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MAKING IT WORK

The Prostitutes’ Rights Movement in Perspective

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COYOTÉ’s Participation in Legal Discourse

Structure

Consistent with its “fluid” membership, COYOTÉ has no formal organizational structure— it can best be characterized as amorphous. St. James explained: “COYOTÉ was never actually any kind of corporate organization. It was the name for a concept I used to try to raise consciousness about prostitution and the need for decriminalization” (Rutten 1980, p. 15). However, over the years volunteers have been responsible for running the organization, which includes providing direct social services, taking legal action, and promoting educational campaigns. Individuals associated with COYOTÉ have done research on prostitution and formed an important part of COYOTÉ’s initial information network. In addition, a number of lawyers and lawyers’ groups, most notably the ACLU and Barristers’ Clubs, have contributed time and counsel to the organization.

Compatible with its structure, COYOTÉ has “no paid staff and nobody officially designated to actually do anything” (Thomas 1978, p. 8). Active members of the organization serve a number of different functions, from data gathering to providing services to coalition building. COYOTÉ’s organizational duties are very loosely defined. As Thomas described:

In COYOTÉ, everybody who had any connection with it was a practitioner, and there are no defined roles for practitioners— everybody did his or her “own thing.” . . . A more smoothly operating organization might have brought about just as many changes, but it seems that part of COYOTÉ’s success has been its looseness; the amorphousness of the organization has allowed it to work in a variety of ways it could not have had it been more tightly, traditionally structured. (1978, p. 8)

COYOTÉ’s lack of paid positions and informal division of labor have characterized the organization since its inception. As St. James explained, “hookers don’t like organization. They want a loose thing” (personal interview, June 20, 1989). Indeed, especially in the early years, COYOTÉ was referred to as a “loose women’s organization.” In this case, the word loose is a double entendre, it simultaneously refers to sexual promiscuity and organizational form.

Community Services and Early Campaigns

As a grassroots organization, COYOTÉ provided numerous services for prostitutes, most of which were designed to assist prostitutes in their dealings with the police and the courts. For example, COYOTÉ provided a hotline for prostitutes called SLIP (Survival Line for Independent Prostitutes), immediate legal assistance for prostitutes who had been arrested, suitable clothing for prostitutes making court appearances, around-the-clock legal advice and aid to arrested prostitutes, and in-jail classes designed to teach prostitutes survival skills (e.g., “How to Take Care of Yourself” and “How to Get In and Stay Out”).

In addition to providing legal services to prostitutes, COYOTÉ undertook a number of public awareness campaigns in the early and mid-seventies. These campaigns implicated legal statutes surrounding prostitution and law enforcement practices as the problem with prostitution. Specifically, COYOTÉ’s early campaigns centered around protesting: (1) the prohibition of prostitution; (2) rampant legal discrimination against prostitutes, especially police harassment and entrapment; (3) discriminatory enforcement of prostitution laws, especially along gender and race lines; and (4) the unjustifiable expenditure of tax revenue to control (i.e., arrest and prosecute) women arrested on prostitution-related charges. Combined, these campaigns located COYOTÉ’s early activities firmly in local legal discourse as they pointed to the laws prohibiting prostitution and agents of law enforcement as the source of prostitution victimization.

PROMOTING DECRIMINALIZATION

The year of COYOTÉ’s inception, St. James announced that “changing the law is, of course, the most important job” (Bryan 1973a, p. 1). Since then, COYOTÉ’s overarching goal has been the decriminalization of prostitution. Unlike the legalization of prostitution, the decriminalization of prostitution would remove all statutes prohibiting solicitation, pimping, pandering, and prostitution. In Sex Work: Writings By Women in the Sex Industry (Debacco and Alexander 1987), Alexander advocated the decriminalization of prostitution as a way of legitimating rather than abolishing prostitution:

Ideally, decriminalizing would mean the repeal of all existing criminal codes regarding voluntary prostitution, per se, between consenting adults, including mutually voluntary relationships between prostitutes and agents or managers (pimp/prostitute relationships) and non-coercive pandering (serving as a go-between). (p. 209)

In effect, COYOTÉ’s representatives argued that if prostitution were decriminalized, as opposed to legalized, it would fall outside the purview of the law and prostitutes could lead less victimized lives.
From COYOTE's perspective, the illegality of prostitution is at the root of prostitutes' victimization. Specifically, the victimization of prostitutes stems directly from laws prohibiting sex for sale, which ensures that prostitutes remain open to abuse and have no legal recourse to take action against perpetrators of abuse. St. James pressed this position in an article entitled "Prostitutes as Political Prisoners," which appeared in a local newspaper:

The illegality of the profession heaps abuse on the women that isn't inherent in the business itself. Men consider them to be legitimate victims, and the women suffer all kinds of brutalities and indignities at the hands of the customers and the cops. (1973, p. 9)

Early in COYOTE's crusade, claims such as this were most often pressed at the local level through the distribution of COYOTE handouts, as well as through the use of local newspapers and a variety of public forums.

Eventually, however, COYOTE's cause evoked media attention at the national level. For example, St. James commented on the nationally syndicated talk show "No Bull":

I think you have to let them work and protect them. Give them legal recourse for exploitation and abuse. . . . I think if you take away the prohibition, you [also] take away the violence and the exploitation. You empower the worker. (Cherrington 1980)

On "The Donahue Show," St. James embedded similar claims about prostitution in contemporary understandings of the condition of women in general:

We want to legitimize the work and allow women to keep the money they earn and to end the abuse that prohibition ensures. . . . To stigmatize women sexually through the criminalization of prostitution affects every woman. It gives men the power to sexually intimidate them in the office, in public, and in the home. (Donahue 1980)

In addition to protesting the statutes prohibiting prostitution, COYOTE's early campaigns were directed at local law enforcement and government officials responsible for the enforcement of the laws. For example, in response to then San Francisco mayor Joseph Alioto's campaign to "clean up" prostitution in San Francisco, St. James asserted the following in an interview with a local newspaper reporter:

The worst part of prostitution is the illegality. I've asked hundreds of women in the business what the worst moment of degradation was and they answered unanimously that the true moment of humiliation and degradation is when they are bust. . . . The real degradation is at the hands of the police and the courts who divide women into two categories—whores and madonna. (Bryan 1973b, p. 2)

From COYOTE's perspective, "exploitation comes with the cops and the courts; otherwise, both people are getting what they bargained for" (Brammer 1974, p. 2); namely, the transaction they have mutually consented to and desire.

Framed in this way, and consistent with claims emanating from the larger movement to decriminalize victimless crimes (see Chapter 2), COYOTE's early efforts were aimed at suggesting that prostitutes and their customers should be allowed to undertake transactions that they both agree to without interference from the law. Moreover, from this perspective, the decriminalization of prostitution is required in order to discourage the systematic abuse of prostitutes and to ensure that prostitutes have legal recourse when abusive or exploitive situations arise. In short, the argument maintains that decriminalization of prostitution allows for a reduction in the victimization of prostitutes.

PROTESTING POLICE HARASSMENT

COYOTE's early efforts singled out police brutality and harassment as common practices that must be endured by local prostitutes as a result of the illegality of prostitution. COYOTE's campaigns publicized the ways in which law enforcement officials illegally enforce the legal statute. With slogans such as "Hookers Unite, You Have Nothing to Lose But Cop Harassment," "No More I'm in '75," and "My Ass Is Mine," COYOTE's local crusade opposed police harassment of prostitutes. This opposition was based on claims that it is the prohibition of prostitution, combined with the prostitutes' lack of legal status, that promotes tolerance for police harassment of prostitutes. By extension, it is harassment, rather than illicit sex, that ensures prostitution is problematic.

It is not surprising that police harassment was one of the most immediate concerns of COYOTE. Prior to the formation of COYOTE, the gay community in San Francisco had successfully organized to protest police harassment and the right to participate in private, consensual sex. As St. James explained, "it's well past time for whores to organize. The homosexuals organized and now the cops are afraid to harass them anymore" (Bryan 1973b, p. 2). A local newspaper concurred, with the following report: "The homosexual community in San Francisco has gotten polit-
OPPOSING SELECTIVE LAW ENFORCEMENT

Building on the claim that laws prohibiting prostitution and their enforcement are inherently problematic, COYOTE sought to expose the iniquity of law enforcement procedures surrounding prostitution. As St. James adamantly noted in an interview with Playboy Magazine, "the enforcement of prostitution is totally discriminatory" (Caruana 1974, p. 82).

COYOTE's early campaign brought attention to the unequal enforcement of the law on at least two counts. First, although solicitation is a crime for both the prostitute and the customer, typically only prostitutes, in most cases women, are arrested. In addition to systematic discrimination against women, COYOTE's campaign focused on the prevalence of racial discrimination in law enforcement's response to prostitution. A 1974 COYOTE newsletter explained on the front page: "COYOTE is dedicated to exposing sexism and racism within the Criminal Justice System and the furthurance of decriminalizing crimeless crime" (COYOTE 1974, p. 1). This general stance ensured that many assertions about gender and racial discrimination against prostitutes emanated from the prostitutes' rights movement early in its efforts.

Gender Discrimination

With slogans such as "The Trick Is Not Getting Caught," COYOTE pressed a series of claims directed at law enforcement officials' failure to arrest men involved in solicitation. As St. James explained in an interview with an Idaho newspaper, "there are a hell of a lot more customers than hookers, and the customers never get busted" (Brauner 1974, p. 2).

Claims such as these received a hearing from the national press. For example, in an interview with Rolling Stone Magazine St. James argued: "The enforcement of prostitution laws differs in every state depending upon the climate of the community, but they are all discriminatory in that they make women the scapegoat" (quoted in Krassner 1974, n.p.). Similarly, the Washington Post reported on St. James's approach and effectiveness:

"Margo meets her interviewers with xeroxed copies of papers by psychiatrists, sociologists and lawyers, all tending to demonstrate the laws on the subject are indefensibly biased in favor of the hooker's customer who never gets arrested and against the hooker who often does. (von Hoffman 1974, n.p.)"

Opposing Selective Law Enforcement

While the press was disseminating COYOTE's claims, a few local authorities were responding to and supporting COYOTE's efforts. For example, one San Francisco judge dismissed prostitution charges against thirty-seven women whose male customers were not arrested. She charged the police with an "intentional purposeful, selective enforcement policy" (Mydans 1976, n.p.). COYOTE was also central in convincing three female judges to participate in the women's political caucus and peer counseling to prostitutes.

Racial Discrimination

In addition to gender discrimination, COYOTE focused on the prevalence of racial discrimination in law enforcement's procedure for controlling prostitution. Combining claims of racism and sexism, St. James explained to the press, "it's the criminal justice system racist and it's sexist and the only people who get arrested for prostitution are poor white women and blacks" (Bryan 1974, p. 8). With regard to racial discrimination in particular, St. James reported to the local press:

"Half of the women in the county jail are there on sex charges. Political prisoners, arbitrarily chosen by society to pay its dues for sexual guilt. Most of them are black, another aspect of discrimination—minority women being forced to work on the street due to the fact that the hotels and massage parlors are owned by white folks who won't hire them or let them hang out. (Ritter 1973, p. 5)"

Similarly, in an article entitled "A New Kind of Union to Help Women-on-the-Street," Janine Bertram, a Seattle COYOTE representative, asserted:

"An organization like this [COYOTE] is necessary because of the discriminatory practices against prostitutes, the hassles on the street, the arrests for loitering and the entrapment by vice-squad men. Now, it's poor, often minority, women working the street who always get arrested, those who are unprotected. They get someone appointed by the court to represent them, don't have any bail and sit in jail from the weekend until the next Thursday when they go to court. For instance, in February, 25 black women were arrested for loitering. (Paynter 1975, p.n.)"

Local press attended to COYOTE's campaign by reporting on, and thus disseminating, COYOTE's plea for legal reform. For example, a local magazine reported: "COYOTE is against the racism that exists with..."
poor women of racial minorities making up the majority of those arrested while the white and higher paid call girls ply their trade in hotels and homes without arrest” (San Francisco Magazine 1973, p. 23). Through reports such as this, COYOTE's complaints were made public at the local level, and occasionally on the national level.

To further oppose the selective enforcement of prostitution laws, COYOTE instigated and/or sponsored at least twenty-six lawsuits on behalf of prostitutes. For example, with the support of the ACLU and the local Citizens Council for Criminal Justice, COYOTE filed numerous class action suits challenging the constitutionality of a California statute directed against anyone who solicits or engages in any act of solicitation. Suits were filed on the grounds that:

It is an invasion of privacy, overly vague, and restricts freedom of expression, and that the state has no compelling interest in regulating sexual behavior between consenting adults, and therefore, that its selective enforcement violates the right to equal protection. (Anderson 1975, p. 11)

Through the public filing of these suits, COYOTE found yet another vehicle through which to disseminate pleas for legal reform. Clearly, these types of claims were firmly located in a larger discourse about the right to privacy and freedom of expression, which was being disseminated by the gay and lesbian community as well as the women’s movement.

Along with filing lawsuits, COYOTE was successful in lifting a mandatory three-day venereal disease quarantine imposed by the San Francisco Police Department. In part, this was accomplished by pressing the claim that “the incidence ofVD is at least as high among people 20 to 24 years old as among whores” (Anderson 1975, p. 11). Moreover, COYOTE made evident that “only women are arrested and forced to have regular checks for VD” (Metzger 1975, p. 8). Largely as a result of COYOTE’s efforts, a San Francisco judge issued a temporary injunction ordering police to stop forcing suspected prostitutes to take penicillin shots and spend three days in jail until venereal disease test results came back. This temporary injunction was issued with an acknowledgment of the way in which such procedures constitute selective legal intervention.

CLAIMING TAX REVENUE IS WASTED

Building on the assertion that the enforcement of laws prohibiting prostitution is inherently problematic, COYOTE’s campaigns asserted that the enforcement of prostitution laws is simply a waste of taxpayers’ money. Directed toward the San Francisco community in general, and law enforcement personnel in particular, COYOTE’s protests suggested that it is a waste of taxpayers’ money to enforce laws that create and perpetuate rather than eliminate the victimization of prostitutes. St. James suggested that “the real victim of victimless crime [such as prostitution] is the taxpayer” (Terzian 1974, p. 3).

Consistent with a the larger movement to decriminalize victimless crimes, from COYOTE’s perspective it is a waste of law enforcement’s time and resources to arrest prostitutes when there is no complainant. At a hotel protest, St. James claimed that “the police have their hands full dealing with real crime and they should not be distracted into pursuits concerning what consenting adults do” (Crab 1973, p. 2). Carol Silver, then legal counsel to the San Francisco Sheriff’s Department and a proponent of COYOTE’s efforts, concurred in an editorial in COYOTE News: “Society has a stake in decriminalizing prostitution so that resources presently allocated to catching ladies of the evening can be used instead for stopping crimes we’re all really afraid of” (Silver 1974, p. 2).

Relying upon a conception of prostitution as a crime without victims, COYOTE’s protests and public pronouncements brought attention to the expense of enforcing prostitution laws. For example, St. James asserted to the local press:

Thousands and thousands of tax dollars are being squandered each week by the vice squad. . . . While this city continues to be plagued by crimes against life and property, these overpaid officers are wasting their time and harassing people on non-victim charges. (Bryan 1973b, p. 2)

In an article entitled “COYOTE: Society’s Underdogs Begin Biting Back,” which was published in the local magazine Pacific Sun, St. James elaborated upon previous claims:

The SFPD annual budget is 53 million, half of which is spent on victimless crimes. According to the 1971 report of the SF Crime Commission, taxpayers are paying $175 per bust for prostitution. Excessive labeling, for something which is essentially a service, not a crime, creates the criminal. It makes ROBs (rip-off bitches) out of women, SOBs out of cops, and suckers out of taxpayers. (Ritter 1973, p. 4)

Finally, in an article in COYOTE News entitled “The Real Victim,” an attorney volunteering her time and skill to COYOTE’s campaigns claimed: