

# Haight Street artists, one block ahead of the police



SFO PHOTO: CHRISTINE JEGAN

Joseph Clark shows his artwork to a passerby at the corner of Haight and Ashbury streets.

BY STARCHILD

A wisp of a girl sat on a trash can reciting poetry aloud to any passersby who stopped to listen. "Original poems \$1" her sign read.

"American art," proclaimed a scruffy youth sitting on the sidewalk. "Cheap." He held up a stack of laser print reproductions of watercolor and pastel oil paintings for perusal.

It's hard to tell how old these people are. The disheveled appearances and punk-influenced clothing styles of the Haight Street crowd make the teenagers among them look older and the thirty-somethings look younger.

The kid with the paintings, Joseph Clark, is 27. They're all his, but he doesn't call himself an artist. "I'm a creativist," he

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# Haight Street artists fight to sell art on street

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said. "I'm an activist for people who create things. I don't know if I made up the word, but I use it."

The police might use another word: "Criminal."

For Clark and other unlicensed purveyors of homemade arts and crafts on Haight Street, trouble from the police is just another of any difficulties that come with the lifestyle. Most of them meet their challenges with spirit and resourcefulness.

Clark was charged last October with selling art without a permit. He was scheduled to appear in court on Sept. 14 for peddling without a license. "I got another (citation) just a couple of days ago from the same cop, and he's even seen this court documentation."

The documentation Clark was referring to is an eight-page ruling from the 2nd U.S. Circuit Court of Appeals. The artist carries it folded up in his pocket. The 1996 ruling, from the case of *Bery v. New York City* (available online at [www.law.pace.edu/lawlib/legal/us-legal/judiciary/second-circuit/test3/95-9089.html](http://www.law.pace.edu/lawlib/legal/us-legal/judiciary/second-circuit/test3/95-9089.html)), asserted that selling art on public sidewalks is a constitutionally protected activity.

"On the basis of this record before us, the City's requirement that appellants be licensed in order to sell their artwork in public spaces constitutes an unconstitutional infringement of their First Amendment rights," the judges wrote.

David Maund, another Haight Street painter, wants to make an issue of it. Maund, 35, was recently arrested and charged with peddling art without a license, an action he says was not a crime. He is looking into filing a lawsuit against the city.

"I came to San Francisco not to break any laws, I came here to make art and make music. If that's wrong, I don't want to be right."

Since he designed himself a walking billboard asserting those rights and warning police that "there is a 75 percent chance you may be on videotape right now," officers have stopped bothering Maund, according to one of his

fellow artists.

Maund said he contacted the Lawyers' Committee for Civil Rights, which offers a legal services clinic for the indigent.

According to LCCR staff attorney Oren Sellstrom, it will take more than a single artist with a gripe to bring the group's resources to bear. "We do affirmative cases in the class-action context, but not individual cases," he said. The bulk of the clinic's work involves cases of people without resources being sued by creditors, landlords, and others seeking compensation.

Complaints like Maund's, he said, would be referred to the Po-

ever, San Francisco works not by the letter of the law but by interpretation."

Ignorant of all this, Audrey Le, 19, paused to look at Clark's paintings on her way to a friend's house. The crop-haired, bespectacled young woman has lived in the City for the past 11 months, but grew up in San Jose.

"Are there street artists in San Jose?" someone asked.

"Not that I know of," she replied. "It's a cultural vacuum."

The young artists say most of the established proprietors on Haight Street are friendly toward them, even when the artists sit in front of their stores.

"As long as it's their own stuff, we don't have a problem with it," said Lisa, an assistant manager at vintage clothing emporium Buffalo Exchange.

Lisa Paulus, the manager of a fashionable clothing retailer called Ambiance, has a somewhat different view. What she objects to most is the foul language. "If they make lewd comments to women, I consider it sexual harassment," she said. "Customers come in and complain, and some of the younger kids get scared. Still, street artists are usually really nice about it when asked to move."

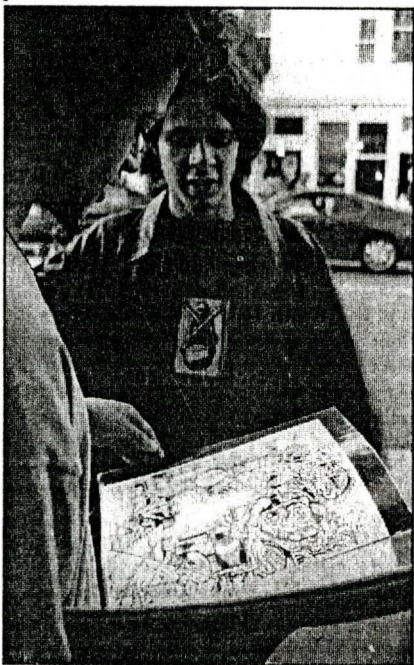
Of course there are exceptions to the amicable relations, like the employee of Forever After Books who occasionally screams and yells at people to get off the street. "I think she would shoot me if it were legal," one artist said half-jokingly.

Yogi Nichols, 16, sits behind a cardboard sign reading "(Bootyful) handmade chains for sale cheap!" The Oakland resident sells chain mail bracelets, wallet chains, and other accessories assembled from metal rings he buys from an East Bay supply shop. Nichols, who mostly sells in Berkeley and only comes to San Francisco occasionally, has yet to be ticketed. "I always talk my way out," he said. Nichols also avoids Berkeley's Telegraph Avenue, where the police presence is heavy. The most he's made in a day is about \$150, in the Mission district during the Dyke March.

A shaggy blond boy leaning against a light pole playing guitar turned out to be Micah Papp, aka "Manny the Hippie" of David Letterman show fame. Now 22 and out of the Ohio jail he landed in for violating a pot-bust probation, the erstwhile celebrity seems as nonchalant hanging out with the other street artists near the corner of Haight and Ashbury as if his meteoric rise to fame had never happened. He said he's been playing music on Haight Street for two and a half years. Besides the guitar, he plays the harmonica. The cops mostly leave him alone, but he thinks it's because he's not selling anything, just asking for donations.

"They don't really hassle the musicians too much," Manny said. On a good day, he'll make as much as \$20 in a couple hours. Manny also holds down a "regular" job at a local bed and breakfast. "I'm not out here spare-changing, I'm just really bored," he said. "I have nothing better to do."

A young man approaches Clark and asks if he can buy a "twenty sack," (a \$20 bag of pot). "I don't sell drugs, I sell art," he



SFO PHOTO: CHRISTINE JEGAN  
**Adam LaBay, from Michigan, is living the artist's life on Haight Street.**

lice Department's Office of Citizen Complaints, or the Homeless Advocacy Project, which handles cases of people charged with selling things on the street without a permit.

According to an officer at the Park Police station who refused to identify himself, the law states it is illegal to sell anything on the street without a license. "There is no specific citation for loitering however, and you cannot be forced to move along," he said, "unless you've been admonished for 11-352" (police code for a drug offense). "You can ask somebody to move along, it doesn't mean you can cite them for refusing. How-

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snaps.

Clark's most popular work is a black-and-white line drawing titled *Self-portrait at a bus stop*. He said he's sold 274 copies, but hasn't parted with the original.

They're not getting rich, but it's a living, usually. Clark's friend Adam LaBay claimed to have once made \$275 in a day, but usually it's much, much less. "Sometimes I don't make a dollar for four days," he said. "It fluctuates a lot."

LaBay, 21, is originally from Michigan but has been in California for the past three years. "I sell my artwork on the street to survive," he said. "I live basically wherever I can. Like sleep in parks, sleep in shelters sometimes. If I make enough money I stay in a

hostel or a hotel. I don't live off GA...or Social Security, though I could, because I have epilepsy. I decided to support myself. I'd rather support myself, because I don't believe in living off the government, and I'd rather live or die by my artwork."

Unlike Clark, he has never been jailed, but LaBay said he has two warrants out for his arrest for unlicensed art peddling. "I've gotten probably nine tickets in the past two years," he said. "Most of them were taken care of by the Homeless Coalition. The past two somehow slipped through that. They basically do a thing where they plead not guilty. If the cop doesn't show up, then the judge will usually dismiss the case. But a lot of times if you go to court for something like selling art without a permit, the judge will usually dismiss it anyway."