

by Becky Johnson

**S**anta Cruz is home to City Ordinance 6.36, the infamous anti-homeless Sleeping Ban, which decrees no sleeping outside or in vehicles and no covering up with blankets between 11 p.m. and 8:30 a.m. The Sleeping Ban has plagued the homeless community for nearly 20 years, through as many city councils.

The Santa Cruz Action Network (SCAN) has been the political machine that has elected the council majority for the past decade, rotating in and out a succession of "progressive" councilmembers who have mostly supported this vicious law. But the times they are a-changing. At its annual meeting on September 29, SCAN endorsed a citywide citizens' initiative to repeal the Sleeping Ban, and then went further to make that repeal one of their two new action items for the coming year.

In the past, SCAN has supported the less controversial alternative of a small homeless campground (proposed by the Coalition for A Safe Place to Sleep but defeated by the Santa Cruz City Council in 1990). But the Sleeping Ban issue has, until now, divided SCAN, according to Paul Brindell of The Shelter Project. "Half of its members vigorously supported major reform of the sleeping ban and the camping ban," Brindell said. "The other half didn't want to touch the camping ban law with a ten-foot pole."

Sleeping Ban opponents regrouped this summer after the 7 1/2 month City Hall Sleepers Protest and another six months of trials of dozens of "sleep criminals." Determined to try the as yet untested method of a ballot initiative, the Committee to Repeal the Sleeping Ban formed and began seeking endorsements from organizations to permanently change the "Go to Sleep, Go to Jail" law that the Santa Cruz City Council has refused to discuss.

Introduced by Green Party member David Silva, outreach coordinator for the Committee to Repeal the Sleeping Ban, the concept of a citizens' initiative to end the sleeping ban (targeting the ban on covering up with blankets at night, without removing prohibitions on camping) proved to be a version nearly everyone could agree on. As Proposition 215 legalized medical marijuana in spite of entrenched opposition in the legislature and courts, it will be up to the voters to recognize the right of all people to sleep at night.

Said Silva: "This initiative is a human rights issue. Depriving homeless people of the right to sleep at night serves no one." SCAN members agreed by voting heavily to challenge the political positions of the very councilmembers it had put in office the previous year.

The Sleeping Ban Repeal Initiative has been endorsed by former Governor Jerry Brown, Rev. Wiley Drake of Buena Park, the Green Party of Santa Cruz County, Rev. Paul Lee of the Citizens Committee for the Homeless, the S.F. Coalition on Homelessness, and the Los Angeles Coalition to End Hunger and Homelessness.

The Committee to Repeal the Sleeping Ban will submit the ordinance to the Santa Cruz City Attorney this fall. The initiative must be signed by 3700 registered voters (10% of those registered) by June, 1998, to put it on the November, 1998, ballot.

The Santa Cruz City Council, which passed the original Sleeping and Blanket bans in 1978, has refused to reconsider in spite of extensive homeless protests, a city shelter emergency, an upswing in homeless deaths, and pressure last winter from three councilmembers for a Winter Shelter Emergency Exception. A citizens' initiative appears to be the only way to go.

Longtime SCAN member Linda Lemaster of Housing Now! in Santa Cruz commented: "The sleep deprivation caused by the law prevents homeless people from functioning normally and being

presentable at a job interview. It violates the 8th Amendment's prohibition of cruel and unusual punishment."

Judge Tom Kelly found the ban constitutional this summer, noting that "sleeping during the day" was still an option for homeless persons. Activists have suggested they may adopt "the Kelly solution" by sleeping out on the grass in front of his courtroom during the daylight hours.

**For information or to donate to The Committee to Repeal the Sleeping Ban, call: (408) 457-9754 ext. 182; or fax: (408) 429-8529; or write: PO Box 1735, Santa Cruz, CA, 95061.**

November 1997

## **SCAN Endorses Repeal of Santa Cruz Sleeping Ban**

**"I THINK THAT SOMETHING SHOULD BE  
DONE TO INTERRUPT THE SLEEP OF  
PEOPLE WHO PASS SUCH LAWS."**

— Howard Zinn, renowned historian and activist,  
denouncing the Santa Cruz Sleeping Ban last year at an  
event hosted by The Resource Center for Nonviolence