An open letter to the Santa Cruz City Council regarding the sleeping ban by Wes Modes

Dear Mayor, Vice-Mayor, and Esteemed City Council Members:

For the most part, I don't have any illusions that you will respond positively to either urgent pleas or reasonable arguments from mere citizens who are not connected to business interests in this town. At least that's the impression I've received after a long string of fights in which our city council has consistently sided with moneyed interests over grassroots efforts. Efforts that come to mind: when the Santa Cruz City Council turned down the downtown public plaza, hotel development, minimum-wage increase, boardwalk expansion, and, of course, the downtown ordinances and the sleeping ban.

However, in my own Quixotic way, I keep trying to reach you. Perhaps, this request will open the question of whether you indeed represent the people or only the institution of city government.

Please immediately end the sleeping ban.

The Jones v. City of Los Angeles decision in the Ninth Circuit Court of Appeals ruled that criminalization of homelessness amounted to cruel and unusual punishment. In the words of the judge writing the majority decision: "The Eighth Amendment prohibits the City from punishing involuntary sitting, lying, or sleeping on public sidewalks that is an unavoidable consequence of being human and homeless without shelter in the City of Los Angeles.

In a town that can nightly house a mere fraction of the homeless population, the decision applies to Santa Cruz as well. Each night that the sleeping ban remains, the city makes itself vulnerable to a class-action lawsuit.

It seems obvious that in this tourist town there is place for a de facto strategy to either push the visible homeless population out of town, or further underground. The business community is less caggy about their hatred of the homeless.

When it comes to national issues, the Santa Cruz City Council has always been impressively proactive and progressive. War, environment, corruption, whatever the debate, as long as it doesn't affect local business, the city council is on the humane and compassionate side of the issue.

But when it comes to local issues, the city council has made downright regressive policy.

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A homeless man sleeps on a tarp at the sleep-out held at the Santa Cruz City Hall from August 12-18, 2007.

The sleep-out was held to protest the sleeping ban which treats the human need to sleep as a criminal act.

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