



**Testimony of Lindsay Greene, Senior Advisor to the Deputy Mayor  
for Housing & Economic Development before the  
New York City Council Committee on Consumer Affairs**

**Hearing on Intro. No. 1652  
Repealing the Cabaret Law and Enacting Nightlife Security  
Requirements**

September 14, 2017

**Introduction**

Good morning, [Speaker], Chairman Espinal, and members of the Committee on Consumer Affairs. I am Lindsay Greene, Senior Advisor to the Deputy Mayor for Housing & Economic Development. I work closely with several agencies that are involved with economic development, public space and business opportunity, including the Department of Consumer Affairs (“DCA”), the Department of Small Business Services (“SBS”) and the New York City Economic Development Corporation (“EDC”) among others. I am joined today by two colleagues from city agencies that touch the nightlife and entertainment industries, Shira Gans (Senior Director of Policy + Programs at the Mayor’s Office of Media & Entertainment) and Tamala Boyd (General Counsel at the Department of Consumer Affairs). I will be giving testimony on the Cabaret Repeal and Nightlife Security bill, and Shira and Tamala are joining us for Q&A. We are pleased to be representing Mayor Bill de Blasio’s administration here today.

First, Chairman Espinal, I want to thank you again for your leadership in surfacing and trying to resolve issues relating to the nightlife community broadly.

Second, I want to reiterate how excited we are to work with you and your colleagues in the City Council as we establish our Office of Nightlife at MOME and build out and begin working with the Nightlife Advisory Board. As we stated at the hearing for the Nightlife Bill (Intro 1648, later replaced by Intro. 1688, which successfully passed a few weeks ago), this Administration feels strongly that nightlife is essential to the New York City economy and culture and we want to help the industry flourish and ensure all New Yorkers are safe and secure while they are enjoying the diversity of the City’s entertainment and nightlife offerings.

With regards to our specific topic today, the Cabaret Law, I want to state clearly that the Administration and Mayor de Blasio strongly support repealing the current Cabaret Law while

simultaneously retaining requirements for nightlife establishments to maintain certain security measures. We feel there are better ways than the current Cabaret Law to create a strong and healthy nightlife economy while also ensuring the safety and security of everyone participating in that economy.

As it relates to the specifics of the legislation under consideration today, I want to make a few comments:

As you know, the Department of Consumer Affairs currently issues licenses under the Cabaret Law, which was first enacted in 1926. The law requires businesses to obtain a license before operating a cabaret or catering establishment.

With the repeal of the Cabaret Law, Catering Establishments will continue to be regulated as Food Service Establishments by the Department of Health & Mental Hygiene.

Under the proposed legislation, the Cabaret license would be eliminated, reducing the administrative burden on business owners. Instead, certain businesses classified as nightlife establishments would be required to maintain security cameras, and ensure that any security guards they employ are properly registered. These security measures represent the unique safety and security elements of the Cabaret Law that we feel are important to retain and we must ensure that these necessary public safety provisions are retained in a manner that is enforceable

However, the proposed legislation places the security camera requirements in the DCA title of the Administrative Code, while all enforcement responsibility would be undertaken by the Police Department, which would issue any violations of the proposed law. As such, we feel strongly that the security requirements in the proposed legislation should be placed within the Public Safety section of the Administrative Code.

We think an important aspect of repealing the Cabaret Law is to reduce the administrative burden on businesses, which is important work we have been doing in the context of our fine reduction and Small Business First efforts. Placing security requirements for nightlife establishments in DCA's code would simply create confusion by giving the impression that the agency is still involved in nightlife regulation, directly undermining a key benefit of this legislative proposal and our collective goal of streamlining the regulatory landscape for New York City businesses. In fact, DCA will have no involvement in either the Office of Nightlife or the enforcement of these public safety laws.

Aside from this point, we look forward to working with you on ensuring this legislation maintains both public safety and a vibrant nightlife industry in this city.

Lastly, I want to remind the members of the Committee that the City of New York is in active proceedings regarding a challenge to the City's Cabaret Law. As such, unfortunately we are unable to comment today on aspects of the Cabaret Law relevant to that litigation.

Again, I want to echo that the de Blasio Administration firmly believes in the importance of nightlife and entertainment to the City's economy, culture and identity, and we look forward to working with you on our plans for helping the industry flourish and expand in a safe and responsible way. Repealing the Cabaret Law while maintaining important safety provisions will go a long way to ensuring New Yorkers can fully enjoy the City's vast array of nightlife venues.

Thank you for inviting us to testify on this bill. We'll now welcome your questions.

Thank you.

Testimony on:  
**Repeal of New York City's Cabaret Law, Intro #1652**  
before the  
**The New York City Council Committee on Consumer Affairs**  
**by Jamie Burkart**  
**Thursday September 14th, 2017**

Honorable Council Members,

My name is Jamie Burkart. I'm a member of the New York City Artist Coalition. I am asking the New York City Council to Repeal the Cabaret Law.

The Cabaret Law makes social dancing illegal in all but fewer than 100 places in NYC. I'm talking about birthday dancing. I'm talking about the first dance at a wedding. At a wedding, we should all dance. Dance is how we express the unity our families becoming one. Dance is how we move our cultural traditions forward across generations.

Dance should not be illegal, nor should it jeopardize our city's vital community places which we are already losing to the city's affordability crisis.

The Cabaret Law was created in 1926 to stop interracial dancing in Harlem jazz clubs. It was used by Mayor Giuliani in the '90s to target and shutter gay bars, decimating culture. Stonewall was the only gay bar at the time to allow dancing, in spite of not having a Cabaret License. This civil rights issue law was used time and time again. It's still on the books and its prejudicial history is still felt today.

Because of the Cabaret Law, there are zero legal spaces to dance in Bed-Stuy nor El Barrio for instance. There are zero Cabaret Licenses in Council Member Cumbo's district where I live, nor in the Speaker Melissa Mark-Viverito's district. With fewer than 100 active Cabaret Licenses in all five boroughs, there is nowhere legal to dance in the vast majority of New York City's neighborhoods.

In 2017 we as city must take a clear stand against racism and homophobia. This tool of discrimination from another time has no place in our civil society.

My life as an advocate began with the loss of another, my good friend Nick Gomez Hall. He was one of the 36 people killed in the Ghost Ship tragedy earlier this year.

From the minute I heard he was missing, I knew he was gone, they all were. I was filled shock, then grief.

My first response was to organize for the safety of community spaces and I soon found myself in league with longtime safety advocates in the arts. We facilitated fire safety walk-throughs and workshops. Our study groups for the Fire Department's Fire Guard Certification exam have a 100% pass rate.

Working directly with spaces we found that though they were up to code and ready for inspection, some were afraid to engage with the Fire Department because they knew they did not have the Cabaret License.

The Fire Department does not care if you have a Cabaret License, because the Cabaret Law has nothing to do with life safety.

For those who claim the Cabaret Law is about safety. We know what makes community spaces safe. And it is not a ban on dancing. Improve the relationship of trust to save lives. Repeal the Cabaret Law.

For those who say the Cabaret Law is not being enforced, it is. Many spaces cited in the last year have closed.

The Cabaret Law is an easy way for extreme conservative groups to arbitrarily shut down spaces. Since the presidential election there have been targeted alt-right attacks against community spaces in New York City. Through the Internet they incite others with their political views to anonymously call authorities on art spaces which they see as liberal organizing centers. They posted my home address on their website. At least one space I know of was visited by authorities. A teenage prankster in Wyoming can shut down spaces in New York with this outdated law.

Repeal the Cabaret Law, Legalize Dance. Don't ask don't tell isn't good enough.

Jamie Burkart  
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# MANHATTAN COMMUNITY BOARD FIVE

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Vikki Barbero, Chair

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## MANHATTAN COMMUNITY BOARD FIVE TESTIMONY ON THE CABARET LAW BEFORE THE CITY COUNCIL COMMITTEE ON CONSUMER AFFAIRS, 9/14/2017

Good Afternoon, and thank you for allowing Manhattan Community Board Five to address you today on the issue of revoking the New York City Cabaret Law.

We strongly urge the Council to be mindful of the important tools that the Cabaret Law gives to communities around the city. Manhattan Community Board Five is located in the central business district of Manhattan, yet increasingly we are a residential community as well. CB5 has had tremendous success in recent years working with our partners at the SLA, DCA, the NYPD, and members of the public to maintain a necessary public review process for cabaret license applicants in our district.

The New York City Cabaret Law has been a critical component of this process. It has ensured that standards of public safety and quality of life are met by making certain that venues are appropriately constructed with adequate life-safety protections, that operators are qualified and that proposed methods of operation are appropriately balanced with the needs of the local community.

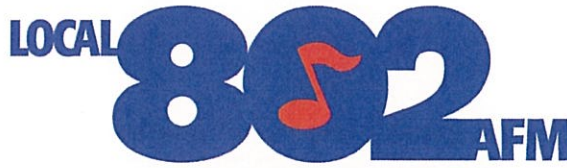
Most importantly, it has afforded us the opportunity to bring nightlife applicants into a public hearing process with a clear set of expectations, where residents and neighbors can weigh in to express their concerns or show their support and, through our auspices, come to collaborative agreements that work for all parties.

We have concerns about whether the recently created Office of Nightlife, under the jurisdiction of the Mayor's Office of Media and Entertainment, has the proper experience to play this role. MOME has traditionally and predominantly been the proponent and advocate for media industries within city government, which is its proper role. It cannot substitute, however, for a community board process within which nightlife applicants must directly address their prospective neighbors. Film and television production comes and goes; nightlife venues are part of their community night after night.

Manhattan Community Board Five hopes this committee will proceed cautiously regarding any changes to the New York City Cabaret Law, always keeping in mind the valued and necessary

role community boards currently play to balance the concerns of this important industry with those of local residents and neighbors.

Thank you.



**Associated Musicians of Greater New York**

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## **Hearing: New York City Council Committee on Consumer Affairs**

Testimony regarding Intro. 1652-2017, in relation to security cameras and security guards at certain nightlife establishments and repealing subchapter 20 of title 20 of such code

September 14, 2017

Good afternoon Chair Espinal and members of the Committee on Consumer Affairs. My name is Christopher Carroll and I am the Political Director of the Associated Musicians of Greater New York, American Federation of Musicians Local 802. I would like to thank you for the opportunity to present testimony in support of the full repeal Subchapter 20, chapter 2 of title 20 of the administrative code - also known as the Cabaret Law. This law has no place in our society if New York City is to remain a place that supports the arts and creativity, as well as the businesses and performers who make New York City a cultural capital of the world.

Local 802 is the largest local union of professional musicians in the world, comprising musicians of all styles and backgrounds, from the Metropolitan Opera Orchestra and the New York Philharmonic, to the musicians on Broadway and thousands of musicians playing in recording studios, jazz clubs, hotels, bars, restaurants, lounges, dance halls and venues across the city every day and night.

Musicians come to New York from across the country and the globe for the opportunity to perform with the most talented artists and be part of the most creative community in the world. Many of these musicians perform in our City's nightlife venues, and it is in the city's restaurants, bars, hotels, clubs, and cabarets that much of our vibrant artistic and cultural life is born, developed and encouraged. As a result, New York City is





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home not only to the most talented musicians in the world, but also to the most innovative, diverse, flexible and creative performers.

However, the Cabaret Law, a law steeped in both racism and bigotry, is arbitrarily enforced, limits performers' freedom of expression, hinders the health of small businesses and venues, and diminishes our City's identity as a cultural and entertainment capital. It runs contrary to values New Yorkers hold dear - inclusion, compassion, acceptance and artistic freedom.

This undue and unreasonable burden is not just felt by the business owners forced to comply or risk liability; it is felt by the musicians whose livelihoods depend on performing live music at a restaurant, bar or nightclub unwilling to face the risk of non-compliance.

Local 802 advocates every day for the creation of performance opportunities that encourage live music and allow musicians to be treated fairly and support themselves and their families. These types of opportunities are vitally important, both for the vibrancy of our City's cultural identity as well as for the health of our entertainment economy. Musicians are subject to frequent exploitation, misclassification and infrequent or economically unsustainable opportunities. As a result, the median income for a musician in the five boroughs is just \$30,000 a year. Repressive laws that deny musicians crucial opportunities they need to continue to live and work in our city must be abolished.

Ultimately, the City and Council must leverage every opportunity to create laws and regulations that support the musicians and performers who make New York City a cultural capital of the world, and remove the barriers that compromise the industry's health or hamper the creation of performance opportunities. Local 802 was proud to



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support the creation of an Office of Nightlife and a Nightlife Advisory Board under the stewardship and leadership of Chair Espinal in August and we hope the new office will provide the administrative and regulatory support musicians need to thrive. **The abolishment of the Cabaret Law is an important component of these efforts, and the musicians of our city fully support its unequivocal and immediate repeal.** Thank you again for allowing me to speak. I'd be happy to answer any questions you may have now, or at your convenience at any time in the future.



## **Testimony to City Council on the Cabaret Law**

*Submitted to the New York City Council on September 14, 2017*

*Prepared by Hannah Joo, Equity and Inclusion Coordinator, Dance/NYC*

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On behalf of the service organization Dance/NYC, I strongly endorse the proposed Let NYC Dance Bill #1652 and call for the repeal of the 1926 'No Dancing' Cabaret Law.

In doing so, I join the Let NYC Dance Coalition (Dance Liberation Network, NYC Artist Coalition, Dance Parade, People's Cultural Plan, House Coalition, The Floasis, Color of Change, and Legalize Dance) and colleague advocates in recognizing the many challenges posed by the Cabaret Law, for example:

- The law prohibits dancing in all establishments without cabaret license, which is virtually unobtainable
- The law drives NYC's thriving dance culture into rogue, unregulated, potentially dangerous environments
- The law was originally enacted in 1926 to break up black jazz clubs
- Currently less than 0.01% of NYC bars and restaurants can legally allow dancing
- The law restricts economy and freedom of expressions

(Source: Dance Liberation Network)

Dance/NYC opposes the significant barriers to creativity and free expression created by the Cabaret Law and champions the values of equity and inclusion it undermines. Dance/NYC also advocates the growth and vibrancy of social dance and dance outside of theaters and understands



these forms as essential to the wider dance ecology—to moving the art form and all of the people of our city forward.

Dance/NYC thanks prime sponsor, council member Rafael L. Espinal, Jr., and council member sponsors, Antonio Reynoso, Stephen T. Levin, Helen K. Rosenthal, Karen Koslowitz, Corey D. Johnson, Ritchie J. Torres, Jumaane D. Williams, Bill Perkins, Daniel Dromm , Alan N. Maisel, Rosie Mendez, Barry S. Grodenchik, Carlos Menchaca, Mark Treyger, Robert E. Cornegy, Jr.

Dance/NYC's mission is to promote the knowledge, appreciation, practice, and performance of dance in the metropolitan New York City area. It embeds values of equity and inclusion into all aspects of the organization. It works in alliance with Dance/USA, the national service organization for professional dance.

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Nikki Brown, Boiler Room  
112 Palmetto St  
Brooklyn, NY  
11221

My name is Nikki Brown, and I am the Managing Director of Boiler Room, an international music platform with an office in Williamsburg. We produce music events across a wide spectrum of genres from contemporary jazz and salsa to techno and hip hop- most of which are livestreamed to around the world in an effort to give global visibility to burgeoning local music scenes.

On average, my team and I interface with hundreds to thousands of NYC venues, musicians and creatives each year.

I cannot stress enough the impact that music and dance venues and events have on this city's creative community. People in pursuit of dance in very literal terms create opportunities, jobs and income for New York's creative community.

For many creatives- musicians and otherwise- spaces that regularly host music and dance events act as both places of employment and career launchpads. Nightlife and dance events are often entry points to creative careers for many New Yorkers- from graphic designers who got their start making dance event flyers to set designers who began doing party decor. We should be nurturing these spaces of learning, not making them more vulnerable and thus removing these vital opportunities.

Landing a job in a creative field in NY isn't getting any easier, so to threaten a very vital avenue- nightlife- is a shame in a city that posits itself as one of the creative capitols of the world and a bit of a slap in the face to the creatives that drive the city's cultural cache. The cabaret law is a very real threat to small business owners, workers and creatives and has no practical merit or ethical place in a city as progressive and creative as ours

If the very real cultural impact of NY's creative community and maintaining the spaces that often give them their starts isn't enough to sway you, think about the economic impact that these music and dance venues and events has on our city.

The result of the mayor's office's first ever music industry economic impact study showed just how big a of a revenue driver music is for the city. The music industry accounts for 60,000 Jobs, \$5 Billion in Wages and \$21 Billion in Economic Output.

All of that music has to be hosted somewhere, and with less than 1% of food and beverage establishments in possession of a cabaret license that means that the vast vast majority of this money-making activity is being done illegally. This leaves those businesses- and especially the small businesses among them- extremely vulnerable. The owner of a small bar in Bedstuy is at risk of losing her businesses liquor license, her bartenders are at risk of lost wages, and we as a city are at risk of jeopardizing a \$21 billion dollar industry.

After conducting a study to demonstrate just how vital music (and subsequently dance) is to our city's economy, that the Mayor's office has remained completely silent on the issue of the Cabaret Law is

astounding. Why not choose to protect and industry that fuels your city's economy? Why not say to every musician, dancer, venue owner and employee that you value their cultural and economic contribution enough to protect them against an antiquated law?

The time is now for change, and since the mayor's office has refused to step up, we look to you, City Council. Please do the right thing. Get rid of this repressive law, protect this city's creative community and repeal the Cabaret Law now.

Testimony from Greg Miller, [Greg@DanceParade.Org](mailto:Greg@DanceParade.Org) 917-627-7155

Hello, my name is Greg Miller and I'm the Executive Director of the non-profit that produces Dance Parade New York and a member of LegalizeDance.Org .

As a dance enthusiast, in 2005 I started to ask myself what are all the “no-dancing” signs doing in a lot of the bars and restaurants throughout the lower east side. I joined an advocacy group and supported the dancers that brought a case to the State Supreme Court against the city's cabaret law. We were all shocked to hear the judge say that social dancing – latin, ballroom, country & western and many more—might not be considered expressive activity protected by the 1<sup>st</sup> amendment.

To respond, we founded the Dance Parade on Broadway in 2007 as a non-profit organization to promote dance specifically as an “expressive” form of art. Because there were very few places to practice dance—then about 250 venues with cabaret licenses--we sponsored dance residencies in schools, community centers and senior centers in all five boroughs. Students then join their teachers' professional dance groups in the parade as their final project. It is a beautiful celebration of cultural diversity.

And after 11 years, 10,000 dancers come out each May to express 80 unique forms of social dance.

On behalf of the many thousands of constituents from Dance Parade, we maintain that the benign act of dancing is the wrong reason to regulate nightlife. We would like to see more access to venues---so our city can foster more cultural treasures like what New Yorkers have already created: Lindy Hop, Salsa, Hustle and Hip-Hop –cultures and styles all birthed right here when there were more places to



dance. The emerging communities need your help. Nightlife businesses, even though we have a Taskforce now to assist them, still will be impacted by the cabaret law.

Gentrification and the difficulty for venues to get licenses have caused a steady decline in the number of legal dance venues--now 104, half of what it was a dozen years ago. The difficulty to get a license has created a monopoly and also created the possibility of corruption. If the cabaret law cannot be repealed, I would like the Nightlife taskforce to investigate why the law was enforced so unevenly and arbitrarily.

Many promoters and venue operators have been afraid to testify today but I can site dozens of cultural groups that are underground "dancing in the shadows" of enforcement because they cannot dance socially. As a result, they attempt to hold private parties in unregulated and at times, unsafe spaces and skirt taxes to our city.

The concerns of noise, safety and zoning are already addressed through adequate city codes. The City Council even passed Local Law 113 of 2005 which went into effect in July of 2007 to tighten sound requirements from bars and nightclubs. Venues should be regulated based on capacity, not because of dancing.

I'd like to thank LegalizeDance.Org for collecting over 2500 signatures to call out the cabaret law as too outdated and whose legal council has determined that the way to protect dance and our culture is to remove 7 words from the Zoning Text of the city code. Doing this would keep all the safety concerns but make dance available to all.

Thank you Council Member Espinal and committee members for the opportunity to testify.

# NYC ARTIST COALITION

Testimony on: (Int. No. 1652-2017) Repealing the Cabaret Law  
The New York City Council Committee on Consumer Affairs  
by New York City Artist Coalition  
Thursday September 14th, 2017

My Name is Olympia Kazi and I'll read the NYC Artist Coalition testimony. It is an honor and a privilege to be back in these chambers in front of this very committee, only three months after we delivered testimony on Cabaret Law Oversight, to discuss a repeal of this law that so unfairly has been criminalizing social dancing a fundamental cultural expression. (I am attaching our previous testimony for the record.)

The reasons for repeal are many:

- With about a hundred active cabaret licenses and over 25,000 venues where New Yorkers may dance, we are experiencing a de facto ban on social dancing in NYC.
- A prohibition era law with a racist and homophobic legacy has no place in a contemporary society.
- Today the Cabaret Law is not enforced across the board, but arbitrarily, thus it allows for discriminatory practices by law enforcement agencies. A law that is not supposed to be enforced should not be on the books.
- This law, with its out-of-scale permitting requirements and zoning restrictions, is a great burden on small businesses and grassroots cultural spaces. It also affects the livelihood of many when it becomes the means for closing a venue.
- Last but not least, this law makes all New Yorkers unsafe. By forcing us to dance in unlicensed spaces that for obvious reasons avoid City safety and security controls and assistance.

The NYC Artist Coalition advocates for the safety and preservation of informal cultural spaces. In the past few months we've worked with the Dance Liberation Network, Dance Parade and many other organizations in a relentless campaign to legalize social dancing and to ensure cultural vibrancy and safety for all New Yorkers.

Our campaign has encountered very positive media response with major outlets dedicating articles, essays and broadcasts. The de Blasio administration, through the work of the progressive team leading the Department of Cultural Affairs, has included the Cabaret Law issue in the newly created NYC Cultural Plan. Also, we are participating in the formation process for the newly established Office of Nightlife, through City Council's Intro no. 1688 and the Mayor's Office of Media and Entertainment. Thanks to our charismatic, tireless and ultra-committed ally in the New York City Council, Council Member Rafael Espinal this summer we've got a repeal bill with already sixteen co-sponsors--despite the vacations and the primaries. This is an issue that touches so many.

# NYC ARTIST COALITION

In all these months, not once has someone told us the Cabaret Law is good. The only arguments we heard for keeping it were either misinformation about safety and nuisance requirements-these issues are addressed by building, fire and noise codes. Or worse, that this very bad law that has been used to harm so many, can be a useful tool against a few bad elements. We need to have better fairer laws, policies and programs to address nightlife related issues. Criminalizing social dancing for all New Yorkers cannot be the means to address a few bad nightlife actors.

Many people have fought these laws for decades. **Please Do the Right Thing: Repeal the Cabaret Law.**

NYC Artist Coalition  
Contact@NYCArtC.com  
NYCArtC.com  
letnycdance.com

Licensed Cabarets as of September 14, 2017 (source: NYC Dept of Consumer Affairs Open Data))

License Expiration	Business Name	Business Name 2	Address	City	Zip	Tel	Borough	Detail
9/30/18	HARD ROCK STADIUM TENANT, INC.	HARD ROCK CAFE	1 E 161ST ST	BRONX	10451	(407) 445-7636	Bronx	Largest Room Capacity: 263, Extra Rooms/Floors: 0
9/30/18	NY Y STEAK LLC	NY Y STEAK	1 E 161ST ST	BRONX	10451	(407) 445-7636	Bronx	Largest Room Capacity: 215, Extra Rooms/Floors: 0
9/30/18	CAPITOL INTERNATIONAL CORP.		590 GRAND CONCOURSE	BRONX	10451	(718) 877-0494	Bronx	Largest Room Capacity: 253, Extra Rooms/Floors: 0
9/30/18	THE BLEND CAFE LLC		582 E FORDHAM RD	BRONX	10458	(347) 597-9424	Bronx	Largest Room Capacity: 376, Extra Rooms/Floors: 0
9/30/18	MEM REST CORP.		4029 E TREMONT AVE	BRONX	10465	718-829-4400	Bronx	Largest Room Capacity: 200, Extra Rooms/Floors: 0
9/30/18	GUSTO REST. INC.		1625 E 233RD ST	BRONX	10466	(718) 325-9711	Bronx	Largest Room Capacity: 299, Extra Rooms/Floors: 0
9/30/18	SCF CEDAR LLC	SALSA CON FUEGO	2297 CEDAR AVE	BRONX	10468	(718) 561-6161	Bronx	Largest Room Capacity: 722, Extra Rooms/Floors: 0
9/30/18	WEMBLEY ATHLETIC CLUB, INC.		550 E 239TH ST	BRONX	10470	(718) 652-8108	Bronx	Largest Room Capacity: 227, Extra Rooms/Floors: 1
9/30/18	673 JRV CORP	MR. WEDGE	673 HUNTS POINT AVE	BRONX	10474	(917) 405-9907	Bronx	Largest Room Capacity: 168, Extra Rooms/Floors: 0
9/30/18	GALLIS INC		834 CLARKSON AVE	BROOKLYN	11203	(718) 554-4017	Brooklyn	Largest Room Capacity: 150, Extra Rooms/Floors: 0
9/30/18	MAMA BELLA RESTAURANT LLC		457 BUSHWICK AVE	BROOKLYN	11206	(917) 817-8453	Brooklyn	Largest Room Capacity: 144, Extra Rooms/Floors: 0
9/30/18	SALTY DOG REST. LTD.		7509 3RD AVE	BROOKLYN	11209	(718) 238-0030	Brooklyn	Largest Room Capacity: 200, Extra Rooms/Floors: 0
9/30/18	STUDIO 299 LLC		299 VANDERVOORT AVE	BROOKLYN	11211	(917) 415-0634	Brooklyn	Largest Room Capacity: 320, Extra Rooms/Floors: 0
9/30/18	MUSIC HALL OF WILLIAMSBURG LLC		66 N 6TH ST	BROOKLYN	11211	718-486-5400	Brooklyn	Largest Room Capacity: 498, Extra Rooms/Floors: 2
9/30/18	T.C.K. MANAGEMENT INC.		1077 GRAND ST	BROOKLYN	11211	(718) 599-2474	Brooklyn	Largest Room Capacity: 60, Extra Rooms/Floors: 0
9/30/18	CLAY FARM, LLC	THE BELL HOUSE	149 7TH ST	BROOKLYN	11215	(718) 369-3310	Brooklyn	Largest Room Capacity: 430, Extra Rooms/Floors: 0
9/30/18	SRB BROOKLYN LLC		177 2ND AVE	BROOKLYN	11215	(347) 504-5950	Brooklyn	Largest Room Capacity: 400, Extra Rooms/Floors: 2
9/30/18	KB VENTURE GROUP LLC		225 47TH ST	BROOKLYN	11220	(347) 987-3739	Brooklyn	Largest Room Capacity: 200, Extra Rooms/Floors: 0
9/30/18	CAI FOODS LLC		1301 BOARDWALK AKA 3070 ST	BROOKLYN	11224	(973) 216-5449	Brooklyn	Largest Room Capacity: 210, Extra Rooms/Floors: 0
9/30/18	PEARL LOUNGE INC.		1201 SURF AVE	BROOKLYN	11224	(718) 449-1240	Brooklyn	Largest Room Capacity: 145, Extra Rooms/Floors: 0
9/30/18	CARIBBEAN SPOTLIGHT INC.	CARIBBEAN CITY	103 EMPIRE BLVD	BROOKLYN	11225	(718) 858-7414	Brooklyn	Largest Room Capacity: 288, Extra Rooms/Floors: 0
9/30/18	LEGENDS CAFE LLC	BROOKLYN ROCKS	2214 CHURCH AVE	BROOKLYN	11226		Brooklyn	Largest Room Capacity: 351, Extra Rooms/Floors: 0
9/30/18	TCK, LLC	PEYTON'S	3901 2ND AVE	BROOKLYN	11232	(718) 499-9010	Brooklyn	Largest Room Capacity: 70, Extra Rooms/Floors: 0
9/30/18	SUNSET DEN INC	SUNSET DEN	960 3RD AVE	BROOKLYN	11232	(347) 680-3390	Brooklyn	Largest Room Capacity: 74, Extra Rooms/Floors: 0
9/30/18	DONSEL'S BAR & GRILL, INC.	TOWNE CAFE	2602 E 15TH ST	BROOKLYN	11235	(718) 626-9827	Brooklyn	Largest Room Capacity: 60, Extra Rooms/Floors: 0
9/21/17	AVANT GARDNER, LLC	AVANT GARDNER	111 GARDNER AVE	BROOKLYN	11237	(518) 796-9465	Brooklyn	Largest Room Capacity: 2900, Extra Rooms/Floors: 2
9/30/18	GRECOLATINO ENTERPRISES INC.	VAQUEROS	1541 MYRTLE AVE	BROOKLYN	11237	(718) 381-1042	Brooklyn	Largest Room Capacity: 140, Extra Rooms/Floors: 0
9/30/18	BowN9th LLC	Rough Trade	64 N 9TH ST	BROOKLYN	11249	(732) 727-5030	Brooklyn	Largest Room Capacity: 246, Extra Rooms/Floors: 0
9/30/18	54N11BK, LLC	SCHIMANSKI	60 N 11TH ST	BROOKLYN	11249	(917) 913-4974	Brooklyn	Largest Room Capacity: 732, Extra Rooms/Floors: 0
9/30/18	74 WYTHE RESTAURANT COMPANY LL	OUTPUT	74 WYTHE AVE	BROOKLYN	11249	(646) 263-7732	Brooklyn	Largest Room Capacity: 262, Extra Rooms/Floors: 1
11/28/17	251 W 30TH ST LLC	SLAKE	251 W 30TH ST	NEW YORK	10001	(914) 525-9977	Manhattan	Largest Room Capacity: 427, Extra Rooms/Floors: 2
9/30/18	289 HOSPITALITY, LLC	MARQUEE	289 10TH AVE	NEW YORK	10001	(212) 420-9420	Manhattan	Largest Room Capacity: 504, Extra Rooms/Floors: 1
9/30/18	PEREGRINE ENTERPRISES, INC.	RICK'S CABARET	50 W 33RD ST	NEW YORK	10001	(212) 373-0850	Manhattan	Largest Room Capacity: 159, Extra Rooms/Floors: 1
9/30/18	158 LUDLOW REST, LLC	PIANOS	158 LUDLOW ST	NEW YORK	10002	(718) 945-1000	Manhattan	Largest Room Capacity: 229, Extra Rooms/Floors: 1
9/30/18	COCKTAIL BLUE LLC	THE BOWERY BALLROOM	6 DELANCEY ST	NEW YORK	10002	(212) 358-9350	Manhattan	Largest Room Capacity: 498, Extra Rooms/Floors: 0
9/30/18	SAFF, INC.		249 ELDRIDGE ST	NEW YORK	10002	(212) 777-5153	Manhattan	Largest Room Capacity: 74, Extra Rooms/Floors: 0
9/30/18	S.W. MONTE INC.	THE MERCURY LOUNGE	217 E HOUSTON ST	NEW YORK	10002	(212) 358-9350	Manhattan	Largest Room Capacity: 197, Extra Rooms/Floors: 0
9/30/18	WEBSTER HALL ENTERTAINMENT CORP.		119 E 11TH ST	NEW YORK	10003	(212) 353-1600	Manhattan	Largest Room Capacity: 495, Extra Rooms/Floors: 3
9/30/18	59 MURRAY ENTERPRISES, INC.	NEW YORK DOLLS	59 MURRAY ST	NEW YORK	10007	(212) 791-5265	Manhattan	Largest Room Capacity: 167, Extra Rooms/Floors: 0
9/30/18	MOON WALKERS RESTAURANT CORP.		101 AVENUE A	NEW YORK	10009	(718) 938-0543	Manhattan	Largest Room Capacity: 197, Extra Rooms/Floors: 0
9/27/17	17TH STREET ENTERTAINMENT II, LLC.	1OAK	453 W 17TH ST	NEW YORK	10011	(212) 242-4411	Manhattan	Largest Room Capacity: 320, Extra Rooms/Floors: 1
9/30/18	GBND ENTERPRISES INC.	THE VILLAGE UNDERGR	130 W 3RD ST	NEW YORK	10012	(212) 777-3964	Manhattan	Largest Room Capacity: 200, Extra Rooms/Floors: 0
9/30/18	WHANY LLC	CAFE WHA	115 MACDOUGAL ST	NEW YORK	10012	(212) 254-3706	Manhattan	Largest Room Capacity: 280, Extra Rooms/Floors: 0
9/30/18	SWAY LOUNGE, LLC		305 SPRING ST	NEW YORK	10013	(212) 755-8110	Manhattan	Largest Room Capacity: 225, Extra Rooms/Floors: 0
9/30/18	178 7TH AVENUE SOUTH CORPORATI	VILLAGE VANGUARD	178 7TH AVE S	NEW YORK	10014	(212) 255-4037	Manhattan	Largest Room Capacity: 123, Extra Rooms/Floors: 0
9/30/18	PEN ENTERTAINMENT, LLC	CIELO	18 LITTLE WEST 12TH ST	NEW YORK	10014	(212) 242-3364	Manhattan	Largest Room Capacity: 300, Extra Rooms/Floors: 0
9/30/18	ABG STANDARD OPERATOR LLC	THE STANDARD, HIGH LI	848 WASHINGTON ST	NEW YORK	10014	212-645-4646	Manhattan	Largest Room Capacity: 267, Extra Rooms/Floors: 0
9/30/18	MANHATTAN MONSTER, INC.		80 GROVE ST	NEW YORK	10014	(212) 924-3557	Manhattan	Largest Room Capacity: 127, Extra Rooms/Floors: 0
9/28/17	CLUB AT 39TH, LLC	SAPPHIRE 39	20 W 39TH ST	NEW YORK	10018	(212) 764-6989	Manhattan	Largest Room Capacity: 150, Extra Rooms/Floors: 1
9/30/18	RCI DINING SERVICES 37TH STREET IN	VIVID CABARET	61 W 37TH ST	NEW YORK	10018	(917) 715-2020	Manhattan	Largest Room Capacity: 120, Extra Rooms/Floors: 2
9/30/18	SILK CORP		550 W 38TH ST	NEW YORK	10018	(212) 967-4646	Manhattan	Largest Room Capacity: 525, Extra Rooms/Floors: 0
9/30/18	THE MANHATTAN MUSIC GROUP LLC	TERMINAL 5	610 W 56TH ST	NEW YORK	10019	(212) 375-1200	Manhattan	Largest Room Capacity: 2436, Extra Rooms/Floors: 2
11/1/17	IGUANA NEW YORK, LTD.		240 W 54TH ST	NEW YORK	10019	(212) 765-5454	Manhattan	Largest Room Capacity: 171, Extra Rooms/Floors: 1
9/30/18	HOWL NEW YORK LLC	HOWL AT THE MOON	240 W 52ND ST	NEW YORK	10019	(212) 399-4695	Manhattan	Largest Room Capacity: 395, Extra Rooms/Floors: 1
9/30/18	ARS NOVA THEATER, INC.		511 W 54TH ST	NEW YORK	10019	(212) 489-9800	Manhattan	Largest Room Capacity: 100, Extra Rooms/Floors: 0

Licensed Cabarets as of September 14, 2017 (source: NYC Dept of Consumer Affairs Open Data)

License Expiration Date	Business Name	Business Name 2	Address	City	Zip	Tel	Borough	Detail
9/30/18	CMSG RESTAURANT GROUP, LLC		639 W 51ST ST	NEW YORK	10019	(212) 247-4868	Manhattan	Largest Room Capacity: 260, Extra Rooms/Floors: 0
9/30/18	VARIETY 57TH ST HOLDINGS LLC	THE RING	311 W 57TH ST A/K/A 305-3	NEW YORK	10019	(917) 280-5969	Manhattan	Largest Room Capacity: 300, Extra Rooms/Floors: 2
11/15/17	EDEN BALLROOM LLC	SPACE IBIZA NEW YORK	637 W 50TH ST	NEW YORK	10019	(212) 366-0752	Manhattan	Largest Room Capacity: 840, Extra Rooms/Floors: 2
9/30/18	MADISON ENTERTAINMENT ASSOCIAT LAVO		625 MADISON AVE	NEW YORK	10022	(212) 750-5588	Manhattan	Largest Room Capacity: 282, Extra Rooms/Floors: 0
9/30/18	RJJ RESTAURANT LLC	EMPIRE STEAK HOUSE	151 E 50TH ST	NEW YORK	10022	(212) 582-6900	Manhattan	Largest Room Capacity: 298, Extra Rooms/Floors: 1
9/30/18	JACARANDA CLUB, LLC	SAPPHIRE NEW YORK	333 E 60TH ST	NEW YORK	10022	212-355-6777	Manhattan	Largest Room Capacity: 523, Extra Rooms/Floors: 0
9/30/18	DOUBLES INTERNATIONAL CLUB ENTE	DOUBLES CELLAR	783 5TH AVE	NEW YORK	10022	(212) 751-9595	Manhattan	Largest Room Capacity: 228, Extra Rooms/Floors: 0
9/30/18	SIVAN DESIGN LLC	SILVANA	300 W 116TH ST	NEW YORK	10026	(917) 981-8103	Manhattan	Largest Room Capacity: 74, Extra Rooms/Floors: 0
9/30/18	664-66 ENTERPRISES LLC	THE COTTON CLUB	664 W 125TH ST	NEW YORK	10027	(212) 663-7980	Manhattan	Largest Room Capacity: 145, Extra Rooms/Floors: 0
9/30/18	BURKINABE ENTERTAINMENT LLC	SHRINE/YATENGA	2271 ADAM CLAYTON POWELL	NEW YORK	10030	(212) 690-7807	Manhattan	Largest Room Capacity: 74, Extra Rooms/Floors: 0
9/30/18	AAM HOLDING CORP.	PRIVATE EYES	320 W 45TH ST	NEW YORK	10036	(212) 582-4001	Manhattan	Largest Room Capacity: 300, Extra Rooms/Floors: 0
9/30/18	HARD ROCK CAFE INTERNATIONAL (USA), INC.		1501 BROADWAY	NEW YORK	10036	(212) 343-3355	Manhattan	Largest Room Capacity: 700, Extra Rooms/Floors: 2
9/30/18	Z LIVE INC	STAGE 48 AND Z BAR	605 W 48TH ST	NEW YORK	10036	(212) 957-1800	Manhattan	Largest Room Capacity: 513, Extra Rooms/Floors: 1
9/30/18	XL DANCE BAR, LLC		512 W 42ND ST	NEW YORK	10036	(212) 486-6000	Manhattan	Largest Room Capacity: 650, Extra Rooms/Floors: 0
9/30/18	CIRCLE NYC INC	ARENA	135 W 41ST ST	NEW YORK	10036	(212) 278-0988	Manhattan	Largest Room Capacity: 448, Extra Rooms/Floors: 1
9/30/18	TSE GROUP LLC	B.B. KING BLUES CLUB &	243 W 42ND ST	NEW YORK	10036	(212) 997-4144	Manhattan	Largest Room Capacity: 680, Extra Rooms/Floors: 0
9/30/18	RODNEY DANGERFIELD INC.	DANGERFIELDS	1118 1ST AVE	NEW YORK	10065	(212) 593-1650	Manhattan	Largest Room Capacity: 300, Extra Rooms/Floors: 0
9/30/18	ASPL CAFE, INC.		3448 STEINWAY ST	LONG IS CITY	11101	(718) 937-6664	Queens	Largest Room Capacity: 600, Extra Rooms/Floors: 0
9/30/18	1305 FOOD CORP.	5 STAR EVENTS HALL	1305 43RD AVE	LONG ISLAND	11101	(718) 784-3660	Queens	Largest Room Capacity: 450, Extra Rooms/Floors: 0
9/30/18	TFS NY, INC	SUGARDADDY'S	5107 27TH ST	LONG ISLAND	11101	917-731-2174	Queens	Largest Room Capacity: 190, Extra Rooms/Floors: 1
9/30/18	21 GROUP INC.	GYPSY ROSE	4250 21ST ST	LONG IS CITY	11101	(718) 937-6969	Queens	Largest Room Capacity: 250, Extra Rooms/Floors: 0
9/30/18	PRP RESTAURANT, INC.	GALLAGHER'S 2000	4319 37TH ST	LONG IS CITY	11101	(718) 392-9780	Queens	Largest Room Capacity: 418, Extra Rooms/Floors: 1
9/30/18	SOEL LOUNGE INC.	EMBASSY LOUNGE	3302 QUEENS BLVD	LONG IS CITY	11101	(718) 702-8279	Queens	Largest Room Capacity: 299, Extra Rooms/Floors: 0
9/30/18	RICCARDO'S CATERING INC.		2101 24TH AVE	ASTORIA	11102	(718) 721-7777	Queens	Largest Room Capacity: 700, Extra Rooms/Floors: 0
9/30/18	SIDETRACKS NYC LLC	SIDETRACKS RESTAURAN	4508 QUEENS BLVD	SUNNYSIDE	11104		Queens	Largest Room Capacity: 299, Extra Rooms/Floors: 0
9/30/18	CHARJ CORP	MERMAIDS	3106 31ST ST	ASTORIA	11106	(347) 642-5133	Queens	Largest Room Capacity: 69, Extra Rooms/Floors: 0
9/30/18	HARAMA ENTERTAINMENT CORP		3608 33RD ST	ASTORIA	11106		Queens	Largest Room Capacity: 798, Extra Rooms/Floors: 2
9/30/18	Y&B ENTERTAINMENT MANOR INC		3509 PRINCE ST	FLUSHING	11354	(917) 387-5195	Queens	Largest Room Capacity: 56, Extra Rooms/Floors: 0
9/30/18	STUDIO M, INC		3651 MAIN ST	FLUSHING	11354	(718) 321-0521	Queens	Largest Room Capacity: 149, Extra Rooms/Floors: 0
9/30/18	ANGELS OF THE WORLD INC		3217 COLLEGE POINT BLVD	FLUSHING	11354		Queens	Largest Room Capacity: 151, Extra Rooms/Floors: 2
9/30/18	HAIRO'S PLACE INC.	HAIRO'S PLACE INC.	8109 ROOSEVELT AVE	JACKSON HT	11372	(718) 507-6158	Queens	Largest Room Capacity: 130, Extra Rooms/Floors: 1
9/30/18	EDITA'S BAR & RESTAURANT, INC.	THE FLAMINGO BAR & RI	8512 ROOSEVELT AVE	JACKSON HT	11372	(718) 898-9282	Queens	Largest Room Capacity: 190, Extra Rooms/Floors: 0
9/30/18	KAZ ENTERPRISES INC		7619 ROOSEVELT AVE	JACKSON HT	11372	(718) 457-3939	Queens	Largest Room Capacity: 200, Extra Rooms/Floors: 0
9/30/18	LA AGUACATALA LOUNGE INC.	EL ABUELO GOZON	7903 ROOSEVELT AVE	JACKSON HT	11372	(718) 424-2724	Queens	Largest Room Capacity: 166, Extra Rooms/Floors: 0
9/30/18	81-22 BAXTER AVENUE LOUNGE INC.	ILDA'S PLACE II	8122 BAXTER AVE	ELMHURST	11373	(718) 898-7207	Queens	Largest Room Capacity: 74, Extra Rooms/Floors: 0
9/30/18	CLARO DE LUNA INC		5215 ROOSEVELT AVE	WOODSIDE	11377	(718) 458-5600	Queens	Largest Room Capacity: 72, Extra Rooms/Floors: 0
9/30/18	BK VENTURE GROUP LTD.	STARLETS	4909 25TH AVE	WOODSIDE	11377	(718) 726-3700	Queens	Largest Room Capacity: 358, Extra Rooms/Floors: 1
9/30/18	LA BOOM NYC INC	LA BOOM	5615 NORTHERN BLVD	WOODSIDE	11377	(718) 726-6646	Queens	Largest Room Capacity: 790, Extra Rooms/Floors: 0
9/30/18	REVIEW ENTERTAINMENT, INC.	CITYSCAPES	5561 58TH ST	MASPETH	11378	(718) 366-8900	Queens	Largest Room Capacity: 207, Extra Rooms/Floors: 0
9/30/18	JNS VENTURES LTD.	VIXEN	6007 METROPOLITAN AVE	RIDGEWOOD	11385	(646) 321-2389	Queens	Largest Room Capacity: 74, Extra Rooms/Floors: 0
9/30/18	GOTTSCHEER CENTRAL HOLDING CO. INC.		657 FAIRVIEW AVE	RIDGEWOOD	11385	(718) 366-3030	Queens	Largest Room Capacity: 500, Extra Rooms/Floors: 0
9/30/18	MAZI NIGHTCLUB INC		13035 91ST AVE	RICHMOND H	11418	(347) 683-7883	Queens	Largest Room Capacity: 1280, Extra Rooms/Floors: 0
9/30/18	A.M.D RESTAURANT CORP.	PORT O CALL	9310 WOODHAVEN BLVD	WOODHAVEN	11421	(917) 651-8040	Queens	Largest Room Capacity: 73, Extra Rooms/Floors: 0
9/30/18	LODRICKA HALL LLC	LODRICKA	10323 MERRICK BLVD	JAMAICA	11433	(347) 869-0705	Queens	Largest Room Capacity: 111, Extra Rooms/Floors: 0
9/30/18	H.J.H. RESTAURANT INC.	EUROPA BAR GENTLEMA	9402 SUTPHIN BLVD	JAMAICA	11435	(718) 297-1128	Queens	Largest Room Capacity: 74, Extra Rooms/Floors: 0
9/30/18	JOUVAY NY INC		14702 LIBERTY AVE	JAMAICA	11435		Queens	Largest Room Capacity: 300, Extra Rooms/Floors: 0
9/30/18	NYC EVENT SPACE LLC		9112 144TH PL	JAMAICA	11435	(718) 298-6760	Queens	Largest Room Capacity: 1749, Extra Rooms/Floors: 1
9/30/18	LILLY'S RESTAURANT, INC.		67 OLYMPIA BLVD	STATEN ISLA	10305	(718) 447-8926	Staten Isla	Largest Room Capacity: 240, Extra Rooms/Floors: 1
9/30/18	LIGRECI'S STAATEN RESTAURANT, INC.		697 FOREST AVE	STATEN ISLA	10310	(718) 448-6000	Staten Isla	Largest Room Capacity: 296, Extra Rooms/Floors: 1



**Written Testimony of  
Eli Yamin  
To The  
New York City Council Committee on Consumer Affairs  
Hearing on Proposed Int. No. 1652-A  
A Bill to Repeal the New York City Cabaret Law  
September 14, 2017**

Good afternoon Chairman Espinal and distinguished members of the City Council Committee on Consumer Affairs.

My name is Eli Yamin and I am Managing and Artistic Director of Jazz Power Initiative, a 501(c)(3) organization which teaches jazz drama, dance and music to New York City K-12 students, teachers, executives and senior citizens. This past year we received Su Casa Grants from Councilman Ydanis Rodriguez and Councilwoman Helen Rosenthal allowing us to provide 120 hours of jazz music and dance programming for seniors at sites in Manhattan and the Bronx. We provide work for over 20 professional jazz musicians, dancers and theatre artists.

Thank you for the opportunity to testify on Int. No. 1648-2017. I would like to thank Council Member Espinal and the sponsors of this bill for taking the initiative to repeal the Cabaret Law.

I have been a working jazz musician and educator in NYC for 27 years and have played in many swing and other dance bands. I am a composer, pianist, singer and have been an educator at Jazz at Lincoln Center, Marymount College, and Lehman College, CUNY.

The Cabaret Law needs to be repealed. It interferes with the jazz and dance culture previously nurtured in this city. Not only does the Cabaret Law interfere with the opportunities for my students to dance, but it certainly interferes with the ability of musicians to find work. I well remember the Giuliani crack-down on dancing in small clubs and restaurants when I played in popular swing bands – finding a venue to perform was made increasingly difficult. Even now, the co-leader of one of my early bands plays at Smalls, a jazz club which does not allow dancing, limiting his appeal to his dancer audience.

Musicians need venues with dancing to develop and evolve the music – the dancers are just other instruments and interact with the bands in two-way communication.

Dancing is also a family affair and encourage events which allow the entire family to participate in swing and salsa dancing, but it is hard to find legal venues if we charge an admission fee.

Jazz and dance came up together. They are linked by blood. During the glory days of the swing



era the musicians inspired the dancers and the dancers inspired the musicians. It went both ways. This inspiration sustained us through the Depression and provided some of the most integrated public spaces in our city in the 50s. Today, Latin dancing is an integral part of the Latin community.

New York City has had places where Jews, blacks, Latinos and many others could be moved by the music and movement and create lasting friendships rooted in love for our shared culture. We need this now more than ever. We need more live music where people can dance.

I started the not-for-profit Jazz Power Initiative precisely for this reason through these means. More diversity and understanding through friendships inspired by shared experiences in jazz music and movement. As an educational platform, the Jazz Power Initiative works and you can see the results on our website [www.jazzpower.org](http://www.jazzpower.org).

Please allow these opportunities blossom citywide by repealing the cabaret law. Allow the power of live music and dance to once again lift up our City bringing more unity, joy and release.

Thank you, Eli Yamin, musician, Managing and Artistic Director, Jazz Power Initiative

**Hearing Regarding the Cabaret Law Repeal Bill**  
**Frankie Decaiza Hutchinson**  
**Dance Liberation Network & Discwoman**  
**Sept 14th, 2017**

Hi my name's Frankie Decaiza Hutchinson, I have lived in NYC since 2009. I'm one of the co-founders of Discwoman a platform dedicated to progression in the music industry. Our work has been spotlighted and awarded by Forbes, NPR, Callen-Lorde LGBTQ health center for what we do to help center the experiences of marginalized people in artistic communities in NYC, as well as 15 other cities globally and over 200 artists. I mention this as I want it to be clear that I'm coming here as someone who works as an activist in the communities Cabaret Law affects.

Today I really want to ask why. I want to ask the Council members here today why. Why are we hanging on to a law that has been used to historically and systematically to oppress black folks and other marginalized communities? It really begs the question: is this law being kept on the books as a tool of oppression that any administration can use and abuse as they please?

It's dangerous. We've seen the impacts of its legacy during the Giuliani administration. With this law still on the books this kind of enforcement can easily be applied again.

This law was introduced in 1926, whilst there's apparently some skeptics as to whether this law was founded out of racism or not. This is America. If one understands how slavery to this day has economical and visceral impacts on black communities, then it isn't hard to understand how any legislation created in 1926 would also impact black communities.

The law was introduced in this very room. The 1926 Alderman Report which officially enacted Cabaret Law, kicks off by specifically protesting jazz (a genre invented and overwhelmingly performed by African Americans) before stating:

**"Well, there has been altogether too much running 'wild' in some of these night clubs and, in the judgement of your Committee, the 'wild' stranger and the foolish native should have the check-rein applied a little bit."**

It's crucial to remember that jazz music is the reason why we're all here today. The music that is loved and adored and most importantly profited off. The irony that this genre was founded out of oppression, and then folks were oppressed for playing it is astounding.

The law didn't just affect patrons at jazz clubs, it later affected the musicians too who were forced to carry Cabaret Cards which would often be revoked, overwhelmingly affecting black musicians and left them unable to work. In addition instrumentation was also limited, prohibiting the use of brass and percussion instruments.

So why is City Council keepin this law in its toolbox exactly? If City Council claims it isn't using it, then what is the purpose of it. Everyone is uneasy with the arbitrary nature of a law founded on oppression, the fact that it's still here reveals how it's always available to be used oppressively.



September 14, 2017

**Comments of Andrew Rigie, Executive Director, NYC Hospitality Alliance on:**

*Int. No. 1652 – A Local Law to amend the administrative code of the city of New York in relation to security cameras and security guards at certain nightlife establishments and repealing subchapter 20 of title 20 of such code, relating to licensing public dance halls, cabarets and catering establishments.*

My name is Andrew Rigie and I am the Executive Director of the New York City Hospitality Alliance, a not-for-profit trade association that represents thousands of eating and drinking establishments throughout the five boroughs. Many of our members are impacted by the cabaret law, which requires restaurants, bars and clubs to meet zoning and safety requirements, and then obtain a license from the city's Department of Consumer Affairs before permitting dancing within their establishment.

The history of the cabaret law is controversial and its enforcement has been described as racist and selective. Over the years, the courts have rightfully struck down provisions of the cabaret law as unconstitutional. Today, what we have left is a skeleton of the original and much more controversial cabaret law. The current law effectively acts as a checklist ensuring that other zoning and public safety laws are adhered to before a business may allow patron dancing. Nonetheless, repealing the cabaret license is an important action and a symbolic step for many people.

Upon repeal of the cabaret license the New York City Hospitality Alliance will, and we will urge the city to advise businesses and the public that such repeal does not mean that people are now allowed to dance in every restaurant, bar, club or venue. To allow dancing a business must still meet the proper zoning requirements, have the proper public assembly permit, have video cameras and fire safety systems. And, if they employ security guards they must meet additional standards. When they meet all of those requirements, the business will need to amend their liquor license to permit dancing in their licensed establishment.

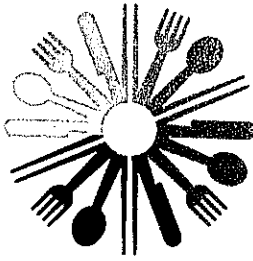
Because of this multi-step process, we believe the soon to be established Office of Nightlife, and its advisory board, will be the appropriate body to undertake a comprehensive review of the various public safety and zoning requirements related to dancing, and devise a plan to further legalize dancing in New York City. There is a balance to be found among nightlife, dancing, safety, community interests and regulation.

Finally, we'd like the official record to reflect that prior to this hearing we expressed concern with the City Council regarding the current language of Int. No. 1652. We appreciate your receptiveness and openness to amend the current language to ensure this proposal does not have the negative, unintended consequences that we explained.

We look forward to addressing this and many other issues that are vital to our city's culture and nighttime economy in a thoughtful and comprehensive way.

Respectfully submitted,

Andrew Rigie  
arigie@theNYCalliance.org



**NEW YORK STATE  
RESTAURANT  
ASSOCIATION**

## **In support of 1562 – Repeal of the NYC Cabaret Law**

Good morning. My name is Kevin Dugan and I am the Regional Director for the New York State Restaurant Association, a trade group that represents food and beverage establishments both in New York City and throughout New York State. The Association is the largest hospitality trade association in the State of New York and it has advocated on behalf of its members for more than 80 years. Our members represent one of the largest constituencies regulated by the City as nearly every agency regulates restaurants in one aspect or another.

Restaurants employ hundreds of thousands of New Yorkers and are a backbone of the tourism trade here in New York City. To ensure the continued viability of the restaurant and hospitality industry, New York City must have sensible and reasonable regulations that protect consumers and the restaurants that serve them.

The goal of every small business in this City is survival. With the cost of labor and rent on the rise it is getting more difficult for restaurants to navigate the difficult business climate here in New York. Attracting customers is paramount and the Association believes that the amount of red tape that has been associated with obtaining a cabaret license has closed off revenue streams to existing bars and restaurants. This is a real concern to the industry as every dollar is needed to ensure continued existence.

For far too long bars and restaurants who have wanted to feature dancing haven't been able to unless they have jumped through a number of bureaucratic hoops and paid hundreds of dollars in fees. Many patrons are looking for opportunities to dance and express themselves, we should be encouraging this type of behavior. By allowing establishments to more easily provide this entertainment we are allowing them to better serve their customers wants and also make additional revenue; a true win-win for everyone.

It's preposterous that the "City that never Sleeps" has an outdated law on its books that turns our city, as Councilman Espinal has said before, into the town from Footloose. The original law was passed in 1926 to target jazz clubs in Harlem. It is far past the time where this law should be done away with and we need to modernize this aspect of the City's administrative code. With the additions Councilman Espinal has made, the safety of the patrons will remain a top priority and this will simply allow for more establishments to offer exciting entertainment.

The restaurant industry in New York is one of the most highly regulated industries in the entire

City. We need to make it easier for the industry has a whole to make ends meet. By repealing this outdated law we will allow our restaurants and bars to attract new customers without compromising on safety. Every dollar is vitally important to a restaurant's survival and we should be exploring every avenue that allows them to make more of them.

In conclusion, the New York State Restaurant Association supports Int. 1562 and urges the council to pass this bill. We look forward to working with the Council on further legislation that helps protect the restaurant and hospitality industry in the City of New York.

Respectfully Submitted,

Kevin Dugan

Regional Director

New York State Restaurant Association

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September 14, 2017

**Written Testimony of Gregory Hunt to the  
New York City Council Committee on Consumer Affairs  
Hearing on Proposed Int. No. 1652-A  
A Bill to Repeal the New York City Cabaret Law**

Good afternoon Chairman Espinal and distinguished members of the City Council Committee on Consumer Affairs.

My name is Gregory Hunt and I am the principal owner of Café Tallulah, a French Café located on the Upper West Side of Manhattan.

Thank you for the opportunity to testify on Int. No. 1648-2017. I would like to thank Council Member Espinal and the sponsors of this bill for taking the initiative to repeal the Cabaret Law.

The Cabaret Law needs to be repealed. The idea that if a restaurant does not have a Cabaret license, one person dancing can result in the shutting down of the entire establishment is absolutely absurd and has been for many years.

Our restaurant has a cocktail lounge, and we often have live music there. When we do, we have to walk around and tell people they can't dance. This even applies to 13-year-olds dancing at Bar Mitzvahs – that's how absurd the Cabaret Law is!

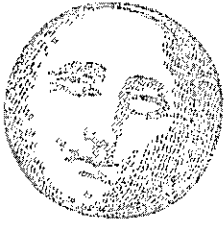
We are an upscale restaurant, not a night club. We have hosted many private events in our lounge, including events hosted by Barbara Walters, Diane Sawyer, and Whoopie Goldberg. If either Barbara, Diane or Whoopie had started dancing, we could have been shut down. This is ridiculous. If some guests want to dance – celebrities or non-celebrities - they should be allowed to without our business being shut down.

With regard to the notion that we would have to hire security guards every time someone gets up and dances – this would be prohibitively expensive for us, and totally unnecessary given the nature of our clientele. It would prevent us from allowing dancing. We are respectfully asking that this requirement be removed from the language contained in the repeal.

If a security guard is not mandatory, I would ask that the language be clarified to make it absolutely clear that there is no requirement to hire security guards for restaurants.

Also, I would regret if this new definition of Nightlife Establishment makes its way into zoning law modifications. It does not make sense for restaurants which have separate lounges/party spaces. This definition will end up covering establishments which ought not to be part of any prohibition or regulation of dancing or nightlife under the zoning law or building code."

Respectfully submitted,  
Gregory Hunt  
Principal Owner  
Café Tallulah  
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**Justin Carter**  
**Musician, DJ and Venue Owner**  
**Mister Saturday Night, Mister Sunday and Nowadays**  
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Hello there. My name is Justin Carter. I am a musician; I'm one of the owners of an outdoor and soon-to-open indoor community space in Ridgewood, Queens called Nowadays; and I'm one of the resident DJs and founders of Mister Sunday and Mister Saturday Night, a pair of parties based here in New York.

I speak to you today as one of very few, fortunate business owners with a lease on a space actually zoned for a cabaret license. We've got all the work done to be compliant with the law, which means that, as a small business owner, I don't really have a horse in this race.

But the repeal of Cabaret is about more than business, and that is why I'm here.

A friend of mine, Andrew, grew up in Richmond – in an unofficially (but still very) segregated neighborhood full of confederate monuments and down the street from the confederate White House.

Lucky for Andrew, he had this cool aunt. She didn't quite fit in with the family, so she left for New Orleans when she was young, and every now and then Andrew would visit her. On one of those visits, she took him to a party. It was the first time he'd really been in the casual company of people who didn't look more or less the same as him.

But when he tells this story, he doesn't talk about how different he felt or how foreign the experience was. He remembers that there was a band playing, and that he started dancing. And he looked around the room at all the other people there, many of whom he had nothing visibly in common with, and he saw that they were enjoying themselves in the same way he was. They were all *dancing* together; and that was the experience that began to break down the false barriers of difference in his life.

Having the cabaret law on the books in New York City keeps people from having this kind of experience for no clear, good reason, and the last thing we need right now are barriers to understanding each other.

I imagine that many people here today will talk about the financial hardships imposed by cabaret, the selective enforcement of the law and the redundancies that are built into it, so I'm going to leave it at that.

I've printed out some copies of my statement, all of which have my phone number and email address on them, and I invite any council member or staff member to get in touch with me if you have any specific questions about how cabaret has specifically affected my business – or anything else for that matter.

For now, I'll leave you with a request that you vote to repeal cabaret and allow the people of New York to dance with each other.

I thank you for your time and for the opportunity to speak to you.

Justin Carter

## **Testimony on Oversight Hearing Regarding Cabaret Law**

**John Barclay**

**Bossa Nova Civic Club**

**September 14th, 2017**

To Whom it May Concern:

I have a decade of experience in NYC nightlife, and am well versed on the Cabaret Law, the Cabaret License application process and can speak at length regarding contemporary enforcement, which i believe to be discriminatory to say the least. I am currently, amongst other things, a NYC bar manager who has repeatedly been negatively affected by the Cabaret Law and I support a full repeal of the law which I believe is absurd, antiquated, racist, dangerous and extremely embarrassing for our city.

I currently operate a modestly-sized bar, that in its 5 years of harmonious existence has had literally zero noise complaints, is in good graces with our local precinct and community board, zero insurance claims, and exists peacefully with our neighbors. We have a Certificate of Occupancy, a Place of Assembly, emergency lighting, several egresses, regularly inspected fire extinguishers, an "A" health rating, we employ licensed and insured security guards who are also certified fire guards. We are conveniently situated on the same block as our fire station. We have passed dozens and dozens of FDNY, DOB, SLA, DOH, and NYPD inspections yet we live in constant fear and paranoia of our city government.

A few years ago we received a single cabaret citation, which resulted in appearances and fines in both criminal and state court here in NYC. We were told by both the City and the State Liquor Authority that if we continued to allow dancing we would be shut down. My government has repeatedly told me that they will pull my liquor license and that my business, and the livelihood of myself and my 15 employees ,will cease to exist. All for allowing dancing.

This has been happening for 91 years now. Bars are raided, fined and shut down. Nights are ruined, money is lost. Yet for 91 years NYC still dances. You can embarrass New Yorkers, you can bankrupt them and you can injure them, but New York City will never ever stop dancing. No law, no agency, no military occupation will ever come close. When you push New Yorkers out of bars, they dance in warehouses, if you shut down the warehouses they will dance in the subways, in the sewers, in City Hall. You cannot stop them you can only shuffle them around.

The incredible dance music of NYC: disco, salsa, hip hop, freestyle. It feels like it's appreciated by everyone in the world except for our city government. The same institution who brags about its cultural contributions routinely oppresses the contributors.

Councilmembers of the cultural capital of the world: please take this opportunity to decriminalize social dancing. It's harmless, it's healthy, it's beautiful, and it's ingrained in the complex and incredible identity of this city.

I am happy to answer any questions regarding my professional and personal experiences with the Cabaret Law.



Good afternoon Chairman Espinal and distinguished members of the City Council Committee on Consumer Affairs.

First I'd like to thank all of you for giving me the opportunity to testify on Int. No. 1648-2017.

I would like to thank Council Member Espinal and the sponsors of this bill for taking the initiative to repeal the existing Cabaret Law thereby reuniting LIVE music with LIVE dance.

Who am I?

My name is Mercedes Ellington and on behalf of my musical Ellington family headed by my grandfather Edward Kennedy 'Duke' Ellington (who insisted the entire family and close friends call him 'Uncle Edward'), and my father, Mercer, who called him 'Pop'. My Dad picked up the baton after my grandfather's death in 1974 and most notably conducted the band-on stage- for "Sophisticated Ladies" on Broadway, and now I have picked up the baton as Founder and President of The Duke Ellington Center For the Arts- a 501C3 Educational entity.

I am a performer, choreographer/director, producer and historian (of sorts).

I was sent to kindergarten at 18 months of age and when I was 3, I made my stage debut as a snowflake in the Nutcracker Suite in a local uptown dance recital. I majored in dance and received a BS degree from the Juilliard School of Music in 1960.

I've been dancing ever since.

The year JFK was assassinated was my first year as a June Taylor Dancer on the Jackie Gleason Show- and it caused quite a stir as you can imagine.

I currently participate in Ballroom Dance Competitions in the Rhythm Category: samba, rhumba, cha cha, paso doble and jive.

But enough about me...and my qualifications to speak on behalf of the Cabaret Law repeal, let's get to the current situation.

The freedom to be 'Beyond Category', to explore and express through music and dance is our human responsibility. The current Cabaret Laws were designed to restrict, curtail and separate these freedoms. Moving and dancing is a natural response to the sounds we hear coming from our musicians.

Please repeal the Cabaret Law. It has no place here in the greatest city on earth.

My grandfather's orchestra was at one time the 'house band' at the original Cotton Club in Harlem. The club boasted its fare of bands of color and white only audiences. Yet the Savoy Ballroom a few blocks away packed in 5000 dancers a night in an integrated situation.

Astor Piazzola, the famous Tango composer used to frequent the Cotton Club and was said to be inspired by Ellington to break out of his traditional tango musical structure and create extended compositions. Both composers were inspired to write their music for dancers. Both composers were highly criticized for straying from the 'normal', 'accepted' structure of their compositions.

These days, musicians seldom get opportunities to play in clubs or restaurants, and then, dancing is not allowed. Musicians inspire dancers inspire musicians.

Please repeal the Cabaret Law. The 'Dance Police' who are able to shut down clubs when a few enthusiastic patrons get up and move to the music, can turn their attention to other really disruptive situations- and maybe they'll feel a little better if they start to swing and sway themselves!

My name is Megha Khalia. I am proud to say that I am a legal immigrant from India. I obtained my green card as a full time dance artist and am an official ambassador of Bhangra dance recognized by ██████████ the US Department of Homeland Security.

I am here to testify today representing the Indian Bhangra dance community. I was formally trained as an Indian classical dancer with the esteemed Abiai dance company in Punjab India, the Bholakalibri Arts & Culture Center in Bangalore India and with the Martha Graham Dance Center in Manhattan.

Since 2007 at the time when the Dance Parade had its inaugural protest of the city's cabaret law, I began teaching, presenting my choreography and producing Bhangra at social dancing events in Manhattan and at weddings throughout the five boroughs. Through the advocacy efforts through the Dance Parade and other groups, I became aware of the social injustice of social dancers in nightlife venues throughout the city. I questioned why is there a legal requirement for people to dance and does it apply to my harmless cultural gatherings that build community with people who enjoy the health benefits found in the vigorous movements of bhangra. I was told that within the New York nightlife possibilities, there were only 200 places to dance legally in all five boroughs. I asked "Is the sanctimony of weddings and the ritual dances we do at Indian weddings and many cultures around this city also in question? Having researched this with legal authorities, I was told yes--even wedding halls need cabaret licenses and they are nearly impossible to get. Not having be able to dance at wedding halls severely impacts my business. Today only 100 venues exist for dancing. Culture seems to be dying in the city--I hope with all my heart that the cabaret law will be repealed so this city can prosper.

Everyday I work with people. I work with people of color and LGBTQ communities who are convinced legal systems in NYC are built against their interest. This is one of those systems. We have an opportunity to break bread with people who feel disenfranchised, unlistened to and uncared about by city government. We have an opportunity to press the reset button and start a fresh with how we treat those who feel like they're being criminalised for freedom of expression and more specifically dancing.

This city is being laughed at by every other city in the world for having a no-dancing law. This is NYC. This is absurd. This needs to be repealed now.

**Alan D. Sugarman**  
**Attorney At Law**

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**Written Testimony of**  
**Alan D. Sugarman**  
**To The**  
**New York City Council Committee on Consumer Affairs**  
**Hearing on Proposed Int. No. 1652-A**  
**A Bill to Repeal the New York City Cabaret Law**  
**September 14, 2017**

I support the repeal of the cabaret law if for no other reason than its erratic unconstitutional enforcement, *as well as the use of “dancing” as an element of noise regulation, the discrimination against legitimate restaurant and bar owners, the suppression of musicians playing danceable music, and as an affront to the 2.4 million Latinos in this City for whom dance is integral to Latin culture.*<sup>1</sup>

The Cabaret Law is widely ignored but still has an impact on smaller venues which are not willing to risk violation of even a rarely enforced law.

I bring to your attention that on November 29, 2017, the Hilton Hotel on 54th Street, which has no Cabaret License, is hosting a Gala benefit open to the public by the Alvin Ailey Dance Company featuring patron dancing.<sup>2</sup> Most hotels ignore the Cabaret Law.

I bring to your attention the article “The Best Places to Dance in NYC” as appears on the web site of the NYC Official Guide.<sup>3</sup> Many of the places do not have Cabaret Licenses. City officials are on the board of NYC & Company which published this Official Guide.

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<sup>1</sup> Italicized language was not included in the verbal presentation of this statement.

<sup>2</sup> <https://www.alvinailey.org/support/opening-night-gala-benefit>  
<https://www.alvinailey.org/opening-night-gala-benefit-tickets>

<sup>3</sup> <https://www.nycgo.com/articles/the-best-places-to-dance-in-nyc>  
<https://www.nycgo.com/articles/the-best-places-to-dance-in-nyc>

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September 14, 2017  
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It is not fair or appropriate for some powerful or favored venues to not face enforcement, while others do.

The law affects all age and cultural demographics, and not just the narrow demographic of house and free-style club dancers.

Proprietors of small bars and restaurants who wish to use small event rooms for social dancing should not be subject to over-bearing regulation intended to apply to large club-dancing venues.

It is appropriate to consider zoning reform incorporating number of patrons and size of assembly space as appropriate factors in monitoring noise and congestion producing activities. However, the proposed last-minute definition of Nightlife Establishments is not workable.<sup>4</sup>

As to another topic, many proponents of reform have adopted rhetoric as to racism, safe spaces, weaponizing etc. to distract from the issues of noise and congestion.

There are legitimate concerns as to noise and congestion, issues that motivated the 1926 adoption of the law. To assert that those having these concerns are complicit in racism, as was stated in the earlier hearing, is not only untrue and insulting, but portends trouble when modifications to the zoning resolution are proposed at the Community Board level.

With my testimony, today, I submit a copy of the 1926 Cabaret Law – perhaps some of the assembled here today might take the time to read it for the first time. *Despite exaggerated claims, there is nothing explicitly racist in the text of the law. It is false to state that the 1926 law text incorporates limitations on more than 3-musicians as an attack on Harlem Jazz Clubs, for that provision was not adopted until 1961. The 1926 Cabaret Law had no references to cabaret cards.*

Many of the same repeal supporters improperly cite the work of Professor Michael Lerner, historian, author of *Dry Prohibition* published by Harvard University, and consultant to the Ken Burns *Prohibition* Documentary, to support the claim that the 1926 Law was intended to prevent interracial mingling in Harlem jazz clubs, as inaccurately stated in this Committee's

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<sup>4</sup> The latest version of the bill provides for security monitoring and registration of security guards for the following entities:

Nightlife establishment. The term "nightlife establishment" means an establishment that is (i) open to the public after 12:00 a.m. at least one day each week; (ii) is required to have a license to sell liquor at retail pursuant to the alcohol beverage control law; and (iii) satisfies at least two of the following factors:

1. At least 2500 square feet of such establishment is open to the public;
2. Has an occupancy load of at least 150 persons as described on the certificate of occupancy; or
3. Imposes a fee for admission at least once a week.

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Briefing Paper.<sup>5</sup> Professor Lerner states the opposite: that there is little evidence to support those assertions. This is discussed in detail in my August 10, 2017 letter to the Committee which I will file with this letter.

*The other support as to claimed racism cited in the Briefing Paper is conjecture, without supporting evidence, found in a book by the lawyer who had filed three cases against the Cabaret Law. Even there, the lawyer relies upon the use of the phrase "running wild" as evidence of racism, while apparently oblivious to the fact that "Running Wild" was a contemporaneous allusion to the highly popular Broadway review of the same name in 1923, which featured two songs "Running Wild" and "The Charleston" and sparked the 1925 Charleston craze by Flappers and others.*

This legislation is the first step in modernizing the regulation of dancing. The Zoning Resolutions needs modification. The fire and building codes refer to dancing, without defining dancing. Oddly, these codes in some instances allow greater density of patrons for dining, than dancing, though in a fire, tables are obstructions. These codes need zero-based analysis. To be fair, these codes should apply equally to non-profits, clubs, catering halls, membership organizations, and religious institutions.

It is important that dancing no longer be a factor in any of these codes and regulations. A room crowded shoulder-to-shoulder requires the same fire safety and construction protections, whether patrons are dancing or not.

Sincerely,



Alan D. Sugarman

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<sup>5</sup> <http://legistar.council.nyc.gov/View.ashx?M=F&ID=5271616&GUID=274BA6D7-6DCC-4CF8-AA16-10BE9AE3E93E>



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August 10, 2017

The Hon. Rafael L. Espinal, Jr.,  
Chair, Committee on Consumer Affairs  
New York City Council  
250 Broadway, Suite 1880  
New York, NY 1007

Dear Chair Espinal:

Re: Supplemental Submission  
Repeal of Cabaret Law Int 1652-2017

I wish to supplement my submission of June 19, 2017 at the cabaret law hearing and address statements made in the Committee's Brief and at the hearing as to the alleged racist basis of the Cabaret Law as enacted in 1926 and to statements made at the hearing and subsequently by other opponents of the cabaret law.

As you know from my testimony, I fully support repeal of the Cabaret Law and thank you for proposing 1652-2017 to repeal the cabaret law. The law should be repealed among other reasons because of its unfair and inconsistent application; those desiring regulation of congestion and noise and safety should have the burden of creating legislation which fairly treats all parties and only addresses impacts arising out of the act of dancing and not rely upon an antiquated law amended over time and overruled in part by court decisions.

I will cover primarily here misstatements as to the origins of the cabaret law.

- Professor Michael Lerner, cited by many to support the assertion that the law was intended to prevent interracial mingling and was racist in its origin, in fact takes the opposite view. He states in his book "It has been argued that Walker's cabaret law was later used to regulate jazz clubs and, in particular, interracial dancing in Harlem clubs, but there is little evidence that this was the case during Walker's administration."
- Other assertions as to views of historian views are substantially distorted.
- There are no researched historical books that support this racist origin claim and the claim that books have been written to support the racists origins is just not true.

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- The *Chiasson* 1986 court did not find that the law had a racist origin but to the contrary stated: “However, it appears that cabaret licensing was introduced in the city in 1926, as part of an effort to control speakeasies.”
- It just is not true that the 1926 law allowed three non-jazz musicians to play without having a need for a cabaret license. This provision was not added until 1961, and using this assertion to support a claim of racist intent in 1926 is plainly false.
- Interpretation of the Alderman’s statement of 1926 is an exercise of projection where some place their preconceived notions upon a 90-year old text, with no discussion of the context and the political and musical history of the time.

I apologize for the length of the discussion, but, what I state will no doubt cause cognitive dissonance in many opponents of the law; I hope they will try to be objective.

Finally, I discuss a few other misunderstandings at to the cabaret law: there is no exception for hotels, there is no three-patron dancing rule in the cabaret law, and 60% of so of the current licenses are not located in Use Group 12, which raises interesting issues.

### **The Origins of the Cabaret Law**

I am concerned as to statements made at the hearing concerning racism – statements that are counter-productive and in many ways make assumptions as to history which are not supportable, conflate events subsequent to adoption with the 1926 period, and ignore historical fact. The 1926 law needs to be seen in the context of Prohibition and the context of the 1925 Charleston Craze as well as the flowering of the Harlem Renaissance, which continued beyond 1926 until World War II.

I do not believe that those with good faith reasons to support the regulation of dancing should be insulted by calling them racists, as did the Committee-sponsored lead-off witness at the June 19, 2017 hearing: “any law founded in such explicit racist language of this nature has no place in our society, and to argue otherwise posits you as complicit in this country’s history of racism.” (emphasis supplied)

I argue otherwise that there is little evidence for this assertion, and **I am personally offended by this language** and approach: I am not complicit in this country’s history of racism and this is no way to win a battle.

Taken in context, reasonable people could arrive at different conclusion as to the Alderman’s statement – the full quotation refers to “strangers” from outside the city. Reasonable people

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could conclude that the “foolish native” phrase refers to those people who are not “strangers”, i.e. from outside the city. The word “native” may not have the pejorative meaning as ascribed by the witness nor does it necessarily have the same pejorative meaning as it has come be used in certain contexts today.

The racist origin claim is politically destructive to the cause of reforming the laws regulating dancing. Many oppose the change in the cabaret law for reasons relating to congestion and noise, and to suggest that opponents are racists is inflammatory. Moreover, I know there are some who do not wish to associate their names with this approach.

I ask that you counsel supporters of reform to cease inferring or stating that historians have concluded and agree that the 1926 Cabaret Law was directed at the black music and dances that were performed in the Harlem clubs and at the social mixing of races, that it was intended to deter interracial sexual relations, or that the discriminatory intent behind the Cabaret Law is established by several books written about the Cabaret Law.

Next, I am asking you to remove the underlined assertion in your Committee’s brief that:

“The Cabaret Law was first introduced in 1926, during the Prohibition era, to crack down on establishments run by racketeers. Historians argue that the law's true aim was to prevent interracial mingling in Harlem jazz clubs.”<sup>1</sup>

Clearly, the Committee’s brief should not rely upon the citation to historian Michael Lerner’s book, *Dry Prohibition*. Professor Lerner does not argue that the law’s true aim was to prevent interracial mingling in Harlem jazz clubs and the citation is completely incorrect and must be removed.

The City Council Briefing Paper cites as authority Paul Chevigny, *Gigs: Jazz and the Cabaret Laws in New York City*, 2d ed., (2005) and Michael A. Lerner, *Dry Manhattan: Prohibition in New York City*, Harvard University Press (2007). With all due respects to Professor Chevigny (and I hold him in the highest regard as an attorney,) he is not a historian of the 1920s. His books cites only post-1960 resources, except for a single citation to a 1926 Alderman’s statement. His “conclusion” is more of hypothesis, with no substantiation other than in the Alderman’s statement and with no supporting research or citation. I discuss his “hypothesis” below.

In his *Dry Manhattan* book, Professor Lerner rejects definitively the “hypothesis” of Professor Chevigny. *Dry Manhattan* is heavily researched and supported by citations to a multitude of contemporaneous sources of the 1920s. Professor Lerner has been misquoted several times and he has e-mailed me in recent weeks to state that he stands by the conclusion in his book – there is little evidence to support the racist origin allegation: “It has been argued that Walker’s cabaret law was later used to regulate jazz clubs and, in particular, interracial dancing in Harlem

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clubs, but there is little evidence that this was the case during Walker's administration." Those wishing to cite to Professor Lerner should read the relevant sections of the book and his well-researched discussion of the political background and the subsequent enforcement immediately after adoption of the law.

To be clear, anyone who cites to Professor Lerner for the racist intent proposition is acting in a questionable manner. Any academic relying upon Professor Lerner for the racist intent proposition could be academically questioned. The only historian as to which I am aware to address the Cabaret Law adoption in 1926 in published form, and at any depth, is Professor Lerner.<sup>1</sup>

Perhaps for some the 1926 Law may have been based partly upon racist intent, but, there is little evidence, and I am waiting for the scholarly research, published in peer reviewable form, to show such evidence. The only evidence relied upon is the Alderman's 1926 statement, which reasonable objective people may disagree as to its meaning, as did the court in the Chiasson case (see discussion below.)

But, this meme continues on and on, as writers quote each other without verifying original sources, especially as to the position of the only academic to have researched this area with a published book (published by Harvard University, incidentally.)

### **Muchmore Briefs**

Next I wish to discuss memoranda filed in the Muchmore Eastern District of New York case challenging the Cabaret Law.

I do appreciate the initiation of the Muchmore litigation and I hope that Muchmore prevails based upon the vagueness of the definition of dancing, its erratic enforcement, the impact upon performers, the lack of connection between dancing and the law, however defined, and the regulations which are part of the cabaret law (as well as the Zoning Resolution). Those who file impact litigation represent not only themselves, but the broader community impacted by the litigation.

As has been previously brought to the attention of the attorneys in Muchmore, there are issues as to the support for certain statements made in the Muchmore briefs, which, unfortunately

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<sup>1</sup> Another historian Professor Sally Summers' testimony and statement was submitted at the hearing. The testimony and statement filed with the Council made no reference to the alleged racists origins of the Cabaret Law. Other statements bear her name and have been circulated by opponents to the law, but it is not clear that she signed those statements or agrees with them. I have written her three times to verify that she made these assertions. And I asked her for any research to back up the racist intent assertion, and after an initial response, she has not responded with any substantiation.

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have now being treated as statements of fact by those not understanding the way in which many attorneys argue and stretch the facts. Unfortunately, what I believe are misstatements have not been corrected, but in fact perpetuated. Indeed, these briefs appear to form the basis of the presentation of the Committee's lead-off witness at the hearing mentioned above and to be the basis for various articles.

Following are statement made in the memoranda (briefs), which may be questioned.

#### Muchmore Litigation Brief of March 27, 2015

##### Page 1

The Cabaret Law was passed in 1926, at the height of the Harlem Renaissance. History leaves no room for ambiguity as to its purpose: to clamp down on inter-racial dancing and inter-racial mingling in Harlem jazz clubs. (emphasis supplied)

##### Page 20

The Cabaret Law was a direct response to the Harlem Renaissance, and its original text and legislative history make clear that it was targeted at black musicians and inter-racial association. The original text of the law targeted wind, brass and percussion instruments, commonly used in jazz music, while permitting piano, organ, accordion, guitar and stringed instruments. (emphasis supplied)

##### Page 20

In striking down this aspect of the law, the Chiasson Court also noted the racially-tinged language of the legislative history, which described the purpose of the Cabaret Law as follows:

... there has been altogether too much running 'wild' in some of these night clubs and, in the judgment of your committee, the 'wild' stranger and the foolish native should have the checkrein applied a little bit.

It should be clear to this Court, as it was to the Court in Chaisson, that a law passed in 1926, at the peak of the Harlem Renaissance, targeting instruments used in jazz music, and justified by a desire to apply the "check-rein" to "wild stranger[s]" and "foolish native[s]", is not motivated by a substantial governmental interest, but by an invidious discriminatory purpose.<sup>2</sup> (emphasis supplied)

##### Page 21

The discriminatory intent behind the Cabaret Law is so well established that entire books have been written about it. (emphasis supplied)

##### Page 21 Footnote 9

See Adam Janos, For Nightclubs, Life is No Cabaret Without a License, Wall St. J., Sept. 29, 2014, at A17 ("According to historian Michael A. Lerner, the law was 'really a response to interracial mixing.' During Prohibition, 'the police didn't care so much about drinking. What they cared about was white women dancing with black men,' said Mr. Lerner, who wrote Dry Manhattan: Prohibition in New York City.); see also Laam Hae, The Gentrification of Nightlife and the Right to the City: Regulating Spaces of Social Dancing in New York (2012), p. 27 ("the NYC cabaret zoning laws in the pre- 1985 era that isolated the location of black and Latino live music venues had their roots in long-standing militancy against the expressive cultures of racial others, and the

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<sup>2</sup> As explained below, the *Chiasson* court did not at all make this finding of "invidious discriminatory purpose, rather stating:

"However, it appears that cabaret licensing was introduced in the city in 1926, as part of an effort to control speakeasies."

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fear of inter-racial mingling."); see also Paul Chevigny, *Gigs: Jazz and the Cabaret Laws in New York City* (2004), p. 40 ("The ordinance must have been directed at the black music and dance that was performed in the Harlem clubs, as well as the social mixing of races that was part of 'running wild,' because in 1926, the 'jazz' about which the alderman complained was being played mostly in Harlem. The alderman were legislating in the shadow of the view, then widely held throughout the country, that the origin of jazz music and dance in black culture was a source of moral degradation."); see also Gena Caboni-Tabery, *Jazz, Basketball, and Black Culture in 1930s America* (2008), p. 8 ("African American 'third places' were places of contestation (of racism) as much as celebration (of race). But with regard to black-white relations in the 1930s, African American night clubs and dance halls functioned as national 'third places', democratic islands of neutrality where ordinary social restrictions - such as segregation - were occasionally and temporarily laid aside.")

Reply of June 8, 2015, Page 12

The City passed the Cabaret Law to keep African Americans and white people from socializing and dancing together in Harlem jazz clubs. It is a shameful vestige of laws used to keep African Americans subordinated and separate even after the Civil War and the passage of the Fourteenth Amendment. (emphasis supplied)

These litigation assertions are not supported by the authorities cited in the briefs, and indeed in some instances contradict the authorities.

**The Three-Musician exception was NOT in the original statute, nor was it ever a "Banning of Jazz Instruments"**

The latest version of Cabaret Law "history", which I have read in a blog in recent weeks, is now that:

"The law was passed in 1926, a prohibition-era tool for the city to go after mostly-black jazz clubs during the Harlem Renaissance. The language of the law has been amended over time, but in its original form it specifically banned instruments that jazz musicians tended to play, like brass, wind and percussion, while allowing instruments like strings, keyboards and disco sound systems." (emphasis supplied)

The statement that the initial law included the three-musician exception is intended to buttress the false point that the text of the 1926 law showed racial bias. This is plainly and unequivocally not correct.

This is pretty easy to refute by merely reading the Cabaret Law as enacted in 1926, which is attached. There is no reference to banning jazz instruments – this is an over the top misstatement. I do not blame the author of the blog – for he appears to have been relying upon misstatements by others.

The first *Chiasson* decision states that the exception to the application of the cabaret law to music by three musicians was enacted in 1961 by Local Law No. 95. 132 Misc. 2d, 640 at 642. Professor Chevigny was clear that this provision was adopted in 1961. [And, of course, the cabaret law even in 1961 never "banned instruments" at all.] This false statement unfortunately was repeated by a "journalist" in the *New Yorker* magazine, for some that means it must be true.

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I have traced these false assertions to the Muchmore March 27, 2015 memorandum (brief) to the United States District Court for the Eastern District of New York. The Muchmore brief states as quoted above that: "The original text of the law targeted wind, brass and percussion instruments, commonly used in jazz music, while permitting piano, organ, accordion, guitar and stringed instruments." Page 20 of March 27, 2015 Memorandum. This is a totally incorrect statement in the brief. Similarly, no one has pointed to a provision of the text of the original law evidencing racial discrimination.

**There is NO evidence that "The law was passed in 1926, a prohibition-era tool for the city to go after mostly-black jazz clubs during the Harlem Renaissance."**

The second assertion made in the Muchmore's brief, now taken as truth by virtue of repetition, is that the law is "not motivated by a substantial governmental interest, but by an invidious discriminatory purpose."

The Muchmore brief states misleadingly that

"The discriminatory intent behind the Cabaret Law is so well established that entire books have been written about it."

This statement is misleading, if not false. Only one book has devoted any substantial discussion of the origins of the Cabaret Law – not "books", and that book refutes the assertion in the Muchmore briefs.

The Muchmore brief cites to four books in the supporting footnote: Professor Michael A. Lerner's, *Dry Manhattan: Prohibition in New York City*, Harvard University Press (2007). Professor Lamm Hae's *The Gentrification of Night Life*", Constitutional Law Professor Paul Chevigny's *Gigs: Jazz and the Cabaret Laws in New York City*, 2d ed., (2005); Gena Caboni-Tabery's, *Jazz, Basketball, and Black Culture in 1930s America* (2008). The brief also cites to a Wall Street Journal article, Adam Janos, *For Nightclubs, Life Is No Cabaret Without a License*, Wall Street Journal, September 29, 2014, which misquotes Professor Lerner and demonstrates that the author Adam Janos never bother to check authority by reading the relevant portions of Lerner's book.

Professor Hae's book did not even address the issue. Her book is about zoning and gentrification and does not address the 1920s at all. She has confirmed to me in recent weeks that she has no position on the rationale for the 1926 law.

The Gena Caboni-Tabery's book does not cover the 1920s, and the quotation cited in the Muchmore brief does not address the Cabaret Law at all.

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So, these two books cannot be the entire books written about the “the discriminatory intent behind the Cabaret Law.”

That leaves the Lerner book and the Chevigny book.

Professor Lerner’s book, *Dry Manhattan: Prohibition in New York City*, is a scholarly historical book, published by Harvard University, and citing scores of contemporaneous publications.<sup>3</sup> Professor Lerner disagrees with the racist origin claims of the Muchmore briefs, as Professor Lerner confirmed in a recent e-mail to me. Professor Lerner stands by the position in his book:

It has been argued that Walker's cabaret law was later used to regulate jazz clubs and, in particular, interracial dancing in Harlem clubs, but there is little evidence that this was the case during Walker's administration. Though Police Commissioner Joseph Warren and other city officials would express concern over racial mixing in nightclubs later during the Prohibition era, the cabaret law was enforced so sporadically and imprecisely under Walker that it served almost no purpose other than to encourage a modicum of self-restraint in the nightclub trade. In many regards, the law was Walker's way of taking back the regulation of city nightlife from the Bureau of Prohibition and allowing the city to set its own priorities rather than follow the federal agenda.

Thus, Professor Lerner not only does not support Mr. Muchmore’s claim, but directly contradicts the assertion. This is one of the two books cited by the Council Committee for its assertions of racial origin.

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<sup>3</sup> In *Dry Prohibition*, Professor Lerner uses the following 1920-1934 contemporary sources (none of which are referred to by Professor Chevigny who provides no similar authority):

- Amsterdam News
- New York Times
- The Messenger
- New York Age
- American Mercury
- Variety
- Committee of Fourteen Papers (New York Public Library) (Records of a citizens’ association dedicated to the abolition of commercialized vice in New York City)
- James J. Walker Papers (MANY-Municipal Archives of New York)
- Stanley Walker, *The Night Club Era*, 1933
- NYPD Annual Report 1926
- The New Yorker
- Vanity Fair



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Moreover, Professor Lerner's clear position in his book, and confirmed in a recent letter to me, should not be confused with the inaccurate citation to him in several "journalistic" articles.<sup>4</sup>

That leaves as the Muchmore brief's sole authority for the racist origins claim - the book of Constitutional Law Professor Paul Chevigny's, *Gigs: Jazz and the Cabaret Laws in New York City*. Professors Chevigny argues that the "law must have been directed at black music and dance" and relies solely upon the short 1926 Alderman's statement. Professor Chevigny pulls his punches by stating "must have been" rather than "was", perhaps not believing his own assertion. Elsewhere in his book, Chevigny cites Elmer Rogers, author of the 1926 bill who was interviewed in 1960 and said:

He told how Texas Guinan, a famous proprietor of speakeasies, had opened one next to a church, forcing the outraged parishioners to encounter revellers leaving the place on Sunday morning. When the City could not get the owners of nightclubs to police themselves, the ordinance was drafted.

Without any discussion of the musical, dance, political, and cultural history of the 20s, Professor Chevigny then rejects the statement he just quoted by Rogers, focusing solely on the Alderman's statement. Chevigny cites no history of the 20s, as contrasted with the well-researched work of the historian Professor Lerner. Indeed, the only citation in the Chevigny book that is earlier than 1960 is the Alderman's statement.

### **The 1986 Chiasson Court Did not Find Racism**

The 1986 *Chiasson* court did not find that the 1926 Cabaret Law was "motivated ... by an invidious discriminatory purpose" as inaccurately claimed in the Muchmore brief. The court made no such finding. Indeed, the court found to the contrary: "However, it appears that cabaret licensing was introduced in the city in 1926, as part of an effort to control speakeasies." The full context of the Chiasson Court is as follows, at 500:

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<sup>4</sup> The Muchmore brief also relies upon the Wall Street Journal article about his case, Adam Janos, *For Nightclubs, Life is No Cabaret Without a License*, Wall St. J., Sept. 29, 2014, at A17 ("According to historian Michael A. Lerner, the law was 'really a response to interracial mixing.'")? This of course contradicts Lerner's clear statement in his book. As confirmed by Lerner in a recent e-mail to me, Janos distorts his position. The Wall Street Journal article is about the Muchmore case and expresses the litigation's point of view.

Another example of inaccurate research by blog posters is a June 30, 2015 Huffington Post article, *A Constitutional Challenge to NYC's Ban on Dancing*, by Sonja West, which attributes views to Professor Lerner of Edgar Grey, one of the Black Victorians opposing inter-racial mixing, when in fact, Professor Lerner was merely summarizing the views of an African-American opponent to racial mixing, *Dry Prohibition*, 206-208. Clearly, opposition to racial mixing came from both African-Americans and non-African-Americans, a fact not understood at all by those raising the racist-origin flag.

The plaintiffs contend that there is no statement of legislative intent which adequately explains this distinction. However, it appears that cabaret licensing was introduced in the city in 1926, as part of an effort to control speakeasies (Recommendation No. 10, Proceedings of Board of Alderman and Municipal Assembly of City of New York [Dec. 7, 1926], at 577). The report of the Committee on Local Laws stated the purpose of the bill: "there has been altogether too much running 'wild' in some of these night clubs and, in the judgment of your committee, the 'wild' stranger and the foolish native should have the check-rein applied a little bit" (ibid.). Proceedings of Board of Alderman and Municipal Assembly of City of New York [Dec. 7, 1926], at 577).

### **The 1926 Alderman's Statement May Be Interpreted Differently by Reasonable People**

It seems the arguments for the alleged racism in the Alderman's statement is based upon the following:

#### 1. The Alderman's reference "tune of jazz" Does Not Necessarily Refer Only to Music In Harlem

Professor Chevigny asserts that "in 1926, the "jazz" about which the aldermen complained was being played mostly in Harlem." Chevigny provides no authority for this assertion. In the 1920s, Jazz was played all over New York City and indeed throughout the country, by both white and African-American musicians. The earliest jazz recordings were made by white musicians. Roseland hosted all white dances in mid-town to frequently all white bands. Surely, Professor Chevigny knows of the white jazz musicians of the 20s such as the Coon Sanders Nighthawk Orchestra (a name used today by Vince Giordano's Nighthawks), Paul Whiteman, Bix Beiderbecke, Jean Goldkette, and Tommy Dorsey. Surely Professor Chevigny would have known about the Charleston Craze of 1925 and the Foxtrot and One-Step, dances not particularly African-American. Just how does Professor Chevigny know about the intent of the Alderman as to the use of the word "jazz"? This seems to be conjecture by a litigation advocate attempting to create a racial discrimination claim. I am not a cultural historian and await full analysis by someone with in-depth knowledge.

#### 2. The Word "Native" as used by the Alderman Does Not Necessarily Mean African-Americans

The next apparent assumption by some in 2017 reading this 1926 statement is that any reference to "natives" means "African-Americans." Yet, a careful reading of the statement shows that at one point, the Alderman is contrasting out-of-towners ("strangers") with New York City residents ("natives") but then changes usage of the word "native" by speaking of the out-of-towners returning to their "native" haunts. Yes, "native" used as a noun, does have an undesirable connotation today, but no proof is meant as to the Alderman's meaning – just the projection of the reader.

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### 3. No Text in the 1926 Law Cannot Be Shown to Focus on Harlem or African-Americans

There is nothing in the provisions of the 1926 law that would apply singularly to Harlem or to African-Americans. There was a 50 dollar a year fee. There was a requirement that the venues comply with the existing building laws (which had been in effect for years) as they applied to venues for dancing. And, consistent with the Alderman's statement, there were provisions establishing closing times. There is nothing in the definitions that seem to indicate a bias against Harlem or African-Americans. In addition, saloons had been licensed prior to Prohibition. With Prohibition, perhaps there was a perception of a need for licensing venues that theoretically did not sell liquor. I am not a historian, and leave these issues to historians who follow the facts without trying to prove a point.

### 4. Running Wild was more likely a reference to White Female Flappers.

The term "Running Wild" is better known as the title of a 1923 Ziegfeld Follies show, which featured the Charleston. Although the show had an all African-American cast, the Charleston dances of the show was picked up by the Flappers, which, I understand, consisted generally of white young women who described their dancing as "running wild." I leave it to true historians of the period to explore this meaning. But, I suggest that the reference by the Alderman to "running wild" was to white female Flappers doing the Charleston. I suggest that readers view YouTube videos of the Charleston in the 20s.

### **Use Group 12 – Most Licenses Not in Use Group 12**

Another clarification which I would hope that the professional herein should express is that although the Zoning Law allows cabaret licenses/dancing in Use Group 12, the fact is that 60% of the licensees are not in Use Group 12, and appear to have been issued perhaps in a preferential or discretionary manner.

I do not understand why attorneys would continue to make assertions about Use Group 12, when the facts undercut their statements. I believe that this misunderstanding may come back if reflected in reform legislation.

I urge the professionals who make these statements to take care.

### **One Patron Dancing invokes the Cabaret Law, not Three Patrons**

Many articles and commentaries mistakenly state that the current law requires a cabaret license only where three or more patrons are dancing. This mistaken statement misreads the current definition of a "cabaret." Indeed, one patron dancing would require a cabaret license.

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*Any room, place or space in the city in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink, except eating or drinking places, which provide incidental musical entertainment, without dancing either by mechanical devices, or by not more than three persons.*

Separating this definition into phrases allows it to be interpreted:

Any room, place or space in the city

in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling to the public food or drink,

except eating or drinking places, which provide

incidental musical entertainment, without dancing,

either by mechanical devices, or by not more than three persons.

The key to interpreting the meaning of the definition is to focus on the either/or in the last phrase. The either/or phrase is clearly modifying “musical entertainment”, especially because musical entertainment may be provided by mechanical means rather than live musicians. Clearly, dancing cannot be provided by mechanical means.

This is the interpretation used in the *Chiasson* cases which struck down the exception to three musicians or as to certain instruments.

It should also be noted that the current law requires cabaret licenses not only for a “Cabaret” but also for Public Dance Halls and Catering Establishments, where there is no mention of three musicians.

So, in point of fact, the Cabaret Law is more onerous than depicted by those who repeat the so-called three-dancer rule, and I do not understand why opponents to the law would understate the severity (or ambiguity) of the law.

### **The Current Cabaret Law Does not Exempt Hotels**

Although the 1926 law exempted hotels having “upwards of 50 bedrooms” from obtaining a cabaret license (§12), some mistakenly believe that such an exemption exists in the current law. But, at some point, the exemption was removed and such exemption does not exist in current

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law. In other words, a large hotel holding a benefit gala event with tickets sold to the public is required to obtain a cabaret license, though almost none do. Outrageous.

It is true that under the Zoning Resolution, hotels in some districts outside of Use Group 12 may allow dancing e.g., Use Group 10. Zoning Resolution, §32-19.

Why is this important? The hotel industry has much influence and many of their activities such as balls and benefit galas would require cabaret licenses. The hotels may be willing to push a repeal of a law which they violate regularly and, if enforced, would create major problems.

Just as an example, the New Yorker Hotel this weekend is hosting a WW2 dance open to the public, which clearly would require a cabaret license, a license not held by the Hotel.

### **Conclusion**

I fully understand the statements often made in the heat of litigation and advocacy, but what has happened here has gone too far and may back-fire.

The Cabaret Law may have well been based in part on racism – but there is no evidence of such that has been presented. Everyone is just blindly repeating assertions of attorneys making litigation arguments, without any evidence.

Finally, I would like to offer help in obtaining the witness statements/testimony of Grammy award winning jazz musicians negatively affected by the law, as well as performing dancers who are also negatively affected. Please let me know how that can be arranged.

Sincerely,



Alan D. Sugarman

## The 1926 Alderman's Statement

Your committee gave two public hearings on this bill and its adoption was urged by the police and license commissioners, by clergymen of various denominations and citizens interested in social and recreational work. It was opposed by licensees and owners of cabarets, personally and by their attorneys, and by representatives of musical organizations. These night clubs or cabarets are simply dance halls, where food is served at exorbitant prices to the tune of jazz and tabloid entertainment. A very frank opposition was voiced by one of the licensees, on the ground that when strangers came to New York they wanted to 'run Wild.' Well, there has been altogether too much running 'wild' in some of these nightclubs and in the judgment of your committee the 'wild' stranger and the foolish native should have the check-rein applied a little bit. It is well known that the 'wild' strangers are not at all interested in our great museums of art and history, in our magnificent churches and public libraries, our splendid parks and public monuments. They are interested in speakeasies and dance halls and return to their native heaths to slander New York. Your committee believes that those 'wild' people should not be tumbling out of these resorts at six or seven o'clock in the morning to the scandal and annoyance of decent residents on their way to daily employment. Favorable action is recommended.

Proceedings of Board of Alderman, City of New York, Dec. 7, 1926, p. 572

See attached photocopy of this statement and the text of the 1926 Law as Adopted.

## THE MUNICIPAL ASSEMBLY OF THE CITY OF NEW YORK.

### ALDERMANIC BRANCH.

Aldermanic Chamber, City Hall, Tuesday, December 7, 1926, 1.15 o'Clock P. M.  
The Board met in the Aldermanic Chamber, City Hall.

Present:

Joseph V. McKee, Chairman

Aldermen

Charles A. McManus, Vice-Chairman	Rudolph Hannoeh	Jeremiah R. O'Leary
James B. Allen	Walter R. Hart	Thomas O'Reilly
John J. Barrett, Jr.	John B. Henrich	Ruth Pratt
Samuel J. Burden	George Hilkemeier	Joseph Reich
John J. Campbell	Reinhard E. Kaltenmeier	Stephen A. Rudd
John Cashmore	John J. Keller	Bernhard Schwab
Edward Cassidy	Edward T. Kelly	Henri W. Shields
John J. Connolly	James F. Kiernan	Joseph R. Smith
Dennis Corcoran	John J. Lenihan	William Solomon
Thomas J. Cox	William J. McAuliffe	Murray W. Stand
Frank A. Cunningham	Patrick J. McCann	Edward J. Sullivan
Edward W. Curley	John J. McCusker	Joseph W. Sullivan
John R. Dalton	Francis D. McGarey	Timothy J. Sullivan
Peter Donovan	Charles J. McGillick	William P. Sullivan
Frank J. Dotzler	Peter J. McGuinness	Martin F. Tanahey
Patrick S. Dowd	Thomas F. McNamara	Arthur Twombly
Howard Fenn	Dennis J. Mahon	Edward J. Walsh
George W. Friel	Hugh H. Masterson	William L. Weber
Moritz Graubard	James J. Molen	Alford J. Williams
Walter F. Hagan	James J. Morris	Louis J. Wronker
	James M. Murtha	Louis J. Zettler

The minutes of the proceedings of November 30, 1926, were approved.

The session was opened with an invocation by the Reverend Prior Bernard, Rector of St. Anselm's Church and Chaplain of the Bronx County Prison.

#### REPORTS OF COMMITTEES.

No. 66.

B. of A. 65.

#### Report of the Committee on Local Laws in Favor of Adopting a Local Law in Relation to the Membership of Marine Stokers in the Uniformed Force of the Fire Department.

The Committee on Local Laws, to which was referred on October 26, 1926 (Minutes, page 137), the annexed Local Law in relation to the membership of Marine Stokers in the uniformed force of the Fire Department, respectfully:

#### REPORTS:

That this bill empowers the Fire Commissioner, in his discretion, to reward the services rendered by Marine Stokers in civilian duty attached to the Fire Department, by appointment to the uniformed force.

Your Committee believes that members of the firefighting force should be uniformed and the civilian division absorbed into that body in so far as this may be done to insure efficient administration.

Favorable action is recommended.

A LOCAL LAW in relation to the membership of marine stokers in the uniformed force of the fire department.

*Be it enacted by the Municipal Assembly of The City of New York as follows:*

Section 1. The fire commissioner is hereby authorized and empowered, in his discretion, to appoint as a member of the uniformed force of the fire department any person who is attached to the civilian force of such department as a marine stoker and hereafter all persons appointed to the position of marine stoker shall be members of the uniformed force. All such persons shall have the title and shall be known as uniformed marine stokers and shall receive the salary now paid to marine stokers, unless such salary be otherwise fixed in accordance with the law. The time served by any such appointee in the civilian force as a marine stoker shall count as time served in the uniformed force of such department for the purpose of determining pension and all other rights of such appointee.

Sec. 2. This local law shall take effect immediately.

WILLIAM SOLOMON, FRANCIS D. MCGAREY, FRANK A. CUNNINGHAM, EDWARD W. CURLEY, R. E. KALTENMEIER, JAMES J. MOLEN, P. S. DOWD, RUTH PRATT, EDWARD J. WALSH, Committee on Local Laws.

Report agreed with and the local law, as recommended, passed by vote indicated under:

Affirmative—Aldermen Allen, Barrett, Burden, Campbell, Cashmore, Cassidy, Corcoran, Cox, Cunningham, Curley, Dalton, Dotzler, Fenn, Friel, Graubard, Hagan, Hart, Henrich, Keller, Kelly, Kiernan, Lenihan, McAuliffe, McCann, McCusker, McGarey, McGuinness, McNamara, Mahon, Masterson, Molen, Morris, O'Leary, O'Reilly, Pratt, Rudd, Schwab, Shields, Smith, Solomon, Stand, Sullivan (E. J.), Sullivan (T. J.), Sullivan (W. P.), Tanahey, Twombly, Walsh, Weber, Williams, Zettler; the Vice-Chairman—51.

Rec. No. 10.

**Report of the Committee on Local Laws in Favor of Adopting a Local Law to Regulate Dance Halls and Cabarets and Providing for Licensing the Same.**

The Committee on Local Laws, to which was referred on October 26, 1926 (Minutes, page 137), the annexed Local Law to regulate dance halls and cabarets, and providing for licensing the same, respectfully

#### REPORTS:

Your Committee gave two public hearings on this bill and its adoption was urged by the Police and License Commissioners, by clergymen of various religious denominations and citizens interested in social and recreational work. It was opposed by licensees and owners of cabarets, personally and by their attorneys, and by representatives of musical organizations.

These night clubs or cabarets are simply dance halls, where food is served at exorbitant prices to the tune of jazz and tabloid entertainments. A very frank opposition was voiced by one of the licensees, on the ground that when strangers came to New York City they wanted to "run wild." Well, there has been altogether too much running "wild" in some of these night clubs and, in the judgment of your Committee, the "wild" stranger and the foolish native should have the check-rein applied a little bit. It is well known that the "wild" strangers are not all interested in our great museums of art and history, in our magnificent churches and public libraries, our splendid parks and public monuments. They are interested in speak-casies and dance halls and return to their native heaths to slander New York.

Your Committee believes that these "wild" people should not be tumbling out of these resorts at six or seven o'clock in the morning to the scandal and annoyance of decent residents on their way to daily employment.

Favorable action is recommended.

A LOCAL LAW to regulate dance halls and cabarets, and providing for licensing the same.

*Be it enacted by the Municipal Assembly of the City of New York as follows:*

Section 1. Definition. When used in this local law:

1. The words "public dance hall" shall mean any room, place or space in the city of New York in which dancing is carried on and to which the public may gain admission, either with or without the payment of a fee.
2. The words "public dance or ball" shall mean any dance or ball of any nature or description to which the public may gain admission.



3. The word "cabaret" shall mean any room, place or space in the city in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling the public food or drink.

§ 2. Public Dance Halls and Cabarets; License. No person, firm or corporation shall conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, in the city of New York, a public dance hall or a cabaret unless the premises wherein the same is conducted, maintained or operated are licensed in the manner prescribed by this local law.

§ 3. Membership Corporations; Clubs; Associations and Societies. A membership corporation, club, association or society which permits musical entertainment, singing, dancing or other form of amusement in premises wherein food or drink is directly or indirectly sold to its members, or their guests, or to the public, shall be deemed to be conducting a cabaret within the meaning of this local law.

§ 4. Licenses; Application. The license prescribed by this local law shall be issued by the commissioner of licenses. Application for such license shall be made on a form containing such information, as may be determined by the commissioner of licenses. The fee for each such license shall be fifty dollars for each year or fraction thereof. All licenses issued between the first day of April and the thirtieth day of September, inclusive, of any year shall expire on the thirty-first day of March of the succeeding year; and all licenses issued between the first day of October and the thirty-first day of March, inclusive, shall expire on the thirtieth day of September following. There shall be kept posted at the main entrance of every place licensed pursuant to this local law a certificate of such license. No such license shall be issued unless the place for which it is issued complies with all laws and ordinances and with the rules and regulations of the building department, the license department and the health department, and, in the opinion of the commissioner of licenses, is a safe and proper place to be used as a public dance hall or a cabaret.

§ 5. Places Not to be Open to Public Within Certain Hours. Premises licensed pursuant to this local law shall not be kept open for business, nor shall the public be permitted to enter or to remain therein, between the hours of three o'clock a. m. and eight o'clock a. m.; and if the occupant be a membership corporation, club, association or society, its members or their guests shall not be permitted to enter or to remain therein between such hours. The commissioner of licenses, in his discretion, may permit any premises licensed pursuant to this local law to be open to the public between such hours on special occasions. If it appear to the commissioner of licenses that the place for which a license is sought will be frequented by minors, or if there be in the opinion of the commissioner any other good and sufficient reason therefor, the commissioner may grant a license upon the condition that the licensed premises shall not be open for business between the hours of one a. m. and eight a. m.

§ 6. Revocation of License. A license may be revoked by the commissioner of licenses for any violation of law or upon the ground that disorderly, obscene or immoral conduct is permitted on the licensed premises. The commissioner of licenses shall cause to be served upon such parties as he may deem to be interested therein such reasonable notice as he may determine to be proper of his intention to revoke such license. There shall be included in or attached to such a statement of the facts constituting the violation charged. Such parties shall be entitled to a hearing before the commissioner. If the license of any place be twice revoked within a period of one year, no new license shall be granted to such place for a period of at least one year from the date of the second revocation.

§ 7. Inspection Before and After Issuing License. No license shall be issued until the commissioner of licenses shall have caused an inspection to be made of the premises to be licensed and until the commissioner is satisfied that such place complies with all laws and ordinances and the rules and regulations of the building department, the license department and the health department in so far as the same are applicable thereto. The commissioner of licenses shall also cause to be made such inspections as may be necessary to ascertain whether the places licensed are maintained in compliance with law. For the purpose of facilitating the inspections prescribed by this section, the commissioner of licenses is authorized to call upon the head of any other department of the city and such department and its employees shall make such inspections as may be required. The inspectors of the department of licenses, and the inspectors of any other department whose duty it is to make such inspections, shall file with the commissioner of licenses a written report of inspections made by them and the same shall be filed in the office of the commissioner of licenses and shall constitute public records. The inspectors of the department of licenses, and the inspectors of any other city depart-

ment whose duty it is to make inspections under this local law, shall be permitted to have access to all public halls and cabarets at all reasonable times.

§ 8. Inspectors of Dance Halls and Cabarets; Appointment. The commissioner of licenses of the city of New York may appoint such inspectors and other officials as shall be necessary to carry out the provisions of this local law and as may be authorized by the board of estimate and apportionment.

§ 9. License for a Public Dance. No public dance hall shall be leased or hired out, and used, for the purpose of holding a public dance or ball unless the person, association or corporation intending to hold such public dance or ball shall apply for and receive from the commissioner of licenses a permit to hold same. Such permit shall be issued only upon condition that the dance or ball shall be held in accordance with the rules and regulations adopted by the commissioner. Such commissioner is authorized to adopt reasonable rules and regulations for the holding of such public dances and balls and for the purpose of preventing thereat any disorderly or immoral behavior or conduct calculated to disturb the public peace or safety. Application for such permit shall be made to the commissioner upon such forms as he may prescribe. A fee of five dollars shall be paid for each such permit. Such permit may at any time be revoked by the commissioner in case it appears probable that the public dance or ball for which permit has been issued will not be conducted in accordance with such rules and regulations. A permit issued pursuant to this section, in the discretion of the commissioner, may provide that such public dance or ball may be continued between the hours of three o'clock a. m. and eight o'clock a. m.; and in such case the license issued for the premises in which such public dance or ball is to be conducted shall not be deemed violated by reason of the fact that such premises are open to the public between such hours.

§ 10. Existing Licenses. Licenses granted under sections one thousand four hundred and eighty-eight to one thousand four hundred and ninety-four inclusive of the Greater New York Charter, if still in force when this local law takes effect shall continue in force and effect until the date of their expiration; but the provisions of section five of this local law shall apply to such premises.

§ 11. Violations. Any person, firm or corporation conducting, maintaining or operating a public dance hall or a cabaret in violation of this local law shall be guilty of a misdemeanor. Any person, firm or corporation using or occupying premises licensed pursuant to this local law in violation of section five shall be guilty of a misdemeanor. The officers, directors and trustees of a corporation, club, association or society aiding, consenting to or permitting the violation by such corporation, club, association or society of any provision of this local law shall be guilty of a misdemeanor.

§ 12. Application of Local Law. This local law shall not apply to:

1. A hotel having upwards of fifty bedrooms.
2. Premises owned and used by a membership corporation, club, society or association.
3. Premises owned, occupied or used by a religious, charitable, eleemosynary or educational corporation or institution.
4. Premises licensed pursuant to chapter three of the code of ordinances.

Sec. Two. Section one thousand four hundred and eighty-eight to section one thousand four hundred and ninety-four inclusive of the Greater New York Charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, insofar as such sections are in conflict with this local law, are hereby superseded.

Sec. Three. This local law shall take effect January first, 1927.

WILLIAM SOLOMON, FRANCIS D. MCGAREY, FRANK A. CUNNINGHAM, EDWARD J. WALSH, EDWARD W. CURLEY, R. E. KALTENMEIER, JAMES J. MOLEN, RUTH PRATT, Committee on Local Laws.

The Vice-Chairman moved acceptance of the foregoing report and passage of the local law.

Following discussion, Mr. Rudd moved the previous question.

The Chairman put the question, "Shall the main question be now put?"

Which was adopted.

Whereupon the report was agreed with and the local law, as recommended, passed by vote indicated under:

Affirmative—Aldermen Allen, Barrett, Burden, Campbell, Cashmore, Cassidy, Corcoran, Cox, Cunningham, Curley, Dalton, Donovan, Dotzler, Dowd, Fenn, Friel, Graubard, Hagan, Hannoch, Hart, Henrich, Hilkemeier, Kaltenmeier, Keller, Kelly, Kiernan, Lenihan, McAuliffe, McCann, McCusker, McGarey, McGillick, McGuinness,

December 7, 1926.

McNamara, Mahon, Masterson, Morris, Murtha, O'Leary, O'Reilly, Pratt, Reich, Rudd, Schwab, Shields, Smith, Solomon, Sullivan (E. J.), Sullivan (J. W.), Sullivan (T. J.), Sullivan (W. P.), Twombly, Walsh, Weber, Williams, Wronker, Zettler; the Vice-Chairman—58.

Negative—Alderman Stand and Tanahey—2.

A MOTION.

Mr. Barrett moved to discharge the Committee on Local Laws from further consideration of his bill, Print No. 63, B. of A. 62, entitled "A Local Law in relation to the reinstatement of certain persons, dismissed from the police department in the year nineteen hundred and twenty-five," for the purpose of amendment, reprint and recommittal, as follows:

Page 1—Strike out words "*rehear the charges upon*" and insert the words "*review the action by.*"

Adopted, bill amended and recommitted.

Whereupon adjournment was taken to Tuesday, December 14, 1926, at 1.15 o'clock p. m.

MICHAEL J. CRUISE, Clerk.

To view all locations on ZOLA: <https://tinyurl.com/cabaret-zola>

To Show Zoning Districts, Select Link in Lower Right Corner of ZOLA

License Number DCA	Business Name DCA	Borough	Capacity	Address	DBA Name - Not DCA Need to Vet	Assumed Category - Need to Vet	Zoning Dist	Special District	Use Group	Zola Link
0550888-DCA	LIGREC'S STATEN RESTAURANT, INC.	STATEN-ISLAND	296	697 FOREST AVE, STATEN ISLAND, NY 10310 2506	LI Grecis	Catering Hall	R3-2, R3A C1-1			<a href="#">Link To ZOLA</a>
0551111-DCA	GOTTSCHEER CENTRAL HOLDING CO. INC.	Queens	500	657 FAIRVIEW AVE, RIDGEWOOD, NY 11385 2447	Go cheer Hall	Catering Hall	R6B, R5B			<a href="#">Link To ZOLA</a>
0551482-DCA	178 7TH AVENUE SOUTH CORPORATION	Manha an	123	178 7TH AVE S, NEW YORK, NY 10014 2740	Village Vanguard	Live Music	C2-6			<a href="#">Link To ZOLA</a>
0551633-DCA	MANHATTAN MONSTER, INC.	Manha an	127	80 GROVE ST, NEW YORK, NY 10014 3546	Manha an Monster	Bar	R6			<a href="#">Link To ZOLA</a>
0551893-DCA	DOMSEL'S BAR & GRILL, INC.	Brooklyn	60	2602 E 15TH ST, BROOKLYN, NY 11235 3802	Towne Café		M1-2			<a href="#">Link To ZOLA</a>
0552561-DCA	LILLY'S RESTAURANT, INC.	Staten Island	240	67 OLYMPIA BLVD, STATEN ISLAND, NY 10305 4311	Crystal Room	Catering Hall	R3X			<a href="#">Link To ZOLA</a>
0553169-DCA	RODNEY DANGERFIELD INC.	Manha an	300	1118 1ST AVE, NEW YORK, NY 10065 8339	DANGERFIELDS	Adult	C8-4			<a href="#">Link To ZOLA</a>
0553540-DCA	DOUBLES INTERNATIONAL CLUB ENTERPRISES, INC.	Manha an	228	783 5TH AVE, NEW YORK, NY 10022 1012	Doubles Club		R10H SPECIAL PARK IMPROVEM	SPECIAL PARK IMPROVEMENT	USE GROUP 12	<a href="#">Link To ZOLA</a>
0554168-DCA	H.J.H. RESTAURANT INC.	Queens	74	9402 SUTPHIN BLVD, JAMAICA, NY 11435 4504	EUROPA BAR GENTLEMAN'S CLUB	Adult	C6-3 SPECIAL DOWNTOWN JAM	SPECIAL DOWNTOWN JAMAIC	USE GROUP 12	<a href="#">Link To ZOLA</a>
0554333-DCA	81-22 BAXTER AVENUE LOUNGE INC.	Queens	74	8122 BAXTER AVE, ELMHURST, NY 11373 1336	ILDA'S PLACE II	Adult	R7B			<a href="#">Link To ZOLA</a>
0554339-DCA	A.M.D RESTAURANT CORP.	Queens	73	9310 WOODHAVEN BLVD, WOODHAVEN, NY 11421 2758	Port O Call	Adult				<a href="#">Link To ZOLA</a>
0554492-DCA	JNS VENTURES LTD.	Queens	74	6007 METROPOLITAN AVE, RIDGEWOOD, NY 11385 2038	Vixen	Adult	R6B, R4 C2-4			<a href="#">Link To ZOLA</a>
0909440-DCA	PEREGRINE ENTERPRISES, INC.	Manha an	159	50 W 33RD ST, NEW YORK, NY 10001 3302	Rick's Cabaret	Adult	C6-6 SPECIAL MIDTOWN	SPECIAL MIDTOWN	USE GROUP 12	<a href="#">Link To ZOLA</a>
0948448-DCA	RICCARDO'S CATERING INC.	Queens	700	2101 24TH AVE, ASTORIA, NY 11102 3431	Ricardo's Restaurant	Catering Hall	C1-3			<a href="#">Link To ZOLA</a>
0950474-DCA	SAFF, INC.	Manha an	74	249 ELDRIDGE ST, NEW YORK, NY 10002 1382	Sapphire Lounge?	Adult	C6-2A			<a href="#">Link To ZOLA</a>
0950900-DCA	MOON WALKERS RESTAURANT CORP.	Manha an	197	101 AVENUE A, NEW YORK, NY 10002 1782	Moonwalkers?	Adult	R7-A C2-5			<a href="#">Link To ZOLA</a>
0956191-DCA	CLARO DE LUNA INC	Queens	72	5215 ROOSEVELT AVE, WOODSIDE, NY 11377 8015	Claro De Luna	Night Club	R6 C1-4			<a href="#">Link To ZOLA</a>
0956913-DCA	S.W. MONTE INC	Manha an	197	217 E HOUSTON ST, NEW YORK, NY 10002 1021	Mercury Lounge	Live Music	C6-2A		USE GROUP 12	<a href="#">Link To ZOLA</a>
0970906-DCA	T.C.K. MANAGEMENT INC.	Brooklyn	60	1077 GRAND ST, BROOKLYN, NY 11211 1702	Pumps Exotic Dancing	Adult	????			<a href="#">Link To ZOLA</a>
0899137-DCA	COCKTAIL BLUE LLC	Manha an	498	6 DELANCEY ST, NEW YORK, NY 10002 2804	Bowery Ballroom	Live Music	C6-1			<a href="#">Link To ZOLA</a>
1013370-DCA	GUSTO REST. INC.	Bronx	299	1625 E 233RD ST, BRONX, NY 10466 3324	Gustos	Adult	M1-1			<a href="#">Link To ZOLA</a>
1060380-DCA	AAM HOLDING CORP.	Manha an	300	320 W 45TH ST, NEW YORK, NY 10036 8344	Private Eyes	Adult	C6-2 SPECIAL CLINTON DISTRICT	SPECIAL CLINTON DISTRICT	USE GROUP 12	<a href="#">Link To ZOLA</a>
1070012-DCA	IGUANA NEW YORK, LTD.	Manha an	171	240 W 54TH ST, NEW YORK, NY 10019 5502	Iguana	Restaurant, Live Music	C6-7			<a href="#">Link To ZOLA</a>
1094186-DCA	S9 MURRAY ENTERPRISES, INC.	Manha an	167	59 MURRAY ST, NEW YORK, NY 10007 2201	New York Dolls	Adult	C6-2A			<a href="#">Link To ZOLA</a>
1097240-DCA	TSE GROUP LLC	Manha an	680	243 W 42ND ST, NEW YORK, NY 10036 7297	B.B. Kings	Live Music	C6-7 SPECIAL MIDTOWN DISTRIC	SPECIAL MIDTOWN DISTRICT	USE GROUP 12	<a href="#">Link To ZOLA</a>
1098304-DCA	PRP RESTAURANT, INC.	Queens	418	4319 37TH ST, LONG IS CITY, NY 11101 1706	GALLAGHER'S 2000	Adult	M1-4			<a href="#">Link To ZOLA</a>
1099020-DCA	SALTY DOG REST. LTD.	Brooklyn	200	7509 3RD AVE, BROOKLYN, NY 11209 3103	Salty Dog	Adult	R6B C1-3 SPECIAL BAY RIDGE DIS	SPECIAL BAY RIDGE DISTRICT	USE GROUP 12	<a href="#">Link To ZOLA</a>
1114539-DCA	EDITA'S BAR & RESTAURANT, INC.	Queens	190	8512 ROOSEVELT AVE, JACKSON HTS, NY 11372 7343	Flamingos	Adult	R6 C3-3			<a href="#">Link To ZOLA</a>
1138962-DCA	PEN ENTERTAINMENT, LLC	Manha an	300	18 LITTLE WEST 12TH ST, NEW YORK, NY 10014 1303	Cielo	Dance Club	M1-5			<a href="#">Link To ZOLA</a>
1140792-DCA	CMSG RESTAURANT GROUP, LLC	Manha an	260	639 W 51ST ST, NEW YORK, NY 10019 5008	Hustler	Adult	M2-4 SPECIAL CLINTON DISTRICT	SPECIAL CLINTON DISTRICT	USE GROUP 12	<a href="#">Link To ZOLA</a>
1141325-DCA	KAZ ENTERPRISES INC	Queens	200	7619 ROOSEVELT AVE, JACKSON HTS, NY 11372 6635	Unknown		R6 C2-3			<a href="#">Link To ZOLA</a>
1154219-DCA	SWAY LOUNGE, LLC	Manha an	225	305 SPRING ST, NEW YORK, NY 10013 1336	Sway Lounge	Dance Club	M1-6 SPECIAL HUDSON SQUARE	SPECIAL HUDSON SQUARE DIS	USE GROUP 12	<a href="#">Link To ZOLA</a>
1163331-DCA	158 LUDLOW REST, LLC	Manha an	228	158 LUDLOW ST, NEW YORK, NY 10002 2377	Pianos	Live Music and Dance	C4-4A			<a href="#">Link To ZOLA</a>
1223689-DCA	HARD ROCK CAFE INTERNATIONAL (USA), INC.	Manha an	700	1501 BROADWAY, NEW YORK, NY 10036 5601	Hard Rock Café	Live Music	C6-7/C6-5 SPECIAL MIDTOWN	SPECIAL MIDTOWN	USE GROUP 12	<a href="#">Link To ZOLA</a>
1228839-DCA	TCK, LLC	Brooklyn	70	3901 2ND AVE, BROOKLYN, NY 11232 2707	Peyton's Playpen	Adult	M1-2			<a href="#">Link To ZOLA</a>
1244274-DCA	ARS NOVA THEATER, INC.	Manha an	100	511 W 54TH ST, NEW YORK, NY 10019 5014	Ars Nova	Comedy Club	M1-5 SPECIAL CLINTON DISTRICT	SPECIAL CLINTON DISTRICT	USE GROUP 12	<a href="#">Link To ZOLA</a>
1246705-DCA	SILK CORP	Manha an	525	550 W 38TH ST, NEW YORK, NY 10018 1104	Headquarters	Adult	C6-4			<a href="#">Link To ZOLA</a>
1268288-DCA	ASPL CAFE, INC.	Queens	600	3448 STEINWAY ST, LONG IS CITY, NY 11101 1306	As PL Cafe/Riviera	Adult	C4-2A			<a href="#">Link To ZOLA</a>
1269967-DCA	SOEL LOUNGE INC.	Queens	299	3302 QUEENS BLVD, LONG IS CITY, NY 11101 2327	Soel Lounge		M1-4			<a href="#">Link To ZOLA</a>
1276075-DCA	THE MANHATTAN MUSIC GROUP LLC	Manha an	243	610 W 56TH ST, NEW YORK, NY 10019 3512	Terminal 5	Live Music	M2-3 SPECIAL CLINTON DISTRICT	SPECIAL CLINTON DISTRICT	USE GROUP 12	<a href="#">Link To ZOLA</a>
1277862-DCA	MUSIC HALL OF WILLIAMSBURG LLC	Brooklyn	498	66 N 6TH ST, BROOKLYN, NY 11211 3009	MUSIC HALL OF WILLIAMSBURG	Live Music	M1-2/R6A SPECIAL PURPOSE MI	SPECIAL PURPOSE MIXED USE	USE GROUP 12	<a href="#">Link To ZOLA</a>
1302936-DCA	WEBSTER HALL ENTERTAINMENT CORP.	Manha an	495	119 E 11TH ST, NEW YORK, NY 10003 5301	Webster Hall	Live Music	C6-2A			<a href="#">Link To ZOLA</a>
1306582-DCA	PEARL LOUNGE INC.	Brooklyn	145	1201 SURF AVE, BROOKLYN, NY 11224 2815	Foxy Club	Adult	C7 SPECIAL CONEY ISLAND DISTR	SPECIAL CONEY ISLAND DISTR	USE GROUP 12	<a href="#">Link To ZOLA</a>
1307164-DCA	CLAY FARM, LLC	Brooklyn	430	149 7TH ST, BROOKLYN, NY 11215 3106	THE BELL HOUSE		M2-1			<a href="#">Link To ZOLA</a>
1313273-DCA	CARIBBEAN SPOTLIGHT INC.	Brooklyn	288	103 EMPIRE BLVD, BROOKLYN, NY 11225 3317	The Buzz Nightclub	Club	R6, C6-2 C1-3			<a href="#">Link To ZOLA</a>
1313396-DCA	HARD ROCK STADIUM TENANT, INC.	Bronx	263	1 E 161ST ST, BRONX, NY 10451 2100	HARD ROCK CAFE	Restaurant	PARK			<a href="#">Link To ZOLA</a>
1313400-DCA	NY STEAK LLC	Bronx	215	1 E 161ST ST, BRONX, NY 10451 2100	NY STEAK	Restaurant	PARK			<a href="#">Link To ZOLA</a>
1335017-DCA	LA AGUACATALA LOUNGE INC.	Queens	166	7903 ROOSEVELT AVE, JACKSON HTS, NY 11372 6716	EL ABUELO GOZON		R6 C2-3			<a href="#">Link To ZOLA</a>
1344198-DCA	CIRCLE NYC INC	Manha an	448	135 W 41ST ST, NEW YORK, NY 10036 7303	Arena Event Space	Catering Hall	C6-7, C5-2.5 SPECIAL MIDTOWN	SPECIAL MIDTOWN DISTRICT	USE GROUP 12	<a href="#">Link To ZOLA</a>
1359506-DCA	GRECOLATINO ENTERPRISES INC.	Brooklyn	140	1541 MYRTLE AVE, BROOKLYN, NY 11237 5709	VAQUEROS	Restaurant	R6 C2-3			<a href="#">Link To ZOLA</a>
1367422-DCA	ABG STANDARD OPERATOR LLC	Manha an	267	848 WASHINGTON ST, NEW YORK, NY 10014 1308	Standard Hotel Le Bain	Club	M1-5			<a href="#">Link To ZOLA</a>
1369278-DCA	HUDSON LEASECO LLC	Manha an	253	353 W 57TH ST, NEW YORK, NY 10019 3100	Good Units	Catering Hall	C6-4, C1-8 SPECIAL CLINTON DIS	SPECIAL CLINTON DISTRICT	USE GROUP 12	<a href="#">Link To ZOLA</a>
1376994-DCA	MADISON ENTERTAINMENT ASSOCIATES LLC	Manha an	282	625 MADISON AVE, NEW YORK, NY 10022 1801	Lavo		C5-3, C5-2.5			<a href="#">Link To ZOLA</a>
1415820-DCA	21 GROUP INC.	Queens	250	4250 21ST ST, LONG IS CITY, NY 11101 4907	Show Palace	Adult	M1-4			<a href="#">Link To ZOLA</a>
1418235-DCA	SRB BROOKLYN LLC	Brooklyn	400	177 2ND AVE, BROOKLYN, NY 11215 4616	SRB	Dance Club	M2-1			<a href="#">Link To ZOLA</a>
1420144-DCA	XL DANCE BAR, LLC	Manha an	650	512 W 42ND ST, NEW YORK, NY 10036 6204		Adult Gay	C6-4			<a href="#">Link To ZOLA</a>
1426948-DCA	CAPITOL INTERNATIONAL CORP.	Bronx	253	590 GRAND CONCOURSE, BRONX, NY 10451 5204	CAPITOL INTERNATIONAL CORP.		C4-4			<a href="#">Link To ZOLA</a>
1450463-DCA	SCF CEDAR LLC	Bronx	722	2297 CEDAR AVE, BRONX, NY 10468 5562	SALSA CON FUEGO	Dance, Live Music, Etc.	C8-3			<a href="#">Link To ZOLA</a>
1456130-DCA	289 HOSPITALITY, LLC	Manha an	504	289 10TH AVE, NEW YORK, NY 10001 7003	MARQUEE	Night Club	C6-3 SPECIAL WEST CHELSEA	SPECIAL WEST CHELSEA	USE GROUP 12	<a href="#">Link To ZOLA</a>
1456740-DCA	CHARJ CORP	Queens	69	3106 31ST ST, ASTORIA, NY 11106 2531	Mermaids	Adult	C4-3			<a href="#">Link To ZOLA</a>
1460587-DCA	BURKINABE ENTERTAINMENT LLC	Manha an	74	2271 ADAM CLAYTON POWELL JR BLVD, NEW YORK, NY 10030 300	Shrine/Yatenga		R7-2			<a href="#">Link To ZOLA</a>
1461828-DCA	SIDETRACKS NYC LLC	Queens	299	4508 QUEENS BLVD, SUNNYSIDE, NY 11104 2304	SIDETRACKS RESTAURANT		C4-4A, R6A			<a href="#">Link To ZOLA</a>
1462052-DCA	BG BAR, INC.	Manha an	229	113 LUDLOW ST, NEW YORK, NY 10002			C4-4A			<a href="#">Link To ZOLA</a>
1462087-DCA	GBND ENTERPRISES INC.	Manha an	200	130 W 3RD ST, NEW YORK, NY 10012 1296	Village Underground	Live Music	R7-2 C1-5			<a href="#">Link To ZOLA</a>
1465854-DCA	74 WYTHE RESTAURANT COMPANY LLC	Brooklyn	262	74 WYTHE AVE, BROOKLYN, NY 11249 1026	Output	Dance Club	M1-2			<a href="#">Link To ZOLA</a>
1466718-DCA	HAIRO'S PLACE INC.	Queens	130	8109 ROOSEVELT AVE, JACKSON HTS, NY 11372 6723	HAIRO'S PLACE INC.		C4-3			<a href="#">Link To ZOLA</a>
2000499-DCA	WEMBLEY ATHLETIC CLUB, INC.	Bronx	227	550 E 239TH ST, BRONX, NY 10470 1448	WEMBLEY ATHLETIC CLUB	Adult	M1-1		USE GROUP 12	<a href="#">Link To ZOLA</a>
2001020-DCA	Z LIVE INC	Manha an	513	605 W 48TH ST, NEW YORK, NY 10036 1124	Z Bar	Club?	M2-4			<a href="#">Link To ZOLA</a>
2004385-DCA	HARAMA ENTERTAINMENT CORP	Queens	798	3608 33RD ST, ASTORIA, NY 11106 2327	Melrose Ballroom	Live Music	M1-2/R5B			<a href="#">Link To ZOLA</a>
2007090-DCA	RCI DINING SERVICES 37TH STREET INC	Manha an	120	61 W 37TH ST, NEW YORK, NY 10018 6215	Vivid Cabaret	Adult	C6-6			<a href="#">Link To ZOLA</a>
2007374-DCA	Y&B ENTERTAINMENT MANOR INC	Queens	56	3509 PRINCE ST, FLUSHING, NY 11354 2732	Y&B ENTERTAINMENT MANOR INC		M1-1		USE GROUP 12	<a href="#">Link To ZOLA</a>

2010076-DCA	JACARANDA CLUB, LLC	Manha an	523	333 E 60TH ST, NEW YORK, NY 10022 1505	Sapphire or Prime	Adult	C8-4		USE GROUP 12	<a href="#">Link To ZOLA</a>
2015016-DCA	THE BLEND CAFE LLC	Bronx	376	582 E FORDHAM RD, BRONX, NY 10458 5037	Blend Café		C2-4			<a href="#">Link To ZOLA</a>
2015452-DCA	EDEN BALLROOM LLC	Manha an	840	637 W 50TH ST, NEW YORK, NY 10019	Space NY	Dance Club				<a href="#">Link To ZOLA</a>
2016491-DCA	REVIEW ENTERTAINMENT, INC.	Queens	207	5561 58TH ST, MASPETH, NY 11378 1116	Rouge Gentlemans Club	Adult	M1-1			<a href="#">Link To ZOLA</a>
2017588-DCA	Z51 W 30TH ST LLC	Manha an	427	251 W 30TH ST, NEW YORK, NY 10001	Rebel?		M1-5			<a href="#">Link To ZOLA</a>
2017699-DCA	JOUVAY NY INC	Queens	300	14702 LIBERTY AVE, JAMAICA, NY 11435 4717	Jouvay	Dance Club	C6-3 SPECIAL DOWNTOWN JAM	SPECIAL DOWNTOWN JAMAIC	USE GROUP 12	<a href="#">Link To ZOLA</a>
2018241-DCA	BOWERY TECH RESTAURANT LLC	Manha an	198	327 BOWERY, NEW YORK, NY 10003	Bowery Electric	Live Music and Dance	C6-1		USE GROUP 12	<a href="#">Link To ZOLA</a>
2019178-DCA	WHANY LLC	Manha an	280	115 MACDOUGAL ST, NEW YORK, NY 10012 1202	Café Wha	Live Music	R7-2 C1-5		USE GROUP 12	<a href="#">Link To ZOLA</a>
2025123-DCA	BowN9th LLC	Brooklyn	246	64 N 9TH ST, BROOKLYN, NY 11249	Rough Trade	Live Music	M1-2/R6A	Special Mixed Use District (MX)		<a href="#">Link To ZOLA</a>
2025885-DCA	STUDIO M, INC	Queens	149	3651 MAIN ST, FLUSHING, NY 11354	The Place at Main	Karaoke	C4-9		USE GROUP 12	<a href="#">Link To ZOLA</a>
2025954-DCA	TFS NY, INC	Queens	190	5107 27TH ST, LONG ISLAND CITY, NY 11101	Infinity of Sugardaddys	Club Closed	M-3-2			<a href="#">Link To ZOLA</a>
2028379-DCA	STUDIO 299 LLC	Brooklyn	320	299 VANDERVOORT AVE, BROOKLYN, NY 11211	Studio 299	Bar Club Salsa	M1-1			<a href="#">Link To ZOLA</a>
2028909-DCA	MAZI NIGHTCLUB INC	Queens	1280	13035 91ST AVE, RICHMOND HILL, NY 11418	Mazi Nightclub	Club	M1-1			<a href="#">Link To ZOLA</a>
2030735-DCA	HOWL NEW YORK LLC	Manha an	395	240 W 52ND ST, NEW YORK, NY 10019	Howl at the Moon/Touch	Closed	C6-5		USE GROUP 12	<a href="#">Link To ZOLA</a>
2031288-DCA	CAI FOODS LLC	Brooklyn	210	1301 BOARDWALK W, BROOKLYN, NY 11224	Place to Beach	Restaurant	C7	SPECIAL CONEY ISLAND DISTRI	USE GROUP 12	<a href="#">Link To ZOLA</a>
2033015-DCA	ANGELS OF THE WORLD INC	Queens	151	3217 COLLEGE POINT BLVD, FLUSHING, NY 11354	Roadhouse	Adult	M2-1			<a href="#">Link To ZOLA</a>
2038800-DCA	673 JRV CORP	Bronx	168	673 HUNTS POINT AVE, BRONX, NY 10474	Mr. Wedge	Adult/Club	M1-2	Special Hunts Point District		<a href="#">Link To ZOLA</a>
2040319-DCA	MEM REST CORP.	Bronx	200	4029 E TREMONT AVE, BRONX, NY 10465	Wicked Wolf		R3A			<a href="#">Link To ZOLA</a>
2041891-DCA	SUNSET DEN INC	Brooklyn	74	960 3RD AVE, BROOKLYN, NY 11232	Club 37 or Sunset Den	Adult/Club	M1-2			<a href="#">Link To ZOLA</a>
2042083-DCA	NYC EVENT SPACE LLC	Queens	1749	9112 144TH PL, JAMAICA, NY 11435	Amazura	Club	C4-4A	Special Downtown Jamaica Dis	USE GROUP 12	<a href="#">Link To ZOLA</a>
2044339-DCA	LEGENDS CAFE LLC	Brooklyn	351	2214 CHURCH AVE, BROOKLYN, NY 11226	Brooklyn Rocks	Dance Club	C4-4A		USE GROUP 12	<a href="#">Link To ZOLA</a>
2046100-DCA	SIVAN DESIGN LLC	Manha an	74	300 W 116TH ST, NEW YORK, NY 10026	Silvana		R8A			<a href="#">Link To ZOLA</a>
2046561-DCA	MAMA BELLA RESTAURANT LLC	Brooklyn	144	457 BUSHWICK AVE, BROOKLYN, NY 11206	Mama Bellas		R7A			<a href="#">Link To ZOLA</a>
2048451-DCA	CLUB AT 39TH, LLC	Manha an	150	20 W 39TH ST, NEW YORK, NY 10018	Sapphire 39	Adult	M1-6			<a href="#">Link To ZOLA</a>
2049643-DCA	GALLIS INC	Brooklyn	150	834 CLARKSON AVE, BROOKLYN, NY 11203	Gallis	Adult?Sports?Restauran	C8-1		USE GROUP 12	<a href="#">Link To ZOLA</a>
2052824-DCA	LA BOOM NYC INC	Queens	790	5615 NORTHERN BLVD, WOODSIDE, NY 11377	La Boom		M1-1			<a href="#">Link To ZOLA</a>
2053929-DCA	54N11BK, LLC	Brooklyn	732	60 N 11TH ST, BROOKLYN, NY 11249	Verbo en or Schimanski	Dance Club Closed	M1-2			<a href="#">Link To ZOLA</a>
2054541-DCA	RIJJI RESTAURANT LLC	Manha an	298	151 E 50TH ST, NEW YORK, NY 10022	Empire Steak House	Restaurant	C6-4.5,C6-6	Special Midtown District	USE GROUP 12	<a href="#">Link To ZOLA</a>

# MUCHMORE & ASSOCIATES PLLC

217 Havemeyer Street, 4<sup>th</sup> Floor  
Brooklyn, New York 11211  
(917) 932-0299

September 14, 2017

## FOR THE RECORD

### Via Email

New York City Council  
250 Broadway, Council Chamber  
New York, New York 10007

Attn: Sergeant at Arms

**Re: Consumer Affairs Committee Hearing  
Submission in Support of Repeal of N.Y.C. Cabaret Law**

Hon. Members of the City Council:

My name is Max Travis. I am an associate of Muchmore & Associates PLLC. Our law firm is currently challenging the constitutionality of the Cabaret Law in federal court. I will now read part of the statement of the principal attorney, Andrew Muchmore:

### Pending Constitutional Challenge

After a decade of inaction by the City, despite unsuccessful attempts at reform by the Bloomberg administration, I commenced a constitutional challenge to the Cabaret Law in federal court on behalf of my own music venue. I argued that, at least in the context of a live music venue, dancing is protected First Amendment expression. Almost every culture around the world has developed unique forms of music and dance, and these traditions are often central to one's cultural identity. Even if social dancing were not protected by the First Amendment, the rights of musicians and other performers clearly are. As a practical matter, my establishment, Muchmore's, is required by the Cabaret Law to censor musical genres that might lead to dancing. We can play folk music or experimental electronic music, but we cannot allow DJs or any kind of dance music. Most forms of hip hop and Latin music are dance-oriented, which has a disparate impact on minority musicians. Together with the racial motivation behind the Cabaret Law, this creates a violation of the Equal Protection Clause.

The Cabaret Law is also unconstitutionally vague and overbroad. It does not define "dancing", leaving officers to guess when toe-tapping, head-nodding, or swaying exceed permissible bounds. It defines a "public dance hall" as "Any room, place or space in the city in which dancing is carried on and to which the public may gain admission..." This could include a church, a wedding, or even this very chamber. It defines a "cabaret" as "Any room, place or space in the city in which any musical entertainment, singing, dancing or other form of amusement is permitted in connection with the restaurant business..." An unlawful "other form of amusement" could be almost any behavior that tends to elicit a smile. Caroline's Comedy Club has been ticketed for a violation of the Cabaret Law for the

performance of stand-up comedy. There was no dancing involved. A court found that Caroline's Comedy Club was technically in violation of the law.

### Sufficiency of Other Laws

If the Cabaret Law is repealed, what should it be replaced with? The answer is that all the laws needed to address its purported concerns were enacted years ago. To the extent the City is concerned about noise, the N.Y.C. Noise Code provides precise decibel limits that cannot be exceeded. To the extent the City is concerned about fire or overcrowding, the Fire Code and Building Code thoroughly address these issues. For an establishment to have a legal capacity of more than 74 persons, it must obtain a Place of Assembly Certificate of Operation, which requires submission of a seating plan and annual Fire Department inspections.

New York is one of the most heavily regulated jurisdictions on Earth. Were I not a lawyer, I could not have established a small music venue here. People with less resources and legal expertise, including artists, musicians and under-served communities, find the cost of compliance beyond reach. This crisis is compounded by rising rents. In my neighborhood, the number of music venues has fallen by half in two years. Artists have been priced out. New York is being sapped of its cultural vitality.

### Zoning Considerations


In addition to the repeal of the Cabaret Law, the Zoning Resolution must be amended to remove references to dancing. Zoning Resolution Sec. 32-15 defines Use Group 6 to include, "Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or fewer." Zoning Resolution Sec. 32-21 defines Use Group 12 to include, "Eating and drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing." Dancing presents no unique hazards. Use Groups should depend upon capacity.

According to Zoning Resolution Sec. 32-21, "Use Group 12 consists primarily of fairly large entertainment facilities that: (1) have a wide service area and generate considerable pedestrian, automotive or truck traffic; and (2) are, therefore, appropriate only in secondary, major or central commercial areas." Most eating and drinking establishments are not in central commercial areas. As a result, they cannot even apply for a Cabaret License. Of more than 25,000 bars and restaurants in New York City, no more than 118 can legally permit dancing. Entire neighborhoods such as Bedford Stuyvesant and El Barrio lack a single location where people can legally dance in public.

### Conclusion

In conclusion, as the founding fathers reiterated time and again, useless laws render necessary laws ineffective. What are the necessary laws? The Noise Code, the Building Code, the Fire Code, the Criminal Code, and the regulations of the State Liquor Authority. By outlawing dancing, the Cabaret Law forces dancing to occur in venues that are outside the realm of the necessary laws, endangering everyone who dances. A repeal of the Cabaret Law will move dance venues above ground where the necessary laws will be able to regulate the space in which dancing occurs. Make no mistake, the position that advocates the repeal of the Cabaret Law is the law and order position. Please repeal this unconstitutional and dangerous law.

Respectfully submitted,

Maximilian Travis 

**WRITTEN TESTIMONY OF JERRY S. GOLDMAN, ESQUIRE  
TESTIFYING IN HIS INDIVIDUAL CAPACITY**

**Before the Committee on Consumer Affairs, City Council of the City of New York**

**September 14, 2017**

My name is Jerry S. Goldman, Esq. I am an attorney and primarily handle complex high stakes litigation at a national law firm headquartered right here in NYC. I'm a daddy and a pop pop Jungle and I'm eligible for MTA discounts. I've been fighting for the repeal of the Cabaret Law since my kids were children; now they are adults. I'm a drummer.

I am a member of the Board of Directors of the Dance Parade New York, a member of LegalizeDance.Org and I chair the board of a non-profit arts organization which promotes participatory arts both here and at Burning Man in Nevada – I believe it may be the largest such group based within NYC. I was born in Brooklyn, lived in Sunnyside, lived and went to college in the West Bronx (a mile from the birth of Hip Hop and at the same time), was a prosecutor in Brooklyn, and presently live and work in Manhattan.

These remarks on my own and are not on behalf of any client, my law firm, Anderson Kill, or any organization with which I am affiliated, and have no personal financial interest in the matters impacted by the proposed repeal legislation.

As a matter of brevity, I incorporate my testimony and the documents produced (briefs, etc.) at the June 18, 2017 hearing. I will send a copy of this written submission to Council via email. I am tendering a chart setting forth a list of what we believe to be the organizations licensed under the Cabaret Law.

Thank you for the opportunity to speak.

I'm here to speak to you about dance – something which unifies an often divided species – the human species. I'm here to speak to you specifically about the right to dance, which, sadly, this City, for a host of what we now recognize to be bad reasons, has deprived us of, contrary to the rights granted to the people by the constitutions of the United States and this State, by way of the terms and operation of the Cabaret law.

**1926 - PROHIBITION TIME**

I'm not a historian or a sociologist. But understand the historical environment when the Cabaret law was enacted. I understand what folks write down, and what they don't write down, in the legislative process. The Cabaret law was born in a time of prejudice – against people of color; against people of different religions; against people born in different places; and in time of economic class challenges.



## JERRY S. GOLDMAN, ESQ. 9-14-17 TESTIMONY

It was a time of prohibition – of speakeasies.

Prohibition emerged in reaction to saloons; of actions against black and whites; of clashes between Democrats and Republicans; in the world of big city of machine politics; the whole mess. I'm not really going to talk about this history of enactment. There were a lot of bad unconstitutional laws on the books at that time, at least through today's lenses.

But let's talk about history that I was alive for; let's talk about today.

It is undisputed, and it cannot be disputed, that the statute has been has been used to punish, to deprive those who were deemed different by those in then in power: be it because of the color of their skin or where they were from; be it their gender or sexual orientation; be it their personal taste in music or how they choose to live their lives; be it their age; be it the style of their dance or dress.

That's against our most fundamental laws – the rights afforded to each and every one of us under our federal and state constitutions. And, even more importantly, it is neither right or fair, nor good for the welfare and growth of the most diverse and creative city in the country. We're not Cleveland; we're NEW YORK.

We've heard how it has sadly been and is still enforced in a discretionary, discriminatory, arbitrary and capricious manner. No government should operate in that way – not our government; not in this City. Not today; not yesterday. Now is the time to do something about it.

A government must be fair, open and impartial in order to gain the respect and trust of the populace for whom all government officials serve and govern on their behalf.

We've heard about the legal issues at the last hearing. The Supreme Court case, upon which the Second Department relied upon to sustain the Cabaret Law's constitutionality years ago, and now currently under challenge in the federal court in Brooklyn (Mr. Muchmore's case) and is subject to this legislation, dealt with restrictions on adults dancing with children. It is a right of association case; not principally a first amendment case. Of course, those kinds of restrictions make sense. I have kids; I have grandkids.

I submit that the Cabaret law does not and cannot pass muster under the Constitution.

Simply put, protected speech is much broader than spoken words or stage performances.

We know that from our own lives that we communicate in so many ways (and I suggest our means of communication is ever expanding in wonderful manners).

## JERRY S. GOLDMAN, ESQ. 9-14-17 TESTIMONY

Words – in conversation; in poetry; in song lyrics; in treatises; in polemics and what have you. Be it said, sung, written, chanted or in sworn testimony before a governmental body or tribunal, such as this. Be it in person or on phone; via texts or on TV; spoken in a theatre or written in a published book.

But it's far far broader than mere words. It is our facial expressions; our laughter; our movements; our stance; our smiles and frowns, and our dance. Be it in person, on stage, on TV, or delivered via the internet. It's in a play; it's in a dance. It's in a theatre; it's on a dance floor; it's on the floor by our own front door.

We have a right to communicate – a sacred and constitutional right to communicate. And that right to communicate must be protected by this august body; or by the courts; or by the executive branch of this City's government – the mayor's office.

This sacred right must be celebrated both here and in the community; because that's simply who we are. We have the fundamental right to communicate in whatever manner and means works best. It really is best for us to communicate in any way we know how.

This is whether we are tall or short; thin or fat; young or old; straight or gay; white, brown, yellow, pink or whatever; talking or acting; yelling or whispering, smiling or frowning; kissing or not kissing; dancing.

It has been that way throughout time; It is that way throughout the world. It's what makes us special. It's what makes us different. It's what makes us the same.

Dance. We are dance. Dance is us. Dance is something, quite frankly that this, or any other governmental body cannot regulate, at least in real life, let alone should or may even regulate.

Not in this City, which is Dance. Not in this City, with such a diverse dance community. Not in this City where all of us dance – be in clubs, at schools; on stage; at work; walking down the street; at family celebrations; and, at home.

We dance with strangers, with our families; with our lovers; with our friends; and with our neighbors in our neighborhoods.

Let's together make this an even greater City – let's create; let's make people happy; let's have tourists and locals dance and play together.

Let's use our legislative powers, our mayoral resources, our judicial system to address the real problems of our society and try to help those in need.

Let's reduce economic disparity, create jobs, and enliven people's lives.

Let's make a great City even greater

As was said in Footloose – NOW IS OUR TIME – not tomorrow – today.

**JERRY S. GOLDMAN, ESQ. 9-14-17 TESTIMONY**

I urge you to repeal the Cabaret laws (that's with an "s") and vote in favor of this legislation.

Thank you.

\*\*\*

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/15/17

(PLEASE PRINT)

Name: GLENN RAYMOND

Address: 421 8<sup>th</sup> AVE #8454 NY NY 10001

I represent: OWNER MEKK NYC

Address: 618 46<sup>th</sup> ST NY NY 10036

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Gayle Madeira

Address: 3711 28<sup>th</sup> Ave #14 Astoria NY 11103

I represent: Argentine tango in NYC

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. #1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: Sep 14<sup>th</sup> 2017

(PLEASE PRINT)

Name: MEGHAN KALIA

Address: 14 Romaine Ave, Jersey City

I represent: #1652

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jeannie Hopper

Address: 343 W 21st NY NY

I represent: Nightlife - WBAI 99.5 fm

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/14/17

(PLEASE PRINT)

Name: Rachel Santos

Address: 789 Westminister Av Bk

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Akim Funk Buddha

Address: \_\_\_\_\_

I represent: WORLD DANCE COMMUNITY

Address: 80 A 4th Ave BKLYN. New York

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Tom MARTIS KATI

Address: # 963 Lexington Ave

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MERCEDES ELLINGTON

Address: 215 W. 92 ST.

I represent: herself

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/14/17

(PLEASE PRINT)

Name: Jonathan Friel

Address: 13 St. Marks Place Apt 6E

I represent: Vector Gallery

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Tamala Boyd, General Counsel

Address: \_\_\_\_\_

I represent: NYC Department of Consumer Affairs

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Thindisary Greene, Senior Advisor

Address: DO \_\_\_\_\_

I represent: Deputy Mayor for Housing + Econ. Dev.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Shira Gansky, Senior Director of Policy + Program

Address: Empire \_\_\_\_\_

I represent: Mayor's Office of Media and Entertainment

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ALI COLEMAN

Address: 139 GATES AVE

I represent: HOUSE COALITION

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Nikki Brown

Address: 112 Palmetto St

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/14/17

(PLEASE PRINT)

Name: Jonah Levy

Address: 2032 Palmetto st, Ridgwood, NY

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. en bank 2004 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/14/17

(PLEASE PRINT)

Name: Jerry S Goldman, Es.

Address: 1251 Ave of Americas, NYC 10020

I represent: Dio X

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/14/17

(PLEASE PRINT)

Name: ROBERT BOOKMAN

Address: 65 W 55 ST 203A 10019

I represent: NYC HOSPITALITY ALLIANCE

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/14/17

(PLEASE PRINT)

Name: ANDREW RIGIE

Address: 65 W 55TH ST #203A 10014

I represent: NYC HOSPITALITY ALLIANCE

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Rachel Nelson

Address: 1211 Myrtle Ave

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9-14-17

(PLEASE PRINT)

Name: Alan D. Sugarman

Address: 17 W 70 St

I represent: Self

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/14/17

(PLEASE PRINT)

Name: Greg Miller

Address: 789 Westminister Road, 1st Fl Brooklyn NY

I represent: Dance Probe LegalizeDance.org 11230

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: John Barclay

Address: 88 Suydam St Brooklyn

I represent: Dance Liberation Network

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: CONRAD WEBBETT

Address: 105 W 19th St Harlem NY

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/4/2017

(PLEASE PRINT)

Name: FRANKIE HUTCHINGS

Address: BROOKLYN

I represent: DANCE LIBERATION / BROOKLYN

Address: BROOKLYN

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 9/14/2017

(PLEASE PRINT)

Name: Matt Arcidly

Address: 236 Livingston St

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 9/14/17

(PLEASE PRINT)

Name: JAMES BURKART (JAMIE)

Address: 196 Clinton Ave #D43 Brooklyn NY

I represent: NYC Artist Coalition

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Kevin Degan

Address: 1001 6th Ave 409 New York Rd Albany 12205

I represent: New York State Restaurant Association

Address: 1001 6th Ave NY NY 12205

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/14/17

Name: ROBERT L. BLUMENBLATT (PLEASE PRINT)

Address: 40 WATERSIDE PLAZA 10010

I represent: MYSELF

Address: SAME

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: WALLY RUBIN (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: COMMUNITY BOARD FIVE MADH

Address: 450 7th Ave, 10123

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: OLYMPIA KAZI (PLEASE PRINT)

Address: 616 E 9th St Apt 3W NY 10009

I represent: NYC ARTIST COACTION.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Max Trouis  
Address: 217 Havemeyer St. 21<sup>st</sup> Floor, BK NY 11211  
I represent: Muchmore & Associates PLLC  
Address: 217 Havemeyer St. 4<sup>th</sup> Floor BK NY 11211

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1652 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Christopher Carroll  
Address: 35 Crown Street, BK  
I represent: Local 802 American Federation of Musicians  
Address: 322 West 48<sup>th</sup> Street, NY, NY 10036

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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 in favor  in opposition

Date: 9/14/17

(PLEASE PRINT)

Name: Soliga Sinelnikova  
Address: 476 Jefferson St 313  
I represent: NYC Artists  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 9/14/17

(PLEASE PRINT)

Name: Ana Rokafella Garcia  
Address: 1491 West ave # 1E BX 10462  
I represent: DANCE PARADE / Full Circle Prod Inc  
Address: 180 Bruckner Blvd # 4E  
BX 10462

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 1652  
 in favor  in opposition

Date: 9/14/2017

(PLEASE PRINT)

Name: Hannah Joo  
Address: 218 E 18 ST, 4th Floor, NY 10003  
I represent: Dance/ NYC  
Address: above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 1652

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JUSTIN CARTER

Address: 372 DEKALB AVE, BK 11205

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 1652

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: WOLFGANG BUSCH

Address: 28-15 47 ST ASTORIA, NY 11103

I represent: ART FROM THE HEART

Address: \_\_\_\_\_

▶ Please complete this card and return to the Sergeant-at-Arms ◀