

Under Attack

by Sherry Conable

As citizens of the United States, we are living at a time when we know that the Constitution and the Bill of Rights are under attack. And we are highly concerned.

Santa Cruz is a community known for its relatively progressive and liberal positions. It is often hailed as being a beacon of hope, and a seed pod for initiating change and action about very important issues. I want to share some information and thoughts about discrepancies that I see here at home, and farther away, in our commitment to the Constitution. I believe they need serious attention and redress.

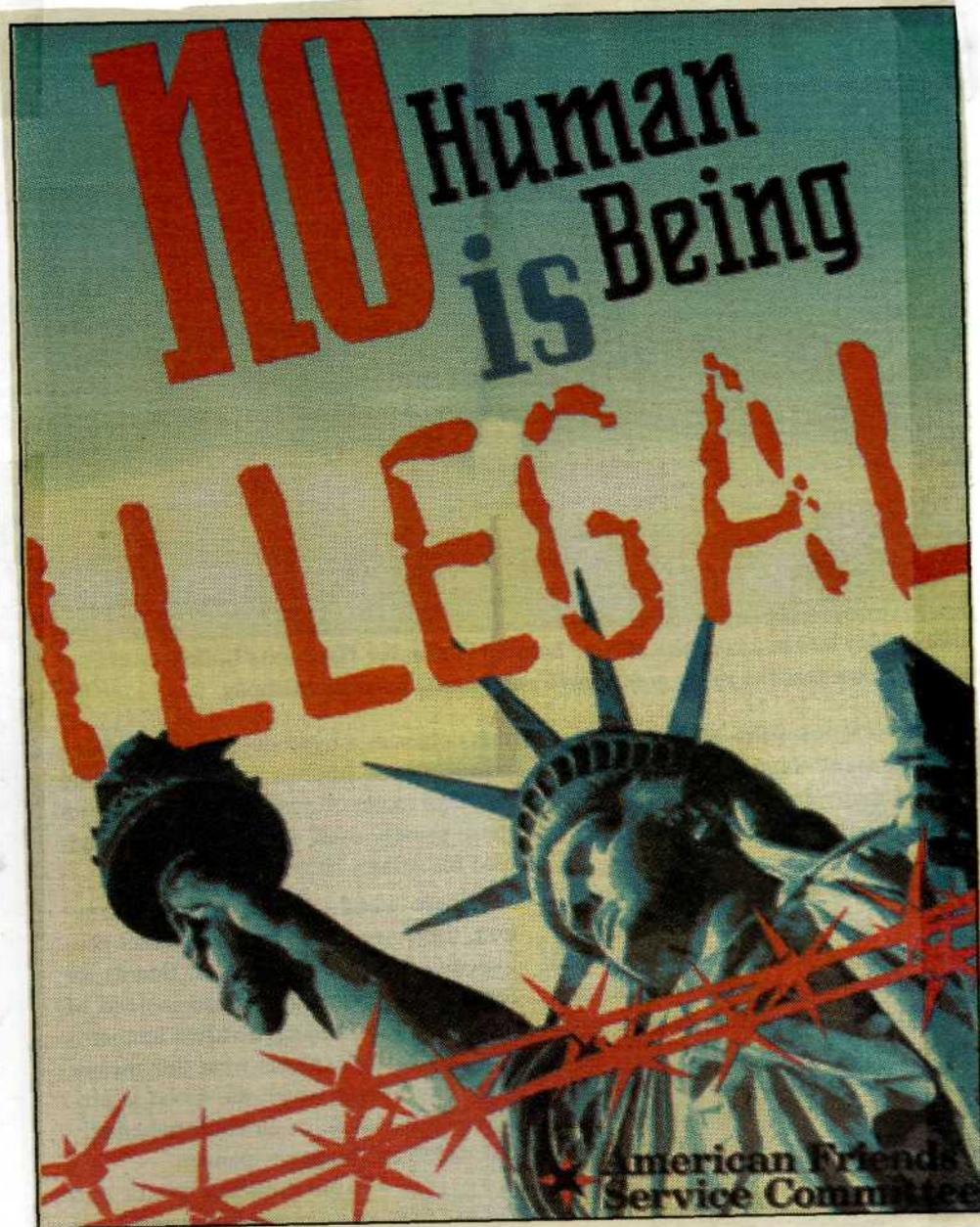
We have done well as a community in expressing right action about issues far away. We took the first action in opposing the invasion of Iraq, which was not only unconstitutional but criminal. We called for the investigation and impeachment of the Bush Administration for constitutional reasons, among others. We opposed the Patriot Act as a violation of constitutional rights. And we opposed discrimination against the gay community by calling for marriage equality (which does have a local component in the attempt to issue marriage licenses right here).

The question for me is about abuses of the Constitution, and particularly the First Amendment, right here at home, and what I believe is a lack of adequate concern, leadership, and response to these abuses.

These local assaults on our constitutional rights have been many over this past decade. They have also been costly for the City of Santa Cruz, as our officials defend laws or actions in court and lose.*

In 1994, the first version of the Downtown Ordinances was passed by the City Council, limiting freedom of assembly and speech in many ways, despite well-organized opposition in the progressive community. The sitting ban section of those laws was challenged with an intentional civil disobedience action resulting in arrests, and was ruled unconstitutional when the defendants came to trial.

In 2002, the City Council passed more stringent variations on the Downtown Ordinances, further restricting free speech and First Amendment activities. The council again passed the measure despite very vocal and widespread opposition, including from the Downtown Commission. The



The pleas of activists about selective enforcement of the Downtown Ordinances against certain classes of people, which is a violation of state law and the U.S. Constitution, go unheeded. Many believe that the enforcement of the sleeping ban itself violates the principle of "the inalienable rights of life, liberty, and the pursuit of happiness."