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COUNCIL OF THE CITY OF PHILADELPHIA  
PUBLIC MEETING  
BEFORE THE COMMITTEE ON RULES

- - -

Room 400, City Hall  
Philadelphia, Pennsylvania  
Thursday, November 13, 1997  
2:10 p.m.

- - -

BILL 960707 - Amending Section 14-1605 of the  
Philadelphia Code, entitled "Regulated Uses," by  
adding "adult entertainment store" as a new  
regulated use.

BILL 970608 - Amending the Philadelphia Zoning Maps,  
by changing the zoning designations of certain  
areas of land located in the 27th Ward.

- - -

PRESENT:

COUNCILMAN JAMES F. KENNEY, Vice-Chair

COUNCILMAN DAVID COHEN  
COUNCILWOMAN AUGUSTA A. CLARK  
COUNCILMAN W. THACHER LONGSTRETH  
COUNCILWOMAN ANNA C. VERNA  
COUNCILMAN RICHARD T. MARIANO

- - -

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## I N D E X

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| Dr. Mary Anne Layden, Director of Education,<br>Department of Psychiatry Center for Cognitive<br>Therapy, University of Pennsylvania----- | 9    |
| Anthony Visco, Attorney, Montgomery, McCracken,<br>Walker & Rhodes-----                                                                   | 19   |
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2                               COUNCILMAN KENNEY: Good afternoon,  
3 ladies and gentlemen. The Council Committee on  
4 Rules is now in session.

5                               We have a quorum: Council members  
6 Cohen, Verna, Longstreth, Kenney. In attendance in  
7 the room is Councilman Mariano.

8                               Here we will accept testimony on two  
9 bills. The first is Bill No. 960707, which is an  
10 Ordinance amending Section 14-1605 of The  
11 Philadelphia Code, entitled "Regulated Uses," by  
12 adding "adult entertainment store" as a new  
13 regulated use; by defining "adult-entertainment  
14 store" in terms of stock-in-trade or sales of adult  
15 books, magazines, videos, CD-ROMs, adult novelties,  
16 and other adult-oriented materials; and by including  
17 adult-oriented CD-ROMs within the type of material  
18 that characterizes an "adult video store," all under  
19 certain terms and conditions.

20                              Please identify yourself for the  
21 record and proceed.

22                              MR. JOHN P. CAMPBELL: Good afternoon  
23 Councilman Kenney, members of the Rules Committee, I  
24 am John P. Campbell, Legislative and Regulatory  
25 Affairs Manager with the Department of License &

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2   Inspections, and I am here to testify --

3                   COUNCILMAN KENNEY:   Would you please  
4   speak closer to the microphone.

5                   MR. CAMPBELL:   Let me start over.   I  
6   am John P. Campbell, Legislative and Regulatory  
7   Affairs Manager for the Department of License &  
8   Inspections.

9                   I am here to testify on the  
10   provisions of Bill 960707, which, if enacted, would  
11   add a new section to the code dealing with regulated  
12   uses.

13                  Before I again my testimony, I would  
14   like to propose an amendment to the Committee.   And  
15   it is on Page 2, under Proposed Section 0, Adult  
16   Entertainment Store.

17                  And I would like to delete some  
18   language and add some new language.   I would like to  
19   delete starting with the top Line 1, and take the  
20   first few words on Line 2.

21                  So the language that I am deleting  
22   is, "a substantial or significant."   And the  
23   language that I would like to add in its place, or  
24   substitute in its place, is the language that states  
25   "at least a 25 percent."

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2                               So that that section would now read,  
3       "Adult entertainment store, an establishment having  
4       at least a 25 percent portion of its stock and  
5       trade, books, magazines, or periodicals,  
6       characteristic of adult book store as defined in the  
7       section; videos or other visual production materials  
8       characteristic of an adult video store, as defined  
9       in this Section; and/or any devices, commonly known  
10      as sex toys, designed or marketed as useful  
11      primarily for the stimulation of human genital  
12      organs."

13                            The reason I am asking for this  
14      change in language, "substantial and significant"  
15      language, it is really difficult to enforce, and we  
16      have had problems in defining it.

17                            But the way this bill was put  
18      together and drafted is that we are talking about a  
19      25 percent portion of the stock and trade. So it is  
20      something that we can relatively easily count and  
21      say, yes, you are. No, you are not.

22                            And if you remember the problems that  
23      we had with the adult video stores, where we talked  
24      about significant or substantial. And I think at  
25      that time we were using a third. But there was no

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2 law to justify, to verify that.

3 COUNCILMAN KENNEY: Would a video  
4 rental store, Blockbuster or some other -- I don't  
5 want to use a trade name, because some of those  
6 don't carry any of these items at all.

7 Any video rental store that has 25  
8 percent or more of its tapes that are  
9 adult-oriented, that would be considered an adult  
10 entertainment store under this?

11 MR. CAMPBELL: If it was just a video  
12 store, there is a definition for adult video stores.

13 COUNCILMAN KENNEY: That's separate  
14 from adult entertainment store?

15 MR. CAMPBELL: Yes.

16 COUNCILMAN KENNEY: Please proceed.  
17 Councilman Cohen.

18 MR. CAMPBELL: I am sorry.

19 COUNCILMAN KENNEY: He will wait  
20 until you are finished.

21 MR. CAMPBELL: And the Department has  
22 no objection to the enactment of the ordinance.  
23 And, if acted upon by this Council, we will enforce  
24 its provisions.

25 COUNCILMAN KENNEY: Thank you.

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2 Councilman Cohen.

3 COUNCILMAN COHEN: First, on top of  
4 Page 2 is the current definition of an adult video  
5 store, which uses the phrase "substantial or  
6 significant."

7 Do you have any cases to cite? Did  
8 the City Solicitor make this recommendation? What  
9 is the basis of it?

10 Because it seems to me that  
11 "substantial or significant" would in fact be  
12 easier to enforce than 25 percent. Because there  
13 won't be an agreement as to what it is the 25  
14 percent of, and that will be constantly disputed.

15 Is there some case law for the  
16 amendment? Why the amendment? Whose idea is the  
17 amendment?

18 MR. CAMPBELL: Okay. This was the  
19 recommendation of our staff, our Zoning staff,  
20 because of the problems that they have with the  
21 terms, the language, "substantial or significant."

22 COUNCILMAN COHEN: Has it been  
23 discussed with the City Solicitor, whose function it  
24 would be to enforce it? Do we have any law  
25 indicating?

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2                   See, "substantial or significant" can  
3 be far less than 25 percent. A substantial or  
4 significant could be 10 percent. And because it has  
5 a broader reach, I think it would be a much more  
6 effective weapon than 25 percent.

7                   MR. CAMPBELL: Councilman, I see your  
8 point.

9                   And I think at this point, yes, I  
10 would like to withdraw that amendment. I see where  
11 you are going with this. You are correct.

12                  And, no, we did not speak with the  
13 Solicitor. But I do see your point.

14                  COUNCILMAN KENNEY: Do you agree with  
15 the Councilman?

16                  MR. CAMPBELL: Yes, I do.

17                  COUNCILMAN KENNEY: That's  
18 sufficient.

19                  MR. CAMPBELL: And I don't believe  
20 you can argue with logic.

21                  So, again, I would like to withdraw  
22 that.

23                  COUNCILMAN KENNEY: Do you have  
24 anything else to add, Mr. Campbell?

25                  MR. CAMPBELL: No, I do not.

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2 COUNCILMAN KENNEY: Any other  
3 questions from members of the Committee of  
4 Mr. Campbell?

5 Thank you very much.

6 Anyone else in the room to testify on  
7 this bill?

8 Okay. Please come forward.

9 Please identify yourself for the  
10 record.

11 DR. MARY ANNE LAYDEN: My name is Dr.  
12 Mary Anne Layden. I am the Director of Education in  
13 the Department of Psychiatry at the University of  
14 Pennsylvania Center for Cognitive Therapy.

15 I am here to testify about the impact  
16 of the sex industry. I want to talk a little bit --

17 COUNCILMAN KENNEY: We have a very  
18 old system, and you have to speak directly into it.  
19 Thank you.

20 DR. LAYDEN: Craig Rabinowitz and  
21 Jimmy Stewart were in the papers recently. Craig  
22 Rabinowitz is a sex and pornography addict, who  
23 killed his wife and deprived his one-year-old  
24 daughter of a mother.

25 Jimmy Steward died this summer. And

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2   he is remembered for his wholesome portrayals of --  
3   especially from his favorite movie, which was, It's  
4   A Wonderful Life.

5                               In the movie Stewart played the  
6   quintessential honorable common man. He is faithfully  
7   married, raising children, and making his community  
8   of Bedford Falls a better place.

9                               He is given a chance to see what his  
10   community would be like if he hadn't lived. He is  
11   shown this vision of Bedford falls and its slide  
12   into the sleazy Pottersville that would have  
13   happened if he hadn't been there. Pottersville,  
14   which is overrun with bars and sex industry  
15   establishments.

16                              The local bad girl, her name is Vi,  
17   who is helped in her Bedford Falls life to  
18   straighten herself out, becomes a prostitute in  
19   Pottersville.

20                              Stewart is given a choice to make  
21   life resemble Bedford Falls or Pottersville. Craig  
22   Rabinowitz is given the same choice.

23                              The sex industry is an  
24   equal-opportunity degrader. It harms the women  
25   workers, the male customers, and the families of

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2     those customers, as well as the society in general.  
3     Damage both precedes and comes from the sex  
4     industry.

5                               Through his sex and pornography  
6     addiction and his involvement with the sex industry,  
7     Craig Rabinowitz is just the most visible and  
8     extreme example of the damage that is done by this  
9     industry.

10                              However, he is typical of many other  
11     Philadelphians in this one way:  Craig Rabinowitz  
12     chose Pottersville.

13                              In the last 12 years I have  
14     specialized in the treatment of sexual violence  
15     victims and perpetrators.  I have not treated one  
16     case in that 12-year period of sexual violence that  
17     did not include pornography.

18                              Typically, the kind of pornography  
19     involved is nonviolent, soft-core pornography.

20                              In every case of sibling incest that  
21     I have treated, the pornography that was involved  
22     was sex magazines; most often Playboy magazine,  
23     Penthouse magazine and Hustler magazine.

24                              In all the cases of sex addiction  
25     that I have treated, pornography has been the



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2     distortion are subtle, some of them are obvious.  
3     They are seen in both men and women, in children as  
4     young as three, in teens, in adults, and in seniors  
5     as old as 80. They are seen in psychiatric patients  
6     and in normal individuals, as well.

7                               The sex industry, in general, spreads  
8     this toxic material and these beliefs. It is an  
9     equal-opportunity damager and damages us all.

10                              I would like to talk a little bit  
11     about the damage that precedes working in the sex  
12     industry.

13                              Most sex industry workers who work in  
14     the sex industry are adult survivors of childhood  
15     sexual abuse. Research indicates that the number is  
16     between 60 and 80 percent.

17                              One study found that 35 percent of  
18     strippers have multiple-personality disorder and  
19     they are dissociated -- that is, they are in  
20     complete mental disconnect -- when they are  
21     stripping. They cannot be psychologically awake and  
22     in their bodies and do what they do.

23                              Another 55 percent have borderline  
24     personality disorder, which is a severe personality  
25     disorder whose hallmark is that patients with this

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2    disorder frequently inflict pain on themselves and  
3    try in serious and sometimes lethal ways to hurt  
4    themselves.

5                               Major depressive episodes are seen in  
6    about 60 percent of sex industry workers.

7                               These are very serious psychiatric  
8    problems with frequencies that are far above the  
9    general population, and many of these disorders are  
10   connected to childhood sexual abuse.

11                              Typically, the sex industry worker is  
12   a woman who, when she was a little girl, would get  
13   into her bed each night and roll herself into a  
14   fetal position, and every night he came in and  
15   peeled her open.

16                              The physical and visual invasion of  
17   little girls' bodies damaged these girls  
18   psychologically and gave them a psychologically  
19   unhealthy view of sexuality.

20                              Often, as an adult, she will re-enact  
21   her childhood trauma by working as a stripper, a  
22   playboy model, or a prostitute.

23                              The men who, now as customers,  
24   physically and visually invade the adult woman's  
25   body re-enact the role of the perpetrator. These

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2       women work in the sex industry because it feels like  
3       home.

4                               Among sex industry workers, eating  
5       disorders are also rampant.

6                               COUNCILMAN KENNEY: I'm sorry. Could  
7       I just interrupt for one minute. We have the  
8       written testimony here, which will be submitted for  
9       the record.

10                              And if you would be so kind as to  
11       kind of summarize your thoughts on this as it  
12       relates to the bill.

13                              Because we have this text to read.  
14       And we could read it, and it will be part of the  
15       record.

16                              But for time's sake, we would  
17       appreciate it if you could just summarize your  
18       thoughts as it relates to the implementation of this  
19       particular bill.

20                              DR. LAYDEN: My concern about this  
21       particular bill is one that indicates that if we  
22       take CD-ROMs and put them in a particular location,  
23       that we have, in fact, protected the society.

24                              My belief is that the messages that  
25       are spread in adult industry book stores, in

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2 CD-ROMs, in videos, actually need more than  
3 containment.

4                               This is like making a Pee and No Pee  
5   Section in the swimming pool. And if we think that  
6   this is enough, I don't think that this is enough.

7                   That the damage that's done by these  
8 materials -- now, if the question is, is a  
9 pornographic CD-ROM equivalent to a pornographic  
10 video?

11                       Indeed, it is, and it is probably  
12 worse. Because the CD-ROMs are often interactive  
13 and give the viewers not only a chance to view the  
14 information, that information being permanently  
15 implanted in their minds, but it gives them a chance  
16 to act out that information.

17                   When you have a CD-ROM in which you  
18   are allowed to put a jack hammer in a woman's  
19   vagina, that's what you choose to do in that CD-ROM,  
20   you not only spread the belief, but you spread the  
21   behavior.

22                   So if the question is, should CD-ROMs  
23   be controlled in the same way that videos should be  
24   controlled? Absolutely, they should be.

25 COUNCILMAN KENNEY: Part of the

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2     problem we deal with as a City Councilman is that  
3     our jurisdictional limits are as defined.

4                               Our ability to eliminate certain  
5     practices and certain items are very much controlled  
6     by both federal and state law.

7                               And we find ourselves often trying to  
8     control these issues in the area of zoning and other  
9     types of city-able enforcement.

10                              I don't think any of us here, by  
11     voting for this, or Councilman Mariano by  
12     introducing it, is saying that this is, in effect, a  
13     good thing, and we are protecting everybody now.  
14     What we try to do is to eliminate the access to it.

15                              And you would argue that it is  
16     inappropriate for anybody to have access to it. And  
17     while I may agree with you, we don't have the  
18     jurisdiction to do that.

19                              So what we want to try to do is to  
20     keep it out of the hands of children and young  
21     adults as best we can.

22                              And then, I guess, the public  
23     argument, the public policy argument, nationally and  
24     constitutionally, as to whether or not she should  
25     eliminate all these things, is something that's out

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2   of your jurisdiction.

3                               So we try to do the best we can to  
4   control those issues.

5                               DR. LAYDEN: But my question is --  
6   and I have not heard anyone actually answer this  
7   question in a way that satisfies me -- if  
8   prostitution is actually illegal and is defined as  
9   paying a woman to have sex --

10                              COUNCILMAN KENNEY: Or a man.

11                             DR. LAYDEN: Right. -- why is the  
12   presence of a camera, videotaping that act, why is  
13   the act of paying a woman to have sex and putting it  
14   on camera film, why is that not defined as  
15   prostitution?

16                             COUNCILMAN KENNEY: Again, I am not a  
17   lawyer, and it is difficult for me to argue. And I  
18   don't want to take a position where I am arguing  
19   with you to think that you are wrong.

20                             I think one issue has to do with the  
21   issue of speech and visual, as opposed to physical,  
22   act.

23                             And I think that's where it breaks  
24   down in a criminal sense. That it is not criminal  
25   to say or to view, but it is criminal to do.

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2                               And that's -- I mean, as I read it --  
3   and even the criminal issue is out of our  
4   jurisdiction because the laws on prostitution are  
5   state statutes that we do not have the ability to  
6   amend or to expand.

7                               DR. LAYDEN: Well, so, if your  
8   question to me is, should these be regulated, should  
9   CD-ROMs be regulated, obviously I believe they  
10   should be regulated and that they should be,  
11   probably, regulated above and beyond the level we  
12   regulate videos because they do, in fact, involve  
13   behavior on the part of the viewer.

14                              COUNCILMAN KENNEY: Thank you for  
15   your testimony.

16                              Please identify yourself for the  
17   record.

18                              MS. ANTHONY VISCO: My name is  
19   Anthony Visco, V-I-S-C-O. I am a lawyer, and my  
20   practice is in Philadelphia. I do employment and  
21   labor law.

22                              I grew up in the city, went to  
23   Frankford High School, then I went on to Drexel  
24   University, co-op program, and I practiced law with  
25   Obermeyer, Maxell, & Hippel, and most recently with

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2 Montgomery, McCracken, Walker & Rhodes.

3                   So I have a vested interest in this  
4   city, I care about the city. I served as the  
5   President of the Northeast Philadelphia Chamber of  
6   Commerce for three years. And I am very concerned.

7                               As a lawyer, I am not a  
8 constitutional lawyer. But one of my advocations or  
9 hobbies is dealing with the family, and protecting  
10 the family from porn problems and obscenity  
11 problems.

12 I would like to read two quick quotes  
13 from the Supreme Court. They are very short.

14                   The first is from a case called Roth  
15   versus The United States, which is still good law.  
16   And Roth says, "Obscenity is not within the area of  
17   constitutionally protected speech or press."

18                                    From a case called Miller versus The  
19    United States, "To equate the free and robust  
20    exchange of ideas and political debate with  
21    commercial exploitation of obscene material demeans  
22    the conception and the purpose of the First  
23    Amendment and is a misuse of the guarantee of free  
24    speech and free press."

25 Specifically with the legislation in

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2     question, as a father of five kids and five  
3     grandchildren that's very concerned about the next  
4     generation, I don't want to see this kind of  
5     material made available in the neighborhoods.

6                               I don't even like to see it in adult  
7     book stores. But if we have to have them, and if  
8     you can control them, you can exert control over  
9     adult book stores, then my position is, let's  
10    control CD-ROMs and put them there as well, not in  
11    the mom-and-pop grocery store down the corner or  
12    where anybody else that might choose to open a  
13    business up in any neighborhood and further degrade  
14    that neighborhood.

15                            I believe this is critical to our  
16    culture, and I applaud Councilman Richard Mariano  
17    for introducing the legislation.

18                            And I hope and pray and respectfully  
19    request that this Committee consider this  
20    legislation favorably, report it out, and that it is  
21    voted upon.

22                            Because I think it is crucial to our  
23    cities to control this before it becomes a blight in  
24    residential neighborhoods, next to schools and  
25    churches, and places like that.

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2                               COUNCILMAN KENNEY: Thank you very  
3 much for your testimony.

4                               Would you please identify yourself  
5 for the record.

6                               MR. WILLIAM DEVLIN: My name is  
7 William Devlin, 6428 North Fairhill Street in the  
8 East Oak Lane section of the city.

9                               I am also the Director of the  
10 Philadelphia Family Policy Council, an urban-based  
11 interracial pro-family organization dedicated to the  
12 City of Philadelphia, its children, and its  
13 families.

14                              And copies of my printed testimony,  
15 which I will briefly go over, have been already  
16 distributed.

17                              Good afternoon. Thank you for this  
18 opportunity to testify related to Bill No. 960707.  
19 And I testify in support of the bill.

20                              Violence towards women is a pervasive  
21 problem in our nation, in our region, in your city.

22                              One only has to read the tragic  
23 accounts of the lives of women such as Anne Marie  
24 Fahey and Stephanie Rabinowitz to understand our  
25 culture's continued preoccupation with violence

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2       directed towards women.

3                               Pornography, in all its forms, is a  
4       cultural pathology that is directly contributing to  
5       the continued violence directed towards women.

6                               The goal of every pornographic film,  
7       video, magazine, and I add CD-ROM, is to portray  
8       women as objects, nothing more than pieces of meat  
9       to be used for the perverted interests of men.

10                              This is currently going on in  
11       Philadelphia. And any municipal legal steps we can  
12       take to prevent violence against women, those steps  
13       should be taken.

14                              Therefore, that is why I am here  
15       today testifying in favor of Councilman Mariano's  
16       legislation.

17                              I live in the Oak Lane section of the  
18       city, and I currently serve as a Democratic  
19       Committeeman in the 61st Ward.

20                              I should also add that the ultimate  
21       reason I am here today speaking out against violence  
22       towards women in the form of pornographic CD-ROMs  
23       and how pornography promotes that violence is the  
24       fact that I have a wife, and three of my five  
25       children are women.

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2                               Every imaginable study that has been  
3     done on the effects of pornography always comes down  
4     to one conclusion, pornography in all its forms  
5     creates, fosters, condones violence towards women.

6                               Some civil libertarians may think  
7     this is the price we pay for living in a free  
8     society. They may think that; we hope that they  
9     just don't say it.

10                              Councilman Mariano's legislation is  
11    protective legislation, not censoring nor  
12    restrictive.

13                              Even the American Library Association  
14    regulates the types of books that they allow or do  
15    not allow in American libraries.

16                              Furthermore, every librarian in every  
17    Philadelphia public school every day practices  
18    discretion when he or she receives a new shipment of  
19    books.

20                              So the discussion here today, men and  
21    women, is not about censorship; it is about civic  
22    responsibility. It is about neighborhood  
23    responsibility.

24                              And I should also add that I am the  
25    President of the Oak Lane Park Improvement

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2   Association, which is one of the city's oldest  
3   neighborhood associations, founded in 1915.

4                               It is also about a government and  
5   store owners that will practice fiduciary  
6   responsibility towards its citizens.

7                               As a city, we have a duty to protect  
8   all citizens, and that group includes women. And we  
9   must work to alleviate the destructive influences  
10   which promote violence towards women. And, in my  
11   estimation, that includes pornographic depictions of  
12   women.

13                              And let me just rapidly conclude by  
14   quoting some recent studies.

15                              On another matter, as Mary Anne has  
16   already addressed, some may say that the women  
17   portrayed in pornographic venues are there of their  
18   own free will and accord.

19                              Our response to that would be a  
20   reasonable and rational one. The majority of the  
21   women involved in the grisly, denigrating, violent  
22   world of porn are there primarily due to drug  
23   dependence, intimidation, and fear of bodily harm.

24                              Pornography is a \$10-million-per-year  
25   industry nationwide. It is the third largest

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2    revenue producer for organized crime, trailing only  
3    drugs and gambling.

4                               The typical child molester uses  
5    pornography in his or her attempts to entice  
6    children. And the typical child molester abuses  
7    over 365 children during his or her lifetime.

8                               A study of child molesters in Canada  
9    in prison showed that 77 percent of those who  
10   molested boys were regular users of pornography. 87  
11   percent of those who molested girls were regular  
12   users. And the statistics go on and on.

13                              Sexually transmitted diseases -- and  
14   this is where it has not only a public policy, but a  
15   public health implication -- sexually transmitted  
16   diseases now strike more children each year than the  
17   polio epidemic did in the 11 years of that polio  
18   epidemic.

19                              And many of the kids who contract  
20   SDIs or SDEs contract these diseases as a result of  
21   sexual abuse.

22                              A study of convicted rapists in  
23   prison in Canada showed 86 percent of convicted  
24   rapists said they were regular users of pornography,  
25   and 57 percent said they imitated during their

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2       crimes what they had seen in pornography.

3                               Adolescent boys, ages 12 to 17, are  
4       among the largest consumers of pornography.

5                               And let me conclude, pornography is  
6       addictive. The steps in pornography addiction are,  
7       number one, addiction; secondly, escalation;  
8       thirdly, desensitization; and, lastly,  
9       actualization.

10                              The fourth stage, actualization,  
11       means actually doing it, copying what they have  
12       seen, whether it is on a video, in a film, or on a  
13       CD-ROM.

14                              There is a rape in the United States  
15       every 46 seconds, many of which are predicated by  
16       pornographic usage.

17                              Finally, pornography is a public  
18       health and safety issue. The harm of pornography  
19       can be proven in five prime areas, and that is why  
20       we need Councilman Mariano's legislation.

21                              Number one, the way it facilitates  
22       child molestation; number two, its relationship to  
23       rape and sexual violence towards women and, I may  
24       add, children; thirdly, it's compulsive or addictive  
25       nature for many men and young boys; fourthly, its

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2     direct role in the transmission and encouragement of  
3     sexually transmitted infections; and, finally, the  
4     way it shapes attitudes and values of men's  
5     attitudes towards women.

6                               We appreciate the leadership of  
7     Councilman Mariano on this quality-of-life issue to  
8     make Philadelphia a better city and to decrease the  
9     amount of violence towards women.

10                              Thank you.

11                              COUNCILMAN KENNEY: Thank you very  
12     much for your testimony.

13                              Are there questions for these  
14     witnesses? Thank you.

15                              Councilman Cohen.

16                              COUNCILMAN COHEN: It seems to me  
17     that the two newspapers in Philadelphia recently  
18     expanded their coverage of sex-oriented businesses  
19     in the city.

20                              They contain material depicting  
21     women, women available to participate in what's  
22     called adult conversation or to act out. You call  
23     it actualization.

24                              I am wondering, have any of you  
25     communicated with the Inquirer and the Daily News?

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2     And what was their response?

3                               DR. LAYDEN:  Yes.  It is ironic.

4                               I wrote a letter to Maxwell King to  
5     discuss my concerns about both the sex industry  
6     advertising and the sex industry coverage in the  
7     Philadelphia Inquirer.

8                               The letter was dated April the 29th,  
9     which was the day that Stephanie Rabinowitz was  
10    killed.

11                              The letter went on extensively,  
12    giving information to Mr. King about how his  
13    newspaper had used this information.  I never  
14    received a response from Mr. King.

15                              I have spoken to Todd Brown, who is  
16    the Vice-President in charge of advertising at the  
17    Philadelphia Inquirer.  We have spoken many times  
18    over the last few years.

19                              And, in fact, since January of this  
20    year, the Philadelphia Inquirer has only carried two  
21    advertisements for strip clubs.  They used to carry  
22    many, many more.

23                              So the Philadelphia Inquirer has  
24    backed off, to some degree, its advertising of strip  
25    clubs.

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2                               There are -- I have told Mr. Brown  
3   that a number of newspapers across the United States  
4   have chosen not to carry sex industry advertising  
5   any longer, and we want to encourage the  
6   Philadelphia Inquirer to do that.

7                               The Daily News is notorious for  
8   carrying advertising of this sort, and continues to  
9   carry ads, even for Delilah's Den, the case that was  
10  involved in this recent tragedy.

11                              So I think it is not just Craig  
12  Rabinowitz who has a moral disconnect.

13                              COUNCILMAN COHEN:  It just seems to  
14  me it would be very important to either institute a  
15  legal action or a large community pressure.

16                              Because going back to the amendment,  
17  I, certainly, on some days it seemed to me that the  
18  amount of coverage they gave to these businesses  
19  added up to a substantial and significant portion of  
20  the entire coverage of the newspaper.

21                              DR. LAYDEN:  Absolutely.

22                              COUNCILMAN COHEN:  And that gets the  
23  widest distribution, you know, far more than these  
24  adult stores do.  And I think it sets a terrible  
25  example because it appears in almost every house.

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2                               And I don't know the answer. The  
3 Chairman indicated the problems we have at the local  
4 level.

5                               And I say this, incidentally,  
6 because, as you probably know, I am considered by  
7 most people a civil libertarian. I consider myself  
8 such.

9                               But I agree that this is not a matter  
10 of civil liberties at all. It is a matter of  
11 protection of human values. It is a campaign  
12 against degradation of women.

13                              And I think it degrades men if it  
14 induces men to participate in the kinds of actions  
15 they advertise.

16                              So I encourage you to do that. But I  
17 just think something ought to be done about the two  
18 groups that I think are the worst purveyors in the  
19 city, because they reach so many people, hundreds of  
20 thousands in the Philadelphia area every day. And  
21 that's the publishers that are doing it, obviously,  
22 only for the money that these ads produce.

23                              DR. LAYDEN: I might add, too, that  
24 the Philadelphia Daily News, because it carries so  
25 much sex industry advertising, does appear this year

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2     on the Psychologists' Boycott List based upon its  
3     advertising for the sex industry.

4                               So the psychology community is  
5     concerned about this issue, as well. It is far  
6     enough, to the point where they would put them on  
7     this list.

8                               COUNCILMAN KENNEY: Councilman Cohen,  
9     I would like to respond quickly by saying, I have  
10    written every sports writer in the Philadelphia  
11    Inquirer. Because that's where the ads are, that  
12    and hair replacement ads. So there is a target  
13    audience there.

14                              MR. DEVLIN: But I would like to say  
15    specifically that I would like to enter into my  
16    official testimony a copy of a letter from one of  
17    the sports writers at the Philadelphia Inquirer who  
18    said, all of the sports writers at the Inquirer are  
19    fed up and sick to death of the sex ads in the  
20    Inquirer.

21                              And let me add as well -- so we have  
22    done that. We have approached the Inquirer and the  
23    Daily News.

24                              And it is not just those two; it is  
25    the City Paper, it is the Philadelphia Gay News, it

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2    is the Au Courant. Every newspaper in the city  
3    depends upon sex industry advertising revenues. And  
4    it is a crime, and we think it should be stopped.

5                               DR. LAYDEN: In fact, the editor of  
6    the City Paper, when they were notified that they  
7    were on the Psychologists' Boycott List because of  
8    their sex industry advertising, wrote a very large  
9    piece, whole full page, criticizing the  
10   Psychologists' Boycott List.

11                              And when we said to them, "You know  
12   that many of the ads you carry are advertisements  
13   for prostitutes. And that behavior is illegal. Do  
14   you in fact advertise any other illegal activities  
15   in your newspaper? Could a hit man put an ad in  
16   your newspaper?"

17                              And they said, "Absolutely not. This  
18   is the only illegal activity that we are willing to  
19   advertise."

20                              And I think that those local free  
21   papers that are on every corner, that are outside my  
22   children's school at this very moment, free for any  
23   child to go in and take this, even defend their  
24   behavior, even when they know the activity that they  
25   are advertising is illegal.

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2                   COUNCILMAN COHEN: I would agree with  
3 you about all these other papers.

4                   But you can add all of them up  
5 together, and they don't cover one one-hundredth of  
6 the coverage that the Inquirer and the Daily News  
7 have.

8                   And I am just wondering whether the  
9 Inquirer and the Daily News, the Knight-Ridder  
10 Company, is considered just too powerful to fight.

11                  And I would like to suggest to  
12 Councilman Mariano, since he is the author of this  
13 legislation, that you might give thought to ways in  
14 which the City Council might be able to investigate  
15 how much income comes from these ads.

16                  MR. VISCO: Back to the legislation  
17 in question. It would be a worse problem if CD-ROMs  
18 of the kind that we are trying to control are  
19 permitted to go into stores, and the mom-and-pop  
20 shops all around the city.

21                  So it is important that the  
22 legislation be accepted by City Council. I hope you  
23 will thoughtfully consider it.

24                  COUNCILMAN KENNEY: Thank you.  
25 Councilwoman Clark.

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2 COUNCILWOMAN CLARK: Thank you,  
3 Mr. Chairman.

4 Following up on Councilman David  
5 Cohen's comments. I consider myself a civil  
6 libertarian, as well. But I wonder if the degree to  
7 which the newspapers' general distribution have been  
8 suckered in by money, they're carrying the ads, it  
9 is kind of like a Good Housekeeping seal. Perhaps  
10 that's part of the problem.

11 The free papers are special interest,  
12 and may or may not have the same responsibility to  
13 us as the newspapers which are in circulation.

14 So if it shows up in the Daily News  
15 or the Inquirer, doesn't that seem to say, doesn't  
16 it legitimize this kind of commercialization of  
17 women?

18 DR. LAYDEN: Absolutely.

19 COUNCILWOMAN CLARK: I would very  
20 much care about anything that takes from the dignity  
21 of any group of people. And I really care if it is  
22 a group that I am a member of. And so it is very  
23 personal to me.

24 I live in North Philadelphia, and I  
25 have seen Center City prostitution creep up Broad

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2 Street. And no amount of fighting seems to get the  
3 type of response that this is a serious problem.

4                   People say things like, "Oh, it is  
5 one of the outcomes of urban living." Well, I don't  
6 think so.

7                   And I really do think that the Daily  
8 News and the Inquirer -- but the Daily News is the  
9 larger offender -- and that the Daily News ought to  
10 be ashamed of the blood money that they get as a  
11 result of encouraging people to take out their  
12 interests and act them out on weak and defenseless  
13 people who may be drug dependent, who may think that  
14 this is the only way they can earn a living, so they  
15 earn a living by selling or renting their bodies.

16 I am sad about it. I hope that  
17 something can be done of their own volition.  
18 Because now it comes back to me, as a lawyer, to  
19 worry about restraints. Restraints of the First  
20 Amendment always worry me.

21 MR. VISCO: That's not restraint.

22 COUNCILWOMAN CLARK: It doesn't worry  
23 you, sir, but it worries me. And whether it is or  
24 not is something that gets argued in a court.

25                   And you and I can argue in the

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2       hallway, but that wouldn't be the same as arguing in  
3       the court.

4                               And while it does worry me to do  
5       anything against the first amendment rights, I also  
6       realize that no one has the right to yell fire in a  
7       crowded theater. And this may be the  
8       fire-in-a-crowded-theater area of concern.

9                               Thank you, Mr. Chairman.

10                              COUNCILMAN KENNEY: Thank you,  
11       Councilwoman.

12                              Any other questions for this panel?  
13       Thank you very much for your testimony.

14                              Anybody else in the room today to  
15       testify on this bill?

16                              Councilman Mariano, would you like to  
17       make a statement?

18                              COUNCILMAN MARIANO: Yes, I would,  
19       Mr. Chairman. Just let me sum up the history real  
20       quick of this bill.

21                              Unlike Councilman Cohen and  
22       Councilwoman Clark, I was unfortunate or fortunate  
23       not to have gone to law school.

24                              I appreciate what they do, and I use  
25       their knowledge. Because I am glad they are here

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2       because there are first amendment rights and prior  
3       restraint that mean absolutely nothing to me.

4                               And, to me, that's good. Because it  
5       is easy for me to know what's good and what's bad.  
6       And if I am going down the wrong road, either one of  
7       those two or other members will pull me back in.

8                               This starts about a year ago, and we  
9       have Risque Video. Now, before I became a  
10      Councilman, I read the Daily News from the Sports  
11      page out. I read the Daily News now from the Metro  
12      page out, so that I don't read the Sports.

13                              I forgot about these Risque ads, but  
14      that's where they are. Risque tried to go up to the  
15      top of my district, the 53rd Ward. Risque goes a  
16      block away from another video store. People call me  
17      and we go and we protest, and we get the  
18      Commissioner from L & I out there.

19                              Now, for argument's sake let's say  
20      there are a thousand videos -- well, they are all  
21      adult videos in this store. L & I tells them that  
22      51 percent of these videos have to not be adult  
23      videos or they are an adult video store.

24                              So 501 videos are adult videos. They  
25      become an adult video store.

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2 So what do they do, they go out and  
3 buy 2,000 videos for a dollar at a wholesaler, and  
4 half of them are dated, and it is Old Yeller Go  
5 Home. I think I saw that with DiCicco a number of  
6 years ago.

7 But they weren't good videos. But,  
8 technically, the letter of the law, Councilman, the  
9 intent and the letter of the law that you are  
10 talking, they are not --

11 COUNCILWOMAN CLARK: They met the  
12 letter of the law, and not the spirit.

13 COUNCILMAN MARIANO: Thank you. You  
14 are the one that taught me that.

15 Well, they were in the law, so we  
16 lose on this one.

17 But Risque, they have one up in  
18 Germantown. And they have one down in Southwest  
19 Philly by the refineries. And luckily there is no  
20 houses right there. But the Tasker homes, they are  
21 across the street. And kids come over, wherever  
22 they are. So this happens.

23 And we are in the middle of this.  
24 And the L & I inspector said, "Councilman, you  
25 should see these adult CD-ROMs, videos. They are

1 RESOLUTION 960707

2 interactive."

3 You watch a movie, you may be really  
4 gone, and you could interact. But when you have an  
5 adult CD-ROM -- I have a 16-year-old son. He was 15  
6 then. He brought me some home one of these from a  
7 flea market that he had no trouble buying.

8 I am going to tell you, I was in the  
9 building trades for 20 years. Not much makes me  
10 nervous when it comes to adult entertainment. I  
11 thought I saw everything.

12 You could really be in a fantasy  
13 world, because you can interact with these CD-ROMs.  
14 I mean, I won't repeat what you said. But what you  
15 said, in fact, was not too far off about a certain  
16 sexual act with a woman's body. That stuff happens.

17 So you could really be in a fantasy  
18 world. This is going to get carried away, if we  
19 don't regulate these.

20 Now, my word here was regulation. I  
21 want to regulate. I don't know about the amendment  
22 we are going to put in --

23 COUNCILMAN KENNEY: It has been  
24 withdrawn.

25 COUNCILMAN MARIANO: That's good.

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2       But to the PNI, they never supported me. They  
3       probably never will. And that's fine with me  
4       because nobody that works there, I think, lives in  
5       my district.

6                               But that's right. It is in there.  
7       And it is in the Sports section, to get people who  
8       care about sports.

9                               Now, maybe the Inquirer is not doing  
10      it like they used to. But the Daily News is still  
11      doing it.

12                              And it is in the back. And I'm sure  
13      the sports writers don't like that.

14                              But I will bet you you can remember  
15      being 13 years old and somebody saying to you -- I'm  
16      going to go out on a limb, and Councilman Kenney is  
17      going to show me dirty looks -- I remember somebody  
18      saying, "Come here and look at and watch movies."  
19      And they were 8 millimeter movies, with guys with  
20      socks and black tape over their eyes.

21                              Don't laugh, because you might have  
22      been in the room.

23                              But I remember that, directly what  
24      effect that had on my life. Hopefully, thank God, I  
25      had a father who steered me the right way. And my

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2       sons may have a father who, hopefully, is steering  
3       them the right way.

4                               But these CD-ROMs are too much.  
5       There is too much access. That's why we need them  
6       regulated.

7                               And I can't get into the first  
8       amendment rights. I couldn't even begin to have a  
9       conversation with either of these two lawyers in the  
10      room about that, nor do I want to, because it is  
11      ignorance on my part. And it helps me do what I  
12      need to do. But we need to do this.

13                              And that's all. It is not a shot at  
14      anybody but this entertainment industry.

15                              The guy that owns this video store  
16      lives somewhere halfway down the shore, and he lets  
17      them do whatever they want to do. He went out and  
18      spent money on videos to skirt the letter of the  
19      law.

20                              Sure it is all related, just like  
21      this lady said. It is all related. We were up and  
22      down Kensington Avenue, Broad Street. It is the  
23      same thing, and this is why.

24                              I would like to thank everyone for  
25      coming here today. Thank you, Mr. Chairman.

1 RESOLUTION 970608

2 COUNCILMAN KENNEY: Anyone else to  
3 testify on this bill? Any other comments?

4 Thank you very much for your  
5 testimony.

6 We will now move to Bill No. 970608,  
7 an Ordinance to amend the Philadelphia Zoning Maps,  
8 by changing the zoning designation of certain areas  
9 of land located in the 27th Ward and within an area  
10 bounded by Spruce Street, 34th Street, Civic Center  
11 Boulevard, University Avenue and 38th Street from  
12 partly Class R-15 Residential, partly Class C-4  
13 Commercial, partly Class C-3 Commercial, and partly  
14 Class IDD, Institutional Development District, to a  
15 designation of partly Class R-15 Residential, partly  
16 Class C-4 Commercial, partly Class C-3 Commercial,  
17 and partly Class IDD Institutional Development  
18 District.

19 Please identify yourself for the  
20 record and proceed with your testimony.

21 Before you do that, I have a message  
22 from Councilwoman Blackwell, who wanted to be here  
23 today. She may be in before the end of the  
24 hearing. And she is in full support of Bill 970608,  
25 which she introduced on October 9, 1997.



1 RESOLUTION 970608

2 this property from Class R-15 Residential to Class  
3 C-3 Commercial, which is the zoning classification  
4 that we generally use throughout the city for  
5 hospital and related health care facilities.

6                   For the record, the Planning  
7 Commission, pursuant to its meeting of October 1997,  
8 recommends approval of Bill 970608.

9 I would like to mention, however,  
10 that subsequent to the drafting of this bill, prior  
11 to this hearing, we had a request from the property  
12 owners, PGH Development Corporation.

13                   It seemed in the legal description of  
14   the property to be rezoned, a portion that was  
15   leased, as opposed to -- this is all complicated.

16                   There is an underground parking  
17   garage, it is commonly known. This site, a portion  
18   of this site, is above the surface of the garage,  
19   but it is leased and not owned by Children's  
20   Hospital.

21                   The piece that was leased was left  
22   out of the legal description of the zoning bill. So  
23   we are going to suggest an amendment to the bill to  
24   pick up that piece of land.

25 I have, if the Council adopts those

1                               RESOLUTION 970608

2       amendments, we have copies to give to the Clerk's  
3       Office. It just adds an additional parcel of land.

4                               COUNCILMAN KENNEY: So the record is  
5       clear, for clarity, Map B, does that include the  
6       proposed amendment?

7                               MR. LOMBARDO: Yes, the change would  
8       be on Map B. And I have copies.

9                               COUNCILMAN KENNEY: Where is the  
10      verbiage change?

11                              MR. LOMBARDO: It wouldn't be  
12      necessary. All we want to do is replace the maps,  
13      and I have both of them here.

14                              COUNCILMAN KENNEY: Thank you.  
15      Excuse me.

16                              Does anyone from the panel want to  
17      see prior Map B, to compare it to the existing map?

18                              COUNCILWOMAN CLARK: That is this  
19      one?

20                              MR. LOMBARDI: Yes.

21                              COUNCILMAN KENNEY: Would you  
22      verbally, for the record, explain the change. That  
23      should be sufficient for the panel.

24                              MR. LOMBARDI: Certainly. If you  
25      look, the Map B that accompanies the Ordinance has,

1                               RESOLUTION 970608

2     along Civic Center Boulevard, right at the corner of  
3     Osler Circle, a parcel of ground that is L-shaped to  
4     be rezoned to Class C-3 Commercial, the lot  
5     indication of C-3.

6                               The proposed amendment would square  
7     that parcel off and make it a rectangle, 240 feet by  
8     255 feet.

9                               That little piece of the L that makes  
10    it a rectangle is a portion of land that's leased  
11    and not owned. It is part of the underlying parking  
12    garage.

13                              But the building and the grounds of  
14    the building are on that parcel of land to make it a  
15    consistent zoning classification for the entire  
16    parcel that we are suggesting be amended.

17                              COUNCILMAN KENNEY: Councilmember  
18    Cohen.

19                              COUNCILMAN COHEN: I just want to ask  
20    a couple of questions.

21                              Does this IDD, the Industrial  
22    Development District, change at all from what exists  
23    now as a result of this zoning, or does that remain  
24    identical?

25                              MR. LOMBARDI: No. That's

1                               RESOLUTION 970608

2     identical. There's no change. That's the  
3     University of Pennsylvania's Institutional  
4     Development District which you have now. That does  
5     not change.

6                               The only thing that is changing is  
7     the portion of ground that's controlled by  
8     Children's Hospital, and that's what's being rezoned  
9     here.

10                            COUNCILMAN COHEN: Second, is there  
11     any relationship at all between the proposed  
12     rezoning and the problems I have read involving  
13     vendors at the University of Pennsylvania?

14                            MR. PAUL J. DEEGAN: I am sorry,  
15     Councilman, involving?

16                            COUNCILMAN COHEN: Vendors. Does  
17     this have any bearing whatever? Does it remotely  
18     influence that situation?

19                            MR. DEEGAN: Let me introduce  
20     myself. My name is Paul Deegan, and I represent  
21     Philadelphia Industrial Development Corporation.

22                            And, no, Councilman, the rezoning is  
23     really done because the --

24                            COUNCILMAN COHEN: Could that  
25     question be answered yes or no?

1 RESOLUTION 970608

2 MR. DEEGAN: No.

3 COUNCILMAN COHEN: I don't need an  
4 explanation. I just wanted to know whether I am  
5 going to have concern or not.

6 The answer is no, I don't have any  
7 concern --

8 MR. DEEGAN: No.

9 COUNCILMAN COHEN: -- on both of  
10 those questions? Thank you.

11 COUNCILMAN KENNEY: Thank you,  
12 Councilman.

13 Mr. Lombardi, are you finished with  
14 your testimony?

15 MR. DEEGAN: I would just like to add  
16 that the properties being rezoned are part of the  
17 old PGH site, which has been developed into the  
18 Philadelphia Center for Health Care Sciences.

19 And approximately 350 developers of  
20 the former hospital site, by a consortium of  
21 institutions, which include Children's Hospital,  
22 first requested the bill, University of  
23 Pennsylvania, and the Children's Seashore House,  
24 which developed their site. And they did come to  
25 City Council, and they had to rezone to C-3.



1                               RESOLUTION 970608

2     have a public hearing on December 2 before the  
3     Committee on Public Property and Public Works.

4                               So, basically, it will extinguish, I  
5     think it is, a 70-, 75-year lease between the city  
6     and CHOP, and give CHOP fee simple ownership based  
7     on appraisals of fair market value.

8                               So this, as I said, as Mr. Lombardi  
9     said, is -- basically recognizes what's there, and  
10    it kind of cleans up the zoning of the site, which  
11    hadn't been touched since the General Hospital was  
12    closed, I think, in 1975, '76.

13                              Thank you.

14                              COUNCILMAN KENNEY: Thank you very  
15    much for your testimony.

16                              Are there any questions for  
17    Mr. Deegan? Hearing none.

18                              Is there anyone else in the room to  
19    testify on this bill? Seeing none.

20                              That will conclude the business of  
21    the Rules Committee Public Hearing.

22                              (Public Hearing adjourned.)

23                              - - -

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3 COUNCIL OF THE CITY OF PHILADELPHIA  
4 PUBLIC MEETING  
5 of the  
6 COMMITTEE ON RULES  
7 - - -  
8 Thursday, November 13, 1997  
9 - - -  
10 Public Meeting conducted by the Committee  
11 on Rules, held in Room 400, City Hall, Philadelphia,  
12 Pennsylvania, on the above date, to consider action  
13 on the following:  
14 BILLS 960707, 970608  
15 - - -  
16 PRESENT:  
17 COUNCILMAN JAMES F. KENNEY, Vice-Chair  
18 COUNCILMAN DAVID COHEN  
19 COUNCILWOMAN AUGUSTA A. CLARK  
20 COUNCILMAN W. THACHER LONGSTRETH  
21 COUNCILWOMAN ANNA C. VERNA  
22 COUNCILMAN RICHARD T. MARIANO  
23 - - -  
24  
25

1 PUBLIC MEETING

2 CHAIRMAN KENNEY: We will now convene  
3 a Public Meeting of the Rules Committee.

4 The Chair recognizes Councilman Cohen  
5 for a motion to approve Bill No. 960707 with a Rules  
6 suspension requested.

7 COUNCILMAN COHEN: So moved.

8 (Duly seconded.)

9 COUNCILMAN KENNEY: Properly moved  
10 and seconded.

11 All in favor let it be known by  
12 saying aye.

13 Bill No. 960707 will be reported out  
14 of this committee with a favorable recommendation  
15 and a request be made for a Rules suspension to  
16 allow first reading at our next Council session.

17 The Chair recognizes Councilwoman  
18 Clark for a motion to approve the amendment to Bill  
19 No. 970608.

20 COUNCILWOMAN CLARK: So moved.

21 (Duly seconded.)

22 COUNCILMAN KENNEY: Move and  
23 seconded.

24 All in favor let it be known by  
25 saying aye.

1 PUBLIC MEETING

2 None opposed. The amendment as put  
3 forward by the Planning Commission for Bill No.  
4 970608 is approved.

5 The Chair recognizes Councilman  
6 Longstreth for a motion to approve the amended Bill  
7 No. 970608 with a Rules suspension.

8 COUNCILMAN LONGSTRETH: So moved.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and  
11 seconded.

12 All in favor let it be known by  
13 saying aye. There are none opposed.

14 Bill No. 970608, as amended, will be  
15 reported out of this Committee with a favorable  
16 recommendation and a request be made for Rules  
17 suspension that will allow for first reading at our  
18 next Council session.

19 That concludes the business of the  
20 Rules Committee.

21 Thank you very much for your  
22 attendance.

23 (Public Meeting adjourned at 3:05  
24 p.m.)

25 - - -

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## C E R T I F I C A T I O N

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I HEREBY CERTIFY that the foregoing

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proceedings of the Council of the City of

8

Philadelphia of Thursday, November 13, 1997, were

9

reported fully and accurately by me, and that this

10

is a correct transcript of same.

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RE: COMMITTEE ON RULES

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DEBRA A. WHITEHEAD, RPR

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