

## First Amendment Jailed in Santa Cruz

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Norse then picked up a pile of *Street Spirits* and began selling them on the street in clear view of the officer.

"Give me a ticket," demanded Norse. "I'm doing exactly what you tackled and arrested another man for an hour ago." Garner stayed for some time watching, but ultimately refused, saying "it would only add fuel to the fire."

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### After the recent arrests and citations of Street Spirit vendors, the state of the First Amendment on the streets of Santa Cruz is battered but unbowed.

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Meanwhile, Argue's problems at jail were escalating. The "selling without a license" charge disappeared and was replaced by a misdemeanor, obstructing an officer, and a felony, resisting/assault/threats. Before booking him, jail authorities held Argue on \$5000 bail in a cold holding cell in isolation for 11 hours with no shoes and a thin shirt. He was refused the standard free phone call and denied medical attention.

The next morning, when Argue was finally housed with the general population and given breakfast, jailers refused to give him a spoon. When he asked a guard, he was told, "You're in jail now — you can't always get everything you want." In response, many prisoners turned in requisition forms to the commissary to get Argue a spoon.

Argue's angry objections in the spoon incident prompted an assault from the deputies. He was thrown to

the ground and put in solitary confinement. With chains on his hands and feet, he was held there for six hours and denied access to a toilet or a phone. After being released from isolation, Argue was held in "lockdown" for three more days, locked in a cell for 23 of 24 hours per day.

Argue spent four days in jail and then was suddenly released without charges or court date. When he asked the releasing deputies what was going

on, the jailer suggested that maybe they finally realized that selling newspapers wasn't illegal. The 20 papers Officer Garner had taken from him were never returned.

Meanwhile, activists and friends flooded the jail, the mayor's office, and the Santa Cruz City Council with phone calls. No city official made bail for Argue, got a judge to issue a writ of habeas corpus, or initiated any action to investigate this continuing pattern of police attack on homeless paper sellers. Outgoing Mayor Celia Scott was apologetic and felt the issue had been "clarified." Why at-risk paper distributors should feel any safer now than in September needed further clarification — but none was forthcoming.

The Monday he was released, Argue returned to the spot where he'd been arrested the previous Friday and began selling *Street Spirit* again. Attorney Kate Wells, formerly attorney for activist Dan Hopkins of the

1996 City Hall Sleepers Protest vigil, agreed to take his civil case and sue for damages.

The timing of Argue's arrest was particularly interesting. Garner assaulted and arrested Argue the same day he was pictured in a large photo in the *Santa Cruz Sentinel*. The photo showed him standing with two newly-elected City Council members at the Town Clock in front of the "Stolen Lives" display (where relatives of those killed by police speak out). Argue was one of the chief organizers of this rally against police violence and the cover-up of the "Happy John" Dine killing [see *Street Spirit*, December, 1997, January, 1998].

The *Santa Cruz Sentinel* had nothing to say about this assault-without-apology on a sister paper. Within 24 hours, the local homeless newsletter, the *Street Shit Sheet*, hit the streets with a special edition immediately covering the incident in lurid detail. Whether the incident was political retaliation for Argue's high-profile protest, a hasty blow-up from a cop with a grudge, or bad police work by an ill-trained officer is still uncertain.

Within a few days after the brutal incident, *Street Spirit* vendors were back on the streets with special *Street Shit Sheet* inserts to the November *Street Spirit* updating new readers on the state of the First Amendment on the streets of Santa Cruz — battered but unbowed.

*Santa Cruz homeless people who wish to become Street Spirit or Street Shit Sheet vendors may leave a message on John Maurer's voice mail at 831/457-9754 X685. To support Steve Argue in his Freedom of the Press lawsuit, call HUFF at 831/423-4833.*