

State Supreme Court: City can't ban begging at freeway off-ramps

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OLYMPIA, Wash. (AP) - The Washington state Supreme Court invalidated two sections of the city of Lakewood's anti-begging ordinance Thursday, saying they violated the First Amendment rights of a man who was convicted for walking onto a highway off-ramp with a sign saying he was disabled and needed help.

Six of the nine justices agreed that Robert Willis' 2012 conviction under the aggressive begging ordinance should be overturned. He was sentenced to 90 days behind bars and fined \$1,000, though the jail time and \$750 was suspended.

Lakewood's ordinance bans panhandling at several locations, including on public transportation, near ATMS, at ramps leading to and from freeways and at intersections of major roadways. The majority opinion, written by Justice Sheryl Gordon McCloud, said the latter two restrictions were overly broad, reversing lower court rulings.

A footnote in the ruling says Willis could have been charged under another city ordinance related to disorderly conduct by someone intentionally obstructing car or pedestrian travel.

A city spokesman said officials were preparing a statement to be released later Thursday.

Two of the justices - Debra Stephens and Mary Fairhurst - agreed Willis' conviction should be overturned but said the ruling did not go far enough because the entire law is unconstitutional.

"While the ordinance might conceivably have legitimate applications in nonpublic areas, on its face, it substantially restricts protected speech in a wide range of public forums traditionally open to First Amendment activity," Stephens wrote.

In a dissenting opinion, three justices said a freeway off-ramp is a "nonpublic forum since it is decidedly unsafe for pedestrians."

"No one can argue against the virtues of free speech afforded us by the First Amendment to the federal constitution," wrote Justice Susan Owens, joined by Justices Charles Johnson and Charlie Wiggins. "However, that freedom is not without reasonable limitations on locations not intended for speech."

The American Civil Liberties Union of Washington, which had filed an amicus brief on behalf of Willis, lauded the ruling.

"This ruling is a really important vindication of the principles that homeless people have rights, too," said ACLU legal director Emily Chiang. "The Constitution applies to everyone."