

Beware the witch



WEEKEND, P/18



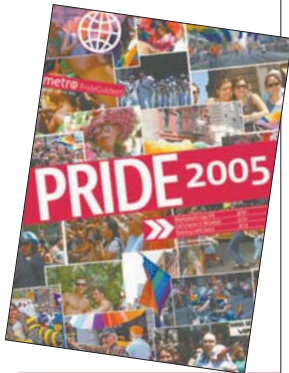
NEW YORK · WEEKEND, JUNE 24-26, 2005

Poochie helps you get busy



DATING, P/24

Get out, get proud



PRIDE GUIDE, P/9

Activist acquitted of assault at RNC

MANHATTAN A California peace activist was acquitted yesterday on assault and other charges related to her anti-war protest in Madison Square Garden during President Bush's speech to the Republican National Convention last September. June Brashares, 41, of San Francisco, who was on trial in Manhattan Criminal Court, smiled broadly and hugged her lawyer, Robert C. Gottlieb, after the jury forewoman pronounced her not guilty of the five charges against her.

AP

The 'Rize' of Krumping



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Don't mess with Oprah



THE WORD, P/20

# Busting a move

## Law prohibiting dancing in unlicensed bars challenged

**CITY HALL** New York City is the birthplace of dances from the lindy hop to hip-hop.

But if you want to boogie in your favorite bar, you could be breaking the law. Prohibition-era restrictions forbid dancing in establishments that don't have a "cabaret license," and there are just 255 such places in the city.

"Most people don't believe me when I tell them that," says civil rights attorney Norman Siegel, who filed a lawsuit yesterday at the New York State Supreme Court to put an end to the city's 79-year-old "no dancing" cabaret law.

"The law was passed during a time of moralistic Puritanism toward social dancing," explained co-counsel Paul Chevigny, a law professor at New York University. He called the 1926 rule "racist," because it was aimed at regulating nightclubs in Harlem.

### Keeping bars in line

In the late 1990s, Mayor Rudolph Giuliani began to enforce the cabaret law again to crack down on problem nightclubs. Since then, the Department of Consumer Affairs has found it a handy tool to keep bars in line. "Rather than dealing with the

real problem, which is noise or overcrowding, they go after dancing," Siegel complained. "Establishments without a cabaret license that allow dancing are fined and eventually padlocked. The Consumer Affairs team — the dance police — comes in and closes them down because there's dancing."

Consumer affairs spokesperson Dina Improta responded, "We enforce the law and take community input on troublesome venues."

Siegel had threatened to take on the cabaret law when he was head of the New York Civil Liberties Union from 1985 to 2001. "But I

**Cabaret law**

- Prohibits dancing by three or more people in unlicensed clubs, bars and restaurants.
- Cost of a two-year license is about \$1,000, based on capacity.

METRO

never found the right client," he says. "This time, the plaintiffs are dancers. We argue that it is unconstitutional to interfere with their right to free expression. The time has come to say, dance on, New York, dance on." **PATRICK ARDEN**  
patrick.arden@metro.us

**MORE COVERAGE, P/2**

### AMAZIN' CATCH



**METS AND PHILADELPHIA PHILLIES FANS** in right field battle for a solo home run ball hit by the Mets' Doug Mientkiewicz to lead off the seventh inning yesterday in Philadelphia. The Mets won, 4-3, heading into this weekend's Subway Series with the Yankees on a good note. **MORE COVERAGE, P/26**

# High court: City can seize your home

**WASHINGTON** A divided Supreme Court ruled yesterday that local governments may seize people's homes and businesses against their will for private development in a decision anxiously awaited in New London, Conn., and communities where economic growth often is at war with individual property rights.

The 5-4 ruling was a defeat for residents of New London's Fort

Trumbull neighborhood whose homes are slated for destruction to make room for an office complex. They had argued that cities have no right to take their land except for projects with a clear public use, such as roads or schools, or to revitalize blighted areas.

As a result, cities now have wide power to bulldoze residences for projects such as shopping malls and hotel complexes in order to



**"The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process."**

**JUSTICE SANDRA DAY O'CONNOR, IN HER DISSENT**

generate tax revenue.

Writing for the court's majority, Justice John Paul Stevens said local officials, not federal judges,

know best in deciding whether a development project will benefit the community." **HOPE YEN**  
Associated Press

# NEW YORK



**"I would also call on Gov. Pataki to repudiate these comments. He was at that dinner last night."**

SEN. HILLARY RODHAM CLINTON, REFERRING TO KARL ROVE'S COMMENTS THAT LIBERALS "SAW THE SAVAGERY OF THE 9/11 ATTACKS AND WANTED TO PREPARE INDICTMENTS AND OFFER THERAPY AND UNDERSTANDING FOR OUR ATTACKERS."

EDITED BY MICHAEL P. VENTURA  
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### WRECKAGE OF MISSING AIRPLANE FOUND

The wreckage of a small plane that vanished after taking off from a rural airstrip in northwest New Jersey on Sunday was found yesterday afternoon in Sussex County. Debris from the plane and the remains of the pilot were found around 5 p.m. in Hardyston Township, said Jim Peters, a spokesman for the Federal Aviation Administration. He declined further comment. AP

# 'The city doesn't understand'

## Brooklyn hip-hop dancer says NYC's cabaret law breaks up communities

**BROOKLYN** Before he moved here at the tail end of the dot-com boom, software engineer Byron Cox was an unlikely candidate to take on the city's nearly 80-year-old cabaret law, which forbids dancing at the vast majority of clubs, bars and restaurants. Cox, 29, discovered dance only three years ago.

**Your turn**  
**Should the cabaret law be repealed?**  
letters@metro.us

But today he's one of five plaintiffs in a lawsuit filed yesterday to overturn the city's 1926 "no dancing" law as an unconstitutional infringement on free expression.

"After Sept. 11, I was looking for work," recalls Cox, who lives in Flatbush. "Money was tight, and things were high-stress. I needed an escape."

A friend took him to a Manhattan club called Cen-

tral Fly, where he was dazzled by the diverse crowd. He then went to Shelter in TriBeCa. "That was neat," he said. "People brought plastic bags with a change of clothes. There was an area with pillows where people would lay down, fall to sleep, get up, change their clothes and dance again until noon the next day. I had never experienced anything like that."

His nights out had stirred his interest in the world of underground dance music.

He began to pick up house dance moves at a small bar on Fulton Street in Brooklyn. "The place was convenient," he says. "It had DJs, and it was also free, which was great because I was broke. I'd see people from 22 to 50 - white, black, Asian - on one dance floor, intermingling."



That sense of community was short-lived. Cox said representatives from the Dept. of Consumer Affairs told the bar its customers weren't allowed to dance. "So the owners put couches in the middle of the floor to stop the dancing," he said. "They hoped to keep the business alive until they got a cabaret license. But the DJs still played dance music, and naturally everybody began to dance around the couches and tables."

That brought the consumer affairs people back." Eventually, he said, the bar closed.

"It happens all the time," says the lawsuit's attorney Norman Siegel, who has collected similar stories. "Our plaintiffs express themselves through social dancing, and they are now being deprived on account of the city's restrictions on their opportunities to express themselves. This is simply wrong."



**BYRON COX** is a plaintiff in the lawsuit.

themselves. This is simply wrong."

"Hip-hop dancers have no place to go," Cox complains. "We have to decide on places that are off the radar so that we can dance. People in every corner of the earth have been inspired by the dancers in hip-hop videos, but the city doesn't understand that - they have no clue."

**PATRICK ARDEN**  
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### Security review after plane stolen

**CONNECTICUT** Gov. M. Jodi Rell ordered state homeland security officials yesterday to inspect the security of all airports in Connecticut after an intoxicated 20-year-old man allegedly stole a small plane from Danbury Municipal Airport and flew it to New York. The pilot, Philippe Patricio of Bethel, took two friends on a three-hour joyride early Wednesday that ended with a safe landing at a darkened Westchester County Airport, authorities said.



**PATRICIO**

"Had the person who stole that plane had other intentions, we could have had a very serious situation on our hands," Rell said. AP

### 9/11 probers urge better fire testing

**MANHATTAN** Developers and regulatory agencies should upgrade fire standards for skyscrapers in light of the World Trade Center collapse and develop new materials that can better protect tall buildings in an inferno, investigators said yesterday. Engineers with the National Institute of Standards and Technology urged installation of structurally hardened elevators designed to function in a fire, and they said stairwells should be situated apart from each other so that if one is damaged another might still work. AP

### NEWS IN BRIEF

• **SUBWAY DEATH** An unidentified woman was hit and killed by a southbound A train at the West 4th Street station yesterday morning, police said. No criminality is suspected yet as to how the victim, identified as being between 20-to-28-years-old, got into the path of the oncoming train. The police said they are investigating the incident. A spokesperson from the medical examiner's office said an autopsy will be performed today. METRO

• **GUILTY PLEA** John Wirta, 56, a Fresh Meadows repair man, pleaded guilty yesterday to drunken driving in an October crash that killed 11-year-old Vasean Alleyne and seriously injured his best friend, officials said. Wirta will receive 60 days in jail, three years of probation and 15 days of community service. Earlier this month, Gov. George Pataki signed "Vasean's Law," which allows prosecutors to seek stiffer penalties to a drunk driver kills or injures a victim. METRO

# 'Last Don' sentenced to two life jail terms

**Mafia boss became turncoat in prison to escape death penalty.**

**BROOKLYN** Joseph Massino, who went from the New York Mafia's last old-school don to its highest-ranking turncoat, was sentenced to life in prison yesterday after admitting involvement in eight mob murders.



**MASSINO**

Massino, 62, received two life sentences after he admitted ordering the slaying of Bonanno family captain Gerlando "George from Canada" Sciascia and waived his right to appeal his conviction last year for seven other slayings.

He dodged a potential death penalty because of his cooperation with the government.

**MICHAEL WEISSENSTEIN**  
Associated Press

### OUTRAGE ON BROAD STREET



**MEMBERS OF THE VIETNAMESE COMMUNITY** protest the visit of Vietnam's Prime Minister Phan Van Khai to the New York Stock Exchange yesterday. Khai rang the exchange's opening bell. RICHARD DREW/AP

# Congress, N.Y. strike deal over 9/11 workers comp. funds

**WASHINGTON** New York lawmakers extracted a verbal agreement yesterday from House budget leaders that may ultimately allow New York to keep some or all of the \$125 million in unspent Sept. 11 aid that the government is trying to take back.

Rep. Vito Fossella, a Republican who represents Staten Island and Bay Ridge and negotiated the compromise, said the principles voiced on the House floor keeps alive the chances for restoring the funding later in the budget process.

"There's no dollar amount given, but if New York needs it, we're going to get it," Fossella said.

After the terror attacks of Sept. 11, 2001, President Bush pledged some \$20 billion to help New York recover and rebuild. Of that, some

\$175 million was set aside for the expected costs of settling workers compensation claims for those killed or injured at ground zero.

Roughly \$125 million remains unspent.

**DEVILN BARRETT**  
Associated Press

DENZEL 'INSIDE'



ACTOR DENZEL WASHINGTON smiles at passersby in Lower Manhattan yesterday. He was in the Financial District filming "Inside Man," a movie set for release in 2006. BILL LYONS/METRO

NEWS IN BRIEF

• **REOPENED** A community letter-writing campaign has convinced NYC Transit, the Metropolitan Transportation Authority's subway subdivision, to reopen a long-shuttered entrance to the Fulton Street Station on the G line. The South Portland stairwell to the Queens-bound platform is expected to be back in use by the end of July. An automated gate will be placed at the reopened entrance, said spokesperson Deirdre Parker. Members of the Fort Greene Association claimed it had been sealed due to concerns about crime. METRO

Ferry pilot's doctor cops plea

**STATEN ISLAND** The doctor of the Staten Island Ferry pilot who lost consciousness minutes before his ship crashed into a pier pleaded guilty yesterday to falsifying one of the pilot's medical reports. The crash killed 11 people.

Dr. William Tursi admitted concealing Assistant Captain Richard Smith's use of blood-pressure medication on a routine Coast Guard medical report in August 2000.

Tursi could serve six

months in prison. He also could lose his medical license.

Prosecutors said Coast Guard examiners might have subjected Smith's medical condition to greater scrutiny if they had known about the medication. That may have turned up Smith's use of the painkiller Tramadol, which prosecutors allege contributed to his losing consciousness at the controls of the ferry Andrew J. Barberi on Oct. 15, 2003. AP

'Finest' marks for NYPD, Kelly, citywide poll says

Most New Yorkers back cops, but think brutality is a problem, Quinnipiac survey reports.

**MANHATTAN** The majority of New Yorkers think Police Commissioner Raymond Kelly and the more than 35,000 officers under his command are doing a good job policing the city, according to poll released yesterday.

Sixty-nine percent of New Yorkers polled in a Quinnipiac University

Your turn

Does the police dept. deserve high marks?

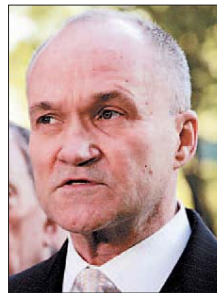
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poll said they approved of the NYPD's job performance.

the highest overall police approval rating since a 76 percent mark in a February 2002 poll. Just 23 percent said they disapproved.

Kelly got a 65 percent approval rating with consistent scores among black, white and Hispanic voters.

Fifty-eight percent of those polled said the next mayor should keep Kelly as commissioner, compared to



**MOST NEW YORKERS** think Police Commissioner Kelly is doing a good job.

21 percent who disagreed. Along ethnic lines, the poll found 81 percent of whites approved of police, versus 53 percent of blacks and 65 percent of Hispanics.

And a majority of respondents, 61 percent, said police brutality remains a "very serious" or "somewhat serious" problem. Among back voters, 84 percent said police brutality remains a concern. New Yorkers at South Street Seaport yesterday had mixed reactions.

"Police still treat you different depending on your skin color," said Louis Darling, of Bushwick. "It's not as

bad as it was in the '70s or '80s, but it's still the rule."

Darling, 39, said he doesn't worry about being racially-profiled by police officers.

"Myself, I try to stay out of trouble, but I have friends and acquaintances who can't, and get themselves into sticky situations with police, who in turn treat them like animals," Darling said. "It's all about education though. We'll get there."

Anna Mueller, 29, of the Upper East Side, said she's been surprised by the NYPD since she moved from Kentucky last year.

"The [NYPD] has a pretty bad reputation outside of New York, I must say," Mueller said referring to the Amadou Diallo case. "A few high-profile cases have gone a long way to tarnish their image, but I don't see it. They're the most professional cops I've ever seen, and I'm from a small town near Louisville."



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