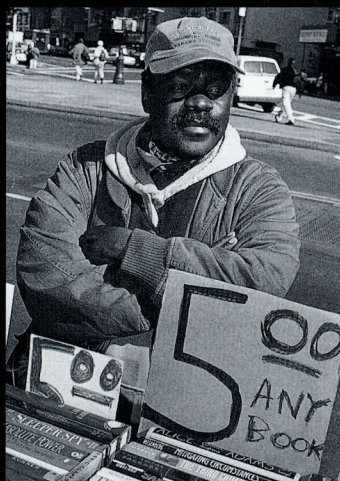
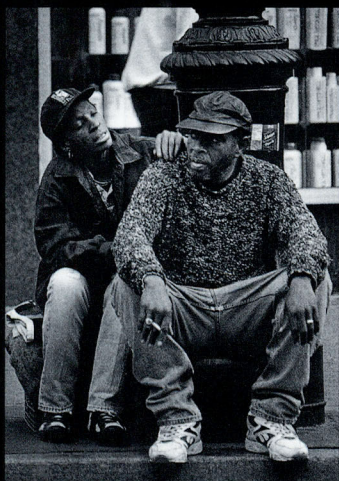


# SIDEWALK



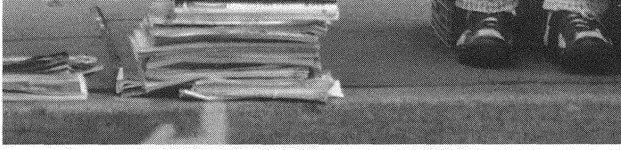
MITCHELL DUNEIER

WITH PHOTOGRAPHS BY OVIE CARTER

*Also by Mitchell Duneier*

**S L I M ' S   T A B L E**

# S I D E W A L K





# SIDE

WITH PHOTOGRAPHS BY OVIE CARTER

AND AN AFTERWORD BY HAKIM HASAN





# WALK

MITCHELL DUNEIER

FARRAR, STRAUS AND GIROUX • NEW YORK



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## *Who's Who on the Sidewalk*

WEST EIGHTH STREET

DYNEISHA is Mudrick's three-year-old granddaughter. She lives in Brooklyn and sometimes visits him on the block.

MUDRICK dropped out of school in third grade before he learned how to read. He says he can't read his address because he has none.



WARREN was a panhandler. Then he became a "table watcher." Now he is a magazine vendor.



PHYLLIS was Grady's girlfriend. She passed away on January 3, 1999.



KEITH is a magazine vendor who works as Grady's partner.



SIXTH AVENUE

← N

HAKIM is a book vendor who for years held court on Sixth Avenue.

ISHMAEL has known Mudrick and some others since they all lived in Penn Station.

GRADY is an ex-panhandler. Now he is a magazine vendor. He stopped using crack, heroin, and alcohol on his own.

JAMAANE is an incense and oils vendor who plays the role of mentor for Grady and holds his money. He once played that role for Marvin.

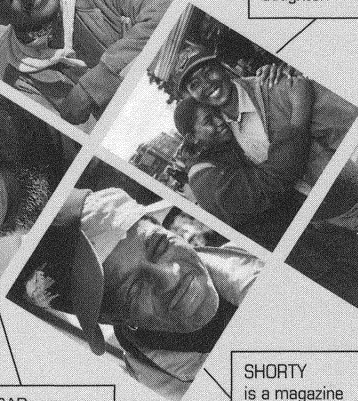
ALICE is a book vendor who has worked on and off with Hakim. Jennifer is her daughter.

GREENWICH AVENUE



HOWARD is a comic-book vendor who takes no shit from anyone.

CONRAD is a magazine vendor who stopped using crack. He started out as a "mover" of other vendors' merchandise.



SHORTY is a magazine vendor who sometimes works with his nephew.



JEROME works at the Vitamin Shoppe. He dropped out of school in ninth grade. He comes to Hakim's table to talk about books.



# WAVERLY PLACE

ROCK  
is a "table  
watcher."



BA  
is a "place holder"  
for other vendors.



RANDY  
is a "mover."



BUTTEROLL  
is a panhandler  
who often stays in  
the "dungeon" of  
the subway.



AUNT NAOMI  
is Ron's great-  
aunt. She used to  
let him sleep on  
her couch in  
Harlem; now she  
has given him a  
bed.



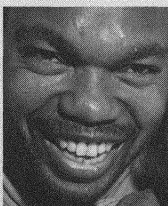
AL  
is a vendor who  
has been on the  
blocks longer than  
anyone else.



JOE GARBAGE  
is a panhandler  
who works the  
door of the bank.  
When he can't  
work outside the  
bank, he supports  
himself as a  
scavenger who  
"lays shit out."



MARVIN  
is a magazine  
vendor who went  
through AA.



RON  
is a magazine  
vendor who works  
closely with  
Marvin.

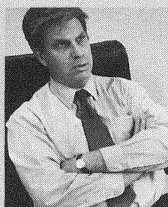


KEITH  
is a panhandler  
who sometimes  
works the door of  
the bank. He likes  
to talk to babies  
and dogs.

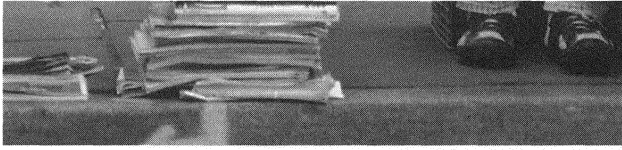
ANDREW  
MANSHEL  
was legal counsel  
to the Grand  
Central  
Partnership, which  
used its influence  
to cut down on  
space for the  
vendors.

EDWARD C.  
WALLACE  
wrote the local law  
that made all this  
vending possible.  
Now he thinks it  
has done more  
harm than good,  
and he has done  
legal work for the  
Grand Central  
Partnership to  
change the law  
again.

DAN BIEDERMAN  
used to run the  
Grand Central  
Partnership, a  
Business  
Improvement  
District.



# S I D E W A L K



## **PART FOUR**



## **REGULATING THE PEOPLE WHO WORK THE STREETS**



# The Space Wars: Competing Legalities

**I**t is not difficult to understand why the 1990s saw a movement for formal social control in response to minor civic infractions. The politics of Mayor Giuliani and the scholarly arguments of Wilson and Kelling echoed the opinions one could easily hear from many local merchants and business leaders, who complained about the people that were panhandling, scavenging, and “laying shit out.” Take José Torres, who managed the Store 24 (a convenience store) on Greenwich Avenue near Sixth Avenue for seven years before it closed in 1996. “Aside from the nuisance they create,” he explained to me, “they sometimes don’t look presentable. They sometimes smell bad. They sometimes smoke drugs or urinate. Right in front! Without any regards for law or anything! As customers even try to walk into the store, sometimes they have to be met by these people, and it’s very uncomfortable, especially when you have someone who doesn’t look presentable, smells bad, and is begging for money.”<sup>1</sup>

The formal social control of small infractions also reflects the concerns of local business groups. When I met with Andrew Manshel, the attorney for the Grand Central Partnership and the 34th Street Partnership, he frankly declared that the group’s policies were influenced by Wilson and Kelling’s “broken windows” theory. He argued not merely against the panhandlers and scavengers, but even against book vendors like Hakim Hasan. “Why is it that these people choose to be in the street?” he asked. “Is it a legitimate lifestyle choice to operate your business in the public way? My own view—and I’m not speaking for the Grand Central Partnership—is that it’s an antisocial act. They have chosen to defy certain social norms, such as work-

ing in the formal economy. It seems to me we could agree as a society that occupying public space to sell things is antisocial. Why do we have to make it illegal in order not to have it? We've gotten to a place as a society where people say, 'Anything that's not illegal on the streets, I can do!' "

The Grand Central Partnership and other Business Improvement Districts have sought to limit the number of vendors by reducing the total space that vendors can legally occupy. In this chapter, I will attempt to show how the policy operates: how a law cutting down space got passed thanks to the input of politically influential business associations, and the impact the new law had on the street life.

### *The Business Improvement Districts*

Business Improvement Districts (BIDs) are "geographic areas within a city in which property owners agree to pay for enhanced services and capital improvements to benefit an area."<sup>2</sup> These districts are created to improve the quality of the commercial and physical environment in a part of the city by providing services to complement those provided by the city, including enhanced security, sanitation, and social services. In addition, the BIDs organize visitor services, sponsor public events such as concerts, and coordinate the quality and variety of retail stores and their façades. The importance of BIDs cannot be overemphasized in understanding the distribution of power in New York City and the daily life of the streets in neighborhoods like Greenwich Village.

BIDs emerged as a significant political force within New York City during the 1980s, motivated by the business community's sense of helplessness over its inability to control the public spaces, which affected the value of its real estate and the success of its commercial activities.<sup>3</sup> By employing their own security forces and sanitation workers, the BIDs have brought about the degree of civic order called for by the "broken windows" theory. Some BIDs are politically powerful, working to achieve their ends through close associations with the mayor and/or members of the City Council.

In New York City, the most significant such associations are the midtown BIDs, which include the Grand Central Partnership, the 34th Street Partnership, the Fifth Avenue Association, and the Times Square Business

Improvement District. BIDs approach the problems of their neighborhoods differently, but they have a good deal in common. Many of the Manhattan BIDs, for example, employ uniformed safety officers who patrol their areas on foot from 7:00 a.m. to 11:00 p.m., with the objective of providing a deterrent to crime and a radio link to the local New York Police Department precinct. In addition, uniformed sanitation workers patrol surrounding streets seven days a week, picking up litter, reporting clogged storm drains, painting over and removing graffiti and illegal posters, and emptying trash receptacles.

A visit to the Fifth Avenue Association's Field Bureau in the basement of Rockefeller Center shows how a BID supplements the police. A uniformed officer sits at a desk with a radio and telephone wired directly to dispatchers of local New York City police precincts. "Ten four, let me know the disposition of that shoe-shine guy, okay?" says the radio operator to one of his own safety officers.

"Your message is coming in broken up," responds the officer.

"Please let me know if that shoe-shine guy has been removed," repeats the operator.

"Ten four."

A few moments later, a safety officer calls in. "Food vendor still in the same spot." (Under the municipal law, neither food vendors nor shoe-shine men are permitted on this street.)

"Stand by," says the radioman, as he presses a button connecting him to the police precinct. "Hello. I'm calling from Fifth Avenue Business Improvement. This is Mr. White and I'm calling about a food vendor that we have on the northwest corner of 50th and Fifth Avenue."

He hangs up, and I ask what they said to him.

"The usual story. Someone will take a walk by, or drive by, and check it out. It's not really a major emergency for them, but my bosses want them out of there. [Or else] everybody else will set up, and they'll start getting away with murder."

Another call comes in. "Post Six to Base. We have two guitar players in front of FAO Schwarz."

"Ten four, I got it."



*A Law Is Passed Restricting Space*

During my years of research, only one legislative initiative to deal with written-matter vendors passed the City Council, and this was chiefly due to the influence of two BIDs, the Grand Central Partnership and the 34th Street Partnership. To find out more about how this happened, I paid a visit to their counsel, Andrew Manshel, and asked him to describe the “philosophy” behind his legal efforts on behalf of midtown property owners.

“We have a general program here to deal with quality of street life,” he explained to me. “Building on the work George Kelling of Northeastern University, James Q. Wilson at UCLA, and William H. Whyte, who wrote *City* . . . everything that gets done in this office is very self-conscious and very studied, and draws principally on these intellectual sources.

“A lot of what we do flies in the face of what a lot of academics, especially sociologists, have to say,” he added. “There are professors who do work on public spaces and we drive them crazy. I mean, we’re right across the street from them and we’re everything they’re against. They are these people who distort Jane Jacobs. I’ve taken to calling them believers in grit. They believe that anomic stuff that happens on the street is good and healthy and organic. They believe drug dealing is a small-scale business, and that to believe otherwise is kind of racist. They’re people who believe that graffiti is a valuable cultural expression. That’s not what we’re about.

“People say we are trying to Disneyfy downtown and exert fascistic control over public spaces. That is a gross overstatement.” He goes on to explain why the BIDs oppose unlicensed street vendors. “It’s mostly about how they look as much as what they’re doing. It’s not just that they’re selling things in public space, but they don’t look like they’ve made a capital investment in what they are doing. They are not selling high-quality goods. When they are selling high-quality goods, there is an implication that the goods are stolen. It’s not clear that they are part of the social fabric. The problem—besides that it looks disordered because of the lack of capital investment and the lack of social control imposed upon it—is that there is an element of unfairness with people who are renting stores and are selling similar merchandise and are paying taxes and minimum wage and rent.”

BIDs are often accused by their political opponents of being completely closed and unaccountable to the public, but Manshel let me look at his volu-

minous files on his efforts to pass the law.<sup>4</sup> I asked what he and Daniel Biederman, then president of these two midtown BIDs, had done to deal with the written-matter vendors. Ultimately, they hired as a paid lobbyist the very man who had fought for passage of Local Law 33 of 1982, the original written-matter exemption, Edward C. Wallace.<sup>5</sup> After leaving the City Council when his seat was abolished, he had gone into private practice as an attorney.

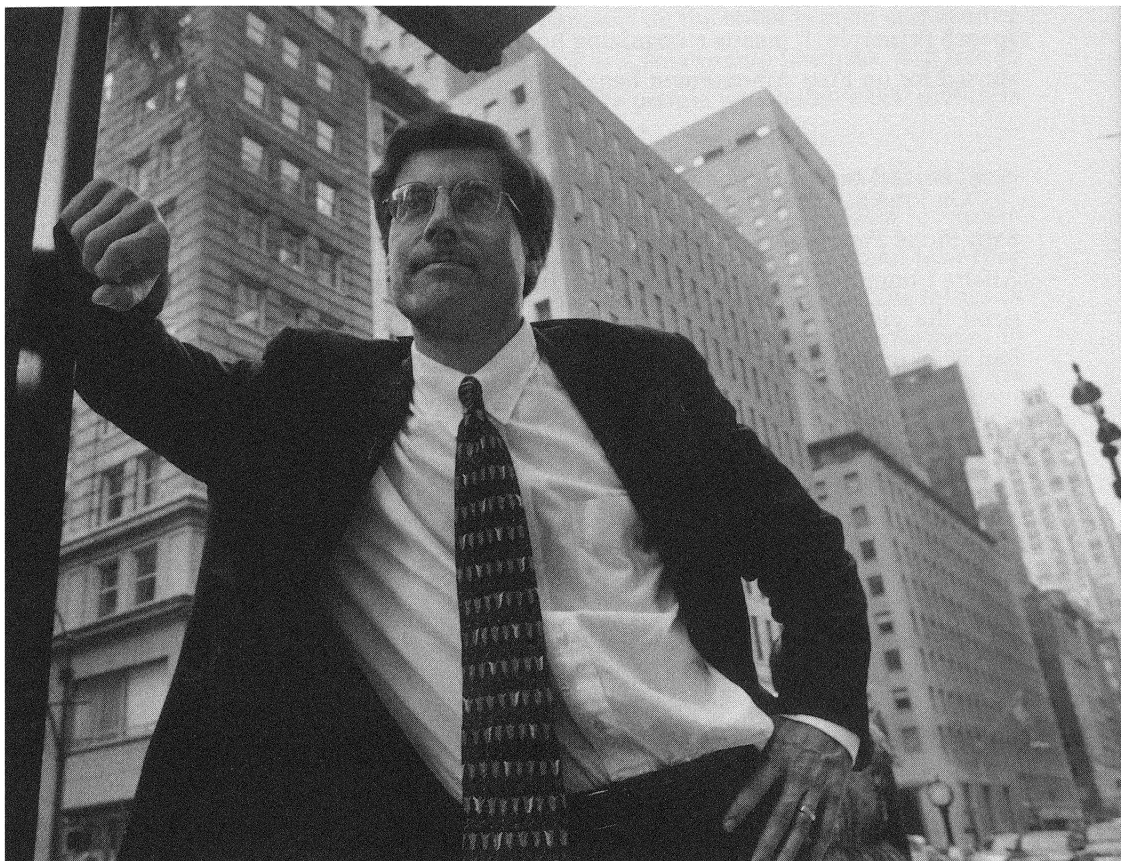
Meanwhile, Wallace says, before Manshel contacted him he had already concluded for himself that Local Law 33 had gotten out of hand. “We gave a roadmap for how to do business on the sidewalks,” he says. “On speech issues I am a total civil libertarian, which does not mean uncontrolled speech in all cases. It means ‘subject to reasonable time, place, and manner restrictions.’ Clearly, [civil liberties] was driving my enthusiasm for the original written-matter exemption. But the turnaround came when my enthusiasm for *that* had resulted in something completely unintended and not in my mind connected with *any* civil liberty: the proprietary taking of the sidewalk by private enterprises.

“I guess what I learned is that my youthful absolutist view has to be tempered by a practicality. In the end, that doesn’t mean giving up the free-speech principle. It means recognizing how it can be distorted and twisted or abused for no First Amendment benefit.”

.

On June 9, 1992, Wallace represented the Grand Central Partnership and 34th Street Partnership BIDs at a public meeting convened by the Consumer Affairs Committee of the City Council. In his presentation, Wallace summarized the views of representatives of many of the real-estate holdings who had been organized by the partnerships to attend the June 9 meeting. These included the Real Estate Board, the Fifth Avenue Association, the Shubert Organization, the Rockefeller Group Inc., and 665 Sixth Avenue.

“Ten years ago, I introduced a minor amendment intended to protect pamphleteers from arrest for unlicensed vending on the general vending law,” he told those present. “Unfortunately, that well-intentioned minor exemption grew during the legislative process into a loophole big enough to spawn a table-based sidewalk industry which has clogged the sidewalks to the point where pedestrians cannot pass, and police officers cannot chase the

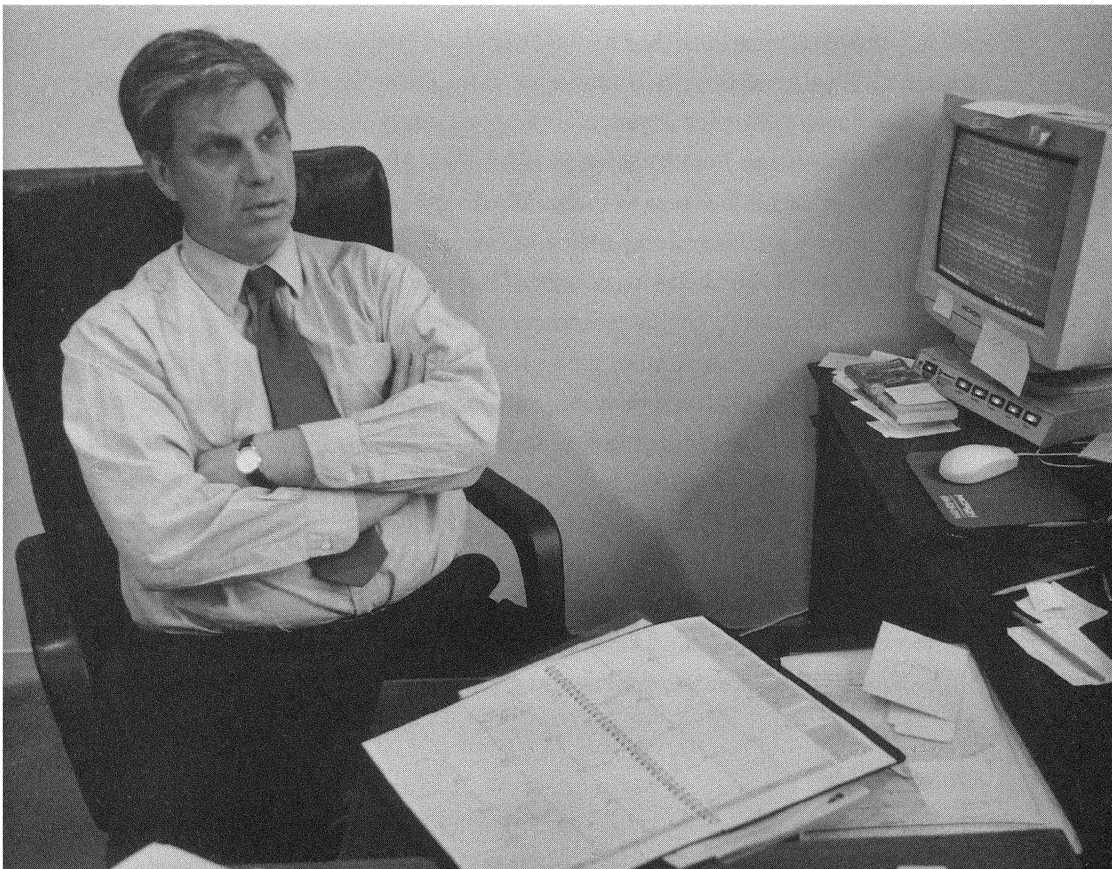


chain snatchers and muggers who prey on tourists in congested places. These table vendors form a virtual blockade, which prevents firefighters, ambulance crews, and police officers from moving quickly from curbside to building. The need is urgent for the council to take back the sidewalks for pedestrians and emergency services.”

After the public meeting, Peter L. Malkin, a local property owner who had founded the Grand Central Partnership, wrote a letter to Mayor David Dinkins claiming that the exemption of book vending from general vending regulations had led to serious abuse. In response, Mayor Dinkins wrote that the sale of books on public streets raised constitutional issues: “In deciding upon restrictions on book vendors, we must be sensitive to First Amendment values,” he emphasized.

It is likely that the mayor regarded the American Civil Liberties Union as an important political actor. Though not influential on their own, written-matter vendors like Hakim, Alice, Marvin, Ron, Ishmael, and Mudrick would have an influential interest group on their side.

According to Manshel, Wallace brought to the table a technical knowledge of how to recast the law so that it would be constitutional and the kind



of “political moxie” to get the bill through the City Council. He also had contacts with civil-liberties groups to persuade them that this law would not raise constitutional concerns. Wallace carefully crafted his draft law in an effort to address the concerns of the ACLU.

In particular, he proposed legislation to ban written-matter vendors from setting up tables on streets where food vendors and general vendors were already banned. Thus, the new law would not be said to target speech specifically, but would be seen as balancing First Amendment rights with the health and safety of the public.

Twelve months later, as the 1993 mayoral election approached, there was a bitter campaign between Democratic Mayor David Dinkins and the Republican challenger, Rudolph Giuliani, focusing on the “quality of life.” Both candidates ran against the deviance symbolized by panhandlers, squeegee men, vendors, and the like. Two councilmen introduced Local Law 45, which had been meandering its way through the legislative process since the previous year. The measure was overwhelmingly approved by the City Council, and on June 1, 1993, Mayor Dinkins signed it into effect, with the following legislative finding:

“The Council hereby finds and declares that a threat to public health, safety, and welfare exists due to the practice of permitting general vendors who exclusively vend written matter to vend on sidewalks without subjecting them to certain placement and location restrictions which have been found to protect the health, safety and welfare of the public.” The Council further found that this threat to the public health was worsened by the placement of vending tables along major commercial thoroughfares. It claimed that “these tables blocked the access of emergency services, including fire and police personnel, to the entrances to buildings and to fire hydrants; caused pedestrian congestion at major tourist points and transportation facilities; and impeded the movement of police foot patrols along the sidewalks.”

These legislative findings were adopted by the City Council even though there was no evidence presented to support them. The new law included prohibitions on the mandatory number of feet between a vendor’s table and a street corner, the entrance to a building, or a subway entrance.<sup>6</sup>

Local Law 45 had immediate implications for all of the avenues under the jurisdiction of the Grand Central Partnership and the 34th Street Partnership. There, because food vendors and general vendors were already prohib-

ited, written matter could no longer be sold once the new law went into effect. Those vendors would have to move to side streets in midtown, and perhaps to other parts of New York City.

Like all general vendors, written-matter vendors throughout the city now had to set up their tables in such a way as to allow at least a twelve-foot-wide pedestrian path. They could not lean themselves or an “item” against a building or window; they were prohibited from being within twenty feet of an entranceway to any building; and they were not allowed to set up within ten feet from bus stops, taxi stands, subway entrances and exits, or street corners.<sup>7</sup> Many vendors realized that the spots they had worked in had suddenly been eliminated.

### *A Public Reckoning*

In Greenwich Village, the amount of space for written-matter vendors was cut in half. For quite a while, instead of bringing about greater order on the streets, Local Law 45 led to a further deterioration of sidewalk life on Sixth Avenue. Those vendors who did remain would routinely fight with the police and one another for the remaining legal sidewalk space.

Because vendors want to be able to set up in the same place each day, so that their customers will know where to find them, and because the municipal law does not recognize any person’s claim to a particular piece of public sidewalk, the vendors had devised their own system to order their relations with one another regarding the distribution of space. Under the municipal law, any vendor who arrives first at a space is entitled to set up there; but under the unofficial system each vendor has his or her own space, which is usually honored by the others.<sup>8</sup>

Before the passage of Local Law 45, my discussions with vendors indicated that they looked with great disdain on the idea of calling on the police to settle disputes. Often I heard a vendor who threatened to call 911 (the police) referred to as a “plantation boy” or a “snitch” by other black vendors.

The unofficial system for settling disputes was orderly. It had long worked without overt conflict. It seemed to me to be part of a larger set of unquestionable truths on the block, based on notions of black collective consciousness. When the amount of space was cut in half, however, I observed that the unofficial system was not based on unquestionable values at all; it



existed because it maximized the interests of vendors, whose method of allocating space had depended on minimizing contact with the official law. The professions of brotherhood had kept the official legal system from interfering with an unofficial system that regulated vendors' affairs, but it could not withstand the strain of decreased space; those values now competed with more practical concerns such as "who got here first."

This is illustrated by one dramatic episode involving Hakim and Muhammad, a vendor supporting a family of eighteen who had worked on the corner at the busy intersection for many years (it is not clear how many). Like Hakim, he is an African American who changed his name when he became a Muslim; unlike Hakim, he is still a practicing Muslim and a member of the Nation of Islam. When I arrived at 9:00 a.m. one Monday, I noticed that Hakim was set up in the spot where Muhammad usually puts his table. Around 9:30, as I talked with Ishmael, Muhammad arrived and put his table directly in front of Hakim's. The two men began to argue.

You're not listening to what I'm saying. I was here since seven o'clock in the morning, Hakim said.

My brother, if you charge me with doing something to you and that's why you're doing it to me, that's not right. I've never hurt anyone. I've never hurt you, Hakim!

This is not about what's right or wrong, answered Hakim.

Yes, it is about what's right or wrong, said Muhammad.

It's about what you're doing, responded Hakim.

It's about right or wrong, said Muhammad. You accused me. And I wanna defend that.

A crowd of ten or a dozen men working the block quickly surrounded Hakim and Muhammad. Many of them had been upset that Muhammad was arriving on the block late in the morning and yet claiming a spot that they could have been using. Hakim's assertion of his right to challenge the long-standing custom might have been interpreted as a threat to the collective solidarity of these men, who were united by their customs, or simply as a technical argument about a specific rule. It was a public reckoning about how life on the street should be ordered.

During my years of observing the blocks, I had never seen such a dispute occur. It was established that particular spots "belonged" to particular vendors if they occupied them every day. If Hakim were to establish his legiti-

mate right to the location, the entire unofficial system that governed property rights on the street would be transformed.

As Muhammad and Hakim and their supporters yelled, passersby steered around them, apparently disconcerted by the sight of ten black men circling around one another and raising their voices. I walked over to the assembling men as I turned on my tape recorder.

"You can't prove it, brother, because I've never done anything like that," said Muhammad.

"Nobody can prove anything with you!" responded Hakim.

"Oh yes, brother . . . you . . . hey . . . if you get witnesses you can prove it to them," said Muhammad.

Hakim turned to the crowd of vendors and looked for his witness. "Was I out here at seven o'clock this morning?"

"Brother? . . . Brother?" called Muhammad.

"Did you see me come out here seven o'clock this morning?" repeated Hakim. "Right or wrong? What time did *you* get here?"

"Granted," said Muhammad.

"What time *did* you get there?" asked Hakim.

"Everybody was here when I came. No problem on that. I haven't concerned that as a problem. It's just that you made an accusation against me," said Muhammad.

"What time did you get here?" demanded Hakim. "What time did you get here?"

"I got here later than . . ."

"What time did you get here?"

"I got here later than all of you-all," Muhammad admitted.

"*About* what time did you get here?" continued Hakim.

"I just got here not too long ago."

"How long ago was not too long ago?"

"You want to play the legal game, Hakim? You got here first!"

"Right! Then you put that table there for what reason?" asked Hakim.

"I have never hurt you, brother," responded Muhammad. "You accuse me of trying to hurt you."

"You are playing games here. You not smart enough to be playing games with me."

"No, brother! Truth is truth. Truth is light."

"I'll guarantee you one thing," said Hakim. "You put that table up right there today and I'll have the police confiscate it. I'm telling you now. Watch. I'm gonna play the same game they play with me."

Hakim's comment was a bombshell, violating the stigma against bringing in the police as a way to settle disputes. Since Hakim was a seller of black books who was looked upon as a good "race man"—one who feels "an intense responsibility to 'the race,' to the point of viewing most events, especially public ones involving white society, as having definite implications for the well-being of other blacks"<sup>9</sup>—it was unlikely that anyone could successfully frame Hakim's motives as anti-black. In order to undermine the unofficial system previously supposedly based on black collective consciousness, Hakim was defining the issues in narrow, practical terms ("What time did you get here?"), whereas Muhammad wanted to keep the discussion at an abstract level ("No, brother! Truth is truth"), which would enable him to avoid confronting the issue of whether the rules needed to be changed. He wanted to keep the issues on a level that would indicate a potential crisis for group solidarity.<sup>10</sup>

"I came down here to fight with truth against all falsehoods," said Muhammad. "And that's what I'm doing."

"You know what they call that?" yelled Hakim. "They call that rhetoric."

"They call it a brother talking to another brother," said Muhammad.

"You know what? Let me say the following: from now on, whoever gets here first in that or any other spot, they can set up."

"If you wanna do that, that's up to you," responded Muhammad.

"I'm *gonna* do that," said Hakim.

"Right! That's up to you."

"I don't need your permission to do that," said Hakim.

"No. You know what? You know what? You going with that because you want the white man's permission to do that!"

Hakim was ready with a rejoinder. "If you don't care about the white man, why are you fighting with me over a space? Why don't you set up outside his lines?" asked Hakim.<sup>11</sup>

"We brothers," said Muhammad. "You know I got eighteen mouths [to feed] . . . eighteen mouths, brother, and you know another one is on the way. Hey, brother, I've been here for eleven years on this corner. And you don't want to respect that?"

"I'm not afraid of you. I'm letting you know, from now on, I'm setting up anywhere on this block."

"Allah-u-Akbar," said Muhammad, meaning, "God is Great."

With that, two squad cars from the Sixth Precinct rolled up on the curb, evidently prompted by a passerby.

"What's up?" said an officer, a white male, as he got out of one of the cars.

"How are you? I'm trying to hold a discussion with *this* man," said Hakim, turning away from the officer.

"We're having a discussion," said Muhammad, turning his back on the officer as well. The body positions of the two men signaled to all of the surrounding vendors that neither of them was going to defer to the white officer in solving an internal dispute.

"No, but you out of order," said Hakim.

"I'm not out of order," said Muhammad.

"You out of order! You've been out of order for a long time!" said Hakim.

"Islam is order. I came to you Islamically," said Muhammad.

The officer tried to move between the men.

"Sergeant, everything is all right and we at peace," said Muhammad. "We just here having a discussion."

"What I'm trying to explain to him is that he doesn't own this corner at the top of the block," said Hakim.

"We already know that," said Muhammad.

"He's just determined he owns the corner," said Hakim.

"That's not true," responded Muhammad. "You made a falsehood and that's not true. Now, you can act plantation boy if you want to . . . in front of the slave master."

"All right, come on," said the officer, as he dispersed the crowd.

Muhammad's claim to a particular space had long been acknowledged, as were the claims of other vendors to "their own" spots. Now Hakim had made an open declaration in front of all the other vendors that "First come, first served," would be the new norm on Sixth Avenue. But it was not a norm that could be adopted quickly or easily. As it turned out, there would be even more fighting.

*The Unhoused Rule*

The first to benefit from the new norm were those who slept on the block. They had first claim on spaces not eliminated by Local Law 45, whereas vendors who went home or elsewhere at night found themselves at a disadvantage in obtaining any legal space at all.

This led to a major transformation in the informal system that governed property rights on the street. For some time, as we know, a number of men had earned money by serving as “place holders”—guarding a spot of public sidewalk overnight and selling it to a vendor in the morning. Whereas once this had been done at the vendor’s request, however, now the unhoused men insisted on “holding” spaces overnight, regardless of whether vendors had asked them to do so. The men who had been “place holders” became extortionists of a sort.

“The only way you could come into that block, you had to go through me,” a scavenger and place holder named Leo Porter once explained. “There were so many vendors coming to the neighborhood, and there was no room for no one to set up. So we had a special little crew, and everyone had their own specific spot. They would pay me twenty dollars per spot. One day a guy who sells comic books said, ‘Yo, I’m not giving you nothing no more.’ I said, ‘But, brother, you got your spot, now give me my money.’ He told me to go fuck myself, so I grabbed him by the neck and put a blade to him. Before he knew it, I had him pinned up against the wall of B. Dalton. The men on the block were yelling, ‘Leo, don’t kill him,’ ’cause they seen death in my eyes, because I *am* capable of killing. I backed up and let him go, and he ran to the precinct. By the time I finished with him, I was incarcerated for three months while I waited for a trial. Then I got it thrown out.” I had heard a similar version of this story from others on the block.

Whereas vendors were once the source of their own system of apparently workable, mutually advantageous norms and rules, it seemed as if the lack of space resulting from Local Law 45 had led to conflicts that were being solved with weapons and by the police. Needless to say, such conflicts contributed to a mood of disorder on the street. More and more vendors turned to the official law and the New York Police Department to establish their rights. That Hakim and Muhammad had turned their bodies away from the

police officers had been powerful symbolically, but the meaning seemed to apply less and less in their daily lives.

### *Howard Refuses to Pay for Space*

One hot evening in August, Howard, a vendor who had long been setting up his table of comic books on Sixth Avenue, threatened to call the police when Mudrick and other vendors and place holders refused to make room for him upon his arrival.

The next morning, Howard (who is white) was standing on the sidewalk when Mudrick approached him. "I don't like what you said yesterday. I gotta tell ya. I don't think you mean what you said. You can't tell the police what we do in the street. That's not right."

"Let me explain," said Howard.

"Listen to *me*," said Mudrick.

"No, let me talk," said Howard.

"I'm the one who called *you*," said Mudrick. "To straighten this shit out. You listen to *me*! Don't tell the police anything! We have to straighten it out with the people in the *street*. Don't call the police down on the people."

"I don't want to," said Howard. "But if people want to keep on . . ."

"Then why you say that [yesterday]?" demanded Mudrick. "I want to hear this shit. Because I couldn't sleep last night behind this bullshit. Make sure you say it right, 'cause it's gonna cost money to talk to me anyway."

"Let me finish," said Howard.

"First, let me tell you what you getting into," said Mudrick, trying to intimidate him. "You gotta pay me to talk to me!"

Howard was speechless for a moment or two. Mudrick said, "Now you can go ahead and talk."

"If someone is taking up everything and putting you out of business," began Howard, "you gonna tell me that you're not gonna do anything about it?"

"You gonna get a spot anyway," Mudrick responded. "All you gotta say to these guys is, 'I need a little space.' "

"I can't even get . . . like yesterday . . ."

"You can get it! All you gotta do is say, 'I want a little space.' You know how to settle about space in New York. You put your shit over there and they



make room for you and you make room for them. You don't have to go to the police. . . . You understand that? Do you understand English? I know that you do!"

"Yeah, I understand English."

"Well, they gotta make a space for you!"

"They say it's too bad," said Howard. "I myself, personally, do not have any love for the police."

"Ain't no love in this game," said Mudrick. "There's enough money for everybody."

"The bottom line is, I have to make money," said Howard.

"You gonna make money," said Mudrick. "But you don't have to go to the police and let the police know what we're doing over here."

"I haven't gone to anybody yet. But, I mean, if somebody does it to me enough times, I'm gonna . . ."

"What you're trying to say is, if they don't do what you want them to do, you're going to have to go to the police?"

"If they take up seven tables for two people . . ."

Mudrick laughed.

"What do you think? That I'm going to be a nice guy? You wouldn't be a nice guy, either," Howard said. "Listen, I'm not looking for any hassles, my friend. All I [have to do] is make money. If I don't make money, I'm in trouble."

"Do me a favor," said Mudrick. "Listen, don't call the police."

"I'm not calling nobody."

"The police is the wrong thing to call. Don't put the police in. We trying to get organization here and try to straighten out things. Then, when you call the police, it don't make no sense."

"Then let's work together," said Howard.

"That's what I'm trying to tell you. Let's work together with this shit."

"That's the bottom line," said Howard as he walked away.

"Don't call no police," called out Mudrick after him in a voice loud enough for everyone on the block to hear. "That's wrong. Don't be a snitch."

Turning to Butteroll, Mudrick continued loudly, "Motherfucker snitch on me because he can't get a spot. If you want a spot, wake up in the morning and get a fucking spot. I'm here all night, you gonna come here twelve

o'clock [p.m.] and look for a spot? Get the fuck outa here. Everything is took over."

As a black man talking to a white man, Mudrick could not appeal to black collective consciousness to establish that it was taboo to call on the police to resolve problems among vendors. Instead, he tried to intimidate Howard, and then, when Howard wouldn't back down, to stigmatize him in the eyes of other vendors. But Howard made it clear that he was not intimidated. As a middle-class white man, he would likely have power with the police that the poor black men lacked. When he came to the blocks in the weeks to come, Mudrick and the other magazine vendors made space for him.

Over the next five years, a new informal system would emerge, with intricate relations to the official legality. Nobody tried to stand in Howard's way. Other vendors, such as an elderly white man who never threatened to call the police, paid B.A., a place holder, fifty dollars to hold his spot. This sometimes led to fights over who had the right to collect "rent" for holding particular spots.

### *A System Prevails*

As the months after the passage of the new law turned into years, a combined version of the older and newer systems for determining property rights prevailed. Muhammad continued to occupy his place on the corner, but he was challenged for the space whenever he showed up late.

On one day at Christmastime four years later, a dispute showed that the public "scenes" had never come to an end. I came to the block around 11:00 a.m. and noted that Ron and Marvin were set up in Muhammad's usual space. A few minutes later, Muhammad's wife drove up in their van and dropped their fifteen-year-old daughter off on the corner with two tables and a load of merchandise on a large pushcart.

"No, no, no!" yelled Ron. "How she gonna come in here? Marvin, don't let nobody in. What you gonna cut down on our money for? Don't move none of our stuff. Then you'll have to move for others."

"Right," said Marvin. "Let her put her stuff outside the line. Why should we move our stuff outside the line for her?"

Muhammad's daughter stood silently with her pushcart to the side at the corner of Sixth Avenue and Eighth Street.

She likely heard the two men talking, but never approached or asked for a space.

Turning to me, Ron said, "You see, Mitch, I feel for these people. I've been out here since six o'clock this morning. I didn't set up until just now. I waited until ten o'clock."

"What was going through your mind as you waited?"

"I figured, 'I don't want no argument,' you understand? I figured I'd set up outside the line down there [in an illegal space], because I know this is where Muhammad wants to set up at. But then it looked like Shorty and Conrad were getting ready to come over here. I was thinking to myself, 'Muhammad didn't come yesterday. The space was here empty all day. Why should I lose out?' "

Before Local Law 45 was passed, there was plenty of space for those who wanted to engage in entrepreneurial activity on the sidewalk. It would have been inconceivable that Shorty, Conrad, and Ron would "eye" a space that had gone unclaimed for a few hours.

"Did you feel while you were waiting that if you did set up here you were being some kind of bad person?"

"Yeah. Like I was trying to move in on their territory or something like that. It was some kind of informal understanding that this is where these guys set up all the time."

Four years after Local Law 45 was passed, vendors were still respecting a person's right to set up in a specific place, but only if he arrived "on time." Yet, as Ishmael joined the conversation and Ron continued talking, it became clear that even on this point there was still disagreement. My presence became an occasion for the men to discuss what constituted suitable behavior.

"Let me show you another example," Ron said. "Ishmael can confirm this. When Ishmael don't set up here, I set up [in his spot]. But if I knew he was coming, I wouldn't have set up here in the first place. Not because I think it is his spot, but because I know he like to set up there. So I figure, Let me give him the first crack at it. But if I see him not coming, I'm not gonna wait around all day and don't make no money. I'm gonna try to make some."

"I believe like this," said Ishmael. "If you've been there and you consistently there, he can come two or three hours late, but I'm being considerate.

Let's work this outside of arguing. Because, if you're gonna argue, it's gonna go further than that. So, if you take it on a considerate basis, something is gonna be worked out."

"No," said Ron. "Sometimes you gotta look out for *you*. You can bend over backwards only so much. . . ."

"When it's coming down to a kid who is coming out here by herself," interrupted Ishmael, pointing to Muhammad's daughter standing on the corner.

"That's her father sending her out here," responded Ron.

"That's her personal money," said Ishmael.

"*They* sending her out here in the cold," responded Ron. "I need money to pay bills. . . . I gotta pay rent. . . . I lived on the street for years. I'm not getting ready to go back to it."

"I have feelings for a kid," said Ishmael, pointing.

"If all the cops was here right now, they would say I have a perfect right to be here," said Ron. "Because I was here first."

"This is greed," responded Ishmael, as Marvin joined the discussion. "You should sacrifice one of your tables for her. You and Marvin have two tables."

"We need money to pay bills," responded Marvin.

"I don't care," said Ishmael. "That's not being considerate."

Shorty joined Marvin, Ron, and Ishmael, taking the side of Muhammad's daughter. "Hey, give her a little space," he yelled.

"Shorty, what bills she has to pay?" yelled Ron.

"I don't know what bills she has," yelled Shorty.

"She gotta pay rent?" asked Ron.

Shorty put his body up against Ron's. "Next time I'll get this space," he said.

"Get out of my face," yelled Ron. "Don't be shoving up on me and swinging your hand."

Shorty backed off.

"Yo, I didn't plan on setting up here," said Ron. "Nobody was here and I set up here. And that was it. If you want to give up the end table, it's up to you, Marvin."

"Okay, we'll move the end table over," responded Marvin. "But we ain't moving no other tables."

"If we move our little table, how she gonna get her big table in there?" asked Ron. Turning to her, he said, "Young lady, if you got a smaller table, I'll move that one over for you and you can set up here."

"Even if I set up there, though, I'm outside the line," she said.

"I don't think you're going to get any problem," said Ron.

With that, she went across the street to the public telephone, perhaps to call her father.

"I will fight for this space," Marvin yelled.

"We don't have to fight, Marv," responded Ron. "It's first come, first served."

The yelling of all of the gathered vendors rose to a high volume. Passersby were crossing to the other side of the street rather than pass the angry, fighting men.

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Mrs. Gross of the Washington Court Condominium was well aware of this situation on the block. "They fight with each other—hitting each other with objects, picking up chairs and smacking them into each other," she explained. "Which does bother me, because I have a twelve-year-old, and the issue, as he walks to and from school, is, they are out of control and it's not as if they can control themselves and let a kid walk by. The homeless guys feel that they have their spot. The other vendors, who are not homeless, like the guy who sells comic books, come and they fight with them. So they *do* all fight with each other over the space."

To make matters worse for the neighborhood, once space became scarce, more and more vendors with quality goods had their merchandise seized by the police for setting up outside the lines. These vendors could not afford to replace their seized merchandise, whereas the vendors who sold scavenged items could make one trip around the block and find a new stock of magazines in the next round of recycled trash. This drove away the vendors of quality goods:

"The people that *buy* their merchandise, they can't afford to have the police taking their stuff," said Ron. "Only people that can afford to have the police take his stuff are the guy who go get it from recycling."

"Yeah," agreed Marvin.

The police well understood that seizing a vendor's new books could be





an effective method for driving him out of business. “They’ll say, ‘I don’t mind taking a summons, but I’m not going to lose my valuable merchandise for a month while I wait to see a judge. I’m gonna get out of the business,’ ” one officer told me. “A lot of them feel the pressure is too much. Only your real die-hards stay. To them, it is just the cost of doing business. But most of them will get out or go to flea markets or places like that.”

This, then, was yet another way in which Local Law 45 would have an effect that was as unintended to its proponents in midtown as was the impact of the original written-matter exception to general vending. Rather than encouraging vendors who sold new merchandise to set it out on the sidewalks, the local law ended up causing most of those vendors to disappear.

After the passage of Local Law 45, a Business Improvement District called the Village Alliance was formed in Greenwich Village in an effort to make the neighborhood more attractive, cleaner, and safer. Although this BID would never have the resources, influence, or talent of the Grand Central Partnership, it would work in small ways to make life difficult for the vendors. Most notably, it would get permission from the Department of Transportation to plant trees where vendors had once worked, further cutting down on the amount of space on the sidewalk, and causing more wars over space. The “philosophy” toward people on the street that stood behind these efforts was possibly epitomized in BID President Honi Klein’s words to me: “Where I think that there should be a change in the law is that I don’t think that the First Amendment should protect people who are street people. They are not homeless. These people never had homes.”