

Fast-Track Repression Stalks Santa Cruz



A protesters's sign in Santa Cruz: "My car is my home. Leave me alone!" All photos by Alene Smith
Due to high rents and full shelters, vehicles become de facto homes.

by Becky Johnson & Robert Norse

In Olympia, Washington, a coalition of merchants and homeless people resoundingly defeated a camping ban, public trespassing laws and pedestrian interference laws directed against homeless people. They chose instead to raise awareness about alcohol abuse, create donation sites, increase police patrols against real crime, open private restrooms with private assistance, fund a hotline, and initiate a prisoner clean-up of the downtown.

In Portland, Oregon, civil rights attorneys, social service advocates, Dignity Village supporters, and *Street Roots* journalists and activists sent police and bureaucrats reeling back to the drawing board as they mobilized public opinion to defeat an Ashcroftian "Title 14 expansion" which would have established a new camping ban, a sit/lie law, and a ban on public urination (even though inadequate public bathrooms exist).

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A homeless woman at her meagerly furnished encampment in Santa Cruz.



A homeless man sleeps on the sidewalk outside a paint store in Santa Cruz.

Even in the cockpit of repression — New York City, where Giuliani's long reign of martial law against the homeless was intensified by national war fever following the 9/11 attacks — Mayor Michael Bloomberg's crackdown on a mid-Manhattan church's "sleeping sanctuary on the steps" was curtly reversed by the 2nd Circuit Federal Court, even though the visible homeless offended the nearby Tiffany's customers and Trump Tower residents.

In Santa Barbara, California, former Public Defender Glen Mowrer's string of victories using the necessity defense to win protection for homeless vehicle dwellers [see "Defender of Homeless Wins Important Court Ruling," *Street Spirit*, February, 2002] prompted Mayor Marty Blum herself to join activist Nancy McCradie of Homes on Wheels in calling for RV camps in a town where affordable housing for many is a vehicle.

Things are darker in Santa Cruz, which made the "10 meanest cities" list of the National Law Center for Homelessness and Poverty last January, then swooped to a new low this summer with a sudden assault on homeless people downtown. In three short weeks, merchants, police, and conservative city staffers rammed through severe restrictions on homeless people in public spaces — extending forbidden zones and onerous restrictions even to street performers and political tablers.

The opponents of these repressive downtown ordinances outnumbered the proponents three to one. But it made no difference. Street musicians, activists, and lots of homeless people showed up at the two community outreach meetings Vice Mayor Emily Reilly and Councilmember

Ed Porter held. But when the number one concern on Pacific Avenue, as expressed in sheer numbers on the butcher-block paper sheets in tabulated magic marker marks, was "Police misconduct or abuse" and the number two concern was "enforcement of petty ordinances," Reilly and Porter had had enough of outreach.

Downtown Santa Cruz is new and shiny, in full recovery from the 1989 quake, which destroyed dozens of businesses, and turned a thriving downtown into a ghostland. Only two "earthquake pits" remain on Pacific Avenue, filled with litter, weeds, and surrounded by cyclone fences.

The new buildings, boutiques, antique stores, Border's Books, the Gap, New Leaf Market, and a host of restaurants have attracted throngs of shoppers and visitors to attend movies, get a bite to eat, pick up some groceries or visit the many bookstores downtown. Up until the dot-com crash, cash registers were ringing.

But things have changed now. While the rents for merchants are still exorbitant, sales are not so strong now, and many who had a lot of money in the stock market are feeling financially insecure. And then there are the homeless people out there on Pacific Avenue on the sidewalk.

In late spring, police began a systematic campaign of harassment of campers, street musicians and "sidewalk sitters." HUFF (Homeless United for Friendship & Freedom) activist Robert Norse was taken away in handcuffs for "obstructing the sidewalk" as he led a campaign to stop "the forbidden fence" — a privatization of the downtown sidewalk benefiting New Leaf Market and other "New Age-turned-New Order" businesses.

Norman Friedberg, who dared to throw breadcrumbs on the sidewalk to feed the birds at a Food Not Bombs meal, was beaten and jailed on \$50,000 bail when he resisted a "littering" ticket. Three other activists were jailed or cited for using erasable chalk on the sidewalk — traditionally protected activities no more [see accompanying article, "Chalking for Justice"]. Police ticketed *Street Spirit* newspaper vendor J. J. Ballard for selling his papers — a scant half year after Steve Argue won a three-year struggle for significant damages from the City in an incident when police assaulted and arrested him for selling *Street Spirit* [see "First Amendment Jailed in Santa Cruz," *Street Spirit*, December, 1998].

Flower lady and former Camp Paradise resident Randy Sue Winchell was repeatedly harassed with changing rules as she displayed flowers for donations downtown, finally being forced off Pacific Avenue, the main Santa Cruz thoroughfare, entirely.

This spring, a homeless man overdosed on heroin and died inside a portapotty on Cathcart Street. Several of the residents of El Centro saw the authorities taking out the man's corpse, and it was quite upsetting to them. The next day, the dead man's friend became enraged over what he claimed was bad drugs being sold to his friend and causing his death. He came at another man on Pacific Avenue with a knife, accusing him of selling the bad drugs to his friend. He cut him pretty badly, and the injured man was rushed to the hospital in an ambulance while the police arrested the man.

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Shortly after this incident, a flurry of articles appeared in the *Santa Cruz Sentinel* about "the bad vibes downtown." Not much later, letters to the editor appeared with typical comments being, "I work hard for my money. I'm sick and tired of being asked for spare change every 20 feet on Pacific Ave." Or, "I'm afraid to go downtown anymore. I'm doing all my shopping at the Capitola Mall."

Next, editorials in the *Sentinel* called for a clean-up on Pacific Avenue. Enter Vice-Mayor Emily Reilly and Councilmember Ed Porter in late June. They immediately formed a committee to schedule community meetings with all the stakeholders to "find out what the problems are" and "to make recommendations to City Council."

With unprecedented and unseemly speed (two hearings in six days), Reilly and Porter came back to the City Council with sweeping new ordinance changes, written by staff members of City Attorney John Barisone's office in meetings with the police, the Redevelopment Agency, and Public Works.

At the meetings that actually drew up these laws, there was no community input, although some items echoed concerns from a petition circulated by six downtown merchants led by Jackson's Shoes merchant, Candi Jackson.

Rushing to beat the council's six-week

summer recess and push through the new laws while university students were out of town, the Santa Cruz City Council repeated and intensified the Porter-Reilly rush job by holding four meetings in 15 whirlwind days. Through unusual afternoon and late evening sessions, the council circumvented the usual timeline, reduced the customary public debate time, and simply ignored all critics.

Not a word or a comma of the ordinances passed differed from the first draft of the laws. Most telling of all, none of the laws proposed actually addressed concerns about assault, vandalism, abusive language, and shoplifting, trumpeted but not clearly documented by the merchants. The current Sitting Ban and "no peaceful sparechanging after dark" laws prompted massive civil resistance in 1994 by outlawing sitting on the sidewalk within ten feet of a building on a 24-hour basis, on pain of a \$162 ticket, and without warning.

But the new ordinances are much worse. They extend zones forbidding sitting, sparechanging, street performing, and political tabling to 14 feet from a building, a drinking fountain, a telephone, a crosswalk or intersection, a sidewalk cafe, a kiosk and even from a bench.

Under the soliciting ordinance, the City Council voted to restrict panhandlers who use signs or "silent solicitation indications" from doing so in a seated position. Beggars must now stand if they are going to hold a sign. They must not stand with a sign in groups of two or more. They must not stand with a sign in "stay-away" zones, or address people in "stay-away" zones citywide. And they may not stand with a sign, even if cold and hungry, after dark. It's just not good for business.

But in restricting where beggars may ask for spare change, the council also voted to restrict where musicians and street performers can work. In Santa Cruz, the only way the artists can get paid is by

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donations. Even an open guitar case will be considered soliciting. For good measure, "to protect older residents downtown," playing with hackysacks, frisbees, and all sports involving balls were banned from commercial districts.

In mid-September, when these laws go into effect, homeless backpacks can be seized by police without even showing (as they previously had to) that the property constituted a public obstruction for an unreasonable or substantial period of time. "Hosts," i.e., underpaid, uniformed police auxiliaries, will be deputized to warn "criminal sitters." Saddest of all, the City Council claimed these laws were necessary, not to deal with a documented rise in crime or violence, or even a clear statistical business downturn, but simply to "restore civility."

Even Councilmembers Sugar and Krohn, who mostly voted against the laws, still supported the police crackdown. Worst of all, they said nothing in defense of the homeless community — the main target of the Reilly-Porter laws.

The local Green Party, the Community Action Board, the Santa Cruz Action Network (which helped get most of the council elected) and even the head of the Downtown Commission urged the City Council to delay discussion until September. Social service providers reportedly stayed away from the hearings, accurately regarding the outcome as "a done deal."

Final passage of the laws at midnight was followed eight hours later by yet another special, rushed, early-morning meeting of the Downtown Commission to specify implementation procedures. The timing of the Downtown

Commission meeting followed the City Council's familiar practice of holding them at times when the public would be unable or unlikely to attend.

Stunned but still angry, street musicians, young people, and activist opponents packed the chambers side by side with merchants. Mike True, a street musician repeatedly cited or arrested for "displaying" his music, announced he'd secured a nationally successful civil rights attorney to press a class-action lawsuit against the City. "This is the day the music died!" True shouted as the council passed the laws after midnight on July 25.

Vowing to hold boycotts against the responsible merchants, along with mass protests, a special Downtown Decency Detail to ticket tourists, and a round of illegal street tournaments for panhandlers, hackysackers, and hopscotchers, Downtown-For-All activist Molly Ms. Chief vowed, "No one is leaving. Santa Cruz's sidewalks belong to everyone."