

MEDIATE THIS !

THE CORNER STORE, BOOZE AND CREEPY GUYS

BY STEVEN P. DINKIN

Dear Mediator:

Our neighborhood corner grocery has been run by the same family for years. In January, the owner, whom everyone loved, passed away.

We hoped his wife would take over, but his youngest son is now behind the counter, and the store is on the skids. He has cleared out the bread and produce sections and stocked them with liquor.

His friends loiter in front of the store, drinking beer and talking loudly, and they are creeping us out. Isn't it illegal to drink in public?

Jittery in City Heights

Dear Jittery:

You're not alone in grappling with this. Proliferating alcohol sales in urban areas is such a combustible issue that the San Diego Police Department, citing public safety concerns, has become more vocal in opposing new liquor licenses in saturated communities.

Because public alcohol consumption is mostly illegal in California, you could alert police to this behavior, especially if the drinkers become boisterous.

For complaints about the store, the state Department of Alcoholic Beverage Control has two online reporting forms: a Complaint Against Licensee and a Citizen's Log of Disruptive Activity.

But these seem like nuclear options for dealing with a local business owned by a

family still reeling from the death of its patriarch. You have two wiser choices for resolving this standoff: your shared connection to the late owner and your buying power.

Condolences come in immediately after a loss, but grief lasts far longer.

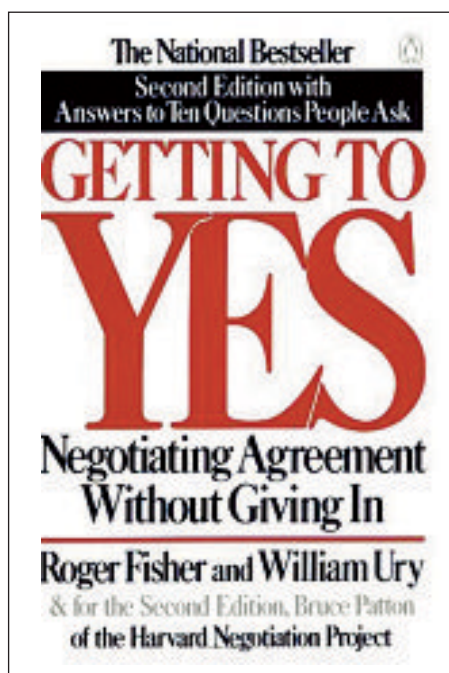
It's always appropriate to circle back to survivors weeks or months later with a message of renewed sympathy and an open-ended offer of help. And right now, your help is needed by a young man struggling to take his father's place in his family and his community.

Compose a group letter to the family. Share some happy memories of the late proprietor as a tribute to his memory. Tell the son that you all appreciate his willingness to sustain a neighborhood institution and that you are committed to the store's continued success.

The letter should be delivered in person by a neighborhood leader whom the family trusts. During that ice-breaking visit, your emissary should engage the son in a friendly conversation that ends with a request: Would he consider stocking items that everybody wants and needs?

Mom-and-pop stores can't compete with supermarket chains on pricing, but they can build loyalty by tailoring inventory to local buyer preferences.

If you pledge to fortify this store with your business, and you follow through by shopping there regularly, you can open a new chapter in a merchant-customer alliance that is a neighborhood anchor.



To help solve this week's problem, a principle shared by authors William Ury and Roger Fisher is cited.

As your interactions with the young man grow in warmth and frequency, you'll be better positioned to tell him that the beer-drinking loiterers are costing him sales. That conversation should focus on a

mediation principle called "separate the people from the problem."

The term was coined by Harvard University scholars William Ury and Roger Fisher in their landmark 1981 book, "Getting to Yes: Negotiating Agreement Without Giving In."

Applied to your situation, it would mean you have no personal beef with the friends, but you are concerned about the public drinking, which is illegal and, much too often, a precursor to belligerence.

Deliver this message in a calm and benevolent manner.

Emphasize that when the problem goes away, the people will be treated with the same courtesy that everyone deserves.

These young men probably sense that they have not been welcome in the neighborhood.

If they switch from beer to soda, and they keep hanging out at the store — which is their right — it will be time to reset the clock.

From that point on, when you encounter them on the street, instead of tensing up, lighten up. Smile, say "Hi, how are you?" and prepare to be surprised.

Steven P. Dinkin is a professional mediator who has served as President of the San-Diego based National Conflict Resolution Center since 2003. **Do you have a conflict that needs a resolution?** Please share your story with The Mediator via email at mediatethis@ncrconline.com or as an online submission by visiting www.ncrconline.com/MediateThis. All submissions will be kept anonymous.

NOTEBOOKS

From Union-Tribune reporting staff

SMOLENS

FROM B1 how many citizens we have residing within our borders."

Said Issa: "Asking citizenship on the census is unquestionably the right decision. I support this Administration's commitment to a fair and accurate counting."

In December, Issa voted against the Republican tax bill, contending that it would raise taxes for some of his constituents. He supports the citizenship question even though it could result in an undercount that could reduce funding for services his constituents rely on.

It may be a coincidence, but in December he was a candidate running for reelection; now he is not.

Hunter acknowledged the tax bill could hurt some Californians, but voted for it because he thought it was the right move for the country overall.

Long ago the once-a-decade census asked a citizenship question but it was dropped in 1950. However, one is included in the American Community Survey, which reaches a smaller number of households.

Many experts say citizenship data already is gleaned from the community survey, so why risk getting an inaccurate census count?

Democrats portrayed the administration's action as politically motivated.

"This cynical move clearly violates the Constitution, which requires an 'actual enumeration' of our population, and is being done purely for political gain," said Rep. Susan Davis, D-San Diego.

Rep. Scott Peters, D-San Diego, said: "These numbers determine how federal funds are distributed, businesses rely on them to determine market demands and (they are) used to apportion congressional districts — that's what this move is all about."

Rep. Juan Vargas, D-San Diego, also called it another Trump attack on immigrants.

"This is another blatant attempt by President Trump and his administration to silence the immigrant community and force them to retreat into the shadows," he said. "... An inaccurate count will have a detrimental effect on underserved communities that require funding for essential services."

While it appears there would be a general shift of money and political power from blue to red states with smaller immi-

grant populations, that's not uniform. New York and Illinois have large unauthorized immigrant populations, but so do Texas and Florida.

California already has sued to keep the citizenship question off the census while New York and other states are gearing up to do the same.

Meanwhile, Trump's lawsuit against Democratic-backed sanctuary laws has gained support within California. Much of the conflict is over SB 54, which prohibits local law enforcement from telling immigration officials when unauthorized immigrants are being released from jail if they haven't been convicted of one of 800 listed crimes.

Orange County is at the forefront of a growing trend to buck the state's resistance to Trump. The Board of Supervisors voted to join the administration's suit while Yorba Linda agreed to file a brief in support of it. Los Alamitos passed an ordinance seeking to exempt the city from SB 54.

In San Diego County, the Republican-dominated Escondido City Council and Board of Supervisors plan to discuss joining the Trump suit in the near future. Escondido seems certain to join and the smart money would be on the supervisors doing the same.

San Diego Sheriff Bill Gore said he will recommend the supervisors not go there on public-safety grounds. He and many other top law enforcement officials believe if their officers are viewed as immigration agents, immigrants will be reluctant to report crime or agree to be witnesses.

Besides, he said, the state law allows his department to notify immigration officials on the release of many unauthorized immigrants. Keep in mind that San Diego County deputies do not lock people up simply because they are in the country illegally, but because they've been accused or convicted of committing other crimes.

There's a public selling point there. Requiring jailers to notify the feds about the release of all unauthorized immigrant criminals, even petty ones, probably has more support than Democrats would like to think.

Tweet of the Week

Goes to Sara Libby (@SaraLibby), managing editor at the Voice of San Diego.

"The most California quibble: Reader emails to complain that Josh Butner is surfing in (a) campaign ad, but California's 50th District is landlocked."

michael.smolens@suniontribune.com

COURTS: DANA LITTLEFIELD

Videographer alleges retaliation

He's been around San Diego County a long time, and so has his lawsuit.

His name is James "J.C." Playford, a freelance videographer and photojournalist known for his, shall we say, *aggressive* news-gathering tactics when showing up with his camera outside public buildings around the county and at crime or accident scenes.

Evidence of his tactics — some might call them antics — is easily accessible on the Internet. Multiple videos posted on YouTube show Playford doing his thing, confronting guards outside the federal jail, demanding identification information from California Highway Patrol officers who try to move him back from the site of a freeway crash or chastising elected officials who bar him from entering news conferences.

A video posted last week shows Playford berating El Cajon Mayor Bill Wells at City Council meeting, and calling members of the Police Department "thugs" and "Nazis." "It is unconstitutional for you to decide who is media and who is not," Playford can be heard saying in the March 23 video, referencing an occasion in 2016 (and perhaps there are others) when he was kept out of a news conference in that city.

Playford says he was told that access to the news conference was allowed only for members of the media who had been invited.

And yes, that situation was captured on his camera, too.

The question of whether a government agency can determine who is a legitimate representative of the news media and who isn't is a core part of a lawsuit filed in San Diego federal court in 2012 and was recently argued in front a three-judge panel of the 9th Circuit Court of Appeals.

The suit was filed by Playford, who lives in Ramona, and Edward Peruta, owner of Connecticut-based American News and Information Services Inc., against the county Sheriff's Department and other local law enforcement agencies.

It alleges that Playford, who has been arrested several times by sheriff's deputies, was taken into custody because of his news-gathering activities. In short, the lawsuit says, Playford was targeted and retaliated against for "videotaping matters of public interest," a violation of his First Amendment rights under the U.S. Constitution.

As evidence, Playford noted that the city of San Diego refused to renew his Police Department-issued media credential in 2010,

after that agency was notified by the county that Playford had filmed two sheriff's deputies outside a bar in 2008 and testified later in a civil trial against those deputies.

In April 2016, the U.S. District Court in San Diego ruled in favor of the county, Sheriff Bill Gore and Jan Caldwell, who at the time was the Sheriff's Department's public information officer. They contended there was no evidence that Gore or Caldwell had directed or provided information that "encouraged" Playford's arrests.

There was evidence, they said, of probable cause for each arrest. (According to the court's ruling, Playford either pleaded no contest or was found guilty in trial on each of the relevant arrests on charges including delaying or obstructing an officer and disturbing the peace.)

The District Court's ruling was appealed, and argued in early February in the 9th Circuit.

Attorney Rachel Baird, who represented Playford and Peruta, argued that the lower court got it wrong when it ruled against her clients on the alleged First Amendment violation. She noted that the county's actions suggest a person — like Playford — who doesn't have a government-issued media credential in San Diego County would not be allowed within Sheriff's headquarters, even if it's for news-gathering purposes.

"What's wrong with that?" one judge asked.

"The government agency ... chooses under this scenario who carries the message and that's what wrong with it," Baird said. "The government should not be in the business of issuing media credentials and if they do, those media credentials should have no greater authority than media credentials issued by private organizations."

Later, she added: "There's no evidence that they are issued on an objective basis."

The three-judge panel has not ruled on Playford's appeal, opting instead to wait to see how the U.S. Supreme Court decides another case — *Lozman v. Riviera Beach, Fla.* The question before the high court in that case is: Does the existence of probable cause defeat a First Amendment retaliatory-arrest claim as a matter of law?

The answer will likely inform the eventual outcome of Playford's case. A ruling is expected sometime before June.

dana.littlefield@suniontribune.com

FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

CITY WELCOMES PCL PADRES

The San Diego Union-Tribune will mark its 150th anniversary in 2018 by presenting a significant front page from the archives each day throughout the year.

Wednesday, April 1, 1936

In 1936, as Richard Bruno Hauptmann, convicted in the 1932 kidnapping and murder of the 20-month-old son of Charles A. Lindbergh, awaited his fate, San Diegans celebrated a happier moment: the first San Diego Padres game.

Here are the first few paragraphs of the story:

10,000 FANS SEE PADRES' VICTORY IN OPENER HERE

HOME TEAM DEFEATS INDIANS, 6 TO 2, IN FIRST GAME OF LEAGUE AT NEW PARK

By Ted Steinmann

San Diego broke into the Pacific Coast Baseball league yesterday afternoon at home and broke in a winner. The San Diego Padres, formerly the Hollywood Stars, obliged more than 10,000 fans who stormed the newly constructed Lane field and turned in a 6-to-2 victory over the Seattle Indians.

Herman Pilette, veteran right-hander, who twirled a brilliant game and had fine support afield to turn back the invaders from the north-west, rated second choice in the league in advance figures. Where Pilette was right, the five Seattle hurlers whom the veteran "Dutch" Reuther sent to the mound were bad at finding the plate.

FIVE-RUN RALLY

A five-run rally in the third inning, in which five bases and balls and two hits pro-

duced the tallies, gave the Padres the winning margin. They added one run in the run column in the eighth. Seattle managed to shove single tallies across the plate in the fifth and sixth innings.

The teams will meet again this afternoon at 2:15 at the new ball park at the foot of Broadway in the second game of the series. Frank Shellenback, manager of the Padres, will take the mound himself this afternoon and will be opposed by Howard Craghead for Seattle. Games will be played at 2:15 daily against Seattle the rest of the week except for Sunday when a double-header is scheduled, starting at 1:30.

San Diego baseball fans — and their number was legion yesterday — long have awaited the coming of Pacific Coast league baseball here and they were back of the Padres to a man throughout the afternoon.



Clear skies greeted the opening game of the home season for the team which H.W. "Bill" Lane brought to San Diego from Hollywood where it had played for 10 years. Last night's rains slowed the field up slightly, but it was in fine condition for the opening game, attesting to the work done by WPA and harbor officials in its construction.

DOWNTOWN PARADE

A parade through the downtown streets in which city, state and league officials took part, signaled the preparations for the

opening game of the season. Once inside the park, players grouped near the dugouts and then marched to the flagpole in centerfield where for the first time the national emblem was raised before the start of a baseball season, while the crowd stood at attention.

Infield and batting practice followed and then with Dan Tobey, veteran announcer and long-time friend of Owner Bill Lane, taking charge, introduction of the guests present for the afternoon followed. Members of the city council, seated in a special box, were introduced, followed by Sen. Ed. Fletcher; George P. Hatfield, lieutenant governor; Mayor P.J. Benbough; W.C. Tuttle, president of the Pacific Coast league; H.W. Lane; Emil Klicka, member of the harbor commission; Joseph Brennan, port director; and George P. White, local WPA director.

Floral wreaths and baskets then were presented from fans for local as well as Seattle players — Chet Smith, San Diego boy with the Indians, getting a basket of flowers. Mr. and Mrs. Tuttle presented an offering of good luck to the San Diego team on its first home start in the league. Other flowers came from James Wood Coffroth; "Sunny Jim" of Tijuana racetrack fame; Art Cloniger; and "Dutch" O'Neil.

CONTENDER SEEN

Tuttle, in welcoming San Diego to the league fold, spoke briefly to the fans and Lane expressed pleasure at the fine turnout for the game, promising San Diego a baseball team which would be a contender in the league.

ONLINE: View this and other anniversary front pages online at sandiegouniontribune.com/150-years.