

writer Robert Norse. Local speakers included Steve Argue, on trial in February for political tabling for more than one hour, as well as members of the Society for Freedom and Expression [SAFE], street performers who are challenging police harassment policies in federal court. Also present were former Homeless Issues Task Force members Thomas Leavitt and Linda Lemaster.

### 'SPEAKERS FOR THE DEAD'

Leavitt planned to read the names of the 47 homeless and formerly homeless people who died in Santa Cruz last year.

Mayor Kennedy denied the public an accessible oral communications period by putting it at an uncertain time. This forced Leavitt to postpone the planned "Speakers for the Dead Procession." Unable to speak to the councilmembers, the group filed into City Council to silently register their protest. Some carried signs reading "Sleep is not a crime!" "End the Sleeping Ban" and "Shelter requests are up 41% and we are arresting people for Sleeping?"

Kennedy, seeing the signs visible on the television monitor, demanded that sign-holders take them to the side of the room out of view of the televised broadcast, though no one had complained that their view of the council had been blocked. When the oral communications period was not forthcoming, they silently paraded past the City Council and out the door.

Vice-Mayor Mike Rotkin snapped to Kennedy, "You don't have to take that kind of crap, remove them!" Kennedy then interrupted speaking councilmembers to give a general warning that the silent protest was "disruptive." In response, Michael Parenti turned to the mayor and said distinctly, "No, it's not. It's really not."

Gaping at this, Kennedy began a recitation of his interpretation of the City Council "decorum" rules, but before he had gotten very far, the sign carriers had completed their single passage in front of the council and left the room. Neither holding signs nor walking across the council chambers had formerly been a prohibited activity. A HUFF activist added, "We were careful not to cross while people were at the podium; that was the only ruling I knew about."

Some minutes later, Kennedy zeroed in on Norse for merely whispering to Doug

McGrath. McGrath, a homeless activist who lives in his van, had worked extensively with the Homeless Issues Task Force several years before. McGrath later explained, "Robert quietly told me a television crew from Channel 46 wanted me outside to talk about how hard it was for us under the Sleeping Ban. There was no way he or I were being disruptive. There were several other louder exchanges going on in the audience. I later told Kennedy that what he had done was selective and discriminatory."

Others agreed that the brief exchange, inaudible on the tape of the City Council session, and quite normal at council meetings, was not disruptive. The whispered exchange, the prior procession, and a "why am I being evicted" question from Norse, became Kennedy's "evidence" that Norse was disruptive. Under threat of expulsion, Norse left, but shortly returned to wait to speak at oral communications.

### A BLACKLIST FOR ACTIVISTS

Kennedy then announced a new policy of "cumulative warnings" tallied from meeting to meeting, as well as a blacklist of nine people who had received warnings at the meeting, although nearly 20 people had crossed the council chambers, some with signs and some without. Kennedy said his decision as chair to eject or arrest

a member of the public could be overturned by a majority vote on the council. He then ordered Norse arrested.

When Norse approached the podium to ask for a council vote in response to Kennedy's arrest order, Kennedy directed workers to "turn off the TV and the sound and recess while Mr. Norse is being arrested." As Norse was being forced out of the chamber by police, he asked the council to vote to overturn the mayor's order. "Will no member of the City Council uphold the right that the mayor has stated?"

In the half-hour before Norse's arrest, Kennedy had unleashed a volley of warnings at various members of the audience for such things as "having a sign in the audience," "walking in front of the City Council," "having a sign while walking in front of the City Council," and "conversing in City Council chambers." At one point, Kennedy read the entire Rules of Decorum aloud, which prohibit "making personal, impertinent, or slanderous

remarks, or becoming boisterous."

Norse is currently challenging these decorum rules in the 9th Circuit Court of Appeals as unconstitutional for giving the mayor too much power to selectively intimidate and remove critics.

On orders from Lt. Steve Clark, Norse was held at the Santa Cruz County Jail for four hours rather than being immediately cited and released — the usual case in a citizen's arrest. He faces a \$1000 fine and up to six months in jail if convicted, and promises to subpoena Kennedy and other City Council members to his trial, if the harassment charges are not dropped. He said he believes they will be.

While charged by past mayors with disruption, Norse said he has never been tried, much less convicted, on this charge.

February 2004

"This removes me from City Council meetings and frightens others from coming," Norse said. "Being arrested for trying to speak at a public meeting is bad enough. Kennedy's Sleeping Ban is even more cruel: It arrests people for doing what they must do — sleep at night. Kennedy co-founded the local Resource Center for Nonviolence and has kind words for Palestinian rights and Bush's political prisoners. But for the homeless and their supporters in Santa Cruz — over whom he has some real power — he wields the Sleeping Ban. For critics at City Council, he piously wraps himself in the flag of decorum rules."

### cleverly disguise

by Randy Fingland

the only way to avoid  
targethood

is to keep moving —

no laying out

the sleeping bag

under an overpass

when it's raining —

never stretch out

on a park bench

during business hours —

and always keep

the nostrils full of

the air from another  
district of our fair city