

Colorful Protest Challenges Santa Cruz Sleeping Ban

"They told me it was illegal to have a political sign on federal property. They said if they caught me one more time, I would be taken to jail." Her sign hardly seemed political. It said: "Please Help. Homeless. God Bless."

by Becky Johnson

When Dan Hopkins, a longtime homeless activist in Santa Cruz, took three of his camping tickets to court in the fall of 1997, accompanied by his attorney, Kate Wells, he expected to be found guilty. He and Wells were attempting to take Hopkins' tickets up to higher courts on appeal, to the Supreme Court if possible, to prove that laws outlawing sleeping and covering up with blankets are inherently unconstitutional.

Judge Thomas Kelly heard the cases in which members of the Santa Cruz City Council and homeless experts testified. When Hopkins was found guilty on all counts, Judge Kelly pronounced that he "found the law to be constitutional because homeless people can sleep in the day."

Kelly made no explanation for Section B of Santa Cruz ordinance MC 6.36.010, which outlaws the use of blankets or sleeping bags at night for covering up with or for keeping warm. While he did not pronounce that it also is permissible for homeless people to be cold and exposed to the elements all night because they can keep warm in the day, the effect was the same.

The bid by Hopkins and Wells to overturn the anti-sleeping law was frustrated at the appeals level when they were denied a



Alena Smith photos

Above, a car bears a sign protesting the Santa Cruz sleeping ban. *Right*, protester sleeps out on a car roof to challenge unjust laws.

routine continuance. But Kelly's "Solution" lives on in infamy, reinforced by the Santa Cruz City Council in March of 1999, under the leadership of Mayor Katherine Beiers. Under her pressure, the council reaffirmed that sleeping and covering up with blankets would remain illegal at night for homeless people in Santa Cruz.

Actual shelter has diminished for the homeless since 1995, while numbers of homeless people have increased. In search of the illusive and ever-shrinking sleeping sites, activists with Homeless United for Friendship and Freedom (HUFF) carefully examined both the camping ban and the Downtown Ordinances, passed in 1994. The Downtown Ordinances criminalize most sitting down, all lying down, and much begging for food or spare change.

While it is illegal to sleep at night outdoors, or to lie down on downtown sidewalks at any time, day or night, it is still not

illegal to lie down on top of a car, or even sleep on it — but only in the daytime.

HUFF activists reasoned that if people are forced to sleep on top of their cars, and only in the daytime, why not do it on Pacific Avenue in front of downtown businesses? After all, those merchants were the main group that pushed to get the Downtown Ordinances passed in the first place. They remain the group most resistant to the decriminalization of sleeping, sitting, covering up with blankets, or begging.

On October 12, HUFF activists parked their battered vehicles in front of downtown businesses on Pacific Avenue. In addition to the inviting beds, mattresses, blankets and pillows positioned on their car roofs, the demonstrators handed out literature and served free soup to hungry people on the sidewalk. Signs, taped to the cars, announced, "Affordable Housing in Santa Cruz is a Car!" and "My Car is



My Home, Leave Me Alone!"

One merchant confronted a demonstrator who was chalking "How Can You Sleep at Night, Knowing the Homeless Can't?" in colorful letters outside her upscale antique store. "Do you have a per-

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