

# Still Waiting for Justice

**A Green Party mayor attacks homeless activists and spurns all appeals to increase winter shelter and repeal the sleeping ban.**

by Becky Johnson & Robert Norse

It has been a long struggle and a nearly endless wait. When Santa Cruz voters elected three new City Councilmembers in November of 1998, activists opposed to the draconian Sleeping Ban rejoiced, finally seeing the end of MC 6.36.010 (section A and B), better known as the Sleeping Ban. The much-despised law targets homeless people for police action, ticketing, arrests, and prosecution for sleeping between the hours of 11 p.m. and 8:30 a.m. virtually anywhere outdoors or in a vehicle. Using a blanket ("bedding") is also illegal between 11 p.m. and 8:30 a.m.

While running for office two years ago, City Councilmembers Chris Krohn, Keith Sugar, and Tim Fitzmaurice expressed various levels of opposition to the law, and had received the endorsement of both the Green Party of Santa Cruz County and the Committee to Repeal the Sleeping Ban. Their opposition to the systematic persecution of homeless people appears to have vanished immediately after their electoral victories.



**Amnesty for Sleepcrimes!**

Graphic by Kevin Fuggit

## Two years of inaction

In December, 1998, Councilmember Katherine Beiers formed the Task Force to Examine the Camping Ordinance. Nearly 20 meetings were held with council members and the community, but the Sleeping Ban was not ended. Instead, in February, 1999, the council made only minor changes: lowering fines and reducing the jail sentences for sleeping ban violations.

The City Council set up the Homeless Issues Task Force (HITF) in August, 1999. The HITF held more than 40 public committee and subcommittee meetings, spent hundreds of hours, wrote two reports, gave two full presentations to the City Council, and made 35 separate recommendations. In May of 2000, then-Mayor Keith Sugar listened to task force members and Santa Cruz County Social Services representatives, including Susan Mauriello, the County's Chief Financial Officer. After all this work, all the public meetings and community input, Sugar took no action on any of the recommendations.

In June, 2000, the City Council, with only Lucy Kemnitzer of the HITF present (and only her by accident), dumped virtually all of the recommendations HITF had made to improve the treatment of homeless people in Santa Cruz. The City Council specifically disavowed provisions requiring the council and courts to respect even their own minor changes, made in February, 1999, which had been delayed by the City Attorney.

Then, in May of 2000 (after a sleep-in at City Council, a pie-in-the-pusser "award," a sit-in at the mayor's office, two initiative drives gathering thousands of signatures in favor of ending the Sleeping Ban, and a hunger strike where scores of participants fasted from sleep and food), the council finally voted on a first reading to establish safe sleeping zones. Sleeping Ban activists celebrated.

#### **City Council wilts under pressure**

Whether merely a gesture designed to placate liberal critics, or a genuine impulse bungled through back-room dealing and half-hearted implementation, the City Council quickly wilted under attack by conservative politicians, hostile media, the local police, and key businesses like Plantronics and Texas Instruments who angrily opposed the safe sleeping zones.

On a 4-3 vote on June 28, 2000, at 1:30 a.m., the council narrowly defeated the proposed safe sleeping zones, arresting and barring one of the two authors as he pointed out the council was violating the state Brown Act by interrupting critics and acting after midnight without adequate prior notice to the public. That lawsuit, involving dozens of Brown Act violations by the Santa Cruz City Council under then-Mayor Sugar, is still pending.

To deflect criticism from its retreat from the safe sleeping zones, the City Council unanimously passed a second resolution, authored by Councilmember Christopher Krohn, which directed council staff to work with the Homeless Services Center to identify other suitable sites to house the homeless as an alternative to city streets or sidewalks. The Parks and Rec Department, police, and City Manager's offices — all uninterested in expanding homeless shelter or restoring homeless civil rights — did absolutely nothing to implement this measure.

Krohn, Fitzmaurice, and Sugar refused to raise the Sleeping Ban issue or offer an ounce of leadership. By early November, 2000, when approached by homeless activists, Homeless Services Center Director Ken Cole confirmed that no one from city government had approached him on the Krohn resolution, even though that was the measure's clear directive.

Santa Cruz City Manager Dick Wilson issued a memo dismissing the question. At council meetings on July 25 and August 1, Fitzmaurice voted against putting the Sleeping Ban on the ballot.

#### **Green Party's Homeless Plank**

On November 28, 2000, Tim Fitzmaurice, a Green Party member, became the first Green mayor of Santa Cruz. The Green Party of California states, as part of its homeless plank:

"Today homeless people are hounded, threatened, and often cannot obtain badly needed services. Though affordable housing could help alleviate the problem of homelessness, the homeless have needs that go beyond housing. The Green Party calls for measures to help the homeless: Expand community-based services for the homeless and make them more readily available. Repeal all laws that criminalize any facet of homelessness or helping the homeless. Abolish anti-sleeping laws, especially in areas which don't have adequate open space, shelter and sleeping areas for the homeless."

Yet when Councilmembers Krohn and Sugar made their only real attempt to change the Sleeping Ban in December, 1998, Fitzmaurice spurned these Green Party positions and joined the hostile majority criminalizing sleep for the poor.

A year and half later, in the summer of 2000, Fitzmaurice hammered nails in the coffin. First, he had proposed an outlandish resolution for the voters that would have made simply being in a vehicle at night — not just falling asleep in one — a crime, while legalizing sleeping on the sidewalk outside the vehicle. Then on July 25 and again on August 1, he joined Krohn and Sugar, who voted to kill discussion of any proposal to put the Sleeping Ban on the November ballot — a key demand of homeless activists.

Under Fitzmaurice's new mayoral gavel, the City Council recessed on Tuesday, December 12, 2000, having taken no action to increase shelter or restore the right to sleep for homeless people. In the last council meeting before their month-long Christmas recess, in the wake of freezing rains and the death by freezing of "Boxer" Billy Denison, Mayor Fitzmaurice turned aside pleas to put anything on the agenda regarding increased winter shelter or the Sleeping Ban.

A church fire had actually reduced the amount of survival shelter available in the Interfaith Satellite Shelter Program, while the state had refused to allow the barbed-wire-ringed Armory's parking lot to be used as a vehicular sleeping spot. In spite of apparently having the votes to decriminalize sleeping in vehicles and outside, Mayor Fitzmaurice denounced activists for trying to shame the City into action, calling such efforts "harassment, intimidation, [and] insult."

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At the December 12th council meeting, Mayor Fitzmaurice blatantly cut off one of the authors, Sleeping Ban opponent Robert Norse, from public comment, after extending it for every other speaker. This differential treatment followed two previous arrests in a six-week period.

On October 31, then-Mayor Keith Sugar directed an arrest of Norse at the council meeting for making a silent, "more blah blah," hand-signal motion. Norse's "yak yak" motion with thumb and fingers was a traditional inoffensive silent signal, indicating criticism of Fitzmaurice's \$1.5 million grant that handed the Dolphin Apartments over to Mercy Charities with no explicit relocation and return protection for current tenants [see *Street Spirit*, December, 2000].

Then, on November 28, Norse was arrested for presenting outgoing City Councilmember Katherine Beiers, a supporter of the Sleeping Ban, with the Golden Potty Award. Beiers got her "seat of honor" for refusing to put in portapotties and dumpsters in the industrial zones — another commitment the council made back in February, 1999, when Councilmember Krohn's Task Force on Bathrooms was formed in the wake of their failure to end the Sleeping Ban.

Both Norse arrests and a prior June 13th "psychiatric hold" on activist David Silva — all part of ex-Mayor Sugar's prior war against homeless activists — are the subject of legal claims against the City, anticipating a lawsuit for false arrest.

Among his first acts as mayor, Fitzmaurice unveiled new printed "Decorum" rules on each City Council agenda announcing restrictions on the public and warning "persons who disrupt" of "arrest and prosecution." New policies being implemented by the City Clerk bar the media from videotaping behind the council dais, restricted the first three rows of chamber seats for special groups, and

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### Sit-In at the Mayor's Office

Undeterred, activists have mounted a City Council Coffee Klatch and Tag-Team Teach-In in the foyer of the City Council office, during business hours each day of the holiday season. Activists have kept up a low-profile lobbying effort, with Sleeping Ban opponents appearing every day with signs and flyers asking councilmembers to act before Christmas on homeless survival issues.

On December 13, Mayor Fitzmaurice — apparently embarrassed by the Teach-In's questions and comments in front of a group of young students who expressed sympathy with the homeless — took action. Fitzmaurice confronted Homeless Working Group activist Bernard Klitzner as he sat in the offices wielding a sign reading, "Sleeping Is Not A Crime; The Sleeping Ban Is a Crime."

Klitzner was there daily, waiting to talk with City Council members about holding a special session to deal with the Shelter Emergency (officially recognized by the City and documented by the United Way Needs Assessment released this fall). Fitzmaurice's answer was cold. He told Klitzner that he was having the determined activist "written up" as a "nuisance" for future legal action.

Unofficial reports from the Homeless Person's Health Project suggest the City's homeless death toll this year will top last year's count of 19 homeless dead in Santa Cruz.

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Please e-mail Santa Cruz City Council at [citycouncil@ci.santa-cruz.ca.us](mailto:citycouncil@ci.santa-cruz.ca.us) or phone them at 831-420-5017. The message is simple: **End the Sleeping and Blanket Bans NOW!**

[For the history of the struggle to end the Sleeping Ban in Santa Cruz since the November, 1998, elections see *Street Spirit*, January, 1999-December, 2000.]

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