

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

10843 HOUSE JUDICIARY

However, both courts have recognized that rights protected by the First Amendment are not immune from governmental regulation; and that content neutral restrictions, which are reasonable restrictions aimed at addressing the secondary effects of the speech and the not the speech itself are permissible. These restrictions are referred in the courts as time, place, and manner restrictions. Seward Chapel, Inc. v. City of Seward, 655 P.2d 1293, 1300 (Alaska 1982).

The United States Supreme Court has specifically recognized that local governments have a right and duty under their police powers to regulate Sexually Oriented Businesses "SOBs" to control where, when, and how they will locate and operate in order to minimize their adverse secondary effects. Young v. American Mini Theatres, Inc., 427 U.S. 50 (1976), City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986).

Harmful secondary effects occurring in Alaska, which have also been recognized by the US Supreme Court in other juris. include,

- Increased crime (prostitution, drug use, sexual assault)
- Decreased property values
- Increased potential for the Spreading of sexually transmitted diseases
- Sexual harassment
- Pills in parking lot
- Sexual exploitation of minors
- Wage and hour law violations

The United States Supreme Court has held that curbing these secondary effects constitutes a substantial government interest. The US Supreme Court has stated that the legislative record should include the evidence available on these effects. Record should include any reports or studies prepared by and for government agencies. Additional local, regional, or national information and

experiences can be added through hearings and testimony. Importantly, the Supreme Court has held that local governments may rely on the past experiences of other communities and consider the studies and reports of harmful effects without generating their own new studies in their localities. City of Renton v. Playtime Theatres Inc., 475 U.S. 41 (1986).

The legal staff at the National Law Center for Children and Families that has expressed that they are unaware of any jurisdiction that has held age restrictions unconstitutional when the government feels there is a substantial interest in regulating Sexually Oriented Businesses; the only case law I am aware of is a case where the court found that the legislature had not created a record to change the age to 21. (Tenth Circuit decision Essence Inc., v. City of Federal Heights).

The agencies I represent support HB 367 because no enforcement of these businesses is currently taking place and children are being exploited. Former dancers have expressed to me that they worked in strip clubs in Anchorage where they were not paid an hourly wage but rather were required to pay \$50 a night to work at the clubs, were encouraged to perform lap dances with no clothing on, engage in prostitution, unsanitary health conditions existed, drugs were freely available, tobacco use occurs although you must be 19 in Alaska to use tobacco, sixteen year olds are employed, they did not feel they had other employment options, and they did not feel safe saying no to the owners because of body guards and pimps in the clubs. The health community tells us that youth are at high risks of STD's and Aids. These acts are a health and safety concerns. As lawmakers I encourage you to support this bill to prevent others from preying on our children.

Our laws regulate various industries; we must regulate this industry that has fallen through the cracks of our legal system.

Jurisdictions across the county regulate Sexually Oriented Businesses.

Today you will or have heard testimony from former dancers, from the PTA, former assembly member, social service providers.....Scott Swartzwelder, Neuro-psychologist on Adolescent Brain Development

I encourage this committee to require employees and patrons of strip-clubs to be at least 19 if not older.

The agencies I represent are not here to make a moral argument or here to ask that any constitutional rights of youth be stepped on; as an attorney I strongly support the protection of everyone's constitutional rights but I like many attorneys before me have recognized that state has a duty to create regulations to protect the health and safety of its citizens, especially children.

The activities described today may not take place in all strip clubs in Alaska but the reality is that these illegal activities are taking place and need to be regulated.

Thank you for your time. I am happy to answer any questions you may have.

HOUSE BILL NO.367

IN THE LEGISLATURE OF THE STATE OF ALASKA
 TWENTY-THIRD LEGISLATURES – SECOND SESSION
 BY REPRESENTATIVE(S) MCGUIRE, GARA

Introduced: 1/09/94
 Referred: Labor and Commerce

A BILL
 FOR AN ACT ENTITLED

“ An Act relating to the licensing and regulation of sex-oriented businesses and sex-oriented business entertainers; relating to protection of the safety and health of and to education of young persons who perform in adult entertainment establishments; and providing for an effective date.”

Legislative Hearing Date: January 30, 2004, 3:15 PM
 Public Testimony by: Rebecca Roberts
 Address: 8032 Queen Victoria Drive
 Anchorage, Alaska 99518
 Bee_happy55@hotmail.com
 Phone: (907)229-6137

January 30, 2004

Dear Representative Anderson and other committee members:

I urge your support of HB 367 which will provide stricter licensing requirements and regulation for sexually oriented businesses and employees in order to protect school children and other youth under the age of 21.

This legislation is desperately needed to start addressing a very serious state-wide issue: The adverse effects of sexually oriented businesses such as increased crime especially sex related crimes, sexually transmitted diseases, endangerment of youth, urban blight, declining property values, and diminished quality of life.

According to the National Law Center for Children and Families numerous case studies across America show that prostitution, crime and drug use correspond with sexually oriented businesses. In particular, live nude dance clubs encourage prostitution, increase sexual assaults, and attract other criminal activity. I believe it is appropriate to regulate sexually oriented businesses differently from other commercial businesses, based on the significant negative impact caused by this industry.

Public testimony for HB 367 continued, page 2

I appreciate the fact that this bill will strengthen the public notification process regarding sexually oriented businesses by notifying community councils and other non-profit groups when license applications or renewals for sexually oriented businesses are submitted.

This bill is a reasonable licensing procedure and an appropriate mechanism to place the burden of regulation on the owners, operators and employees of sexually oriented businesses. There shouldn't be a fiscal note tied to this bill as DCED is under mandate to make their licensing program self-supporting thru license fees. Such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of youth and other patrons and employees, as well as the citizens of the communities where they locate.

I welcome this legislation and encourage you to pass it.

Thank you for your time.

Rebecca Roberts

Suggestion at line 10 of the bill:

10 **Chapter 90. Sex-Oriented Businesses and Entertainers.**

- (a) It is the intent of this legislation to protect young persons who perform in adult entertainment establishments through enactment of safety and health, educational requirements.
- (b) The Department of Community and Economic Development will be the lead agency to coordinate with other State entities as necessary to implement these provisions, and shall work in consultation with knowledgeable groups and organizations that focus on the protection of women and youth.

This suggestion is based on legislation from 1997 "An Act Relating to Civil Actions...."
SCS CSSHB 58 (RLS) am 3

This legislation specifically stated the intent of the legislation as well as directing the Alaska Judicial Council to consult with the Alaska Dispute Settlement Association.

Subject: For friday 3:15 House Labor and Commerce Comitee hearing. Thank You

Date: Wed, 28 Jan 2004 23:37:19 -0900

From: Regina Manteufel <regina@anch.net>

To: Tom Anderson <Representative_Tom_Anderson@legis.state.ak.us>,

Les Gara <Representative_Les_Gara@legis.state.ak.us>,

Lesil MCGuire <Representative_Lesil_McGuire@legis.state.ak.us>

1/27/2004

Dear Representative Anderson and other committee members,

My name is Regina Manteufel and I am a former stripper known as Amazon. I came up to Alaska in 1984 and worked at H and J Corporation also known as PJ'S. At that time I was paid \$300. Per week for a 6 night 40hr wk. When I left Hallie Mc Ginnies I filled for unemployment. He had not been paying into unemployment or social security for any of the girls. But he did house them for free and protect them better than any place in town. Since I kept every paycheck stub and w2 I got PJs girls social security and unemployment. He didn't put up a big fight with the labor department. To this day he will fly a girl out and save her if needed.

But beauty and greed struck me. So I left for the Bush Co. They didn't pay any one except me when I filled in as house mother and for show girls. The Bush Co was run by a madam at the time when Edna Cox was not around. Rosemary's famous line was no madder what they said," say that sounds wonderful". She viewed the men like tricks in the Trap Line Massage polar. Get their money and who cares if they are drunk. If they didn't have cash run the credit card up as high as possible and always get Champaign when ever you can. In there I saw, learned things, and grew to not trust any man I met in those places.

You probably wonder how women as intelligent as me could get me in a situation like that. You think how is woman who ran for office 4 times and got things on her platform being so stupid to be in a place like that. Well we all get started somewhere. You see I had a dream and that was to graduate from College. But even though I was pro-material for basketball there were few scholarships for women even with title 9. I applied for state grants and federal ones that always came in late. I received one at the end of the semester. After being raped by a previous landlord because I didn't have the rent I had had enough .I had

already been through one rape trial at 16 putting a mass brutal rapist away. I was #75 and the one to lock him up. I started hearing about stripping. I was tired of being sexually harassed by the manager of Dominoes Pizza and said why not. The rapist was getting out and I was too politically strong running Proposition A crew. I came home and my house was gone threw and I was hated for being the team to expose a corrupt planning commission. So I took a plane in the middle of winter to get away from it all to Alaska. My mom and dad drove me to the airport. It was one of 4 times I have ever seen him cry. But I wouldn't listen to him try to talk me out of it. I realized on the plane that I was flying with a prostitute on the same contract I had. But I made up my mind I was going to make my school money. At that time all I wanted was to go to school and play sports. But my parents didn't have the money to give me. My father's priority was never me or he would have saved his money instead of spending it on women. My father taught me about womanizing.

Some people say it is political suicide for what I am telling you next. But I don't care. There is a saying, "The Truth Shall Set You Free". What I will tell you next may save over 350 women that make it through Alaskan strip joints per year of what I have seen and endured. I am in favor of HB 367. I don't think un-graduated 18 year olds should be working in massage polar, strip joints, peep shows and adult book stores. Especially on school nights after 10pm. First off there are parasites called pimps and they look for young girls with no guidance at home. Luckily I am big and strong and lifted a pimp by his nut sack when one of them tried to recruit me. But there are women working after hrs that have been taken into a room and told to pick her pimp. These men carry guns and beat women into submission or get the girls strung out on drugs. There are club owners who knowingly let the parasites in. Yes they can make lots of money but if they get strung out or get pimped not a dime will go in the bank. Alaska has OSHA that looks after the fish processors on labor violations weekly. But strip club enforcement of wage and hour has never been a priority with the department of labor. Due to supervisors above office workers. Yet there are many Alaskan rulings specific to strippers that support them receiving wages with no loop holes and ethics of behavior.

1. Alaskan Bush Co (Edna Cox) was busted for making girls pay \$20. Per night to work and had house mother clock them in and out. Mabel Logan and other women /AK Wage and Hour won the case guaranteed strippers get paid minimum wage. No shift paid out to club. A.S. 23.10.065, 8AAC 15.907

2. Anchorage Prostitution ordinance: Dancers must table dance 3 feet from a customer. Always enforced by Officer Tip Casper.

3. Crazy House (Genet) vs. Attorney Generals office/ AK wage and hr. You can't fine a girl for being late or dancing too close. Also plaintiffs got wages. 8AAC

15.160

4. Herbert Adams of ABC Board made court ruling vs. Great Alaskan Bush Company that no women in the state of Alaska can profit or receive commissions off drinking Alcohol. I'm a good news paper reader. You can't require girls to sell a certain amount of drinks per night either.

5. Regina Manteufel / AK Attorney Generals Office vs. The Great Alaskan Bush Co (Vicky and Billy Cox) Tips Law. You cannot take stage tips or parade tips to suffice minimum wage. 8 AAC 15.907, A.S. 23.10.065

6. There is a federal law that you can't make a person work at a set time and say they are contract labor or independent contractor.

There are clubs in Alaska that boldly violate these laws with no regard for recourse of AK wage and Hr enforcement or Federal. The clubs cover themselves though political payouts, photos and film of whoever doing whatever. There are cameras in wood, lights, and lord knows what else. I don't know what clubs keep what where and can bet you they use it for their best interest. This is a good old boys state when it comes to strippers. The more innocent the girls are the more they can get from them and exploit them. Once they start getting smarter they are fired. Crazy Horse (Teasers) charges \$10. per hr to work, (Fantasy's) \$50. Per night plus 15% of all your tips and table dance money. Club owners call it contract labor, renting the stage, shift pay and tips commission. They force them to sign contracts to make it look legal. Regularity I heard house mothers tell the girls pay the money when you get back tomorrow. **That is illegal.** A few girls are so desperate on a slow night that they will sell themselves doing hand jobs in the club below his coat. So they can do there shift pay. There are managers that have told the girls, "You obviously don't have what it takes to be a stripper so either pay me tonight or quit.". Terry Stallman of Showboat is the most mentally unsound (drug addict) of all the club owners and I don't want him operating in any part of this state. Club owners hate it when you expose exactly what they are doing illegal and you have to constantly watch you back once you tell. They use mental intimidation to control you as a employer.

Lucky I found a way out even though it was suing the B. & V. INC., after getting fired for registering girls to vote and signing petitions. But at least I am not exposed to drunks after bar closing time. I have seen men in a black out rage. They never rember what they did and usually wake up in jail for what they have done. I don't understand why the Alcohol Control Board doesn't patrol these clubs parking lots. I drove a truck with a special race engine and was followed several times. To this day this really freaky guy I met in the club bothers me while grocery shopping. He still solicits me for prostitution even though I was

never pimped by any one, worked at a massage parlor or solicited him. That's the sickness of American society. If you worked in any of the strip clubs you must be a prostitute. Men who go to these clubs are regarded as studs. But a lot of companies will not hire former strippers. I have a permanent mark on my record for suing, "The Great Alaskan Bush Company". I would have gotten out sooner. But no one reached out to me until I went to a welfare meeting at the Fairview Community Center. I was recovering from a car accident and needed help. There were 2 ladies there called Libby Roderick and Jean Craciun running it. They saw I was no dummy and made me speak to the group. After that they worked like a tag team. They convinced me to go to Wage and Hour. Jean also got me in the women's political caucus by talking me in to it. There WPC regularly arranged for me to get grants for workshops to advance myself. I am living proof that other career and educational options is this bill's most important area. But it takes money. We need 3 hours of Labor Law, STD, Career, and other educational options training to receive annual dancer license. Girls also need to hear about filing for back wages for 2 years and penalties the clubs can get for not paying by a certain time. My tips law is violated in almost every strip club in Alaska. We also need money in the bank to get started. But it is the investment that counts. Today I have an AA degree in education, online domestic violence training, certified in construction management, certified in Community Development Principles Practices and Strategies. In 2002 I received a legislative citation for Paint Fairview Program and 1995 a mayor's award from Rick Mystrom. Regina's Rooming house is well known for it's, "Back to Work Closet" and tough love approach that gets people on their feet. I used to dress up strippers to be strippers know I dress up strippers to join the straight work force for over 10 years. Look at how nice Fairview is and remember it was a stripper who was vice president and Beautification Director for many years.

(Wage & Hour factors to consider for independent contractor status)

Based on the Sam Jeffcoat dba/Lonely Lady v. State Department of Labor

Alaska Supreme Court in Jeffcoat v. State, Dept. of Labor, Sup. Ct. Op. No. 3162 (File No. S-1444), 732 P.2d 1073 (1987). These criteria include

(A) the degree of the alleged employer's right to control the manner in which the work is to be performed;

(B) the alleged employee's opportunity for profit or loss depending upon

their managerial skill;

(C) the alleged employee's investment in equipment or materials required for their task, or their employment of helpers;

(D) whether the service rendered requires a special skill;

(E) the degree of permanence of the working relationship; and

(F) whether the service rendered is an integral part of the alleged employer's business.

3 of 9 DOCUMENTS

Phylene JEFFCOAT, Sam Jeffcoat and Lawn, Inc., d/b/a the Lonely Lady,
Appellants, v. STATE of Alaska, DEPARTMENT OF LABOR, Appellee

No. 3162, File No. S-1444

Supreme Court of Alaska

732 P.2d 1073; 1987 Alas. LEXIS 237; 27 Wage & Hour Cas. (BNA) 1709; 106
Lab. Cas. (CCH) P55,745

February 20, 1987

PRIOR HISTORY: [1]**

Appeal from the Superior Court of the State of Alaska,
Fourth Judicial District, Fairbanks, Mary E. Greene,
Judge.

LexisNexis (TM) HEADNOTES - Core Concepts:

COUNSEL:

Dennis E. McKelvie, Downes and McKelvie, for
Appellant.

Randy O. Olsen, Assistant Attorney General; Harold
M. Brown, Attorney General, for Appellee.

JUDGES:

Rabinowitz, Chief Justice, Burke, Matthews,
Compton and Moore, Justices.

OPINIONBY:

PER CURIAM

OPINION:

[*1074] We have considered each of appellant's
arguments and points on appeal. The record fully
supports the Memorandum Decision and Order entered
by Judge Mary E. Greene, which we adopt as the opinion
of this court. It is set forth in full below.

MEMORANDUM DECISION AND ORDER

This matter comes before the court upon both
plaintiffs and defendant's motions for summary
judgment. Plaintiff, the Alaska Department of Labor, on
behalf of Cathy Adler, brought suit alleging defendant
violated provisions of Alaska's wage and subsistence
statutes. n1 For the Department of Labor to maintain the
action, defendant must have been in an
employee/employer relationship with Adler. Each party
requests the court to determine whether or not an
employee/employer relationship exists for purposes of
Alaska's labor laws.

n1 AS 23.10.065, AS 23.10.110(a), AS
23.05.140(d) and AS 23.10.380.

[2]**

The basic facts are undisputed. Cathy Adler, a
dancer, was in Las Vegas. There [*1075] she was
recruited by a booking agency to dance for the
defendant, the Lonely Lady (hereinafter the "Club"), in
Alaska. The Club is owned by the Jeffcoats, who are also
defendants. Adler was presented with the terms and
conditions of the contract. Under the terms of the
contract Adler agreed to work six days a week for a six-
week period and to receive a flat weekly rate. Adler was
told by management to obtain a business license.

Adler was required to clock in and to work eight
hour shifts. The Club required three dances from her a
night. She danced the first two dances largely clothed;
the third dance was done while topless. Each dance
lasted from nine to fifteen minutes, for a total of less than
an hour of stage dancing. Adler spent the remaining
hours soliciting table dances and drinks. Payment for the

table dances was made by the individual customer, and Adler and the other women were allowed to keep such monies for themselves. The table dances and tips composed the primary source of income for the women.

The women were encouraged to have customers buy them drinks. Solicitation of drinks [**3] was made on a "pennies" basis. For each \$5.00 billed to the customers, a woman received a penny. The pennies turned in at the end of each shift were considered gauges of a woman's popularity. The more popular dancers were assigned to better shifts, and the Club considered the pennies evidence that a woman was not in breach of her contract.

Plaintiff contends Adler was an employee of the Club. Defendants maintain Adler was an independent contractor.

Alaska's labor laws are based on the federal Fair Labor Standards Act (FLSA) of 1938. *McGinnis v. Stevens*, 543 P.2d 1221, 1238 (Alaska 1975); *Webster v. Bechtel*, 621 P.2d 890 [, 895] (Alaska 1980). Alaska has looked to federal case law for aid in interpreting Alaska's labor laws. See, *McGinnis v. Stevens*, [543 P.2d at 1238].

The distinction between employees and independent contractors has been viewed from various perspectives. In essence, the distinction varies depending upon the context of the dispute. Tort concepts of the distinction between employees and independent contractors have proven somewhat inappropriate in labor cases, as those concepts arose in an effort to limit employer liability under the doctrine of respondeat [**4] superior. [Wolfe, Determination of Employer-Employee Relationships in Social Legislation,] 41 Col. Rev. 1015 [, 1025-26] (1941). For the remedial purposes of the FLSA to be effectuated, there should be a broad interpretation of the term "employer," the term should be used "in the broadest sense ever . . . in any act." *Robicheaux v. Radcliff Material, Inc.*, 697 F.2d 662, 665 (5th Cir. 1983).

Alaska has devised a "nature of the work" test to determine whether a worker should be designated an employee or an independent contractor under the worker's compensation statutes. *Grothe v. Olafson*, 659 P.2d 602 [, 605] (Alaska 1983). Alaska has not, however, directly addressed the distinction between employee and independent contractor for purposes of Alaska's counterpart to the FLSA. We must turn to federal authorities for appropriate case law.

The focal inquiry is whether the worker whose status is in question is within the class of persons meant to be protected by the Act. The court must determine whether the worker is dependent upon finding employment in the business of others. If the facts show such a dependency,

the worker is an employee. *Castillo v. Givens*, 704 F.2d [**5] 181, 190 (5th Cir. 1983). Two factors are critically significant: (1) how specialized is the nature of the work; and (2) whether the worker is in business for herself. *Id.* To aid analysis the courts have broken these factors into a six-part inquiry:

- 1) the degree of the alleged employer's right to control the manner in which the work is to be performed; 2) the alleged employee's opportunity for profit or loss depending upon his managerial skill; 3) [*1076] the alleged employee's investment in equipment or materials required for his task, or his employment of helpers; 4) whether the service rendered requires a special skill; 5) the degree of permanence of the working relationship; 6) whether the service rendered is an integral part of the alleged employer's business.

Donovan v. Dialamerica Marketing, Inc., 757 F.2d 1376, 1382 (3d Cir. 1985). No single factor is controlling. *Id.* These factors will be considered in turn, without losing sight of the fact that the Act is to protect those who, as a matter of economic reality, are dependent upon the business in which they render service. *Castillo v. Givens*, [704 F.2d] at 189; *Robicheaux v. Radcliff*, [**6] [697 F.2d] at 665.

1. *The degree of the alleged employer's right to control the manner in which the work was to be performed.*

Defendant argues that the Club exerted little control and presents the following facts for consideration. The women designed or purchased their own costumes, they created their own dancing routines and could request specific music from the disc jockey. Dancers were allowed to drink alcoholic beverages on the job, but they were not required to tend bar nor to act as cocktail waitresses. Table dances and tips were independently solicited by the women and constituted a major part of their income.

The factors indicating control are quite persuasive. Some control was exercised over costumes. The dancers were required to wear dresses on weekends, and country and western gear on Wednesdays. The music was at the Club's discretion. The Club rules provided that the disc jockey was free to play whatever he wanted, and dancers were not to complain. The dances were also controlled to an extent. While specific dance steps were at the dancers' discretion, dancers were required to do three dances onstage each shift: the first dance was to be performed fully clothed, [**7] the second dance

involved removal of some item(s) of clothing, and the third dance was to be done while topless. Additionally, and significantly, the Club controlled the working hours of the dancers.

The "pennies" practice is extremely persuasive evidence of control. As was described earlier, the dancers, when not dancing, encouraged the customers to drink and to buy the dancers drinks. Each \$5.00 billed a customer on the woman's behalf was marked by a penny. The more pennies a woman accrued the more "popular" she was assumed to be, and the Club rewarded her with better shifts. The evidence before the court indicates that the dancers' stage performances did not last more than an hour each shift. Each shift was eight hours. The remaining seven hours were spent either table dancing or soliciting pennies. The time spent soliciting pennies is indicative of control; in essence the women were selling liquor for the Club. Even the table dances were controlled; dancers were to strip to their waists, and only to their waists, and could not wear bikinis.

There are many other Club rules which indicate control. Should a dancer's friend have visited during a period when the dancer was offstage, [**8] the friend had to buy the dancer a drink. The dancers could only drink house drinks during working hours, and no complaints could be made about the drinks unless, for example, the glass was chipped. The women were also required to finish the drinks. In short, defendants exercised considerable control.

2. *The alleged employee's opportunity for profit or loss depending upon her managerial skill.*

The contract was for a fixed sum. It did not matter how good the dancer was, or how many pennies the dancer collected, the sum and the hours would not vary. Dancers could, of course, receive tips for their stage performances and table dances. However, waitresses and bellhops also received tips for their services, and the existence of tips alone does not mandate independent contractor status.

[*1077] 3. *The alleged employee's investment in equipment or materials required for his task, or his employment of helpers.*

The dancer provided her own costumes. As defendant stated during her deposition, the dancer's trousseau could have been completed with purchases from Penneys. There is no indication the costumes varied significantly from street clothes. This factor does not weigh in [**9] favor of a finding of independent contractor status. Courts have found employee status even where welding equipment worth several thousand dollars was purchased by the worker, where the major part of the worker's time was spent in a manner not

requiring use of the investment. *Robicheaux v. Radcliff Material, Inc.*, [697 F.2d at 665-66]. In the instant case, time spent soliciting drinks (pennies) did not require the use of the accoutrements of stripping.

Defendant also points to airfare and agent fees as evidence favorable to its position. However, airfare to Alaska is a given for any outsider and cannot be considered an investment in materials. The costs associated with the booking agency also do not represent an investment in equipment or materials. Though it is often the case that performers are booked into positions which result in independent contractor status, use of the booking agency is not determinative of the worker's status once the worker is on the job.

4. *Whether the service rendered required a special skill.*

Defendant states that dancing is an art, and that not everyone can perform it. The Club, however, hired dancers without knowing whether or not they had [**10] danced previously. Apparently the skill required for topless dancing was slight. Since neither long training nor highly developed skills were required, this factor must also weigh against independent contractor status. See *Donovan v. Sureway Cleaners*, 656 F.2d 1368, 1372 (9th Cir. 1981).

5. *The degree of permanence of the working relationship.*

Adler signed a contract to work for a six week period, with an option to extend to eight weeks. Generally employees are hired for indefinite periods, whereas independent contractors work for periods established by contract. However, as plaintiff has argued, the period at issue is longer than some union calls. The court in *Castillo v. Givens*, [704 F.2d] at 191, held that cotton pickers hired from mid-June to mid-August qualified as employees for purposes of the act. At best this factor weighs only slightly in favor of independent contractor status.

6. *Whether the service rendered is an integral part of the alleged employer's business.*

Defendant believes that the dancer's services were largely cosmetic to the real function of the Club, which was to sell liquor. The facts do not support defendant's view. The facts clearly establish [**11] the integral nature of the womens' role to the sale of liquor, as evidenced by the pennies practice, and by the fact that patrons must pay double the normal drink price to purchase drinks for the dancers.

Turning to other arguments made by defendant, the parties' intent to contract is not a determinative factor. An employee is not permitted to waive employee status.

732 P.2d 1073, *; 1987 Alas. LEXIS 237, **;
27 Wage & Hour Cas. (BNA) 1709; 106 Lab. Cas. (CCH) P55,745

Robicheaux v. Radcliff Material, Inc., [697 F.2d] at 667. The fact that the parties "may not have had the intention to create an employment relationship is irrelevant . . ." *Donovan v. New Floridian Hotel, Inc.*, [676 F.2d 468, 470-471 (11th Cir. 1982)].

The fact that management made the dancers purchase business licenses does not require the court to find independent contractor status. If the court found that business licenses resulted in independent contractor status ". . . this interpretation would permit wholesale evasion of the requirements of the F.L.S.A." *Castillo v. Givens*, [704 F.2d] at 192.

[*1078] On balance and in consideration of these factors, the court determines that Cathy Adler was an employee of the Club for purposes of Alaska's labor laws. Workers ". . . are often found to [**12] be 'employees' although they possess attributes common to independent contractors." *Robicheaux v. Radcliff Material, Inc.*, [697 F.2d at 665 n.4].

In this matter, there is no genuine issue of material fact with respect to the issue of employee/contractor

status. For reasons set forth above the court concludes that plaintiff prevails on this issue as a matter of law. However, there are legitimate factual disputes as illustrated by defendants' statement of genuine issues which preclude the award of total summary judgment. n[2] Therefore,

n2 [These "genuine issues" have since been resolved by stipulation of the parties.]

IT IS HEREBY ORDERED that plaintiff is granted partial summary judgment on the issue of employment status. Defendants' motion for summary judgment is denied.

DATED at Fairbanks, Alaska, this 25th day of October, 1985.

Mary E. Greene, Superior Court Judge

AFFIRMED.

Thursday, May 1, 2003

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The Anchorage CHRONICLE

Published
Weekly



HITTING HOME
Theaters saw drop in
wartime movie attendance.
1B

BATTLE BREWING
Legislator, oil industry
dispute bill regulating
Intracast pipeline tariffs.
1B

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Culture kaleidoscope

*Growth in Asian population presents
challenges, opportunities in Mountain View*

BY ROB STAPLETON
STAFF WRITER

Bob Braeger knew that Mountain View residents' tastes were changing, so he recently added two new aisles of exotic foods to his Red Apple Market.

"We have aisles of Asian and tropical food I have never seen before in my life," said Braeger, owner of the Mountain View grocer.

The change in the store's food items aims to better serve its

See MOUNTAIN VIEW, page 3A

Naked truth reviewed

*Community voices concerns about high school
students working as under-21 dancers*

BY HEATHER A. RESE
STAFF WRITER

A hearing has been scheduled to review community concerns about high school students working and patronizing under-21 strip clubs.

The Anchorage Public Safety Advisory Commission is scheduled to take up the item at its May 14 meeting at the

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Banking on our land

*Is the Heritage Land Bank
running itself out of business?*

BY NAOMI KLOUDA
CONTRIBUTING WRITER

At the end of Hollywood Drive on Government Hill, a barbed-wire fence stretches around an empty plot of land, a maximum-security

enclosure that protects nothing but a smattering of trees and some lonely weeds.

Beyond the fence is the Anchorage skyline and the Chugach Mountains — a sight that would delight the eye if not for the imposing fence residents across the street have viewed for

See LAND BANK, page 6A



Chronicle photo by Stapleton

Clyde Odorn cuts wire from a fence at the end of Hollywood Drive where the Heritage Land Bank owns property that will be used for low-cost housing.

Nude: Police will investigate if club owners are recruiting teens

FROM PAGE 1

emergency operations center downtown, said commission chairman Scott Heyworth.

"This is the start of the conversation," he said. "We haven't decided whether or not to do a full review yet."

Kevin Bruce, a spokesman for the mayor's office, said staff members and city attorneys looked at the issue and forwarded it to public safety for a more in-depth review.

"We got involved after concerned parents and several community councils requested a public dialog on the city's three under-21 strip clubs," he said.

Service High parent Nancy Fair began raising the issue with local governmental bodies after hearing stories from her two teenage sons about high school students who work as strippers, and high school students who pay to watch.

After a little research, Fair found that the district has about 2,200 students 18 years old or older who are eligible to work at and patronize adult entertainment venues.

"Basically we're raising the question, 'Is this what our community wants to offer high school students and older teens?'" Fair said.

Heyworth said the advisory commission will likely vote to do an in-depth review. A report on their findings would then be forwarded to the mayor for possible further action, he said.

Anchorage Police Department deputy chief Bill Miller said most people have no idea what really goes on in strip clubs. "There's really a very small part of the community that patronizes these places," he said.

Many young women lured into stripping end up as prostitutes with sexually transmitted diseases, unwanted pregnancies, \$500-a-day drug habits and felony and misdemeanor convictions, he said.

"This whole thing is about money," Miller said. "None of those girls are up there dancing because it is an art. We're talking about a place where women and men strip, and dance butt naked in front of people for money."

His department has been asked to investigate whether club owners are recruiting and employing high school students, he said.

Strip clubs tend to attract a certain element of the community,



Anchorage Police Department deputy chief Bill Miller said his department has been asked to investigate whether club owners are recruiting and employing high school students.

said longtime Anchorage officer Capt. Dave Cooper, who heads the department's detective division.

"These kinds of activities attract criminals," he said. "That's not the type of people we want the city's teens hanging around."

Both officers said there is room under the law for legitimate businesses to operate. Their concern is about the possibility that vulnerable high school students are being lured into Anchorage's sex industry.

"High school kids need to be worried about getting themselves on in life, not stripping in front of strangers and the criminal element," Miller said.

Licensed as adult entertainment establishments, he said the nude dancing clubs are more appropriate entertainment venue for adults than high school students.

"A lot of kids are trying to make up their mind what they want to do," Miller said. "They see the glamorous part of it. Not what goes on behind the scenes."

In his time on the force, he said he has arrested several women for prostitution who turned out to be underage high school dropouts working in strip clubs to support themselves.

"Management will tell you what the girls do on their own time is their own business," he said. "But if you want to find a prostitute, that's a reasonable place to go."

Strip clubs are not the only businesses that serve as links between those selling sex and those looking to buy, Cooper

"Finally someone is waking up to the possibility that these girls could be high school students."

— Bill Miller,

Anchorage Police Department deputy chief

part of the city," Cooper said. "Prostitutes come from all walks of life."

Miller said since the first under-21 club opened, the department has had concerns that high school students could be involved.

"We are absolutely interested in whether there are high school kids working in these clubs," he said. "Finally someone is waking up to the possibility that these girls could be high school students."

Compared to other states, Alaska's regulations for nude dancing are very permissive, Miller said. While Alaska law permits fully nude dancing with contact between dancer and

patron, many other states have more restrictive laws, he said.

"In some other states you have to wear at least pasties and a G-string," Miller said.

But police investigations take time and resources, he said. The largest resource guzzler is traffic complaints, Miller said.

"We have more crimes in this city than we can investigate," he said. "People are worried about racial profiling, but we have more than enough work to keep us busy without going around looking for ways to steal people's civil rights."

Heather A. Resz can be reached at hrez@anchoragechronicle.com or 348-2432.

QUOTES ABOUT TEENS AND ALASKA STRIP CLUBS:

"A few years ago, I attended a bachelor party at one of these under-21 strip clubs. We were offered anything [sexual] by the young girls there. We left in disgust."

Anchorage Westside Community Patrol worker

"...yes, I don't think high school girls should be working as [nude] dancers. I think that is highly distracting in the high school setting."

*Terry Stahlman, Owner of Showboat Show Clubs, Anchorage and Fairbanks
(Alaska Star, February 13, 2003)*

"Some of our residents know girls under 18 who are dancing at Showboat and Fantasies [strip clubs]."

Anchorage social service worker

"I hear a lot of stories from the high school teens about recruitment of girls, even under 18 years old, to work in these clubs. Often a male teen will invite the girls to attend with him. After he gets them there, the club recruits the girls to work there. Asian and Native girls seem to be particular targets, and the money is very attractive to them.... I know that high school boys attend these places. We even found a Fantasies (strip club) card in one West High School boy's lost wallet."

Staff member, Mountain View Boys and Girls Club

"I talked with [one client, a former prostitute for 25 years in Anchorage]. I got the distinct impression that there is a strong relationship between teen strip dancing and drug use and prostitution. She expressed the following: It is very common to start down the road to drugs and prostitution in a strip club. The older prostitutes and the drug dealers go to the teen strip clubs to 'recruit.' The older men there are definitely predators looking for fresh young women."

*Staff, Mary Magdalene Home
(a program for recovering prostitutes)*

"Almost all of the prostitutes I have talked to in the Spenard area started out in strip clubs."

Anchorage Westside Community Patrol worker

"I've been told by former teen nude dancers that illegal drugs were available for "free" at the strip clubs."

Anchorage social service worker

"My son and his friend were recruited to be male dancers at one under-21 club. My son declined, but his friend tried it. The money was great, but he quit because he didn't like what they were asking him to do."

Anchorage mother and social service worker

While treating a teen stripper who had had four unwanted pregnancies and numerous sexually-transmitted diseases, the physician asked her if her lifestyle was worth enduring all this. She replied, "Are you kidding? Of course it is. I made \$265,000 last year, tax-free!"

17-year old Anchorage stripper [note underage]

"I spoke with a former bouncer from the Showboat, and he told me he was paid under the table in cash every night."

Community Council President, Anchorage

"Young adult guys who are going there [under-21 strip clubs] have no respect for women. The whole thing does not make for a healthy community."

D. Cowan, former stripper in Anchorage [starting at age 14]

(Anchorage Chronicle, March 20, 2002)

"It certainly didn't turn out to be the glitzy, glamorous world I had imagined it would be. Instead, I soon realized how dark and dirty and degrading it really was. And I desperately wanted out."

Kimberly Drake, former stripper

Founder of Spokane's Citizens for Community Values

"Teens who used to work as nude dancers have told me about the unsanitary conditions, including repeated genital contact by various dancers with the uncleaned floor, digital penetration by customers, and shared costumes which were not cleaned."

Anchorage social service worker

“These [sexually-oriented] enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values, an increase in the level of criminal activity, including prostitution, rape and assaults in the vicinity of these types of enterprises, and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships.”

Anchorage Municipal Code 21.45.240

“If you say no to bad business, better business will come.”

E. McMahon, Community Planner and Author

"Strip Clubs According to Strippers: Exposing Workplace Sexual Violence"

Kelly Holsopple

Program Director

Freedom and Justice Center for Prostitution Resources

Minneapolis, Minnesota

INTRODUCTION

The purpose of this paper is to investigate women's experiences in stripclubs and to describe the activities in stripclubs from the women's point of view. The format approach is collective story narrative with the author as part of the collective voice. The research was inspired by the author's experiences in stripping over the course of thirteen years. The author's intention is to examine the conditions of stripclubs by describing the fundamental way stripclubs are organized. The description features bar activities focused on stripper-customer interactions; survey data on sexual violence in stripclubs; and women's thoughts on stripping.

THEORETICAL FOUNDATION

Stripclubs are popularly promoted as providing harmless entertainment and as places where respectful men go to watch and talk to women (Reed 1997). Stripclub customers are described as normal men who use stripclubs to avoid adultery and therefore find a safe outlet for their sexual desires in balance with their marital commitments (Reed 1997). In contrast, stripclubs are criticized for being environments where men exercise their social, sexual, and economic authority over women who are dependent on them and as places where women are treated as things to perform sex acts and take commands from men (Ciriello 1993).

Stripclubs are organized according to gender and reflect gender power dynamics in greater society. "Gendered spaces are social arenas in which a person's gender shapes the roles, statuses, and interpersonal dynamics and generates differential political and economic outcomes and interaction expectations and practices" (Ronai, Zsembik, and Feagin 1997:6). Stripclubs are more specifically organized according to gender inequality, which is perpetuated by gendered spaces and consequently sexualized (Ronai, et al 1997). The typical stripclub scenario displays young, nude or partially nude women for fully clothed male customers (Thompson and Harred 1992).

The entire analysis of stripclubs is located within the context of men's domination over women. When organizations are produced in the context of the structural relations of domination, control, and violence, they reproduce those relations (Hearn 1994). These organizations may also make explicit use of gendered forms of authority with unaccountable and unjustifiable authority belonging to men (Hearn 1994). The stripclub elicits and requires direct expressions of male domination and control over women (Prewitt 1989).

In order to dominate or control and secure men's domestic, emotional and sexual service interests, male dominated institutions and individual men utilize violence (Hanmer 1989). Violence against women is identified as physical, sexual, emotional, verbal, and representational, but all violence from men against women should be understood as sexual violence (Hearn 1994).

The concept of a continuum is useful when discussing sexual violence, especially in stripclubs. Continuum is defined as a basic characteristic underlying many different events and as a series of elements or events that pass into one another (Kelly 1987). The common underlying element in stripclubs is that male customers, managers, staff, and owners use diverse methods of harassment, manipulation, exploitation, and abuse to control female strippers.

LITERATURE REVIEW

Despite a substantial amount of research on the topic of strippers, stripping, and stripclubs, none focuses on sexual violence in stripclubs perpetrated against strippers. Instead the studies focus on sociological and psychological profiles of the women (Forsyth and Deshotels 1997; Peretti and O' Connor 1989; Reid, Epstein, and Benson 1994; McCaghy and Skipper 1970; Thompson and Harred 1992) and their strategies for interaction with customers (Boles and Garbin 1974; Enck and Preston 1988; Ronai 1989). Although most studies mention male sexual violence and exploitation, the research regarding stripping fails to investigate and account for the problem of sexual violence in establishments that feature female strippers. The gap is the rationale for my study.

METHOD

Data for this research was obtained through interviews, a survey, and the researcher's participant observation while involved in stripping (Hamel 1993). Women in this study stripped in the local stripclubs in the Midwest metropolitan area where the researcher lives, in local nightclubs in the same area, in metropolitan and rural stripclubs and nightclubs across the United States, at private parties, in peep shows, and in saunas. The stripclubs featured a variety of attractions including topless dancing, nude dancing, table dancing, couch dancing, lap dancing, wall dancing, shower dancing, and bed dancing. In addition, some clubs had peepshows, female boxing and wrestling with customers, offered photographs of the dancers, or hired pornography models and actresses as headliners.

The study was conducted in two phases. In 1994, I conducted free-flowing qualitative interviews for one to four hours each with forty-one women while I was still involved in stripping and compiled participant observer notes about the activities in stripclubs. The women ranged in age from nineteen to forty years old and were involved in stripping from three months to eighteen years. All of the women identified themselves as Caucasian.

In 1996, I proceeded to design a twenty-six question survey according to themes derived from the interviews to investigate sexual violence in stripclubs. My long-time involvement in the strip industry allowed an association with strippers that was invaluable for administering in-depth surveys regarding sensitive issues. The surveys were administered face-to-face to insure the information was indeed from the women in stripping. Again, the surveys and consequent discussions lasted from one to four hours. Many women explained that they had never talked about their experiences so extensively because no one had ever asked them the right questions. Participants were asked to say whether they had experienced different abusive and violent actions in the stripclub, to estimate how often each action happened, and then to identify which men associated with the stripclub perpetrated the action. The categories of men were defined as customer, owner, staff, and manager. Since I exited stripping, snowball sampling was employed to recruit the eighteen participants for the survey. Participants in the survey were asked to pass on postcards to other women. The range of ages was eighteen to thirty-five years old. The age of entry into stripping ranged from fifteen to twenty-three years old, with a mean age of eighteen

years and ten months. The length of time the women in this study were involved in stripping ranged from three months to eighteen years with an average length of six years and seven months. Women predominantly identified themselves as Caucasian. Only one woman identified herself as Hispanic. Twelve of the women described their sexual orientation as heterosexual, two as lesbian, and four as bisexual. The survey data was analyzed on the Statistical Program for Social Sciences.

After the data was compiled, a focus group of 4 women currently in stripping and with no prior association with the study positively evaluated the relevancy of the study and approved the collective story.

Statements in quotations throughout this paper are derived from the 41 interviews and discussions that often followed the administration of the 18 surveys.

PART 1: TYPICAL STRIPCLUB ACTIVITIES

A. Recruitment

Women find out about stripping from a variety of sources. Upscale stripclub franchises recruit in new cities by having managers and imported dancers scout in nightclubs. Most women find out about stripping from girlfriends already in stripping, male associates, the media, and some from prior involvement in prostitution. One woman told how she loitered in and around urban stripclubs to pick up customers when she was fifteen and how her pimp eventually drove her to small town strip bars because those bars admitted her and hired her. Someone else got involved in stripping through an escort service for bachelor parties. Another young woman who went to a gentlemen's club to pick up her friend recounted her recruitment as an eighteen-year-old. She waited at the bar, was served alcohol, and the owner asked to check her I.D. Instead of censuring her for drinking, he told her she would make \$1000 per week and pressured her to enter the amateur contest that night. She won the contest, \$300, and worked there three weeks before being recruited into an escort service by a patron pimp.

In a typical hiring scenario women respond in person to a newspaper ad promising big money, flexible hours, no experience necessary. As an audition the club manager asks the applicants to perform on amateur night or bikini night, both of which are particularly popular with customers who hope to see girl-next-door types rather than seasoned strippers. The manager will make a job offer based on physical attributes and number of women already on the schedule. Clubs portray the job requirements as very flexible. Women are told that they will not be forced to do anything they do not want to do, but clubs overbook women so they are forced to compete with each other, often gradually engaging in more explicit activities in order to earn tips (Cooke 1987).

B. Working Conditions

Women in stripping are denied legal protection relating to the terms and conditions under which they earn their livings (Fischer 523). Most strippers are hired to work as independent contractors rather than employees. Most strippers are not paid a wage (Mattson 1995), therefore their income is totally dependent on their compliance with customer demands in order to earn tips. More often than not, the strippers have to pay for the privilege of working at a club (Cooke 1987; Forsyth and Deshotels 1997; Prewitt 1989). The majority of clubs demand that women turn over 40 to 50 percent of their income for stage or couch rental and enforce a mandatory tip

out to bouncers and disc jockeys (Enck and Preston 1988; Forsyth and Deshotels 1997). Usually a minimum shift quota is set and the women must turn over at least that quota amount. If a woman does not earn the quota and wants to continue working at the establishment, she owes the club and must pay off that shift's quota by adding it to the quota for the next shift she will work. The stripclubs may also derive income from promotional novelty items, kickbacks, door cover charges, beverage sales, prostitution, and capricious fines imposed on the women. As independent contractors, strippers are not entitled to file discrimination claims, receive workers' compensation, or unemployment benefits (Fischer 1996; Mattson 1995). Club owners are free from tax obligations and tort liability. Owners pay no Social Security, no health insurance, and no sick pay. Some club owners require strippers to sign agreements indicating that they are working as independent contractors and many clubs require women to sign a waiver of their right to sue the club for any reason.

Although strippers are classified as independent contractors, the reality of their relationship to their supervisors is an employee-employer relationship. Regardless of the agreements claiming independent contractor status, clubs maintain enormous control over the women. The club controls the schedule and hours, requires strippers to pay rental fees, tip support staff large amounts, and even sets the price of table dances and private dances. Clubs have specific rules about costuming and even dictate the sequence of stripping and nudity. For example, by the middle of the first song the woman must remove her top, she must be entirely nude by the end of the second song, and must perform a nude floorshow. All this regardless of whether customers are tipping her or not. A club may further influence dancers' appearances by pressuring them to shave off all their pubic hair, maintain a year-long tan, or undergo surgery for breast augmentation. At nude clubs, it is common for the performers to be shaved clean, giving them an adolescent and even childlike appearance.

Clubs also exert significant control over the strippers' behavior during their shifts by regulating when women may use the bathroom and how many of them can be in the dressing room at one time. Some clubs do not provide seating in the dressing room and forbid smoking in that room, thus preventing strippers from taking a break. When a woman wants to sit down or smoke a cigarette, she must do so on the main floor with a customer. Clubs enforce these rules through fines (Cooke 1987; Enck and Preston 1988; Ronai 1992). Women are fined heavily by club management: \$1 per minute for being late, as much as \$100 for calling in sick, and other arbitrary amounts for "talking back" to customers or staff, using the telephone without permission, and touching stage mirrors. Women are fined for flashing, prostitution (Enck and Preston 1988), taking off their shoes, fighting with a customer, being late on stage, leaving the main floor before the DJ calls her off, not cashing in one dollar bills, profanity in music, being sick, not cleaning the dressing room, using baby oil on stage, dancing with her back to a customer (Enck and Preston 1988) and being touched by a customer.

Despite the stripclub's representation of a dancing job as flexible, strippers attest that their relationship with the club becomes all consuming and everything associated with being a stripper interferes with living a normal life. And despite the common perception that a woman can dance her way through school, many strippers report that their jobs take over their lives. Long and late hours, fatigue, drug and alcohol problems, and out of town bookings make it difficult to switch gears. Not only do the women spend a significant amount of their time in stripclubs, the activities and influences from the club environment permeate their personal lives and detrimentally effect their well-being. Although stripclubs are considered legal forms of entertainment, people unassociated with the industry are unaware of the emotional (Peretti and O'Connor 1989; Ronai 1992), verbal (Mattson 1995; Ronai 1992), physical (Boles and Garbin

1974), and sexual abuse (Ciriello 1993; Ronai 1992) inherent in the industry. Despite claims from management that customers are prohibited from touching the women, this rule is consistently violated (Enck and Preston 1988; Forsyth and Deshotels 1997; Ronai and Ellis 1989; Thompson and Harrod 1992). Furthermore, stripping usually involves prostitution (Boles and Garbir: 1974; Forsyth and Deshotels 1997; Prewitt 1989; Ronai and Ellis 1989; Thompson and Harrod 1992).

C. Stripper-Customer Interactions

Main Floor

Stripclub activities are offered in public spaces or private rooms or other isolated parts of clubs (Forsyth and Deshotels 1997). The typical stripclub scenario presents young, nude or partially nude women mingling with fully clothed male customers. They circulate through the crowd, encouraging men to buy liquor, drinking and talking with men, and soliciting and performing a variety of private dances (Prewitt 1989; Ronai and Ellis 1989). Women describe their role in the stripclub as hostess, object, prostitute, therapist, and temporary girlfriend and say they are there to entertain and attract men and business for the owners.

Women who work at small strip joints say they can hang out, order in food, and play pool during their shifts. On the other hand, women who work at gentlemen's clubs have to hustle photographs and drinks and are required to sell promotional T-shirts, calendars, and videos. They can be mandated to sell the items with private dances. For example, the dancers buy T-shirts from the house mom for \$8 and sell them for \$15. So for \$15, the customer receives a T-shirt and 2 \$10 table dances. Strippers at gentlemen's clubs are further informed by management that they are not allowed to buy their own drinks, that they have to be sitting with customers, and can never turn down a drink, even when their drinks are full.

Stage

Women report dancing on stages as cheaply constructed by laying plywood on the benches of restaurant booths to stages covered with kitchen linoleum to wood parquet or marble stages in a few upscale clubs. Some stages are elevated runways so narrow that strippers say that cannot get away from customers on each side touching them, especially when they are kneeling down to accept a tip in the side of their gstrings/t-bars or when they have their backs turned. Stages can also be sunken pits with a rail around it and a bar for the customers' beverages. During a set, a stripper may do striptease, acrobatics, dance, walk, or squat to display her genitals. Generally the progression for striptease begins during the first song with the woman wearing a dress or costume covering her breasts and buttocks. Over the course of a set of 2 or 3 songs she will remove her bra and in nude clubs, her g-string/t-bar. Some clubs feature floorshows in which women crawl or move around on the floor posing in sexual positions and spread their legs at the customers' eye level. During a floorshow, a dancer changes her movements from upright to positions on her knees and squatting in a crabwalk in order to 'flash' tipping customers. "Flashing" is pulling the g-string/t-bar aside, revealing the pubic area and/or the genitals. Dancers describe this as "doing a show" for paying customers. Ordinarily, a dancer only positions herself in front of tipping patrons (Prewitt 145). Customers who fail to tip are ignored. Audience response can be expressed by clapping, hooting, barking, whistling, amount of money tipped, or complete silence depending upon time of day, state of inebriation, excitement over the musical selection, or the appearance and abilities of the stripper.

On stage, some women's thoughts wander, while others' focus on angry desperation. *"I daydream about nothing in particular to pass the time of 12 minutes."* *"I'm thinking about how good I look in the mirrors and how good I feel in dance movements."* *"I tell myself to smile."* *"I think about getting high and that I am making money to get high."* *"I am giving these guys every chance to be decent, so that I don't have to be afraid of them."* *"I am filled with disdain for the customers who do not tip, but sit and watch and direct you to do things for no money."* *"I think of how cheap these fuckers are, what bills I need to pay."*

Private Dance Activities

Private dances are usually performed in areas shielded from the larger club view (Forsyth and Deshotels 1997, Prewitt 1989). As a rule, the private dance involves one female dancer and one male customer. Private dances are situations where women are often forced into acts of prostitution in order to earn tips (Forsyth and Deshotels 1997; Prewitt 1989; Ronai and Ellis 1989). Men masturbate openly (Peretti and O'Connor 1989), get hand jobs (Forsyth and Deshotels 1997), and stick their fingers inside women (Ronai and Ellis 1989). Men with foot fetishes have been known to suck on dancers' toes.

A variety of private dances are promoted in strip clubs. **Table dancing** is performed on a low coffee table or on a small portable platform near the customer's seat. The woman's breasts and genitals are eye level to the customer. **Couch dancing** for a customer entails the dancer standing over him on the couch, dangling her breasts or bopping him in the face with her pubic area. **Lap dancing** requires the woman to straddle the man's lap and grind against him until he ejaculates in his pants. A variation involves the woman dancing between his legs while he slides down in his chair so that the dancer's thighs are rubbing his crotch as she moves. **Bed dancing** is offered in a private room and requires a woman to lay on top of a fully clothed man and simulate sexual intercourse until he ejaculates. **Shower dancing** is offered in upscale clubs and allows a

clothed patron to get into a shower stall with one or more women and massage their bodies with soap. Wall dancing requires a stripper to carry alcohol swabs to wash the customer's fingers before he inserts them into her vagina. His back is stationary against the wall and she is pressed against him with one leg lifted. Peep shows feature simulated or actual acts directed by openly masturbating customers. Customers sit in a private booth and view the women through a glass window. Live sex shows involve 2 or more individuals engaging in simulated or sexual activity performed behind glass or on a stage. Customers openly masturbate while watching the show from the audience or through an opening in a private booth.

During private dances women are conscientious about their boundaries and safety. 'I don't want him to touch me, but I am afraid he will say something violent if I tell him 'no'.' 'I was thinking about doing prostitution because that's when customers would proposition me.' 'I could only think about how bad these guys smell and try to hold my breath.' 'I spent the dance hyper vigilant to avoiding their hands, mouths, and crotches.' 'We were allowed to place towels on the guys' laps, so it wasn't so bad.' 'I don't remember because it was so embarrassing.'

D. Dressing Room

Women describe a range of types and qualities of dressing rooms. Strippers are expected to change clothing in beer coolers, broom closets, and public restrooms. Some stripclub dressing rooms are nice with lights, mirrors, vanities, and chairs, and are equipped with lockers, and tanning beds. Other clubs have make-up mirrors but no chairs or ashtrays to prevent dancers from lingering. Women complain that too many dressing rooms are down isolated halls or in the basements of establishments and that they have to scream for help when customers intrude. Some are so damp or filthy that the women cannot take their shoes off. Other dressing rooms are so frigid that dancers carry small space heaters to and from work. The dressing rooms are used to change costumes, drink, do drugs, do hair and make-up, iron costumes, do homework, bitch about customers, avoid customers, talk about problems, hang out. In strip joints and rural bars, women lay on blankets or inside sleeping bags between sets and nap and read.

The greatest response to questions regarding preparation for work was "drink". Women drink while getting ready to go to work and they drink while doing their hair and make-up once in the dressing room. Women who work at nude juice bars that do not serve alcohol or at bars that do not allow women to buy their own drinks report that they stop at another bar on their way in and "get loaded". Between stage sets and private dances, women drink some more, clean themselves with washcloths or babywipes after performing on a dirty stage or being touched by a lot of men, apply deodorant, and perfume their breasts and genitals.

PART 2: SURVEY DATA

One hundred percent of the eighteen women in the survey report being physically abused in the stripclub. The physical abuse ranged from three to fifteen times with a mean of 7.7 occurrences over the course of their involvement in stripping. One hundred percent of the eighteen women in this study report sexual abuse in the stripclub. The sexual abuse ranged from two to nine occurrences with a mean of 4.4 occurrences over the course of their involvement in stripping. One hundred percent of the women report verbal harassment in the stripclub. The verbal abuse ranged from one to seven occurrences with a mean of 4.8 occurrences over the course of their involvement in stripping. One hundred percent of the women report being propositioned for prostitution. Seventy eight percent of the women were stalked by someone associated with the stripclub with a range of one to seven incidents. Sixty one percent of the

women report that someone associated with the stripclub has attempted to sexually assault her with a range of one to eleven attempts. Not only do women suffer the abuse they experience, all of women in the survey witnessed these things happen to other strippers in the clubs. The overwhelming trend for violence against women in stripclubs was committed by customers of the establishments. Stripclub owners, managers, assistant managers, and the staff of bartenders, music programmers or disc jockeys, bouncers, security guards, floorwalkers, doormen, and valet were significantly less involved in violence against the women. According to the women in this study, almost all of the perpetrators suffered no consequence whatsoever for their actions.

Physical Abuse

Customers spit on women, spray beer, and flick cigarettes at them. Strippers are pelted with ice, coins, trash, condoms, room keys, pornography, and golf balls. Men pitched a live guinea pig and a dead squirrel at two women in the survey. Some women have been hit with cans and bottles thrown from the audience. Customers pull women's hair, yank them by the arm or ankle, rip their costumes, and try to pull their costumes off. Women are commonly bitten, licked, slapped, punched, and pinched.

Table 1 - Physical Abuse

Abusive Action	Ever (by men in stripclub) (%)	At Least Once Every Day (%)	At Least Once Every Week (%)	At Least Once Every Month (%)	At Least Once Every Year (%)
Grabbed by arm	78	44 C 6 M 11 S	17 C 6 O 6 M 11 S	11 C 6 O 6 M	6 M
Grabbed by ankle	56	28 C		6 C 6 M	11 C
Grabbed by waist	94	50 C 6 M 11 S	33 C 11 M 11 S	6 M	11 C
Bitten	56	6 C	11 C		11 C
Licked	78	28 C	17 C	11 C 6 O 6 M 11 S	22 C
Slapped	39	6 C	11 C		17 C
Hair pulled	39	6 C	6 C	11 C	
Punched	72	6 C			
Pinched	72	17 C	17 C	6 C 6 M 6 S	22 C 6 S
Kicked	11	6 C			
Spit on	61	6 C			28 C
Pulled costume off	83	22 C		6 C 6 O 6 M	22 C 6 S
Ripped costume	44	6 C		6 C	17 C
Flicked cigarette	33	6 C	6 C		11 C
Sprayed beer	39	6 C	6 C	6 C	6 C

Threw ice	61	6 C	11 C	6 C	6 C
Threw coins	83	17 C	11 C	11 C 6 S	28 C
Threw cans/glasses	22	6 C			
Threw garbage	39	17 C	11 C		
Threw other	28	11 C			

N = 18

Key: C = customers, O = owners, M = managers, S = staff

Sexual Abuse

Stripclub customers frequently grab women's breasts, buttocks, and genitals. Customers often attempt and succeed at penetrating strippers vaginally and anally with their fingers, dollar bills, and bottles. Customers expose their penises, rub their penises on women, and masturbate in front of the women. Women in this study consistently connected lap dances to the sexual abuse they suffered in the club. *'That's the first thing men try to do when they get close to you and always in a lap dance.'* Stripclub owners, managers, and staff also expect women to masturbate them and some have forced intercourse on strippers.

Table 2 - Sexual Abuse

Abusive Action	Ever (by men in stripclub) (%)	At Least Once Every Day (%)	At Least Once Every Week (%)	At Least Once Every Month (%)	At Least Once Every Year (%)
Grabbed breasts	94	28 C 6 M	17 C	17 C 6 M	17 C 6 O
Grabbed buttocks	89	39 C	11 C	39 C 6 M 6 S	6 O 6 S
Grabbed genitals	67	17 C		11 C 6 M	17 C
Exposed penis to her	67	11 C	6 C	6 C 6 O 6 M	33 C
Rubbed penis on her	78	39 C 6 M	22 C 6 O 6 M 6 S	6 C	22 C 6 O
Masturbated in front of her	78	33 C 6 M	11 C	28 C	6 C

N = 18

Key: C = customers, O = owners, M = managers, S = staff

Table 3 - Sexual Abuse

Abusive Action	Experienced Attempted Abuse (%)	Experienced Successfully Completed Abuse (%)
Penetrate her vaginally with fingers	61 C 6 M	39
Penetrate her anally with fingers	33 C	17
Penetrate her with object	33 C 6 O	11
Force her to masturbate him	28 C 6 O 6 M	17
Force intercourse on her	17 C 6 O 6 M	11

N = 18

Key: C = customers, O = owners, M = managers, S = staff

Verbal Abuse

Customers, owners, managers, and staff alike engage in harassing namecalling. Women are continually called "cunt", "whore", "pussy", "slut", and "bitch". Women in this study charge that men in the stripclub called them other demeaning or degrading names like ugly, loser, fat, pregnant, boy, stupid, crack, slash, snatch, beaver, dog, dyke, lezzie, brown eye, hooters, junkie, crackhead, and shit.

Forty four percent of the women report that men associated with the stripclub have threatened to hurt them physically. These women report from three to 150 threats during their involvement in stripping. Threats range from verbal threats of slaps, ass whippings, and rapes to physical postures of punching and back hand slapping. *"When I wouldn't let a customer grab on me, he would call me a bitch and threaten to kick my ass or rape me."* *"When a customer grabs and the woman and the girl takes action, they threaten"*.

Table 4 Verbal Abuse – Namecalling

Abusive Action	Ever (by men in stripclub) (%)	At Least Once Every Day (%)	At Least Once Every Week (%)	At Least Once Every Month (%)	At Least Once Every Year (%)
Called "cunt"	61	28 C 6 M	6 C	17 C	11 C 6 M
Called "slut"	61	28 C 6 S	6 C	17 C 6 O 6 M 6 S	11 C
Called "whore"	78	28 C 6 S	6 C	17 C 6 O 6 M 6 S	22 C
Called "pussy"	72	39 C 6 S	11 C	11 C	11 C
Called "bitch"	89	39 C 6 S	11 C 6 O 6 M 6 S	6 C	22 C 6 M
Called other	56	17 C	6 C	17 C 6 M	6 C

N = 18

Key: C = customers, O = owners, M = managers, S = staff

Stalking

Men associated with stripclubs repeatedly attempt to contact the women against their wishes. Strippers are followed home and stalked by stripclub customers. Customers telephone, write letters, send gifts, and follow the women around against their wishes. Women recount stories of catching customers following them to fitness clubs, parks and lakes, day care centers, and even lesbian bars. They describe times when customers have broken into their homes and taken underwear, hairbrushes, and family photographs. Women say that other customers have used their jobs at the telephone company or within the criminal justice system to target the women. The women complain that customers also have followed them home masturbating while

driving in the next lane. Women who travel the strip circuit to rural areas report that customers and stripclub owners, managers, and staff alike follow women from city to city and state to state. Furthermore, local men in small towns harass the visiting women by calling and knocking on the doors of the motel rooms and have been caught peeping in the windows of strippers' motel rooms.

Twelve percent of the women who reported being followed to their cars further reported that they were robbed (5.6 %), beaten (11.1%), threatened with a weapon (5.6%), verbally sexually harassed (66.7%), and sexually assaulted (16.7%) by customers. A customer who claimed he was in love with the woman followed her to her car, called her a "fucking cunt" and strangled her hard enough to cause blood to squirt from her neck.

Table 5 - Stalking

Abusive Action	Ever (by men in stripclub) (%)	Range of occurrences
Sent her letters against her wishes	28	3-100 times
Sent her gifts against her wishes	22	2-100 times
Called her home against her wishes	39	2-360 times
Followed her home against her wishes	56	2-500 times
Followed her to her car against her wishes	67	12-500 times
Followed her around on her private time	28	1-150 times
Followed her from club to club, city, and state	28	6-360 times
Other	28	1-360 times

N = 18

Sexual Exploitation

Only a minority of women report that they were asked to perform sexual acts on men associated with the stripclub in order to return to work (11% by owners); as a condition of being hired (11% by managers, 11% by owners); in order to continue working there (17% by owners); in order to get a better schedule (6% by owners); or for drugs (17% by customers, 11% by managers, 22% by owners, 11% by staff).

A majority of the women, however, report they were asked to perform sexual acts on men associated with the stripclub for money (100% by customers, 6% by managers, 17% by owners, 11% by staff). Customers and pimps constantly proposition women (Boles and Garbin 1974; Forsyth and Deshotels 1997; Ronai 1992; Ronai and Ellis 1989). Fourteen (78%) women from the survey report they are propositioned for prostitution every day by customers, three (17%) every week, one (6 %) every year. Women comment that customers ask them "Do you date?" all night long. "Infinite...too many too count." Women say that prostitution is influenced and suggested by management. One woman new to stripping was dumbfounded at how little money she was making taking her clothes off, so she asked the manager for his advice on increasing tips. He suggested turning tricks and said he could help her set up dates. Management sets up tricks, says it is good for business, and obligates women to turn over money from prostitution to the club. Women say prostitution is promoted even though owners tell women

they would be punished if they turn tricks. Some stripclubs are notorious for promoting prostitution. *"You have to be a 'ho to work there"*.

Women disclosed that they were recruited into prostitution through stripping. Although the strip industry markets stripping as something other than prostitution, some women consider prostitution an extension of stripping and stripping a form of prostitution. Pimps season women first with stripping and then turn them out into brothels or escort services for more money. Tricks, sugar daddies, pimps, and drug dealers in the stripclub seek to engage women in prostitution. Another young woman said that soon after she became involved in stripping, a pimp who posed as a customer in the stripclub manipulated her into an escort service by promising that she could make more money in less time simply by accompanying businessmen to dinner. She agreed in order to feed her crack addiction and as her addiction increased she slid down from gentlemen's clubs to escort service to brothel to street and crack house prostitution.

Not only are women in stripping pressured by customers to perform sexual acts on them, owners, managers, and staff pressure the women to perform sexual acts on them, their relatives and associates, on vice officers and police officers. Women explain the pressure could range from being coerced into dancing for the intended with an expectation to put on a real good show with special treatment, extra time, and sexual contact, to engaging in prostitution. Strippers, like other subordinates in worker-management relationships, respond with obedience to directives from management and others with authority (McMahon 1989).

Table 6 - Sexual Exploitation

Recipient	Pressured by customer (%)	Pressured by owner (%)	Pressured by manager (%)	Pressured by staff (%)	Pressured by vice officer (%)	Pressured by police officer (%)
Owner's friend		39				
Owner's relative		11				
Owner's business associate		33				
Manager's friend			17			
Manager's relative			6			
Manager's business associate			11			
Customer	72	22	17	6		
Vice officer		17	11	6	11	
Police officer		17	11	6		22

N = 18

PART 3: WOMEN'S THOUGHTS ON STRIPPING

Women in stripping are overwhelmingly motivated by the promise of wealth or a will to survive (McCaghy and Skipper 1970; Ronai 1992; Thompson and Harred 1992). Stripclub owners, managers, pimps and the media portray stripping as a glamorous way to earn big money fast and use this strategy to lure young women into stripping. Women in this study report the

best part of stripping to be the money. *"The only part that keeps me there is the money"*. At the same time, women are trapped and disappointed by the money. *"I hated it...but glad I had it at the time for the income."* *"Women are reduced to exposing genitals for \$1 bills."* *"It pays the bills... if we could pay bills another way we would."* *"The bar owners and management are exploitative, they steal money."* *"It's hard to get out because of the money."* With respect to the money strippers seek to earn, they in turn must pay out fines, kickbacks, 100% of their social security insurance and taxes, travel and hotel expenses, and the costs for costumes, tanning, and plastic surgery. Women report that they have to have the right attitude to make money (Ronai 1992). This ordinarily was described as being drunk, high or numb (Forsyth and Deshotels 1997). Others feel it required tolerance. *"The ability to ignore customers for just being there."* Most women say it is easier when the men are tipping regularly and when they do not have to interact with men intimately. Women acknowledge that strippers measure their worth according to the amount of tips they earn and that they want attention, acceptance, and approval from the customers because it brings money (Futterman 1992).

Women in stripping feel it doesn't take much skill to be a stripper (Forsyth and Deshotels 1997; McCaghy and Skipper 1970). *"It would be nice to say women need dance talent but it's not true."* *"Tits, pussy, and blonde hair is all it takes."* Instead they referred to dissociation to abuse. *"It takes a willingness to do it...anybody can do it."* *"It takes somebody who can shut themselves off and be really fake."* *"...the ability to take a lot of abuse."* They state a stripper needs a good head on her shoulders, an open mind, guts, strength, and survival skills. They believe they need abuse counseling, a lifeline from the "outside world", and education about what's really going on. *"Need to know they have options, that they aren't always going to be a 'ho'."* Women in stripping want a union to protect strippers, decent working conditions, fair treatment, and an end to cruelty by management. Lastly, strippers think that women and girls don't know what they are getting into when they first start dancing. *"It's really harmful because it is so benign, so accepted."* *"Girls think they will have fun dancing and get paid, they have no idea they have to fight men's hands, and dicks, and tongues, and then fight for every fucking dollar bill you earn."* *"It was a lot different than I originally thought."*

The women in this study condemn the men associated with stripping and the impact stripping has on them as the worst parts of stripping. Women do not like the way customers treat them (Thompson and Harred 1992). Furthermore they say they do not like talking to customers, asking men for money, and resent having to have to deal with them at all. They find customers irritating because they are drunk and have negative attitudes towards women. Women characterize customers as scum, psycho mama's boys, rapists and child molesters, old perverted men, idiots, assholes, and pigs. Strippers are largely disgusted by customers and describe them as pitiful and pathetic, stupid and ignorant, sick, controlling and abusive. *"They smell so sour, they breathe very heavy and kind of wheeze when women are near."* *"They are weak abusers who have to subordinate women and girls to feel like a man."* *"I see my dad. They're old enough to be my father."* *"Yuck. I am repulsed by the sight, sound, smell, and touch of them."* *"I'm embarrassed for them."* The women offer insightful evaluations of stripclub customers. They say that these men do not know how to communicate. Moreover, they perceive that customers are out of control, have power and abuse problems, and will do anything to degrade women because they hate women. Strippers also state that customers want a free show and think women are cheap. In contrast, a few women positively perceived some customers as nice and added they are thankful to those who tip well.

Women in this study undoubtedly denounce stripclub owners as pimps and "glorified pimps" and maintain that owners misuse power and are sick. The women also label managers as

pimps citing that they mistreat women, that they make every attempt to take money from the women, and that they are sick because they are affiliated with the industry and know the harm they do. Strippers accuse managers of being threatened and jealous of the money women make and that women are just a dollar to management. Finally, women refer to staff music programmers, doormen, bartenders, bouncers, floorwalkers, and valet as wanna-be pimps because they always want to be tipped. The women see staff as derelicts who can't get a job anywhere else and who think they are cool for working in a stripclub. Strippers perceive staff as creepy and disrespectful and as "looky-lous" who just want to look at naked women for free. Women criticize staff by pointing out that at least owners are making big money. Few women had positive responses, but those that did felt they got along well with staff and had no real hard feelings.

Clearly strippers' attitudes about men are impacted by the activities in stripclubs. Women say they don't like men and men are worthless. Likewise women believe stripping inhibits their ability to be involved in a normal relationship. *"It affects your lovelife and feelings about men."* *"Nice boyfriends can't handle it."* *"Too large a percentage of men fit into category of customer and I do not want to hate men."*

Women in this study expressed mostly negativism regarding their experiences in stripping with themes of abuse, deception, drugs, and low self-esteem. *"I would never do it again. It was degrading."* *"No doubt that it led me to prostitution and my pimp."* *"Taught me how to control men and gave me a false illusion of control. Takes a long time to regain self-control."* *"Don't do it. Once you do it, it is hard to get out."* *"If there is any way you can avoid it...it is hard to get out once you start."* *"I wouldn't recommend it. It is too stressful and I am always comparing myself to other women on the outside."* *"I wish I had put more money away and had more education by the time I quit. I just didn't know it wasn't about success for us, it was about using us."* *"I spent my entire young adulthood being abused. It is hard to undo all this."* *"Drugs destroyed beautiful, healthy women."* *"I blame the men...it is all bad. I didn't think highly of myself while I was in stripping, but I am glad I got out of it by standing up for myself."* *"It is hard to view myself for who I am and my accomplishments rather than how I look and attention from men. I got this from stripping."*

Some women expressed fascination with stripping. *"It has been an experience of a lifetime. I've seen everything...some crazy shit."* *"I have never seen things like I have seen in stripping. It is weird."* Still others felt positively about their experience. *"If it wasn't for the money I made at it, I would have nothing right now. It has its ups and downs, but I always enjoy the music and dancing and the attention."* *"I have been extremely fortunate as far as what happened in stripping. It provides a good life, but I look at it as a job, work day shifts and work a straight job at the same time."* A few women also determined positive outcomes for themselves from their involvement in stripping. *"It served its purpose as a group for a sense of belonging."* *"Helped me recognize what is right and wrong, and what is right and wrong for me."* *"After surviving it I felt strong."* *"Stripping distracted me from my personal problems that led me into stripping...no way could I have held normal job with the problems I had."*

Above all, women in stripping reject the popular image of stripping and clarify the common misperceptions about stripclubs. *"That no one touches you, women enjoy it, and it's okay for men to go there."* *"That women actually get to wear a costume and actually get to dance."* *"That we get sexually aroused doing this."* *"That men are there to have harmless fun, when they are really there to abuse women."* *"That it is a big party and that the women want to be there for some reason other than money, like sex or to meet men or because they are nudists"*

or exhibitionists." "That you are doing things you want to be doing." "That they are not degrading us because girls always are justifying it with college." "That it is not prostitution." "That it is glamorous, fast money, easy work, way to get ahead."

DISCUSSIONS AND CONCLUSIONS

Men associated with stripclubs use force and coercion to establish sexual contact with women in stripping, proposition women for prostitution, intentionally inflict bodily harm upon the women, and expose themselves to the women. These actions are prohibited by law, yet when these crimes are committed against women in stripclubs, the general attitude that strippers deserve what they get prevails. Women's complaints of abuse are met with contempt and are dismissed by owners, managers, and staff. Women are customarily told to ignore abuse and have been rebuffed with "Go bend over and do your job" and "You have to expect a certain amount of that." In the case of women in stripping, enduring sexual violence is part of her job description. Women in stripping are expected to endure these abuses, degradations, and humiliations with a smile and a "Thank You".

The degree of sexual violence perpetrated against strippers explodes the myths about stripping as harmless entertainment. The verbal harassment, physical and sexual abuse, and financial exploitation women suffer in stripclubs is unparalleled in any other legitimate workplace. Women in stripping are subject to actions that would be perceived as assaultive or at least unwanted in any other context or were directed against other women. Stripclubs allow men to use and abuse women in a manner that is not tolerated in any other business.

The organization and conditions of stripclubs not only produce and reproduce gender inequality, but facilitate and normalize men's violence against women. Sexual violence has been normalized, institutionalized, and legalized in the stripclub industry as socially sanctioned male behavior. Stripclubs and the men associated with stripclubs have turned acts of violence into entertainment and tied male sexual pleasure to victimizing and exploiting. Stripclubs are structured according to male domination and control, and are inherently violent. It is impossible to set up stripclubs without sexual violence and that is reason to challenge the legitimacy of stripclubs.

Future research should address men associated with stripclubs and their views on women in stripping and stripclub activities. An exploration of why stripclubs exist, an explanation of why men go to stripclubs, and a description of how stripclub owners and government policy establish the tone and culture of stripclubs are also in order. Future research should explore gender role socialization and female strippers' perceptions of sexual harassment and violence. The definition of sexual harassment should be tested with strippers to learn if they perceive actions differently than women in other workplaces. In turn, strippers' rights in the workplace must be considered. Studies focused on women's emotional and psychological response, including drug and alcohol abuse, to violence in stripclubs should be conducted.

REFERENCES

- Boles, Jacqueline and A.P. Garbin. 1974. "The Strip Club and Stripper-Customer Patterns of Interaction." *Sociology and Social Research* 58:136-144.
- Ciriello, Sarah. 1993. "Commodification of Women: Morning, Noon, and Night." Pp. 264-281 in *Transforming A Rape Culture*, eds. Emille Buchwald, Pamela Fletcher, and Martha Roth. Minneapolis MN, Milkweed Editions.
- Cooke, Amber. 1987. "Stripping: Who Calls the Tune?" Pp. 92-99 in *Good Girls, Bad Girls: Feminists and Sex Trade Workers Face to Face*, ed. Laurie Bell. Toronto: Seal Press, pp. 92-99.
- Enck, Graves E. and James D. Preston. 1988. "Counterfeit Intimacy: A Dramaturgical Analysis of an Erotic Performance." *Deviant Behavior* 9:369-381.
- Fischer, Carrie Benson. 1996. "Employee Rights in Sex Work: The Struggle for Dancers' Rights as Employees." *Law & Inequality: A Journal of Theory and Practice*, 14, pp. 521-554.
- Forsyth, Craig and Tina Deshotels. 1997. "The Occupational Milieu of the Nude Dancer." *Deviant Behavior* 18:125-142.
- Futterman, Marilyn. 1992. *Dancing Naked in the Material World*. Buffalo, NY: Prometheus Books.
- Hamel, Jacques. 1993. *Case Study Methods*. Newbury Park, CA: Sage Publications.
- Hanmer, Jalna, Jill Radford and Elizabeth Stanko. 1989. *Women, Policing, and Male Violence*. International Perspectives. London: Routledge.
- Hearn, Jeff. 1994. "The Organization(s) of Violence: Men, Gender Relations, Organizations, and Violences." *Human Relations* 47:731-754.
- Kelly, Liz. 1987. "The Continuum of Sexual Violence". Pp 46-60 in *Women, Violence, and Social Control*, eds. Jalna Hanmer and Mary Maynard. Atlantic Highlands, NJ: Humanities Press International.
- Mattson, Heidi. 1995. *Ivy League Stripper*. New York, NY: Arcade Publishing.
- McCaghy, Charles and James K. Skipper. 1970. "Stripteasers: The Anatomy and Career Contingencies of a Deviant Occupation." *Social Problems* 17:391-405.

- McMahon, Christopher. 1989. "Managerial Authority." *Ethics* 100:33-53.
- Peretti, Peter.O. and Patrick O'Connor. 1989. "Effects of Incngruence Between The Perceived Self and the Ideal Self on Emotional Stability of Stripteasers." *Social Behavior and Personality* 17:81-92.
- Prewitt, Terry J. 1989. "Like a Virgin: The Semiotics of Illusion in Erotic Performance." *The American Journal of Semiotics* 6:137-152.
- Reed, Stacy. 1997. "All Stripped Off." Pp. 179-188 in *Whores and Other Feminists*, ed. Jill Nagle. New York, NY: Routledge.
- Reid, Scott A., Jonathon A. Epstein and D. E. Benson. 1994. "Role Identity in a Devalued Occupation: The Case of Female Exotic Dancers." *Sociological Focus* 27:1-27.
- Ronai, Carol Rambo and Carolyn Ellis. 1989. "Turn-ons for Money: Interactional Strategies of the Table Dancer." *Journal of Contemporary Ethnography* 18:271-298.
- Ronai, Carol Rambo. 1992. "The Reflective Self Through Narrative: A Night in the Life of an Exotic Dancer Researcher", in *Investigating Subjectivity: Research on Lived Experience*, eds. Carolyn Ellis and Michael Flaherty. Newbury Park, CA: Sage, pp. 102-24.
- Ronai, Carol Rambo, Barbara A. Zsembik, and Joe R. Feagin. 1997. *Everyday Sexism in the Third Millenium*. New York, NY: Routledge.
- Thompson, William E. and Jackie L. Harred. 1992. "Topless Dancers: Managing Stigma in a Deviant Occupation." *Deviant Behavior* 13:291-311.

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NLC Summaries of "SOB Land Use" Studies

*Crime Impact Studies by Municipal and State Governments
on Harmful Secondary Effects of
Sexually Oriented Businesses*

1. *Phoenix, Arizona*
2. *Tucson, Arizona*
3. *Garden Grove, California*
4. *Los Angeles, California*
5. *Whittier, California*
6. *Adams Co., Colorado*
7. *Manatee Co., Florida*
8. *Indianapolis, Indiana*
9. *Minneapolis, Minnesota*
10. *Saint Paul, Minnesota*
11. *Las Vegas, Nevada*
12. *Ellicottville, New York*
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15. *Times Square, New York*
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17. *Cleveland, Ohio*
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25. *El Paso, Texas*
26. *Houston, Texas*
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EXCERPTS FROM :

<http://www.nationallawcenter.org/SOB%20Summaries.htm>

Phoenix, Arizona

Land Use Study

Dated May 25, 1979

The study examines crime statistics for 1978 comparing areas which have sexually oriented businesses with those that do not. The results showed a marked increase in sex offenses in neighborhoods with sexually oriented businesses, and also proved increases in property and violent crimes as well. This study is not unique but is unusually significant, in covering the issue of property crimes more extensively.

Three study areas (near locations of sexually oriented businesses) and three control areas (with no sexually oriented businesses) were selected. The study and control areas were paired according to the number of residents, median family income, percentage of non-white population, median age of population, percentage of dwelling units built since 1950, and percentage of acreage used for residential and non-residential purposes.

Three categories of criminal activity were included in the study: property crimes (burglary, larceny, auto theft), violent crimes (rape, murder, robbery, assault), and sex crimes (rape, indecent exposure, lewd and lascivious behavior, child molestation).

On average, the number of sex offenses was 506% greater in neighborhoods where sexually oriented businesses were located. In one of the neighborhoods the number was 1,000% above the corresponding control area. Of the sex offenses, indecent exposure was the most common offense and the largest contributor to the increase of crimes in areas where sexually oriented businesses were located. Even without considering the crime of indecent exposure, the number of other sex crimes, such as rape, lewd and lascivious behavior, and child molestation, was 132% greater than in control areas without sexually oriented businesses.

On average the number of property crimes was 43% greater in neighborhoods where sexually oriented businesses were located, and the number of violent crimes was 4% higher in those areas.

The Phoenix ordinance requires sexually oriented businesses to locate at least 1,000 feet from another sexually oriented business and 500 feet from a school or residential zone. Approval by the City Council and area residents can waive the 500 foot requirement. A petition signed by 51% of the residents in the 500 foot radius who do not object must be filed and be verified by the Planning Director.

Indianapolis, Indiana

Land Use Study

Dated February, 1984

OVERVIEW: After a 10 year growth in the number of sexually oriented businesses (to a total of 68 on 43 sites) and numerous citizen complaints of decreasing property values and rising crime, the city compared 6 sexually oriented business "study" areas and 6 "control" locations with each other and with the city as a whole. The study and control areas had high population, low income and older residences. In order to develop a "best professional opinion," the city collaborated with Indiana University on a national survey of real estate appraisers to determine valuation effects of sexually oriented businesses on adjacent properties.

CRIME: From 1978-82, crime increases in the study areas were 23% higher than the control areas (46% higher than the city as a whole). Sex related crimes in the study areas increased more than 20% over the control areas. Residential locations in the study areas had a 56% greater crime increase than commercial study areas. Sex related crimes were 4 times more common in residential study areas than commercial study areas with sexually oriented businesses.

REAL ESTATE: Homes in the study areas appreciated at only 1/2 the rate of homes in the control areas, and 1/3 the rate of the city. "Pressures within the study areas" caused a slight increase in real estate listings, while the city as a whole had a 50% decrease, denoting high occupancy turnover. Appraisers responding to the survey said one sexually oriented business within 1 block of residences and businesses decreased their value and half of the respondents said the immediate depreciation exceeded 10%. Appraisers also noted that value depreciation on residential areas near sexually oriented businesses is greater than on commercial locations. The report concludes: "The best professional judgment available indicates overwhelmingly that adult entertainment businesses -- even a relatively passive use such as an adult bookstore -- have a serious negative effect on their immediate environs."

RECOMMENDATIONS: Sexually oriented businesses locate at least 500 feet from residential areas, schools, churches or established historic areas.

Oklahoma City, Oklahoma II

Land Use Study

Dated June 1992

This study, written by Jon Stephen Gustin, a retired sergeant for the Oklahoma City Police Department, examines a history of the successful abatement of sexually oriented businesses (SOBs) in Oklahoma City between 1984 - 1989, which ultimately reduced an alarmingly high crime rate in the city, which is one of many harmful secondary effects related to the operation of SOBs in the community.

This study indicates that in the early 1980's there was a large growth of SOBs in Oklahoma City in conjunction with a boom in the oil industry resulting in a large influx of oil field workers in the area. Houses of prostitution, nude bars and adult theaters spread throughout the city. SOB promoters and entrepreneurs from around the country came to the area to compete for their share in the market. By 1984, over 150 SOBs and an estimated 200 prostitutes operated in the city. SOB owners competed by using more and more blatant signs and advertising. As a result, the city experienced epidemic proportions of crime problems associated with the SOBs. Citizens began to voice concerns over the decay of community moral standards, the increased crime rate, and decreased property values.

Although Oklahoma City had a history of unsuccessful prosecution of cases related to pornography, prostitution, and related SOBs, public pressure from citizens and elected officials ultimately resulted in support by the Chief of Police, the City Council and the city's District Attorney to prosecute SOBs that were in violation of the law. Abating prostitution and related businesses was the first priority. The media aided this effort by publishing names of arrested customers and prostitutes, and airing live coverage of arrests and raids. This bolstered citizen support of police and prosecutors.

At adult bookstores and peep booths arrests were made for customers propositioning undercover officers to engage in sex acts, for the sale and possession of pornography, the display of pornography and for health department violations (including seminal fluids on the walls and floors of peep show booths). [Note that the author uses the term "pornography" referring to illegal pornography, also known as "obscenity."]

The city next focused on prosecution for violations at nude and semi-nude dance bars, where customers engaged in sexual favors with nude employees in exchange for the purchase of expensive cocktails. Repeated arrests in these bars forced them into compliance, causing a lack of customer support. Simple arrests at escort services, which were organized fronts for prostitution, did little to abate the illegal activity. Therefore, police worked undercover, arresting solicitors of the service. Also an attempt was made to prohibit businesses that had been convicted on prostitution charges from having access to phone service.

As a result of the aggressive arrest and prosecution efforts, only a handful of the original 150 SOBs remained by early 1990. All remaining SOBs operated within statutory guidelines. It has been documented that incidents of reported rape in Oklahoma City decreased 27% during that period, while it increased 16% in the rest of the state. In 1983 nearly one-half of the rapes in Oklahoma occurred in Oklahoma City, decreasing to

one-third by 1989. This is an example of the benefits of stringent enforcement and prosecution of the so called "victimless crimes" associated with SOBs.

Austin, Texas Land Use Study

Dated May 19, 1986

OVERVIEW: The report was the basis for developing an amendment to existing sexually oriented business ordinances. At the time, 49 such businesses operated in Austin, mostly bookstores, theaters, massage parlors and topless bars. The study examined crime rates, property values, and trade area characteristics.

The report focused on sexually related crimes in four study areas (with sexually oriented businesses) and four control areas (close to study areas and similar). Two study areas had one sexually oriented business and the others had two such businesses. To determine the effects of these businesses on property values, the city sent surveys to 120 real estate appraising or listing firms (nearly half responded). For trade area characteristics, three businesses (a bookstore, theater and topless bar) were observed on a weekend night to determine customer addresses.

CRIME: Sexually related crime ranged from 177-482% higher in the four study areas than the city average. In the two study areas containing two sexually oriented businesses, the rate was 66% higher than in the study areas with one such business. All control areas had crime rates near the city average.

REAL ESTATE: 88% said that a sexually oriented business within one block of a residential area decreases the value of the homes (33% said depreciation would be at least 20%). Respondents also said such a business is a sign of neighborhood decline, making underwriters hesitant to approve the 90-95% financing most home buyers require. They said commercial property is also negatively affected by such businesses.

TRADE AREA CHARACTERISTICS: Of 81 license plates traced for owner address, only 3 lived within one mile of the sexually oriented business. 44% were from outside Austin.

RECOMMENDATIONS: 1) Sexually oriented businesses should be limited to highway or regionally-oriented zone districts. 2) Businesses should be dispersed to avoid concentration. 3) Conditional use permits should be required for these businesses.



REGULATION OF SEXUALLY ORIENTED BUSINESSES

It is undisputed that state and municipal legislatures have the power to enact content-neutral laws regulating the time/place/manner in which a Sexually Oriented Business (hereinafter "SOB") operates. See *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of National City v. Wiener*, 3 Cal.4th 832, 838 P.2d 223 (1992); *Topanga Press, Inc. v. City of Los Angeles*, 989 F.2d 1524 (1993); *DiMa Corp. v. Town of Hallie*, 185 F.3d 823 (7th Cir. 1999), cert. den. April 17, 2000; and *City of Erie v. Pap's A.M.*, ___ U.S. ___, 120 S.Ct. 1382 (March 29, 2000), 2000 WL 313381.

The experiences of other states and cities demonstrate that reasonable SOB restrictions are a beneficial and necessary means of reducing and curtailing deleterious "secondary effects" of adult-oriented establishments, including increases in:

1. crime,
2. noise,
3. traffic congestion,
4. police response time and efforts,
5. parking problems,
6. sexual disease,
7. illegal sexual activity,
8. littering of discarded sexually explicit material and paraphernalia on neighboring properties,
9. problems of harassment of neighborhood adults and children,
10. loitering, and
11. problems of visual blight from bright colors and explicit signage associated with adult businesses.

Courts have held that SOBs can be a source of urban decay, and that the location of such business enterprises in fact can lead to the secondary effects that SOB ordinances seek to curtail. See *Young*, *Renton*, and *National City*, *supra*. SOB regulations are designed to prevent crime, protect the city's retail trade, maintain property values, and generally protect and preserve the quality of the city's neighborhoods, commercial districts, and the quality of urban life.

In *Renton*, the U.S. Supreme Court held that states and cities may rely on the experiences of other communities to prevent or reduce the attendant harmful secondary effects of adult-oriented establishments and sexually oriented businesses, rather than await the impact of such effects. 475 U.S., at 50-52. See, also, *Genusa v. City of Peoria*, 619 F.2d 1203 (7th Cir. 1980) (there is no need to demonstrate a past history of adult uses causing neighborhood deterioration; a city may rely on the experience and findings of other legislative bodies as a basis for action). Because of their unique nature, SOBs have produced consistently similar negative secondary effects in a number of cities and counties studied, regardless of size. See copies of Official Studies of Land Use & Crime Impact from Several American Cities and Counties, referred to in the *NLC Legal Manual on How to Enact Sexually Oriented Business Ordinances*.¹ See, also, *DiMa*, *FW/PBS*, *Barnes*, *Wiener*, and *Topanga Press*, *supra*.

¹ This publication can be obtained by contacting NLC headquarters in Fairfax, VA. at 703-691-4626..

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 367
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
Title Licensing Sex Oriented Businesses RDU Occupational Licensing (117)
Component Occupational Licensing
Sponsor Representatives McGuire and Gara
Requester House Labor and Commerce Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	48.9	48.9	48.9	48.9	48.9	48.9
Travel	13.2	7.2	3.0	3.0	3.0	3.0
Contractual	78.2	66.6	3.6	3.6	3.6	3.6
Supplies	5.0	5.0	5.0	5.0	5.0	5.0
Equipment	6.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	151.3	127.7	60.5	60.5	60.5	60.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1156)	279.0	0.0	121.0	0.0	121.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services	151.3	127.7	60.5	60.5	60.5	60.5
TOTAL	151.3	127.7	60.5	60.5	60.5	60.5

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 367 creates new licensing and regulation for sex-oriented businesses and sex-oriented business entertainers. The bill also requires the department to establish by regulations, standards of conduct and physical characteristics of licensed premises; educational requirements for entertainers 19 or 20 years of age; and other requirements on applying for and renewing licenses.

A detailed explanation of the above costs are attached.

Prepared by: Jennifer Strickler, Administrative Manager
Division: Occupational Licensing
Approved by: Edgar Blatchford, Commissioner
Agency: Department of Community and Economic Development

Phone (907) 465-2144
Date/Time 1/30/04 9:10 AM
Date 1/30/2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB 367

ANALYSIS CONTINUATION

PERSONAL SERVICES: \$48.9

1 - Occupational Licensing Examiner I, PFT, Range 13B

This position will support the licensing program for sex-oriented businesses and entertainers. This position will prepare and process application forms, ensure applicants meet specific criteria for licensure, ensure public hearings are implemented as required by statute, and issue licenses upon approval. It is a possibility that a full-time position will not be necessary to support this program, however, since we are not aware of the number of individuals that will be impacted by this bill, this fiscal note is based on a full-time position.

Preliminary numbers of applicants from supporters of the bill indicate approximately 20 business owners and 100+ entertainers may be subject to licensure.

TRAVEL: \$13.2

In the first year of operation, travel funding is anticipated for the following -

- Regulation Hearings (travel for the Regulations Specialist), at least 4 trips @ \$600/per trip = \$2.4
- Travel for Business Owner application hearings under AS 08.90.075, 15 applicants @ \$600/per trip = \$9.0
- Travel for Enforcement to areas outside of Anchorage, 3 trips @ \$600/per trip = \$1.8

In the second year of operation, the number of Business Owner application hearings is anticipated to reduce from 15 to 5 ($5 \times \$600 = \3.0). Regulations and Enforcement costs are also anticipated to repeat in the second year. Total: \$7.2

By the third year of operation, the regulation hearings should be completed. Only Business Owner application hearings (at least 2 @ \$600 = \$1.2) and Enforcement (\$1.8) are expected. Total: \$3.0

CONTRACTUAL: \$78.2

- Educational Program Development and Counseling Services required by AS 08.90.060, \$50.0
We are not aware of programs or services that are currently in existence, or if they do exist, the costs involved in participating in those programs. This funding is needed if the department must contract to develop a program; however, if programs and services already exist, amount may be reduced when more information is obtained.
- Regulation costs (notices, hearings, etc.), \$10.0
- Business Owner application hearings under AS 08.990.075, public notices for 15 applicants @ \$200 = \$3.0
- Room Rentals for the Business Owner application hearings, 15 applicants @ \$400 = \$6.0
- Fingerprint Processing for 105 applicants in the first year x \$59ea. = \$6.2
- Communications expenses (phones, postage, etc.) = \$3.0

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. HB 367

ANALYSIS CONTINUATION

In the second year of operation, the number of Business Owner application hearings, public notices is anticipated to reduce from 15 to 5, $\$200 \times 5 = \1.0 ; Room Rentals for Business Owner application hearings, 5 applicants @ $\$400 = \2.0 ; and Fingerprint Processing for 10 applicants @ $\$59 = \0.6 . Total: $\$66.6$

By the third year of operation, the Regulation Hearings and Educational Program Development should be completed. It is anticipated that only Fingerprint Processing will continue, approx. 10 applicants @ $\$59 = \0.6 ; and Communication expenses (phones, postage, etc.) $\$3.0$. Total: $\$3.6$

SUPPLIES: \$5.0

This funding provides basic operating supplies for the program (paper, etc.)

EQUIPMENT: \$6.0 (one-time expense)

This one-time funding will provide workstation and equipment set-up for the new position.

Funding Source: Receipt Supported Services

This program is anticipated to be funded by licensing fees. Under AS 08.90.080 of the bill, the Business is expected to pay costs associated with the educational and counseling requirements for $\$50.0$. Fees are estimated as follows:

120 licensees divided by operating costs of $\$101.3 = \844 biennial fee

Sex-Oriented Businesses are required to also cover the $\$50.0$ Educational and Counseling costs; therefore, 20 sex-oriented businesses will pay an additional $\$2,000$ each. In summary the fees are estimated to be -

Sex-Oriented Entertainers: $\$844.00$ biennial fees

Sex-Oriented Businesses: $\$2,844.00$ biennial fees

Licensure will be based on a biennial cycle like other regulatory programs.

Cover Letter

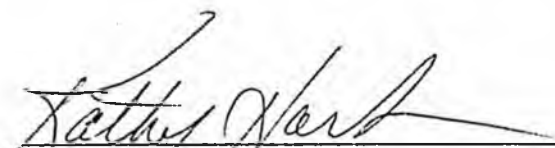
February 13, 2004

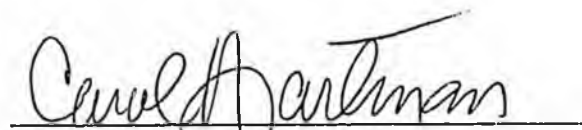
To Legislators of Alaska's Twenty Third Legislative Session:

Enclosed is a packet of information that we believe is pertinent to the issues involved in HB 367. All information enclosed is based on facts, not here-say.

The packet we received from Rep. Anderson had many, many articles, resolutions, statements and quotes in it that appear to be based on here-say, not fact.

Thank you for your prompt attention to this matter. We are looking forward to seeing you in Juneau on Monday to discuss this issue further.


Kathy Hartman


Carol Hartman

Index of Items Regarding HB 367

1. Cover letter
2. Letter, legal info. And objections to HB 367
3. First Amendment
4. Quote from Bill Miller (APD Deputy Chief)
5. Fantasies on 5th job application
6. Permit for Premises Where Minors are Not Allowed (and letter re: expansion of same)
7. Health inspections, Health permits (including original permit from 1989)
8. ServSafe Certificates
9. Receipt for ID Checking Guide
10. Alaska State Business License
11. W-3 Transmittal of Wage and Tax statements
12. Employers Notice of Insurance
13. Mechanical Safety Report
14. Municipality of Anchorage Amendment to AMC 10.40.050 (Adult Oriented Establishment License)
15. Application for license for Adult Businesses, now required due to amendment of AMC 10.40.050
16. AMC 21.45.240 Location of Premises Where Children are Not Allowed
17. Safe Harbor Inn letter of support for facility and property improvements
18. Personal letters of opinions and support
19. Article on Discrimination
20. Article: "Why would a woman want to become a stripper?"
21. Letters to the Editor, Anchorage Daily News
22. Quotes from Adult Entertainment & The Secondary Effects Doctrine, by Federal Judges and others
23. Articles on Free Speech, Free Expression, and First Amendment Rights
24. Articles on "Adverse Secondary Effects"
25. Articles showing attorneys costs and fees collected in the course of litigating these types of issues
26. Definition of Assault and Definition of Sex
27. Missouri law to raise age of dancers overturned by the courts
28. Ten year study of exotic dancers and patrons
29. Article re: Tampa residents unashamed of clubs that help economy
30. Article on dancers donating to charity
31. Copy of HERE Local 878 Union Contract
32. AS 25.05.011 Civil Contract (age of marriage)
33. State age for sexual consent and age for viewing adult material laws
34. Article: Adult Entertainment opponent arrested for solicitation of prostitution
35. Article on Censorship
36. Signed petitions (in support of constitutional rights of young adult, 18 and over, and opposing HB 367)
37. UAA statistical Analysis on Sexual Assaults in Anchorage, Alaska
38. Letter to Anchorage Chief of Police requesting crime statistics specifically relevant to certain businesses
39. Packet of assessed property values from 2001 - 2003 from areas surrounding adult cabarets.

February 8, 2004

To all Representatives of The Twenty Third Alaska State Legislature:

First of all, I would like to state that I am very offended by the title of Bill 367, "Licensing Sex Oriented Businesses", or SOB's as you like to refer to us. Our business is an "Adult Oriented Establishment"; it is *not* "sex-oriented", and has nothing to do with the performance of "sex". There is no reason to try and force our adult cabarets to provide training on STD's when there is no sex taking place.

The age for consensual sex in the State of Alaska is 16, except with "figures of authority" such as teachers and police officers, yet the Legislative body is going to try to pass a bill restricting 18, 19, and 20 year olds from working at, or even entering an *adult* Gentlemen's Club. That is ludicrous.

There are children, probably as young as 12 years old or younger that are reading and looking at Playboy, Penthouse, Hustler, and probably many magazines that are much worse, and more graphic than those. They can turn on their televisions and see very graphic movies on pornographic style channels that show live and real actual sex acts being performed. This is very graphic, and unless their parents have those channels blocked, the kids are free to watch them at their leisure. Why not attempt for further regulate the areas where these materials are so easily accessible to minors and children. At adult entertainment establishments, there are permits, licenses, and stick age rules that keep minors and children from attending.

There is absolutely no reason, or need to further regulate our businesses, as we are currently being regulated locally by the municipal ordinance that was just amended in December, 2003. The amended ordinance now includes "Adult Cabarets" as adult-oriented establishments or adult businesses, and we are thereby forced to get a license to operate through the Municipality and follow the regulations set out in that ordinance (10.40.050).

It has been said that the "21 and over adult entertainment establishments that sell alcohol are regulated by the Alcohol Beverage Control Board, so they don't need any other regulation. When, do you suppose, was the last time the ABC Board went out and did any kind of inspecting, regulating, or anything else in these clubs? The city's resources are just not available, and therefore, we in the industry try to self-regulate our own businesses.

We believe that HB 367 is proposed primarily to put our establishments out of business, at least those that allow 18, 19, and 20 year olds to enter, and don't sell alcohol.

Accusations of illegal actions taking place in these clubs have risen along with accusations that we lure young girls to work for us, including high school students. We can only speak for our own establishment,

Fantasies on 5th Avenue, when we say to you that we **do not** hire young adults that are still in high school. We have even posed the question on our application; (Are you currently attending High School?) If a person that applies for employment with us is still attending high school, we tell them they need to complete school and graduate before returning to apply for a job in the future.

If there are illegal problems that are taking place in or around these establishments, there are already laws in place that would allow the police to arrest the people involved. If there is an issue with employee verses independent contractor, the Department of Labor and Workforce development is there to handle those problems. We talked briefly to Les Gara Saturday, February 7th, in Anchorage and informed him that our dancers, as well as other staff, are treated as **employees** and are on the payroll. I offered to give him a copy of our W-3 transmittal form, but he assured me that was not necessary, as he knows we do payroll and our dancers are employees. However, the offer still stands.

Fantasies on 5th Avenue (formerly known as Sands North Showclub) has been in business in Anchorage for over 15 years. In that time we have had very little contact with the Anchorage Police Department involving crime. The few times we have had any sort of problems and the police have gotten involved, it was usually because we called them and asked them to assist us with a customer that was causing a problem. There has never been a serious crime committed at our place of business.

In the letter to House Labor and Commerce Committee from Diana L. Straub, I noticed that she addresses the issue of health inspections, and suggests you should get the DEC to provide them in a timely manner to "protect entertainers against the spread of diseases i.e., hepatitis." Please be informed that our adult oriented establishment has been in compliance with Health Department inspections, Fire Marshall inspections, and all other Municipal permits, codes and inspections for over 15 years. As a matter of fact, we just had a recent health inspection last month and we received 100 points. (See attached copy)

Ms. Straub also suggests that the Division of Occupational Licensing Investigators should investigate our establishments and build cases against unethical employers and unlicensed employees, if they stay in place long enough to build a case. She goes on to say "We already know that the businesses move frequently and change names as they do". As I stated earlier, we have been in business here in Anchorage for over 15 years. We were located at 401 W. International Airport Road for 10 years in a building that we leased for 10 years. After our lease ran out, and after spending over 2 ½ years searching for a place that complied with the strict zoning laws, we finally purchased the building at 1911 E. 5th Avenue, and have been there for over 5 years. We have no intentions of moving from that address, as we own it and there is no lease to consider.

As far as the question she poses "Will we take our officers off the streets to provide these occupational

investigations?", no, that would not be necessary. We are not the threat to society that everyone is being lead to believe because of the false accusations being throw around. We have had very little involvement with the police, but the few times we have, is usually because we called and asked for their assistance in removing a disorderly person, or a similar situation. The police are welcome in our place of business, and often come in to look around, search for someone, or just to walk around and check the place out.

After reading page three of Diana Straub's letter, I am shocked, to say the least. This is an insult to everyone who has ever been a dancer and to us as employers of those dancers and owners of the business. (See attached letter) And, by the way, we have a janitor; in fact he is my 25 year old son, who cleans the club, including the stage, stage pole, mirrors, dressing rooms, bathrooms, and the entire area **every single day, seven days a week!** What kind of people do you think we are?

You obviously think we are filthy, dirty, second class citizens that are running some weird and horrible business. You are treating us like lepers, and trying to convince the entire public that we are very bad people that are treating these dancers very poorly i.e. exploiting them, luring them to work for us, not maintaining a healthy work environment, etc. The public is being led to believe that we are the scourge of the community, and our businesses and the people involved with them must be done away with! How would any of you know? Try coming to our business and checking it out sometime. Talk to the employees, inspect the establishment for yourselves. We have nothing to hide, and we have a bunch of very nice, respectable, and intelligent young women that are employed by us. Has Diana Straub ever been to our business? If not, how can she be allowed to make such inaccurate and insulting remarks about us and our employees?

We have recently read, **in print**, many slanderous and defaming remarks made toward us, our employees, our customers, and our businesses. We take very serious offense to these statements, accusations, and remarks! WE truly believe that if you are allowed to make slanderous remarks, you must be able to back them up with proof, and the proof must pertain specifically to those it intended to harm. You are attempting to turn an entire community, and the entire state, against us and our adult oriented businesses and black-ball us entirely with your constituents. How can we defend ourselves against the lies and innuendos that are being made publicly and privately? Even if we present all the proof necessary to defend ourselves and prove the lies are wrong; **the damage has already been done!**

Fantasies on 5th Avenue, and The Setter Lounge (located adjacent, and also owned by Kathy Hartman, are both members of Alaska CHARR, Anchorage CHARR, as well as HERE Union Local 878. We are board members of the CHARR Educational Scholarship Fund. We are members of the national Association of Club Executives, and we have already contacted the First Amendment Lawyers Association to aprise us of our legal

rights, as well as our constitutional rights. We have longstanding records of donating to Alaska Peace Officer's Association, Crime Stoppers, Anchorage Firefighters, A.P.D.E/A., Alaska Shrine Temple, Special Olympics of Alaska, Muscular Dystrophy, Multiple Sclerosis, American Diabetes Assn., Independent Order of the Blind, Mothers Against Drunk Drivers, Holy Rosary Academy, Leukemia Society, R.S.V.P., Easter Seals, Wish Upon a North Star, Victims for Justice, Anchorage Neighborhood Watch, Mountain View and Fairview Community Councils; along with radio ads for missing children, prevention of drunk driving, and more.

My sister Kathy and I are in our mid-fifties. Neither of us have a criminal history of any kind. None whatsoever! Neither one of us would have any problem passing the most stringent background check, however, we feel that is just one more insult, and a violation of our constitutional rights. How many other business owners in the Municipality of Anchorage, or in the State of Alaska for that matter, are required to have a background check to ensure they have never been convicted of any felonies or sexual assault charges? If you want to require these types of checks, then you should start with teachers, day care workers, social service workers, priests, coaches, Boy Scout leaders, and any other people that work with, or around children in any way.

We hire a variety of women of all ages. Many of the dancers come and go, however, we have several dancers that have been employed by us for several years, and they stay with us because we run a good, clean business. They feel safe in their environment. We have always offered encouragement, and assistance for any employee that would like to further their education. We allow them to choose a schedule that lets them concentrate on their studies and attend college, or a trade school. Many have taken a week or two off at a time so they can study for their finals, and then take their tests. We have single moms that are supporting themselves and their children; while some dancers are married and help support their family.

There is a perception about our business that is very wrong. People are being made to believe through all the publicity from HB 367 that we have a raunchy place of business where we have a bunch of 18 and 19 year old girls dancing, and lots of them are still in high school. **This is totally untrue!** A very small percentage of our dancers are under 21, but the few that are, have every right to work for us. We currently have 4 dancers employed at Fantasies on 5th that are college students. One of them is only 20 years old, and is about to get her second degree at UAA. Last year we lost one of our dancers that had worked for us for approximately four years. She graduated from UAA and moved to Arizona to get her Masters Degree. We have had quite a few dancers that have brought themselves a long way in this society, and are very decent and upstanding citizens. Some are married, they have good jobs, and some are raising families. Most of them still stay in touch with us, even years after they have left their jobs as dancers. They bring their children in to visit us, and we have watched them grow. These are real people, just like you people are, and the rest of society is. Actually, the dancers we

have had, and currently have, are much better people than a lot of people I have met. They are being treated very unfairly, and you legislators, PTA members, and all the rest have no idea what you are talking about.

The majority of our dancers are over 21 and some are in their 30's. And, yes, true to contrary belief, and false information being given out by those trying to push HB 367, every person that is employed by Fantasies MUST fill out an application, an I-9, and a W-4. We also take photocopies of their drivers' license and Social Security card to keep on file. Several times the police have come to our establishment when they are looking for someone, and we have shared information with them, as we also take a photograph of the dancer and attach it to the front of the application.

I believe this entire matter is a local matter, and should never have been addressed at the state level. This seems like double jeopardy to force us to get city licensing and be regulated through the Municipality, then turn around in less than a month and try to force us to do the same things, including getting another license through the state. It is very obvious to anyone that reads HB 367, and has knowledge of last month's ordinance amendment, that you are trying to force our businesses totally out of existence.

There is a statement included in the 'Sponsor Statement for HB 367' that I am unclear on. It is the part stating that one of the primary goals of this bill is "to protect minors". There are no minors allowed in any of these establishments, so which minors does this bill intend to protect, and how will it protect them?

Representative Gara commented that "some of the massage parlors actually share an entrance with a residential unit where minors live". There is a zoning ordinance that states adult oriented establishments must be 1000 feet from a residence, church, school, and numerous other places, so if there are massage parlors connected to residential units, why have they not been forced to comply with the rules set out in the ordinance. It took us 2 1/2 years to locate a business that would comply with the zoning ordinance!

A few minutes ago I took a break from typing and turned on the television. The channel 11 News was just coming on after the Grammy's. I saw the story they did on the State Legislature and HB 367. It was the "top story" I was a little amazed that the story that immediately followed wasn't the top story. It was about the schools in Anchorage. They were interviewing a boy from one of the schools that was telling them about his friend that got caught with a gun at school, and was sent to McLaughlin Youth Center. He said his friend brought the gun to school because he feared for his life and was afraid some other kids were going to shoot him. The boy they were interviewing had a black eye, and the reporter said he got it during a fight at school. The story was about the fear of students in schools, the weapons in the schools, and the violence in the schools. The reporter said the threat of violence involves mainly the 12 - 18 year old students. Why aren't the PTA members more concerned with these issues? We don't have violence going on at our business. You all make our business

sound like a dangerous and unsafe place to be, but the schools seem to be the dangerous places you should be worried about. Where are the parents? Probably at meetings that are concentrating on putting us out of business!

Lesil McGuire admitted that she may be "on thin ice" with the issue of this bill being unconstitutional, so there was an amendment to HB 367. As business owners, we were unable to speak at the teleconferencing that took place last Friday, January 30th. Kathy was out of town, and I had prior commitments. We were informed that there was to be another teleconference held at the Legislative Information Office here in Anchorage on Monday, February 2nd. There were seven people from our industry there to give public comment, however we were told that we would only be given three minutes apiece to speak. Three minutes is not enough time to address the issues that need to be addressed in this matter. I understand, from reading the minutes of the Friday, January 30th teleconference, that the people at that teleconference, (which were all persons in favor of HB 367), were given as much time to speak as they needed. We were told earlier on Monday, February 2nd, that there had been some changes to the bill since Friday's teleconference. However, they were not posted to the internet website, and we only received a copy of the changed. or revised Bill, as we were sitting around the table waiting to speak. We were not even given time to read the new bill so that we could address our concerns properly.

Then, we were informed at the very end of the teleconference, that there was a 1st amendment to HB 367 which would now change the age of workers, employees, and patrons to the age of 21. This would virtually shut down the non-alcoholic clubs and put them all out of business. It was mentioned that this would fly constitutionally because of secondary effects caused by the businesses. Tom Anderson assured us that he would fax us a copy as soon as the meeting adjourned. We finally got the packet in the mail on Friday, February 6th.

We were informed that we would have another opportunity to speak to some of the Legislators on Saturday morning between 9:00 a.m. and 12:00 p.m. in the Assembly Chambers at the library. My sister and I, along with many of our employees showed up to speak on behalf of our rights that we feel are being violated, and other concerns that surrounding HB 367. We felt that we were not treated fairly, and many of the people that were there to give public comment and testimony on this issue were forced to leave without ever having a chance to speak. Tom Anderson, being the chairperson for this session, allowed ex-governor Jay Hammond to come up to the podium and speak at length on the PFD issue (over half an hour), and called several other people up to speak out of turn. All the people he called to the podium were allowed to go way past the 3 minute limit (some as much as 15 and 20 minutes). It seemed if they were speaking on a subject other than HB 367, they had no time limit to stick to. He stated at the beginning of the session that each person would be called up to speak in the order that they had signed up on the sign-up sheets, and each person would be given only three minutes to

● speak. Out of deference to Tom, I have to admit that they did stay past their stipulated time that they had allotted, however, many of the people that were there to speak were from the adult entertainment industry, and they work very late at night. Most of them had stayed up after they got off work, knowing that if they went to bed they would not be able to get up in a couple hours and make it to the session. They got off work, went home and prepared their speech, then came to the Assembly Chambers to speak. Not only did they not get any sleep, but most of them had to be back to work that same evening. They stayed until 1:30 - 2:00 p.m., but felt they were never going to get a chance to speak, and had to leave in order to get some sleep. This whole situation was handled poorly, and it was very unfair to those in attendance.

I have yet to see, or even hear about any studies done by the Municipality of Anchorage, or the State of Alaska that deal with the issue of adverse secondary effects. I am in the process of conducting my own study on behalf of the adult oriented businesses in our area, and I can tell you that at this point, there appears to be absolutely no adverse secondary effects that can be attributed to our businesses.

● HB 367 appears to be the mother-lode of all content-based regulatory laws!!! I believe you need to bring yourselves up to date on the Supreme Court rulings in recent adult entertainment cases, or maybe contact a good First Amendment attorney before you proceed with this Bill. You need to also give the owners of these businesses copies of any studies you may have conducted on this matter, and give us time to contradict it, and present our own case studies.

I have obtained a copy of the "Descriptive Analysis of Sexual Assaults in Anchorage, Alaska" which clearly shows that the rates of forcible rape in Anchorage are actually down from the peak years of 1983 and 1991. None of the adult cabarets are located in the "hot spots" shown on the maps, and since we have been in business for 15 years, I don't feel that any rapes could be contributed to the fact that our business exists. According to the charts there have been huge declines in the rate of forcible rape throughout the 15 year period that we have been in business. The statistics also show that in 2001, the year the study was conducted, the location type for pick-ups of victims of sexual assault reported to the Anchorage Police were 5 at a doctor's office, 1 at a jail, 2 at schools, but the majority, 120 out of 282 rapes, or 42.6% were at the offenders, the victims, or another residence, and 23 rapes, or 8.2% were at hotels, and 30 rapes, or 10.6% were on streets or roads. The study also shows that sexual assaults are concentrated in five community council areas---Downtown, Fairview, Spenard, Mountain View, and to a lesser extent, Northeast Anchorage. Our business is located on the borderline between Mountain View and Fairview Community Council areas, but is not in any of the rape areas marked on the map. None of the adult cabarets are located in the high density areas shown on the map.

● In reading the letter from Nancy Fair, representing the Service High School PTA, we are once again

shocked at some of the insinuations and accusations she states that are totally unfounded, and also insulting. First of all, she states that "business licensing would also be a powerful incentive to insure that SOB's follow existing laws related to illegal drugs, alcohol, prostitution, wage and hour, worker safety, sexual harassment and tax evasion". She is correct when she says these **laws already exist**, but I don't see how making us get a license will change the way that **existing laws** are enforced. There are many businesses in this city that have a lot of problems with drugs, alcohol, prostitution, and many forms of violence, but are they required to get a license. No, this is a **moral issue** for group of people that think they should be able to tell others how to run their lives, where to work, and what to do and say. You would almost believe they want to totally do our thinking for us, especially 18, 19, and 20 year olds. We have never heard of one single dancer that worked for us ever moving into a life of prostitution. You must be basing your statements and opinions on hearsay, or on things that may go on in some of the big cities like Los Angeles, New York, etc.

A paper included in the packet we were sent from Tom Anderson was titled "Quotes About Teens and Alaska Strip Clubs". If we are to believe these statements, why don't the people making them say who they are, and why are the names of the businesses being accused not listed? Each of these quotes should state when and where these supposed events took place. We could produce a much longer list of quotes from lots of people that would contradict your quotes, and shed an entirely different light on the subject. If you look hard enough, you can find any number of people with varying opinions on the same subject. If you talked to 100 past McDonalds employees you would probably find some that hated their job, some that had been sexually harassed, some that were fired and in turn spoke very poorly of the business or their employers. You may even find a few that couldn't make enough money so they turned to prostitution. I can almost guarantee you will find some that are involved with drugs, either taking them, or selling them to supplement their low income. I could go on and on, but I think you get the picture.

On to the "studies" included in the packet that Nancy Fair said she gave you; the Summaries of "SOB Land Use" studies from NLC. Out of the 32 available studies on different locations, why were there only 4 included? Also, they are very old and outdated studies; Phoenix, Arizona (1979), Indianapolis, Indiana (1984), Oklahoma City, Oklahoma (1992), and Austin, Texas (1986).

Also from the NLC was a paper titled "Regulation of Sexually Oriented Businesses", which once again is outdated. See *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County, Florida*, (July 15, 2003). Also see attached copy of an article titled "Ruling keeps Missouri from raising minimum age for strippers" (August 29, 2003)

The "testimony notes of Kara Nyquist" were well prepared, however there are several Supreme Court

rulings that she hasn't included in her research. They are rulings that supercede several of the laws and regulations that she quoted to you, and therefore, further research on her part would bring new light to the subject of content-neutral and content-based First Amendment issues. Maybe you could share a copy of my research on these issues with her.

The resolutions from the various PTA's seem to share a lot of misquoted, unsubstantiated, and outdated information that was obviously gleaned from the same person or place. Enough said.

The letter from Mary Magdalene Home was compelling, however, out of the 130 women they have served since 1998, what percentage of them were "former nude dancers", were they from Alaska, or did they move here from somewhere else, did they work in Anchorage as dancers, and if so where.

The letter you included in the packet from Regina Manteufel was quite a letter. It didn't make a whole lot of sense in some areas. My questions are: If Regina hated being a dancer so much, why did she do it for so long? She constantly says that dancing in a "strip club" leads to rape and prostitution, then why did she turn to dancing AFTER being raped, not once, but twice. You see, there are LOTS of women out there who are raped and they have never been a dancer, or ever been in or near a "strip club". Of all the rape victims, what percentage of them do you suppose were ex-dancers? I continued reading, got more confused, and just gave up on the whole letter as mostly pure folly.

Representative Lesil McGuire said that because these businesses are unregulated, there is no way to document the age of **minor strippers**. One of the regulations we have is being required to have a "Permit for Premises Where Minors Under the age of 18 are Not Allowed". Therefore minors are not allowed, so there are no minors and no reason to document their ages. However, as I stated previously, all the ages of our dancers are documented, along with all the other information required for **employees**.

Representative Les Gara talked about young women and minors being victimized. We see no victimizing going on, and again, NO MINORS are involved in this business. He also talks about entertainers being stalked. I have only heard of one dancer being followed by someone, possibly a customer, but this happens to people in every walk of life throughout the United States, and if the businesses and dancers are required to be licensed, how will that have any effect, or change any of these issues, such as stalking? Everyone keeps referring to the impact of MINORS, when there are no MINORS involved in these businesses!

We understand that massage parlors, if their women are clothed, will not need a license, however if they work nude or semi-nude, they will be required to get a license. Gee, I wonder how many of them will admit they do not wear clothes while giving a "massage"? When do you suppose was the last time anyone went to any of the "massage parlors" and checked to see if everyone there had their clothes on, or to see if each person "working"

there had a municipal license as required?

We would like to see statistics on the costs included in trying to pass this Bill that appears to be aimed only at shutting down the 4 or 5 businesses like ours that exist in the entire state of Alaska. The State of Alaska needs money in its budget for so many other things, why are we wasting it on this bill in order to appease a few PTA members, and the moral issues of a few other people. Why don't we spend money to fund schools better for the education of our children, hire more police officers to enforce the laws we already have in place, budget more money for Children's Services, and re-implement the Longevity Bonus, just to mention a few. How much is the State ready to spend to fight this through the courts, which is where it will end up if this Bill is passed.

During the teleconference that took place on Monday, February 2nd, there was testimony given regarding some statistics about percentages that dancers have been pinched, grabbed by the arm, licked, etc. while they are working. How do you possibly think changing the age from 18 to 21 is going to combat that issue? The patrons are the ones that should be addressed regarding that issue, and the clubs that these girls in the study work in should hire better security personnel.

When you turn 18 years old you are considered an adult in the eyes of the law. We do not hire anyone that is 18 and still attending high school. These young adults should have already learned through the school about career options, and there should be no burden placed on the business owners to provide for entertainers under 21 to attend a state-approved counseling session that is aimed at letting young adults know of career and educational alternatives, and financial aid and vocational training that is available to them. If dancers are required to do these things just because they are under 21, then it should be a requirement for any young adult that wants to go to work. Why should adult entertainment employees be singled out for this?

What other place of employment, in any type of industry, is forced to give their employees courses in self defense training. Bank tellers face the daily threat of armed robbery. Are state employees that are under 21 required to take any of these classes and/or counseling? It's perfectly fine for an 18, 19, or 20 year old to work in a bank. There have been robberies and murders at pizza establishments, fast food businesses, and others places in Anchorage. The employees at these businesses and banks are subject to being the victim of an armed robber, and possibly murderer. Shouldn't these employers have to give some sort of special training to their 18, 19, or 20 year old employees?

Included in this packet of information, you will find a current copy of our W-3 transmittal to the IRS that shows we pay taxes and treat our dancers as employees, not independent contractors. Also there is a copy of our most current Health Inspection (which I might add we received 100 points on), copies of my three most recent ServSafe Certificates for food handling, Mechanical Inspection by Municipality of Anchorage Building Safety

Division, and several other items of interest. I have also included a copy of AS 25.05.11 Civil Contract which states that an adult, 18 or older may get married in the State of Alaska. They may marry, have children, drive cars, vote on all issues including the Presidential election, join the military and go overseas to fight in combat, work wherever they choose, (except a gentlemen's club if HB 367 passes) and other things too numerous to mention. Also included are copies of the assessed values of **numerous** properties that surround the three non-alcoholic, 18 and over adult entertainment cabarets in Anchorage, and *not one of them have decreased in value*. They include businesses, residences, vacant lots, and condominiums surrounding all three areas. The areas I researched are all located either adjacent to, or are in very close proximity to: The Showboat, located at 5221 Old Seward Highway, Teasers located at 156 Muldoon Road, and Fantasies on 5th Avenue located at 1911 e. 5th Avenue. The assessment data includes assessed values from 2001, 2002, and 2003, and every parcel has *increased in value*.

This Bill seems to have spiraled out of control, and nobody seems to know how to end it graciously. I say cut your losses now, and tell Nancy Fair and the other PTA members that if they are concerned about their youth, they should look a little closer to home, and deal with those problems. Our schools are infested with drugs, alcohol, and other bad elements. I am already concerned about my 4 year old granddaughter receiving a good education. She is currently in her second year of pre-school at Anchorage Christian School, but next year she will be of age to attend public schools. I'm not sure that is a choice I will make for her in light of all the problems that surround the public schools today.

I believe that HB 367 is unconstitutional in its entirety, and should be thrown out completely before wasting any more of the taxpayers' money to try and put 3 or 4 establishments out of business.


The fiscal note attached to this bill requires the State of Alaska to spend thousands of dollars in order to implement this law, should it pass. There would be a necessity created to hire more state and local employees in order to see that the laws, rules, and regulations are all complied with. I do not believe that State of Alaska, being in the dire economic shortfall it is in can afford to waste money on such a frivolous matter. These 5 adult oriented businesses statewide are located in three different areas. One in Fairbanks, one in Soldotna, and three in Anchorage. How many new employees will it take to enforce compliance of these laws? Should you not be addressing the more important issues at hand and dealing with the direct and immediate needs of the State's budget deficit instead spending desperately needed money to attack only five businesses.

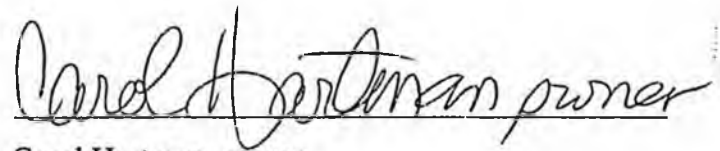
Many of the regulations in Bill 367 have overly broad language attached to them, which in essence leaves many unspecified discretions up to whatever department you deem to pass the authority onto.

Another question I would like to pose, is if this law were put to the "worst commissioner test", exactly

how much latitude would the worst commissioner in this case have?

The Third Circuit Court of Appeals stated: "Legislative bodies, in enacting statutes, do not receive evidence, or take sworn testimony in the manner of courts. Legislative communities sometimes conduct hearings on pending bills, but the testimony they take is often un-sworn and the documents they receive are unauthenticated. The principles embodied in bills on the floor of a legislative body are generally debated more or less in accord with principles of logic and rhetoric, not proven through the admission of evidence."


Kathy Hartman, owner


Carol Hartman, owner

Fantasies on 5th Avenue
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**Adult Oriented Businesses
Objections to HB 367**

The First Amendment of the United States Constitution states:

**AMENDMENT I - FREEDOM OF RELIGION, OF SPEECH AND OF THE PRESS;
PEACEFUL ASSEMBLAGE; PETITION OF GRIEVANCE**

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

The Fourteenth Amendment of the United States Constitution states, in relevant part:

**AMENDMENT XIV - CITIZENSHIP; PRIVILEGES AND IMMUNITIES;
DUE PROCESS; EQUAL PROTECTION**

Section 1. “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The Pack Shack, Inc. v. Howard County, 365 Md. 266, 781 A.2d 778 (2001) The cause of action raising the federal constitutional challenges was brought under the *Civil Rights Act of 1871*, 42 U.S.C. 1983. Pack Shack filed a complaint alleging that the “purpose, intent and effect of Bill 65-1997 was to chill and inhibit and otherwise prevent the exercise of the freedom of speech” and “to prevent Plaintiff and all similar adult establishments from doing business” in the County. Pack Shack claimed that the ordinance suffered from several other specific constitutional infirmities. Pack Shack alleged that the County did not have sufficient evidence that the restrictions placed by the ordinance would serve a substantial government interests. It also asserted that the

licensing requirement set forth in the ordinance lacked adequate procedural safeguards and, therefore, was an unlawful prior restraint on constitutionally protected speech, and that the ordinance was not narrowly tailored so that any incidental restriction on speech was no greater than necessary to achieve the County's goal. Lastly, Pack Shack contended that the ordinance failed to provide reasonable alternative channels of communication, because there could be as few as four sites in the entire County that complied with all the requirements. Following the trial, the Circuit Court for Howard County issued a Memorandum and Order rejecting Pack Shack's challenge to the constitutionality of the ordinance and entering an injunction ordering Pack Shack to comply with the zoning ordinance. The Court of Special Appeals affirmed the trial court's decision. Pack Shack then petitioned the Court for a writ of certiorari, which was granted.

(1.) Bill 65 constitutes an unconstitutional prior restraint, even though the lower court found to the contrary. "any system of prior restraint ... comes to this Court bearing a heavy presumption against validity." The Supreme Court's cases addressing prior restraints "have identified two evils that will not be tolerated in such schemes. First, a scheme that places unbridled discretion in the hands of a government official or agency constitutes a prior restraint and may result in censorship." "Second, a prior restraint that fails to place limits on the time within which the decision maker must issue a license is impermissible."

(2.) Bill 65 places unbridled discretion in the hands of the Director of Planning and Zoning, contrary to the lower court's decision. Howard County's Director of the Department of Planning and Zoning is vested with the discretion to grant or deny an adult entertainment business zoning permit. Moreover, as part of the permit application, the ordinance unconstitutionally requires submission of the name and address of each owner of the business and each owner of the property, as well as the names and addresses of all natural persons who have a financial interest in any entity that owns the business or the property, no matter what percentage of ownership.

(3.) Bill 65 is clearly unconstitutional in limiting the outside visibility of merchandise and material that merely describe or relate to any sexual activity or nudity.

(4.) Bill 65 unconstitutionally permit's the Director to require an overbroad disclosure of the identity of any and all persons with a financial interest in an adult entertainment business and the property where the business will operate. This section of the bill is unconstitutionally overbroad and potentially chills protected expression. In other words, "a shareholder disclosure statute that potentially chills protected expression cannot stand if the information sought is not reasonably related to the furtherance of a legitimate and substantial government interest in regulating the protected activity."

(5.) Bill 65 fails to provide adequate procedural safeguards for new adult businesses.

(6.) Bill 65 fails to sufficiently guarantee that an adult entertainment business will be permitted to operate.

pending permit approval and pending appeal.

(7.) Bill 65 fails to place sufficient time limits on the Director for issuing permits.

(8.) Bill 65 unconstitutionally censors adult entertainment businesses by limiting present and future businesses to an insufficient number of economically viable locations.

(9.) The lower appellate court conducted a constitutionally flawed secondary effect analysis. Here, the lower appellate court merely allowed Howard County Council to rely on studies that demonstrate "detrimental effects of adult entertainment uses." Clearly, no secondary effects studies can be considered sufficient until they are shown to be more applicable to the challenged zoning legislation.

(10.) Bill 65 provides an unconstitutionally overbroad definition of "adult entertainment business."

CONCLUSION: Bill 65 fails to meet critical constitutional protections for free expression. For all the foregoing reasons, amici DC FSC respectfully request that this Court reverse the lower appellate court's judgment. And that this Court quash Bill 65 as unconstitutional.

In the case of *J.L. Spoons v. City of Brunswick*, N.D. Ohio, May 20, 1999, The Federal District Court agreed with the plaintiff's argument that the city had failed to show how the 10-foot rule furthered the city's interests. And, more importantly, the court credited the evidence the plaintiff had produced, ".....tending to show that the ten-foot buffer zone would destroy the market for adult cabarets," a result that would violate the First Amendment.

In the same opinion, the court struck down as unconstitutional the city's licensing scheme for adult cabarets and their employees. The ordinance provided that the city was required to issue a license to an adult cabaret within 30 days of the submission of an application. However, a license could not be issued unless the premises were approved by the health, fire and building departments. The ordinance required those departments to complete their inspections and give their approval or disapproval within 20 days of the application. But, the city had no health department of its own and, therefore, they had to rely on the county health department for the necessary inspection. The court held that the time limits set out for the ordinance were illusory because the city had no control over the county health department and, therefore, could not guarantee that it would complete its inspection and issue its approval within any specific time frame. The court also held that the ordinance provisions for judicial review of the denial of a license were illusory as well, and, in any event, failed to guarantee prompt judicial review.

The court also struck down another part of the ordinance which was particularly dangerous, and has

become increasingly popular with municipalities because it can so easily be exploited by government officials to harass adult cabarets. Specifically, the ordinance required an adult cabaret to "Permit representatives of the Police Department, County Health Department, Fire Department, Zoning Department, or other City Departments of agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business." The court held that the provision violated the Fourth Amendment's guarantee against unreasonable search and seizures.

Finally, the court struck down an hours of operation provision in the ordinance that would have required the club to close at 1:00 a.m. The court held that because the club had been issued a liquor license by the state authorizing it to sell alcohol until 2:30 a.m., the city's attempt to require the cabaret to close at an earlier time violated the State Constitution.

Unfortunately, the Cleveland case is but one example of how hard one club must fight to secure that to which it is constitutionally entitled---the right to open and operate an adult cabaret.

The Court stated that it "goes well beyond what is necessary" to further the state's interest in combating the harmful effects of adult businesses.

All of these cases are important to the adult entertainment industry, however, I believe that one of the most remarkable victories yet is the victory by Luke Lirot in *Peek-A-Boo Lounge of Bradenton, Inc. v. Manatee County, Florida (July 2003)*. It is a magnificent decision which has created an evidentiary record that proved that our businesses do not cause adverse secondary effects. The 11th Circuit Court of Appeals agreed to this. And in *City of Los Angeles v. Alameda Books*, Justice Kennedy's notion, (How will speech/expression fair under an ordinance?) suggests that in order for an ordinance to be valid, it must eliminate substantially more secondary effects than speech that necessarily will be eliminated. As the narrowest ruling in the majority, Justice Kennedy's decision became the controlling opinion. In his precise analysis, The "proportionality theory" of zoning adult expressive businesses was clarified and ultimately prohibited. Under this premise, the motivations of the municipality must be carefully assessed to determine whether they target the content of speech or its alleged secondary effects. It is unlawful, he says, to attack speech directly as a way of reducing secondary effects.

In *Alameda*, Justice Kennedy also states unequivocally: "The rationale, therefore, has to be that a proposed secondary-effects ordinance will leave the quantity of speech...substantially undiminished, and that total secondary effects will be significantly reduced." (Emphasis added.) So, does limiting hours of operation diminish the "quality of speech"? Obviously. As Circuit Judge Canby writes in his articulate dissent: "The closing-hours statute in issue here...proceeds on precisely the theory that Justice Kennedy found insupportable

under the First Amendment. The theory is that adult entertainment establishments create adverse secondary effects when they are in operation. If operation is prohibited for several hours each day, the undesirable secondary effects will be reduced accordingly. Unlike a dispersal regulation, the State's instrument is not to move speech, but to stop it... A government similarly may not proceed on a theory that 'it will reduce secondary effects by reducing speech in the same proportion.' It would be hard to find a more exact description than this of Arizona's closing hour regulation of adult entertainment establishments."

In the majority opinion, Judge O'Scannlain, quotes from the *Alameda Books* case: Justice Kennedy agreed with the four dissenting justices that sexually-oriented business regulations should no longer be designated as 'content-neutral' when they are clearly not. Whether a statute is content based or content neutral, he explained, "is something that can be determined on the face of it; if the statute describes speech by content, then it is content based." Classifying regulations of the type at issue in *Renton* and *Alameda Books* as content neutral, explained Justice Kennedy, was an unhelpful legal fiction which only leads to doctrinal incoherence; these type of ordinances "are content based and we should call them so."

In the case of *Barnes v. Glen Theatre*, Justice White states: "... it cannot be said that the statutory prohibition is unrelated to expressive conduct. Since the State permit's the dancers to perform if they wear pasties and g-strings, but forbids nude dancing, it is precisely because of the expressive content of the nude dancing performances at issue in this case that the State seeks to apply the statutory prohibition. It is only because nude dancing performances may generate emotions and feelings of eroticism and sensuality among the spectators that the State seeks to regulate such expressive activity, apparently on the assumption that creating such thoughts and ideas in the minds of the spectators may lead to increased prostitution and degradation of women. But generating thoughts, ideas, and emotions is the essence of communication."

Any time government makes regulatory distinctions based on the *content* of the regulated speech, courts will apply a very demanding analysis, known as *strict scrutiny*. While government may not normally impose direct restrictions on the communicative aspects of speech, the Court has adopted the view that, under very limited circumstances, speech may be subject to narrowly proscribed regulations. There is no single test that the Supreme Court employs to determine how much government regulation of speech may be tolerated; rather, the Court chooses its analysis based on the manner in which government is attempting to impose regulations on speech. Recent Court decisions have shown, however, that attempts to regulate the *content* of speech in any context will trigger the highest level of scrutiny. Thus, the question of whether a regulation of speech is *content-neutral* has become a paramount concern in courts.

The 7th U.S. Court of Appeals ruled that under *Barnes and Pap's A.M.*, it was constitutional to prohibit totally nude dancing. But the appeals court said that banning specified sexual activities went too far. "By restricting the particular movements and gestures of the erotic dancer, in addition to prohibiting full nudity, [the provision] unconstitutionally burdens protected expression," said the 2000 ruling in *Schultz v. City of Cumberland*.

A provision in a Wisconsin city's adult-entertainment ordinance that bans sexually explicit dance movements violates the First Amendment, a federal appeals court panel has ruled. The 1998 law imposed numerous restrictions, including:

- 1.) Prohibiting people in a sexually oriented business from appearing "in a state of nudity" or depicting "specified sexual activities."
- 2.) Requiring performers to wear G-strings and pasties.
- 3.) Limiting the hours of operation of sexually oriented businesses.
- 4.) Requiring operators and employees at sexually oriented businesses to obtain licenses.

In February 1998, Joseph Schultz, the owner of the bar, and Tonya Norwood, a dancer in the bar, sued in federal court, contending that various portions of the ordinance violated the First Amendment. In November 1998, U.S. District Judge Barbara Crabb ruled that certain parts of the ordinance violated the First Amendment.

Crabb struck down the nudity ban and the licensing requirements for the operators and employees. On appeal, the three-judge panel of the 7th U.S. Circuit Court of Appeals unanimously ruled in *Schultz v. City of Cumberland* that certain provisions were unconstitutional.

The panel addressed the constitutionality of the general nudity ban. The city justified the ban on the basis of the secondary-effects rationale, which provides government officials greater leeway to regulate adult businesses if they do so because of harmful effects allegedly associated with those businesses.

However, the panel realized that the secondary-effects doctrine could be grounds for constitutional abuse, writing its September 26 opinion: A secondary-effects rationale by itself does not bestow upon the government free license to suppress specific content or a specific message because such a regime would permit the government to single out a message expressly, formulate a regulation that prohibits it, then draw content-neutral treatment nonetheless simply by producing a secondary-effect rationale as pretextual justification.

Citing the 1991 U.S. Supreme Court decision in *Barnes v. Glen Theatre, Inc.* and the decision earlier this year in *City of Erie v. Pap's A.M.*, the panel reasoned that a complete ban on nudity, even one that specifically targets adult businesses, imposes only a minimal burden on First Amendment rights.

The panel quoted the statements in *Barnes* that “the requirement that the dancers don pasties and G-Strings is a minimal restriction in furtherance of the asserted government interests, and the restriction leaves ample capacity to convey the dancer’s erotic message”

However, the panel struck down the portion of the ordinance that prohibited the performance of a wide array of sexually explicit dance movements. “Cumberland cannot avoid this dictate by regulating nude dancing with such stringent restrictions that the dance no longer conveys eroticism nor resembles adult entertainment.” the panel wrote.

The panel also invalidated the portions of the licensing provision that required the disclosure of a residential address, recent color photograph, Social Security number, fingerprints, tax-identification number and driver’s license information. The panel reasoned that this information was “redundant and unnecessary for Cumberland’s purpose.”

Finally, the appeals court judges also struck down the provision that allowed city officials to deny a license to anyone who had been convicted of certain “vice” crimes or someone overdue on paying city taxes.

The panel wrote that “a complete ban on certain expression for a disqualified group of applicants, who, by definition, wish to speak... cannot be justified here as narrowly tailored to resist noisome secondary effects.”

Acorn Investments, Inc. v. City of Seattle, 887 F.2d at 211, 219, 224-25. The 9th Circuit Court of Appeals struck down as unconstitutional a Seattle city ordinance that required applications for businesses with adult video viewing booths to also provide the identities of all owners. “A shareholder disclosure statute that potentially chills protected expression cannot stand if the information sought is not reasonably related to the furtherance of a legitimate and substantial government interest in regulating the protected activity”

Justice O’Connor’s concurrence in *Lawrence v. Texas*, S. Ct. 2472 (2003) (O’Connor, J., concurring) provides a more detailed explanation as to what triggers the more active rational basis test:

When a law exhibits such a desire to harm a politically unpopular group, we have applied a more searching form of rational basis review to strike down such laws under the Equal Protection Clause... We have been most likely to apply rational basis review to hold a law unconstitutional... where, as here, the challenged legislation inhibits personal relationships.

New York Supreme Court for New York County Judge Louis York has granted a summary judgment

declaring the amendments to a New York City Zoning Resolution unconstitutional under both the First Amendment of the U.S. Constitution and the Free Expression clause of the New York Constitution. Among other things, the challenged amendments would enlarge the definition of "adult establishment" to include establishments which regularly feature "adult" entertainment in any portion of the premises, thereby eliminating the "substantial portion" test of the original law. Under the prior scheme, adult bookstores and premises featuring live entertainment were able to comply by operating as so-called "60-40" establishments, where at least 60% of their floor space was devoted to non-adult purposes. Quoting from the Supreme Court plurality opinion in *City of Los Angeles v. Alameda Books*, Judge York found that the City had no obligation to make an "evidentiary showing" that the amendments were "no broader than necessary." The city had not met that obligation because they had enacted the amendments without undertaking a secondary effects study to determine whether the "substantial portion" rule may have already reduced (alleged) secondary effects. Court highlights included the belated disclosure of New York City Police Department statistics showing *virtually no crime attributable to "adult" businesses*. This resulted in the City shifting its position (with no statistical support) to the lame argument that while there may be no statistical correlation between "adult businesses" and crime, such businesses nonetheless lead to "seedy neighborhoods" which, in turn, lead to increased crime.

Brian Clark dba Visions v. City of Lakewood, heard before the United State Court of Appeals for the Ninth Circuit:

Brian Clark, the owner of three closed adult businesses in the City of Lakewood, brought this lawsuit challenging Lakewood's new adult cabaret ordinance ("Ordinance"). Clark claims the Ordinance violates the First Amendment of the United States Constitution and the free speech provisions of the Washington Constitution and was passed in violation of the Washington Open Public Meeting Act ("OPMA"). Both Clark and the City of Lakewood moved for summary judgment. The District Court granted summary judgment in favor of Lakewood concluding that Clark lacked standing and that the Ordinance was constitutional. **We reverse.** We hold that Clark has standing to raise most of his claims. We further hold that Lakewood developed its factual findings for the Ordinance in violation of the OPMA, thereby making them "null and void", so that the Ordinance itself may lack evidentiary support and may therefore be unconstitutional. We also conclude that the Ordinance's 21-day waiting period for managers on its face violates the Washington Constitution. In their discussion, they stated that "We conclude the alleged defects in Lakewood's licensing scheme create a risk of delay that could unnecessarily foreclose

expressive conduct and arbitrarily deny First Amendment rights. (See *FW/PBS*, 493 U.S. at 226-27). Therefore, these provisions can be facially challenged without having to apply for and be denied a license”.

In *Freedman v. Maryland*, *supra*, 380 U.S. at 58-60; 85 S. Ct. at 738-739; 13L. Ed. 2d at 654-655., the Supreme Court listed three essential procedural safeguards. First, any restraint prior to judicial review can be placed only for a brief period during which the status must be maintained. Second, expeditious judicial review of the administrative decision must be available. Lastly, the censor must bear the burden of proof in court.

In *Schad v. Borough of Mount Ephraim*,—U.S.—101 S. Ct. 2176, 68 L.Ed.2d 671 (1981) The United States Supreme Court reversed the conviction of the operators of an adult bookstore which contained coin-operated devices that displayed adult films as well as a coin-operated mechanism permitting a customer to watch a nude live dancer. The operators were convicted of violating a zoning ordinance that prohibited all live entertainment in the municipality. The United States Supreme Court noted that as the ordinance had been construed by the New Jersey courts it prohibited all live entertainment, and observed:

“By excluding live entertainment throughout the Borough, the Mount Ephraim ordinance prohibits a wide range of expression that has long been held to be within the protections of the First Amendment. Entertainment, as well as political and ideological speech, is protected; motion pictures, programs broadcast by radio and television and live entertainment, such as musical and dramatic works, fall within the First Amendment guarantee. “To be reasonable, time, place and manner restrictions not only must serve significant state interests but also must leave open adequate alternative channels of communication. Here, the Borough totally excludes all live entertainment; including non-obscene nude dancing that is otherwise protected by the First Amendment. Thus municipal ordinances like the one at issue that regulate nude dancing are subject to constitutional scrutiny.

Sec’y of State v. Joseph H. Munson, Co., 467 U.S. 947, 955 (1984) (discussing prudential consideration that generally, a plaintiff must assert his own legal rights). Under the over breadth doctrine, these prudential considerations have weighed in favor of allowing litigants to bring First Amendment challenges on behalf of those whose expression might be impermissibly chilled, so long as the plaintiff also suffers in fact. The court in *Munson* explained:

Even where a First Amendment challenge could be brought by one actually engaged in protected activity, there is a possibility that, rather than risk punishment for his conduct in challenging the statute, he will refrain from engaging further in the protected activity. Society, as a whole then would be the loser. Thus, when there is a danger of chilling free speech, the concern that constitutional adjudication be avoided whenever possible may be outweighed by society's interest in having the statute challenged. Litigants, therefore, are permitted to challenge a statute not because their own rights of free expression are violated, but because of a judicial predication or assumption that the statute's very existence may cause others not before the court to refrain from constitutionally protected speech or expression.

See also 4804 *Convoy*, 183F.3d at 1112 (“[A] plaintiff may challenge an overly broad statute or regulation by showing that it may inhibit the First Amendment rights of individuals who are not before the court.”).

An over breadth challenge is appropriate here because there is credible risk the Ordinance could cause self-censorship and chilling of expression. For example, instead of subjecting themselves to the alleged unconstitutional licensing scheme, managers and entertainers might choose to engage in their professions in other cities where their livelihood is not dependent upon the issuance and maintenance of a license. Managers might decide they cannot afford to wait 21 days before they can start working or that they cannot risk losing their job if the city revokes their license. Additionally, employees might be concerned about the Ordinance's requirement that they disclose their home address and phone number. Entertainers might be especially concerned about the risk that cabaret patrons could obtain such personal information and harass the entertainers at their homes, or worse. See *LLEH, Inc. v. Wichita County*, 121 F. Supp. 2d 513, 525 (N.D. Tex. 2000) (holding requirement that adult entertainment employees must disclose their home address and phone number is unconstitutional); *N.W. Enters, Inc. v. City of Houston*, 27 F. Supp. 2d 754, 840-841 (S.D. Tex 1998) (same). For these reasons. There is a risk cabaret employees will engage in self-censorship and avoid participating in protected activity in Lakewood. We hold this is a sufficient basis to relax the prudential standing requirements and allow Clark to bring a facial over breadth challenge to the licensing of managers and entertainers. See *Munson*, 467 U.S. at 956-57.

Lady J. Lingerie, Inc. v. City of Jacksonville, supra, 176 F.3d at 1366. The court pointed out that [compelled] disclosure of the sort the Jacksonville ordinance entails threatened to stymie the exercise of First

Amendment Freedoms....”Ibid. The court held that there was no “relevant correlation” or a “substantial relation” between the names of principal stockholders and the harmful secondary effects of adult entertainment establishments. ”Ibid. The court indicated that disclosure of directors and officers of the corporation would be sufficient for the City’s need to know who was actually running the adult businesses, to allow for effective enforcement of the zoning regulation.

Similarly, the United States Court of Appeals for the Ninth Circuit held unconstitutional a regulation by the city of Seattle that required a license application for a specific adult business to list the names and addresses of all stockholders of a corporate application. *Acorn Investments, Inc. v. City of Seattle*, 887 F .2d 219 (9th Cir. 1989). The city justified the licensing ordinance on the grounds of the adverse secondary effects associated with the adult businesses in question, relying on *Renton v. Playtime Theatres, supra*, 475 U.S. 41, 106 S. Ct. 925, 89 L.Ed.2d 29.

Flanigan's Ent. V. Fulton C. The Fulton County Clubs challenged and disproved the Board’s findings. The evidence in the record relating to conditions in Fulton County shows unequivocally that property values in neighborhoods adjoining the Clubs have increased during the time the Clubs have been in existence, and that surrounding buildings show no signs of blight, or lack of physical maintenance. Moreover, the Fulton County police study found greater reported crime connected with establishments that served alcohol but did not feature adult entertainment. In other words, local studies commissioned both by the Clubs and the Board found no evidence of the secondary effects with which the Board was purportedly concerned. The case might be different were the Clubs a recent addition to Fulton County neighborhoods. It is undisputed, however, that Plaintiffs have continually operated these adult entertainment establishments for nearly a decade. Defendants may not ban nude dancing in establishments licensed to sell liquor without any factual basis to support the claim that these establishments are connected with negative secondary effects. Accordingly, we hold that Section 18-76 is unconstitutional under the O’Brien test because the ordinance fails to further the professed governmental interests.

Applying the *O’Brien* test: See *O’Brien*, 391 U.S. at 377, 88 S.Ct. at 1679.

Under *O’Brien*, an ordinance is valid if:

- (1) it serves a substantial interest within the power of the government;
- (2) the ordinance furthers that interest;

- (3) the interest served is unrelated to the suppression of free expression; and
- (4) there is no less restrictive alternative.

A nude dancing regulation must meet the constitutional requirements of the *O'Brien* test.

Because erotic strip-tease dancing is protected under the First Amendment, the Supreme Court has ruled that cities may not totally ban such activity.

Dancing is a form of expressive conduct. According to Lucinda Jarrett, author of *Stripping in Time: The History of Exotic Dancing*, the censorious nature of Christianity has meant the sexual dance flourished in the East long before it emerged in Europe and America" (pg. 2).

By the 19th century, however, Spanish gypsies were dancing the erotic flamenco in the cafes of Europe, and nude showgirls were performing in Parisian music halls, as David Cheshire has noted. So called "leg-shows" were introduced into the opera houses of the United States after the Civil War. Many Americans first witnessed Middle Eastern belly dancers at the 1893 Chicago World's Columbian Exposition. Nude dancers graced the stage of Ziegfield's revues in New York City during the 1920s.

There is a recent Georgia Supreme Court decision that struck a law which disallowed 18-20 year olds from seeing nude dancing in a juice bar, finding that it was a complete ban, and strict scrutiny applied.

Kansas City, Missouri, August 27, 2003. A Missouri law raising the minimum age for nude dancers from 18 to 19 appears to be a violation of the First Amendment right to free expression, a federal judge ruled in barring enforcement of the law. "I'm not persuaded the law furthers a substantial government interest, nor am I persuaded that the governmental interest in this case is unrelated to suppression of free speech," U.S. District Judge Ortrie Smith ruled. The Circuit Court of Appeals struck down the unconstitutional law.

The Cincinnati Enquirer: The latest attempt to regulate adult entertainment in Clermont County was declared unconstitutional April 24, 2003. The U.S. 6th Circuit Court of Appeals ruled that Union Township officials went too far when they imposed strict licensing rules on the déjà vu cabaret, which features nude dancing. The township's rules required the owners to obtain a license, limited the club's hours and gave police broad authority to inspect the premises for possible health and safety violations. Township officials contended

the regulations were needed because they feared adult businesses would bring crime and related problems to the community. The 6th Circuit's decision goes further than an earlier decision by U.S. District Judge Sandra Beckwith, who ruled more than a year ago that portions of the township's law were unconstitutional.

The adult entertainment businesses in Anchorage will be getting crime statistics and real estate statistics for our businesses and others on a regular basis from now on. If necessary, we will gather this information based on the Freedom of Information Act. I believe we can easily show that there are NO secondary effects in Anchorage that are being caused by our adult entertainment businesses. I have written a letter to the Chief of Police requesting a study of crime statistics involving our adult entertainment establishments, as well as the crime statistics of some other businesses around Anchorage, that I feel assured will prove to have much higher crime rates than the Gentlemen's Clubs in our municipality.

"The interest of encouraging freedom of expression in a democratic society outweighs any theoretical but unproven benefit of censorship." Statement made by U.S. Supreme Court Justice John P. Stevens.

Luckily, most intelligent human beings understand that the price of freedom is the tolerance of those things that we find offensive in order that we can all appreciate the freedom to enjoy those things not personally offensive.

Anyone who truly appreciates and embraces the freedoms our forefathers fought and gave their lives for cannot be so apt to close their eyes and ignore governmental attempts to take those freedoms away.

Congress shall make no law respecting an establishment of religion,
or prohibiting the free exercise thereof; or abridging the freedom of
speech, or of the press; or the right of the people peaceably to
assemble, and to petition the government for a redress of grievances.

— FIRST AMENDMENT TO THE U.S. CONSTITUTION

re recruiting teens

ne is waking up to the possibility that
'd be high school students."

— Bill Miller,
Anchorage Police Department deputy chief

Cooper said.
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lubs," he said.
is waking up to
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1 dancer and

patron, many other states have
more restrictive laws, he said.

"In some other states you have
to wear at least pasties and a G-
string," Miller said.

But police investigations take
time and resources, he said. The
largest resource guzzler is traffic
complaints, Miller said

"We have more crimes in this
city than we can investigate," he
said. "People are worried about
racial profiling, but we have
more than enough work to keep
us busy without going around
looking for ways to steal people's
civil rights."

Heather A. Resz can be reached
hresz@anchoragechronicle.com
348-2432.

Chronicle
Miller
May 1 2003

FANTASIES ON 5TH AVENUE
1911 E. 5TH AVE., ANCHORAGE, AK 99501
PHONE (907)563-0042 FAX (907)563-0043

STAGE NAME: _____

APPLICATION FOR EMPLOYMENT

NAME: _____
(LAST) (FIRST) (MI) PHONE #

SOC. SEC. NO. _____ ADL# _____ EXP. DATE: _____ CELL PHONE: _____

DATE OF BIRTH: _____ BIRTHPLACE: _____

PRESENT ADDRESS: _____

PERMANENT ADDRESS: _____

HEIGHT _____ WEIGHT _____ REFERRED BY: _____ WHEN CAN YOU START: _____

ARE YOU PRESENTLY ATTENDING HIGH SCHOOL ? YES NO WHICH SCHOOL ? _____

***** WE DO NOT HIRE ADULTS THAT ARE STILL ATTENDING HIGH SCHOOL*****

BRIFLY STATE WHY YOU WOULD LIKE TO DANCE FOR US: _____

HAVE YOU EVER DANCED PROFESSIONALLY BEFORE? WHEN: WHERE: _____

PERSONAL REFERENCES: (LIST TWO): _____

NAME: ADDRESS: PHONE: _____

NAME: ADDRESS: PHONE: _____

IN CASE OF EMERGENCY, PLEASE NOTIFY: _____

NAME: ADDRESS: PHONE: _____

I certify that all statements made within are accurate. I understand that my employment may be terminated without previous notice if any of these facts are found, be misrepresented. I agree to comply with the rules of my workplace, and understand that my employment may be terminated if I break said rules. I understand that my employment will be terminated immediately if I engage in prostitution or if I am in possession of alcohol, non-prescription substances (drugs), or weapons of any kind at my workplace.

SIGNATURE: _____ DATE: _____

FOR INTERVIEWERS USE ONLY:

I have reviewed this application and recommend that the applicant be hired. I have been presented with sufficient proof that the applicant is eighteen years of age or older and therefore eligible to work as a dancer in the Municipality of Anchorage.

NAME: _____ TITLE: _____

SIGNATURE: _____ DATE: _____

Municipality of Anchorage
Permit for Premises Where Minors Are Not Allowed

PERMIT NUMBER: 01-003
Business Name: Sands North Inc. dba Undress Setter
Business Owner: Kathy Hartman
Business Address: 1911 E. 5th Avenue
Anchorage, AK 99508

DATE ISSUED: December 3, 2001
Property Owner's Name: Decco Inc dba Irish Setter
Property Owner's Address: 1911 E. 5th Ave
Anchorage, AK

Legal Description: Fourth Addition, Block 26c, Lot 8

This permit is issued per Section 21.45.240, Anchorage Municipal code (AMC) for PREMISES WHERE MINORS ARE NOT ALLOWED
Check one:

- These premises are located in compliance with AMC 21.45.240.B relating to requirements for 1,000 foot separation from certain specified uses.
- These premises are located in compliance with AMC 21.45.240.C relating to separation requirements from certain specified uses in accordance with the State of Alaska's means of measurement for this type enterprise.
- These premises were established prior to enactment of AMC 21.45.240 and are granted nonconforming use status subject to the provisions of Chapter 21.55, Anchorage Municipal Code.

This permit remains valid so long as the enterprise named hereon remains in continuous operation at this location and does not physically expand. In addition, a permit granted under AMC 21.45.240.C shall remain valid so long as the enterprise does not engage in an activity for which a permit is required under AMC 21.45.240.B.

APPROVED: _____

Kathy Hartman
Administrative Official

THIS PERMIT SHOULD BE ON DISPLAY IN A PROMINENT PLACE.



Municipality of Anchorage

George P. Wuerch, Mayor



Building Safety Division

P.O. Box 196650 • 4700 S. Bragaw Street
Anchorage, Alaska 99519-6650 • (907) 843-8301
<http://www.ci.anchorage.ak.us>

November 27, 2001

Sands North, Inc.
Kathy Hartman
1911 E. 5th Ave.
Anchorage, Alaska 99501

Dear Kathy,

This letter is in response to your application for a permit for premises where minors are not allowed and proposed expansion.

A survey of all properties within 1,000 feet was conducted on November 27, 2001. The site continues to meet the requirements of Section 21.45.240 of the Anchorage Municipal Code. An expansion of the adult-oriented establishment would at this time be considered a permitted use. All other code requirements must be met for the expansion with regards to permitting, occupancy, parking, landscaping, etc depending upon the scope of the expansion.

A review of applicable code provisions allow that our approval applies only to the immediate timeframe of the inspection.

Sincerely,

Steve Ellis
Code Enforcement Manager
Building Safety Division



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • 825 "I" Street <http://www.muni.org>



Mayor Mark Begich

Department of Health and Human Services

Page 1 of 1

Estab. Name: *Fantasies* THE ~~SEAFAR~~ SNACKBAR
Site Address: 1911 E 5TH AVE
ANCHORAGE
Inspection Date: 1/14/2004

Telephone: 9072729224
Owner: KATHY HARTMAN
Certified FOOD MANAGER: CAROL HARTMAN
Expiration Date: 10/26/2004

Inspection Duration: 15 minutes
Facility ID: FA0003313
Program/Element: F003 - FOOD PERMIT: TYPE 3
Inspector: EE0000021-Lynn Coad

Service: 001 - Regular
Result: 00 - NOT APPLICABLE

Total Score: 100

Based on the inspection this day, the items marked below identify the violations in operations or facilities which must be corrected by the next routine inspection or such shorter times as may be specified in writing by the Director of the Department of Health & Human Services or their authorized representatives. Failure to comply with any time limits for corrections specified in this notice may result in the immediate suspension or revocation of your permit. If you have any questions or comments, our office phone number is 343-6509. <http://www.muni.org/healthesd/sanity.cfm>

Notice of Inspection Violations

Inspection Comments

No violations noted on this inspection.

Carol Hartman
Received By:
1.0.0.97.00

Lynn Coad
Lynn Coad
Environmental Health Specialist



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • 825 "L" Street <http://www.muni.org>



Mayor Mark Begich

Department of Health and Human Services

Page 1 of 1

Estab. Name: THE SETTER

Telephone: 9072729224

Site Address: 1911 E 5TH AVE

Owner: KATHY HARTMAN

ANCHORAGE

Certified FOOD MANAGER: CAROL HARTMAN

Inspection Date: 1/14/2004

Expiration Date: 10/26/2004

Inspection Duration: 15 minutes

Service: 001 - Regular

Facility ID: FA0000534

Result: 00 - NOT APPLICABLE

Program/Element: F001 - FOOD PERMIT: TYPE 1

Inspector: EE0000021-Lynn Coad

Total Score: 100

Based on the inspection this day, the items marked below identify the violations in operations or facilities which must be corrected by the next routine inspection or such shorter times as may be specified in writing by the Director of the Department of Health & Human Services or their authorized representatives. Failure to comply with any time limits for corrections specified in this notice may result in the immediate suspension or revocation of your permit. If you have any questions or comments, our office phone number is 343-6509. <http://www.muni.org/healthesd/sanitary.cfm>

Notice of Inspection Violations

Inspection Comments

No violations noted on this inspection.

Carol Hartman

Lynn S. Coad

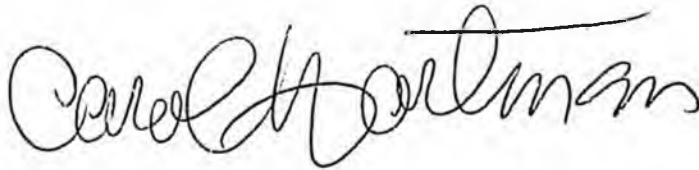
Lynn Coad
Environmental Health Specialist

Received By:
1.0.0.97.00

Feb 10, 2004

To Whom It May Concern: The Health Department has changed the way they do things, as I'm sure you are well aware.

We used to have two separate Health Permits, one for The Setter and one for Fantasies, as you can see on the 2000 copies that are enclosed. We now have two different types of licenses, however they have lumped it all into one name since we are in one building and share access, so the name on the permits is The Setter. Copies of most current inspection, dated Jan. 14, 2004, are enclosed

A handwritten signature in cursive script, appearing to read "Carol Hartman". The signature is written in black ink and is positioned below the main body of text.

MUNICIPALITY OF ANCHORAGE
 Department of Health & Human Services
**FOOD SERVICE
 ESTABLISHMENT
 INSPECTION REPORT**

Fantanes
 NAME OF ESTABLISHMENT
 ADDRESS
 CITY STATE ZIP

PERMIT NUMBER
 [] [] [] [] [] []

SANITARIAN
 30

INSPECT TIME TRAVEL TIME
 05 03

DATE OF INSPECTION
 M 30 9 00
 M D Y

- PURPOSE
- 1. REGULAR
 - 2. FOLLOW-UP
 - 3. COMPLAINT
 - 4. FOOD BORNE
 - 5. REINSPECT
 - 6. OPENING
 - 7. CLOSING
 - 8. CHANGE OF OWNERSHIP
 - 9. OTHER

Based on an inspection this day, the items marked below identify the violations in operations or facilities which must be corrected by the next routine inspection or such shorter time as may be specified in writing by the Director of the Department of Health & Human Services or their authorized representatives. Failure to comply with any time limits for corrections specified in this notice may result in the immediate suspension or revocation of your permit.
 If your food establishment is ordered to close immediately, your permit to operate a food service establishment is suspended immediately upon your receipt of this notice. You have the right to challenge this closure order and this suspension of your permit. If you wish such a hearing, you must deliver a written request to the following office within ten (10) days of the date you received this notice: Director's Office, Department of Health & Human Services, Municipality of Anchorage, 825 "L" Street, Anchorage Alaska 99501.

WATER SAMPLE DATE

	ITEM	DESCRIPTION	WEIGHT		ITEM	DESCRIPTION	WEIGHT		ITEM	DESCRIPTION	WEIGHT		
FOOD	*01	SOURCE, SOUND CONDITION, NO SPOILAGE	5	FOOD EQUIPMENT & UTENSILS	*20	SANITIZATION RINSE: CLEAN, TEMPERATURE, CONCENTRATION, EXPOSURE TIME, EQUIPMENT, UTENSILS SANITIZED	4	INSECT RODENT & ANIMAL CONTROL	*35	PRESENCE OF INSECTS/RODENTS OUTER OPENINGS PROTECTED, NO BIRDS TURTLES OR OTHER ANIMALS	4		
	*02	ORIGINAL CONTAINER, PROPERLY LABELED	1		*21	WIPING CLOTHES: CLEAN, USE RESTRICTED	1		FLOORS, WALLS & CEILINGS	*36	FLOORS CONSTRUCTED, DRAINED, CLEAN GOOD REPAIR, COVERING INSTALLATION, DUSTLESS CLEANING METHODS	1	
FOOD PROTECTION	*03	POTENTIALLY HAZARDOUS FOOD MEETS TEMPERATURE REQUIREMENTS DURING STORAGE, PREPARATION, DISPLAY SERVICE, TRANSPORTATION	5		*22	FOOD-CONTACT SURFACES OF EQUIPMENT AND UTENSILS CLEAN, FREE OF ABRASIVES, DETERGENTS	2			*37	WALLS, CEILING, ATTACHED EQUIPMENT, CONSTRUCTED, GOOD REPAIR, CLEAN, SURFACES, DUSTLESS CLEANING METHODS	1	
	*04	FACILITIES TO MAINTAIN PRODUCT TEMPERATURE	4		*23	NON-FOOD CONTACT SURFACES OF EQUIPMENT AND UTENSILS CLEAN	1			LIGHTING/ VENTILATION	*38	LIGHTING PROVIDED AS REQUIRED, FIXTURES SHIELDED	1
	*05	THERMOMETERS PROVIDED AND CONSPICUOUS	1		*24	STORAGE, HANDLING OF CLEAN EQUIPMENT/ UTENSILS	1		DRESSING ROOMS		*39	ROOMS AND EQUIPMENT - VENTILATED AS REQUIRED	1
	*06	POTENTIALLY HAZARDOUS FOOD PROPERLY THAWED	2		*25	SINGLE-SERVICE ARTICLES, STORAGE, DISPENSING, USED	1			OTHER OPERATIONS	*40	ROOMS CLEAN, LOCKERS PROVIDED, FACILITIES, CLEAN, LOCATED	1
	*07	UNWRAPPED AND POTENTIALLY HAZARDOUS FOOD NOT RE-SERVED	4		*26	NO RE-USE OF SINGLE SERVICE ARTICLES	2		*41		NECESSARY TOXIC ITEMS PROPERLY STORED, LABELED, USED	5	
	*08	FOOD PROTECTION DURING STORAGE, PREPARATION, DISPLAY, SERVICE, TRANSPORTATION	2		WATER/ SEWAGE	*27	WATER SOURCE, SAFE, HOT & COLD UNDER PRESSURE		5		*42	PREMISES MAINTAINED, FREE OF LITTER, UNNECESSARY ARTICLES, CLEANING MAINTENANCE EQUIPMENT PROPERLY STORED, AUTHORIZED PERSONNEL	1
	*09	HANDLING OF FOOD (ICE) MINIMIZED	2			*28	SEWAGE AND WASTE WATER DISPOSAL		4		*43	COMPLETE SEPARATION FROM LIVING/ SLEEPING QUARTERS, LAUNDRY	1
	PERSONNEL	*10	IN USE, FOOD (ICE) DISPENSING UTENSILS PROPERLY STORED		1	PLUMBING	*29		INSTALLED, MAINTAINED	1	*44	CLEAN, SOILED LINEN PROPERLY STORED	1
*11		PERSONNEL WITH INFECTIONS RESTRICTED	5	*30	CROSS CONNECTION, BACK SIPHONAGE, BACKFLOW		5						
*12		HANDS WASHED AND CLEAN, GOOD HYGIENIC PRACTICES	5	TOILET AND HANDWASHING FACILITIES	*31	NUMBER, CONVENIENT, ACCESSIBLE, DESIGNED, INSTALLED	4						
*13	CLEAN CLOTHES, HAIR RESTRAINTS	1	*32		TOILET ROOMS ENCLOSED, SELF-CLOSING DOORS, FIXTURES, GOOD REPAIR, CLEAN, HAND CLEANSER, SANITARY TOWELS/ HAND DRYING DEVICES PROVIDED, PROPER WASTE RECEPTACLES	2							
FOOD EQUIPMENT & UTENSILS	*14	FOOD (ICE) CONTACT SURFACES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED	2	GARBAGE & REFUSE DISPOSAL	*33	CONTAINERS OR RECEPTACLES, COVERED, ADEQUATE NUMBER INSECT/RODENT PROOF, FREQUENCY, CLEAN	2						
	*15	NON-FOOD CONTACT SURFACES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, LOCATED	1		*34	OUTSIDE STORAGE AREA ENCLOSURES PROPERLY CONSTRUCTED, CLEAN, CONTROLLED INCINERATION	1						
	*16	DISHWASHING FACILITIES: DESIGNED, CONSTRUCTED, MAINTAINED, INSTALLED, OPERATED	2										
	*17	ACCURATE THERMOMETERS, CHEMICAL TEST KITS PROVIDED, GAUGE COCK (1/4" IPS VALVE)	1										
	*18	PRE-FLUSHED, SCRAPPED, SOAKED	1										
	*19	WASH, RINSE WATER: CLEAN, PROPER TEMPERATURE	2										

RATING SCORE → 100
 100 LESS WEIGHT OF ITEMS IN VIOLATION
 FOLLOW-UP REQUIRED?
 NO YES IN DAYS
 SHEET 1 OF

INSPECTOR'S COMMENT

RECEIVED BY [Signature] TITLE _____
 INSPECTED BY Marty Halber DATE 3-9-00

Municipality of Anchorage
DEPARTMENT OF HEALTH & HUMAN SERVICES
PERMIT

NAME OF FACILITY: SANDS NORTH
TYPE OF FACILITY: BAR, ALCOHOL

PERMIT NO.

2209

OWNERS NAME: CHRIS KATSEKURES
LOCATED AT: 401 W INTERNAL AIRPORT, 919
SANDS NORTH
TO: 601 W INTERNAL AIRPORT, 19
ANCHORAGE, AK 99504

ISSUED UNDER AND SUBJECT TO THE ANCHORAGE MUNICIPAL CODE OF ORDINANCES
TITLES 15 AND 16.

UPON PAYMENT OF THE REQUIRED FEE, THIS CERTIFICATE IS VALID UNTIL DECEMBER 31,
1990, OR UPON CHANGE OF OWNERSHIP THIS PERMIT MAY BE REVOKED AT ANY TIME.

BY: ROBERT A. (BERT) HALL

DATE: 12/16/89

Director of Health & Human Services

THIS CERTIFICATE AND PERMIT IS NOT TRANSFERABLE
AND IS THE PROPERTY OF THE MUNICIPALITY OF ANCHORAGE

7049 (Rev. 6/86)

Original Health Permit 1989-
we have had inspections
every year since we started
in business

11/17/01 10:19 AM 11/17/01 10:19 AM 11/17/01 10:19 AM



Examination Form No. 742
Certificate No. 2825948

ServSafe Certification

*Fantasies
on 5th Ave.
Good till 10/26/04*

TO
CAROL HARTMAN

for successfully completing the requirements set by the National Restaurant Association Educational Foundation for the ServSafe® Food Protection Manager Certification Examination, which is recognized by the International Food Safety Council.

Presented by the National Restaurant Association.. Educational Foundation

10/26/01

DATE OF EXAMINATION
This ServSafe certification is valid for 5 years.
Check with your local health department for their specific requirements.

ELLEN MOORE, FMP
SENIOR VICE PRESIDENT
LEARNING AND CERTIFICATION DIVISION

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