



THE CITY OF SAN DIEGO
Historical Resources Board

DATE ISSUED: April 12, 2012 REPORT NO. HRB-12-026

ATTENTION: Historical Resources Board
Agenda of April 26, 2012

SUBJECT: **ITEM #13 – San Diego Free Speech Site at Heller’s Corner**

APPLICANT: San Diego Imperial Counties Labor Council

LOCATION: Fifth Avenue and E Street, Downtown Community, Council District 2

DESCRIPTION: Consider the designation of the San Diego Free Speech Site at Heller’s Corner located at the southeast corner of the intersection of Fifth Avenue and E Street as a historical resource.

STAFF RECOMMENDATION

Designate the San Diego Free Speech Site at Heller’s Corner located at the southeast corner of the intersection of Fifth Avenue and E Street as a historical resource with a period of significance of 1912 under HRB Criteria A and B. The designation is a commemorative site designation and does not include any specific built environment features such as buildings or paving, as the existing features do not date to the period of significance. This recommendation is based on the following findings:

1. The resource is a special element of the City’s social, historical, cultural and political development. Specifically, the San Diego Free Speech Fight Site at Heller’s Corner served as San Diego's primary area of public discourse and a marketplace of ideas for the city's working class community during a critical period of San Diego's growth; and was the epicenter of the nationally significant San Diego Free Speech Fight that began in 1912 in response to City Ordinance 4623, bringing free speech and assembly issues before the national community and helping to define the meaning and future scope of First Amendment freedoms.
2. The resource is identified with the San Diego Free Speech Fight, a historically significant event. Specifically, the resource marks the epicenter of the San Diego Free Speech Fight, a nationally significant event that brought free speech and assembly issues before the national community.

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BACKGROUND

This item is being brought before the Historical Resources Board in conjunction with an application from the San Diego Imperial Counties Labor Council to have the site designated as a historical resource. The site is located within the public right-of-way and is owned by the City. The site under consideration is located at the southeast corner of 5th Avenue and E Street, a location formerly known as Heller's Corner, after Heller's Bakery and Grocery which occupied the corner during the period of significance.

The historic name of the resource, the San Diego Free Speech Site at Heller's Corner, has been identified consistent with the Board's adopted naming policy and reflects both the significant historical event, and the historical name given to the site by the community.

ANALYSIS

A historical resource research report was prepared by James Bartoli, Dianne Marra, Kelly Mayhew and Jim Miller for the San Diego Imperial Counties Labor Council, which concludes that the resource is significant under HRB Criteria A and B. Staff concurs that the site is a significant historical resource under HRB Criteria A and B. This determination is consistent with the *Guidelines for the Application of Historical Resources Board Designation Criteria*, as follows:

CRITERION A - Exemplifies or reflects special elements of the City's, a community's or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development.

From the early 1890s to the onset of World War I, Soapbox Row, generally considered E Street between 4th and 6th Avenues, was the designated area of "street corner society" in San Diego. The center of San Diego's Soapbox Row, the corner of 5th Avenue and E Street, developed the name "Heller's Corner" in reference to Heller's Bakery and Grocery Store which was located on the southeast corner of the intersection. Vehicular traffic was frequently blocked during the evenings along Soapbox Row, with nightly open air meetings being held by labor organizers, evangelists, social reformers, and others on one or more large soapboxes placed in the middle of the street near Heller's Corner. During a time before the spread of radio and television, Soapbox Row was where many working class people in San Diego found their news, information, and evening entertainment. It was a primary public location of intergroup social, cultural, economic, and political interaction, especially for migratory workers and residents of San Diego's nearby multiethnic working class communities.

The Industrial Workers of the World (IWW) was founded in 1905 with the goal to promote worker solidarity. In particular, the IWW was organized because of the belief among many unionists, socialists, anarchists and radicals that the American Federation of Labor (AFL) had failed to effectively organize the U.S. working class, and divided groups of workers. The IWW believed that all workers should organize as a class, and when founded, was the only American union (besides the Knights of Labor) to welcome all workers. The IWW aimed its organizing efforts towards the unskilled and unwanted, including migratory workers and those new to

America, at a time when the United States was undergoing deep strains associated with the chaotic growth of the industrial economy. The union viewed its all-inclusive attitude and international focus as vital to its mission, and the soapbox was the critical means its organizers utilized to reach the poor and other excluded groups of workers, many of whom were illiterate or spoke a language other than English.

During 1910 and 1911, the IWW had organized many Spanish speaking workers at San Diego Consolidated Gas & Electric Co., and among the City's public works crews. IWW organizing efforts were also initiated among the city's streetcar workers and in the building trades. The city's business community and large property holders, particularly real estate developers, felt increasingly threatened by the use of Soapbox Row by the IWW. In January 1912, the San Diego City Council, at the urging of local business owners and merchants, passed Ordinance 4623, which banned public speech, singing and assembly in a seven square block area centered around Heller's Corner. On February 8, 1912, after a demonstration in opposition to the ordinance that attracted approximately 5000 people, an evening parade led by the California Free Speech League made its way to Soapbox Row. Forty-one speakers were dragged off a soapbox at 5th Avenue and E Street that night, arrested, and charged twenty-four hours later with felony conspiracy to violate Ordinance 4623.

The civil disobedience that characterized the San Diego Free Speech Fight occurred primarily between January and June of 1912. Notable free speech advocates and IWW activists that included Rev. George Woodbey, Emma Goldman, Ben Reitman, Joe Hill and Laura Payne Emerson actively participated in the Fight until they were driven out of town by vigilantes. By October 1912, events had slowed as the City confronted bad publicity due to increasing allegations of police brutality and a self-proclaimed vigilance committee who were repressing not just soapboxers, but any who were vocal in their defense. The IWW were able to hold street meetings again by the summer 1914 without police interruption, though it was Emma Goldman's uneventful return and successful lecture in summer 1915 that symbolically ended the Free Speech Fight.

The ultimate impact of the San Diego Free Speech Fight was threefold: it was one of the primary events that made the IWW a topic of national discourse; it was one of the most frequently referenced examples in free speech and free assembly discourse before World War I; and it was an important factor leading to the formation of a Federal Commission on Industrial Relations in 1912-15. The San Diego Free Speech Fight Site at Heller's Corner served as San Diego's primary area of public discourse and a marketplace of ideas for the city's working class community during a critical period of San Diego's growth. It was the epicenter of the nationally significant San Diego Free Speech Fight that began in 1912 in response to City Ordinance 4623, bringing free speech and assembly issues before the national community and helping to define the meaning and future scope of First Amendment freedoms. Therefore, staff recommends designation of the San Diego Free Speech Site at Heller's Corner under HRB Criterion A as a special element of the City's social, historical, cultural and political development.

CRITERION B - *Is identified with persons or events significant in local, state or national history.*

As discussed in detail under HRB Criterion A above, the subject site marks the epicenter of the nationally significant San Diego Free Speech Fight of 1912. Therefore, staff recommends designation of the San Diego Free Speech Site at Heller's Corner under HRB Criterion B for its association with this historically significant event.

CONCLUSION

Based on the information submitted and staff's field check, it is recommended that the San Diego Free Speech Site at Heller's Corner located at the southeast corner of the intersection of Fifth Avenue and E Street be designated with a period of significance of 1912 under HRB HRB Criteria A as a special element of the City's social, historical, cultural and political development, and Criterion B for its association with the San Diego Free Speech Fight. The designation is a commemorative site designation and does not include any specific built environment features such as buildings or paving, as the existing features do not date to the period of significance. Designation brings with it the responsibility of maintaining the building in accordance with the Secretary of the Interior's Standards. The benefits of designation include the availability of the Mills Act Program for reduced property tax; the use of the more flexible Historical Building Code; flexibility in the application of other regulatory requirements; the use of the Historical Conditional Use Permit which allows flexibility of use; and other programs which vary depending on the specific site conditions and owner objectives.



Kelley Stanco
Senior Planner



Cathy Winterrowd
Principal Planner/HRB Liaison

KS/cw

Attachments:

1. Draft Resolution
2. Applicant's Historical Report and Addendum under separate cover

RESOLUTION NUMBER N/A
ADOPTED ON 4/26/2012

WHEREAS, the Historical Resources Board of the City of San Diego held a noticed public hearing on 4/26/2012, to consider the historical designation of the **The San Diego Free Speech Site at Heller's Corner** located at **the southeast corner of 5th Avenue and E Street, San Diego, CA 92101**, in the City of San Diego, County of San Diego, State of California; and

WHEREAS, in arriving at their decision, the Historical Resources Board considered the historical resources report prepared by the applicant, the staff report and recommendation, all other materials submitted prior to and at the public hearing, inspected the subject property and heard public testimony presented at the hearing; and

WHEREAS, the property would be added to the Register of Designated Historical Resources as **Site No. 0**, and
NOW, THEREFORE,

BE IT RESOLVED, the Historical Resources Board based its designation of the The San Diego Free Speech Site at Heller's Corner on the following findings:

(1) The property is historically significant under CRITERION A as a special element of the City's social, historical, cultural and political development with a period of significance of 1912. Specifically, the San Diego Free Speech Fight Site at Heller's Corner served as San Diego's primary area of public discourse and a marketplace of ideas for the city's working class community during a critical period of San Diego's growth; and was the epicenter of the nationally significant San Diego Free Speech Fight that began in 1912 in response to City Ordinance 4623, bringing free speech and assembly issues before the national community and helping to define the meaning and future scope of First Amendment freedoms. This finding is further supported by the staff report, the historical research report, and written and oral evidence presented at the designation hearing.

(2) The property is historically significant under CRITERION B as a resource that is identified with the 1912 San Diego Free Speech Fight, a historically significant event. Specifically, the resource marks the epicenter of the San Diego Free Speech Fight, a nationally significant event that brought free speech and assembly issues before the national community. This finding is further supported by the staff report, the historical research report, and written and oral evidence presented at the designation hearing.

BE IT FURTHER RESOLVED, in light of the foregoing, the Historical Resources Board of the City of San Diego hereby approves the historical designation of the above named property as Designated Historical Resource **Site No. 0**.

Vote: N/A

BY: _____
JOHN LEMMO, Chair
Historical Resources Board

APPROVED AS TO FORM AND
LEGALITY: JAN I. GOLDSMITH,
CITY ATTORNEY

BY: _____
KEITH BAUERLE
Deputy City Attorney