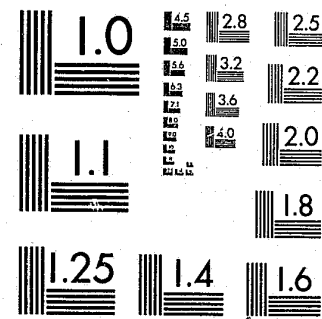


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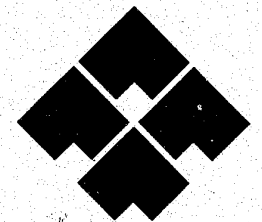
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Minnesota
Crime
Prevention
Center

121 E. Franklin Ave.
Minneapolis
Minnesota
55404
612/872-2300

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CONTROLLING VICE IN MINNEAPOLIS
DURING THE 1970'S

by

Marlys McPherson
Executive Director
Minnesota Crime Prevention Center, Inc.
121 East Franklin Avenue
Minneapolis, Minnesota 55404

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CONTROLLING VICE IN MINNEAPOLIS DURING THE 1970'S

I. Introduction

Minneapolis, Minnesota is not unlike most other major American cities in terms of its attitudes and approach to prostitution and other sexually-related vices.¹ There has always been a state statute and city ordinances outlawing prostitution and pandering ("pimping"); yet these activities have been a part of the city scene for as long as people can remember. While there have been sporadic police crackdowns and petty harassment of the city's prostitutes, there has never been sustained public support to force a re-evaluation of the city's laws and enforcement policies regarding prostitution. In other words, for a period of over seventy-five years prostitution was not a major issue on the public policy-making agenda in Minneapolis, that is, not until the early 1970's.

Between 1972 and 1979, controlling illicit sexual activities -- particularly prostitution and pornography -- became one of the most

¹The U.S. remains one of the few countries where prostitution continues to be defined as a "crime." With the exception of Nevada, (where it is legal in 15 of the states' 17 counties), prostitution is prohibited by state statutes and often by local ordinances as well. The primary authority for controlling prostitution, therefore, rests with local law enforcement agencies. Despite its illegality, it is generally recognized that prostitution (as well as most other "victimless crimes") cannot be eliminated through law enforcement policies, which at best can regulate or contain it (see Edwin M. Schur and Hugo Adam Bedau, Victimless Crime: Two Sides of a Controversy, Englewood Cliffs, NJ: Prentice-Hall, Inc. 1974). While the possibility or desirability of attempting to legislate morality is openly questioned, the predominant public attitude toward prostitution is hypocritical. On the one hand, there are public expressions of moral outrage and condemnation, while privately most people quietly accept its inevitability and even legitimacy.

controversial, sensational and scandalous issues to be publicly debated and discussed in recent Minneapolis history. Prior to that time the issue consistently had a narrow focus. It was seen as a law enforcement problem and policy prerogatives were contained within the police department, which in Minneapolis is under the control of the mayor. In other words, the mayor, who appoints the chief of police, is elected to enforce "acceptable community standards of morality."

By 1979 the scope of the issue had expanded to include the involvement of the Minneapolis city council; the city planning commission, several city bureaucracies (including the licensing division, zoning officials, and the city attorney's office); Hennepin county board members; all levels of the court system in Minnesota (municipal, county/district, and state supreme court); the county attorney's office; the state legislature; neighborhood groups; organizations representing downtown business interests; special interest groups, such as the Minnesota Civil Liberties Union and feminist organizations; in addition, of course, to the police department and the mayor's office. Even the Minnesota Environmental Quality Council became involved when it was asked to assess the environmental impact on the surrounding neighborhood of a proposed adult movie theater.

As the scope of the issue expanded and more and more people and agencies became involved in the decision-making process, the debate became increasingly heated and acrimonious. Numerous alternative policies were proposed, attempted, and eventually rejected as opposition was mounted or various approaches met with apparent failure.

The culmination of the efforts to deal with the problem of illicit sex businesses in Minneapolis had dramatic and shocking

consequences. A police chief was forced to resign following charges of gross incompetence related to the department's efforts to enforce the vice laws. There were allegations of selective enforcement, pay-offs and graft. High-ranking public officials and prominent Minneapolitans, including judges, state legislators, a U.S. Attorney, over 25 police officers, and a spokesman for the Roman Catholic Church, were publicly embarrassed when their sexual relationships with prostitutes became front-page news. There were incriminations and recriminations between various members of the criminal justice community; with the public defender threatening to sue the mayor and the police department for their "Gestapo-like tactics," and the police department blaming their difficulties on "lenient judges," threatening to "close down the vice squad" if judges didn't toughen sentences.

This brief scenario prompts a series of questions: Why did the vice issue suddenly become so prominent and controversial in the 1970's when the source of the problem is as old as time and it has never been a significant issue before in Minneapolis? What happened and who was involved in bringing the issue to the policy-making agenda? What alternative policies were considered? Why were some rejected and others approved? Why did certain approaches fail? Who was involved in the decision-making process? Why did the issue become so conflictual? What were the specific effects of the process and why were they so injurious?

Given its complexity and the large number of competing interests who eventually became involved, it would be impossible to reconstruct in detail the emergence of this issue and all of the policy-making processes which occurred over the eight-year time period. Some

simplification is necessary. Since the primary objective here is to shed some light on the local governmental decision-making process as it relates to the emergence and resolution of a specific issue, the information to be presented is organized as follows: first, the questions of how and why controlling prostitution and sex businesses came to be an issue will be addressed. Then, selected aspects of the decision making process within two government agencies -- the Minneapolis city council and the police department -- related to their policy initiatives to deal with the issue will be examined. In addition, the consequences and effects of the process on the various participants and on the problem itself will be presented. In the final section, an attempt will be made to draw conclusions about the local policy-making process in this specific case which might be useful in other contexts.

II. The Emergence of Sexual Vice as a Public Issue in Minneapolis

In retrospect, it is possible to identify four major factors which were responsible for the emergence of sexual vice as an issue in Minneapolis: the changing nature of the problem; the aggressive role of the mass media and the police department in publicizing the problem; the intensified politicization of the issue as it became a political football in mayoral election campaigns; and finally, the increased activism of certain special interest groups.

Following is a discussion of the ways in which each of these factors contributed to forcing the sexual vice issue onto the public policy agenda.

A. The Nature of the Problem

As has been suggested, prostitution has always existed in Minneapolis, but it never before sparked the kind of aroused public discussion which took place in the mid-1970's. Of course it is impossible to know if there was more or less prostitution occurring during this time period compared to previous times. Given that both prostitution and pornography involve consensual transactions (i.e., both the buyer and the seller willingly participate), there are no victims/complainants to report the crimes and, therefore, no way of knowing how frequently these crimes occur. There are no obvious reasons to suspect that the incidence or amount of these activities was rapidly increasing. Arrest figures are more a reflection of enforcement priorities than an indication of the magnitude of the problem.

There are, however, indications that the nature of the problem changed perceptibly during the late 1960's - early 1970's. Prior to 1967 the typical form of prostitution in Minneapolis was "street prostitution." That is, female prostitutes would pick up their male customers on the street or in bars and then rent a hotel/motel room to complete the transaction. This form of prostitution is not highly visible to the public, except to those individuals specifically looking for it. Thus, the moral offensiveness of prostitution largely was hidden from public view. Furthermore, the problem was moveable: if people complained about "streetwalkers" operating in a particular location, the police could harass them until they moved to some other corner or bar.

Then, in 1967 the first sauna and massage parlor opened in Minneapolis; by 1973 there were 16 such establishments; and in 1979,

over 40 saunas, massage parlors and "rap parlors" operated within the Minneapolis city limits. It didn't take long for the police to make the charge that these places were nothing but "houses of prostitution" or "fronts for illicit sex." Saunas/massage/rap parlors added a new dimension to the prostitution problem. They were permanent, physical and highly visible structures, which couldn't be moved when residents complained about them.

Simultaneously there was a similar kind of change in the area of pornography. A number of bookstores and movie theaters converted from selling/showing general materials to a total specialization in pornographic materials during this time period. Thus, the number of "dirty book stores" and "x-rated" or "adult" movie theaters suddenly increased. The growth in the sauna/massage parlor industry and in "adult" book stores and movie theaters served to make the sex business more explicitly visible to Minneapolis residents. Furthermore, as these businesses began to locate in residential areas, they aroused the opposition of residents who did not want such establishments in their neighborhoods. The opposition was formulated not only on moral grounds, but also on economic arguments that such places made the neighborhood deteriorate and lowered housing values.

This changing nature of the problems also helped to foster an expansion in the scope of the issue, since it expanded the role for other city agencies and officials besides just the mayor's office and the police department. Whereas controlling street prostitution was defined as strictly a law enforcement problem, commercial buildings were subject to city council regulation through licensing and zoning ordinances. Along with city council involvement in trying to deal

with the problem, came the involvement of the relevant city bureaucracies under the council's control, as well as those organizations like the city planning commission which acts in an advisory role to the council.²

In addition to the increased visibility of the problem, the pattern of prostitution also changed in more subtle ways. According to statements and information provided by police officials, until the late 1960's the typical prostitute was black and in her early twenties. Then the pattern began changing so that five years later the typical prostitute was a younger (18 years old), white female, usually working for a black pimp. Members of the police department took the lead in redefining the problem as juvenile prostitution, emphasizing in public presentations and to the news media the decreasing ages of prostitutes arrested.³ It is irrelevant whether or not the police statistics and reports reflected the underlying reality of the problem. The

²Under Minneapolis' structure of government the city planning commission, which is composed of citizens and city officials (including city council members), provides information and recommendations to the city council on matters pertaining to city planning, zoning and future development.

³For example, in a front-page article appearing in the local paper in 1972, a crusading police spokesman on prostitution made the following kinds of statements: "In 1967, a negligible percentage of those arrested for prostitution were minors. So far this year more than 25 percent of the prostitutes arrested have been juveniles.... Young, white runaways may have become a bigger target for pimps, most of whom are black, because fewer black women are going into prostitution....the racial composition of prostitutes in Minneapolis has gone from being 60 to 70 percent black to being 80 percent white." (Reported by Greg Schmidt, "Runaways Lured into Prostitution in City 'Work' the Streets of N.Y.," Minneapolis Tribune, November 19, 1972.) An examination of annual arrest data shows that between 1958 and 1968 roughly twice as many non-whites were arrested for prostitution as whites. The pattern begins to change in 1969, as equal or greater numbers of whites are arrested for prostitution compared to non-whites. As suggested above, these figures could be more an indication of changing police priorities, rather than an actual change in the reality of the problem.

fact remains that the public's attitudes toward the problem came almost entirely from information provided by the police . . . information with inflammatory and racial overtones that was likely to arouse the attention and the ire of the general public.

B. The Inter-related Role of the Mass Media and the Police Department

Throughout the time period the two local newspapers (owned by the same company) -- the Minneapolis Star (evening) and the Minneapolis Tribune (morning) -- as well as the city's four television stations played a critical role, one which was frequently intertwined with the Minneapolis Police Department. Initially, it was police officials through the newspapers that brought the issue to the attention of the public; then helped to formulate and shape it, in some instances forcing public officials to take action; and finally through investigative reporting, the media played a part in "creating" the scandalous after-effects.

The newspapers took an aggressive stance in "educating/informing" the public about what the police called "growing problems" related to illicit sexual activities in Minneapolis. In 1972, the Minneapolis Tribune ran a lengthy article dramatizing the problem of juvenile prostitution, describing in detail stories from police files about young, white runaways being lured into prostitution, transported to New York City, and then beaten, intimidated and robbed by black pimps. According to a New York police sergeant who was interviewed, "Minneapolis supplies more hookers to us than any other city in the country, with the possible exception of Washington, D.C." In addition to describing the problem, the papers tried to educate the public to the language

of the streets: phrases such as "turning tricks," "hooker," "pimping" were carefully explained. Finally, the media tried to identify the factors contributing to the problem, primarily as presented through interviews with law enforcement officials.⁴

In many ways, this 1972 article set the trend for the next four or five years. The media would describe, inform and educate (usually based on police information); when there wasn't any news per se, they would go out and investigate, thereby creating news in the area of sexual vice. For example, six months later in April of 1973, the Minneapolis Star reported the results of its undercover investigation of the sauna and massage parlor industry in a four-part, front-page series. The tintillating tone of this series of articles can be detected from the following excerpts:

"The perfumed odor of baby powder and skin lotion hung heavily in the air as we entered the dimly lit building."

"We were led into separate cubicles, where we removed our clothes ... after about 10 minutes, the girls came in, whipped off the towels and began sprinkling baby powder over us ... the so-called 'fingertip' massage consisted mainly of running the fingers lightly over the torso and legs."

"In curt, business-like terms, the chunky blond girl said we could get masturbation, oral sex or intercourse for \$10, \$20 and \$35 respectively."⁵

As a result of this series the public knew the number of saunas operating, where they were located and who owned them, the prices for legitimate activities (\$5 and \$6 up to \$25 for a "body shampoo"), as well as for the illegitimate sexual activities which were offered at

⁴Ibid.

⁵Jim Shoop and David Nimmer, "Local Saunas: What are the facts?", Minneapolis Star, April 23, 1973.

the majority of the saunas personally toured by the two reporters, how much the women made ("as high as \$200 a day for those who 'turned tricks'"), among other facts and figures related to the business. Furthermore, the public learned exactly what the police department thought about the saunas/massage parlors ("Morals squad officer calls most city saunas fronts for illicit sex," Minneapolis Star, April 25, 1973).

There is little doubt that the last article in the series was the impetus that finally forced the city council to take action. This article virtually chastised public officials for having no city controls on saunas and massage parlors.⁶ Two weeks after this article appeared, a sauna licensing ordinance was introduced by two city aldermen who said they "were spurred by the recent reports in the Minneapolis Star of illicit sexual activities in saunas and massage parlors."⁷

One year later the Minneapolis Star ran a second series of four front-page articles, this time on prostitution, "troubled youth", and the Minneapolis Police Department Morals Squad. One again, the newspaper attempted to educate the public about the dangerousness, brutality, and seaminess of street prostitution (particularly among

⁶Jim Shoop and David Nimmer, "Anyone can own sauna in city, and run it about as he pleases," Minneapolis Star, April 26, 1973.

⁷Eric Pianin, "Two Aldermen will seek sauna-license ordinance," Minneapolis Star, May 12, 1973. Interestingly, the Minneapolis Star and Tribune Company was itself goaded into action as a result of the series: it decided to stop accepting advertisements from saunas and massage parlors. This policy was in effect for only a short time, however, since the publisher determined the newspaper had no legal grounds for denying the right to advertise once the city council passed the licensing ordinance (June, 1973).

juveniles), and primarily from the police perspective. It is evident that this series of articles stimulated considerable public comment and controversy.⁸

There were several additional stories about the rising incidence of teenage prostitution over the next couple of years, but the next major emphasis came in 1977, when the media again provided the forum for two crusading Minneapolis police officers who made two widely publicized trips to New York City in the fall of that year to trace the "Minnesota to New York Prostitution Pipeline." The two officers claimed that hundreds -- up to a thousand -- Minnesota teenagers were being entrapped into prostitution by pimps and then sent to New York City where they were forced to turn tricks along Eighth Avenue, labeled "the Minnesota Strip." Followed by television cameras and newspaper reporters, the two officers "searched the streets of midtown Manhattan" trying to find and persuade local teenage prostitutes to return home with them. (They came home empty-handed, blaming the New York City Police Department for conducting a street raid hours before they arrived.) One of the officers, who also happened to be a minister, appeared on national television (The Phil Donahue Show) with two ex-prostitutes to publicize the problem and talk about his

⁸So many letters to the editor were received that a follow-up article was written to summarize the public's reaction to the series. Some people objected to the subject matter as being inappropriate for a "family newspaper." The most prevalent reaction, however, was that "the newspaper had done the community a great service by bringing a problem of such tragic dimensions to public attention." ("Reporting on street prostitutes," Minneapolis Star, May 16, 1974.)

Christian Crusade to "save" Minnesota prostitutes.⁹ Public officials became very concerned about the "national reputation Minneapolis had acquired" and many of the ensuing policy changes were a direct reaction to the kind of sensational publicity generated by the police and the media.

One of the immediate responses was for the state and several private foundations to finance a study of the problem, conducted by a social service agency, Enablers, Inc. The study results came out a year later, buried in the middle of the local news section of the paper. The conclusions of the report, based upon interviews with 80 local juvenile prostitutes, disputed virtually all of the claims of the two Minneapolis police officers. The study found that "150-250 women 19 and under work as prostitutes in the Twin Cities area;" there was absolutely no evidence of a "pipeline" and the few girls who did travel outside of the area, did so voluntarily; the relationship between the prostitute and her pimp was usually short in duration, with the pimp viewed as a necessary protector and manager.¹⁰

⁹The officer, Al Palmquist, also wrote a book, The Minnesota Connection (with John Stone), New York: Warner Books, Inc. 1978. Its theme of shocking sensationalism can be seen in the following quotation that appears on the book jacket: "The Minnesota Connection is the true story of Al Palmquist's crusade against the vicious game of cross-country prostitution. It tells of girls, 12 and 14 years old, seduced by pimps into a nightmare of degradation and pain, and lays bare the white slave trade between the midwestern cities and New York." A made-for-T.V., movie also called "The Minnesota Connection" and based on the same theme, appeared in 1979.

¹⁰Enablers, Inc., Juvenile Prostitution in Minnesota, mimeo report, Minneapolis: August, 1978.

C. The Politicization of the Sexual Vice Issue

No other ingredient sustained the life of the sexual vice issue during the seventies like its symbiotic relationship with the mayoralty race in Minneapolis. Between 1969 and 1979 two candidates dominated the political scene as they alternated holding the office of mayor. Charles Stenvig, the police lieutenant who won as an independent, was first elected mayor in 1969 on a conservative "law and order" platform. After serving two terms, he was defeated in 1973 by Al Hofstede, a young, DFL politico.¹¹ Two years later (1975) Stenvig turned the tables, narrowly defeating Hofstede. Then in 1977, Hofstede again defeated Stenvig to serve a second mayoral term. As mayor in a weak mayor/strong council form of government, their primary formal power was to select the chief of police, whose term ran concurrently with the mayor's. Many independent commentators claim that this structural aspect of the office contributed to the level of politics within the police department.¹² Whatever the ultimate cause, it is a fact that politicization of the police department increasingly became a more serious and divisive problem during the Stenvig/Hofstede era. Furthermore, the heightened level of politics within the police department became inextricably combined with the issue of controlling sexual vice in Minneapolis.

¹¹The Democratic party in Minnesota goes by the name of the Democratic Farmer Labor (DFL) party, following the merger of several political factions in the 1940's.

¹²A charter amendment, which appeared on the ballot in the 1979 election, changed the term of the police chief to three years. It was approved by a two-thirds majority of the voters.

As indicated, Stenvig was elected initially on the basis of his claim that he would "restore law and order to the streets of Minneapolis," following the racial demonstrations and civil disorders of the late 1960's. While these were no longer major issues during the seventies, Stenvig only slightly modified his campaign theme of strong law enforcement and crime prevention. In the campaigns of 1973, 1975, and 1977, Stenvig's emphasis was on maintaining "upright" moral values; he was vocal in his opposition to all forms of what he would call "deviance," including homosexuality, prostitution and pornography. Stenvig wanted his moralistic position to be clearly a matter of public record. During his second term in office he made several proposals to the city council for ordinances which would have increased the powers of the police to control sex businesses. For example, in 1972 he proposed an ordinance written by members of the police department that would have put numerous restrictions on sauna and massage parlor owners and employees. In the same year he also obtained considerable publicity when he refused to sign a city council ordinance requiring the licensing of all adult bookstores. His argument for allowing the ordinance to go into effect without his signature was that it didn't go far enough in "halting the sale of smut."

In the 1975 campaign when he was the challenger and Hofstede the incumbent mayor, Stenvig became particularly malicious in his campaign tactics. He repeatedly charged that Hofstede was "soft on smut," blaming him for the licensing of a neighborhood movie theater for

purposes of showing adult, X-rated films.¹³ He leveled further criticisms at Hofstede for not vetoing a city council resolution allowing the last Friday in June to be set aside as "Gay Pride Day." Stenvig's campaign theme was that Hofstede endorsed these "acts of permissiveness" and had "mismanaged the police department;" simultaneously claiming that if elected, he (Stenvig) would "clean up Hennepin Avenue" (the main entertainment strip in downtown Minneapolis), ridding it of vice, prostitution, dirty movies and bookstores. By 1975, it was clear that Stenvig intended to use the sexual vice issue to enhance his political fortunes.

Curiously, once he was elected Stenvig said little on the matter until a couple of months before the 1977 general election. Then Stenvig and his police chief held a press conference to discuss the alleged sales of sexually-oriented comic books to juveniles. Following this incident (and exactly one month before the general election), Stenvig announced he was creating a citizen committee to study the problem of pornography and prostitution in Minneapolis. The timing of this announcement also coincided with the first well-publicized trip to New York City by the two vice squad officers, Palmquist and McGaughy, (with the backing of Mayor Stenvig), to try and put a stop to the Minnesota to New York prostitution pipeline.¹⁴

By making it a campaign issue, Stenvig forced Hofstede into a defensive position on the issue of controlling sexual vice in the city.

¹³What made Stenvig's charge questionable was the fact that the mayor has nothing to do with issuing licenses, which is a city council responsibility. Furthermore, a district court judge had just ruled that a six-month delay in granting the license had been unconstitutional and the city council was under court order to grant the license. One of Stenvig's campaign tactics was to make the charges against Hofstede in a letter sent to Minneapolis church goers.

¹⁴The second New York trip came after the election but before Hofstede's inauguration as mayor in January, 1978.

Hofstede responded by also promising to clean up the city if elected. Judging by his public statements and actions following his successful bid in November, 1977, by that time Hofstede had come to think that the public believed prostitution to be one of the most serious problems facing the city; and further, that because he had made the promise, he had to do something about it.¹⁵

Also, polarization within the police department had increased with each successive election, and by the 1977 campaign there were clearly identifiable factions within the police department openly campaigning and supporting Stenvig versus Hofstede, with the number of officers remaining neutral substantially fewer. The tradition had become established that supporters of the winning mayoral candidates were rewarded with the top administrative positions, while the opponents' supporters could find themselves back on the streets or relegated to the property room. Assignment to the vice squad (also known as the morals squad) in particular came to be dependent upon political support for the winner of the mayor's race.¹⁶ This unit, above all, was expected to carry out the mayor's law enforcement

¹⁵One of the first things Hofstede did upon taking office was to name a task force to aid in the "elimination of juvenile prostitution," because in his words, "People don't talk about anything more than this (prostitution), except maybe for taxes." At the time, he called "fighting prostitution" one of his administration's "top priorities." (Tom Davies, "Mayor names vice panel," Minneapolis Tribune, February 26, 1978.)

¹⁶Stenvig himself, who was still a member of the police department was directly affected by the reassignment process. He took leaves of absence from the department to serve as mayor. Upon his defeat in 1973 and 1977, he was subject to reassignment by Hofstede's police administration. Politics within the department was common knowledge among police officers. According to one former vice squad officer interviewed, everyone knew that "the way most policemen got assigned to [the vice squad] was by helping out in the mayor's election campaign" (Steve Johnson, "Working the vice beat" Minneapolis Star, October 19, 1979).

priorities and policies, often at the expense of supporters of the other side. In short, the enforcement of sexual vice laws came to be highly political, both within the police department and outside through its visibility in mayoral campaigns.

D. Increased Activism Among Special Interest Groups

The final factor which impacted on the agenda-setting process in this specific case is the role of activist special interest groups. The decade of the seventies was a period of growth in the mechanisms for increased citizen participation in the policy-making process. It was a time when neighborhood/citizen groups formed in earnest, became more vocal, and acquired more direct influence over policy. It was the decade during which the movements for social and economic equality for women, gays, and other disadvantaged groups became more visible and militant. All of these national trends were in evidence in Minneapolis with direct impacts on how the sexual vice issue was framed and formulated. If the police and the media were responsible for raising the issue, and the mayoral candidates politicized it, thereby ensuring that action would be taken, then the role for interest groups was to force reformulation of the issue from different and alternative points of view.

When the issue of sexual vice was first raised by the police and the media, it was framed in terms of morality /right and wrong/ activities defined as "criminal." The motivation and interests of the police in this case seems quite clear: to generate public support for aggressive, proactive vice enforcement policies. But as the following examples illustrate, once organized interest groups became involved they succeeded in expanding the scope of the issue, forcing policy makers to look at the issue in ways other than in moral terms.

It was already suggested that as the sauna/massage parlor industry expanded and local bookstores and movie theaters switched to the "adult/X-rated" category the stage was set for neighborhood opposition. But in the 1970's opposition was not in the form of isolated citizen complaints to the police; rather it was highly organized and extremely vocal. The forum was the city council chambers, the mayor's office, and public hearings. Neighborhood organizations and downtown business groups redefined the vice issue in clear economic terms, pointing out to public policy-makers the close link between vice as an issue and the economic vitality of the city. Minneapolis' reputation, carefully fostered by businessmen and public officials alike, is of an attractive, desirable, progressive, and clean city. When the alleged king-pin of the Minneapolis pornography industry bought two downtown movie theaters, the Downtown Council, an organization composed of downtown business interests, opposed the sale before the city council on the grounds that "any new hard-core pornographic establishments will have a detrimental effect on future positive economic development in the downtown areas."¹⁷

In similar fashion, a southside neighborhood group calling itself Neighborhood Fight Back opposed the opening of an adult book store, charging that "people are less likely to move into the inner city when they see all this crap (adult book stores and theaters) around."¹⁸

¹⁷"City asked to bar new 'hard-core' film house," Minneapolis Tribune, January 16, 1975.

¹⁸"Group says adults-only proposal not tough enough," Minneapolis Star, April 13, 1977.

Another group of neighborhood residents -- 1,500 strong -- formed to actively oppose the re-licensing of a neighborhood theater, because the new owner said he was converting it to "adults-only" movies. The group asked the State Environmental Quality Council to prepare an environmental impact statement on the potential detrimental "social, economic, and environmental effects" of neighborhood theater's showing pornographic movies.¹⁹ When all legal attempts to halt the licensing failed and the theater started showing adult films, the group picketed the theater every night, taking down the names of all patrons; the theater's business dropped drastically and it stopped showing X-rated films.

When it came to prostitution, it was the women who organized to force a redefinition of the issue, not on economic or moral grounds, but in terms of selective enforcement of the law and discrimination against women. The prostitutes themselves originally forced a reformulation of the issue during the 1970's on constitutional grounds and the battleground was the state court system. In challenging the constitutionality of the city's prostitution ordinance and the police department's enforcement policies, the prostitutes were bolstered by women elected officials, as well as by the Minnesota Civil Liberties Union, who vigorously and vocally supported their position. The prostitutes became increasingly vocal and militant as the decade wore on. By 1979, when the local paper ran another series on prostitution, the tone was markedly different from the moralistic, law enforcement

¹⁹"Petition seeks balm to avoid blemish of skin-flick theater," Minneapolis Tribune, July 9, 1975. The EQC deferred to local officials, claiming that it "lacked the expertise to evaluate the impact of skin-flicks."

tone of five years earlier. In a lengthy article, Minneapolis' most famous "madam" Rebecca Kand was interviewed, freely giving her views of the hypocrisy and discrimination of law enforcement attempts to control prostitution and arguing in favor of legalization.²⁰ At the first mention of a licensing ordinance, the sauna and massage parlor owners organized as well. They hired a prominent attorney and were prepared to challenge any ordinance which violated their constitutional rights. Similarly, the book store and movie theater owners continually challenged the constitutionality of city council ordinances designed to control pornography.

In summary, all of these various factors combined to force the issue of controlling sexual vice in Minneapolis onto the policy agenda during the 1970's, while also expanding its scope and dimensions. The stage was set for numerous actors and public and private agencies to get involved in formulating and implementing policy "to do something" about these problems, which presumably the public was very concerned about.

It would be impossible to document each and every decision at all stages of the several policy processes occurring in the many different arenas where the issue of controlling sexual vice was debated and dealt with during this period.²¹ The policy-making arena of the

²⁰Steve Johnson, "Make prostitution legal, she argues," Minneapolis Star, October 27, 1979.

²¹For example, several social service agencies -- both public and private -- were initiating treatment programs and "safe houses" for prostitutes during the same time period.

city council and its efforts to control sex businesses and the police department's changing policies to control prostitution have been selected for detailed examination to see how the public policy making process operated once the vice issue was "on the agenda" in Minneapolis.

III. City Council Policy Initiatives and Consequences

A. The City Council Attacks the Sauna Prostitution Problem

As indicated, the growth in the sauna and massage parlor business expanded the potential for city council initiatives to deal with the city's prostitution problem, since the council had the authority to control commercial businesses through licensing and zoning ordinances. The first time the issue of sauna regulation was ever discussed by the council was in April of 1972, largely at the behest of Mayor Stenvig and his police morals squad head, whose unit had made a "two and one-half year intensive investigation of the sauna industry." Charging that saunas and massage parlors were "hotbeds of illicit sex," the two proposed a tough ordinance designed to provide the police department with far-reaching legal powers to control saunas.²² The council never seriously considered Mayor Stenvig's proposal, taking no action on it.

²²The proposed ordinance would have required all saunas and massage parlors to obtain a \$100 license from the city council; that all employees be photographed and fingerprinted annually by police and licensed as a masseur/masseuse (under a state law); segregation by sex (only males could massage male customers and females massage females), with massages given in unlocked rooms. The proposal further specified requirements on the kind of clothing to be worn at all times by both the masseur/masseuse and the customer; that saunas be closed from 1:15 a.m. until 6:00 a.m.; and conditions under which the license could be revoked or denied (if any employee was convicted of prostitution or if the conditions of the license were violated).

Five months later a modified and less stringent version of the original Stenvig/Police ordinance proposal was introduced by the twelfth ward alderman, Russ Green, who said the ordinance was requested by the police department.²³ Green's proposal was tabled in committee after encountering considerable opposition on the grounds that it was too broad and restrictive, badly written, and because there was no evidence of a real problem with saunas. Seven months later (April, 1973) the "evidence" appeared in the form of the Minneapolis Star's four-part expose' on saunas. As indicated, the final article, entitled "Anyone can own a sauna in city, and run it about as he pleases," pointed out how the city had no controls on saunas and massage parlors, despite the police evidence that they were "thinly disguised fronts for illicit sex and prostitution."²⁴ The article also pointed out that most other communities already had sauna licensing ordinances. Two weeks later, Green and another alderman introduced a different version of the sauna licensing ordinance -- this one written by the city attorney's office. The final version, which was passed easily by the full council in June, 1973 was considerably weaker than the proposal made by Stenvig and the police one year earlier. It required all sauna employees

²³The twelfth ward was Stenvig's home ward where his support was strong. Green's proposal called for a license fee of \$100 annually; forbidding persons under 18 to work in saunas, with those employees meeting state standards for masseurs/masseuses; employee registration with the police; and requiring saunas to be closed between 5 a.m. and 10 a.m.

²⁴Jim Shoop and David Nimmer, "Anyone can own a sauna in city, and run it about as he pleases," Ibid.

to be adults and licensed by the state as masseurs or masseuses; an annual license fee of \$300; with a provision that the license be suspended, revoked or denied if the owner or employees were convicted of prostitution, pandering or keeping a disorderly house.²⁵

Over the next five years there were several attempts to amend the 1973 sauna licensing ordinance. The impetus for most of these proposed amendments came from the police, usually following a periodic crackdown and mass arrests for prostitution and related offenses in saunas. Only one of these proposals was passed by the city council (requiring city licensing as masseur/masseuse after the state repealed its requirements in 1974).

The next (and last) action taken by the city council occurred in February, 1980, when the council voted unanimously to repeal the 1973 ordinance requiring saunas and massage parlors to be licensed and the licensing requirement for employees. The reason, according to the aldermen, was because "they simply didn't work;" the "control over saunas never materialized."²⁶ According to city council members,

²⁵That the final ordinance was "weak" is attested to by the fact that only one sauna owner testified at the public hearing held prior to the council's vote and he thought the "goals of the ordinance were generally worthwhile." ("Council unit advances city sauna ordinance," Minneapolis Star, June 6, 1973). One year earlier when the first Stenvig/Police proposal was made, the sauna owners organized and hired an attorney to review the proposed ordinance. He assured the owners that the proposed ordinance would never "stand up in court" because several of the provisions were clearly unconstitutional.

²⁶Tom Davies, "City ordinances requiring sauna licenses repealed," Minneapolis Tribune, January 26, 1980. In repealing the ordinance, one alderman cited the case of a particular sauna in his ward that was licensed; after four of its employees were arrested for prostitution, the city council denied its license renewal. The owner appealed the council's decision, which went all the way to the state supreme court. (During that time, the courts allowed the business to continue operation and two other employees were arrested for prostitution.) The supreme court eventually ruled that the city could not deny the license.

the licensing ordinance was not supported by the courts; it was circumvented by the sauna/massage parlor owners (when threatened with loss of license for violations, they changed the businesses to "rap parlors," which were untouchable because "free speech was supposed to be involved"); finally, when employees were convicted of a prostitution-related offense, they simply quit and started working in a parlor outside of the city limits. The council hoped that in repealing the license requirement, the city's saunas would be hurt economically, since the policy of the Minneapolis Star and Tribune Company was to refuse advertising from unlicensed saunas.

B. The City Council Tackles Pornography

The city council's first efforts to control pornography date back to 1966 when it passed an ordinance prohibiting the exhibition and sale of "obscene" materials.²⁷ The council bolstered this ordinance in 1971 by considering a proposal from the first ward alderman to require the licensing of "adults only" bookstores. The impetus for the licensing law was complaints from residents about the sale of obscene materials to minors. Despite opposition from several council members, as well as the Minnesota Civil Liberties Union on the grounds that the proposed ordinance was unconstitutional, it eventually was passed in February, 1972.²⁸ The ordinance required "adults

²⁷This was shortly after a series of newspaper articles about "pornography in Minneapolis."

²⁸This was the ordinance that Mayor Stenvig allowed to go into effect without his signature because he felt it "wasn't strong enough." Stenvig proposed an alternative ordinance drafted by the head of the police department morals squad, but it wasn't given consideration by the council which had already passed its own ordinance.

only" bookstores to pay a \$150 license fee, with the license subject to revocation if materials were sold to minors (a violation of state statute).

But beginning the following year, the council was to see its efforts to control pornography thwarted in the court system. In August, 1973, the city's 1966 anti-pornography ordinance was ruled unconstitutional by two district court judges on the grounds that it didn't contain a specific definition of "obscene materials," as required by a U.S. Supreme Court decision. One year later the state supreme court issued a new legal definition of "obscene." Citing that decision, a district court judge dismissed the 140 cases pending involving charges of selling obscene books and magazines under the city ordinance.

The legal confusion continued over the next several years, with the city attorney urging police to stop enforcing the city's anti-pornography ordinances (1975) until the legal battle was settled and then reversing himself in 1976 telling police morals squad officers to go ahead with an aggressive enforcement policy, since "no judicial clarification of the pornography issue appeared to be forthcoming."²⁹ In 1976 the city council amended its pornography ordinances to include the 1974 state supreme court definition of obscenity. And in 1978 the adult bookstore licensing ordinance was amended to include more specific language. In both these two amendments, the wording came directly from revisions made in the state statutes regarding pornography,

²⁹"Pornography arrests in city may increase after policy change," Minneapolis Tribune, January 14, 1976.

following a similar series of court cases against them. In effect, the city was left in the position of reacting to court decisions, and taking guidance in policy from the state.

The case of the council's attempts to control "adults-only" movie theaters through licensing met a similar fate. The council had had a general ordinance requiring the licensing of all "legitimate" theater owners for over twenty years. But when it attempted to deny a theater license, the case was appealed and the court ruled that the city had no legal authority to do so.

C. The City Council Tries the Zoning Approach

At the same time as the city's licensing ordinances to control saunas and massage parlors, adults-only bookstores, and pornographic movie theaters were challenged in the courts on constitutional grounds, the city council began considering zoning as an alternative policy approach to deal with the problem. In October of 1975 the president of the city council proposed an ordinance that in effect would have established an "X-rated entertainment district." According to President DeMars, who was "disturbed by the burgeoning Minneapolis pornography industry," the purpose of the proposed ordinance was to keep X-rated movie theaters out of family neighborhoods, but other sex businesses, such as saunas, and adult bookstores, also might be restricted.³⁰

The city council and the advisory city planning commission studied the DeMars zoning proposal, as well as several alternative zoning proposals over the next eight months. Public hearings were

³⁰M. Howard Gelfand, "DeMars suggests city restrict sex-film theaters to one area," Minneapolis Tribune, October 16, 1975. DeMars said that he was "looking for a constitutional vehicle that would allow the city to restrict these places . . . at least one other city (Boston) had such an ordinance."

held, with testimony received from many special interest groups. With the exception of the Minnesota Civil Liberties Union, who opposed the proposal on constitutional grounds (as a violation of first amendment rights), all other groups supported the principle of creating a special "entertainment" district . . . so long as it wasn't in their area. By June, 1976 the council was ready to begin discussing where to put the district and the conflict quickly accelerated. The Downtown Council was strongly opposed to having the downtown area be the center of pornographic activities. And, of course, all of the neighborhood groups were opposed to having their neighborhood selected (which would have defeated the purpose of the ordinance anyway).

At the same time (June, 1976) in the landmark decision of Young vs. American Mini Theatres, Inc., the U.S. Supreme Court approved the use of zoning laws as a means of controlling the negative effects of adult entertainment establishments. This case involved the constitutionality of a Detroit zoning ordinance based on the principle of "dispersion" (as opposed to "concentration," the approach of the proposed Minneapolis ordinance). With the constitutional issues at least partially resolved, many cities throughout the country began adopting adult-use zoning plans, the majority of which were based upon dispersion.³¹ A short time later, the dispersion approach applied in

³¹There are basically three types of zoning approaches: complete dispersal (as in the Detroit case); concentration in several dispersed areas (under consideration in New York City); and complete concentration in a single area, as undertaken in Boston. The Supreme Court in Young did not rule on "the wisdom" of separation (dispersion) versus concentration, only on the narrow grounds of whether the city could constitutionally impose special licensing and locational restrictions, so long as the effect was not suppression. For a thorough discussion of the Supreme Court's decision, alternative approaches to control adult entertainment establishments, and examples of zoning legislation, see Fredric A. Strom, Zoning Control of Sex Businesses, New York, N.Y.: Clark Boardman Company, Ltd., 1977.

Boston was criticized for "compounding the problems of tawdriness and unlawfulness (notably prostitution)."³² And in Minneapolis, the city council abandoned the X-rated district proposal and started considering an alternative zoning ordinance in January, 1977 "patterned after the Detroit ordinance that was recently upheld by the Supreme Court."³³

Debate on this new proposal, which prohibited "adults-only" entertainment from operating within 500 feet of a residential area continued for the following several months. The main objections raised were still on constitutional grounds. Despite the objections, however, the city council eventually passed the ordinance in June of 1977.³⁴ Since the ordinance included a provision that adult entertainment establishments not in compliance with the ordinance had until July 1, 1981 to either move or change their use, it's too soon to make any judgments about the effect of the new ordinance.

D. The Council is Forced to Change the City's Prostitution Ordinances

Minneapolis has had two ordinances outlawing prostitution and pandering dating back well before 1948. The ordinances were a reflection of the times during which they were written. One made it

³²See a report on problems of crime control in Boston's "Combat Zone," The New York Times, December 4, 1976 as reported in Ibid; pp. 34-35.

³³Robert Guenther, "'Adult-Entertainment' spacing rule urged," Minneapolis Star, January 28, 1977.

³⁴A spokesman for the Minnesota Civil Liberties Union warned the ordinance would be ruled unconstitutional because it would "require 74 percent of the existing establishments to relocate, something that the ruling on Detroit did not do." ("Site limits for 'adult' firms OKd," Minneapolis Star, April 15, 1977).

illegal for a "female to offer or submit her body indiscriminately for sexual intercourse, whether or not for a consideration." The other outlawed activities commonly referred to today as "pimping" ("securing or enticing" another to engage in unlawful sexual intercourse, prostitution, or other "lewd, lascivious, or indecent acts" or "accepting earnings of a female from prostitution").

Until 1972, these ordinances had remained unchanged for decades. Then in December, 1971 a Hennepin Municipal Court judge ruled that the city's prostitution ordinance was unconstitutional because it discriminated against women and was "too vague." While his decision did not bind other municipal judges, it did prompt discussion among members of the city council, the city attorney's office and the police department.³⁵ Two months later, a second Municipal Court judge ruled the city's ordinance unconstitutional, also on the grounds that it was discriminatory. The following month (March, 1972) the city council voted to amend the city's prostitution ordinance to delete the reference to "females" and substitute the words "offer or submit 'his or her' body indiscriminately..."

Two years later the ordinance was amended again due to charges of discrimination. The 1974 amendment made sodomy (in addition to sexual intercourse) illegal, as well as adding a more explicit clause to make the customer guilty of a misdemeanor. A similar change was made in the state statutes the same year. These changes were the

³⁵The city attorney's office and the police department said they would continue to enforce the ordinance; while members of city council agreed to discuss the ruling, and one alderman said he would introduce a motion to change the ordinance "if the police ask for it." ("Prostitution ordinance is ruled invalid," Minneapolis Star, December 22, 1971).

result of pressure from feminist organizations among others, that prostitution laws per se discriminated against women. So, once again the council was forced into a reactive position, taking direction from the state.

IV. The Police Department Enforces the Prostitution Laws: Action and Consequences

Given the evidence presented, it is apparent that the Minneapolis Police Department has played an aggressive role in making the control of sexual vice a public issue during the 1970's. Individual members of the department skillfully used the mass media to tell the police story about the horrors and dangers of prostitution, all the while drumming up public support for a strong, law enforcement-oriented approach to controlling prostitution and sex-related businesses in the city. The police department was behind many of the proposals considered by the city council during this time period...proposals that expanded the department's enforcement powers.

By 1979, however, it was the police department that was being investigated by the mass media. The department had had its way: enforcing prostitution and other sexual vice laws had been made a top priority; prostitution arrests went from 69 in 1970 to 1,271 in 1979, close to a twenty-fold increase! But along with aggressive enforcement policies came all of the negative effects associated with trying to enforce laws involving consensual transactions (victimless crimes): charges of selective enforcement, discrimination, using unsavory enforcement techniques, police corruption, and failure.³⁶

³⁶See Edwin Schur and Hugo Adam Bedau, Victimless Crimes: Two Sides of a Controversy, pp. 22-17, for a complete discussion of why these crimes are "unenforceable," without considerable negative side-effects.

When the events occurring during the 1970's are examined retrospectively, it is possible to identify two main themes running through the scenerio of changing sexual vice enforcement policies within the police department. The first is that some changes in law enforcement policies were forced on the department by external factors, such as pressure for changes applied through the courts. The second explanation is that changes in law enforcement priorities occurred as a direct result of the Stenvig/Hofstede battle for the mayoralty and the increasingly heated campaigns between these two opponents, during which controlling sex businesses became a major issue.

A. External Factors Force Changes in Vice Enforcement Policies

The police department found itself in a situation similar to the city council in being forced to change its prostitution enforcement policies because of court decisions. Between 1973 and 1976 the police department was engaged in a see saw battle with various municipal and district court judges, as well as the county grand jury over whether or not the department was enforcing the prostitution laws fairly and equally.

One year after the city council amended the city's prostitution ordinances in 1972 (as indicated, an action that was the direct result of municipal court rulings on constitutional issues), a prostitution arrest was challenged in municipal court on the grounds that the police department was discriminating in enforcing the revised ordinance. The judge ruled in the defendant's favor, based upon evidence that female arrests for prostitution were eight times higher than the arrests of male customers. Within the next year similar

rulings were issued by two district court judges. Following the second district court ruling, the Hennepin County Attorney refused the police department's request to appeal, giving added weight to the discrimination charge. Two months later, the police department announced plans to use female police officers as decoys in order to increase the number of arrests of "johns" (customers). It was noted that the policy change was "in response to court opinions saying that enforcement of prostitution laws discriminates against women."³⁷

Within months, however, the police department relaxed its revised policy as another district judge disagreed with the other three judges in ruling that police were justified in concentrating their efforts on women. He said that both the Minnesota and U.S. Supreme Courts have said that police and prosecutors can be selective "based on a rational exercise of discretion."³⁸ But then two months later, a Hennepin County grand jury report, issued following its investigation of the police vice squad, disagreed with the judge. The grand jury report called for more arrests of male customers, closer supervision of Minneapolis vice squad officers, and an end to the sexist "boys will be boys" attitude that most policemen have toward the customers of prostitutes.³⁹ The department again responded by announcing it was using female decoys.

³⁷Doug Stone, "Minneapolis police to use women decoys," Minneapolis Tribune, September 24, 1974.

³⁸Gwenyth Jones, "Focus on prostitute not client, approved," Minneapolis Star, January 7, 1975. The judge also added that the police are justified in not prosecuting men because "it could ruin them, their family and business lives."

³⁹The impetus for the investigation was charge that vice squad officers were sexually abusing prostitutes. The report specifically criticized the head of the morals squad for implying that being a male patron of prostitutes was acceptable when he said, "Boys will be boys." (Reported in "Grand jury decries prostitution bias," Minneapolis Star, March 4, 1975.)

The constitutional question was eventually resolved by the state supreme court in favor of the police department in January, 1976. The supreme court ruled that there is a rational basis for "selectively" enforcing prostitution laws against women. This decision, however, did little to resolve the political issue of whether or not the police department should selectively enforce prostitution laws. Politically, the issue was far from settled. Feminist organizations, female officials, and the prostitutes themselves continued to focus attention on the issue. The arena for discussion, however, shifted from the courts to the mayor's office. As the next section illustrates, debate on the issue became heated when a prostitution task force specifically addressed the problem of how to control prostitution most effectively.

B. Mayoral Politics Brings About Changes in Police Vice Enforcement Policies and Priorities

It has already been suggested that the policeman-elected mayor, Charles Stenvig, initially made controlling prostitution and pornography a major election issue as part of his moralistic, crime prevention campaign platform. The liberal DFL'er Hofstede was forced into a defensive position on the issue, particularly in the 1975 campaign (when he lost), but again in 1977 when he won.⁴⁰ Curiously, both candidates agreed that prostitution, pornography, and sex businesses were "bad" and both promised to "do something about the problems." Furthermore, there was no disagreement about what should be done since neither candidate spelled out precisely what he would do about the problem if elected (i.e., campaign debates were not about

⁴⁰Hofstede has admitted to friends and associates that the police department and crime issues were of much lower priority and interest to him personally, compared to other issues such as housing and economic revitalization of the city.

alternative policy solutions). Rather, the campaigns centered around which candidate could speak the loudest, more often, and more convincingly about "cleaning up vice in Minneapolis."

What is even more curious is that Stenvig, the candidate famous for his tough, law-and-order position, did considerably less about the problems once elected than did Hofstede. The evidence suggests that it was Hofstede who actively pursued an aggressive, pro-law enforcement set of policies when it came to controlling sexual vice, not Stenvig. Table I, below, illustrates the number of prostitution arrests by year and mayor's term for the time period 1966-1979 (seven mayoral terms). Mayor Arthur Naftalin's (DFL) last two terms (1966-67 and 1968-69) are included for purposes of comparison.

Table I: Prostitution Arrests in Minneapolis, 1966-1979*

Year	Mayor	Number of Arrests/Year	Number of Arrests/Mayoral Term
1966 1967	Naftalin	183 187	370
1968 1969	Naftalin	117 106	223
1970 1971	Stenvig	69 108	177
1972 1973	Stenvig	97 148	245
1974 1975	Hofstede	188 275	463
1976 1977	Stenvig	424 616	1,040
1978 1979	Hofstede	768 1,271	2,039

*Juvenile prostitution arrests are excluded from the table because they were not reported prior to 1973. Beginning with 1973, the number of juvenile prostitution arrests are: 1973 -- 20; 1974 -- 0; 1975 -- 30; 1976 -- 56; 1977 -- 33; 1978 -- 34; and 1979 -- 51.

As this table indicates, the competition between Hofstede and Stenvig to do the most about prostitution intensified with each successive term.⁴¹ Contrary to Stenvig's moralistic public statements, at least for his first two terms the arrest figures suggest that enforcing the city's prostitution laws was not a top priority; the number of arrests were lower than for the last two terms of the previous mayor.

Other evidence supports the contention that in reality it was Hofstede who became the tough moral crusader as mayor. It was Hofstede's police chief who announced a major police crackdown on prostitution in 1975, doubling the number of officers in the morals squad from eight to 16. The claim was that the program resulted from an "increasing number of pimps and juvenile prostitutes operating on downtown streets," but the timing of the crackdown also coincided with the mayoral election campaign. It occurred while Stenvig was accusing Hofstede of being in favor of "acts of permissiveness." A month and a half later (and six weeks before the 1975 election), police department officials claimed that the crackdown had "discernibly reduced" prostitution on city streets and that officers had "detected a drop in the number of juvenile prostitutes."

While Stenvig was vocal during the campaign, he was publicly silent following his election in 1975, although as the arrest figures indicate, the police department did step up prostitution arrests. Then the issue surfaces again just prior to the November 1977

⁴¹The population of Minneapolis was also declining during this time period (from 434,000 in the 1970 census to an estimated 370,000 in 1980) so that arrest rates would be even more dramatic than the number of arrests.

election, when as indicated earlier, the issue became sensational news via the alleged "Minnesota-to-New York prostitution pipeline."

Hofstede defeated Stenvig in that election, however, and immediately set about to make good on his election promises to "deal with the vice problems." Given his lack of interest and expertise on the subject, Hofstede relied for policy advice on the police officials whom he had selected to head his police administration. Consequently, upon taking office Hofstede first announced the formation of a 20-member prostitution task force; doubled the size of the vice squad and assigned a policewoman permanently to that unit; and instituted police raids on adult bookstores.

The task force proposal generated immediate controversy, since it was to be chaired by the head of the police morals squad and was strongly "enforcement oriented." Two female officials -- a county commissioner and a state legislator from Minneapolis -- criticized the proposal because of the predominant philosophical outlook and tactical preferences of the suggested task force members, most of whom were male and a part of the law enforcement community.⁴² The police department did shift its prostitution enforcement priorities more toward arresting pimps and customers in response to charges of

⁴²According to Ms. Olkon, a Hennepin County Commissioner, "a continuing problem in prostitution cases is that the criminal justice system is run like a men's club. The women -- the prostitutes -- are jailed and reviled. The men -- the customers who have created the incredible market for prostitutes -- are protected . . . that's the real reason that 'enforcement-oriented' plans have failed." ("Naming prostitution task force causes stir, Minneapolis Tribune, February 22, 1978.")

discrimination against women, but it did not let up on its "get tough," enforcement stance.⁴³

After five months of the sustained police crackdown on prostitution, critics of the enforcement approach once again became vocal. The chief public defender for the county wrote to Mayor Hostede that "slowly but surely your laudable goal of reducing prostitution is becoming a Gestapo-like campaign which poses a serious threat to individual liberty." The public defender further warned Hofstede that unless more attention was paid to constitutional rights, he would sue the police department.⁴⁴ Two weeks later the civil rights commission also expressed concern about the police department's methods and tactics, charging that the department was, in effect, harassing blacks. These charges led to counter charges by top officials in the mayor's office and the police department that the municipal court judges were to blame for the city's prostitution problems. The inter-agency bickering and repeated accusations

⁴³Once police officers accepted the goal of increasing the number of arrests of "johns" (male customers), they began to consider a new range of enforcement options, like posting advertisements and billboards warning that "the police arrest johns," training for vice squad officer in use of disguises and "Street talk" (a course given by an ex-prostitute), a "sting operation" whereby the department would run its own rap parlor ads, along with the more familiar technique of using policewomen as decoys.

⁴⁴Steve Johnson, "Public defender says vice crackdown like 'Gestapo,'" Minneapolis Star, May 19, 1978. The public defender was particularly concerned about a proposal by a police captain that the IRS be given information on Cadillac drivers "without visible means of support;" a suggestion by the mayor's aide that a judges' "score card" on sentences given to pimps and prostitutes be kept; and a police raid of suspected prostitutes where they were detained in vans while former prostitutes talked to them about the evils of working as hookers.

occurred in public largely because the meetings of the prostitution task force provided a forum for the expression of opposing philosophical points of view.

Despite the criticism, the police department continued its crackdown on prostitution throughout 1978 and into 1979. In November of 1978 it began a major effort (police raids) aimed at "closing down saunas, massage parlors, outcall services, and rap parlors." In announcing the vice squad's big "clean-up," the deputy chief said that the department intended to "reduce the number of these places" from the over 40 operating to "less than 10 within 90 days."

but the unmistakable signs of impending disaster were already becoming apparent. By 1978, the media was no longer in the role of helping the police tell about the evils of prostitution; rather, it was investigating the police department and exploring the relationship between police politics and vice enforcement. In September of 1978, the Minneapolis Tribune ran an eight-part series on politics in the police department. The articles told about how all of the top-ranking police officials in Hofstede's administration had gotten their jobs through intricate political connections, and detailed the negative impact that politics had on police effectiveness and department morale. One of the articles was devoted to exploring how political deals affected the operation of the vice squad and the mayor's anti-prostitution program.

Hofstede did little to respond to the newspaper's charges, nor did he relax the vigorous enforcement policies of the vice squad. By June/July of 1979, the situation was totally out-of-control. The police department was besieged by accusations of corruption, conflict-of-interest, and incompetence, with many of the charges coming

from police officers themselves, as well as the former deputy mayor, who had played a major part in selecting Hofstede's police administration.⁴⁵ He charged that it was the police administration that had undermined the mayor's efforts to reduce prostitution. The allegations of corruption involved "connections" between top police officials and labor leaders, bar owners, and operators of saunas and adult bookstores. Furthermore, the announced crackdown had been unsuccessful: no saunas, massage or rap parlors had gone out of business, and there apparently was as much prostitution occurring as there had been prior to the crackdown.

The situation proceeded to go from bad to worse. Hofstede, who had repeatedly said that the police department was the most disturbing aspect of his job, announced that he was not seeking re-election in the fall. He asked for the resignation of his chief, following charges of gross incompetence, mis-management of the vice squad, that sauna and massage parlor raids had been "selective" with possible "pay-offs" involved, and internal accusations and counter-accusations of serious improprieties on the part of vice squad officers. The grand finale was a five-part expose' in the Minneapolis Star on prostitution, the result of a six-month in-depth investigation by two reporters. The first article identified the names (and pictures) of high-ranking public officials and prominent citizens who the paper claimed were regular customers of prostitutes. All of the men held

⁴⁵The charges were made by the two officers who had gained notoreity a year-and-a-half earlier in their trip to New York City. Both had been transferred from the vice squad when Hofstede took over in 1978. Shortly thereafter, one of the officers called the new chief "a buffoon" and was suspended. Eighteen months later, the second officer was suspended for "throwing his badge at a police lieutenant" and charging the department was corrupt. (Laura DiDio and Tom Davies, "Allegations link police politics, rising vice," Minneapolis Tribune, July 29, 1979.)

official positions in which they were directly involved with establishing, investigating, prosecuting and adjudicating the laws forbidding prostitution. Additional articles charged that many police officers routinely used their job and position to sexually abuse prostitutes, and pointed out the unsavory techniques and negative consequences of prostitution enforcement. The unstated purpose of the series was to critique the criminal law enforcement approach to dealing with prostitution. And so, in less than eight years the tables had completely turned. Instead of the police decrying prostitution, the situation of the early seventies, it was the prostitution issue contributing to the downfall of a police administration in 1979.

V. Conclusions

One of the most immediate conclusions that comes to mind from this discourse about the rise and fall of the prostitution/sex business issue in Minneapolis is that despite its visibility and the sustained attention the problem received from policymakers over an extended period of time, in the end there was little discernible impact on the problem. The prostitution business is still flourishing, and the saunas, massage parlors, dirty bookstores and x-rated movie theaters are still operating in Minneapolis. Vice was not eliminated, nor even controlled, despite the most aggressive law enforcement campaign to stop it in the city's history. For the most part, people once again have learned to live with sex businesses; things have returned to "normal" in Minneapolis.

Scholars who have studied the substantive issue of victimless crimes, like prostitution, would say that what happened in Minneapolis

was entirely predictable. The negative consequences of strict enforcement of these laws, (which is inherently selective, arbitrary, discretionary, and discriminatory), were inevitable...a function of the nature of the "crimes." Because the police lack direct complainants, they must rely on surreptitious and unsavory techniques to obtain information, leading to charges of entrapment. And the way investigations must proceed, if they are to be effective, gives rise to serious constitutional objections and invites disaster (such as sexual abuse of prostitutes by police officers). Furthermore, it is well-known that victimless crimes are unenforceable: despite occasional crackdowns, there is little evidence of much success in curtailing these activities. Because full enforcement of these laws is impossible, the police must set priorities. This leads to selective enforcement, whether along sexual, racial, or economic lines. The necessity of selective enforcement also provides an invitation for police corruption. Hence, what happened to the Minneapolis police department in 1979 could not have been avoided, once the unattainable goal of "cleaning up vice" through full enforcement was set.

Another related conclusion is that even though the issue became highly controversial and some public debate was generated, there were no truly innovative policies considered during the policy process. For example, decriminalization or legalization were never given serious consideration. In fact, the first time decriminalization is even mentioned is in 1979, and then by a prostitute. For the most part, the policy alternatives considered were narrowly confined, traditional, and law-enforcement oriented. With the exception of the City Council President's proposal for the creation of an "x-rated entertainment" district (which implies the tacit acceptance of sex

businesses), all of the other policies considered were aimed at suppressing/eliminating these "undesirable sexual activities."

The explanation for the lack of real policy alternatives is most likely the predominant role played by the police department on this issue throughout this time period. As indicated, it was the police who took the lead in making prostitution/sex businesses an issue. And as the acknowledged "experts," they had the edge in formulating and proposing policy alternatives to deal with the problem. The ideas for almost all of the licensing ordinances designed to regulate and control sexually-oriented businesses (saunas and massage parlors, adult bookstores and x-rated movies theaters) that were considered by the city council, originally came from the police department. When finally enacted, these ordinances were watered down substantially from the police versions, in part because the unconstitutional aspects had to be removed by the city's legal staff prior to city council enactment. Quite naturally, all of the policies proposed and advocated by the police were conservative, law-enforcement oriented, and designed to increase their power and authority to control the problem.

That the police were able to attain such a position of leadership and authority, dominating the policy process as they did, was due to a large extent to the unique political situation during this period. With a policeman (Stenvig) serving as mayor for six years out of the ten-year period, one would expect a law-enforcement approach to predominate. And once Stenvig forced Hofstede, who lacked experience and interest in the vice issue, into a defensive position, the stage was set for total law enforcement domination. The main difference between Stenvig and Hofstede is that Stenvig manipulated

the issue politically far better than Hofstede. Stenvig apparently knew that the issue was a symbolic one...the kind a politician makes the appropriate public statements and symbolic gestures about to satisfy the public, but doesn't seriously expect to "solve." Hofstede, on the other hand, naively tried to follow through on his campaign promises and "do something about the problem." Furthermore, he relied completely on the police for advice.

Another apparent conclusion to be drawn is that the media played a dominant role throughout the agenda-setting and policy making process. Virtually all of the information that the public had about the problem came via the media. It seems apparent that the media did more than simply educate and inform; it shocked the public out of its compacency, shaped opinions and attitudes, and helped to create a "national reputation" for Minneapolis as a prostitution center. Beyond its influence over the public, there is evidence that the media influenced at least the timing, if not the content, of the policy initiatives undertaken by government officials. Finally, the media was hardly "neutral" in its portrayal of the issue. It completely changed its philosophical viewpoint during the time period: in the early 1970's the media was speaking for the police against prostitution; in 1979 it was against the police presenting the hypocrisy of prostitution laws. Throughout, however, the media's approach was to dramatize and scandalize events -- in some instances helping to create those events -- perhaps as much to sell newspapers as to "present the news."

Finally, the policy process in this case appears to be very decentralized, reflecting the general tendency in city politics in Minneapolis. No one actor in the process has the ability to set policy goals and pursue them in a rational manner. Consequently,

there is no evidence that objective information about the problem forms the basis for policy changes, nor that alternative policies are examined and the "best" or most cost-effective one selected. Rather, the various actors are in a reactive position, making slight modifications to existing policies as pressure is brought to bear from external sources. The decision makers in this particular issue area made mutual adjustments in their positions over time, resulting in an incremental approach to policy making.

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