

Safe to Dance?

New York has some of the toughest nightlife laws in the nation—and that's good. But the city's aggressive campaign against club owners is causing its own set of safety problems.

AT A MAGAZINE PARTY LAST WEEK, deep in the basement of a club on West 8th Street, more than a few patrons—between liberal sips of their vodka tonics—could be spotted looking anxiously around the dance floor, sussing out the sprinkler system and wondering how long it might take to get to that glowing EXIT sign.

Just when New York clubgoers were hoping to dance away fears of terrorism and pink slips (well, at least for an evening), it's nightclubs—not Al Qaeda—that have so far provided the most terrifying images of 2003: the Great White concert in Rhode Island, hip-hop fans crushed to death in Chicago.

Which is why clubs that once talked up their A-list clientele are now touting their safety records: Bobby Zarem PR sent out a press release calling the China Club “one of the safest in the country!”

If New York is a safer place for clubbing, it's of course because we've had the misfortune of learning from experience. A pair of tragedies—fires at the Blue Angel nightclub in 1975 and the Happyland Social Club in 1990 that killed 7 and 87 people, respectively—spurred much stricter regulations. “After the Blue Angel, the city passed a law requiring nightclubs to have sprinkler systems, fire alarms, and two means of egress,” says Robert Bookman, counsel for the New York Nightlife Association, “and after Happyland, the city woke up to the fact that illegal nightclubs were everywhere, so they created the Social Club Task Force to shut these places down.” If a fire starts in a club here, adds Bookman, the “sprinklers go on, the sound system cuts off, emergency lights come on, the fire alarm blares. There's no doubt it's an emergency.”

Still, the twin nightclub disasters can be

counted on to spark even more scrutiny of an industry that is already under extreme pressure, not only from the economy but from two mayors who, insiders say, have used every legal weapon in their arsenal not to make clubs safer but to padlock as many as possible. It's a case, they argue, not of enforcement but harassment.

“There is an unnecessarily adversarial



“The city's used every legal weapon in its arsenal not to make clubs safer but to padlock as many as possible, say club owners.”

relationship between the city and club owners,” says Robert Silbering, president of Forensic Investigative Associates, a security firm that audits nightclubs on issues ranging from drugs to safety. Silbering knows all about law enforcement's perception of New York nightlife: He used to be New York's special narcotics prosecutor, the man responsible for bringing the cur-

tain down on the Limelight era. “Even when nightclub owners do the right thing, the city turns its back on them,” he says. “One of my clients asked to meet with cops to hash out security issues. The response was ‘That's the club owner's job, not ours.’”

“There's very little dialogue between the city and nightclubs,” agrees Andrew Rasiej, founder of the New York Nightlife Association. “We're not treated as equals with industries like Broadway.” He points to the city's refusal to consider a plan to have clubs pay for uniformed officers to stand outside their venues. “Why is there a police presence outside Madison Square Garden, but we're rebuffed?” (Currently, cops are legally prohibited from working for nightclubs.)

Whether NYPD officers should be stationed outside clubs is debatable. But there's little doubt about the poisonous relations between nightclubs and the city. “Since the Giuliani administration, the Multi-Agency Nightlife Task Force, which grew out of the Social Club Task Force, has been used as a harassment tool,” Bookman says. “That hasn't stopped under Bloomberg. What's worse is that enforcement is directed at *licensed* establishments. The tragedies in Rhode Island and Chicago should bring a crackdown where it belongs—on *unlicensed* establishments.”

Jerry Russo, a Bloomberg spokesperson, says that the task force “vigorously scrutinizes licensed and unlicensed nightspots.” But Philip Rodrigue, manager of meatpacking-district nightspot Buktun, argues that aggressive enforcement has merely resulted in a “resurgence in illegal, after-hours bars. These promoters find a loft, pay the landlord for the night, and deal with the police as they come. There's no licenses, and by the time the city finds out, they're gone.” He adds that the crack-

down "dissuades people from doing business legitimately."

Things between the city and club owners have gotten so bad that some owners are even reluctant to dial 911—not because, *pace* Public Enemy, it's a joke but because they're issued a "disorderly premise" violation every time they seek assistance. "Very often you do everything in your power not to call 911," says Rodrigue. "What could be more dangerous than that?" One owner says he got a violation after he called cops to stop a man from beating his girlfriend with a pay-phone receiver.

THIS ANTAGONISTIC STATE OF AFFAIRS LOOKS to worsen with a coming onslaught of anti-nightclub legislation, including the RAVE Act. RAVE, sponsored by Senator Joseph Biden of Delaware, seeks to prosecute club owners for drug dealing on their premises even if it's only a single instance rather than a pattern. It promises six-figure fines and jail sentences of up to twenty years for an owner or promoter who "knowingly and intentionally uses their property . . . for the purpose of distributing or manufacturing or using illegal drugs . . . regardless of whether the drug use is ongoing or occurs at a single event."

"By that logic, you should also be arresting college presidents whose students have drugs on campus," says Bookman. RAVE, he adds, offers a simplistic solution—"Get rid of nightclubs and ecstasy will disappear"—to a complex problem. Worse, it will likely "create a new class of 'hit and run' promoters," says Gary Blitz, national coordinator of the Electronic Music Defense & Education Fund. "Already, I'm hearing legitimate promoters vowing to leave the business if this kind of law passes." Even the ultraconservative *National Review* came out against RAVE recently, calling it "a mean-spirited assault on youth culture, and an extreme violation of principles of federalism."

With Rhode Island on lawmakers' minds and a recent U.N. report declaring ecstasy "the main illicit drug of the future," the RAVE Act could be a slam-dunk. But even if it doesn't pass, grim days lie ahead for clubland. "Federal agents recently made several huge seizures of ecstasy in New York, each over 1 million pills," says Silbering. "They are convinced—wrongly, I think, given ecstasy's wide demographic—that these drugs are destined for clubs. So there's no question that you're going to see federal agents investigating nightclubs."

Nightclub owners, he continues, "are going to be scrutinized over drugs, fire safety, the quality of their security." Silbering lets out an exhausted sigh. "It's a batter-them-at-any-cost approach, and I don't know if we're going to be any safer because of it." ■