

Persecuting the Poor in the Name of John Steinbeck

Salinas City Council Bans Begging to Make Way for Steinbeck Center

by Becky Johnson

"They can't ask for money after dark when they're the hungriest, probably, when they are the neediest, probably. Some of us call ourselves Christian — this isn't Christian."

— Juan Oliveras, lone opponent on the Salinas City Council to the ban on beggars

The Salinas City Council passed one of the most restrictive pan-handling laws in the state on March 17, making it a misdemeanor to ask for anything of value after dark. The ordinance bans begging at bus stops, in any outdoor dining area, or in the parking lot of a bank.

City Attorney James Sanchez attempted to clarify that the law outlaws "solicitation," not panhandling per se. Yet, for the purposes of the law, "solicitation" means "any request made in person seeking an immediate donation of money, food, cigarettes, or items of value."

Two merchants and the Salinas police chief spoke on behalf of the anti-solicitation law. Speaking against the ban, ACLU Attorney Michelle Welsh said: "This ordinance is not to prohibit behavior or conduct. It's to prohibit that same behavior or conduct only when a person says, 'I want some money or food,' or 'give me something.' Five different courts have consistently held that a city can't distinguish between allowable speech and prohibited speech because one kind of speech asks for money and another kind doesn't when the same conduct is occurring."

Welsh cautioned the Salinas City Council their ordinance was so broadly written it would outlaw Girl Scout cookie sales and Salvation Army Santas after sundown. The council, understanding that all requests for donations would be banned along with requests from homeless beggars, considered that to be an acceptable cost of doing business, and voted the law into place 6 to 1.

The Salinas City Council followed a depressingly familiar formula for enacting anti-homeless ordinances nationwide. The council made sure that plenty of social-service providers were on hand on the first reading of the law to testify to the plethora of shelters and support services for homeless people, and to the significant amounts of tax dollars already going

towards homeless programs.

As the Sit/Lie Ban from the City of Seattle in 1993 showed, seemingly unconstitutional laws which criminalize innocent behavior, such as sitting down, sleeping, or asking for spare change, have withstood court challenge if the city could "prove" it was not anti-homeless by documenting homeless services provided.

Many cities received instructions from conservative think tanks on how to get these anti-homeless laws enacted. Efficacy of services was not the standard, but rather the price tag for those meals, drug counseling sessions, and nights on a cot, flaunted as evidence of the cities' compassion. 43 shelter spaces for homeless persons in a city of 123,000 is hardly anything to brag about.

SPECIAL-INTEREST LAW FOR MERCHANTS

Yet at the council meeting where the law was finalized, the dog-and-pony show of poverty bureaucrats was missing. The law forbids sparechangers from operating 25 feet from an ATM or 10 feet from a doorway. "Anywhere you go in downtown Salinas, there are doorways and doorways," said John McDermott, a Salinas citizen who is also homeless.

"People all over the United States are making homelessness a crime, making panhandling a crime." McDermott later announced he planned to file a lawsuit against the city.

Robert Norse, a *Street Spirit* writer and member of Homeless United for

Friendship and Freedom, spoke in opposition to the law. "I believe your law is a special interest law for the merchant community," he said. "The same kinds of arguments were used against black people in the '40s and '50s to justify segregation. You needed these kinds of laws because people were intimidated by those kinds of people downtown. You cannot exclude and criminalize and drive from public

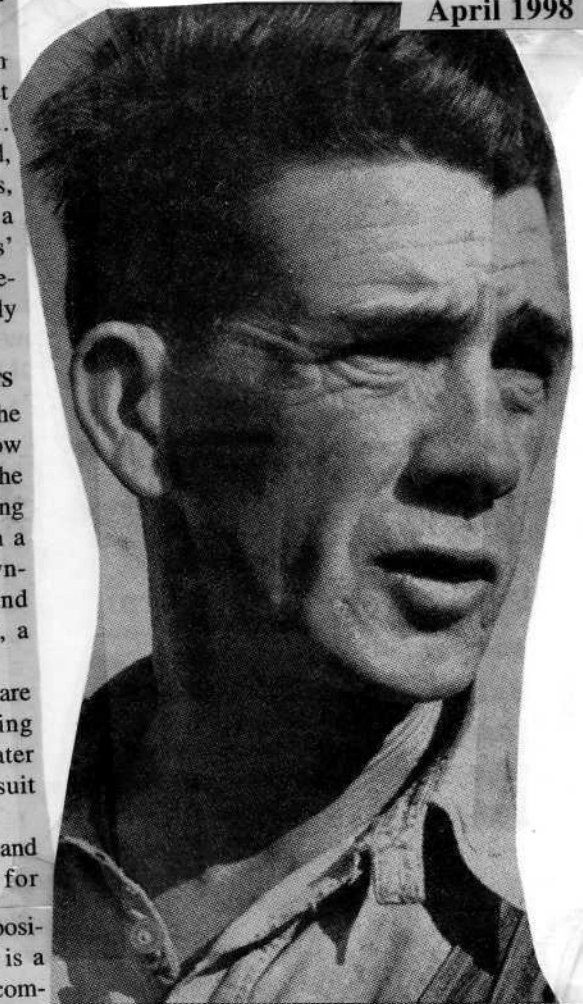
spaces a class of people because they make you uncomfortable or because they are annoying...."

"The reality of this law is to remove a class of people from the downtown area.... Is the city supposed to provide a private security force so bank customers can be comfortable? To some, security means ousting the objects of anxiety; and homeless people are objects of anxiety in our society. I mean that is the sad truth. They make us all anxious. We might be there tomorrow. But that isn't any reason for turning them into criminals.

"What is creating homeless people — that is what we have to address here, not the visible reality of homeless people. Is this a plan to move in a new development called the Steinbeck Center? Where you want to clear all of the poor people out of the area to make way for development? The real motivation here is to go after the

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JOHN STEINBECK

The Grapes of Wrath