



Written by [Bob Adelman](#) on November 5, 2013

Atlanta Mayor's Spat With Street Vendors Goes National

A conservative journalist writing in the *Atlanta Journal-Constitution* (AJC) on Saturday, October 26, [claimed](#) that Atlanta's mayor blatantly broke the law, and when a court demanded he uphold the law instead, he refused. The issue went national when the spat was picked up by the *Wall Street Journal* on Monday, the day before Atlanta voters were to go to the polls to reelect him.

It's a perfect example of perfidy and hubris turning a local issue of little consequence into a national one.



Street vendors in Atlanta had for years been operating under a city council program allowing them to hawk their wares in various public locations, including the highly trafficked [Five Points area](#), considered by Atlantans to be the very center of town, and [Turner Field](#), home to the Atlanta Braves baseball team.

In 2009, the city council rewrote the rules, granting an exclusive contract for all public vending to a Chicago corporation, General Growth Properties (GGP), under which vendors would continue paying their \$250 annual permit fee but in addition would be required to use only kiosks provided by GGP at an additional annual cost ranging from \$6,000 to \$20,000 a year.

The vendors went ballistic and sued the city, claiming that the new law was unconstitutional. In December 2012, Atlanta's Fulton County Superior Court Judge Shawn Ellen LaGrua agreed with the vendors and vacated the law, leaving the previous law in place. The only trouble was that Mayor Kasim Reed didn't see it that way. He claimed that LaGrua vacated both the offending program and the one that preceded it as well, leaving Atlanta with no law at all concerning vendors. And so he ordered his chief of police, George Turner, to start arresting vendors who showed up in their regular places, thinking they were allowed to work under the old law.

In July Judge LaGrua clarified her ruling to note that only the offending law from 2008 was illegal, not the one that preceded it. Reed and Turner refused to allow vendors to operate anyway, so in early October, LaGrua issued a "[writ of mandamus](#)" ordering Reed and Turner to start issuing vendor permits under the old law.

And still they refused.

In responding to the AJC article, Mayor Reed [neatly avoided the issue](#), claiming that he and the council were working on a new agreement and implying that the vendors would simply have to be patient in the meantime. Wrote Reed:

We are solving a problem which was years in the making in less than a year. We are on target to fulfill that promise and are currently reviewing a new policy that includes best practice recommendations to address [vendor] appearance ... saleable items, permissible locations and enforcement....

We are working to guarantee that, by December, we [will] launch a fair program that supports our



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commitment to fair competition and expanded small business opportunities.

Kyle Wingfield, the author of the *AJC* article that called out the mayor, explained his problem with such dissembling and misdirection expressed by Reed:

Where I disagree with Reed is the notion that he has the right to flout the law while he proposes changes. His actions will have cost these vendors an entire year of earning a living.

The [Institute for Justice](#) (IJ), a public interest law firm that [represents the vendors](#), asked Judge LaGrua to issue contempt of court citations for both Reed and Turner. With that threat and its timing with Reed's reelection campaign, the wheels at the city council began spinning. The new bill, scheduled for December, all of a sudden appeared at each city council member's place at 1:00 p.m. on Monday, and within minutes the new vendors' bill had passed and was signed into law. A city attorney representing Reed and Turner immediately announced:

Within the hour the Atlanta City Council has signed a vending ordinance, which was signed by the mayor this very afternoon and is law at this point.

With the passage of this ordinance we believe that it is moot that the mayor or Sheriff Turner cannot be in contempt of this court's order....

We, of course, also assert that we were never in contempt of this order.

This claim of innocence was met by this statement from IJ's lead attorney in the case: "We're confident the mayor's lawless actions merit a finding of contempt."

Judge LaGrua is expected to rule on those contempt charges by the end of the week. The Institute for Justice will continue to press the matter, and the vendors have threatened to sue over the new bill just signed, claiming it also unconstitutionally restricts vendors' freedom to work and earn a legal living.

If Reed had just followed the court's ruling, if he had just accepted the simple fact that the old law was still in force, if he had just allowed common sense to rule, then the whole incident would have blown over. But, instead, Mayor Kasim Reed's name is now nationally known as just one more example of a politician's hubris and dissembling.

When President Obama was in Atlanta on October 29 to endorse Reed for reelection, [he praised the mayor](#) for his "fiscal stewardship of the city, investment in young people, commitment to public safety, and efforts to improve infrastructure and create well-paying jobs and business opportunities in the city and state for all Georgians."

All Georgians except, of course, for those who vend.

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