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# Maui judge: No constitutional right to dance at bars

Advertiser Staff

WAILUKU, Maui — Maui Circuit Judge Joseph E. Cardoza has ruled that there is no constitutional right to engage in recreational dancing, thereby tossing out a lawsuit filed by plaintiffs Maui Dance Advocates and Ramoda Anand against the county's Department of Liquor Control.

The suit challenged a rule that prohibits dancing in establishments that serve alcohol, unless there is a designated dance floor in a non-consumption area, according to a news release issued by Maui County.

The Liquor Control Department's rule is designed to ensure the safety of establishment employees and patrons, according to the news release.

In his March 27 ruling, Cardoza cited numerous court decisions from the United States Supreme Court and appellate courts from other jurisdictions holding that recreational dancing is not entitled to First Amendment protection, the news release said.

"As the United States 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 Jane Lovell, the deputy corporation counsel who defended the county in the suit. "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," Lovell said.

This is the second time that plaintiffs have sued the county unsuccessfully on this issue. Their first suit was dismissed for lack of subject matter jurisdiction. Plaintiffs were represented in both lawsuits by attorney Lance Collins.

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