

Re: Lighthouse Restaurant Services, Inc., v.

Jerry Fischer (New Jersey Division of Alcoholic Beverage Control)

Report of

JUDITH LYNNE HANNA, Ph.D.

May 24, 2006

I have been asked to express an opinion based upon my expertise in the anthropological study of dance as nonverbal communication as to whether lap dancing, defined as "a dance that an entertainer performs while straddling a patron's lap" is harmful.

There is no evidence that lap dancing causes any harm. Moreover, body-to-body contact in dance is part of a long tradition in America.

1. According to Dr. Rebekah J. Thomas, Professor of Biology, who examined public health data in Florida and the national Centers for Disease Control, there is no verifiable evidence of a relationship between a completely nude dancer performing a lap dance and disease, including sexually transmitted disease. She found that "a person CANNOT become infected with a STD through a lap dance [dancer fully nude and patron clothed]. There have been no cases of STD transmission through lap dancing and a fully clothed person." The fact that the Centers for Disease Control, and specifically the National Center for HIV, STD (Sexually Transmitted Disease) and TB Prevention, Division of Sexually Transmitted Diseases Prevention (NCHSTP), do not include exotic dance club activities as a behavioral risk for transmission of disease also indicates that the dancer's or patron's health is not being jeopardized.

See Rebekah J. Thomas, Ph.D., 2001. *The Effect of Adult Use Entertainment Activities on Transmission of Disease*. [State of Florida v. Laurie A. Anstiene, 00-20520MOANO, Pinellas

County Division of Local Ordinance Violation, Circuit State Court of Florida, 6th Judicial District].

Hospitals are more dangerous to health, and adult entertainment causes health problems no more than restaurants, shopping malls, or churches.

2. In another study, J. R. Greenwood, Ph.D., M.P.H., 2004 or 05, *A Public Health Analysis of Rancho Cordova Proposed Adult Business Ordinance Number 22-2004*, challenged the city's allegation that adult entertainment facilities are related to the transmission of sexually transmitted diseases and present a public health hazard. As detailed in his paper based on data from governmental disease control agencies, such as the California Department of Health Services and the Centers for Disease Control, there are no public health concerns. See, *Tracking the Hidden Epidemics: Trends in STDs in the United States, 2000*, Centers for Disease Control and Prevention, Atlanta, GA; *STD – Sexually Transmitted Diseases in California, 2002*, California Department of Health Services, Sacramento, CA; *Basic HIV Statistics*, Divisions of HIV/AIDS Prevention, Centers for Disease Control, Atlanta, GA <http://cdc.gov/hiv/stats.htm>; and *HIV and Its Transmission*, Centers for Disease Control, Atlanta, GA, <http://www.cdc.gov/hiv/pubs/facts/transmission.htm>.

3. Lap dancing is not prostitution, a California state judge ruled, and the city could not ban it as such (*City of Anaheim v. Janini*, 1999). The judge referred to the "dime-a-dance," that is, taxi-dancing, as an established tradition in America. For a fee, men could dance with a woman in a taxi-dance hall or palace. Taxi-dancers were so named because, like taxis, their services were hired by customers for short periods and metered by a time clock. Grinding bodies tightly together without moving from a spot was "to dance on a dime." To urge the taxi dancer to keep the customer moving, the floor manager would say, "Git off dat dime!"

Taxi-dances more than half a century ago caused public outcry about morality, an issue on the table today concerning the \$10 to \$20 lap dance. Females almost always got more denunciation than their male partners because the middle-class reformers were obsessed with instilling the virtues of "true womanhood." Although moralists linked taxi-dance halls with prostitution, patrons reported it was hard "to make these girls."

Between 1920 and 1940, taxi dancing primarily attracted European immigrants. A taxi-dance hall in Chicago had at one time 600 men and 68 girls. In 1930, New York City had 37 dime-a-dance palaces, 35,000 to 50,000 male customers per week, and 2,500 to 3,000 employed female dancers. Women initially danced in same-sex pairs, some performing a twisting of the hips to showcase their attributes in order to sell dances to the men. When dancing with customers, the women rubbed their bodies against the men and wriggled. Some dancers allowed customers to take them around the floor with the men dancing behind them and fondling their breasts.

4. Even earlier in American history than the taxi-dancing era, body contact was noted in a 1799 account of the waltz at its loosest. A man grasped the long full body covering dress of his partner so that it would not drag and be trodden upon, and lifted it high covering both bodies closely as they whirled on the dance floor. His supporting hand lay firmly on her breasts, at each movement pressing lustfully.

5. Taxi dancing has continued in clubs in our Latino barrios. In California the dancers attract mainly undocumented immigrants from Mexico who enjoy the music, female companionship and courtesy denied at other places where women treat them "like dirt." In New York City, Dominican American women from Manhattan go on the weekends to Queens to dance the *bachata* and *cumbia* in bars and nightclubs frequented by lonely Ecuadorian and

Mexican men. The women earn from \$50 to \$150 a night. The large \$2 a dance halls attract young men and women, while the smaller clubs and bars attract workers after their restaurant work shift ends about midnight; the dancers tend to be slightly older, friendlier and maternal.

6. Today lap dance moves are similar to the social dancing of young adult and junior and high school student male-female partnering in "da butt," "freaking," "booty dancing," "doggy dancing," "front piggy-backing" or "dirty dancing." Partners twine thighs, pelvises touch and rotate, and upper torsos tilt away from each other. Females dance with their backs to their partners, sometimes bending over with hands on the floor and press and grind their butts against the male's crotch. The Latin dance style most in vogue is a graphic, butt-to-crotch meld referred as "el perreo"--the "doggie."

7. Lap dancing differs from taxi-dancing and social dancing in several ways: the female dancer has little or no clothing, the men usually keep their hands off the women, the dance takes place in an adult entertainment club, the dancers earn \$150 to \$1,000 a night, and the customers pay more than a dime or two dollars a dance.

8. In conclusion, there is no evidence that lap dancing causes harm to public health or other public interest. Body-body contact in dance has a long history in America. The "harm" has been moral objections to dance.