

# First Amendment Rights of *Street Spirit* Vendors Upheld

## In Santa Cruz, homeless activists overcome police harassment of street newspaper vendors

by Robert Norse

Santa Cruz cops got a quick come-uppance from the mayor, and *Street Spirit* vendors got a written apology from the police chief after a cowboy cop jacked up a homeless newspaper seller and took his papers.

HUFF (Homeless United for Friendship & Freedom) activists from Santa Cruz have written for *Street Spirit* since 1996. *Street Spirit* gave month-to-month coverage of that year's seven-plus-month City Hall Sleepers Protest, which spotlighted the Sleeping and Blanket Bans in Santa Cruz. Beginning in 1997, homeless vendors began selling *Street Spirit* regularly on Pacific Avenue, Santa Cruz's main thoroughfare.

Pacific Avenue, the heart of the downtown, was savaged by the 1989 earthquake. The widespread rebuilding that followed fundamentally shifted the political alliances in town and gave the merchants a dominating position on what was formerly a "progressive" City Council.

In 1994, that council passed the repressive Downtown Ordinances — making Santa Cruz the first California town to do so — which outlawed sitting on the sidewalk within 10 feet of a shop, peacefully sparechanging after dark (or in groups of two at any time), and many other forms of innocent homeless behavior.

"Homeless Jim," the most regular and high-profile *Street Spirit* vendor, was a vet with a sign that read "disabled." Police Officer Mark Eveleth, a depressingly dense officer with a depressingly dense history of harassing the poor, told Jim he had to present documented proof of his disability or face arrest and prosecution

under the Downtown Ordinances. A misapplication of the "truth in panhandling" section, Eveleth's unlawful bullying did frighten Jim into abandoning his sign.

In 1998, John Maurer, a mild but efficient homeless local, became *Street Spirit's* vendor supervisor and tripled distribution and sales. On September 21, Anthony

Homeless people selling newspapers is just as legal as the magazine drive currently being conducted at my daughter's school, Branciforte Jr. High School."

Her letter got astonishingly quick action — most likely because of the involvement of Mayor Scott. Within a few days, in a rare display of police law-

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— letter to Santa Cruz Mayor Celia Scott from Becky Johnson

Douglas, one of Maurer's new vendors, got the Eveleth treatment. Officers Eveleth and Hedley descended on Douglas after a merchant complaint, confiscated eight copies of *Street Spirit*, and wrote him a citation for "displaying merchandise" under 5.42.040 of the Municipal Code.

HUFF activist Becky Johnson immediately wrote a letter to Santa Cruz Mayor Celia Scott denouncing this shameless violation of the First Amendment and blatant attack on homeless people.

Wrote Johnson: "In addition to being an alternative to panhandling, homeless vendors, by selling their own papers, generate positive interactions between themselves and non-homeless people. *Street Spirit* educates the public on homeless issues and dispels stereotypes. In return, homeless people experience dignity and empowerment; they engage in productive work. And, of course, self-esteem is enhanced by writing for and distributing their own words, poetry, and works of art.

fulness, Santa Cruz Police Chief Steve Belcher himself issued a formal letter of apology, finding "an exception" to Municipal Code 5.43 for newspapers. He stated he was requesting that the city attorney drop all charges against Douglas. The letter was all that was needed for several more homeless people to ask to become *Street Spirit* vendors.

But apparently Officer Eveleth himself hadn't heard the news. A few days after Douglas got the news that it was legal to sell the paper, Eveleth accosted him at his usual spot in front of the busy Cinema 9 and accused him of another violation, because he had a newspaper "displayed" by his feet and not in hand. When Douglas pulled out Police Chief Belcher's letter however, Eveleth quickly retreated to his double-parked squad car.

As Johnson wrote to outgoing Mayor Scott, "Police ticketing homeless vendors, confiscating papers, or making arrests is disastrous public policy and should be

stopped at once. Our vendors are protected by national and state constitutional guarantees of freedom of speech and freedom of the press. While the written word could be seen as a product, it is free speech first. Please, before you leave office, protect homeless street newspaper vendors in general and *Street Spirit* vendors in particular." Mayor Scott has apparently done just that.

*Santa Cruz homeless people who wish to become Street Spirit vendors may leave a message on John Maurer's voice mail at 831/457-9754 ext. 685, or call 831/423-HUFF.*

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