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Paper

“It’s a Privilege to Pee” The Rise and Demise of the Pay Toilet in America

Katie Richards

I N 1995, GREG KOTIS BOARDED A PLANE FROM CHICAGO WITH \$300 IN his pocket and a desire to see the sites of Europe. He ran out of funds quickly, and spent the next two weeks scraping by in London, Berlin, and Barcelona. He managed to obtain cheap food and lodgings, but one unforeseen expense on his travels was the pay-for-use bathroom facilities he encountered on the streets. The impact of his experiences in Europe eventually developed into *Urinetown*, a Broadway musical about a town plagued by drought and therefore forced to charge its citizens to use the public toilets and to severely punish them when they refused. One of the opening songs of the musical, appropriately entitled “It’s a Privilege to Pee,” includes the following lyrics:

“Water’s worth its weight in gold these days,
No more bathrooms like the olden days,
You come here and pay a fee,
It’s a privilege to pee.”

Kotis intended *Urinetown* to be “a grand, ridiculous reflection of the world as we know it,” as a commentary on the relationship between the public and the private and the role of both entities in providing for human needs and protecting human dignity, and as a narrative of the sometimes conflicting human—and particularly American—values of pleasure, convenience, personal freedom,

and free enterprise.¹ Should the use of the toilet be considered an inherent human right and a service which the government should provide free of charge to all citizens? Or does it fall within the category of daily and necessary services, provided by either the government or the private sector, for which we should not mind paying a fee? The questions Kotis posed in his unorthodox musical production are not new to this century, and indeed were at the heart of the decades-long debate that eventually saw the elimination of pay toilets in America all together.

The battle over pay toilets in the United States began as early as 1893 at the Chicago World's Fair. Though some complaints about pay toilets were published in newspapers as early as the late nineteenth century, pay toilets were largely accepted (or at least tolerated) by Americans for many decades. Social and cultural norms—mainly, issues of propriety—were one reason to maintain the status quo. It was simply improper (and also a bit embarrassing) to discuss toilets and their implied bodily functions in polite middle-class society. Once a few early crusaders began to challenge those norms, it would take a fierce twenty-year legislative battle to ban pay toilets altogether, one state at a time. Throughout the twentieth century, municipal governments and their citizens recognized the need for more public restrooms, though few foresaw the complexities that would develop in the movement to meet that need. Charging patrons to use the toilet began as a pragmatic means of paying for such projects, but evolved into a debate of morals and ethics. Failure to ensure human health and safety, accusations of gender/class discrimination, and the violation of a basic human right were included in the arguments of individuals and institutions that were against pay toilets in America from the 1940s until the start of their widespread elimination in the 1970s. The rights of private businesses, economic/environmental necessity, and protection against crime and vandalism formed the basis of the arguments of those who were for pay toilets during the same era.

The debate of the constitutionality in allowing and in prohibiting pay toilets bounced back and forth throughout the years between legislators, lobbyists, business owners, and coin-lock companies. In 1970, Los Angeles was the first American city to outlaw pay toilets in government-owned buildings, and for the next few years other cities and states followed suit by outlawing toilets in public spaces. While a few states did go so far as to restrict or ban pay toilets in privately-owned buildings or in all buildings open to the public, most private-pay toilets quietly disappeared as America moved toward the twenty-first century. Today,

1. Kotis and Hollmann, *Urinetown*, xii–xiv.

although they flourish in other countries around the world, pay toilets in the United States are generally unheard of and many young Americans may find it hard to believe that they were once a regular feature in American communities.

Academic scholarship on the history of pay toilets in America is virtually non-existent. Journalist Aaron Gordon's brief article, "Why Don't We Have Pay Toilets in America?," written for *Pacific Standard* magazine in 2014, is the most comprehensive publication on this rather specific topic. Gordon's very brief history of the pay toilet is followed by a history and analysis of the actions of the Committee to End Pay Toilets in America (CEPTIA), founded in 1970. Gordon argues that this group was fundamental in the campaign to ban pay toilets in America, due in large part to its "non-combative rhetorical approach" of raising public awareness, lobbying, and encouraging non-violent protest of the coin-operated commodes. While this article is valuable for its insight into CEPTIA and the motives of its founders, it is limited in that it does not include many of the main players who were also significant to this movement, nor does it seek to analyze the sequence of events that led to the circumstances which made CEPTIA—and the banning of pay toilets—so successful.² In light of the lack of a definitive history, other sources that draw parallels between pay toilets and the privatization of the commons must and will be consulted throughout this paper. However, its main purpose will be to use primary sources such as newspapers in an attempt to tell the little-known story of the rise and demise of American pay toilets, and to provide the context in which one may draw conclusions as to why pay toilets are no longer a common feature of American society.

The political and social environment of the 1960s and 1970s—the growth of social movements such as Civil Rights, anti-war, environmentalism, second-wave feminism, etc.—fostered the mindset that brought about social change, even in something as minor as public restroom facilities. The nature of social activism at the time allowed for the success of groups like CEPTIA, truly "a product of its time, place, and circumstance."³ Feminism was particularly fertile soil for the growth of the anti-pay toilet movement; following feminist legal victories of the 1960s and in light of the foundation of the National Organization of Women in 1966, as well as increased interest in the Equal Rights Amendment, pay toilets were a concrete cause behind which women of all circumstances could unite. Women's rights—and human rights—eventually won out against

2. Aaron Gordon, "Why Don't We Have Pay Toilets in America?" *Pacific Standard Magazine*, September 2014, accessed 12 October 2016, <https://psmag.com/why-don-t-we-have-pay-toilets-in-america-26efede62d6b#.03xkaxasp>.

3. Gordon, "Why Don't We Have Pay Toilets in America?"

the interests of government officials and pay toilet manufacturers in milestone states such as California and New York, and the war was more easily won in other states after that. It was not so much a change in the rhetoric of the anti-pay toilet arguments that brought about their long-due demise in the 1970s as it was a shift in the citizen's relationship and interaction with his or her government, as well as new interpretations of basic human rights as they relate to the public and the private spheres. Eventually, and at the insistence of many of their constituents, U.S. legislators decided that people have the natural right to relieve themselves, free of charge, when nature calls.

Early History of Pay Toilets in America, 1893-1960

The Chicago World's Fair in 1893 seemed to be the first occasion to spark the debate surrounding pay toilets in the United States, and additionally set a precedent for how they would be installed and maintained in the decades to follow. The Clow Sanitary Company took part in the preparations for millions of visitors by providing 2,221 lavatories in thirty-two locations throughout the Exposition. About one-third of these toilets were free for public use, but those were not fitted with luxuries such as soap, towels, brushes, and personal attendants. The price of admission to use the pay toilets was a ticket which cost a patron 5 cents per use.⁴

An article that appeared in newspapers in a few states announced the appearance of the pay toilets, complaining that the Clow Sanitation Co. "lev[ied] tribute on the necessities of nature."⁵ This and other articles conceded that the fair did comply with legal requirements to provide some free toilets, but claimed that the free facilities were not only unsanitary but also difficult to find.⁶ Two written complaints (both by women) eventually reached President Higinbotham, head of the exposition corporation, and led to some improvements (such

4. *Report of the President to the Board of Directors of the World's Columbian Exposition* (Chicago: Rand, McNally & Co., 1898), 219-220, accessed 14 November 2016, <https://books.google.com/books?id=VV0AAAAAYAAJ&pg=PA220&dq=%22world%27s+columbian+exposition%22%22clow%22#v=onepage&q=%22world's%20columbian%20exposition%22%22clow%22&f=true>.

5. See "The Toilet Room Concession," *Freeborn County Standard*, 29 March 1893.

6. "The Toilet Room Concession," *Freeborn County Standard*, 29 March 1893. See also "The Concessionaire," *Democratic Northwest and Henry County News*, 5 May 1893: "Signs are conspicuous directing the visitor to the pay toilet rooms, but you need a search warrant to find the free ones."

as signs painted on free toilets, as well as the construction of free toilets in buildings that had previously lacked them), but Higinbotham still maintained that the contract entered into with the Clow Sanitary Co. required that one in every three toilets be free.⁷ Reactions to the pay toilets were not all negative, however. Multiple newspapers reminded readers that they need not use the pay toilets unless they chose to.⁸ One article specifically condemned the many "women murmurs of discontent" as "entirely uncalled for," because, even in buildings where free toilets were not found, women were at perfect liberty to ask the attendants and use the toilets devoted to employees.⁹

The pay toilet experiment at the World's Fair in Chicago yielded mixed results. Before 1893, the Clow Sanitary Co. had been contracted to provide the free toilets at the Fair in Philadelphia in 1876 and in Paris in 1889, but it seems the company took it upon themselves to make a profit of the venture in 1893. An official report of the Chicago Fair published in 1898 admits to some misunderstandings and misrepresentations as to the nature of the contract, but does not go into further detail. This confusion seems to have been superseded by the fact that, after some initial complaint, visitors to the fair realized that free toilets were in fact available and, furthermore, many of the patrons did not mind paying the fee for the extra luxuries provided.¹⁰ Civilians may have also been placated by the knowledge that the fair was a temporary event. They could spend a day or two enjoying the exhibitions and paying a nickel whenever necessary, but then return to the daily reality of free toilets at railroad stations, department stores, hotels, and within their own homes. This reality, however, was about to change.

In the decades following the 1893 Chicago World's Fair, pay commodes became more common in large American cities. The first coin-lock pay toilet in the United States is believed to have been installed at the railroad station in Terre Haute, Indiana, mostly as a measure to prevent non-ticket-holding customers from taking advantage of the new indoor plumbing.¹¹ In 1911, the

7. "Free Closets Too Scarce," *Chicago Tribune*, 14 June 1893; "Free Closets for the Public," *Chicago Tribune*, 16 June 1893.

8. See "The Public Comfort: How Visitors are Cared for at the World's Fair," *Middletown Times-Press*, 27 May 1893.

9. "Plenty of Free Toilet-rooms," *The Inter Ocean*, 10 May 1893.

10. *Report of the President*, 219–220.

11. While this is a commonly believed story of origin, there is no readily available evidence to support it. See Donald White, "The Hoosier Day," *Rushville Republican*, 17 July 1975; "Spare a Dime," *The Independent Record*, 10 July 1977.

All newspaper sources in this paper can be accessed through newspapers.com.

new passenger terminal of the Northwestern Line in Chicago boasted “the latest step in perfection of travel comfort,” including both public (free) and pay toilet rooms for men. Notably, the newspaper announcements did not list pay toilets in the ladies’ rooms, suggesting that women were not charged to use those facilities.¹² The Progressive Era saw the frenzied construction of comfort stations (restrooms, usually underground, in public places like parks and plazas), and those constructed in locations throughout Pennsylvania, Illinois, Indiana, North Carolina, Wisconsin, and Ohio—to name a few—made it common practice to install a few pay toilets alongside the free toilets.¹³ In the 1940s and 50s, in other public spaces such as railroad stations, bus stations, parks, turnpikes, and airports, pay toilets were either installed by municipal legislators or proposed by local citizens.

The arguments in support of pay toilets were varied and included offsetting the costs of maintenance, generating city revenue, and providing safer and cleaner restroom facilities for the general public. In these arguments, the precedent set by the 1893 Chicago World’s Fair is subtly evident. Municipal governments capitalized on the revenue-making scheme first started by the Clow Sanitary Co. and transformed it into a morally appropriate enterprise that would benefit both patron and collector. Some of the revenue would, of course, be used to pay attendants to keep the facilities respectable and janitors to keep the facilities clean.¹⁴ Perhaps most interesting is the various ratios of free toilets to pay toilets that appeared to echo the “one in three is free” mentality of 1893. American citizens, it seems, continued to tolerate the existence of pay facilities (even those that did not provide extra luxuries) so long as they were given the choice to use free ones.

12. “Passenger Terminal Chicago, Chicago & North Western Ry,” *The Daily Herald*, 9 June 1911.

13. For example, the comfort station at the square in Wilkes-Barre, Pennsylvania, offered nine free toilets, two pay toilets, and sixteen urinals for the men, and six free toilets and two pay toilets for the women. See “Comfort Station Will Be Opened in a Few Days,” *Wilkes-Barre Times Leader, the Evening News*, 16 December 1913.

14. With pay toilets, “the station would pay for itself in no time at all.” See Lola Hill, “Daily Piqua-isms,” *The Piqua Daily Call*, 27 June 1945.

Pay toilets would generate enough revenue to “pay someone to . . . check the revenue from the parking meters” in downtown Mattoon, Illinois. See “Letters to the Editor,” *Journal Gazette*, 2 September 1948.

A report by a Women’s Club in New York declared lavatories in the subways as “far from sanitary,” and proposed that the installation pay toilets and other income-producing concessions would address the issue. See “Tube Comfort Stations Hit as Nuisances,” *The Brooklyn Daily Eagle*, 10 May 1932.

Serious complaints about pay toilets in articles and letters to the editor were few and far between before the 1960s.¹⁵ If mentioned at all, the pay toilet was treated unapologetically as a normal aspect of everyday life.¹⁶ Additionally, many newspapers published annual treasury reports outlining the exact revenue taken in by the city's pay toilet facilities, thus allowing the average citizen to plainly recognize the impact of his/her occasional 5 or 10-cent contribution to public welfare.¹⁷ In spite of early crusades against pay toilets by a few unsuccessful legislators as early as 1931, the general American public seemed either contented to use the few free public toilets available or convinced that the benefits outweighed the costs.¹⁸ The rhetoric of human injustice—and indeed, discrimination against women—did not make its appearance in newspapers during the first half of the twentieth century as it had during the World's Fair. Though their initial introduction into American culture was somewhat shocking, pay toilets managed to maintain a fairly easygoing relationship with the American public before the social and political tides turned in the 1960s.

15. One paper did publish the words on a billboard outside of Pierre, South Dakota, which read: "We have no foreigners, doormen, or pay toilets," though the tone is humorous rather than protesting. See "Miscellany," *Rushville Republican*, 20 September 1940, accessed 14 November 2016. A different article a few years later joked that soon Americans would see coin-operated street lights. See "This and That," *The Ottawa Herald*, 12 Feb 1958. Other papers, however, unabashedly ran ads for the the General Service Company and American Coin Lock Co., Inc. (coin lock manufacturers for public toilets. See *Reading Times*, 23 May 1930.

16. "Dime Snatchers," *The Ottawa Herald*, 10 January 1961.

17. For example, the *Reading Times* told its readers that in 1922, the men's pay toilets in the new comfort station generated \$802.50, while the women's generated \$209.00. "Cost of City Comfort Station," *Reading Times*, 4 January 1932. Other treasurer's receipts only listed the combined revenue of male and female pay toilet facilities. See, for example, "Treasurer's Report for Town of Bremen" from Bremen, Indiana, from 1923 to 1926: *The Bremen Enquirer*, 4 January 1923; *The Bremen Enquirer*, 3 January 1924; *The Bremen Enquirer*, 8 January 1925; *The Bremen Enquirer*, 14 January 1926.

18. Though the quality of upkeep of public toilets appeared to diminish as the century progressed, government officials and regular civilians alike seemed to believe that pay toilets meant cleaner and better facilities. See promotion of pay toilets by Virginia Health Department in "Sanitary Inspection," *The Times Dispatch*, 8 November 1917. See also a woman's assessment of disgraceful state of ladies' restrooms in the Bloomington courthouse, and claim that pay toilets would solve the issue: "Says Restroom Disgrace," *The Pantagraph*, 16 December 1954. See also one of the first published complaints that pay toilets (in a New York railroad station) were no cleaner than free toilets: Inez Robb, "Mighty Goals Can Wait for Cleaner Rest Rooms," *El Paso Herald-Post*, 17 Feb 1955.

Assemblywoman March Fong and Pay Toilets in California

The state of California played a significant and pioneering role in the fight to eliminate pay toilets from America's restrooms. In January 1955, Assemblyman Charles Meyers (D) introduced a bill requiring businesses with pay toilets to have at least one free toilet as well.¹⁹ The bill was shot down without discussion in the Senate Public Health Committee six months later.²⁰ Over ten years later, Assemblyman Walter W. Powers (D) went a step further and seemed to have more impact on the general public, or at the very least, he received more press coverage. In 1968, he introduced a bill to outlaw pay toilets in all public buildings within the state. The *Independent* in Long Beach called Powers a "folk hero," and quoted both a paragraph from Assembly Bill 1784 and a number of letters Powers received from supporters of the legislation.²¹ Powers himself was also quoted defending his bill against the few who opposed it (mostly operators of laundromats or service stations) by assuring them that it would not affect private establishments. The director of the Sacramento Metropolitan Airport was quoted as a defender of pay toilets, saying that pay locks deter vandalism and promote cleanliness and safety. The newspaper acknowledged that in spite of the opposition and the failure of Meyers' attempts in the past, the significant public support of the growing movement may buoy the bill's success.²² Just days later, other newspapers reported that, after considerable debate in which Powers argued discrimination against women and taxation of a necessity, his bill was also "flushed down the drain."²³ Another year would pass before California's successful anti-pay toilet champion would make her first appearance.

19. "Bill in California Aimed at Pay Toilets," *Oshkosh Daily Northwestern*, 22 January 1955. Another paper later claimed that Meyers' legislation was dubbed by newsmen as the "One in three must be free" bill, suggesting that the ratio of free toilets to pay toilets had become more balanced—or perhaps more in favor of the latter—in recent decades. See "Won't Have to Spare Dime if Bill Passes," *Independent*, 11 June 1968.

20. "Free Public Privy Bill Meets Its End," *The San Bernardino County Sun*, 4 June 1955.

21. The assemblyman received a postcard with the message: "PLEASE PERMANENTLY OUTLAW ALL CRUEL AND INHUMAN PAID TOILETS" (in all capital letters). A letter from a woman in Long Beach said that "pay toilets are demeaning to the human animal." See "Won't Have to Spare Dime if Bill Passes," *Independent*, 11 June 1968.

22. *Ibid.*

23. "Pay Toilets Hit," *Independent*, 17 April 1968.

In April 1969, California Assemblywoman March Fong (D) made headlines with her dramatic and symbolic spectacle of taking a sledge hammer to a porcelain toilet on the steps of the State Capitol Building. In March of that year, she had introduced a bill proposing a ban on pay toilets in all state and local government-operated buildings, though it was voted down by an all-male committee after a representative from the city's Public Utilities Commission informed them that—in addition to cleaner facilities—the pay toilets at the San Francisco International Airport brought in an annual net profit of \$48,456.²⁴ However, the very public portrayal of Fong's bill may have opened the way for the City Council of Los Angeles to ban pay toilets in city-owned buildings in 1970.²⁵

Although Fong focused on other issues over the next few years, she was consistently remembered by the public for her commode stunt.²⁶ In April 1973, she introduced the pay toilet ban bill yet again. Although opposed heavily by the Nik-O-Lok Co. (a major manufacturer of pay toilet coin locks), her bill managed to clear the first committee hurdles in January 1974, then barely passed through the Senate, and was finally signed into law by Governor Ronald Reagan in September 1974.²⁷ Fong called the progress a victory over "the special interests who have opposed this bill for over four years," referring to Nik-O-Lok as well as the County Supervisors Association and the Association of California Airport Executives.²⁸ The new law went into effect the following year.²⁹

March Fong's victory was relatively short-lived. In the years following the 1975 legislation, she received many letters of complaint from confused Californians who wondered why they still encountered pay toilets in buildings and

24. "Bill Would Ban Pay Facilities For Airports," *The Fresno Bee The Republican*, 6 March 1969; "Bay Area Unit Votes Against Free Toilets," *The San Bernardino County Sun*, 20 April 1969. See also "Pay Potties to Stay in Public Buildings," *The San Bernardino County Sun*, 26 April 1969, which referred to Fong as the "Joan of Johns."

25. On the basis that "we can't refuse people their natural rights for want of a dime." See "No Price on 'Rights,'" *The Times*, 24 January 1970.

26. See "Pay-Toilet Foe is on Warpath," *Independent*, 13 May 1969; "'Ban the Can' Law Proposed by Legislator," *Santa Cruz Sentinel*, 11 March 1970.

27. "Assembly Panel OKs Free-toilet Measure," *The San Bernardino County Sun*, 24 January 1974; "Pay Toilet Ban Bill Progresses," *The Argus*, 28 May 1974; "Reagan Flushes Away Locks on Pay Toilets," *Daily Independent Journal*, 26 September 1974.

28. "Pay Toilet Ban Bill Progresses," *The Argus*, 28 May 1974.

29. The *Redlands Daily Facts* called 1974 "a banner year for women" where public policy was concerned, referring to the pay toilet ban as one of more than thirty five bills extending women's legal rights. See "Host of New Laws Go Into Effect Jan. 1," *Redlands Daily Facts*, 1 January 1975.

spaces open to the general public. Some of Fong's constituents had evidently misunderstood that her bill only banned pay toilets in government-owned buildings, such as airports. She replied to these complaints explaining that while she and others had sponsored legislation that would have banned pay toilets in all public buildings—as well as restricted pay toilets in some private buildings, such as hotels, gas stations, and theaters—this legislation was rejected.³⁰ While the newspapers do not expound on that rejection, it can be reasonably assumed that the bills following Fong's successful one were opposed by private business owners and coin-lock companies, both of whom considered pay toilets a profitable business. The refusal of California legislators to outlaw pay toilets completely suggests support of the argument that “the commons” (goods and services available to all based on citizenship) can indeed be privatized. Pay toilets, then, hung in a kind of limbo between the private and public, between a right and a privilege. They were considered a common service that the government should provide for free to its citizens, but also a commodity that could be controlled completely by private owners.

Pay Toilets in the other Forty-Nine States

While the pay toilet drama unfolded in California, other municipal governments in other states were having their own debates over the issue. Between 1955 and 1972, bills to restrict or completely ban pay toilets in public buildings were proposed, debated, and defeated in House and Senate committees in New Mexico, Illinois, Minnesota, Tennessee, Maryland, Nebraska, Arizona, Florida, and Pennsylvania. In 1973, after a long campaign to end pay toilets at O'Hare International Airport, Mayor Richard J. Daley suddenly signed the decree to eliminate pay toilets in all three of Chicago's airports as “part of the women's liberation movement,” in spite of the estimated annual loss of \$125,000–\$225,000 in city revenue.³¹ Shortly afterwards, the Chicago city council voted to outlaw pay toilets in all public buildings.³²

30. “It's Pay as You Go for Most People,” *Valley News*, 16 August 1977; “Bill Would Allow Less Pay Toilets,” *Independent*, 24 June 1975; “State Smoking Curb Bill Beaten in Senate Panel,” *The Bakersfield Californian*, 21 August 1975.

31. “Airport Pay Toilets Axed,” *The Times Recorder*, 28 February 1973; “Daley Nixes Pay Toilets,” *Tyrone Daily Herald*, 28 February 1973.

32. “Toilets Freed,” *Lincoln Evening Journal*, 15 March 1973.

Between 1973 and 1977, twenty-four additional states were added to the list of state legislatures that proposed pay toilet bills, in varying degrees of restriction and with varying degrees of success. According to an article by *The Associated Press*, in May 1975 the states of Maryland, Minnesota, Wyoming, Alaska, Florida, and California had already passed laws against pay toilets in public buildings.³³ Iowa, Illinois, Wisconsin, and Tennessee followed suit in 1976. Each state deserves its own paper describing the drama of the arguments made by supporters and opponents alike, but generally speaking, the arguments of legislators across the country were heavily inclined toward the idea that pay toilets were an infringement of a basic human right, and that they especially discriminated against women and the poor.

The first state to ban pay toilets in a private space was Michigan. In 1975, at the insistence of the Michigan Liquor Control Commission, legislation was passed in that state which prohibited pay toilets in any bar or restaurant licensed to sell alcohol, on the basis that pay commodes in such establishments greatly inhibited and discriminated against "female inbibers [*sic*]."³⁴ A number of other states toyed with the idea of restricting or banning pay toilets in private buildings in the mid-to-late 1970s. The New Hampshire House of Representatives passed a bill prohibiting pay toilets in "all buildings open to the public," unless a free toilet was also available.³⁵ The Connecticut legislature discussed the rights of businesses to charge customers to use the toilets and decided to propose a bill that would allow for pay toilets in private buildings only if free toilets existed as well, but required the business owners to provide a key for those customers who lacked the necessary change to open the pay toilet door.³⁶ Washington's Equal Potty Rights Act of 1977 enforced almost identical

33. "Women's Lib Has Reached Pay Toilets," *Great Bend Tribute*, 19 May 1975. Maryland had, in fact, not banned all pay toilets, but had passed legislation requiring an equal number of pay toilets and free toilets in public restrooms. See "Senate Passes Bill Requiring Free Toilets," *The Capital*, 14 March 1975. Two days later, Nevada would also get rid of its last pay toilet (in the Reno Airport). See "Pay Toilets Banned," *Ames Daily Tribune*, 21 May 1975.

34. "No Need for Dimes," *The Ludington Daily News*, 29 January 1975.

35. "Free Toilet Bill Faces the House," *Nashua Telegraph*, 12 February 1975.

36. "Pay Toilet Issue Argued at Legislative Hearing," *The Bridgeport Telegram*, 22 March 1975. Tokens were also introduced (by Nik-O-Lok) as a way to allow business owners more control over their pay toilets without angering customers who were caught without a dime. See "Token Remedy," *Clovis News-Journal*, 7 April 1977.

measures, but required that half of all toilets in the state be free toilets.³⁷ The states of New York, Illinois, and Tennessee were successful in outlawing all pay toilets in their respective states, including those in private buildings.³⁸

Interestingly, there is very little to be found in newspapers in the way of complaints by business owners against such legislation. One article in a Pennsylvania newspaper did mention the reactions of “merchants, gas station owners, and other business firms” to a pay toilet ban bill being considered by the Philadelphia City Council: security, sanitation, and the cost of maintenance were all included in their complaints against the bill.³⁹ The ambiguity of phrases such as “all buildings open to the public” may have also been cause for confusion, complacency, or criticism on the part of establishments that blurred the lines of private and public (gas stations, for example, are privately owned and serve those in need of gasoline and/or food, yet any member of the general public may step inside). With or without the complaints of private businesses, most states were unwilling to pass legislation that restricted or banned all pay toilets, suggesting respect for the affairs of private businesses as well as the belief that restrooms could be a privatized service. It can only be assumed that in the decades leading up to and into the 21st century, private businesses eventually gave in to anti-pay toilet sentiment and that most removed their pay toilets of their own free will.

There are many factors that may explain why the pay toilet debate dragged on almost constantly for so many years. Perhaps one of the most significant is the fact that many simply did not take the discussions seriously. The journalists who reported the legislative happenings could not help but include bathroom humor and toilet puns in their articles, and often commented on the jokes made by legislators during the debates as well.⁴⁰ Male legislators were usually more inclined to treat the matter lightly, overlooking cries of “female discrimination” because those realities were not part of their personal daily experience.

37. The legislation specifically prohibited “discrimination in restroom charges between facilities used by men and facilities used by women.” See “Johns for Janes May Be Equal,” *The Daily News*, 20 May 1977.

38. “Mother of Free Toilets: Liberating Restrooms is Her First Goal,” *The Morning Herald*, 1 February 1945; “Pay Toilets Banned,” *Freeport Journal-Standard*, 21 February 1976; “Airports Bemoan Pay Toilet Loss,” *The Courier News*, 31 March 1976.

39. *Gettysburg Times*, 11 September 1976.

40. Additionally, some legislators and civilians alike blamed the Democrats for the anti-pay toilet movement, and complained that they should focus on more serious and fundamentally constitutional issues. See “Dreiling Still Advises,” *The Leavenworth Times*, 30 January 1977.

Even among women themselves, feminism was a complicated issue, and public toilets were rolled up in that issue. Senator Karen Burstein (D), affectionately dubbed the "Mother of Free Toilets," argued for the banning of pay toilets in New York in 1975. She clearly framed the issue as one of women's rights, calling attention to the inequality between the sexes as evidenced by free public urinals; she even suggested that her bill was related to the Equal Rights Amendment movement. Even into the 1970s, fears of possible implications of the ERA subsisted among middle and working class women, including the violation of privacy where traditional gender-segregated spaces were concerned.⁴¹ Burstein was quoted in an article refuting these concerns, declaring specifically that the federal Equal Rights Amendment would not—just as states' ERAs had not—require or permit "joint toilets."⁴² Although the feminism movement was thriving compared to previous decades, there were still men and women who were wary. Another factor, of course, was the fierce opposition from special interest groups such as coin lock companies, airline companies, bus companies, and others that benefited financially from the pay toilet enterprise. It was, essentially, two basic American principles pitted against each other: the rights to capitalism and free enterprise versus the rights to basic freedom and human decency.⁴³ State legislatures evidently found it difficult to protect and defend both.

Nik-O-Lok and Pay Toilets in New York

While many of the states' anti-pay toilet legislation faced opposition from coin lock manufacturing companies, that of New York received the most aggressive response. The law outlawing any fee for the use of a toilet was to go into effect on September 1, 1975. As previously mentioned, this legislation was particularly significant because it not only banned pay toilets in public buildings, but outlawed all pay toilets within the state of New York.⁴⁴ In August 1975, the

41. Janet K. Boles, *The Politics of the Equal Rights Amendment: Conflict and the Decision Process* (New York: Longman, 1979), 33–36.

42. "Mother of Free Toilets," *The Morning Herald*, 1 February 1945.

43. Nik-O-Lok once refuted pay toilet opponents' assertions that people should not have to pay for a basic necessity by arguing that food, clothing, and burial expenses are also necessities, but are nowhere provided for free. See "'Flush for Freedom:' Pay Toilet Downfall," *Panama City News-Herald*, 12 August 1974.

44. "Women Win," *Wellsville Daily Reporter*, 11 July 1975.

Nik-O-Lok Co. obtained a temporary injunction delaying the enforcement of that law. A statement from the manager of Nik-O-Lok's New York district claimed that "while we respect the rights of some people who object to pay toilets, we must consider the rights of those who prefer the privacy and cleanliness afforded by coin-regulated rest rooms."⁴⁵ The company challenged the constitutionality of the pay toilet law, and the ensuing court case lasted for months.⁴⁶ In January 1976, New York Supreme Court Justice Edward Conway declared free public toilets "a necessity" and upheld the new law.⁴⁷ As New York was the first state to ban all pay toilets within the entire state, Nik-O-Lok likely recognized its influence as a beacon to other states seeking such legislation, as well as the significance of the state's large urban population as it related to pay toilet revenue. It is no surprise that the coin lock company fought so hard to keep privately-owned pay toilets in New York a private affair.

By the mid-twentieth century, Nik-O-Lok was the largest coin-operated lock manufacturing company in the United States, leasing and servicing locks on around 25,000 pay toilets throughout the country. The company used its influence to lobby in a number of states besides New York. After Chicago banned pay toilets in the city airports in 1973, a Nik-O-Lok representative claimed that the mayor's gesture would backfire and require airlines to increase their fares. Interestingly, he also admitted that pay toilets were a "necessary evil."⁴⁸ Besides employing spoken testimonials from its representatives, the company also published a pamphlet entitled "Why Pay Toilets?"—which contained over 180 purportedly unedited comments from satisfied customers—and presented the pamphlet in debates within various state legislatures.⁴⁹ The company continuously argued that pay toilets were necessary to provide civilians with clean and safe facilities, and that any revenue made by contracted companies was used for maintenance.⁵⁰ After its court case with the state of New York, Nik-O-Lok continued to lobby with waning enthusiasm, until in 1977 it flew a "flag of

45. "Ban on Pay Toilet Fought in Court by Lock Company," *Wellsville Daily Reporter*, 29 August 1975.

46. See *Nik-O-Lok Company v. Carey*, 52 A.D. 2d 375, 384 N.Y.S. 2d 211, 1976.

47. "Anti-Pay Toilet Law Sustained," *The Daily Messenger*, 30 January 1976.

48. "Tempest in a Potty at Chicago Airports," *The Charleston Daily Mail*, 3 March 1973.

49. See Hugh McDiarmid, "Columbus Comment," *News-Journal*, 13 July 1975.

50. Including the claim that pay toilets had a "psychological" effect on people, "proof that people don't pay to vandalize." See "Business Booms for Pay Toilets," *Anderson Daily Bulletin*, 7 March 1973.

truce" and conceded its approval of the half-free toilet, half-pay toilet measures that were still active in many states.⁵¹

CEPTIA and Friends

The unique grassroots activist culture of the 1970s provided a climate that allowed normal civilians to band together and support their local legislators and/or counter opposition from companies such as Nik-O-Lok. As early as 1964, newspapers reported youths in West Virginia parading door-to-door to protest pay toilets.⁵² The Youth International Party, founded in 1967 and commonly called "Yippies", added abolishing pay toilets to their liberal, counter-cultural political platforms.⁵³ Predecessors to CEPTIA (the "Committee to End Pay Toilets in America") included F.L.U.S.H. ("Free Latrines Unlimited for Suffering Humanity") in Idaho and APT ("Against Pay Toilets") in California, Minnesota, and Illinois. These fledgling societies, respectively, wore buttons to promote their cause and encouraged people to put strong tape on pay toilet locks in order to prevent them from locking.⁵⁴ Those two organizations, however, lacked what CEPTIA managed to acquire: a cult following of people who took the matter seriously.

CEPTIA held its first official meeting in Dayton, Ohio in June 1970. Its founders were a group of four high school/college-aged students, two of whom were inspired by an annoying encounter with pay toilets along the Pennsylvania Turnpike.⁵⁵ The attendance at that first meeting was 48 people, but by 1976 they boasted 1,500 to 1,800 members in seven different chapters around the country.⁵⁶ "It's hard to get people to take us seriously," said Michael Gessel,

51. John D. Lofton, Jr., "Undone Stories of '77," *The Piqua Daily Call*, 30 December 1977.

52. "City Youths Fight 'Pay Toilets,'" *Beckley Post-Herald*, 19 August 1964.

53. Marquis Childs, "Familiar U.S. Political Structure Will Never Be the Same Again," *Progress Bulletin*, 16 October 1968.

54. "F.L.U.S.H.?" *Idaho State Journal*, 18 August 1971; Lyle W. Nash, "Reporting At Large," *Arcadia Tribune*, 8 June 1969.

55. The founders were Ira Gessel, Michael Gessel, Steven Froikin, and Natalie Precker (three males and one female).

56. Mike Cowdery, "Join the Joiners!" *The Pick and Axe*, 21 April 1976; Gordon, "Why Don't We Have Pay Toilets In America?" In 1975, lifetime membership in the organization cost a one-time fee of 50 cents. See the *Free Toilet Paper*, vol. IV, no. 1, February 1975, pg. 4.

youngest of the CEPTIA founders, in an article by *The Wall Street Journal* in 1973. However, CEPTIA played the humorous nature of the cause to their advantage in calling people's attention to the issue. The organization created an anthem, with lyrics such as "We'll flush them out!/We'll wipe them out!/We pledge, O CEPTIA!" It sponsored the annual "Thomas Crapper" award, given to individuals who made outstanding contributions in the fight against pay toilets.⁵⁷ It also produced a quarterly newsletter for its members entitled the *Free Toilet Paper*, filled with detailed arguments against pay toilets as well as reports of the progress of the anti-pay toilet crusade in various states.⁵⁸ CEPTIA's credo combined simple logic with youthful—and perhaps dramatic—passion: "As long as people's body functions are restricted just because they do not have a piece of change, there is no true freedom."⁵⁹

CEPTIA strongly discouraged violence and vandalism, and instead advocated various "methods of resistance" by which protesters could make their frustrations known and evade paying a dime to use the toilet.⁶⁰ The founders and chapter presidents lobbied their views by way of press conferences and legislative debates, proving directly effective in Chicago, Florida, and Alaska.⁶¹ One issue of the *Free Toilet Paper* claimed that a telephone poll conducted by the Akron *Beacon Journal* concluded that three out of five respondents felt that pay toilets did not contribute to restroom cleanliness.⁶² CEPTIA even directly

57. Cowdery, "Join the Joiners!"

58. One issue featured a story entitled "The Toilet Zone," a parody of the television show "The Twilight Zone" in which a fictional pay lock manufacturer is doomed to an eternity of wandering through the afterlife with no dime to open the pay toilets he had installed during his time on Earth. See Byron E. Calame, "Brother, Can You Spare a Dime?: Group Assails Pay Toilet," *The Wall Street Journal*, 23 April 1973, pg. 2, accessed 6 December 2016, <http://search.proquest.com/hnpwallstreetjournal/docview/133813903/D254A8E451584485PQ/1?accountid=4488>.

59. "Expression Used by Kipling," *Albuquerque Journal*, 19 January 1976.

60. These methods included "The American Crawl" (crawl under the door), "The Sacrificial Lamb" (hold the door open for others) and "The Stuff" (insert paper, wax, chewing gum, or quick-drying cement into the lock). See "Some New Guerrilla Tactics," *Ames Daily Tribune*, 12 January 1973.

61. Kenneth Franckling, "Pay Toilet Controversy Just Beginning to Flush," *The Lowell Sun*, 2 January 1974.

62. The same issue also quoted from a study conducted by the Massachusetts Department of Public Health, which claimed that pay toilets drove the public from downtown living/shopping areas, and were a prime reason for the decline of downtown areas in general. See the *Free Toilet Paper*, vol. IV, no. 1, February 1975, pg. 1.

challenged Nik-O-Lok by creating a pamphlet entitled "Why *Not* Pay Toilets?", which reportedly featured the organization's first widespread usage of the feminist argument against pay toilets.⁶³ One of CEPTIA's last hurrahs was a state-wide drive in Massachusetts in 1975, on the 200th anniversary of Evacuation Day, in which they called paying to use the toilet an "unjust tax, like the one that angered George Washington." During the event, Gessel also called pay toilets "instruments of sexual discrimination, painful inconveniences, and a cruel form of biological exploitation," forcefully summing up what had basically been CEPTIA's platform since its inception five years earlier.⁶⁴

The founders of CEPTIA decided to disband the organization in 1976, declaring that they were satisfied with their accomplishments thus far. Michael Gessel, along with the Wall Street Journal, estimated that of the 50,000 pay toilets in the U.S., as many as half had been removed. The Nik-O-Lok Co., however, scoffed at that estimate and disagreed with CEPTIA's notions of success, claiming that the nation's largest pay toilet manufacturer was "still alive and healthy."⁶⁵ The impact of CEPTIA and other groups, however, was too large to ignore. They were propelled by the momentum of anti-pay toilet legislation proposed and debated in various states since the 1960s, and by the many public complaints made during and before that decade. Its message was nothing particularly new, but its timing and delivery were impeccable. As Michael Gessel himself stated: "In the current social and political climate, pay toilets probably would have been abolished in the next 10 or 20 years without us. We just speeded up the process."⁶⁶

In spite of the apprehensions surrounding feminism and the ERA, "discrimination against women" was a powerful rallying cry in the anti-pay toilet movement. CEPTIA claimed on multiple occasions that its membership was mostly made up of "indignant, outraged women."⁶⁷ Women got involved in the movement in other ways as well. Some women were called upon to testify in legislative debates in support of pay toilet ban bills based on their own

63. Gordon, "Why Don't We Have Pay Toilets in America?"

64. "Drive Launched Against Pay Toilets," *Nashua Telegraph*, 18 March 1975.

65. "Flushed with Success, Group to End Pay Toilets Quits," *News-Journal*, 15 August 1976.

66. "Flushed with Success, Group to End Pay Toilets Quits," *News-Journal*, 15 August 1976.

67. Calame, "Brother, Can You Spare a Dime?" pg. 3.

traumatic experiences with pay toilets.⁶⁸ The National Organization of Women also made occasional comments and public appearances on the anti-pay toilet scene, including a protest at the Stapleton International Airport in Colorado in 1974.⁶⁹ Representatives of airports and bus stations often claimed that the women's restrooms were much dirtier and more vandalized than men's, but women countered on both the legislative floor and in newspaper editorials that such companies were shirking their maintenance responsibilities and that pay toilets were no cleaner or safer than free toilets. One woman journalist argued that pay toilets actually "make criminals of us all," because if the free toilet line is too long and/or a woman is caught without a dime, she would be easily inclined to slip underneath the stall without paying.⁷⁰ In short, what began as a perhaps sincere attempt by the state to promote moral improvement and provide women with equal opportunities for privacy and decency resulted in a barrage of "indignant, outraged women" fighting to reclaim a natural human right. Women either tolerated or suffered in silence for decades, but the 1960s and '70s provided an environment in which their political voices were heard.

Conclusion

News of pay toilets in the popular press died down significantly after 1977. It can only be assumed that the states that failed to pass laws completely outlawing pay toilets in the early 1970s quietly did so in the ensuing decade or so, seeing as there are virtually no pay toilets still existing in America today. The battle over pay toilets was long and hard-fought on both sides. While lock manufacturing companies such as Nik-O-Lok and government-owned businesses such as airports had the upper hand for the better part of the century, the 1960s and 1970s saw the system of policy change within American politics at work. Ultimately, the opponents of pay toilets prevailed in large part due to a changing political environment and new social movements. The persistence of state legislators combined with the enthusiasm of grassroots activists eventually overpowered the economic interests of both states and institutions. The feminist movement in particular made a great difference, as pay toilets, from

68. "Woman Objects to Pay Toilet," *The Courier-Gazette*, 22 March 1977.

69. "NOW Protests Pay Toilet Ratio," *Abilene Reporter-News*, 17 October 1974.

70. Mary K. Shell, "'Oughta Be a Law'—What Do You Suggest?" *Daily Independent Journal*, 8 September 1971.

the start, were considered by some as a uniquely feminine issue, and then eventually accepted as such by most. Fundamentally, however, pay toilets affected people of both sexes and of all ages, races, classes, and social backgrounds, and were considered by those who opposed them as a human rights issue worth fighting for.

The elimination of pay toilets from American cities was considered by many to be a victory, but it also raised further questions. Over the course of the century, the American public seemed to want to both have its cake and eat it too. It claimed that public toilets were a basic necessity and should be provided by the state, but that the state had no right to exercise financial control over such facilities. The lack of restrooms in a public building might be considered an outrage, yet the regulation of such facilities caused some civilians to complain of "government intrusion in every facet of our lives."⁷¹ What exactly are the responsibilities of the state when it comes to bodily functions and personal privacy? These issues are, of course, still relevant today. Consider, for example, the recent debates surrounding the "tampon tax" and the lack of feminine hygiene products in public bathrooms.⁷² What determines the difference between a privilege and a right? Perhaps it is the availability of the product or service, or the way in which it is used, or its usefulness to all human beings, or the cost of its maintenance/production, or the value/demand it creates, or perhaps it is all of that and more. If history is any indication of future events, we can be sure that as time goes on, what we give value to will likely change. In the meantime, however, may we continue to relish the experience of entering a public toilet without having to pay a dime.

Katie Richards is a native of Las Vegas, studied history at BYU, and is currently at the University of Reading doing a master's in international law. This ode to the pay toilet is her senior capstone paper, and was inspired by her first encounter with said commodes during her first visit to London. She would especially like to thank Michael Gessel for sharing his Free Toilet Paper and for being part of a revolution.

71. "Legislators Work on Bills," *The Daily Herald*, 21 January 1974.

72. Tamara Ingram, "Why women shouldn't be taxed on feminine products," *Campaign US*, 7 March 2018, accessed 9 March 2018, <https://www.campaignlive.com/article/why-women-shouldnt-taxed-feminine-products/1458821>.