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**On Behalf Of** Richard C. Rath  
**Sent:** Sunday, March 17, 2013 2:11 PM  
**Subject:** City Council Meeting Speaker Registration

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HONOLULU, HAWAII

Dear council member Chang,

"I guess I only had a right to own things when I had a place to stay."

I am writing to ask you to refuse to support bills 2, 6, 7, and 8. Please vote against these bills for the following reasons:

While all these bills proclaim as a common interest the free flow of traffic, they are clearly directed in their consequences against the houseless, including those houseless who have used their right to speak up politically. These bills remove the property rights of anyone without a permanent address. The constitution, forced on the Islands with the illegal overthrow and annexation, has many safeguards against the infringement of property rights. Indeed, the Declaration of Independence of the US is based on the inalienable right to "happiness," which to anyone who has studied the origins of that idea knows, means property (they changed the word in part to defuse arguments about enslaved Africans as property). Nowhere does it say that such rights will be limited to those fortunate and well off enough to have a roof over their head, yet that is what each of these bills says in its own way.

Bill 2, while claiming to be about the protection of traffic through the sidewalks (a legitimate concern, which as far as I have seen, all the houseless, politicized or not, have done their best to respect) in fact removes the rights of houseless people to their property, subjecting it to arbitrary seizure. The sidewalks are the only place left for the houseless to go unmolested. This is inscribed on our police badges and in the state constitution, in the provision of Kānāwai Māmalahoe, the law of the splintered paddle, which assures that anyone may lie by the side of the road unmolested. The City and County have shut down access to parks, raided out of the way encampments from the side of Diamond Head to Wainai, and gotten the houseless population largely confined to that narrow strip of sidewalk. While this may be the letter of the law, and in fact the letter of the state constitution only permits the old, women and children that right, the spirit of the law is that even the least of our fellows deserves the good treatment and the right to protect life, liberty, and property and go about their living without being harrassed, stolen from, and bullied by the state, city, and county.

In practice (meaning in the execution of the equally flawed Bill 54 of last year and its descendants), Bill 2 and the other bills would arbitrarily take away the property rights of the houseless in other ways. By making the rightful owner jump through an impossible set of hoops to regain that property, by charging the rightful owner for the city's theft of that property when the city knows that the houseless population, even the ones who speak up politically, do not have the resources to pay the city fees, by the city selling off the valuables if the rightful owner cannot provide documentation, even knowing that most of the possessions are second hand, undocumented, and thus irretrievable, by making the city to perform due diligence to find the adress of the houseless people -- this is particularly absurd, of course, since they are living on the streets precisely because they do not have an address: By all these means, the city is singling out and discriminating against the most vulnerable of our citizens instead of addressing the problems that underlay houselessness in the first place: The great wealth inequity, the inability for people, especially local working class people and people of color, to make a living wage, the utter lack of affordable housing, the lack of any commitment to bettering our society rather than just punishing and oppressing those with the least voice and sucking up to those with the deepest pockets. Again, the proposers and supporters of this bill should be ashamed.

The proposed law against tents is a bizarre attempt to legislate the free speech of deOccupy Honolulu out of existence that will greatly impact all the houseless. This was tried in Bill 54 as well, and when raids prior to APEC happened, authorities tried to tell other houseless people that it was because of DeOccupy rather than admitting it was a police paramilitary action (look at the pictures of actions before and during APEC if you think I am exagerating) in the most militarized state in the union. This is a ridiculous attempt



to blame the people speaking up for houseless rights and making them most visible. For the most part, the houseless saw right through that nonsense. Poor is not equal to stupid. The law against tents would hurt every houseless person in an attempt to single out those who protest. It did not work before and it will not work this time because it does not address the actual problems, the ones the protesters are underscoring by their very presence. That presence and those tents are their political expression on behalf of all the houseless and their allies.

Political expression is something that can only happen at tables in bill 7. Any other form of protest or political expression, especially political expression that points directly to the failings of the city county, and state to protect the interests of any but the wealthiest and most entitled citizens, is forbidden. You have the right to free speech as long as your not fool enough to actually try it. If you do speak up, especially if you do so loudly, creatively, with few resources, and not through the greased and corrupt channels of City Hall (sorry, but that is the only way to understand the favoritism shown to special monied and powered interests), you will be shut down through laws that declare your political expression a "sidewalk nuisance." And remember, it is the city that has herded all the houseless to the sidewalks in the first place, creating the problem instead of addressing the underlying issues. Rember that when you get outraged that the tents are parked so close to traffic. It is the city that narrowed the meaning of sidewalk to the point that the only place left was at the edge of the sidewalk right next to traffic. The bill is disingenuous in claiming concern for the well being of the people the city itself put in harm's way!

Finally, the banal to underscore the hypocrisy. Merchants and their property are treated separately and better than the rights and property of the houseless under these bills. Let not a poor merchant get tangled up with the bureacracy of the city in retrieving their shopping cart, so there is a proviso in two of the bills giving merchants a way out of the consequences of these laws. Only the houseless should be fined, imprisoned (in the case of the tent law), and stolen from, because of course "they" are the problem. You do understand they are just the symptom calling out loud and clear and that it takes a corrupt politician to reformulate that into an all out attack against free expression and property of the most vulnerable people in our state. It takes a special kind of empowered and entitled ignorance to conveniently not see that. The houseless see you, and they see the hypocrisy, very clearly. Talk to us (for while I have a roof over my head today, I stand in solidarity) some time instead of trying to sweep us away. We are humans, citizens, brothers and sisters. Treat us accordingly. Do the right thing and don't let these bills see the light of day.

These bills are directed at the houseless alone, including those who speak up in protest, removing their inalienable rights. This is an attack on the weakest and most vulnerable members of our society when the problem should be how to find adequate housing and resources in the vastly inequitable place that Hawai'i has become. The proposers of this bill should be ashamed at how they are proposing to treat the neediest people on this island.

Please, I am not calling you out on corruption because you have not yet supported the bills. Please do the right thing and see that these bills are not enacted, in any part or whole. I am writing because I have hope that the new administration since the last election will actually do the right thing rather than the easy (and corrupt, hypocritical) thing. Stop these bills now.

Sincerely, and in solidarity with the houseless of Honolulu county and everywhere else,

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