

## Dance under the Censorship Watch

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During times of changing mores, dance, with its power to arouse, has subversive potential, which leaves it open to negative interpretation regardless of actual intent. The human body is a significant metaphor, and dance may reflect what is and suggest what might be (Douglas 1970, 64; Hanna 1987; Hanna 1988). That the instrument used for both dance and sex is the human body has long made dance suspect or immoral in some people's eyes. Religious and political leaders worldwide often seek to bridle sexuality in various forms lest it undermine the status quo. Indeed, history attests to periodic bans on dancing as an attempt to guard vigilantly against its "evils" (Davies 1984; Wagner 1997). Baptist, Assemblies of God, and Church of Christ congregations are among the groups that have forbidden all forms of dance.

In this article I call attention to the threat to all dance that comes from various forms of censorship, whether the target is the National Endowment for the Arts (NEA) or the often stigmatized "exotic" dance, variously referred to as erotic, topless, strip, striptease, show bar, sports bar (with dancers and TV screens), nude, barroom, table, couch, lap, go-go, and gentlemen's club dance. It should be noted that some "shocking" dances that created public outrage in the past have become classics and influenced the development of dance. Had there been censorship of those dances, our current repertoire would be less vibrant and enriching. The art of dance develops with inspiration from many sources, even those that are sexual and shocking.

My continuing research and testimony as an expert court witness on exotic dance was a censorship alert that catalyzed my realization that attacks on publicly funded "high art" dance by the NEA and privately funded "low art/entertainment" exotic dance reflected the same impulse to prohibit that which some people deemed "obscene."<sup>1</sup>

### ADVERSARIES OF PUBLICLY FUNDED "HIGH ART"

In the 1970s, a group of conservative Christian ministers, politicians, and grassroots followers formed the Religious Right. The association operates politically with highly organized groups in churches, proselytizing through a media empire (Lienesch 1993; Marty 1992, 1993; Marty and Appleby 1993; Watson 1997; Kintz 1997; American Civil Liberties Union Foundation 1997; Wagner 1997). The Reverend Donald Wildmon, director of the American Family Association of Tupelo, Mississippi, led the charge to either destroy the NEA or to impose stringent ideological tests for funding. A stable but diffuse, weakly committed majority endorsing government support for the arts has left the NEA vulnerable

(DiMaggio and Petit 1999). Moreover, a June 1998 Supreme Court decision upheld a law that in essence changed the NEA's purpose and imposed a kind of censorship. The decision asserts that "general standards of decency and respect for the diverse beliefs and values of the American public" must be considered in grantmaking as well as "artistic excellence and artistic merit" criteria (*U.S. v. Karen Finley*, 97-371 U.S. [1998]).

Museum exhibits of Robert Mapplethorpe's homoerotic photographs and Andres Serrano's photographs, including one of a crucifix immersed in the artist's urine, partially underwritten by NEA grants, prompted a public outcry in 1989. This outcry provided ammunition for an assault on the NEA's mandate to "help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry but also the material conditions facilitating the release of . . . creative talent" (20 U.S.C. §951 [5]; Pub.L. 89-209 [1965], redesignated 20 U.S.C. §951 [7] in the 1990 Amendments, Pub.L. 101-512 §101).

Although only a handful of the NEA's roughly one hundred thousand awards have generated formal complaints about misapplied funds or abuse of public trust, Senator Jesse Helms of North Carolina and his supporters pushed Congress to amend the NEA's 1990 reauthorization bill with additional criteria to judge grant applications. Congress voted to bar the NEA's spending of appropriated funds to "promote, disseminate or produce" depictions of "sodomasochism, homoeroticism, the sexual exploitation of children, or individuals engaged in sex acts" except in works of "serious artistic value" (National Endowment for the Arts, Department of the Interior and Related Agencies Appropriation Act of 1990 [Pub.L. 101-121, Title III, §304(a), 103 Stat. 741]; this rider expired in 1990). Congress also cut from the NEA budget an amount equal to the grants awarded for the Mapplethorpe and Serrano exhibits.

Performance artists Karen Finley, John Fleck, Holly Hughes, and Tim Miller successfully sued when the NEA denied them funding in 1990, contrary to a panel recommendation on artistic excellence and merit. Enactment of the so-called decency amendment led the artists, joined by the National Association of Artists' Organizations, to broaden their complaint and challenge the amendment as vague and viewpoint based. A district court declared the amendment unconstitutional, and the NEA settled by paying the artists the amount of the vetoed grants, damages, and attorney's fees (*Finley v. National Endowment for the Arts*, 795 F. Supp. 1457, 1463-1468 [CD Cal. 1992]).

The U.S. government appealed the decision, but an appellate court affirmed the lower court's ruling under the First (free speech) and Fifth (due process) Amendments (100 F.3d 671 [CA9 1996]; rehearing denied, 112 F.3d 1015 [CA9 1997]). The case moved to the U.S. Supreme Court, where the justices held that the Constitution permits Congress to make "decency" and "respect" additional criteria for NEA grants. The amendment, the Court said, simply adds "considerations" and does not preclude awards to projects that might be deemed "indecent" or "disrespectful," place conditions on grants, or even specify which factors must be given any particular weight in reviewing an application. If the NEA had rejected the grants on account of their content, the Court said that it would have ruled against the NEA. The lone dissenter, Justice David H. Souter, supported the artists on the grounds that the government failed to explain why the statute should be exempt from First Amendment

protection and that the statute was viewpoint discrimination (nonconformance with accepted standards of morality) *U.S. v. Karen Finley*, No. 97-371 U.S. (1998) (Hermes, Bench copy).

Attacks on the NEA echoed nationwide. For example, Cobb County, Georgia, terminated all county funding of the arts after an earlier plan to fund only art that the government deems supportive of “traditional family values” failed (*Washington Post* 1993). In Texas, San Antonio’s city council unanimously voted to reduce its arts expenditures by about 15 percent and cut off all city grants to organizations whose “in-your-face” and gay theme programs provoked criticism (Dobrzynski 1997, Esperanza 1998; Texas 2001). Theater productions, such as Terrence McNally’s “Corpus Christi,” and art exhibits, such as “The Great American Nude,” have been subjected to boycotts, picketing and cancellations by private funders.

Performance artist Tim Miller speaks of the “chilling effect” of insidious forms of censorship since his grant application to the NEA was overturned by the chairman in 1990:

I have been under . . . the microscope by watchdogs. It's been personally stressful, and coping diverts my focus from creativity. . . . Presenters are breaking contracts and are panicky about how they list sources of support. For the young artists whom I meet during my national touring and college residencies, the current assaults on the arts are a major inhibiting factor through the big fist of self-censorship. (1991)

The Religious Right harassed the Arts Center in Chattanooga, Tennessee, which sponsored Miller’s shows. His audience had to walk past protestors, some holding Confederate flags. Miller heard loud protests outside the theater before and during each show (Miller 1999). Carla Maxwell, artistic director of the Limón Dance Company, lamented the “frightening” atmosphere, adding, “We’re going backwards” (1991).

#### PRIVATELY FUNDED “LOW ART” DANCE

Not surprisingly, exotic dance has long been under assault. Thought by many to be merely sexual activity, exotic dance meets the criteria of artistic expression according to *Webster’s Ninth New Collegiate Dictionary*: art is work requiring creative imagination, skill, and knowledge acquired by experience, study, observation, and communication (Merriam-Webster 1987). Exotic dance competitions and patron tips and fees (for a dancer performing an individual patron-focused tableside dance) recognize artistic merit. Exotic dance communicates such messages as erotic fantasy, the beauty of the human body, and health. Through body movement, disclosure, and closeness between dancer and patron, an individual dancer communicates directly with patrons and receives financial considerations. As adult theatrical entertainment, exotic dance is, by definition, supposed to be risqué, disclosing more of the body and its movements than are usually seen in public. Nudity is the climax of the striptease.

Over the past twenty years, allegedly crime-ridden, mafia- or drug dealer–run strip joints have given way to “gentlemen’s clubs” managed by businesspeople and corporations. There are over three thousand clubs, industry organizations, national trade expositions, dancer organizations, and dancer and industry publications. The industry is estimated to be a billion dollar business. Annual individual club revenues may reach \$5 million, and clubs pay

substantial local and state taxes. Businessmen and women frequent exotic dance clubs to close commercial deals. Exotic dancers may be college students, single moms, married women, ballet and modern dancers.

Lacking familiarity with any well-managed contemporary club, many people allege that the clubs degrade women and contribute to prostitution, sexual assault, drugs, crime, neighborhood blight, property value depreciation, and the spread of sexually transmitted diseases (Exotic dance 1997). However, there is no scientifically valid, reliable evidence for such allegations.<sup>2</sup> Exotic dancers are unfairly stigmatized as instigators of crime. An alternative perspective portrays the clubs as harmlessly risqué and a glorification of women and sees exotic dance as a matter of a woman's choice.

Exotic dance has problems, in part, because it is neither taught in schools nor privileged by the dance community and the general public. Sociologist Gary Allen Fine points out,

Classical ballet . . . has established critics, expansive venues, charitable events to support it, well-funded companies, international links, textbooks and theories, schools, professional organizations, and so on. Through its historical development, it has been certified as part of elite culture. (1991, 90)

By contrast, “exotic dance has no such infrastructure. . . . [T]hose who work in vineyards of exotic dance are typically seen as lower class, and worse, they lack the pretensions that come with Art” (Fine 1991). Questions of stigma, morality, and entertainment appear to divert dance critics' attention from exotic dance. Social class and elitist bias are manifest as well. Nudity is okay when seen in mainstream theaters by wine-drinking quiche eaters but not in club theaters by beer-drinking pretzel eaters. Sociologist Pierre Bourdieu (1984) aptly notes that aesthetic expressions reflect and affirm status and become sites of symbolic conflict between classes (see also Allen 1991).

The Religious Right and certain feminists consider exotic dancers to be hapless victims of unbridled male passion, control, and avarice. For different reasons, the religious and feminist groups seek to reshape attitudes and eliminate exotic dance clubs. Many crusaders feel personally threatened by exotic dance without ever experiencing it. Moreover, some fundamentalists oppose dancing in general as the work of the devil to “tempt to adultery” and to challenge patriarchal control. They claim that sexuality is shameful and should be repressed. Fundamentalists fear that believers who visit a club might see that sexuality is pleasurable and possibly lose faith on discovering that a core belief is fatally flawed (*AVN* Year?). Disagreeing with Fundamentalists are Christians and members of other faiths who believe that the body is the gift of the Creator and worthy of the gaze.

Certain feminists also oppose exotic dance. For example, Andrea Dworkin (1981) and Catherine Mackinnon (1987) believe exotic dancers are a reinforcement of a male-dominant social system that abases and abuses women through objectification, exploitation, oppression, and commodification. In this formulation, exotic dancing is tantamount to rape. (See also Kappeler 1986.) Put simply, following Jaggar and Rothenberg (1993), neo-Marxist feminists see a woman's choice to become an exotic dancer as the result of economic coercion. Radical feminists believe that male dominance is evident in male control of

women's sexuality through exotic dance club management and tipping. Socialist feminists view contemporary sexuality in terms of capitalism and male dominance (Jaggar and Rothenberg 1993). Dismissing the concept of women's free choice, these feminists objectify the dance and reject the exotic dancer as a subject.

By contrast, nearly all the exotic dancers that I consulted in my research assert self-empowerment; the freedom to economically profit from controlling their own persona, choreography, sexuality, and communication; and the power to enthrall and captivate a patron in a scopic *pas de deux*. Some women say that exotic dance boosts their self-esteem when men tell them that they are beautiful and pay to ogle them.

Supporting exotic dance are liberal feminists, such as Anne McClintock, who defend women's freedom to control their own exotic dance business without state interference, police harassment, or male dominance. They think that the dancer's choice to place her body within a financial transaction no more reduces her to a commodity than a model's, actor's or athlete's similar choice.

Because the First Amendment protects speech, expression, and art, government cannot directly eliminate exotic dance. However, pressured by the Religious Right, certain feminists, and real estate interests who fear property depreciation, many localities try to regulate clubs out of existence and prevent others from opening. Laws prescribe licensing of dancers, clubs, and managers; hours of operation; amount of body disclosure; types of exotic dance permitted; whether and how dancers may touch themselves and patrons; visibility of dancing onstage and offstage at a patron's tableside; club illumination; distance between dancer and patron; and manner of tipping. The amount of regulatory control over exotic dance clubs depends on whether or not alcohol is sold on the premises. Governments also authorize vice-squad raids, sting operations, and high penalties for regulatory violations.

Another weapon against exotic dance is the imposition of zoning requirements that are burdensome to the applicant but permitted by the U.S. Supreme Court so long as they do not ban exotic dance entirely (*Schad v. Borough of Mount Ephraim*, 452 U.S. 61 [1981]). The Court allows governments to prohibit adult businesses from locating within a specified number of feet (one thousand to two thousand, for example) of such places as a residential zone, school, cemetery, hospital, or another adult business if there remain reasonable alternative places where they could locate.

In the fight over restricting or banning exotic dance, the Supreme Court's 1991 five-to-four decision in *Barnes v. Glen Theatre* (501 U.S. 560 [1991]) governs. Speech/expression is protected unless it is directed toward and likely to produce imminent lawless action. Indiana, for example, required that exotic dancers wear pasties and g-strings in the interests of "order and morality." Justice Souter, who provided the fifth and deciding vote, asserted that only harmful "secondary effects" of nude barroom dancing justified regulation of the constitutionally protected form of artistic expression. What constitutes evidence of such effects, however, was not specified. The dissenting opinion argues that by banning nude dancing, a state prohibits the communication of an idea, because "the nudity itself is an expressive component of the dance."

A change was forthcoming in *City of Erie v. PAP's A.M.* (Doc. 98-1161 [2000]). Although the U.S. Supreme Court gave localities freedom to totally ban “nude erotic dancing” and to suppress all performing artists’ freedom to use expressive live nudity, the rationale now was to prevent “adverse secondary effects,” which a majority of the Court presumes to exist. Moreover, this decision said that localities have to show local evidence that the clubs cause the problems their ordinances purport to correct. The decision opened the door for a challenge to the evidence.

The Twenty-first Amendment allows states to regulate exotic dance in places where alcohol can be consumed. However, the Supreme Court ruled in *44 Liquormart v. Rhode Island* (No. 94-1140, 1996) that the Twenty-first Amendment cannot override the First Amendment.

Costly exotic dance litigation is never-ending. Some exotic dance clubs close, causing dancers to lose their livelihoods and even go on welfare. Assaults against dance eerily recall fascist and totalitarian countries’ sequential acts that eat away at human rights: “when sexual expression is confined to the private sphere, women become more vulnerable to sexist practices, and women’s concerns have a harder time claiming space in the realm of public discussion” (Ellis, O’Dair and Tallmer 1988, 8).

The National Family Legal Foundation, now the nonprofit Community Defense Counsel, led by Scott Bergthold, is a law firm working exclusively to regulate adult businesses on behalf of local communities to “serve the public interest.” The Community Defense Counsel provides slick, multicolored “Citizen Action Brochures,” legal resources, training seminars for prosecutors and city attorneys, and legal consultation by phone on “how to keep sex businesses out of your neighborhood.”

A famous man once wrote, “Our whole public life today is like a hothouse for sexual ideas and stimulations. Theater, art, literature, cinema, press, posters, and window displays must be cleaned of all manifestations of our rotting world and placed in the service of a moral, political, and cultural idea.” That man was Adolf Hitler (1943, 254-255).

#### THE DANCE WORLD’S INTEREST: FREEDOM AND THE ART OF DANCE

Dances shock when they depart from the conventions of who dances with whom in a sexual/gender or ethnic/racial relationship, who is dominant and who is submissive, what body parts are revealed and touched, what kind of energy or presence is projected, what movements are used and how, what stories are told, what concepts are conveyed, and what the accompaniment and costumes are. Some dances that at first created public outrage for their “dangerous” revelation of “sexuality” have become classics and influenced other dances. Ballet, waltz, jazz, flamenco, rebetika, and tango were considered disreputable and stigmatized during the early periods of their history (Washabaugh 1998). The development of the art of dance requires securing freedom of expression for all forms of dance.

For example, Isadora Duncan, often called the “mother of modern dance,” challenged sexual mores and male-dictated constraints of ballet at the beginning of the twentieth century. Dancing to venerable music classics in bare feet, employing “natural” movement, and wearing body-revealing costumes—all signs of her antiestablishment lifestyle—she shocked

audiences and was called a menace to the nation. Successful censorship might have removed her significant influence on the development of modern dance and ballet. Also, puritanical disfavor might have squelched George Balanchine's jarring *Prodigal Son* (1929), now a classic. With rough-hewn imagery of depravity, the Siren, "goddess of whores," takes the youth's hand and puts it on her breast as he touches her crotch. The couple lie back and the boy's leg comes up and crosses over her in symbolic sexual penetration. Yet another dance that American censorship might have suppressed is Jerome Robbins's ballet *The Cage* (1951), a seemingly misogynist ballet that is contemptuous of procreation.

The 1960s brought nudity and alternative depictions of love on stage. Dancer/choreographer Anna Halprin said, "In 1967, when we tried to do *Parades and Changes* [with its full-frontal nudity] in New York City, a warrant was issued for my arrest, and we were forbidden to do the piece in the U.S. I did not do the piece again until 1995, as part of my 75th birthday retrospective show. By then, full-frontal nudity was old hat!" (Halprin 1997). An example of the nudity controversy elsewhere in the country comes from Durham, North Carolina. The organization Concerned Christians for Good Government angrily complained about male and female nudity during the 1979–81 American Dance Festival performances. Charles Reinhart, the festival's director, recalled that Reverend Jerry Hooper asked, "How many of you are going to be righteous or wicked?... We got city funds to support the "Emerging Generation" series, but there were repercussions and other money dried up" (1999).

The art of dance develops with innovation, even if it is sexual and shocking. Because dancemakers in one genre often draw on other dance forms, the suppression of any form of dance harms the art of dance. Jerome Robbins directed and choreographed *Gypsy* (1959), based on the life of stripper Gypsy Rose Lee. Bob Fosse's work in nightclubs and burlesque joints had a lasting influence on his choreography. Jawole Willa Jo Zollar, director of the Urban Bush Women dance company, has spoken of "the influence on her dances of the strippers she saw performing as a child. Zollar has created a universe peopled by lusty, forthright women" (Dunning 1996). Karen Finley worked as a stripper while attending the San Francisco Art Institute:

I was really perplexed by the fact that in an atmosphere where everyone was taking their clothes off, how wonderful and nice the men were. And I thought that was so interesting, how if you're walking down the street in front of construction workers, they're constantly making these remarks, yet in this topless bar, the guys were so well behaved. I used a lot of strippers in my performances and I found that people are much more interested in strippers than art. (Brown 1988)

In sum, choreographers need resources for their work, and society needs stimulation to develop. Dances on the margins contribute to the aesthetic of innovation in both challenging norms of appropriateness and laying the groundwork for new developments. Indeed, the credit for some of women's gain in sexual freedom over the past hundred years must go to dancers, for "it is impossible to make this kind of gain without women who are willing to work on the cutting edge of sexual change" (Dragu and Harrison 1988, 55).

## DANCERS REACT

Dancers' reactions to repressive assaults on the arts include ignoring the assaults, becoming artistically confrontational, defying censorship, advocating through political organizations, fighting through the courts, educating the public, and seeking supportive political leaders and bold patrons. Seattle choreographer Pat Graney says, "I don't think about the current issues. . . . As soon as you think about the outside, you lose touch with the purpose" of your work (1991). By contrast, dancer-choreographer Bill T. Jones argues for confrontational art: "We need to affirm our right to do things with nudity. . . . Artists must react to the forces of darkness. This has been going on since the time of Galileo" (1991). The Dance Umbrella accused Boston University of censorship and declined to sign a contract with the university over a clause that gives the institution the right to cancel a production if it deems the content objectionable.

Some in the dance field agree with Tim Miller that "political organization and advocacy are necessary." Carla Maxwell thinks that the arts need a solidarity movement and, for a period of weeks, "a total blackout to capture the national attention. Close movie houses and theaters, bookstores, record places, galleries, and home video rentals" (1991). The dance world can continually publicize the problem of censorship and build political support through, for example, comments at performances, in newsletters, and in opinion letters to local newspapers. Dancers can actively support organizations working on behalf of artistic freedom. "I would not let an assault change my work," says John McFall, artistic director of BalletMet. "We don't compromise our commitment to the art of dance; the controversy brings vitality to the arts" (1991). He welcomes a dialogue among members of the arts community and fundraisers to defeat arts opponents.

A preemptive strike to disarm opposition to nudity and sexuality is another approach. Presenters in Minneapolis–St. Paul, Minnesota, and Lawrence, Kansas, communicated with their audiences and also with leaders in city government, police, businesses, and religious institutions to explain the meaning of Bill T. Jones's *Last Supper at Uncle Tom's Cabin/The Promised Land*, first performed in 1990. Nudity among an assemblage of fifty company and community members shows tall and short, fat and thin, black and white, old and young—all devoid of disguise, vulnerable, and unashamed, pulling together against the disparate strains of conflict over race, sexual orientation, gender, poverty, and age. However, even before the performers arrived in Minnesota (notwithstanding the presenters' preperformance communication here) and Kansas, a pastor and former state senator, as well as some university officials, expressed their distress in the press and on television about the "shameful" nudity. The shows went on, but the University of Minnesota decreed that none of its students could appear unclothed. The following year, the show played Washington, D.C., without any opposition.

Advertising a provocative dance with a warning that the dance has sexuality and nudity is a tack that repels some people and attracts others. The many meanings of sexuality and nudity, including accessibility, humiliation, eroticism, fantasy, nature, honesty, simplicity, beauty of the body, health, innocence, and fecundity, can be part of print and broadcast announcements. Certainly dance education in grades K–12 and in higher education is a beginning. Teachers can explain how the body symbolizes diverse ideas, some of which

change over time. Lessons on democracy, freedom of expression, and censorship can also be taught.

Responding to conservative attacks on arts funding, nearly two dozen foundations and philanthropists joined in January 1999 to create the National Creative Capital Foundation. It awards grants to mid-career artists who challenge convention, and it works closely with them to provide audience development, marketing, and other forms of assistance tailored to individual projects. Artists, in return, share a portion of their proceeds with the foundation, enabling the fund to support more artists in the future.

There are risks, penalties, and payoffs to decisions about artistic integrity. Potentially shocking performances are risky because of the unknown: how government restrictions will be interpreted and enforced, and if legislatures will enact new laws dealing with “decency,” “order,” or “morality” that infringe on artistic freedom. Moreover, perceptions of the same dance can be dramatically different.

The American Civil Liberties Union’s (ACLU) Arts Censorship Project and People for the American Way’s ArtSAVE help artists respond to censorship attacks, keep the house lights on, and launch a “watch” and a campaign to forestall the introduction of dangerous legislation. ACLU engages in precedent-setting litigation to defend freedom of expression, as does the First Amendment Lawyers’ Association. Kent Willis of the ACLU warned, “When a purge occurs, it tends to snowball” (Hammack 1997). Thus the dance world benefits by supporting freedom of expression, whether for ballet or exotic dance. Exotic dance has in effect become a lightning rod for conflicts over morality, freedom of speech, and opportunity to earn a living in the United States.

#### NOTES

1. On twenty-two occasions beginning in 1995, I have been permitted to testify as an expert at trial: (1) *Ino Ino, Inc., v. City of Bellevue*, 95-2-02025-9 (King County, WA, Superior Ct., 1995); *Ronda Remus v. City of Bellevue*, 94-2-27797-9 (King County, WA, Superior Ct., 1995); (2) *Rojac Corporation v. Clark County*, A341884, Dept. xii (Clark County, NV, District Ct., 1996); (3) *City of Seattle v. Darcy Poole*, 260398 (Seattle Municipal Ct., King County, WA, 1996); (4) *International Food and Beverage, Inc., v. City of Ft. Lauderdale*, 96-6577-Civ-Hurley (S.D. FL, 1996); (5) *Furfaro v. City of Seattle*, 96-2-02226-8 (Seattle Municipal Ct., King County, WA, 1997); (6) *Commonwealth of Virginia v. Girls, Girls, Girls*, criminal action 97-957 & 971 (Roanoke Circuit Ct., 1997); (7) *J.L. Spoons, Inc., v. City of Brunswick*, 1:97Cv3269 (N.D. Ohio Eastern Division, 1998); (8) *Baby Dolls Topless Saloons, Inc., v. City of Dallas*, 3-97-Cv-1331-r (N.D. TX Dallas Division, 1998); (9) *New York State v. Langer*, 98-078A, 98-078B, 98-978C and 98-079 (Tompkins County, NY, 1998); (10) *Pritchett v. Tom L. Theatres, Inc.*, SCV23015 (Superior Ct., San Bernardino, CA, 1998); (11) *Protest Hearing v. 1720 H Street Corp.*, 35901-98062P (D.C. Consumer and Regulatory Affairs Alcoholic Beverage Control Board, 1999); (12) *Deja Vu of Nashville, Inc., v. Metropolitan Government of Nashville and Davidson County* (Nashville, 1997 Adult Ordinance Challenge), 3-97-1066 (M.D. TN, 1999); (13) *Cook County v. Licensee Loumar Corporation* (Liquor Commission, Cook County, IL, 1999); (14) *East of the River Enterprises II, L.L.C. & Melissa Soman v. City of Hudson*, 1999 Adult Ordinance Complaint, 99CV211 (Circuit Ct., St. Croix, WI, 1999); (15) *McKee v. City of Casselberry*, 99-CA1430-16E; *Koziara v. Seminole County*, 99-CA511-16P (Circuit Court, Seminole County, FL, 1999); (16) *Sunset Entertainment, Inc. v. Joe Albo*, 98-2099 PHY RGS (U.S. District Court, District of AZ, 1999); (17) *State of Maryland v. Larry Bledsoe*, No: OE00133259, *George Kopp*, No. 06E00133258, and *Joseph Johnson*, No. 001E00133260 (District Ct., Prince George’s County, MD, 1999); (18) *State of Minnesota, County of Goodhue, City of Cannon Falls v. Carla Shalon Lyons*, T6-00-0004631 (Criminal Division District Court, County of Goodhue, MN, 2000); (19) *Giovani Carandola, Ltd. v. George Bason in his official capacity*, 1:01CV115 (U.S. District Court, Middle

District of NC); (20) *Conchatta, Inc. t/d/b/a/ Club Risqué on the Delaware v. Col. Paul J. Evanko*, 01-1207 (U.S. District Court, Eastern District, PA, 2001); (21) *State of Florida v. Shawna Bohne*, 00-CM-024008 (County Court, 13th Judicial Circuit, Hillsborough County, FL, 2001); (22) *State of Florida v. Laurie A. Anstine*, 00-20520MOANO (Court, 6th Judicial Circuit, Pinellas County, FL, 2001).

I also prepared declarations and affidavits on exotic dance in Federal Way, Pierce County, Kent County, Tukwila, Seattle, Shoreline, and Snohomish County, WA; the State of Tennessee; Cleveland, OH; Nashville, TN; Ft. Meyers, Tampa, FL; San Francisco, CA; and Denver, CO; and I gave presentations to several city councils.

2. Bruce R. McLaughlin has conducted over twenty-five studies nationwide—for example, “City of Dallas, Texas, Amended Sexually Oriented Business Ordinance Predicate Analysis,” presented to U.S. D., Tex., N.D. Tex., Dallas, Civil Action No. 3-97-CV-1331-R, 27 May 1998—and found no more problems related to exotic dance clubs than to other businesses. See, Fuller and Miller 1998 proving that clubs with alcohol and nude dancing have fewer problems than those with only alcohol. Also see Paul, Linz, and Shafer 2001.

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