

#2

# City of Cambridge

MASSACHUSETTS

In City Council

*September 16,*

1985

*MOTION OF COUNSELLOR DAVID SULLIVAN TO RECOGNIZE  
Failed on Roll Call 3-5-1.*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy		✓		
Ms. Sandra Graham	✓			
Mr. Alfred W. LaRosa		✓		
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf			✓	
Mayor Duehay		✓		

*3*

*5*

*1*

*- Motion Failed -*

***Women's Alliance Against Pornography***

Cambridge Women's Center  
46 Pleasant Street  
Cambridge, MA 02139  
(617) 354-8807

August 19, 1985

Dear Friends:

With the support of over 6,000 Cambridge residents, we have succeeded in placing an initiative petition on the ballot for this November. If passed, the bill would amend the Human Rights Ordinance, which currently exists in Cambridge, to include protecting the rights of victims of pornography. Anyone who has been forced or coerced into pornography, or assaulted because of it, would have legal recourse under the amended law. Victims of pornography could prosecute pornographers for the first time; they could receive monetary compensation and/or have an injunction placed on the specific material in question.

Please find enclosed additional information on the ordinance. We have also included a fact sheet briefly describing the extent of pornography and how it affects our lives.

Sincerely,

*Amy Tavrow*

Amy Tavrow

Cambridge Women's Alliance  
Against Pornography

P.S. For more information, please leave a message for Suzanne Melendy at the Cambridge Women's Center at 354-8807.

## VOTE ON PORNOGRAPHY IN NOVEMBER

Whose rights really count in Cambridge--the rights of the pornographers to hurt people or the rights of their victims to fight back? Pornography is an issue that affects all of our lives. For this reason all Cambridge voters should be given the opportunity to speak out about pornography in the November elections. BY SIGNING THIS PETITION YOU WILL ENABLE THE COMMUNITY TO MAKE OUR VOICES HEARD.

Adding your signature to this petition will help Cambridge citizens to raise a groundbreaking legal initiative on the November ballot. This bill is an amendment to our civil rights code that would empower people who have been injured by pornography to take action against their assailants. Under the law any person who has been coerced into performing for pornography, who has had pornography forced on them, who has been assaulted because of specific pornography, or who has been discriminated against through the trafficking of pornography can make a complaint to the Civil Rights Commission. Victims whose complaints are upheld may be awarded money damages or an injunction against the material in question.

This amendment addresses pornography for what it is--a violation of civil and human rights. It defines pornography as the graphic sexually explicit subordination of women that also includes women presented dehumanized as sexual objects, enjoying pain or humiliation, tortured or maimed, penetrated by objects or animals, and so forth. Men and children also have a cause of action if they are hurt in these ways.

For too long the pornographers have had all the rights. Your name on this petition will enable our community to decide if pornography's victims have rights too.



# City of Cambridge

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In the Year One Thousand, Nine Hundred 85

## AN ORDINANCE

In amendment to an ordinance formerly entitled "the General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

Inasmuch, as pornography, a systematic practice of exploitation and subordination based on sex which differentially harms women, exists in the City of Cambridge, posing a substantial threat to the health, safety, welfare and equality of citizens in the community, and existing state and federal laws are inadequate to solve these problems;

There shall be enacted amendments to the Human Rights Code, Revised Ordinance No. 1016 (Aug. 23, 1984), in recognition that pornography: promotes bigotry and contempt and fosters acts of aggression, which diminish opportunities for equality of rights in employment, education, property, public accommodations and public services; creates public and private harassment, persecution and denigration; promotes injury and degradation such as rape, battery, sexual abuse of children, and prostitution and inhibits just enforcement of laws against these acts; contributes significantly to restricting women in particular from full exercise of citizenship and participation in public life, including in neighborhoods; damages relations between the sexes; and undermines women's equal exercise of rights to speech and action guaranteed to all citizens under the Constitutions and laws of the United States, the State of Massachusetts, and the City of Cambridge.

The Code of the City of Cambridge is hereby amended by adding to Chapter 25, "Human Rights," the following amendments entitled 'Anti-Pornography Amendments.'

CHAPTER 25

HUMAN RIGHTS

ANTI-PORNOGRAPHY AMENDMENTS

A BILL TO AMEND CHAPTER 25, "HUMAN RIGHTS,"  
OF THE CITY OF CAMBRIDGE BY ADDING PORNOGRAPHY  
AS SEX DISCRIMINATION

Section 1: DEFINITION: § E of Chapter 25, "Human Rights," shall be amended to add:

(15)(a) Pornography is the graphic sexually explicit subordination of women through pictures and/or words that also includes one or more of the following: (i) women are presented dehumanized as sexual objects, things or commodities; or (ii) women are presented as sexual objects who enjoy pain or humiliation; or (iii) women are presented as sexual objects who experience sexual pleasure in being raped; or (iv) women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt; or (v) women are presented in postures of sexual submission, servility, or display; or (vi) women's body parts - including but not limited to vaginas, breasts, or buttocks - are exhibited such that women are reduced to those parts; or (vii) women are presented as whores by nature; or (viii) women are presented as being penetrated by objects or animals; or (ix) women are presented in scenarios of degradation, injury, torture, shown as filthy or inferior, bleeding, bruised or hurt in a context that makes these conditions sexual.

(b) The use of men, children, or transsexuals in the place of women in (a) above is also pornography for purposes of this ordinance.

Section 2: HARMFUL ACTS: § 8A of Chapter 25, "Human Rights," shall be amended to add:

(18.) It shall be sex discrimination through pornography to engage in any of the following activities:

a. Coercion into pornography: To coerce, intimidate, or fraudulently induce (hereafter, "coerce") any person, including transsexual, into performing for pornography, which injury may date from any appearance or sale of any product(s) of such performance(s). Complaint(s) may be made against the maker(s), seller(s), exhibitor(s) and/or distributor(s) of said pornography, including to eliminate the product(s) of the performance(s) from the public view.

Proof of one or more of the following facts or conditions shall not, without more, negate a finding of coercion:

- (i) that the person is a woman; or
- (ii) that the person is or has been a prostitute; or
- (iii) that the person has attained the age of majority; or
- (iv) that the person is connected by blood or marriage to anyone involved in or related to the making of the pornography; or
- (v) that the person has previously had, or been thought to have had, sexual relations with anyone, including anyone involved in or related to the making of the pornography; or

- (vi) that the person has previously posed for sexually explicit pictures with or for anyone, including anyone involved in or related to the making of the pornography at issue; or
- (vii) that anyone else, including a spouse or other relative, has given permission on the person's behalf; or
- (viii) that the person actually consented to a use of the performance that is changed into pornography; or
- (ix) that the person knew that the purpose of the acts or events in question was to make pornography; or
- (x) that the person showed no resistance or appeared to cooperate actively in the photographic sessions or in the events that produced the pornography; or
- (xi) that the person signed a contract, or made statements affirming a willingness to cooperate in the production of pornography; or
- (xii) that no physical force, threats, or weapons were used in the making of the pornography; or
- (xiii) that the person was paid or otherwise compensated.

b. Trafficking in pornography: To produce, sell, exhibit, or distribute pornography, including through private clubs.

- (i) City, state, and federally funded public libraries or private and public university and college libraries in which pornography is available for study, including on open shelves but excluding special display presentations, shall not be construed to be trafficking in pornography.

In actions under 18(b) or other than against the perpetrator of the assault or attack under 18(d), no damages or compensation or losses shall be recoverable against maker(s) for pornography made, against distributor(s) for pornography distributed, against seller(s) for pornography sold, or against exhibitor(s) for pornography exhibited, prior to the effective date of this law.

Section 3: RELIEF: § D.(4.) of Chapter 25, "Human Rights," shall be amended to add:

c. (i) In actions under Sec. 18(b), and other than against the perpetrator of the assault or attack under 18(d), no temporary or permanent injunction shall issue prior to a final judicial determination that the challenged activities constitute a violation of this ordinance.

(ii) No temporary or permanent injunction shall extend beyond such material(s) that, having been described with reasonable specificity by the injunction, have been determined to be validly proscribed under this law.

f. Civil damages, including punitive and compensatory, as well as reasonable attorneys fees, costs, and disbursements, shall be available as relief for violations of Sections 18 (a-d), notwithstanding any limitations as may be imposed or implied by Sections 4 (a) (b) or (e) herein.

33 - 34. 1

S-133

Communication received from Amy Tavrow,  
Cambridge Women's Alliance Against Pornography,  
relative to an initiative petition on the  
ballot for November on pornography together  
with an amendment to Chapter Twenty-Five  
entitled "Human Rights" containing anti-  
pornography amendments.

#16 AND #33

COMBINED  
WITH RULE ORDERS

PENDING QUESTION -

In city council,

September 9, 1985

9/9/85

NOT

Referred to the

City Solicitor

FOR STUDY AND

REPORT -

See Order Adopted

111 Colony #16-134

Which motion to place  
ON BALLOT FAILED 5-4-0

(ii) Isolated passages or isolated parts shall not be actionable under this section.

(iii) Any woman has a claim hereunder as a woman acting against the subordination of women. Any man, child, or transsexual who alleges injury by pornography in the way women are injured by it also has a claim.

c. Forcing pornography on a person: To force pornography on a person, including child or transsexual, in any place of employment, education, home, or public place. Complaint(s) may be made against the perpetrator of the force and/or institution responsible for the force only.

d. Assault or physical attack due to pornography: To assault, physically attack, or injure any person, including child or transsexual, in a way that is directly caused by specific pornography. Complaint(s) may be made against the perpetrator of the assault or attack and/or against the maker(s), distributor(s), seller(s), and/or exhibitor(s) of the specific pornography.

e. Defenses: It shall not be a defense to an action under (18)a-d that the defendant did not know or intend that the materials were pornography or sex discrimination.

No damages or compensation for losses shall be recoverable under 18(b), or other than against the perpetrator of the assault or attack under 18(d), unless the defendant knew or had reason to know that the materials were pornography.



**CITY OF CAMBRIDGE**  
**INTEROFFICE CORRESPONDENCE**

**To** Robert W. Healy **Date** 9/18/85  
**From** Birge Albright **Reference**  
**Subject** Ballot language/pornography

Attached please find, per your request, language for the ballot question on pornography.

## BALLOT QUESTION - PORNOGRAPHY

Shall the City of Cambridge enact an Ordinance to amend Chapter 25 of the Cambridge Code (Human Rights) to provide that it shall be "sex discrimination through pornography" to engage in any of the following activities:

1. Coercing a person into pornography
2. Producing, selling, exhibiting or distributing pornography
3. Forcing pornography on a person
4. Assaulting a person in a way that is directly caused by pornography

Pornography is defined as the graphic sexually explicit subordination of women through pictures and/or words that also includes one or more of the following, among others: women are presented dehumanized as sexual objects, enjoying pain or humiliation or rape, tortured or maimed, penetrated by objects or animals, or in postures of sexual submission, servility or display.

The use of men, children or transsexuals in the place of women also constitutes pornography.

The Cambridge Human Rights Commission would investigate complaints under this Ordinance, and could file a criminal complaint against a violator. Those injured by "sex discrimination through pornography" could also recover civil damages, including punitive damages and attorneys' fees.

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR D. SULLIVAN

9/10/85

Date

Vote by which the City Council on Sept. 9, 1985 failed to adopt motion by Councillor Vellucci to place on city election ballot the initiative measure concerning pornography.

RECEIVED BY  
OFFICE OF CITY CLERK  
SEP 10 8 22 AM '85  
DANVER, MASS.

David E. Sullivan

Signature

# City of Cambridge

MASSACHUSETTS

In City Council

September 9 1985

*Commissioner Vellucci - Motion To Place On The Budget*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy		✓		
Ms. Sandra Graham	✓			
Mr. Alfred W. LaRosa		✓		
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Duehay		✓		

*4 5 0 0*

*- Motion Failed -*

*IV.*

*#2*

# City of Cambridge

MASSACHUSETTS

In City Council

*Sept 9.*

1985

*COUNCILMAN VELLUCCI - MOTION TO PLACE ON BALLOT*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy		✓		
Ms. Sandra Graham	✓			
Mr. Alfred W. LaRosa		✓		
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Duehay		✓		

*4 5 0 0*

*Motion to place on ballot - FAILED*

#1 *Colander #16*

*755*  
*pad*

# City of Cambridge

MASSACHUSETTS

In City Council

9/9/ 1985

*C. WOLF MOTION To Fork - Failed*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy		✓		
Ms. Sandra Graham		✓		
Mr. Alfred W. LaRosa		✓		
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci		✓		
Ms. Alice K. Wolf	✓			
Mayor Duehay	✓			

*2 7 0*

*Motion To Fork fails*

#1

# City of Cambridge

MASSACHUSETTS

In City Council

September 16,

1985

*Resolved David Sullivan Motion To Suspend Rules*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy		✓		
Ms. Sandra Graham	✓			
Mr. Alfred W. LaRosa		✓		
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf			✓	
Mayor Duehay	✓			

*4 4 1*

*- Motion to suspend rules passed - in order  
to place the motion on the table*

# City of Cambridge

MASSACHUSETTS

In City Council

*9/16*

1985

*- Ed Sullivan - Motion to Re - Paper Not*

*Suspended*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy		✓		
Ms. Sandra Graham	✓			
Mr. Alfred W. LaRosa		✓		
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf			✓	
Mayor Duehay	✓			

*- Chron rules 4 or 5 on order -  
to place reconsideration on the  
next meeting postponed -*

CPJ MOVES - RECONSIDERATION -

*J*  
**City of Cambridge**

MASSACHUSETTS

In City Council

*Sept 16* 198*5*

*ED Sullivan motion to reconsider -*

*Roll Call on Motion to Reconsider -*

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton		✓		
Mr. Thomas W. Danehy		✓		
Ms. Sandra Graham	✓			
Mr. Alfred W. LaRosa		✓		
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf			✓	
Mayor Duehay		✓		

*3 5 1*

*Motion to Reconsider Passed -*



**CITY OF CAMBRIDGE**  
**INTEROFFICE CORRESPONDENCE**

**To** Robert W. Healy

**Date** 9/18/85

**From** Birge Albright

**Reference**

**Subject** Ballot language/pornography

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## BALLOT QUESTION - PORNOGRAPHY

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The use of men, children or transsexuals in the place of women also constitutes pornography.

The Cambridge Human Rights Commission would investigate complaints under this Ordinance, and could file a criminal complaint against a violator. Those injured by "sex discrimination through pornography" could also recover civil damages, including punitive damages and attorneys' fees.

City of  
**CAMBRIDGE**



PETITION NUMBER 200

9

# INITIATIVE PETITION

for an ordinance

Under the Provisions of Chapter 43 of the General Laws of Massachusetts.

## SUMMARY.

A law be enacted to give victims of civil rights violations through pornography a claim for sex discrimination.

Civil rights are violated if a person is coerced into pornography, if it is forced on them, if they are assaulted because of it, or if it is being produced, sold, exhibited, or distributed in Cambridge.

Pornography is defined as the graphic sexually explicit subordination of women that also includes women presented dehumanized as sexual objects, enjoying pain or humiliation or rape, tortured or maimed, penetrated by objects or animals, and several other presentations. Men, children, or transsexuals may also sue if they are hurt this way.

## INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in Cambridge and your signature should be written substantially as registered.

If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

If you have NOT moved since January 1st of the current year, you need complete only columns I and II.

If you HAVE moved since January 1st of the current year you must complete columns I, II and III.

## SIGNER'S STATEMENT

ALL THE UNDERSIGNED ARE QUALIFIED VOTERS OF CAMBRIDGE

Information



**CITY OF CAMBRIDGE**  
**INTEROFFICE CORRESPONDENCE**

**To** Paul Healy, City Clerk

**Date** August 19, 1985

**From** Susan A. Arthur, Executive Secretary  
Election Commission

**Reference**

**Subject** PORNOGRAPHY PETITION

On August 12, 1985, a group (3 women) identifying themselves as: Mary Gabrielle Bernard of 46 Shepard Street Cambridge, MA, Agnes Kobbe 812 Memorial Drive Cambridge, MA, and Elizabeth M. Mahoney 812 Memorial Drive Cambridge, MA, filed 642 Initiative petitions (containing 5252 Certified signatures) with the Election Commission. (A summary of the text is attached).

At that time, there were 45,876 registered voters in the City. Under the provisions of Chapter 43 of the Massachusetts General Laws, the Commission was required to validate 8% (3670.08) in order that the question may appear on the ballot, plus an additional 2/5 (or 1,468) for objection purposes.

The Election Commission completed the certification process on August 19, 1985 and respectfully submits to you the 642 petitions containing 5252 valid signatures. At your request, the Commission will store the original petitions in its vault until such time that they may be needed.

If I may be of any assistance to you in this matter, please do not hesitate to call me at Ext. 9769.

cc: Mr. Robert Healy, City Manager  
Mr. Russell Higley, City Solicitor

Communication received from Susan A. Arthur,  
Executive Secretary of the Election Commission,  
transmitting a communication from Mary  
Gabrielle Bernard, et al filing an initiative  
petition on Pornography.

10/7/85

Order Adopted  
placing question on  
Ballot - see STC order  
Porno Question

In City Council

September 5

9/9/85

Motion A. Halsey

Wolf - Failed 2-7-0

Motion to place

on the Ballot

Failed 4-5-0

Reconsideration

By C. D. Sullivan

9/16/85

Reconsider Failed 3-5-1-0