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Nightclub Act II
by Craig McGuire
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When he was New York City's special narcotics prosecutor, Robert Silbering helped bring down high-profile nightclub impresario Peter Gaten, sending him to jail and shuttering his Manhattan club, Limelight - just the most notorious of dozens of clubs, bars and lounges that were fined, padlocked, shut down, or simply went out of business because of the crackdown, mostly because of illegal drugs.

Now, Limelight is back, and so is Silbering, though Limelight is not Limelight anymore -- and neither, in a sense, is Silbering.

In September, the building in Chelsea (once a church) that housed Limelight, reopened as another nightclub, Avalon -- the first of three enormous new clubs slated to open this fall on sites of previous disrepute. And Silbering was there -- as an employee. He offers advice to the new owners as a paid [consultant](#).

"In the past," Silbering said, "owners waited and reacted to bad publicity and police pressure." Now, he says, they are being advised to demonstrate, through aggressive self-policing and stringent door policies, "that they are serious about keeping drugs out of their clubs."

"Times have changed," said John Blair, a co-owner of Avalon.



NEW YORK IS ITS NIGHTLIFE

Nightlife has been a [celebrated](#) draw of New York City for at least a century; to many people, it is what makes New York New York. More than 24 million people visit New York City's nightclubs every year, which exceeds the attendance of Broadway theaters, city sports teams, the Metropolitan Museum of Art, and the Empire State Building all combined, according to a report sponsored by the New York Nightlife Association. Nightclubs are said to contribute \$2.9 billion to the city's economy and provide more than 27,000 jobs.

But for almost as long, crowded nightclubs have been the source of persistent aggravation for police, producing a litany of complaints, from displays of drunken disorderly conduct to public urination, to more serious assaults, brawls, stabbings, and shootings. In the 1990s, law enforcement officials expressed alarm about the widespread use and distribution in the clubs of "designer drugs" such as eXstasy, Special-K (the animal tranquilizer Ketamine), and crystal methamphetamine. (See accompanying article on [crystal](#)).

At the same time, residents became increasingly [hostile](#) towards clubs in their neighborhoods

because of the noise, and the litter, the thousands of drunk young people spilling onto darkened city streets in the middle of the night - and the seeming indifference of the club owners to resident complaints.

"They felt they could do as they damn well pleased and it was nobody's business," recalled Cheryl Kupper, a member of community board 4, which covers Chelsea, home to more large clubs than any other area and holding more than 75 percent of the total cabaret licenses issued in the entire city.

It should be no surprise then, that, in 1997 Mayor Rudolph Giuliani created what he called the Nightclub Enforcement Task Force, to launch a quality of life campaign against the clubs.

The mayor revived enforcement of the cabaret laws, which requires a hard-to-get cabaret license for any establishment that allows dancing. As Julia Vitullo Martin [explained](#) on Gotham Gazette: "Passed in 1926 to regulate (some historians say to suppress) jazz in Harlem, the cabaret laws targeted the 'social mixing' that seemed to accompany jazz, says NYU Professor of Law Paul Chevigny, author of Gigs: Jazz and the Cabaret Laws in New York City."

For a time in the late 1990s, a campaign was launched called Operation CycleCheck, designed to discourage motorcyclists from patronizing bars in Chelsea, Greenwich Village and SoHo, as a direct result of noise complaints.

Armed with an arsenal of legal weapons, armies of inspectors, investigators and lawyers padlocked one club after another.

Under investigation for drug activity for some time, Twilo, on West 27th Street, was eventually forced to turn over its cabaret license. Without a cabaret license a large nightclub is essentially out of business.

A spate of high-profile incidents had hastened that club's demise, including a patron's overdose that sparked an unsuccessful lawsuit brought by the city in 1998 and a separate incident where a club-goer collapsed on the dance floor and died.

Twilo was not alone. Tunnel, Coney Island High, Baby Jupiter, Hogs & Heifers, the Palladium, Rivertown Lounge, all went under.

Some blamed the owners themselves, for refusing to address the problems emanating from their clubs, and failing to cooperate with the authorities. Others said the police overreacted.

COME-BACK

It was just a matter of time before the clubs made a comeback. After all, with \$20 cover charges and exorbitantly priced drinks, club owners can rake in millions of dollars every year.

"There are more clubs, more different kinds of clubs, and they are crowded night after night, no matter what the policies are," said James Goll, a publicist who has been busy lately with the opening of new clubs this year, such as rap impresario Jay Z's 40/40.

Avalon, though massive at 1,650 square-feet, will be dwarfed by at least two other openings this month.

Crobar, slated to open on West 28th Street -- its co-owner used to own such hot clubs as Danceteria, Palladium and Area -- will have room for a staggering 2,500 people and include

three separate dance spaces and three smaller rooms, including a main room with 60-foot high ceilings. Rumors are circulating that both a documentary and "The Restaurant"-style reality TV show are in the works.

Equally mammoth is Spirit, also scheduled to open this month in the same West 27th St. location formerly occupied by Twilo.

The most noticeable difference this time around will be the absence of smoky rooms, thanks to the local ban on smoking. But severe new federal legislation directly aimed at curbing drug use in nightclub is also giving the new club owners plenty of incentive to prevent any drug trafficking in their clubs.

On April 10 of this year, Congress passed the "Illicit Drug Anti-Proliferation Act (a.k.a. the "Rave Act")" as a rider attached to the child abduction bill known as the Amber Alert bill sponsored by Senator Joseph Biden (D-DE).

The "Rave" Act, which has no apparent relevance to child abductions, now allows the federal government to prosecute owners and promoters for their customers' drug offenses, even if it involves a single transaction, rather than a pattern.

Penalties include six-figure fines and jail sentences of up to twenty years for owners and promoters.

Locally, a bill was introduced in the City Council last week that would allow off-duty police officers to work these kinds of establishments in uniform.

According to Intro 478-A, introduced in the Public Safety Committee by City Councilmember David Yassky, the police department would expand the paid detail unit to cover establishments that sell alcohol. There are currently only 200 officers assigned to that unit who are permitted to wear their uniforms off-duty to patrol major private events.

Representatives for the police department, however, immediately criticized the bill, blasting it for the liability risk it would pose the city.

In the meantime, the owners both of Avalon and Spirit hired their predecessors' nemesis, Robert Silbering, to signal their seriousness. Silbering regularly sends private undercover investigators into Avalon to keep an eye on both clubgoers and staff alike.

"We meet with the Drug Enforcement Agency," said John Blair of Avalon, "we hold classes for our employees on what to look for, and we speak regularly with the local community board."

Kupper from community board 4 concedes they are making an effort. "They are very persuasive and do seem sincere and try to address complaints, or at least listen to them," she said. But, she added, "the same problems still exist, to varying degrees and depending on the club."

HERE TO STAY?

So, will the memory of the old crackdown, the new policies, and the new club attitudes, drive drugs out of the scene?

Hardly.

If anything, drug dealers have gone high-tech. Where they were once limited to street corners

and bathrooms, and needed thriving drug-marts like the Limelight's bathroom to peddle eXstasy at upwards of \$30 a pill, they have since graduated to beepers and, more recently, cell phones.

Sure, they would like to be inside the clubs, but they no longer have to be. They no longer need their customers to come to them; they can come to their customers. Undeniably, drug use will remain an integral part of club culture.

Club owners can probably keep the drug dealers out. But can they keep their drug-using patrons out?

Related Articles:

- [The 'Tina' Habit](#) - A look at crystal methamphetamine, or tina, a drug popular with club goers.
- [Books About NYC Nightlife](#)
- [Disco Despair](#) - An Issue of the Week from May, 2001 outlining in more detail the problems and complaints -- and what residents can do about it.



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