

# Homeless Activists Banned from Santa Cruz City Hall

by Becky Johnson

Imagine you live in a city where 41 homeless people died last year. Where well over 1200 people experience homelessness each night. Where homeless people are roughly wakened by armed officers shining flashlights in their faces at 2 a.m., and ticketed or arrested for the mere acts of sleeping or of using a blanket.

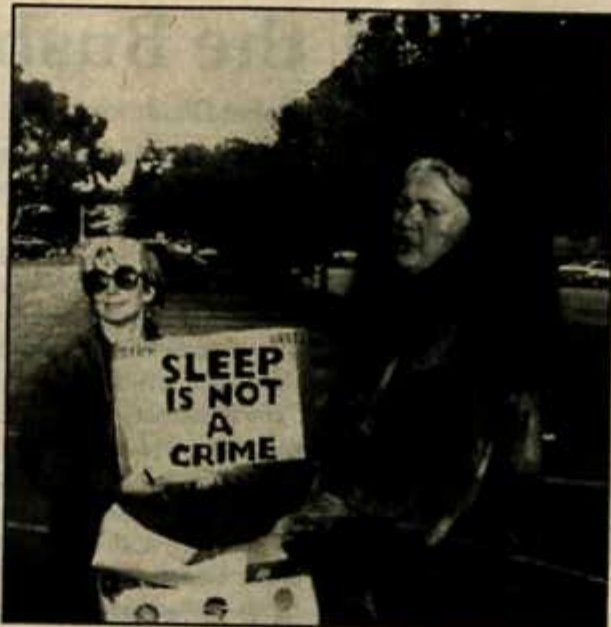
Imagine this strange city was a place where there was not even a primitive shelter facility, not even a space on the floor of the armory or a church, for more than 20 percent of its homeless people on any given night. Imagine that a mayor who ran on a promise of increasing shelter and restoring dignity and rights to homeless people, has refused to do so for two-and-a-half years. What would you do?

Unfortunately, we need not imagine such a city. It is not in some developing Third World dictatorship. The city is Santa Cruz. And the conditions I have just described occur regularly here each night at 11 p.m. under the color of law when the police begin enforcing the Sleeping Ban.

Since the people of Santa Cruz do not live in a dictatorship, and do have democratic protections with checks and balances, and are a people of principle and moral integrity, we are moved to act to end the needless suffering and persecution those less fortunate than ourselves experience under the current laws and the current regime.

What would you do? Write your mayor or councilmember a letter? Seek an appointment with them to discuss the issue? Try to put the issue on the ballot? What if, at every step, you were met with hostility and indifference, and every attempt to discuss the issue was rebuffed and met with sneers, jeers, and name-calling?

On December 4, 2000, a small group of 18 concerned citizens got together and began a lobbying effort called the City Hall Koffee Klatch and Tag-Team Teach-in. A few of us met each business day at 10:00 a.m. in front of Mayor Tim Fitzmaurice's office to lobby for the repeal of the Sleeping Ban. With coffee and pastries for any who came, one or two of us would go into the public seating area in the office and ask to meet with the mayor or any City Councilmember willing to discuss the issue.



Becky Johnson (left), and attorney Kate Wells protest the criminalization of sleep in Santa Cruz.

It was a sit-in only in the sense that there was so much sitting involved. No one chanted slogans. No one sang protest songs. Nor did anyone block the office business with his or her body. Instead, we sat quietly with a sign saying, "End the Sleeping Ban," and a book to pass the time and waited for someone on the City Council to begin to act to end this profound injustice.

It was a legal, lobbying effort to redress government grievances. Utilizing our rights to free speech (we spoke to people who came in and out of the office), and freedom of the press (at least two of us are journalists), we committed no acts of violence. No one in the 17 consecutive days of our Koffee Klatch was cited or arrested. We made no threats of violence. Not content to go away and let this profound injustice continue, we were there for the long haul — there until any councilmember would put the repeal of the Sleeping Ban on the City Council agenda.

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(Cont. 1)

On December 27, we were served with a temporary restraining order banning three of us, Bernard Klitzner, Robert Norse, and myself, from the entire City Hall complex. We were accused by Administrative Assistant Anna Brooks of "stealing pens, trying to pilfer food from a donation barrel, occupying the office furniture for our personal use, placing our belongings on a table, attempting to pay for copies with a \$20 bill, talking to people who came into the office, and helping ourselves to office supplies" when we wrote memos to the Mayor and councilmembers on the office memo pad.

Brooks also described an incident in which I videotaped her in a public place for one second by accident from a distance of 10 feet as "a sudden assault." She claimed we caused her to be "too emotionally distraught to perform her job activities." We called it a SLAPP suit, or Strategic Lawsuit Against Public Participation.

Our City has decided to spend thousands of dollars hiring the City Attorney to prosecute us for "stealing pens" while the bodies of dead homeless people pile up. As we are dragged to court hearing after hearing expending our time, our money, and our legal resources defending ourselves, the homeless suffering continues. As rents rise, as more working people, families, and the elderly are dumped on our streets with literally no place to go, Mayor Fitzmaurice engages in "shoot the messenger" tactics with Anna Brooks as his willing accomplice.

April 2001

At a hearing on February 8, 2001, Judge Kathleen Akou denied the SLAPP-suit motion of Berkeley Attorney David Beauvais after first acknowledging the defendants did have a right to be in the City Hall office, and that they were engaged in constitutionally protected First Amendment activities. But since Mayor Fitzmaurice was not facially named as one of the litigants (the City is picking up the tab, presumably with the Mayor's consent or direction), therefore the court ruled it was not a politically motivated suit.

On April 12, at 8:30 a.m. in Department 6 of the Santa Cruz County Courthouse, Judge Samuel Stevens will hold a hearing on a motion by Mayor Fitzmaurice to kill a subpoena requiring the mayor's appearance. Stevens will then set a later hearing to decide if Brooks' temporary restraining order against the Koffee Klatch 3 should become a permanent injunction. The community at large can allow this persecution to continue, both of activists and of the homeless. What will you do?

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