

# Scavenger is proved righteous of way

In his secondhand outfit, the \$2 pair of black basketball shoes, 75-cent shirt and \$1 trousers, Bob Lance was arguing his case in court.

"According to the law, I was within my rights," Lance told the judge, who sat above him behind the bench, flanked by government flags.

Lance pulled a wad of folded papers out of his back pocket and cast them across the defense table.

He put on his plastic-framed glasses and unfolded the many citations copied at the library from state and federal lawbooks, and with excitement Lance began to read.

"According to Title 26 Article 796 of the Arizona Revised Statutes, 'Where sidewalks are not provided, any pedestrian walking along and upon a highway shall when practicable walk...'"

As Lance read the law word by word, Justice of the Peace Pete Rubi held his hand to his forehead, like a headache was coming on.

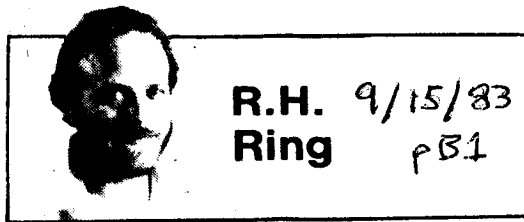
The prosecutor, David Ryan, in a pin-striped shirt and a neatly trimmed moustache, looked down at his own lawbooks and legal papers.

Next to Ryan, highway patrolman Mark Othic, in uniform with his black gloves folded over his holstered pistol and a shine broadcasting off his knee-high boots, stared with some amazement at Lance.

"According to American Jurisprudence Volume 40 page 567. . .," Lance droned on, reading another paper, and then another.

Rubi shifted in his robes and pinched the bridge of his nose. Ryan and Othic took to staring straight ahead, apparently ignoring Lance.

But Lance pushed on. He was in court on a



matter of principle. Such matters are quite important to men who have little else.

Lance, who makes his living by picking up cardboard and cans, was ticketed by Othic two months ago, while wheeling a cartload of scavenged cardboard on the freeway frontage road.

Lance and his load were a few hundred feet from a recycling center when the law took issue.

Lance had been warned to keep off that stretch of road, but he had shrugged it off. He even called the police dispatcher and said not too politely he was going ahead anyway. Come and get me, he said.

So Othic obliged. He wrote out a ticket for walking in the roadway. Lance was still bristling a month later, when the patrolman was out of town and couldn't attend a hearing.

Fifty-four and graying, Lance refused to let the case be dismissed. Cheap victory was not his goal. He wanted to face down the law, and establish his "right to make an honest living by cardboard."

Yesterday came the showdown.

"Now the United States Supreme Court has ruled that labor is a property and thus merits protection and so. . ." Lance intoned, reading on.

Rubi massaged his head again.

"I can't wheel my cart on the shoulder, it's soft dirt. If there was another road, I'd use it."

Lance gestured with his glasses, and swung into quotations from the founding fathers about "life, liberty and the pursuit of happiness."

"OK," Rubi said finally.

Rubi went right to the nut. "There are no sidewalks through there?" he asked the prosecutor. "No, there are no sidewalks there, your honor."

Rubi borrowed a lawbook and read it silently. Then he could not suppress a laugh. "It says you can walk in the roadway, then."

Ryan tapped his fingers rapidly on the arm of his chair. Othic clasped his hands over his face.

"OK," Rubi said. "I'm gonna find you not guilty."

"But this is not going to solve anything," Rubi continued, scolding Lance. "We're just going to have to do this over again."

Lance or any other hard-working scavenger could be back in court for the same offense soon, charged with obstructing traffic or something else that could stick.

Tickets have been written to other people who were pushing carts in that few hundred yards from 22nd Street north to the recyclers.

This city claims to be committed to recycling and ecology. It is laying down fancy organic brick crosswalks all over downtown, for bureaucrats and tourists to use.

Seems there could also be a sidewalk for the poor folks who are trying to make an honest living, and who believe they have the right.