

SITTING BAN OPENS 'PANDORI'S BOX'

Pandori's box has been opened and the evils within unleashed. Can we close it before every residentially-challenged citizen is unwelcome in his or her own land? Can we, as a people of conscience, afford to sit this one out?

by Becky Johnson

It was a dark day for the poor and tired in San Jose on April 8, when City Councilmember David Pandori's proposed ordinance to outlaw the act of sitting came up on the council agenda. It was bright, sunny, and almost warm outside, but a deep chill penetrated within. Cameras and reporters abounded, but the public was conspicuously absent. San Jose, with a population of 800,000, is huge, and its homeless population, estimated to be about 20,000, is correspondingly large. Shelter space, now that the National Guard armories have closed, is only about 500 beds; inevitably, thousands are forced to spend their days and nights on the streets.

Where to sleep, already a huge concern for each houseless individual, has now been compounded by having nowhere to sit. Pandori has opened a box from which untold human suffering will spring, beating down the beaten down, and turning innocent, necessary behavior into criminal activity with a stroke of his pen.

The April 8th "debate" began with 15-20 speakers from the public facing a stern and determined Mayor Susan Hammer, whose commitment to the repressive ordinance never wavered. "They can sit in parks," was Mayor Hammer's response to the short list of objections raised by *Street Spirit* reporter Robert Norse from the citizen's podium.

"Not after sunset, the parks are closed and the police enforce the law," replied homeless advocate Sandy Perry in a subsequent conversation. Where a homeless person could sit from sunset to midnight was not a concern to the council. And how was it that the merchants were well represented, but few homeless people and only four advocates were there?

Noted Perry, "If you asked the San Jose public individually if they wanted a ban on sidewalk sitting downtown, you'd find only several hundred out of the hundreds of thousands voting yes. This is really a hate law that specifically targets the homeless and gives Pandori a political vehicle."

"City attorneys drafted the law, modeling it on the Seattle law which has held up to legal challenges by the Federal Court of Appeals," Pandori said in his opening remarks. "There may be additional legal challenges but the law itself has been upheld. This law bans sitting on the sidewalk between the hours of 10 a.m. and midnight." Seattle's law, watched closely by city councils, chambers of commerce, and law enforcement agencies, has been used to open the way to

pass ordinances to replace the vagrancy and loitering laws which were declared unconstitutional in the early '80s.

There is nothing new about the attempts of the wealthy to remove the poor from their midst. Yet to equate sitting with criminal activity is such a stretch, only a homeless-o-phobic could dream up this prescription. It would take an ethically-challenged politician to promote such an insidious form of torture.

Like a rapidly spreading disease, this social cleansing process has been growing and multiplying across cities in California and elsewhere, criminalizing the young, the poor, and the homeless for innocent, necessary acts. Since when has the act of sitting been a crime?

And along with this social disease go the lies which rationalize the passage of these suppressive and inhumane laws. Pandori tried to justify the need for San Jose's sitting ban. "If you ever go to a shopping mall and find people sprawled out at the entrance of a store, someone camped out, sitting down all day long..." Yet Pandori is not proposing an anti-camping law (San Jose has one already) or an anti-obstructing law (ditto). What is Pandori's chief concern? Aesthetics? Moralizing? Elitism? Maintaining the illusion of a city in which there is economic vitality for all? If all-day sitting is bad, what's next? An anti-desk-job law?

"This law is not a solution to homelessness," he said. (Just as pogroms