

HIDDEN COSTS OF THE OLYMPICS: PREPARATION, POLITICS AND CONTROL

by

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ABSTRACT

International sporting events, such as the Olympics, are often recognized as opportunities to renew infrastructure and boost economies, while the potential to harm marginalized communities through legislative action is underscored.

This legislative trend will be explored utilizing an integrated approach incorporating Marxism, Garland's *Culture of Control* and Black's *Behavior of Law*, suggesting that the implementation of law serves specific interests, namely those with an economic interest in the Games and city officials.

This thesis concentrates on the law implemented and/or enforced in two past host cities, Atlanta and Sydney, and the current situation in Vancouver. The focus will rest on how and why increasingly punitive policy and enforcement protocols are implemented in the lead-up to the Olympics, and how such legislation works to the detriment of the homeless who are often subject to the law with little recourse.

Keywords: Olympics; mega-events; homelessness; criminalization of homelessness; public disorder law; resistance and protest.

DEDICATION

This thesis is dedicated to my family, Jon Heidt and numerous friends who were my constant source of support and encouragement.

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CHAPTER 1. INTRODUCTION

When the Olympics arrive in a host city, the city experiences a number of large-scale transformations including urban gentrification, infrastructure development, and venue construction. While many of these transformations can benefit the host city, it is important to recognize that there are certain populations that are not naturally positioned to experience this benefit. The homeless¹ are often confined to the periphery of Olympic development, and rather than experiencing benefit, they are often further marginalized by the rapid changes experienced citywide. Much of this marginalization results from their social position requiring them to reside in public space that is often the target of Olympic-driven development in and around Olympic venues. Already victim to urban regeneration, the homeless are at greater risk of being further victimized by newly implemented or rarely enforced law that targets public disorder.

Many existing city ordinances and by-laws represent attempts to ensure public safety and cleanse streets of disorder but tend to merely cloud over the underlying causes of homelessness. Instead, those with the wherewithal to impact policy development and implementation tend to favour moves that protect the global image from the hostility that evolves over a brief span of time. Despite compelling evidence, “few researchers have asked critical questions about the ways in which mega-events

¹ For the purpose of this discussion, the focus will be on the street homeless, which Saelinger (2006) suggests “is the most appropriate basis for an analysis of the impact of anti-nuisance laws” due to their necessity to occupy public space (p.545). Their *lack* of, or limited access to, shelter means these individuals must conduct their daily lives, including sleeping, defecating and storing belongings, in public space that is often controlled through city by-laws or ordinances designed to target these behaviours.

impact the lives of the most economically and socially marginalized populations” (Greene, 2003, p.169).

The laws enacted within the Olympic environment generally indicate a host city's desire to secure venues and city streets, but often, even if inadvertently, these laws target the lower classes which have limited recourse to challenge these developments. Moreover, laws that are enforced during mega-events are often similar to, or exact replicas of, pre-existing legislation that was not previously enforced, or did not impose onerous penalties on violators (Saelinger, 2006). While some laws enforced during the Olympics are later found to be unconstitutional, the limited duration of the Olympics usually prevents access to legal redress until long after the event itself. Also, despite the limited duration of the Games or other mega-events, the enforcement and penalty associated with anti-nuisance law is often quite harsh (Saelinger, 2006).

It is important to realize that laws and policies that further marginalize the homeless are not restricted to Olympic host cities. Instead, the trend is merely exacerbated in these situations. For instance, Arizona has been criticized by homeless advocates for targeting the homeless through “handcuffing, arresting and charging [the homeless] for criminal trespass, squatting and loitering” (Barak and Bohm, 1989, p.278). Further research, sponsored by the National Law Center on Homelessness and Poverty (1991; 1993), reveals instances of law that targets the homeless, even if inadvertently, in nearly every US state. This trend is not contained to the US alone, with similar developments occurring across the globe.

The intention of this thesis is to employ an exploratory approach “...to gain familiarity with...[and]...achieve new insights into a phenomenon” (Palys, 2003, p. 72), namely the use of public disorder legislation in the lead-up to the Olympics, and to identify missteps of previous host cities in an attempt to ensure both the furtherance of

sport and equal treatment of portions of the population affected by future Olympic Games. It will first examine how Olympic proponents and organizers have begun to rely exclusively on legal constructions to manage public space, through securing legal support in three host cities. This thesis will consider the legislation in light of Marxism, Garland's (2001) *Culture of Control* and Blacks' (1976) *The Behaviour of Law*. In other words, it will address how capitalism and the changing social structure work to the detriment of the homeless in the enactment of public disorder legislation. As a result, it will show how the law is inaccessible to the poor despite the poor being more likely to fall within its purview. It will also point to areas of needed improvement which should be undertaken by Vancouver and future host cities.

According to Black (1980), "[p]olice work involving homeless men...provides a study in the degree to which law may concentrate upon a single location in social space" (p.29). Individuals who reside in public space are subject to levels of enforcement that are rarely witnessed in any other realm of social space (Black, 1980). Ultimately, the author will attempt to focus on the plight of marginalized populations faced with mega-event development and regeneration and rectify the apparent dearth of research concerning law (and various enforcement policies) that targets marginalized populations, particularly the homeless, in light of mega-event preparation and the ensuing influx of tourists.

1.1 Outline of Thesis

Chapter 2 of this thesis will explore the mega-event phenomenon including what drives cities to strive for the opportunity to host the Olympics, as well as the varied rationales that are used to encourage citizen support. Further discussion will centre on how host cities set about securing the city from external threats as well as threats that are internal to the city, including public disorder, which threatens the image that the city

will soon share with the globe. Finally, the incidence of Olympic protest and resistance will be explored.

Chapter 3 of this thesis will provide the theoretical framework, namely an integrated perspective drawing upon elements of Marxian thought, Garland's (2001) *Culture of Control* and Donald Black's (1976) *Behaviour of Law*. These perspectives point to capitalism, the collapse of the Welfare State, and the inequalities inherent in the creation and application of law that tend to further marginalize vulnerable populations.

Chapter 4 of this thesis will begin to discuss the 1996 Atlanta Olympic Games, the 2000 Sydney Olympic Games and the 2010 Vancouver Olympic Games. Discussion will focus on the disadvantage experienced by the homeless in each of the host cities. It will also identify the organizations responsible for Olympic development that have exacerbated, whether inadvertently or not, the homeless condition.

Chapter 5 of this thesis will explore the legislation that was implemented in each of three Olympic cities. This analysis will be broken down into a look at three broad categories of legislation; namely, legislation that problematizes the homeless' right to shelter, legislation that targets the current livelihoods of the homeless and legislation that works to manage protest/dissent, or curtail more aggressive manifestations of protest/dissent.

Finally, Chapter 6 of this thesis will analyze the legislation in the context of the theoretical standpoint adopted. Discussion will focus on how significant societal shifts, including globalization and the increasing reliance on consumerism and consumption to foster capitalism, as well as the shift away from the Welfare State, have left the homeless increasingly marginalized and removed from 'conventional' society. Moreover, discussion will highlight how the legislation introduced in the lead-up to the Olympics to foster unfettered consumerism furthers the abovementioned societal shifts at the

expense of marginalized populations who are often subject to ever more social control. Steps will be taken to highlight missteps taken in various cities in hopes of alleviating the adverse experiences of the homeless in future host cities.

CHAPTER 2. MEGA-EVENTS: THE OLYMPIC PHENOMENON

Mega-events², of which the Olympics are but one example, are often defined as grandiose, usually short lived one-time events that are intended to benefit host cities and attract international attention and investment to the cities by situating the host city before a global audience (Burbank, Andranovich, and Heying, 2002; Greene, 2003; Hall, 1989a; Roche, 1992). While the events are short lived, the consequences are often felt for some time following a mega-event. These consequences have become increasingly significant as the investments required to be a successful host city have grown and the profile of the event itself has skyrocketed (Essex and Chalkley, 2004).

The original objectives or goals of Baron Pierre de Coubertin (1863-1937), who revived the modern Olympic Games in 1896 in Athens, focused on what sport could bring to a nation and its citizens. These goals included stimulating athleticism by providing the necessary facilities to allow for participation, bringing national or international attention to a variety of sports and fostering a competitive spirit among participants (Chalkley and Essex, 1999; Essex and Chalkley, 1998;). While the goals of the International Olympic Committee (IOC) still reflect the goals of de Coubertin, the goals of the host city stand in stark contrast. Unlike the goals of Olympic organizers, who favour the furtherance of sport and athleticism, host cities tend to favour the potential for profit, urban renewal and regeneration.

Throughout the 1980's, and especially following the financially successful 1984 Los Angeles Olympics, many cities sought out mega-events as a solution to economic hardships that plagued them (Andranovich, Burbank and Heying, 2001; Horne and

² This term is often used interchangeably with the term hallmark event in the literature.

Manzenreiter, 2004; Whitelegg, 2000, p.802). In fact, the mega-event is increasingly becoming the focal point of modern urban policy development. This interest results from processes of modernization, globalization, and deindustrialization and a parallel shift towards Post-Fordist economics and away from welfare ideals (Roche, 1992). The decisions are also guided by notions of entrepreneurialism and progress (Greene, 2003; Hiller, 2000).

While the 1984 Olympics, and similar events, eased the economic plight of some cities, others suffered serious economic defeat, including the 1976 Montreal Olympics and Expo-'84 in New Orleans. Montreal, often recognized as the pinnacle of failure, only recently recovered from a \$1.5-billion debt incurred following the 1976 Olympics. Much of this debt is attributed to the over ambitious investment in venue construction, as Montreal did not have pre-existing facilities that could handle the influx of tourists and athletes. Following the 1976 Games, few cities wished to host the Olympics for fear of following in Montreal's footsteps, but as aforementioned, the Los Angeles Olympics swayed host city interest internationally (CBC News, 2006). The situation in New Orleans was similar to that in Montreal, and was declared an utter financial failure by many (Tews, 1993). Still other cities experienced strong public opposition (Mexico, 1968) and terrorism (Munich, 1972). Incidents in these cities resulted in the death of 250 students in clashes with Mexican police forces and the death of 11 Israeli athletes in Munich (Chalkley and Essex, 1999). Despite such failures, unsuccessful bids have, in the past, bolstered improvements throughout cities, including infrastructure improvements and select urban development strategies (Essex and Chalkley, 1998; Law, 1994). Meanwhile, some successful bids have impacted host cities negatively, as well as positively (Law, 1994).

Cities that enter into the bidding process recognize what they identify as inherent benefits afforded to host cities, namely, economic prosperity and renewed investment, inner-city and infrastructural development and an enhanced global image furthered by the mediated nature of Olympic events and the resultant corporate backing (Ritchie, 1984). According to Horne (2007), the benefits accrued by mega-event hosting include not only urban development but also the minimization of marginalization and dispossession, as well as crime. Ultimately, the rationale for hosting such events rests on the assumption that the event will result in positive lasting consequences for the host city (Greene, 2003). But the question remains, positive consequences and benefits for whom?

The decision to host an Olympic event ultimately comes from local government and business interests with the wherewithal to impact policy development and implementation and the resultant infrastructure and financial gains that tend to further these interests (Essex and Chalkley, 2004; Hall, 1989b). Few of these interested parties, however, recognize the intricacies involved in mega-events and often assume an unrealistic economic surplus will result (Chapin, 2002). The inability to realistically predict the potential for economic surplus often results in overspending at all levels of planning (Chapin, 2002).

Moreover, research concerning the economic impact abounds because proponents often utilize economics as the leading justification for such projects (Crompton, 2001). However, as suggested by Chapin (2002), scholarly review often indicates that the economic benefits attributed to sporting investments are often overstated. Such studies conclude that sporting events are not the economic generators that they purport to be, and in fact, economic costs tend to outweigh the resultant benefits (Baade, 1996a; Baade, 1996b; Coates and Humphries, 1999; Hudson, 1999;

Noll and Zimbalist, 1997; Rosentraub, 1997). What such impact studies often fail to take into consideration are the “opportunity costs” associated with venue construction (Hunter, 1988). These opportunity costs include beneficial opportunities that are lost when monies that could be spent to better the community, are directed solely towards economic development (Hunter, 1988). This lack of awareness of lost local opportunities is fostered by governments and organizers who wish to focus solely on the positive impacts that justify public expenditure on infrastructure and development (Chapin, 2002). A potential direction for future consideration would entail consideration of opportunity costs and how best to distribute monies so all affected parties benefit from the international attention and investment.

As suggested by Hiller (2000), the Olympic Games act as “methods of social control” that work to legitimize Olympic interests in the eyes of residents directly impacted by the event with the measure of success rooted in economics and profit margins (p.187). In many cases, the positive effects of international events are favoured, while the more detrimental impacts are ushered under the carpet or are said to be likely to improve when monies trickle down. Governmental and organizational interests, relying on the media, bolster the positive attributes of hosting such events and often present an image hedged in secrecy and lacking transparency (Hiller, 2000, p.195; Shlay and Giloth, 1987).

There also tends to be limited community consultation and involvement on the part of those who are most likely to experience the effects of such events (Hall, 1989b; Mueller and Fenton, 1989). In fact, when citizens are granted admission into the planning process, they often are left to only consider a plan over which they had limited control from the outset (Hiller, 2000). While many are not versed in planning and development, host cities might have much to gain by allowing communities a greater

voice or even 'silent' representation. According to Hall (1989b), instead of discussing the potential impacts of hosting such events that could be felt by various communities, such meetings become venues in which further support and legitimacy can be achieved. In other words, the perspective which emphasizes progress, presenting a positive image to the global audience and maximizing economic gain, takes precedence over addressing possible negative consequences (Hall, 1989b; Matos, 2006).

Greene (2003) suggests that the Olympic experience needs to be one rooted in democracy, and therefore, open to debate and discussion. In order to become democratically accountable, a range of assessments need to be conducted by sources removed from the event, and institutional checks and balances need to be implemented. While Canadian host cities have, unlike many other host cities, attempted to rebuff this trend, as was evident in the move toward democratic processes in the 1996 Toronto bid and the 1988 Calgary Games, many of the problems above remain issues deserving further attention (Gursoy and Kendall, 2006). This is evident in recent citizen unrest despite moves taken by the Vancouver Olympic Committee (VANOC) to increase transparency and accountability in the eyes of citizens (VANOC, 2007). This unrest indicates a need for Vancouver to work to further transparency beyond what they have already achieved to appease and be fully accountable to taxpayers and affected parties, including making meeting minutes available to the public and removing 'protections' set out in contracts with various contributors (Lupick, 2009). Ultimately, citizens and community organizations alike need to be allowed access to all Olympic related discussion and decisions through the *Freedom of Information Act*, which some suggest has been neglected thus far (Lupick, 2009).

Opportunity costs associated with the Olympics can be quite high because most cities have other needs that require financial attention, and with money being poured into

the Olympic Games, such needs, including poverty, homelessness and unemployment, have the potential to go unrecognized and unfulfilled (Chapin, 2002; Hunter, 1988). Moreover, as Johnson and Sack (1996) suggest, research that focuses on the non-economic impacts of large events often assume that such effects will be largely positive (p.378). Such non-economic benefits include civic pride, image development, maintenance and furtherance, and infrastructural development (Dwyer, Mellor, Mistilis and Mules, 2000; Johnson and Sack, 1996).

Organizers, who are aware of non-economic benefits, often ignore corollary costs associated with mega-events, and in an attempt to encourage local and international support, suggest that the money acquired following a successful Olympic experience will enable leaders and officials an opportunity to tackle the needs of all citizens (Greene, 2003; Hall and Ritchie, 1999). What organizers may fail to take into consideration, or withhold from public scrutiny, is the fact that benefits are often unequally distributed amongst the populations and communities affected by the event. For instance, housing was lost in Sydney and Atlanta during their Olympic Games, as well as Vancouver during Expo-86. Moreover, some groups are better positioned to experience benefits than others, and some sectors of society have the potential to be harmed when public spending is redirected toward Olympic development (Hall, 1989b; Whitson and Macintosh, 1996). For instance, in preparation for Expo-86, British Columbia's provincial government imposed severe cuts to province-wide social and public services (Whitson, 2004; Whitson and Macintosh, 1996). The New South Wales government implemented similar cuts in Sydney to counteract the high costs associated with the construction of Olympic facilities (Whitson and Macintosh, 1996). The questions that need to be pondered by event organizers and researchers, to fully ascertain the impacts of such events are, "why, for what, and for whom, are these events held" (Hall, 1989a)?

A general consensus suggests that there exists a need to challenge the dominant discourse that equates business and professional interests with the needs of a city as a whole (Roche, 1992). In doing so, both proponents and opponents of world class events need to draw attention to the more detrimental impacts of mega-events, namely, environmental impacts, the staying power of the “Olympic legacy” and the impacts such events have on marginalized and disadvantaged populations. Environmental impacts include deforestation to make room for the construction of large venues and roadway expansion, while the staying power of the “Olympic legacy” includes the inappropriate/oversized sporting venues that remain in their wake and the financial instability/ debt that is felt by many host cities (Lenskyj, 2000; Matos, 2006; Ritchie, 1984). As Ritchie (1984) suggests, authors and research that have focused on the effects of hallmark events tend to focus solely on the economic impacts, thereby pointing to a need to adopt an approach that addresses effects that are often forgotten or ignored. Social considerations, alongside economic, tourism and development considerations, are paramount if host cities wish to appease all concerned parties and host a successful event that meets all needs of the city and its inhabitants (Johnson and Sack, 1996).

One area of important social consideration that deserves attention is the treatment of marginalized populations living in neighbourhoods next to centres of leisure and consumerism, as these people are increasingly dealt with through legislative means. This reliance on law and related enforcement policies reflect the host city’s desire to secure the Olympic environment and thus protect what are often identified as inherent benefits afforded by the Olympic Games, but attention needs to be paid so that harm is not done in the process.

2.1 Securing the Olympic Environment

Security measures, and the requisite supporting legislation, are becoming increasingly prevalent in all realms of society and reflect the constitution and sensibilities of today's economic, political and social climate (Monahan, 2006, p.9). As Lyon (2006) suggests, security measures, including closed-circuit television (CCTV) cameras and metal detectors, are increasingly being relied upon as means to monitor public spaces. This contemporary security, unlike historical technologies, "is systematic and impersonal, targets bodies more than people, and scrutinizes and profiles everyone as potentially "deviant," in advance of any evidence or informed suspicion to that effect" (Monahan, 2006, p.23; Staples, 2000). Moreover, security measures have become increasingly ubiquitous and invasive, with few able to evade its watching eye. The omnipresent character of security and surveillance has led to marked shifts in society, including the shrinking of public space, and increased segregation and further marginalization of disadvantaged populations who often reside in public space and are thus unable to avoid being surveilled (Monahan, 2006, p.21).

In light of the September 11th attacks in New York City, the security worries and woes of Olympic organizers have increased tenfold. Currently, the bid to host and the ultimate hosting of Olympic Games is intricately linked with international and national security, and the resulting costs associated with venue and host city security have been increasing exponentially. With the inundation of tourists and athletes from all corners of the globe, security is of utmost importance. According to Abrams (1988), the 1988 XV Olympic Winter Games in Calgary ushered in an excess of 100,000 individuals including competitors, visitors and the media. These numbers necessarily increase over time as air travel becomes more accessible to the masses, and the media fervour surrounding the Games increases.

Historically, the Olympics have often been the site of political and religious conflict due to the political climate associated with the Games themselves and the media coverage that surrounds the event. While media coverage of the Olympic environment and spectacle can work to enhance a city's international image and bring about global awareness, some detrimental impacts are inevitable, such as the airing of both local and international grievances, and instances of injustice prevailing in the community (Fensham, 1994). Occurrences such as the hostage taking and killing at the Munich Games and the Centennial Park bombing at the Atlanta Games in 1996 resonate in Olympic literature (Atkinson and Young, 2002; 2005). As MacAloon (1984) stated in regard to the incident at the Munich Games, "[t]he Games provided the ultimate stage for the terrorists" (p.274). The media coverage of the Olympic Games, in that situation, as well as numerous others, provides a stage for proponents of the Games, and also opponents bringing attention to their plight (Hall and Ritchie, 1999).

Violent incidents, such as those that occurred in Munich and Atlanta, reflect the need for host cities to protect themselves, visitors and participants from external threats. Yet these external threats are not the only risks facing Olympic organizers and host cities. Because the Olympics have become increasingly subject to media coverage, with numerous media outlets in attendance and broadcasting the event globally, the Games are also vulnerable to internal threats that have the potential to shatter the "world class" image that host cities strive to achieve. Such internal threats surround, but are not limited to, a city's underclass whose very lifestyles threaten a host city's image. According to Rezak (2004), "[a]s we get ready to invite the world to Vancouver in 2010, the consequences of not tackling...[homelessness] head-on will be economically disastrous; it will be impossible to keep our secret to ourselves" (p. A11). The above examples point to the desire of mega-event host cities to both realize profit and present

a picturesque and modern version of the city to the globe (Tufts, 2001). It also points to the need for organizers to ensure that public disorder is approached in ways that further community empowerment and approach community problems in ways that strike at their root cause.

The 'Olympic mediascape' has, in the past, often been generated in such a way that the built environment within the confines of the venues is in stark contrast to the realities of surrounding neighbourhoods and districts due to the threat posed by certain groups (Eisinger, 2000; Fainstein and Gladstone, 1999; Judd, 1999). As stated by Fainstein and Gladstone (1999), urban redevelopment projects tend to be "cordoned off and designed to cosset the affluent visitor, while simultaneously warding off the threatening native" (p.26). Surveillance and security measures, in other words, are implemented to ensure that consumption and consumerism, which are intrinsic to all mega-events, are able to proceed without the visual intrusion of the outside, often negative, world (Bryman, 2004). For instance, a fence constructed to surround Centennial Park in Atlanta was designed to permit the unfettered flow of consumption and consumerism among guests and middle class residents, but also to keep the more undesirable elements of the surrounding area from entering and disturbing this flow (Whitelegg, 2000). Steps must be taken in future host cities to ensure that resources dedicated to this constructed reality extend beyond the boundaries of Olympic venues to realize any lasting change in the social situation of local communities. Moreover, the implementation of security measures and legislation must be cautious so as not to disrupt the livelihoods of the homeless without offering them alternatives.

According to many Olympic opponents, containment or barricade measures reflect attempts of Olympic organizers to not only protect the Olympic environment from the seedy underbelly of surrounding districts, but also to secure it from interest and

advocacy groups that advance the rights of such groups (Eisinger, 2000; Fainstein and Gladstone, 1999; Judd, 1999; Whitelegg, 2000). As Hall (1989c) suggests, events such as the Olympics provide a stage or medium through which oppositional voices revolving around the political, social and economic climate can be stated and heard. This reliance on mega-events to make oppositional statements is of utmost importance when considering the unprecedented media coverage provided at such events. These groups, which are often anti-poverty, environmental and social justice groups represent fierce opposition to Olympic investment and development (Lenskyj, 2000). An example is the Bread Not Circuses (BNC) community coalition, which was outspoken against the Toronto bid to host the 2008 summer Games (Lenskyj, 2000). Again, the media exposure of the Olympics threatens to shatter the host city's world image if the problems faced by the less desirable elements of that city are revealed. In one instance, Seoul Korea constructed walls to cordon off the more destitute sectors of town from the media and Olympic attendees during the 1988 Summer Olympic Games (Greene, 2003; Hill, 1992). As these examples suggest, Olympic security measures extend beyond the boundaries of athletic venues, to secure the entire city, and in some instances result in censoring certain forms of opposition (Hodgson, 2000). In future host cities, greater steps need to be taken in the lead up to and during events to ensure grievances can be aired thereby fostering an environment that promotes change for the better. It is what happens within the city, the lived reality, that must be considered to foster future improvements.

2.1.1 Securing and Policing the Internal Threat: Image is Everything

A scene familiar to every major American city illustrates the complexity of the homeless problem: A resident is walking along the street. She sees an unkempt man a half-block ahead, standing in the sidewalk. Pedestrians give him a wide berth. She considers walking across the

street. Too much traffic. She walks on, foreseeing what is to come. "Miss," he says, stepping directly in her path, "Can you spare some change?" She used to give, but she cannot distinguish the needy from the addicts, so she has stopped giving to anybody. She avoids eye contact. She lowers her head, mumbles "sorry" and walks quickly past (Paisner, 1994, p. 1259).

Public urban space is regulated and functionally ordered in very specific ways. It tends to be subject to strict rules of entry and use, reflecting...the role of the state in maintaining a particular kind of spatial order. This has enormous implications for the dispossessed or marginalized (White, 1996, p.37).

While numerous definitions of homelessness abound, a useful definition has been put forth by the United Nations and has been adopted by the Government of Canada. According to this definition, the homeless include those who live on the streets and in temporary emergency shelter, as well as those who lack access to adequate housing (Casavant, 2002, ¶5). For present purposes, attention will focus primarily on the street homeless who, as the description suggests, are most likely to be most affected by laws that regulate public space and conduct that arises therein.

Homelessness, or living in poverty, is an age old social problem that has become a topic of social and political concern in recent years as a result of decaying city centres and the resultant public concern. Public opinion has reflected a shift towards conservative public policy and governmental rule since the early 1980's, when changes attempted to limit the reach of governmental aid and social welfare programming (Garland, 2001; Stern, 1986). In *Metamorphosis Revisited: Restricting Discourses of Citizenship*, Ruddick (2002) introduces the notion of a transforming street life. A locale that was once associated with dysfunctional populations, and thus avoided by others, has become a busy and bustling environment full of people from all walks of life. Rather than embracing the current diversity of street life, there has been an increasing tendency towards restricting the movements of certain groups (Ruddick, 2002). The homeless are

but one group who are increasingly barred from public space in order to secure city streets (Ruddick, 2002). Because the street homeless and poor maintain an inescapably public presence, and often reside alongside centres of leisure, their behaviours are subjected to increased scrutiny in the name of public safety. This public safety issue arises from public sentiment concerning the fear of crime that continues to persist despite lowering crime rates, which is especially evident in urban centres (White, 1996). In the words of Mike Hunter (2004), a columnist with the *Nanaimo Daily News*, “[o]ur security and our families’ security is not just freedom from international terrorism, but also the freedom that goes with being confident in our safety as we walk through our neighbourhoods” (p. A5).

Arguments rooted in city image creation and maintenance are often cited or used to justify legislative exclusion (White, 1996). This excuse or justification is especially important when considering mega-events whose goal is to introduce a “new” city to a global audience. According to Kawash (1998), homeless populations have generally and repeatedly been subjected to “processes of containment, constriction, and compression” (p.330). These processes of containment, constriction and compression, in the name of public safety, have taken form in numerous by-laws, statutes and other laws of municipal, provincial, federal and state governments. According to Greene (2003), homeless individuals are often removed in the lead-up to mega-events in order to promote the image of successful development. This trend is evident in recent statistics that suggest that, “five of the top thirty-four recent examples of massive evictions worldwide were related to mega-events” (Greene, 2003, p.163). Recent experiences of evictions in Vancouver during Expo-86 signify our need to tread carefully in the context of the forthcoming Vancouver 2010 Olympic Winter Games.

One of the first recorded instances of “criminalizing poverty” occurred in England in the 16th- century with the introduction of vagrancy laws, initially directed at persecuting Quaker thought (Miller, 2005; Walsh, 2003). It was deemed that the benefit of vagrancy laws rested in their ability to contribute to both social and public welfare by preventing crime thought to flow from a poor and unproductive populace (Simon, 1992; Walsh, 2003). These laws enhanced police powers, categorized society’s poor population, equated homelessness and vagrancy with criminality and treated the ‘delinquents’ accordingly (Bartholomew and Prison, 1971; Simon, 1992; Walsh, 2003). England’s vagrancy laws failed to adequately distinguish between the impoverished and the criminal, and subjected both to harsh punishments. According to Bella and Lopez (1994), vagrancy laws have, historically, “permitted the police to apply largely unbridled discretion in enforcing prohibitions against sleeping in public, obstructing public pathways, and loitering or trespassing on public property” (p.108). Recent research by Laurenson and Collins (2006), suggests that recent legislative efforts are reminiscent of vagrancy laws that equated individual fault with poverty and continue to be utilized to justify state sponsored directives that target joblessness and irresponsibility.

Legislation concerning panhandling, while popular in the United States for some time, is a somewhat new phenomenon in Canada. According to Mosher (2002), “the proliferation of anti-panhandling by-laws and statutes across the country can be understood as a part of an effort to purify the urban landscape, to create the right image to attract both domestic, middle-class consumers and international capital” (p.51). Existing neo-liberal politics foster a law and order agenda that emphasizes punitiveness and punishment and dominates public policy and discourse. Such law and order agendas depict disorder in public space as a risk that needs to be policed and behaviour that needs to be circumscribed (Ruddick, 2002). Upon inspection of earlier examples of

vagrancy law, one can pinpoint commonalities between them and what we are witnessing in host cities around the globe in recent years (Tait, 2008). It is not necessary to follow in the footsteps of earlier host cities. Instead, the logic of Olympic legislation and various resultant security measures and enforcement guidelines should be considered in light of the possible long term negative impacts that might result from their implementation.

Legislation that is directed towards public disorder shifts our attention away from the dire underlying causes of homelessness. By equating homelessness with security and safety, governmental powers have presented an image that suggests, to many, a move to evade blame for poverty and justify questionable political manoeuvres. While panhandling and begging is often a result of economic deprivation and inequality, current legislation and by-laws ensure that this phenomenon is not recognized as a matter of economic or social justice. In other words, “poverty and other expressions of social and economic inequality are translated into narrow questions of criminal justice and law and order” (Hermer and Mosher, 2002, p.16). Rather than recognizing poor individuals as victims of society’s failures and a competitive materialistic culture, there is a tendency, amongst the government and general public, to recognize poor persons as a threat to the social order.

When crime initiatives are incorporated into political, social and economic discourse, a trend towards gentrification arises. This trend “involves the transition of inner-city neighbourhoods from a status of relative poverty and limited property investment to a state of commodification and reinvestment” (Ley, 2003, p.2527). Anti-vagrancy and development related legislation, which facilitates a move towards gentrification of urban centres, works to lessen the amount of space available to society’s marginalized populations. Because of their necessarily public existence, a

number of their behaviours, such as panhandling, are often the subject of targeted legislation. In the words of Anderson, Snow and Cress (1994), “[I]acking the resources to secure and maintain their own shelter, they are forced to conduct much of their daily lives in public, where they find themselves subject to pervasive stigmatization” (p.138).

The homeless population can be recognized as a population that stands outside of the existing order by limiting the sphere of movement of society’s homeless population and distinguishing between them and the average citizen with reference to the ‘other’ (Mosher, 2002). Therefore, homeless and marginalized populations, not privy to the privacy afforded to other populations and without recourse, are left open to the scrutiny and surveillance of others and confined to areas because of their economic situations. In other words, exiled to public space, the homeless are thus unable to shield themselves from societal surveillance, regulation, and criminalization (Mosher, 2002). If the homeless population’s use of public space is restricted, where can this population be expected to go? This is a question that those with the wherewithal to impact policy development and implementation must consider when attempting to secure city streets. Moreover, the safety and security of homeless residents must be given greater consideration than that which is evident in previous host cities in light of the situation they face and our responsibility to ensure that even society’s most destitute populations receive minimal care.

The inability of homeless populations to avoid societal surveillance, regulation, and criminalization, ultimately results from the fact that such populations lack the social, political and economic clout or power required to participate in the construction or maintenance of the world that surrounds them. According to Amster (2004), “‘images of public safety’ ...specifically exclude the homeless and the poor from participation, since

these groups are constructed as *not* part of the community, the public, or those with a stake in political decisions and city affairs” (p.126).

Since at least 1968, evidence of repression of political “undesirables” and dissidents has arisen surrounding mega-events, which are often identified as “catalysts for urban change” (Hiller, 2000, p.198). This push for urban change often favours governmental interests and often stands in stark contrast to “current uses in everyday life (“social space”), which may be the source of conflict within the city” (Hiller, 2000, p.200). Homeless individuals, who are often pegged as a sign that effective social control in neighbourhoods in which they congregate has broken down, are identified by many business owners as having a detrimental impact on the local economy by keeping local consumers at bay (Lee and Farrell, 2003).

This threat to the economy is of special concern to Olympic organizers who, from the outset, deem the Olympics to be economic engines capable of contributing to the local economy. The fear is that, if left to continue wandering the streets, the host city would be unable to reap the economic benefits afforded by the Olympics. In the end, mega-event planning often pits opposing sides against each other in a battle to delineate the boundaries of public and social space (Hiller, 2000). As suggested by Greene (2003), “[u]nder the logic of event-oriented development, the visibility of poverty becomes paramount in renewal schemes, and preparations often involve removing the poor from high-profile areas surrounding event venues, without significant attention to long-term solutions to slum problems” (p.163). According to Horne (2007), notions of development via local and international consumerism have taken precedence over the once admired notions of citizenship that assured local populations the necessary services to preserve life, including secure housing and access to governmental support.

This is something that Vancouver must consider having experienced a similar situation during Expo-86.

According to Eadie (2007), “[i]mpoverished sectors of the population have the potential to undermine the security of the state. They can challenge governments to resolve their plight...[and] may also impede economic development” (p.645). This threat is especially evident in the media-cantered Olympic environment. In order to foster a more positive image of unity and prosperity, city leaders and officials tend to look to ways of managing the more unsightly elements of society for the duration of the Olympics. In order to protect what are recognized as the inherent benefits of hosting the Olympic Games, homeless and poor populations are increasingly managed by legislative measures that target their very means of survival in the name of public safety and security (Mosher, 2002). Moreover, homeless people are often unable to successfully challenge the resultant public disorder law due to their lack of social, political and economic clout.

Donald Black (1976), in *The Behavior of Law*, adopts the stance that one can see how the law is often less accessible to the lower classes, yet the lower classes are more likely to become subject to law. Black (1976), himself, considers the situation of the homeless man, who is often subject to more punitive law than a layperson:

The kicking of a homeless man illustrates what happens when someone simultaneously occupies a number of social locations, all of which are attractive to law and punishment. A homeless person lacks social status of every kind: He is extremely poor, and his social integration is extremely low. He lacks possessions, money, employment, a residence in the community, and a family dependent on his support. He is not associated with an organization. He lacks respectability, has an alien way of life, and may belong to a cultural minority. He is probably a stranger to most police officers as well. A homeless man is, in short, a form of social dirt. And like a social magnet, he attracts a highly penal style of law. He is not only more vulnerable to formal procedures such as arrest, prosecution, and conviction, but may also be kicked, clubbed, and otherwise degraded in a fashion rarely seen in other social locations. His treatment is thus a

beautiful specimen of the sociological nature of law. (Black, 2002, pp. 123-124).

This discussion highlights the ways in which laws are enacted, sometimes inadvertently, to the detriment of marginalized and disadvantaged populations. Here we see the manifestation of an individual who lies at the lower end of the social hierarchy and is therefore subject to all situations where law is limited and access to law is restricted as outlined by Black (1976). As a result of this homeless predicament, advocacy groups often adopt their cause and fight government and law enforcement bodies to protect societies most destitute and needy populations.

2.1.2 Olympic Advocacy, Resistance, and Protest

Many host cities, both during the bid period and upon being awarded the Olympics, experience periods of disfavour and as a result, protest and dissent. The protest and dissent in light of mega-events is often orchestrated by local advocacy groups who vie for marginalized populations that lack the political, economic and social clout to represent themselves and their interests. These local advocacy groups are often composed of a group of volunteers who petition the government and stage protest with the use of limited funds which renders their ability to slow the Olympic machine ineffective in many instances (Lenskyj, 2000).

According to Lenskyj (2008), “[a]mong the most pressing concerns raised by Olympic watchdog groups in the practice of transferring public money from affordable housing and social service programs to unnecessary sporting facilities and urban window-dressing designed to impress Olympic visitors” (p. 17). Each of these ‘trends’ is evident in many host cities and research suggests that nearly two million people have been displaced as a result of Olympic development during the Summer Olympics alone (Lenskyj, 2008). In Atlanta, a number of communities, including Vine City,

Mechanicsville, Peoplestown and Summerhill, were vocal in their opposition of plans to impede on certain neighbourhoods during the construction of the Olympic Stadium. Each of “[t]hese neighbourhoods had a history of negative impact from development in downtown Atlanta...[and a history of] failed promises for relocation assistance to area residents” (Burbank, Heying, and Andranovich, 2000, p.345). Opposition also developed around plans to redevelop the Techwood/Clark Howell public housing and Centennial Olympic Park development (Burbank, Heying, and Andranovich, 2000). A similar situation of displacement is unfolding in Vancouver, with government spending on public housing frozen and single residency occupancy motels being closed down or converted to market housing throughout Metro Vancouver (Campbell, Boyd, and Culbert, 2009). Another concern is the potential for overzealous policing of pre-existing and newly implemented law in city centres (Lenskyj, 2002a; Lenskyj, 2008). I would argue that these concerns are not unwarranted given the Vancouver Police Chief Jim Chu’s call for increased policing of the *British Columbia Safe Streets Act* in the Downtown Eastside, the *2010 Winter Games By-law* and the recently implemented *Assistance to Shelter Act*. Ultimately, “[t]he primary motivation of nearly every opposition group [is] to divert development from a specific location or mitigate negative consequences” (Burbank, Heying, and Andranovich, 2000, p.352).

In Vancouver, two advocacy groups that have been quite vocal in the lead-up to the 2010 Olympic Games are Pivot and the Anti-Poverty Committee. According to their website, “Pivot’s mandate is to take a strategic approach to social change, using the law to address the root causes that undermine the quality of life of those most on the margins” (Pivot, n.d., ¶2). The Anti-Poverty Committee, on the other hand, “is an organization of poor and working people, who fight for poor people, their rights and an end to poverty by any means necessary” (The Anti-Poverty Committee, n.d., n.p.). Each

group recognizes the abovementioned concerns and sets out to ensure that the rights of poor and homeless residents, particularly in the Downtown Eastside, are protected. While both groups address the homeless situation from different angles, whether legal or anti-capitalist/anti-liberal, both desire a better situation for those who are confined to the streets of the Downtown Eastside as a result of cuts to social services and affordable housing (Pivot, n.d.; The Anti-Poverty Committee, n.d.).

In many cases, the voice of advocacy groups and any attempts at collective action are silenced by pieces of legislation that are implemented by the host city but required by rule 61 of the *Olympic Charter*, which threaten the groups' freedom of assembly and speech (Lenskyj, 2002b, p.205). In Vancouver, a guide, *Protesters' Guide to the Law of Civil Disobedience in B.C.: Olympic Edition*, has been created to outline the rights and responsibilities of protesters (Lawyers' Right Watch Canada, 2009; Lee, 2009). Steps are also being taken to restrict lawful protest to previously selected areas, or safe assembly zones, throughout Metro Vancouver (Whillans, 2009). While Vancouver Police Chief Jim Chu suggests that Vancouver will not experience protest corrals or protest-only zones like that witnessed in Beijing, advocacy groups remain apprehensive of the reach of the *2010 Winter Games By-law* (The Canadian Press, 2009). The *2010 Winter Games By-law* will also restrict the ability of local advocacy groups to protect the rights of the homeless by implementing signage restrictions throughout the lower mainland (including signage in private residences)³.

While advocacy is quite vocal, many protests do not achieve the desirable result. According to the Canberra Times (2000),

³ In late November, Vancouver city officials amended portions of the *2010 Winter Olympics By-law* to render the *by-law* less restrictive as a result of citizen unrest surrounding the likelihood of the law, in its current state, to infringe on citizens' *Charter* rights (The Canadian Press, 2009).

...attempts to make the Sydney Olympic Games an occasion or vehicle for making political points seem to have failed so far. The protests, especially aboriginal groups, have been deluged by the avalanche of media reporting surrounding the sporting events...it was only on page 18 of last Saturday's 20-page Sydney Morning Herald opening ceremony supplement that protests were discussed. (Canberra Times, 2000, p.9).

Despite this, some advocacy groups, who are often outnumbered and overpowered, attract considerable public attention toward their groups' cause. For instance, "the Toronto Bread Not Circuses Coalition, which opposed Toronto's bids for the 1996 and 2008 Olympics, and the Berlin group, which opposed that city's 2000 bid, were able to focus some public debate on the potentially negative economic and social impact issues" (Lenskyj, 2002b, 205).

The rise in advocacy in light of Olympic development and regeneration points to the world's homeless problem, of which Canada is not innocent. In fact, according to the United Nations Committee on Economic, Social, and Cultural Rights, Canada has one of the worst human rights records with regard to preventing homelessness of all Western nations (Lenskyj, 2008). This problem is evident in Vancouver, which according to the 2008 Metro Vancouver Homeless Count, has seen an increase in the homeless problem of nearly 25% between 2005 and 2008. Many other host cities have experienced significant problems associated with homelessness as well, including "Seoul, Barcelona, Atlanta, Sydney, Beijing...London, Toronto and New York" (Lenskyj, 2008, p.16).

CHAPTER 3. THEORETICAL FOUNDATIONS

Much of the literature concerned with public disorder and the law that targets this disorder is rooted in the broken windows model as proposed by Wilson and Kelling (1982) (Feldman, 2004; Parnaby, 2003). According to this body of literature, the creation of public disorder law and its enforcement are justified as means of securing city cores and combating the disorder and decay that permeates these neighbourhoods. Wilson and Kelling (1982) claim that neighbourhoods that appear to be left in states of disorder attract criminals who believe that the community is unlikely to protest criminal activity in their midst or raise concerns about public safety. While this might be the case in many situations, the reason for the implementation of public disorder laws surrounding mega events may rest on improving the image of the city for tourists, businesses, and other potential investors, thereby protecting and enhancing the local economy.

When the Olympic Games come to a host city, the success of such events often rests on the image that is portrayed to the global audience. A positive image enhances the influx of international capital, and the post-event lasting power of the Olympics. In order to allow for the abovementioned benefits, development and gentrification become paramount in most city centres. According to Black (1976), the nature of development itself points to differentiation and inequality, which leads to an increase in law. The limited duration and influx of tourists and investment opportunities leading up to the Olympic Games also necessitates increased security in order to protect local and international interests and guests. This enhanced security is also necessary in light of recent and historical instances in which the Games have been used as a platform to air social, political and economic grievances, such as “Free Tibet” protests in China. This

security is furthered by the enactment of new law that is increasingly punitive alongside the enforcement of pre-existing previously unenforced or rarely enforced law (Foscarinis, 1996, p.2). In other words, actions that would have gone unnoticed by law enforcement at one time come to the forefront of enforcement practices and agendas. Moreover, once noticed, the actions are subject to increasingly punitive and penal consequences, including fines and potential terms of incarceration.

Due to the nature of the Olympics, and the host cities' desire to present themselves favourably to the international community, these laws, often work to the detriment of marginalized and disadvantaged groups which, due to their inescapably public existence, threaten the image of a 'successful', 'functioning' and 'unified' host city, and the likelihood of both tourist participation and international investment. While homelessness has become an issue of concern in recent years, and moves have been made to address the issue, the arrival of the Olympics hastens the enactment of law regulating homelessness. This reflects a shift in perspective whereby the homeless, once seen as a population deserving welfare and social assistance, are increasingly identified as a population requiring the imposition of law and the attention of the authorities (Mosher, 2002; Ruddick, 2002). This change of sensibilities cannot go unaddressed. Moreover, cities must be careful to not place 'public safety' over the safety of marginalized populations with limited recourse and few places to turn.

Much existing theory concerning this pattern or trend in law making and enforcement is flavoured by neo-Marxist thought. While Marxism has experienced periods of disfavour among academics, recent economic, social and political shifts have reinvigorated this field of thought given the economic disparities that permeate Western cultures in the 21st century. Moreover, the Olympic host city's tendency to point to economic incentives in justifying various developments throughout the city permeates

the discourse surrounding Olympic driven development and points to Marxism as a potential explanatory tool in such environments. According to Cain (1974), “[i]n order to maintain their position of dominance, capitalists as a *class* gradually create a set of linked organizations...with the dual purpose of protecting their common internal interests...and of protecting them against external threats from other classes or States” (p.139). While it is important to recognize the interests at stake, it is also important to recognize legislative and enforcement shifts. While much public disorder law is implemented in the name of public safety, the lasting effects of the legislation and enforcement must be considered in turn to ensure that the legislation and enforcement techniques meet their desired goal without unduly harming any of the host city’s citizens.

The reshaping of cities and the resultant consequences are intricately linked to capital. Cities around the world are experiencing periods of decay, disinvestment, suburbanization, gentrification and urban renewal with the goal to foster profit making and redesign the use of public space through the use of law and policy (Harvey, 1989). Modern policy and strategies of (re)development reflect a move from “welfare based” ideals, and the provision of social services, to attracting international investment and development to remain competitive (Gotham, 2001). These manoeuvres, which do not necessarily reflect the will of all of the people, result in significant conflict and social division. Moreover, undesirable or problem populations are often a natural consequence of capitalist structures that allow for the promotion and development of internal threats that have the potential to divert capital and hinder the status quo.

The problem population of note, in the context of Olympic development, is the homeless. While often left to “live” undisturbed and not normally considered a tangible threat, the onset of Olympic development and Olympic fervour designates the homeless as “social dynamite” with the capacity to seriously question the capitalist’s role in capital

accumulation and exploitation (Spitzer, 1975). Garland (1990), in *Punishment and Modern Society: A Study in Social History*, suggests that Marxist writings “[reveal] some of the ways in which penal policy is caught up within the divisions of social class and shows convincingly that penal institutions [including the law] need to be understood as part of much wider social strategies for managing the poor and the lower classes” (p.110).

While Marxism reflects what is happening in gentrified urban centres around the globe, as suggested by Garland (1990), it is paramount to consider Marxist perspectives as compatible with other social perspectives to better understand policy and the resultant mechanisms of social control implemented in the wake of mega-events. Moreover, as suggested by Bottoms (2007), theoreticians must consider a “selective adoption of concepts from one or more GSTs [general social theories]...to enrich the theoretical explanation of the topic being studied” (p.103).

Garland (2001), in *Culture of Control*, traces historical developments in Britain and the United States that led to the emergence, or re-emergence, of social control theories in the late 20th century. According to Garland (2001), the 1980’s introduced a shift toward Conservative (often capitalist) ideologies that were diametrically opposed to the earlier welfare ideals of equality and government issued assistance. These conservative ideologies favoured reactive policing styles, increasingly punitive sanctions and discourse, the commercialization and politicization of crime control, a renewed focus on victims and public sentiment and an eternal sense of crisis and a call for swift action (Garland, 2001). Each of these trends, taken together, radically altered current crime control practice. Post-1980’s crime control practice began to focus on security, risk assessment and management and the containment of danger rather than rehabilitation, individualized treatment, equality and social reform (Garland, 2001).

In this trend towards victim centered justice and a heightened desire to protect society, “public drinking, soft drug use, graffiti, loitering, vagrancy, begging, sleeping rough, being uncivil cease to be tolerable nuisances or pricks in middle class conscience and become the disorderly stuff upon which serious crime feeds” (Garland, 2001, p.181). In other words, crimes committed in large part by the underclass are seen as detrimental to society’s welfare. The motto of crime control became “‘our’ security depends on their control” (Garland, 2001, p.182).

While Garland (2001) spoke of Britain and the US, similar changes were evident in Canada (as well as Australia). Under conservative rule in the early 1980’s, Canada experienced an increasing crime rate, a distrust of previously well liked welfare ideals, an increasing reliance on punishment and an increasingly decentralized as well as commercialized and politicized system of justice. The introduction of homelessness as a legislative issue coincided with the shift to conservative ideologies and the new vision of crime control. The homeless, who were at one time identified as a population in need of community and governmental support, were increasingly seen as a population that threatened the social order of society and therefore, necessitated control and punishment (Mosher, 2002; Ruddick, 2002).

Garland (1991) was concerned with how changes in society threaten those outside the benefit of capitalism, creating a body of disposable people. Globalization furthers this trend by encouraging a world based on competitiveness and creating wealth, which promotes ideals that increase the gap between the rich and the poor and weaken the backing of the welfare state. While corporate entities reap the benefits of capitalism, those reliant on social programming and assistance of the welfare state are dispossessed. According to Brooks (2002), the justice system legitimizes the values and principles of capitalism meanwhile obscuring poverty and other class and race divisions.

The poor and otherwise marginalized groups pose a threat to capitalism because of their potential to reveal what capitalism wishes to obscure. These individuals, who threaten capitalism because of their position in society, are increasingly subject to social control in the form of legal sanction. In other words, increasingly punitive social control is implemented to protect global ideals of materialistic and competitive culture (Brooks, 2002). Shifts in crime control have resulted in societies that increasingly turn to legislative measures to further globalization. While Garland (2001) addressed crime control generally, it is important to recognize and incorporate the work of Black (1976) who sought to indicate how the law, as a specific method of crime control, has the potential to work to the detriment of those who are resigned to public space.

Black (1976) suggests that law, as a method of social control, behaves in ways that further capitalism and capitalist ideals. In *The Behavior of Law*, Donald Black (1976), discusses the nature and quantity of law, as a form of “governmental control”, and shows how the law tends to favour the interests of individuals atop the social hierarchy based on social stratification, morphology, culture, organization and social control which is often a natural result of law that is designed to address public space (p.2). While the law is not necessarily designed to do such, the social positioning of the lower classes places them at a double disadvantage. First, they have little to no input in the design and implementation of legislative measures. Second, due to their public presence, they are often unable to escape law that necessarily targets behaviour in shared public space.

Rather than emphasizing the individual, Black (1976) concerns himself with how social life is structured in varying times and places and how and why this structure differs accordingly (evidence of Marxian influence). Moreover, Garland’s discussion of globalization and the resultant societal shifts, including the collapse of the welfare state, create an environment that is primed for a specific type of law and crime control

measures that are unique to the current situation. According to Black (2002), “[l]aw is situational rather than universal. Different cases have different law, and different people have different law” (p.669). In other words, trends that have exacerbated the social condition of marginalized communities often leave these communities to experience the brunt of public disorder law, while middle and upper class residents are able to avoid this legislation by escaping to private space.

Black (1976) suggests that the very nature of law, namely the fact that it is a quantifiable entity, permits one to study the quantity of law, as well as the style of law (p.3). The quantity of law refers to just that, the total number and scope of available laws, while the style of law refers to the variety of social control mechanisms, ranging from penal to conciliatory (Black, 1976; Rueschemeyer, 1978; Sherman, 1978; Turner, 2002). Moreover, the quantity and style of law will fluctuate and evolve during the societal shifts outlined by Garland (2001) in *The Culture of Control*. In identifying the quantity and style of law that varies in time and place, Black (1976) suggests that the seriousness of delinquent behaviour, upon which law acts, “is defined by the quantity of social control to which it is subject...[and]...[t]he style of social control...defines the style of deviant behavior” (p.9).

The bulk of Black’s text, introduces a series of propositions that relate the behaviour of law to five dimensions of social space, each of which will be addressed in turn below. First, when considering stratification, or the “uneven distribution of the material conditions of existence”, Black (1976) suggests that the law varies directly with social stratification, rank and that downward law is greater and varies directly with vertical distance (p. 11). In other words, when all else is held constant, the quantity of law increases with inequality, law is less accessible to those of lower rank, and offences

committed by the lower classes upon the upper classes are considered more serious, markedly so as the difference in wealth increases (Black, 1976).

This system of stratification was, according to Garland (2001), further cemented by conservative governments, whose existence worked to broaden the social divide and weaken welfare ideals. According to Garland (2001), “directly or indirectly, all of the major transformations of the second half of the twentieth century can be traced back to the process of capital accumulation and the unceasing drive for new markets, enhanced profits and competitive advantage” (p.78). This desire for economic furtherance often drew attention to the inefficiency of the welfare state and created a push for more economically efficient governmental practices and legislative actions that often worked to the detriment of marginalized communities who depended on governmental support and existed outside of the current economic situation. Moreover, conservative ideals permeated the crime control agenda and worked to change the field considerably.

Second, according to Black (1976), morphology is concerned with the horizontal relationship of law since there is more law in situations where people vary greatly according to function, where the social distance between people is great, amongst people who dwell near the centre of social life, and in situations where one who is integrated is offended by one who is marginalized. While law might be minimal in tribal societies, where individuals are similar in almost all respects, the trend towards urbanization tends to lead to increased social distance and differentiation (Black, 1976).

According to Garland (2001), following the collapse of the welfare state, there was marked “movement to commuter suburbs to escape the decaying inner cities and their social problems...The effect was often to concentrate the poor and minority families in areas quite far removed from the city and lacking in basic amenities” (p. 78). Many governments, recognizing how urbanization could detract from the economic prosperity

of city cores, often responded with legislation that targeted behaviours that were offensive to the new suburbanites to reinvigorate downtrodden city cores. The growing division of labour and the trend towards globalization also exacerbates the plight of society's most disadvantaged populations. According to Barak and Bohm (1989), "[a]s the economic crisis deepens worldwide and as more Americans are marginalized by the introduction of new technologies and the new international division of labor, increasing numbers of poor and homeless persons are destined to become visible victims of the hardships associated with the transitions" (p.277).

Third, "[a]n individual's culture depends upon how many ideas he has, what he wears, eats, makes, watches and plays" (Black, 1976, p.64). Moreover, the relationship between law and culture is linear and varies according the quantity, frequency and content of culture. In other words, where culture is sparse law is also sparse, offending by those with less culture and education is deemed most serious, those deemed most conventional have greater access to legal recourse, and offences committed by those who are most conventional are considered less serious (Black, 1976).

In many developed nations, including the US, Canada and Australia, cultural diversity, which is often a result of migration and immigration, has resulted in a wide array of cultural beliefs and an increase in law. For instance, in Atlanta, cultural heterogeneity increased dramatically as a result of both migration and immigration which widened the social and cultural divide across communities (Rutheiser, 1996). Those who belong to or participate in subcultures are often subject to numerous laws and have restricted access to legal recourse because they lie outside the accepted cultural realm (Black, 1976). In addition, those with limited educational backgrounds, which is a common feature of a society's homeless population, are also subject to greater amounts of law than their well educated and well informed counterparts.

Fourth, when discussing organization, or the ability to collaborate to ensure a desired end, Black (1976) suggests that, like culture, law varies directly with organization (p.85). Therefore, organizations are more successful when calling upon the legal apparatus and individuals are unlikely to be met with success when confronting a highly organized and structured organization (Black, 1976). As a result, suite crimes that are often more detrimental to society, are rarely prosecuted relative to street crime (Timmer and Eitzen, 1989). In other words, a drug addict who steals from a convenience store or pedestrian to feed his/her habit is more likely to feel the wrath of the criminal justice system than a CEO who steals from his/her workplace to better his/her economic standing. Moreover, individuals are unlikely to meet with success when confronting a highly organized and structured organization. This is evident in citizen calls for greater transparency, and increased public participation and input in regards to Olympic policy and development. Aboriginal and African American communities, in Sydney and Atlanta respectively, both sought greater involvement in the planning and development of the Olympic Games; many of their requests were never realized which left some groups disenfranchised and calling for a complete boycott of the event (Lenskyj, 2000; Meekison, 2000; Rutheiser, 1996). Moreover, despite Vancouver's attempts to improve the planning and development process by involving all affected parties in some way or another, calls are being made for even further improvement (Lupick, 2009). Finally, as suggested by Barak and Bohm (1989), "[o]rganized interests try to successfully identify and label certain acts or things as 'protected by' or 'against' the law" (p.277). This is evident in law that is enacted in the Olympic environment.

Finally, the relationship between law and social control, which sets out societal standards, is inverse. In other words, as the level of social control increases, the quantity of law decreases (Black, 1976). If, on the other hand, the level of informal control is

waning, the law works to fill in the gaps. In socially disorganized areas, including many inner cities, the lack of informal social control and collective efficacy necessitates increased law to maintain control (Black, 1976)⁴. While the need for social control is evident, host cities must consider options that empower communities to care for their own neighbourhoods and residents, including funding community organizations to collaborate with police so communities feel their input impacting local law enforcement practices. Moreover, “[a]ctivating communities, families, and individuals, is made much less likely if these have been economically undermined and socially excluded” (Garland, 1996, p.463). Thus, a multimodal approach must be adopted, namely one that works to minimize social and economic exclusion, while at the same time empowering communities and citizens to address the origins of their neighbourhoods’ social problems with the help of local law enforcement agencies.

⁴ See Wilson and Kelling's (1982) “Broken Windows Model”

CHAPTER 4. A DISCUSSION OF THREE HOST CITIES

This discussion will focus on three host cities, namely Atlanta, Sydney, and Vancouver. The reason for selecting these particular cities, rests on the fact that each city recognized, prior to hosting the Games, that earlier cities were not able to meet citizen expectations and sought to improve their own response, yet, tended to ultimately follow in their footsteps. Each city is also similarly developed along social, political and economic lines so longstanding state sponsored marginalization, exclusion and denial of protest, such as that which continues to happen throughout China, will not interfere with the discussion and understanding of Olympic sponsored legislative measures. Moreover, while the 1996 Atlanta Games and 2000 Sydney Games were held during the summer months, the climate and weather patterns in Vancouver, which tend to be quite warm for a city situated in the northern hemisphere, allow for street homelessness 365 days of the year.

4.1 Atlanta 1996: 'Come Celebrate our Dream'; 'The City Too Busy To Hate'

Atlanta consists of a substantial African American population; 70% of its downtown core population, and the location of the 1996 Games, is of this racial makeup (Rutheiser, 1996). For centuries, it has been battling lingering racism, with a history of slave culture that is detrimental to processes of globalization (Applebome, 1993)⁵. This lingering racism has only been exacerbated as of late due to the increasing cultural

⁵ A societal shift that has gained prominence as of late and is often recognized as central to urban development and regeneration schemes (Garland, 2001).

heterogeneity within the city of Atlanta. This is a result of both migration and immigration, which widened the social and cultural divide across communities (Rutheiser, 1996)⁶.

Atlanta is notable for two trends. First, the process of suburbanization, shared among many North American cities, marked a shift toward largely Black city centres and overwhelmingly white margins (Saunders and Campbell, 2000; Whitelegg, 2000).

Second, much of the economic power rested with Atlanta's Whites despite the consecutive mayoral positions held by Atlanta's Black population since 1973, which left consecutive mayors in an apparent power vacuum (Saunders and Campbell, 2000; Whitelegg, 2000). For instance, attention to the plight of Atlanta's homeless was often nothing more than political rhetoric focusing on the notion of trickledown economics with no direct policy development. The inequality prevailing in the city has, over the years, manifested itself in an ever-growing homeless population made up of predominately Black citizens (Rutheiser, 1996).

Research sponsored by the National Law Center on Homelessness and Poverty (1994) and Beatty (1999) indicate that 30% of Atlanta's population lives below the nation's poverty threshold⁷, with between 15,000 and 20,000 homeless people residing in downtown Atlanta nightly, serviced by fewer than 3,000 beds (National Law Center on Homelessness and Poverty, 1994).⁸ According to Saunders and Campbell (2000), the cities and suburbs stand in stark contrast to one another with the suburbs consisting of wealthier, predominately white residents and a downtown core consisting of poorer, predominately Black residents. Moreover, the majority of the homeless in Atlanta are unemployed males, with limited education who are suffer from addiction and mental

⁶ See earlier discussion of cultural diversity and Black (1976).

⁷ According to the United States Department of Health and Human Services (2009), the poverty threshold across the 48 Contiguous States and the District of Columbia ranges from \$10,830 for single person households to 37,010 for eight person households (Table 1).

⁸ Some suggest that the rate of homelessness in Atlanta was as high as 28,000 (Beatty, 1999)

illness (National Law Center on Homelessness and Poverty, 1994). These issues, namely unemployment, a lack of educational opportunities, addiction and mental illness are issues that need to be addressed if a host city hopes to alleviate the situation of the city's most destitute and marginalized populations, rather than targeting their criminal activity which is merely a symptom of these underlying conditions.

The homelessness issue, and the process of suburbanization, according to Whitelegg (2000), “[left] behind what was perceived as an increasingly threatening environment plagued by bad publicity over crime...[and] had an adverse impact on downtown’s increasing reliance on the convention industry“ (p.805). Residents and city officials alike felt that the predominately poor city centre was deterring conventioners from experiencing Atlanta and threatening their image in the eyes of visitors, and thus curtailing Atlanta’s chances of ever experiencing the beneficial impacts of globalization.

4.1.1 “Olympian” Atlanta

The dreams of all of the parties involved and affected by Olympic driven development stood in stark contrast to one another. While Olympic proponents dreamed of elevated profit levels, and politicians dreamed of the potential for political capital generation, homeless individuals and their advocates dreamed of development that did not worsen their plight, as was evident during other “international” events in Atlanta, including the 1988 Democratic National Convention (Lenskyj, 2000; Rutheiser, 1996). Ultimately, the decision to host the 1996 Summer Olympics was in part brought about by a desire to present a new image to the international community, one of unity, integrity, tolerance and respect. City leaders wished to distance the city from ties to Stone Mountain and the Venables family, influential in the Klu Klux Klan (KKK), and other symbols of Atlanta’s racist past, including the Confederate battle flag embodied on the state flag, and present itself as “the world’s next great international city” (Rutheiser,

1996, p.5; Smith, 1995). The mayor in particular saw the Olympics as a means to mend any rifts between Atlanta's citizenry.

What had Atlantans uneasy, Olympic organizers and residents alike, was the lack of a recognizable identity in the city of Atlanta and the low level of organization and preparation that had been achieved leading up to the Olympic Games (Rutheiser, 1996, p.1). Following the successful 1992 Olympic Games in Barcelona, Atlantans also wished to renew investment in their city and regenerate the downtown core. But, unlike the situation in Barcelona, Atlanta experienced limited public investment, and instead, emphasized corporatization and increased private profit (Rutheiser, 1996, p.5). As suggested by Rutheiser (1996), the focus of Atlanta rested on presenting a simulated 'tourist reality' of prosperity, prestige and picturesque cityscapes, rather than confronting the underlying causes of the city's social problems including poverty, unemployment, crime and racism. While some preliminary steps were taken to address Atlanta's homelessness situation, many viewed them as nothing more than political rhetoric and empty promises when little recognizable change was realized.

Alongside the Metropolitan Atlanta Olympic Games Authority and Atlanta Committee for the Olympic Games, the Corporation for Olympic Development in Atlanta was responsible for revitalizing neighbourhoods deemed to fall within the "Olympic ring" (Andranovich, Burbank and Heying, 2001; Lenskyj, 2000; Rutheiser, 1996). Such revitalization projects included improving infrastructure such as inner-city roadways and park areas, improving local housing, developing mixed income communities, and ridding neighbourhoods of derelict properties. Despite the lofty goals of the Corporation for Olympic Development in Atlanta and those responsible for its implementation, the makeup of the association, which included business and corporate interests, as well as members of the Atlanta Committee for the Olympic Games and Metropolitan Atlanta

Olympic Games Authority, as well as a lack of funds limited the discretionary power of the group to live up to the association's original objectives (Andranovich, Burbank and Heying, 2001; Lenskyj, 2000). The presence of Atlanta Committee for the Olympic Games members was especially detrimental to the Corporation for Olympic Development in Atlanta because the Atlanta Committee for the Olympic Games "could use its power to facilitate the redevelopment projects it saw as beneficial, but it was not obligated to be responsive to protests from city residents" (Andranovich, Burbank and Heying, 2001, p.123). Critics of the Corporation for Olympic Development in Atlanta, including the Atlanta Taskforce for the Homeless, suggested that while promises were made to marginalized populations, many of these promises were not realized including increasing community participation, avoiding displacement and revitalizing lower income housing (Lenskyj, 2000).

With the implementation of the Central Area Study II in 1986-87, the successor to the Central Area Study I of 1971, a "hospitality zone" was established in Atlanta, which further exacerbated the homeless situation. While designed to improve the city's downtown core, this hospitality zone included a zero tolerance policy directed towards the behaviours associated with homelessness, such as begging, loitering in public, sleeping on city streets and in city parks, drunkenness and public urination/defecation (Rutheiser, 1996). Central Area Study II also called for increased police presence drawing from a greater number of police precincts and a number of private security forces, as well as increased enforcement of pre-existing yet unenforced law (Rutheiser, 1996). While the desire to gentrify Atlanta's downtown was tangible, few steps were taken to provide alternative means to make a living or better their situation, having stripped them of their original subsistence strategies. Instead, in Atlanta, the homeless were pushed further into darkened allies where their likelihood of victimization increased.

Despite the designation of a “hospitality zone”, Central Area Study II also acted to lessen the plight of homeless individuals. Adopting a treatment rather than punitive based approach, Central Area Study II pushed for preventative measures and services to help the homeless better themselves and get themselves off of the streets. While all of the abovementioned steps signify great efforts in the right direction, no plan was established to achieve this objective (Rutheiser, 1996). Central Area Study II also called for revitalization projects directed towards inner city neighbourhoods such as Jimmy Carter’s The Atlanta Project, the Atlanta Neighborhood Development Partnership, and the Empowerment Zone. The Atlanta Project’s goals included encouraging and stimulating collective efficacy in inner city neighbourhoods so that residents would be empowered to collaborate with other agencies to further their plight, yet within its first year The Atlanta Project’s tendency to adopt top down approaches had nearly the opposite effects as the “push” to ensure the realization of goals was weak (Rutheiser, 1996, p. 221).

Counter to The Atlanta Project, the Atlanta Neighborhood Development Partnership, established in 1991, did not seek collective efficacy and community empowerment. Instead, Atlanta Neighborhood Development Partnership sought to invest money in local communities to raze the inherent dereliction, yet, like The Atlanta Project, the money tended to further gentrification and displacement, as the money was often directed towards middle class housing developments (Rutheiser, 1996). The final project, the federally funded Empowerment Zone, sought bottom up development of inner cities by way of community participation and consultation. Despite this significant advancement, the objectives of the Empowerment Zone remained utopian and unrealized (Rutheiser, 1996). Despite the proactive thinking involved in these

revitalization projects directed towards derelict inner city neighbourhoods, little meaningful change, on the part of either, was realized.

Atlanta's Olympic slogan, "Atlanta: Come Celebrate Our Dream" stood in stark contrast to the city's reality. With fences constructed around venues and law enforcement granted powers to move along unwelcome guests, only those who met certain requirements were allowed to join in the celebration (Whitelegg, 2000). It is important to note that, despite the lack of any measurable or readily recognizable threat, developments in the name of the Olympics were all furthered in the interest of public safety (Rutheiser, 1996). Throughout the planning, several fears arose including the concern over the threat posed by the noticeably poor and derelict surroundings of the Olympic venues. Through a series of regeneration schemes, Olympic organizers and local business owners set out to attract suburbanites back to the city to experience what the city of Atlanta had become and to create an entertainment industry that could maintain international and national conventioner interest (Whitelegg, 2000).

Centennial Park, the focal point of Olympic venues, was constructed on 72 acres of land that was once inhabited by a significant community of homeless and poor residents (Applebome, 1993; Sack, 1996). In demolishing much of Centennial Park, "more than ten percent of the city's shelter beds...as well as one large single room occupancy hotel...[were lost and are] yet to be replaced" (Rutheiser, 1996, p.263). According to Cherkis (1996), the construction of Centennial Park uprooted no fewer than one thousand homeless individuals and demolished four shelters that many homeless individuals had come to rely on to sustain life. Another location, Woodruff Park, was also home to many poor residents and slotted for Olympic development.

Plans to demolish the Techwood/Clarkwell project, composed of nearly 2,000 public housing units adjacent to Georgia Institute of Technology, and the future site of

the Olympic Village, were also set in motion following the announcement of a successful bid in September 1990 (Rutheiser, 1996). This plan, set out by elite interests, sought to redevelop the area and replace low income housing with housing designed to attract and accommodate middle and high income residents (Keating and Flores, 2000; Newman, 1999; Rutheiser, 1996). Leading up to the Olympics, residents of Techwood/Clarkwell housing, who lived in substandard conditions, were increasingly pushed out of the housing projects by evolving tenancy expectations. Ultimately, the neighbouring housing projects, which in early 1990 had a vacancy rate of just over 5%, was experiencing a vacancy rate of nearly 94% by late 1994 (Keating and Flores, 2000). This vacancy trend enabled those who favoured redevelopment to push through plans to demolish the units with an expectation that replacement housing would be provided to displaced residents. Despite this expectation, few residents (just over half) of Techwood/Clarkwell housing received relocation housing (Keating and Flores, 2000).

As many as 2,200 families were displaced from at least six public housing developments leading up to the 1996 Olympic Games (Rutheiser, 1996). According to Rutheiser (1996), “[t]he breakdown is as follows: 114 from Techwood, 558 from Clark Howell, 340 from Eagan Homes, 470 from East Lake Meadows, 64 from John Hope Homes, and 30 from the Martin Street Plaza Complex in Summerhill” (p.280).

Displacement of individuals living in low income housing is an issue that has been of concern in all host cities, including Vancouver. Recent changes to earlier promises regarding social housing are only adding to the fear among Vancouverites that the homeless situation in Vancouver is likely to remain unchanged. According to a recent article that appeared in *The Province*, “city officials said a report that will be going to council in the fall spells out what the options are for cutting back the number of units or

converting them to market housing” (Inwood, 2009, ¶6). This stands in stark contrast to what was initially promised.

Unlike Toronto, which had competed with Atlanta for the right to host the 1996 Games, Atlanta’s oppositional groups were somewhat mute. While several groups existed, such as Atlanta Neighborhoods United for Fairness, the Olympic Conscience Coalition and the Task Force for the Homeless, Olympic project construction went on almost unobstructed. From the abovementioned list, Atlanta’s Task Force for the Homeless was one of the more outspoken groups which rose to the occasion and worked to voice the interests of Atlanta’s homeless population. In an attempt to pinpoint the problem facing Atlanta, the Task Force for the homeless estimated the homeless count, prior to the Olympic Games, to be in the range of 12-15,000 individuals, a number which greatly surpassed available shelter space (Rutheiser, 1996, p.263).

4.2 Sydney 2000: The ‘Green’ Games - ‘The eyes of the world will be on us’

Sydney, home to nearly four million people, has quite a colourful past marred by significant levels of inequality and discrimination. This discrimination and inequality is due in part to the multicultural makeup of Australia and the historical relationship between the colonized and colonizer. According to Waitt (2001), the treatment of Aboriginals following colonization was often rooted in racist ideologies and policy. While the position of Aboriginals, and their relationship with early colonizers are recognized to a degree today with the introduction of policies unique to the population, the social and racial exclusion felt by many Aboriginals continues to reflect their position in the lower ranks of the social hierarchy (Meekison, 2000; Waitt, 2001). Moreover, despite the abovementioned steps forward, Aboriginal groups are still found to be worse off in terms of health, infant mortality rates, incarceration rates, life expectancy and income (Meekison, 2000, p.188).

Waitt (2001) also notes a tendency for migrants to experience hostility and prejudice. One politician in particular voiced her fears regarding migration. According to Pauline Hanson (1996), the influx of new-Australians (namely Asians) was ghettoizing Australia and destroying the values upon which the island was built (¶20). This feeling signifies a tendency to fear cultural difference in Australia.

The homeless situation, of which Aboriginals and migrants make up a significant portion, is considerable as well. Sydney is divided from East to West along socioeconomic lines with those who reside in the West being stereotypically of lower class in regard to education, employment, and reliance on state benefits (Waitt, 2001). Moreover, populations that reside in the West have been identified as “dangerous” due to their socioeconomic status (Waitt, 2001).

According to the 1996 Australian census, homelessness remains a nationwide problem with 105,305 individuals lacking access to adequate housing on any given night (Australian Federation of Homelessness Organizations, n.d., p. 1). Young Australians are overrepresented in this homeless population, including both single male and female parents, many of whom are unemployed and reliant on state benefits. Moreover, the proportion of Aboriginals who are homeless (16%) stands in stark contrast to that groups “2% proportion of the Australian population” (Australian Federation of Homelessness Organizations, n.d., p.8). In New South Wales, the state in which Sydney is found, census results indicated a homeless count of 25,500 (Australian Federation of Homelessness Organizations, n.d.).

Research suggests that the homelessness problem in Australia results from a number of factors including structural inequalities, such as poverty, unemployment, lack of affordable housing, limited governmental support, as well as the breakdown of family and social networks and exclusion and discrimination (Australian Federation of

Homelessness Organizations, n.d.). According to Westacott (1999), “the deputy director-general of the New South Wales Department of Housing, the Supported Accommodation Assistance Program (SAAP) received request for assistance from 60,000 individuals and families in 1996/97, with 30,000 going unmet” (p.3). Moreover, “[i]n the last five years [1994-1999], over \$231m has been cut from the supply of public housing,” which has exacerbated the housing problem (Hoogland, n.d., ¶31).

Despite the inequality and conflict that permeated the class system in Sydney, Olympic organizers used the “diversity” of Australian society as a tool in an attempt to present a successful bid by promoting a culture based in harmony without taking the necessary steps to realize this harmony (Hall, 2001).

4.2.1 “Olympian” Sydney

Throughout the bid for the 2000 Summer Olympics, with Sydney battling Beijing for the opportunity, the Sydney Olympic Bid Committee (SOBC) was quite influential. According to Booth and Tatz (1994), “the biggest obstacle that faced SOBC [was the] systematic cajoling and flattering [of] IOC members” (p.9). The Sydney Olympic Bid Committee also spoke of an enduring desire amongst all Australians to host such an event. While some support was manufactured, the New South Wales government also swayed public interest by undercounting the projected costs associated with the event (Booth and Tatz, 1994).

The Sydney Olympic Bid Committee was ultimately rewarded for their efforts when the International Olympic Committee awarded the Games to Sydney in the fall of 1993. Six organizations that were vocal in the bidding, preparation and execution of the Sydney 2000 Olympic Games include the International Olympic Committee, the Australian Olympic Committee, the Sydney Olympic Bid Committee, the Sydney

Organizing Committee for the Olympic Games, the Olympic Coordination Authority, and the New South Wales government. One significant problem with the organizational make-up of Olympic organizations was the lack of indigenous involvement in organizational bodies and the otherwise `token` role played by indigenous populations in the Games themselves (Godwell, 2000, p.244). Thus, alienated indigenous groups vowed to boycott the Olympic Games, which they felt did not reflect their world and address issues of relevance to them.

According to Debnam (1999), officials recognized that the problem of homelessness in the suburbs was increasing and that the Olympics and its resultant pressures on resources would merely exacerbate the situation (¶6). In light of this trend, two influential groups in Sydney, the New South Wales Council of Social Services and Shelter New South Wales set forth to create a homelessness protocol aimed at protecting their interests and rights. According to Blunden (2007), the protocol stated that all citizens had the right to make use of public space during the Olympics, and they should not attract police attention and action unless they were a threat to themselves or others. Police were also required to alert proper support services designed to aid homeless individuals. A significant problem with this protocol was that it only included Sydney's central business district, and because of late amendments it was not recognized as Olympic policy (Lenskyj, 2002a).

4.3 Vancouver 2010: "The Best Place on Earth"

The city of Vancouver is known around the world for its majestic beauty, a place where the mountains meet the sea. Despite this, there are pockets throughout the city where wealth disparity persists and individuals eke out a very meagre existence. While Olympic development is thought to benefit citizens, there are those citizens who have more to gain from such development than others, including those who are at risk of

experiencing further marginalization and exclusion. One community in Vancouver with the potential to feel the brunt of Olympic development is the Downtown Eastside, a neighbourhood adjacent to the core of downtown Vancouver's shopping district. The Downtown Eastside, made up of five districts including Chinatown, Gastown, Victory Square, Strathcona and Oppenheimer, is home to 16,590 persons (City of Vancouver, 2004, p.8; Eby and Misura, 2006, p.5).⁹ Despite the small population, the distribution of Downtown Eastside residents is quite dense. According to a 2004 report by the City of Vancouver, 70% of the population of the Downtown Eastside resides in two districts: Oppenheimer and Strathcona. According to research conducted by the City of Vancouver, the 16,000 residents of the Downtown Eastside represent 3% of the total population of Vancouver, but 73% of the low-income residents live in this area (City of Vancouver, 2004). Recognized as the poorest urban neighbourhood in Canada, with an average per capita income of only \$10,600, the neighbourhood also experiences elevated rates of poverty, drug use, mental illness, crime and violence, unemployment, marginalization and disease (Eby and Misura, 2006).

Single room occupancy¹⁰ (SRO) lodgings are the primary mode of housing available to Downtown Eastside residents due to their economic, as well as social situation. According to Eby and Misura (2006), “[a] typical SRO unit consists of one room measuring about ten feet by ten feet...[where r]esidents share common bathrooms and sometimes cooking facilities with other tenants” (p.5). The quality of SROs, at least in the Downtown Eastside, is often deplorable with numerous cases involving mould growth, bed bug and rodent infestations (Eby and Misura, 2006). Despite the inadequacy of such shelters, they are often the most affordable option, and are often the only option

⁹ The City of Vancouver Downtown Eastside Community Monitoring Report includes two additional districts: Industrial Area and Thorton Park (City of Vancouver, 2004, p.6).

¹⁰ Often used interchangeably with Single Resident Occupancy (SRO).

available to the homeless (Eby and Misura, 2006). Despite the undeniable need for such accommodations, the results of the 2004 Downtown Eastside Community Monitoring Report research indicates that “between 1994 and 2004 there has been a net loss of 613 SRO units in the Downtown Eastside due to closure or conversion” (City of Vancouver, 2004, p.16). Efforts to stop this process of gentrification include the introduction of the *Single-room Accommodation Bylaw (2003)*, designed in part to provide housing security to the less well-off, and ensure the City of Vancouver is able to meet its low income housing commitments in the lead up to 2010, but its effectiveness is often questioned (City of Vancouver, 2004; Eby and Misura, 2006).

According to the 2005 homeless count, the rate of homelessness in the Downtown Eastside increased from 1,121 in the 2002 count to 2,174 individuals in the 2005 count (Social Planning and Research Council of BC, 2005, p.1).¹¹ Results of the count also point out the demographics of Downtown Eastside residents, suggesting that the face of homelessness has shifted to reflect an older population of males who are increasing reliant on illegal activities rather than income assistance to survive (Social Planning and Research Council of BC, 2005). Moreover, “[b]inning, bottle collecting and panhandling were a source of income for a growing share of the homeless population” (Social Planning and Research Council of BC, 2005, p. 25).

Participants in the homeless count also enabled researchers to realize the growing proportion of the population who were willing to report an addiction; “more than 800 people, or almost half of the homeless people who responded to this question, reported that they have an addiction problem (49%)” (Social Planning and Research Council of BC, 2005, p. 25). Downtown Eastside residents also suffer disproportionately

¹¹The city of Vancouver’s street homeless population reportedly shot up by 238% in the five years between 2001 and 2006 (Social Planning and Research Council of BC, 2005, p. 9).

from mental illness due to the increasingly common trend of deinstitutionalization (Social Planning and Research Council of BC, 2005).

One group that is overrepresented in the homeless count are Aboriginals who make up a significant and growing proportion¹² of the street homeless in the Downtown Eastside. According to the 2008 Metro Vancouver Homeless Count, approximately 40% of the youth who came forward on the day of the count were of Aboriginal ancestry, and at the conclusion of the count it was found that Aboriginals made up approximately 30% of the homeless population¹³ and only 2% of the population of Vancouver (p. 2). More importantly, for the purpose of this thesis, “[a]lmost three quarters (73%) of the Aboriginal homeless population did not stay in a shelter, safe house, or transition house on the night of the count” (Metro Vancouver Homeless Count, 2008, p.2), and “the number and share of the Aboriginal people was highest among the street/service homeless (502 people or 35%)” (Metro Vancouver Homeless Count, 2008, p. 15).

The fact that many Aboriginal homeless do not utilize shelters in the lower mainland reflects a need to conduct further research to understand why this is the case. The Metro Vancouver Homeless Count (2008) suggests that these results are likely a result of two things, namely, the inability of shelters to address the unique social and cultural needs of the Aboriginal population or inadequate reporting measures at local shelters that undercount Aboriginal users. One group that was designed to address the Aboriginal Homelessness situation in the Downtown Eastside is the Aboriginal Homelessness Steering Committee (2008), which according to its mandate, “has over twenty Aboriginal Non-Profit organization members that have been working together

¹² According to the Metro Vancouver Homeless Count (2008), “[t]he 2008 figures show faster growth among the Aboriginal identifying population (34%) compared to the non-Aboriginal identity population (21%). The result is a slightly larger share of the total homeless population reporting an Aboriginal identity in 2008 (32%) compared to 2005 (30%)” (p. 28).

¹³ Nearly half of whom are women (Metro Vancouver Homeless Count, 2008).

since 2000 to identify and address gaps in Aboriginal homelessness in the Metro Vancouver area...through Aboriginal best practices and culturally appropriate services” (¶1,3). In February 2008, Vancouver also introduced the Vancouver Aboriginal Homelessness Outreach program that is designed to address Aboriginal homelessness in ways that fit the unique needs of the population (BC Housing, 2008).

4.3.1 “Olympian” Vancouver

Following a battle with Austria and South Korea for the opportunity to host the 2010 Games, Vancouver met with success in July 2003 when the city was selected by the International Olympic Committee (IOC). The defining organization of the 2010 Games is the Vancouver Organizing Committee (VANOC), which was introduced in September 2003, under the leadership of CEO John Furlong, and is “responsible for the planning, organizing, financing and staging of the Games” in Whistler BC and other venues throughout the Lower Mainland and Greater Vancouver Regional District (Government of Canada, 2009, ¶1).

Another significant feature of the Olympic organization is the Vancouver 2010 Integrated Security Unit (ISU), “led by the RCMP and consists of members of the RCMP, Vancouver Police Department, West Vancouver Police Department and the Canadian Forces”, which is responsible for securing Olympic venues (Royal Canadian Mounted Police, 2009, ¶1). Current goals of the Vancouver 2010 Integrated Security Unit include retrofitting Olympic venues with appropriate security measures and working with numerous communities likely to be affected by the Olympics (Royal Canadian Mounted Police, 2009).

The recent mayoral campaigns and subsequent election focused much attention on the lead up to, and culmination of, the Vancouver 2010 Olympic Games. The Non-

Partisan candidate, Peter Ladner (2008), in particular, recognized the need to cleanse the image of Vancouver to enable 2010 to act as “a launching pad for a new era of investment, tourism and volunteerism” (¶6). Meanwhile, Gregor Robertson (2008), the Vision Vancouver representative and recently elected Mayor, focused on the need for transparency and balanced accounting of the costs associated with the Games, especially those that would be felt by the city’s tax payers as well as the most marginalized populations. This is of special importance in light of the recent financial downturn being felt around the globe.

With 2010 approaching rapidly, Vancouver, must recognize the needs and wishes of those who have a stake in the Olympic Games to avoid unnecessary harm to surrounding communities and marginalized groups. One community in particular that has attracted the attention of Vancouver Organizing Committee and activists alike is the Downtown Eastside; the same neighbourhood that was “victimized” during Expo-86 development. In an attempt to avoid following in the footsteps of previous host cities, Vancouver plans to become a stakeholder in a social development initiative known as the Vancouver Agreement, which aims to further rational economic, social and neighbourhood development, particularly in the Downtown Eastside (Vancouver Agreement, n.d.). A 2005 partnership with Bell could potentially further the activities of the Vancouver Agreement following an investment of \$2 billion dollars towards revitalization of the Downtown Eastside (Vancouver Agreement, n.d.). The question that remains unanswered, is whether this development will work to the advantage of current Downtown Eastside residents, many of whom are lower class, or work to further alienate and displace these residents to areas outside the downtown core.

CHAPTER 5. OLYMPIC SIZED LEGISLATION

A presumption that people who might walk or loaf or loiter or stroll or frequent houses where liquor is sold, or who are supported by their wives or who look suspicious to the police are to become future criminals is too precarious for a rule of law.. (Papachristou v. City of Jacksonville, 1972).

5.1 Atlanta Ordinance

Alongside the more concrete security measures and redevelopment projects previously mentioned, legislative action worked to the detriment of homeless individuals. In Atlanta, with previous instances of street sweeps and increased enforcement leading up to mega-events, the setting was ripe for legislative action to tackle the city's ills. The street sweeps, which were conducted immediately prior to major public events, such as the 1988 Democratic Convention, were noticeably severe and enduring in Atlanta during the weeks leading up to the Olympics (Rutheiser, 1996, p.195).

In Atlanta, as a result of elevated security concerns leading up to the Olympic Games, homeless individuals were subject to numerous city ordinances that limited the amount of public space available to such individuals with the aid of architecture (including street furniture designed to hinder loitering) and increased numbers of security personnel patrolling this space (Mitchell, 1997). As suggested by Whitelegg (2000), "the chief worry [in Atlanta] was that the area ['zone of discard'], with its marginal businesses and homeless population, was too close to tourist attractions...and would present an unsatisfactory, not to mention frightening, picture to visitors" (p.807). At the request of the Atlanta Committee for the Olympic Games, the Metropolitan Atlanta Olympic Games Authority and the International Olympic Committee, city officials introduced a set of

“Quality of Life Ordinances” that were designed to, as the title suggests, improve the quality of life in city centres. Through the implementation of a number of ordinances, Atlanta targeted behaviours such as sleeping rough, panhandling, busking and public protest. These laws seriously infringed on the rights of homeless and marginalized communities who resided in close proximity to Olympic sites and relied on these behaviours to survive on the streets (Lenskyj, 2000).

Despite opposition to legislative moves in Atlanta on the part of numerous grass roots advocacy groups, the implementation of numerous Quality of Life ordinances, including laws that targeted disorderly conduct, squatting or trespassing on private property, city parks and city streets, and laws prohibiting public urination and defecation, busking, and panhandling, went on unabated. Legal challenges to Atlanta’s Quality of Life Ordinances eventually focused on the constitutionality of the ordinances themselves.

In the case of *Williams v. City of Atlanta* (1995), the American Civil Liberties Union of Georgia challenged the constitutionality of Atlanta’s Parking Lot Ordinance restricting access to parking lots to individuals with vehicles on the lot. According to Georgia’s American Civil Liberties Union, Phillip Williams was arrested and detained in June of 1994 after having been “approached by Atlanta Police for leaning against a tree in a downtown parking lot” (National Law Center on Homelessness and Poverty, 1994, p.56). While awaiting appeal following the summary judgment granted to the City of Atlanta by the District Court for the Northern District Court of Georgia, the appeal was dismissed and the Parking Lot Ordinance was revised by city legislators following the successful challenge in *Atchinson v. City of Atlanta* (National Law Center on Homelessness and Poverty, 2003).

In the case of *Atchinson v. City of Atlanta* (1996), “[s]even homeless individuals filed suit in federal court one month prior to the opening of the Olympic Games in Atlanta challenging Atlanta’s ordinances prohibiting aggressive panhandling and loitering on parking lots, the enforcement of Georgia’s criminal trespass law, and unlawful police harassment under 42 U.S.C. § 1983” (National Coalition for the Homeless, n.d., ¶5). The case was eventually settled and the “city agreed to redraft the panhandling and parking lot ordinances and require various forms of training for its law enforcement officers for the purpose of sensitizing them to the unique struggle and circumstances of homeless persons and to ensure that their legal rights be fully respected” (National Coalition for the Homeless, n.d., ¶6). The fact that this settlement was handed down following the Olympic Games is telling.

5.2 Sydney Legislation

Following the 1996 bombing of Centennial Park in Atlanta, the responsibility for security was relegated to the Olympic Coordination Authority, which promised “effective, friendly and unobtrusive security to protect both Australians and visitors to Australia” (Lenskyj, 2002a, p.44). According to Lenskyj (2002a), “Olympic security plans initially called for 4,500 out of the 13,600 New South Wales police officers [later expanded to 4,875], at a cost of \$174 million...An additional 3,500 security personnel were generated by the Olympic Volunteers in Policing program” (p.47).

Sydney, prior to the 2000 Olympic Games was already policing the inner city as a part of something local authorities termed “Operation Gateway” (Lenskyj, 2000). This operation granted officials extensive powers to move along individuals who were seen to be impeding the movement of, or causing an annoyance or inconvenience to pedestrians, or whose presence was likely to incite fear in other pedestrians (*Summary Offences Act, 1988 (NSW)*). In addition, the 1998 amendment of the 1937 traffic

regulations and the implementation of the *Crimes Legislation Amendment (Police and Public Safety) Act* (which amended the 1988 *Summary Offences Act* (NSW)) furthered police powers. The former piece of legislation amended prior traffic regulations and furthered Operation Gateway by extending the 'move along' powers of police. The latter legislation, the *Crime Legislation Amendment (Police and Public Safety) Act*, permitted police to conduct electronic or pat searches if there were reasonable grounds to believe that an individual was carrying a concealed weapon (s. 28F *Crimes Legislation (Police and Public Safety) Act*, 1998).

Increased enforcement of control over public space became evident in 1999 as the Olympic event neared and concern surrounding protest increased. The existing legislation was supplemented by the passage of four additional laws in 1999 and 2000 in preparation for the Sydney Olympics including the *Sydney Harbour Foreshore Authority Regulation* (1999), *Homebush Bay Operations Act and Regulation* (1999), *Intoxicated Persons Amendment Act* (2000), and *Olympic Arrangements Bill* (2000). These laws also ushered in a period of increased security through the use of surveillance cameras, which were set up in hot spots in problematic neighbourhoods. While the duration of much of this new law was often limited, with time limits set out in the laws themselves or repealed following the Games, the impact of the legislation on lower income groups throughout the Games was measureable.

Each *Act* and regulation worked to target specific communities that housed, or were home to, large numbers of the poor and immigrants (especially Cabramatta, Bankstown, Canterbury and South Sydney). It seemed as though police were identifying certain neighbourhoods as composed of "a class of people who [were] not worth protecting or not capable of living decent lives...they were only fit to be exploited, ignored or contained" (Dixon, 1999, p. 88). Unlike legislation implemented in previous host cities,

which outlasted the duration of the Olympics, “[m]ost Olympic regulations were only in force until the Games were over” (Lenskyj, 2004, p. 380). As a result, few constitutional challenges to the legislation were ever brought forward.

5.3 Vancouver By-laws and Provincial Statutes

Across Canada, not unlike in the US, local governments have increasingly sought the power and authority to enact laws that address life on city streets. Vancouver, not unlike the rest of Canada, has stark evidence that reflects this trend. Some relevant legislation already existed in the years leading up to the 2010 Games while others were added upon notice of winning the Games. Acts that concerned the homeless “lifestyle” included the *Trespass Act* (1996), the *Parks Control By-law* (2003), The *City Land Regulation By-law* (2003), *By-law no. 8309* (2001), the British Columbia *Safe Streets Act* (2004) and *2010 Winter Games By-law* (2009).

One piece of legislation, with a significant impact on the homeless is the *Safe Streets Act* (2004). The *Safe Streets Act* (2004), a provincial act that governs behaviours on city streets, mirrors one that was first introduced in the province of Ontario in 1999. The Ontario *Safe Streets Act* (1999), is said to represent “an Act [designed] to promote safety in Ontario by prohibiting aggressive solicitation of persons in certain places and disposal of dangerous things in certain places, and to amend the Highway Traffic Act to regulate certain activities on roadways” (Ontario *Safe Streets Act*, 1999, p.1). British Columbia, which followed Ontario’s lead, introduced similar legislation province wide in October 2004, following input from the Safe Street Coalition “as a part of a widespread ‘civic improvement’ campaign in 2000” (Hermer and Mosher, 2002, p.12). British Columbia’s *Safe Streets Act* (2004), not unlike earlier municipal by-laws, was introduced in an attempt to cleanse city streets of disorder and decay and addressed the time, place and method of soliciting.

Municipal by-laws and the British Columbia *Safe Streets Act* (2004) have each been the subject of much debate amongst government and anti-poverty advocates. This debate has involved two opposing sides. On the one hand, proponents have suggested that such legislation maintains the safety and security of city streets, protecting pedestrians from the threat posed, and the fear brought about, by aggressive solicitation. As mentioned by Hitchen (2005), “[t]hose in support of *Safe Streets* claim that although it is not a panacea to solving the problems of homelessness, it is a necessary start” (p.3). Opponents of such legislation, on the other hand, suggest that such acts of government work to criminalize the behaviours of a certain group of people and provide the police with a new found level of power and discretion.

While the jurisdiction and power granted to municipal officials appears fairly cut and dry, there is concern that recent judgments lie outside the municipal jurisdiction. While some works trace the overstepping of limitations and boundaries, other scholars recognize “an emerging consensus that courts must respect the responsibility of elected municipal bodies to serve the people who elected them and exercise caution to avoid substituting their views of what is best for the citizens for those of municipal councils” (McLachlin, 2000 as cited in LeBel, 2007, p.0.0.7). According to Justice McLachlin (as cited in LeBel, 2007), municipal officials are elected by and accountable to their citizens and thus, should be granted the authority to satisfy their wishes and needs. While courts have held firm in terms of municipal jurisdiction in the past, recent judicial moves signify a shift towards a more deferent position.

Despite the debate concerning the abovementioned municipal by-law (no. 8309 (2001) and the earlier By-law no. 7885 (1998)), they have been upheld throughout numerous legal challenges. In *Federated Anti-Poverty Groups of B.C. v. City of Vancouver* (2002), Taylor J. addressed each of the challenges put forth by local activist

groups and found that the by-law did not infringe on the rights of solicitors or panhandlers and was within the authority and jurisdiction of the municipality (Brewer, 2005, p.27).

According to some critics, the British Columbia *Safe Streets Act* (2004) and its earlier counterpart, the Ontario *Safe Streets Act* (1999), like the abovementioned municipal by-law, are unconstitutional as a result of jurisdictional issues (see: Schneiderman, 2002). While the province suggests that the *Act* is designed to regulate city streets and sidewalks, which falls within their jurisdiction, “the dominant purpose revealed by the *Act* as a whole has more to do with regulating behaviour found to be offensive by some” (Schneiderman, 2002, p.85). Moreover, the British Columbia *Safe Streets Act* bears resemblance to numerous *Criminal Code* offences including the offences of “intimidation” (section 423[1]), “harassment” (section 264), “uttering threats” (section 264), “threatened assault” (section 265), “extortion” (section 346), and “common nuisance” (section 180)...and reinstated the offence of vagrancy” (Schneiderman, 2002, p.85).

One opponent of the *Safe Streets Act*, Stan Corbett (2001), suggests that the *Westendorp*¹⁴ case clearly states that two orders of government cannot enact legislation regarding the same matter. In other words, since the *Criminal Code* prohibits behaviours such as loitering, causing a disturbance, assault, and nuisance, provincial courts may not prohibit similar behaviours. According to Corbett (2001), “there are aspects of human behaviour which cannot be addressed by a provincial government precisely because addressing those aspects would lead to the creation of a crime” (p.2). In the words of

¹⁴ In *Westendorp v. The Queen* (1983), the Supreme Court of Canada determined that a Calgary city by-law concerning the gathering of prostitutes and the obstruction of pedestrian flow “prohibited not the blocking of passageways but soliciting for the purpose of prostitution, precisely the type of conduct prohibited by the old soliciting provisions of the *Criminal Code*” (Schneiderman, 2002, p.83).

Corbett (2001), “a statute, or a provision in a statute, is criminal law if an affirmative answer can be given to the following three question:

1. does the law have a valid criminal law purpose?
2. does the law impose a prohibition?
3. does the law include a penalty for failure to abide by a prohibition”
(Corbett, 2001, p.3)?

While proponents of the *Safe Streets Act* would deny that the *Act* is “criminal” in nature, I doubt that one could deny that the *Safe Streets Act* satisfies each of the abovementioned conditions. Corbett (2001) goes so far as to suggest that the Ontario *Safe Streets Act* was included in an amendment to the *Highway Traffic Act* to hide its inherent reference to criminal law.

The British Columbia Civil Liberties Association (BCCLA), one of the central opponents of the British Columbia *Safe Streets Act*, criticizes the act on four grounds. According to the BCCLA (2004),

1. The Act would criminalize merely asking for others to support any cause including one's own cause in certain locations;
2. The Act is bound to be primarily enforced by private security in ways that are unfair, selective and inappropriate;
3. Enforcement by way of fines/imprisonment is at worst cruel and at best misleading given that the real aim of the law will be to create authority to sweep perceived undesirables off of city streets;
4. The Act criminalizes behaviour that is the result of poverty, homelessness and mental health issues, rather than addressing the causes of those issues and thus, unfairly targets vulnerable groups (BCCLA, 2004, p.1).

Furthermore, “[t]he [BCCLA] oppos[ed] the BC government's introduction of a Safe Streets Act...[which]claims [to be] a means to protect the public from ‘aggressive panhandlers’ saying that there are ample provisions to deal with intimidating and dangerous behavior under the Criminal Code” (British Columbia Civil Liberties Association, 2004, p.1).

In the courtroom, the criticisms lodged against the *Safe Streets Act* are quite similar to those lodged against similarly controversial municipal by-laws. In the case of *R. v. Banks* (2001), thirteen named defendants were charged with violating specific sections of Ontario's *Safe Streets Act* (1999). According to defence lawyers, the charges were unlawful because the *Act* stood in contravention of various sections of the *Canadian Charter of Rights and Freedoms* (s. 2(b), 7, 11(d), and 15) and the charges themselves represented an overstepping of provincial power and jurisdiction. In its ruling, the Ontario Court of Justice decided that the *Charter* rights of the defendants had not been violated and the "Act was on its face valid provincial legislation under distribution of powers and was not a colourable attempt to re-criminalize begging" (*R. v. Banks*, 2001, ¶12).

The following section discusses the legislation put forth in the lead up to the Olympic Games that targets conduct in public space, which directly affects the subsistence strategies of homeless population. For the purpose of this discussion, this body of legislation will be broken down into those which restrict the right to shelter, curbside employment, and protest/dissent, followed by a discussion of the relevant legislation enacted in Atlanta, Sydney, and Vancouver respectively.

5.4 Private Life Meets Public Space: The Right to Shelter

Attempts to live in public space are often seen as an affront to the sensibilities of those who have a private space of their own. To walk city streets only to see people using alleys as their personal loo, storefronts as their sleeping space, fountains as their sinks, and shopping carts as storage space often frustrates those who have a space to call their own who see this use of public space for private life as intolerable and offensive. What the public tends not to appreciate is the lack of shelter space available across most urban centres and the fact that the homeless are positioned outside the

formal economy and are thus, unable to better their social, political and economic position.

With reams of tourists soon to arrive in a host city, feelings of intolerance heighten the anxiety felt by organizers and citizens. Organizers and enforcement personnel, recognizing the impending deluge of tourists, often turn to legislative action in an attempt to alleviate the situation. Again, much of this legislation works to the detriment of those in the lower strata of society prohibiting the erection of even the most rudimentary shelter to protect themselves from the elements. Moreover, anti-homelessness legislation tends to force the homeless into ever more dangerous environments with research indicating that following the implementation of the Ontario *Safe Streets Act* (1999), “homeless young men [and women] were more likely to be sleeping in the streets, in shelters/hostels or in squats” (O’Grady and Greene, 2003, p.5).

The following subsections will introduce the relevant law implemented in three host cities. Further analysis of these laws regarding the reason for their implementation and the effects they have on vulnerable and marginalized populations will be conducted in the discussion/conclusion.

5.4.1 Relevant Atlanta Ordinances

Atlanta, Georgia Code of Ordinances § 17-3011 (1991): Sec. 106-130: Defecating or urinating on public property or in areas.

Under this section, people seen urinating or defecating in public could face a charge of public indecency.

Atlanta, Georgia Code of Ordinances § 17-3006 (1991): Sec. 110-60: Use of public parks at night.

As the title suggests, this section legislates the use of public parks after dusk. As a result of this section, access to park lands was restricted between the hours of 11pm and 6am.

**Atlanta, Georgia Code of Ordinances § 17-1006 (1991): Sec. 106-56:
Unauthorized persons entering vacant buildings.**

This section of the “Quality of Life” ordinances restricted the practice of squatting or occupying unoccupied private property.

**Atlanta, Georgia Code of Ordinances § 17-3001 (1991): Sec. 106-81:
Disorderly Conduct**

According to sec. 106-81, it is illegal for one to do any of the following in public places:

(1) Act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of such person's life, limb or health;

(2) Act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;

...

(5) Be in or about any place, alone or with another or others, with the purpose of or intent to engage in any fraudulent scheme, trick or device to obtain any money or valuable thing; or to aid or abet any person or persons in doing so;

(6) Direct fighting words toward another, that is, words which by their very nature tend to incite an immediate breach of the peace;

(7) Interfere, by acts of physical obstruction, another's pursuit of a lawful occupation;

(8) Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic, and to fail to clear that public way after being ordered to do so by a city police officer or other lawful authority;

(9) Stand or remain in or about any street, sidewalk, overpass or public way so as to impede the flow of vehicular or pedestrian traffic, and to fail to clear such street, sidewalk, overpass or public way after being ordered to do so by a police officer or other lawful authority;

...

(11) Throw bottles, paper, cans, glass, sticks, stones, missiles or any other debris on public property.

(12) Accost or force oneself upon the company of another;

Individuals found to be in violation of any of the above-mentioned “Quality of Life” ordinances could be fined up to \$1,000 or imprisoned for up to six months by local authorities (Berman, 1993).

5.4.2 Relevant Sydney Legislation

Sydney Harbour Foreshore Authority Regulation (1999)

Section 4(1) of the *Sydney Harbour Foreshore Authority Regulation (1999)* is concerned with regulating the activities that occur within public space. According to this provision (only relevant sections are included):

A person must not do any of the following in a public area, except as authorized by the Authority:

...

(j) camp or use facilities for sleeping overnight,

(k) erect any tent or other temporary structure,

...

(n) light a fire, barbecue or stove (not being cooking facilities provided by the authority).

Section 13 of the *Sydney Harbour Foreshore Authority Regulation* permits the Olympic Co-ordination authority, and its delegates, the authority to remove certain people from public spaces. According to section 13:

A person who:

a) Causes annoyance or inconvenience to other persons in a public area, or

b) Contravenes any provision of this Regulation in a public area,
or

c) Trespasses on any part of a public area closed to the public,

Must leave the area forthwith when requested to do so by a ranger or police officer.

(1) A person who fails to comply with such a request may be removed from a public area by a ranger or police officer.

(2) Reasonable force may be used to effect the person's removal.

Homebush Bay Operations Act and Regulation (1999)

Section 12(1) of the *Homebush Bay Operations Act and Regulation (1999)* outlines how personal conduct is to be governed. It provides:

(1) A person must not do any of the following at Homebush Bay:

a) use indecent, obscene, insulting or threatening language,

b) behave in an offensive or indecent manner,

c) cause serious alarm or affront to a person by disorderly conduct,

d) obstruct a person in the performance of the person's work or duties,

e) fail to comply with a reasonable request or direction given for the purpose of securing good order and management and enjoyment of Homebush Bay, or any part of Homebush Bay, by the Authority¹⁵, a person authorized by the authority or a police officer.

Section 12(2) of the *Homebush Bay Operations Act and Regulation* permits authorities to search or inspect the contents of any person's possessions including

¹⁵ "Authority" refers to the Olympic Co-ordination Authority (OCA), the group responsible for overseeing venue construction and other elements of the 2000 Games.

containers and bags. Homeless individuals, who often, by definition, must carry all of their worldly possessions on their person, are likely to be targeted by this section.

Additionally, sec. 22(1a) of the *Homebush Bay Operations Act and Regulation* grants authority figures the right to remove certain persons from the area if they are found to be “caus[ing] annoyance or inconvenience to other persons at Homebush Bay or a part of Homebush Bay.”

Sydney “Street Furniture Program” (2000)

The Sydney “Street Furniture Program,” similar to what occurred in Atlanta, worked to the detriment of homeless persons by introducing furniture that, while comfortable for quick rests, was not conducive to sleeping. Changes made to furniture included armrests on park benches, and street furniture with curved surfaces (Lenskyj, 2000; Rutheiser, 1996). The program also strengthened police powers to detain anyone found intoxicated in a public place and behaving in a “disorderly manner.”

Intoxicated Persons Amendment Act (2000)

The *Intoxicated Persons Amendment Act (2000)* amended the *Intoxicated Persons Act of 1979*, which granted peace officers and proclaimed places the right to detain individuals found to be under the influence of alcohol for their own protection. Several amendments made in the recent edition of the Bill are pertinent to the treatment of marginalized populations. First, as stated by Andrew Tink (2000), the recently amended *Intoxicated Persons Act* broadened the definition of intoxication to include, not only alcohol, but also narcotics or a combination of the two. Second, previously defined “proclaimed places”, similar to detoxification centres, lost the authority to detain individuals and law enforcement officers were required to stand in as a referral agency. Third, police officers were permitted to detain intoxicated individuals if a responsible person or agency was not available (*Intoxicated Persons Amendment Act, 2000*). This is

especially significant in the case of homeless individuals because they often do not have contact with family or friends who are able to care for them at such a time and agencies are often over-worked and under-funded.

5.4.3 Relevant Vancouver By-laws

Trespass Act (1996)

Section 4 of the *Trespass Act* is relevant to the homeless situation in that it governs the places in which homeless individuals are not allowed to reside. According to section 4 of the *Trespass Act* (1996), an individual is found to have committed an offence if they enter a “building or permanent structure” contained by a fence or with signs clearly indicating that entry is prohibited, or continues to enter having received a request to move along.

Parks Control By-Law (2003)

There are numerous sections within this by-law that are worthy of attention, including sections 3 – 6, 10- 12, 14(d; i-j), and 14B, each of which strikes at the survival ability of homeless individuals.

Section 3-6 of the *Parks Control By-law* deals with General Regulations, and prohibits one from sitting on structures that are not designed for this use, and prohibits being found in the park except during authorized time periods. Section 10 forbids antisocial conduct, loitering, sleeping, obstructing others or violating any other by-law within city parks. Section 11 of the *Parks Control By-law* further bans the erection of temporary shelter within parks. Section 12 prohibits obstructing the path of vehicles or other lawful person or traffic using the space. Sections 14(b) and 14(i;j) of the *Parks Control By-law* ban littering and the lighting of fires within parks. Each individual found to be in violation could be subject to a fine ranging from \$50 to \$2,000, with additional fines levied if the violation continues.

City Land Regulation By-Law # 8735 (2003)

The *City Land Regulation By-law*, similar in many respects to the *Parks Control By-law* (1996), prohibits littering, the erection of temporary shelter, and the lighting of fires on city lands (broadened to include streets as well as parks). People found in violation of this *Act* are subject to fines ranging from \$250 to \$2,000 and additional fines if the violation continues.

5.5 Curbside Employment: Earning a living in public space

[Panhandlers are] trying to make a few bucks without having to resort to stealing or getting into prostitution or selling drugs. Basically, what it is they're just earning money. A panhandler, it's just a job like anybody else has – they get up in the morning, and they make some money so they can have something to eat (Proctor, 1996).

The above quote from a panhandler working in the downtown core of Vancouver highlights the fact that homeless individuals must rely on a variety of income generating strategies as they often find themselves removed from the formal economy and unable to compete for jobs (Gaetz and O'Grady, 2003). Moreover, because the homeless are confined to public space, their "employment" necessarily follows suit. These income generating strategies include, but are not limited to, panhandling, squeegeeing and busking in public places such as street corners or near public transit hubs. According to Gaetz and O'Grady (2003), "[t]here is clearly a transactional quality to many panhandling activities, in that young people involved feel that they provide a 'service'...in exchange for money, including holding doors open, telling 'jokes' for a dollar, busking or trying to make clever pitches to passers-by, for instance, using interesting signs" (p.441).

Despite the so-called service provided by the homeless, people tend to fear those who earn a living in public space by panhandling, squeegeeing or busking in the presence of passing citizens. This fear is often spurned by the opposing use values

attached to public space by the homeless and more affluent visitors. According to Porter (2001), “[a]ffluent people use public places to make telephone calls, park their cars, use instant teller machines, walk along the sidewalk to their favourite bar or café or catch a taxi. Poor people, however, increasingly rely on public spaces to solicit donations in order to be able to meet their basic necessities” (as cited in Esmonde, 2002, p. 73). Attitudes rooted in fear often call for “the enactment of new legislation or tougher enforcement of existing laws” rather than social programs designed to help the homeless whose desperation forced them to seek work on the streets (Tait, 2008, p.60). Moreover, while the laws are not ‘designed’ to target the homeless, because this behaviour is somewhat unique to specific groups, one must recognize the differential impact felt by populations subject to the law (Esmonde, 2002).

While the Welfare State enabled the homeless to receive assistance from governmental bodies, later years marked by welfare cutbacks rendered the survival strategies of the homeless increasingly perilous. Without the necessary social services in place to support the homeless, they are likely to resort to alternative survival strategies (often criminal) as more socially acceptable employment opportunities tend to be beyond their reach (Esmonde, 2002; Gaetz and O’Grady, 2002). In other words, according to the Committee to Stop Targeted Policing (2000), “[g]overnment policies force people into poverty, homelessness and marginalization, and then those same governments enact yet more policies which turn these same people into criminals for exercising their survival strategies” (Committee to Stop Targeted Policing, 2000, p.19). Research suggests that as steps are taken to criminalize the preferred subsistence strategies of the homeless, the rate of drug dealing, prostitution and panhandling increase as a means of making money and the homeless are forced to find shelter in ever more dangerous locations (O’Grady and Greene, 2003).

The following will introduce the relevant law implemented in three host cities. Further analysis of these laws regarding the reason for their implementation and the effects they have on vulnerable and marginalized populations will be conducted in the discussion/conclusion.

5.5.1 Relevant Atlanta Ordinances

Atlanta, Georgia *Code of Ordinances* § 17-3006 (1991): Sec. 106-85: Begging or soliciting alms by accosting or forcing oneself upon the company of another

Section 106-85 legislates against the manner and location of solicitation or begging in three important ways. First, subsection 106-85a provides definitions of accosting, begging or soliciting and forcing oneself upon the company of another. According to this subsection, accosting involves invoking fear in the minds of passersby in the way that you approach them; begging or solicitation involves asking for alms through either verbal or written communication. Forcing oneself upon the company of another involves blocking the path of passersby or refusing to accept negative responses. Second, subsection 106-85b sets out the locations in which solicitation or begging is prohibited. According to this section, solicitation or begging is prohibited on private property, within 15 feet of public toilets, ATMs, telephones, storefronts or building exits, in public transit vehicles, and from motorists or anyone waiting in line. Third, subsection 106-85c concerns the manner of solicitation or begging. According to this subsection, one must not accost or force oneself on another to request alms.

Atlanta, Georgia *Code of Ordinances* § 17-3007 (1991): Sec. 106-86: License to make music on streets; making such for purpose of begging.

This ordinance, as the title suggests, prevents people from seeking alms by busking, or providing entertainment, on city streets without a license, which are often reserved for state sanctioned or charitable activities.

5.5.2 Relevant Sydney Legislation

Sydney Harbour Foreshore Authority Regulation (1999)

Section 4 is concerned with regulating the activities that occur within public space. According to section 4 (only relevant sections are included):

...

(4) a person must not do any of the following in a public area, except as authorized by the Authority:

a) sell or hire, or offer for sale or hire, any goods,

...

c) provide, or offer to provide, any services for fee, gain or reward,

...

f) collect or attempt to collect money,

g) busk,

...

Homebush Bay Operations Act and Regulation (1999)

Section 3(d) of the *Homebush Bay Operations Regulation (1999)* states that a “person shall not, without authorization, provide, or offer to provide, any services for fee, gain or reward.” This stipulation necessarily denies individuals the opportunity to busk, squeegee or provide any other service in an attempt to make a living.

Olympic Arrangements Bill (2000)

Section 27, prevents the sale of articles in areas controlled or bordered by venues and permits authorities to seize the articles if the individual seller refuses to move along. The individual in question, upon not following the orders of authorized

persons, faces a maximum fine of \$5000 and must wait 21 days to challenge the seizure.

5.5.3 Relevant Vancouver By-laws and Provincial Statutes

Parks Control By-Law (2003)

Section 4(a) of the *Parks Control By-law* prohibits one from selling goods or services within park limits. Section 8(g) prohibits anyone from busking in parks except in designated areas. Each individual found to be in violation could be subject to a fine ranging from \$50 to \$2,000 with additional fines levied if the violation continues.

By-law no. 8309 (2001): Street and Traffic Bylaw

By-law no. 8309, put before the city council March 6th 2001, sought to amend the *Street and Traffic By-law* no. 2849 (1944), and annul the *Panhandling By-law* no. 7885 (1998). Street and traffic By-law no. 2849 (1944) was amended to read:

70A. (1) For the purpose of this section 70A, "cause an obstruction" means

(a) to sit or lie on a street in a manner which obstructs or impedes the convenient passage of any pedestrian traffic in a street, in the course of solicitation,

(b) to continue to solicit from or otherwise harass a pedestrian after that person has made a negative initial response to the solicitation or has otherwise indicated a refusal,

(c) to physically approach and solicit from a pedestrian as a member of a group of three or more persons,

(d) to solicit on a street within 10 m of

(i) an entrance to a bank, credit union or trust company, or

(ii) an automated teller machine, or

(e) to solicit from an occupant of a motor vehicle in a manner which obstructs or impedes the convenient passage of any vehicular traffic in a street;

"solicit" means to, without consideration, ask for money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture, for one's self or for any other person, and solicitation has a corresponding meaning, but does not include soliciting for charity by the holder of a license for soliciting for charity under the provisions of the License By-law;

Individuals found to be in violation of By-law no. 2849 could be subject to a fine ranging from \$250 to \$2,000 with additional fines incurred if orders were not obeyed. Moreover, the more restrictive Panhandling By-law no. 7785 (1998) was repealed (but was soon after replaced by the British Columbia *Safe Streets Act*).

British Columbia *Safe Streets Act* (2004)

British Columbia's *Safe Streets Act* (2004), not unlike earlier municipal by-laws, was introduced in an attempt to cleanse city streets of disorder and decay and addressed the time, place and method of soliciting. Section 2 of the *Safe Streets Act* governs the method of solicitation and prohibits aggressive solicitation¹⁶. According to section 2 of the *Act*,

(1) A person commits an offence if the person solicits in a manner that would cause a reasonable person to be concerned for the solicited person's safety or security, including threatening the person solicited with physical harm, by word, gesture or other means.

(2) A person commits an offence if the person engages, in a manner that would cause a reasonable person to be concerned for the solicited person's safety or security, in one or more of the following activities during a solicitation or after the solicited person responds or fails to respond to the solicitation:

(a) obstructing the path of the solicited person;

¹⁶ According to the *Safe Streets Act* (2004), "'solicit' means to communicate, in person, using the spoken, written or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return."

(b) using abusive language;

(c) proceeding behind or alongside or ahead of the solicited person;

(d) physically approaching, as a member of a group of 2 or more persons, the solicited person;

(e) continuing to solicit the person.

This definition does not include those working on behalf of charitable organizations or other state sponsored initiatives.

Section 3 of the *Act* governs the time and place of solicitation. Section 3(2) states that:

Subject to subsection (3), a person commits an offence who does any of the following [if within 5 meters]:

(a) solicits a person who is using, waiting to use, or departing from a device commonly referred to as an automated teller machine;

(b) solicits a person who is using, or waiting to use, a pay telephone or a public toilet facility;

(c) solicits a person who is waiting at a place that is marked, by use of a sign or otherwise, as a place where a commercial passenger vehicle regularly stops to pick up or disembark passengers;

(d) solicits a person who is in, on or disembarking from a commercial passenger vehicle;

(e) solicits a person who is in the process of getting in, out of, on or off of a vehicle or who is in a parking lot.

Section 5 further addresses the time and place of solicitation by prohibiting the solicitation of an individual who is on a roadway, whether he or she is stopped at an intersection or at a complete stop at the curb.

5.6 Curbing Protest/Criminalizing Dissent

A final threat that is increasingly targeted by legislation concerns the presence of protest or dissent during mega-events. When awarded the Olympics, host cities are required to abide by the International Olympic Committee *Charter* which requires the host city to ensure that Olympic venues remain protest and dissent free (Rule 61) (Lenskyj, 2000). As suggested by Cashman (2002), “[t]he experience of Berlin, Innsbruck, Stockholm and possibly Toronto show that the existence of well organised (sic) Olympic protest groups and the evidence of disunity are detrimental to a bid’s chances” (p. 10). Despite incidents of successful protest, “[t]he IOC [International Olympic Committee] along with local Olympic organizers and public relations experts, have largely succeeded in maintaining the illusion that, while international tensions may manifest themselves in boycotts or violence, host cities and countries are unequivocally supportive of the Olympic enterprise” (Lenskyj, 2000, p.107).

Like local malls and shopping centres, the ‘reality’ of the mega-event is constructed by organizers to foster capital accumulation and consumerism. Protest and dissent, which is often targeted at the constructed ‘reality’, is often recognized as a threat with the potential to intrude upon and violate the sanctity of consumerism and consumer space.

Instances of moves to restrict organized protest and dissent include the prohibition of unauthorized gatherings, and the distribution of pamphlets near Olympic venues, as well as strict rules regarding signage. Recent incidents of dissent in the lead up to the Olympics include Aboriginal and Anti-poverty protests in Sydney and Vancouver, and the Free Tibet protest in Beijing to name a few.

The following section introduces the relevant law implemented in three host cities. Further analysis of these laws regarding the reason for their implementation and

the effects they have on vulnerable and marginalized populations will be conducted in the discussion/conclusion.

5.6.1 Relevant Atlanta Ordinance

The lack of ordinances directed at curbing dissent in Atlanta might be due to a lack of organized dissent leading up to the 1996 Olympics. Unlike Toronto, which had competed with Atlanta for the right to host the 1996 Games, Atlanta's oppositional groups were somewhat mute until the city was awarded the Olympics in 1990, and were relatively ineffective as a result. While several groups existed, such as Atlanta Neighborhoods United for Fairness (ANUFF), the Olympic Conscience Coalition and the Metro Atlanta Task Force for the Homeless, Olympic projects were constructed without much interference, and what protest took place was relatively ineffective. Moreover, while groups vying for marginalized interests were often ineffective, "[o]pposition efforts that relied on previously existing organizations or that represented economically advantaged groups appeared to have greater success" (Burbank, Heying, and Andranovich, 2000, p. 354).

According to Burbank, Heying, and Andranovich (2000), Atlanta advocacy groups ultimately proved to provide only piecemeal resistance that was limited in scope, as the "primary motivation of nearly every opposition group was to divert development from a specific location or mitigate negative consequences" (p.32). Moreover, proponents of Olympic growth were able to convince many groups of the benefits afforded by Olympic development (Burbank, Heying, and Andranovich, 2000).

5.6.2 Relevant Sydney Legislation

Sydney Harbour Foreshore Authority Regulation Act (1999)

Section 5(2) of the *Sydney Harbour Foreshore Authority Regulation Act* states that no public assembly can occur in the vicinity without prior authorization by the Olympic Co-ordination Authority. This section necessarily restricts the potential for protest.

Olympic Arrangements Bill (2000)

The spoken aims of the *Olympic Arrangements Bill* were to permit unhindered traffic flows and prevent ambush marketing. The section of relevance in this discussion, s. 26(e)(ii), restricts the use of communal land to events “associated with the Olympic Games and held during the Games period” unless they are approved by the council or OCA.

5.6.3 Relevant Vancouver By-law

Parks Control By-law (2003)

The actions of potential activists in Vancouver are circumscribed by the *Parks Control By-law* via sections 8 and 14(d). According to section 8, “no person shall make a public address or demonstration or do any other thing likely to cause a public gathering or attract attention in any park without written permission...” (*Parks Control By-law*, 1996). Section 8 also bans other forms of public gatherings including marches and meetings and prohibits the use of speakers to relay a message during said gatherings. Finally, section 14(d) prohibits one from posting posters or distributing leaflets or flyers in city parks.

5.7 Recent Vancouver By-Law Additions and Amendments

More recent legislative attempts include the introduction of the *2010 Winter Games By-law* no. 9908 (2009), and proposed *Assistance to Shelter Act*. The *2010 Winter Games By-law* no. 9908 seeks to secure the city for the Olympic Games while at

the same time maintaining the rights afforded to the city's residents. Sections that concern the treatment of marginalized communities include section 4 (*City Land Regulation By-law and Regulation of City Streets*), section 8 (*Sign By-law*), section 9 (*Street Distribution of Publications By-law*) and section 10 (*Street and Traffic By-law no.2849*) which carry a \$2,000 fine for each offence and an additional \$50 fine for each additional day that the conduct continues.

The proposed *Assistance to Shelter Act* seeks to better the situation of those living on the streets of the Downtown Eastside by ensuring that the necessary services are made available to some of the city's most vulnerable residents who would be moved into shelters during extreme weather. The *Assistance to Shelter Act* is especially controversial and has been subject to much debate. While British Columbia Housing and Social Development Minister Rich Coleman argue that the *Act* seeks to protect the homeless and does not permit the authorities to force the homeless into shelters, the British Columbia Civil Liberties Association recently uncovered documents suggesting that the homeless could be detained if they refused to submit to police orders to seek shelter (Bula, 2009; CTV News, 2009; Howell, 2009; Shaw, 2009; Vancouver Sun, 2009). Much of the debate regarding this *Act* is a result of the questionable timing of its introduction considering the experiences of the homeless during previous inclement winter weather. According to Eby (2009), "[w]e've had people dying in the streets in Vancouver in extreme weather for a long time but suddenly, right before the Olympic Games, there's a great urgency to force everybody into homeless shelters to prevent deaths" (§10). Moreover, homeless advocates fear that the proposed *Act* could force the homeless into hiding to avoid being moved into shelters (CTV News, 2009; Shaw, 2009). Whether this *Act* will be approved is still undetermined while British Columbia's Housing Minister, Rich Coleman, and government lawyers consider the constitutionality of the *Act*

and potential of the *Act* to violate the *Canadian Charter of Rights and Freedoms* (Bula, 2009; Shaw, 2009).

5.8 What does the future hold for the Vancouver 2010 Games?

Vancouver has prior experience hosting a mega-event within city limits in the form of Expo-86, which led to periods of housing conversion and mass displacement that reached a peak in 1986 and had a significant impact on low income and homeless residents (Housing Centre Community Services Group, 1995; Pierce, 1986). More recent moves, that are reminiscent of actions taken in previous host cities, include increased levying of fines for by-law infractions (including ticketing in Oppenheimer Park) (Matas, 2008), implementation of CCTV (Vancouver Sun, 2008; Walby, 2006), the alleged offering of one way bus tickets out of the city (Eby, 2008), Single Resident Occupancy closures (B.C. Housing's Board of Commissioners, 1999; Johal, Eby, and Pederson, 2008), and the adoption of a "Not in My Back Yard" attitude (NIMBYism) and zoning restrictions to restrict the development of homelessness support services (Sinowski, 2008).

A novel solution for homelessness, while temporary, has also been put forth by Vancouver Park Commissioner, Herbert Spencer. Spencer, in a discussion with Sandra Thomas (2008) of the *Vancouver Courier*, suggests that a tent city be constructed outside the city to fill the void left by inadequate shelter in the downtown core. Laura Track, a lawyer for Vancouver advocacy group, Pivot, also supports the use of tent cities to make provisions for the homeless in the Downtown Eastside. According to Track, "[t]he city has insufficient affordable housing and the homeless are relying on places like Oppenheimer Park...We absolutely need a safe place for people to sleep" (Vancouver Courier, August 6 2008, ¶14). Recent challenges to Victoria, British Columbia by-laws appear to be opening the door to the possibility of tent cities in Vancouver. In the case of

Victoria (City) v. Adams (2008), the named defendants, living in 20 tents with upwards of 70 other individuals in Cridge Park, successfully challenged the *Parks Regulation Bylaw* No.07-059 and the *Streets and Traffic Bylaw* No. 92-84 restricting the erection of temporary shelter on public property in the British Columbia Supreme Court based on a determination that they infringe section 7 *Charter* rights.

Similar tent cities have grown up around Seattle Washington under the guidance of Seattle Housing and Resource Efforts (SHARE) and Women’s Housing, Equality and Enhancement League (WHEEL) in an attempt to provide approximately one hundred of the city’s homeless with the basic necessities of life including a safe environment, temporary shelters, washrooms and social support (SHARE/WHEEL, n.d.; Thomas, 2008, ¶5)¹⁷. Some would argue, and rightfully so, that this move would merely represent another band aid solution in the fight to end homelessness, but if shelter is unavailable is it not a viable temporary option? According to the National Alliance to End Homelessness (August 12 2009):

While the Alliance doesn’t have a definitive recommendation on tent cities, we remain steadfast that the solution to homelessness is housing. While we recognize that the recent action of city officials is a gesture of compassion and kindness, permitting tent cities to exist is just another way of managing the homelessness problem. Portable restrooms and medical services are important – but at the end of the day, a man in a tent city is still a man without a home...Study after study and program after program have proven that housing is the right answer.... [and] turns out to be more cost-effective for taxpayers (¶9).

But, might it provide an impetus to city officials and provincial and federal governments to provide the necessary funds to further develop low income housing in areas hardest

¹⁷ Tent cities have also proven successful in Portland Oregon (Dignity Village, n.d.) and in areas across Washington State but local advocacy groups are beginning to question their temporary (and lasting) impact pointing to the fact that Tent City 4 in Seattle was designed to be a “emergency” solution but has been in place for 5 years (24-7 Press Release, January 30 2009).

hit by the current economic situation and other problems responsible for the homelessness condition?

CHAPTER 6. DISCUSSION

As suggested earlier, much of the literature addressing social inequality, especially in regard to capital accumulation, adopts a Marxian perspective. According to Marx (1990), social inequality is a reflection of a hierarchical class system that separates those who reside at the heart of capitalism and those at the periphery. Moreover, public disorder law “has been an essential ingredient in the uneven development of capitalism....the growth of the very poor...[is] both a necessary input to, and a result of, the accumulation of capital” (Mitchell, 1997, p.313). This is especially relevant when considering the hosting of mega-events as they often represent the pinnacle of globalization strategies and are often designed to further investment and tourism, which is often fundamental to the maintenance of local economies and capitalism as a whole (Mitchell, 1997). Moreover, the tendency of Olympic host cities to rely on a likelihood of economic incentives and benefits to justify Olympic driven development and the resultant legislative manoeuvres permeates the literature and discourse.

As stated by Blomley (2007), “streets and sidewalks constitute a finite public resource that is shared by competing interests...[and] can easily be a site for conflict between competing interests” (p.1697). Homeless individuals, who reside in public space, are thus very susceptible to societal backlash. Various trends render the homeless increasingly susceptible to this backlash including, in the case of Vancouver, the lack of governmental expenditure being directed toward the development of affordable housing since 1993 (Begin, 1999; Begin, Campbell, Boyd, and Culbert, 2009; Casavant, and Chenier, 1999; Isitt, 2009; National Housing and Homelessness Network, 2000) the process of deinstitutionalization and closure of Riverview Hospital (Blomley,

2004; Campbell, Boyd, and Culbert, 2009; City of Vancouver, 2009; Condon, 2008), and the open air drug market, especially following the introduction and increasing prevalence of crack cocaine use (Boyd, Johnson, and Moffat, 2008; Campbell, Boyd and Culbert, 2009; Ubelacker, 2009)¹⁸. Moreover, their lack of ownership of private property and resultant reliance on public property is an affront to middle and upper class sensibilities that wish to return city centres to their use value, thus `privatizing` public space. In an attempt to regain this use value and the resultant exchange value in the accumulation of capital, the use value attributed to public space by the homeless is recognized as necessitating management (Mitchell, 1997).

Fears arise concerning patterns of “white flight” to nearby suburbs and the restriction of consumerism as a result of the intrusion of the undesirables in urban city centres. Cities are aware that the presence of disorder in downtown cores often threatens the economic viability of the community and weakens their ability to compete with surrounding districts (Mitchell, 1997). Homeless individuals, who lack the political, economic and social clout to affirm their right to make use of public space, are increasingly left to fend for themselves and are increasingly subject to legislative attention.

According to Garland (2001), a number of societal shifts led to the redefining of social space and a reconfiguring of the crime control complex that varied significantly from earlier ideals. These societal shifts included an increased reliance on the dynamic of capitalism, globalization strategies and the corresponding advances, including technology, changes to the structure of the family and residential patterns, as well as the increasing pervasiveness of “global” media and the democratization of social and cultural

¹⁸ Similar trends were evident in Atlanta, GA and Sydney, AU as well.

life (Garland, 2001). Many of these shifts were evident in each of the Olympic host cities and will be considered in turn.

In Atlanta, the convention industry waned in light of the evolving situation in the predominantly poor downtown core marked by urban disorder and crime. Legislative and law enforcement measures were put in place to rebuild the city's image and invite both international and national capital to return to the area (Whitelegg, 2000). Other developments that furthered the capitalist ideal, whether inadvertently or not, included street sweeps that temporarily cleared the disorder that plagued the downtown core, the establishment of the "Olympic ring" and the "hospitality zone," which were designed to attract visitors by clearing disorder that had become entrenched in the area, and various other gentrification projects that were designed to beautify the city and attract investment of any kind (Rutheiser, 1996). The abovementioned developments were designed to attract not only national and international visitors, but also to entice Atlanta residents to return to the once abandoned city core (Rutheiser, 1996).

Atlanta, similar to many developed cities, also experienced substantial shifts in both family and residential patterns. Atlanta, in particular, experienced a marked shift in social ecology that involved what some refer to as a pattern of white flight to suburbs to avoid the disorder that plagued city centres (Rutheiser, 1996). According to Saunders and Campbell (2000), the cities and suburbs stood in stark contrast to one another with the suburbs consisting of wealthier white residents with fewer than 6% living in poverty, while the downtown core consists of poorer, largely Black residents with fewer than 6% living above the poverty line (p.13). Moreover, Black neighbourhoods experienced harsh living conditions, conditions that worsened between 1970 and 1980, with more than one third of Black families living in dire poverty (Rutheiser, 1996). Unemployment rates in Black urban centres also increased dramatically despite the fact that job growth in the

metropolitan area was at an all time high between 1990 and 1995 (Rutheiser, 1996, p.75). This move towards suburbanization also resulted in the development of numerous gated communities which furthered racial segregation and alleviated fears of residents (Rutheiser, 1996). This trend only exacerbated the earlier trend as, according to Whitelegg (2000), this period of suburbanization left “behind what was perceived as an increasingly threatening environment plagued by bad publicity over crime...[and] had an inverse impact on downtown’s increasing reliance on the convention industry” (p.805). Moreover, the bad publicity concerned Olympic organizers who were aware of the impending deluge of media that would soon arrive in Atlanta to provide coverage of the Games.

In light of the impending 1996 Olympic Games, Atlanta was increasingly susceptible to the pervasiveness of the media. According to Garland (2001), the growth of electronic media “[r]endered the experience of being excluded and relatively disadvantaged much more readily apparent and therefore, much less acceptable...The visibility of events and individuals ceased to depend on the shared locale and direct experience and came instead to depend upon the media and its decisions about what and how to broadcast” (p.86). Many residents and organizers alike were concerned with how Atlanta’s past, marred by racism, inequality and a predominant slave culture, and how the current situation, marred by urban disorder and crime, would be portrayed to the global audience. This fear, as well as the desire of authorities to secure city streets, was the impetus for much of the legislation implemented in the lead up to the Olympic Games. Moreover, while Atlanta’s racist past and slave culture had been overcome in many ways, with equal rights being granted to Black citizens, many felt that racism still simmered beneath the surface of a seemingly democratic society that restricted upward mobility to certain populations (Rutheiser, 1996).

This pattern of restricted upward mobility was further exacerbated by suburbanization and the previously mentioned power vacuum of consecutive mayoral positions that led to increasing cultural heterogeneity and racial segregation in Atlanta as minority groups were confined to lower income neighbourhoods while the wealthier whites moved to the suburbs (Rutheiser, 1996). Moreover, a new sense of moral individualism was pervading developed late modern societies, “new modes of association...operated to the exclusion of the poor, and minorities, many of whom were set apart from the community and controls of the workplace, the new social movements, and the legitimate sources of community identity. The declining hold of the family and the local community thus affected the poor more adversely than others” (Garland, 2001, p.89).

Similar trends to those felt in Atlanta persisted in Sydney as well. First, the public and Olympic organizers feared that the lower class communities situated in the western half of New South Wales would hamper the potential influx of capital to be felt by Sydney. Steps that were taken in furtherance of capitalism and to secure city streets included “Operation Gateway” and a number of other legislative measures¹⁹ that granted the police the power to move along any unwanted visitors in certain delineated areas of the downtown core (Lenskyj, 2000).

Sydney also experienced shifts in both family and residential patterns. Due to the clear division, according to socioeconomic status, between East and West, the West was home to populations that were overrepresented by young Australians, both single males and female sole parents, who were uneducated, unemployed and reliant on state benefits (Australian Federation of Homelessness Organizations, n.d.). This marked difference in social ecology exacerbated the homeless problem in Sydney, which

¹⁹Included *Summary Offences Act* (1988) (responsible for Operation Gateway), 1998 amendment of the 1937 traffic regulations, *Crimes Legislation (Police and Public Safety) Act* (1998).

resulted from a number of factors including structural inequalities, such as poverty, unemployment, lack of affordable housing and limited governmental support, as well as the breakdown of family and social networks, along with social exclusion and discrimination (Australian Federation of Homelessness Organizations, n.d.).

Sydney, like Atlanta, was increasingly susceptible to the pervasiveness of the media, and many residents and organizers alike were concerned with how Sydney's colonial past, marred by racism and inequality, and the current situation in the Western neighbourhoods would be portrayed to the global audience (Lenskyj, 2000). This fear, as well as the desire of authorities to secure city streets, was the impetus for much of the legislation implemented in the lead up to the Olympic Games. Moreover, Sydney organizers used the 'diversity' of Australian society as a tool in an attempt to present a successful bid to the media by promoting a culture based in harmony (Hall, 2001). However, the necessary steps had not been taken to ensure that this harmony was realized. For instance, one of the leading concerns in the lead up to the Olympic Games was the lack of indigenous involvement in the Olympic development and planning process. Another concern was the increasing cultural heterogeneity and racial segregation in Sydney that left minority groups confined to lower income neighbourhoods and the fact that Aboriginal groups were still to be found worse off in terms of health, infant mortality rates, incarceration rates, life expectancy and income (Meekison, 2000, p.188).

Similar societal shifts have been felt throughout the city of Vancouver as well. First, as was evident following Expo-86, many associated international attention and tourism with successful development and regeneration. It was felt by many that development of the downtown core would attract investment and benefit the local economy and capitalism as a whole. What few paid necessary attention to was the

impact that these developments and regeneration schemes would have on populations who resided in neighbourhoods designated for gentrification.

In the wake of Expo-86, Vancouver experienced periods of mass displacement, reaching a peak in 1986, to make way for the inundation of tourists (Housing Centre Community Services Group, 1995; Pierce, 1986). In the words of Pierce (1986), “[i]n Vancouver, as in many other modern fair cities, the chosen sites [of development] are in seedy parts of town filled with cheap rooming house hotels” (p.5). In the wake of Expo-86, Vancouver converted nearly 1000 low income housing units into high income tourist accommodation and condominiums to make way for the deluge of tourists (Housing Centre Community Services Group, 1995; Olds, 1989; Pierce, 1986). A prolonged pattern of gentrification followed that drastically altered the community makeup. While some argue that much of the tourist housing was converted back to low income residences in 1987, the impact of the displacement felt by low income residents in the downtown Eastside was likely severe (Housing Centre Community Services Group, 1995; Olds, 1989). With the 2010 Olympic Games mere months away Vancouver needs to ensure that the interests that went unnoticed leading up to Expo-86, whether inadvertently or not, are given attention in the current situation. While development is a sign of a successful and world-class city, can a city with such a significant population of marginalized and disadvantaged citizens truly claim such a status? Would it not be better to address local issues before concerning ourselves with our global image?

Vancouver has also experienced marked shifts in residential patterns with an extensive shift towards suburbanization, leaving city cores composed of largely commercial and lower income residential districts. While more and more residents are returning to the downtown area, few middle to upper class residences are situated near

Vancouver's most destitute community, the Downtown Eastside, which is only recently beginning to experience significant pockets of development.

The influence of the media during the 2010 Olympic Games will also be extensive. The location of the Downtown Eastside, adjacent to the core of downtown Vancouver's shopping district and alongside major transportation routes, leaves Vancouver vulnerable to potentially negative media attention concerning the population of the Downtown Eastside, which could limit the positive economic impact to be felt in Vancouver. Homeless advocates are also likely to use the media to air their grievances. Recent moves by local protest groups highlight a situation that is nearing the boiling point with some groups, such as Pivot Legal Society, continuing to focus on peaceful protest, and other groups, such as the Anti-Poverty Committee, taking more aggressive steps to 'speak' for the homeless (See, for example, CBC News, 2007; CBC Sports, 2007; Inwood, 2007; Lupick, 2008; Shaw, 2008).

Alongside the abovementioned societal shifts, a move toward conservative ideologies has resulted in a marked shift toward defining disadvantaged groups as groups requiring management and control to fill the void of more informal measures of control. In city centres, homeless individuals, who were once recognized as needing social and governmental assistance, are increasingly subject to law. Many homeless, who are often uneducated, mentally ill and suffering from severe addiction, are forced to make their living on the streets, calling on the public to assist them in their plight. Despite this need, most governments define street employment, especially begging and panhandling, as a nuisance that must be controlled by governments to maintain control of city streets (Foscarinis, 1996; Mitchell, 1997). In Atlanta, Sydney and Vancouver, homeless advocacy groups have recognized this shift and have called for a return to welfare based ideals with the capacity to confront the underlying causes of behaviours

that render the homeless subject to legislative action (See for example: Pivot Legal Society, 2009; Homelessness Australia, 2006; Atlanta Taskforce for the Homeless, 2006) .

Shifts more specific to crime control, and evident in the lead-up to the implementation of public disorder law, include a move away from rehabilitation to a more expressive and emotive punitive justice that focuses on protecting the public and recognizing the victim marked by both commercialization and politicization, resulting in increased community involvement, a decentralization of the power to punish and new strategies to address a lasting sense of crisis that gripped society at the time (Garland, 2001). Each of these trends, taken together, radically altered current crime control practice. Post-1980's crime control practice began to focus on security, risk assessment and management and the containment of danger rather than rehabilitation, individualized treatment, equality and social reform (Garland, 2001).

The collapse of the Welfare state had a significant impact on the homeless who, before the collapse, had been dependent on governmental aid and assistance. This collapse, as evident in Vancouver, precipitated the deinstitutionalization movement of the 1980s which emptied the mentally ill from Riverview Hospital who were then forced to move to the Downtown Eastside to find affordable housing, a situation that was worsened in 1993 when the federal government of Canada froze all federal funding of housing development (Begin, 1999; Begin, Casavant, and Chenier, 1999; Blomley, 2004; Condon, 2008; Isitt, 2009; National Housing and Homelessness Network, 2000). Following the collapse, populations that were once identified as deserving assistance were instead, increasingly subject to legislative measures and enforcement practices that focused on their existence and particularly their exercise of subsistence strategies in

public space in the name of public safety (Foscarinis, 1996; Mitchell, 1997, Mosher, 2002).

While some strategies that target the homeless (especially in light of Olympic development) continue to strive for rehabilitation, many fail to realize any of the rehabilitative goals that underlie said strategies or have taken on a more punitive approach altogether. For instance, in Atlanta, the Central Area Study II adopted a treatment rather than punitive based approach in pushing for preventative measures and services to help the homeless better their situation but no formal plan was ever established to achieve this objective (Rutheiser, 1996, p.195). The Central Area Study II also called for revitalization projects directed towards inner city neighbourhoods including encouraging and stimulating collective efficacy in inner city neighbourhoods, investing money in local communities to raze the inherent dereliction and developing inner cities by way of community participation and consultation; however, little meaningful change, on the part of either “goal”, was realized (Rutheiser, 1996).

In Sydney, the New South Wales Council of Social Services and Shelter New South Wales set forth to create a homelessness protocol aimed at protecting their interests and rights, recognizing that the problem of homelessness was likely to be exacerbated by the Olympics (Blunden, 2007). According to Blunden (2007), the protocol stated that all citizens had the right to make use of public space during the Olympics and not attract police attention and action unless they were a threat to themselves or others. Police were also required to alert proper support services designed to aid homeless individuals. A significant problem with this protocol rested in the fact that it only included Sydney’s central business district and because of late amendments it was not recognized as Olympic policy (Lenskyj, 2000). While

rehabilitative measures, such as those mentioned above, often went unrealized, the more punitive approach often met with success.

Punitive justice was also increasingly expressive and emotive. In order to confront and minimize the threat posed by the marginalized populations in the downtown core, city governments turned to increasingly punitive legal recourse (Wacquant, 2001). Moreover, a population that was once controlled by implements of the welfare state is increasingly controlled by the different sectors of the criminal justice system (Wacquant, 2001). Following the collapse of the rehabilitative ideal, policy became “more representative of a collective anger and a righteous demand for retribution rather than a commitment to a just, socially engineered solution” (Garland, 2001, p.10) and “attempts to express public anger and resentment have become a recurring theme in the rhetoric that accompanies penal legislation and decision-making “(Garland, 2001, p.9).

This anger and resentment is evident in Olympic legislative measures that target behaviour that obstructs, accosts, annoys, inconveniences, insults, or is offensive (to name a few) and imposes increasingly punitive penalties ranging from fines of up to \$5000 and incarceration of up to six months. Moreover, there tends to be increased enforcement of public disorder law in the lead up to and during the Olympic Games. According to Vancouver Police Superintendent Warren Lemcke, who spoke with Mike Howell (March 7, 2008) from the *Vancouver Courier*, “the Vancouver Police Department’s goal is a 20% increase in charges [under the *Safe Streets Act* and *Trespass Act* for offences including aggressive panhandling and using squeegees in traffic] over last year” (¶2).²⁰ Vancouver Police Chief Jim Chu’s goal of increasing the enforcement of public disorder infractions resulted in a renewed crackdown in late November – early December of 2008 when officers targeted incidents that were

²⁰According to Howell (2008), “police recommended 243 charges under the *Safe Streets Act* and 95 under the *Trespass Act* [in 2007]” (¶3).

identified as “degrading the *quality of life* (emphasis added)” (Garr, 2008, ¶3; Lai, 2008, ¶10). Evidence of this shift in enforcement is apparent in the recent ticketing of homeless persons who occupy Oppenheimer Park. Many homeless were awoken one morning and handed a \$75 ticket in hopes of “restricting [the violators] from entering certain areas of the city” (Matas, 2008, ¶1, ¶5)²¹. Whether this move to more punitive and emotive justice will continue remains to be seen as Vancouver continues to count down to the 2010 Winter Games. Further discussion of the source of this anger and resentment will follow below in a discussion of how the implementation of increasingly punitive legislative measures are reflective of changing public sentiments and the resultant fear surrounding disorder and crime in public space.

Many, if not most, public disorder laws are designed or presented to the public as a means of securing city streets and ensuring public safety. In the words of Stoner (1995), “today’s...[public disorder law] must...be understood as a part of a larger concern for public safety and fear of crime” (p.135). This desire to ensure public safety is furthered by both the lasting sense of crisis felt throughout society, as well as the fear that gripped communities as crime rates climbed (Garland, 2001). In fact, according to Garland (2001), “[f]rom the 1980s onwards, police departments and government authorities in the USA and the UK began to develop mission-statements and practices that took the reduction of fear as a distinct, self-standing policy goal” (p.122).

Much of the fear that surrounded downtown cores in particular, revolved around the growing presence of street homeless who made their home on city streets, asking passers-by for assistance. Behaviour that at one time evoked feelings of sympathy and charity, now evokes anxiety and insecurity from the pedestrians whom the homeless, at

²¹Recent media attention has led to a halt in handing out tickets in Oppenheimer Park. Instead, many homeless were placed into temporary SROs while those missed were placed on a waiting list (CBC News, 2008; Sandborn, 2008).

one time, relied on for support. This change in sentiment is evident in more recent legislative measures that define the behaviour of the homeless as obstructive, obscene, interfering, and aggressive (to name a few repeated terms that appear in many pieces of legislation around the globe). Moreover, fear surrounding crime in downtown cores led many citizens to “contend that the rights of the community must take precedence over the rights of individuals and that lawmakers must strike a better balance between rights to public safety and the health and civil rights of homeless people” (Stoner, 1995, p.136).

In an attempt to address this fear and concern, legislative action was designed to reflect the public’s will and sentiment concerning crime control. According to Garland (2001), “[i]n the 1990s, ‘quality of life’ policing was widely adopted, not because of a belief in its proven success...but because it was perceived as being popular with the public and liable to change public perception in a positive direction” (p.122)²². Many felt that quality of life policing was especially important because the inescapable presence of panhandlers and the homeless stood as a tangible threat to the public that could be addressed by governments to alleviate fear felt across many communities. Moreover, the results of quality of life policing could be realized and felt by citizens who travelled city streets on a daily basis. These public disorder laws, sometimes referred to as public behaviour laws or civility ordinances, create a social contract amongst residents that requires all citizens to abide by certain expectations, which is likely to curb disorder on city streets (Amster, 2003; Jackson, 1998).

As public safety became increasingly important, crime control became progressively more politicized and commercialized and the crime control apparatus became ever more diversified and decentralized. Again, here we can see public opinion infiltrating discourse that was once reserved for legislators and other experts. According

²²This is telling when one considers the title of the Olympic driven ordinance implemented in Atlanta, GA, namely, the “Quality of Life” Ordinances.

to Garland (2001), recently enacted “[p]olicy measures are constructed in ways that appear to value political advantage and public opinion over the views of experts and the evidence of research” (p.13). This trend was exacerbated by the expansion of the media, which held the government accountable in ways, and to an extent, that were before unseen.

This politicization of crime control has resulted in an ever-growing crime control complex with the power to punish, which was once reserved for government, dispersed across numerous organizations and private companies throughout civil society (Garland, 2001). This trend is especially evident in host cities that must “protect” their cities like never before from both visible and invisible threats. For instance, in Sydney and Atlanta, Olympic security was shared across a range of enforcement bodies. In Sydney, alongside previously established law enforcement bodies, “an additional 3,500 security personnel were generated by the Olympic Volunteers in Policing Program” (Lenskyj, 2002a, p.47), and in Atlanta private security forces were contracted to ensure security in and around Olympic venues (Mitchell, 1997). A similar situation is currently arising in Vancouver with the establishment of the Integrated Security Unit, which is composed of a number of law enforcement agencies and both American and Canadian private security firms who are said to be planning to hire an additional 5,000 guards (Lee, 2009; Levitz, 2009).

The Vancouver Police Department is also reconsidering implementing Closed Circuit Television (CCTV) in hot spots throughout the Downtown Eastside in an attempt to minimize the incidence of crime within the district’s boundaries by bolstering current

surveillance mechanisms (Vancouver Sun, 2008; Walby, 2006)²³. While video surveillance is not 'new' to the average citizen, as one is often watched at gas stations, banks, on roadways and bridges, and throughout the citywide transit system, the move to surveil public space to target "disorderly" populations is unique in Canadian urban centres. According to former Provincial Solicitor General John van Dongen, "[t]echnologies such as CCTV can greatly assist the police and prosecution in bringing offenders to justice. Our goal is simple: to investigate and solve more crime where it is really hitting home; urban areas where people have the right to feel safe going about their lives" (Vancouver Sun, 2008, ¶2). CCTV, often lauded for the impact it has on crime rates and public safety, has been implemented in many urban centres with limited evidence of effectiveness (Armitage, 2002; Walby, 2006; Welsh and Farrington, 2003;). The British Columbia Civil Liberties Association's stance on CCTV, as set out in a position paper, is quite clear. According to the BCCLA (1999), "CCTV will not, even with the stringent safeguards promised...achieve [the sought after] goals to the degree that would justify the infringement on personal privacy that they would necessarily bring about...the introduction of CCTV would be a cure that is far worse than the disease it is attempting to control" (¶3).

Garland (2001) suggests that this increasingly emotive and punitive stance towards those most in need, as well as policies that targeted the lower class, were ultimately justified as a means to control the poor and thus, crime. The current legal context that deemed the poor "responsible" for crime left the lower classes less likely to use the law yet more likely to fall victim to it (Black, 1976). As suggested by Black

²³The Neighbourhood Safety Watch Program (2001), proposed that "a network of twenty-five cameras (including two portable cameras)...would significantly enhance the perception of safety in the community, increase the detection of crime, reduce victimization and assist in apprehending criminals" (p, 7). This plan was discarded in 2005 when little empirical support for such programs could be identified (Walby, 2006).

(1976), varying dimensions of society, including stratification, morphology, culture, organization²⁴ and social control, dramatically affect the character and focus of laws designed to control and manage social deviance. In Atlanta, Sydney, and Vancouver, homeless individuals who were subject to increasingly punitive legal recourse were often situated at the lower or lesser end of each dimension.

Locations such as the Downtown Eastside (DTES) in Vancouver British Columbia, Woodruff and Techwood Park in Atlanta Georgia and Cabramatta, Bankstown, Canterbury and South Sydney in Australia, due to their location alongside sites of consumerism and commercialism, are prime examples of sites where inequality and differentiation are at an all time high. The apparent destruction of public space that arises from the homeless individuals' presence in public space, including panhandling, urination, loitering, and open air drug use, affront the sensibilities of visitors to the downtown core. In locations such as these, "wealthier people have a legal advantage" (Black, 1976, p.12). Lower class access to legal recourse, on the other hand, is limited because of their position in the vertical and horizontal hierarchy of social life.

The upper rungs of social stratification remain beyond the reach of the homeless who do not have the requisite means to achieve these ends. The demographics shared amongst most homeless populations, including age, limited educational attainment, addiction, mental health problems, as well as low employment rates necessarily restrict the hierarchical attainment of these populations. Homeless populations are also often confined to certain neighbourhoods because of their social situation, while wealthier populations move to suburbs outside city centres. These neighbourhoods, including Atlanta's downtown core, Sydney's West end and the Downtown Eastside, only work to

²⁴Especially important in light of Olympic driven legislation as the Olympic organization is a formidable opponent and most challenges of public disorder law are unsuccessful (at least during the Games themselves).

maintain their current position in the social hierarchy. For instance, in Atlanta, Sydney, and Vancouver, the neighbourhoods that 'house' the homeless often exacerbate the previously recognized demographics that are shared by lower income communities and necessarily limit their likelihood of achieving a higher social position²⁵. The stances of conservative governments, which often, sometimes inadvertently, represent the poor as the locus of crime, also work to further cement this position and broaden the social divide (Garland, 2001). For instance, crime control came to rest on increasingly punitive sanctions and ever-evolving methods of deterrence, and when all else failed, isolation of problem populations in the name of public safety (Garland, 2001). These demographics, as well as the social positioning and inescapably public presence of homeless individuals, render them increasingly susceptible to legislative action (including most, if not all, Olympic driven legislation) aimed at regaining control and use value of public space (Foscarinis, 1996; Mitchell, 1997). The upper and middle class, on the other hand, are free to enter and use public space without interference and are the gauge of what constitutes behaviour that obstructs, accosts, annoys, inconveniences, insults, or is offensive (Foscarinis, 1996; Mitchell, 1997).

Today's social climate, which is marked by significant variations in differentiation including varied individual functioning, increasing social distance and cultural diversity, varying levels of organization and social control across populations sets a scene that is likely to rely on the law to control and manage such differentiation (Black, 1976). In today's society, the density of city centres requires people to live in close proximity to each other, yet many remain complete strangers. Aside from service providers who likely play some role in the lives of most of the homeless, others who reside or work in city

²⁵See discussion of shifting ecology in both Atlanta and Sydney, as well as the discussion of Olympian Atlanta, Sydney and Vancouver where the social position of the city's homeless is discussed at length.

centres likely do no more than rub shoulders with the homeless on city streets or in city parks. Despite this lack of connection, the homeless, who find themselves in precarious and tenuous situations, are often quite dependent on local support services. This dependency furthers the distance between the independent and dependent, productive and unproductive. Transients, or the homeless, who are marginalized, often lack a significant connection with the inner workings of society, and therefore, are often the subject of law and unable to use the law to protect their interests. Moreover, the “marginal status of [homeless] populations reduces their stake in the maintenance of the system while their powerlessness and dispensability renders them increasingly susceptible to the mechanisms of official control” (Spitzer, 1975, p.642).

Moreover, neighbourhoods that experience cultural diversity render community cohesion exceedingly weak and residents are unlikely to be met with success when confronting a highly organized and structured organization, especially in the face of cultural diversity (Black, 1976). This is evident in citizen calls for public participation and input in regards to Olympic policy and development that often go unanswered. As suggested by Barak and Bohm (1989), “[o]rganized interests try to successfully identify and label certain acts or things as ‘protected by’ or ‘against’ the law” (p.277). This is especially evident in Olympic driven legislation that seeks to secure host city streets. For instance, challenges to Olympic driven legislation (and the Olympic interests that lead to their implementation) are often not met with success, at least not during the duration of the Olympics themselves²⁶.

In line with Black’s (1976) argument that law and social control are inversely related, socially disorganized areas, including many inner cities, lack of informal social

²⁶Some of the laws are even designed in a way that they are repealed immediately following the Games.

control and collective efficacy necessitates increased law to maintain control²⁷. Despite the oppositional stance of advocates, who often argue that the informal social control in rundown neighbourhoods is often overlooked or misjudged, many authorities believe that this decay and disorder is evidence of waning informal social control which signifies a need for more formal social control or law. In areas such as the Downtown Eastside, Woodruff and Techwood Park, and Cabramatta, Bankstown, Canterbury and South Sydney, the presence of disorder, including open air drug use and other addiction, mental illness and homelessness signify, to law makers, a breakdown in informal social control. In order to address these problems, politicians often invoke the legal apparatus. This is especially evident in urban cores where tourists and international media outlets are likely to rub shoulders with the homeless who can incite fear in passers-by.

As suggested by Paisner (1994), “[t]he most serious of the attendant problems of homelessness is its devastating effect on a city's image”, which is intimately linked to Olympic development (p.1272). Atlanta, in particular, has a recognized downtown core that is not able to attain its use value due to the homeless who scare off investors and tourists alike (Rutheiser, 1996; Whitelegg, 2000). In a move to return to the use value of public space, especially in light of mega-events, public space is increasingly legislated and the use of such space is restricted to specific activities (Mitchell, 1996; Ruddick, 2002). It is, as mentioned previously, important to realize that the trend towards criminalizing homelessness is not restricted to Olympic host cities. Instead, the trend is merely exacerbated in these situations as problem populations are deemed to pose threats to the benefits afforded by mega-events as a result of the increasing presence and their conduct in public space including sleeping, panhandling and drug use (Barak and Bohm, 1989; National Law Center on Homelessness and Poverty, 1991; 1993).

²⁷See Wilson and Kelling's (1982) “Broken Windows Model”

As suggested by Black (1976), Garland (2001), and Marxian theory, the shape and character of the law reflect the economic, social and political climate of society. First, the economic climate leading up to the hosting of mega-events is often hedged in rhetoric based in the need to foster capital accumulation and regenerate tourism and investment potential. Second, the law surrounding the hosting of mega-events is often reflective of social differentiation and division within the society. Finally, the shifts towards conservative political ideals, which reflect the will of those with the wherewithal to impact policy development and implementation, foster law that works to the detriment of disadvantaged and marginalized communities and often take a form delineated by the social dimensions set out by Black (1976). In other words, the law is designed to target those at the lower end of each social dimension, including stratification, morphology, culture, organization and social control.

Laws that are implemented and enforced during mega-events are increasingly focused on public disorder in city centres, while laws that are concerned with development and other contractual obligations are relaxed or ignored all together²⁸. Much of the legislation surrounding mega-events involve the 'management' of private life in public space, curbside employment, dissent and protest. All three host cities have experienced each type of legislation. Moreover, the particular acts that are targeted are shared across each city's body of legislation. The first type of legislation restricts the basic survival skills of the homeless who must perform private ceremonies in public space. Such legislation includes prohibition of disorderly conduct, squatting or trespassing on private property, city parks and city streets, and laws prohibiting public urination and defecation. What one must consider, in light of Olympic driven legislation, is who has the power to define behaviour as accosting, annoying, insulting, offensive or

²⁸See Ley, D., and Olds, K. (1988). Landscape as spectacle: World's fairs and the culture of heroic consumption. *Society and Space*, 6, 202.

causing an obstruction or interference? And what type of behaviour is most likely to fit this definition?

In Atlanta, legislation was introduced in the lead up to the 1996 Olympic Games that targeted private life in public space, including laws that banned defecating or urinating on public property (Atlanta, Georgia *Code of Ordinances* § 17-3011 sec. 106-130, 1991), the use of public parks at night (Atlanta, Georgia *Code of Ordinances* § 17-3006 sec. 110-60, 1991), unauthorized persons entering vacant buildings (Atlanta, Georgia *Code of Ordinances* § 17-1006 sec. 106-56, 1991), and disorderly conduct (Atlanta, Georgia *Code of Ordinances* § 17-3011 sec. 106-81, 1991). Each of these pieces of legislation in turn necessarily restricts the movement and livelihood of homeless individuals who are restricted to public space. First, section 106-130 of the Atlanta, Georgia *Code of Ordinances* (§ 17-3011, 1991) left the homeless open to punishment for partaking in what is undeniably a necessity without providing them access to any facilities. Second, sections 110-60 and 106-56 of the Atlanta, Georgia *Code of Ordinances* (§ 17-3006, 1991) restricted the areas where the homeless could spend their nights. When considered alongside the fact that “there are 15,000 – 22,000 homeless people on any given night in the metro-Atlanta area...[that] are served by 2,200 emergency and transitional beds in the summer and 2,700 in the winter” (National Law Center on Homelessness and Poverty, 1994, p.55), where can the homeless be expected to make their bed? Finally, section 106-81 of the Atlanta, Georgia *Code of Ordinances* (§ 17-3001, 1991) targeted the homeless whose very existence took part solely in public space, where any altercation or instance of disorderly conduct was subject to intervention by authorities.

In Sydney, the *Sydney Harbour Foreshore Authority Regulation* (1999), *Homebush Bay Operations Act and Regulation* (1999), Sydney Street Furniture Program

(2000) and *Intoxicated Persons Amendment Act* (2000) had similar consequences as the legislation introduced in Atlanta. The *Sydney Harbour Foreshore Authority Regulation* and the Sydney “Street Furniture Program”, like the previously mentioned Atlanta ordinance, restricted the living space of the city’s homeless by making pre-existing structures less conducive to sleeping and prohibiting making shelter in public space, lighting fires, or trespassing. Similar to Atlanta, local advocacy in Sydney suggests that “the Supported Accommodation Assistance Program (SAAP) received request for assistance room 60,000 individuals and families in 1996/97, with 30,000 going unmet” (Westacott, 1999, p.3).

The *Sydney Harbour and Foreshore Authority Regulation* (1999), *Homebush Bay Operations Act and Regulation* (1999) and the *Intoxicated Persons Amendment Act* (2000) targeted other ‘lifestyle’ choices of the homeless who did not have access to private space to conceal their choices. For instance, like section 106-81 in Atlanta, the abovementioned Sydney legislation banned causing *annoyance* or *inconvenience* to others in public space, *indecent*, *obscene*, *insulting* or *threatening* language or behaviour, *obstructing* or *affronting* others and being *intoxicated* in public space. Moreover, the restrictions concerning the use of public space target the homeless by prohibiting the erection of temporary shelters, building fires, and littering. While these laws are rarely used to target the middle and upper class, who have access to private space, homeless populations, whose lives necessitate occupying public space, are often unable to access space other than that which is deemed public.

In Vancouver, current legislation that targets private life in public space includes laws that restrict access where entry is clearly prohibited (*Trespass Act*, 1996), restrict access to parks after hours, various activities within parks including sleeping, loitering or obstructing others (*Parks Control By-Law*, 2003), and ban erecting temporary shelter or

lighting fires on city lands (*City Land Regulation By-Law*, 2003). Each of these laws in turn necessarily restricts the movement and livelihoods of homeless individuals who are restricted to public space. While the *Trespass Act* (1996) restricts trespassing on public and/or private property where prohibited, the *Parks Control By-Law* (2003) and the *City Land Regulation By-Law* (2003) both further restrict the livelihoods of the homeless by banning activities that are necessary to their survival including making shelter, lighting fires, loitering, and sitting on structures that are not designed for this use. In all cases, the penalties for breaching city by-laws are quite onerous on the homeless, especially since the typical penalty for a by-law infraction is a monetary fine.

Similar to the situation felt in Atlanta and Sydney, the housing situation in Vancouver is often tenuous at best. According to B.C. Housing's Board of Commissioners (1999), which suggests that "[t]here are about 330 emergency shelter and hostel beds in this region with most beds in Vancouver, [a]bout 50 people are turned away each month by Vancouver's four largest shelters due to a lack of space, [and a]n estimated 800 to 900 SRO units have been lost since 1996" (p.3). Moreover, some homeless advocates suggest that "[s]ince Vancouver was awarded the 2010 Olympic Games in July of 2003, there have been more than 1300 conversions of Single resident Occupancy...hotel rooms, primarily in Vancouver's Downtown Eastside community" (Johal, Eby, and Pederson, 2008, ¶3). City officials, on the other hand, argue that they are taking all precautions and steps to ensure that the housing that is lost in the lead up to the Olympics will be made available to them once the renovations are complete (Gray, 2007).

The shelter situation in the Downtown Eastside is exacerbated by numerous zoning restrictions and the "Not In My Backyard" attitude that permeates neighbourhoods that surround Vancouver's downtown core. This attitude often

surrounds proposed developments in communities where residents feel that the project is undesirable and better situated elsewhere. One such development was proposed for 1050 Expo Boulevard in Yaletown, Vancouver. The Expo Boulevard location is one of twelve City-owned sites slated to be developed as supportive housing tailored towards residents who are “in core-need including low-income singles living in the City’s SROs, homeless individuals and those at risk of homelessness, many of whom are mentally ill and/or suffer from addiction and need supports in addition to stable, secure and affordable housing” (Gray, 2007, p.3). The original proposal involved the development of 100 studio units on Expo Boulevard, with preference given to DTES residents living in SROs or emergency shelters. Moreover, “[a] third to a half of the 100 units would be occupied by persons with a mental illness and/or substance abuse problem referred by a provider of services to persons with mental health or addiction issues” (Ramsay and Rogers, 2007, p.15). Later proposals suggest an increased capacity of 133 studio units (Gregory and Oldman, n.d). Citizen unrest concerning the development was almost immediate. A petition that was available to sign on-line argued that citizens were not granted adequate notification to voice their concerns surrounding the development.

Other developments were also halted due to zoning restrictions. As is evident in Vancouver, “zoning laws increasingly [exclude] housing and services for homeless persons from certain areas” (Foscarinis, 2004, p.116). One such zoning restriction in Gastown, at the Old Storyeum site, led Vancouver city officials to recommend that a proposed homeless shelter be turned down to make room for a fitness centre that would contribute \$750,000 a year in revenue to the city (Sinoski, 2008). According to John Breckner, employed with the City of Vancouver, “[t]he design, zoning, and built form condition of the premise would be prohibitive challenges to implementing the uses of a homeless shelter” (as cited in Sinoski, 2008, ¶6). Like in the case of Atlanta and Sydney,

one must ask oneself: When facing the situations discussed above, where can the homeless be expected to go? Could a solution, such as the tent cities option put forth by Herbert Spencer work to alleviate the current situation?

The second type of legislation prohibits “self-employment” which often involves seeking the assistance of passers-by. Again, as in the case of legislation that addresses private life in public space, legislation that targets curbside employment necessarily targets the livelihoods of the street homeless and is rarely felt by members of the middle to upper class who have other means of subsistence within reach. In Atlanta, ‘quality of life’ legislation that addressed curbside employment included laws that banned begging or soliciting alms by accosting or forcing oneself upon the company of another (Atlanta, Georgia *Code of Ordinances* § 17-3006 sec. 106-85, 1991), and making music for the purpose of begging (Atlanta, Georgia *Code of Ordinances* § 17-3007 sec. 106-86, 1991).

In Sydney, not unlike Atlanta, a number of pieces of legislation were introduced to control curbside employment including the *Sydney Harbor Foreshore Authority Regulation* (1999), the *Homebush Bay Operations Act and Regulation* (1999), and the *Olympic Arrangements Bill* (2000). As a whole, these laws banned what often becomes the focal means of subsistence for the homeless including busking, squeegeeing, or providing any good or service for financial gain.

Similar legislation currently available to authorities in Vancouver include the *Parks Control By-Law* (2003), which prohibits selling goods or services within parks, *By-Law no. 8309* (2001), which prohibits obstructive solicitation, and the British Columbia *Safe Streets Act* (2004), which regulates the time, location and manner of panhandling with special attention paid to prohibiting aggressive solicitation. With unemployment being a demographic shared by the homeless populations in Atlanta, Sydney and

Vancouver, how can the homeless be expected to earn a living if no alternatives are provided?

One common “offence” that is targeted across all three host cities is aggressive solicitation²⁹. One question that often arises concerns the definition of aggressive³⁰.

Does the presence of homeless persons alone denote aggressiveness? Do the emotions that are awoken in passers-by, who must confront a deluge of requests when navigating city streets, signify to the “aggressiveness” of behaviour on city streets?

Some suggest that ‘compassion fatigue’ has resulted in a near immediate sense of distaste among residents/visitors who are active members of consumerist society (See for example: Millich, 1994; Tait, 2008; Tompsett, Toro, Guzicki, Manrique and Zatakia, 2006). Those who reside in the lower echelon of society, and thus outside of this realm of consumerism, are seen as a threat to those who reside within. In other words, the homeless, who must survive in public space, often rely on the assistance of others in ways that the average citizen cannot truly understand or appreciate. While these actions were once identified as a cry for help from needy and deserving segments of the population, many now feel threatened by their presence and call for safer city streets.

In response, legislation restricts the act of seeking alms with regard to the time, place and location where this activity is permitted to occur. Moreover, the quality and manner of the interaction is also important. In other words, panhandling that involves impeding pedestrian flow or involves accosting or forcing oneself upon the company of another for the purpose of solicitation is not tolerated. Again, definitional issues arise.

²⁹Includes panhandling, squeegeeing and busking. See Atlanta, Georgia Code of Ordinances § 17-3006 (1991), § 17-3007 (1991), *Sydney Harbour Foreshore Authority Regulation* (1999), *Sydney Homebush Bay Operations Act and Regulation* (1999), *Sydney Olympic Arrangements Bill* (2000), *Vancouver Parks Control By-Law* (2003), *By-law no. 8309* (2001) and the *British Columbia Safe Streets Act* (2004).

³⁰Not unlike the questions that arise regarding definitional issues in other pieces of legislation, such as obscene, annoying, interfering and so on.

Advocates for the homeless often suggest that the mere presence of homeless individuals sitting or walking city streets, which they call home, satisfies the “impeding pedestrian” component of the legislation (Tait, 2008). Their need to ask for assistance from passers-by in order to eke out their meagre existence also qualifies as “accosting or forcing oneself upon the company of another for the purpose of solicitation”; this is especially evident in the context of today’s society, where the compassion once felt when considering the homelessness situation has dissipated considerably (Tait, 2008). According to Garland (2001), “[t]he possibilities of inter-class identification, of mutual sympathies across income divides, of a shared citizenship and mutual regard...[have become] increasingly unlikely as the lives and adaptive culture of the poor began to look altogether alien in the eyes of the well-to-do” (p. 101). The public have come to recognize the homelessness problem as threatening to both themselves and the vitality of city life, which is reflected in the abovementioned legislation. So, where does one draw the line between seeking assistance from those able to assist and accosting or forcing oneself upon others? How do current sensibilities regarding the homeless situation appear or influence this definition?

Sections of anti-panhandling legislation that restrict the time, place, and location of solicitation or begging are also detrimental to the needs of the street homeless. For instance, legislation that restricts begging or solicitation within a specified distance from storefronts, public telephones and toilets, ATMs, and transit shelters restricts the movement of many homeless individuals as dense city centres contain many of the above services on every city block. If the street homeless are not welcome on most city streets, with city shelters at capacity and limited social housing available, where can they be expected to go? In many cases, the homeless are pushed into long forgotten sections of the downtown core (ie. alleyways) where they are likely to experience more frequent

victimization or to regions peripheral to the downtown core where services are scarce. As this shows, the objective of much of the anti-homelessness legislation appears to be making the problem invisible rather than confronting its underlying causes.

Busking or selling goods on the street to make a living is also restricted in the three host cities. Intricately linked to begging, the law effectively prohibits homeless individuals from providing any sort of service for financial or any other type of gain. Instead, such “performances” are reserved for local government or business sponsored events or activities. While some cities are taking steps towards allowing busking in city centres, many others continue to legislate unrelentingly against this behaviour (Rosen, 2001, p.A3).

While street ‘entrepreneurship’ is frowned upon, it is permitted to go on in areas that are not central locales of consumerism and consumption because in these areas, “the presence of squeegee workers...was feared to damage the reputation and image of what the streets of a modern, “world class,” city...should look like” (O’Grady and Greene, 2003, p.9). Moves were ultimately taken to ensure the furtherance of a consumptive lifestyle and thus, through a process of displacement, many homeless are pushed to the periphery of downtown cores where their behaviours do not prove to be as offensive but their access to necessary services is restricted (Feldman, 2004; Ruddick, 2002).

The third type of legislation works to manage dissent or protest among advocacy groups vying for the interests of marginalized and disadvantaged populations. Citizens with the wherewithal to influence Olympic policy and development, who recognize mega-events as opportunities to further their own interest, strive to manage protest and dissent to ensure the free, unfettered flow of capital in city centres. While Sydney experienced much protest on the part of Aboriginal and homeless advocacy groups, and Vancouver will likely experience the same, the situation in Atlanta was unique. Unlike previous and

later host cities, where advocacy was evident and outspoken, Atlanta advocacy groups remained somewhat mute and inactive (Lenskyj, 2000).

In Sydney, both the *Sydney Harbour Foreshore Authority Regulation Act* (1999) and the *Olympic Arrangements Bill* (2000) confined protest and dissent to predetermined areas and required that groups have the permission or authorization of the Olympic authority to assemble in public. Vancouver, in a similar move to that of Sydney, restricts assembly in certain areas under the *Parks Control Bylaw* (2003) and has recently taken steps to amend the city's *Charter* to restrict signage and graffiti, and allow for temporary street closures. Recent media coverage and Olympic related discussion in Vancouver also suggests that the city will introduce "free speech areas" designated for groups that wish to air any grievances (CBC News, 2009). Recent protests in Vancouver involving the Anti-Poverty Committee (see, for example, CBC News, 2007; CBC Sports, 2007; Inwood, 2007; Lupick, 2008; Shaw, 2008), point to the threat posed by advocacy groups whose interests often stand in stark contrast to Olympic organizers and whose message speaks to an overhaul of the current situation. Recent statements in the media also attest to the unease felt by Olympic organizers when confronting protest or dissent. According to an article that appeared in the *Winnipeg Sun* (2009), "[t]he head of security for the 2010 Winter Olympics in Vancouver is warning protesters to think twice about any plan they may have to disrupt the [G]ames" (¶1).

Legislation that silences or minimizes the voices of advocacy groups and service providers, whether inadvertently or not, works to the disadvantage of homeless individuals who rely on citizen protest to further their interests in light of their subordinate position in society. Olympic organizers must recognize that this support is especially important to the homeless in light of mega-event regeneration due to the limited attention paid to their interests and situation during the planning process. Moreover, steps must

be taken so that the least powerful members of society have a voice that is able to ensure that their interests are represented on the Olympic stage.

As is evident upon examination of legislation in Atlanta, Sydney and Vancouver, a body of law is often established to protect Olympic interests at the expense of local marginalized communities whether it is originally designed to do so or not. Moreover, the Olympic legal landscape is largely dominated by public disorder law with select laws governing corporate interests and contracts and more general social behaviour. While some would argue that the abovementioned legislation could potentially target the behaviour of a select few middle to upper class citizens in public space, the social situation of the homeless, which leaves them dependent on public space to eke out a meagre existence, renders them more likely to commit infractions in an attempt to 'survive' the streets and thus, fall victim to targeted social control. For instance, while legislation admonishing public urination and defecation, as well as public disorder, may impact the lives of select middle and upper class individuals, the homeless who do not have access to public facilities and have limited means to escape public space are more likely to be caught and punished for violating such by-laws.

Much of the pre-existing law, as well as the law that is implemented in the lead up to the Olympic Games, is designed to address problems that were present in the host city long before the Olympic Games arrived. For instance, in Vancouver, the Downtown Eastside community has been growing for some time as a result of a number of trends including a lack of affordable housing (Begin, 1999; Begin, Casavant, and Chenier, 1999; Isitt, 2009; National Housing and Homelessness Network, 2000), and deinstitutionalization (Blomley, 2004; City of Vancouver, 2009; Condon, 2008), as well as the open air drug market and the increasing prevalence of crack cocaine (Boyd, Johnson, and Moffat, 2008; Campbell, Boyd, and Culbert, 2009; Ubelacker, 2009). Each

of these trends taken together has hastened the development and implementation of law that targets disorder on city streets to ensure public safety and security. With the Olympics coming to the host city and media outlets bringing the host city to the world stage, the attention directed toward these trends reaches a new level of fervour. What I would argue is that while the law does indeed address these pre-existing conditions, the arrival of the Olympics and the global media shifts attention from tackling public disorder to ensuring that a city's dirty laundry is not aired in front of a global audience. In other words, many of the pre-existing laws that are enforced at increasing rates, as well as newly implemented pieces of legislation, are designed to first protect the image of the city and to second clear the city of disorder that has become common place in many large urban centres. While both tasks are often accomplished at the same time, laws that seek to hide the cities ills from the global eye are, I would argue, more likely to unduly harm the population toward which they are directed.

While many of the laws implemented in the wake of a winning bid to host the Olympics may have come about regardless of the event coming to the host city, the Olympics provide those with the power to influence the development and implementation of law the necessary impetus to do so. Moreover, while the Olympics are of short duration, the law that is implemented in the lead up to the Olympics and the resultant impact on marginalized communities is likely to remain with the city for some time following the event. For instance, while the *Safe Streets Act* preceded the Olympics, the increased enforcement of this legislation in the lead up to the Olympics will likely exacerbate the Downtown Eastside situation, while new laws, such as the *Assistance to Shelter Act*, might never have been realized.

Despite the frequent repealing of Olympic driven legislation, I would argue that a dangerous precedent is set regarding laws that target and exacerbate the homeless

condition, including the *Assistance to Shelter Act* in Vancouver, which passed into legislation despite significant concerns regarding the laws potential to violate of the *Charter of Rights and Freedoms* of Downtown Eastside residents³¹. While such laws are designed to help the homeless and in some way rectify the situation in which they find themselves, cities need to ensure that they are not unduly harming those who are targeted by the legislation.

6.1 Conclusion

The introduction and enforcement of 'quality of life' laws have led to numerous court battles between governments and minority group advocates concerning the constitutional rights of individuals who are disproportionately subject to such enforcement (Bella and Lopez, 1994; Foscarinis, 1996; Mitchell, 1997). Many advocates argue that 'quality of life' laws legislate against homeless individuals who are often homeless due to circumstances beyond their control, such as unemployment, mental illness, and addiction, and they claim that their right to due process, freedom of expression, freedom of speech, equal protection and protection from cruel and unusual punishment are threatened (Bella and Lopez, 1994; Simon 1992). Research attests to the indisputable inadequacy of previous legislative attempts to address the issue of homelessness. Instead, such measures appear to be no more than a way to appease the public who fear the disorder and decay in urban city centres (Paisner, 1994). Moreover, homeless individuals often fall victim to the 'revolving door' of the criminal justice system because following contact with law enforcement, they must return to the streets where their situation remains unchanged.

³¹ Many of the 'quality of life' laws in Atlanta and Olympic driven law in Sydney have also since been repealed including Atlanta, *Georgia Code of Ordinances* § 17-3006 (1991): Sec. 106-85: Begging or soliciting alms by accosting or forcing oneself upon the company of another and the *Sydney Harbour Foreshore Authority Regulation* (1999).

Some scholars might point to other reasons for the manifestation of legislation implemented during the Olympics. For instance, some might argue that the law enables groups to resist subordination at the hands of the state (and not vice versa), while others might suggest that the law is a reflection of a shared consensus and not a result of specific interests (Boyd, 1986). While some groups' goals might be realized through the implementation of law at the expense of state interests, this law is often brought about by significant organized investment. As is evident in the literature, few protests in the wake of the Olympics are able to garner the support necessary to tackle Olympic driven legislation before the commencement of the Games.

Furthermore, while some might argue that the law implemented in the wake of the Olympics results from a consensus shared amongst society, this consensus is often uninformed due to the veiled transparency in the lead-up to and in the wake of the Games. Moreover, as suggested by Boyd (1986), "that the law can build consensus is...undeniable; in the absence of widespread public support, law becomes increasingly difficult to maintain" (p. 3). The question remains regarding whether a built consensus is truly a reflection of the majority of society or socially constructed consensus at the hands of the state who cloud the law in equally 'built' benefits. While Olympic driven legislation might reflect a (built) shared consensus to secure city streets and reflect a particular image to the globe to attract international investment and tourist participation and thereby better the local economy, I argue that few recognize the inability of the law to better the current situation that led to legislative action. Instead, society should challenge legislation that targets populations that lack the political and economic clout to ensure that their voice or interest is reflected in this consensus and seek better and longer lasting solutions to the homeless situation. It is society's tendency to support public disorder law, which enables this law to persist, that we must challenge.

Future research would be best served by addressing the implementation of law utilizing a quantitative methodology that would allow the researcher to see whether the implementation of law in the lead up to Olympic development reflects a pattern of increased enforcement (see. Schulenberg, 2009). In other words, does the implementation of Olympic driven legislation result in increased enforcement and impact substantially on the lives of the homeless? While I would guess that the answer would be in the affirmative, research that either supports or denies my estimation would be telling and add much to the body of research on the treatment of marginalized communities in the face of mega-event driven development.

All citizens must be cognizant of the treatment of marginalized and vulnerable populations in the wake of the Olympics. Moreover, steps need to be taken to address the underlying causes of homelessness and poverty (including the lack of available housing and process of deinstitutionalization as well as the demographic characteristics of the population that place them at a disadvantage) rather than sweeping the problem under the carpet with the implementation of legislation that renders the homeless and poor invisible. There is a need to address the fundamentals of social problems, rather than 'manage' the manifestations of social problems alone.

To view homeless people in our midst is deeply disturbing in a country of such vast wealth... The attack must be on the cause, not the victims; for they in the main are no more content with their circumstances than anyone else is. (*Tobe v. City of Santa Ana*, 1994)

The cutback of funding provided to social service agencies and moves to manage this population through criminalization have nearly halted steps to eradicate the underlying causes of homelessness such as the lack of affordable housing, and the shortage of social supports, including addiction treatment and mental health care.

Instead, making such populations invisible to permit the unfettered consumption and consumerism associated with capitalism has taken precedence.

The battle to end homelessness is, without a doubt, arduous. While band aid solutions appeal to our desire for immediate gratification, we need to begin to embrace solutions that confront the root causes of homelessness, despite the fact that such solutions are costly and time consuming. As suggested by Wacquant (2001), our reliance on law enforcement initiatives to confront poverty and subsequent problems of governance “typically aggravate[s] and amplifi[es] the problems they are designed to resolve” (p.410) due to the relationships and opportunities that are lost as a result of contact with the criminal justice system. We also, in light of media attention and international tourism and investment, must remind ourselves that it is the image that we present to our own community that is of dire importance. If we are unwilling to truly help our fellow citizens in their battle to survive, what does this say about us as citizens and human beings? While the costs associated with such moves are thought to be insurmountable, the government must take responsibility for its populace and address rampant inequality. As Peter Marcuse (as cited in Rosler, 2004) once suggested, “[h]omelessness exists not because the system is not working but because this is the way it works” (p. 157).

The recent mayoral election marked the end of Non-Partisan Association (NPA) leadership when Vision Vancouver representative Gregor Robertson ousted Sam Sullivan and his fellow party candidate Peter Ladner. Robertson, who asserts that homelessness is the most serious problem facing Vancouver, might be the beacon of hope we, as Vancouverites, have been waiting for if he succeeds in reaching his campaign promises. A statement provided to *The Vancouver Sun* by Robertson asked a question posed by many advocates of DTES residents, namely, “How is it that a city with

so much wealth cannot house its own people” (Robertson, 2008, ¶2)? The election of Robertson might signify a changing tide in responses amongst Vancouverites.

With the 2010 Olympics mere months away, steps are continually being taken to secure the environment. The aftermath of recent legislative amendments will be telling. Some fear that such legislative measures might act as catalysts for further criminalization of homelessness, especially in light of the 2010 Olympics in Vancouver (Howell, 2008, p.9). What many agree upon is that citizens need to continue to draw attention to the needs of vulnerable and marginalized populations that lack political, social and economic clout. Moreover, according to the National Anti-poverty Organization (1999),

The manifestation of poverty through people begging may not be an aesthetically pleasing sight to some. And some people may feel annoyed by panhandlers who continually approach them on the streets. Maybe they should be annoyed. Maybe it is through being annoyed that more people will begin to realize that the current economic and social policy options that Canadian governments are pursuing are having a negative effect on the health and well-being of a large number of Canadian citizens as well as undermining the trust and compassion in our communities (p. 3).

The problem of ameliorating the homelessness issue is complex and a tenable strategy is likely to be multi-faceted. Steps must be taken to address the rhetoric that places the needs of marginalized populations below that of the rest of the population and dedicating monies to attacking the structural as well as individual causes of homelessness.

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