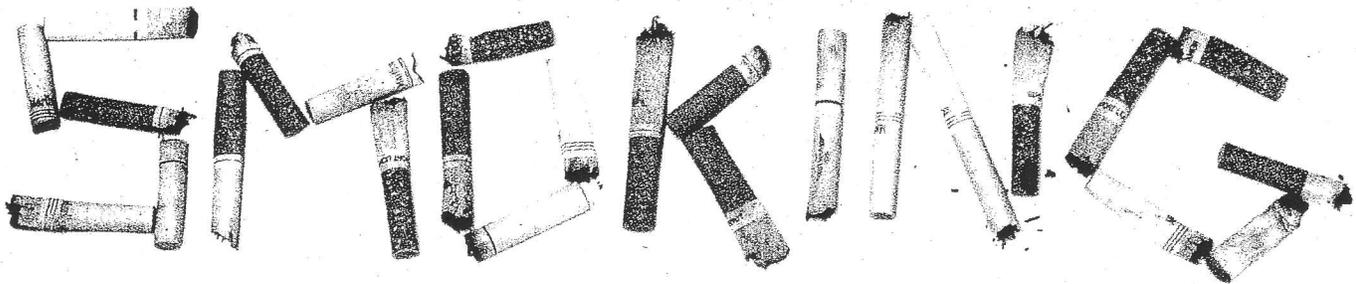
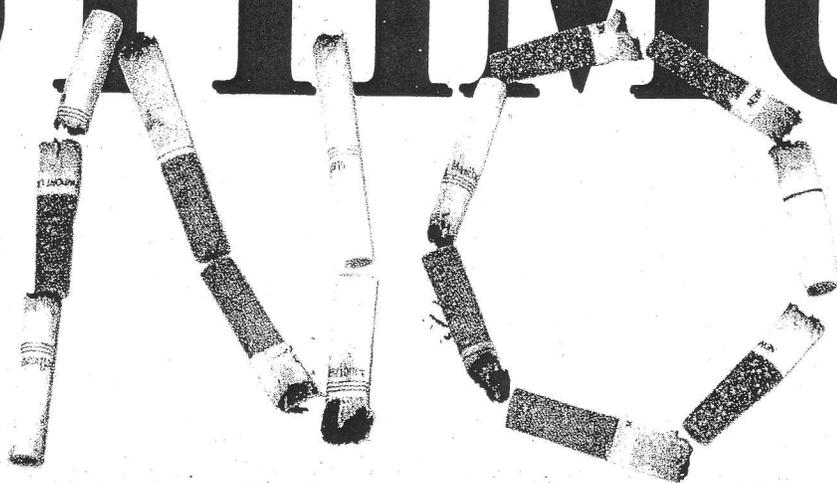


**MADISON'S FAVORITES** Join in the brain dump!  
READERS POLL BALLOT — PAGE 13

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# ISTHMUS



## Bars brace for July 1 snuff-out

PAGE 14

**ISTHMUS BOOKS QUARTERLY**  
Know when to fold 'em  
PAGE 18

**Layer Cake**  
JUST SAYS 'YES' TO DRUGS 27

Are school district's  
WPS costs unhealthy? 8



## The ban is coming July 1, but shouldn't cigar bars and other tobacco specialty venues be exempt?

By Masarah Van Eyck

Outside the bathrooms at Maduro, a cigar bar at 17 E. Main St., sits an antique dresser stacked with books, magazines and wooden cigar boxes. The books are dog-eared, and their titles — *World of Cigars*, *Art of Cigars* and *Smokerama: Classic Tobacco Accoutrements* — reveal owner Brian Haltinner's commitment to the serious pleasure of cigar smoking.

It's a stodgy read for a bathroom wait — and a tough one too in Maduro's dimly lit hallway, which is thick with smoke on a Friday night in late April. Judging from the size of the crowd, though, the haze doesn't seem to deter business. In fact, many are happily puffing away on the bar stools and black leather chairs.

Come July 1, however, Maduro's diehard smokers will be huddled on the sidewalk outside — along with smokers from the Casbah Restaurant & Lounge next door at 119 E. Main St. and every other public tavern and restaurant in Madison.

It's a trend that's gone global. To date, a handful of countries, including Italy and the Republic of Ireland, have passed nationwide laws that ban smoking in all enclosed workplaces. In dozens of other countries, including the U.S. and Canada, smoking has been banned in bars, clubs and restaurants in at least some regions.

And, regardless of proprietors' fears, research has shown that most establishments do not suffer financially for the change. A recent Zagat survey revealed that only 4% of people in New York report eating out less often because of the ban, while 23% say they go out more often.

But what of the establishments whose businesses are built around tobacco — say, the cigar bars and the Mediterranean Casbah, which features hookah pipes along with its tabuli and tahini dishes? Should employees and patrons have the choice to enter these bars at their own risk, or must these time-honored dens — and the money to be made off them — go the way of the plain old smoky pub?

"Cigars are 15% of our sales," says Maduro's Haltinner, "but really, they're responsible for about 30% of our sales over-

establishment with a stocked humidor, a new ventilation system and dozens of scotches and other libations to complement cigars.

"With Maduro, we've spent 7½ years in a sense deliberately alienating nonsmokers," he says. "I mean, I named this place after a cigar. Even our sign has one big plume of smoke on it. It's our whole identity."

### Know your ban

In April 2004, when the Madison city council voted 15-5 to require all indoor areas of taverns and restaurants to become smoke-free, it included a handful of exemptions. These include already-existing private clubs and retail tobacco stores. (The ordinance can be found at [www.ci.madison.wi.us/health](http://www.ci.madison.wi.us/health).)

Downtown Ald. Mike Verveer attempted to fashion an acceptable amendment that would further exempt cigar and hookah bars, notably Maduro and the Casbah, as well as Kimia Lounge, 14 W. Mifflin St., but his motion was voted down. Verveer is back again at the 12th hour with a more narrowly defined amendment that he says would grandfather two existing cigar-oriented businesses, including Maduro. The other business, Madison Wine & Cigar Room on Watts Road on the city's far west side, abruptly closed its doors this week.

Verveer's measure would exempt establishments open since Jan. 1, 2003 that can verify that at least 10% of their revenue derives from tobacco products; presumably, only Maduro and Madison Wine & Cigar met those requirements.

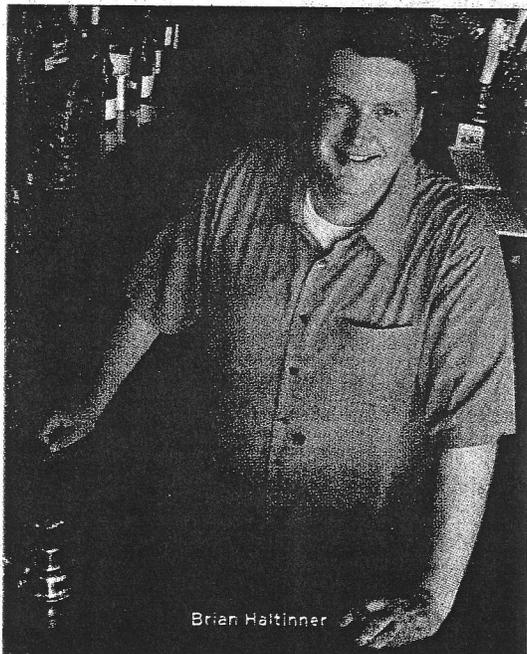
With five co-sponsors, Verveer needs another five votes to prevail when the meas-

**'With Maduro, we've spent 7½ years deliberately alienating nonsmokers,' says Haltinner. 'I mean, I named this place after a cigar.'**

all, because some people bring in their own cigars and meet here for a scotch with friends."

Haltinner, who doesn't smoke cigarettes himself, is far from fanatical about smokers' rights. In fact, his first bar, the Opera House, was entirely non-smoking long before anti-smoking sentiments swept through the council. "And a lot of folks thanked us for that," he adds.

On the other hand, he says, Maduro is a cigar-oriented



Brian Haltinner

ANDY ADAMS

ure goes before the council on June 21. Anti-smoking activists, led by the tireless Ira Sharenow, warn that the entire ban could be undermined by the amendment's wording, something that Verveer denies.

After a city committee endorsed the amendment on a 6-2 vote Tuesday night, Verveer was optimistic about passage. "We're very, very close," Verveer said, possibly only one vote away from the 11 he needs for passage. To assuage the undecideds, Verveer has agreed to wording changes that explicitly prohibit the exempted businesses from moving to new quarters or adding space.

The drive behind the smoking ban is simple: Banning smoking in enclosed workplaces protects employees from "passive" or secondhand smoke. In turn, businesses are released from any legal responsibility for employees' smoke-related health.

"We actually see no problem with a ban on cigarettes," says Matthew Sobocinski, the Casbah's manager. "Everyone wants to come home from a bar and not smell like cigarettes."

In a proactive measure, in fact, the Casbah has banned all cigarette and cigar smoking since mid-March. (Hookah smoking is still encouraged, however — not to mention increased by this move.)

"The idea is right," says Sobocinski. "It's basically just unfortunate that we get lumped in with all the bars that have 90% of their clientele cigarette smokers. I just wish there was some sort of provisional ban — a ban that exempts the places in town that rely on a certain kind of cultural experience that is rooted in smoking."

A cultural experience?

#### A thousand-year tradition

Sobocinski sweeps his hand around the Casbah's Mediterranean décor, including its downstairs booths, which are draped in traditional cloth, to illustrate his point.

"Smoking from a hookah is a thousand-year-old tradition, specific to certain areas of the world," he says. "We want to give an authentic Middle Eastern and Mediterranean experience — and the hookah adds to that experience."

In fact, the tobacco smoked with a hookah (also called a "water pipe," *shishah*, *argila*, or even a "hubbly bubbly," depending on what country you're in) really is different from regular cigarettes. First, the tobacco is imported and all-natural, unlike most cigarette tobacco. Second, hookah tobacco (or *tumbac*) is mixed with molasses and flavored oils like apple, apricot and mint, making the taste more complex. The smoke is also subtler and far less voluminous because it is filtered through the hookah's water chamber.

"Hookah smoke is really different from cigarettes," Sobocinski says. "Someone sitting five or six feet away from a hookah smoker probably wouldn't even sense the smoke — they'd just smell a kind of perfume in the air."

This is hardly the case with cigars, of course.

"When you have voluminous amounts of smoke, like you do from a cigar, a cigar-savvy bar is really different from a regular bar," explains Matthew Bekkering, owner of the now-defunct Madison Wine & Cigar Room.

"You really have to have good ventilation. But at the same time, cigar smokers are not going to a bar to smoke half a pack of ciga-

rettes. They'll be there for 45 minutes to an hour, drop maybe \$100 at the bar, and then go home."

For Haltinner, creating a cigar bar like Maduro was a way to create a place where people can relax in a specific way. "Cigars have a relaxation-inducing quality," he says. "The act of smoking is very calming."

But is a unique and time-honored "cultural experience" enough to justify an exemption? Or is it just that these methods of smoking are classier, even classist, preoccupations?

Why, after all, if you happen to have a couple hundred dollars to spend on cigars and scotch — or, more recently, if you developed your taste for hookahs on your junior year abroad — should your habits (er, addictions) be exempt?

#### Ahh, cigar craft

Bekkering waxes poetic about the cigar-making process. And with a background in engineering and medical physics, his understanding of that process is technical as well as sensual.

"If you've ever seen the process of making a cigar — from the seed to the growing barn, to the field to the fermentation barn, to the sorting tables to the packing tables to the curation rooms, to the rolling tables, to the aging room, to packaging and box making, and then the final aging room — you'd understand just how different they are from cigarettes," he says.

Unlike machine-rolled, universally fabricated cigarettes, each cigar is individually crafted by up to 51 people. Elaborate, age-old processes go into every step of its creation, "just to enhance that hour of so of your enjoyment."

Of course, the reduction of hundreds of hours of labor by poorly paid people into one hour of First World pleasure is pretty much the definition of "elite." But most fine pleasures are: wine, tequila, diamonds. And, like all aficionados' preoccupations, myriad factors dictate the quality and the individual taste of the product — not exactly the experience wrought by a Marlboro Light.

"If I'm helping someone find the right style of cigar," Bekkering explains, "I'll consider everything, from what they'll have for dinner, whether they'll drink scotch or wine, whether they smoke their cigars 'hot' or not...it's a complex experience."

Not surprisingly, Bekkering feels strongly that the present ordinance should exempt establishments selling non-cigarette tobacco that is consumed on the premises.

"I think at least Maduro and Kimia Lounge should be exempt," he says. "They put in major ventilation systems, have high ceilings. They've really made adjustments."

Of course, all this talk about exemptions ignores the larger motive behind the ordinance: the belief that all secondhand smoke — time-honored or not — is noxious. And a "cultural" argument isn't going to prevent prosecution.

Still, asks Haltinner, isn't there any room for choice?

"I understand protecting minors from secondhand smoke," he says. "But when you're 21 or older and you decide to go to a bar whose whole identity is inspired by a cigar, you are taking responsibility for your choices."

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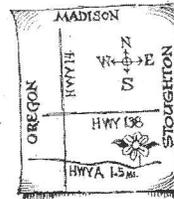


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Bekkering is blunter: "Last I heard, tobacco is still legal."

### Fitchburg ho?

Although Sobocinski admits that Madison's ban, unlike some in other cities, "left no room for loopholes," both he and Haltinner are holding tight to the hope that the ban might still be amended.

Bekkering, meanwhile, is still unclear whether the ban even includes his store. As a retail shop that claims 60% of its sales in cigars, it should be exempt. But to host his free wine tastings (he does not sell alcohol by the glass), Bekkering is required to possess a class B liquor license — the license that establishes his property as a tavern.

The ordinance states that a retail tobacco store is exempt if the establishment's "primary purpose is the sale of tobacco products and accessories and in which the sale of other products is merely incidental." Bekkering's status will be determined, says Assistant City Attorney Marci Paulsen, when he provides sales information from his store.

Bekkering says he's in no hurry to take that step: "I'm really waiting to see how this proposed exemption pans out. I want to see the politics of Madison do its work."

And if the exemption doesn't pass? "Internally, I don't think my sales will be affected by the ban," Bekkering predicts. "But externally, people will probably be less likely to drive the whole, big 15 minutes it takes to get out here because there will be nowhere around here to smoke their cigars."

"In that sense," he says, "Middleton is deathly close. Fitchburg is deathly close. And Monona isn't so far away, either."

When asked whether he's considered moving Maduro to, say, Fitchburg, Haltinner, a Madison native, says, "absolutely not."

"We love it in Madison," he says of his staff. "We went to school here. We're committed to downtown. I'd just as soon move to Presque Isle or the Boundary Waters than to Fitchburg or Middleton."

Still, if the proposed exemption doesn't pass, Haltinner says, Maduro's whole concept may have to change.

"We'd certainly try to stay open and run business as usual." He loves the space, he says, and would like to keep a business there. "But we'd have to watch it closely over the first few months, and if it wasn't working out, we might have to go with something that embraced the music and wine a little bit more."

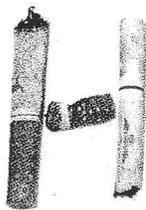
Meanwhile, Haltinner is focused on planning his newest project, Cocoliquot, a bar and restaurant with a separate retail/cooking-class space that will open in the fall in the new Madison Mark building on Wilson Street. His partner is Harvest chef Jeff Orr.

"Initially, part of the draw of Cocoliquot was that it was a nonsmoking venue," Haltinner says, "but the ban has pretty much made that a moot point."

As for the Casbah, it plans to stay put with or without its hookah, says Sobocinski. That's not to say that some adjustments aren't in the planning stages. "We might have a heated awning outside" for smokers, says Sobocinski. "Of course, it wouldn't be the warmest thing in the world" (nor the cheapest). "If October or November rolls around and we see ourselves without hookahs or smoking areas, that will be a more viable option."

Haltinner says he's still optimistic that some kind of exemption will pull through — if not through the city, then perhaps via a legislative override of local smoking bans.

Meanwhile, the balmy weather will come into play. "Over the summer, smokers can sit outside," says Haltinner. "We're taking it one season at a time."



## Harmony owner: Bring it on

Some are looking forward to getting rid of the smoke

While some Madison bar owners are screaming bloody murder about an impending city ordinance to ban smoking on their premises, Keith Daniels is eagerly counting the days.

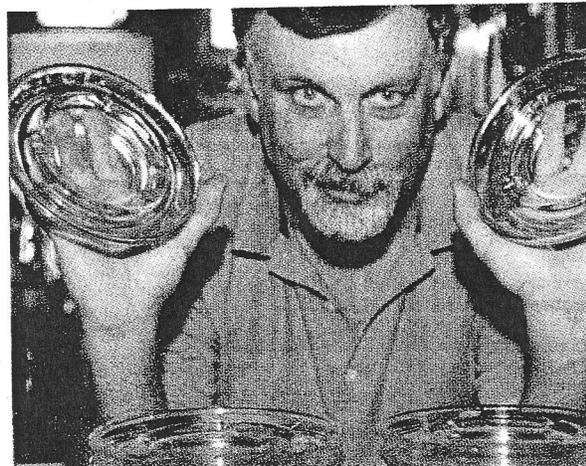
"I'm all for it," says Daniels, owner of the Harmony Bar & Grill, 2201 Atwood Ave. He can't wait "to get smoking out of the bar, so my bartenders don't have to breathe other people's smoke, and I don't have to breathe it."

Daniels considers the Wisconsin Tavern League, which opposes the ban, "a bunch of dinosaurs," and is irked by a legislative effort to preempt Madison's law. He doesn't buy that the ban infringes on smokers' rights: "I think it's an infringement on my rights to have them smoke in a public building."

And contrary to what opponents warn, Daniels does not expect his bottom line to suffer. Indeed, he predicts, "I think business will go up," since some people now avoid bars because they don't like the smoke. Daniels has fielded calls from folks interested in a band or event who want to know if the Harmony is smoke-free. When they hear it's not, they say they're not coming.

So why doesn't Daniels just ban smoking on his own accord? He says he has quite a few regulars, "blue-collar guys," who do smoke and who would, if he imposed a unilateral ban, simply frequent another nearby bar. But a citywide ban means they'll probably just grin and bear it: "They're not going to drive to Monona."

Indeed, Daniels believes most smokers realize their bad habit endangers themselves and others, and are willing to



Daniels: 'I think business will go up.'

accept restrictions on their ability to puff in public places. He relates that one of the Harmony's two bartenders who smoke has expressed support for the ban, saying, "Good, this will help me quit." (The other is against it.)

To accommodate those who need to ingest carcinogens while they fill up on hops, the Harmony, like most Madison bars, is now creating an outdoor smoking area. "They can sit out there and kill their lungs," says Daniels. "I think I'll call it Cancer Corner." He's also planning to inscribe his 20 or so ashtrays with the names of regulars who smoke, to give them as gifts after the July 1 ban takes effect.

While Daniels doesn't know of other bar owners who share his enthusiasm for

the smoking ban, not everyone is set against it. "I'm certainly hearing some customers that they'll be here when the ban comes through," says Cambers, owner of High Noon Saloon, Washington Ave. She expects to lose less than neighborhood bars, as patrons come for the music. A High Noon has hosted a few no-shows: "People at those shows set that and are looking forward to

Madison music promoter Ker identifies a related trend: "More acts are asking, through their managers, for smoke-free venues

Like, soon, the entire Madison scene. ♦

## Outdoor smoking

Puffer patios may be the next big thing

With the implementation of a citywide smoking ban only weeks away, bar owners are scrambling to find ways to accommodate patrons who still want a cigarette with their beer. Adding outdoor seating on patios and in sidewalk cafes has been the most popular option.

"There's been a huge, mad rush of inquiries about outdoor seating," says Ald. Mike Verveer, who sits on the city's Alcohol License Review Committee. At its next meeting on June 15, the committee will consider applications from four bars to add outdoor seating, and Verveer expects more applications to come in. "Believe it or not, we haven't banned smoking outdoors yet," he says. "It's still legal to light up in sidewalk cafes."

Verveer says bar owners have also asked him about offering a "smoking bus/limo," which has been done in other

cities; or about the possibility of setting up tents in the winter. (The city says temporary, flammable structures are not legal.) Verveer notes that the city's anti-smoking ordinance does allow bars to build screened-in porches for smoking.

Not every bar has that option, however: Dick Story, who owns the Crystal Corner Bar, 1302 Williamson St., says he can't even put an ashtray outside the front door because his building goes out to the lot line and it would interfere with the pedestrian right-of-way.

"My bar is on the corner," he says. "I don't know where you'd put a smoking area." And patrons who smoke outside will drop their butts on the ground, he says. "I don't know what the city is going to do about the amount of debris. It'll all go into the lake."

Story, who is president of the Madison/Dane County Tavern League, says

bar owners are hoping the legislature will pass a Republican-sponsored bill that outlaws smoking in restaurants statewide, but leaves bars alone. It would preempt Madison's ban but it's unclear if the Legislature will vote on it before the Madison election on July 1.

"Had this been a state bar thing," he says, noting that city's border will lose customers in neighboring communities allow barroom smoking.

Story worries what will happen July 1, when the ban takes effect. "If four people walk into your bar and you have to say, 'Sorry, Madison nances don't allow that. Would you extinguish your cigarettes? you to get fucked,'" he says. "I'm going to do?" ♦