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Art Vendors Vindicated

By Christopher D. Ringwald

SPECIAL CORRESPONDENT

Albany — The city's almost-forgotten quest to restrict art vendors in front of the Metropolitan Museum of Art ended yesterday as the state's top court denied an appeal in the case.

"It's a free-speech victory," said Robert Perry, a lawyer from the Center for Constitutional Rights, who represented two of the arrested artists, Mitchell Balmuth and Patrick Christiano. They and others had been arrested for selling art in front of the Met without permits, which are required by a March 1996 ordinance.

The charges had been dismissed in New York City criminal court in 1998 and 1999, and again by an appellate court last year before prosecutors asked for a hearing in front of the state Court of Appeals. The court's denial by Judge Carmen Beauchamp Ciparick was issued without comment, as usual.

A spokeswoman for the Manhattan District Attorney's office said there would be no comment on the case.

Rather than turning on any broad constitutional issue, previous court rulings in the

case invoked the fact that the City Council, in 1982, specifically exempted vendors of written material, later interpreted by judges to include art, from permit requirements.

The city's general vendor law, as amended in 1976, had required permits of art vendors. That was overturned as an unconstitutional abridgement of free expression by a 1996 federal court. Then the Parks Department began requiring permits of art vendors in front of the Met, part of Central Park and areas often mobbed with tourists. The Parks Department limited permits to 24 for the area, and only 14 vendors applied. Others protested by showing their wares and being arrested.

Now, the crackdown seems a relic. "Post 9-11, it does seem like a long, long time ago," Perry said.

Back then, the campaign figured in Mayor Rudolph Giuliani's campaign to boost the city's quality of life by eliminating alleged nuisances. Critics said the mayor exceeded his mandate for an orderly city.

The artists could not be reached. Perry said Balmuth continues to sell art in front of the Met and serves as an ombudsman for other vendors. Christiano sells his own photography and poetry in various sites.