

Issuing of library cards may help

If all else fails, issue a library card.

The Eugene Public Library will soon begin issuing library cards to area homeless people on a trial basis.

OK. It's tempting to poke fun. "Maybe they can use the card to keep the rain off their heads," or, "Where do we put the couch, honey — on the left or right side of the card?"

"Great answer to the homelessness problem," people chuckle, "a library card."

Or maybe it's not so funny. The card issuance is also the perfect chance to reprimand local and national government for their policy on the homeless, which is darn near nada.

These folks seem to hope that if they ignore the problem long enough, it'll sort of just disappear. The frightening reality, however, is the problem is getting worse — compounded by the fact that families with children make up the fastest growing part of America's homeless.

The number of homeless people rose during the 1980s to the highest level since the Depression, and it's not about to stop. The U.S. Conference of Mayors' annual study stated that figures are rising by 20 percent per year; about one-third of the nation's homeless are families with children.

Bad enough adults are living out of their cars or on the streets in growing proportions, but children? Considering homelessness is only a symptom of the larger problem of poverty, one must ask what other necessities these kids are foregoing.

It is indeed tempting to get up in arms over giving a library card to the homeless when they instead need more serious assistance like affordable housing and job training. But wait. The card is a start.

As they say, it's the thought that counts. Small move as it may be, the issuing of library cards says something. It breaks a chink in the stereotypical armor often surrounding the homeless by recognizing them as individuals — as citizens deserving of something the rest of society has access to.

The card issuance draws this usually excluded group in with the rest of society, something that needs to be done on a larger scale if the problem of homelessness is ever to be resolved.

The library card is a good start; what's next?

EDITOR'S NOTE

Because of an error at the *Springfield News*, where the *Emerald* is printed, the pages in yesterday's issue were arranged incorrectly. The *Emerald* regrets the error.

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OPINION

Frog hunting in the city courts



THE FINE PRINT
 BY PAT MALACH

Some people sure know how to ruin a perfectly good time

In the murky backwoods swamps and ponds of the infamously soggy Oregon countryside, frog hunting had for years taken on decidedly simple and straightforward characteristics.

It required patience and a keen eye. Those seeking to bring down the beautiful, yet elusive, tailless amphibians simply headed off to a favorite out-of-the-way pond. Hopeful hunters zeroed in on a booming croak from a granddaddy frog, waited for the bug-eyed mutant to poke its eyes above the water, then blew the little bastard to hell.

It was all so simple, fun and traditional. Frogs, of course, would vehemently disagree with this assessment.

But modern technology and progress don't stand still for anything, and true to form, even something as simple as frog hunting has changed with the times.

In the city of Eugene frog hunting no longer involves a pond, patience, sharp senses or a small-caliber weapon. The once majestic man-against-nature battle has been reduced to a slippery bog of city ordinances, municipal fines, attorneys, five court appearances and possibly a visit to the state Supreme Court.

These sophisticated changes in the hunt are somewhat justified because the frog being hunted in Eugene weighs about 220 pounds, is 5-foot-9, bearded and uses a crackling, high-pitched voice to sell "the world's funniest joke book" on 13th Avenue.

Frog, also known to very few people as David Henry Miller, has raised the ire of some of the most determined frog hunters this side of a Mark Twain tale.

How did one 40-ish frog accomplish this feat? Did he rob a bank? No. Did he assault someone on our streets? No. Did he offend anybody with rude comments? No. Did he hurt someone's feelings? No.

But he did have the audacity to sell his joke books on a city sidewalk when it is strictly verboten. Frog has been ticketed five times, beginning early last year, for peddling his \$3 joke books in direct violation of a city ordinance prohibiting sidewalk vendors from selling anything other than flowers, food, beverages or balloons.

Even worse than his refusal to play by the rules, this frog wasn't happy to unquestioningly pay his fines like the rest of us slaves to authority no doubt would have. He questioned the rules and appealed his case. In April 1990, Municipal

Court Judge Frank Bocci struck down the ordinance and ruled that Frog could sell his books on the sidewalks just like the rest of the vendors in the area. But on the advice of its attorneys, the well-established law firm of Harrang Long Watkinson Arnold & Laird, the city appealed the ruling to Lane County District Court.

District Judge Ann Aiken overturned Bocci's ruling in August and sent it back to the Municipal Court, where Judge Wayne Allen upheld the fine and prohibited Miller from walking on city sidewalks with his book bag.

A couple of years' and thousands of dollars' worth of donated attorney time later, Frog is poised to take his case to the Oregon Court of Appeals.

My limited synapses just weren't able to connect why selling joke books on the sidewalks is so evil it requires such attention from our fine city.

A very patient Kevin Burgess, the attorney handling the case for the city, tried to enlighten me. Burgess explained that Frog, and other vendors selling anything other than food, flowers, beverages or balloons are not given permits because Eugene's sidewalks need to be kept free of congestion.

"But I've never seen Frog cause any more congestion than any of the 'legal' vendors in the area," I replied, letting my naivete surface.

Considering Frog isn't causing any of the problems the ordinance was meant to prevent, I asked Kevin if he couldn't have just dropped this at the municipal court level.

Kevin kindly pointed out to me that my question was out of line with the big picture. "This is not against Mr. Miller personally," he said. "This is about the city's ability to regulate business on its sidewalks."

But wait, couldn't Kevin just advise the city to revise their ordinance to exclude vendors on the basis of how much space they take up, rather than what they are selling?

That's not Kevin's job, was the answer. His job is to defend an ordinance he thinks is constitutional. The city's ability to regulate business was challenged, and Kevin is fighting off that challenge.

"That's as far as we go. We don't get into policy," Kevin said. "It's up to the city to decide if they want to change the ordinance. Regardless of how much I like Mr. Miller and what he represents in the entrepreneurial spirit, there are much wider circumstances."