

Homeless Man Fights Back Against Ban by Merchants

by Becky Johnson

In phase three of Robert Steffen's systematic and logical attempt to survive as a homeless person, he sat on a bench in downtown Santa Cruz with his cart of belongings beside him.

But not just any bench. He decided to sit on a bench that fulfilled his needs, one right next to five very swanky and upscale stores in a high pedestrian traffic area on Pacific Avenue. Artisans Cooperative sold exquisite art and objets d'art of local artists. Tengarra displayed exotic clothing and furnishings. The Palomar Hotel and Restaurant are longtime Santa Cruz favorites. Next door is the Hat Company, and beside that is Bunny's Shoes.

By publicly displaying the contrast between his poverty and those who have so much material worth, he thought he would somehow get the help he needs. He sat on that bench, 20 feet from the upscale stores, from sun-up until 8 p.m., beginning on October 5, 1999.

"Since I am a person who must live out of doors, I pretty much get up when the sun comes up," said Steffen.

On his head, he wore a makeshift hat, made of rags, duct tape, and cardboard. As if that weren't bad enough, he had designed a cock-eyed brim which made it look like he was staring to his right when he was actually looking straight ahead. Behind this strange brim of sorts, you could almost see his eyes. But not really. For his glasses are very foggy, as if the crystal has disintegrated so only the fuzzy image of an eye is apparent.

"He's obviously mentally ill and should be helped," said the concerned liberals. But they didn't talk to him.

"He smells so bad, no one would want to sit near him," said Margaret Payne, the owner of Bunny's Shoes. But she never sat next to him to see if he actually smelled. Robert Steffen does not smell.



Robert Steffen had been banned from the public space in front of Margaret Payne's store so none of her shoppers would be dissuaded from buying \$95 shoes by the sight of a wretched, freezing, miserable homeless man.

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The police talked to him. Officer Brandt, who used to walk a German shepherd along Pacific Avenue while on his patrols, told him to move off the bench. Steffen refused. "Not before 8:00 p.m.," he told the officer. Steffen knew the law.

"Why does he sit on that bench all day? Every day, rain or shine, he sits there. It's not normal. It's creepy," wrote Margaret Payne in her deposition seeking a restraining order forbidding him from using the public bench near her store. But she never asked him why.

In phase one of Steffen's very reasonable approach to survival as a homeless person in Santa Cruz County, he lived in his bus or car. He tried to find places to park his vehicles, but he would always be found by the police and ordered to move somewhere else. But they never told him where he could move.

Sometimes he would find a good place. Then he could stay for weeks, even months. But then he would be found. And each time it was harder to find a good place to park where he wouldn't be found.

He tried to get another job, but it was hard with no phone and no permanent address. And he started to look a little too desperate for the job, a drawback when seeking work.

The vehicles were eating up his money. Between gas, repairs, licensing, registration, insurance and smog checks, he got to the point where he could not re-register the bus. So he parked it way off on the dead end of a country road that had suffered a landslide. But they came for him and told him to move his bus or it would be towed.

He decided to make his last stand. (Actually it was his first stand, but he didn't know it at the time.) When the sheriff's deputies came in March, 1999, with the tow truck for his un-registered

bus, he refused to leave it. They arrested him and towed both vehicles.

When he got out of jail, he had no money, no car and no bus. They had sold or thrown away everything else he owned. He lost all the possessions inside his vehicles, including his journals and computer.

In phase two, after losing his vehicles, Robert Steffen went and slept in the National Guard Armory with the homeless people. He never caused trouble. Some of the staff were mean to him, found him odd and wayward.

He always cleaned up after himself, but that wasn't enough. He told them he was not going to clean up after other people as a protest over how he was treated. He was "put out" of the program.

Because he knew there was no other shelter in town, he set up his sleeping bag on the front porch of the Homeless Services Center. He literally had nowhere else to go. He was arrested for trespassing. Because he refused to sign his ticket, he was held for 30 days in county jail.

"At least I had a bed and food to eat for the winter," he said. So when they put him out of the jail, dropping all charges, he returned to the front porch of the Homeless Services Center. He was arrested again, and again spent 30 days in jail.

When he returned to the porch again, the executive director of the Homeless Services Center pressed charges. He was convicted and spent another 30 days in jail. And if he returned to the porch, he would face stiffer sentences for violating probation. Steffen is no one's fool. Six months in jail is not 30 days. He did not return to the porch.

So on October 5, Steffen began to sit in front of Bunny's Shoes. He decided to sit on the bench all day, every day, from day-break to 8 p.m. One day, as he sat on the bench, someone from the Hat Company came out and offered to give him a free hat. He refused. "I don't need a hat. I need a house," Steffen told them.

Margaret Payne, proprietor of Bunny's Shoes, looked at her calendar and knew that between Thanksgiving and the day after Christmas, more dollars were to be made than at any other time of the year. And the type of shoes sold at Bunny's are not your everyday type of footwear. People won't spend \$65 for a pair of sandals just any day of the year.

Marilyn Weaver, a member of the City's Homeless Issues Task Force, attended Steffen's court hearings.

"Margaret Payne made a business deci-

sion," Weaver said. "She did not feel threatened by Robert Steffen. Her profits were threatened."

Sitting on the bench on Pacific Avenue also put Steffen in harm's way. Some of the boyfriends of the girls who worked at Bunny's Shoes would taunt Steffen. They called him names, told him to go away. On one occasion, one boyfriend threatened to beat up Robert and then kicked over the cart filled with his belongings.

For the first time since October 5, Robert decided to speak to the manager, or an older woman who also worked at the store who he believed to be the manager. He told her that the boyfriends of her employees had made threats and assaulted him. The store's response?

"I fear a climate of violence," Margaret Payne wrote in her declaration. "And he knows who my manager is."

On November 25, the police served Steffen with papers ordering him off the bench. A court hearing was scheduled on December 6. At that hearing, Steffen sought a continuance as he needed to find legal counsel. Judge Samuel Stevens set the next court hearing for December 27.

Without even looking up, the judge added, "Until the next hearing, the court order stands as is."

Margaret Payne smiled. It didn't matter now if she won or lost. She'd already won. He had been banned from the public space in front of her store, by the courts and the police, so none of her Christmas shoppers would be dissuaded from buying \$95 shoes by the sight of a wretched, freezing, and miserable homeless man.

When homeless advocates asked Payne if she'd accept mediation, she shook her head. Why mediate when the judge grants your wishes even before a hearing?

The temporary restraining order banned Robert Steffen from coming within 75 feet of Bunny's Shoes. It forbade him from speaking to Margaret Payne or any of her employees. It didn't stop some employees from speaking to him and harassing him. In the TRO, Payne alleged that Steffen sleeps under a bridge, and that he knows who all of her employees are, and that he stares for hours at them.

Also in November, Steffen decided to run for president. He put up his presidential platform on a hand-written sign, and to be honest with the voters (and to dispense with those Christian do-gooders), he put up a big sign saying, "There is No God." "There is no God, because if there was, he would not allow this much suffer-

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ing to occur," he explained. Many times he was taunted by the believers in God.

"Why don't you look for a job?" people asked him.

"It's hard to find jobs in my field of expertise," Steffen told them.

"When you did work, what kind of work did you do?" they asked him.

"I was an electronics engineer for NASA," he replied.

Marilyn Weaver of the Homeless Issues Task Force and another man picketed the store and called them anti-homeless. Others sang a Christmas carol written for the occasion, sung to the tune of "Santa Claus Is Coming to Town." Called "Bunny's Shoes Will Run You Out of Town," the first two stanzas went:

*You better not sit,
You better dress well,
Or Bunny will take you to litigation hell
Bunny's Shoes will run you out of town*

*She's making a list,
She's gone to court twice,
She's telling the cops who's shabby not nice
Bunny's Shoes will run you out of town*

At the December 27th hearing, Judge Richard McAdams dissolved the restraining order. He ruled that the case did not meet the criteria needed to constitute stalking or harassment. He suggested that Payne first get a videotape of Steffen looking at her employees before he would consider reinstating the order.

But for the moment, Steffen was ebullient. He spoke with Weaver and other advocates after his court victory, but seemed anxious to leave.

"I've got to get going," he said. "I'm going to go back and sit on the bench in front of Bunny's Shoes." He pulled his cart of belongings festooned with his campaign for president signs, and headed triumphantly back to his bench.

[Update: In the three weeks that followed, Steffen's sign was destroyed or stolen three times. He armed himself with a tape recorder and stood off a police sergeant who first wrongly told him that the court order was still in force, then tried to ticket his cart as "illegal" because it had a political and religious sign and so violated "the spirit" of Santa Cruz's Downtown Ordinances. Free Radio Santa Cruz publicized Steffen's case, and a half-hour interview on community television gave him further fame. Since then, he reports, harassment from merchants has largely vanished — along with the Christmas holiday season.]

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