ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672
11196 SENATE JUDICIARY

Alaska CHARR's Government Affairs Committee was unanimous in their opposition to HB 367 in its current form.

Sincerely,

Dale Fox
Executive Director, Alaska CHARR

Cc: Rep McGuire
Rep. Anderson
Rep Gara
Rep Dahlstrom

VISIT ALASKA – IT'S AN AMERICAN ADVENTURE

HOTEL EMPLOYEES, RESTAURANT EMPLOYEES UNION LOCAL 878

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(907) 225-4508

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(907) 486-4561

Valdez area office:
(907) 835-2391

February 1, 2004

To Whom It May Concern:

I am writing on behalf of Hotel Employee Restaurant Employee Union Local 878 (H.E.R.E.) to express our support for Fantasies on 5th, a member in good standing since September, 2001.

I have dealt with many business owners during my tenure as the President of H.E.R.E. Local 878 and it is with no reservations that vouch for the honesty and integrity of Kathy and Carol Hartman, owner of Fantasies, and their management team.

There has been much controversy over young adult clubs and the treatment of their employees, and the types of activities that go on. This business is very responsive to the needs of its employees, and tolerates no improper or illegal activities.

In my experience the vast majority of owners of clubs in Alaska are decent, responsible owners who look out for the well being of their workers. To stereotype these establishments as all bad is ridiculous as stereotyping all car salesmen as dishonest. It is unfair, and inaccurate.

Please look carefully at blanket legislation that attacks this industry and consider looking at remedies that address specific problems.

Sincerely,

Marvin Jones
President
H.E.R.E Local 878

February 26, 2004

To Whom It May Concern:

As the Sales Manager for a locally owned group of radio stations here in the Anchorage area, I have been involved with the owners of Fantasies On 5th since 1997 when they operated Sands North on International Road.

I have advertised their businesses on our stations, I have been present when we have done live remote broadcasts from their locations and I have had them and their business involved in other promotions pertaining to our stations.

Of the countless times that I have been in their premises over the years, both of a professional and personal nature, I have NEVER ONCE saw any activity that made me feel uncomfortable, or activity that would be considered illicit. Nor have I even HEARD of any activity that would be considered illicit.

I am 37 years of age, married and have 4 children. My wife and I attend church regularly and have been involved in several church organizations. I felt that I should write this letter as I am not oblivious to what's going on with the underage (it's funny how over 18 is considered "underage") strip clubs in regards to proposed legislation.

To many times policy makers think that they have to pass legislation in order to feel that they are doing something. I'm all for that. However, I encourage you that read this to make sure you are basing your decisions on fact, and not on premises or speculation.

Kind Regards,

T Pauley

Tony Pauley
Sales Manager

UBIK BROADCASTING CORPORATION
907 EAST DOWLING ROAD, SUITE #24
ANCHORAGE, AK 99518
PH (907) 562-8119 FAX (907) 562-8117

THE SAFE HARBOR INN

ALASKA'S NONPROFIT MOTEL

February 5, 2003

Ms. Carol Hartman, Owner
Sands North, Inc. dba Fantasies on 5th
1911 East 5th Avenue
Anchorage, Alaska 99501

Dear Carol:

Anchor Arms, Inc. dba the Safe Harbor Inn is pleased to express its strong support for your plans to improve your facility and property.

Ever since we purchased the former Grizzly Inn in 2001 and began to operate it as a nonprofit motel for homeless families and people with disabilities, we have been very grateful to have you as our neighbor. Not only have we had no problems whatsoever with any of your customers, but we have really appreciated the way you keep your property clean and quiet and the responsible way in which you have run your operation.

Along with our primary mission of providing successful, compassionate transitional housing, one of our main goals is to improve our neighborhood. Our planned expansion will further that end, and we believe that your planned improvements will do the same. We look forward to continuing to work together with you to achieve our common goals, and we thank you very much for all your kindness and support.

With best wishes,

Lynne Ballew

Lynne Ballew, Project Director

ANCHOR ARMS, INC. 2005 E. 4TH AVENUE ANCHORAGE, AK 99501 907.868.7373 (PHONE) 907.868.7757 (FAX)

AMERICAN TIRE & AUTO

2-27-04

I Bruce Skaggs
manager of American Tire

I've enjoyed being a patron of the Setter, we've been neighbors for many years. I find the Lounge clean, comfortable, and safe. They have a good Working Class crowd. I've never been offered drugs or prostitution. I've never felt solicited. The staff is professional and the patrons courteous.

Serving all of Alaska

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Fax: (907) 272-6912

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7835 Old Seward Highway
Anchorage, Alaska 99518
Phone: (907) 336-7878
Fax: (907) 336-7879

COMMERCIAL
1949 East Fifth Avenue
Anchorage, Alaska 99501
Phone: (907) 276-4141
Fax: (907) 276-1688

AMERICAN TIRE & AUTO

2-27-04

I Cynthia Wineteer

as an employee of American Tire I'd like to offer this letter of support for the Setter Lounge. I'm a single woman and often walk across the alley after work to enjoy a drink.

I've never seen or heard of drugs being used or offered. I have not witnessed any inappropriate behavior. I've been treated well by employees and customers

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COMMERCIAL
1949 East Fifth Avenue
Anchorage, Alaska 99501
Phone: (907) 276-4141
Fax: (907) 276-1688

To whom it may concern

My name is Dawn Jewell, and I am 34 years old and have been an adult entertainer for over eleven years now. My stage name is Sheena and I have been employed by my Lord and Kelly Hartman for my entire dancing career.

When I got into dancing I was going through a divorce, fighting for custody of my three children, but I was also a cocaine addict and on probation. I also had my first, last, and only D.W.I. Needless to say life was not looking good for me, suicide was another option for many days.

I needed money, and a life in which I was happy and I saw an ad in the paper for the Sands North. So I made the phone call and went down to talk to Carol. I liked the atmosphere and Carol was very nice to me & she explained that if I decided to do this - that I did not ever need to take my clothes off, drugs and alcohol were not tolerated, and prostitution absolutely not tolerated - both of which grounds for immediate termination. So I went to work the next night and I liked it - I made money - and didn't take my bottoms off and I was happy; for the first time in a long time.

My probation officer (Linda Gerber) was not as happy w/ my decision - but something was happening - during short period my UA's were coming up clean - I was doing my community work service and I was going to my outpatient appointments religously and I was living a clean, healthy

lifestyle continuously w/ my AA + NA meetings. Carol would let me come in earlier so I could do my meetings and outpatient care - she was very supportive of me getting my life together.

As my probation officer started to see the changes in me she decided dancing was not such a bad option for me, and she even let me have a roommate, who was another dancer, and my roommate never had done a drug in her entire life.

At that point my probation officer decided that I had enough clean time to drop the U.A's. Also before I was dancing I had enough dirty U.A's that Ms. Gerber was filing charges for me to go back to jail to finish my original sentence. By the time the court date rolled around I had almost nine months of clean time under my belt and she recanted her original recommendation of jail time - the judge explained to me I was "walking a tight rope" and he never wanted to see me in his court room again. Let me just say neither he nor any other judge has seen me again.

I got really screwed up in my chosen profession (I was a hairdresser) and cleaned up and did 180° turn for the better in a profession ~~everybody~~ a lot of people seems to stereotype as a "druggie, prostitute lifestyle. That stereotype could not be further off base - I work with a lot of ~~girls~~ women who are going to school, single moms, both, or women who are trying to open up their own businesses (coffee shops, boutiques etc.).

About two years ago I went to bartending school and once again - I could go into work Date - or rearrange my schedule to work the nights I won't

in school - the Hartmans have always been extremely supportive of girls moving on and helped in anyway they could. I passed my class with a 97% then Cancer + hating gave me an opportunity to use my new skills by letting me tend bar for them and I've been doing that for them for a year and a half now.

So today I have 60% custody of my three children, been clean for eleven years, and have not been in trouble with the law for eleven years, learned a new skill, and have not gone hungry for eleven years. If I had not got into dancing and met clean, sober women - who knows how my life would've turned out?, but I bet it would not have been as good.

My time dancing is coming to an end, being as I'm 34 now and want to move into a full-time bartending job - the Hartmans are very supportive of my decision and are helping me with job leads.

Now the state is coming down - and some of the things I've heard blow me away. I've heard how the dancing profession leads into drug use and prostitution - having been a dancer for over eleven years I have lived the complete opposite and watched women turn their lives around for the better in the dancing profession. The Hartmans run a very clean business - as a dancer I have to be there on time, or I get sent home - I have strict rules I have to follow, or I get sent home. The club has bi-monthly meetings - I am required to attend or I can lose three nights work. These are all rules + policies followed by any other businesses, such as banks or corporate companies.

The Hartmans have never supported a woman or encouraged lewd behavior - they are quite the opposite - they are willing to help women out by helping them find a legal and decent apartment or a house or I've seen women get pregnant and the Hartmans have let them continue until they found another job.

Carol + Kathy will not tolerate drugs, alcohol, or prostitution - a woman will be fired immediately for any violation on one of those counts. Prostitution has never, or will never be an option for me; and I'm not the only woman working for the Hartmans who feels this way.

I'm tired of being put into this stereo-type and I know I'm not the only one - maybe things could be different if the "model-majority" would take the time to talk to a lot of the women I work with, they would realize just how far off base they are.

Tawnya Hernandez

Charity Christensen
2836 North Circle
Anchorage, AK 99507
February 21, 2004

To Whom It May Concern:

I understand that a new law has been presented for the state of Alaska concerning 18, 19, and 20 year old adults and their entitlement to make a living as exotic dancers or to observe exotic dancing as a form of appropriate entertainment. I feel deeply affected by this due to the fact that I, and many people I care about fall into the middle of this age category. I realize the good intentions behind the proposed law, unfortunately, I, along with many others also believe it truly offends. It puts that profession down dramatically when there is nothing wrong with it. The approach to change the law has offended and degraded everyone involved in the business of dancing. It portrays the dancers as prostitutes, and/or dirty, diseased women (and men in some cases) that just use the money they make to obtain drugs, which is absolutely a false conviction. If, at the age of 18, young adults have the right to join the armed forces and die for a our wonderful country, then why can't they see the beauty of an undressed woman dancing on stage? If, at the age of 18, young adults have the right to vote for the President of the United States, which should be considered the single most important task of our adult lives, then why can't they dance in clubs and make it their form of substantial income? If, at the age of 18, young adults can be convicted and served adult sentences (and have it remain on their permanent records), then once again, why can't they observe or participate in adult type settings such as strip clubs?

Currently I am a student at the University of Alaska, Anchorage. I had previously left the state to attend another college, but abruptly returned to Alaska to finish the school year. I was born and raised in this magnificent state, and will remain here for the remainder of my years. My absolute focus right now is to attend college and eventually earn a doctorate in psychology. Unfortunately, it is a known fact that school costs an enormous amount of money. Some student's parents pay for their schooling, mine are unable to assist me. I am 19 years old and support myself in everything I do or need. I pay for my car payment, car insurance, fuel, apartment, groceries, and education. I formerly worked a steady job as a Barista, but unfortunately I did not earn enough money to sustain my financial needs. I now dance at a very prestigious club; I feel extremely safe and considerably clean. My employers care deeply for me and my colleagues. I see them, not only as my bosses, but particularly as friends. They watch over us like parents and are

there for us when we need them. Numerous girls at the club attend some form of school, and use dancing to pay their bills. It is unacceptable to take away the right we currently hold to earn money in this manner. We are all abiding citizens of the United States, and are considerably good people with high morals.

If you take away our right to earn a living this way, you are not only negatively affecting future dentists, doctors, and perhaps lawyers or biologists, but current business people as well. It's horrendous that 18, 19 and 20 year adults are being considered children still, when in fact many are completely responsible for themselves without assistance from the state or their parents. Please rethink your decision to follow through with this bill, and maybe consider who you're really affecting, and please ask yourselves the question of why exactly a bill like this is needed. Thank you for allowing me to voice my concerns, and I pray that it will some how reveal the good side of exotic dancing.

Sincerely,

Charity Christensen
Student/Dancer

February 4, 2004

To whomever it may concern:

I am writing about the legislative bill that is in the process of being passed and why I think it is unnecessary. I am 20 years old and have been dancing for over one year. Dancing is something that allows me to support myself while I am going to school, and it is something that I made the decision to do on my own; there was no persuasion from any other source. I do not do drugs and I made the decision to dance as a means to better myself. The legislative bill that is in the process of being passed and activated that states dancers that are under 21 need to undergo career counseling and take a class on the prevention of spreading STDs, is unnecessary for numerous reasons but the main reasons are that career counseling and STD prevention is taught in high school, it insinuates that all dancers are dumb, and it's our constitutional right to dance if we want to.

I have been going to UAA for 2 years now, and as a young adult, I have graduated not only high school, but college, and am now pursuing my second degree, and I am able to fully support myself while going to school through dancing. Obviously, if I have been going to college for 2 years and have already graduated from there, I am fully aware of the other career opportunities available to me besides dancing. I do not need an instructional course to tell me that I have other choices. In the Anchorage school district, career counseling is something that is offered in high school, and since I graduated from the anchorage school district, I have already been given that counseling years ago. I find it ludicrous that I would need to be informed again of what is out there, because I already know. Not only that, but taking a class on the prevention of spreading STDs is also another unnecessary course. Students in Anchorage first begin to learn about sexually transmitted diseases in the eighth grade and learn about it again when they are in high school. It is a waste of time and money for me to sit through a class that teaches me about the same STDs that I learned about previously. Furthermore, in the spring semester of 2003, I had taken a biomedical science class where I learned about STDs again. That is three times where I have been formally educated in the matter. I do not need to go through another class like that again to become a dancer, where there is absolutely no sex involved. I am sure you are already aware about the conditions of how STDs are transmitted, therefore, I do not need to inform you that it is impossible to spread STDs through a club where there is no sexual contact. Or maybe you didn't know that.

I realize that not every single dancer has gone through the same extensive training/education that I have, so as a note on their behalf: mandatory career counseling in order to obtain a license to dance is an insult, because it is insinuating that every dancer is not aware of the other jobs that are out there, therefore making the assumption that every dancer is unintelligible. Did we not all go to high school where every teenager was basically taught the same principles of life? Were we not all informed that after you graduate high school you are entering a world as an employee as a means to support yourself? Even if one was to eventually drop out of high school, they are mandated by law to stay enrolled until they are 16. So even if they did not finish their education, before they made the decision to leave high school, they were still taught about working after their high school career subsided, and they all had guidance counselors that taught them about a variety of career opportunities. The average high school student will take

biology as a sophomore. Sophomores are 15 and 16 years old. Most sophomores will enter their high school year being 15 yrs. Old and will turn 16 sometime during that same school year. Biology is a year long class, so even though a student can legally drop out of high school at 16 years old, they most likely started the class at 15, therefore, they were instructed about sexually transmitted diseases at some point in that time frame. If for some reason they did not receive that part of the class during that time in their life, they learned about it in eighth grade. Regardless of when they were taught about the dynamics of sex and its repercussions in class(es), there are clubs active in high school that teach about STDs. Clubs such as RARE-T, which makes presentations throughout the school year about such things as STDs and how they are spread, how to avoid them, and so forth. The point being, if you are a junior high or high school student, you have more than likely received some form of instruction on the subject, which takes me back to the point of dancers **not** needing to take a class on the subject matter.

The last time I checked, the United States of America was a free country. Furthermore, the legal age in which one becomes an adult is 18. Why, then would it be possible to shut down an adult establishment business to those under 21, if by definition 18 is an "adult?" What's even more troubling is cigarettes, which are clinically proven to cause lung and mouth cancers, are sold to 19 year olds, but a 19 year old who could potentially kill themselves with cigarettes, can not enter a club that is for "**adults only**." In the United States of America, a 19 year old is old enough to deteriorate their own health, but they can not step inside an adult entertainment business where there is nothing going on of compromising nature. As mentioned before, there is no sex being solicited or being engaged upon, so I do not understand what the controversy is.

In conclusion, I feel that the legislative bill that is of topic here is completely illegitimate. Proof of the bills illegitimacy is in the fact that dancers are already schooled about the opportunities in careers and the prevention of sexually transmitted diseases, and the fact that in America, 18 is an adult. Being an adult means doing whatever you so please. It is unconstitutional to take that right away from someone because others are worried and uneducated about the subject matter.

Sincerely,

Karma

Karma from Fantasies on 5th Ave.

my name is Krista, Im writing in reference to fantasies on 5th Ave. Im a worker here, and to me this job has provided me a lot. It has given me an opportunity to make it here in anchorage, alaska, where I moved two years ago. I came here for college and a place to live and grow on my own.

Since working here, I have built much confidence, strength, security in myself. I feel good about myself. I have as well been able to save money to pay for my college and I also am paying for my place to live.

its been a real struggle but sine I've started working here, I feel great and encouraged to just work, not only here but other jobs. Thanks for your under standing

The Hartmans have never supported a woman or encouraged lewd behavior - they are quite the opposite - they are willing to help women out by helping them find a legal employment or a house or I'd see women get pregnant and the Hartmans have let them witness until they found another job.

Cause Kathy will not tolerate drugs, alcohol, or prostitution - a woman will be fired immediately for any violation on one of those counts. Prostitution has never, or will never be an option for me; and I'm not the only woman working for the Hartmans who feels this way.

I'm tired of being put into this stereo-type and I know I'm not the only one - maybe things could be different if the "moral-majority" would take the time to talk to a lot of the women I work with, they would realize just how far off base they are.

Tawni Lee

FOR IMMEDIATE RELEASE Feb. 26, 2004

CONTACTS: Kathy Hartman and/or Carol Hartman: office 563-0042, fax 563-0043

Re: HB 367 "An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date."

- The owners of Anchorage adult cabaret entertainment establishments believe that anyone attending high school should not work in any adult establishment, and will support legalization to that effect. In addition, the adult entertainment establishment executives are discussing prohibiting any employee working in educational institutions from working at their establishments.
- Existing labor laws are already sufficient to cover any hourly or contract labor dispute.
- Existing laws and regulations already require adult entertainment cabarets to be licensed and to comply with health, fire, building and other codes. And these establishments are already inspected annually.
- Existing laws already address prostitution, drug dealing, etc. Those laws should be strictly enforced by the appropriate public safety personnel.
- The owners of the adult cabarets are self-regulating, and do not require "sex police" to maintain legal and health standards at their work sites.
- Further, the club owners oppose, and will challenge in court, any unconstitutional laws prohibiting 18, 19, and 20-year old adults from working and patronizing non-alcohol adult cabarets
- The use of secondary effects in relation with HB 367 as a justification for prohibiting 18-20 year olds from working or patronizing adult entertainment cabarets is not substantiated. The most recent Anchorage Police Department statistics show that adult entertainment establishments have far fewer calls for service than what is being alleged. Also, property values have steadily increased.
- HB 367 must include the costs of a full legal challenge to the highest court, and this cost must be attached to the fiscal note. At a time of financial duress, the State of Alaska cannot afford such a challenge with so many other pressing needs that must be met.
- Young adults are old enough to vote, old enough to be tried in court as adults, old enough to donate their organs, and to serve in the Armed Forces of the United States military and to give their lives for their country.

FOLLOW-UP INFORMATION AND STATISTICS REGARDING PRESS RELEASE DATED 2/26/04

CONTACTS: Kathy Hartman and/or Carol Hartman: office 563-0042, fax 563-0043

Re: HB 367 "An Act relating to the licensing and regulation of adult-oriented businesses; and providing for an effective date."

LIVELIHOOD OF YOUNG ADULT WORKERS THREATENED BY HB 367

Employees of adult entertainment cabarets told Alaska legislators that their livelihood is threatened by House Bill 367, a proposed law that may forbid 18, 19, and 20 year olds from working as entertainers (dancers) in non-alcohol clubs. The proposed bill originally forbade 18, 19, and 20 year olds from entering these businesses as patrons, or employees in any capacity. However, the most current "work draft" has eliminated that language. These adult cabarets have a "Permit For Premises Where Minors Are Not Allowed, which complies with the zoning ordinance to keep adult oriented businesses 1000 feet from schools, residential property, public parks, 24-hour day cares, churches, public recreation facilities, and public libraries. These businesses, according to Municipal Code 10.40.050 must also comply with health, fire, building, and other codes. They receive annual inspections to assure compliance. Due to the amendment of a Municipal ordinance in December 2003, adult cabarets are now required to be licensed through the Municipality of Anchorage and fall under strict regulations encompassed in the ordinance.

There have been several hearings for public testimony and teleconferencing on this issue. The most recent hearing was in front of the Judiciary Committee and was not only teleconferenced from several people in Anchorage and Fairbanks, but was attended by two concerned owners of an adult cabaret. The testimony was lengthy, and covered numerous concerns from the public. Many of the workers and entertainers that are employed at these adult cabarets have given heart-felt testimony to both the Labor and Commerce Committee and the Judiciary Committee. These young adults are very concerned with the threat that they may become unemployed with the passing of a bill that they consider unfair, discriminatory, and unconstitutional.

The legislature, PTA, APD, and other concerned citizens have spoken in favor of this bill, citing adverse secondary effects, rising crime rates, decreased property values, public health and safety issues, accosting and harassment of law-abiding citizens, a proliferation of litter, and the general welfare of residents for their reasons to pass a law that will prevent prostitution, lewd acts, the spread of disease, and the blighting and deterioration of neighborhoods, and will reduce crime.

According to recent data and research conducted by adult cabaret owners, they have been able to present the legislature with several facts that show the innuendos being made are incorrect. There are no adverse secondary effects attributable to adult cabarets. A "Calls For Service at Requested Locations" Report was received from Anchorage Police Department on Feb. 20, 2004. It covers calls made over a five year period from 1998 - 2003 to 5 bars/nightclubs that serve alcohol but have no adult entertainment, 6 adult cabarets, (three of which serve alcohol and three which are 18 and over with no alcohol), and one teen-age club, all in Anchorage. The 5 bars/nightclubs with alcohol, but no adult entertainment had a total of 854 calls, the 3 adult cabarets with alcohol had a total of 150 calls, the 3 adult cabarets that are 18 and

over with no alcohol had a total of 90 calls, and the teen club had 22 calls. Other research, through Municipal records, on over 100 properties adjacent to or surrounding the adult cabarets in Anchorage, covering values from 2001 - 2003, show that all the properties have increased in value. The "Descriptive Analysis of Sexual Assaults in Anchorage, Alaska" report also shows that none of the adult cabarets are in the "hot spots" shown by the report. It states that "both victims and suspects had typically been drinking alcohol prior to the assault", private residences were the most common place for "pick-up" before the assault and for the assault, and suspects and victims were acquainted prior to the time of the assault in 56% of the cases.

The adult cabarets are self-regulated. They will not hire anyone that is still attending high school, no matter what their age. And would not oppose legislation to that effect. The cabaret owners feel that the laws we already have address labor laws, prostitution, illegal drugs, and other crimes, and are sufficient to prevent violations in any of these areas, if the laws were properly enforced.

There are many concerns that need the legislatures attention, and our public schools system is one of them. The public schools have abundant cases of violence, drugs, and other issues that need dealt with, to say nothing of the huge budget cuts. How can the State of Alaska allow consensual sex at the age of 16, yet not allow adults aged 18 - 20 to work in the adult entertainment business? HB 337, Anatomical Gifts Registry, now allows 16 year olds to donate their organs, with parental consent, and at 18 without consent. If the State says you are old enough and mature enough to make these decisions, how can they even consider HB 367 as viable?

According to Planned Parenthood as of 2/23/04, **children** aged 11 - 18 are permitted to have an abortion without parental notice or parental consent. Although Planned Parenthood does not perform abortions, they do refer their clients to places where they can acquire the abortion that they seek.

The State of Alaska currently is contracted with an agency that provides employment services to Welfare recipients. These Employment Specialists to date have referred these same recipients to Fantasies on 5th Avenue and The Showboat for employment. If the Legislature believes that being employed at either of these establishments is such a detriment to young adults, then why are they funding, and referring them, or other clients for employment to these business establishments if the State of Alaska thinks these businesses are so bad?

We have repeatedly requested that the legislature furnish us with **factual** information to substantiate the allegations brought forth by Covenant House, various PTA's, Nancy Fair, and Diana Straub. If, in fact, there have been any **minors** that were employed by any of these businesses, prostitution being engaged in, unsanitary health conditions existing, drugs freely available, or **children** being exploited, as Kara Nyquist stated in her testimony notes, why were the police not contacted. There are laws addressing each of these accusations, and the laws should be enforced. As Ms. Nyquist stated, "The agencies I represent support HB 367 because **no enforcement** of these businesses is currently taking Place and children are being exploited". Only adults, **not children,** are involved in adult businesses, and the laws to ensure that these violations do not occur need to be enforced! **Enforcement of current laws is the issue here. More unnecessary regulation will cost the state additional money, and more manpower in order to attempt enforcement.**

The "Resolution Encouraging More Regulations For Sexually Oriented Businesses" presented by

the Anchorage Council of Parent Teacher Associations, is full of unsubstantiated allegations. (see attached)

In August 2003 a ruling by a federal judge prevented Missouri from raising the age for dancers from 18 to 19, stating it appeared to be a violation of the First Amendment right to free expression. Let's kill this bill, which would also do away with the fiscal note attached to it, and spend the state's time and money on more important and pressing issues.

PRESS RELEASE:

HOUSE BILL #367

In the State of Alaska there is no state law requiring any minor ages 11-18 to get parental consent to receive an abortion or any other sexual related medical treatment. HB#367 requires business owners of adult oriented establishments to fund and provide counseling services on STD topics, career counseling and administer Drug testing on all employees dancing. While footing the cost of these legal changes the adult oriented businesses too will be required to get additional licensing from the state in order to remain in business.

The State of Alaska currently is contracted with an agency that provides employment services to welfare recipients. These Employment Specialist to date have referred these same recipients to Fantasies and Showboat for employment. If the legislatures believe that being employed at either of these two businesses is such a determent to young adults then why are they funding and referring them or any of their clients for employment to both business establishments?

Carol:

"I have the evidence and can engage in verbal conversation with said agency if you have 3-way-calling to prove my point."

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 02-12281

D. C. Docket No. 99-02707-CV-T-25-C

PEEK-A-BOO LOUNGE OF BRADENTON, INC.,
a Florida corporation,
M. S. ENTERTAINMENT, INC.,
a Florida corporation,

Plaintiffs-Appellants,

versus

MANATEE COUNTY, FLORIDA,
a political subdivision of the State of Florida,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida

(July 15, 2003)

Before EDMONDSON, Chief Judge, BARKETT and COX, Circuit Judges.

BARKETT, Circuit Judge:

7. City of Los Angeles v. Alameda Books, Inc.

The Court's most recent case involving adult entertainment was City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425, 122 S.Ct. 1728 (2002), a case in which adult businesses challenged the constitutionality of a city zoning ordinance forbidding two or more such businesses from operating in the same building. The Supreme Court reversed a lower court judgment granting summary judgment to the adult businesses, holding that Los Angeles could reasonably rely, at this stage of the litigation, on a police department study of the effect of adult businesses on crime patterns to overcome summary judgment. Once again, however, no single rationale justifying the result enjoyed the assent of five Justices.

The narrow question presented in Alameda Books was the appropriate standard "for determining whether an ordinance serves a substantial government interest under Renton." 121 S.Ct. at 1733. The plurality opinion, written by Justice O'Connor, found that by relying on a 1977 study showing that concentrations of adult establishments are associated with higher rates of prostitution, assaults, and other secondary effects, Los Angeles had complied with Renton's evidentiary requirement, at least for the purpose of surviving summary

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Pap's A.M., 529 U.S. at 316-317. Justice Stevens, joined by Justice Ginsburg, dissented, concluding that the ordinance was a "patently invalid" content-based ban on nude dancing that effectively censored protected speech. Id. at 332.

judgment motion. Id. Hence the plurality held that summary judgment for the adult businesses should be reversed and the case remanded for further proceedings. Id. at 1738. The plurality explained, however, that Renton's requirement that a municipality act on evidence "reasonably believed to be relevant" to the problem of secondary effects does not mean

> . . . that a municipality can get away with shoddy data or reasoning. The municipality's evidence must fairly support the municipality's rationale for its ordinance. If plaintiffs fail to cast direct doubt on this rationale, either by demonstrating that the municipality's evidence does not support its rationale or by furnishing evidence that disputes the municipality's factual findings, the municipality meets the standard set forth in Renton. If plaintiffs succeed in casting doubt on a municipality's rationale in either manner, the burden shifts back to the municipality to supplement the record with evidence renewing support for a theory that justifies its ordinance.

Id. at 1736.[12]

Justice Kennedy concurred in the judgment of the Court but wrote separately because he agreed with the dissent that the Los Angeles ordinance was not content-neutral, and because he feared that the plurality opinion "might constitute a subtle expansion" of Renton. Id. at 1739. On the issue of content-neutrality, the O'Connor plurality took the position that the Court should not decide whether the Los Angeles ordinance was content-neutral since the Ninth Circuit had not yet

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[12] In addition to joining the plurality opinion, Justice Scalia wrote separately to emphasize his view that the plurality's secondary effects analysis was unnecessary because the First Amendment "does not prevent those communities that wish to do so from regulating, or indeed entirely suppressing, the business of pandering sex." Id. at 1738-39.

passed on the matter. Id. at 1737. Justice Kennedy disagreed, joining the four dissenters in characterizing the application of the content-neutral label to secondary effects ordinances like Los Angeles' as a "fiction," because "whether a statute is content neutral or content based is something that can be determined on the face of it; if the statute describes speech by content then it is content based. . . . These ordinances are content based and we should call them so." Id. at 1741. Nevertheless, unlike the dissent, Justice Kennedy held that secondary effects zoning ordinances were subject to intermediate scrutiny even though they were content-based. Accordingly, he concluded that "the central holding of Renton is sound: A zoning restriction that is designed to decrease secondary effects and not speech should be subject to intermediate rather than strict scrutiny." Id.

With respect to Renton, Justice Kennedy distinguished two questions entering into whether an ordinance serves a substantial government interest under Renton: (1) "what proposition does a city need to advance in order to sustain a secondary effects ordinance?", id. at 1741; and (2) "how much evidence is required to support the proposition?" Id. As Justice Kennedy saw it, the plurality gave the correct answer to the second question, but skipped the first, to which more attention must be paid. To justify a content-based zoning ordinance, he argued, "a city must advance some basis to show that its regulation has the purpose and effect

of suppressing secondary effects, while leaving the quantity and accessibility of speech substantially intact." Id. at 1742. The key issue, in other words, is "how speech will fare" under the ordinance:

> "[T]he necessary rationale for applying intermediate scrutiny is the promise that zoning ordinances like this one may reduce the costs of secondary effects without substantially reducing speech. For this reason, it does not suffice to say that inconvenience will reduce demand and fewer patrons will lead to fewer secondary effects. . . . It is no trick to reduce secondary effects by reducing speech or its audience; but a city may not attack secondary effects indirectly by attacking speech."

Id.

Turning to the second question, Justice Kennedy agreed with the plurality that "very little evidence" was required of a municipality to support the claim that its ordinance serves to reduce secondary effects without substantially reducing speech. Id. at 1743. In this case, Los Angeles could reasonably conclude based on its 1977 study that preventing multiple adult businesses from operating under one roof was "reasonably likely to cause a substantial reduction in secondary effects while reducing speech very little." Id. Justice Kennedy acknowledged that "[i]f these assumptions can be proved unsound at trial, then the [Los Angeles] ordinance might not withstand intermediate scrutiny." Id. Nonetheless, he concluded that these considerations were sufficient to determine that the ordinance was not facially invalid and should survive a motion for summary judgment. Id. Because

he concurred in the judgment of the Court on the narrowest grounds, Justice Kennedy's concurrence represents the Court's holding in Alameda Books under Marks. See, e.g., Ben's Bar, Inc., 316 F.3d 702, 722 (7th Cir. 2003) (identifying Justice Kennedy's opinion as controlling); SOB, Inc., v. County of Benton, 317 F.3d 856, 862 n.1 (8th Cir. 2003) (same).

8. Two Types of Regulation: Zoning Ordinances and Public Nudity Ordinances

Based on the foregoing, we conclude that while the Supreme Court has utilized closely related, and at times overlapping, analytical frameworks to evaluate adult entertainment zoning ordinances, on the one hand, and public nudity ordinances, on the other, these two types of regulatory action, both of which may target the perceived "secondary effects" of adult entertainment, must be distinguished and evaluated separately. Zoning ordinances regulating the conditions under which adult entertainment businesses may operate should be evaluated under the standards for time, place, and manner regulations set forth in Renton and reaffirmed in Alameda Books. Accordingly, a reviewing court must perform a three-part analysis to determine whether the zoning ordinance violates the First Amendment: first, the court must determine whether the ordinance constitutes an invalid total ban or merely a time, place, and manner regulation;

second, if the ordinance is determined to be a time, place, and manner regulation, the court must decide whether the ordinance should be subject to strict or intermediate scrutiny; and third, if the ordinance is held to be subject to intermediate scrutiny, the court must determine whether it is designed to serve a substantial government interest and allows for reasonable alternative channels of communication. Renton, 475 U.S. at 46-50; Alameda Books, 122 S.Ct. at 1733-34.

By contrast, public nudity ordinances, insofar as they are content-neutral, should be evaluated under the four-part test for expressive conduct set forth in O'Brien and utilized by the Court in Barnes and Pap's A.M.. According to this test, public nudity ordinances that incidentally impact protected expression should be upheld if they (1) are within the constitutional power of the government to enact; (2) further a substantial governmental interest; (3) are unrelated to the suppression of free expression; and (4) restrict First Amendment freedoms no greater than necessary to further the government's interest. O'Brien, 391 U.S. at 367-77; Pap's A.M., 529 U.S. at 289; Barnes, 501 U.S. at 567.

The significance of Alameda Books is that it clarifies how the court is to interpret the third step of the Renton analysis as well as the second prong of the O'Brien test, which are, to a certain extent, virtually indistinguishable. In deciding whether a given ordinance "is designed to serve" (Renton) or "furthers" (O'Brien)

the government's alleged interest in combating the negative secondary effects associated with adult entertainment, the standard we apply is the one described in Renton and utilized in Barnes, Pap's, A.M., and Alameda Books. According to this standard, the government need not conduct local studies or produce evidence independent of that already generated by other municipalities to demonstrate the efficacy of its chosen remedy, "so long as whatever evidence [it] relies upon is reasonably believed to be relevant to the problem that [it] addresses.'" Pap's, A.M., 529 U.S. at 296 (plurality opinion) (quoting Renton, 475 U.S. at 51-52). However, the government's evidence "must fairly support [its] rationale." Alameda Books, 122 S.Ct. at 1738 (plurality opinion); see also id. at 1743 (Kennedy, J., concurring). Further, plaintiffs challenging the ordinance after passage must be given opportunity to "cast direct doubt on this rationale, either by demonstrating that the municipality's evidence does not support its rationale, or by furnishing evidence that disputes the municipality's factual findings." Id.[13]

[13] On the basis of these Supreme Court decisions, some federal courts have expressed doubt over whether Renton or O'Brien should be used to evaluate adult entertainment ordinances and others have decided that the two tests are interchangeable. See, e.g., LLEH, Inc. v. Wichita County, Texas, 289 F.3d 358, 365 (5th Cir. 2002) (expressing uncertainty as to whether courts should use "the test for time, place, or manner regulations, described in Renton . . . or the four-part test for incidental limitations on First Amendment freedoms established in O'Brien"); Ben's Bar, Inc., 316 F.3d 702, 704 (7th Cir. 2003) (finding that "the analytical frameworks and standards utilized by the Court in evaluating adult entertainment regulations, be they zoning ordinances or public indecency statutes, are virtually indistinguishable"). Cf. Ward v. Rock Against Racism, 491 U.S. 781, 798 (1989) (stating that "in the last analysis" the O'Brien test is "little, if any, different from the standard applied to time, place, or manner restrictions"). Indeed, the District Court appears to

[Here is one of the best articles we've found which cites the research findings of several eminent brain researchers on the subject of the young child's ability to learn.]

KID'S BRAIN POWER

5 pages of print

by Steve Nadia (The Oregonian, Technology Review, 12-15-93) (reprinted with permission from The Oregonian)

Parents and teachers have long known that a child's brain can soak up information like a sponge. But now, researchers have scientific evidence to back up the theory, along with advice on ways to help children reach their full potential.

Perhaps the most convincing new corroboration of the young child's phenomenal learning capacity comes from neurologist Harold Chugani, head of the PET Center at the Children's Hospital of Michigan.

While at UCLA during the 1980's, Chugani had been examining PET scans to pinpoint the brain-seizure sites of his epilepsy patients. But he also has used these scans to observe which brain structures were metabolizing the most glucose and therefore were the most active.

Citing new evidence, researchers suggest the U.S. education system take a new look at young minds

By examining the glucose metabolization of patients ranging from newborns to adults, Chugani uncovered the timetable under which various regions of the brain develop.

By age 4, for instance, the cortex begins operating at adult activity levels. By 4, a child's brain is more than twice as active as an adult's. The brain continues to consume glucose at this feverish pitch through age 10 and then slows down until age 16, when it levels off at adult values.

The child's brain burns much more glucose than an adult's brain, Chugani said, because it must maintain trillions of connections between neurons, more than twice as many as are ultimately retained.

"Initially, the brain provides too many connections in the cerebral cortex," he said. "Then, there's a waiting period to decide which ones you want to keep."

These connections represent potential pathways that an electrical impulse may travel. Connections are strengthened by repetition, and those that are not used become vulnerable to elimination.

**"If we teach our children early enough,
it will affect the organization, or 'wiring,' of their brains."
Michael Phelps, UCLA biophysicist**

"The thing that determines which connections are saved is education in the broadest sense of the term," says
UCLA's Michael Phelps, a biophysicist and co-inventor of the PET scan.
"If we teach our children early enough, it will affect the organization or 'wiring,' of their brains."
Unfortunately, U.S. education does not take full advantage of this opportunity, Phelps said.
For example, foreign-language instruction is often deferred until high school,
despite the fact that youngsters can learn to speak like natives -- that is, to think in the language without having to translate
-- whereas teenagers or adults usually cannot.
When small children learn a new language he said, "the ability to use that language is wired in the brain."
Musical training is another familiar example.
"By encouraging young children to learn music and practice, you're really doing them a big favor." Chugani said.

"Once a child has learned an instrument, he or she can stop playing,
then pick up the instrument 20 years later and do much better than an adult just starting out."

Deprivation -- the opposite of enrichment -- can also permanently affect the organization of the brain.
For instance, the language centers of the cortex are not able to reach full maturity without
proper stimulation, says psychiatrist Arnold Scheibel, director of UCLA's Brain Research Institute.

That's why so-called "feral" children who grow up in the wilderness without adults
cannot master a language if they are brought back to civilization after the age of 10.

Likewise, experiments by neurobiologists David Hubel of Harvard and Torsten Wiesel
of Rockefeller University have shown that cats can be blinded simply by covering their eyes
during critical periods of infancy.

Although the retina remains intact, the connections between the retina and brain are permanently impaired.
When blindfolds are applied to adult cats, their vision is not permanently affected
because the essential wiring is already in place.

The lessons from studies such as these are clear, contends Martha Pierson,
a neurobiologist at Baylor College of Medicine. "Children need a flood of information, a banquet, a feast."

Early education, she adds, "shapes the basic architecture of the computer (brain).
If you are exposed to enough things, you'll develop a processor that can handle the flood of data that life throws at you later."

Merlin Wittrock, head of UCLA's Division of Educational Psychology, maintains that
much of the instruction in today's schools is based on a flawed premise.

"For a long time, we've assumed that children should get an immediate reward when they do something right," he said.
Courses, therefore, typically revolve around exercises broken up into tiny chunks
with answers supplied at every conceivable juncture.

"But the brain is much more complicated than most of our instruction." Wittrock said.
"It has many systems operating in parallel."

In place of the usual "drill and practice" programs, he advocates complex problems without simple solutions that engage numerous systems in the brain and strengthen the connections among them.
Because children may grapple with these problems for an extended period of time,
the experience also should make a much more lasting impression.

Chugani concurs. Since repeated stimulation stabilizes the connections between neurons, he said, "it's better to expose a kid to a lot of things over a period of years, rather than trying to cover subjects one at a time in brief, intensive workshops."

"Children need a flood of information, a banquet, a feast."
Martha Pierson, Baylor College of Medicine

UCLA's Scheibel cautions, however, that pushing youngsters too hard can be counterproductive.
"When the level of exposure becomes excessive," he said, "stress hormones are released that actually destroy nerve cells."

A balance must be struck between too little exposure and too much.
Another important issue is the proper time to begin the educational process.
Clearly, we shouldn't force kids to learn too much too soon.
"But why wait until age 5," said Yale biologist Martha Constantine-Paton, "when the evidence clearly shows that brain development begins much earlier."

For example, she said, before a child can begin to learn how to read,
the basic neural wiring has to be in place: Kids have to be able to track things with their eyes,
focus attention and interpret symbols.

This points to the importance of preschool programs such as Head Start, she said,
where children can get the stimulation necessary to prepare them for reading and other challenges ahead.

All of this is not to suggest that we should give up on educating adults.
"Although there is a great window of opportunity for learning up to the age of 10, said Scheibel,
"that doesn't mean you're over the hill at 12 or 14 of 40."

Even in old age, the brain retains some "plasticity." If we stay healthy, he added. "we can continue learning right up to the day we die."

For other enlightening articles on brain research and neurological development in early childhood education:
http://www.dana.org/dabi/transcripts/gm_96.html

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HB 430

Pertaining to HB 430 by Representative Beth Kertulla.
Current law requires parental permission for 18-year olds who are legal adults to work in establishments that serve alcohol. HB 430 would allow 18-year olds to work in these establishments without parental permission. Under the law, they would still not be able to sell, serve, deliver or dispense alcoholic beverages.

This change would clear up difficulties that 18-year olds have had in finding gainful employment.

According to previous testimony, other representatives have said they don't want young people to be up late at night working. They don't want young adults exposed to people who have had anything to drink. They feel there is a safety issue when the two are combined. Why is it okay if they wear a uniform but not okay if they are taking their clothes off?

Representative Beth Kerttula

Alaska State Legislature, District 3
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4766 • Fax (907) 465-4748
E-mail: Representative_Beth_Kerttula@legis.state.ak.us • http://www.kerttula.net

Sponsor Statement

House Bill 430

"An Act relating to employees under 21 years of age in the premises of hotels, restaurants, and eating places that are licensed to sell, serve, deliver, or dispense alcoholic beverages."

Current law requires parental permission for 18-year-olds who are legal adults to work in establishments that serve alcohol. House Bill 430 would allow 18-year-olds to work in these establishments without parental permission. Under law, they still would not be able to sell, serve, deliver or dispense alcoholic beverages.

This change would clear up difficulties that 18-year-olds have had in finding gainful employment. In one instance, a young man was not able to get a job in a restaurant because there was no one who could sign a work permit for him. He had been a foster child and because he was 18, his foster parents no longer had the right to sign his work permit for him. House Bill 430 would fix this problem.

Thank you for your consideration of House Bill 430.

HOUSE BILL NO. 430

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KERTTULA, Heinze

Introduced: 2/4/04
Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

"An Act relating to employees under 21 years of age in the premises of hotels, restaurants, and eating places that are licensed to sell, serve, deliver, or dispense alcoholic beverages."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* **Section 1.** AS 04.16.049(c) is amended to read:

(c) Notwithstanding any other provision in this section, a person **16 or 17** [BETWEEN 16 AND 19] years of age may enter and remain within the licensed premises of a hotel, restaurant, or eating place in the course of employment if (1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages; (2) the person has the written consent of a parent or guardian; and (3) an exemption from the prohibition of AS 23.10.355 is granted by the Department of Labor and Workforce Development. The board, with the approval of the governing body having jurisdiction and at the licensee's request, shall designate which premises are hotels, restaurants, or eating places for the purposes of this subsection.

* **Sec. 2.** AS 04.16.049(d) is amended to read:

(d) Notwithstanding any other provision in this section, a person <u>18,</u> 19, or 20 years of age may be employed within the licensed premises of a hotel, restaurant, or eating place, may enter and remain within those premises for the purpose of employment, but may not in the course of employment, sell, serve, deliver, or dispense alcoholic beverages.

Les Gara has stated many times that he is worried about pimps coming into the clubs.

I have a quote by the same woman that did the study he so heavily relied upon for his facts on the percentage of women who had been touched or abused by customers.

She is Kelly Holsopple and her speech was titled, "Pimps, Tricks & Feminists", 1998.

Pimps exploit women and children on the streets, at truck stops, through escort services, in hotels, saunas, bars, strip clubs, crack houses, and in pornographic materials.

A pimp can be from any culture, any income level, any social background. A pimp can be a street hustler, a madam, a strip club owner, a drug dealer, a cab driver, a boyfriend, a husband or a parent. A woman can be a pimp. <u>There is no typical pimp.</u>

Adapted from "Dangerous Sexual Predators" brochure by the Minnesota Coalition Against Prostitution, 1997, "Prostitution: A Matter of Violence Against Women" guide by W.H.I.S.P.E.R., 1990 and "Pimps, Tricks, and Feminists" speech by Kelly Holsopple, 1998.

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Indoor Prostitution Research

Holsopple (1994): *sample of 18 women in stripclubs in the Minneapolis/St. Paul area.*

- 44% reported that the men threatened to hurt them.
- 39% experienced vaginal penetration with fingers.
- 17% experienced anal penetration with fingers.
- 11% experienced attempted penetration with objects.
- 17% experienced forced masturbation from customers.
- 11% experienced rape.

During testimony Leisel McGuire said over 100 people were surveyed and quotes were quoted, which were embellished unbelieveably. We are being judged on the actions of a study of 18 people and our facts from our own dancers testimony is ignored. This is not right!

There was a study done in Minnesota by Kelly Holsopple, program director for Freedom and Justice for Prostitution Resources. It has been referenced continuously for number of percentages of things that have happened to strippers. The title is Strip Clubs According to Strippers: Exposing Sexual Violence.

She has another study out. Promoting the Priorities and Leadership of Women in the Sex Industry.

She says, "Women in stripping claim no single defining experience or perception of stripping. Experience and perception are particular to each stripper and can change from song to song, customer to customer, shift to shift, club to club. Strippers may describe stripping as fun or abusive, flattering or exploitive, draining or exhilarating at different times over the course of their involvement in stripping."

She says again women claim no defining experience or perception regarding customers.

The study or paper substantially counters what she said in her first paper. We regard her study, which included only 18 people, as very narrow and biased. It was not a scientific study. I would ask you not to rely on her numbers too heavily.

From: "Andree" <mdeodak@alaska.net>
To: "Carol and Kathy Hartman" <caroljhartman@prodigy.net>
Subject: STORM _Sex_Trade_Opportunities_for_Risk_Minimization
Date: Sun, 29 Feb 2004 13:29:53 -0900

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- Anti Trafficking

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Promoting The Priorities and Leadership of Women in the Sex Industry by Kelly Holsopple. Many women involved in the sex industry report that people from academia and the media often misinterpret and selectively reinterpret sex worker and survivor explanations of the sex industry and their lives. Women involved in the sex industry deserve every opportunity to broadcast our truths, priorities, analyses and definitions of the intricacies of the sex industry and our every day experiences in it. Most outsider accounts discuss the sex industry abstractly and shy away from any examination of the fundamental dynamics, realities and cast of players. The sex industry is not just about the women and women should not be blamed for the problems or be the only subject of news stories, policy initiatives or research. The sex industry is a male dominated institution run by men for men. Despite easy access to stripclubs, media, government

Promoting The Priorities and Leadership of Women in the Sex Industry by Kelly Holsopple. Many women involved in the sex industry report that people from academia and the media often misinterpret and selectively reinterpret sex worker and survivor explanations of the sex industry and their lives. Women involved in the sex industry deserve every opportunity to broadcast our truths, priorities, analyses and definitions of the intricacies of the sex industry and our every day experiences in it. Most outsider accounts discuss the sex industry abstractly and shy away from any examination of the fundamental dynamics, realities and cast of players. The sex industry is not just about the women and women should not be blamed for the problems or be the only subject of news stories, policy initiatives or research. The sex industry is a male dominated institution run by men for men. Despite easy access to stripclubs, media, government officials and feminist academics rarely address stripclub owners, managers and customers. There is serious theoretical and political significance in women making detailed accounts of the activities and conditions in stripping and the realities of our lives in stripping. It goes beyond media, policy maker and feminist academic agendas to a full discussion of stripping. The best analyses and most intense accountings of the sex industry are presented by women with the most exposure to it. These women must be involved in discussions and decision-making concerning problems and solutions because our experience is not just a point of view, it is knowledge. How many times do women have to say pimps and tricks exploit and abuse them? How many times do women have to say they want workers' rights?

There is a growing trend of sex worker and survivor self-advocacy to overtake those academics, feminists and social service advocates who claim authority on the subject of the sex industry and claim to represent us and our interests. Ethical research and analysis on the sex industry has to be more than sex workers and survivors simply being heard via interviews and testimony conducted, edited, and analyzed by people with no direct knowledge of the sex industry, especially when they often set up polarized political positions and singular theories at our expense. The most insulting lack of consideration comes from feminist academics with no direct experience of what prostitution or stripping is like, but claim authority regarding the sex industry. Instead of practicing and applying feminism and doing something to include and benefit other women, they favor ideological rhetoric with no useful application. When feminist academics argue their all or nothing theories as explanations of the sex industry, and when they treat their polarized abstract discourses as if they were reality, they disregard the impact feminist academic politics has on the women from the sex industry. They avoid articulating practical problems and solutions and strategizing for direct action and manifesting tangible resources for women. When feminist academics promote their single factor political positions at all costs and acknowledge only information that will support their preconceptions about the sex industry, they compromise the value of first hand knowledge and the status of women with that essential knowledge within the movements surrounding the sex industry. Empty claims to honoring the women from the sex industry and the absence of collaboration with women and their organizations are obvious signs that women from the sex industry are not perceived as political equals.

Discussions of the actual activities and nature of activities in the sex industry should not be beneath the feminist academic bandwidth. A deeper understanding of women's lives and struggles may be enhanced when feminist academics in the movement utilize the whole of what women say about the sex industry and what they want in life. Women from stripping and prostitution describe themselves, their experiences and their lives in complex ways, mingling positive with negative. Feminist academics must face up to the complexities and not expect women to reframe their first person knowledge on the sex industry to fit one-dimensional frameworks. The problem is not that women give descriptions that are contradictory to academic theory and political positions. The problem is that only the most mindful academics acknowledge the complexity and even those seek out evidence that supports their positions and disciplinary approaches and then disregard the rest of the information and story. Misinterpreting or dismissing data rather than recording responses and then deciding what you want and calling it the truth is wrong. Towing the party line with arguments and positioning that reduce stripping and prostitution to one thing or another is so monotonous and unproductive. The arguing gets articles and books published, gets careers advanced, but it is not very useful to really understanding how the sex industry works and women's experiences in it. In order to improve the quality of feminist scholarship and its applications, investigation must be promoted over judgment and philosophy. Discourse and rhetoric must be discarded in favor of potent action related research meant to prevent or eliminate problems in the sex industry and to organize women from the sex industry.

Women from the sex industry think that we should be the recognized forces of explanation regarding the sex industry and our experiences in it. We also think that however women have experienced the sex industry, we have to support and promote each other and ourselves in this endeavor. People from academia and the media must acknowledge the evolving knowledge

An outstanding example of leadership exists in the literature and activism of women in stripping. Women involved in stripping describe stripping and strippers beyond the dichotomies of like or dislike, happiness or misery, veneration or self-delusion, powerless victim or invincible sex worker. Heidi Kooy researched lesbian, bisexual, and queer exotic dancers, in order to have them explain how their professional lives as sex workers differ from their personal sexuality. Shelly Manaster examined the lap dance at visceral, emotional, and economic levels and illustrated her understanding of the sexualized identities that are created and performed within the strip club and beyond. Taylor Lee told how women enter the sex industry, why women stay in the sex industry, and how women get out. Gina Gold touched on issues of race, class, gender, empowerment, and labor.

Women in stripping claim no single defining experience or perception of stripping. Experience and perception are particular to each stripper and can change from song to song, customer to customer, shift to shift, club to club. Strippers may describe stripping as fun or abusive, flattering or exploitive, draining or exhilarating at different times over the course of their involvement in stripping. Strippers may go to elaborate lengths to create a fantasy for customers or do the practical minimum to make money. Strippers may choreograph dances to specific music or perform the exact same dance routine over and over to every song. Strippers may prefer to be independent contractors or strive for employee rights and protections. Strippers may ascribe political meaning to their involvement in stripping or derive satisfaction from being able to pay the rent. Strippers may accept stripping as it is or promote change. Strippers may despise customers or be ambivalent as long as they get money. Strippers may choose stripping out of a variety of opportunities or get involved out of limited options. Strippers may be radical and rebellious or may go with the flow. Strippers may stop dancing when they want to stop or stay against their wishes for financial reasons. Strippers may meet their financial goals for education and child support through their involvement in stripping or fall into a downward spiral of dependency on drugs and people who take advantage of them.

Differences in experience and perception may depend on a woman's current economic situation and financial responsibilities, education, job history, personality, attitude, history of abuse, events in the stripclub, length of involvement in stripping, and/or involvement in other areas of the sex industry. Throughout the literature by women involved in stripping, analyses and accounts of stripping are offered by authors based on their experiences and perceptions ranging from being used as children to entering stripping after achieving a masters degree and from exclusively stripping behind glass at peepshows to being involved in prostitution and pornography along with stripping.

Women involved in stripping also document the activities that make stripclubs go 'round. Susan Bremer described a typical evening at work by revealing the dynamics of stripping via memoir and highlights dancer, customer, and management conversations. Katherine Frank analyzed the emotions and male motivations for frequenting strip clubs male and the author's relationships with her regulars in the clubs. Kelly Holsopple investigated strippers' experiences of violence in stripclubs and analyzed how the organization and conditions of stripclubs facilitate violence.

Stripclubs are a venue of the sex industry that is readily accessible to outside researchers and policy makers to observe activities and even interact with owners, managers, customers, and dancers, yet there has been a lack of public information about the male players in the sex industry. Since there is a lack of research with firsthand accounts from stripclub customers, women in stripping offer analyses and accounts of their extensive interactions with male stripclub customers. Again women claim no single defining experience or perception regarding customers. They may relay men's reasons for going to stripclubs as desire, excitement, fantasy, pleasure, sex, attention, curiosity, loneliness, access to women and their bodies, power, and/or reinforcement of masculinity. Customers may be straightforward, some may attach illusions of romance or affection or help or rescuing; some may be cliché, and some may be interesting.

Women in stripping have also focused on how stripclub owners and their allies organize and situate stripping in the larger sex industry and the impact that public policy, legal apparatuses and grassroots social change activism has on the existing organizational structure. Miss Mary Ann detailed the initial organizing efforts of peep show strippers to create a union shop at the Lusty Lady. Christine Grussendorf and Jill Leighton explored the connections between stripping and prostitution rings by identifying similar strategies of recruitment, training, and trafficking and determining the political and social implications of the connections.

Although women in stripping claim no single defining experience or perception of stripping, the sex industry is not relative to each individual sex worker's or survivor's attitude or experience. Women agree there is structure and that the sex industry is highly organized.

Regarding Juvenile Competence to Stand Trial

Policy makers in all 50 states lowered the age at which the youth could be tried as adults. This is just another case of "are they or are they not competent at age 18?"

POLICY BRIEFS

Vol. 5, No. 1 (2003)

Juvenile Competence to Stand Trial

By Laurence Steinberg*

During the 1990s, in response to the public's perception that the rate of serious juvenile crime was on the rise, policy-makers in all 50 states lowered the age at which youth could be tried as adults. These legal reforms took place, however, in the absence of information on whether and at what age youth are competent to stand trial in criminal court.

Due process requires that a defendant be competent to stand trial, which includes capacity to assist counsel and to understand the nature of the proceeding sufficiently to participate in and make decisions about rights afforded to defendants. Concerns about defendants' competence to stand trial have most often focused on mental illness and disability. Very seldom has the issue been raised with regard to youth and their maturity of judgment.

In a follow-up to an earlier JCPR working paper (see JCPR Policy Brief vol. 2, no. 3, www.jcpr.org), Laurence Steinberg, in Juveniles' Competence to Stand Trial, explores whether adolescents differ from young adults in their ability to participate as competent defendants in trials. He also examines whether a youth's immaturity may affect his or her choices during interactions with police and attorneys, and in the trial context. Those who deal with youth charged with crimes, he argues, should be alert to the impact that immaturity can have on youth's judgment and decisions in the trial context.

Study Description

The research team, headed by Thomas Grisso at the University of Massachusetts Medical School, evaluated two groups of roughly 1,400 individuals from ages 11 to 24: those detained in juvenile detention facilities or adult jails with those residing in the same or similar communities as the detained participants but who had never been held overnight in the justice system. Within these groups, the researchers then compared the performance of 11-17-year olds with young adults (aged 18-24). The youth lived in Los Angeles, Philadelphia, northern Florida, and northern and eastern Virginia.

To assess their competence and judgment, the researchers used two psychological assessments: the MacArthur Competence Assessment Tool-Criminal Adjudication (MacCAT-CA), and the MacArthur Judgment Evaluation (MacJEN). They also assessed mental health problems, psychosocial maturity, and intelligence in conjunction with these tests. (Greater detail on the study can be found at www.mac-adoldev-juvjustice.org)

Age and Competency to Stand Trial

The study's findings show that age clearly influences capacities relevant to competence to stand trial. Youth aged 11-13 were consistently found to be less capable in judgment, understanding, and reasoning than older youth. Competence increased progressively until age 16, with those older than 16 varying little from the young adults in the sample.

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The Joint Center for Poverty Research is funded by the Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services.

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Whereas more than 30% of 11-13-year-olds, and 20% of 14-15-year-olds, showed significantly impaired understanding or reasoning, only 10% of the 16-17-year-olds or young adults did so. These differences did not change with race, gender, socioeconomic status, or region of residence.

Moving beyond formal competence criteria, when faced with critical decisions during the criminal justice process, the youngest teens (aged 11-13) were regularly less capable of making the best choice during police interrogation, attorney consultation, and accepting a plea agreement.

The younger a teen, the more likely, for example, he or she was to recommend confessing to a crime rather than remaining silent during a police interrogation. One-half of 11-13-year-olds recommended confessing, while only 20% of young adults did so. There were no age differences in decisions surrounding consulting with a defense attorney; 75% in each age group recommended full disclosure. Decisions about plea agreements, however, showed sizable age differences; 74% of 11-13-year-olds recommended accepting a plea agreement, while only 50% of young adults did. Similar patterns-with the youngest group consistently more likely to be less competent decision-makers-emerged for recognizing risks, assessing future consequences, and resisting peer influence.

Policy Implications

These findings suggest that the same due process constraints that prohibit the mentally ill and mentally retarded from standing trial should also apply to the very youngest juveniles (under age 15). Under the law, in which the test of competence is a functional one, it should make no difference whether the source of the defendant's lack of competence is mental illness or immaturity.

Beyond legal competence, adolescents are more likely than young adults to make choices that reflect a propensity to comply with authority figures, such as confessing to police rather than remaining silent, or accepting a prosecutor's offer of a plea agreement. In addition, when being interrogated by the police, consulting with an attorney, or evaluating a plea agreement, younger teens are less likely, or perhaps less able, to recognize the risks inherent in the various choices they face or to consider the long-term consequences of their decisions.

Given these findings, three options are available to judges and other policymakers faced with the decision whether to try a youth as an adult. Given that one in three 11-13-year-olds, and one in five 14-15-year-olds, potentially may not be competent to stand trial, the first implication is that a competency determination should be made a condition of criminal adjudication whenever a transfer to adult court is being considered for young adolescents.

The second option is that when youth are first charged in adult court, a determination of competence automatically precede the adjudication of youth whose age places them at risk for lack of competence. However, even at older ages, judges and prosecutors should be concerned about a defendant's competence to stand trial. In fact, a legislature might well conclude that an efficient and just approach is to set the minimum age of adult adjudication at an age at which competence to stand trial is not potentially an issue in every case.

This is not to say that youth who commit crimes would go unpunished under such a proposal. A more relaxed competence standard in juvenile court would ensure that those youth deemed incompetent in adult courts will be tried for their crimes in another venue. The Supreme Court has made clear that the requirements of due process in delinquency proceedings are not identical to those that regulate criminal trials. Juvenile court, after all, is not an exact replica of adult court. This two-tiered

approach-in which youth deemed incompetent in adult court can be tried in juvenile court-is also likely to deter defense attorneys from routinely petitioning for competence assessments in adult court if the competency standard in juvenile court is understood to be a modest one.

Finally, these findings are not intended to apply to the debate whether adolescents should be held responsible for their offenses to the same degree, and punished to the same extent, as adults. That is, the results of the present study say nothing about whether youths' developmental capacities render them more or less culpable than adults. They simply suggest that laws and policymakers should consider the age of the youth when determining whether he or she is competent to stand trial for the alleged crime.

*__Laurence Steinberg__ *is the Distinguished University Professor and Laura H. Carnell Professor of Psychology at Temple University, and the Director of the John D. and Catherine T. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. The MacArthur Network is a national multidisciplinary research initiative studying adolescent development and public policy. Further information about the network may be found at www.mac-adoldev-juvjustice.org. The working paper is available here.*

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The Alaska Justice Statistical Analysis Center is the Statistical Analysis Center (SAC) for Alaska.

Nenana District Court
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RESEARCH>

Sexual assaults in Anchorage

It has long been known that sexual assaults occur at a higher rate in Anchorage and in Alaska than in the U.S. as a whole. The Justice Center announces release of a new research report which for the first time takes a detailed look at the characteristics of sexual assaults in Anchorage. *Descriptive Analysis of Sexual Assaults in Anchorage, Alaska* by André Rosay and Robert Langworthy is based on 541 sexual assault cases reported to the Anchorage Police Department in 2000 and 2001. Among its findings:

- Victims were most likely to be White (48%) or Native (45%).
- Suspects and victims were acquainted prior to the time of the assault in 56% of the cases. A strange 44% of the cases.
- Both victims and suspects had typically been drinking alcohol prior to the assault.
- Sexual assaults occurred more frequently from May to October, and they occurred more frequently weekends.
- Private residences were the most common place for the "pick-up" before the assault and for the ass
- Most sexual assaults in Anchorage were concentrated in five community council areas: Downtown Mountain View and, to a lesser extent, Northeast Anchorage.

The complete report is available for on this site in Adobe Acrobat .pdf format.

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Wolf

ACADEMIC PROGRAM>

Fall semester room changes

The following courses have had room changes for the Fall 2003 semester:

- **PARL 101,** "Introduction to Law" -- to BEB 117 (from BEB 101)

ACADEMIC PROGRAM>

Crime Prevention offered in Fall 2003

JUST 320, "Crime Prevention," was not published in the Fall 2003 schedule, but it is being offered for the fall semester, taught by Sharon Chamard. This course is an examination of crime prevention

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Seminar in Crin

Table 17. Location Type for Assault of Victims of Sexual Assault Reported to Anchorage Police, 2000-2001

Location type	N	%
Airport	0	0.0 %
Bus or train terminal	2	0.3
Bar	1	0.2
Convenience store	2	0.3
Department store	0	0.0
Doctor's office	16	2.7
Field, woods, park	44	7.5
Construction site	1	0.2
Public building	0	0.0
Office building	2	0.3
Supermarket	0	0.0
Road, street	52	8.9
Jail, prison	2	0.3
Liquor store	1	0.2
Parking lot	31	5.3
Storage rental	1	0.2
Restaurant	2	0.3
Gas station	0	0.0
Victim's hotel	17	2.9
Offender's hotel	25	4.3
Victim and offender's hotel	4	0.7
Other's hotel	11	1.9
Victim's residence	129	22.1
Offender's residence	121	20.7
Victim and offender's residence	15	2.6
Other's residence	58	9.9
Victim's school	3	0.5
Suspect's school	0	0.0
Victim's and suspect's school	1	0.2
Other's school	0	0.0
Police station	1	0.2
Military station	1	0.2
Recreation center	0	0.0
Homeless shelter	0	0.0
Unknown	42	7.2
Total	585	

using a search radius of 5,000 feet and 3,000 feet, respectively. Of the 258 assault locations for Natives, 230 (89.1%) were known and 187 (81.3%) of these were successfully geocoded and of the 270 assault locations for Whites, 230 (85.2%) were known and 195 (84.8%) of these were successfully geocoded. In both figures, the locations for sexual assaults of Native victims appear more spatially concentrated than the locations for sexual assaults of White victims. For Native victims, sexual assault locations are concentrated in four community councils—Downtown, Fairview, Spenard, and Mountain View. For White victims, sexual assault locations are concentrated (though to a lesser extent) mostly in Fairview and Spenard. Clearly, the high spatial concentrations noted in Figure 7 are mostly attributable to the spatial concentrations of sexual assault locations for Native victims.

ALASKA

.com ☆ SATURDAY, NOVEMBER 29, 2003

Rape records broken down

■ **GRIM:** Review reveals typical crime locations, times and victims.

By TATABOLINE BRANT
Anchorage Daily News

The typical victim of a sexual assault in Anchorage is a young white or Native female who has been drinking, according to a report released this week by researchers at the University of Alaska Anchorage Justice Center.

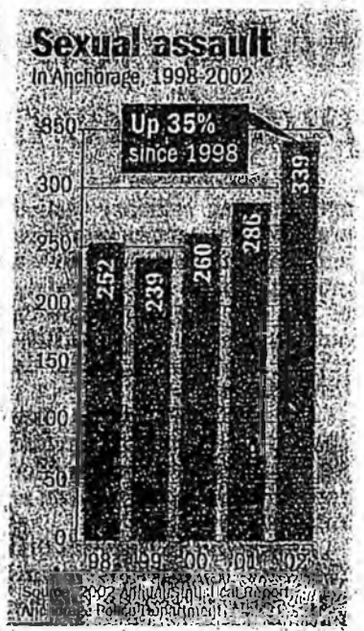
The report, which also reaffirmed Alaska's grim distinction of being a national leader in its rape rate, is based on a review of all the sexual assaults reported to the Anchorage Police Department from 2000 to 2001 — roughly 540 reports total.

Sexual assaults have long been a problem in Alaska and Anchorage, the report says, citing data from the FBI's Uniform Crime Reports. From 1982 to 2001, the rate of rape per 100,000 in Anchorage was on average about 122 percent higher than the U.S. rate, according to the report. In 2001, Alaska had the highest rate of rape in the country, while Anchorage ranked fifth when compared to other U.S. metropolitan cities.

The report also says the rape rate increased 27 percent in Anchorage between 1999 and 2001, while it decreased nationwide by 3 percent.

"This study is an initial effort to begin the process of understanding sexual assault in Anchor-

See Page B-2, RAPE



RON ENGSTROM / Anchorage Daily News

ADN LINKS ■ **TO READ** the full report or ■ **TO READ** the Municipal Uniform Crime Reports for 1998 to 2002, including rape statistics, visit **www.adn.com/links**

puts faces on problem

Continued from B-1

age so that criminal justice practitioners, service providers and policy-makers might have a more complete understanding of this scourge," the report's authors, Andre Rosay and Robert H. Langworthy, write in their introduction.

Justice Center researchers spent nearly every weeknight for two months reviewing police reports in the records room at APD for the report.

Among the findings was that the vast majority of victims were white (47 percent) or Native (44 percent). Few victims were Hispanic, black or Asian and none was a Pacific Islander, the report says.

Natives were vastly over-represented as victims, given that they make up roughly 11 percent of the city's population. Two-thirds of all victims were between the ages of 15 and 34, the report says.

Over 60 percent of victims and about 76 percent of suspects had used alcohol prior to the assault, the report says. But the place where victims and suspects typically met just before the assault was not a bar but a private residence, the report says.

The average age of suspects was about 29, the report says. About 41 percent were white, 22 percent were Native and 24 percent were black.

More than half of the assaults were intra-racial, the report says — "white victims were most likely assaulted by white suspects, Native victims by Native suspects, Hispanic victims by Hispanic suspects."

The report also found that sexual assaults do not occur randomly throughout the city or at random times. Most assaults in 2000-01 took place on the weekends from 10 p.m. to 6 a.m., in private residences downtown and in Fairview, Spenard, Mountain View and northeast Anchorage.

"It is clear that interventions that target place and time concentrations could have a substantiated and efficient impact," the report says.

Reliable numbers regarding the outcomes of the sexual assault cases were not available, the report says.

An internal report released in late October showed that 23 percent of sexual assaults reported to APD are not assigned to a detective, primarily because of staffing shortages.

Natives were vastly over-represented as victims, given that they make up roughly 11 percent of the city's population. Two-thirds of all victims were between the ages of 15 and 34, the report says.

Sens. Ted Stevens and Lisa Murkowski have since worked together to add $2 million to a massive appropriations bill pending in Congress to help the police department investigate sexual assaults.

Police Chief Walt Monegan could not be reached Friday, but he said in a recent interview that the "solvability" of a case is a major factor when deciding whether to assign it to a detective.

Any case that looks like it can be solved is assigned, Monegan said. "It is the policy of the department, that if we can make an arrest on the case, either with a warrant or an arrest, we will do so," he said.

The difficulty comes when you've got a case that is missing key elements — evidence, a suspect's name, a cooperative victim — and you think maybe you could solve it, but it's going to be very time-consuming, Monegan said. Sometimes those cases have to be set on the back burner so detectives can work the more promising ones.

"Those few cases in the gray area can stockpile," Monegan said. "If we had additional people, we might be able to work those gray areas."

■ Daily News reporter Tataboline Brant can be reached at tbrant@adn.com or 257-4321.

Alaska LEWD AND LASCIVIOUS CONDUCT

:: Criminal Defense Attorney

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Alaska Lewd and Lascivious Conduct:

Lewd and Lascivious references to conduct which includes people living together who are known not to be married, entertainment which aims at arousing the libido or primarily sexual sensation, open solicitation for prostitution or indecent exposure of genitalia (which is itself a crime). Due to the tendency of judges to be overly careful in writing about moral and/or sexual matters the definitions have been cloaked in old-fashioned modesty.

Alaska Penal Code

Did You Know?

- 90% of the rapes and sex crimes of children less than 12 years old knew the offender, accodring to police-recorded incident data.
- Convicted rape and sexual assault offenders report that 2/3rd of their victims were under the age of 18.
- State felony court convictions, the FBI's UCR arrests and National Crime Victimization Surveys all point to sex offenders being older than other violent offenders, generally in the early 30's.

Got questions? See what a Alaska Attorney can do for you. Contact us immediately for a FREE case evaluation and answers to your questions.

Regarding Regina Manteufel

She is a prime example of regular life. She says she was raped by a previous landlord. Obviously, she was not raped by a Gentlemen's Club customer. She also stated she was raped at 16 so the Gentlemen's Clubs were also not involved with this. She was sexually abused by a pizza manager at Dominoes. She admits her father taught her womanizing. She obviously had deep-seated problems way previous to dancing.

Her dancing experience is based on actions and laws that archaic, to say the least.

Many of the laws or lack of laws that Regina refers to have been changed since her dancing days.

She states that she was never pimped by anyone and never worked in a massage parlor. That seems to back up the fact that not all dancers are prostitutes or drug addicts, as some people seem to think.

Regina goes on towards the end of her letters and gives information on all her education and accomplishments. Obviously, a dancer who has been through all the trials and tribulations of life can still be an accomplished and educated citizen.

Subject: For friday 3:15 House Labor and Comerce 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

never pimped by any one, worked at a massage polar 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 heir 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 bills 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 wadges 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 usto 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

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.

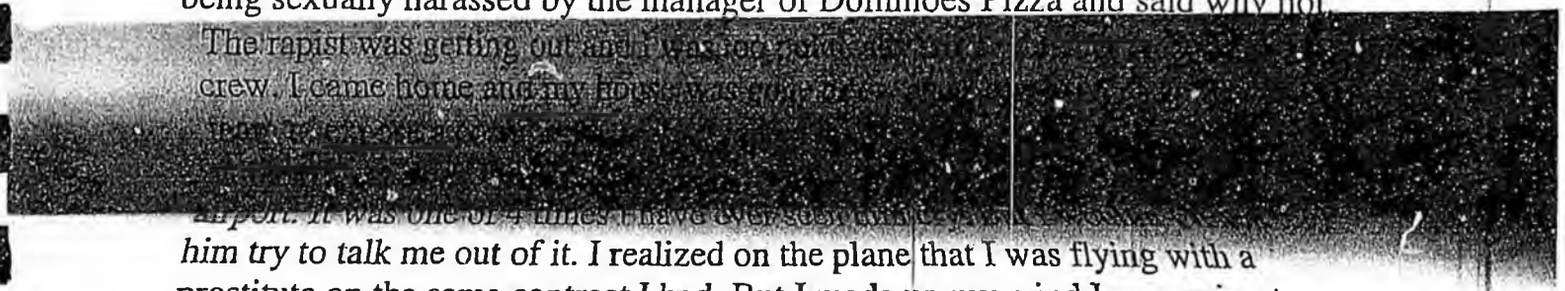
5. Regina Manteufel / AK Attorney Generals Office vs. The Great Alaskan Bush Co (Vicky and Billy Cox) Tips Law. You cannot take stage tips or parade tips to suffice minimum wage. 8 AAC 15.907, A.S. 23.10.065

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

already been though 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.



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

Alaska Department of Community and Economic Development
P.O. Box 110806, Juneau, Alaska 99811-0806

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Line of Business: 72 Accommodation and Food Services

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Owner:
SANDS NORTH, INC.

TOBACCO ENDORSEMENT: 262837 - 1
Effective October 16, 2002 to the expiration date of this business license.
This business license has a tobacco endorsement authorizing sale of tobacco at the physical address shown below:

1911 E 5TH AVENUE, ANCHORAGE, AK 99501

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State of Alaska or of the United States.

Department of Community and Economic Development
Commissioner: Deborah B. Sedwick

...conspicuous place at the business location. It is not transferable or assignable.

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: Dehco 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:

X 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.

X 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:

Administrative Official

THIS PERMIT SHOULD BE ON DISPLAY IN A PROMINENT PLACE.

21.45.240 Location of premises where children are not allowed.

A. *Purpose.* Certain types of enterprises are places where children unaccompanied by an adult guardian or parent are prohibited. These 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, and 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. The purpose of this section is to segregate such enterprises from places frequented by minors in order to reduce the influence of these enterprises on minors.

B. *Minimum distance from certain uses.* Except as provided in subsection C of this section, permitted principal uses, accessory uses or conditional uses that are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than sale of liquor shall be located so that all portions of the lot on which the use is located shall be 1,000 feet or more from the property line of:

1. A public or parochial school;
2. A public park;
3. A church;
4. Property zoned residential, except R-11;
5. R-11 zoned property designated as residential in the comprehensive plan;
6. PC zoned property designated as residential in the PC master plan;
7. Public recreational facilities;
8. Twenty-four-hour child care facilities or day care; or
9. Public libraries.

C. *Compliance with state standards.* Where the state has provided specific standards for determining an enterprise's permissible location then the state's means of measurement shall apply. Such enterprises must also comply with subsection B of this section if the enterprise engages in other activities not regulated by the state for which Title 8 prohibits the presence of minors or unaccompanied minors on the premises.

D. *Administrative permit required.* An administrative permit shall be on display in a prominent place. This permit shall certify that, when granted, the enterprise was in compliance with subsection B or C of this section. This permit shall be obtained from the administrative official designated pursuant to Section 21.10.005. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand. In addition, a permit granted under subsection C of this section shall remain valid so long as the enterprise does not engage in an activity for which a permit is required under subsection B of this section.

E. *Premises without permit.* An enterprise not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required.

(AO No. 88-37(S); AO No. 89-131)

Previous Doc | Next Doc

Cross references: Adult entertainment establishments, license required, restrictions, § 10.40.050; alcoholic beverages, Ch. 10.50.

10.40.050 Adult-oriented establishment license; physical layout of premises; conduct of business.

A. *Definitions.* For the purpose of this section, the following words and phrases shall have the meanings indicated in this subsection:

Adult-oriented establishment, or adult business, shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult cabarets, physical culture studios, massage parlors, escort services, or similar type businesses where, by the nature of the business, minors under the age of 18 are denied entry, or businesses which are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than the sale of liquor. If a premises, whose primary business is overnight lodging, offers adult movies via a cable, closed circuit or pay per view system, in the absence of any other adult entertainment activities, the availability of such movies, does not render the business an adult-oriented establishment for the purposes of this section.

Adult bookstore means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, videocassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities, or specified anatomical areas, as defined in this section, and in conjunction therewith have facilities for the presentation of adult-oriented films, movies or live performances, for observation.

Adult cabaret means a cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers. An adult cabaret does not include an establishment licensed for sale of alcoholic beverages.

Adult entertainment means any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specified sexual activities, or specified anatomical areas, as defined in this section.

Adult mini-motion picture theater means an enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities, or specified anatomical areas, as defined in this section, for observation by patrons therein.

Adult motion picture theater means an enclosed building with a capacity of 50 or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities, or specified anatomical areas, as defined in this section, for observation by patrons therein.

Escort service means a person or business that furnishes, offers to furnish or advertises to furnish escorts for a fee, tip or other consideration or prohibits service to or entry onto their premises of minors under the age of 18. Escort service shall not include computerized or telephonic services which do not allow access to the premises by customers.

Operators means any person, partnership or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

Physical culture studio or *massage parlor* means an establishment where minors are not allowed which:

a. Provides any of the following services for hire or compensation:

1. Baths or bathing facilities;

2. Steamrooms, saunas or related facilities;

3. Modeling or modeling facilities;

4. Services involving the use of conditioning or exercise equipment;

5. Massage or related services; and

b. Does not have a license for the practice of a profession or vocation licensed or regulated under AS Title 8 or which provides services through persons acting as employees, independent contractors or otherwise who do not have a current license to provide such services pursuant to AS Title 8.

Specified anatomical areas means:

a. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.

b. Human male genitals in a discernible turgid state, even if opaquely covered.

Specified sexual activities means simulated or actual:

a. Showing of human genitals in a state of sexual stimulation or arousal.

b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus.

c. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

B. *License required; transfer of license.*

1. Except as provided in subsection B.4 of this section, from and after May 1, 1994, no adult-oriented establishment shall be operated or maintained in the municipality without first obtaining a license to operate issued by the municipal clerk.

2. A license may be issued only for one adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one adult-oriented establishment must have a license for each. The requirements of Section 21.45.240 will apply to each location.

3. No license or interest in a license may be transferred to any person, partnership or corporation.

4. All adult-oriented establishments existing on February 16, 1994, must submit an application for a license within 60 days of such date. If an application is not received within such date, then such existing adult-oriented establishments shall cease operations.

5. No person shall advertise or offer services regulated by this chapter unless they are licensed to provide such services pursuant to this chapter.

C. *Application for license.*

1. Any person, partnership or corporation desiring to secure an adult-oriented establishment license shall make application to the municipal clerk. The application shall be filed in triplicate with, and dated by, the municipal clerk. A copy of the application shall be distributed promptly by the municipal clerk to the municipal police department and to the applicant.

2. The application for a license shall be upon a form provided by the municipal clerk. An applicant for a license shall furnish the following information under oath:

a. Name and address.

b. Written proof that the individual is at least 18 years of age.

c. The address of the adult-oriented establishment and the name of the business to be operated by the applicant.

d. If the applicant is a corporation, the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five percent of the stock in the corporation and all officers and directors of the corporation.

3. Within 21 days of receiving an application for a license the municipal clerk shall notify the applicant whether the application is granted or denied.

4. Whenever an application is denied, the municipal clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten days of receipt of notification of denial, a public hearing shall be held within ten days thereafter before the municipal clerk, as provided in this section.

5. Failure or refusal of the applicant to give any information relevant to the investigation for the application or his refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or his refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that he is ineligible for such license and shall be grounds for denial thereof by the municipal clerk.

D. *Standards for issuance of license.*

1. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

a. If the applicant is an individual:

(1) The applicant shall be at least 18 years of age.

(2) The applicant must have not been convicted of a violation of this section or any of the offenses listed in subsection I.1.f(1) of this section within the two years immediately preceding the date of application.

b. If the applicant is a corporation:

(1) All officers, directors and stockholders required to be named under subsection C.2.d of this section shall be at least 18 years of age.

(2) The applicant must have not been convicted of a violation of this section or any of the offenses listed in subsection I.1.f(1) of this section within the two years immediately preceding the date of application.

c. If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

(1) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

(2) The applicant must have not been convicted of a violation of this section or any of the offenses listed in subsection I.1.f(1) of this section within the two years immediately preceding the date of application.

2. The location for which the license is sought must meet the requirements of Section 21.45.240 or comply with that section as an existing nonconforming use. Provided however, that any structural changes required to comply with the physical layout requirements of subsection J of this section shall not terminate an existing nonconforming use right.

E. *License fee.* A license fee of $300.00 shall be submitted with the application for a license. If the application is denied, the fee shall be returned.

F. *Display of license.* The license shall be displayed in a conspicuous public place in the adult-oriented establishment. Any premises licensed under this section shall also post a notice at all entrances that such premises are premises where minors are not allowed.

G. *Reserved.*

H. *Renewal of license.*

1. Every license issued pursuant to this section will terminate at the expiration of one year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the municipal clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and dated by the municipal clerk. A copy of the application for renewal shall be distributed promptly by the municipal clerk to the municipal police department and to the operator. The application for renewal shall be upon a form provided by the municipal clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

2. A license renewal fee of $300.00 shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of $100.00 shall be assessed against the applicant who files for a renewal less than 60 days before the license expires. If the application is denied, the renewal fee only shall be returned.

3. If the municipal police department is aware of any information bearing on the operator's qualifications, or that of the applicant's employees, that information shall be filed in writing with the municipal clerk. Approval or clearance by the municipal police department is not a prerequisite to the issuance of a license under this chapter.

I. *Revocation of license.*

1. The municipal clerk may revoke or suspend a license or permit for any of the following reasons:

a. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

b. The operator violates any provision of subsection J.1.b.2 or K of this section or any rule or regulation adopted pursuant to this section.

c. The operator becomes ineligible to obtain a license or permit.

d. Any cost or fee required to be paid by this section is not paid.

e. Any intoxicating liquor or other alcoholic beverage is served on the premises of the adult-oriented establishment.

f. The licensee, manager or designated representative, is convicted of the following offenses at the location to which an adult business license has been issued:

(1) Involving any of the following offenses as described in Chapter 8 of the Anchorage Municipal Code:

(a) Assignation for prostitution;

(b) Prostitution;

(c) Offering to secure another for prostitution;

(d) Maintaining a place of prostitution;

(e) Owning or leasing a place of prostitution;

(f) Coercing another to become a prostitute;

(g) Violation of Section 8.50.010, relating to prohibited performances and exhibitions to minors;

(h) Violation of Section 8.50.020, relating to disseminating indecent material to minors; or

(i) Violation of Section 8.50.040, relating to sexual exploitation of minors.

(2) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

g. Any of the reasons set forth in Section 10.10.035.

2. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

3. The municipal clerk, before revoking or suspending any license or permit, shall give the operator at least ten days' written notice of the charges against him, and the opportunity for a hearing before the municipal clerk, as provided in this section. In deciding whether to revoke or suspend a license or permit the municipal clerk may consider remedial measures taken by the licensee or permittee.

4. Any person whose license has been revoked under this section may apply for a new license when they have met the qualifications required for new license applicants.

J. *Physical condition of premises; sanitation requirements.*

1. *Booths, rooms or cubicles for private viewing.* Any adult-oriented establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

a. *Access.* Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment, and shall be unobstructed by any curtain, door, lock or other control-type devices except in compliance with subsection J.1.b.(2) of this section.

b. *Construction.* Every booth, room or cubicle shall meet the following construction requirements:

(1) Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.

(2) Each booth, room or cubicle which is fitted with a curtain or door shall be configured so that when the door is closed or curtain drawn the entire room may be observed with an unobstructed view from outside of the room. No such door may be locked. If the door or curtain, when closed, obstructs the view of any portion of the room such condition constitutes a violation of this subsection.

(3) All walls shall be solid and without any openings, shall be extended from the floor to a height of not less than six feet, and shall be light colored, nonabsorbent, smooth textured and easily cleanable.

(4) The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.

(5) The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten footcandles at all times, as measured from the floor.

c. *Occupants.* Only one individual shall occupy a booth, room or cubicle at any time. For the purposes of live performance or other live adult entertainment only, the one person per booth limit shall not apply. No occupant of any booth, room or cubicle shall engage in any type of sexual activity, or cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

2. *Physical culture studios and massage parlors.* The licensee of any adult-oriented establishment which is a physical culture studio or massage parlor shall keep licensed premises clean and sanitary. Clean towels, sheets and linens shall be provided for each patron receiving massage services. Disinfecting agents and sterilizing equipment sufficient to ensure the cleanliness and safe condition of all equipment shall be provided and used.

3. *Exterior.*

a. Shall be maintained in a neutral tone to conform with surrounding building appearance.

b. Building will be repaired and maintained in a timely manner.

c. Fences to be maintained in conforming appearance and maintained in good condition.

4. *Parking lots and grounds.*

a. To be maintained in safe and clean condition.

b. Grounds to be kept clean and not used for outdoor storage.

c. All refuse removed weekly.

5. *Signage, in addition to the requirements of Title 21.*

a. Each business shall be limited to one sign per entrance.

b. Each sign shall be no larger than 20 square feet.

c. No neon, reader or mobile signs.

d. All signs shall conform to exterior decor requirements.

6. *Ingress or egress.* An operator may not have his/her business premises connected by any means of ingress or egress with premises occupied by an establishment selling or dispensing alcoholic beverages.

7. *Interior.*

a. Appropriate window coverings to maintain conforming appearance (no foil, sheets, boards, et cetera).

b. Premises to be maintained in a clean and sanitary manner.

c. The operator shall maintain at least ten footcandles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining aisles, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one footcandle of illumination in such aisles, as measured from the floor.

d. Each business shall comply with annual inspections for the following:

i. Health.

ii. Fire.

iii. Building.

iv. Other Code compliance.

K. *Responsibilities of operator.*

1. Every act or omission by an employee constituting a violation of the provision of this section shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission. Such acts or omissions can be considered in determining whether to revoke, suspend or renew a license.

2. No employee of an adult-oriented establishment shall allow any minor to enter, to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as defined in this section.

3. No licensee shall have any other license or permits for games of chance to be played or sold on that premises licensed as an adult business.

4. Licensees who operate physical culture studios or massage parlors must keep records of treatments given and the names of masseurs or masseuses giving such treatments. Such records, as well as the premises of the business establishment, shall be subject to administrative inspection by municipal officers as permitted under this title.

L. *Review of actions on license.* Review of the grant, denial, renewal, nonrenewal, suspension or revocation of a license shall be in accordance with Section 10.10.035 and Chapter 3.60.

M. *Penalties and prosecution.* Any person who is found to have violated this section shall be fined a definite sum not exceeding $300.00 and such conviction shall result in the revocation of any license. The municipal clerk shall notify the administrative official, as identified in Section 21.25.030, of any convictions for violations of this section. Whenever a particular establishment is the location of two or more violations of subsection I of this section for which the licensee is responsible under subsection K.1 of this section occurring within a 24-month period, the administrative official shall proceed against the use entitlement under Section 21.25.030.

N. *Enforcement.* The municipal police department shall have the authority to enter any adult-oriented establishment at all reasonable times to inspect the premises and enforce this section.

(AO No. 93-157(S-6), § 1, 5-1-94; AO No. 94-145(S), § 1, 8-23-94; AO No. 2003-153, § 1, 1-1-04)

Cross references: Restrictions regarding location of places where minors are prohibited from entering, § 21.45.240

Voluntary manslaughter
An act of murder reduced to manslaughter because of extenuating circumstances such as adequate provocation (arousing the "heat of passion") or diminished capacity.

Molestation
1. The persecution or harassment of someone, as in the molestation of a witness. **2.** The act of making unwanted and indecent advances to or on someone, especially for sexual gratification.

Child Molestation
Any indecent or sexual activity on, involving, or surrounding a child, usually under the age of 14.

Money Laundering
The federal crime of transferring illegally obtained money through legitimate persons or accounts so that its original source cannot be traced.

Murder
The killing of a human being with malice aforethought.

Depraved-heart murder.
A murder resulting from an act so reckless and careless of the safety of others that it demonstrates the perpetrator's complete lack of regard for human life.

Felony Murder
Murder that occurs during the commission of a felony.

First-degree murder
Murder that is willful, deliberate, or premeditated, or that is committed during the course of another serious felony (often limited to rape, kidnapping, robbery, burglary, or arson). • All murder perpetrated by poisoning or by lying in wait is considered first-degree murder.

Second-degree murder
Murder that is not aggravated by any of the circumstances of first-degree murder.

Obscenity
Any form of expression, such as a book, painting, photograph, movie, or play, that deals with sex in a way that is regarded as so offensive as to be beyond the protection of the constitutional guarantee of freedom of speech. Under the most recent of the Supreme Court's efforts to define obscenity, the term applies to material that appeals to prurient interest, depicts, or describes sexual conduct in a way that is patently offensive, and lacks "serious literary, artistic, political, or scientific value."

Pandering
1. The act or offense of recruiting a prostitute, finding a place of business for a prostitute, or soliciting customers for a prostitute. **2.** The act or offense of selling or distributing textual or visual material openly advertised to appeal to the recipient's sexual interest.

Perjury
The act or an instance of a person's deliberately making material false or misleading statements while under oath.

Pornography
Pictures and/or writings of sexual activity intended solely to excite lascivious feelings of a particularly blatant and aberrational kind, such as acts involving children, animals, orgies, and all types of sexual intercourse.

Prostitution
The crime of engaging in sexual intercourse or other sexual activity for hire.

psychological

—**prud'ish·ness** *n.*
pru'dence *n.* caution or good judgement in the conduct of one's business —**pru'dent, pru·den'tial** *adj.* —**pru·den'tial·ly, pru'dent·ly** *adv.*
prune *n.* a partially dried plum —*vt., vi.* to trim or excise that which is superfluous or excessive —**prun'**
pru'ri·ent *adj.* overly interested in or attracted by sexual matters —**pru'ri·ence, pru'ri·en·cy** *n.* —**pru'ri·ent·ly** *adv.*
pry *vi.* to snoop or meddle —*vt.* to force open —*n.* a lever or bar, as for prying open
pseu'do·nym *n.* an alias; an artist's fictitious name —**pseu·don'y·mous** *adj.* —**pseu·don'y·mous·ly** *adv.*
psy'che *n.* the subconscious mind; the soul
psych·e·del'ic *adj.* characterized by hallucination or distortion —*n.* a substance that alters awareness —**psych·e·del'i·cal·ly** *adj.*
psy·chi'a·try *n.* the diagnosis and treatment of mental disorders —**psy·chi·at'ric** *adj.* —**psy·chi·at'ri·cal·ly** *adv.* —**psy·chi'a·trist** *n.*
psy'chic *adj.* mental; relating to exceptional mental processes such as ESP —*n.* a spiritualist —**psy'chi·cal·ly** *adv.*
psy'cho *adj.* mentally ill; deranged; psychopathic —*n.* a psychopath
psy·cho·anal'y·sis *n.* a type of treatment for mental or emotional disorders —**psy·cho·an'a·lyst** *n.* —**psy'cho·an·a·lyt'ic, psy·cho·an·a·lyt'i·cal** *adj.* —**psy·cho·an·a·lyt'i·cal·ly** *adv.* —**psy·cho·an'a·lyze** *vt.*
psy'cho·bab·ble *n.* psychological terminology, used especially in derogation
psy·cho·log'i·cal *adj.* touching on the mind or emotions —**psy·cho·**

(a) A person commits the crime of prostitution if the person engages in or agrees or offers to engage in sexual conduct in return for a fee.

(b) Prostitution is a class B misdemeanor.

AS 11.66.110. Promoting Prostitution in the First Degree.

(a) A person commits the crime of promoting prostitution in the first degree if the person

(1) induces or causes a person to engage in prostitution through the use of force;

(2) as other than a patron of a prostitute, induces or causes a person under 16 years of age to engage in prostitution; or

(3) induces or causes a person in that person's legal custody to engage in prostitution.

(b) In a prosecution under (a)(2) of this section, it is not a defense that the defendant reasonably believed that the person induced or caused to engage in prostitution was 16 years of age or older.

(c) Except as provided in (d) of this section, promoting prostitution in the first degree is a class B felony.

(d) A person convicted under (a)(2) of this section is guilty of a class A felony.

AS 11.66.120. Promoting Prostitution in the Second Degree.

(a) A person commits the crime of promoting prostitution in the second degree if the person

(1) manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise other than a place of prostitution; or

(2) procures or solicits a patron for a prostitute.

(b) Promoting prostitution in the second degree is a class C felony.

AS 11.66.130. Promoting Prostitution in the Third Degree.

(a) A person commits the crime of promoting prostitution in the third degree if, with intent to promote prostitution, the person

(1) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;

(2) as other than a patron of a prostitute, induces or causes a person 16 years of age or older to engage in prostitution;

(3) as other than a prostitute receiving compensation for personally rendered prostitution services, receives or agrees to receive money or other property pursuant to an agreement or understanding that the money or other property is derived from prostitution; or

(4) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

(b) Promoting prostitution in the third degree is a class A misdemeanor.

AS 11.66.140. Corroboration of Certain Testimony Not Required.

In a prosecution under AS 11.66.110 - 11.66.130, it is not necessary that the testimony of the person whose prostitution is alleged to have been compelled or promoted be corroborated by the testimony of any other witness or by documentary or other types of evidence.

AS 11.66.150. Definitions.

In AS 11.66.100 - 11.66.150, unless the context requires otherwise,

(1) "place of prostitution" means any place where a person engages in sexual conduct in return for a fee;

(2) "prostitution enterprise" means an arrangement in which two or more persons are organized to render sexual conduct in return for a fee;

(3) "sexual conduct" means genital or anal intercourse, cunnilingus, fellatio, or masturbation of one person by another person.

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 plaintiff's 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.

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, 470-47] (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.

lesser degree of variation that would result is inherent in the jury system and does not necessarily pose a First Amendment problem."

In the adult-zoning case, these conclusions can be drawn:

- Justice Souter, joined by Stevens, Ginsburg and Breyer, found that Los Angeles had failed to justify its ordinance against multiple-use adult businesses, especially since the net effect of the ordinance is to multiply the number of adult businesses citywide. The only plausible motive for that, Souter said, is to make it more expensive for adult businesses to operate. "Every month business will be more expensive than it used to be, perhaps even twice as much. That sounds like a good strategy for driving out expressive adult businesses. It sounds, in other words, like a policy of content-based regulation."

- O'Connor, joined by Rehnquist, Scalia and Thomas, found that Los Angeles could rely on a 1977 study of adult businesses in general to justify the ordinance at issue.

- Kennedy agreed with the O'Connor group that the ordinance should not have been struck down on its face, but says it should be returned to lower courts for further study. "The ordinance may be a covert attack on speech, but we should not presume it to be so," Kennedy wrote. He also cautioned against relying too heavily on **secondary effects** to justify speech restrictions. "It is no trick to reduce **secondary effects** by reducing speech or its audience; but a city may not attack **secondary effects** indirectly by attacking speech."

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Supreme Court of Alaska.
Paula MICKENS, Appellant,
v.
The CITY OF KODIAK, A Municipal Corporation, Appellee.
No. 5628.
Feb. 11, 1982.

Dancer in bar brought action challenging city's prohibition against nude dancing in bars. The Superior Court, Third Judicial District, Kodiak, Roy H. Madsen, J., entered judgment in favor of city and dancer appealed. The Supreme Court, Matthews, J., held that: (1) free speech clause of the Alaska Constitution is at least protective of expression as the First Amendment; (2) nude dancing is protected under the State Constitution; (3) unlike the Federal Constitution, State Constitution does prohibit city from restricting forms of expression which are protected under the First Amendment in places where liquor is sold; and (4) no compelling reasons existed for the restriction represented by the ordinance.
Reversed and remanded.
Burke, J., filed a concurring opinion.

Dancing, including nude dancing, is a constitutionally protected expression under the United States Constitution. U.S.C.A.Const.Amend. 1.

Free speech clause of the Alaska Constitution was meant to be at least as protective of expression as the First Amendment to the United States Constitution. U.S.C.A.Const.Amend. 1; Const.Art. 1, § 5.

Nude dancing is protected under the Alaska Constitution. Const.Art. 1, § 5.

Alaska Constitution draws no distinction between free speech in a bar and free speech on a stage and no provision of the Alaska Constitution gives preferred position to regulation of alcoholic beverages in the First Amendment area. Const.Art. 1, § 5.

Federal Constitution does not prohibit the city from restricting, in places where liquor is sold, forms of expression which would otherwise be protected under the First Amendment; Alaska Constitution does contain such a prohibition. U.S.C.A.Const.Amends. 1, 21; Const.Art. 1, § 5.

Laws prohibiting free expression based on the content of the expression are sustainable only for the most compelling of reasons.

No compelling reasons existed for restriction on free expression represented by city ordinance prohibiting nude dancing in bars. U.S.C.A.Const.Amend. 1.

It is not permissible to suppress constitutionally protected forms of expression in order to curb the lawless conduct of some of those who are reacting to it unless other law enforcement techniques which do not infringe First Amendment freedoms are unavailable or likely to be ineffective. U.S.C.A.Const.Amend. 1.

*819 Gerald W. Markham, Kodiak, for appellant.
Melvin M. Stephens, II, and C. Walter Ebell, Hartig, Rhodes, Norman & Mahoney, Kodiak, for appellee.

Before RABINOWITZ, C. J., and CONNOR, BURKE, MATTHEWS and COMPTON, JJ.

OPINION

MATTHEWS, Justice.

Paula Mickens performs as a topless dancer at a bar in Kodiak, known as Tony's Place. She wears only a "T-string" during her act which covers her pubic region, but leaves her breasts and buttocks fully exposed.

On August 14, 1980, the City of Kodiak enacted Ordinance No. 588, which prohibits waiters, waitresses and entertainers in establishments serving alcohol from exposing their genitals, buttocks, and, in the case of females, their breasts.

Kodiak City Ordinance No. 588 provides:

WHEREAS, the City Council finds that there exists in this City an increasing trend toward nude and semi-nude acts, exhibitions and entertainment, and of undress by employees of establishments serving alcoholic beverages to the public, and that such acts and such competitive commercial exploitation of nudity is adverse to the public peace, morals and good order; and that it is in the best interest of the public safety and convenience of this City to restrict such nudity, and the commercial promotion and exploitation thereof,

NOW, THEREFORE, be it ordained by the Council of the City of Kodiak as follows:

Section 1. Chapter 5.12 of the Kodiak City Code is amended by adding new sections to read as follows:

5.12.130 Exposure by Waiters, Waitresses and Entertainers.

(A) Every person is guilty of a misdemeanor who, while acting as a waiter, waitress or entertainer in an establishment which serves alcoholic beverages for consumption on the premises of such establishment:

(1) Exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

(2) Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

(3) Exposes any portion of the female breasts at or below the areola thereof.

(B) A person shall be deemed to be a waiter, waitress, or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

5.12.140 Counseling or Assisting. Every person is guilty of a misdemeanor who causes, permits, procures, counsels or assists any person to expose or simulate exposure as prohibited in s 5.12.130.

Section 2. Constitutionality. If any provision or clause of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

*820 Mickens brought an action in the superior court on August 28, 1980, before the law became effective, seeking a declaratory judgment that the ordinance was facially unconstitutional and an order permanently enjoining the City from enforcing it. After hearing oral argument on the parties' cross- motions for summary judgment, the trial court entered an order granting the City's motion and dismissing the complaint.

Dancing, including nude dancing, is a constitutionally protected form of expression under the first amendment to the United States Constitution.

The first amendment to the United States Constitution provides:

> 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.

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. Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 72 S.Ct. 777, 96 L.Ed. 1098 (1952); Schacht v. United States, 398 U.S. 58, 90 S.Ct. 1555, 26 L.Ed.2d 44 (1970); Jenkins v. Georgia, 418 U.S. 153, 94 S.Ct. 2750, 41 L.Ed.2d 642 (1974); Southeastern Promotions, Ltd. v. Conrad, 420 U.S. 546, 95 S.Ct. 1239, 43 L.Ed.2d 448 (1975); Erznoznik v. City of Jacksonville, 422 U.S. 205, 95 S.Ct. 2268, 45 L.Ed.2d 125 (1975); Doran v. Salem Inn, Inc., 422 U.S. 922, 95 S.Ct. 2561, 45 L.Ed.2d 648 (1975). See also California v. La Rue, 409 U.S. 109, 118, 93 S.Ct. 390 (397) 34 L.Ed.2d 342 (1972); Young v. American Mini Theatres, Inc., 427 U.S. 50, 61, 62, 96 S.Ct. 2440 (2447, 2448) 49 L.Ed.2d 310 (1976). Nor may an entertainment program be prohibited solely because it displays the nude human figure. "Nudity alone" does not place otherwise protected material outside the mantle of the First Amendment. Jenkins v. Georgia, supra (418 U.S.) at 161, 94 S.Ct. 2750 (2755) 41 L.Ed. 642; Southeastern Promotions, Ltd. v. Conrad, supra; Erznoznik v. City of Jacksonville, supra (422 U.S.) at 211-12, 213, 95 S.Ct. 2268 (2273-74, 2275) 45 L.Ed.2d 125. Furthermore, as the state courts in this case recognized, nude dancing is not without its First Amendment protections from official regulation. Doran v. Salem Inn, Inc., supra, Southeastern Promotions, Ltd. v. Conrad, supra; California v. La Rue, supra.
Schad v. Borough of Mt. Ephraim, 452 U.S. 61, ---- - ----, 101 S.Ct. 2176, 2181, 68 L.Ed.2d 671, 678-79 (1981). The free speech clause of the Alaska Constitution, Article I, Section 5,[FN3] was meant to be at least as protective of expression as the First Amendment to the United States

Constitution. We hold, therefore, that nude dancing is also protected under Article I, Section 5 of our state constitution.

> Article I, section 5 of the Alaska Constitution provides:
>
> Freedom of Speech. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.
>
> 2 Proceedings of the Alaska Constitutional Convention 1305-07 (Jan. 5, 1956).

The City contends, nevertheless, that it has the power to prohibit nude dancing in *821 establishments where alcohol is served, relying on California v. La Rue, 409 U.S. 109, 93 S.Ct. 390, 34 L.Ed.2d 342 (1972). Citing the states' broad authority to control intoxicating liquors under the Twenty-First amendment to the United States Constitution, La Rue upheld challenged regulations of the California Department of Alcoholic Beverage Control which prohibited certain sexually explicit live entertainment or films. The court held that the regulations did not on their face violate the Constitution, notwithstanding the fact that the regulations proscribed some acts which were not obscene and which were within the limits of the first amendment's protection. 409 U.S. at 115-19, 93 S.Ct. at 395-97, 34 L.Ed.2d at 350-52. The court has recently followed LaRue in New York State Liquor Authority v. Bellanca, 452 U.S. 714, 101 S.Ct. 2599, 69 L.Ed.2d 357 (1981).

The Alaska constitution contains no clause similar to the twenty- first amendment which might be said to justify prohibiting otherwise protected forms of expression where liquor is sold. Our state constitution, like that of Massachusetts, "draws no distinction between free speech in a bar and free speech on a stage, and no provision of our Constitution gives a preferred position to regulation of alcoholic beverages." Commonwealth v. Sees, 374 Mass. 532, 373 N.E.2d 1151, 1155 (1978).[FN5] Because of the Twenty-First Amendment, the federal constitution does not prohibit the City from restricting, in places where liquor is sold, forms of expression which would otherwise be protected under the First Amendment; the state constitution, however, does contain such a prohibition. We therefore reject the La Rue rationale on state constitutional grounds.

The full quotation, so far as it is pertinent here, of the Massachusetts court in Sees is as follows:

> There remains for consideration the free speech provision of art. 16 in our Declaration of Rights: "The right of free speech shall not be abridged." That provision on its face draws no distinction between free speech in a bar and free speech on a stage, and no provision of our Constitution gives a preferred position to regulation of alcoholic beverages. So far as the record before us discloses, the dancer may have been rendering a selection from the "Ballet Africains" or some other work of unquestionable artistic and socially redeeming significance. See Doran v. Salem Inn, Inc., 422 U.S. 922, 933, 95 S.Ct. 2561, (2568) 45 L.Ed.2d 648 (1975). Though not shown by proof, it seems more likely that she was engaged in "the customary 'barroom' type of nude dancing," involving "only the barest minimum of protected expression." Id. at 932, 95 S.Ct. at 2568. To distinguish between the two, however, would be to cast on the police and courts "the anomalous duty of serving as ... artistic constables," evaluating the artistic worth and tasteful quality of the performance in its total context. Commonwealth v. Horton, 365 Mass. 164, 178, 310 N.E.2d 316, 325 (1974) (Kaplan J.,

concurring). No governmental interest is shown to warrant the effort. See California v. LaRue, 409 U.S. 109, 130-33, 93 S.Ct. 390, (403-05) 34 L.Ed.2d 342 (1972) (Marshall, J., dissenting). Moreover, the artistic preferences and prurient interests of the vulgar are entitled to no less protection than those of the exquisite and sensitive esthete. See Salem Inn, Inc. v. Frank, 522 F.2d 1045, 1048-49 (2d Cir. 1975). (Footnote omitted).

The New York Court of Appeals in Bellanca v. New York State Liquor Authority, 54 N.Y.2d 228, 445 N.Y.S.2d 87, 429 N.E.2d 765 (Ct.App.N.Y. 1981), on remand from the United States Supreme Court, has done likewise.

The ordinance prohibits performances involving nudity before adult audiences who knowingly and willingly have come to view them. It is aimed at the content of the performances in the sense that shows containing nude scenes are forbidden, while other performances are not. See Erznoznik v. City of Jacksonville, 422 U.S. at 214-15, 95 S.Ct. at 2275-76, 45 L.Ed.2d 125, 134. Laws prohibiting free expression, based on the content of the expression, are sustainable only for the most compelling of reasons. See Erznoznik, supra, Cohen v. California, 403 U.S. 15, 25, 91 S.Ct. 1780, 1788, 29 L.Ed.2d 284, 294 (1971), Police Dept. of City of Chicago v. Mosley, 408 U.S. 92, 95-96, 92 S.Ct. 2286, 2289-90, 33 L.Ed.2d 212, 216-17 (1972); see L. Tribe, Amer.Const.Law, s 12-2, 580-84 (1978). Here, such reasons do not exist and, therefore, the ordinance must be stricken.
*822 The City claims that the ordinance was passed in response to public testimony of citizens who were fearful of criminal activity in the vicinity of the bars offering nude dancing. The City relies on figures compiled by the Kodiak Chief of Police which allegedly show that there has been a substantial increase in the number of calls for public assistance at Tony's Place since the advent of nude entertainment. The City has not demonstrated that the increase in police calls originating at Tony's Place has been caused by anything other than an increase in the volume of business there. While this, in turn, may well be the result of nude dancing, there is no reason to suppose that other forms of entertainment, not involving nudity, would not also increase business and therefore police calls.
Discrimination on the basis of the content of protected forms of expression cannot be tolerated except where there are "clear reasons" for it. Erznoznik v. City of Jacksonville, 422 U.S. 205, 215, 95 S.Ct. 2268, 2275- 76, 45 L.Ed.2d 125, 134 (1975). Here the City has offered no justification for distinguishing between entertainment involving nudity from other forms of entertainment as a means to prevent crowds from congregating in establishments where intoxicating liquor is sold. Without such a justification, the ordinance cannot stand.

In Erznoznik, the City of Jacksonville attempted to defend an ordinance which prohibited drive-in movies whose screens were visible from a public street from showing films with nude scenes as a traffic safety regulation. In rejecting this rationale the court stated:

By singling out movies containing even the most fleeting and innocent glimpses of nudity the legislative classification is strikingly underinclusive. There is no reason to think that a wide variety of other scenes in the customary screen diet, ranging from soap opera to violence, would be any less distracting to the passing motorist.

This court frequently has upheld underinclusive classifications on the sound theory that a legislature may deal with one part of a problem without addressing all of it. This presumption of statutory validity, however, has less force when a

> classification turns on the subject matter of expression. "(A)bove all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content," Police Dept. of Chicago v. Mosley, 408 U.S. at 95, 92 S.Ct. 2286 (2290) 33 L.Ed.2d 212. Thus, "under the Equal Protection Clause, not to mention the First Amendment itself," id., at 96, 92 S.Ct. 2286 (2290) 33 L.Ed.2d 212, even a traffic regulation cannot discriminate on the basis of content unless there are clear reasons for the distinctions.
>
> Appellee offers no justification, nor are we aware of any, for distinguishing movies containing nudity from all other movies in a regulation designed to protect traffic. Absent such a justification, the ordinance cannot be salvaged by this rationale.
>
> (Citations, footnote omitted) 422 U.S. at 214-15, 95 S.Ct. at 2275-76, 45 L.Ed.2d at 134. Our reading of the "clear reasons" language in context would require a stronger showing than mere rationality. See Schad, supra 452 U.S. at ---- - ----, 101 S.Ct. at 2182-87, 68 L.Ed.2d at 680-85, especially n.7 at ---, 101 S.Ct. at 2183, 68 L.E.2d at 680.

Moreover, it is not permissible to suppress constitutionally protected forms of expression in order to curb the lawless conduct of some of those who are reacting to it, unless other law enforcement techniques which do not infringe first amendment freedoms are unavailable or likely to be ineffective. [FN8] Edwards v. South Carolina, 372 U.S. 229, 83 S.Ct. 680, 9 L.Ed.2d 697 (1963); Cox v. Louisiana, 379 U.S. 536, 85 S.Ct. 453, 13 L.Ed.2d 471 (1965); Cantwell v. Connecticut, 310 U.S. 296, 60 S.Ct. 900, 84 L.Ed. 1213 (1940); Feiner v. New York, 340 U.S. 315, 326-27, 71 S.Ct. 303, 309-10, 95 L.Ed. 295, 303 (1951) (Black, J., dissenting). The City here has attempted no showing that it is incapable of enforcing its laws relating to drunkenness and assaultive behavior. There is therefore no basis for concluding that the City's effort to achieve the object of these laws indirectly by suppressing nude dancing is constitutionally justified.

> As we observed in Breese v. Smith, 501 P.2d 159, 174 n.60 (Alaska 1972), "it is absurd to punish a person 'because his neighbors have no self-control and cannot refrain from violence.' " Quoting from Z. Chaffee, Jr., Free Speech in the United States 151-52 (1941).

Although we have concluded that the ordinance does not pass constitutional muster for the above reasons, it is well to keep in mind what this case does not involve. It *823 does not involve an ordinance which prohibits only obscene performances. It does not involve unwilling or captive viewers whose personal sensibilities are offended by the performances in question. And it does not involve an effort to protect children from sexually oriented displays which are not obscene by adult standards. If these factors had existed, a different and stronger case for the ordinance could be made.

> See, as to obscenity, Miller v. California, 413 U.S. 15, 93 S.Ct. 2607, 37 L.Ed.2d 419 (1973); A Book Named "John Cleland's Memoirs of a Woman of Pleasure" v. Attorney General of Massachusetts, 383 U.S. 413, 86 S.Ct. 975, 16 L.Ed.2d 1 (1966); Roth v. United States, 354 U.S. 476, 77 S.Ct. 1304, 1 L.Ed.2d 1498 (1957); as to captive audiences, Kovacs v. Cooper, 336 U.S. 77, 69 S.Ct. 448, 93 L.Ed. 513 (1949); Lehman v. City of Shaker Heights, 418 U.S. 298, 94 S.Ct. 2714, 41 L.Ed.2d 770 (1974); Erznoznik v. City of Jacksonville, 422 U.S. 205,

95 S.Ct. 2268, 45 L.Ed.2d 125 (1975); as to minors, Ginsberg v. New York, 390 U.S. 629, 88 S.Ct. 1274, 20 L.Ed.2d 195, reh. denied 391 U.S. 971, 88 S.Ct. 2029, 20 L.Ed.2d 887 (1968).

REVERSED and REMANDED for entry of judgment in favor of appellant.

BURKE, Justice, concurring.
I concur.
I do, however, wish to point out what I believe to be an important difference between the ordinance in this case and the statute held enforceable in New York State Liquor Authority v. Bellanca, 452 U.S. 714, 101 S.Ct. 2599, 69 L.Ed.2d 357 (1981).
The statute in Bellanca did not attempt to impose criminal penalties on those performing in violation of its terms. It was aimed solely at the licensee [FN1] and could only "cause an establishment to lose its liquor license." --- U.S. at ----, 101 S.Ct. at 2600, 69 L.Ed.2d at 359. Thus, the penalty for a violation was civil in nature and directly related to the activities of the license holder.

The statute provided:

No retail licensee for on premises consumption shall suffer or permit any person to appear on licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, nor shall suffer or permit any female to appear on licensed premises in such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof.
Alaska, 1982.
Mickens v. City of Kodiak
640 P.2d 818
END OF DOCUMENT

Please Read and Sign

We, the undersigned, oppose any legislation that will take away our rights as an adult in the United States of America, including HB 367. Being 18 years and older, we are ADULTS, and should have the rights granted and guaranteed to us by the Supreme Court and the Constitution of the United States!

Print Name:	Signature:	Address:	D.O.B.
John L. Schlegel	[illegible]	3512 DOILDRIVE	12/31/1983
Ryan Synertson	[illegible]	3372 Doil Dr	12/02/83
Braden Burke	[illegible]	6931 Howard	~~[illegible]~~ 5/81
Alessandra Mor	[illegible]	4001 BEECHCRAFT	8/21/
Thomas F. Stoker	[illegible]	2436 Havenshire Pl	5 Mar 74
Jason W Coleman	[illegible]	2200 Glacier St.	3 Dec 81
Charlie J Scott	[illegible]	373 5th #B Ft Rich	10-3-81
Elisabeth A Scott	[illegible]	373 6th #B Ft. Rich	08-04-8
Michael Linz	[illegible]	3806 Randolph Anchorage	9-28-66
[illegible] Sustin	[illegible]	4-23rd Inf Ft. Rich	02-23-83
Mike Anthony	[illegible]	1400 Arctic Blvd	8-15-83
Kathryn Reimer	[illegible]	~~2400~~ 2700 W Aspen Ct Wasilla AK 99654	10-05-85
[illegible]	[illegible]	5810 E Alder Circle	2/17/80
Cortney Hubner	[illegible]	1580 Centurian Pl Was AK 99687	10/21/85
Antonia LAWRENCE	[illegible]	3910 N. Preston Ave Was. AK 99654	01/21/85
Brent Shibe	[illegible]	3406 W 80th	04/02/04
Kenny Kurtz	[illegible]	9730 Vanguard	01/05/80
Darren Hensler	[illegible]	1920 W 32nd Ave.	7-19-7
Jessica E Matthews	[illegible]	2120 Island Dr Anch 99507	~~2/20/~~ 91
Ashley Rand	[illegible]	1811 Congress Cir	8/10/83

PRINTED NAME	ADDRESS	PHONE #	SIGNATURE
Vikki Gravelle	3344 W 80th	441-5030	[illegible]
Patrick Stephen	3760 Reflection Dr. A/A 99507	337-6093	[illegible]
Jase Cl[illegible]	11429 Heritage ct	622-3526	[illegible]
Brady [illegible]	234 E. 45	250-6979	[illegible]
Shane Hord	8441C Mundy Ave	222-1192	[illegible]
Chris Spoelhas	10218 Tradition	694-5367	[illegible]
Kraig Fanning	1168 Pine Ave	317-0300	Kraig Fanning
Ivory Engram	9599 Lewis R.D. #481	317-0708	[illegible]
Ed Karmun	7420 Tanglewood Anch Alaska	349-6924	[illegible]
Allen Smith	1316 Tango st	562-2636	Allen Smith
Antonio Lopez	13700 W Spoccing Rod.	349-3446	[illegible]
James Literal	3361 NE 33rd	231-0366	[illegible]
Kr[illegible]	8267 JWI Lake Rd		[illegible]
[illegible] Martinez	1631 Pondelair.	336-4125	[illegible]
Clive Lobb	6250 Dancy Field Dr	348-0648	[illegible]
Mike Ramos	3320 [illegible] View	748-2732	[illegible]
James Hoferer	221½ E. 12th Av. #4	351-9515	James Hoferer
David Rady	6795 5th st Ft. Richardson	301-09093	[illegible]
Mathy Rucker	Both Ave 24 UU	666-6664	[illegible]
Mario A Monte	3300 Purelene St	952-0571	Mario A Monte

Print Name	Signature	Phone #	Address
Caitlin Kucleus D	[illegible]	907 746 2462	1100 W. Auklet
Chantal Cook		(907) 746-4892	
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[illegible]		907 317 3749	
[illegible]		907 745 2092	
Mallory [illegible]		907 745-2097	
Pat Cole		907-357-6047	
Kayla Stevenson		907-382-6792	
[illegible]			
[illegible]		(907) 227-1240	
Mike [illegible]		907 677-7004	PO Box 142123 Anch. AK 99514
[illegible]			
Steven Dinkins	[illegible]	227-9496	1310 Farrowcrt Anchorage Ak
JASON T JONES	[illegible]	561-3001	5311 Mockingbird Dr
ADAM S. MUELLEMANN	[illegible]	243-0910	7053 CHENNAULT AVE UNIT #658 ELMENDORF AFB, AK 99506
JOSHUA D. BRADFORD	[illegible]	770-3654	
CHRISTOPHER PRUITT	[illegible]	522-6722	10901 [illegible] Pkwy ANCH. AK 99516
Marc D Savioli	[illegible]	243-8085	3704 Carleton Ave up Anchorage AK 995[illegible]
Nick [illegible]	[illegible]	222-5086	
Thomas Peterson	[illegible]	360-1601	B-6423 FRA 9950[illegible]
Rocky Kunkel	[illegible]	720 375-0955	2043 2nd [illegible]
Chad White	[illegible]	457-5120	714 Hoffman Ave 995[illegible]
Tabitha Parker	[illegible]	227-1063	2322 E. Cook APTC

YOU MUST BE A REGISTERED VOTER TO SIGN THIS PETITION

the undersigned, oppose any legislation that will take away our rights as an adult in United States of America, including HB 367. Being 18 years and older, we are ULTS, and should have the rights granted and guaranteed to us by the Supreme Court l the Constitution of the United States!

00238764 **Voter Reg. Number**

int Name:	Signature:	Address	or Soc. Sec. Number
RY S TAYLOR	Mary S Taylor	617 N-FLOWER ST-	99508
Katie Gates	Katie Gates	4112 D. Bullard ave, EAFB,	99506
Ben Pelfier	BR	4112 D. Bullard ave EAFB	99506
[illegible]	Gabriel Gates	4112 D Bullard Ave EAFB	99506
[redacted]			
[illegible]	Alicia E. Rogers	2116 Fairbanks #9 Anchorage AK 99503	868-4759
Melody D. Knight	Melody D. Knight	907-428-2113	
Angel Bien	Angel Bien	7079 Fighter Dr.	9395
Rody Gonzalez		7408 Duben Ave -	99504
Cindy Pritchard	Cindy [illegible]	205 E. Dimond #581	99515
Matthew Wilson	Matthew Wilson	Ft. Richardson	99505
Quirk Justin	[illegible]	Ft. Richardson	99505 907-230-0450
Byers Jeremy	[illegible]	Ft Richardson	(99505) [illegible]
Reyna Alfredo	[illegible]	Ft. Richardson	99505
Dan [illegible]		[illegible]	995[illegible]
Sam Gutowski	Sam Gutowski	Ft. Richardson	99505
Christopher Shaver	Christopher Shaver	423 602 Richardson, Ft.	432-55-5806
Nickert, Jason	Jason [illegible]	Ft Richardson	99505
Ward, Shawn	[illegible]	Ft R[illegible]	99505
Banville, Joshua	Joshua [illegible]	Ft. Richardson	99505

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Jeffery Cardinale	4231 Polker Anchorage, AK		[illegible]
Udwell Brent	4730 Vineyard #2 Alaska	351-8381	[illegible]
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Seth Hildebrand	2820 Brandywine Anchorage 99502	907-529-7594	[illegible]
Sloan Dozark	3537 Grissom Cr Anchorage 99517	907-248-6656	[illegible]
John Berg	7475 Tyre drive	907-830-1884	[illegible]
Mike Trojovsky	3537 Grissom Cr Anchorage AK	907-248-6638	Michael Trojovsky
Blaine Byerly	HC 34 Box 2624 Wasilla 99654	907-892-6339	[illegible]
Jason Shumway	PO Box 202809 Anchorage AK 99520	907-332-6622	[illegible]
Charlie Phipps	501 E Bogard Rd Wasilla AK 99654	907-430-2045	[illegible]
Brian Colvin	6540 E10 [illegible]	907-841-8865	[illegible]
Pat Burnett	16341 Kerta Cir	907-696-7280	Pat Burnett
Ridley Pray	10219 Caribou St.	317-4161	Ridley Coffey
Patrick Heath	7820 Island Drive		Patrick Heath
Patrick Koivisto	PO Box 7567	[illegible]	Patrick J Koivisto
John Murdock	Po Box 5582	776-5907	[illegible]
Alec Fritz	2410 Hastings Lane	907-440-4089	Alec Fritz
Duane Toulek	8205 Chevalet Av	828-238-7191	Duane Toulek
Sarah S. Duff	3111 Cheechako #5	646-4245	Sarah S. Duff
Jonathan Huffman	Box 1211 Delta Jct.	(907) 895-4640	[illegible]
Mike Tunilla	4320 checkmate #17	(907) 929-5162	[illegible]
Crystal Brooks	1728 Dimond Dr.	(907) 561-8111	Crystal Brooks
Adam Cira	Bld 622 Ft Richardson AK 99505	(907) 229-2946	[illegible]
Naomi Sanders	PoBox 878914 Wasilla AK	(907) 373-2883	Naomi Sanders