



Written by [Beverly K. Eakman](#) on August 30, 2011

## 5 “Pole” Tax: A Decadent Society’s Cure for Sexual Victimization

First there were this summer’s “Slut Walks” featuring young, scantily-clad female exhibitionists bearing signs such as “I’m a slut. Don’t assault me!” The ostensible message was that aggressive sexuality is not a provocation. Then, there were the colorful, size 28AA padded bras for 8-year-old girls. Initially marketed by Abercrombie & Fitch as kiddie bikini tops, the idea had, by late summer, morphed into must-have underwear sold in department stores for Back-to-School — alongside 4-inch high heels, extreme-low-rise jeans and transparent tops (the bra absolutely must show through to be “fashionable”).



Now society has risen to a new level of absurdity: lawsuits over a [five-dollar entrance fee to strip joints](#) — *in the name of sexual-assault prevention*.

*The New York Times*, *The Wall Street Journal*, *The Washington Times*, and ABC News (based on the *USA Today* story), were among the many news outlets that carried the story on Friday, August. 26. But only a small few could maintain journalistic composure long enough to report that the money was being used to combat rape and “help” victims of sexual assault.

If making a Supreme Court case out of a mere five-dollar sum isn’t sufficiently ridiculous, preserving the right to free “expression” via stripping, nude dancing, lap dancing and pole dancing comes close. Arguably, more “expression” is demonstrated by the client under these circumstances than by the performer. But whatever: The right to circulate religious flyers, to wear a patriotic hat to school, or to say “Merry Christmas” instead of “Happy Holidays” is not subject to constitutional guarantees of free expression, but slithering around mostly naked on a pole — or somebody’s lap — is. “Is this a great country, or what?” to quote Russian immigrant comedian, [Yakov Smirnov](#).

[The facts are these](#): The Texas Supreme Court ruled Friday that the state’s “pole tax” — a \$5-per-customer fee that strip clubs serving alcohol must pay the state — did *not* violate free-speech rights, overturning a lower court decision that declared the fee unconstitutional. Even so, Justice Nathan L. Hecht, writing for the court, assured that political correctness was observed when he stated that the fee was not intended to suppress expression in nude dancing, but was directed instead at “the secondary effects of nude dancing when alcohol is being consumed.” Jerry Strickland, spokesman for Texas state attorney general, Greg Abbott, went so far as to laud the ruling a victory for both the state and victims of sexual assault. “Thanks to today’s ruling, we are a step closer to freeing up millions of dollars for sexual assault prevention and crime victims’ assistance,” gushed Strickland.

Well, he was probably right about “freeing up millions of dollars.” But it is highly unlikely to benefit women. Texas lawmakers had expected the fee to raise some \$44 million, but because many outraged



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strip club owners refused to collect from customers, “only” about \$15 million has been generated, explained the *New York Times*. Stewart Whitehead, a lawyer for the Texas Entertainment Association, said he and his client were considering taking the case all the way to the U.S. Supreme Court.

This isn’t the first time the Texas Legislature has tried to cash in on the sex trade. In 2004, it considered another \$5-per-head fee, with the money going toward, of all things, [schools](#). To their credit, some Texas lawmakers balked at linking strip clubs and kids. The idea was derided as “Tassels for Tots” — and that was that.

But last summer, the Texas Association Against Sexual Assault revived the idea as a way to open more rape-crisis centers — psychiatric counseling services that would be less needed were laws already on the books against obscenity and sexual exploitation taken seriously.

In 2007, state legislators passed the Sexually Oriented Business Fee Act. It imposed a \$5 entrance fee on nearly 200 establishments that featured live nude performances and allowed alcoholic beverages. The difference was that this charge was imposed on the *business* rather than the patron. The ostensible intent was to raise money for sexual assault prevention programs *and health insurance coverage for low-income people*.

This time around, the customer pays. An Amarillo strip-club owner — with the help of the Texas Entertainment Association, which represents many of the state’s topless clubs — sued the state attorney general and comptroller, calling the law a “selective taxation scheme” that singled out nude dancing — and, no doubt, accompanying “side activities.” On that basis, a district judge struck down the law in 2008, and a Texas appeals court basically concurred.

But on Friday, the Texas Supreme Court ruled unanimously that the fee *was* constitutional, after all, explaining that any establishment seeking to avoid the fee “need only offer nude entertainment without allowing alcohol to be consumed....”

Thus some 150 Texas strip-and-lap “dance” clubs that serve or allow booze will be subjected to a \$5-per-customer levy, with most of the proceeds going to “serve” rape victims. The tax goes into effect on New Year’s Day. Club owners and some of their customers say the money may be going to a noble cause, but complain that the “pole tax” unfairly links their [industry to sex crimes](#). Customers resent the implication that strip clubs lead men to commit sex crimes, reported *USA Today*. Strange, then, that prostitutes (including street walkers and “indoor sex workers” who ply their trade as escorts, call girls, or in brothels and massage parlors) have always been disproportionately subjected to [sexual violence and murder](#). According to a study conducted on 130 adult prostitutes in San Francisco, 82 percent had been physically assaulted, 83 percent had been threatened with a weapon and 68 percent had been raped while working as [prostitutes](#), high numbers by any comparative measure.

Rep. Ellen Cohen, a Houston Democrat who sponsored the bill, still doesn’t entirely get the irony: Money is basically being collected to subsidize depravity. The more people paying fees at strip clubs, the more money the state gets for its pet projects — all “helpful,” of course. So, it is not in the state’s interest to stigmatize bawdy houses. “This is an industry that largely employs women, and this gives them an opportunity to raise funds for a crime that affects women,” Cohen stated sanctimoniously. “I’ve been told the fees to get into these places can be \$10, \$15. I don’t think another \$5 is going to prevent someone from going,” [she said](#). Never mind that Rep. Cohen also happens to be president of one women’s center that could get financing from the new law.

Shutting down such businesses as a public nuisance might do more to help women — but then, maybe



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the damage is already done. One 28-year-old former Dallas “dancer” was quoted in [USA Today](#) as worrying that adding five dollars will hurt women like herself who work their way through college by stripping. She claimed she averaged \$200 a day at a strip joint called “the Lodge” — and “on good days, a hell of a lot more.” To prove her point she displays her degree from the University of Texas at Arlington, and boasts that she now runs a computer-servicing business with her husband.

The stripper-turned-businesswoman may have earned her degree from the University of Texas, but she learned her morals from the likes of Madonna and Beyoncé Knowles, who spent their younger years specializing in raunchiness. Today, Madonna writes children’s books preaching a muddled version of “virtue” and “tolerance,” and Beyoncé puts out platinum CDs calling for “Respect.” (Oh, please...)

Like most other “gentlemen’s clubs,” Texas’ topless bars range from low-class dumps with beat-up pickups out front to plush night spots attracting men in business suits with money to burn.

[Estimates](#) suggest that at least 8 million people a year go to Texas strip clubs to get a lap dance and/or watch women slither along a pole. Prostitution being well-known as the “world’s oldest profession,” the behavior per se isn’t surprising. What’s different is, first, the numbers of customers, and second, the attempt to wrap ever-more-explicit acts in a cloak of legitimacy.

The rabid feminism of the Sixties preached that women were every bit as sexual as men, and maybe so — in private. Unfortunately, sensuality morphed into a politically correct form of sexual license that demeaned women rather than empowering them. The old icons of the women’s movement are strangely silent on the connection between sexual aggressiveness of females (beginning in grade school), and today’s creepy video games and song lyrics glorifying torn genitals, “ho’s,” illegitimacy, and multiple “partners.”

The fact is that most women don’t think of sex as a sporting event. They want to look and feel attractive, but don’t like being compared — especially to pole dancers and strippers. They resent the expectation of sexual activity as the “currency” of dating. But in an era of padded bras for 8-year-olds and legitimized smutfests, is it surprising that men expect performance over love?

The dwindling [marriage rates](#) may not be simply a reflection of economics, career choices, or maintaining independence. Women may accept the sexualized culture but, rather than feeling romance in the air, many fear pressure to behave like pole-dancers (as opposed to “love-making”) or be [replaced](#). Which goes to the heart of decision over a “pole tax”:

Whether the fee is constitutional or not is immaterial. Whether the money collected is used for “good” purposes is beside the point. The culture, the family, women and their children are all expendable in a scheme only a decadent society could come up with.

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