

"We have filed a letter seeking informal discovery in her case and have refused to waive time," Golder reported at a recent meeting of HUFF (Homeless United for Friendship & Freedom). Golder figures that if Sharon subpoenas all records, tape recordings, notes, names and contact information for possible witnesses, it will make the usual rubber-stamp conviction that much more difficult for the police.

Kate Wells, a tireless Santa Cruz attorney who has represented homeless and poor people for many years, has been a strong opponent of the Sleeping Ban. In 1997, she challenged its constitutionality in the case of Dan Hopkins, a homeless defendant, in Santa Cruz Superior Court before Judge Tom Kelly.

Kelly ruled that the Sleeping Ban is constitutional "because they can sleep in the day." [See "Human Rights Activist Found Guilty of Sleeping," *Street Spirit*, August 1997.] Wells is preparing a lawsuit which will facially challenge the Sleeping Ban's constitutionality in federal court.

Current Mayor Mike Rotkin is one of the more vocal supporters of the Sleeping Ban. Enacted in 1978, one year before he took office for his first term, Rotkin voted in 1979 for the Sleeping Ban in a vote which modified the misdemeanor penalties. He has been a staunch supporter ever since, claiming that Santa Cruz would be overrun with homeless people from all over the country, if we were to legalize sleep.

One small group has had enough of this mistreatment of homeless people. The Human Rights Organization (HRO) was formed two years ago by ordinary citizens who were offended by the human rights abuse the Sleeping Ban represents.

Co-founder Bernard Klitzner, a mild-mannered accountant by day, is a tireless human rights worker in his spare time.

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Bernard met with Ken Cole, the executive director of the Homeless Services Center (HSC) in Santa Cruz and was able to schedule a full-blown discussion of the Sleeping Ban by the HSC Board of

Directors. At their January 20, 2005, meeting, Bernard Klitzner, HRO member Bob Patton, and Kate Wells attended and urged the HSC Board of Directors to take a stand on behalf of their clients.

Kate Wells and the Human Rights Organization asked the HSC Board of Directors to support a challenge to the Sleeping Ban in federal court — a strategy never tried before in Santa Cruz.

"The sleeping ban is draconian," she told them. "I'm embarrassed by it. We think of ourselves as a city of tolerance." She urged the HSC Board to "do what you can," to send the message that arresting people for sleeping or covering up with blankets is wrong-headed public policy.

HSC Board members considered Wells' letter to the Santa Cruz City

Council in November 2004, in which she said: "Forcing homeless people to hide from law enforcement authorities denies them the relative safety of camping or sleeping together, discourages them from using police resources for protection, and makes it more risky for them to sleep near emergency services. Homeless women are at a greater risk of rape. As such, these laws constitute a barrier to safety and health care access. Last year more than 45 homeless people in the County died."

Wells' letter urged the City of Santa Cruz to change its policy of arresting homeless people for sleeping outdoors, or face a federal lawsuit.

"I can document that local shelter is inadequate," offered Ken Cole. The HSC commonly issues letters to homeless people cited under the Sleeping Ban to bring to court to prove they had no other choice but to sleep outdoors at night. Santa Cruz never has more than 140 shelter spaces for its 2000-plus homeless population.

Former Mayor Katherine Beiers, who is a member of the HSC Board of Directors, didn't feel the need to wait for a full resolution of the HSC Board.

"I certainly know it's not going anywhere with the City Council," Beiers said. "I always thought this has to be decided in the courts. As an individual, I will support Kate Wells (with her lawsuit)."

Former Mayor Don Lane, also a HSC Board member, urged the board to make a statement about either the Sleeping Ban or the criminalization of homelessness in general. He said, "We are the only game in town (providing homeless services). It's true. We have clients. If their needs include our speaking up about their rights, we should do that."

A month later, the HSC Board passed a resolution that did not name the Sleeping Ban specifically.

But for Bernard Klitzner, his work is nowhere near complete. The Sleeping Ban is still on the books and it is enforced every night of the year. He just can't let that situation continue. "It's unjust. It's totally unjust. Why it's so bad is that it is hidden. It's got to be taken down."

The Human Rights Organization holds weekly meetings in the dining room of the Homeless Services Center at 115 Coral St. in Santa Cruz, each Saturday between 1:45 p.m. and 2:45 p.m.

Robert Norse contributed to this article.