

Canadian Organization for the Rights of Prostitutes

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The Canadian Organization for the Rights of Prostitutes would like to draw your attention to the fact that a parallel, if not competitive, legal system has been set up to benefit a small group of vigilantes in the Cabbagetown area of Toronto. Provincial Court Judge Lorenzo DiCecco has ordered men convicted of violating section 195.1 of the Criminal Code (communicating for the purposes of obtaining the sexual services of a prostitute) to perform between 10 and 70 hours of community work for the South of Carlton Residents' Association, or to give the association donations of between \$150 and \$200. This so-called community work consists of picking up litter and excrement from the streets. It also includes repairing property of members of the South of Carlton Residents' Association allegedly damaged by pimps, prostitutes and their customers.

The South of Carlton Residents' Association is a small group of well-to-do people who live in the area of Ontario and Seaton Streets. Membership is not open to just anyone who lives in the area, but only to those who agree with their position and tactics. Those tactics consist of going out into the streets, hooded, waving flashlights and anti-prostitution placards, and at times barely restraining Dobermans. They then descend en masse on any woman they suspect of being a prostitute, and verbally and physically assault her, with the aim of getting her to "get off our streets." They have bragged in the press about physically assaulting prostitutes, and about other actions which even the police won't perform on camera. They continually provoke verbal and physical confrontations with prostitutes and their customers. Obviously, they are not concerned with noise or litter, but with women selling sex. They publicly state that they would like the police to be empowered to pick up any woman who looks like a prostitute. The vagrancy "c" law - which did just that, and by which any women who could not "give a good account" of herself could be arrested - was struck down by the courts in 1972 (long before the Charter of Rights and Freedoms) as an unreasonable infringement on women's rights.

The South of Carlton Residents' Association wantonly tramples the civil rights of others. Not only is their membership not representative of area residents, they have no board of directors, no charter or bylaws, and are not a charitable association. They do not even have a phone in the name of the association. They are not in any way accountable to the community, and they have already shown themselves to have complete disregard for the law, let alone human rights. Yet they are being given what is, in essence, public funds by a judge who extorts money under threat of jail terms: for

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every hour of community work refused by the convicted men, Judge DiCecco has threatened one day in jail.

The convicted men are to be supervised in this court-ordered community work by the spokesperson for the association, Sandra Jackson. Jackson, a realtor, has a vested interest in pushing property values up and making accommodation unattainable for the vast majority of Torontonians. Artificially inflating housing costs does far more substantial damage to the neighbourhood than prostitutes could ever do.

There is no evidence that these men littered or damaged property. There is no evidence that sex workers did, either. These unproved allegations of damage have never been subject to any verification whatsoever. Why, if littering is the problem, were these men charged with communicating for the purposes of obtaining the sexual services of a prostitute? Last we checked, the pretence that our court system operates on evidence, not hearsay, was still being upheld. If this new system of persecution, operating outside of the law but with the connivance of the police and the courts, is to be extended, it should be possible for any citizen to persecute anyone of their choice. This so-called community work is patently not community work at all, since it is not directed to anyone in need in the community, or to the community at large, but is meant specifically to service those people who went outside of the law in defence of what they claim is their property, namely, the public streets. The legal system has men being degraded by law for the entertainment of their accusers. This is not community work, but public humiliation. Perhaps you would entertain a suggestion of a public pillory whereby those in the stocks could provide the yuppie vigilantes with designer fruit to throw at them.

The constitutionality of the offence for which these men are being persecuted (not prosecuted) is questionable. In the middle of October, 1987, the Supreme Court of Canada agreed to hear three separate appeals of section 195.1 from the appeal courts of Alberta, Nova Scotia and Manitoba. In fact, Judge Lorenzo DiCecco himself ruled June 19, 1987, in the Jennifer Smith case, that 195.1 is unconstitutional. How can he, but a few months later, totally reverse himself? Obviously, he does not feel bound by his own decisions. We feel that his rulings are capricious and arbitrary.

Morris Manning, a criminal lawyer, said in a Star article of December 12, 1987 "It's throwing the people back into the hands of the mob, and that's improper." This system, in which the courts are charging the victims of highly questionable legislation and giving the money to their persecutors is outrageous, and possibly illegal, even in the terms of the reactionary legislation from which the community currently suffers. It is frightening in that personal humiliation is as close as the whim of any member of the bench.

We would like to meet with you to discuss these concerns. Please call us at your earliest convenience at 588-9038.

Ryan Hotchkiss