

NEWS » METRO & STATE

Ladies' night deals may violate Minn. law

Free drink specials that women receive at some Twin Cities bars during ladies' nights may be a violation of the Minnesota Human Rights Act, according to the state's Department of Human Rights.



University seniors Sarah Arit, left, Lauren Lammers, middle, and Amber Johnson enjoy free drinks during Ladie's Night at Preston's Urban Pub on Thursday.

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By Katherine Lymn June 09, 2010



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By Katherine Lymn
June 09, 2010

Free drink specials that women receive at some Twin Cities bars during ladies' nights may be a violation of the Minnesota Human Rights Act, according to the state's Department of Human Rights.

The department is currently investigating the drink specials at five Twin Cities' bars and restaurants in response to complaints of gender discrimination, department spokesman Jeff Holman said.

Ladies' nights generally consist of one or two hours of free or reduced-price drinks for women while men pay full price.

"Gender-based pricing violates the Human Rights Act," department Commissioner James Kirkpatrick said in a statement.

The department would not comment on the establishments involved, as the investigation is ongoing.

Holman said if an establishment is found to have violated the Human Rights Act, it may be forced to pay damages to complainants or end the ladies' night specials ruled discriminatory.

Technicalities

According to Minneapolis lawyer Linda Holstein, specific wording in the Minnesota Human Rights Act distinguishes it from other human rights acts that specify "preference given to one gender over another" as gender discrimination.

In 1994, the Wisconsin Supreme Court ruled that a ladies' night at Pearl's Nightclub in Madison violated that state's equivalent human rights act because the act prohibits "preferential treatment to some classes of persons in providing services or facilities in any public place of accommodation or amusement because of sex."

The Minnesota Human Rights Act does not contain the word "preferential."

"Just those words alone would indicate that right now ... the Minnesota law does not lend itself as easily to one of these kinds of cases," Holstein said.

Nevertheless, Holstein said the phrase alone is not a decider for the Twin Cities lawsuits. Enough complaints of gender discrimination "can convince, perhaps, a legislator to take this on and amend the Minnesota Human Rights Act," she said.

"The wording of these statutes makes so much difference," she said.

Holstein said the complaints against ladies' nights would be stronger had men been asked to pay more than they would have any other night.

"That would be discrimination," she said.

The 'anti-feminist'

These types of allegations against ladies' nights are not new.

Roy Den Hollander, a New York lawyer, has filed numerous lawsuits and complaints against establishments with ladies' nights in New York City.

Den Hollander began his crusade against ladies' nights in 2000 after being charged to enter a nightclub where women got in for free.

He has since brought a series of complaints and suits against nightclubs in New York City, the majority of which were thrown out. In the one case which Den Hollander considered a success, he was sent a settlement check of \$40 by a club owner and was able to get in free at his next visit.

Reaction to his campaign has been predictably sour, Den Hollander said. But if the roles were reversed and women were the alleged victims of discrimination, he predicts there would be little opposition.

"I've been called every name under the sun," he said.

Sally's Saloon and Eatery in Stadium Village has their popular Ladies' Night on Wednesdays, when women drink free from 10 p.m. to 12 a.m.

Sally's general manager Don Bye said the practice is not discriminatory due to a similar, albeit shorter, "Guys' Night" on Tuesdays, when men drink free from 10 p.m. to 11 p.m.

Den Hollander does not see this as a form of mitigation.

“It’s discrimination at one time, it’s discrimination at another time,” he said. Through his self-labeled “anti-feminist” work, Den Hollander has come to one conclusion: “It’s obvious — the courts are useless for guys.”

Other factors

Holstein raised the question of sexual identification discrimination as well. Since the ladies’ night establishment thrives on the business of men who come to meet the women, “it is kind of designed for heterosexual men — maybe it’s discriminatory towards gay men,” she said.

The reported rape at a Ladies’ Night at Sally’s in May raises the issue of whether the specials make women a target for sexual assault.

“As a defense attorney, I wouldn’t immediately jump to the conclusion that the ladies’ night caused this particular occurrence,” Holstein said.

Bye stressed that Ladies’ Night at Sally’s is simply a promotion to get both men and women seeking women into the establishment.

Guys’ nights are simply not as popular as ladies’ nights, he said. “[Men] are not banging down the doors.” Holstein raised the question of sexual identification discrimination as well. Since the ladies’ night establishment thrives on the business of men who come to meet the women, “it is kind of designed for heterosexual men — maybe it’s discriminatory towards gay men,” she said.

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