

## MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 1:30 p.m. on February 14, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Rocky Fund – Excused  
 Representative TerriLois Gregory – Excused  
 Representative Steve Huebert – Excused  
 Representative Mike Kiegerl – Excused  
 Representative Mike Peterson - Excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
 Doug Taylor, Office of the Revisor of Statutes  
 Julian Efird, Kansas Legislative Research Department  
 Dennis Hodgins, Kansas Legislative Research Department  
 Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Phillip Cosby, National Coalition for the Protection of Children and Families  
 Scott Bergthold  
 Stephanie Kaniper, Jefferson County Citizens Group  
 Michael Schuttloffel, Catholic Conference  
 Judy Smith, Concerned Women for America                      Written Only  
 Dr. Mary Anne Layden, University of Pennsylvania              Written Only

Others attending:

See attached list.

The Chairman called for bill introductions. Representative Seiwert introduced a bill concerning the lottery and smoking.

The Chairman opened the hearing on **HB 2107 Community defense act, sexually oriented business regulations**

Mike Heim gave an explanation of the bill. He indicated that there were a couple of technical amendments. He reviewed the sections of the bill.

Phillip Cosby presented testimony as a proponent of **HB 2107 (Attachment 1)**. He said that the lawful regulation of the sex industry is based on real negative effects on communities. Communities are overwhelmed or intimidated by an industry that boasts that their annual US revenue is greater than all professional sports combined. Many counties and communities in Kansas have no regulatory protection in place. SOB's often ambush unprotected areas, especially along a highway system or main streets of cities. SOB's boldly declare that there is nothing the community can do and if they do enact an SOB regulation, their attorneys threaten and do file lawsuits. Parents and communities cannot contend with the pervasive, aggressive and well funded sex industry. Many states have come to the aid of outgunned communities with constitutionally upheld community defense acts. This bill has all the same regulatory elements as the recently court-tested SOB restrictions in Missouri. The Missouri law has been upheld by three courts to date as constitutionally sound. The Reports, Studies and CD are available from: Phillip Cosby, Kansas City Office, NCPC&F, 11936 W. 119<sup>th</sup> St. # 193, Overland Park, KS 66213.

Representative Wolfe Moore asked how this would work with ordinances passed by local communities? Phillip said that this would not weaken the local ordinance but it would strengthen it. Since most small communities do not have the wherewithal to fight the SOB businesses they are taken advantage of.

Scott Bergthold presented testimony by telephone and written as a proponent of **HB 2107 (Attachment 2)**. His testimony dealt with the negative secondary effects of sexually oriented businesses. He spoke of the many case studies that have substantiated these secondary effects.

## CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on February 14, 2011, in Room 346-S of the Capitol.

Representative Rubin asked if he saw any legal pitfalls in New Section 12. Scott said that he did not see a challenge being mounted for that language. There was no issue about that in the Missouri statute.

Representative Grosserode asked if there was any information about this kind of business being driven underground where there would be no regulation. Scott said that he was not concerned about that because in 25 states he had been in he had not seen this happen. This is not the kind of business to go underground.

Stephanie Kaniper presented testimony as a proponent of **HB 2107** (Attachment 3). She told how an SOB is trying to establish a business next to Jeff West School and a Meriden Preschool in Meriden, Kansas. They threaten these small communities with lawsuits if they deny their license. These small communities do not have the finances to fight them. We need state regulation of SOB's, or they will overtake our communities.

Michael M. Schuttloffel presented testimony as a proponent of **HB 2107** (Attachment 4). He said that the Community Defense Act is both prudent and constitutional. It has been thoroughly documented that sexually oriented business generate increased crime, decreased property values, prostitution and drug trafficking. The Act will prevent them from being less than 1000 feet from churches, schools and parks. Since small towns can not resist there almost limitless resources we need statewide regulation.

Representative Gatewood asked Stephanie what the current status of the Meriden case was. The county commissioners have not had their first meeting on the case yet. The next meeting will be February 23<sup>rd</sup>.

Representative Knox had a question for Phillip Cosby. What aspects of this bill would be grandfathered in? Phillip said they would not be required to relocate under this bill.

The Chairman allowed an opponent of the bill to speak because he was out of town and could not come back. Originally the opponents were to be heard tomorrow.

Charles A. O'Hara presented testimony as an opponent of **HB 2107** (Attachment 5). He said that as a lawyer for the Wichita area Adult Cabarets he tried to settle the disputes they had with the city. They quit going to Federal court to settle these matters. He said that the Adult Cabarets are very strictly regulated in Wichita, Derby and the surrounding towns.

Representative Rubin asked how many assaults there had been in the bars he represents, either in the building or in the parking lot. Charles said they were very few. Representative Rubin further asked about drug arrests. Charles said he was not aware of many but he would not be called on very many of them.

Representative Knox asked Charles if the regulation in this bill goes beyond what is already in existence in the Wichita area statutes. Charles said that he believes that it limits the alcohol. The clubs that I represent can not exist without alcohol.

Judy Smith, State Director, Concerned Women for America of Kansas presented written only testimony as a proponent of **HB 2107** (Attachment 6). Her testimony says that marriage is the building block of any stable society. The use of pornography is a significant factor in the break-up of marriages and families. In addition sexually oriented businesses attract serious crime.

Dr. Mary Anne Layden, Director Sexual Trauma and Psychopathology Program Center for Cognitive Therapy presented written only testimony as a proponent of **HB 2107** (Attachment 7). The sex industry makes people both victims and victimizers. Between 60-80% of women working in the sex industry have been sexually abused in their childhoods. 60% are depressed, 40% are substance abusers, 55% have Borderline Personality Disorder, and 35% have Multiple Personality Disorder. Strippers suffer toxic and assaultive treatment in the strip clubs. Crimes that see an increase because of these businesses are rape, prostitution and sex slavery. This industry spreads the myth that male sexuality is viciously narcissistic, predatory and out of control. The damage these businesses cause is due to the activity itself. It can not be solved by regulation alone.

The next meeting is scheduled for February 15, 2011.

## CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on February 14, 2011, in Room 346-S of the Capitol.

The meeting was adjourned at 3:00 p.m.

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

2.14.11

ROOM 346-S

| NAME                 | REPRESENTING                                   |
|----------------------|--|
| Phillip Cosby        | <del>NEB</del> NCPCF                           |
| Michael Schuttkoffel | Kansas Catholic Conference                     |
| Stephanie Kaniper    | Jefferson County, KS                           |
| DAN Moore            | <del>Self</del> Jefferson County Citizen Group |
| Kevin Seals          | Jefferson County Citizen Group                 |
| Gail Anderson        | <del>Shawnee Co.</del> JF Co Citizen Group     |
| Huss Alspaw          | JF Co. C.T. 2nd Group                          |
| Martin Hawver        | Hawver's Capital Report                        |
| Lise White           | Jefferson County, KS                           |
| Doc Rosebrough       | Jefferson County KS                            |
| Gail Kasperowitz     | Jefferson County, KS                           |
| Ernie Kasperowitz    | " " " "  |
| RT Wilson            | KIFALL   |
| Marcus Ewing         | Equal Entertainment Group                      |
| Brook Freeman        | Equal Entertainment Group                      |
| Phil Bradley         | EES / KUSA                                     |
| Maria Pamphelan      | St. George, KS                                 |
| Anna Lawrence, DBA   | Olathe, KS                                     |
| Laura Scott RN       | <del>Elmer</del> Olathe KS                     |

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

2/14/2011

ROOM 346-S

[illegible]

TESTIMONY OF PHILLIP COSBY SUPPORTING **HB 2107**  
EXECUTIVE DIRECTOR KANSAS CITY OFFICE, NATIONAL COALITION  
FOR THE PROTECTION OF CHILDREN AND FAMILIES  
KANSAS HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE 2011 Session

Chairman Brunk and honorable members of the Federal and State Affairs Committee, my name is Phillip Cosby. I am a native of Kansas and currently the Executive Director for the Kansas City office of the National Coalition for the Protection of Children and Families. I am honored to speak to you in support of HB 2107, "The Community Defense Act", a statewide regulation of sexually oriented businesses (SOB) through constitutionally sound Time, Place and Manner restrictions.

These past eight years I have spoken to thousands of Kansans citizens and civic officials concerning the negative effects of Sexually Oriented Businesses (SOB) in communities. Today I am providing you summaries of negative secondary effect studies of forty-three cities, court rulings and a CD containing 1,500 pages of detailed court upheld studies of twenty cities and twenty-two court cases all awarding municipalities the constitutional right to regulate SOB's thus reducing negative secondary effects. Negative effects which constitute a substantial government interest in regulating the Time, Place and Manner restrictions of SOB's.

Two famous examples of SOB regulation among scores are (1) the cleaning up of NYC's Times Square and the subsequent decrease in crime and increase of tourism, and (2) the current reputation of Atlanta Ga. as the sex trafficking capital of the US. These are not my words but the words of Atlanta's mayor, Shirley Franklin. (*Atlanta Journal-Constitution March 21<sup>st</sup> 2007*) Strip clubs promised Atlanta GA. prosperity and an "upscale cosmopolitan" appeal as they expanded to accommodate the International Olympics. What Atlanta inherited was a series of strip clubs that breed prostitution and sex trafficking or sexual slavery. Sex trafficking has now become the international #2 moneymaker for organized crime, right behind illegal drugs.

The evidence of harm is not anecdotal; the lawful regulation of the sex industry is based on real negative effects on communities and has been constitutionally upheld for nearly forty years. The deleterious effects are primarily increased crime, increased STD's, blight, property devaluation, prostitution, human and drug trafficking. In 1973 the SCOTUS stated "legislators are entitled to rely, in part on an appeal to common sense"

We all sense it. Every day the news relays the latest heartbreaking story of abductions, child molestations, human trafficking, solicitations, sexual misconduct at the highest levels of sacred and secular trust, urban blight, rising STD rates, fantasy driven rape and even murder. Our sense of safety, wholesomeness and innocence is evaporating. When you and I were in grade school we played freely with our friends on Saturdays in our neighborhoods and beyond. Our parents did not have to be unduly fraught with concerns for our personal safety. For us, the general rule was, when those street lights flicker on you better be home. Those days of experiencing such freedom and safety are long since gone for today's children. Outside of organized and supervised sports, where are those groups of playful youngsters today? What mother is willing to let her grade school aged child out of her sight today?

Communities are overwhelmed or intimidated by an industry that boasts that their annual US revenue is greater than all professional sports; football, baseball and basketball combined.

SOB attorneys always oppose any restrictions with misstatements like;

- *SOB's are a financial asset to communities.* (see attached 43 Land Use summaries and the CD with 20 detailed summaries, documenting the economic drain on communities)
- *SOB regulation is unconstitutional.* (see CD with 22 court cases ruling otherwise)
- *Litigation is a certainty and too costly.* (If CDA is passed, litigation will be a onetime showdown as opposed to the current endless gravy train of multiple community litigations fattening SOB attorney's bank accounts and intimidating communities).

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Attachment |

Any counties and communities in Kansas have no regulatory protection in place. SOB's often ambush unprotected areas, especially along a highway system or main streets of cities. SOB's boldly declare that there is nothing the community can do and if they do enact an SOB regulation, their attorneys threaten and do file lawsuits. Such intimidation strategies more often than not, do work. If civic leaders do muster the wherewithal to enact SOB ordinance protection, lengthy litigation is a certainty. In the case of Abilene Kansas, litigation was going into its fifth year when an out of court compromise closed the case. SOB ordinance law is not a specialty of city and county attorneys who lack the resources to challenge such a lucrative industry. SOB's behave like water seeking the lowest level, if a state or community is fortunate enough to be protected by a sound constitutional ordinance, SOB's will bypass and seek out a vulnerable community.

Legislative bodies on many levels are behind the curve in recognizing and reacting to the cause and effect relationship of the sex industry and its related negative secondary effects. These brick and mortar sex businesses may be the tip of the iceberg of a larger problem of easy cyber access to pornography and obscenity but at least it is a place where case law has driven a stake where we can make a constitutional stand to address this growing public safety and health crisis.

Too often the disingenuous drum beat sounds like; this is a parental responsibility or let local communities contend with the problem on their own. How can parents and communities contend against the pervasive, aggressive and well funded sex industry? Would it be good public policy if there were a polluted water source to simply instruct a community to install their own filter?

Many states have come to the aid of outgunned communities with constitutionally upheld community defense acts. Even Denmark with its infamous anything goes approach to sex has corrected its misdirection with regulations stemming the tide of correlating negative effects.

This is a real pocketbook issue; sex crimes represent a large segment of criminal activity, at a cost of \$30,000 annually per prisoner. You can't raise enough taxes, build enough prisons and buy enough ankle bracelets for this tsunami. The Center for Disease Control reported that 26% of teenage girls are now infected with a sexually transmitted disease. The list of STD's has now grown to over twenty-nine. Ladies and gentlemen what we have is an epidemic and we must act in concert with parents and communities. Citizen polling data consistently supports like regulatory efforts in the 67 % range. HB 2107 is a compelling governmental interest.

This state statute model was crafted by one of the most successful constitutional SOB ordinance attorneys in the nation. . Law Office of Scott D. Bergthold, Chattanooga, TN, 423.899.3025 web site:  
[www.adultbusinesslaw.com](http://www.adultbusinesslaw.com)

**This bill has all the same regulatory elements as the recently court tested SOB restrictions in Missouri. All restrictive measures have been found to not offend either the 1<sup>st</sup> or 14<sup>th</sup> amendments to the U.S. Constitution. The Missouri law has been upheld by three courts to date as constitutionally sound.**

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## Talking Points: HB 2107 - KANSAS COMMUNITY DEFENSE ACT

1. Many states already have court tested statewide "Time, Place & Manner" restrictions in place to regulate sexually oriented businesses (SOBs) including Missouri, Georgia, Illinois, New Jersey, Ohio, Arizona and Pennsylvania.
2. Many Kansas communities do not have the funds or legal expertise to contend with the lengthy litigation that SOBs promise will follow if they attempt to adopt a local SOB ordinance. Such intimidation by this wealthy industry (more annual revenue than ABC, NBC & CBS combined) is sufficient to dissuade most cities and counties.
3. If a Kansas community does attempt to craft and enact an SOB ordinance they can find themselves in lengthy litigation like Dickinson County, Abilene Kansas. That case went on for five years. The case could have gone longer but the insurance company that represented Dickinson County was not inclined to throw what they estimated was another \$ 1 million at it and the community was weary of the struggle.
4. A state wide Kansas statute will be challenged but the outcome will more than likely follow a well worn path the courts have taken that comes down on the side of public safety and health. That precedent will reduce the number of city by city and county by county court cases **dramatically reducing court costs.**
5. Geographically most Kansas communities do not have planning and zoning offices. This leaves them venerable and with few remedies when faced with SOB issues.
6. For over 35 years Federal and State Courts have upheld the constitutional right of lawmakers to regulate SOB's because of the "Negative Secondary Effects" these types of businesses have on communities. The leading negative secondary effects are increased crime, increased sexually transmitted diseases, general blight, decreased property values, increased drug trafficking, prostitution, etc... **These effects do not add value to communities but are costly and increasingly burdensome to taxpayers.**
7. SOB regulations put into place what is called TIME, PLACE and MANNER restrictions. Examples of the types of constitutional regulations that states can impose are; mandatory close of business at midnight till six a.m. ; a six foot standoff distance between dancers and patrons; a minimum light level inside the SOB; no private VIP rooms or booths; an employee of an SOB cannot have a criminal history, liquor restrictions, a distance of 1,000 feet from homes, churches, playgrounds, schools, day care centers, other SOB's, total nudity ban, etc...
8. "Time" and "Manner" SOB regulations can be applied retroactively to existing SOBs as well as future SOBs. To do otherwise would unwisely guarantee an unregulated monopoly by existing SOBs.
9. Statewide "Place" restrictions are applied to future SOBs. "Place" restrictions could be further strengthened by local municipalities on existing SOBs.
10. THE ROLE OF ALCOHOL AT STRIP CLUBS; Proximity to alcohol is a key component of the criminological theory of secondary effects. Alcohol aggravates an SOB's already-high ambient crime risk by lowering the inhibitions and clouding the judgments of the SOB's patrons. In effect, alcohol makes the soft targets found at the SOB site considerably softer. The available data corroborate this expectation in all respects. Predatory criminals prefer inebriated victims, and SOBs that serve alcohol or that are located near liquor-serving businesses pose accordingly larger and qualitatively different ambient public safety hazards. Governments rely on this consistent finding of crime-related secondary effect studies as a rationale for limiting nudity in liquor serving businesses.



## **SAMPLING OF CASES UPHOLDING REGULATIONS ANALOGOUS TO THOSE IN HB 2107**

### **1. 1,000-ft. Buffer (§ 573.531.1)**

*City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986)  
*Young v. American Mini-Theatres, Inc.*, 427 U.S. 50 (1976)  
*Independence News, Inc. v. City of Charlotte*, 568 F.3d 148 (4th Cir. 2009)  
*Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007)  
*Bronco's Ent., Inc. v. Charter Twp. of Van Buren*, 421 F.3d 440 (6th Cir. 2005)

### **2. Civil Disability Provision (§ 573.531.2)**

*Doctor John's, Inc. v. City of Roy*, 465 F.3d 1150 (10th Cir. 2006)  
*Deja Vu of Nashville, Inc. v. Nashville*, 274 F.3d 377 (6th Cir. 2001)  
*TK's Video, Inc. v. Denton County*, 24 F.3d 705 (5th Cir. 1994)  
*Club Southern Burlesque, Inc. v. City of Carrollton*, 457 S.E.2d 816 (1995)

### **3. Nudity Prohibition (§ 573.531.3)**

*City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000)  
*Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991)  
*Farkas v. Miller*, 151 F.3d 900 (8th Cir. 1998)  
*Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007)

### **4. 6-ft. Rule (§ 573.531.4)**

*Jake's, Ltd., Inc. v. City of Coates*, 284 F.3d 884 (8th Cir. 2002)  
*Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008)  
*Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006)  
*Colacurcio v. City of Kent*, 163 F.3d 545 (9th Cir. 1998)  
*DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997)

### **5. No-Touch Rule (§ 573.531.5)**

*Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995)  
*Entertainment Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009)  
*Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008)  
*Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005)

### **6. Open-Booth Regulations (§ 573.531.6)**

*Scope Pictures, Inc. v. City of Kansas City*, 140 F.3d 1201 (8th Cir. 1998)  
*Doe v. City of Minneapolis*, 898 F.2d 612 (8th Cir. 1990)  
*Postscript Enters. v. City of Bridgeton*, 905 F.2d 223 (8th Cir. 1990)  
*Andy's Rest. & Lounge, Inc. v. City of Gary*, 466 F.3d 550 (7th Cir. 2006)  
*Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996)  
*Matney v. County of Kenosha*, 86 F.3d 692 (7th Cir. 1996)

### **7. Hours of Operation (§ 573.531.8)**

*Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009)  
*Andy's Rest. & Lounge, Inc. v. City of Gary*, 466 F.3d 550 (7th Cir. 2006)  
*Center for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003)  
*Richland Bookmart, Inc. v. Nichols*, 437 F.3d 135 (6th Cir. 1998)  
*Nat'l Amusements Inc. v. Town of Dedham*, 43 F.3d 731 (1st Cir. 1995)  
*Mitchell v. Comm'n on Adult Enter. Est.*, 10 F.3d 123 (3d Cir. 1993)  
*Star Satellite, Inc. v. City of Biloxi*, 779 F.2d 1074 (5th Cir. 1986)

### **8. Alcohol Prohibition (§ 573.531.9)**

*California v. LaRue*, 409 U.S. 109 (1972)  
*Flanigan's Enterprises, Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010)  
*East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009)  
*Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007)  
*Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003)

## "The Community Defense Act" Related Case Law and Land Use Studies

**Findings and Rationale.** Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Kansas Legislature, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); and

*Farkas v. Miller*, 151 F.3d 900 (8th Cir. 1998); *United States v. Evans*, 272 F.3d 1069 (8th Cir. 2002); *United States v. Mueller*, 663 F.2d 811 (8th Cir. 1981); *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *SOB, Inc. v. County of Benton*, 317 F.3d 856 (8th Cir. 2003); *United States v. Frederickson*, 846 F.2d 517 (1988); *ILQ Invs. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Ctr. for Fair Public Policy v. Maricopa County*, 336 F.4d 1153 (9th Cir. 2003); *North Avenue Novelties, Inc. v. City of Chicago*, 88 F.3d 441 (7th Cir. 1996); *World Wide Video of Washington, Inc. v. City of Spokane*, 386 F.3d 1186 (9th Cir. 2004); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Déjà Vu of Nashville, Inc. v. Metropolitan Gov't of Nashville and Davidson County*, 274 F. 3d 377 (6th Cir. 2001); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006);

and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Negative Secondary Effects of Sexually Oriented Businesses: Summaries of Key Reports; Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; McCleary Expert Report - 2006; New York, New York Times Square - 1994; and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota),

(1) Sexually oriented businesses, as a category of commercial enterprises, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.

(2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

(3) Each of the foregoing negative secondary effects constitutes a harm which the State has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the State's rationale exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the State's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the State.

**Negative Secondary Effects of  
Sexually Oriented Businesses**

**HB 2107**

**By Scott D. Bergthold**

**Presented to**

**House Federal & State Affairs**

**Committee**

**Kansas Legislature**

**2011 Session**

**Speaker background:**

**Co-author, *Local Regulation of Adult Businesses,*  
2011 Ed. (Thomson West)**

**Cases:**

- **City of Littleton v. Z.J. Gifts D-4, L.L.C.,**  
541 U.S. 774 (2004)
- **5634 East Hillsborough v. Hillsborough County,**  
294 Fed. Appx. 435 (11th Cir. 2008)
- **Sensations, Inc. v. City of Grand Rapids,**  
526 R.3d 291 (6th Cir. 2008)
- **Daytona Grand, Inc. v. City of Daytona Beach,**  
490 F.3d 860 (11th Cir. 2007)
- **Heideman v. South Salt Lake City,**  
165 Fed. Appx. 627 (10th Cir. 2006)
- **Enlightened Reading, Inc. v. Jackson County, MO**
- **Ocello et al. v. Koster, Attorney General of Missouri**

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Attachment

2

**Renton v. *Playtime Theatres, Inc.*, 475 U.S. 41 (1986)  
(upholding 1,000-ft. rule)**

- 1. Legislatures can be proactive to prevent negative effects**
- 2. Any evidence “reasonably believed to be relevant” is sufficient**
- 3. Government is given leeway to address negative effects**

**Sources of  
Secondary Effects Information**

- 1. Land Use Studies**
- 2. Crime Reports**
- 3. Judicial Opinions**
- 4. Investigator Affidavits**
- 5. Anecdotal Reports**

## **Types of Secondary Effects**

- 1. Adverse impacts on surrounding properties**
- 2. Crime and its attendant public safety risks**
- 3. Illicit sexual conduct and potential disease**
- 4. Illicit drug use and trafficking**
- 5. Litter, aesthetic impacts, noise, blight**

## **Cases upholding similar regulations:**

- 1. *People ex rel. Deters v. Lion's Den*, No. 5-05-0413  
(Ill. Ct. App. 2007) (1,000-ft. setback)**
- 2. *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000)  
(nudity prohibition)**
- 3. *Heideman v. South Salt Lake City*, 165 Fed.  
Appx. 627 (10th Cir. 2006)**
- 4. *Jake's Ltd., Inc. v. City of Coates*, 284 F.3d 884  
(8th Cir. 2002) (6-ft. rule)**
- 5. *Richland Bookmart, Inc. v. Nichols*,  
137 F.3d 435 (6th Cir. 1998) (statewide hours)**

**HB 2107 includes common-sense regulations that have been repeatedly upheld by the courts.**

**Federal appellate cases across the country have repeatedly upheld dancer-patron buffers, no-touch rules, hours of operation, and open-booth regulations as constitutional.**

**Secondary effects data relevant to regulating sexually oriented clubs and bookstores:**

- 1. Summaries of Key Reports**
- 2. Phoenix, Arizona**
- 3. Indianapolis, Indiana**
- 4. Garden Grove, California**
- 5. Whittier, California**

**Secondary effects data  
relevant to regulating  
sexually oriented businesses:**

- 6. Austin, Texas**
- 7. Greensboro, North Carolina**
- 8. Amarillo, Texas**
- 9. Kennedale, Texas**
- 10. Spokane, Washington Evidence re:  
Retail Adult Bookstores**
- 11. 2008 Jackson County, Missouri Expert Report  
(describing flaws in industry reports)**

**Findings of expert witnesses:**

- 1. Finding of secondary effects from sexually oriented businesses is scientifically robust, being confirmed in wide variety of data sources**
- 2. The legislature has a substantial government interest in regulating adult businesses to prevent the identified negative secondary effects**
- 3. Industry "counter-studies" based on ever changing methodologies and faulty data (calls for- service (CFS) to the police)**
  - CFS are weakly correlated to actual crime**
  - Most vice crimes never result in CFS**

### **Industry experts' attacks insufficient:**

- 1. City of Erie v. Pap's A.M.,  
529 U.S. 277 (2000) (Linz)**
- 2. Daytona Grand, Inc. v. City of Daytona Beach,  
490 F.3d 860 (11th Cir. 2007) (Linz, Fisher)**
- 3. Doctor John's, Inc. v. Wahlen,  
542 F.3d 787 (10th Cir. 2008)**
- 4. Heideman v. South Salt Lake City,  
165 Fed. Appx. 627 (10th Cir. 2006)**
- 5. SOB, Inc. v. County of Benton,  
317 F.3d 856 (8th Cir. 2003) (Linz)**

### **Industry experts' attacks insufficient (cont'd):**

- 6. Gammoh v. City of La Habra,  
395 F.3d 1114 (9th Cir. 2005) (Linz)**
- 7. G.M. Enterprises, Inc. v. Town of St. Joseph,  
350 F.3d 631 (7th Cir. 2003) (Linz)**
- 8. World Wide Video of Washington v. Spokane,  
368 F.3d 1186 (9th Cir. 2004) (McLaughlin)**
- 9. Fantasy Ranch, Inc. v. City of Arlington,  
459 F.3d 546 (5th Cir. 2006) (Morris)**
- 10. Fantasyland Video, Inc. v. County of San  
Diego, 505 F.3d 996 (9th Cir. 2007) (Linz,  
Goldenring)**



TESTIMONY OF STEPHANIE KANIPER SUPPORTING **HB 2107**  
RESIDENT OF JEFFERSON COUNTY, KANSAS  
ACTING PRESIDENT, JEFFERSON COUNTY CITIZENS GROUP  
KANSAS HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE, 2011 SESSION  
February 14, 2011

Chairman Brunk and Honorable Members of the Committee, my name is Stephanie Kaniper. I am a Kansas constituent and live in Ozawkie, of Jefferson County. It is an honor to speak to you as a proponent of the "Community Defense Act," HB 2107, which regulates sexually oriented businesses.

Jefferson County is located directly Northeast of Shawnee County. For the last six months, Jefferson County residents have been standing in opposition to a proposed SOB under consideration in the small town of Meriden, nine miles out of Topeka. The proximity of the business is the most disturbing to area community members because it is not only a mere 900 feet from the Jefferson West Middle School, but the property adjoins USD 340, Jeff West schools! Residential homes and a child daycare are also within the 1000 feet notification area of this business.

I'm a mother of Jeff West School children and a Meriden Preschool. I substitute teach and volunteer at school, church, libraries and at functions within the county. I am also the Acting President of the Jefferson County Citizens Group. JCCG exists to promote the future of Jefferson County, Kansas, through community involvement, social service, and active engagement in issues of concern within our county. The volunteer efforts of this group are led by an ad hoc steering committee comprised of Jefferson County residents.

My husband and I moved to Jefferson County for the family values and high community standards of the small towns located there. The adult entertainment industry often suggests that those opposed to sexually oriented businesses simply not patronize these establishments. However, the location of this proposed business leaves me without remedy when it comes to protecting my children from its influence.

We've had a large community response opposed with over 300 people consistently attending the public hearings and over 735 signatures on a petition. The population of Meriden is only around 750, where the concentrated concerns are held within the county.

Last year, opponents to this Bill argued that statewide regulation is not necessary because "no SOB owner would open so close to a school or church anyway"... Jefferson County is a prime, real-time example as to the typical actions this industry is taking. Many small, medium and even large Kansas communities are vulnerable because they do not have zoning departments. Those that do may be inadequate or have no SOB ordinances. Many lack legal expertise and have scarce funds to withstand lengthy lawsuits. The applicant in Jefferson County and his intentions to become annexed into the City of Meriden evidences this. A building permit was sought in May, 2010, to expand the existing structure of the business. He disguised his intentions and maintained that he only planned to operate a "sports bar," which is documented in Meriden City Council Meeting Minutes of September 28, 2010. It wasn't until one week prior to this meeting in September that the applicant came forth to divulge the truth regarding his plans.

This course of action is common to the SOB industry. They push their agenda through the local process as quietly and quickly as possible, so as not to alert the general public and thereby avoid an uprising. Many times, before the public knows the information, these applications are so far into the process that community members are unable to take a stand against them. This is part of the strategy for successfully opening an SOB. This will continue to happen if we don't impose "time, place and manner" restrictions!

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Jefferson County does have zoning regulations and residents have been battling this case within county guidelines. But – I submit to you, that we would not have had to be burdened with such use of our time and attention – and financial strain to the county – had this Bill to regulate SOB's become law, last July 1st.

A special permit, (conditional use permit or CUP), must be obtained for this Jefferson County business to open. One week ago today, County Commissioners met to review information forwarded them by the County Planning & Zoning Committee and to hear more testimony on the permit. The applicant's attorneys have threatened a lawsuit should it be denied. Such attempts at intimidation are typical tactics used against communities in order to silence opposition. With consistency to the SOB industry's strategies, the attorneys are claiming the county regulations are unconstitutional. Because our Commissioners and local governments are not versed on the SOB industry, we are vulnerable to this intimidation. The first public hearing in December outlined these intentions when the applicant's attorney suggested it might cost Jefferson County over \$200,000 to defend the lawsuit, should the permit not be approved. We need protection—as does every other county and community in the State of Kansas. We need protection against SOB's opening in such close proximity to our schools, churches, child day care facilities, public libraries, public parks, and residences!

As you may know, Missouri passed a law last year regulating SOB's, which has been found to be constitutional on all points. This set a great precedent, but as a result, the State of Kansas has now become a target for infiltration by the SOB industry. We cannot take it for granted that SOB's won't set up shop next door to other schools, residences, day care facilities – where our children are – because there are currently no laws preventing them to do so.

Please be aware that directly after the close of the Legislative Session last year – when this Bill failed by ONE VOTE to become law – an SOB filed documents to open for business on property adjoining Jeff West Schools. Jefferson County does not have the luxury of time. The attorneys for the SOB applicant have ensured the county of a lawsuit, should their proposal be denied. In fact, they are attempting to quickly become a “lawfully established” business to be grandfathered in before our Legislators consider this Bill. It is critical to act swiftly in regard to HB 2107. The SOB industry is standing by, ready to move to the next community. What town is next? We need *state regulation* of SOB's, or they will soon overtake our communities and strain the family values we hold dear!

In closing, I ask you on behalf of my family, and those in Jefferson County and Jeff West Schools opposing an SOB to adjoin USD 340, to please vote for HB 2107. I would like to take it a step further and ask that you amend the Bill for the proximity purposes to be “boundary line to boundary line,” rather than 1000 feet from parcel to parcel. I can assure you that the distinction needs to be made. Thank you for your time, consideration and immediate action.

Respectfully Submitted,  
Stephanie Kaniper  
Ozawkie, Jefferson County, Kansas  
[www.jccg.info](http://www.jccg.info)

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## Testimony in Support of HB 2107 – The Community Defense Act

Michael Schuttloffel

Executive Director, Kansas Catholic Conference

### House Federal and State Affairs Committee

February 14, 2011

1:30 PM

Chairman Brunk and Members of the Committee,

The Kansas Catholic Conference supports HB 2107, the Community Defense Act.

The Community Defense Act should be approved by the Legislature, and just as important to these proceedings, the Community Defense Act *can* be approved by the Legislature. Despite testimony you will hear to the contrary, this proposal is both prudent and constitutional. As others will explain in greater detail, the Community Defense Act is entirely in conformity with the many court decisions that have upheld regulation of sexually oriented businesses on the basis of their negative secondary effects upon communities.

It has been thoroughly documented that sexually oriented businesses generate increased crime, decreased property values, prostitution, drug trafficking – the list goes on and on. The pornography industry speaks of rights; what of the rights of communities to protect themselves against this kind of blight?

The Community Defense Act will prevent sexually oriented businesses from being established within 1,000 feet of churches, schools, homes, libraries, and parks. The Kansas Catholic Conference strongly supports this language. In case there is doubt over whether such a law is needed, look no further than 15 miles away in Jefferson County, where in recent months residents were disturbed to learn of a proposal to build a strip club less than 1,000 feet from Jefferson West High School.

We believe it is important for the people's elected representatives to ensure that space remains in our society for decency to flourish. If there can be no possible regulation of the establishment of

MOST REVEREND RONALD M. GILMORE, S.T.L., D.D.  
DIOCESE OF DODGE CITY

MOST REVEREND MICHAEL O. JACKELS, S.T.D.  
DIOCESE OF WICHITA

MOST REVEREND EUGENE J. GERBER, S.T.L., D.D.  
BISHOP EMERITUS – DIOCESE OF WICHITA

MOST REVEREND JOSEPH F. NAUMANN, D.D.  
*Chairman of Board*  
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MICHAEL M. SCHUTTLOFFEL  
EXECUTIVE DIRECTOR

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D.D.

T.D.  
IN KS

MOST REVEREND GEORGE K. FITZSIMONS, D.D.  
BISHOP EMERITUS – DIOCESE OF SALINA

so-called "adult entertainment centers" next to our homes, schools, churches, and playgrounds, then what space will be left to the great majority of us that are deeply offended by their presence and wish to avoid their well-documented negative secondary effects?

It strains credulity to believe that our Founding Fathers intended the Constitution to be an instrument of protection for sexually oriented businesses that wish to operate whenever, wherever, and however they like. It would come as a great surprise to Madison, Hamilton, and Adams that the Constitution guarantees pornographers the right to build next to churches and schools, as it also would to the many judges in the present day who have consistently ruled otherwise.

When small towns do attempt to resist the reckless placement of these establishments, the pornography industry all too often uses its near-limitless resources to bully communities into submission. Hence the need for statewide regulation. According to the Catholic principle of subsidiarity, matters should be handled by the least centralized competent authority. Because smaller communities have in so many cases shown themselves to be unable to stand up to the enormous financial resources of the pornography industry, the intervention of a higher, stronger authority is necessary, in this case the state.

If we can and do prohibit prostitution, how can it be said that we cannot or should not place mild regulations on the location and operation of other forms of sexually oriented enterprise? Or does every regulation placed upon the sex industry traduce the Constitution? How long will it be before we are told that even restrictions on the age of employees at adult entertainment facilities are a violation of the fundamental rights of customer and service provider alike?

The Community Defense Act places sensible, constitutional regulations on the operation of sexually oriented businesses. We ask for your support of this legislation and thank you for your consideration.

February 14, 2011  
Kansas House of Representatives  
Federal & State Affairs Committee

HB 2107

Mr. Chairman and Members of the Committee,

In regards to the testimony of

Charles A. O'Hara  
Attorney at Law  
1223 E. First Street  
Wichita, Kansas 67214

The following will be addressed by my testimony in regards to  
Wichita area Adult Cabarets.

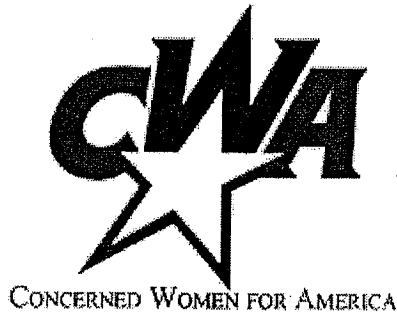
- The Adult Cabarets (bars) in the Wichita, Kansas area are heavily regulated.
- Dancer licenses are required for each dancer
- The dancers cannot have certain types of convictions on their record
- The business can only be in properly zoned areas. (Not around schools, churches, etc)
- Law Enforcement can enter the business at anytime
- Adult Cabarets are heavily regulated so there are less problems than normal bars
- The dancers in the adult cabarets are regulated in their conduct and dress (a violation has serious implications for the dancer and the business)
- There are very few adult cabarets in the Wichita area

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**TESTIMONY IN FAVOR OF HB 2107**  
**The Community Defense Act**

**Protecting communities and healthy marriages and families in Kansas is good public policy.**

**House Federal & State Affairs Committee**

Chairman Brunk and Members of the Kansas House Federal & State Affairs Committee:

Concerned Women for America of Kansas is testifying in favor of HB 2107, the Community Defense Act. As the largest women's public policy organization in the U.S. we feel that it is good public policy to regulate and place boundaries around an industry that portrays women as sex objects; is closely associated with activities that ultimately costs taxpayers; and undermines marriages.

Marriage is the building block of any stable society...it provides the foundation for the rearing of children and benefits its participants and society in many positive ways. In fact the collapse of marriages is found to be the predominant cause of child poverty in the United States according to the Heritage Foundation Fact Sheet #67. The support of intact families and marriage could eliminate much of the child poverty in Kansas: as much as 84 per cent. [U.S. Census Bureau, American Community Survey, 2006-2008 data] As a result any factor that could undermine families should be examined carefully to reduce harmful effects. President Barak Obama stated in a 2008 speech: "Of all the rocks upon which we build our lives, we are reminded today that family is the most important."

One of the most significant factors in the break-up of marriages is the use of pornography either in virtual form or in viewing erotica in a sexually-oriented business. Pornography fosters the idea that the degradation of women is acceptable. It portrays women as sexual objects; it increases a man's aggressive tendencies that can lead to physical violence against women and promotes dissatisfaction with the marriage partner. In fact the American Academy of Matrimonial Lawyers collected data at a meeting in Chicago in 2002 regarding the effect of viewing erotic material or behavior. They concluded that regular participation in some form of pornography played a big role in the break-up of marriages in more than 50 per cent of the cases they handled. A growing number of researchers are recognizing a connection between pornography use and abuse in marriage. Researcher R.K. Bergen found that 1/3 of the females in her sample reported their partner consumed pornography and also reported that pornography use and sadistic rapes were definitely related. [Bergen, R.K. (1998) "Issues in Intimate Violence" pp. 237-250]

In addition to the detrimental affect on marriages and families, sexually-oriented businesses attract serious crime. A study of sexually-oriented businesses in Phoenix, Arizona found that the number of sex offenses was 506 percent greater in neighborhoods with a sexually-oriented business. ["Protecting Communities from Sexually Oriented Businesses," 2nd ed. (Scottsdale, AZ: ADF, November, 2002)]

The fundamental role of government is to protect families and the basic institutions that form the backbone of a stable society. Pornography whether virtual porn or a sexually-oriented business undermines both marriage and the family and places women at risk. We urge you to pass this bill.

Judy Smith, State Director  
Concerned Women for America of Kansas

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**Sexual Exploitation Industry  
Makes Both Victims and Victimizers**

**Mary Anne Layden, Ph D, Director  
Sexual Trauma and Psychopathology Program  
Center for Cognitive Therapy  
Department of Psychiatry  
University of Pennsylvania**

Chairman Brunk and honorable members of the Kansas Federal and State Affairs Committee. I am submitting my written testimony in support of the Kansas Community Defense Act, HB 2107.

I am a psychotherapist and the director of the Sexual Trauma and Psychopathology Program at the University of Pennsylvania. For more than 20 years, everyday, all day I have treated rapists, and rape victims, pedophiles and incest survivors, prostitutes, strippers, porn models and sex addicts. These patients will often tell their therapists things they will not tell others including the police.

I would like to talk to you about what I have learned from my professional experience and what research in the area conducted by me and by others has revealed. Research and my professional experience indicate that the sexual exploitation industry is connected to crimes such as rape and prostitution, psychiatric problems such a substance abuse, and post traumatic stress, relationship problems such as divorce and infidelity, and community problems that reduce the quality of life. Let me give you an unvarnished look into the real and hidden aspects of this industry.

The sex industry makes people both victims and victimizers, all at the same time, all in the same person. The strippers and the ones who watch the strippers are both victims and victimizers. And the community pays the price for this.

Let's start with the strippers. Research indicates and my clinical experience supports that most women who work in the sex industry have been sexually abused in their childhoods. Between 60-80% have suffered this childhood devastation. These are women who when they were little girls would get into their beds each night, roll themselves into a fetal position and every night he would come in and peel her open. The physical invasion and visual invasion of their bodies becomes the norm and it damages them psychologically giving them an unhealthy view of sexuality. Often as adults, they re-enact their childhood trauma by working in the sex industry. The men, who are now customers, physically and visually invade the adult women's bodies, reenacting the role of the perpetrator. This is an industry that is sexual abuse for money. Having been raped as a child, these women work in the sex industry because it feels like home.

It is no surprise then that research indicates that 60% of strippers are depressed, 40% are substance abusers usually cocaine and alcohol, 55% have Borderline Personality Disorder, a very serious psychiatric disorder which includes harming yourself in a

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number of ways, and 35% have Multiple Personality Disorder, an even more serious psychiatric disorder in which you dissociate and leave your body psychologically. Strippers are usually high, drunk or dissociated while they are stripping. You can't do this job and stay in your body. It hurts too much. I have worked with strippers who were alcoholics, who told their bosses at the strip club that they were going to therapy and had joined AA to deal with their alcoholism, who were told by their bosses that they were still required to drink alcohol on the job.

Strippers will sometimes say that they go into stripping because it empowers them. Do you know how powerless and low in self-esteem you have to be in order for selling your body to make you feel better? Sometimes they say that they do it to make money. Or that they spend the money for good causes like tuition for their kids. This psychological rationalization doesn't seem to persuade us in any other areas. We don't say that if cocaine dealers are spending their money on kid's tuition then selling cocaine is ok. Strippers will sometimes say that they are stripping so that they can get money for college. Strip clubs try to hire college students including advertising for them in college newspapers. I have treated college students who have worked as strippers and gone on to become prostitutes and become HIV +. My clinical experience and that of others indicate that strippers are more likely to go on to be prostitutes, not college students. Very, very rarely does a stripper go back to college and then on to a career.

Once they have become strippers, what they experience is horrendous. There is subtle and not so subtle pressure to act in ways that are self-harming. Women who become strippers feel the pressure to get fake breasts despite the fact that research indicates that women who get fake breasts are 3-4 times as likely to commit suicide, can't ever get a clear mammogram again, will have to have them surgically replaced, often multiple times in their life and are at risk for digestive disorders as are their babies.

Research indicates that the treatment they receive from the customers in strip clubs is toxic and assaultive. 91% of strippers have been verbally abused, 52% have been called cunt, 61% called whore, 85% called bitch, 88% have had their arm grabbed, 73% have had breast grabbed, 91% have had their buttocks grabbed, 27% have had their hair pulled, 58% have been pinched, 24% have been slapped, 36% have been bitten, 76% have had customers flick cigarettes, ice, coins at them, 70% have had customers follow them home and 42% have been stalked by customers. If men would do this to women in public, what would they do to women in private?

Least you think that only the customers are involved in this abuse, the research indicates that the management and staff also abuse the strippers. 85% of strippers have been verbally or physically abused by the management and staff. 21% have been called cunt, 18% have been called slut, 33% have been called bitch, 12% have been pinched and 12% have been slapped.

It is not surprising that strippers work with bodyguards. They work with bodyguards because this activity produces violence. The strippers send messages to men about how



women are to be treated, fill the men with alcohol, and then sic these men on their sisters in this community who do not have bodyguards.

The men become carriers of these beliefs back to their homes, onto their jobs, into the streets, onto the schoolyard. Do not be fooled into thinking that these men apply these beliefs only to women who work in the sex industry or only apply these while they are in the strip club. Also do not be fooled into thinking that if you zone it into one area of town, that that will protect you. That is like making a pee and no pee section is a swimming pool. We are all in this together.

There are those that say strip clubs are a healthy sexual outlet. If pornographic sex made us healthy and improved our relationships, then those most involved would be the healthiest. In fact, women who work in the sex industry have about a 25% change of making a marriage that lasts as long as 3 years. This is terrible outcome. If pornography made us healthy, we'd be healthy by now.

What about the damage to the men who go to strippers? They are also both victims and victimizers as well. Involvement in sex industry activity increases sexual addiction. If they become sex addicted, they are likely to suffer severe negative outcomes. Research indicates that 40% of sex addicts will lose their spouse, 58% will have severe financial losses, 27% will lose their jobs and 40% will lose their profession because they are sexually acting out on the jobs. About 6-8% of adult males in the US are sex addicted, which is millions of men.

Men who use print and live pornography are more likely to be sexually callous toward women, are less likely to approve of women's liberation, feel more dissatisfaction with the way natural women look and are less interested in being married or having children. They are at increased risk for sexual dysfunction including premature ejaculation, erectile dysfunction and retarded ejaculation.

The Catholic Church has condemned the practice of bachelor parties at strip clubs. There is hypocrisy in engaging in sex acts with strangers as a preparation for going to a church to make of vow of love and monogamy. This is a psychological bind as well as a moral one.

A women interviewed in the book Pornified wanted to ask those women who tolerate bachelor parties or their partners going to strip clubs on other occasions, this : "If they walked into their bedroom and an almost naked women was straddling their husband or boyfriend, would that be ok with them? Why is it ok because it happens at a business that doesn't think that's cheating?" Some of the men who go to strip clubs will produce catastrophic outcomes.

Elsewhere we see Katrina survivors spending hurricane relief money at strip clubs, men leaving babies in cars to go to strip clubs, college athletes who use strip club trips to as recruiting tools for new athletes, professional athletes involved in strip club scandals,

lawsuits concerning overcharging and stock brokers who entertain clients at strip clubs. All of these situations brought scandals, new regulations to stop them, lawsuits, convictions or jail time.

These are not the only crimes we can expect to increase when strip clubs come to town. Research indicates that men who use live and print pornography are more likely to accept the rape myth which is a belief that women want to be raped, need to be raped, like to be raped and to believe that rapists deserve less punishment. They are more likely to behave on those beliefs and to be involved in non-consensual sex including rape.

With some of these studies, it is not clear whether print and live pornography **makes** rapists or just **attracts** rapists into the area. In either case, I suspect that the community doesn't want it.

In all types of sexual violence the central factor involved is what is called permission-giving beliefs. These permission-giving beliefs are beliefs that what I am doing does not hurt anyone, is normal, and that everyone is doing it. The main permission-giving belief of sexual violence perpetrators is that women's bodies are pieces of sexual meat to be consumed for male entertainment. This belief becomes a releaser of sexual boundary crossing and sexual acting-out whether it is sexual harassment, rape or incest. The sex industry is a significant factor in spreading that belief.

Rape is not the only crime that is likely to increase. Research indicates that men who batter their partners, if they use live and print pornography are likely to sexually abuse their partners as well.

Another crime that will increase is prostitution. Stripping is "prostitution lite". When you increase the permission-giving beliefs for sexual entitlement to women's bodies, you will increase the demand to sexual servicing and make sex a commodity that you buy, and then you have an increased demand for prostitution. Research indicates that men who use live and print pornography are more likely to go to prostitutes and more likely to think that going to a prostitute is not cheating on your spouse.

With an increased demand for prostitution, there may not be enough women who were raped as children in the community willing to be prostitutes. This leads to sex trafficking such as what happened at the South Amboy strip club where women who were sex trafficked in from Russia were held in sex slavery and forced to be strippers. Typically in sex trafficking, you have women and children who are kidnapped or deceived, transported across international borders, are raped and beaten, have their lives threatened or the lives of their relatives threatened and have their passports stolen so they can't run away and are then sold into sex slavery. Research indicates that sex slavery is happening in Kansas.

In one study I conducted, I polled the chiefs of police across the state of Pennsylvania. I asked them about the effect of live pornography which includes strip clubs as well as

peep shows. The majority of the chiefs of police indicated that live pornography increased crime in their communities and decreased the quality of life in the community.

This is an industry that spreads the myth that male sexuality is viciously narcissistic, predatory and out of control. It encourages behavior that is devastating to relationships and makes it harder for women to respect men. Pornography is hate speech against men.

I believe that most men know that working in the sex industry is damaging to the performers. When I ask sex addicts if they want their mother to be a stripper, their wife to be a prostitute, their sister or their daughter to be a porn model, 100% say no. They want someone else's mother, someone else's wife, someone else's sister or someone else's daughter to do those things. Not the women they love.

Finally, let me make one thing absolutely clear: these problems that I have named such as prostitution, rape, violence, depression, substance abuse, degradation of women, etc are all seamlessly interwoven with the activity of stripping itself. You cannot fix or prevent these problems by having more bodyguards, better parking, higher cover charges, better clothes for the strippers or a dress code for the customers. The damage is in the activity itself. You can try to move the prostitution that this causes to another neighborhood but that is neither prevention nor cure.

This is an industry that depends upon all of us to be silent about what we know to be true. By our silence we allow those who are psychological cannibals to prey upon the psychological vulnerabilities of others. So silence is complicity. So I say to the strip club bosses, the pornographers, and the pimps who make money by hurting people and damaging our communities, you will never have the comfort of my silence again. I hope the same is true for you as well. And if it is true, you can be the kind of hero for which this city so deeply hungers.

Thank you.

## Women in Strip Clubs Speak Out

### Abuse by Customers

91% Verbally abused  
52% Called cunt  
61% Called whore  
85% Called bitch  
88% Arm grabbed  
73% Breast grabbed  
91% Buttocks grabbed  
27% Hair pulled  
58% Pinched  
24% Slapped  
36% Bitten  
76% Customers flicked cigarettes, ice, coins  
70% Customers followed them home  
42% Customers stalked them

### Abuse by Managers or Male Staff

85% Verbally or physically abused  
21% Called cunt  
18% Called slut  
33% Called bitch  
12% Pinched  
12% Slapped  
([http://www.ccv.org/View\\_from\\_Inside\\_Stripbars.htm](http://www.ccv.org/View_from_Inside_Stripbars.htm))

### Dissociation and abuse among multiple personality disordered patients, prostitutes and exotic dancers.

|                                 | Strippers | Prostitutes |
|---------------------------------|-----------|-------------|
| Sexual abuse                    | 65%       | 55%         |
| Multiple personality disorder   | 35%       | 5%          |
| Borderline Personality Disorder | 55%       | 11%         |
| Depression                      | 60%       | 60%         |
| Substance abuse                 | 40%       | 80%         |

Strippers and prostitutes suffer from a number of psychiatric disorders. Childhood abuse often precedes their entry into the sexual exploitation industry.

Ross, et al (1990) Dissociation and abuse among multiple personality disordered patients, prostitutes and exotic dancers. Hospital and Community Psychiatry, 41, 3.