

Homelessness, Human Rights and Political Repression

When it comes to upholding the constitutional rights of protesters and homeless people, the Green Party of Santa Cruz fails the test.

by Steve Argue

Green Party member Tim Fitzmaurice and "progressive" Democrats Christopher Krohn and Keith Sugar were swept into the City Council out of a groundswell of opposition to plans for expansion of the Santa Cruz Beach Boardwalk in 1998. At that time, many had the illusion that these three were going to overturn the City's sleeping ban (a city law making it illegal for the homeless to sleep at night), and confront the repressive nature of the Santa Cruz Police Department. Those illusions were soon shattered.

During Fitzmaurice's past three years in office, he has opposed lifting the sleeping ban. In 1998, the Santa Cruz City Council was under public pressure to end the sleeping ban. At that time, Fitzmaurice supported a successful measure that lowered the fine for sleeping outside or in a vehicle from \$162 to \$54. But he voted with the majority on the council against lifting the sleeping ban. (The vote was Sugar and Krohn for lifting the sleeping ban; Fitzmaurice, Biers, Rotkin, and Hernandez against.)

This year, when newly elected City Councilmember Ed Porter tried to bring the issue up for discussion, Fitzmaurice, then the mayor of Santa Cruz (his term as mayor ended on November 28, 2001, and



Santa Cruz police break up a peaceful anti-war protest. Office David LaFaver, left, brutalized a young woman and her small child on May 22, 1999. Police repression and human rights violations continue to tarnish the image of a liberal City Council.

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he has now resumed his council position), broke the rules of City Hall by vetoing the discussion. Porter, in a Gore-like fashion, did not fight this violation of democracy.

Fitzmaurice's stand against the rights of the homeless is in clear violation of the platform of the Green Party, which opposes anti-homeless laws. Because of this fact, longtime homeless activist Robert Norse has pushed for the Green Party of Santa Cruz to hold Fitzmaurice accountable. Yet, instead of the Green Party officially distancing themselves from Fitzmaurice for his policies against the homeless, they have demonized Norse for criticizing their beloved Green Party mayor and councilmember. Many of these attacks on Norse are of a personal nature despite their clear political motivations.

It is the obligation of any political party to hold those they elect to power to the positions of the membership of the party. If a political party does not do so, its political platform is only worth so much toilet paper. This has been the case with the Democratic Party for years. It is the case with the past three years of Green Party power in Santa Cruz as well. If the Green Party truly represented change, it would kick Fitzmaurice out of the party for his violations of both party policy and the human rights of the homeless, rather than defending him.

The anti-activist and anti-homeless nature of the Santa Cruz police has been there since before the Green Party took office. In the 1980s, Santa Cruz police, according to court testimony of fellow officers, carried out beatings of homeless people, calling it "operation code blue" over their radios. What code blue meant was that officers were to arrive on the scene where they beat homeless people.

Activist Sandy Loranger did jail time for feeding soup to the homeless. When the judge offered her counseling instead of jail, Loranger replied, in words that became emblematic of resistance to unjust laws, "I am beyond rehabilitation."

Some of these police abuses have been documented. Film footage shows that "B.D." was tackled and pepper-sprayed by Santa Cruz police when he was merely giving a speech for the rights of the homeless on a downtown sidewalk. In a similar manner, film footage shows that activist Jim Cosner was tackled and arrested for taping up a poster of political prisoner Mumia Abu-Jamal on a downtown fence.

The repression and abuses have continued since the election of Fitzmaurice, but the Green Party in office has done nothing to stop them. One year before the election of Fitzmaurice to the City Council, homeless and anti-police brutality activist John Dine was shot and killed by Santa Cruz Police Officer Connor Carey. The claim by Police Chief Belcher was that John Dine was pointing a toy gun at the officer before he was shot. Yet none of the many independent eyewitnesses backed up that claim.

Even the Citizen's Police Review Board (CPRB), appointed by the City Council, recognized that John Dine was not pointing a gun. Yet the CPRB claimed not to be contradicting Chief Belcher in their findings, despite telling an entirely different story. The CPRB's report stated that the shooting of Dine was justified because he was reaching for what appeared to be a gun. Because of activism over the police shooting, too much of the truth had gotten out to the public for the CPRB to stick with Chief Belcher's version of a pointed gun; but they continued the cover-up with this new, falsified version of events where John Dine was supposedly reaching for what appears to be a gun. The independent eyewitnesses refuted this CPRB version of events as well.

Some of the eyewitnesses had become so upset about the cover-up by the city government, district attorney, and the corporate media that they became activists in trying to get out the truth and punish those responsible. The *Santa Cruz Sentinel*, one of the main corporate newspapers in the city, continues to refer to Dine as "a deranged man who was pointing a toy gun at police."

On November 12, 1998, the one-year anniversary of the police murder of John Dine, a protest by 100 people was organized to demand an end to the cover-up. Speakers at that event included newly elected City Councilmembers Christopher Krohn and Keith Sugar, along myself. The following day, a photo of all three of us standing in front of the demonstrators was prominently displayed on page 2 of the *Santa Cruz Sentinel*.

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That same day, November 13th, I was brutalized and arrested by Santa Cruz Police Officer Garner. The pretext for arrest was that I was selling newspapers — *Street Spirit* — without a license. Yet the First Amendment to the Constitution of the United States is very clear about protecting freedom of press.

It states, "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances."

In fact the city law, on paper anyway, also allows the selling of newspapers. Officer Garner's request for a license to sell a homeless newspaper brings my arrest and beating to the level of absurdity because the city does not even have a license that it issues for selling newspapers in the first place.

Up until November of 1998, the police regularly harassed and at times ticketed those who distributed more truthful news than can be found in the corporate media. Those papers include the newspaper *Street Spirit* which advocates human rights for the homeless, various socialist papers, and the revolutionary unionist paper, *The Industrial Worker*.

I was released without charges after four days in jail and after being brutalized by arresting officers on the street, and also being beaten by sheriffs in the county jail. In addition, Christopher Krohn and Keith Sugar were criticized in an editorial in the *Santa Cruz Sentinel* for their participation in the November 12th demonstration.

After facing that criticism, Krohn and Sugar shut their mouths about police brutality, including in the cases of John Dine and myself. I, on the other hand, knowing that freedoms have to be fought for, was back out on the street selling newspapers immediately after my release from jail. I also spoke out on the radio, television, and in the newspapers for freedom of press.

As a result of my actions and those of other activists in publicizing the case, the

police have, for the most part, stopped violating the right of people to buy and sell newspapers in Santa Cruz. The one exception I know of was in 2000 when I was once again threatened with arrest for selling newspapers. I refused to back down and eventually the police backed down instead.

My attorney Kate Wells and I have also filed a lawsuit in federal court for the City's violations of the constitutional rights of the people of Santa Cruz to free speech. The attorney for the City, who works for the Green/Democratic City Council, is arguing that it is not legal to sell newspapers in Santa Cruz. A federal judge, however, has ruled that not only was my arrest a clear violation of constitutional rights, but that the way the City is trying to defend its actions now shows that it is City policy to violate constitutional rights.

The City Attorney's office, again under the control of the Green/Democratic City Council, is appealing the ruling and continuing to argue against the First Amendment right to freedom of press.

Green Party City Councilmembers Fitzmaurice, Krohn and Sugar did nothing to defend freedom of the press when I was arrested. In fact, Fitzmaurice's appointee to the so-called Citizen's Police Review Board, Green Party member Arne Leff, voted that the police acted properly in arresting me for the "crime" of selling newspapers. The Green Party of Santa Cruz evidently endorsed this opposition to freedom of the press when they endorsed Arne Leff in his run for City Council in the 2000 elections.

These are not small questions. They involve the protection, or not, of the most fundamental free speech rights. Freedom of the press is difficult enough in America as it is, without arrests being permitted because of the lack of advertising and accompanying low budgets that those who try to get out the truth have to deal with.

John Dine can no longer pass out flyers or participate in protests to end the sleeping ban because he is dead. The fact that Connor Carey is still on the police force serves as a powerful warning to other would-be homeless activists that they may die for their convictions.

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Santa Cruz Fails to Stop Human Rights Abuses

Tim Fitzmaurice's stand against the rights of the homeless is in violation of the Green Party platform, which opposes anti-homeless laws.

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The silence of the Santa Cruz City Council only helped to promote this repressive atmosphere. The City Council is the boss of the police through City Manager Dick Wilson (who they have the authority to fire). Repressive and murderous cops have to be taught that there are consequences for their crimes.

Other activists for the rights of the homeless have had their rights trampled on by the police under the past three years of Green Party/Democratic Party rule in Santa Cruz as well. These have included James Nay, who was arrested for writing things in chalk on the sidewalk opposing the sleeping ban; and David Silva, who was arrested and given a psychiatric evaluation for asking the City Council, "What's it going to take, self-immolation to end the sleeping ban?"

Another activist for the homeless, Robert Norse, was illegally arrested on September 19, 2001, and again on October 3, for circulating a petition at the Farmer's Market asking for an end to police harassment of musicians, artisans, and activists at the Farmer's Market. The Farmer's Market is held in a publicly owned parking lot and as a public gather-



Santa Cruz protester denounces the sleeping ban.

Alene Smith photos



Alone and homeless, a Santa Cruz woman carries all her belongings.

ing space; courts have ruled that even on private property such as malls, the First Amendment still applies. The need for the petition was partially inspired by the threat of police to arrest peace activist John Theilking for a literature table he had set up on September 5.

Judge Stevens later dropped the charges against Norse in court, along with dismissing the attempt at an injunction against him; but the arrests were another clear violation of the free speech rights of the people of Santa Cruz. These arrests have been coupled with the blatant fencing off of most of the areas that used to be used for free speech tables at the Farmer's Market, by order of officials of the Green/Democratic municipal government.

Activists regularly pass out fliers, set up literature tables, and circulate petitions at the Farmer's Market for many causes. In 1999, rent control activist Bob Lamonica and activists working to free U.S. political prisoner Mumia Abu-Jamal were threatened with ticketing and potential arrest by Officer Howes. Activists for both causes spoke out against the violation of their rights; and in the following weeks, they defiantly set up literature tables and were left alone.

Coupled with these blatant attacks on free speech is the constant, low-intensity warfare of harassment against human rights activists, the homeless, and street artisans and musicians. As the police often say to their victims, "This is Santa Cruz. we can find a law for anything."

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In the year 2000, Norse was ticketed for sitting at the base of Tom Scribner's Statue. Charges were later dropped when he produced a photo of members of the City Council doing the same thing. K.C., who has attended a number of demonstrations, was ticketed for blowing bubbles, which the officer claimed were projectiles being thrown into traffic. That charge was dropped when it made the national news.

When dealing with the homeless, the vehicles, and identification. The police confiscations of identification have now become especially serious with the Green/Democratic City Council now requiring identification to be admitted into emergency winter shelter. The new rule gives the police one more opportunity to victimize the homeless. The new rule also victimizes undocumented immigrants who may need emergency shelter.

Santa Cruz police have stopped me five times under the manufactured pretext of jaywalking, which carries a heavy fine. One of those tickets was thrown out of court and I was later arrested for another I refused to pay. The police also took my car without legitimate legal pretext and arrested me that same day for watching, without intervening, the police hassle a homeless man. I never got my car back, but the charge for witnessing police misconduct and then becoming a victim of it myself was thrown out of court, after a tape of the incident made by activist and Free Radio DJ Vinny Lombardo was played for the judge. While this harassment was taking place, according to witnesses, a photo of myself with drawn-in wire rimmed glasses and a goatee was hanging on the police station wall.

Emboldened by years of repression and harassment against homeless people and local activists, the Santa Cruz police attacked anti-war protesters on May 22, 1999. By Sgt. McMann's own admission, it was a lawful protest until the police intervened. The protest against the U.S. bombing of Yugoslavia targeted a Democratic Party fundraiser where Democratic Representative Sam Farr was giving a speech. Farr had the nerve to vote for the war and then turn around and say on the news, "Give peace a chance." Protesters were demanding an end to the war and exposing Farr's real policies. Police brutalized protesters and five were arrested.

One of the main culprits in the attack was Officer David LaFaver. He had stated a couple years earlier to activist David Silva that it was his goal to clean the scum off of the streets of Santa Cruz. When asked who the scum were, he listed homeless people, political activists, and street musicians. Silva warned the City Council about LaFaver at that time.

The first person arrested, without reason, was Kuo-Ling Liao. The charge against her, disturbing the peace, was later thrown out of court. She was grabbed by police and taken through the crowd to a waiting paddy wagon. Angry protesters wanted to know what she was arrested for and followed the police to the paddy wagon, which they peacefully surrounded and blocked its exit. As if to inflame the protesters to react with another provocation, the police then went after the only two people in the crowd who were carrying small children.

A videotape of the incident shows Officer LaFaver passing up other protesters and walking up to Julien, who was holding her four-year-old child. LaFaver

put her in a pain compliance hold. A man with an infant was also grabbed by Officer LaMoss. Officer LaFaver then dragged Julien around the paddy wagon and stopped in front of me with Julien's child screaming in fear and Julien screaming in pain, her hand turned purple from the pain compliance hold. I demanded that LaFaver stop torturing the woman. LaFaver did not comply with my reasonable commands. I then used the force necessary to stop the crime he was carrying out: I punched LaFaver in the nose. Julien and her child were then able to escape.

Nassim Zarriffi stepped in against the other case of police child abuse, where he came up from behind and pulled LaMoss's arm up, saying, "You're hurting the baby," in a situation where the baby was getting pressed in between the arresting officer and the father. The father and child were then also able to escape as the police turned on Nassim Zarriffi.

He was charged with misdemeanor assault on an officer. I was charged with felony assault and battery on an officer and misdemeanor resisting arrest. In addition, Jim Cosner and Vinny Lombardo were charged with resisting arrest. The arrested became known as the Santa Cruz 5 and gained support in Santa Cruz, around the country, and around the world.

Due to massive public pressure demanding justice, the Citizen's Police Review Board found that excessive force was used against Julien that endangered her child, and against myself when I was arrested. Despite these facts, I was convicted in court due to the actions of a hostile judge, Judge Robert Atack, the incompetence of my attorney, and the conservative nature of the jury. I endured seven months in the Santa Cruz County Jail where I was beaten by guards and faced other abuses from authorities.

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LaFaver no longer works for the Santa Cruz Police Department. According to a source in city government, LaFaver was given the choice of being fired or resigning. After resigning, however, he reportedly got a job in another police department.

Today, the slander against the May 22 demonstration continues on the national TV show called "Great Police Chases." They have repeatedly shown falsified video completely out of sequence, showing me punching LaFaver, but removing the video of Julien and her child being brutalized by LaFaver before the punch and replacing it with other video footage of Officer LaFaver. The show, after deliberately falsifying the events of the demonstration, also mocks the protesters for being pacifists. Opposing America's unjust wars and bombing of civilians does not necessarily make one a pacifist.

When I ran for City Council, the *Santa Cruz Sentinel* repeatedly referred to me as "the cop puncher," while other candidates like Arne Leff were referred to by their professions. As explained earlier, Leff would more appropriately have been

Despite the clear videotapes showing the violence and abuses of the police, no member of the Green/Democratic City Council ever took any action on behalf of the Santa Cruz 5 and the right to protest while we were still facing charges. Fitzmaurice's silence can be contrasted to the decision of the membership of the Green Party to put out a statement demanding that the charges against me be dropped and LaFaver be fired.

Will the Green Party be hijacked by opportunist career politicians who protect the status quo while the majority of membership is unwilling to make any significant moves to hold them accountable? The experience in Santa Cruz suggests it will. The unwillingness of the Green Party to use their position of power to seriously take on police abuses and anti-poor laws reflects a petty bourgeois reformist outlook, rather than a revolutionary outlook of the poor and working class.

The program of the Green Party sees the owners of small businesses as the counterweight to evil multinational corporations and envisions their maximum program as one where small businesses are the base of the economy. The reality in Santa Cruz is that most of these small business owners are the biggest proponents of anti-homeless laws and the culprits in paying some of the lowest wages that cause homelessness.

In opposition, I promote methods of class struggle against all exploiters who trample on the rights of the poor and working class, whether they be big or small. I call for doubling the minimum wage. Any business that can't pay a living wage should be driven under. I call for rent control to curb the gouging of the landlords. I call for firing the city manager, the chief of police, and Officer Connor Carey, as a first step towards curbing police abuse. I call for an end to anti-homeless laws. I call for the city employees' living wage to be extended to part-time employees, paid for with cuts in the six-digit salaries of the likes of Dick Wilson.

I call for the unity of working and poor people against the bosses and their government and call for an end to all racist, sexist, and homophobic policies. I oppose U.S. wars to subjugate the people of the world to U.S. corporate interests. I oppose the degradation of the planet's ecology for corporate profit. I support the people in organizing unions, strikes, demonstrations, alternative media, and anti-capitalist and worker's political parties to take on the power of the system.

It is on this platform that I ran for office while being homeless in 2000 and received close to 3,000 votes, and it is on this platform I may run again in 2002. This was a very respectable outcome given the fact that three of the winners in the council race only got around 8,000 votes and did it with much more money. But whether I run or not, change will only come through all who are fed up with the system taking an active role in making change.

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