

Sidewalks Are for People Talking Points

1. What we are doing right now would become illegal under a sit/lie law. Do we want sidewalks where vibrant city life becomes criminal?

All of can think of times in our lives when we've sat or lied down on sidewalks—like when we're waiting for a ride and there's no bench, but we're tired and want to sit down. This law would criminalize totally innocent behavior. Why would we put a law on the books with the intention that it be selectively enforced? We need better solutions, honestly rooted in our communities, rather than unconstitutional solutions that reflect the values of our new Chief of Police, who also recently displayed his lack of tolerance toward people of Middle Eastern descent by essentially equating them with terrorists. This is not how San Francisco deals with our problems.

2. Our neighborhoods are safer when we have our communities on the streets than they are when streets are empty.

This law is designed to clear our sidewalks. We are safest when there are people in our vicinity who can see what's happening to us. We don't in any way discount the fears and frustrations that people experience while sharing public space with others, but we believe there are positive solutions that, unlike this law, will actually work.

3. This law is the descendant of other social exclusion laws like vagrancy and loitering laws. The periods that produced these laws are portions of our history that we do not look back on with pride.

In the 1950s and '60s, loitering laws were used to target black people involved in that era's civil rights struggle. From 1968–1979, San Francisco had a sit/lie law that was designed to be used against hippies in the Haight. By the mid-'70s, SFPD was using the sit/lie law against gay men in the Castro. Eventually, San Francisco's sit/lie law was struck down due to constitutional challenges. We need laws that are *not* overly broad to deal with real criminal issues, and social services to deal with social problems.

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Rebuttals to Most Common Challenges

This law is only going to be used against bad people, so what's wrong with it?

Unless the SFPD succeeds in getting the Fourteenth Amendment repealed, the law itself will be universal. What will differ will be how police apply the law, and that can change with politics. In the 1970s, police used that decade's sit/lie law to target gay men in the Castro. The law was initially intended to clear hippies out of the Haight. The laws against assault target real criminals. The laws against theft and robbery target real criminals. But laws that target behaviors that are a biological necessity for all humans do not target real criminals: They give police great latitude to treat whomever they like as criminals.

Police can't charge people with crimes without a citizen's arrest.

What police mean when they say this is that a complaint is required—a very different thing from a citizen's arrest. *But this also is untrue:* Police testify in Traffic Court against people who receive sidewalk obstruction tickets without complaints all the time.

People don't feel safe.

When people break laws, we don't pass new laws that make it illegal to look like a criminal: When we're worried about white serial killers, we don't criminalize whiteness just to be able to prosecute actual killers. When we're worried about adult heterosexual males abusing their children, we don't criminalize heterosexuality. We use the laws that we already have against murder and child abuse. The complaints that we've recently seen in the *Chronicle* are about behaviors that are already crimes: Police just need to focus their efforts on enforcing the serious laws they already have. Every half hour that a police officer spends writing a jaywalking ticket is a half hour that that officer does not spend on real crime. And if we want to address homelessness, we need to address its root cause: The lack of safe housing in this country that is affordable for poor people.

We all need our communities' public spaces to be safe—homeless people and housed people alike. We can find a much less divisive option than sit/lie.

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