

**-Objections to Proposed Park Rules for Artists -
Testimony Submitted to the NYC Department of Parks on 4/23/2010
by Robert Lederman, President of A.R.T.I.S.T.**



The NYC Parks Department has proposed a new set of rules for street artists (aka expressive matter vendors or First Amendment protected vendors). Members of the ARTIST group have numerous objections to these proposed rules, a number of which I detail point by point below. This is my personal written testimony submitted to the Parks Department legal counsel, Alesandro Oliviero, as per his request published in The City Journal. Many other ARTIST members are submitting their own objections. This document should not be taken as representing the full spectrum of objections of all the ARTIST members.

A. Background

These proposed rules are the latest manifestation of a 16 year long effort by the Parks Department to eliminate independent First Amendment protected artists from Parks. It began in 1994 at the very start of the Giuliani administration, when the Mayor ordered all of the city's street artists falsely arrested despite knowing full well that we were exempt from any vending license or Parks permit based on the 1982 Written Matter Exemption as described in 20-473 in the NYC vending code. Not a single artists' arrest case was ever brought to trial. The Mayor was acting on behalf of the BIDs (Business Improvement Districts) and the park conservancies, particularly the Central Park Conservancy.

The arrest policy led to the formation of ARTIST in 1994 and our eventual lawsuits.

Parks Commissioner Henry Stern, Commissioner Benepe's mentor, was a named defendant in *Bery/Lederman et al v City of NY*, the 1996 2nd circuit Federal Appeals Court ruling that granted street artists full First Amendment protection. Immediately after the US Supreme Court refused to hear Mayor Giuliani's final appeal in 1998, the Parks Department attempted to circumvent the ruling by creating a Parks permit for artists. They did this despite all First Amendment protected vendors being exempt from a Parks permit since 1982 as stated in 20-473 of the NYC Administrative Code.

After hundreds more false arrests carried out by the PEP (the Parks Enforcement Patrol) none of which was ever brought to trial, I and other artists were forced to again sue the City and the Parks Department.

In 2001 the 2nd circuit Federal Appeals Court ruled in Lederman et al v Giuliani that the Parks Department was violating the US Constitution, the laws of NY and the previous ruling by imposing the artist permit.

In 2003 Mayor Mike Bloomberg, a leading member of the Central Park Conservancy who lives right across the street from where many Central Park artists sell proposed Intro #160, yet another attempt to circumvent the court rulings and impose the exact same Parks permit on artists that we are exempted from by NYC law. The City Council rejected his proposal.

Despite losing these lawsuits and failing to convince the legislature of NYC to pass a law banning artists from parks, there has not been a single day since 1994 when the Parks Department has not harassed artists, illegally summonsed them and occasionally arrested them in defiance of standing Federal Court orders.

As recently as 11/21/09 and 12/6/09 the Parks Department was flagrantly violating the Federal Court's order by arresting me on the High Line on both of those days and arresting ARTIST member Jack Nesbitt on 12/6. According to Commissioner Benepe, we were the first two artists to ever set up on the High Line, a mile long public park which was almost deserted on both of those winter days. According to the arresting Parks Enforcement Patrol officers (PEP), these arrests were ordered by Adrian Benepe the Parks Department Commissioner and by the Parks legal counsel, Alesandro Oliviero. The arrests were dismissed a few weeks later without ever being brought to arraignment.

The Parks Department claims that it made all of these false arrests, confiscated thousands of works of art, issued thousands of bogus summonses and has now proposed these extremely restrictive new rules in order to protect public safety and eliminate commercialization of NYC Parks.

We in ARTIST believe, and we have considerable evidence to prove, that these restrictions have absolutely nothing to do with public safety but are in fact an effort to eliminate, or at the very least significantly curtail, artists' freedom of speech so as to install more corporate owned vending concessions and corporate promotions in NYC Parks.

1. ARTISTS ARE ALREADY REGULATED IN NYC PARKS

Contrary to the Park Commissioner's numerous public statements and the claims within the rules proposal itself, artists in NYC Parks are not unregulated, nor can they set up wherever they like. There are specific existing time, place and manner limits on the size and placement of their displays as well as specific exclusions about what can and cannot be sold under the First Amendment. Artists are also already subject to all the vending laws that apply on the streets concerning public safety.

These laws are in Title 20 of the NYC Administrative Code, Subchap. 27 - (20-452 - 20-474.3) GENERAL VENDORS. There is also a memo written by the head of the Park Enforcement Patrol (PEP) that specifically describes the Park rules that can be enforced against artists or art vendors who set up inappropriately.

It is available here:

{ HYPERLINK "<http://www.mediafire.com/imageview.php?quickkey=lmwuoam0nti>" }



**City of New York
Parks & Recreation**

**Adrian Benepe
Commissioner**

The Arsenal
Central Park
New York, New York 10021
61st St. & Broadway

To All Concerned;

**Urban Park Service
Parks Enforcement Patrol**

**Raymond G. Brown
Director**

Arsenal North
1234 Fifth Ave.
New York, New York 10029

When dealing with vendors who are selling first amendment protected items (see attached Police Department Operations Order # 39 dated 09-21-04 for a description of such vendors). Remember the following.

- No artwork should be displayed on the ground.
- Boxes of merchandise are to be stored under the display table.
- The display table should not be more than eight (8) feet long by three (3) feet wide by five (5) feet high.
- No vendor should be in front of any entrance or exit to a park.
- No vending in a bus stop or other area that are restricted to vendors.
- No displaying on a park benches.

If you encounter a vendor who is in violation of one of the above, you should advise the vendor to correct the violation. If they fail to do so in a timely fashion (5 - 10 minutes) you would then issue them a summons under the following section of Parks Rules & Regulations.

**A03 56 RCNY1-03(c)(1) Failure to comply with directives of officer/park employee.
PENALTY \$250 DEFAULT \$1,000**

**A23 56 RCNY1-04(o) Obstruction of benches, sitting areas.
PENALTY \$50 DEFAULT \$200**

If the vendor is selling items listed on page 2 of attached Police Department Operations Order # 39 dated 09-21-04 Crafts and Merchandise, and are required to have a General Vendors License. You should issue them a summons under the following section of Parks Rules & Regulations.

**A28 56 RCNY1-05(b) Unauthorized vending
PENALTY \$250 DEFAULT \$1,000**

If property is seized and vendor is demanding their property to be returned, refer to Urban Park Service Officer's Field Manual section DPR 3-470 on page 224 for direction.

The PEP officers carry this memo that lists the restrictions that specifically apply to artists in parks concerning selling near trees, benches, pathways, park entrances, fences etc. It also specifies exactly what can and cannot be sold under the First Amendment.

The NYPD has a similar memo concerning restrictions on where artists can sell and what they can sell, as does the Department of Consumer Affairs.

You can get all of these memos here:

{ HYPERLINK

"http://www.mediafire.com/?sharekey=be38676c5f033d6b61d4646c62b381cb665fcb2f27e7c89f0897301e858a8174" }

Clearly, the notion that these newly proposed rules are needed because there are no rules now in effect, is factually untrue.

The city has made the exact same factually untrue claims (that the existing laws were insufficient) in all of the lawsuits brought by artists.

“The ordinance as it stands, however, cannot be considered merely a regulation designed for crowd management and control, or to prevent congestion or to keep the streets clear to allow unimpeded passage of the public over the City's thoroughfares. There exist specific sections of the Administrative Code which directly regulate time, place, manner and location of vending that already achieve these ends without such a drastic effect. See, e.g., Administrative Code Section(s) 20-465.” cited from Bery/Lederman et al v City of NY

Claim by Commissioner Benepe that artists in parks have no rules:

NY1 News 03/27/2010 “Vendors Critique Parks Officials' New Rules For Street Art

"Certain parts of parks have become very overcrowded and people trying to walk to or through the park have to walk through a gauntlet of vendors who don't have permits, aren't required to have permits, but just set up pretty much willy-nilly, wherever they like," said Parks Commissioner Adrian Benepe.”

2. THE PROPOSED RULES CLEARLY VIOLATE EQUAL PROTECTION

At the same time the Parks Department wants these excessive new restrictions placed on artists, none of the giant Holiday Vending Markets that the Parks Dept places in Union Sq Park and Columbus Circle; or the various Greenmarkets; or the gigantic yearly Christmas tree vending stands that the Parks Department allows to be set up around most NYC Parks (each tree display is an entire block long) or the hundreds of park concessions selling food, tee shirts and souvenirs have to follow any of the “safety” restrictions they now want placed on artists concerning distance to benches, trees, monuments, signs, garbage cans etc. There are also hundreds of newspaper vendors similarly protected by free speech who sell the NY Times, Daily News, NY Post and Newsday from hand trucks or an overturned milk crate around the perimeters and inside many NYC Parks on a daily basis without any PEP or NYPD interference.

Here is a photo I took of a newspaper vendor who sells inside of Union Sq Park every weekday, directly adjacent to the subway entrance, which is 100% illegal.



This proposed restrictions on artists are a clear violation of equal protection. Compare the giant areas these non-First Amendment protected vending businesses seen below take up permanently or for a month at a time to the relatively small areas temporarily occupied for a few hours a day by artists. Note the proximity to a monument, which the proposed rules say artists must be 50 feet away from.

*Union Square Holiday Market

{ HYPERLINK "<http://www.nycgovparks.org/parks/unionsquarepark/events/2009/12/03/union-square-holiday-market>" }

Holiday Market, Union Square, NYC



*Union Square Greenmarket



{ HYPERLINK "<http://www.cenyc.org/unionsquaregreenmarket>" }



*Columbus Circle Holiday Market

{ HYPERLINK

"http://www.nycgovparks.org/sub_about/parks_divisions/concessions/concessions_individual_vendor.html?id=3" }

Columbus Circle Holiday Market  
twmnj ☆ > albums > New York City Christmas 2005 - (Dec...



*Bryant Park Holiday Market

{ HYPERLINK "<http://theweblicist.com/wordpress/category/retail-and-shops/bryant-park-holiday-market/>"
}



***HUNDREDS OF CHRISTMAS TREE STANDS, EACH TAKING UP ENTIRE BLOCKS
AROUND NYC PARKS**

{ HYPERLINK "<http://cityroom.blogs.nytimes.com/2009/12/11/christmas-trees-too-pricey-call-311/>" }

Christmas Tree Vending Stands Around Parks, NY Times December 11, 2009

Christmas Trees Too Expensive? Call 311

By ALISON LEIGH COWAN



Christmas trees for sale line the sidewalk in front of De Witt Clinton Park on Wednesday in Manhattan.

Excerpt: “For a little more than a decade, the city has auctioned off rights to sell Christmas trees at locations managed by the Parks and Recreation Department. The program generated \$144,959 in fees last year, 58 percent more than the year before. This year, after a recent request for bids, the number of concession sites grew to 24 from 21. The parks commissioner, Adrian Benepe, said he liked the concessions, not just because of the revenue, but also because “in the middle of the winter they provide these little bowers of green and a pleasant smell on city streets...The four-year contracts for each site go to the highest bidder. The city urges bidders to factor in yearly increases of 5 percent on the promised rent, which, in turn, puts pressure on retail prices. Every aspect of the operations — pricing, advertising, hours and inventory — is subject to city approval. A cash-strapped city has expanded its program of auctioning off the right to sell Christmas trees at its parks and playgrounds.”

Parks Department solicitation for Christmas tree vendors:

<<<<<<<<<< NEW CONCESSIONS OPPORTUNITY AT PARKS >>>>>>>>>>>>

REQUEST FOR PROPOSALS (RFP) #TR 08/03

An RFP is now available for the operation of concessions for the sale of
Christmas trees at various locations citywide. Proposals are due on
Tuesday, September 30 at 3 PM.

*CORPORATE PROMOTIONS

Here is one of the many corporate promotions the Parks Department allows in Union Square Park on a daily basis. It is many times the legal size of an art display and that it blocks the staircase.



*HIGH LINE PARK TACO STAND IN THE EXACT LOCATION WHERE ARTISTS ARRESTED



*TARGET (the discount store) PROMOTION UNDER THE HIGH LINE PARK



Curbed NY: Target's High Line Pop-Up Shop, Nolita Gets Sexy, More!

http://curbed.com/archives/2009/12/10/targets_high_line_popup_shop_nolita_gets_sexy_more.php


Google Translate

Favorites: My Portfolio Farm & Country Realt... Favorite Properties - ... Arts Ban in Stimulus ...

Target's High Line Pop-Up Shop, Nolita Gets Sexy, More!

Thursday, December 10, 2009, by Joey

And now, the latest from *Racked*, covering shopping and retail from the sidewalks up.



- Meatpacking District
- Nolita
- Upper East Side
- High Line
- On The Racked
- Target
- Comment now

21 retweet f e +

1) MePa: The three craziest things about Target's pop-up shop opening tomorrow in the Meatpacking District: 1) It's right under the main High Line entrance on Ganey Street. 2) It appears to be made out of gingerbread. 3) Customers don't actually step foot inside the store. It's a drive-thru—er, a walk-thru!

***23 MILE LONG ART DISPLAY IN CENTRAL PARK BY CHRISTO, AN ARTIST
WHOSE WORK MAYOR BLOOMBERG AVIDLY COLLECTS**

Mike Bloomberg spent months as Mayor arranging for one of his favorite artists, Christo, to install a 23 mile long art display, "The Gates," in Central Park. During this months long exhibition the Central Park Conservancy (Mike Bloomberg is one of their top members) operated numerous souvenir stands throughout the park. These larger than legal size vending stands sold hats, coffee cups, pens, socks and other items that are not protected by the First Amendment and that the Parks Department normally does not allow to be sold in parks.

The material immediately below is from the Central Park Conservancy website circa 2004...

>>Help Celebrate The Gates with Specially Designed Souvenirs 12-19-04

To help celebrate The Gates project for Central Park, the Conservancy has designed a special line of exhibit-related merchandise. In addition to the already great selection of Central Park Conservancy products available at the Dairy Visitor Center and Gift Shop (located mid-Park at 65th Street) and online, there are now special items available featuring The Gates.

These include signed and unsigned posters, T-shirts, sweatshirts, postcards, key chains, lanyards, magnets, thermo mugs, baseball hats, socks, signed and

unsigned books, collector watches, and a specially designed four-color detailed map of The Gates.<<

It is hard not to laugh at the irony of this show and the "souvenirs" sold by the Central Park Conservancy in the context of the street artist controversy. At the same time the Mayor was complaining about artist displays taking up too much space in Central Park, he was having a 23 mile long art display installed.

Press release from the Department of Parks about The Gates:

**CITY ANNOUNCES DETAILS OF CHRISTO AND JEANNE-CLAUDE'S PROJECT: THE
GATES IN
CENTRAL PARK**

Mon, 29 Nov 2004

Visit us at www.nyc.gov/parks for the latest in Parks news and information.

Volume XIX, Number 4241

Monday, November 29th, 2004

**CITY ANNOUNCES DETAILS OF CHRISTO AND JEANNE-CLAUDE'S PROJECT: THE GATES
IN CENTRAL PARK**

On Monday, November 22, Deputy Mayor Patricia E. Harris, Parks & Recreation Commissioner Adrian Benepe, Department of Cultural Affairs Commissioner Kate D. Levin, Schools Chancellor Joel I. Klein, NYC & Company President and CEO Cristy L. Nicholas and artists Christo and Jeanne-Claude announced new details regarding The Gates, Central Park, New York City, 1979-2005 . Their temporary work of art will consist of 7,500 gates bearing hanging saffron-colored fabric panels, lining 23 miles of pedestrian paths in Central Park. The fabric panels will be unfurled on February 12, 2005, unless extreme weather conditions exist, and The Gates will be on display through February 27, 2005. President of the Central

Park Conservancy Doug Blonsky, Chief Engineer and Director of Construction for The Gates Vince Davenport and Project Director Jonita Davenport joined the announcement in the Arsenal Gallery.

Deputy Mayor Harris emceed the press conference, during which Commissioner Benepe announced logistical details leading up to the exhibition opening on February 12. Throughout December eight trucks a day will enter the park with the steel bases that will be used to support the gates. There will be signs and flaggers informing pedestrians and cyclists of the trucks. Security will also be provided 24 hours a day. Materials will begin to be distributed within the park on January 3, when the steel bases will be sent to their designated locations. On February 7 the vinyl poles and the fabric panels will be distributed to their drop zones. Assigned teams will assemble the materials as they are delivered. The load-in of materials will begin on December 1, 2004. The slow delivery will minimize impact on the City, the park and its users.

Commissioner Benepe also detailed the services to be provided by the Central Park Conservancy to enhance the enjoyment of The Gates . Warming huts will be set up at the Dairy Visitor Center, Chess and Checkers House, Belvedere Castle, the Charles A. Dana Center, and the North Meadow Recreation Center. In addition to providing a place to rest and escape the cold, the huts will offer information on The Gates , as well as souvenir products, the proceeds of which will go to Nurture New York's Nature Inc. (a nonprofit supporting arts and the environment), Central Park and other New York City parks. Free guided trolley and walking tours will be offered February 12 through 27.

Chancellor Klein announced that the New York City Department of Education has created an instructional guide for students to enable public school students to take advantage of The Gates . The guide will be distributed to all Regional Arts Supervisors and will be available for students and teachers on the Project Arts website: www.nycenet.edu/projectarts . Included in the guide are questions for on-site discussion, ideas for art making and guidelines for exploration and research.

Cristyne Nicholas, of NYC & Company, the City's official tourism marketing organization, is actively promoting The Gates to domestic and international visitor markets through travel wholesale marketing, incentive and tour travel development and travel media outlets which have already generated valuable bookings during a traditionally slow period for New York City's economy. The Gates is promoted in New York City's official tourism marketing publications.

Commissioner Levin also spoke, highlighting the wealth of visual arts institutions that border the park, and the artists addressed questions from the crowd and gave a brief presentation on their work.

Mayor Michael R. Bloomberg announced the approval of The Gates, Central Park, New York City, 1979-2005 on January 22, 2003. The temporary work of

art will stretch across pedestrian paths throughout the park from 59 th to 110 th Streets. Each of the gates will stand 16 feet high and vary from 6 to 18 feet in width. Free-hanging fabric panels suspended from the top will drop to approximately 7 feet above ground. The gates will be spaced at 12-foot intervals, except where low branches extend above the walkway. The artists envision a "golden ceiling creating warm shadows" for passersby to enjoy as they walk through The Gates .

"All our work is about freedom," said Christo and Jeanne-Claude. "Nobody can buy our projects, nobody can sell tickets to experience our projects. Freedom is the enemy of possession, and possession is equal to permanence. That is why our projects cannot remain and must go away forever. Our projects are (Once-in-a-lifetime¹ and (Once upon a time¹."

For the City's official website on The Gates visit: www.nyc.gov/gates or call 311 (212-NEW-YORK) for more information.

Even Christo thought it was absurd for the Mayor to be trying to restrict street artists in Central Park while promoting The Gates, a 23 mile long art display:

{ [HYPERLINK "http://www.villagevoice.com/2003-03-11/news/closing-the-gates-to-intro-160/"](http://www.villagevoice.com/2003-03-11/news/closing-the-gates-to-intro-160/) }
Village Voice

"Closing 'The Gates' to Intro #160
Christo Challenges Bloomberg on Art in the Parks
By James Westcott Tuesday, Mar 11 2003
EXCERPT:

>>In February 2005, Christo and Jeanne-Claude will create a "gentle disturbance" in Central Park by erecting 7500 gates at 10- to 15-foot intervals along 23 miles of Central Park's pathways. Pedestrians, strollers, and joggers will pass under saffron-colored fabric dangling from the 16-foot-high gates.

But now, two months after mayor Bloomberg granted permission for The Gates, Christo and Jeanne-Claude are biting—or at least nibbling—the hands that feed them. They have just written a difficult letter to their old friend, admirer, and collector. "PLEASE, Mr. Mayor, change your mind about Intro #160," the letter says.

One of the first things Bloomberg did when he got in office was to propose Intro #160. If passed, it would require artists who sell their work in the parks to compete in a lottery for a limited number of permits. If lucky enough to win, they would then have to pay about \$25 a month for that permit. Intro #160 is due for a second hearing in the City Council this month. The parks department introduced similar legislation in 1998—legislation that was overturned by six courts because artist-vendors were judged, in a 1996 case, to have the same First Amendment protection that booksellers do.

But Bloomberg, the parks department, and the Central Park Conservancy (CPC) argue that a permit system is necessary because artist-vendors and, worse, vendors who sell crappy art are overcrowding the parks, posing a threat to public safety, and contributing to the commercialization of a supposedly Edenic public space. (In the Eden that is Keltch Park in the Bronx, Parks Commissioner Adrian Benepe is clearing the way for a Wendy's to open.)<<



3. THE PROPOSED RESTRICTIONS ARE NOT ABOUT PUBLIC SAFETY

These proposed restrictions are not about addressing public safety, which will cause them to be invalidated by the Federal courts. They are solely about enhancing the Park Department's concession revenue and privatization agenda.

The new rules are intended to eliminate as many First Amendment protected artists as possible from parks in order to make room for more restaurants, corporate promotions and non First Amendment vending concessions. These activities that are preferred by the Parks Department over artists unquestionably cause far more congestion and public safety.

*Proof the Parks Commissioner wants vending concessions but not First Amendment protected artists in his own words and those of his mentor, former Parks Commissioner Henry Stern:

NY Sun August 14,2002

Parks Commissioner Planning a Crackdown On Venders of Artwork

They're `Out of Control,' He Says "But Parks Commissioner Adrian Benepe says he sees the permits as a quality of life issue, not a First Amendment one.

"The proliferation of private commerce in a public park has gotten out of control," Mr. Benepe told the Sun. "We're getting complaints from concessionaires who say their business is dropping."

Newsday 2/26/98 Artistic Licenses; City plans to limit art vendors outside Met

"While denying that the new permit policy has anything to do with creating additional city revenue, Parks Commissioner Henry Stern said:

"These are extremely valuable spaces, and people who sell hot dogs there pay \$150,000 a year for the privilege, and may not want to set up next to an artist who is there for free."

During a WNYC radio interview on 4/14/2010, Parks Commissioner Adrian Benepe revealed that the Parks Department earns \$90 million a year from private concessions. link to interview:

{ HYPERLINK "<http://www.mediafire.com/?m2lgyyymvmg>" }

The Parks Commissioner has a simple agenda: privatize the parks and maximize the revenue by putting in fast food restaurants, vending concessions and corporate promotions. Artists' full First Amendment rights are an obstacle to this agenda.

From Parks Department website:

{ HYPERLINK "http://www.nycgovparks.org/sub_about/parks_divisions/concessions/concessions.html" }

Concessions

"Most businesses that operate or generate revenue on New York City parkland are considered concessions and must obtain a permit or license from the Revenue Division of Parks. Pursuant to the City's Concession Rules, these licenses and permits are generally awarded through a public solicitation process, such as a Request for Bids (RFB) or Request for Proposals (RFP).

Approximately 500 concessions currently operate in parks throughout the five boroughs, and they generally fall into two categories: food service and recreation. The food service concessions range from pushcarts selling hot dogs to restaurants such as Tavern on the Green and Terrace on the Park. Recreational concessions include facilities such as ice rinks, stables, marinas, and golf courses. In fiscal year 2009, the Revenue Division of the Parks Department helped collect over \$110 million in revenue from various sources including concessions, lease agreements, like those for Citi Field and Yankee Stadium, special events, and dockage."

The Commissioner even wants fast food restaurants like Wendys and McDonalds in our public parks.

See: Newsday, 1/22/03 "Fast food gets nod over art in Parks"
{ HYPERLINK "http://www.mediafire.com/?znbmznmk5ze" }

A2 **Newsday** City
Wednesday, January 22, 2003

Fast Food Gets Nod Over Art in Parks

By William Murphy

STAFF WRITER

Even as he was pushing plans for a fast-food restaurant on city parkland, the parks commissioner was lobbying to restrict artists seeking to sell their works on public land.

Commissioner Adrian Benepe said in a letter to parks advocates dated Jan. 17 that "areas of the Battery and Central Park in particular have become choked with unlicensed commercial vending."

At the same time, Benepe was pushing for Wendy's to open a store in a former comfort station in a small city park in the Bronx in return for hundreds of thousands of dollars in franchise fees.

And the fast-food chain would gain a toehold on city land even as the city's hospitals planned to phase out three McDonald's franchises and the Bloomberg administration was drawing up plans for an anti-obesity campaign.

Benepe said yesterday that there was no comparison between artists and the Wendy's planned for Keltch Park in the Bronx.

He said artists and other vendors have overrun popular park sites and that his letter was in support of City Council legislation that would allow the department to restrict sales in the park.

"There are dozens and dozens of vendors in city

parks, often working for one businessman," Benepe said. Failing to regulate them would turn the parks into flea markets, he added.

Robert Lederman, president of Artists Response to Illegal State Tactics, said the new council legislation is just another attempt to curb artists' free-speech

rights while turning parkland over to the highest bidder.

"The Parks Department keeps saying they're against commercialization, and yet here they are putting a Wendy's in a park," Lederman said in a recent interview. "The Parks Department is at the forefront of destroying the parks."

Lederman, whose group won a lawsuit in 2001 that knocked down a similar ban on the sale of artwork in parks, plans an 11:30 a.m. protest Monday at City Hall before a council hearing on the legislation.

Former Parks Commissioner Henry Stern came to Benepe's defense yesterday, saying he, Stern, was the one who originally sought a fast-food outlet for the park.

Stern said he was disappointed that McDonald's was the only franchise to show an interest at first, and that he had pushed for Wendy's.

"One, there are enough McDonald's in the area. Two, I thought Wendy's served healthier foods — salads and potatoes. Their food appeared to be more like food," Stern said.



Newsday File Photo

Parks Commissioner Adrian Benepe

The Commissioner sees himself as a real estate agent trying to get the maximum price per square foot for all of our public parks. There is virtually no event or corporate promotion, no matter how grossly commercial, tasteless or oversized, that he is unwilling to install in the exact same parks that he now claims are, "overrun with artists."

If you can pay enough, entire parks can be rented out for private parties, complete with your guests enjoying alcoholic beverages that would be illegal to consume in public anywhere in any NYC Park.

From Friends of the High Line website:

“Events on the High Line

Corporate and foundation events on the High Line may include sponsored public events or programs and, on a limited basis, private corporate events on the High Line. Events on the High Line require a significant contribution to support the park's maintenance and operations and are subject to the approval of the City of New York and the Department of Parks & Recreation.”

*Daily News 9/9/08

Calvin Klein throws \$3M Fashion Week party on High Line

“Calvin Klein is throwing the glitziest, priciest and most star-studded bash of Fashion Week - on an abandoned railway on the West Side of town. The fashion house is pulling out all the stops for its 40th birthday celebration tonight, including building a glamorous party spot on the deserted elevated train tracks known as the High Line... The event cost the company nearly \$3 million, insiders say, a figure that includes an undisclosed donation to the Friends of the High Line, the group dedicated to redeveloping the 22-block railway into a park.”

Friends of the High Line Soliciting for New Concessions

{ [HYPERLINK "http://www.thehighline.org/about/high-line-concessions"](http://www.thehighline.org/about/high-line-concessions) }

***PARKS DEPARTMENT OPERATED A 160 STAND ART CONCESSION ON CENTRAL PARK SOUTH FOR YEARS WHERE IT NOW WANTS TO LIMIT ARTISTS TO JUST 5**

One of the most stunning pieces of evidence that the Parks Department’s agenda is to replace artists with concessions, is found in this NY Times article:

Proof that the Parks Department ran a 160 stand art concession on Central Park South where they now claim only 5 artists can sell due to “public safety” issues:

{ [HYPERLINK "http://cityroom.blogs.nytimes.com/2010/04/09/in-fight-for-art-vendors-a-look-to-the-past/#more-157209"](http://cityroom.blogs.nytimes.com/2010/04/09/in-fight-for-art-vendors-a-look-to-the-past/#more-157209) }

NY Times City Room April 9, 2010

In Fight for Art Vendors, a Look to the Past

“Friday, Mr. Lederman circulated a request for proposal that the Department of Parks and Recreation put out in 1993 for an art fair to run six weekends a year for five years along Central Park South. The proposal designated 160 spots for permitted art vendors. Under the city’s current proposals, only five “expressive matter” vendors will be allowed along Central Park South. Mr. Lederman says the 1993 plan makes the city’s claim that it needs to limit the number of vendors in order to reduce congestion rather suspect.”

For a signed statement by ARTIST member Bill Leonardi about his participation in this 160 stand concession, including the proposal soliciting bids for the concession from the Parks Dept office of revenue see:

{ [HYPERLINK "http://www.mediafire.com/?5r2tmhknwnn"](http://www.mediafire.com/?5r2tmhknwnn) }

How could public safety now demand limiting the artists on CP South to just 5 when the Parks Department operated a 160 stand concession there for years without any public safety problems arising?

4. THE PROPOSED RULES ARE DESIGNED TO CREATE MAXIMUM CONFLICT AND FIGHTS OVER VENDING SPACES IN ORDER TO JUSTIFY PUTTING AN ART VENDING CONCESSION SYSTEM IN THEIR PLACE

These rules are themselves a clear threat to public safety.

Excerpt from proposed rules:

>>(2) Only one expressive matter vendor is authorized to vend directly behind the numbered Department decal and if multiple expressive vendors attempt to vend expressive matter at any one numbered Department decal, then all such expressive matter vendors at such spot will be in violation of this section and may be directed to leave the area of that numbered Department decal immediately. Any such expressive matter vendor failing to leave the area of the numbered Department decal immediately upon direction as required under the preceding sentence will be in violation of these rules.<<

For example, in a park where there are 18 legal spots set aside (USP) as soon as a 19th artist sets up, the police will make all the artists leave. Also, any artist can "get rid" of any other artist just by setting up right next to them. It is not hard to imagine the pressure to get and hold one of those marked spots and the fights that will break out on a daily basis over who was there first. Under these proposed rules, artists who get a spot will never leave, 24 hours a day, 365 days a year. The city will then claim that to stop the fights and to stop artists holding the spots permanently they are forced to create a lottery-permit system and then later to sell off all the vending spots as concessions.

This is the barely disguised agenda behind these proposed rules. Many New Yorkers aside from street artists clearly recognize this.

From : Examiner.com story by Leslie Koch

{ HYPERLINK "<http://www.stumbleupon.com/su/2Xv7LR/www.examiner.com/examiner/x-23890-NY-Destinations-Examiner~y2010m4d19-New-York-Daily-News-calls-street-artists-freeloaders-backs-Parks-Department-plan>" }

>>Geoffrey Croft, president of non-profit watchdog group NYC Park Advocates, disputes the Parks Department's claim. "...It is disingenuous for the City to couch this as if they are attempting to address safety or quality-of-life issues. It's clear they are trying to arbitrarily regulate free speech while increasing their own revenue opportunities and those of their partners," he said in an email.<<

A number of years ago the Parks Department Legal Counsel described their intention to implement this exact system of art concessions in a NY Times letter dated 2/28/96

"We are considering a plan to allow art vendors to bid for eight one year permits. The bids for these permits are likely to be less than those submitted for year round concession stands."

NY Times February 28, 1996 Parks Restrict the Sale of Art, Not Its Creation SEE: { HYPERLINK "<http://www.mediafire.com/?yekugddk4mc>" }

Since the ARTIST group won *Lederman et al v Giuliani* in 2001 (the ruling overturned the Parks artist permit requirement) hundreds of artists have sold in parks without incident. That they do this based on free speech, rather than on bidding hundreds of thousands of dollars for each spot as hot dog vendors do, has led the Parks Department to engage in years of daily criminal harassment and false arrest against artists as well as numerous efforts to impose needlessly harsh restrictions aimed at driving most artists out of parks.

5. THE ALTERNATE VENUE ISSUE

In First Amendment cases, when a local municipality tries to restrict speech rights there is always a question of alternate venues. If they won't let you speak in the forum you want to speak in (the areas of the

parks where artists now sell), where are they saying you CAN speak? Is it an equivalent venue where you get the same access to the public, or an inferior one?

In their public statements on the proposal, Park officials claim that artists who don't obtain one of the severely limited number of park vending spots set aside in the proposal can still sell wherever they like within the 28,000 acres of parkland, i.e. the alternate venue.

From 3/26/2010 NY1 TV interview with Commissioner Benepe:

{ HYPERLINK "http://www.ny1.com/5-manhattan-news-content/top_stories/115958/vendors-critique-parks-officials--new-rules-for-street-art" }

“Benepe said even if restrictions are imposed in some areas, there will still be 28,000 acres of park land where the vendors can set up shop.”

This is a disingenuous claim.

Artists are trying to communicate a message to the public as well as to sell their art. To communicate you need access. Standing in an empty field, in a forest, in parks that are rarely used or in areas of an otherwise popular public park where very few people pass, is not the equivalent of displaying your art in Union Square Park, Battery Park, around Central Park or on The High Line. These are the places where an artist can reach many people who appreciate art and can afford to buy it.

As the 2nd circuit Federal Appeals court stated in *Bery/Lederman et al v City of NY*:

“A content-neutral regulation may restrict the time, place, and manner of protected speech, provided it is “narrowly tailored to serve a significant governmental interest” and “leave[s] open ample alternative channels for communication.” *Ward*, 491 U.S. at 791, quoting *Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 293 (1984)... the City states that alternatives exist; appellants may sell their artwork from their homes or seek permission to display it in restaurants and street fairs and the like. However, appellants are entitled to a public forum for their expressive activities. *Southeastern Promotions Ltd.*, 420 U.S. at 556 (1975); *Gold Coast Pub., Inc. v. Corrigan*, 798 F. Supp. 1558, 1572 (S.D. Fla. 1992), *aff'd in part, rev'd in part on other grounds*, 42 F.3d 1336 (11th Cir. 1994), *cert. denied*, ___ U.S. ___, 116 S.Ct. 337 (1995). Displaying art on the street has a different expressive purpose than gallery or museum shows; it reaches people who might not choose to go into a gallery or museum or who might feel excluded or alienated from these forums. The public display and sale of artwork is a form of communication between the artist and the public not possible in the enclosed, separated spaces of galleries and museums. Furthermore, to tell appellants that they are free to sell their work in galleries is no remedy for them. They might not be at a point in their careers in which they are interested in reaching the public that attends exhibits at art galleries — if, indeed, they could get their works accepted for showing. Appellants are interested in attracting and communicating with the man or woman on the street who may never have been to a gallery and indeed who might never have thought before of possessing a piece of art until induced to do so on seeing appellants' works. The sidewalks of the City must be available for appellants to reach their public audience. The City has thus failed to meet the requirement of demonstrating alternative channels for appellants' expression... Furthermore, the street marketing is in fact a part of the message of appellants' art. As they note in their submissions to the court, they believe that art should be available to the public. Anyone, not just the wealthy, should be able to view it and to buy it. Artists are part of the “real” world; they struggle to make a living and interact with their environments. The sale of art in public places conveys these messages.”

Clearly, the only reason corporations are willing to pay the Parks Commissioner millions of dollars to promote their message in these same parks is that they will have exceptional access to the public.

Likewise, the reason for the Parks Department and the park conservancies locating huge Holiday Gift Markets in these same parks rather than in the city's many virtually empty parks where there is almost unlimited space, is so that the vendors paying \$20,000 for each spot will have excellent access to the public and be able to earn enough to justify the concession fee.

The huge Greenmarket that takes up almost half of Union Square Park could far more conveniently be located in any of a thousand empty lots owned by the city, and by doing so, Union Square Park would immediately become uncongested. The area around Union Square already has the best food shopping of any area of NYC, yet, they placed this food market within this most popular park because otherwise the public would not have good access to it and the farmers would never make enough to justify the expense of driving their truck laden with produce into the city.

The Shake Shack restaurant chain owned by the head of the board of the Union Square BID, Danny Meyer, is opening restaurants in numerous NYC Parks thanks to his close relationship with the Mayor and Park Commissioner. Because it is such a popular restaurant chain, these Shake Shacks attract a very large crowd, causing considerable congestion. Why not locate them in the least crowded NYC Parks in the Bronx or Brooklyn instead? Surely there is no shortage of restaurants in Manhattan that these Shake Shacks are trying to remedy. The Park Commissioner sees no congestion or commercialization crisis in any park, so long as he is getting a multi-million dollar fee.

The Parks Commissioner has also claimed that artists who are evicted from parks by this proposal can still sell on the streets.

The reality is that artists chose to sell in these parks because these are some of the only places where they can earn enough to feed themselves. These parks are THE quintessential public forum in NYC.

From: HAGUE, MAYOR, ET AL. v. COMMITTEE FOR INDUSTRIAL ORGANIZATION ET AL.
SUPREME COURT OF THE UNITED STATES 307 U.S. 496 June 5, 1939, Decided

"Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights and liberties of citizens."

7. MARKED VENDING SPOTS NEEDLESSLY LIMIT WHERE AN ARTIST CAN DISPLAY

According to the proposal, artists will only be able to show their work in specific marked locations:

From the Park proposal: "(2) Persons may vend expressive matter, as defined in section 1-02 of this title, on property under jurisdiction of the Department without a permit, but must comply with all applicable provisions of these rules. However, in the specific locations enumerated in paragraph (3) expressive matter vendors may only vend expressive matter at the specifically designated spots identified by the Commissioner in the accompanying maps and as marked by a numbered Department decal, or other form of marking, on the specific location of the approved vending spot. These spots shall be allocated upon a first come, first serve basis except as otherwise provided by law and any expressive matter vendor may only vend expressive matter directly behind the numbered Department decal."

This violates a section of the vending law that applies to artists and written matter vendors who vend from their hands WITHOUT the use of a stand or fixed display on an otherwise completely restricted street:

§ 20-473. Exemptions for general vendors who exclusively vend written matter. General vendors who exclusively vend written matter are exempt from the following provisions of this subchapter: sections 20-454, 20-455, 20-456, 20-457, 20-459, 20-461, 20-462, 20-463 and 20-464; paragraph one of subdivision g of section 20-465; subdivision j of section 20-465, except that nothing herein shall be construed to deprive the commissioner of the department of parks and recreation of the authority to regulate the vending of written matter in a manner consistent with the purpose of the parks and the declared legislative intent of this subchapter; section 20-465.1 and any rules promulgated thereunder, except that on any street where both general vending is prohibited pursuant to section 20-465.1 of this subchapter and any rules promulgated thereunder and food vending is prohibited pursuant to section 20-465.1 of this subchapter and any rules promulgated thereunder or pursuant to subdivision 1 of section 17-315 of this code, **general vendors who exclusively vend written matter shall not be permitted to vend with the use of any vehicle, pushcart or stand;** sections 20-466 and 20-467; subdivisions c and d of section 20-468; sections 20-469 and 20-470; and subdivision a, and paragraph one of subdivision c of section 20-472.

Artists will also be limited to a standardized size of display (8 feet long, 5 feet high and 3 feet wide) with only one display allowed in each of the marked spots. Yet, many artists who sell in parks use much smaller displays. Some take up no more space than a person does standing.

Artists are not standardized people. Society values them for this exact reason; that they think, see and express themselves differently. The Parks Commissioner wants them to all be like the hot dog concession he once operated in front of Central Park.

Parks Department food concessions, souvenir stands, Holiday Markets, Greenmarkets and corporate promotions have no similar limitations on their size or placement, yet they generate a great deal more pedestrian congestion that First Amendment protected art displays do.

8. DISABLED VETERAN VENDORS DISPLACED BY RULES

Here's another example of the Parks Department deliberately setting vendor against vendor to create maximum chaos.

Email from the group representing NYC's disabled veteran vendors:

To all disabled vet street vendors,

Today a member of our group brought to my attention an issue concerning the spots used by the disabled vet vendors who are presently vending outside Battery Park. He showed me a sketch of a map of Battery Park with designated markings showing that the new proposed park rules concerning the spots the First Amendment vendors will have around Battery Park for them to place their stands. Those spots are the exact same ones that the disabled vet vendors set up their stands in daily at the present time. My question is, what will happen if this new proposed law by the Parks Department passes and a disabled vet vendor goes to set up in his daily spot at Battery Park and saw a First Amendment vendor their. I assume the parks enforcement officers will arrive and tell the disabled vet that this is a designated spot marked by the parks department according to the new Parks law. Just like the concession spots that are marked, no one will be able to set up at those marked spots other than the First Amendment vendors. Mr. disabled vet vendor take

a walk, I assume this will be the request of the Parks Enforcement Officers. I suggest for the Disabled veterans Advisory Committee Members to contact the officials of the Parks Department to discuss this issue in detail and post the outcome of the discussions on this website, so all of the disabled vet vendors can be informed as to how will this new proposed law will effect us, if passed into law. Steven Gerros, disabled veteran vendor { [HYPERLINK "mailto:stevengerros@hotmail.com"](mailto:stevengerros@hotmail.com) }

9. SOME OF THE LOCATIONS WHERE THE PROPOSAL ALLOWS A HANDFUL OF ARTISTS TO SELL ARE IN VIOLATION OF THE EXISTING PARK RULES AND THE VENDING LAWS

If one examines the maps of the proposed vending spaces where artists will be allowed, three things become clear:

- a. The marked vending spots are mostly outside of the actual parks in question.
- b. The vending spots are very tightly crammed together. How could forcing the art stands that are currently dispersed across an entire park into one narrow location, “reduce pedestrian congestion?”
- c. Some of the set aside spots are actually illegal to vend in under the existing park rules, the proposed park rules and the NYC vending laws, due to the narrowness of the sidewalk.

The maps of the spots are attached to this NY Times article:

{ [HYPERLINK "http://cityroom.blogs.nytimes.com/2010/04/05/artists-and-vendors-bristle-at-proposed-limits/"](http://cityroom.blogs.nytimes.com/2010/04/05/artists-and-vendors-bristle-at-proposed-limits/) }

10. THE PARK PROPOSAL APPEARS TO BE VINDICTIVELY MOTIVATED

The Parks Commissioner does not disguise his total lack of respect for street artists or their rights. He generally will not refer to them as artists, never describes what they sell as art calling it stuff, tchotchkes or commercial junk, and seems to have a revenge motivation against the ARTIST group and against me personally for winning our lawsuits.

{ [HYPERLINK "http://www.hudsonriverpark.org/organization/board/Benepe.html"](http://www.hudsonriverpark.org/organization/board/Benepe.html) }

“After five years in the non-profit sector, he returned to Parks & Recreation in January 1996 as the Manhattan Borough Commissioner.”

In 1998, during the legal conflict between the ARTIST group and the Parks Department over the artist permit, Adrian Benepe was Manhattan Commissioner for Parks. In that capacity he supervised my false arrest more than 20 times and had me issued an additional 30 summonses. Not one arrest or summons was ever brought to trial. I was arrested for selling art, for offering for sale a copy of the ruling in my court case, for displaying a sign in my hands, for reciting the First Amendment and numerous times for failing to obey the order to not display my political art.

Was it a coincidence that for the 9 years since *Lederman et al v Giuliani* was decided the Commissioner made no effort to change any of the park rules, but that just a few weeks after ordering the High Line arrests he hastily came out with these new and extremely restrictive proposed park rules? Did the number of artists in Parks jump so much in just a few weeks that it suddenly required these new restrictions?

The actual “tchotchke” and jewelry vendors he deliberately confuses with fine artists selling original works are not legally allowed to sell in any NYC Park, yet the Commissioner leaves them there so as to bolster opposition to legitimate artists who sell in parks. That he personally ordered my arrest twice in two weeks on the High Line, despite knowing for a certainty that it was a 100% illegal arrest, demonstrates the vindictive and extra-legal nature behind his efforts to eliminate or marginalize street artists.

Some might think I am being egotistical to imagine that someone as important as the Park Commissioner even knows I exist, let alone that he would target me. Here, the Commissioner claims that I am directly responsible for his inventing these proposed rules:

{ HYPERLINK "http://www.ny1.com/6-bronx-news-content/ny1_living/115958/vendors-critique-parks-officials--new-rules-for-street-art" }

NY1 News 03/27/2010 12:00 PM

Vendors Critique Parks Officials' New Rules For Street Art

“Parks Department officials said they have been examining the overcrowding issue for years. Benepe said even if restrictions are imposed in some areas, there will still be 28,000 acres of park land where the vendors can set up shop. **“In fact, it was at the urging of Lederman that we created these rules in the first place,” said Benepe. “He said, ‘Why don’t you use the street vending regulations and just modify them to use in parks instead of just coming up with some kind of new permitting system?’ So that’s what we did.”** Over the phone Lederman said, “The notion they did this to satisfy me is truly a comical one.”

We had a brief meeting following the second High Line arrest in which he described his specific concern that on the High Line there were a few locations where the sidewalk was less than 12 feet wide. What I suggested was that ON THE HIGH LINE all he needed to do was enforce the existing Park rules and the NYC vending laws concerning size and placement of vending stands IF there was ever a problem caused by street artists. That he transformed a recommendation to simply enforce the existing laws against illegal vendors in Parks - or against artists with oversized or illegally placed displays - into eliminating 80% of all legal artists from parks, displays a vindictive and irresponsible agenda.

NEW YORK, NY (AP) 4/16/2010.

New York City Seeks Limits on Art Vendors in Popular Parks- “Mayor Michael Bloomberg's administration wants to shrink the vendor population by up to 80 percent in some areas — dramatically altering a colorful part of the cityscape that has for decades served as an outdoor gallery popular among tourists in a city known worldwide for its arts...“It's about balance,” said Parks Commissioner Adrian Benepe. “They can still vend their stuff, they just can't do it in uncontrolled droves where park visitors are forced to walk through a gauntlet of vendors.”

The only “balance” Commissioner Benepe wants to achieve involves privatizing as much public space as possible, as quickly as possible, before the public catches on.

As a former hot dog concession vendor for the Parks Department, Mr. Benepe has a mind set in which every aspect of every park must be turned into a profit center and be very tightly controlled by the Parks Department – including all forms of speech. The bottom line for him is always about maximizing the profit potential of public parks however detrimental that profit agenda may be to the publics’ interest in maintaining freedom within their most significant public forum. It is the Commissioner, not artists, who is overrunning and over commercializing the public parks.

His tenure as Park Commissioner has featured increasingly reckless attacks on the speech rights of artists, musicians, protestors and even the general public which often finds itself virtually excluded from public parks due to the fashion shows, private parties for the wealthy, holiday markets and other corporate promotions that the Commissioner solicits to take over NYC Parks.

Many New Yorkers who use the parks for sports activities and family picnics have been shocked to see luxury condos built in NYC Parks, restaurants owned by the Mayor’s friend Danny Meyer taking up large areas of parks and private sports companies building \$100 an hour tennis courts inside Parks. If he is not reigned in, there will soon be nothing public left about our public parks.

CONCLUSION:

Since the existing NYC vending laws and the existing NYC Department of Parks rules are already more than sufficient to regulate the time, place and manner of display of artist stands, there can be no legitimate reason to impose far more restrictive rules. If there is a problem (and most objective observers see none) then these existing rules and laws need only be enforced.

There is no logic to the idea that because the existing laws are not being enforced that new ones should be instituted. And when one examines the corporate promotions, news stands, restaurants, Holiday Markets, Christmas tree stands and vending concessions that the Parks Department not only allows but actively solicits to be located in the exact same parks affected by these rules, it becomes clear that these proposed rules are not based on any legitimate governmental interest and are very clearly not based on any finding of public safety violations by artists.

As such, they should be completely rejected as irrational, vindictive and unnecessary.

***Link to the proposed rules with maps of the vending spots:**

A copy of the new Parks Department rules proposal (one document as WORD text and a separate PDF of the City Record notice with the accompanying maps showing the location of all vending spaces) has been posted at these addresses for your convenience:

{ HYPERLINK "<http://www.mediafire.com/?hjozl3ahyzz>" }

{ HYPERLINK "<http://www.mediafire.com/?nymijj0oc13>" }

Partial media coverage of this issue

{ HYPERLINK "<http://www.nytimes.com/2010/04/17/nyregion/17artists.html>" }

NY Times April 16, 2010

City Seeks to Limit the Flocks of Art Vendors at Popular Sites in Parks

{ HYPERLINK "http://www.nydailynews.com/opinions/2010/04/18/2010-04-18_figures_of_speech.html" }

Daily News Editorials

Figures of speech: New York Park's Dept. must put public above peddlers

{ HYPERLINK "<http://www.nbcnewyork.com/news/local-beat/City-Set-Give-Park-Art-the-Brush-Off-91047864.html>" }

NBC News website City Set to Give Park Art the Brush Off

By ANDREW SIFF and HASANI GITTENS Fri, Apr 16, 2010

NY Post April 16, 2010

{ HYPERLINK "http://www.nypost.com/p/news/local/manhattan/city_seeks_park_curb_art_vendors_QXw8c2IjoDYBj3LJ6LGShN" }

Recording from WNYC radio 4/14/2010

Featuring Park Commissioner Adrian Benepe explaining his fundraising efforts in Parks. Robert Lederman calls in and challenges him. Benepe repeats his claim that Lederman is, "...just making things up," about replacing artists with concessions then admits he is putting concessions, Holiday Markets etc in the exact same Parks where artists now sell. The first few minutes deals with the Central Park tennis court bubble issue. Commissioner Benepe has a really insulting way of describing all street artists in parks as commercial vendors of junk. Give it a listen.

You can play the radio interview here:

{ HYPERLINK "http://www.dailymotion.com/video/xcy5bd_rl-benepe-wnyc-cut" }
(a 30 second ad plays first)

Or download it here:

{ HYPERLINK "http://www.mediafire.com/?m2lgyyymvmg" }

At this page, click on “click here to start download.” Ignore any pop up ads.

Or here:

{ HYPERLINK "http://beta.wnyc.org/shows/bl/2010/apr/14/money-parks/" }

{ HYPERLINK "http://cityroom.blogs.nytimes.com/2010/04/05/artists-and-vendors-bristle-at-proposed-limits/" }

NY Times City Room April 5, 2010

Artists and Vendors Bristle at Proposed Limits in Parks

NY Times City Room April 9, 2010

In Fight for Art Vendors, a Look to the Past

Proof that the Parks Department ran a 160 stand art concession on Central Park South where they now claim only 5 artists can sell due to “public safety” issues.

{ HYPERLINK "http://cityroom.blogs.nytimes.com/2010/04/09/in-fight-for-art-vendors-a-look-to-the-past/#more-157209" }

NY1 News

{ HYPERLINK "http://www.ny1.com/6-bronx-news-content/ny1_living/115958/vendors-critique-parks-officials--new-rules-for-street-art" }

NY Daily News

{ HYPERLINK "http://www.nydailynews.com/ny_local/2010/03/27/2010-03-27_parks_draws_up_plan_to_erase_artists_displays.html" }

WBAI radio 3/26/2010

Click on this link:

{ HYPERLINK "http://www.youtube.com/watch?v=YljzQ1yYkic" }

OR this one

(a 15 second commercial precedes it)

{ HYPERLINK "http://www.dailymotion.com/video/xcqff_y_wbai-report-on-new-park-rules-for-a_news" }

You can also download it as a Quicktime mov. file here:

{ HYPERLINK "http://www.mediafire.com/?n2d0zmm4mmm" }

A Walk in the Park website

{ HYPERLINK "http://awalkintheparknyc.blogspot.com/2010/03/art-vendors-criticize-parks-officials.html" }
{ }

