

Seattle ordinance would make panhandling a crime



NORTHWEST

SEATTLE (AP) — Panhandler Mike G. says he doesn't want to be a criminal. A proposed city ordinance would make him one.

Two or three days a week, Mike sits outside of a grocery store in the University District north of downtown, asking passersby for spare change. He says he can get by on about \$30 a week.

"Have a good day," he says to those who so much as acknowledge him.

An ordinance proposed by city attorney Mark Sidran would make sitting or lying down on a sidewalk in a commercial area between 7 a.m. and 9 p.m. against the law.

That means Mike. Panhandling has become common in urban America, more so as the ranks of the homeless increase, and temperate Seattle is no exception. The city's homeless population has grown to more than 21,000, according to a 1992 report by the Washington State Housing Coalition.

Sidran's proposals — he also wants to toughen up existing rules — represent an attempt to ease panhandlers' impact on businesses, and downtown merchants who believe beggars run off their customers are

applauding the effort. "A common comment we hear from the visitors to the city is that downtown Seattle has more than its share of panhandlers, and they're more aggressive and there's one on every street corner," said John Gilmore, president of the Downtown Seattle Association.

Mike doesn't think the proposed ordinance would help.

"All they're going to end up doing is make people into lawbreakers," he said.

"If you want me to be a criminal, I'll be a criminal. ... If you want, we can go that far. I don't want to go that far," said Mike, 44, who asked that his last name not be published.

Mike said he understands the need for laws against aggressive panhandling and public drunkenness, but has misgivings about those that would prevent his sitting or standing in a public place.

Mike understands that some people might consider him a threat.

"I could be a murderer, a rapist. I'm not, but they don't know me," Mike said between spare-change requests.

"I'm just someone that's easy to grumble at," he said.

Sidran's proposals are the latest development in the city's years-long effort to

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— Mike G.,
Seattle panhandler

balance the rights of street people with those of the mainstream.

In 1981, the Seattle City Council rejected an ordinance that would have outlawed begging in the city. The council members told unhappy merchants that panhandling was an "inalienable right."

But in 1987, Seattle became the first city in the nation to penalize aggressive panhandlers. Beggars who intimidate people or block sidewalks and doorways while panhandling face a maximum penalty of a \$500 fine and 90 days in jail.

That measure — and Sidran's new proposal — are opposed by the American Civil Liberties Union of Washington.

"Sidran's law will make them criminals for just sitting there," said Jerry Sheehan, the ACLU's legislative director in Seattle. "Such a law in our view would be unconstitutional."

Sidran says his plan isn't aimed at panhandlers like Mike but at the "small minority" who urinate on sidewalks, block pedestrian traffic and drink in public.

"I don't think these are the sort of behaviors that hearty urban dwellers should be expected to tolerate," Sidran said. "These behaviors, taken together, create a psychology of fear."

Sidran said state laws against public drinking, urinating and defecating do not penalize offenders with jail time. He dismisses them as useless.

Sidran proposes:

- A maximum penalty of 90 days in jail and a \$1,000 fine for repeat offenses of public drinking, defecating and urinating. State law provides for citations and a maximum \$100 fine, but no jail time.

- Bringing the city ordinance on underage drinking into accord with state law. Violators in Seattle now face a maximum \$500 fine. Under state law, the penalty for a first offense is a maximum \$500 fine and two months in jail. A second offense can mean a six-month sentence and subsequent violations as much as a year.

- Raising the maximum fine for aggressive panhandling from \$500 to \$1,000, and tightening the definition of "intimidation" in the panhandling ordinance.

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Court says free speech does not cover damage

SALEM (AP) — Free speech rights do not protect demonstrators from punitive damage awards if they disrupt use of private possessions, the Oregon Supreme Court ruled last week.

The court in a 5-2 decision upheld a \$25,000 punitive damage award against six members of the environmental organization Earth First!

The protesters, objecting to timber harvest policies, chained themselves to heavy equipment to shut down logging for a day in July 1987 in the North Kalmiopsis area of the Siskiyou National Forest.

The equipment owner, Huffman & Wright Logging Co. of Canyonville, sought damages against the demonstrators. A jury awarded the company \$5,717 in compensatory damages for lost revenue plus the punitive damages.

Punitive damages are awarded to penalize conduct and deter future similar conduct. The defendants argued that the award violated their constitutional rights of free speech and to petition the government.

The court majority, in an opinion by Justice Susan Graber, said the jury "was entitled to find that defendants' acts caused the disturbance of plaintiff's possession of its personal property, wholly apart from any motivating opinion, underlying message or accompanying speech."

The message they sought to convey "and the spoken and written words accompanying their conduct did not transform defendants' conduct into speech," Graber said.

Graber said nothing in the constitutional right of peaceable

assembly "suggests that right includes a right to disrupt possession of private property of another at least when, as here, the private property is not open to public use."

The protest actions were not a direct petition to the government but to the logging company and the news media, the court said.

"The intention ultimately to affect government policy is not sufficient, by itself, to invoke" constitutional protection, the court said.

Justice Richard Unis, in the dissenting opinion, said the amount of punitive damages cannot constitutionally be determined even in part by the political speech accompanying conduct.

Justice George Van Hoomissen also dissented.

The defendants were also convicted of criminal mischief in the protest and served two weeks in jail.

The North Kalmiopsis region has been one of the most intense battlegrounds of the entire Northwest logging war for the past 30 years.

"We really were never in any doubt as to what the outcome should be," said Greg Gaston, comptroller of Huffman & Wright in Canyonville. "The question is whether we ever see a penny of the award. We didn't take this position to come out ahead. It was more of the idea of the principles involved."

The ruling was a major blow to civil disobedience actions everywhere, said Karen Wood of Eugene, one of the Earth First! protesters who chained themselves to logging equipment on the Sapphire timber sale.



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