

Activist Challenges Discrimination in Santa Monica

Interview by Becky Johnson and Robert Norse

Santa Monica is an affluent coastal city near Los Angeles that has abandoned its liberal reputation for tolerance in order to criminalize homeless people, destroy their encampments, and outlaw charitable food programs. Advocates charge that the wealthy resort town has sacrificed the human rights of the poor to the idols of tourist attractions, luxury hotels on the beach front, and upscale economic development.

Becky Johnson and Robert Norse conducted this dialogue with David Busch, an activist and homeless resident of Santa Monica who has found a variety of ways to defend his rights in the face of this climate of intolerance. They began by asking Busch about the Sleep Patrol, a police crackdown on homeless vehicle dwellers.

THE SLEEP PATROL

Johnson & Norse: *What is the law regarding sleeping in vehicles on public property in Santa Monica?*

David Busch: Just last year a drive was spearheaded by the police department to kick everyone living in a vehicle out of town. There's 86,000 people living in Santa Monica. The city police determined we had an overwhelming flood of 70 homeless people living in their vehicles.

But for this wealthy tourist city, that apparently was too much. They showed up with charts and graphs to document this huge problem. But to answer your question, it is illegal to sleep in a vehicle for more than 30 minutes in a residential zone. There are four residential zones in the city.



"Unhoused." David Busch, left, being interviewed in Santa Monica by Robert Norse.

I ended up being arrested for sitting on a sidewalk eating a muffin — something that any 10-year-old kid or middle-class person would be amazed that you can get arrested for, though no homeless person would be surprised.

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J & N: *What happens to people in the other areas? Are they bothered by cops?*

DB: There are some reports of people being bothered. I don't know of anyone who has gathered up enough complaints to make an issue of out it. We get a lot of anecdotal reports as staff people for *Making Change*, the Santa Monica homeless newspaper. The police department attempted to change the law and make it much more draconian.

Homeless activists pointed out that the police reported that they had over 200 complaints a year of homeless people sleeping in their vehicles. That could have been 2500 potential complaints if only 7 people were sleeping on the streets every night for 365 days a year. And we have 70 people living in vehicles in Santa Monica.

That amounts to less than one percent of the time does anyone complain on an entire block about a person sleeping in their vehicle! There is no massive outcry in the city. The council ending up pulling the ordinance change and sent it back to committee. But it's a non-stop job fighting the police and the council. They're sort of like vampires. We try to keep the vampires in their coffins so they won't come out and attack us in the night.

Santa Monica was one of the first of probably 10 cities in the country to pass a camping law specifically directed against homeless people. To call a law "camping" and apply it only to homeless people is ridiculous. Obviously they are engaged in survival. Being homeless is violence. That is the truthful answer. We shouldn't lose sight of that.

THE BIG ISSUE

J & N: *What did you think of Making Change's encounter with the corporate homeless newspaper from England, the Big Issue (a London-based mega street paper that charges its vendors half the cover price to sell it, and accepts corporate advertising)? Some at the North American Street Newspaper Association (NASNA) were concerned the Big Issue might come into a community and supplant the homeless newspaper that was already in the area.*

DB: For anybody who wants to understand some of the root causes of homelessness in America — people are always saying, "What made you homeless?" — the controversy over the *Big Issue* is worth looking into because it is a stark and egregious illustration of what causes homelessness in America. You only have to look at the *Big Issue*, a quote-unquote charity. Are charities solving homelessness in America? Or are they perpetuating it?

What you have with the *Big Issue* is a business being built on the backs of homeless slave labor. We don't want charity, we want justice. The *Big Issue* is a global publishing empire being built on the backs of homeless slave labor. That is a fact. People understand that you can own a multi-million dollar corporation that makes nothing, and yet is worth billions of dollars if you walk into a bank and sell it for millions or even billions for nothing more substantial than a name.

And the *Big Issue* is a substantial growing charity foundation. It's a brand name that is being built by the blood, sweat, and suffering of homeless people throughout the world so that a handful of people around its publishers and editors can have some cushy little yuppie jobs. And the owners — which remain clouded to this day — who it is who actually owns the name "The Big Issue" has only to sell to some media conglomerate like Time-Warner or Rupert Murdoch. Cash out for a billion dollars or more. That's how you rip off homeless people who are bleeding and dying in the streets and you call it charity. And then you raise millions of dollars while you donate 20 percent to a foundation while you are stealing 90 percent of a person's life.

FREE SPEECH AT THE GETTY MUSEUM

J & N: *How is your freedom of speech case going with the John Paul Getty Museum?*

DB: We're at the settlement phase. In that case I was denied entry into a public museum because I had a sign around my neck that said, "Unhoused." One of the guards told me I couldn't panhandle there. I said, "I have no intention of panhandling. I have a First Amendment right to wear a sign around my neck with the message I intend to communicate to others. You could wear a shirt with the Nike logo on it. You are choosing to advertise for the Nike Corporation. I choose to comment on my housing status.

J & N: *You never doubted your right to wear the sign in a public place?*

DB: After all, a public museum exists to disseminate knowledge. First Amendment rights should be exalted there.

[The museum authorities saw it differently and Busch was arrested. Charges were later dropped. Busch and his attorneys filed suit and have already been offered a settlement. One of the provisions Busch is asking for is a policy of non-interference with the free speech of the public attending the museum.]

J & N: *What other civil rights or free speech cases have you been involved in?*

DB: Truth comes wherever you let it open. I have been part of planning a lot of demonstrations in the last four years in Los Angeles and Santa Monica. But the most profound and some of the most powerful things I've done were things that were never planned. They just happened by being simply being a person who decides to walk their talk.

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A year ago I was on the sidewalk eating a muffin I had salvaged from a dumpster. A police officer rolled up. Because he had a badge and a uniform, he thought he had the perfect right to shout out his window "Okay buddy, move along." Which happens to be unconstitutional, and I knew it. I ended up being arrested for sitting on a sidewalk eating a muffin.

Something that any 10-year-old kid, or middle-class person would be amazed that you can get arrested for — though no homeless person would be surprised. The actual charges were leaving property on the sidewalk and camping. Under the city's camping ordinance you have to erect, maintain, or occupy a shelter, so they must have believed I was going to crawl inside that muffin and sleep.

I pleaded not guilty after four months of trying to hound me into a plea-bargain arrangement, which anyone who deals with crime and courts knows that this is the general way they deal with the oppressed. They want you to plead guilty and settle for their lesser punishment. I'm about to make a federal case in Santa Monica over a muffin. I have a wonderful civil rights lawyer.

It will be a simple false-arrest claim. The first step is you get a lawyer. Part of the thing that you do, when you get arrested and you fight these things, is you have to file a claim with the city for damages — which they deny. Just filing the claim was worthwhile, because the next day

they sent two police officers from the homeless harassment team around the city putting red duct tape over the word loitering on signs all around Santa Monica. So I challenge anyone who says you can't fight City Hall.

J & N: *Didn't Edward Larson file a claim over harassment?*

DB: I know Edward Larson. He lived here in Santa Monica. He was arrested 14 times, and he persevered 14 times all the way to the Supreme Court. He is a hero. He got the loitering laws declared unconstitutional. He is working in a vegan cooking institute right now so he continues to struggle to make the world a better place.

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