

Interview by Robert Norse

Kate Wells: This wasn't just some cop shooting from the hip. They actually were videotaping you for several days, taking an officer's time to sit there and videotape you. They called in Deputy Chief Patty Sapone. This was a collaborative effort between the police and the City.

Interestingly enough, they also were able to enlist the assistance of a private citizen... [to] take the heat off themselves by getting Mr. Selman, the Sushi Now [owner], to make a citizen's arrest.

I do want to talk a bit about this whole movement of gentrification that's happening, not just in downtown Santa Cruz.

It's happening, for instance, at the Rancho Del Mar Shopping Center down in Aptos [a wealthy bedroom community several miles south of Santa Cruz]. The businesses are willing pretty much to cut off their noses to spite their faces. They make such ridiculous rules that nobody wants to come in. They have to make it appear that no one's welcome, so they don't appear to be discriminating against what they consider to be unsavory types.

Robert Norse: The "h" word?

KW: Well, that, and not just the homeless. Even just people who look different. In Aptos, a very affluent area, the people being beset by law enforcement just look different. They're not [all] homeless. They just have beards. They smoke. Kids doing things that kids do that are harmless. They [the merchants] just don't want to see them. They don't want them around.

They have put up barriers to them being around. These barriers also deflect [other] people. There's not one welcome sign, for instance, in front of the Coffee Roasting Center in Aptos. There is "No Trespassing." There is "No Smoking," "No Loitering." Then they wonder why they don't have any business. And they turn around and blame it on the actual victims of their discrimination. When, in

fact, if they had just once embraced them, said, "Gee, let's all sit down together..." It's not as if these people aren't actually shopping in the stores; they are.

RN: *In my case, I was urging a boycott against Matisse Selman's Sushi Now, Ali Baba's Cafe, and New Leaf Market, because they were, in essence, colluding with the City, the Redevelopment Agency, and the Police Department to eliminate a lot of public seating to deal with what they conceived as a social problem — youth hanging out.*

I actually made up a list of concerns that both sides had. But Selman preferred to go directly to the City and, as a fait accompli, have the entire area privatized. It was done very quickly. It was announced in the newspaper on a Friday and passed at City Council the next Tuesday with virtually no discussion or debate. So I called for a boycott. On January 30, 2002, as people were pledging themselves not to patronize these different businesses, Sgt. Baker struck.

KW: There was a specific exception in the law for constitutional activity, which clearly you were engaged in. All of this b.s. about blocking the sidewalk... That's the irony of all this. The city attorney and the deputy chief in charge of downtown, all collaborated together and cited you for something they couldn't cite you for.

It's a matter of the privatization of the police force by the merchant class. This is happening not only on a local scale here, but on a global scale. It's literally no different than the privatization of our armed forces, the military, to protect our corporate interests like oil and other things.

What should happen is that when these merchants come to complain, "Gosh, we don't like this homeless person sitting out front because he looks funny and he smells," the reaction of the police should be, "Well, gee, we're sorry but that's part of doing business and part of being open to the public."

What has attracted people to this community has been the tolerance of differences. The town was a very colorful town. You could walk down the street and there were jugglers, people sitting out in Cooperhouse plaza just listening to music. That was what distinguished us from, say, Carmel. I call it the "Carmel-ization" of Santa Cruz. They have eliminated that unique quality that made Santa Cruz fun and interesting to visit. Then they whine and cry and say, "Why isn't anyone coming here?" There's a complete double standard.

RN: *A double standard that favors the interests of the merchants over the interests of activists and homeless people.*

KW: These people — like Jerry Henry and Richard Quigley down at the Rancho Del Mar Shopping Center [two activists repeatedly cited for "interfering with a business" for simply being present and declining to leave] — are constantly subjected to assaults and even batteries. People grabbing them, knocking coffee out of their hands.

Jerry Henry, for instance, got attacked by this individual in an automobile the other day. They have, in fact, a tape recording that says something like, "Oh, I missed you." Quite clearly, the guy was trying to use his vehicle as a deadly weapon. So Jerry tried to make a citizen's

complaint. They [the Santa Cruz Sheriff's Department] would take nothing. They wouldn't even note it as an incident. If, in fact, the manager of the Coffee Roasting Company said, "Jerry looked at me funny," immediately he's cited for looking funny at her. And if he does it twice, he's hauled off to jail. They're willing to bend and break the law in order to do the bidding of these private businesses.

[In your case], it's a violation of not only your First Amendment rights, but false arrest under the 4th Amendment and seizure of your body. They had no lawful purpose, no probable cause.

The reason they took you into custodial arrest — a further violation of your constitutional rights — is that while they were citing you, you were telling the public what was going on, doing a running commentary in a larger-than-life voice about what they were doing. If you piss off an officer in conjunction with them giving you a jaywalking ticket, they can take you into full custodial arrest with all of the attendant searches, fingerprinting, booking.

RN: *And then charge you for the booking later if you're found guilty. Why do you think the City Council agreed to settle this lawsuit?*

KW: Their argument's going to be, "It cost more to take it to trial than the \$5000 settlement." I see it differently. In the Blue Lagoon case, they offered zero in settlement before trial because they thought they could win. [The City of Santa Cruz ultimately paid out over \$1 million to the owners of the Blue Lagoon as restitution for ongoing police harassment.] Any time that happens, it's a little shocking to the City Council.

One of the problems we have in Santa Cruz is a City Attorney who has everything to gain from litigation going on, rather than settling in some manner that

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