

On the night of November 29, there were only 150 spaces for shelter indoors for homeless people in Santa Cruz. With a homeless population estimated at over 2000 in the city, a lot of people are not only left out in the cold; they also must endure the stress of officers beating on the side of their vehicles at 2:30 a.m., or the bright light of a cop's flashlight suddenly in their faces urging them to get up and move along, or being forced to stand in the cold and dark while being cited for sleeping or for trying to stay warm.

Only 11 days after Wagner's lonely death, on December 10, Mayor Rotkin spoke on the steps of the Santa Cruz County Courthouse in honor of the United Nations "Human Rights Day."

"Having Rotkin speak in favor of human rights is a real joke," said Bernard Klitzner, an activist with HUFF (Homeless United for Friendship and Freedom). "How can he say he supports human rights when he supports the Sleeping Ban? He is such a hypocrite."

As Mayor Rotkin read his statement in support of Human Rights day, along with the three other mayors of the four cities in Santa Cruz County, HUFF members held signs calling Rotkin a hypocrite and urging him to end the Sleeping Ban.

HOMELESS ACTIVIST WINS LAWSUIT

HUFF announced at their press conference some local developments in the homeless civil rights struggle. Robert Norse of HUFF recently won \$5000 in a federal lawsuit for false arrest against the City of Santa Cruz after SCPD Sgt. "Butchie" Baker falsely arrested him for obstructing a 20-foot-wide sidewalk with a 3-foot-wide table. Baker, SCPD police officials, the city attorney's office, and Sushi Now manager Matisse Selman col-

luded to punish Norse for publicizing a boycott of Selman's business in return for Selman's anti-homeless policies. [See "Homeless Activist Wins in Federal Court Suit Against Santa Cruz Police for False Arrest," *Street Spirit*, October 2004].

MAYOR TO FACE PUBLIC TRIAL

Norse won another victory in late November in a second lawsuit against the City of Santa Cruz. On March 12, 2002, then-Mayor Christopher Krohn ordered Norse to leave the City Council chambers, recessed the meeting when he refused, and sent Sgt. Baker to direct him to leave.

Instead of issuing Norse a "citizen's arrest" citation from Krohn, Baker escalated the situation and proceeded to arrest Norse, handcuff him, remove him from council chambers, and jail him for five hours. Charges were never filed. Norse struck back with a lawsuit for false arrest.

Though arrested and handcuffed, Norse was initially facing no clear charge. After conferring with a puzzled city attorney, Baker jailed him for "disrupting a public meeting." The incident that provoked Norse's brief, silent, mock-Nazi salute was a response to Krohn's threat to have a peace activist removed from the council chambers. Krohn did not even see the silent salute himself.

Federal District Judge Robert Whyte first summarily dismissed Norse's lawsuit. But on November 26, 2004, after an unusual 14-month delay, the Ninth Circuit Court of Appeals overturned Whyte's decision and returned Norse's lawsuit to Whyte's court for federal trial.

Said Norse, "The spectacle of a mayor stumbling to explain his rationale for arresting someone for making a critical gesture in a public meeting will be something to watch. It promises to be highly educational and may be more effective than letters, protests or elections."

On November 29, attorneys Paul

Sanford and Kate Wells filed another civil rights lawsuit in Santa Cruz. The suit challenges the constitutionality of a municipal code under which homeless local John Maurer was twice cited for "profanity while soliciting." He wore a small sign protesting police harassment as he sat begging in one of the limited legal locations permitted the poor on Pacific Avenue. The sign read, "Fuck the Pigs (Police)."

Maurer wrote the sign after repeatedly being forced to "move along" and threatened with having his few belongings confiscated when he briefly left them to open the door for an 84-year-old resident of the Palomar Hotel using a walker.

Once attorney Paul Sanford volunteered to take the case, City Attorney John Barisone quickly moved to drop proceedings. In an unusual move, Sanford acknowledged that Maurer was "guilty" of violating the law, but argued that the law itself was unconstitutional for being vague and overly broad.

Commissioner Irwin Joseph (known to some court watchers as "Junk Justice" Joseph) ignored Sanford's pleadings, announced he'd already made up his mind, dismissed the case, and left the anti-homeless law active.

Determined to overturn the unconstitutional law, Sanford said it was time for the Santa Cruz City Council to act responsibly. "I hope they'll change the law before we go to court and spare us all the time and expense," he commented.

Earlier this year, the City Council settled the Blue Lagoon police harassment case for more than \$1.25 million, when an apology and correction of police behavior would have served early in the case.

MORE HOMELESS DEATHS

HUFF members organized a march down Pacific Avenue to mourn the recent homeless deaths in November of Shaun Fairless, known as "Scottie," who died o