist vulnerable Canadian women they would, as I have said, have read Justice Himel's decision, which said, after a three year trial, that no new laws were needed. She said existing laws that were not challenged, laws against human trafficking, assault, confinement, coercion and so forth, addressed the worst aspects of prostitution. The higher courts agreed because it is a waste of law enforcement resources to punish consenting women for not having sex for free. You would need a camera in every bedroom.

Yet, Mr. Harper and Mr. MacKay said more study and consultation, under their supervision, where the outcomes could be controlled, was needed. They were wrong, they

never even said they looked at the evidence from the three year trial, or the recent submissions of hundreds of Canada's leading intellectuals. They are fooling almost no one with cynical and malicious partisanship. They don't seem to care that they are throwing law enforcement into chaos and creating an open field for terrorists, child pornographers, burglars, drunk drivers and the like – by having the police chase after consenting women and their customers for not having sex for free.

Mr. MacKay called the sex trade degrading. He is wrong. For starters, the customers are there by choice. They are half the transaction. Most of the women who work in it are there by choice. How many people who clean toilets for minimum wage at a burger joint while getting sexually harassed in a poor job market are doing that by choice? The sex trade business is booming.

The fools who ask if you want your daughter to be a sex worker might also ask if they want their daughters joining the army abroad, changing bedpans in a nursing home, selling shoes, collecting garbage, or working in menial jobs while getting sexually harassed in the bargain. Or do you want your daughter to get married and be one of the ten percent of women who are battered by their partner – an issue Mr. Harper won't get tough on for fear of offending his base. The people who use the "Do you want your daughter?" argument are fools, because they single out the sex trade.

And while we are at it, I want my daughter to work in the sex trade, but it is her choice. And on top of that, I want your daughter to work in the sex trade, for it to be her choice, and for you to mind your own business and move to a country where women are controlled very strictly so you can have your way there. Many women in the sex trade work their way through college, support their kids without daycare, do not work long hours and are their own boss – despite the laws that reduce safety, which were struck down despite the opposition of uninformed religious nuts and others.

Mr. MacKay said the sex trade has been around for thousands of years. So it appears he is a historian as well as a sex therapist. Sex is indeed very popular, as he and his father know. More brilliant insight. Unfortunately, if women don't have sex for free they are, in his view, degraded. Sounds like Reverend Jimmy Swaggart and Reverend Jim Bakker, two television evangelists who preached like Mr. MacKay and Mr. Harper while being adulterous to say the least. The most sanctimonious usually have the most to hide. All in due time.

Did I mention that Mr. MacKay was minister in charge of the armed forces of Canada, where sexual harassment, assaults and cover-ups were rampant? Did I mention that women who came forward became victims of Mr. Harper and Mr. MacKay as well as of the abusers? Never have whistle-blowers been so persecuted in Ottawa. Now to top it off they are seeking to limit the conditions under which women in Canada can have sex in private with another consenting adult. All this while sending our troops abroad to fight for freedom, or criticizing non-democratic governments! Wow!

Oh, and did I mention that under the proposed new law a man will likely have more chance of going to jail for paying a woman for sex than for raping her on a date or beating his wife? Many women like being sex trade workers. Many women in other occupations don't like what they do and dream of exit strategies from these other occupations. Many more women, women with choices and means, would go into the sex trade if Mr. Harper and Mr. MacKay would allow them to protect themselves and stop calling the free choices of women in the bedroom degrading.

All that being said, I view victory as inevitable for our side. This outburst by the government at the expense of more dead women is one thing on the list of their criminal justice program. Like the others it will fail, and our police will be able to get back to dealing with real criminals, and not just chase after women who don't have sex for free or the men who pay them.

I am asked if Mr. Harper is still calling me and asking me to accept a job in the Senate, as a government whip. I had to tell him to stop calling. I could not accept the job. I was afraid I would run into too many former clients on Parliament Hill.

After the rallies I posted this blog.

June 18. Sex Workers Demonstrate. On the weekend just ended sex workers in cities across Canada demonstrated against Bill C-36, the federal government's legislation to control sex work. I was invited to a number of these and decided not to attend any. This was because I did not want to say no to all but one, but also because it is important to have attention on those emerging to lead this effort to ensure new laws are fair and constitutional. There are so many ways in which this initiative of the government can be neutralized, and I will not list them here. Also, there is no shortage of reasons for doing so. A few days ago, June 15, I sent out a detailed article on all this. But there has been so much written so well, by so many respected commentators and legal experts, that I can add little but my personal opinions, which I did on June 15. What I think is important to remember going forward is that we must not worry if the government rams the new law through Parliament, because then we have something concrete to attack, and attack we shall, and prevail we shall. As Val Scott has said, "There is no going back." She is right. And everyone knows it. If we make well organized efforts, we will win sooner. If there is apathy or lack of involvement, it will take longer. Other than about that, I have no doubts.

On July 16th the following article was published in the Globe and Mail. It was entitled "As a former sex worker, I am sure the conservative bill will fail." It introduced me with the words "Terri-Jean Bedford is a former dominatrix and advocate for sex workers."

I am the Bedford in *Canada v. Bedford*, the constitutional challenge striking down the prostitution laws. I was one of the three plaintiffs. I patiently and carefully watched the first four days of prostitution law hearings by a committee of Parliament last week. But

prior to that, I had plenty of opportunities to learn about the issues. During the challenge I sat in on most of the sessions, private and public, trial and appeals. I was a witness and was cross-examined. I read most of the evidence as well. As a plaintiff I had the right to be present at all times and have access to all the materials.

I also learned about the issues by working in and managing almost all aspects of the sex trade for over 30 years. I have fought the prostitution laws for many of these years. I have been in jail because of the laws. I have been in court as a defendant or appellant more times than I care to remember. I am Canada's most famous dominatrix and perhaps Canada's most famous prostitute. So maybe I know what I am talking about. Here are some of my thoughts about those four days.

I asked myself, what exactly do they want to outlaw? What would be illegal between consenting adults in private for money? The response? Words to the effect that "everyone knows" or "the courts would have to decide." If everyone knows, why not answer the question? If the courts would have to decide, why not refer the bill there immediately?

I found myself wondering why almost no one mentioned that in the past the purchase of sex was already effectively illegal. If not, where did all the so-called John Schools come from?

I was very pleased the committee was reminded that the government spent years and millions of dollars defending the old laws as constitutional. That makes those in the government responsible either stupid or liars. Three levels of court told us that. Take your pick. Are they suddenly credible now?

I was revolted by the way Peter MacKay was preaching about protecting women when he, as minister of national defence, was responsible for the armed forces and their open season on sexual harassment. If he didn't know what was going on he is twice as guilty as if he was covering up. He has lost the moral authority to speak about protecting women.

I was glad to see clients of sex trade workers defended. I have known hundreds, many in the biblical sense and many at the end of my whip. Clients are not bad men just because they are clients. Most abusers of women are not clients.

I got the sense that some of the witnesses who spoke in support of C-36 sadly behaved as if they had been bought or were kissing up for funding, and of misfortunes being paraded gratuitously. That being said, I feel for those who have suffered. I have been there myself, in spades.

I was very, very pleased to hear that wider social and economic problems have to be addressed to help women who wish to exit the sex trade, but that the government is not proposing to do much.

Bill C-36 will fail. Changes to or removal of clauses from a fundamentally flawed bill are irrelevant. It is flawed in its intent. It will be flawed in its implementation. It is flawed as to whether it is itself legal or constitutional. It is flawed in that it will make things worse for women. Its passage will be victory for human traffickers and organized crime.

At the same time, Stephen Harper has lost in a colossal way. This discussion will help to make people forget the positive things he achieved. This discussion will benefit his political opponents more than him. There are so many negative things being said about him, Mr. MacKay and the Conservative members of the committee, across the country. It is not possible, even to members of his base of support, to see the government's handling of this matter as anything but dishonest, vindictive, incompetent and reckless.

It is only fitting that Mr. Harper is being punished by a dominatrix.

Chapter 21: September 2014

Speech: Senate

The government, when introducing legislation, is required to hold committee hearings in both the House of Commons and Senate. These hearings are often little more than ritual, especially when the government had a majority. But it is a chance for various people and groups to go on the record and sometimes useful information has an impact. I decided to go and testify, because if I didn't it might be said by some that I did not speak out against the new law and answer questions about my positions. I testified before the Senate Committee on Justice and Constitutional Affairs. I was allowed a five minute opening statement. I decided to follow up on the joke about the prime minister offering to appoint me to the Senate and add the point that many clients of sex workers were in government.

Prime Minister Harper called me again. He offered to appoint me to the Senate, as a government whip. I turned him down. I might run into former clients on Parliament Hill.

I am the Bedford in Bedford Versus Canada, the constitutional challenge striking down the prostitution laws. I know the sex trade in Canada as well as anyone. I learned about the issues by working in and managing almost all aspects of the sex trade over thirty years. I have fought the prostitution laws for many of these years. I have been in jail because of the laws. I have been in court as a defendant or appellant more times than I care to remember. I am Canada's most famous dominatrix and perhaps Canada's most famous prostitute. I was in attendance for most of the sessions of the three years of the constitutional challenge. So, maybe I know what I am talking about.

In these brief remarks I will make only a few points of my own. You have a library of evidence against Bill C-36, and I don't want to repeat or submit briefs saying what so many others have said so well.

First of all senators, when it comes to consenting adults, the state has no business in the bedrooms of the nation.

Second, the national debate currently under way has not given enough attention to sex trade workers who don't want to exit and are there by choice. If you ask me today I will tell you about some of them. These women, and indeed male sex workers, should not be grouped in with those who want out.

Third, what exactly is Bill C-36 supposed to outlaw? What exactly would be illegal between consenting adults in private for money? The response from some supporters of Bill C-36 are words to the effect that "everyone knows" or "the courts would have to decide." If everyone knows, why not answer the question? If the courts have to decide, why not refer the bill there immediately?

Fourth, why does the government claim they are making the purchase of sex illegal. If it was legal to purchase sex before, where did all the John Schools come from? This new law changes nothing in that regard.

Fifth. The Justice Minister was wrong to call the sex trade degrading. The clients are there by choice. They are half the transaction. Many are pillars of the community, often business leaders, professionals and politicians. Most sex trade workers do not consider their work degrading. Lumping them in with those who want out is not acceptable in a free society.

Sixth, those who ask if you want your daughter to be a sex worker might also ask if you want your daughter working in any number of poorly paid, dangerous or menial jobs while getting sexually harassed in the bargain. And while we are at it, I want my daughter to work in the sex trade, but it should be her choice. Not only that, I may want your daughter to work in the sex trade and for it to be her choice. If you don't like that I suggest you mind your own business and move to a country where the choices of women in the bedroom are controlled by the government.

Senators, it is bad policy to direct scarce law enforcement resources to stop consenting adult behaviour in private - while tax evaders, wife beaters, terrorists and what have you go unpunished.

So Senators, please don't allow Bill C-36 to pass. Stand up for your country first. Use laws you have to help those most in need, in and out of the sex trade.

Senators, please, please don't allow Parliament to force Canadian women to only have sex for free. Thank you.

During questioning I refused to keep quiet when the Chair told me to and he threw me out. I told them I might name politicians who use sex workers if the legislation passed.

This of course got national media attention. On the way home I issued a press release explaining my behaviour. Here it is.

This afternoon I testified before the Senate Committee on Justice and Constitutional Affairs. I gave my speech and then was ejected from the question and answer session for failing to stop speaking when the Chair asked me to. I apologize for losing my temper. I was barely able to read my speech because I was so angry at the government for parading victims with repeated irrelevant information and then organizations who were shilling for government handouts on which they are dependent. The shameful use of victims by the government in this process, and their disregard for life by ignoring court findings, refusing to listen to their own legal staff and refusing to answer questions from legitimate sources made me snap. I have already been told that people are sympathetic to the points I made and even to my outburst. They seemed to agree that the government can't handle the truth. They have repeatedly shown disrespect for various institutions, processes and persons. The truth will win out.

Chapter 22: November 2014

Speech: Ontario Civil Liberties Association

The OCLA was founded to defend freedoms. Each year in Ottawa it presents a Person of the Year Award. I was selected long before I appeared at the Senate, and it was particularly gratifying that the conferring of the award received some international as well as national attention. I recognized that this was to be a major speech and I also did some interviews. The speech is on the Web, along with some of the interviews. There were not a large number of people in the audience. It was a Friday evening, but the speech was well received and I have been told that for some in the audience it was something of a defining revelation. I kept in mind when preparing the speech that the themes of freedom and truth were important.

Thank you. I see some former clients in the audience. How was today's caucus meeting?

It's good to be back in Ottawa. Maybe this time I won't get thrown out. But in case I do, I want to first thank the Ontario Civil Liberties Association, executive and members alike, for this award and this event.

Yet, I have to admit I was surprised by the honour. After all, you guys believe in freedom. I believe in bondage. You like free speech. I gag my clients. You support equality. I preach female superiority. You promote humane treatment of prisoners. I torture mine.

Tonight I'm going to tell you about my journey through the criminal justice system and how and what I learned about civil liberties. The main point of my talk is that I did not travel and learn alone. I had and have a group of supporters who are steadfast. None lawyers. I will have some words about them. I will also talk about activists, activism, and those who govern us. And I have certainly had lawyers at my side. I'll talk about them first.

Val Scott, Amy Leibovitch and I probably got too much credit for striking down the prostitution laws. Our legal teams got too little credit. Let me drop a few names: Professor Alan Young, Marlys Edwardh, Ron Marzel, Stacey Nichols, Sabrina Pingitore, Kendra Reinhardt, Katrina Pacey, Daniel Sheppard and other lawyers, and law students, many law students, who fought for our side directly and indirectly. The amount of work they did was staggering. They were hardly paid, if paid. They could have made money hand over fist using their talents elsewhere. Their opposition, acting as lackeys for the governments of Canada and Ontario were overpaid, under-worked and accumulated defined pension credits indexed to inflation.

For twenty years I have been fighting, and my lawyers have been fighting on my behalf, against the laws that were struck down once and for all last year. In my youth I was too poor and lacked the support to contemplate challenging laws, or even defending myself in court. But in 1994, when I was raided in Thornhill that changed. I had support. I took a position. I was selling role play and refused to sell sex. Yet I was raided and charged as a prostitute. I, and I might add, my four fellow defendants, entered not guilty pleas. That alone got their charges dropped. I was able to fight on.

David O'Connor represented me at my bail hearing and did a good job. The late Ken Danson began my defense preparations and Morris Manning took over from him. My supporters recommended that change and Ken was supportive. Ken told me, even after he was replaced, "Terri, you can't plead guilty. Promise me you won't." Morris had the charges thrown out because they were too vague. Unfortunately that did not hold up on appeal. Murray Klippenstein took over. Murray has since risen to prominence. He worked with the highly regarded Charlie Campbell and was advised by Paula Rochman and assisted by Wendy Snelgrove. That was in part because I and my supporters felt that lawyers with a reputation as activists were going to be important as the matter became a high profile battle of attrition. During this time corporate lawyer George Callahan, a true gentleman and pit bull as the situation required, assisted me in ensuring my private affairs were in order. He also joined Klippenstein's team. At trial the team was disqualified. They were ruled in conflict because they represented all the accused together, but only after the charges on those other than me were dropped.

Fortunately, Osgoode Professor Alan Young signed on as an advisor to the team and was ready to take over if the Klippenstein team was disqualified, and he did. He was assisted by lawyer Leah Daniels, who taught at Seneca, when my trial finally got under way in 1998. They spent all summer on the case and had a team of students assisting them. They flew in experts and prepared an elaborate defense.

It was a barn-burner of a trial. All the major networks staked out the courthouse in Newmarket, wherever that is. The trial went on for weeks and the questions to be decided, as some reporters said, were as fundamental as those raised over a decade later in the recent Supreme Court decision – in my view more fundamental. The media treated it as

front page news, and many of the spectators attended the entire trial for research purposes. Judge Bogusky had a landmark case and the country expected a landmark ruling after a twelve day trial, probably a long written decision which would work its way through the higher courts. He had a few weeks after the close of the trial before he gave his decision.

So what did Bogusky do? He gave a short oral decision. He said the reporters and spectators there had to make a living and were in a hurry to leave. He said there was no reason to rule on what was illegal between consenting adults in private that supported my conviction. The reasons he gave for convicting me were so weak that he was ridiculed in the media. No appeal court that was not rigged would uphold such a disgusting miscarriage of justice. He said the misuse of the search warrant was an understandable reaction of young bucks. Rosie DiManno finished off his reputation for good in her column in the Toronto Star. When I went for my sentencing I faced a broken old man who was angry and humiliated because he got what he deserved. He had become a laughing stock. But it was no laughing matter. He ran his court like it was the time of Stalin. To this day, I do not see a basis for the conviction.

But wait, it gets worse. Professor Young and Paul Burstein did the appeal in 1999. Well, Judge Finlayson of the Ontario Court of Appeal wrote the worst decision in its history. Read it some time. It was so poor, lawyers told me, that it meant that a stripper or waitress could be charged as a prostitute and it was almost impossible to have a search warrant that could be challenged. It was so poor that judges afterward threw out prostitution and bawdy house charges simply because my conviction and appeal decision were such garbage that they became precedents to cite when acquitting. He lied about evidence. He saw absolutely no merit in my appeal. Lawyers were alarmed by his decision. So were judges. Ever wondered why prostitution convictions have fallen steadily since, despite a rising population and growth of the sex trade? Answer in part, Finlayson's decision.

Some of this was pointed out by now Judge David Corbett, who sought leave to appeal to the Supreme Court. He worked with Lucy McSweeney and Timothy Banks, then an articling student, when David prepared his masterful factum in 2000. Unfortunately it was not heard. Corbett needed all his abilities just to find the words to explain why Finlayson's decision was so appalling. The Crown's Reply was as bad as Corbett's appeal factum was good. No justice. But wait. Look at what happened in the years after.

Professor Young remained active for me. When I reopened in downtown Toronto just after my conviction he asked the police, in writing, if they had any objection to what I was doing, which was identical to Thornhill. Well, I was open four years and even gave media tours. No raid, no trial. What a contrast. In York Region the police tore my place apart, broke laws and so on. The Crown came at us with full force in a battle of attrition. The judge, and the appeal court, in a manner Stalin would have approved, produced a conviction and fined me \$3,000. The legal fees and legal time amounted to a king's ransom. The property values in the area of the raid fell by hundreds of thousands of

dollars per house. I had no place to live and no means of support. Compare that to the Bondage Hotel in Toronto. No investigation. No raid. No trial. And so forth. Who, I ask you who, decides the difference? And there were other civil liberties issues that arose during all this. But I have spoken about those in my memoirs.

But lawyers were not only at my side to fight charges. When I was in business again another lawyer, Pierre Cloutier, advised me on and assisted me in the handling of the administrative matters of my business, like registration and minute books and so forth. In 2011 I published my memoirs and got help from, you guessed it, a lawyer. Sender Herschorn and his staff were wonderful in ensuring I was within the law in writing the book, in what I said in the book and in advising me on drafts. He wrote to those mentioned in the drafts and sent them copies and made sure that no one had grounds to sue me. He also helped me with the writing and was encouraging throughout. He assisted me in private legal matters as well.

So you see, there is a great deal that lawyers can do for their clients in the sex trade, or those considering entering it, other than just react to charges or arrests. Lawyers can act proactively. So can non-lawyers with legal training, such as paralegals or law students or case managers from law offices.

All this moves me to speak about what I call secret rules that exist in the Canadian criminal justice system. Here are a few. Secret rule: search warrants are not just to gather evidence. Secret rule: each defendant must have his or her own lawyer to fight a charge, so if not rich likely cannot fight. Secret rule: legal aid given to those charged is not viable in court for a proper defense. Secret rule: if you do raise the funds or help to fight they come after you with all guns as punishment. Secret rule: your resources are better spent anticipating and on moving on after a bust and ensuring those busted are expendable. Secret rule: laws are left vague so authorities don't have to account for their actions. Secret rule: constitutional challenges are so expensive that it can be decades before long due challenges are ever brought forward. The prostitution laws ruled unconstitutional in 2010, 2012 and 2013 were unconstitutional 20 or more years before they were challenged. Secret rule: there is window dressing to obscure all these secret rules. Things like credit for time served, legal aid, charges not standing up because of civil liberties violations are all cited by governments like Mr. Harper's as evidence that the system favours those charged.

Secret rules gave rise to a new organization: The Harper Brotherhood of Overpaid and Under-worked Trained Seals. Unless pressed by a scandal they do not speak out against wife beaters, workplace harassers, bullies of all types, dead beat dads, corporate thieves, polluters and I could go on. Organized crime has never had it easier because institutions and organizations that speak for people without means do not have the ear or heart of the Harper Brotherhood. Anyone belonging to a union, or who is a sex worker, or who is part of an anti-poverty group, or who belongs to an environmental group, or who is an intellectual, or even who is a judge is not being listened to. The Harper Brotherhood does

not believe in accountability. They do not believe in transparency. They do not believe in open debate. They are creating a Canada where young people see laws made for the wrong reasons and so are all the more tempted not to respect or obey the law.

I say again and again that I cannot comment on the government's policies on external affairs, the economy or on what it is doing to protect the environment. I only comment on their policies in areas where I am informed properly. But if what I see in those areas is going on elsewhere, I have to wonder how patriotic Mr. Harper and his brotherhood of trained seals are.

Is it patriotic if laws passed are unconstitutional, or contrary to Canada's values as laid out by the Supreme Court? Is it patriotic to focus on length of sentences and ignore overcrowding in prisons? Is it patriotic to ignore the misuse of warrants? Is it patriotic to ignore the under funding of legal aid? Ignore spousal abuse? Ignore the shortage of shelters for women, or of shelters that accept family pets so the wife beaters can't use the family pet as a hostage? Is it patriotic to be caught by surprise by the sexual harassment scandals about women and minorities in the armed forces and the RCMP? And, my friends, is it patriotic to tell women they can only have sex if they have it for free?

We have seen, in Canada, not too many years ago, morality and vice squads arrest drinkers, gamblers, gays, lesbians, readers of adult pornography, and sellers and buyers of sex acts in the absence of a list of prohibited acts.

Since then we have also seen changes. Now, governments sell alcohol, sell lottery tickets, gays are openly gay, lesbians are openly lesbian, adult pornography is part of cable television packages and now, thanks to Bill C-36, legalization of the sale of sex acts has been formalized. Maybe one day, we will even get a list of what constitutes a sex act under Bill C-36. Until then, we may have to learn by trial and error.

These freedoms did not fall from the sky. They were fought for. But by whom? I dedicated my memoirs to The Dozen. None are lawyers. They are citizens who saw wrongs being done to someone they knew. So, first of all, they were mad at those who did it. Second, it alerted them to the broader issues and they got angrier. Third, they realized they could make a difference individually and collectively. Here is what I learned from them, and from the lawyers and activists with whom I have fought.

If there is a wrong committed by the authorities, find the enemy of your enemy and become their friend. Find people with money, time, numbers or compromising information. But above all, above all, make sure the effort is in the hands of capable, reliable people. We don't have lawyers doing court cases only because they care. They also have training on how to win and create change. The same must be true of the activists. I am an activist, but I am not a professional organizer or administrator. But I have around me people who have track records not only of activism, and maybe not even that, but of corporate success, community leadership, academic and administrative

expertise and political experience. Some have money. Some have time. The lesson is to put together a winning team to guide and even head the committed activists.

Let me also put it this way. If something is wrong and you want to do something about it, don't be shy or ashamed to ask everyone to ask everyone else. If the cause is just you will be surprised at how often you get what you want simply by asking for it, asking for it and asking for it. When enough good, capable, reliable people are asked enough they will attract more such people.

Let me come back to the lawyers for a moment. I have had about twenty lawyers represent me and/or my fellow defendants or plaintiffs. One of them, Professor Alan Young, should get the Order of Canada. Another, David Corbett, became Canada's first openly gay judge. Most of the others have distinguished themselves in ways too numerous to mention. But they all have had something in common, something very important. They fought for what was right, not profitable or career enhancing. Lawyers will devote part of their time to the high ideals of their profession, if asked. Lawyers get angry about some things too. I have many recollections of how incensed many of those representing me were at how the authorities have behaved. It is good to have a skilled and angry lawyer on your side, and one skill that is crucial is that he or she works well with the activists and supporters.

Now, sadly, one lawyer is the polar opposite of all that. Former justice minister Rob Nicholson. I want to tell you about one single moment in his life. I think it was a defining moment for both him and Canada. In March 2012 the Ontario Court of Appeal basically upheld Justice Himel's 2010 decision striking down the key laws against prostitution. A few weeks later Nicholson stood up in the House of Commons and said something to the effect that he was pleased to say that the government would appeal to the Supreme Court and would not discuss the matter further until the court had ruled.

Now let me tell you why I think that was a defining moment.

Reason number one. I think he knew there were merits to what Himel's decision contained, merits that he could have acted upon immediately – like allowing sex workers to hire off-duty police as security or work in groups from fixed locations, or support spouses and children who lived with them. I think he knew the laws were void for vagueness and could have made them clearer and fairer. I think he knew that other laws could, as Himel said, be used to control the worst aspects of sex work. And I think he knew the laws themselves created dangers for women and resulted in deaths. I think he knew all this yet, with pleasure, as he put it, appealed the whole package.

Reason number two. He knew or should have known that it was against every principle his party stood for to lump consenting harmless adult behaviour in private, like women paying younger men for sex, men keeping women, women like me who enjoy punishing and humiliating men who pay me to do it, in with trafficked or abused women. That is

not allowing for individual autonomy and responsibility for one's own decisions. I think he knew all this, yet, with pleasure, he appealed.

Reason number three. If I am wrong about the first two reasons it was definitely an even more defining moment. Perhaps he actually believed his stated position that the laws were constitutional, and that no changes were needed. If that is true, if he believed that nothing being said by all the judges, experts, sex workers and others had any merit at all, he is a mental defective.

So, my friends, it was a defining moment because it was then and there that the justice minister proved himself and his government to be either liars or mental defectives. Three levels of court are there to show it.

Did Nicholson, the country's highest legal official, who swore to defend our constitution forget, or even know, what is involved in mounting a constitutional challenge? How many has he done? He should try it some time and see what it involves. For instance, big bucks. Add to that tons of volunteer legal time. The work involved with the experts. Try three years of hearings and related preparation. Try dealing with government lawyers who do not hesitate to offer crap as evidence and argument. If you don't believe it was crap ask Judge Himel and the Supreme Court. Try to deal with a government that orders their lawyers to make it go away by any means necessary and then orders them to appeal, when there are no grounds to appeal, simply to make the issue go away. A government that has no regard for Charter challenges. A government that dismissed with a wave of a hand tens of thousands of pages of court tested evidence that should have been an alarm bell to any reasonably intelligent person.

Then try dealing with a portion of the media who in one breath points to the downsides of the sex trade, whatever that is, while turning a blind eye to the finding of the courts that the very laws they are fighting to retain are largely the cause of those evils. Try dealing with commentators who bring in obscure new studies or reports, not tested in court, to attack legalization of the sex trade, while ignoring the findings of a virtual three year public inquiry, with evidence tested in court, that resulted in the Himel decision and what it had to say about other countries. Barbara Kay and Margaret Wente are two recent examples of such cherry pickers who don't even say in their columns if they have even read the decision. Rosie DiManno said "read the damn decision", out of frustration with such lousy journalism.

Mr. Harper has replaced Mr. Nicholson with Mr. MacKay, the former defense minister. Women and minorities being harassed in the armed forces is more of a problem than enemy fire. That will be the MacKay legacy.

Let me speak for a moment about Peter MacKay. He recently said he was not aware of sexual harassment in his party or in parliament and so forth. He of course conveniently forgets to mention a few things. One is the problem of rape and sexual harassment in the

armed forces during the time he was defense minister, as I have just mentioned. It is also an epidemic in the RCMP. But with Vic Toews as minister, who is surprised? But why be surprised at any of this. Elmer MacKay, Peter's father, was a prominent conservative. When it comes to father and son ask around. Ask Karlheinz Schreiber. Ask David Orchard. Ask Belinda Stronach. Ask Brian Mulroney's former staffers. Ask the women in armed forces about the culture of blame the victim, blame the women who come forward. Ask around about the fecklessness of the Integrity Commissioner's office. Ask about the iron grip the government has taken on the internal audit process and destroyed it. Ask about Mr. MacKay's appearances before the Senate and Commons justice committees where he skated around legitimate questions about C-36. Why didn't he get thrown out? And this, this is the guy who is talking about zero tolerance for abusive behaviour towards women? Good heavens, he is the only guy in Ottawa who doesn't know what is going on if he is being honest. His notion of accountability and zero tolerance would scare Joseph Stalin. Well, enough about Mr. MacKay. Believe me, you'll be hearing plenty more about him and his in the months to come.

Well, regardless of what he knows I also know a few things. I and my supporters and many others have been asking around. You wouldn't believe what I am being told and shown. I will not take up any more time tonight about what we have been told and provided with, except to say that I will not accept criticism if I, and my fellow activists, refuse to keep to the high road in the debate on the new sex trade laws or in dealing with this government and its supporters. The government and its trained seals hit bottom long ago. They deserve everything they are going to get. They don't deserve fair treatment. If sex workers are worried about the code of confidentiality, and we are, we must remember that the Harper Brotherhood has disregarded all sorts of codes of honour and we should not, in a fight for the lives of our sisters, feel compelled to hold ourselves to a higher standard.

Canada faces some threats from terrorists and hate groups. Our men and women in uniform are fighting for us here and abroad. We know what they are fighting against. But let me respectfully say to Canadians what I think our troops are fighting for as well. They stand for security, yes. But security for what? I think they are fighting for our freedoms, meaning, yes, our civil liberties. We disrespect our citizens in uniform when we allow people with power to act arbitrarily, the way Mr. Harper and his lackeys are doing with the sex trade. We disrespect them when we allow Mr. Harper's government to disregard prominent citizens – judges, professors, leaders in unions, churches, community organizations and other bodies in society that speak for people without money or political power.

So my friends we must all be soldiers, and each do what we can to ensure our governments at all levels are held to a standard of accountability that ensures they respect truth and properly justify their actions. For that matter, governments can hold other governments to such a standard. For example, Vancouver has asked the federal

government to refer C-36 to the Supreme Court and has indicated that C-36 will work against the guidelines of the Supreme Court decision

In Ontario, Premier Kathleen Wynne and Toronto Mayor John Tory must now speak. She has a majority government in Canada's largest province. He was just elected mayor of Canada's largest city. I believe how they act, not just speak, in response to C-36, will define their level of integrity.

Thank you again so very much for this honour, and for having me here tonight.

Chapter 23: May 29, 2015
Justice Minister's Quits

Peter MacKay replaced Rob Nicholson as Justice Minister and Attorney General of Canada not many months before. Perhaps Harper didn't trust Nicholson to bring in the new law on the sex trade. An election was expected in the autumn, and MacKay and his wife had two young children. He was only about fifty, so he could begin work, with a law firm, at a more regular job, one more suitable to a man with a young family. That being said, the man let his country down when he had choices. He could have resigned rather than bring in C-36. If he believed he was doing the right thing then he was a fool, rather than a traitor with the blood of innocent women on his hands.

Earlier today Peter MacKay resigned as Canada's Justice Minister. I am being asked for my reaction. I said in a brief statement earlier today that his legacy will be that he abandoned Canadian women. In earlier speeches I said that his legacy will be the open season of sexual and other harassment of women in the military while he was Minister of Defence. In any event, his legacy should not be one of courage or public service. Let me tell you why. Mr. MacKay betrayed his political allies when he merged his party with Mr. Harper's in 2003. It was betrayal because much of his support to be leader was given in response to his promise of no merger. He sold out for power. His failure to take responsibility for the sexual harassment and related scandals in the military was an act of cowardice. Prime Minister Harper moved him to the Justice portfolio before the scandal broke. When MacKay got to Justice he was the perfect lackey for the shameful government response to the Supreme Court's decision striking down the prostitution laws. If Canada is a better place for women it is because Bill C-36 is not being enforced and will not be significantly implemented for long, if at all. Most of the rest of the government's criminal justice law reform is equally shabby. And nobody can tell me any achievement, legitimate achievement, of Mr. MacKay's that he should be proud of – which I find shocking. I will say of Mr. MacKay's departure what I said one time of Mr. Nicholson's, his predecessor's, departure: that hopefully the replacement will not be another cowardly mediocrity.

Chapter 24: October 2015
Message to Activists

Many women in the sex trade were writing to me for advice and information. I told them about my Web site and other sites and the organizations in their cities. I told them that I was not now at the forefront in the battle against the new laws. To this end, I posted this blog and sent it as a release to the media and leaders in the sex workers' rights movement. The intent was to say to all that there was a new government much more favourable to our point of view and good young activists to whom the torch was being passed.

I am the Bedford in Bedford Versus Canada, where Canada's prostitution laws were struck down. Many have been in touch to ask for my reaction to the results of the recent federal election. I have as a result prepared the following remarks for activists and others. I confine my remarks to how the new government should proceed to change the federal legislation, Bill C-36, now in place to regulate the sex trade.

The landscape for the future of Bill C-36 has changed. The political party supporting Bill C-36 was rejected by voters. The party that voted against C-36 was elected. The new prime minister has pledged to listen, and to make evidence based decisions, instead of imposing laws which reflect some specific morality.

The new parliament must withdraw C-36. Nothing should be passed in its place, but if anything is it should promote the safety and dignity of sex trade workers, and allow them to protect themselves. Morality based considerations should have no place in the discussions where consenting adults are concerned.

To that end there should be no doubt about who at what age is entitled to do what in private, for money or not. Aid for those wishing to exit the trade should be available. It could be made available by enhancing various federal programs. Human trafficking or forced entry into the sex trade should be stopped and can be enforced via laws not specific to the sex trade. At the same time any harassment of consenting adults buying or selling sex acts should be stopped. The government has no business interfering in the sex lives of consenting adults.

A national deliberation on how these goals can be achieved should occur. This would clear away the myths, selective or unverified evidence, and stories that cloud proper discussions.

So it is understandable that time will be required, if something like a round table or public inquiry or further parliamentary hearings occur.

That requirement for time does not diminish our astounding victories these last few years. Let us remain active in the national debate to come, and move beyond the bumps in the road that may remain. We owe that to those who fought for our cause before we did and

when we did. The cause of advocating for sex trade workers is now in good hands and, if I am able to, I will continue to help when asked.

Chapter 25: December 2015
Speech at Carleton University

Carlton is in the nation's capital of Ottawa. As you will read in the early part of the text, women's studies and other areas of study where the sex trade is an issue had great presence at Carlton. They had a three day conference on issues surrounding the trade, with many interesting workshops. I wish I could have spent more time there, but I traveled with some helpers and they had things to attend to back home, so we were only there for one night. There were about 300 people at the speech, which was filmed and is on the Web.

It's good to be back in Ottawa again, and I'm pleased to be part of this important conference. The students and staff from The Carleton Human Rights Society and The Womyn's Centre, and others, organized it. Those others include The Pauline Jewett Institute for Women's and Gender Studies. They include the Department of Anthropology and Sociology, and the Department of Law and Legal Studies. And also the Institute for Interdisciplinary Studies. Please join me in thanking them for all they have done.

Then there are the sponsors of the conference. Thanks to Ottawa Public Interest Research Group Carleton, The Rideau River Residence Association, The Graduate Students' Association, The Carleton Disability Awareness Centre, and the other clubs and departments who helped out.

Wow. Carleton certainly has much to boast about. And, I'm told their dominatrix courses are first rate. Here's a riddle for you. What do a dominatrix and a woman professor at Carleton have in common? Answer. They both give you marks.

I have been to Ottawa before. I have been to Ottawa several times to fight the laws against the sex trade. In 1994 I was charged with running a bawdy house, The Bondage Bungalow. The charges were thrown out of court in 1995. The Crown won their 1996 appeal and in 1997 I was at the Supreme Court, which threw out my appeal. We went to trial in 1998. I was convicted, but to this day cannot tell you why. I lost my appeal in Ontario in 1999. That decision was legendary for how bad it was. In 2000 the Supreme Court in Ottawa refused to grant leave to appeal. Of course during and before all that I was in court many other times, and in jail, all under the old laws, which were finally struck down as unconstitutional. And remember, most of what happens is not publicized. I wrote a book about that called *Dominatrix on Trial*.

After the hearings and decisions in Toronto on the constitutional case from 2007 to 2012, I was back in Ottawa again in June 2013 for the hearing day for the final appeals in Bedford Versus Canada, the case that struck down the old laws against prostitution once

and for all. You probably remember the pictures of demonstrations by sex workers and those against sex work in front of the court. Reporters told me they had never seen anything like it at the Supreme Court. I came to Ottawa again in December 2013, when the decision was released. It was a day that made headlines around the world – just like in 2010. I came to Ottawa yet again, in September 2014, to testify about the proposed new law, Bill C-36, at the Senate. I got thrown out for not shutting up. In November 2014 I came to Ottawa again, to the University of Ottawa campus to speak to the Ontario Civil Liberties Association, who made me the recipient of their award for 2014. They didn't throw me out.

And now I'm here again, this time at Carleton, but what a difference. Instead of me getting thrown out the government got thrown out; just under two years after their prostitution laws were thrown out. The new law, Bill C-36 is doomed one way or the other. And, at long last, we may finally have a fair and open discussion in this country about the sex trade, and about who decides what, before any policies are adopted.

But before I tell you what I think should be allowed and not allowed, I want to speak to you about why there is a sex trade and what it means in the real world.

I'd like to begin by talking about the motivations of sex trade participants and activists, for and against. Why motivation? Well, it explains so much.

Let's start with the clients, and here I will focus on heterosexual men paying women. There are of course several reasons why men pay women for sex acts, whatever that means. Let's take married men. After a while most of them crave some variety. They see women on television and the Internet, at work and on the street or when they socialize with friends. They are attracted to some of these. They remember what it was like at the beginning of their relationships, and miss that excitement. They miss being physical with a woman without knowing her baggage. The then and there. And if the woman is discreet, like a sex worker, he can confide in her the way he can't confide in his wife or girlfriend. He can tell her the kinky things he wants to do but is afraid, often with good reasons, to tell his partner. It's a lot of pressure to keep deeply felt desires secret, let alone have them fulfilled. It may be something as simple as having sex without worrying about satisfying his partner or being pressured about commitment.

Then there are clients who have no partners. They may be handicapped. They may be shy. They may be too poor to marry. They may be separated or divorced. Or, they may simply not want to live with a woman or have a steady girlfriend. A man who has sex with a sex worker once a month is as sexually active as many couples married for several years, at least those couples that even stay together for several years.

So, our clients have a piece in the puzzle of their lives available to them. Many have told me that knowing they were going to have a session with me once a month or whatever seemed to make the rest of their lives much better. It was a wonderful secret to have. And

keeping it secret protected them from ridicule or damage to their relationships with their partners, if they had one, or their families. It is unfortunate that we have to live secretly so often in what we say and do, but that is reality.

Now, on to the motivations of the sex trade worker. Well, why does anyone do anything? Usually it's because they need an income, or more income. How many women want to clean toilets for low pay or want to work in a factory for low pay? How many want to serve in the armed forces and get sexually harassed, and persecuted if they complain about it? The point is that few people would do their jobs for free, even if they had big savings. And they often choose to follow the money.

Sex workers can make good money. You may only need a few hours a month for the administrative parts of the job and seeing a client once a week might provide enough income to get by. It may not be the only thing you do for money, or the only thing you do. Some students work their way through university, and some of them see only one client or a few. Some have sugar daddies. They can work around their class schedules and so forth. Other sex workers work for agencies. Others are in business for themselves.

Women want to be desired and pursued. Being paid for their time and attention is very flattering to some. Some women enjoy sex with multiple partners. I could go on with examples of why women may be attracted to sex work. But at the bottom of it is money. If the government wanted to reduce sex work among those less inclined to it the best way is to invest in higher welfare for single mothers and in daycare centres, and in collecting court ordered payments from dead-beat dads.

Now, how does one go about being a sex worker in a safe setting? Well, for one, have a steady location, with others on the premises who can act as security. When I had my houses I had a baby monitor hidden in the room with my security employee in another room who was on the alert when I had clients. The clients never knew, although they were told security was on the premises. You can hire expertise about advertising for such clientele as you wish on the Internet and elsewhere. You can also join an agency where these services are shared. And of course you can meet men in bars and hotels, among other places, aside from the streets. I won't go into any more details now, but I think you get the idea.

Now get this. From time to time the law may, repeat may, be a minor factor, repeat minor factor, in what you choose to do. The old laws were rarely enforced, the new law almost never has been and is going the way of the dodo one way or the other. The authorities only have the resources to concentrate on clear cases of human trafficking and underage sex workers and clear violence against women that comes to their attention. Even if the new law was upheld and vigorously enforced, the trade would just go further underground, and its worst aspects would proliferate.

Prior to 2010 the prostitution laws were a mess. The sale of sex was legal, as was its purchase. But if it was done from the same location repeatedly, or if someone earned an income helping a sex worker, or if people communicated for the purpose of paid sex, they were breaking the law. Not only that, but sex acts were not listed. For example, if I tied up and whipped a client, and I have done plenty of that, especially to professors, under what circumstances is it a sex act? I think you get the idea. Not only that, but the laws themselves endangered people engaged in a legal activity – paid sex. Professor Alan Young organized and led a constitutional challenge to the prostitution laws. I was one of the three plaintiffs. Val Scott and Amy Leibovitch were the others.

In 2010, after almost two years of hearings and one year of deliberation, Judge Susan Himel, issued a 131 page decision. I quote from my book what she said. “She found that our application was right. The laws against communicating for the purposes of prostitution, living off the avails of prostitution, and keeping a common bawdy house were unconstitutional for a number of reasons. For one thing, they did not achieve their objectives but in fact worked in the opposite direction. She agreed that the laws prevented prostitutes from protecting themselves, and that the laws protected the perpetrators of violence against women more than they inhibited such violence. She agreed that indoor prostitution was safer than street prostitution. She agreed that the current prostitution laws were only minimally enforced. She agreed that the laws were too broad, leading to unelected officials distinguishing right from wrong. She agreed that striking down the laws would not lead to a dramatic increase in prostitution. She pointed out that numerous other laws are already on the books to combat the worst aspects of the sex trade.” So, the judge was saying the laws themselves were illegal.

The government fought our application. They spared no expense. They appealed when there were no grounds to appeal. They offered crap as evidence and arguments. Above all they wanted the issue to go away as long as possible. They did not want to be in the position of having to tell women when and under what conditions they could engage in sex acts. They did not want to define what are and what are not sex acts. They knew that women were being abused and killed because of the laws. They knew from the evidence in our case. But they also knew from the Pickton Inquiry, where the judge said the laws were much of the cause. They knew because of the epidemic of missing and murdered Aboriginal women into which they refused to call an inquiry. They knew but they put themselves first and kicked the can down the road. They lost right down the line and the Supreme Court laid down guidelines for any new laws that might come along.

The government, as we predicted, brought in a variant of the so-called Nordic model, which penalizes purchasers of sex acts and those such as advertisers who assist sex trade workers with their business, but does not charge those selling sex. As predicted the new law was not constitutional in the view of independent legal experts. Professor Young, in his testimony before the Senate annihilated the law's constitutionality. The witnesses appearing in support of C-36 gave the same crap that was rejected by the courts. Conservative commentators prostituted themselves to support the bill. Overpaid and

under-worked trained seals. C-36 replicated the flaws of the old laws and was no less unconstitutional.

So, why did the Harper government bring in Bill C-36? Why did they spend endless dollars on lawyers, biased witnesses and other lackeys to appeal the findings of the trial that struck down the prostitution laws, or to defend the shameful Bill C-36? The answer is that they were pandering. Religious Christians and others did not want women to have the freedoms they now have. These same donors to Mr. Harper and his party fought access to abortion that we now have. They fought against same sex marriage. Mr. Harper pandered to these types of people when he fought court rulings on safe-site injections, medical marijuana and mandatory minimum sentences. He said he was being tough on crime. He lied.

For example, if Mr. Harper was really interested in protecting women, as he claimed, he would have at least spoken out against wife beaters, dead-beat dads, lack of daycare or affordable housing, high tuition for women students from non-privileged backgrounds or the shortage of women's shelters or shelters who accept family pets so the wife-beaters don't use the pets as hostages. On these matters, and on matters like prison overcrowding and the wrongly convicted, or backlogged courts, or the cost of legal representation, he was silent. He talked about the rights of victims. What about the victims I just mentioned. Again, pandering to a base of donors and a base of voters. It was no different with the sex trade. He acted like he was promoting more missing women. No wonder he refused to call the inquiry into missing aboriginal women. The courts had already told him that the laws he was advocating were part of the cause. And then, with C-36, he doubled down. Under Mr. Harper human trafficking has become rampant. Tough on crime? Please.

He and his so-called justice minister were even caught up in their own lies. Mr. MacKay and his officials were testifying in support of C-36. When he and his officials were asked about the constitutionality of C-36 being questioned extensively by reputable legal experts, they said there was no need to refer the law to the courts. Then, within minutes, when asked what acts were sex acts under the law, they said the courts would have to decide.

I have spoken elsewhere about Mr. MacKay's record regarding sexual and minority harassment in the armed forces when he was minister. Mr. MacKay is a national disgrace, as is Rob Nicholson his predecessor as justice minister. I have spoken about him before as well. They have got part of the fate they deserved when their party was humiliated in the election. But enough about them.

Now that Mr. Harper and his lackeys are out of office I believe this new Parliament can do better. They can tell Canadians to take their moral judgments and shove them. Instead, crack down on corporate crime. Crack down on tax evasion. Crack down on those traffic in undocumented foreign women as nannies or men as farm workers. Crack down on terrorists. Crack down on polluters. And like I said before, have the authorities help

women who are forced to do what they do or stay where they are, and not on women who are acting freely. Stay out of the private sex lives of consenting adults. Show some courage on that issue. The people will approve. Not all of them - but enough.

Tomorrow the new Parliament will meet for the first time and in two days the Throne Speech will be delivered. We may hear more of the new government's pending decisions on what to do about the sex trade. They have already committed to repeal or amend C-36. I think the federal government is right if it calls for a task force report before telling Canadians under what circumstances they may be paid for sex acts. And the Supreme court also said that for any new law to be legal it must not be vague. It must tell me, as a sex worker, as a dominatrix, and as a woman, what I may or may not do in the privacy of my bedroom. I believe they must begin by setting a time-line for the repeal of Bill C-36, and call for its non-enforcement until that happens.

In other countries liberalization of the laws restricting the sex trade has been a success. In every area of society and the economy laws are broken and things happen underground, and the sex trade is no exception. Yet, for their own purposes, governments or journalists cherry-pick the so-called evidence. The most blatant and frightening examples in the debate on C-36 were when Margaret Wente and Barbara Kay, two somewhat prominent conservative journalists, ignored even mentioning judge Himel's exhaustive review of court tested evidence about other countries and cited a recent study each, neither of which were court tested, and both of which have been discredited, to support C-36. Their lack of integrity in debating this issue is frightening. They have sunk to the level of hate groups on the Internet. Fortunately both of them are old and I don't think anyone takes them seriously any more, if they ever did, or if they have even heard of them.

But even more of a danger than lies and funded propaganda, is morality. We must never allow policies to be driven by morality – as opposed to the considerations of freedom, safety and privacy. That's the Canada I want.

In the sex trade that means I can operate a brothel or dungeon in full view and with full protection of the law. It means that I can't force anyone to enter or stay in the business against their will. It means I obey the labour laws obeyed by a restaurant or factory. It means I pay taxes. It means I do not assault anyone. It means my employees do nothing they are not comfortable with. It means my customers are free from harassment and their privacy is protected. It means I can advertise my services. It means that any restrictions on where I locate and where I advertise and who I hire are the same as, say, any other adult entertainment facility. It means that people who have a moral objection to my line of work can go to Hell. These are the same people, all too often, who objected to birth control, equal pay for women, homosexual relations, same sex marriage, interracial marriage and more. These are also the same people who in one breath condemn sex for sale and within hours buy it. If you want to know who is on that list, a good guide is to look at who is most sanctimonious.

I hope historians and other researchers will tell the stories of those who, for decades, fought for the freedoms and protections that sex workers and members of the LGBT community have been and are now in the process of achieving. The names that make the media are the tips of icebergs. Great changes take time, money, effort, perseverance, savvy and many good people to come about.

As you hear the presentations over the next day or so and read the materials you are being provided, you will see that some things are getting better in Canada, and you will find out more about how and why that has come to pass, and share your findings. We are obviously at a landmark time in deciding the most crucial questions on issues relating to the sex trade.

But in my view the most crucial question should be asked the most often. The question is 2 words. It is the question at the heart of almost every level of almost every issue. Here are the 2 words. "Who decides?"

I want to thank you again for having this important conference and for inviting me to speak here tonight.

The speech was very well received, it seemed to me, and so I was told afterwards. Most people made reference to the joke about what the women professors at Carlton had in common with a dominatrix. There was no coverage of the speech in the mainstream media. This was because my circle did not participate in the publicity for the event, and there was no desire for mainstreams media coverage that we were made aware of. The speech was followed by a panel discussion, which I watched from the back while various people paid me a visit. The next morning I was in a room where various other people paid a visit and then I and my helpers were taken to a nice lunch in the faculty dining room.

Chapter 26: April 2016
Submission on Human Trafficking

April 13, 2016. Submission to the Government of Ontario. Combating Human Trafficking. I was individually invited to submit a letter to this task force. It was easy to do, since it was what I had been saying all along. So here it is. Everyone knew and knows it is a big problem, but few bear in mind it is not confined to the sex trade, and few were bearing in mind that the more nations tried to reduce the sex trade the more human trafficking there was.

I am the Bedford in Bedford Versus Canada, which struck down the old laws against the sex trade. I have also spoken against Bill C-36, based on the so-called Nordic model, the current criminal provision against the sex trade. I have pleaded with Toronto mayor John Tory, the Wynne Government and now the Trudeau federal government to stop standing by while women are trafficked for the sex trade, or trafficked for any reason.

Premier Wynne said she has grave concerns about C-36 and Prime Minister Trudeau has said he would prefer an evidence based approach to any laws concerning the sex trade. The evidence has been that the Nordic approach drives the trade underground, which facilitates human trafficking.

So here are my recommendations to the Ontario Government to combat human trafficking, focusing on the sex trade.

One. Ask the federal government to repeal C-36 and decriminalize the sex trade completely, and until that happens continue to not enforce it. The law is blatantly unconstitutional and the officials who have told the Ontario government otherwise have done a grave disservice.

Two. Ensure that any new legislation is highly specific on what consenting adults may do in private for money or not, and where, and why. This is one of the things the courts have said are needed for new laws to stand.

Three. Ensure that private security, landlords, advertisers, dependents and others paid by sex trade workers are not legally at risk simply because they were paid by sex trade workers.

Four. Offer financial rewards and special protections to sex trade workers or their clients who offer information leading to the conviction of human traffickers or abusers of any type.

Five. Clamp down on illegal immigration overall, so people are not trafficked as nannies, senior care givers, farm workers, factory workers, or of course sex trade workers. But at the same time, do not threaten those trafficked with deportation.

Our leaders should show leadership and integrity. If they care, they should act like they care. That means not being afraid of uninformed or unthinking people with moral reservations about what some consenting adults are doing in private. As the prime minister said, it's 2016.

Chapter 27: July 2017

Speech: The 2013 Red Umbrella Rallies

An event was held to jointly commemorate the fourth anniversary of the June 2013 Red Umbrella rallies and to launch a new record album by the well known Canadian band Whitehorse. Whitehorse members were passionate supporters of the fight against the laws we were waging and even wrote and recorded songs to this effect. There were four special guests besides the band. One was Dan Savage, a famous broadcaster and columnist on sex related topics. His pod cast and column, called Savage Love, have a

huge following. Then there was the director of a sex professionals safe house in Winnipeg. Also, Nikki Thomas, former Executive Director of the Sex Professionals of Canada. She was the formidable chief spokesperson against the government on behalf of sex trade workers during the years of the constitutional challenge. Then there was me. I was the only speaker and then a panel of the guests and the two members of Whitehorse went on for half an hour.

In June 2013 sex trade workers and supporters of their rights rallied in most of Canada's major cities. We voiced support for the 2010 court decision striking out the bawdy house laws, and other related provisions, from the Criminal Code of Canada. The rallies were days before the Supreme Court was to hear the final appeal against the decision.

On hearing day in Ottawa the Supreme Court was surrounded by opponents of the decision and we who supported it. Reporters told me they had never seen anything like it. Several speakers, including me, addressed their supporters from the steps of the court.

The red umbrella crowd who was there and in the rallies across the country did not see themselves as victims of the sex trade. Rather, they were more the victims of the authorities. The Supreme Court agreed unanimously. Despite the reckless government spending on lawyers to fight Professor Young and his team, we won. They kept insisting that the laws were constitutional. They were wrong. And now, they are not only wrong, they are gone.

But before Mr. Harper got a job dancing for rich people in the United States, and before Mr. MacKay (then justice minister) got a job dancing for rich people at a law firm about a mile from here, and before Mr. Nicholson (MacKay's predecessor) got a job dancing in opposition, they passed Bill C-36.

Result? More human trafficking and the other ill effects we warned about if they went the so-called Nordic route. Yet, the sex trade is booming. The authorities are focused on street nuisance and trafficking and don't have the time or inclination to engage in any sort of crackdown on consenting adult behaviour. Criminal lawyers are telling me they hardly have any clients with sex trade charges. The statistics in the media tell of huge reductions in such charges, at the very time the trade is booming. Tell me who won.

There is a significant amount of substantive discussion about reform of the criminal justice system going on at the highest levels of government. So when they choose how to follow up their pledge to repeal C-36 and make changes for evidence based reasons, it will be along with many other needed changes. That is one reason it is taking so much time.

Alan Young, Val Scott, Amy Leibovitch, Nikki Thomas, Katrina Pacey. Shall I go on? I alone could give you many more names, going back at least forty years, of people like them all across Canada who made a difference.

Our successes were greatest when we stayed focused on our objectives and avoided infighting, trivial side issues, personal conflicts or airing dirty laundry in public. It was important to stay on the attack. It was important to be willing to be as cunning and sly as the other side, and not be naive. The cause was too important to get squeamish about the means. Remember all this going forward.

Thank you so much for having this event.

The event was not covered by the mainstream media, aside from the very large circulating NOW Magazine in Toronto, which publicized the event beforehand. The audience was very welcoming when I was introduced and the speech was well received.

Chapter 28: January 2018

Speech: University of Windsor Law School

This was the third time I spoke at this university. The first time, in 2009, I was on a panel with Professor Young and Val Scott, discussing the then in progress constitutional challenge. The second time, in 2014, I talked about our third and final win in that matter, in the Supreme Court. When I returned in early 2018 the case was already part of the content of their courses and a frequent topic for research and discussion. It seemed natural that with so many having heard of the Bedford case, they would invite Bedford herself to share her experience and thoughts in person. I was glad to do so. It also gave me a chance to visit my papers in the archives at the university and do a bit of work on the collection. When I prepared the speech I had to keep in mind that these were law school students I was speaking to in person, but also that the speech might in time reach a wider audience. The large Moot Court room was almost filled, which I was told was quite rare. The audience was about three quarters female, by my guess. I stuck very closely to the prepared text.

Thanks for having me today. Thanks to the Speakers Committee for arranging it. It's good to be back.

I'm from Windsor. I had my first large scale dominatrix and escort operation here. I recently placed my papers in the University of Windsor Archives. Also, this is the third time I have spoken at the University of Windsor. The first time, in 2009, I came here with Val Scott and Alan Young. We spoke about the Charter challenge and related things. I was here three years ago, one month after the Supreme Court struck down the sex trade laws, and I spoke about that.

Today I'm going to speak about four things. First, the greatest joy, which everyone knows is sex. Second, the worst gloom, which everyone knows is being a lawyer. Third, my insider's perspective on Bedford Versus Canada. Finally, some thoughts about the sex trade issues many of you will be participating in when you graduate.

Sex. Sex is very popular. Men are conditioned to lust after women. Women are conditioned to want to be lusted after. Yet women don't want to be harassed. Even before the current flood of women coming out in 2017 to complain of unwanted attention or other inappropriate behaviour, men found the process of dating or courting women to be very intimidating. Look at the messages women send out.

Message: women want to be chased. Message: women want a commitment. Message: women like sensitive men. Message: women like aggressive men. Message: women want a man who spends time with his wife and children. Message: women like successful men. Message: women want to be stay at home mothers. Message: women want a career. Message: women do not like men who dominate them. Message: *Fifty Shades of Grey* sold millions. Message: women want men to be intimate with them. Message: when men disclose their true wants, they are often seen as wimps or perverts.

So, even men who are presentable, sociable, gainfully employed and so forth are usually intimidated by dating and afraid of commitment. Then of course there are men who may be poor, ugly, shy, inarticulate or disabled. What do they do for companionship?

Enter the sex trade. I have been in the sex trade for most of my life. Here are some things I've come to believe.

First, most men want companionship where they don't have to worry about doing and saying the right things. Examples. A man's blood pressure shoots up when he has to get a woman a gift. Men hate sending cards or flowers. Men are afraid to flatter women because of fear of saying the wrong things. If you gals run into a guy who is good at these things, odds are he is a con man, or he found a woman to coach him in dealing with you, like his mama.

Sex workers commonly tell of clients who pay and then are content to do nothing other than look at and talk to her, clothes on. So great is the relief of not having to worry about what to say or do. Then of course there are the clients who want physical companionship where they can touch and be touched, again without worrying about whether they are doing and saying the right things.

Second. Despite all this, men seek intimacy, but not with their regular partner. One of the reasons men hate communicating their thoughts is because they may be thinking about other women or about doing things that most people might laugh at, or worse.

However, when a man tells a woman he hires what he wants to do, really wants to do, and she accepts it and makes it happen, he is rewarded for self disclosure, instead of punished. They do not have to share any other part of their lives with these women. Nobody has to know he likes to wear women's clothes or be chained and whipped. But just disclosing it to someone, and perhaps acting it out, is like therapy. It is also escapist

recreation. Dreams are coming true. Also, women are beginning to pay men to be the man of their dreams for a time.

The point is that there's a market for the purchase and sale of sex and fantasy role play. It's significant and it's not going away. Most of the business is repeat business. Most of the business is indoors. The authorities have limited resources to sweep clients and rarely do so indoors. Enforcement of the current law is negligible.

Now, on to the motivations of the sex trade worker. Well, why does anyone do anything? Usually it's because they need an income, or more income. How many women want to clean toilets for low pay or want to work in a factory for low pay? How many want to serve in the armed forces and get sexually harassed, and persecuted if they complain about it? Few people earn their living the way they want to. Most people follow the money, and some work at jobs that accommodate needs other than money, such as hours that are manageable, or locations that are accessible.

Sex workers can make good money. More than most junior lawyers. They may only need a few hours a month for the administrative parts of the job, and seeing a client once a week might provide enough income to get by. It may not be the only thing you do for money. Some students work their way through college in whole or part, sometimes only having one client or a few. They may work for agencies and others are in business for themselves. Some girls at this university reportedly have sugar daddies.

If the government really wanted to reduce sex work among those less inclined to it, the best way is to invest in higher welfare for single mothers, affordable daycare, and the collection of child support from dead-beat dads, lower tuition, better protection for women from sexual harassment in the workplace, more enforcement of the laws that prevent human trafficking, like immigration laws, and repealing the laws that encourage it, like the current law against the sex trade, Bill C-36.

So. Now that you know all about sex and the sex trade I can take over from your professors and let you in on a few things about the greatest gloom. So you want to be a lawyer? Well, there are some things about the law and the legal profession that your professors may have overlooked. And pay attention. This may be on the exam.

Let's start with a few thoughts about the sex trade laws. The law is often, if not usually, a minor factor, repeat minor factor, in what happens out there. About 20 per cent of Canada's economy is underground. Much above ground activity is fraudulent, with those breaking the law often not even knowing they are doing so. Most men buying sex today don't know what the law on that is. Really. Many who run massage parlours or escort services don't know. These are sometimes illegal immigrants who are grateful for money to send home. They and their employers may view being nabbed by the cops as a minor interruption in their business. Clients who get nabbed usually just look for the path of

least cost and least notoriety. That being said, clients very rarely get nabbed. That is mainly because so much of their buying is repeat business.

The lack of enforcement of the sex trade laws is also because the authorities, even before they consider going after the sex trade, already have overcrowded courts and jails. Police forces are very busy, and many officers are burned out from other pressures too. So they have to prioritize. That is in part why very few women, and few men, are being charged.

However, there are massive numbers of transactions out there which relate to the sex trade. Proper business management is required for licensing, tax planning, health and safety, labour relations, advertising, leases and so on. So think of future clients associated with the sex trade as business people. The trend is even towards the sex trade becoming mainstream and corporate.

Now on to lawyers. I'd like to share some of my thoughts about lawyers with you, and this may be on the exam.

I am an expert on lawyers, judges and, this you will like, law professors. I have flogged them, diapered them, made some of them sissy maids, hired them, fired them, and made some well known. Some became judges. I have had about twenty lawyers represent me in court or do other legal work for me. They were either not paid or were paid by someone other than me. I was not a very representative client. But I was a client.

When you graduate you will encounter clients. Some of them will not be a dominatrix. There are many types of clients. Some clients are businesses. Some, like banks, employ the lawyers. And of course some are individuals. All clients have something to say about lawyers and the law, and not just in lawyer jokes.

For example, what makes a good lawyer or bad lawyer? I think most lawyers are smart, knowledgeable and good talkers, but often it is only when they have other lawyers and judges ready to criticize them that they produce for you. When clients deal with their lawyers, the adversary isn't there watching. It can be a nightmare. They avoid and bully clients as much as they serve them.

So the presence of an adversary, or another lawyer working with them on a case, will help keep them up to the mark. Another option is to have someone who is skilled at dealing with lawyers assist clients in dealing with their lawyer. This as much as anything has enabled me to fight over the years. I did not have the knowledge or confidence to hire and fire lawyers with authority, the way some of my supporters did and do.

Lawyers sometimes hate dealing with middle people. Fire those lawyers. Clients need representatives in dealing with their lawyers more than they need lawyers dealing with their adversaries. Frequency of communication is the key and one man bands don't cut it. Now, in large or mid size law firms the juniors and case managers fill that role of middle

person sometimes. They make sure communication is timely. Calls are returned. Things are explained patiently.

So clients, and lawyers for that matter, should think team, not just about the main lawyer. A good law practice is more important than a good lawyer. Good lawyers collaborate well and delegate well. Having a great legal mind often has little to do with being a good lawyer.

There is also one more thing for you women law students to consider. Some of you may be in the sex trade now. Some of you at this university reportedly have sugar daddies. You do it by choice. And, I think law school is an excellent training ground for becoming a dominatrix. Girls, think of debating some guy who's gagged and bound. Think of being prosecutor, judge, jury, and jailer over some jerk who really deserves punishment, and then punishing him. And think of getting paid for it, plus tax. Or, you can do it as a class project.

Most of you know me from the Supreme Court decision in Bedford Versus Canada in 2013. The challenge to three of Canada's laws targeting the sex trade was filed in 2007, a decision given in 2010 in Superior Court, early 2013 in the Ontario Court of Appeal and late 2013 in the Supreme Court. You may have studied the decisions and the issues. Rather than tell you what you probably know already, I want to go into some considerations that may not have come to your attention.

But before I do I want as always to express praise and gratitude to my fellow plaintiffs Val Scott and Amy Lebovitch. They, more than me, have been and are dedicated ongoing activists and have been recognized as such. Kudos as well to Professor Young and his team of lawyers and law students, and to the other volunteers.

So, now some considerations. The first consideration is someone who graduated from this law school. I'm talking about former justice minister Rob Nicholson. I want to tell you about one single moment in his life. I think it was a defining moment for both him, and Canada. In March 2013 the Ontario Court of Appeal basically upheld Justice Himel's 2010 decision striking down the key laws against prostitution. A few weeks later Nicholson stood up in the House of Commons and said something to the effect that he was pleased to say that the government would appeal to the Supreme Court and would not discuss the case until the court had ruled. Of course, that made the matter go away for about a year.

Now let me tell you why I think that was a defining moment. Reason number one. I think he knew there were merits to what Himel's decision contained, merits that he could have acted upon immediately – like allowing sex workers to hire off-duty police as security or work in groups from fixed locations, or support spouses and children who lived with them. I think he knew the laws were void for vagueness and could have made them clearer and fairer. I think he knew that other laws could, as Himel said, be used to control

the worst aspects of sex work. And I think he knew the laws themselves created dangers for women and resulted in deaths. I think he knew all this yet, with pleasure, as he put it, he appealed the whole package and did nothing.

Reason number two. He knew or should have known that it was against every principle his party stood for to lump consenting harmless adult behaviour in private, like women paying younger men for sex, men keeping women, and women like me who enjoy punishing and humiliating men who pay me to do it, in with trafficked or abused women. That is not allowing for individual autonomy and responsibility for one's own decisions. I think he knew all this, yet, with pleasure, as he put it, he appealed.

Reason number three. If I am wrong about the first two reasons, it was definitely an even more defining moment. Perhaps he actually believed his stated position that the laws were constitutional, and that no changes were needed. If that is true, if he believed that nothing being said by all the judges, experts, sex workers and others had any merit at all, If he believed all that, he is a mental defective.

So, my friends, it was a defining moment because it was then and there that the justice minister proved himself and his government to be either liars or mental defectives. I'll compromise, and say they were both. Three levels of court are there to show it.

But wait, wait. It gets worse! If, instead of appealing again, he had just brought in the new law we have now, there would have been no Supreme Court decision.

The Supreme Court! A unanimous decision! Decision authored by the Chief Justice! You students and you professors have a massive interest in the matter simply because it was a unanimous Supreme Court decision, laying out the grounds for new laws to stand up. The Supreme Court! What would be your thinking if they had kept this out of the Supreme Court? Now, again, what law school did Nicholson attend?

So, why did it go to the Supreme Court at all? I think it's partly because Nicholson and Harper didn't think of any of this, or listen to people who did. The temptation of another year with an excuse not to comment was too great. Also too great was doing what their base of voters and donors would want. That meant not admitting defeat. It meant fighting pointlessly against us, and Judge Himel, and the Ontario Court of Appeal, with taxpayer money.

Now on to what it took to mount the challenge. Professor Young told the Senate committee looking into C-36 that at full freight the case would have cost our side alone over a million dollars, and probably cost the government that much a number of times over. Perhaps I can give you some insight into why. After much consideration, I think the best way to do this is to tell you year by year what had to be done. And remember, this was just on our side.

2002 to 2003. My legal battles had ended and my second house was closed. I was out of the public eye. I was going into chemotherapy for Hepatitis C and essentially, from then on, have been disabled. I occupied my time, when not doing essential errands and appointments, on writing projects, painting and doing some clerical work at home for a small business.

Alan Young told me he was going to do what he ended up doing, meaning strike down the prostitution laws in court, and wanted me to be one of the plaintiffs. People around me were divided, but the decision to support my participation was mainly driven by the fact that my chemotherapy would be done by the time anything substantive occurred. He also wanted Val Scott, a long-time and articulate activist for reform of the sex trade laws. Finally, Amy Lebovitch came forward. Her importance was that, unlike Val and me, she was still active in the trade. Indeed, her presence was the most important, from a technical standpoint, because her standing in the case was not subject to possible challenge on the grounds she was not being impacted by the laws. Others from the trade who were willing to be plaintiffs were asked by Alan to be expert witnesses. So, in getting all this in order, how many billable legal and administrative hours are we at? Remember the Supreme Court decision was in late 2013.

2004 to 2006. I did little in the next couple of years, but much more in 2006. Once Alan had his plaintiffs lined up he organized students and other lawyers who were to participate in various aspects of the initiative, such as: keeping correspondence organized, drafting and obtaining finalized affidavits, identifying and locating expert evidence and expert witnesses, interviewing and hiring a legal team, arranging and executing the logistics of transporting and accommodating them, preparing factums, preparing for examinations and cross-examinations, preparing courtroom appearances, scheduling and rescheduling as required, and of course obtaining the financing for all the above that had to be paid – such as travel costs. I recall that Val, Amy and I spent many hours at my place together. Our focus was on the logistics of the travel and accommodation of experts. I have put a lot of the correspondence in my papers in the archives at this university, and it shows how many things needed attending to, just on our side. The law students and lawyers dealt with assisting the lawyers in assembling the expert evidence and preparing the experts for their appearances. The federal and Ontario justice officials had to undertake similar challenges, but their work was all paid work, and it seemed to us that they had too many lawyers and summer student helpers. Fiscal conservatives my ass!

2007. That year saw the acceleration of the activities of 2006, plus we had a press conference to announce the challenge, and then, as the first documents were filed and first hearings were about to get under way, the issue got little mainstream publicity. Where are we at in billable hours now? What about the value of the time spent by the volunteers? There were volunteer groups on our side and the other side who sought standing and made submissions.

2008. For me the year was mainly taken up by the movement of the experts from out of town and their appearances. I attended about two thirds of the sessions in which evidence was examined. I would say there were about fifty full days in total, meaning days where the hearings were not in public, but there were transcripts. The purpose of the meetings was for experts who had submitted evidence to be cross-examined. Plaintiffs were also cross-examined as to their affidavits.

When my time came arrangements were made to have the media interview me outside the meeting room in the federal government building where most of the sessions were held. Then they asked to sit in on the testimony Alan had nothing to do with it, but the idea was to screw up their cross-examination timing and send a message that they were being watched. The reason it screwed up their timing was that counsel had to meet to figure out how to deal with reporters, who up until now were absent. It was Alan in fact who wanted the sessions to remain in private because the personal lives of witnesses was so exposed. The whole thing got some press. More billable hours too, paid and unpaid.

2009. The first half of 2009 was a continuation of 2008. The hearings wrapped up and after the summer the case moved into open court. I will speak briefly about the official hearings and then about things that are likely new to you, even those of you who studied the case. The judge in Ontario Superior Court, Susan Himel, had reviewed tens of thousands of pages of factums, affidavits, expert evidence and it's testing in cross-examinations via transcripts. Then she heard submissions from the lawyers of the plaintiffs, governments and intervenors. She rejected applications for intervenor status from three groups, basically Christian groups who opposed the challenge. They appealed that decision and the Ontario Court of Appeal overturned Himel's decision. So they got media as well and contributed their moral views, but nothing of substance. There were nine days in court. The billable hours metre blew up.

I came to court the first day dressed in my leather suit, boots and carrying a riding crop. Val and I made a point of posing for the media. I was told by my advisor for the day, a supporter savvy in these things, to walk up and down the street a bit with Val, keeping the riding crop near my face and carrying a light briefcase under my arm. Black leather briefcase of course. The key was to keep these two props near my face so they would appear in photos. I had to try to remember to face the sun so the images would be better. And I was told to be sure they got pictures with my sun glasses on as well, and of me talking on the phone. I remembered most of the advice and it paid off. In fact, one of the guys in the media pack was that supporter. When I looked at him he would remind me of these things as discreetly as possible.

I have to confess to you that I often found the public hearings dull. The technical references and quibbling over words seemed stupid at times, at least to me. However, Alan's concluding speech had me in tears. I only attended about half the hearings, as my health was continuing to deteriorate.

2010. The year 2010 was quiet until the end of September. The judge used all of the allotted twelve months to deliberate the 25,000 pages, and issued a 131 page decision in our favour. I was dressed in my leather suit for the press conference just after the release. We really did not know what to expect, despite the clear indicators that our case was better. The uncertainty was in part Alan's caution about giving false hopes to clients. My uncertainty was in part from being the victim of blatant judicial corruption and incompetence in the past. I did not have anything prepared in the way of a speech. A couple of one liners were in my back pocket if we won or lost. I was going to let Val and Nikki Thomas, both experienced communicators, do most of the talking. Nikki Thomas was the Executive Director of the Sex Professionals of Canada, a post Val had previously held. You can see me with both of them in pictures on the Internet.

When we found out we won my supporters sent out press releases. I called them with interview requests I received and they handled the scheduling and my movements. The sessions I had watched during the case, what I had said before, and what Val and Nikki and Alan said at the press conference provided me with the words to say to reporters in the days after the release. At the press conference I remembered some of the tips about providing the media with content.

2011 and 2012. There were hearings about how long the stay of the Himel decision would last. The decision of the courts was that the old laws would remain until at least after the Court of Appeal had ruled on the lower court decision. I appeared at the court house at strategic times, gave our case in the media personally, and of course made sure the media had good images. I was advised by one key supporter to beg reporters to ask the prime minister a question from me. One of them did. His response was on television. He said he had never been asked to respond to a dominatrix before and did not know who I was. The reporters laughed. He was either lying or the only one there who didn't know who I was. What an idiot. However, unlike Nicholson, he did not go to law school here.

The appeal was heard at the Ontario Court of Appeal in the summer of 2012, and their decision came out almost a year later. There was a lot of publicity and discussion in the media during the hearings, which lasted five days at the Court of Appeal. There were overflow rooms with screens. We were mobbed by reporters on the three days I was there.

So, to recap. September 2010, Himel decision. Summer 2012, Ontario Court of Appeal holds week of hearings. March 2013, Ontario Court of Appeal hands down its decision.

2013. When the Ontario Court of Appeal decision came out in March we did another press conference and all that. Basically we won. As expected it was going to the Supreme Court. We expected hearings to be held in the summer or fall and a decision after the new year, meaning some time in 2014. Of course the lawyers had to prepare their factums and books of authorities. If you look at what was filed with the Supreme Court, along with what their preceding courts had, which was also filed in the Supreme Court, each judge had, I believe, about 30,000 pages dumped on their desks. I knew we would win. There

was no way Beverly McLachlin would allow anything else. A sex worker in Ottawa who had clientele in a position to know told me on good authority that there was no substantive argument among the judges against what Himel had wrote.

I did not share those reports with Alan, or anyone else. I attended a red umbrella rally in Toronto in the summer, the week the case was heard at the Supreme Court. The rally was one of many across the nation, where sex workers and our supporters marched in support of what we were fighting for. Then I went to Ottawa to attend the rally at the Supreme Court during the day the case was heard. Our opponents were there too. The reporters said they had never seen anything like it.

On decision day we all went to the court in Ottawa for the release. When I found out we won big I cried, dried my eyes, had a quick phone call to my off site coach for the day, and did the interviews. The coach told me the key at all costs was to get in the joke that the prime minister had offered to appoint me to the Senate as a government whip. Media ate it up. The Senate at that time was scandalized for a number of things. I looked and sounded like a winner, not a victim. This gave our cause credibility.

So, I think you can appreciate that a Charter challenge is not a simple, easy, cheap or short term undertaking. Remember also that British Columbia lawyer Katrina Pacey led a challenge to the laws, which was before the courts and would have been heard if ours had not succeeded.

Here are some take-aways from my experience in Bedford Versus Canada. One is that it is understandable that there are so few Charter challenges. It just isn't worth it for most people. Law schools, however, can make the difference. Alan Young's initiatives on the wrongfully convicted, abortion access, medical marijuana and my matters come to mind.

Another take-away is that new laws, to avoid the flaws of the old ones, need to benefit from the evidence and decisions that our challenge made available. The previous federal government, who were voted out of office in 2015, did not make use of those resources. I want to tell you why I think that was the case.

They believe in sexual slavery. They believe a woman should only have sex for free. They believe she should have no choice in the matter. Male sex workers ditto. A woman selling sex was seen by them as a victim, even if she was fully independent. So she would not face charges. But while she was selling sex anyone protecting her, being her landlord, doing her taxes, advertising for her, babysitting her children, paying her rent or loaning her money, keeping her as a mistress, they would be charged.

But wait, it gets worse. In the hearings Mr. MacKay, Mr. Nicholson's successor as justice minister, another piece of work, said there was no reason to refer the new bill to the courts to see if it was constitutional. When asked what acts were deemed illegal under the act and which, like those of a dominatrix, might not be, the jerk said the courts would

have to decide. I'm being kind to him. His legislation is probably void for vagueness alone, if I read the Supreme Court decision correctly.

So another take-away is this. When a government tries to tell consenting adults what they can and can't do in private, they should be opposed. The Liberals, who were in opposition in 2014, voted against that legislation and promised to repeal it if elected. They were elected. The repeal has not happened yet, but there is no widespread outcry. That is because enforcement of the present law is minimal, and the sex trade and everything around it is booming. The government is happy to avoid the controversy that would accompany full legalization of the sex trade. Sex workers there by choice don't see an urgency for new legislation, since it would involve licensing and registration burdens and what not.

But some sex workers are not content. Human trafficking is flourishing under the new law. We warned about that. The 2014 law encourages sex work to be more underground. If the sex trade was fully legalized there would still be human trafficking, but clients would know whether they were attending a licensed business and would have no fear of facing charges if they reported suspected abuse of women. Landlords and hotels would be more willing to report, and less willing to look the other way when the laws were broken, because they could make money from the sex trade without breaking the law. Sex trade workers obeying the law could reduce competition by reporting violators. Police could concentrate on more serious matters than making sure women are only having sex for free.

In the hearings during Bedford Versus Canada it was proven that other countries found what I just said to be true. Organized crime and human trafficking did not go away. But that is the case in any activity.

For example, there are sweatshops, illegal nannies and what not. And you can be sure women are being abused there as well. You get the idea. You don't have to be in the Canadian Armed Forces under Peter MacKay or RCMP under Vic Toews to be a sexually harassed woman, although it helped. All that under a law and order government with stiffer and mandatory minimum sentences. But enough about Harper and his trained seals.

Mr. Trudeau and his justice minister Jody Raybould-Wilson now have a chance to differentiate themselves from Harper, Nicholson and MacKay on these issues. As I said, there is no pressure on them to hurry. Also, the interrelated issues are complex, and time is needed. The controversy, no matter what they do, or don't do, is going to be intense. Look at the marijuana reform. That came over a decade after it was, I read somewhere, Canada's third largest export crop. I don't know what the monetary value of the sex trade is, or was, but it ain't peanuts.

I hope you will remember going forward that as law students and then as lawyers or lawyer graduates, you will have more ability and opportunity than most people when it

comes to defining our rights and freedoms. I have seen law students in action in my legal battles. I have seen the lawyers. I have seen the activists. I have seen the media. I have seen the voters. I have seen the criminals. I have seen my immediate supporters. No shortage of villains. No shortage of heroes. I hope you have the privilege of a role when the debate on the sex trade begins again. Thank you again for having me here today.

The speech was well received. I found it rewarding to be speaking to a large, mainly female audience who had an appreciation of the matters I was raising. The students were listening very closely and some told me after that they found much of what I said to be new information. When it ended they applauded vigorously. There were only a few remaining minutes before classes resumed at the top of the hour. Some students remained behind after the top of the hour. A few had their picture taken with me. Some congratulated and thanked me for either speaking that day or for my legal battles. None said anything negative. One girl told me that I helped inspire her choice of law as a career. The speech can be watched on the Internet.

Chapter 29: The Present Conclusions

I am often reminded of this passage from Somerset Maugham's *A Writer's Notebook*:

“It is said that suffering results in resignation, and resignation is looked upon as a solution to the perplexities of life. But resignation is a surrender to the hostile whims of chance. Resignation accepts the slings and arrows of outrageous fortune and calls them good. It kisses the rod that chastens it. It is the virtue of the vanquished. A braver spirit will have no dealings with resignation: it will struggle unceasingly against circumstances, and though conscious that the struggle is unequal, fight on. Defeat may be inevitable, but it is doubly defeat if it is accepted.”

Agreed. I have said in my speeches and elsewhere that if one is in a position to fight for something as part of a full life one should do it. Being a worker and consumer full time, even of luxuries, does not give the same satisfaction as making a difference or righting wrongs. Circumstances often arise putting individuals in the situation where they have decisions to make. When I was first raided, in 1986, I lacked the means to fight back. I also happened to be guilty. In 1994, help was forthcoming, and I was not guilty. Still, for many it would have made more sense not to fight back. But not to me. If you have been reading my writings you might get some sense of why.

All the lawyers, especially Alan Young, knew I was in a position where I could make a difference, both in the 1990's and ten years later. By publishing what I have written I hope I am continuing to do so. I am told I have inspired many young women. I hope in doing so I am inspiring them to be realists.

Realistically, most of morality is crap if it tries to restrict the behaviour of consenting and informed adults. Look at what has changed in my lifetime.

When I was born coloured people could not vote, had to attend coloured only schools, could not live where they wanted, were not permitted entry to many public places and had to sit at the back of buses. I don't have to tell you that indigenous people were no better off. This was the reality in much of the United States, South Africa, Australia and many more countries around the world. Canada was not much better. Look at things now.

When I was born inter-racial relationships were rarely tolerated in most places in the world. Look at things now.

When I was born same sex relationships were illegal almost everywhere in the world. Things are better now in many countries.

Of all the advances in human rights the rights of women may have advanced most slowly. Even in Canada in my lifetime, even today, we have had to fight to be allowed birth control, to have the government do its job in enforcing child support orders, to have sexual assault reports taken seriously, to not be harassed on the job or even to stop the harassment of women police and soldiers by their male counterparts.

Remarkably, all this has occurred more and more during the term of office of a government that claimed to be dedicated to law and order. The claim is bogus. The reality is that Stephen Harper, Rob Nicholson, Peter MacKay and their numerous trained seals will be seen by history as some of the worst indirect women molesters in Canadian history. Their tainted leadership in dealing with needed changes to legislation concerning the sex trade is part of that.

They are out of office now, and the new government has said it will make decisions on the sex trade that are evidence based. They have pledged to repeal Bill C-36, passed by the previous government. It is still early in their term and many areas of policy that are not directly addressed to the sex trade, but affecting it, are under review. Consultation has been substantive, but very much behind the scenes. This is as it should be, for now.

It is my hope that better is to follow in constructing a criminal justice system that enables women in the sex trade to protect themselves and fight back when they are wronged. But it is not only our governments that make a difference. Each of us, from time to time, are in a position where we too can make history, each of us doing a bit, together. We have come a long way.