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kids, and "Hollywood punks" were directed to move on under penalty of being charged under the sitting ban. In late June, Feinstein counted 30 middle-class people sitting on the curb (illegally) watching street performers because all the benches were full, yet police ignored them.

Both Feinstein and homeless activist Ron Taylor, a writer for the local *Hard Times* newspaper, reported seeing selective punishment of homeless sitters by the police. Feinstein told the City Council that a movie theater manager had been told by police: "Your people are okay; we're going to move on the transients." In response, Taylor promised councilmembers he would begin making citizen's arrests on middle-class youth and tourists so that all could reap equal treatment under the Sit/Lie ban. Taylor claimed that all of the misdemeanor tickets issued thus far had homeless addresses, suggesting selective police crackdowns on the poor.

At the City Attorney's office, Alicia Cortrite said there had been 45 misdemeanor citations, with the usual outcome being 10-20 hours of community service. Jail, she insisted, was not yet an option used. Misdemeanors, however, are punishable by up to \$1000 fine and 6 months in jail, at the judge's option.

GLITZY FERN BARS, TOPIARY DINOSAURS

The Third Avenue Promenade is a wildly successful three-block stretch open only to pedestrians; it is graced with glitzy fern bars, trendy restaurants, packed movie theaters, topiary dinosaurs and fountains. It is also a natural congregating place for homeless people and youth.

In 1996, under pressure from business groups, Santa Monica imposed a clamp-down on street performers, and proposed a Sit/Lie ban for the Promenade. The City Council agreed to pass the law as an emergency measure after a sunset clause was added, allowing for reassessment in six months. After the 5-1 vote, the *Los Angeles Times* described the ordinance as nothing less than a modern-day anti-loitering law. (Such archaic loitering laws have been outlawed across the nation as overbroad, vague, unconstitutional, and prone to selective enforcement.) The *Times* reported that the only violators of the sitting ban visible to its reporter were tourists, locals, and store employees sitting on the curb eating lunch.

Former City Attorney Myers called the 1996 vote "an election year ploy to show they are tough on crime." Councilmember Genser, who voted against the law in its expanded form but originally supported the 1996 version, insisted it had nothing to do with homelessness, being instead a response to "rowdy youth."

The law returned to City Council on May 27, 1997, with a broader sweep. It was expanded to include more forbidden areas — statues, foliage, fences, and railings. The revised Sit/Lie Ban also allows the City to prosecute cases as infractions or misdemeanors. The City does not need to provide a jury trial or a public defender under infraction prosecutions.

Santa Monica's expanded Sit/Lie Ban is the latest in a series of copycat laws that began in Santa Cruz in 1994 and spread throughout the state, particularly in the last six months. Sitting bans in Palo Alto, Santa Cruz, San Jose, and Santa Barbara have already prompted protests. Santa Monica's ban is merely the latest in a long chain of anti-homeless policies and ordinances that have swept California.

"They have already taken our safety away in the parks, they have chased us off the beaches, they have eliminated many of our food programs and reduced our budgets, and penalized us for being poor in one of the wealthiest cities in the nation," summarized Jennafer Waggoner, Santa Monica point person for the California Homeless Civil Rights Action Network.

When Bob Myers was still the City Attorney, he refused to draw up a sleeping ban in the mid-80s, fashioning instead a compromise — a unique Vehicle Occupancy law which allowed police to warn any occupied vehicle in a residential neighborhood between midnight and 5 a.m. to move along. Myers refused to prosecute citations under this law or under an ancient ban on sleeping in the park. He further refused to draw up a discriminatory daytime camping-and-storage ban.

MYERS FIRED FOR PRINCIPLED REFUSAL TO PERSECUTE THE POOR

In 1992, when Myers refused to fashion an anti-feeding law to stop charities from feeding homeless people in the parks, he was fired. Council "liberals" elected by Santa Monicans for Renters Rights feared an election upset in spite of their council majority. The "no charity in the parks" law was contracted out to a Los Angeles attorney at a cost of \$50,000. It was soon set aside by an ACLU lawsuit.

In 1993, to restore the right to sleep, We The People, a homeless civil rights group, began a five-month sleepout at City Hall which grew to 200 participants. Arriving homeless from Bakersfield, Ron Taylor joined the protest. The vigil was victorious; demonstrators successfully negotiated 24-hour bathrooms and sleeping space in the park. For almost a year, homeless people were able to sleep unmolested. Contrary to the fears of some, Taylor reports, there was no consequent influx of homeless people to town, refut-

ing the mythical "magnet effect."

But in 1994, the Santa Monica City Council overturned the peace pact after conservatives and merchants struck back with 12,000 signatures on a "Public Safety Initiative" in a campaign to embarrass council liberals. Claiming that the parks were dens for drug dealers, Citizens for Safe Parks and Streets stepped up the heat.

LIBERALS PANIC, SELL OUT THE POOR

The liberals panicked and moved preemptively by a 6-1 vote to quash the issue before the elections. The council closed all parks at night to everyone, imposed a citywide prohibition on camping (i.e., bedrolls and backpacks) 24 hours per day, restricted panhandling, and closed City Hall grounds at night (presumably to forestall future protest sleep-outs there). Under cover of opening a 100-bed shelter, the council's repressive new laws set up a mechanism for police to criminalize sleeping for the thousands left outdoors.

Paul Freese, attorney for Public Counsel's Homeless Assistance Program, which is currently pursuing a lawsuit against Santa Monica for police abuse, called the laws "a transparent attempt to punish the homeless and banish most of them from the city." Now there are no designated camping areas in the city, notes Waggoner. In the years that followed the Public Safety Initiative, which was never sent to the voters, police targeted the homeless. Taylor, who monitored the police, recalls a ticket for feeding two french fries to a pigeon (dismissed), and another for raking leaves off a picnic table (four days in jail for littering).

Bob Myers dates the rollback of homeless rights and services to the City Council's 1991 Homeless Task Force Report, *A Call to Action*. Myers called the report "a regressive political compromise... by social service people eager to save programs for the homeless." The ironic result: feeding programs were eliminated, social services cut back, and civil liberties for the poor curtailed.

Waggoner, the only homeless member of the City's Social Services Commission, goes further. She charged that social service providers like Step Up on 8 and actually supported the Sit/Lie Ban because it would drive homeless people into their agencies, allowing them to claim more clients and seek more funding, "a great way to corral people." It was ironic, she added, when the City Council recently paid back this quisling cooperation by voting to cap social service spending and pit homeless people against the elderly and the mentally disabled.

Police Crackdown in Santa Monica
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