



*celebrating 10 years*

January 19, 2010

Bank of America  
Director of Security  
804 N. Monroe Street  
Spokane, WA 99201

Downtown Spokane Partnership  
Marty Dickinson  
221 N. Wall St., Suite 300  
Spokane, WA 99201

Red Robin  
Director of Security  
725 W. Main Ave.  
Spokane, WA 99201

Rite Aide  
Director of Security  
112 N. Howard Street  
Spokane, WA 99201

River Park Square Mall  
Director of Security  
808 W. Main Ave.  
Spokane, WA 99201

Securitas  
Director of Security  
218 N. Bernard Street  
Spokane, WA 99201

Spokane Transit Authority  
Director of Security  
1230 West Boone Avenue  
Spokane, WA 99201-2686

*Re: Regulation of protected speech on public sidewalks*

Dear Local Businesses,

I am an attorney with the Center for Justice, a small nonprofit law firm in Spokane. The Center has engaged in dialogue with the City of Spokane over the past few years regarding municipal ordinances impacting constitutionally protected speech activities, such as street music and panhandling. Over the past few months, we have received complaints from street musicians about local security guards who threaten to arrest musicians and panhandlers for trespass on the basis that the sidewalk is for some reason "private." In some cases, the guards maintain an awning or other structure changes the sidewalk from a public to private space.

We spoke with Assistant City Attorney Mike Picollo in November about these interactions. Mr. Picollo then conducted a search to determine whether any of these businesses had an agreement with the City which might suffice to change the character of these sidewalks from public to private. Finding no such agreements, Mr. Picollo assured

us the City would advise local law enforcement and security that this was not a basis for denying street musicians or others their right to engage in protected First Amendment activity on city sidewalks.

Unfortunately, it appears these problems persist. We believe the law in this circuit is clear - that thoroughfare sidewalks, which interconnect with a city's network of public sidewalks on both ends, are intended for general public use, and allow for unobstructed pedestrian access, are public fora subject to the protections of the First Amendment. *Venetian Casino v. Local Joint Executive Board of Las Vegas*, 257 F.3d 937 (9<sup>th</sup> Cir. 2001). Similarly, it is clear that bus terminals are public fora. *Sanders v. City of Seattle*, 160 Wn .2d 198 (2007). As such, litigation on this issue would be a waste of public and private resources. Thus, we trust your personnel and security contractors are appropriately briefed. If not, we would appreciate the opportunity to talk with you to better understand your position on these issues.

If you wish to discuss these matters with us further, feel free to give me or Breccan Beggs a call at 509.835.5211.

Regards,



Bonne Beavers  
Attorney  
Center for Justice

cc: Mike Picollo, Assistant City Attorney