

Fighting Bad Laws with Good Lawyers

The former chief Public Defender of Santa Barbara is now hard at work defending the rights of homeless people and vehicle dwellers — and he's racking up a series of legal victories.

by Robert Norse

Fighting bad laws with good lawyers, the Committee for Social Justice's Legal Project won another victory in Santa Barbara in late October, confounding the latest stratagem by city officials to drive homeless vehicle dwellers out of town.

Victorious in more than 135 of the 145 cases he has undertaken at no charge on behalf of homeless people, Glen Mowrer, former head Public Defender in Santa Barbara, successfully established the necessity defense, virtually ending sleeping and camping tickets against homeless vehicle dwellers.

Mowrer also won the far-reaching Cooper/Mobley decision in appeals court. The appellate court ruled that folks living in vehicles cannot be forced to use a shelter that requires religious exercises. Also, they cannot be expected to go to a shelter where they would be forced to abandon their property, pets, and privacy, if they already have their own reasonable vehicular housing.

This decision, although unpublished, has had significant consequences in Santa Barbara, prompting city officials to shift from enforcement of the sleeping and camping bans to new administrative "no parking" laws — which Mowrer is also successfully challenging.

Mowrer won a temporary restraining order (TRO) in March 2003 from Judge James Brown, thereby putting on hold two "no parking for the homeless" laws until adequate warning signs were posted. [See "Taking Bigoted City Laws to Court in Santa Barbara," *Street Spirit*, April 2003.] The first law bans parking a recreational vehicle (RV) for more than two hours anywhere in the city; the second bans parking RVs at all on city streets from 2 a.m. to 6 a.m.

In a subsequent court appearance, Santa Barbara's city attorney declared that the City was posting adequate signage. Judge Brown took the unsupported declaration under submission and later lifted the TRO without an open evidentiary hearing. Not so fast, responded Mowrer, who then appealed Brown's back-chambers decision.

More than a year later, in October 2004, the appeals court agreed with Mowrer and also awarded him \$2700 in court costs. The appeals court remanded the case back to Santa Barbara for a hearing on whether the "No RV parking" signs were comprehensible, whether they were posted visibly in enough spots, and whether, as Mowrer argued, they had to be posted on each individual street and not just on city entrances, as the city attorney argued.



Police cars may be the only vehicles where homeless people are allowed. Above, police criminalize a homeless man for sleeping on a Southern California beach, and they also target vehicle dwellers.

Rain Lane photo