

San Francisco's Sit/Lie Ordinance: Perceptions, Realities, and Desires

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Abstract

San Franciscans in the 2010 election voted for Proposition L, the Sit/Lie Ordinance, which prohibits sitting or lying on sidewalks citywide from 7am to 11pm. This thesis will study the consequences of the new law. Considered having one of the largest homeless populations in the country, San Francisco recently adopted the law which is widely seen as anti-homeless. The author is interested in how the homeless and various community-based organizations that have long advocated for the rights of the homeless respond to the measure. This is an important issue, not only in San Francisco but many other cities in the U.S., as it defines who the “public” is in public space. This study aims to use empirical research to answer the question of how the right to the city is contested in the use of public space by the homeless. This paper hypothesizes that the homeless and their advocates continue to resist the ordinance and try different ways to reclaim their use of public space since public space is a dynamic – rather than fixed – venue open for struggles.

Keywords: Right to the city, public space, homelessness

Background

Since the late 1980s, homelessness has become a modern problem on a large scale in the United States. Cities across the country started initiating laws that criminalize homelessness-related activities, which are always performed in public spaces. The offenses include panhandling or begging, urinating, sleeping or sitting, peace disturbance, and turnstile jumping. With the stated goal to reduce the visibility of homelessness, many cities also have sweeping efforts to remove homeless people from specific parts of town and selectively enforce generally applicable laws such as prohibitions on loitering and public intoxication against the homeless.

It was in this national climate of implementing a “quick-fix” that San Francisco too began to explore policy options. Homelessness in San Francisco, where thousands of low-cost housing units had been destroyed under the San Francisco Redevelopment Agency’s urban renewal agenda and real estate prices had been rising rapidly in the dense city, became widespread and visible in the 1980s. Elected officials who thought of the problem as temporary soon followed the trend and turned to the criminal justice system for solutions. History has shown that politicians’ careers in this city with an official estimated homeless population of 5,383 are often linked to their homeless policy.

Mayor Art Agnos, elected in 1988, first responded to homelessness by adopting a lenient policy and sponsoring nonprofit housing development. However, the public impatience with persistent homelessness put pressure on the mayor, who later ordered Police Chief Frank Jordan to sweep Civic Center Plaza where 60-100 people lived. Jordan’s willingness to take harsh action to reduce homelessness won him mayorship in 1992. He quickly made homeless policy a law and order issue and introduced the controversial Matrix. Modeled on the nationally endorsed criminalization efforts, Matrix directed police officers to actively enforce quality-of-life

ordinances against homeless people. Agnos' successor, Willie Brown, officially ended Matrix but continued an unpublicized policy of aggressive enforcement of quality-of-life ordinances. Throughout the 1990s, along with increasing homelessness, the number of quality-of-life citations has only increased, from 11,000 in 1994 to 23,000 in 1999.

In the past two decades, San Francisco has tried many policy ideas to deal with homelessness, including the multifaceted Matrix, linking prosecution to social services, community courts, and recently Care Not Cash. Amidst these grand slogans and costly programs have been constant attempts to *punitively* restrict homeless people's use of public space, including outlawing aggressive panhandling, disallowing sitting or lying in commercial districts, and taking pictures of homeless people and ordering liquor stores to not sell alcohol to them. This was the context in which the city passed Proposition L, the Sit/Lie ordinance, in 2010 to ban sitting or lying on sidewalks between 7am and 11pm. The purpose of this paper, as a case study of the ongoing negotiation of the use of public space, is to understand how the homeless community responds to this ordinance and the larger attempt to criminalize homelessness.

Literature Review

To understand the issue at hand and who are the main stakeholders affected by the new law, one must define homelessness. The definition of homelessness has been a topic of ongoing debate. Many definitions center on a lack of housing or stable dwelling, the absence of shelter on any given night, or life on the streets and in emergency shelters (Ropers, 1988; Morse *et al.*, 1992). Broader definitions include the notion that individuals live in inadequate housing circumstances involuntarily due to a lack of social and material resources necessary to obtain and maintain housing (Stoner 1989). Because someone living in substandard housing still has the *option* to exist in private spaces and thus is much less likely to be affected by the Sit/Lie ordinance, for the purpose of this paper homeless people are defined narrowly as those who live their lives on the streets as a result of the inability to afford housing and have to carry out life-sustaining activities in public.

A closely related concept is public space. Homelessness is not seen if there is no public space; if everyone has the right to some private space, that means – using our narrow definition of homelessness – no one is homeless. Waldon (1991) argues that in a “libertarian paradise” where all property is privately held, a homeless person simply “would not be permitted to exist”; they are “allowed to be” only by virtue of the fact that some territory is held as “collective property and made available for common use.” This complementary relationship between the private and the public parallels Mitchell’s (2003, p.128) dialectic of public space, the “two opposed and perhaps irreconcilable ideological visions of the nature and purpose of public space”: there is “a vision of a space marked by free interactions, user determination, and the absence of coercion by powerful institutions,” as opposed to “one of a space that [is] open for recreation and entertainment, subject to usage as an *appropriate* space by permission of its

owners.” This dialectic asks the same question that this paper is trying to answer: for whom is public space “public”?

Many have taken the step to argue one way or another. Those who favor planned and orderly public space include the founders of the broken windows theory. Wilson and Kelling (1982) propose that “disorder and crime are usually inextricably linked, in a kind of developmental sequence.” According to the criminologists, indications of disorder, such as a broken window, demonstrate a loss of public order and thus breed more serious crimes. With this view, anti-homeless laws are justified in the name of order. They call the unchecked panhandler “the first broken window,” and Ellickson (1996) similarly writes, “A regular beggar is like an unrepaired broken window – a sign of the absence of effective social-control mechanisms in that public space.” The theory supports the concerns of people like Tier (1998) of the Center for Livable Cities that the presence of homeless people “affects the quality of urban life, the general feeling of comfort, aesthetics, security, and freedom people should have in their urban public spaces.”

However, even hundreds of years before the introduction of the broken windows theory, vagrancy laws cast vagrants and the poor as threats to safety, public health, and economic stability and essentially made one’s vagrant status a crime. Miller’s (1991) historical analysis reveals the “disorder” image and the “disease” image of the vagrant. This civility canon continuously shapes the legal discourse, even after the Supreme Court ruled in 1972 that vagrancy laws were unconstitutionally vague and violated the Due Process Clause of the Fourteenth Amendment. The battle on the constitutionality of anti-homeless laws since then has been never-ending: the Supreme Court in the decision of *Robinson v. California*, which has been called the “Robinson Doctrine”, held that the use of civil imprisonment as punishment solely on

the basis of one's involuntary status constituted cruel and unusual punishment, but elaborated in *Powell v. Texas* that statutes may prohibit acts associated with status instead of the status itself. Legal scholars have contended whether it is possible to separate status (such as homelessness) from acts derivative of status (such as the necessity of urinating and sleeping in public).

In the case of homelessness, it is simply impossible for someone without shelter to ensure his physical and economic survival without breaking the law. The influential report by the National Law Center for Homelessness and Poverty (NLCHP), *Out of Sight – Out of Mind? Anti-Homeless Laws, Litigation, and Alternatives in 50 United States Cities*, found that among the cities surveyed, 86% had anti-begging ordinances, while 73% had anti-sleeping laws (1999). While most of these ordinances have passed the Constitutional test with their specific design to prohibit acts, and while officials such as Mayor Jordan of San Francisco assure us that “homelessness is not a crime” (Howland 1994), the intent behind passing legislations of this kind is apparent. Citing Waldron saying “any attempt to defend them on the basis of their generality is quite disingenuous,” Amster (2003) points out that despite the guise of universal applicability, quality-of-life ordinances affect only the target community – the homeless. These laws are passed to reduce the publicness of homelessness by associating penalties with live-sustaining behaviors visible in public space, with the knowledge that homelessness is and has to be public. This is why we can succinctly call these laws criminalization of the homeless.

“Broken Windows” have received critiques from all fronts. The NLCHP raises the concerns about fairness: “Punishing one group of people to prevent future criminal activity by others runs afoul of the basic notions of equality underlying our criminal justice system” (1999). Any just legal system would refuse to punish a person based on threats that he or she imply, rather than acts that are harmful, or else it would be a system susceptible to discrimination.

Others have cited empirical evidence to object to the association between homelessness (i.e. disorder) and crime (Kurki 2000; Foscarinis 1996; Smith 1994). Davis (1990, p. 224) highlights the unfortunate illogic: “The social perception of threat becomes a function of the security mobilization itself, not crime rates.” Perhaps one of the most compelling objections to the theory comes from Kelling’s (1999) agreement that “order maintenance has the potential for abuse” and the discriminatory nature of quality-of-life citations.

An alternative is to look at public space not as a controlled and highly constricted sphere, but rather, tolerant of the risk of disorder. Vidler, the Cooper Union’s acting dean of architecture, opines that to secure public spaces is to create “a world hardly worth living in and would inhibit the very contact through density that cities encourage” (2001). Mitchell, one of the most vocal proponents of the dynamic vision of public spaces, similarly identifies the need of public space to “demand a certain disorder and unpredictability to function as a democratic public space” (2003, p. 130). Young defines urban experiences as the expectations “to encounter and hear from those who are different, whose social perspectives, experience, and affiliations are different” (1990, p. 119). All of these authors speak to the fact that conflicting demands are inherent in the use of public space and the city.

Democracy and the right to the city are intertwined concepts, which are manifested in the publicness of public spaces. Mitchell argues that “the right to the city” is dependent upon public space and that “only in public space... can the homeless represent themselves as a legitimate part of ‘the public.’ Insofar as homeless people or other marginalized groups remain invisible to society, they fail to be counted as legitimate members of the polity” (2003, p. 129). In this sense, Fraser (1990) is correct in saying that public spaces are absolutely essential to the functioning of democratic politics. And if the core value of democracy is to allow the co-existence of

differences, it seems sensible to question the insistence on a unified public. Rather, it is more realistic to expand the definition of public to include “counterpublics” who contest and demand new rights and negotiate the multiplicity of democracy (Crawford 1995).

A lot of research has been done from a historical or legal perspective to gauge the rationale behind or the “effectiveness” of anti-homeless laws. There exists a gap of relying on people’s first-hand experience in being confronted, warned, or punished by these laws to understand what these laws’ exact impacts are in theory and in practice. Does the homeless community actually feel sometimes these laws are justified? Do the homeless see themselves as equal citizens in public space like many scholars have argued? It is in this light that this study is conducted. Given the fluidity of democracy and the use of public space, this paper aims to look at how the homeless community contests the new Sit/Lie ordinance in San Francisco and whether or not the struggle acts as a new venue for understanding citizenship.

Research Design

This study on the community's responses to Proposition L in San Francisco is a case study to illustrate how the right to the city is contested in public space there. The research question – whether or not, and how, homeless people react to the Sit/Lie ordinance – is a qualitative one, to understand which is to investigate a complex social phenomenon. As Yin argues, “the case study allows an investigation to retain the holistic and meaningful characteristics of real-life events” (2008, p.14). To effectively study the case of the homeless population in San Francisco in response to the criminalization of Proposition L, this research project relies on multiple sources that complement each other. This following section presents the timeline and design of this paper's research method.

The author believes it is a crucial and appropriate time to evaluate the Sit/Lie ordinance. Former Mayor Gavin Newsom originally proposed the measure to the Board of Supervisors, the legislative body of the City and County of San Francisco, in March 2010, but after a series of public hearings and events against the ordinance, the Board voted it down 8 to 3 in June 2010. Nonetheless, the mayor, with the support of Police Chief George Gascon, then put the measure on the November ballot as Proposition L. The Sit/Lie ordinance was passed in the election of November 2010 with 54.3% voters in favor. It went into effect on December 17, 2010, officially named the Civil Sidewalks ordinance, but was not enforced until March 2011. Data collection for this paper was completed in February 2012. The 23 months between the law was first proposed and the research by the author have seen a lot of discussions around the issue. This was a period during which the policy idea developed, matured, and was ultimately executed. It has drawn attention and analysis from advocates, voters, policymakers, and public space activists, and it

encompasses the time between the passage and the full enforcement of the law so that its direct effects on old and new homeless people in San Francisco can be observed.

The bulk of this paper presents interviews with advocates and homeless people in San Francisco. Opponents such as Supervisor David Chiu, Coalition on Homeless, and homeless persons are interviewed. Two questionnaires containing open-ended questions designed for semi-structured interviews are developed and are attached as appendix. Advocates are asked to draw on their experience in working on the issue of homelessness in San Francisco in the discussion of their opposition to the Sit/Lie ordinance as well as policy recommendations to address homelessness. Examples of questions include “What are some trends that you have observed in the city’s approach to homelessness?” and “What do you think the government should do regarding homelessness in the city?”. Homeless people are interviewed with regards to their homeless experience and their first-hand experience with the enforcement of the Sit/Lie ordinance. Examples of questions include “Have you been cited for sitting or lying on sidewalks between 7am and 11pm?” and “Do you feel that you have a right to sit or lie on sidewalks as a homeless person?”. The complete questionnaires are attached as Appendix A. The interviews aim to give insights to the real impact of the law on the most vulnerable and targeted population, while also telling whether and in what ways the homeless community has organized in response to more restricted mobility. The author has also tried, without success, to interview San Francisco Police Department and access its record of citations given out due to the Sit/Lie ordinance. District Attorney’s Office, Criminal Division that keeps records and statistics of criminal cases, Traffic Court that handles traffic violations and other infractions, and Media Relations Office are all unable to provide relevant information.

Media coverage often cite the Haight-Ashbury neighborhood, where “some residents and store owners complained that thugs camped on the sidewalks and harassed passers-by,” as the origin of the proposal (Cote, 2010). Famous for its hippie subculture and attractive to many transient, itinerant homeless people, the neighborhood has been the center of the Sit/Lie debate. The neighborhood has led the city in Sit/Lie citations (Corneli, 2011). Captain John Feeney of the Park Station which is in charge of the area including Haight-Ashbury says so far the ordinance has resulted 188 citations and 14 arrests (Personal communication, March 6, 2012), although 53 of the citations were given out during the first three months of enforcement (Burack, 2011). Proposition L was passed in the citywide election, but voters in Haight-Ashbury voted against it. Proponents such as Mayor Newsom and Police Chief Gascon say there is no intention to target the homeless; instead, the measure is meant to provide police officers with a valuable tool to move along aggressive street kids. Opponents disagree, pointing out that sitting or lying does not constitute aggression and the homeless population is the only group affected and not exempt from the Sit/Lie ordinance.

Therefore, this paper decides to look at the measure through the lens of homeless people, with a particular focus on the Haight-Ashbury neighborhood. The author adopts standard procedures of qualitative research to conduct data collection and analysis. Interviewees are selected through nonrandom sampling (i.e. convenience sampling). In total 18 homeless persons are interviewed, and all names in this paper have been changed to maintain anonymity. Sixteen of them are male, and two are female. The homeless interviewees range from 19 to 56 years old, with one third of them under 25 and the rest equally distributed in other age groups. The length of homelessness also varies from one week to 20 years. Four of them are recently homeless, having lived on the street for about a year, and eight have been homeless for 2 to 7 years. Four of

them have been homeless for over 10 years. Basic demographic characteristics are summarized in Appendix B. The sample may not be representative of the SF homeless population, but because Haight-Ashbury is the center of debate as well as the center of enforcement, homeless people in this neighborhood are most affected by the law. All interviewees were aware of the law, and over half have been approached by the police because of the law.

Advocacy organizations are identified from newspaper articles and online campaign materials and each appoints an advocate to be interviewed, including Bob Offer-Westort from Coalition on Homelessness in San Francisco and Rev. Norman Fong from Religious Witness with Homeless People. Both citywide organizations advocate for the rights of the homeless. Offer-Westort, the organizer in charge of the citywide campaign against Proposition L, refers the author to Andy Blue, a nonaffiliated community activist who initiated the Sidewalks-Are-For-People Days during 2010 to raise awareness among the Supervisors and voters against the proposition. Similarly, Fong introduces Cindy Wu, the recently appointed Planning Commissioner who received her planning degree from Massachusetts Institute of Technology and works at Chinatown Community Development Center, a place-based affordable housing developer that was part of the alliance in opposing the law. On the legislative front, Board of Supervisors President David Chiu, who voted against the law and championed a competing measure that would establish a foot patrol program, is interviewed with a modified version of the questionnaire. In total, three advocates, one planner, and one policymaker offer their views on the Sit/Lie ordinance; all five are grouped as advocates in data analysis. The two groups of interviews are then transcribed and analyzed separately. Themes are identified using the technique of coding. Findings are presented in the following section.

Data Analysis – Advocates

Advocates' responses to the law constitute an effort to reframe both homelessness and the Sit/Lie ordinance. A few themes emerge from the interviews in their disagreement with the law. These themes, presented in the following section, explain why the advocates are opposed to the ordinance and shape what they expect the government to do.

Reframing I: What vs. Who. The arguments for the Sit/Lie ordinance are largely divorced from the discussion about homelessness. Mayor Newsom has made repeated comments that focused on *what* –the threat implied in the act of sitting or lying on sidewalks, instead of *who* – the homeless, the law targets. Politicians who support the law argue that it would effectively deal with behaviors that threaten the safety of sidewalks, i.e. sitting or lying, but they fail to acknowledge that these behaviors are inherently associated with the status of homelessness. In Offer-Westort's words, the Sit/Lie ordinance "creates this discourse around why are homeless people bad, so it fuels prejudices against homeless people" (Personal communication, January 4, 2012). The ordinance is justified by targeting groups with vilifying names such as "street thugs" and "gutter punks." Blue says, "This is hateful. It is based on hatred of people you don't know and don't understand" (Personal communication, February 22, 2012). It narrows the homeless population – made up of diverse individuals who theoretically share only in common the absence of a home – down to a homogeneous group of hostile people. Nonetheless, in reality the Sit/Lie ordinance can only punish homeless individuals, who may or may not be aggressive, but not aggressive individuals who have a home. It affects non-aggressive homeless individuals more than aggressive non-homeless individuals. In the design of legislations, it is possible to separate aggression from homelessness and impossible to divorce sitting or lying on public streets from homelessness. When lawmakers in San Francisco label sitting or lying on sidewalks as a public

safety threat, we can establish that the Sit/Lie ordinance is an anti-homeless law. Although proponents never directly admit that, Sit/Lie is a policy response to homeless people.

Reframing II: Structural vs. Individual. Advocates find this response extremely problematic and shortsighted. None believes that the new law will have any impact on mitigating the problem of homelessness in San Francisco. Among the many reasons for disputing the measure, advocates all agree that this is a proposal of political expediency, a short-term, cheap, and fast way to respond to constituents' demand of addressing homelessness. Offer-Westort says, "It distracts us as a society from real solutions to poverty and homelessness" (Personal communication, January 4, 2012). Governments may spend more on housing access or direct services, which would serve the needs of the homeless, but with the Sit/Lie ordinance, San Francisco instead chooses to invest limited resources in law enforcement. The passage of Proposition L represents a refusal to look at the root cause of why there is homelessness on the street. Advocates, on the other hand, identify the main issue and argue that homelessness is not an unsolvable conundrum. Offer-Westort comments, "If you look at homelessness in the US, it has skyrocketed since the 1980s. And that corresponds with massive cut in public housing in this country and the commodification of real estate, where real estate stopped being so much people's long-term investment in a home and became more of a financial commodity" (Personal communication, January 4, 2012). As shown in a lot of existing research, homelessness to a large extent is a product of a lack of affordable housing. If a society tries to eradicate behaviors associated with homelessness, it would be sensible to come up with a long-term solution that addresses homelessness.

Sit/Lie dodges this approach to homelessness, as the framing of the measure shifts the discourse and substitutes thoughtful policy with individual blame. In an interview with National

Public Radio, Police Chief Gascon said, "It's a very transitory population. They come here because they have been led to believe that this is a place that they can come in and party and, you know, get high and just basically create havoc" (Gonzales, 2010). Comments like Gascon's send a message to the public that homelessness and homeless people's presence in Haight-Ashbury are personal decisions. Advocates challenge this view and present a broader, more comprehensive frame to examine the Sit/Lie ordinance. Blue puts his reasons for disagreeing with the law in a larger context, "[We are] Not recognizing the implications of our economic system that creates disparities of wealth... Our system clearly has these downsides and we need to recognize that and live with that. The homeless people in our society are part of the society that we live in and many of us benefit from" (Personal communication, February 22, 2012). Homelessness is not and should not be seen as a personal choice but a structural issue. A law that addresses individual activities, such as sitting or lying on sidewalks or even panhandling that involves interaction with passers-by, is not going to clear homeless people off the street.

Advocates argue that this was the same reason why the ordinance was proposed and passed. Offer-Westort, who has worked with the homeless population in San Francisco for almost seven years and spent a year and a half trying to block Sit/Lie, describes the city's approach to homelessness as a "carrot-and-stick" strategy. Government officials think that "People are homeless due to their own doing or just liking the style, so they have to do something to make housing appealing, and they have to do something cruel to make homelessness less appealing" (Personal communication, January 4, 2012). Newsom proposed San Francisco's much known response to homelessness, Care Not Cash, in which general-assistance recipients who on average receive \$422 a month would only get \$59 if they receive shelter beds (Shaw, 2011). Under Care Not Cash, when enforcing laws against homeless people

who is engaged in homelessness-related activities such as camping in the park or loitering (i.e. sticks), police officers are encouraged to offer services such as drug rehabilitation or shelter beds (i.e. carrots). The controversy around the program is rampant but is not the focus of this paper. Nonetheless, like Care Not Cash, Sit/Lie originated from the same idea that making surviving on the street difficult will reduce homelessness. It is yet another stick to punish homelessness. We questioned the premise of these programs and legislations; instead of “meeting people where they are at,” they are based on theories that people “have to realize something before they can access help” (Personal communication, February 12, 2012). The assumption behind Sit/Lie is that once people realize it is unattractive to live on the street, they will actively seek housing.

Reframing III: Political Controversy vs. Civil Rights. This sense of individual responsibility may have led voters to vote for the measure, but advocates identify more reasons for the proposal of the Sit/Lie ordinance. All three advocates who worked on the campaign directly – Blue, Fong, and Offer-Westort – mention that the campaign for Proposition L was well funded. Blue says, “There is a trend that politicians [are] using the issue to their own ends. [They are] Not necessarily doing it because it is the best thing for the homeless or it is going to solve the problem, but it will play well in the political arena” (Personal communication, February 22, 2012). Sit/Lie is political for two reasons. First, business groups such as Haight Ashbury Improvement Association want the government to address the issue of homelessness that has been disproportionately affecting their neighborhoods and is not conducive to tourism or economic development. A short walk down on Haight Street reveals what residents and business owners have to encounter everyday: one has to walk around groups of homeless people who might be smoking pot or panhandling, look dirty, and own aggressive-looking dogs. A lot of local small businesses donated to the campaign for this reason. “People don’t like seeing

homelessness. So they [the local government] come up with ideas like the Sit/Lie law that's supposed to do something but really can't. It pleases the electorate for a moment but has no result," says Offer-Westort (Personal communication, January 4, 2012). Because homelessness is visualized in public space, some politicians hope to appear to be effective in dealing with homelessness with the proposition.

More importantly, advocates believe that Proposition L generated much heated debate than it otherwise would have because proponents wanted to use it as a wedge issue. The Coalition for Civil Sidewalks raised over \$140,000 in support of the proposition during the first three months of the campaign season (Corneli, 2010). According to Blue, "A lot of people who were supporting the law weren't affected by people sitting on the sidewalk. They were looking at it as 'Hey, we can use it as a wedge issue to shift the political balance of the city at least on the Board of Supervisors from a more progressive bend to a more pro-business bend'" (Personal communication, February 22, 2012). Because it was a major election year, five of the 11 Supervisor seats were up for election. Frontrunners such as Theresa Sparks for District 6 and Lynette Sweet for District 10 who supported Proposition L also had a strong pro-business platform. "Their end goal was to have a wedge issue to get more conservative politicians in office," Offer-Westort explains (Personal communication, January 4, 2012). It seems reasonable that homelessness, being omnipresent in all parts of San Francisco, affects many voters. Proposition L is likely to have attracted issue-oriented constituents in the middle of the political spectrum and benefited candidates who otherwise would be seen as too conservative. At the same time, the narrative by Proposition L proponents also depicted candidates who were opposing the law as anti-order and anti-civility.

Reframing IV: Safety vs. Diversity. Opponents of the law refuse this narrative and offered their own. They do not see Sit/Lie as an issue of law and order but one of civil rights. Only a handful of cities have passed similar laws like the Sit/Lie ordinance. That means such acts are not universally seen as harmful like murder or rape. Sitting or lying in itself is not threatening in any manner; it is the presence of homeless people that implies threats and the law targets. Offer-Westort rebukes the basis of the ordinance, “What the Broken Window Theory claims and it is often overlooked is that the feeling of safety is what’s important. Just extrapolate from that, what that actually means? ‘If somebody’s presence makes me unsafe, then his presence should be criminalized’ is an absolutely ludicrous notion. Think about how white people react to black people in public space. That would end up justifying race law” (Personal communication, January 4, 2012). Instead of challenging the stereotypical perception of homeless people being aggressive, Sit/Lie rationalizes and reinforces fear. The notion that an act is illegal not because it induces harm but because it is performed by a certain population is extremely dangerous to democratic values and civil liberties.

When asked to react to proponents’ argument that Proposition L is going to create safer and more comfortable public space, all advocates have similar responses as Wu’s. Fong says, “For whom? For whom? Life is selective. Who you choose to care for, who you want to keep out of sight, who is included, who is excluded” (Personal communication, January 5, 2012). He calls it “scapegoating of the poor.” Sit/Lie bans certain uses of public space, i.e. uses that are not contributory to the aesthetics and economic vitality of the city, and by linking homelessness to crime, provides a seemingly good reason to exclude the homeless from the definition of the public. Citing national statistics that show criminalizing homelessness has no impact on violent crime, Offer-Westort similarly argues, “The nature of these claims privileges some people’s

experience of public space over others'. It says that the way that yuppie douchebags feel in public space matters to public policy in a way that poor people feel in public space doesn't" (Personal communication, January 4, 2012). When proponents of Proposition L claim that the law would help create safer and more comfortable public space, they neglect the feeling of safety and comfort of the homeless. Blue (Personal communication, February 22, 2012) explains how such unequal treatment is harmful to the society as a whole:

Safer? Please. Any aggressive or threatening behaviors are already illegal. S/L doesn't address and criminalize any violent behavior that makes us unsafe. All S/L addresses is the right to sit/lie on sidewalks. So no, it's not going to make public space safer. It is going to make public space more bland. It is going to diminish the diversity, and what public space [is] supposed to be. Public space is supposed to be the place where we confront ideas and people and strangers that are different from us. Ideally it is the one place where we don't have the control whom we are coming into contact with and what we experience. In the society that has to absorb and deal with different ideas, philosophies, ideologies, and ways of life, you need to have a place where people come in contact with people who are different from themselves. That is essential for democratic, free society.

The equality in the use of public space advocated does not only benefit the homeless. Blue's point, echoed in many ways by other advocates, is that in order to achieve a free country we need to tolerate, if not cherish, diversity.

Advocates in particular speak about their pride of living in a diverse, progressive city and thus their more fierce opposition to and disappointment at the Sit/Lie ordinance. The political climate in San Francisco has favored left-leaning politicians, and voters have been concerned with civil liberties for minorities who may be unpopular in other parts of the country, such as the right to gay marriage. Private interests have to be balanced with the needs of the society. For example, although San Francisco's real estate prices are among the highest in the nation, it has

strong tenant protections including rent control and stringent eviction procedures. In such a context, a lot of community organizations flourish and function as pioneers in initiating social movements. Long-term residents and activists, having partaken in effecting social change, therefore find Proposition L contradictory and detrimental to San Francisco's ideals. Fong says, "How land use principles are either uplifted or taken away, like Sit/Lie, is really a reflection of where society is going to go. The Haight is a culture and character of San Francisco that needs to be supported, and Sit/Lie was like a slap in the face to the culture" (Personal communication, January 5, 2012). The fact that the idea of prohibiting sitting or lying on sidewalks originated in a neighborhood that capitalizes on its anti-establishment culture is emblematically disquieting. Advocates are worried that Sit/Lie may represent a beginning of conservatism that they cannot identify with. Blue describes himself as "someone who sees San Francisco as this incubator of progressive ideas" (Personal communication, February 22, 2012). He believed San Franciscans have a responsibility to preserve this role of the city. Sit/Lie to him has "a symbolic importance in what it means where San Francisco was headed, what San Francisco stood for." The genuine belief that the ordinance is going to hurt qualities that make San Francisco unique, such as the celebration of differences, underlies opposition against the law.

Opposition. The high stakes can be seen in the broad coalition built against the proposition. According to Paul Henderson, chief of administration for the San Francisco District Attorney's Office, police would not interfere in such situations as girl scouts selling cookies on the sidewalk or a resident sitting down to read a book. He said, "We expect the officers to use their common sense. The police exercise discretion every day." This is exactly why the general applicability of Sit/Lie is troubling. Offer-Westort in describing his organizing efforts says, "Laws like this that can be used in very selective ways can be reapplied to different populations

very easily, so any law like this is dangerous for any minority group” (Personal communication, January 4, 2012). Latino day laborers and the gay and lesbian community formed the original alliance with the homeless to oppose Proposition L. They view Sit/Lie as a potential tool that can be used against union members who picket for labor protections, or similar to the law between 1960s and 1980s that banned gay men standing outside bars after 1am, against LGBT individuals. Enforced discriminately, the Sit/Lie ordinance can completely outlaw the presence of a minority so long as the majority finds certain actions of the minority in violation of social norms, such as civility, even though these norms are vaguely defined and failure to comply with them does not denote actual harm.

However, the campaign against the proposition went beyond groups that may be affected and attracted sympathy from people who support equal use of public space. Blue was the first to recognize the relationship between the Sit/Lie ordinance and public space. He then organized Sidewalks-Are-For-People Days, inviting artists and citizens to use and sit on sidewalks creatively, as an effort to declare the public nature of city streets. Offer-Westort calls that the “turning point” of the campaign (Personal communication, January 4, 2012), at which more San Franciscans began to realize it is not a law that would only affect the homeless but would reflect the city’s values. Like mentioned above, the Sit/Lie ordinance is different from laws that regulate crimes such as murder that are illegal whether performed in private or in public. It would be unconstitutional to ban sitting or lying on private properties. The only reason Sit/Lie is justified is that some members of the public associate homeless people who are sitting or lying *in public* with public safety threats. But Wu argues, “If we think of it as a whole and we are an equal society, then we should say that all people have equal access to public space, right?” (Personal communication, February 12, 2012). Sit/Lie at its core rejects the notion of equal access to public

space. It is determined that the comfort of some people, such as business owners, passers-by, and tourists, weighs more than the comfort of homeless people. Wu continues, “It starts to get into very tricky grounds of public space [such as] who does it belong to and do you have to be a certain class or economic caliber to sit. That becomes very problematic” (Personal communication, February 12, 2012).

Other than the implications that make the Sit/Lie ordinance worrisome, advocates are asked about what actual effects they think the law has had since its enforcement. Two camps of thoughts arise; both label the ordinance as having minimal impact but for different reasons. For Wu and particularly Chiu, the law is overarching and thus impractical. Chiu illustrates with different scenarios, “Do you enforce it against the kids in the Sunset sitting on streets playing marbles versus a homeless guy sitting versus the Occupy protesters – where do you draw that line? I think it is a difficult one” (Personal communication, January 9, 2012). As a result, although once hailed as the grand solution to homelessness in San Francisco, Sit/Lie has not been effective in making much of a difference. “I really haven’t seen significant changes... By and large I don’t think Sit/Lie has the kind of impact that everyone hoped or thought it would have. Has there been huge harm from it? Maybe, maybe not. Has there been a huge benefit? I don’t see it,” says Chiu (Personal communication, January 9, 2012).

On the other hand, for advocates who work directly with the homeless population, the broad generalizability – however unprecedented in the making of anti-homeless laws – does not make Proposition L particularly different. Blue says, “It’s totally aligned with this big effort to purge the homeless from our public space” (Personal communication, February 22, 2012). It is just one of the many “laws of exclusion”, as he calls them, that are designed to eliminate groups that are determined to be undesirable in public space. Offer-Westort points out the marginal

difference Sit/Lie makes, “It will make life harder to homeless people, but only marginally so. There are already so many laws used to target homeless people” (Personal communication, January 4, 2012). Gascon’s hope that the Sit/Lie ordinance would discourage transient homeless youths from coming to San Francisco is ungrounded, because economic and physical survival of the homeless has already been illegal in San Francisco prior to the passage of the law. Advocates in general agree that Sit/Lie has more implied significance – in terms of being a wedge issue or signaling a turning point of San Francisco’s political climate – than real effects.

Regardless of what they perceive as the major issue around the Sit/Lie ordinance, all advocates are opposed to the measure and participated in the political campaign. Coalition on Homelessness where Offer-Westort works was the organization in charge of the campaign against Sit/Lie during the two phases when it was proposed at the Board of Supervisors in March 2010 and when it was brought to the voters in November. Offer-Westort was responsible for lobbying, community organizing, public education, door-to-door knocking, planning debates and coordinating volunteers. He says, “One of the biggest focuses for me is getting other groups that will be potentially impacted by Sit/Lie involved.” He broadens the constituent base against the measure by soliciting support from the day labor and gay and lesbian communities. Blue, an independent public space activist, also cites as his primary goal expanding the coalition beyond advocates for the homeless: “Not someone who’s been exclusively involved in homelessness issues, I really saw my role as being able to bring people into the coalition” (Personal communication, February 22, 2012). He tries to get people to see the law affected them by calling friends at local organizations and connecting voters and artists on virtual space. He designed campaign logo, distributed flyers, and created and maintained the campaign’s website www.standagainstsitlie.org, while becoming the media person at every event and hearing to

speaking against the proposition. Religious Witness with Homeless People was responsible for publicity and outreach to hundreds of rabbis and pastors across the city. As a reverend, Fong preached a sermon against Proposition L on Homelessness Sunday as a contradiction. He believes the religious community unanimously does not want to support a policy that would hurt the homeless and thus exposing to them the hypocrisy behind Sit/Lie was important. Chiu as one of the most prominent politicians in the city voted against the measure, supported the opposition campaign, and was part of the political debate by articulating his views on it to the public. He also put on the ballot a competing measure that would fully implement community policing, to “contrast the two very different approaches to deal with these quality of life offenses.” Wu’s organization, Chinatown Community Development Center, reached out to its constituents through the media and public education to persuade voters to vote against Proposition L.

Current Response. However, despite working on the campaign for over a year, none of the organizations decided to continue resisting this law after its passage and enforcement. Chinatown Community Development Center does not work directly with homeless people. Therefore, Wu says, “We are always going to be working on issues of people facing poverty, but not as targeted as such focused laws” (Personal communication, February 12, 2012). But even for organizations that work closely with the homeless population, they do not plan to contest the law. “We don’t plan to do anything that is separate from justice and criminalization of homelessness as a whole,” Offer-Westort tells the author (Personal communication, January 4, 2012). He says the organization is “focused to end homelessness and the criminalization of homelessness while homelessness still exists.” It is interesting that Sit/Lie is a clear effort to criminalize homelessness but even organizations with the goal to achieve justice for the homeless do not attempt to fight the law directly. He explains his organization’s Annual Plan

2012 does not include Sit/Lie specifically because they do not think it is a time that much can be done to fight the law. At most, the law is enforced as often as other anti-homeless laws, and is just one additional tool in the grand scheme of criminalization of homelessness. The advocates think that it has had almost no effect in actually helping or hurting the homeless. Instead of spending their limited human and financial resources on contesting a manifestation of injustice, they would rather fight the spirit of injustice.

Expectations. Alternatively, advocates articulate what they want the government to do. Blue says it is not just immoral and wrong but also impractical to not have affordable housing in the city. "If you want a community that functions, you have different people doing different jobs and they have different levels of income. You have to have housing that's affordable to people who are low-income. It is a huge piece of homelessness," he argues (Personal communication, February 22, 2012). Wu and Chiu believe the same and specify that supportive housing would be the cost-effective answer to homelessness. "Some folks need mental health treatment, other folks need drug, alcohol abuse treatment, other people need a job or job training, other people need childcare, and everybody needs housing. Thinking about how to integrate the appropriate service to the appropriate people in a supportive housing context is very important" (Personal communication, January 9, 2012). People are homeless for different reasons, and a comprehensive housing model that targets the right service to individuals that use these services would be efficient. Offer-Westort thinks funding for affordable housing is an issue that has to be addressed nationally. He hopes the mayor of San Francisco would engage in advocacy at a national level: "They [local governments] need to focus their energy on the federal government and start making a stink. If you have mayors in 40 states asking for restoring funding for HUD and getting more serious on the issue, that will actually do something. SF is actually in a position

to do that” (Personal communication, January 4, 2012). City government like San Francisco cannot swim against the current alone due to fear of attracting more homeless people from other parts of the country and creating a disproportionate burden on social services.

On the other hand, advocates find the government not only fails its responsibility of attending to the needs of the disadvantaged but also its responsibility to simply be fair. They demand the government to stop reinforcing stereotypes and stigmas. Fong questions the city’s citation system, which disallows access to shelters and puts people behind bars (Personal communication, January 5, 2012). Revolving doors are created to punish the homeless, making it almost impossible for them to have equal opportunities to leave the cycle of being homeless and imprisoned. Offer-Westort says, “My dream city government would end all policing of homeless people, would no longer have the homeless outreach officers. They don’t do outreach, they do citation of homeless people. Complete eliminate that from the budget. That would end restrictions to access to services” (Personal communication, January 4, 2012). Policing implicitly labels the homeless as lesser citizens who cause problems to our society. Therefore, their worth is less and their voice not heard in the policymaking process. Strongly believes in civic participation, Fong says, “Sometimes government is polarized with dealing with the traditional people you go to, like business communities than others. Why can’t they open the doors to a really representative population of SF? Good planning should be all inclusive regardless of who has money and who does not” (Personal communication, January 5, 2012). He does not necessarily think that the government needs to “help” the poor. If the government can act as a neutral agent and ensure a leveled playing field instead of favoring certain groups, more policies benefiting the homeless will be created. “We celebrate those agencies that serve the poor and hand out gifts and give out food. On the other hand, we support policies that hurt the homeless

day-to-day... These policies have more impact on the homeless day-to-day than all the direct services that we do," he comments. Social justice is embodied in both adequate services such as supportive housing and equal representation.

Data Analysis – Homeless Individuals

Themes similarly emerge from interviews with homeless individuals, although, different from the advocates, the homeless interviewees discuss the direct impacts of the Sit/Lie ordinance and their personal experience with the enforcement of the law. The themes revolve around their demand for equal treatment, which is a more fundamental demand than getting rid of the Sit/Lie ordinance.

Lack of Options. The homeless often consider the law in the context of the many challenges they face. According to the interviewees, they simply need to sit or lie down out of necessity. David says, “The Sit/Lie law makes it impossible. People need to sleep, you know” (Personal communication, January 5, 2012). Homeless people may walk for long distances before they face a place where they feel safe to rest, such as the Haight Ashbury neighborhood in San Francisco. The law reinforces the lack of options to survive. “They throw us back to the [Golden Gate] Park and the park rangers throw us back onto the street. So I don’t know what to do,” Mark complains (Personal communication, January 4, 2012). It is difficult if not impossible to survive as a homeless person on the street without breaking the law. Indeed, many of the anti-homeless laws never purport to solve homelessness; they simply try to change people’s perception of the problem of homelessness – in places like the streets and Golden Gate Park. As a result, it is not surprising that one effect felt by the homeless is this lack of options.

Interviewees give elaborate examples of how laws like the Sit/Lie ordinance generate a vicious cycle. Laws that prohibit aggressive panhandling or urination in public set up systems that trap homeless people into either engaging in illegal behaviors or fitting in inaccurate stereotypes, both of which fortify the stigma associated with homelessness. One homeless person, Brian, feels that he has no choice but to break the law because he has no access to a

bathroom: “I can’t really see why we should get tickets for taking a piss somewhere. If people don’t like us taking a piss somewhere, there are tons of bathrooms all up and down the strip” (Personal communication, January 5, 2012). The same applies even when a homeless person just tries to be less of a sensory offense to others. Alan says, “They are mad at us when we ask people for money for food or to save up for a hotel room to take a shower so that you are not a stinky bum. And then you get all these laws telling you you can’t do this and then they are mad at you for being stinky” (Personal communication, January 4, 2012). Because of the nature of homelessness as an eyesore, one would only notice its presence but not its absence, and any presence – a clean panhandler as opposed to a smelly vagrant people – is equally annoying. The lack of options promoted by these anti-homeless laws strengthens the misrepresentation of homeless people as lawbreakers, so the general population is less likely to be sympathetic to the homeless.

Sense of Citizenship. The homeless interviewees, on the other hand, find no fault in being homeless and question the legitimacy of the Sit/Lie law. They express a sense of citizenship and the right to freely pursue their happiness. As Americans, some refer to America as a symbol standing for certain values without necessarily elaborating what those values are. When asked if they feel they have a right to sit or lie on sidewalks, Mark says, “Sure, why not? This is America” (Personal communication, January 4, 2012). For them, the association between America and their rights is simple and does not require further explanation. The definition of “America” directly implies this ingrained sense of individual liberty. The reasons behind may come from equating America to a land of the free where life, liberty and the pursuit of happiness are considered unalienated rights. Ben says, “In the land of the free, where we are supposed to be, whichever way our pleasure tends, we should be able to seek our bliss. If doing nothing is

part of your bliss, you should be able to sit right here right now and enjoy the moment” (Personal communication, January 6, 2012). Homeless people cannot agree with the Sit/Lie ordinance because the idea of freedom is of utter importance to many. One interviewee explains, “Everything my soul can bear my freedom means to me.” Sentiments like this are heard frequently with added conditional clauses, such as “I want to stay anywhere I want as long as I am not hurting anyone”, “if you are not sprawled out, blocking traffic, or keeping people from where they are going, I think you should be able to sit where you want to sit” and “my opinion is to be able to do what I want, as long as I am not disrupting other people’s happiness.” Using their criteria, the Sit/Lie ordinance is a clear violation of homeless people’s freedom. In the free country that the U.S. prides itself on being, its citizens feel entitled to freedom.

They feel the Sit/Lie ordinance takes away their basic civil rights because they do not view sitting and lying as criminal acts. Many say they are actually less likely to hurt anyone when they are sitting down: “What’s the difference between sitting down and standing up if I am about to rob you? If I am to hurt somebody I am going to be standing up. My position says that I am not aggressive if I am sitting down.” They believe behaviors that do not harm others should not be regulated, especially because sitting and lying do not constitute any implied or actual harm. Laws like this seem petty and are not even logical to them. One homeless man, Mark, compares, “There are people who are hurting little kids and you’re worried about me sitting on the sidewalk” (Personal communication, January 4, 2012). Taxpayers’ money should be spent on curbing real crime, instead of non-violent activities such as sitting or lying on sidewalks. Especially unjust is the fact that acts carried out in public are viewed as inferior than those in private. Katherine says, “If people living in houses are doing drugs, what’s the difference between them and the person out on the street doing that? ... Just because we are out here, we

are considered worse than if we live in a house” (Personal communication, January 5, 2012).

Homeless people feel wronged by being labeled as more threatening or aggressive just because they do not have a place to go.

That the U.S. is a free country and that they are not hurting others are not the only reasons for the interviewees’ feeling of entitlement to public space; rather, they make the distinction between private property and public space. The homeless understand that there are boundaries to their freedom. Ben, who has been homeless with two of his teenage sons, comments, “We have a right to exist in space and time. I don’t have a right to do that inside your house because that’s your private property” (Personal communication, January 6, 2012). They also understand that the necessity of law in protecting private property. “I can understand if we are sleeping in people’s backyards and the law comes up,” says Alan (Personal communication, January 4, 2012). Nonetheless, the same interviewee questions fines charged for sitting or lying on sidewalks, “Even if I did go to the court, all they say is “you owe us \$50”. What is that? Rent? I am renting a piece of sidewalk now for \$50? Every time I sit down I owe the city 50 bucks?” The regulation of public space seems unreasonable because, by definition, ownership is not an issue. “These streets are public. The streets are paid for by the people,” says Stanley (Personal communication, January 4, 2012). Streets are not the only space that homeless people feel entitled to; a girl angrily asks why the beaches and national parks are closed at night. She adds, “They [the people sitting on sidewalks] are part of the public. They are citizens as much as any other person.” If public space is meant to be used by the public, homeless people, feeling as equal citizens, naturally feel a right to use the space as they need.

Sit/Lie as Discriminatory. For these reasons, the homeless find laws like Sit/Lie to be discriminatory. There are no good reasons to establish those laws, other than to illegalize certain

uses of public space and eliminate undesirable groups' presence in public space. Talking about the enforcement of the ordinance, Tommy says, "I have been to cities where you can't be in groups of more than four people. People walk down the road in large groups with their family and such all the time, and that's okay, but you see a group of children who look a little different and it's not okay. Those are the only times those laws are enforced" (Personal communication, January 5, 2012). As mentioned above, police are expected to use "common sense" when enforcing the law. Whether or not to give a ticket becomes a subjective question. Katherine says, "They are selective. That means they are profiling homeless people. That's illegal!" (Personal communication, January 5, 2012) Not everyone sitting or lying on sidewalks gets a citation; only those who are deemed undesirable do. The Sit/Lie ordinance is simply formalization of discrimination. Proponents of the law imply that, for various reasons, walking by a homeless person is different from walking by a non-homeless person. Tommy argues, "It's like passing someone on the street. All you have to do is just to walk around them. It takes a second and effort, but it's really not that complicated. I think it's mostly people – they don't like the unknown. It's different to them. It makes them uneasy" (Personal communication, January 5, 2012). Any regulation that aims to regulate differences is doomed to be discriminatory and run against the principle of legal egalitarianism.

Unfortunately, the homeless find that they lack a voice in the lawmaking process even though discrimination is apparent. They are all opposed to the law, but no one hears their opinions. Highlighting their societal status as the underclass, Alan says, "I am not allowed to vote. But I still raised my hand and said I don't want the law, but they don't care about what I think" (Personal communication, January 4, 2012). Nick pinpoints that the people who proposed and supported Sit/Lie have no interest in understanding the homeless: "I think what they would

like is, when you are dying, you go do it in the woods or in an alley” (Personal communication, January 6, 2012). They feel that these laws are designed not to address realistically the issue of homelessness but to target the homeless population. Homeless interviewees express their feeling of being purged in order to not be seen. Craig said, “The law is made because they don’t want to look at you. That’s the real reason, right?” (Personal communication, January 6, 2012). Like the advocates, the homeless believe that policymakers propose this law because they have to appear to be effective in dealing with homelessness. City governments like San Francisco do not have any real political will to find a sustainable solution to the problem of homelessness, so all they can do is to pass laws like the Sit/Lie ordinance to please their electorates, even though these laws are always discriminatory in nature or in practice.

To support the claim that they are discriminated against, the homeless individuals give examples of police harassment as a result of their homelessness. They have had similar experience with other anti-homeless laws. For example, all except one interviewees have received camping tickets. Golden Gate Park, 20% larger than Central Park in New York, is adjacent to Haight-Ashbury. The Park does not close at night, but it is illegal to camp or sleep overnight in the park. It is a large, quiet metropolitan park where a lot of homeless people find rest. However, Alan says, “They [the police] wake us up sometimes like every morning... right when the sun is coming up. I would say around 4:30 or 5” (Personal communication, January 4, 2012). Homeless people usually hide deep in the woods to sleep in order to avoid being woken up by ranchers or sunlight, and they leave early in the morning. But in line with the “stick” approach described by Offer-Westort, police officers enforce the law not because the activity itself causes any social harm but because it is the city’s objective to eliminate homelessness – at least the visibility of homelessness – by making surviving on the street extremely difficult. One

interviewee, Mike, is asked for what reasons he is approached by the police, “Just harass in general... Either camping, or I’m around someone who is drinking, or just standing around the corner, they will just randomly stop and tell us to move somewhere else” (Personal communication, January 5, 2012). His answer highlights the unpredictability of law enforcement against them, and the impossibility to know how to be law-abiding citizens.

Many interviewees have had experience of being treated unequally because of their homeless status. Since all of them at some point were not homeless, they understand the disparities between the present and their past in their interactions with people and the law. Mark says, “I was never homeless in my life. Now I get SSI because I am sick. I’ve never been homeless until I get here. I was in New York and only made \$450 a month. Here they force people to live in certain places because of their economic value?” (Personal communication, January 4, 2012). His story is typical: a major life crisis leaves one with no choice other than to forgo his home. A lot of homeless people have worked and paid taxes, but now because they are sick or move to a city with high housing prices, they become homeless and have to be judged as unproductive, lazy, or at least undesirable. Christopher (Personal communication, January 5, 2012) describes a recent experience:

Like last night I was hanging out with this friend. We were walking by this bar and we stopped and talked to these people outside the bar just to see how they would act toward us. They looked at us like we were not human beings and I was like, “I wonder if I have a \$300 coat on and a Mercedes Benz, a few hundred dollars in my wallet, I wonder if you guys are more likely to talk to me then.”

Experience of this sort represents the relationship between the non-homeless and the homeless and resembles the social debate surrounding the Sit/Lie ordinance. Such unfair treatment is

rampant in the society, and unfortunately the policymaking process involves – and reinforces – such biases.

Longed to be seen as who they really are. In the interviews the homeless individuals show aspirations for their lives that are rarely represented in any discussions of homelessness, clearly contradicting the commonly held stigmas. One 19-year-old interviewee, Christopher, is trying to finish the GED, go to a DJ school in Oregon, and eventually becomes a radio host, while Rodney wants to get a teaching credential and be a teacher. For many, homelessness is a temporary, unexpected phase of their lives, as they encounter different kinds of crises and have to take some time to consider their options. Instead of some people's impression that they are lazy who opt out of the labor force and live on welfare, the homeless, like many others, are motivated and want to contribute when they can. Christopher says, "People are always coming up to me and offering me jobs. I always take them, because I like that feeling that I can help someone and they can help me" (Personal communication, January 5, 2012). The homeless understand they may need help for a period of time from the government, but they have long-term goals. Greg whose feet are injured explains why he would take any housing that he can afford, "First of all it will give me somewhere to get well. My feet well. But then I will start working to pay the rent. I want to pay rent... If you want to get up to look for a job, you would want to take a shower and brush your teeth and to look nice. I don't have anywhere to do that" (Personal communication, January 6, 2012). Actually the interviewees explain it is reversed logic; they did not become homeless because they do not want to work, but they cannot find work because they are homeless. David says, "If I had help to get into a house, I would be working, seriously. It would take me a long time to get a job, but that's what happens" (Personal communication, January 5, 2012). This fact runs against the rationale of the Sit/Lie ordinance:

people do not live on the street because it is an easy way of living, and punishing homelessness will not make less people stay off the street.

Opinions about Sit/Lie. In face of a law that they see as discriminatory, homeless interviewees are asked about their opinions about the law. They feel the Sit/Lie ordinance is ineffective and trivial. When considering whether a policy is effective, one must understand the goal of the policy. According to the proponents of the law, they hope that this law would deter homeless people from congregating on public streets and thus reduce harassment of passers-by. However, even a quick look at the law suggests that it does not propose new solutions to either of the problems, and thus it is ineffective. The interview responses, from the perspective of homeless individuals, point out that the law simply enables the police to continue what they have always done regarding the perceived threat of the homeless, i.e. telling the homeless to get up and move along. "It just seems that they want to put a new type of fear in the kids so they wouldn't sit on Haight. Nothing has changed. They just want a piece of paper that says you are not allowed to so now if they want to, the police could give you a ticket. This just gives someone an excuse since it's on paper now," says Charles (Personal communication, January 5, 2012). If the homeless' presence indeed implied a threat but the police do not gain more power as a result of this law, the Sit/Lie ordinance is ineffective. Also, homeless people contend that not just the Sit/Lie ordinance but the citation system as a whole has no teeth. "I heard you can get 25 tickets before they do anything about it, which is kinda ridiculous. Because they give you a ticket because you don't have any place to go. And then after a while I guess they arrest you so they give you a place to go. So you don't have a place to sleep, so they give you a bedroll, a meal, and [you can] take a shower."

Moreover, the homeless argue that the law is “petty” and “a waste of taxpayers’ money”, because it regulates people’s activities in a frivolous manner. Many of the interviewees display respect for the role of law in protecting public safety, and an understanding that homelessness in the neighborhood may be a concern for some people. Stanley summarizes it clearly, “If they are panhandling rudely, being rude about asking what they need, I think that can create a bit of a disturbance. People question their safety if people walking back and forth in front of their building rambling asking for a dollar. I can see how it makes someone uncomfortable” (Personal communication, January 4, 2012). Nevertheless, homeless people feel it should be judged on a case-by-case basis, as a law like the Sit/Lie ordinance seems overbroad. A city cannot ban a certain class of people simply because that class of people is more likely to perform offensive but legal acts, such as asking for change or sitting on sidewalks. The Sit/Lie law symbolizes a very different approach; it interferes with people’s behaviors that are not in themselves harmful. Christopher questions, “A lot of laws are really unnecessary. The main laws that people really need are don’t kill people, don’t rape people, don’t sell drugs that kill people. There’s certain things in the world that you shouldn’t do, [and] I don’t care if they have laws for them because we need laws for a lot of them. But sitting down on the sidewalk chilling? Am I really doing anything that wrong?” (Personal communication, January 5, 2012). The homeless population is protected by the legal system and they respect the protection the system provides. They, however, do not believe profiling and discrimination against inconsequential activities are effective or ethical tools to protect the public.

Opposition. With the relatively uniform opinion that the Sit/Lie ordinance is discriminatory and ineffective, homeless interviewees respond to the enforcement of the law in one of three ways. First, some homeless people feel very helpless and decide that if they are

approached by the police for sitting or lying on the sidewalk, they would not resist. Mark says, "I'd just give it up. I'd just cooperate, do what they say" (Personal communication, January 4, 2012). Cooperation means accepting they do something wrong and thus are punishable.

Homeless people who choose this cooperative approach do not think about whether or not they agree or disagree with the law, or at least, they do not think their opinions matter. One explains, "If you got locked up a few times you just don't want to fight anymore. You just let them do whatever they want to do and witness it. They don't give a shit about me. It is sad." Although they do not feel treated fairly, they do not want to get a ticket or get arrested and rather, they would accept the law as part of the reality. This is a very pessimistic view of their lives as being homeless. While this pessimistic group is a minority among the people interviewed, they highlight the powerlessness that homeless people constantly experience when being confronted by law enforcement agents. Since law in general is upheld as the system of rules that a society employs to distinguish between right and wrong, enforcers of law are delegated with the power to decide what is "wrong" and impose a penalty on the "wrongdoers". In this unbalanced relationship between the police and the homeless, the latter – having always lost in similar battles – certainly feel a lack of power. When asked how he would feel if he is given a ticket for sitting down on the sidewalk, Greg answered, "Probably helpless more than anything because one person can't change the law, you know. Especially [when] a cop writes you a ticket, there's nothing you can do. He has that authority. It really sucks" (Personal communication, January 6, 2012). The homeless individuals' feelings of helplessness and powerlessness are results of fighting an institution – the law, but they are also results of disconnectedness. Each member of this disadvantaged minority group tries to survive and faces his or her own challenges, and only rarely are they organized or united.

Another category of responses comes from interviewees who are indifferent to the Sit/Lie ordinance. To many, the new ordinance simply means another law on top of many others that criminalize homelessness. Similar to those who feel helpless, this group too disagrees with the law in principle but chooses to not resist directly. Nonetheless, the reason for non-resistance is not pessimism; they simply do not feel the need to because the impact of the law is so minimal. As described by Offer-Westort, the Sit/Lie ordinance makes the life of a homeless person marginally worse. David's comment illustrates this reality, "I am really oblivious to it... We are homeless; we have enough worries" (Personal communication, January 5, 2012). It is impossible for homeless people to be law-abiding and survive at the same time. On a daily basis they have to find ways to save up money for food or to rest, and breaking anti-homeless laws would be one additional concern that they have little control over. Therefore, some of them make the decision to "not think about it". Moreover, the illogic of the law, coupled with the unreasonableness of the penalty and the ease to pay or avoid the penalty, also contributes to homeless people's disregard of the law. Christopher explains what happens if he gets a ticket, "I will find a way to get it taken care of, whether it's through one of these programs or I will sit in jail for three days the ticket will be taken care of. So it's really no big deal to me either way" (Personal communication, January 5, 2012). Others also mention the effortlessness to get rid of the ticket or avoid the fine, including doing community service, seeking help from government and nonprofit agencies, and even spending time in jail. As a result, many homeless people do not take the law seriously; they are uninterested in changing or fighting the law directly.

However, even though homeless people may belong to one of the two categories and do not rebuke the Sit/Lie ordinance publicly, they resist the law at an individual level on a day-to-day basis. For people who have a strong sense of defenselessness in face of this law, their

response to a Sit/Lie warning or citation is to get up and leave, as instructed by the police.

However, when asked if they would be less likely to sit or lie on sidewalks due to the new law, the answer is unanimously negative. Instead, they would walk to another spot and sit back down.

Stephen (Personal communication, January 6, 2012) says hopelessly, "It is the reality but I am not sure if I had the ability to change it." But he continues, "I would probably move to another spot." They see their action of getting up as surrender to the law – understandably so because that is what the law intends to do. Considering the ultimate goal of the Sit/Lie ordinance is to clear public streets of homeless people, nonetheless, a person who vacates one street but sits on another one is defying the law. For others who are indifferent, they too explore ways to avoid being punished for sitting or lying down. "And I do my best not to care about it. But I hide a lot, behind the car or put a trash can in front of me," says David (Personal communication, January 5, 2012). Because they understand that these laws are not under their control, they try not to worry about them. However, the homeless do have various strategies to bypass police attention. Tim comments likewise, "Every time I came to the Haight, we found out that if we sit on the outside of the street, they wouldn't bother us" (Personal communication, January 6, 2012). Hiding in one way or another allows homeless individuals to stay on the street while escaping the associated punishment, curtailing the impact the Sit/Lie ordinance can have. Social change may come incrementally as a consequence of these indirect forms of resistance by the powerless.

The third category encompasses acts of resistance. They are different from the previous two groups in that they do not believe they are necessarily the loser created by the policy. Instead, in the relationship between the law enforcer and the "lawbreaker", they see themselves as having equal, if not more, power as the police. It is true that they know their voice is not heard in most policy decisions made, but that is also the reason why they refuse to let these decisions

affect their lives. Alan says, “I’ll take the ticket, blow my nose in it, and throw it in the trashcan, right in front of the cop” (Personal communication, January 4, 2012). Mike echoes, “I probably would tear up the ticket right in front of them” (Personal communication, January 5, 2012). The homeless have no power over what and how laws are made, and similarly laws like the Sit/Lie ordinance have no power over their behaviors. They are active players in the game because they think their actions will make a difference in the outcomes of the law. Others’ reactions are not as confrontational; they merely incorporate the fact of receiving tickets into their daily life. Ben claims, “Some of my kids literally wipe their ass with it. It’s the first thing in the morning, so you do the first thing in the morning. After they get the ticket, they are like, ‘I’ll be right back’” (Personal communication, January 6, 2012). Although less provocative than destroying the ticket in front of police officers, such obliviousness is no less intentional as a form of resistance.

Resistance is not due to anger at being punished, but a fundamental disagreement with the law. One could be frustrated about getting a ticket and feeling ashamed or upset at “getting caught”. But this is not the reason for resistance, according to the homeless interviewees of this category. In despising citations for sitting or lying, they actually challenge the premise of the law, which is that homeless people should not exist on public streets. “I still break the law. Yes, I still sit, regardless of the law,” says Charles (Personal communication, January 5, 2012). They understand the potential consequences of breaking the law, including getting a fine or jail time, but they still choose to sit or lie on sidewalks. In Craig’s words, “I still sit down. Take my chances” (Personal communication, January 6, 2012). They do not view themselves as defenseless people who are certainly going to lose; rather, it is a chance that they take because of a belief that there are other values, including individual freedom and equal access to public space, that may outweigh the Sit/Lie ordinance. Homeless people of this category contest the law

by reclaiming their share of public space. Alan details his plan to resist, “We just feed the meters ‘cuz they were doing that thing sitting where the meters are. The Portable Park Day something like that? They put out lawn chairs and they sit where the meters are. I was thinking if we go up to Haight Street, put up a couple chairs and a couple quarters in the meters, that’s our spot. So we can sit down and lie down” (Personal communication, January 4, 2012). Through exploring ways to continue using public space according to their desire, the homeless react to the Sit/Lie ordinance in a manner that effectively counteract the effects of the law.

Homeless individuals who choose this path of resistance have a clear idea of why they are responding to the law in such a confrontational manner. They disagree with the law not because they are adversely affected but because they believe it violates their values. Since the homeless understand the intent of the law as criminalizing homelessness, the nature of the law as discriminatory, and their proclaimed rights as citizens of a free and democratic society, some of them decide to challenge the injustice directly. “When they have to declare martial law, they are going to have curfews, and other kinds of rules, and shit, I am like “fuck you, I’m American. I am going to climb that hill.” So they are going to grab me and tie me up and it’s gonna suck. But I am not going to conform. I am not hurting anybody,” says Alan (Personal communication, January 4, 2012). His resistance lies in the sense of individual freedom discussed above. To illustrate his will to rebel, he equates the Sit/Lie ordinance with martial law that is declared unreasonably. Others similarly cite the arbitrariness as motivating their struggle. When asked if he would continue fighting the law, Ben answers, “We’ve been kind of civil disobediently protesting stupid laws. Some laws are meant to protect, some laws are meant to control. This is just one of those laws that meant to control. And we just do it on a daily basis” (Personal communication, January 6, 2012). The Sit/Lie ordinance targets behaviors that do not essentially

hinder other people's pursuit of happiness or freedom. Based on the beliefs that certain individual liberties – such as equal treatment as citizens in the use of public space – are guaranteed in this country and that the Sit/Lie ordinance violates those liberties, the homeless do not experience any internal conflicts in breaking the law. Rather, they feel the need to openly contest the law's intentions.

Expectations. Although many of the homeless are non-conformists and strong believers in individual rights, they have expectations of what the government is responsible for. They argue that there are universal rights, which the government should ensure affordable and available access to. Stanley (Personal communication, January 4, 2012) describes why he thinks the government does not get the priorities correctly:

There are certain things as human beings that you should have, maybe not on a daily basis. But food, medicine, water, fresh air, and these large corporations, if not people, are trying to control industries, medicines, and water, and sidewalks. There's laws [that say] "No Potlucks". You can't throw a potluck in the park because it's a health violation. I think it's a health violation if people are starving and going weeks without a shower, than throwing a hot dinner in the park that feeds 200 people. I just think it is really hypocritical in a way.

For the homeless who everyday struggle to fulfill their basic needs to survive, provisions of food, clean water, education, health care, and shelter are basic functions of the government. Any regulation that prohibits these government functions is disingenuous. Tim resonates, "I've seen people starve and go without health care and medicine. It's quite disgusting. As much as American took from other people around the world, as much land this country stole, they can't give citizens food and medicine" (Personal communication, January 6, 2012). As citizens of the United States, a powerful and wealthy country, the homeless again feel that the lack of basic human services is a result of a negligent government.

In particular, among all the priorities, shelter is one necessity that relates to all homeless people. Every interviewee expresses an interest in getting help in housing. As discussed above, homeless people have aspirations, and they want opportunities to actualize those dreams. Christopher says, "Housing would be nice. Because with free housing, I could easily get my GED done and over with. Then I could get a job" (Personal communication, January 5, 2012). The most direct way to help, according to the interviewees, is to be housed. They may face other challenges as a homeless person, but those challenges are not the main reasons for their homelessness. Furthermore, for some, housing may not be a stepping stone to a more accomplished life, but is simply a necessity to ensure their right to exist. Nick asks, "There is a place for people who are mentally ill, why isn't there a place for people who are not ill but unfulfilled?" (Personal communication, January 6, 2012). The homeless are unhappy without a home, whereas the public also complains about homelessness on the street. It would be reasonable, then, to move the homeless population to places that are less public. The Sit/Lie ordinance contributes to the homeless' increased itinerancy but does not make them any less visible, and it certainly is not concerned about the safety of the homeless. Greg comments, "I feel there should be a space for people. They need to provide us with a safer place... I think it'll be a lot better for the community because homeless people always feel like halfway satisfied. If I have a place to build a little fire and to actually cook a meal, that would make a big difference" (Personal communication, January 6, 2012). Shelter for the homeless is beneficial to both the non-homeless public, who values aesthetics in public space, and the homeless population, who needs a safe place to live.

Conclusion & Recommendations

Analyses of in-person interviews with advocates and homeless people illuminate the effects of the Sit/Lie ordinance and similar anti-homeless laws on the problems perceived by policymakers. Both official numbers and responses by the homeless community show that the ordinance has little to no real-life impact on people who are living on the street. Nonetheless, it represents yet another discriminatory regulation against homeless people and has symbolic implications. It obscures real solutions, which should be emphasized in this paper. In this section some alternatives to criminalization of homelessness are presented.

First and foremost, it is important to distinguish between views of advocates and those of homeless people. By and large, they share the opinion that the Sit/Lie ordinance is anti-homeless and unjust. Homeless people who feel that they are equal citizens and have equal access to public space view Sit/Lie as another unequal treatment they face in life, and they challenge the law based on this inequality that they experience on a daily basis. Desires of respect and dignity – for who they are, what opportunities they are given, what freedom of choice they enjoy – are the undertone of many interviewees' responses. They do not ask for specific or concrete policy changes but maintain that certain things, including food, education, health care, and housing, should be granted as basic rights. The Sit/Lie ordinance simply reflects one of the many responses by the mainstream society that homeless people are lesser citizens who do not deserve equality in part of the public sphere, i.e. public sidewalks.

Advocates certainly share some of these feelings. They challenge how homelessness is framed by the Sit/Lie ordinance. Nonetheless, advocates quickly shift the discussion to their work in policy advocacy, trying to redefine the realities faced by homeless people. They ask for tangible changes, including reinstatement of funding for public housing, expansion of rental

subsidy programs, and tenants' protection against eviction, which they perceive as needs of the homeless. They believe providing affordable housing will end homelessness for many people. While the homeless population is disproportionately affected by personal characteristics such as disabilities and unemployment, advocates propose that policies addressing structural factors for homelessness will help many on the verge of homelessness better handle challenges resulted from larger societal conditions. These policies, argue the advocates, are likely to ameliorate a large segment of the homelessness problem.

However, our data analysis shows that advocate may misperceive the needs of the homeless people accurately. This misperception by the advocates, who are voices of the homeless, fails to completely capture homeless people's *realities* and, more importantly, *desires*. The realities are laws like Sit/Lie and other unequal treatments that they have described; homeless advocates attempt to change homeless people's realities in their day-to-day work. But a deeper problem, for the homeless, is the stereotypes and lack of respect underlying these inequalities, which disconnect people from empathizing with the homeless people. Indeed, while no homeless person interviewed agrees with the Sit/Lie ordinance, they make it clear that laws like this simply exhibit the inequality they experience on a daily basis. Without understanding their longings for respect, advocates cannot represent the homeless entirely in the latter's quest for changes in realities.

As a result, advocates and the homeless seem to have similar expectations but what they ask for are ultimately different. The difference is subtle and yet significant. In order to represent the interest of the homeless, the homeless community as a whole must consider the following recommendations:

Communicate needs accurately

In the interview homeless individuals have expressed needs that go beyond what advocates have been working for. It is generally agreed upon that the homeless population consists of several subpopulations in terms of length of homelessness, cause of homelessness, and future prospects, but all homeless people share as their commonality the lack of a place to live. Since advocates are supposed to support every homeless person in the city, they and their organizations often make affordable housing their priority and propose very concrete policy ideas in relation to housing. Unfortunately, in the meantime, some other needs of the homeless, most notably their desire for respect, are neglected – not necessarily by advocates but in the advocacy efforts. Advocates are well aware of the diverse needs of the homeless, but because they already see homeless individuals as equal citizens or because of their organizations' mission and agenda, some may focus on advocating for one or a few services that are not the most fundamental source of impertinence felt by the homeless. Advocates must bear the burden of finding out what exactly the homeless want and how to achieve them. Regular outreach, including surveys, focus groups, shelter and prison visits, are some ways to evaluate an advocacy organization's work corresponding to homeless individuals' desires.

Building ongoing coalitions and developing leadership among the homeless

The Sit/Lie campaign, including Sidewalks-Are-For-People Days, attracted an unusual amount of media attention. It presented a perfect opportunity to build and expand coalitions. Since the interests of the homeless are diverse and resources for advocacy organizations limited, it is of tremendous importance to utilize events like the Sit/Lie ordinance to identify allies. In addition, some of the homeless individuals, while struggling to meet their survival needs, express willingness to unite others and campaign against the criminalization of homelessness. In fighting for the rights of the homeless, advocates must work with these potential community leaders,

along with other disadvantaged minority groups. Relationships can be maintained through proactive campaigns, instead of responsive campaigns against laws like Sit/Lie.

Demand respect along with services

Last but not least, the homeless community must require a comprehensive response from the society to homelessness. Advocates suggest that the government should continue providing services. Shelter beds would ease safety concerns of some homeless people, while alcohol and drug treatments should always be readily available. The mentally ill need professional attention. People who can achieve self-sufficiency should be given the opportunity to, including job training and education, as well as venues to fairly negotiate employment. Public bathrooms and showers will help homeless people avoid behaviors that others may find to be a nuisance. Advocacy organizations for the homeless should be funded, as they act as effective liaisons in connecting the needs of the homeless to policymakers. The homeless may also want all of these services. However, these services, along with affordable housing, in themselves would not fulfill the homeless' desire to be respected as equal citizens. Rather, these services are wanted because they signify the society's acceptance of this marginalized group of people. The difference must be made and all the needs – physical and emotional – of the homeless have to be addressed in the policymaking process. Such demands can be made, if advocates understand the needs of the homeless and broad-base coalitions are built.

The focus of this paper is to investigate whether the homeless have participated in organized resistance to the Sit/Lie ordinance. The study shows that they have not and do not plan to, but both advocates and the homeless are against the law. The appropriate questions to ask, then, are why there is a lack of organized action and what should be done regarding this law and other anti-homeless laws. The answer, interestingly, shows a step forward in the direction of the

three recommendations listed above.

The author finds that the lack of collective action does not come from unawareness. On the contrary, it is obviously a conscious decision by both advocates and homeless people. The advocates understand the impact of the Sit/Lie ordinance and determine that it is insignificant in the greater reality faced by the homeless. On the other hand, the homeless, demanding dignity, do not believe that repealing the Sit/Lie ordinance would actually help them get to their final goal. Instead, in this battle, the homeless community as a whole recognizes that to claim their share of public space, on-the-spot resistance is the most feasible and effective. They continue to live on the street as they have always been, rendering the law ineffectual. While the author set out with the belief that negotiation of the use of public space is overtly confrontational like the opposition campaign before the 2010 election, once the measure was passed the balance of power shifted. They employ what anthropologist James C. Scott calls “weapons of the weak”, by subjecting themselves to inequality while at the same time using civil disobedience to uphold their rights. The homeless, despite the Sit/Lie ordinance, continue to exist in public space in San Francisco and confirm Don Mitchell’s theory of the right to public space as an ongoing struggle.

Does that mean this law should be allowed and tolerated in our society? This paper argues against such an approach, but not for reasons dissimilar to the homeless community’s. It is true, as considered by the interviewees, that the Sit/Lie ordinance exemplifies the narrowing of the defined public. Through segregation, regulation, and privatization, certain economic classes are experiencing high hurdles to using public space. Nonetheless, scholars have warned against “reactive” advocacy for the rights of homeless people. The homeless community is not asking for an end to criminalization of homelessness that simply equals benign neglect, which this study originally fixated on with its close examination of the Sit/Lie ordinance. In Daniels’ words,

“*Success* in these attempts only translates to ‘negative rights,’ where homeless people are *not punished* for poverty, residency status and illness (emphasis as original).” To devote limited resources to a focused campaign agonistic to a specific anti-homeless law is a response to false alternatives. The homeless community in San Francisco has demonstrated an important lesson: laws like the Sit/Lie ordinance have to be repealed, not through episodic issue-based fights but through a paradigm shift in the public’s mind, through a comprehensive response to homelessness. The end goal is to bring about respect to the homeless, with which rights to public space and housing will certainly follow.

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Appendix A - Questionnaires

I) Questionnaire – Advocates for the homeless

1. How long have you worked with the homeless population?
2. What are some trends that you have observed in the city's approach to homelessness?
3. Is the Sit/Lie Ordinance different from other similar laws that aim to criminalize homelessness? If so, how is it different?
4. Do you think the ordinance will have any impact on the problem of homelessness in San Francisco?
5. What are your organization's major reasons for opposing the Sit/Lie Ordinance?
6. What did you do on behalf of the homeless population in terms of opposing the ordinance (e.g. Organizing, lobbying, etc)?
7. Does your organization plan to continue resisting the ordinance? If so, in what ways?
8. When a homeless person receives a quality-of-life citation, what is your organization's role in helping them?
9. Proponents of Prop. L argue that the new law will ensure safer and more comfortable public space. What is your reaction to that?
10. What do you think the government should do regarding homelessness in the city?

II) Questionnaire – Homeless Person

1. How long have you been homeless?
2. When you are on the street, where do you usually spend your time and sleep?
3. Have you been approached by the police in relation to your homelessness?
4. Have you received any citations?
 - if yes:
 - a. How often do you receive a citation?
 - b. What have you been cited for?
 - c. What happens after you get a citation?
5. Are you aware of the Sit/Lie Ordinance (Prop. L) that was passed in 2010?
 - if yes:
 - a. Does the law change how the police approach you? If so, in what ways?
 - b. Does the law change how and for what you are cited? If so, in what ways?
 - c. What do you think about the Sit/Lie Ordinance? What do you think about this ordinance in comparison to other quality-of-life ordinances?
 - d. Did you participate in the campaign against the proposition? How did you participate?
 - e. Do you think you will continue to oppose the law (in individual or organized efforts), or will you accept it as part of the reality that you have to face as a homeless person?
 - if no:
 - a. Do you think in the past year you have been approached or cited by the police less or more often than before? Any explanation?
 - b. What do you think about a law that prohibits sitting or lying on sidewalks between 7am and 11pm? What do you think about such a law in comparison to other quality-of-life ordinances?
 - c. Do you think you will participate in individual or organized efforts to oppose the law, or will you accept it as part of the reality that you have to face as a homeless person?
6. Have you been cited for sitting or lying on sidewalks between 7am and 11pm?
 - if yes:
 - a. How do you react when the police approach you and give you a citation (eg. Do you resist? Try to explain? Move to another spot or neighborhood?)? Is your response different from receiving citations for other reasons (such as “aggressive panhandling” or any other citations named in Q.3 & Q.4)?
 - b. What do you feel after getting such a citation? Is your response different from receiving citations for other reasons (such as “aggressive panhandling” or any other citations named in Q.3 & Q.4)?
 - if no:
 - a. How would you react if the police approach you and give you such a citation (eg. Do you resist? Try to explain? Move to another spot or neighborhood?)? Would your response be different from receiving citations for other reasons (such as “aggressive panhandling” or any other citations named in Q.3 & Q.4)?

- b. What would you feel after getting such a citation? Would your response be different from receiving citations for other reasons (such as “aggressive panhandling” or any other citations named in Q.3 & Q.4)?
7. Proponents of Prop. L argue that the new law will ensure safer and more comfortable public space. What is your reaction to that?
8. Do you feel that you have a right to sit or lie on sidewalks as a homeless person? Why or why not?
9. Do you want ordinances like this to change? In what ways?
10. What do you the government to do regarding homelessness in this city?

Appendix B – Demographic Characteristics of Homeless Interviewees

Name	Gender	Age	Length of Homelessness
Mark	M	45	1 year
Alan	M	32	14 years
Rodney	M	39	Refused to answer
Christopher	M	19	3 years
Charles	M	21	7 years
Mike	M	25	7 years
Katherine	F	23	3 years
Tommy	M	24	4 years
David	M	40	20 years
Stanley	M	22	6 years
Nick	M	28	1 year
Greg	M	Refused to answer	1 year
Ben	M	46	1 year
Craig	M	42	1 week
Hector	M	56	20 years
Carl	M	33	10 years
Brian	M	20	5 years
Rachel	F	21	6.5 years