Democracy Under Assault on the Streets of Berkeley

by Terry Messman

The whole world is watching. A video taken by Bryan Hamilton has gone viral and is being watched around the nation. It is a shocking video of the brutal assault on a homeless man carried out by ambassadors of the Downtown Berkeley Association (DBA).

On March 19, two DBA ambassadors accosted two homeless men in downtown Berkeley, James Cocklereese and Nathan Swor. After a brief verbal altercation, DBA Ambassador Jeffrey Bailey began viciously punching Cocklereese, a 29-year-old homeless man, in the face. Bailey unleashed a flurry of three blows to the face and one to the body, knocking the homeless man sprawling to the sidewalk. What happened next was even more cruel and senseless.

Ambassador Bailey stood over the homeless man and forced him to remain lying down on the sidewalk, grabbing him by the neck and savagely punching him six more times in the face. Bailey then dragged him bodily across the sidewalk and threw him face down on the street. Bailey then kicked the homeless man, stepping on his bag. Quagmire, stepping on his bag. Quagmire, age 29, objected, “Boy? Getting in your face? Punk, I’m packing up my shit. Get the fuck back from my shit.”

In the aftermath of the assault, Caner expressed remorse over the beating and announced that the ambassador who committed the assault had been fired, and the second ambassador involved was suspended during an investigation.

What of the homeless victims of this assault? They were arrested and jailed by the police for the “crime” of having been brutalized by DBA ambassadors. After all, this is Berkeley, where homeless people face repression both from city police and the extrajudicial mercenaries unleashed on the homeless population by the Downtown Berkeley Association.

In an appalling case of blaming and defaming the victim, the Alameda County district attorney initially joined the assault on human rights by filing seven misdemeanor charges against the two homeless men. Finally, on April 1, after viewing the video posted on YouTube, the district attorney announced that the assault had been fired, and the ambassador who committed the assault had been fired, and the second ambassador involved was suspended during an investigation.

Outside of Berkeley, the Wrong Men Were Sent to Jail

by Bob Offer-Westort

Nora Isaacs recently wrote in tearful prose about the excess of tolerance in Berkeley. Her op-ed on the Berkeley news website asked, “In Berkeley, how much tolerance is too much?” From her perspective, a culture of tolerance in Berkeley is the root of Berkeley’s homeless problem: Until the culture of tolerance can be swapped for its alternative, Berkeley will be forced to support a homeless population that should be spread more evenly throughout the state.

Isaacs’ essay was written in defense of a slate of six proposed anti-homeless laws introduced by the Downtown Berkeley Association on March 17. The Berkeley op-ed is, thus far, the only piece in local media to defend the DBA’s proposed restrictions. The legislation was eclipsed in the public eye when Berkeley was reminded of just what a culture of intolerance looks like.

On Thursday, March 19, two homeless men who go by the names of Smiley and Quagmire pulled their belongings and crossed the street to the alleyway behind the CVS at Shattuck and Bancroft in downtown Berkeley. The two had been confronted by two of the Downtown Berkeley Association’s ambassadors earlier, and ordered to clear off Shattuck Avenue.

The ambassadors — employed to pick up trash, give visitors directions, and coax, cajole, or intimidate homeless people off of Shattuck — are not officers of the law. Like most of us, they’ve got every right to instruct other private citizens to scam, and said private citizens have every right to ignore the ambassadors, — like most of us.

Nonetheless, rather than engage in a prolonged conflict, Smiley and Quagmire ducked off Shattuck, down Bancroft, and into the first available alley. They made a mistake, however, and the ambassadors were quick to catch it: While on Shattuck, they had been on public property. But the alley was a loading entrance for the adjacent building, and was private property.

DBA Ambassadors Jeffrey Bailey and Carmen Francois followed them into the alley, and revived the confrontation. While the homeless men gathered their belongings to depart again, Bailey and Francois stood over Quagmire, supervising his packing. Bailey took one of Quagmire’s motions as a slight, and told the “boy” to get out of his face.

Quagmire, age 29, objected, “Boy? Getting in your face? Punk, I’m packing up my shit. Get the fuck back from my shit.” Bailey then kicked the homeless man, stepping on his bag. Quagmire, age 29, objected, “Boy? Getting in your face? Punk, I’m packing up my shit. Get the fuck back from my shit.”

“Fuck you,” replied Francois.

Quagmire replied in terms not intended for print.

Bailey advanced forward toward Quagmire, stepping on his bag. Quagmire objected to this, and, his objection ignored, he stepped forward, pointed down, and demanded that the ambassador back up off of his property. DBA Ambassador Bailey looked to the side, and then sucker-punched Quagmire with a right hook.

See Democracy Under Attack page 4

See Wrong Men Sent to Jail page 14
Nationwide Epidemic of Anti-Homeless Hate Laws

A Column on Human Rights
by Carol Denney

A shocking report from the National Law Center on Homelessness and Poverty (NLCHP) documents a raging epidemic of anti-homeless laws sweeping the nation. “No Safe Place: The Criminalization of Homelessness in U.S. Cities” studied laws in 187 cities across the United States. In the cities surveyed, 34 percent ban camping and 57 percent ban camping in specific places. While 24 percent ban begging in public, a staggering 76 percent ban begging in specific places.

Even though nearly all the nation’s vagrancy laws were long ago struck down as unconstitutionally vague, they have made a shocking comeback, with 33 percent of cities banning loitering and vagrancy, and 65 percent banning loitering in specific places.

In addition, 53 percent of cities ban sitting or lying down in particular places, and 43 percent ban sleeping in vehicles.

Nearly 10 percent of cities even ban sharing food with homeless people.

A lack of low-income housing is the primary cause of homelessness. The report notes that 12.8 percent of the nation’s low-income housing has been permanently lost since 2001. Even cities with huge disparities in income and skyrocketing rents such as Berkeley, California, typically have “fewer available shelter beds than homeless people,” leaving people struggling to exist in public spaces.

It is a simple equation: Fewer apartments and jobs plus skyrocketing rents and evictions equal more people flailing for housing, employment, and shelter.

More and more cities turn to laws, prohibitions on begging, sleeping, or “camping” in response to the visible poverty in their public spaces, despite the fact that, according to the report’s key conclusion, criminalization is “the most expensive and least effective” method of addressing homelessness.

Criminalizing poverty makes matters worse. Jail costs an average of two to three times the cost of supportive housing.

For someone who can’t pay a fine, raise bail, release conditional on the acceptance of a guilty plea can mean the loss of jobs, voting rights, housing opportunities, and access to benefits.

The U. N. Human Rights Committee declared the criminalization of homeless and poor people is a violation of the International Covenant on Civil and Political Rights, and successful litigation proves that criminalization of poverty is a violation of international human rights.

From Berkeley to Orlando, Florida, cities have passed a river of anti-homeless ordinances that vary widely from city to city, largely using the same vague solutions: investing in affordable housing, increasing the stock of subsidized housing, using “Housing First” models for people in need, coordinating services, especially for those discharged from hospitals and jails, and training police and other officials to respect the human rights of homeless and poor people.

The increase in laws that target poor and homeless people is “dramatic,” according to the National Law Center’s report, and makes life worse for an entire community.

The United States Conference of Mayors surveyed 25 major American cities and found that between 2012 and 2013 there was a 4 percent increase in homeless families. But that has not stopped the wave of anti-homeless laws from accelerating.

There is no state in the union, according to the report, where minimum-wage workers can afford a one- or two-bedroom apartment at market rent. Families that use their cars as temporary shelter run the risk of violating the laws against sleeping in one’s own vehicle in nearly half the cities surveyed, adding criminal charges to their already burdened lives.

The report highlights international solutions to homelessness, including South Africa’s constitution, which recognizes a “fundamental right to adequate housing” and prohibits “arbitrary evictions.” The Supreme Court of Appeal of South Africa found in one case that the destruction of temporary structures inhabited by “a group of homeless people on a vacant plot of land” was not only a violation of the Constitution, but also violated “various other provisions of the Bill of Rights that ensure personal security, dignity, and privacy.” The Supreme Court ordered the reconstruction of their structures.

Scotland’s Homelessness, Etc. Act of 2003 is cited in the report as recognizing “a judicially enforceable right to immediate housing for all homeless persons and families.”

See Epidemic of Anti-Homeless Laws page 3

The No Safe Place report finds that homeless people are banished from sidewalks — yet businesses freely use public spaces.

Berkeley’s Sweeping Anti-Homeless Legislation

The DBA and City Council pushed the anti-homeless laws without even consulting any of the city’s commissions.

by Carol Denney

On March 17, the Berkeley City Council voted 6-3 in favor of a sweeping set of anti-homeless measures called “Berkeley’s Community Commercial Sidewalks and Public Spaces.”

All that really matters to know about this council is that it was sent straight from the Downtown Berkeley Association through the City Council to the city manager without being given even a cursory look from the extensive community-based commission system for the customary evaluation and analysis of such measures. Its proponents also didn’t bother watering down or dressing up these anti-homeless measures with sympathy “services.”

It could all change. A courageous city manager would do what Councilmember Kriss Worthington did, and note that most of the behavior complained about at the hearing was already illegal, and focus on enforcing issues. Or provide a note of caution that Berkeley’s long history of targeting the poor makes it vulnerable to a civil violation challenge on the basis of patterns and practices of discrimination. Or perhaps recommend that infractions be tracked so that racial or other biases can be identified and addressed.

Berkeley’s most powerful merchant association, the Downtown Berkeley Association, requested these measures in a wholehearted attempt to transform Berkeley into one of the most repressive cities in California with respect to its willingness to target poor and homeless citizens.

The Downtown Berkeley Association began pushing these anti-homeless measures without bothering to consult anybody else. But a city manager with either a conscience or a constitutional concern could halt the whole runaway train. This apparent end around Berkeley’s city commissions is a course routinely reserved for emergencies, which would be an ironic claim given the long history of efforts to criminalize homelessness in Berkeley.

The more profound irony is that this legislation passed not only in one of the most liberal cities in the nation, but also passed in the same town where a beautifully written survey of California’s anti-homeless laws entitled “California’s New Vagrancy Laws” was just published by the UC Berkeley School of Law Poverty and Homelessness Clinic. This survey was widely published in the local and national press, so surely some city official has taken notice of it.

The report carefully shows that California’s anti-homeless laws constitute a serious violation of human rights and are a product of the same prejudice against an unprotected minority that earlier in our nation’s history created the segregation ordinances of the deep South, and the anti-Okie laws of the Dust Bowl.

Yet this report managed not to disturb the waters of the deeply entrenched Berkeley City Council majority that caters to the whims of the big realty firms and property development firms who control the Downtown Berkeley Association.

Did the Berkeley City Council even read this report? If email or phone them, you can ask them. We can only hope that your call inspires them to read a clear, compelling story of what happens when a powerful community faction that only plans to house rich people, and criminalize the poor, is finally embarrassed enough to change course.

COMMUNITY COMMERCIAL SIDEWALKS AND PUBLIC SPACES

Recommending: Discuss and refer the following to City Manager for implementa-

tion, regarding our commercial areas:

1. Ordinance preventing panhandling within 10 feet of a parking pay station
(aakin to our ATM ordinance).

2. Review ordinances other cities use to address public urination/defecation
return with recommendations for implement-
nation; ensure public restrooms are available and well publicized. Involve
BART in exploring possible locations.

3. Ordinance preventing the placement of personal objects in planters, tree wells,
or within 3 feet of a tree well.

4. Ordinance preventing lying on
planter walls or inside of planters.

5. Ordinance preventing deployment of
bedding, tenting, sleeping pads, mat
resses, blankets, etc. on sidewalks and plazas from 7 a.m. to 10 p.m.

6. Ordinance preventing personal

See Epidemic of Anti-Homeless Laws page 3
Criminalizing homelessness is the most expensive, least effective way to address homelessness. Studies prove it, reporters note it, and common sense suggests it since paying for an area of low-income housing or even a college education costs a lot less than a year in jail. So why does it sell like crazy?

From coast to coast, we’re bristling with new anti-homeless and vagrancy laws, according to “No Safe Place: The Criminalization of Homelessness in U.S. Cities,” a report by the National Law Center on Homelessness & Poverty.

California leads the way with an average of nine anti-homeless laws per city, according to the UC Berkeley School of Law Policy Advocacy Clinic’s new study, “California’s New Vagrancy Laws.” These laws typically criminalize standing, sitting, lying down, sleeping, having belongings which might be used for “camping,” sleeping in your own car, sharing food with others, and asking for money. Many of these actions are unavoidable for people who have no place to go.

Why are the embarrassingly heartless laws so easy to pass and so popular? The answer is that there’s currently a political cost to any politician who insists on the creation of low-cost housing as a human right. But there is very little political cost at present to passing yet another law, even an unconstitutional law, which burdens the poor or persecutes the homeless.

Berkeley is a great case in point. Berkeley is a college town, notoriously liberal, with a reputation as a city out of touch with mainstream American politics by the national press. But mayor after mayor in Berkeley has been more than willing to overlook the will of the community, ignore the moral objections of religious and human rights groups, and go to court in unconstitutional legislation on behalf of political groups which want the poor to just disappear.

In an interview early in his political career, Berkeley Councilmember and then Berkeley City Attorney John Curt, Mayor Tom Bates referred to rent control as “a no-win position” for him and “a death knell” for politicians generally. Berkeley citizens, in the absence of honest leadership on the issue of low income and affordable housing, cite their own frustration with untrammelled criminalization of homelessness as reason enough to vote repeatedly for laws of dubious constitutionality which target poor people on the street struggling with unemployment, evictions and skyrocketing rents.

U.S. District Court Judge Claudia Wilken issued a temporary restraining order in 1995 against Berkeley’s 1994 anti-vagrancy law, noting that “some Berkeley citizens feel annoyed or guilty with an indigent beggar... Feelings of annoyance or guilt, however, cannot outweigh the exercise of First Amendment rights.”

Poor and homeless people are notoriously ill-equipped to hire lawyers and mount legal challenges to the anti-poor laws generated primarily by merchant associations which, in the case of the powerful Downtown Berkeley Association (DBA), get mandated “membership” pay-in from all rents in the downtown district. But the group has not pursued the full range of their rights to bring the DBA to account.

The DBA’s board is dominated by large property owners who were the prime movers of the failed anti-homeless law campaign in Berkeley’s 2012 election. There is not a single representative on the board from the poorly funded nonprofits and law clinics who work with the poor and homeless people caught up in the endless web of the criminalization of poverty.

Those are the groups who will show up in opposition to new anti-homeless initiatives. But they are much less likely than wealthy investment and property companies to be able to toss large campaign donations to councilmembers running in the next election.

The Berkeley City Council knows that circling poor and homeless people endlessly through overburdened courts and jails over unpayable fines for innocuous offenses is dumb. They tend to be intelligent people who by now have had somebody toss a copy of the report on “California’s New Vagrancy Laws” by the UC Berkeley Policy Advocacy Clinic, or the “No Safe Place” report on the criminalization of homelessness in U.S. cities from the National Law Center on Homelessness and Poverty (or both) on their desks. They may even have read the reports.

But it takes courage to say no to merchant associations and the University of California’s short-sighted effort to make homelessness and poverty invisible. Courage is in short supply in the Berkeley City Council chambers.

For all the opining in January and February 2015 about the Black Lives Matter campaigns, and even though the majority of those affected are people of color and people struggling with disabilities, the anti-homeless laws proposed by Berkeley City Councilmember Linda Maio at the council meeting on March 17 were voted on a predictable majority, proving that Berkeley’s war on the poor will go on without interruption.

Courageous testimony at the City Council by homeless people, UC professors and students, and advocacy groups seemed to make little difference to the councilmembers who supported the proposal.

The majority of the proposal’s few citizen supporters were real estate brokers who complained about behavior which is already illegal, as Councilmember Kriss Worthington noted in his eloquent statement about the expense and ineffectualness of criminalizing more and more attributes of homelessness (such as “deploying” a blanket between 7:00 a.m. and 10:00 p.m.) rather than addressing practical solutions.

How many people have gotten clean and sober when there are no consequences to their behavior?” asked Councilmember Lori Drost, proving you can put a new face in the council and raise the collective IQ not one iota.

Councilmember Jesse Arreguin removed his name as a sponsor of the anti-homeless laws, but offered the usual learnings of “services” in an ineffectual effort to “balance” the legislation, which, with all due respect to charities and humanitarian services, is a strategy consistently used in Berkeley to make it easier to pass repressive human rights violations.

Several of the councilmembers who voted for the new anti-panhandling and anti-homeless laws flatly denied that they were criminalizing homelessness. They just don’t see it. They feel obligated to respond to complaints about what was called “problematic street behavior” in 1994’s Measure N & G campaign, and are unmoved, at least at this point, by arguments that such measures clog courts and cost money better spent on common sense solutions. They just don’t see it, and they certainly are not hearing it from their constituents.

The easy route is to give the rich, i.e., the Downtown Berkeley Association, what they want, and let the courts sort it out later at the expense of the poorly funded legal clinics and advocacy groups forced in such moments to keep track of our civil and human rights.

But the very fact of Berkeley’s history of repeatedly passing more and more restrictive laws targeting the poor proves that the laws are not doing any good in the first place, an irony noted by Berkeley Daily Planet editor Becky O’Malley, who reminded the council that repeatedly doing the same thing over and over while expecting different results is a well-known definition of insanity.

Epidemic of Anti-Homeless Hate Laws

from page 2

the right to long-term, supportive housing as long as it is needed.”

The Scottish law applies not only to homeless people, but also to people living in intolerable conditions. It recognizes the right to sue for violations of the law, and an “individual right to sell one’s house to the government to avoid foreclosure, but rent it back to allow one to maintain one’s residence through financial difficulty, perhaps ultimately repurchasing the home.”

Homelessness in Scotland has “largely been reduced to a rare and brief occurrence” because of this focus on immediate housing as a judicially enforceable right.

The “No Safe Place” report affirms the federal responsibility to promote and fund constructive alternatives in the United States, but advises local governments to simply eliminate anti-homeless laws that target the poor. The report suggests that cities which have discriminatory laws on their books be denied grants and investigated by the U.S. Department of Justice.

Cities often point to the criminalization laws being passed in cities down the road as an excuse for passing similar laws, afraid that if they don’t keep similarly repulsive laws on their own books they will end up with the financial burden of caring for the people in need in an entire county or region. But the proliferation of homelessness nationwide has shredded this argument to ribbons.

“No Safe Place” concludes: “Instead of relying upon ineffective, expensive, and potentially illegal criminalization laws to address homelessness, communities should pursue constructive alternatives. Most importantly, federal, state, and local governments should invest in affordable housing at the level necessary to prevent and end homelessness.”

This report is exactly what a politician pressured to pass another hate law target- ed at poor and homeless people needs. No politician can be faulted for objecting to a policy that is ineffective, expensive, and guaranteed to extend the life of the problem it is trying to address.

Criminalization of poverty is, of course, immoral in this, the richest country on earth. But the clear delineation of its sheer ineffectuality in this report is what may help finally change the politics of homelessness.

Why Criminalizing Poverty Sells in Berkeley

by Carol Denney

‘HOMELESS PEOPLE’S LIVES MATTER.’ Artwork based on the Berkeley City Council protest on March 17. Art by Carol Denney
On March 17, protesters marched to the Berkeley City Council in resistance to the anti-homeless laws.

It took the savage beating of a defenseless homeless man on the streets of Berkeley to reveal the human costs of empowering corporate business owners to create their own private patrols to confront homeless people on the streets.

David Teague, also known as Ninja Kitty, described the repression that homeless people have experienced at the hands of DBA ambassadors. “John Caner of the DBA says that this is contrary to his organization’s goals,” he said. “But part of the ambassadors’ job is to intimidate homeless people off of Shattuck Avenue. People are only intimidated if the violence is sometimes real. This brutality is a part of what the DBA does. This isn’t the first time that ambassadors have assaulted homeless people—it’s just the first time it’s been caught so well on camera.”

Homeless people have warned that the ambassadors and the police work hand in hand. Some call it collaboration, and others call it collusion.

Osha Neumann, an attorney who has defended the rights of homeless people in court for many years, warned that this assault was not simply a battle between the idea that people can be without shelter in a country, and then be treated as criminals for being homeless; it was a battle itself. “We’re not talking about a first-class restaurant, accommodations at $200 per night, crimson chandeliers, and the comfort of the affluent. This is contrary to his organization’s goals,” he said. “But part of the ambassadors’ job is to intimidate homeless people off of Shattuck Avenue. People are only intimidated if the violence is sometimes real. This brutality is a part of what the DBA does. This isn’t the first time that ambassadors have assaulted homeless people—it’s just the first time it’s been caught so well on camera.”
Democracy Under Attack in Berkeley from page 4

Berkeley’s shelters for the homeless peo-
ple targeted by the DBA for removal from
commercial districts.

GAME THE SYSTEM

DBA Board Member Bill Shrader rep-
resents The Austin Group, an investment
company based in Alamo, and the devel-
oper of the eight-story “StoneFire” build-
ing that is scheduled to be developed at 1974
University Avenue in Berkeley.

Berkeley City Councilmember Jesse
Arreguin has expressed serious concerns
about the height of the StoneFire building;
and in fact has criticized the height regu-
lations around affordable housing, as
reported by G. Haley Massara in the Daily
Cal on Sept. 2, 2014.

Berkeley’s Downtown Area Plan
requires buildings that are more than 75
feet tall to offer “significant community ben-
itfits,” including low-income hous-
ing. The eight-story StoneFire building
will only provide a paltry eight affordable
units — the bare minimum needed to
qualify for a density bonus that allows
more-market-rate units to be built.

Arreguin said, “The developer, by
using the density bonus, was able to game
the system to gain the additional (build-
ing) height without providing community
benefits.” Arreguin called the number of low-income units “absurd.”

In other words, DBA Board Member
Bill Shrader of the Austin Group cynical-
ly used the law to gain the maxi-
um profits by providing an absurdly low
level of affordable housing, while the
Downtown Berkeley Association wants
to criminalize and banish homeless people
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The Poor Get Prison
How the United States Criminalizes Poverty

A democratic society that purports “freedom and justice for all” can’t coexist with one that profiles, criminalizes and blames poor, black and Latino communities.

by Bill Berkowitz

The U.S. Justice Department’s recent report on Ferguson, Missouri’s criminal justice system pointed out that African Americans were specifically targeted, seen “less as constituents to be protected than as potential offenders and sources of revenue.”

As NPR investigation found that Ferguson collected $2.6 million in fines and fees in 2013, the city’s second largest source of income, a good chunk of which came from minor infractions. While these revelations were shocking to some, they were not particularly surprising to either the majority of Ferguson residents, or to those following recent trends in criminal justice.

Bilking the poor has ushered in an era of offender-financed criminal justice services, a phenomenon that has become a toxic lifeline for many local governments. It has also spurred the growth of private companies whose bottom lines are forged by providing probation services and operating jails and prisons.

Being poor in America has never been easy. Since the advent of poverty programs, stigmatizing poor people — particularly people of color — has been a major item in the playbook of conservative politicians. These days, however, the actions of local governments are making being poor that much more difficult.

According to a new Institute for Policy Studies (IPS) report titled, “The Poor Get Prison: The Alarming Spread of the Criminalization of Poverty,” “Poor people, especially people of color, face a far greater risk of being fined, arrested, and even incarcerated for minor offenses than other Americans.”

“A broken taillight, an unpaid parking ticket, a minor drug offense, sitting on a sidewalk, or sleeping in a park can all result in jail time,” Karen Dolan, an IPS Fellow who directs its Criminalization of Poverty Project, and the lead author of the report, and co-author Jodi L. Carr, a research associate at IPS, point out.

“The Poor Get Prison” looks at “new growing trends [that] increase this criminalization of being poor, [trends] that affect or will affect hundreds of millions of Americans.”

The report deals with several “key elements” that have resulted in increased police harassment, fines, prosecution, and incarceration of poor people.

The report documents “the targeting of poor people with fines and fees for misde- meanors, and the resurgence of debtors’ prisons — the imprisonment of people unable to pay debts resulting from the increase in fines and fees.”

Another key element helped give the IPS report its title, “The Poor Get Prison,” namely, “mass incarceration of poor ethnic minorities for nonviolent offenses, and the barriers to employment and re-entry into society once they have served their sentences.”

The report also found that the criminalization of poverty is a pattern that often begins in school-age youth with “excessive punishment of poor children that creates a ‘school-to-prison pipeline.’”

The authors also document the increased incidence of what have become known as “status crimes” or “quality of life crimes” aimed at the visibly poor members of society, resulting in an “increase in arrests of homeless people and people feeding the homeless, and criminalizing life-sustaining activity such as sleeping in public when no shelter is available.”

A final economic obstacle faced by growing numbers of low-income people involves the confiscation of what “little resources and property poor people might have through ‘civil asset forfeiture.’”

In the foreword to the report, best-sell- ing author Barbara Ehrenreich observed that while it seems that the “dialogue about poverty remains the same as it was in the early 1960s,” in reality, “many things have changed in the last 50 years, some of them so recently as to have gone largely unnoticed by pundits and policy makers.”

As local governments became more and more strapped for cash, they found a new and relatively simple way to bolster their budgets: They “increased the fees and fine court costs they levied for minor transgressions, and at the same time, increased the number of possible misde- meanors to include truancy (for which parents can be punished), driving with an expired license (as is the case in Washington, D.C.), putting one’s feet up on a subway seat (in New York City), and a variety of other minor infractions.”

Ehrenreich noted that the new normal results in an unrelenting “cycle of pover- ty.” “Poverty leads easily to criminal charges from unpaid debts, unrenewed licenses and the like. Criminal charges in turn lead to ever-mounting debt and, despite laws prohibiting debtors’ prisons, to incarceration.”

“The Poor Get Prison” points out that after decades of stigmatizing those receiving government assistance, “the 1990s brought aggressive state attacks on wel- fare recipients as they were increasingly investigated for fraud and other suspected criminal activities. The welfare system became a system of criminalization and punishment, rather than a program to assist needy families.”

When President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, it “ended federal cash aid programs and replaced them with time-limited, restrictive, state block-grants. New punishable behav- iors were mandated and policed, all but erasing the already tenuous line between the welfare and criminal justice systems.”

Welfare applicants were scrutinized like never before: “many applicants are photographed, finger-printed, drug-tested, interrogated, and asked to prove paternity of children.”

“This form of criminalizing poverty — racial profiling and targeting of poor black and Latino single mothers trying to access food assistance — is a relatively familiar reality.”

The report examines, and makes a series of recommendations, covering such issues as the re-emergence of twenty-first century debtors’ prisons; the barriers those who are arrested and convicted face when they return to society, barriers that “make employment, access to mental health ser- vices, housing, childcare, and even access to food assistance prohibitive;” how pri- vate companies are profiting from the criminalization of poverty; the school-to- prison pipeline; the criminalization of homelessness; and, the “little-known but widespread practice called Civil Asset Forfeiture [which] … law enforcement officials use — to confiscate property that they assert has been involved in certain criminal activity — even if the owner of the property is innocent.”

In the current political climate, I am not sure that anyone really expects many of the recommendations laid out in the report to be implemented. Nevertheless, those recommendations begin to provide a roadmap for dealing with these issues.

Despite the toxic and growing phenomenon of criminalizing poverty, the report’s authors are hopeful that the movement “sparked” by the events in Ferguson and elsewhere, will continue to evolve into “the next civil rights movement”

“A democratic society that purports ‘freedom and justice for all’ can’t coexist with one that profiles, criminalizes and blames poor, black and Latino communities. We need to take collective responsi- bility for our hostile nation where the poor get prison.”

Bill Berkowitz is an investigative reporter who writes for BuzzFlash and TruthOut.

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In the current political climate, I am
Kafka in Santa Cruz
In a city where sleep is a crime, a jail cell awaits all those who slumber and dream.

by Linda Lemaster

Remembering a sunny day in Santa Cruz in 2012, I found myself walking briskly with a dozen other allies and support- ers, following Gary Johnson outside the courtroom, fresh from a trial where he was found guilty of sleeping, again.

Johnson headed for the nearby jailhouse. Trailing him from the courthouse plaza, we passed within a few car-lengths of the scene of his “sleep crime.”

Someone pointed out the singular stonewall bench where Gary had not been permitted to rest. And now he would serve a jail sentence for that crime of being caught asleep in the city of Santa Cruz at night.

Gary Johnson was one of thousands of people experiencing homelessness outside when the county sheriffs came with a single-minded intent to rout him. This “criminal” has been smashed down repeatedly by The Law: ticketed and jailed and his dreams literally ripped off precisely because he was experiencing homelessness. He was being hit with both the state’s lodging law, 647(e), and the City of Santa Cruz’s anti-sleeping/anti-camping law, MC 6.36.

Laws used to prevent sleeping in Santa Cruz combine with the proliferating “behavior laws” designed at all levels of government specifically to banish and criminalize and impede homeless people. It’s almost like a double whammy to effectively paralyze and destroy people — as if folks living on the street aren’t already being harassed enough in their daily double-bind.

Johnson strode across Water Street and the two public lawns between the courthouse and jail. He turned himself in after Judge Mulligan ruled that he was “guilty” of sleeping in public, after having been told not to do it again by the same judge.

Earlier, I had seen the same judge부tting Johnson’s attorney Ed Frey in chains for attempting to suggest that His Honor might use a definition of “sleep” from a source other than rank personal prejudice. Judge Mulligan called it contempt.

So Gary Johnson approached the jail’s makeshift entryway (“under construction”), tall and alert in his burgundy jersey. He grinned a bit, reminding me of his persevering tall and alert in his burgundy jersey. He grinned a bit, reminding me of his perseverance.

Calling it, “cruel, inhuman and degrading treatment,” the UN Human Rights Committee said that using government laws this way violates international human rights treaty obligations, and they called upon our U.S. government to take corrective action. The UN Human Rights Committee was part of its Concluding Observations on reviewing U.S. government compliance with the International Covenant on Civil and Political Rights, a 1992 treaty.

Now the federal government is under pressure to rein in rampant local and state anti-homeless laws multiplying across the entire nation in towns and cities, colleges and public parks, whole shopping districts and cafe chains. These anti-homeless laws denounced by the United Nations exist in every state in the union.

Jennifer Friedenbach, director of San Francisco’s Coalition on Homelessness, noted that California has by far the greatest abundance of anti-homeless laws in our country by every measure the United Nations uses. With the Right to Rest Campaign, homeless people and their friends, and anybody concerned about human rights long denied.

The author, Linda Lemaster (at right), at a survey held by Project Homeless Connect.

RIGHT TO EXIST
Johnson was going to jail for six months because he had gotten a ticket for sleeping near the courthouse. This was near the beginning of his odyssey for the right to sleep. Perhaps we were merely a glimmer of solidarity preceding his plight with an audience. And we were there to bear witness.

Then came several more sleep tickets he got shortly after he was released from jail. More trial. More dickering, which he disliked. More guilty verdicts. An appeal and another appeal. Always less sleep.

And unlike most of us when reduced to the streets and curbs and wild things and vagrants of police enforcement, Johnson stood his ground. He didn’t go hide like a rodent under the ivy or stow away in some stranger’s parked car.

TWO YEARS IN JAIL FOR SLEEPING
Now our sleep criminal himself hasn’t been sighted in several years, but a few weeks ago, he returned for a second appeal of four citations, four distinct moments of criminal sleeping. Longtime HUFF courtwatcher Becky Johnson (not related to Gary) said Santa Cruz Superior Court’s appeal panel, Honorables Burdick, Gray and Salazar, sentenced Gary Johnson to two years in jail for four nights of being found sleeping.

Gary Johnson is not alone in having his sovereignty violated over and over by being deprived of his inherent and necessary right to sleep. Last year in Geneva, the Human Rights Committee of the United Nations condemned this rampant and growing criminalization of homeless people here in the United States.

Judging this “criminal” of sleeping, the UN Human Rights Committee said that using government laws this way violates international human rights treaty obligations, and they called upon our U.S. government to take corrective action. The UN Human Rights Committee was part of its Concluding Observations on reviewing U.S. government compliance with the International Covenant on Civil and Political Rights, a 1992 treaty.

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The author, Linda Lemaster (at right), at a survey held by Project Homeless Connect.

RIGHT TO REST
And unlike most of us when reduced to The Law 647(e) on his blog. (See PeaceCamp2010 insider.blogspot.com)

Johnson’s blog states: “If past (California legislators’) behavior is a reliable guide, SB 608 will probably be described as too expensive, and not allowed out of committee. Too expensive to protect the civil and human rights of a persecuted group by modification of 647(e).”

Johnson, his attorney Ed Frey, two other homeless people, and later myself, have been convicted for illegal lodging in Santa Cruz jury trials.

Johnson, the criminal sleeper, continues, “It would be more accurate to say the reversal of the blatant disregard for the civil and human rights of a group widely treated as less than human would be too expensive. A group that includes veterans that are placed in harm’s way by draft-dodging politicians.

“To be expected, I suppose, given a supposed government founded on the concept of some humans being created equal and some humans being considered 3/5 people and 2/5 property.”

Will the Right to Rest Campaign, now being organized in three states, be able to help reverse these convictions, thereby saving a lot of people’s lives and health while saving the state considerable court and incarceration expenses? Even more, will the People wake up to this totally illegal and rampant and expensive tragedy before it eats away at more families, even while realtors, developers and landlords push their gentrify-for-ury Agenda?

Johnson’s blog suggests that the lodging law — the same kind of discriminatory law which was once used to banish Black people, to criminalize Okies, and to chase Hispanics out of fountains and away from civic centers — could benefit from a rewrite in the legislature. But will lawmakers risk humiliation and worse by reprising the vagrancy law’s history in public?

“If past behavior is a reliable guide,” Johnson suggests, “SB 608 (Right to Rest) will probably be described as too expensive, and not allowed out of committee.”

“Too expensive to protect the civil and human rights of a persecuted group by modification of 647(e). It would be more accurate to say it would be too expensive to recognize and respect those civil and human rights long denied.”

April 2015 STREET SPIRIT 7

Advocates gather outside Santa Cruz jail and court to support homeless defendants.
The Suitcase Clinic began when a group of UC students gave medical aid out of suitcases at the Berkeley Flea Market to homeless individuals.

by Samantha Lew

It is a chilly Monday night in Berkeley, and the sun is just beginning to mean-der beneath the horizon. In front of St. Mark’s Episcopal Church, there is already a group of young adults, some carrying instruments, one wearing a dress shirt, and another with textbooks and a back-pack, waiting to be let in.

Upstairs, music is playing, an eclectic mix of anything from reggae to electronic dance music, and freshly cooked dinner, complete with smoothies and organic sal-ads, is laid out buffet style. Some people are sitting down, eating and talking to one another, while others choose to sleep in the corners of the large room.

At one table, people are bent over, scribbling in diaries and journals, or sharing poetry, insights, and life musings at a writing work-shop. Almost everyone there, from clients to volunteers, is under 25 years old. Suitcase Clinic gatherings are built on the principle of peer-to-peer outreach as a more effective way to serve homeless youth.

At 7:30 p.m. that same Monday night, a similar scene unfolds a few blocks away at the Dwight Way Women’s Shelter, a 33-bed shelter that allows women to reserve a bed for 30 days. Inside the brightly lit shelter, women, children, and volunteers chat together in an intimate setting, where tables and chairs are set up in the middle of the room between rows of beds. It is a time when the women can get their nails done, get a massage and obtain health supplies. The drop-in clinic is always filled to the brim with laughter and intimate conversations.

On Fridays, or as Suitcase Clinic calls them, “Fun Fridays,” the shelter space is transformed into a venue for wellness-cen-tered activities including journal-making, zumba sessions and self-defense lessons.

The following night, the First Presbyterian Church of Berkeley is bustling with people. In the upstairs area of the large auditorium, there is a flurry of activity. There is haircutting, hair wash-ing, foot washing and people in line for basic necessities, such as hygiene essen-tials and clothing.

On the bottom floor, people sit and eat, some alone and some together, while others gather around a TV where a movie blares above the din of the room. There is a dis-cussion session where people share personal-stories, discuss current events, and engage in ways to end homelessness.

These are scenes from the three multi-service, drop-in clinics that the Suitcase Clinic runs each week: Youth Clinic, Women’s Clinic and General Clinic. Structured around the principles of public health, social welfare, community activism and empathy, the Suitcase Clinic is a stu-dent-run clinic that offers free health and social services to underserved populations in Berkeley, most of whom are homeless.

All three clinics provide health services in some capacity, whether it is massage therapy, acupuncture, vaccinations, health education, optometry, osteopathic manipu-lative medicine or all of the above.

In addition, there are student volunteers that help connect individuals with housing and employment opportunities, legal aid, and other community resources.

Founded in 1989, the Suitcase Clinic began with a group of UC Berkeley-UCSF Joint Medical Program students who began dispensing medical aid at the Berkeley Flea Market to homeless and low-income indi-viduals just out of their suitcases. It soon became apparent that strictly medical ser-vices were insufficient in improving the welfare of the homeless populations.

Due to this push for more holistic ser-vices, in 1990, the student volunteers secured the First Presbyterian Church for Tuesday nights and that became what is known as our General Clinic today. To this day, volunteers comprise the back-bone of the Suitcase Clinic with over 130 UC Berkeley undergraduates and 16 UC Berkeley-UCSF Joint Medical Program students volunteering regularly each week, along with chiropractors, acupunc-turists, masseuses, doctors, optometrists, lawyers and other professionals from a myriad of Bay Area organizations.

The Suitcase Clinic also strives to edu-cate students, promote accessible health-care, engage in community organization, and support public policy efforts that address homelessness and the needs of the underserved in the local community.

The Suitcase Clinic recently hosted the 7th Annual Poverty and Homelessness Symposium, a day-long conference to educate UC Berkeley students as well as the greater Berkeley community about issues of poverty and homelessness and how to take action.

One in-progress project is Art to Heart, which seeks to change perceptions of homelessness through various mediums of art created by clients. Most recently, Art to Heart launched a PhotoVoice project, where clients were given disposable cam-eras to take pictures of what they define as home and what they see every day in their communities.

The Suitcase Clinic is in the process of increasing its mental health services and will be putting on an event in early April in People’s Park to distribute health kits and provide a space to foster community, facilitate discussion, and celebrate with one another.

Beyond the many services that the Suitcase Clinic provides, the foundation of the Suitcase Clinic is built on the idea of case working. More than anything, there is an emphasis on building real rela-tionships and having conversations with our clients. The friendships forged between students and clients is seen in the meals shared outside of the clinic, in text messages, e-mails, and phone calls, in going over paperwork to try to get a hous-ing application through, in running around to get a BART ticket so that a woman can get to her job interview.

Case working is the emphasis and value that is put on truly listening and being listened to, and it is in these dia-logues of love and understanding that the heart of the Suitcase Clinic lies.

At the Suitcase Clinic, great value is placed on truly listening and being listened to, and it is in these dialogues of love and understanding that the heart of the Suitcase Clinic lies.

Berkeley Music and Arts Festival

The Suitcase Clinic is hosting the Berkeley Music Festival to culti-vate dialogue and build communi-ty through music and art! The Suitcase Clinic will also create 240 health kits, which will include a sleeping bag, a first aid kit, a water bottle, and socks, among other essential hygiene supplies like razors and multivitamins. These kits will be distributed on April 11 from 12 to 5 p.m. in People’s Park.

A Street Scribble by Pierre Pardonmore

What you will probably see when you look at me is someone who loves people and weather, interaction, playing games, conversing, or just a simple hello.

The fact that I’m homeless. A lot of people won’t take the time to sit and have that conversation, interaction or that simple hello. Because I do live on the streets.

Serving food is the same reaction. The food could smell and look amazing but, for the same odd reason, many hun-gry people will pass it by just because of the stigma of it. Either being served from the street or by someone homeless-looking, I find the results are usually the same.

When did society became so rich and we as a people became so poor?
Building a Home

Eventually somebody displayed love and genuine compassion for me and treated me like a human being with God-given worth, and not just another lost boy clinging for dear life to the streets.

by Jessie Jones

Homelessness: the very title says it all. What is a home? Although the dictionary defines “home” as a house, apartment, or other shelter that is the usual residence of a person, family, or household, I think that definition only scratches the surface. To most people, “home” does not just signify the four walls described above. It’s an idea that means much more than that.

When a person thinks about “home,” they think of memories, a family living together in a like-minded way and working towards one common goal, holding each other in constant consideration. It’s a place to love and be loved.

Unfortunately, as I said before, the very word “homelessness” says it all. For so many, the idea of being loved is so foreign and strange that when presented with authentic affection and consideration of their well-being, it’s an instant trigger for either immediate disbelief leading to utmost gratitude, or suspicion and doubt leading to a naturally developed defense mechanism. For some, the privilege of “family” or “home” has been taken from them by a wide range of circumstances, whether physical abuse, drug abuse, poverty or any other of the million possible scenarios. With that said, the most common denominator I’ve seen in my experience is the lack of security and love that can only be developed from having a “home” — not a house, but a home.

I myself have been homeless in the past, first as a child living with my mother in battered women’s shelters, and later as an adult living in my car, and bouncing from couch to couch. But now I have been blessed with the honor of working with those facing the same predicament.

My father was a drug addict early on in my life, so I later found recovery and reconciled before his untimely death, and my mother was a hard-working, loving woman who just so happened to remarried a man that she thought she knew, but secretly was abusive.

In response to my environment, I faced a lot of personal obstacles like drug abuse, and I constantly searched for community and affiliation, due to the lack of reassurance in my identity that could only come from a healthy established foundation within the family unit.

In search of a loving, yet appropriately authoritative father figure, I found gangs. They would show me an illusion of what family is, but again it was just a selfish mentality that said: “We’ll love you, as long as you’re contributing for us.” Loyalty and self-worth in that environment were only distributed so long as you were contributing for us.

I began to turn towards drugs, alcohol, sex to mask my pain. I suppose the idea that at least on paper, that I was clanging for dear life was simply, “If I can’t remove the problem, then why not just hide it?” It made more sense to suppress my feelings than to address them.

As a young man without a father to educate me properly on what I was feeling — “why is this happening to me?” — I was ignorant in exactly how I could even try. Much like the rest of the homeless population, or hurt people in general, I was not searching for a house to live in, or the four walls described in Webster’s Dictionary, but I was in pursuit of a safe, loving environment we have defined as home.

All of this being said, redemption and growth only comes from trial and perseverance within. Eventually somebody in my past displayed love and genuine compassion for me and treated me like a human being with God-given worth and not just another lost boy clinging for dear life to the streets. I was rescued from the hell I was in and am now able to pull from my experience and gratitude and repay others with that same compassion.

When I was about 16 or 17 years old, with two children and no understanding of how to take care of myself, let alone them, a man with a similar background to my own took me into his house and his home, and treated me with love and respect. He was a friend of a friend who I had never met before, whose first time meeting me was unique, to say the least.

I was hiding in a bush, down by a public marina pier, trying to avoid the police for something stupid I did, when he and a friend pulled up in their car and told me to come with them. This was the moment when I knew I was going to change. This man brought me into his house, introduced me to his family and called me brother! He fed me, he allowed me to sleep on his couch, and he bought me new shoes because mine were falling apart. He put me to work with him, paying me a fair wage for someone with no work experience at the time.

This man also facilitated a Christian 12-step program once a week that he would bring me to, where he told me and the others how God loved each of us so much that he sent his son Jesus Christ to die for our sins. That God not only forgives me, but he wanted to offer me acceptance, that he wanted to offer me a home. Not a house, but the home that I was so determined to find.

He told me that God saw worth in me and had a purpose for my life. This man is still a best friend and mentor to this day. The message he brought to me, the love he gave me, and the home he offered me changed the course of my life forever. He was the tool God used to save my life!

I have since gone back to school to earn degrees in theology, biology and behavioral psychology. I now facilitate the same Christian 12-step program every week and have pastored multiple churches throughout the Bay Area working with drug-addicted and gang-related teens.

I’ve spoken in several high schools in front of thousands of students at a time, encouraging them to live out the purpose God has for their lives, and reminding them of the worth God has given to them.

I’ve worked for Alameda County and the δούλευον Center, a homeless shelter in Walnut Creek. But it doesn’t stop there. My two sons, Bryson, nine years old, and Jayden, six years old, have assisted me in bringing gifts to the poor on Christmas and meals to the homeless throughout the cold winter. They’ve hugged strangers and told them that not only God loves them, but that they love them, after offering prayer and a warm meal and blanket to sustain them for the night.

Jessie was helped to find a true home, and now he helps others find their way home.

My sons have helped me bring gifts to the poor on Christmas and meals to the homeless throughout the cold winter. They have hugged strangers and told them that not only God loves them, but that they love them, after offering prayer and a warm meal and blanket to sustain them for the night.

I’ve been given the greatest gift you can receive from personal trials, and that is being able to use that experience to give someone else faith, joy, and motivation.

HOLIDAY HOME: Luke 16: 25

A homeless man finds no home in the wintry cold, in this scene reminiscent of Thomas Kinkade’s art.

I’ve been given the greatest gift you can receive from personal trials, and that is being able to use that experience to give someone else faith, joy, and motivation.

I’ve been blessed to travel throughout the country and to other countries deliver that same message of hope and redemption that was shared with me. I’ve been blessed to get to cry with strangers, laugh with strangers, share meals with strangers, endure cold nights with strangers, offer a helping hand, a listening ear, a loving heart, a warm smile, and the most precious currency we as people have to give — time out of my day to just say "how are you?"

I’ve been given the greatest gift you can receive from personal trials, and that is being able to use that experience to give someone else faith, joy, and motivation.

I’ve discovered that my life has its most significance when it is used to show another life its own significance. As rewarding as all of this now is, the greatest manifestation of this reward and the most defining ability I walked away with from my life experiences is that I’ve learned how to create the idea of “home” within my own four walls.

Because it was invested in me, I have learned how to offer my wife and two children love, affection, acceptance, trust, faith, and hope in the idea of family. And because of that, we have built a home.

But it doesn’t stop there. My two sons, Bryson, nine years old, and Jayden, six years old, have assisted me in bringing gifts to the poor on Christmas and meals to the homeless throughout the cold winter. They’ve hugged strangers and told them that not only God loves them, but that they love them, after offering prayer and a warm meal and blanket to sustain them for the night.

We inhabit the four walls of my home, but it is God that the foundation of our home is built on. Because of what was done for me, I have been able to pass that on to my sons, and together we have not only sustained our home, but we are fighting together to expand our family and bring “Home” to others seeking to find it.

Jessie Jones is the supervisor for the YEAAH shelter for homeless youth in Berkeley and a case worker at The Trinity Center, a homeless shelter in Walnut Creek.
She’s telling us. “Let’s think about this.” It’s not a statement of where our nation is going and fight back with heavy water.” It’s the unexpressed anger of very normal people, the anger of frustration, of despair. I can see him, and “Man Watering His Lawn,” there is a sense of the world and there’s all kinds of things in the middle, not necessarily an intellectual level. The reader understands on an emotional level, not necessarily an intellectual level. So people decide they’d beat them up. All they said was they hate poetry but love my stuff.... I think they were beating themselves. So people decide they’d rather go without. Or else poetry has got to be like Hallmark cards.”

There is a big demonstration going to be the next day — making any of this up.” I’m not sure if it was a demonstration. But I gave each a bottle and they started announcing what I was going to do, they said, ‘Can we try?’ cops guarding the Park. And when I announced what I was going to do, they pretty much shrugged. But they were bored and they saw me blowing bubbles and they said, ‘Can we try?’ I told myself, ‘This is not happening.’ But I gave each a bottle and they started having a contest! ‘Mine’s bigger than yours.’ Yeah but look at mine go, it’s the motion that counts.” I quote, I do not comment. And then there was a cop car with an older cop going around the street and he screeched to a halt. He saw my rookies blowing bubbles, I think he thought I’d dosed them — this was in the sixties. Anyway, he stopped and demanded, “What the hell?” And one of them offered him a bottle and he sort of snorted that he didn’t play childish games. As he stalked off, the other said, not lowering his voice that much, “He’s just scared because his would be too small to see.’ I’m not making any of this up.” After Peoples Park, Julia didn’t stop blowing bubbles. “I thought, if it will work on cops, it will work on anyone. So I took them to the street, blew them at musicians and little kids who loved them and started calling ‘Bubble Lady!’”

Her Bubble Lady image is displayed on the huge mural painted in 1976 on the side of the building next to Peoples Park. She is pictured in a black long dress and cloth cap with a tassel, standing with her back to the street as she blows bubbles in the midst of the crowd of demonstrators. She still occasionally blows bubbles. “I’ve gotten older. It hurts my feet to stand in one place long but I still do it from time to time. And I definitely made history. It was also fun and it was about the most I could give Peoples Park. I was a flop as a gardener and I couldn’t run fast enough to be a demonstrator.” Vinograd continues to write, producing a new book every few years. She goes to poetry readings and open mike events to participate and listen to the work of other poets. And she sells her books to people who love poetry and to people who hate poetry.

See poetry by Julia Vinograd on page 13 of this issue of Street Spirit.
Phone Videos Document Repeated Police Attacks on Homeless People in Berkeley

Homelessness puts people in a category wherein they are presupposed to be criminals, and are subsequently at far greater risk when they take stands against police misconduct.

by Bob Offer-Westort

On February 10, Berkeley police arrested a woman known on the street as Mama Jude who was in the middle of a psychiatric crisis. Observers reported that she was walking around Shattuck Avenue screaming. One cop, with her, forced her to the ground, kneed and leaned on her knees to prevent her from getting back up, and put her hands behind her back to be handcuffed.

You could handcuff me in front, you could be nice,” she objected. “I have fibromyalgia.” They repeated their order, and she sobbed, “I’m unable! I have a degenerative joint disease. I can’t put my arms like that!” (Fibromyalgia is not degenerative, but onset is usually recognized in adulthood, which can lead to that impression.)

She pled to onlookers, “They’re hurting me.” The woman lay prone crying for a moment, saying, “I didn’t do anything.”

After this, the police forced her arms behind her back, and escorted her to the back of a squad car. One of the officers is alleged to have referred to her as a “drama queen.”

We all know this in detail because a young man named Ninja Kitty was able to capture the entire incident on his smartphone. In 1991, when George Holliday captured the brutal Tasing and beating of Rodney King by four members of the Los Angeles Police Department, the recording of violent police encounters with the public was exceptional, rather than the norm.

One year earlier, in 1990, the first CopWatch group in the country was formed in Berkeley to document police harassment of homeless people on Telegraph Avenue. Similar groups were formed around the country, including out of the Coalition on Homelessness, the publisher of the Street Sheet newspaper in San Francisco.

The cost of video cameras and the poverty of people who have the most common contact with police meant that copwatching work required these specialized groups.

But a lot has changed in two decades. According to a 2014 Pew Research Center survey, 58 percent of adults in the United States own a smartphone. Many of the people surveyed by the other 25 percent of cell-phone-carrying adults have cameras.

The majority of adults in the United States are actively viewing video cameras at all times.

The spread of the smartphone coincided with the growth of social networking. What was unusual about Rodney King’s beating was, unfortunately, not that Los Angeles Police officers were beating a black man, but rather that it was captured on camera and broadcast through the country by national media.

Today, a week does not pass that police abuse of power somewhere in the country does not get captured on an Android or iPhone and spread throughout the world via Facebook.

A 2012 Berkeley Police Department memo instructs officers to assume that their actions are being recorded any time that they interact with homeless youth.

For many Americans with greater privilege, this confluence of technologies has made it harder than ever to ignore long-time everyday realities of communities of color and mixed poor communities. For many people from oppressed communities, the spread of this documentation can have the effect of reducing isolation, and building community of struggle across great distances.

After recording this arrest in Berkeley, Ninja Kitty uploaded it to Facebook the same day. The video spread rapidly, getting shared hundreds of times within a couple days — not llamas on the lam in Arizona levels of fame, but quite a lot for a smartphone.

After he was cuffed, the officers began searching his pockets, and at the same time twisting the handcuffs against his wrists. At this point, one of his companions began recording the arrest on her smartphone.

As they were searching me,” he said, “one of the officers started squeezing the handcuffs in between the bones of my hand and my wrist and I told him to quit doing that. ‘It hurts!’

In the video, the unidentified officer can be seen to twist his arm upward, to which Ninja Kitty objects, “Quit twisting the metal into my wrist!”

At this point, the officers began instructing Ninja Kitty to stop resisting arrest, “even though I was cooperating the whole time.” While Ninja Kitty is vocal and loud in the video, his story seems backed up by film.

Following his arrest, Ninja Kitty was held at Santa Rita, the major Alameda County jail, until February 26. He reports being denied medical treatment both at Berkeley’s holding facility and Santa Rita. On his release, he went to Highland Hospital in Oakland, where he was treated for a sprained wrist and elbow, and for nerve damage.

Ninja Kitty’s situation is far from unique. Ramsey Orta was arrested following his recording of the murder of Eric Garner. Homelessness puts people in a category wherein — in ways with some similarities to people of color, people with mental illnesses, and transgender people — they are presupposed to be criminals, and are subsequently at far greater risk when they take stands against police misconduct.

Of course, general social attitudes and consequently police attitudes toward homelessness are not identical with attitudes and fears concerning race. Mama Jude, who is white, was fortunately not killed. Ninja Kitty, also white, is out of jail, though awaiting trial.

But sleeping outside means that people like Ninja Kitty are in a very specific way unsheiled from retribution. “This is all a response to me being politically active and standing up for rights,” he said.

But he is not cowed, and intends to continue protesting against the criminalization of homelessness in Berkeley. “I mean, what am I supposed to do? If the shelters are full and I got to sleep here, I got to sleep here. It can’t be illegal for me to sleep. It just can’t be. It’s highly inhumane. I will fight it.”

He is not cowed, and intends to continue protesting against the criminalization of homelessness in Berkeley. “I mean, what am I supposed to do? If the shelters are full and I got to sleep here, I got to sleep here. It can’t be illegal for me to sleep. It just can’t be. It’s highly inhumane. I will fight it.”

Smart phones have created new ways to monitor police misconduct and the new media can broadcast it.
Republicans Cuts Harm the Hungry, Poor and Disabled

by Lynda Carson

The Republicans are waging a federal budget-cutting assault on millions of people including veterans, union members, school children, the elderly, blind, disabled and poor people across the nation.

During the week of March 16, Republicans in control of the House of Representatives and the Senate released their Maisonux-Ryan budget proposals for Fiscal Year 2016 and beyond. The Senate Republican budget proposes $5.1 trillion in cuts from the federal budget over a ten-year period, and the House Republican budget calls for $5.6 trillion in cuts during the same period.

All Americans have to reconcile their differences, but any way you look at the massive federal budget-cutting proposals on the table, if passed into law they will have catastrophic consequences for the American public in the near future.

If approved by the full House and Senate, the massive spending reductions will amount to more than $500 billion in cuts per year to the federal government’s domestic programs during the next ten years and beyond. One of the most conservative members of the House, Rep. Paul Ryan (R-Wyo.), has said Republicans will total $6 trillion in cuts if their proposals are enacted. Ryan has called for moving welfare programs into the private sector.

Republican extremists are also making public because their proposals will devastate our country. They are totally open about their plans to give massive tax breaks to the rich and wealthy corporations and the Pentagon before the full House votes on the plan. In total, the Republican plan is aimed to cut $6 trillion from the federal government. They are totally open about their plans to fund the Pentagon at any cost.

The House and Senate have to reconcile their differences, but any way you look at the massive federal budget-cutting proposals on the table, if passed into law they will have catastrophic consequences for the American public in the near future.

ASSAULT ON FOOD STAMPS

According to the U.S. Census Bureau’s annual report on Families and Living Arrangements released on Jan. 28, 2015, the number of children receiving food stamps remains higher than it was before the so-called great recession in 2007. The latest report reveals that the rate of children living with married parents who receive food stamps has doubled since 2007. In 2014, an estimated 16 million children, or about one in five, received food stamp assistance, compared with the roughly 9 million children, or one in eight, that received food stamp assistance before the great recession began.

With poverty levels at an all-time high in the Bay Area, and with one in five children currently receiving food stamp assistance across the nation, the Republicans are planning massive spending cuts to the Food Stamps program in FY 2016, and during the next five years.

None of the right-wing Republicans bothered to ask the hungry children in the Bay Area and all across the nation how they plan to survive once their food stamp assistance has been severely slashed by these massive budget cuts.

HOUSING CUTBACKS

HUD, the Multifamily Housing Choice Voucher Program (Section 8) and the Public Housing Program and federal sequestration budget cuts in recent years have harmed the Section 8 program deeply.

In response to massive budget cuts in recent years, the Oakland Housing Authority (OHA) has announced new policy changes for Section 8 voucher holders. Doing the best they can under the worst conditions, due to ongoing federal budget cuts, the OHA has still managed to assist thousands of low-income households.

Thousands of low-income households would become homeless if the OHA cut back or eliminated housing assistance.

However, during the week of March 16, thousands of Section 8 tenants in the Housing Choice Voucher Program were alarmed to receive two notices of policy changes made by the OHA. The OHA is a Moving to Work (MTW) demonstration housing authority, and MTW housing authorities do not have to abide by the normal federal rules and regulations that HUD has developed for Section 8.

There are only around 35 MTW housing authorities nationwide. According to HUD’s records, there are around 13,380 Section 8 households in Oakland.

One notice advises Section 8 tenants that, as an MTW housing authority, the OHA has recently made changes to their portability policy because some neighboring housing authorities may not be absorbing new voucher holders into their system that are transferring out of Oakland. The OHA would end up subsidizing Section 8 vouchers being used by Section 8 tenants who transferred from Oakland to nearby cities that do not absorb the vouchers into their system, and the OHA does not want to do that.

As a result, the new policy restricts Oakland’s Section 8 tenants from using their Section 8 vouchers to move to Alameda, Contra Costa County, San Francisco, Santa Clara, and Solano County because it may cost more to live in those areas than it does in Oakland. The OHA is not willing to subsidize the Section 8 voucher holders if they decide to move to those locations. The new policy goes into effect on July 1, 2015.

It appears that the OHA did not bother to ask Section 8 voucher holders in Oakland how they feel about losing their freedom to move to nearby cities with their vouchers, before deciding on the draconian policy change.

However, according to documents, the OHA recognizes that some households may need to move out of Oakland due to special circumstances and there are exceptions to the new policy. Section 8 tenants are being directed to contact a staff person in the Leased Housing Department of the OHA to discuss their options.

Also, in a separate notice, Section 8 tenants in Oakland have been advised that a change in the utility allowance policy is going into effect on August 1, 2015, that may result in tenants paying higher rents. The OHA is not limited to establishing a utility allowance schedule in accordance with HUD requirements because it is an MTW demonstration housing authority.

Tenants are being advised that the OHA is giving them a six-month notice before the new utility policy goes into effect that may result in Oakland’s Section 8 tenants paying higher rents than tenants in other jurisdictions.

The Housing Choice Voucher Program (Section 8) assists around 2.1 million households in the United States with their rents and utilities.

MASSIVE ASSAULT ON SSDI

In the Bay Area, thousands of working class, disabled people with Social Security Disability Insurance (SSDI) plan, were the millions of people on SSDI asked how they plan to survive the massive budget cuts they are presently facing.

The funding transfer needs to take place immediately to SSDI before the shortfall sets in during FY 2016, beginning in October 2015.

The war being waged against the American people by right-wing Republicans is happening at a very fast pace and can already be felt by millions of Americans all across the nation.

The Republicans are trying to conceal their activities as much as possible before the public has a chance to rise up in anger to stop their draconian plans before they are made into federal law.

Lynda Carson may be reached at: carsonrules@yahoo.com
In 2015, HUFF filed a lawsuit against the Santa Cruz County Superior Court, located at 701 Ocean Street in Santa Cruz. All those who advocate for the rights of people experiencing homelessness are urged to attend the hearing and lend their support.

Steve Pleich is the director of the Homeless Persons Legal Assistance Project which has been providing pro bono legal services to people experiencing homelessness in Santa Cruz and Santa Cruz County since 2011.

Instructions for Soldiers Back from War
by Julia Vinograd

Do not kill the waiter
who shoves a hot plate of soup
too close to your face,
there are no grenades in the clam chowder.
Do not kill the waiter.

Do not kill the fat man
who pushes his belly and cart
ahead of you in the grocery check out line.
His friends are not about to fire on you
from the trees, there are no trees in the grocery
and the fat man has no friends.
Do not kill the fat man.

Do not kill the smiling secretary
who won’t let you in to talk to your doctor.

Do not kill your family
who are not your family anymore.
Somebody loved them and you’re living in his house.
You know your gun better than your 3 year old son.
You always will.

Close your eyes in bed with your wife.
Remember the teenage whore who tried to stab you.

You know your gun better than your 3 year old son.

Do not kill any of them
who are not your family anymore.

Jerusalem Plays Hide and Seek
by Julia Vinograd

I was selling my poetry books at the crafts fair
and a lady came up to me with her daughter about 11
long purple hair, cute and shiny.

The lady said she wanted one of my books, but would have to go
to the Bank of America to get money, she’d catch up with me.

I didn’t expect her to come back and didn’t see her
for an hour and a half. She was laughing.

“You know what happened?” she said, “My daughter protested
mommy, we can’t go to Bank of America, we have to go to a credit union,
that’s what all the Occupy people say.”
It took me a while to find a credit union but here we are.
I signed her book and smiled
at the 11 year old revolutionary with purple hair.

Vulture
by Julia Vinograd

“How beautiful are armies marching,”
says the vulture sitting on a branch,
rusting his black wings over his head.

“How strong and sweet their young muscles,
rustling his black wings over his head.

“How beautiful are armies marching.”
Jerusalem stretches out her quavering fingers,
the children’s ghosts. Here, no not here.
Jerusalem’s soft night long eyes dazzle around
the children almost remember, except they’re playing now.

Little ghosts giggle behind gravestones or in the lean of a wall
Jerusalem plays hide and seek with the ghosts of children.
It happened too fast, the children don’t know they’re dead.
Jerusalem plays hide and seek with the ghosts of children.

An 11 Year Old Revolutionary with Purple Hair
by Julia Vinograd

Jerusalem plays hide and seek with the ghosts of children.
It happened too fast, the children don’t know they’re dead.
Jerusalem doesn’t know her soldiers killed them.
Jerusalem’s soft night long eyes dissolve around
the children’s ghosts. Here, no not here.
Jerusalem stretches out her quavering fingers,
little ghosts giggle behind gravestones or in the lean of a wall
all that’s left of a shop selling sweet oranges
the children almost remember, except they’re playing now.

Come back after the game,
Bloodwind and screams thru the streets can’t touch the children
anymore and Jerusalem feels her shining kaleidoscope
of beauty to make their ghosts laugh.

“All, alle ouss, I see you. Can you see me?
All my pretty ones can you see me now?”

HUFF (Homeless United for Friendship and Freedom) founder Robert Nose observes, “The new expanded Stay-Away Ordinance simply waived away any constitutional protections homeless people have to be considered innocent until proven guilty. It gives unbridled power to rangers and cops to target the unhoused, with laws against sleeping at night, smoking, and being in a park after dark.

Not only can those engaging in life-sustaining behavior face hundreds of dollars in fines, but now they can immediately be banned without judicial process or recourse from large swaths of the city for periods of up to one year — all this with being found guilty of any crime, much less even the concocted ‘crimes’ for which they are charged.

The new "stay away order" ordinance has cast a pall over the homeless community in general and particularly over those who have historically found rest and association with others in city-owned parks.

“My friends and I come to the park most days to catch up on the latest news, chat and get some much-needed rest,” says longtime homeless Santa Cruz resident Donnie B. “We can still do this, but now we are uneasy about our presence and that defeats the whole purpose of being in the park.”

He adds, “We should have the same rights and access as any other person, but that has to be changed for the worse.”

The HPLAP Legal Team, led by Attorney Judith Barry of Apts, is confident that the case will succeed on the merits and is asking for community-wide support as the case makes its way through the judicial process.

The City of Santa Cruz, the defendant in this case, has filed a demurrer and the hearing will be held on April 20 at 8:30 a.m. in Department 4 of the Santa Cruz County Superior Court, located at 701 Ocean Street in Santa Cruz. All those who advocate for the rights of people experiencing homelessness are urged to attend the hearing and lend their support.

Steve Pleich is the director of the Homeless Persons Legal Assistance Project which has been providing pro bono legal services to people experiencing homelessness in Santa Cruz and Santa Cruz County since 2011.

The Santa Cruz court is the setting of a struggle for the rights of homeless people.

Mr. Pleich observes that the new expanded Stay-Away Ordinance simply waived away any constitutional protections homeless people have

The Santa Cruz court is the setting of a struggle for the rights of homeless people.

Mr. Pleich observes that the new expanded Stay-Away Ordinance simply waived away any constitutional protections homeless people have
Violence has a momentum all of its own. As “standing” and “aggravated” turned into “staredown” and “staring contest,” Bailey went after him, punching him three times in the head and neck, then grabbing him by the back of his shirt, forcing him to the ground.

“I didn’t touch you!” Quagmire shouted. Bailey slugged him again, while down, then five more punches as his victim shuffled and shielded his face and stomach from the blows.

While Bailey, Quagmire, and Francois had been arguing, Smiley had continued to pack. When Bailey swung at Quagmire, Smiley grabbed a walking stick, drawing Francois’ attention. While Francois tried to block him from the beating, Smiley skirted around her to grab the stick, but Bailey continued to follow. Smiley struck his二ium twice on the left arm with the stick, but Bailey continued to follow. Smiley struck his twoжimes broken, and Smiley kept their distance, the latter holding tightly on his stick as defense while the former taunted, “You bad... You bad...” As the two engaged, they turned to Quagmire and Francois were standing.

While the four quarreled, the two homeless men continued to pack their belongings, under the ambassadors’ watch.

As the homeless men began to leave, Bailey approached Smiley, and grabbed the walking stick attached to his laundry cart, attempting to remove it. Smiley grabbed onto the stick as well, trying to beat Bailey off. Smiley then grabbed onto the cart and slammed Smiley against a dumpster, the stick crossing his chest and pinning it to the ground.

“I’m watching you!” Bailey warned.

With another shove and a strike across the face, he let Smiley go, and then told the next homeless man to pack.

The beating was over, but the beating was just the beginning. As Smiley and Quagmire left, Bailey and Francois contacted the Berkeley Police Department and reported that they had been assaulted. Minutes later, the two homeless men were stopped on Shattuck, arrested, and spent the weekend in jail, falsely accused after having been beaten.

On Monday morning, they were brought to court on two charges of assault with a deadly weapon, two of exhibiting a deadly weapon, one of forcibly taking property, one of disturbing the peace by offensive language, one of threatening by offensive language, one of exhibiting a deadly weapon, two of exhibiting a deadly weapon, one of disturbing the peace by offensive language.

Quagmire threatened to cause a physical altercation. Police reports, is as follows:

Quagmire had not threatened Bailey or his family. He had not raised his fist. He had not charged the man. The violence was initiated and almost completely perpetrated by the ambassadors. The wrong men had gone to jail.

When the video struck the news, the Downtown Berkeley Association’s CEO, John Caner, fired Bailey immediately. Francois was placed on indefinite leave. “I want to personally, and on the behalf of the DBA board and staff, apologize to the vic-
tim of this beating,” he wrote, “and the entire Berkeley community. This violent behavior runs entirely contrary to our orga-
nization’s goals, as well as the standards and values of our entire community.”

But if intolerance is the rallying cry of those who support the DBA’s proposed legislation, then that word “entire” may be a bit of a stretch.

So what’s the issue with tolerance in downtown Berkeley? Isaacs is a little short of the specifics, but you’ll get the general idea:

“The homeless have taken over the street. Many of them are rude, aggressive, menacing, and intimidating.” Elsewhere in her piece, she mentions the presence of urine, feces, and aggressive canines.

She also complains of the smell of marijuana at the 2014 Christmas lighting, though it’s not clear that she blames homeless people for this: Her piece veers at times from complaints about homeless people to unrelated complaints about the Berkeley Unified School District. It’s unclear whether she’s upset about homeless people smoking pot, or about Berkeley as a general smoking pot. An anonymous source confirms that both phenomena have been reported.

But what is all this makes it into writing, but I don’t want to be coy about this: In public fora, John Caner has complained about smoking in public spaces, and even alleges that the city is taking a greater portion of them. Hours. But if we’re to believe Coyer, Caner is not. Here is the set of laws that Caner and supporters like Isaacs advocate:

1. No panhandling within ten feet of a parking pay station.
2. No setting belongings down more than 20 feet or planter, or within three feet of a tree well.
3. No lying down on planter walls.
4. No laying down between bedding at seven a.m. and seven p.m.
5. No tying belongings to bikes, railroad crossings, newspaper racks, or parking meters.
6. No cooking on the sidewalk.
7. Nothing about meth, marijuana, aggres-
sion, smoking, urine or feces, or badly behaved dogs. This is a bizarrely irrational disconnect.

For advocates of the criminaliza-
tion of homeless people, one of the most
tiresome counters to their arguments from opponents is that all of the behaviors they object to are already illegal. Everyone knows this. No one doubts the illegality of methedrine. And Berkeley already has some of the most restrictive public smoking laws in the country. The proposed laws aren’t all that about the more specific complaints; they’re about the first thing Isaacs has to say: “The homeless have taken over the street.” I don’t think Isaacs means this literally: She doesn’t think that homeless people set rules for oth-
ers on Shattuck. While the sidewalk is sometimes crowded, this is as much due to heavy commercial foot traffic as it is to homeless people’s bungling, selling patches, asking for alms.

It is entirely possible to spend hours upon hours on Shattuck with no greater interference from homeless people than from Cal students, or teenagers from Berkeley High. No, I think Isaacs means simply this: There sure are an awful lot of homeless people on Shattuck.

She writes, “Berkeley’s reputation for permissiveness has led homeless people to migrate here in large numbers. Right now, there is no realistic way we can support the disproportionate number of homeless peo-
ple who come here — nor should one city have to bear a burden that should be spread throughout the state and country.”

This idea that a municipality’s good ser-
vices or welcoming atmosphere draws a disproportionate number of homeless peo-
ple to town is often referred to as the “mag-
et theory.” It’s been trotted out in Seattle, Portland, Arcata, San Francisco, Santa Cruz, and all over the West Coast.

As you might guess of a theory of being put upon that just about every city holds, it’s pretty hard to find any evidence that it’s true, Alameda County has not kept local records in its most recent home-
less counts, but in the last year for which there is such data, 2009, the magnet theo-
ry doesn’t find much support: Oakland, at triple Berkeley’s size, also has triple the homeless people. However, it is able to attract a far greater portion of them. Oakland provides services for six times the number of homeless people that Berkeley does.

Berkeley’s overall population is 0.6 per-
cent homeless; Oakland’s, 0.5 percent; San Francisco’s, almost 0.8 percent (using the 2013 numbers, which are a little lower than those from 2009). There’s just no evidence that Berkeley has a larger homeless popula-
tion than similar West Coast cities.

If it did, it certainly wouldn’t be because of tolerance. In February, the UC Berkeley School of Law’s Civil Rights Clinic released a report entitled California’s New Vagrancy Laws: The Growing Enactment and Enforcement of Anti-Homless Laws in the Golden State. California criminalizes homelessness at a far greater rate than does the United States at large, with an average of nine anti-homeless laws per city. Berkeley, with ten laws banning twelve acts, beats the average.

To really put the lie to that canard, we can compare Oakland and San Francisco. Oakland has fewer anti-homeless laws than does Berkeley, with eight laws banning ten acts, but per capita has roughly the same rate of homelessness. San Francisco has dramatically more laws — 23 with an equal number of restrictions — but has a higher per capita rate of homelessness.

But the magnet theory does not seem to have been damaged by contrary evi-
dence. Caner — the CEO of the Downtown Berkeley Association, the supervisory board and staff, the chief proponent of the anti-homeless laws — also subscribes to this theory.

An interesting note, here. From the March 17 City Council meeting on, many in Berkeley have been describing the pro-
sposed anti-homeless laws through refer-
ence to their failed predecessor: Isaacs refers to the new laws as “the revival of Measure S.” City Councilmember Max Anderson said, “I call this ‘Son of S,’ the illegitimate son of S, who’s come back to haunt us again.”

They’re referring to a 2012 Berkeley ballot measure which would have made it a crime to sit on any commercial side-
walk. The measure failed at the ballot by a healthy margin (larger than that by which Obama beat Romney), but not for want of trying. Until 2014, the Yes on S campaign was far and away the best-funded measure campaign in Berkeley history with a cam-
paign budget of just under $119,000. It eclipsed all candidate campaigns with the excep-
tion of the most recent mayoral campaigns.

Caner was the chair of the Yes on S campaign, and his commitment to the anti-sitting cause didn’t stop with money.

On election day, Caner personally hired 50 homeless people from Oakland to stand by Berkeley polling locations and distribute slate cards that were designed to make voters believe that the Democratic party had endorsed Measure S (it had taken no position; all but one of the Democratic clubs that weighed in opposed the measure) and a pro-landlord slate of Rent Stabilization Board candidates. After
The Wrong Men Were Sent to Jail

from page 14

the election, the Democratic Party centered the individuals who had produced the misleading slate card.

On one level, the comparison between these restrictions and a sitting prohibition could be confusing. Obviously, panhandling nine feet from a parking meter and sitting on the sidewalk are markedly different acts. A law preventing the one is not the same as a law preventing the other. But proponents must imagine that in practice, the laws would work in much the same way. Rachel Swan of the East Bay Express wrote the following in an interview with Caner in 2012:

"John Caner, CEO of the Downtown Berkeley Association, said that much of the frontline enforcement work under the sit/lie law would be delegated to ‘ambassadors’ rather than to Berkeley cops. Ambassadors are employed by merchants’ associations. Caner foresees a system in which ambassadors would quietly shoe homeless people away from the city’s main commercial districts..."

The beating on March 19 didn’t go off very quietly. When Hamilton’s video went public, homeless people on Shattuck immediately put out a call to action. Caner had written, as cited above, that he wanted “to personally apologize to the victim of this beating,” but Quagmire was in jail, and Caner had made no such public apology. He’d just written those words in a press release.

Furthermore, according to homeless people on Shattuck, this wasn’t an isolated incident, but a pattern. The day after news of the video broke, a group of mostly homeless Berkeleyans gathered on Shattuck Avenue in front of one of the entrances to the Downtown Berkeley Association and held a rally, chalk-in, and march.

Ninja Kitty, a long-time resident of Berkeley who was one of the organizers of the protest, said, “Part of ambassadors’ job is to intimidate homeless people off of Shattuck Avenue. People are only intimidated if the violence is sometimes real. This brutality is a part of what the DBA does. This isn’t the first time that ambassadors have assaulted homeless people – it’s just the first time it’s been caught so well on camera.”

I don’t think John Caner or any of the members of the DBA wants this kind of brutality. But Ninja Kitty is right. Osha Neumann, an attorney who works with the East Bay Community Law Center, said, “Multiple times in the past couple months, private citizens have recorded Berkeley Police arresting homeless people with disabilities in ways that resulted in injuries. This incident differs only in that the shirt is yellow rather than blue.”

He referenced the DBA’s proposed laws: “This isn’t a coincidence. When the DBA pushes for criminalization, police and ambassadors feel pressured to use force to push homeless citizens out of public spaces.”

But homeless people aren’t flies. Despite Caner’s characterization of what ambassadors should do, homeless people don’t just dematerialize with a “shoo” and a flick of the wrist. Pro-criminalization advocacy leads to physical abuse.

If the Downtown Berkeley Association is against tolerance, the implication is that the other side is for tolerance. Elisa Dellapiana, the chair of Berkeley’s Homeless Commission, has been a vocal opponent of criminalization for years.

"Are we for tolerance?" She shakes her head in vigorous objection. "That’s not even the right question. Something that you tolerate is something that you disagree with, or that pains you in some way, but that you accept because it’s good for a democratic society, or what have you. We don’t accept homelessness. The situation of homelessness is intolerable. When you have a social situation that’s intolerable, you try to solve it. If people who support criminalization want to do something about homelessness, then they should be collaborating with the rest of us to try to find solutions to the problem.”

Many such efforts are active in Berkeley, right now. City Councilmember Jesse Arreguin has convened a Homeless Taskforce, a community committee that has been working for almost two years to develop a set of solutions to homelessness in Berkeley. On April 20, they’ll hold their next meeting to finalize a set of recommendations that has been produced and vetted by housed residents, service providers, and homeless people. Those recommendations will go before City Council in June.

And the Task Force isn’t the only collaborative effort to address homelessness in Berkeley. A year ago, City Council asked youth service providers to develop a proposal for how to expand services for homeless youth. The near consensus response was that Berkeley needed to provide more housing opportunities for youth.

A specific proposal for rent subsidies passed through the Homeless Commission, but disappeared into limbo at City Council. In the past months, youth service providers have again taken up this cause. It is, without a doubt, the most effective and compassionate way to get youth out of cyclical homelessness, and to places of their own where they can legally rest, or set down their belongings during the day. Places that aren’t Shattuck. Places that aren’t limbos.

But for now, limbo is where Berkeley and the unsheltered people who call it home are left. The Alameda County Public Defender’s Office has successfully sought a positive finding of innocence for Smiley, but at press time Quagmire remains in jail. And as City Councilmembers simultaneously consider criminalization and collaborative solutions, they leave the city as a whole tittering between a future of intolerance, and one of hope.
Three Generations

This spoken word piece by St. Mary’s Center Hope and Justice Coordinator Janny Castillo was performed with her daughter Naomi Cox and granddaughter Jania Gaines at St. Mary’s Celebration for International Women’s Day on March 19th, 2015.

Spoken by Janny, the mother
I say three generations
I really mean many.
Through my heart flows the power and spirit of my mother,
And her mother,
And her mother before her.
I have shed many tears
And suffered many pains
And lived through times that I thought would end me,
But ... I have also experienced joy and deep gratitude.
For the experiences that have brought me to my knees in prayer
Has also lifted me up to dance to a song called Freedom,
I have suffered through trauma that only women endure
And got caught up in love that was the opposite of love,
And I have wished for peace while living an un-peaceful life
I have lived tied to a past that left me broken and broken hearted.
One day a child was laid in my arms
My first born, a daughter who looked like me,
Who showed me unconditional love,
This was a beautiful new experience
To have a daughter,
I was changed to my core ... I was transformed
I became somebody’s mama.
And through her newborn eyes
Peace began to grow in my heart... little tiny bits of hope began to rise,
I wanted so much to make her little world better.

Spoken by Naomi, the Daughter
Through my heart
Flows the power and spirit of my mother,
And her mother,
And her mother before her.
I am a child of my mother who loves me unconditionally,
But was too wounded to provide a safe place for me.
As a child,
I had to call many places home.
You would call them shelters, tents, places filled with strangers,
Rooms that belonged to everyone but never to me.

Spoken by Jania, the granddaughter
I am Jania
And I am bright and shiny.
Through my heart flows the power and spirit of my mom,
And her mom, and her mom before her.
I may not have everything I want
But I have everything I need.
I call myself lil diva
Because mom and grandma
Tell me I am important and precious.
And I believe them.
I have a place that my mom and I call home,
I have a room just for me with my favorite books
And my favorite pink things.
I also have pictures on the wall of my grandmother
Who watches over me from heaven.
And my clothes are always clean
And some on them are cute enough
To make me want to put my hand on my hip and smile.

One day a child was laid in my arms
My first born, a daughter who looked like me,
Who showed me unconditional love,
This was a beautiful new experience
To have a daughter,
I was changed to my core ... I was transformed
My mother’s healing cleared the path for mine.
Now I work hard to make my little daughter’s world better.
This is what I know for sure.
That my mothers have never forsaken me.
Because of their strength and constant prayers
I am here bright and shiny.

Spoken by Jania, the granddaughter
I am Jania
And I am bright and shiny.
Through my heart flows the power and spirit of my mom,
And her mom, and her mom before her.
I made it, though.
You can say I prayed my way out.
You can still call me poor but I don’t.
The effects of poverty do not affect me anymore.
And every day I pass this strength
And this message of peace and joy
To my daughter, and her daughter.
This is what I know for sure...
That my mothers have never forsaken me.
Because of their strength and constant prayers
Today I am bright and shiny.

My mother’s healing cleared the path for mine.
Now I work hard to make my little daughter’s world better.
This is what I know for sure.
That my mothers have never forsaken me.
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And I believe them.
I have a place that my mom and I call home,
I have a room just for me with my favorite books
And my favorite pink things.
I have pictures on the wall of my grandmother
Who watches over me from heaven.
And my clothes are always clean
And some on them are cute enough
To make me want to put my hand on my hip and smile.
Sometimes I wear my hair in fancy little braids
Not done in a shop but braided by my mama.
And they look just as good as the shop.
My mom and dad broke up a long time ago
But I am not from a broken family because
I am loved by my mom and dad, and my uncles,
And my cousins, and my grandpas, and my great aunts
And especially my grandma.
My mama tells me I can be anything I want
And I believe her.
My grandma tells me to be kind and generous
And I told her I would work on that.
I am Jania. I am eleven years old.
Because of my mom’s love, and the love of her mom
And her mom before her,
My future is bright and shiny.