

Audience Dissatisfaction

by Jonathan Mandell

Thursday, June 23, 2005 12:00 AM -

Lifelong New Yorker Janet Hague moved to Portland, Oregon, and was immediately struck by how much better the audiences are treated there.

"We get the same shows," she said from Portland -- and she meant concerts, art exhibitions, musicals, plays, films -- "except you can get into them here."

Her judgment may carry an extra sting because Hague happens to be the daughter of Tony Award-winning Broadway composer Albert Hague, who was best-known for his role as [the bad-tempered music teacher Mr. Shorofsky in the popular TV series, "Fame"](#) -- which was all about making it as an artist in New York City.

New York is still a great magnet for artistic talent, and (despite Hague's newly-found Portland patriotism) it is easy to argue that New York is home to more shows, and better shows, than anywhere else on Earth.

But how many do you get to see?

The crowds are too big; the wait is too long; the tickets are too high, or the seats are too high up. The people at the box office or Ticketcharge or Ticketmaster are too nasty to have to deal with, or they politely tell you there is nothing available until 2007. The "handling fees" and other miscellaneous charges get your goat. Your timing is never as perfect as it must be -- you get to the phone a half hour after tickets go on sale for your favorite band, say, but that is 20 minutes too late to get anything; or you arrive at the movie theater in what seems like plenty of time for the showing you want, only to discover that the movie is sold out straight through until 1 a.m.

Two new pieces of legislation -- one the governor just signed into law about ticket scalping, the other pending in the City Council about movie commercials -- address specific aspects of audience dissatisfaction, in effect taking as a given that audiences in New York are mistreated. While it is unlikely either will solve the problems, they at least offer hope that the way things are, is not the way things have to be.

Movie Commercials

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RESERVED

THIS PATRON IS AVOIDING CINEMA
ADVERTISING AND WILL RETURN
WHEN THE FEATURE BEGINS.



Ticket Scalping

New York passed its first anti-scalping statute in 1920, and it has been renewed and debated ever since (including in [an article on ticket scalping](#) on Gotham Gazette when the law was up for renewal four years ago) -- a debate that (to oversimplify) pits those who want to make tickets more affordable against those who want to make them more available.

Governor George Pataki has now signed [an updated anti-scalping law that is reportedly something of a compromise](#). Scalpers will be able to sell tickets for shows at venues with 6,000 or more seats at up to 45 percent above a ticket's face value, which is an increase from the previous cap of 20 percent. But that 45 percent will now include all "handling" and other fees that ticket sellers charged to get around the previous, 20 percent cap.

For smaller venues, the cap will remain as before: Scalpers will be permitted to charge no more than 20 percent above face value, or five dollars, whichever is greater.

Anybody who has tried to get into a hit show is aware, of course, that these legal caps have just about zero connection to reality. A recent check of a popular Internet site showed scalpers offering a ticket for the Broadway musical "Spamalot" (which is playing at the Shubert, with just 1,521 seats) for as high as \$1,000 -- which is about 1,000 percent (not 20 percent or even 45 percent) above face price of the ticket. Out-of-state ticket brokers also offer tickets to NYC shows at whatever price the market will bear.

This was one of the arguments used for getting rid of the caps in New York altogether. Eliminating any restriction on the price of tickets to venues with more than 6,000 seats, Assemblymember Joseph Morelle maintained in [the bill he sponsored](#), would "allow for free market economics to take hold. Consumers will ultimately benefit from the increased supply of

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tickets and prices will decrease."

The governor rejected this argument, and so does Russ Haven. "There is no 'free market' when it comes to ticket sales in New York, so long as bribery and corruption are part of the system of ticket distribution," says Haven, who as legislative counsel for the New York Public Interest Research Group has been following the issue of ticket gouging for about eight years.

Haven points to a 1999 report by the Office of Attorney General Eliot Spitzer, entitled ["Why Can't I Get Tickets?"](#), which details a "corrupt," "deceptive" system shrouded in secrecy and tainted by "outright criminality" (in the words of the report) that "diverts the most desirable sports, concert and theater tickets away from the general public."

"There is no reason to believe anything has changed since 1999," Haven says. "If I'm Joe Fan and I want to see Eric Clapton, I'm competing against multimillion-dollar businesses that are willing to pay anything so that their visiting out-of-town clients can see a good show. That's why scalping is unfair. It allows wealthy people to drive the prices out of range for everybody else. It's very hard to buy a ticket for anything in New York where you actually pay just the face price."

What's A Show-Goer To Do?

The struggle is enough to make you want just to stay home. And, that is increasingly what New Yorkers seem to be doing — witness the rise in DVDs, video games, online activity.

But New York, home of the gouge and the crowds, is also renowned for its alternative culture, and there are alternatives — out-of-the-way, hole-in-the-wall, independent.

That, anyway, is the pitch of places like [Film Forum](#) on Houston Street, which shows no commercials, even though, as general manager Dominick Ballesta testified at the council hearing, "we must raise one million dollars every year in order to keep our doors open." But to force its viewers to see commercials, "would reflect unfavorably on the films we are presenting."

That was the come-on as well to attend the opening night June 17th of the [IFC Center](#), the

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new movie theater that replaces the Waverly Theater near West Fourth Street. The Waverly may have been the most famous movie theater in America (thanks to its mention in a song from the musical "Hair," and its launching of midnight screenings of "The Rocky Horror Picture Show," which it turned from a studio flop into a cult classic), but it had been shuttered for four years.

Now, the IFC Center was promising a showcase of independent cinema, a hip aura, a cool café next door, even a question and answer session with the film's director "and no commercials, ever."



What the new movie theater delivered on opening night was a sold-out show, a wait for the next show in the "Waverly at IFC" café, which charged \$14 for "fingerlings" (little fried potatoes), and a giant rat. The rat -- really giant, at least a story tall, and inflated -- was in the curb, next to some screaming union projectionists. "Shame! Shame! Shame!" one kept on shouting on a picket line right next to the movie line. The picketers, from Local 306 [I.A.T.S.E.](#), were protesting the failure of IFC to use union projectionists. "We're at the Film Forum, at the [Landmark Sunshine Cinema](#), at all the art houses," the projectionist explained. "But IFC won't even sit down and talk to us." ("We're not trying to get jobs where none existed -- we had people at the old Waverly, and [we have people at every one of the other theaters in Greenwich Village](#)," union president Michael Goucher told the Voice later.)

Sometimes it really is best to stay home.

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