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## Judge: Recreational dancing is not a constitutional right

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WAILUKU - Second Circuit Judge Joseph Cardoza has ruled there's no constitutional right to engage in recreational dancing, dismissing a lawsuit by a group that has challenged a Maui County Department of Liquor Control rule on dancing in bars.

Maui Dance Advocates and its president, Ramoda Anand, filed the lawsuit over the rule that prohibits dancing in businesses that serve alcohol, unless there's a designated dance floor in an area where alcohol isn't consumed.

The rule is meant to ensure safety of employees and customers, according to county officials.

But Maui Dance Advocates said members have been told to stop swaying to music or tapping their feet because businesses licensed by the Department of Liquor Control are afraid of violating rules.

In his ruling March 27, Cardoza cited decisions from the U.S. Supreme Court and appellate courts that determined recreational dancing is not a protected constitutional right.

"As the United State Supreme Court has said, there are many activities that contain some 'kernel of expression' that are not entitled to protection under the First Amendment," said first Deputy Corporation Counsel Jane Lovell, who defended the county in the lawsuit. "Several appellate courts have found that recreational dancing is not entitled to such protection, and similar activities, such as roller skating, are likewise not protected."

Wailuku attorney Lance Collins said Maui Dance Advocates plans to appeal the court ruling

The group's lawsuit followed its appeal of the dancing rule. That appeal was dismissed, with the court saying it didn't have jurisdiction to hear the appeal.

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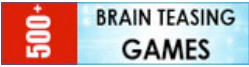
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