

type of activism he would become known for in Eugene two years later. Jackson even self-published a book about solutions for homelessness.

However, the peaceful pothead community at Stoner Hill wasn't meant to last; it quickly turned into a haven for hard drug use and homelessness, according to *The Denver Post*. There was trash everywhere and fights were common. Both Jackson and his son had separate run-ins with Denver police inside the park. By 2017, the park looked radically different and the homeless were kicked out.

This is when Jackson says he landed in Eugene with the sole purpose of helping the unhoused. While his movement failed in Denver, Jackson believed Eugene to be the kind of place something could catch on.

## Emphasis on 'Adequate'

Jackson wasted little time after arriving in Eugene. By August 2018, he was already considered the public face of a protest camp formed around the Butterfly Lot parking structure, across Oak Street from the Lane County Courthouse.

The Butterfly Lot protest camp formed shortly after *Martin v. Boise*, the 2018 appeals court decision based on the Eighth Amendment to the U.S. Constitution's prohibition on cruel and unusual punishment. It held that cities can't enforce anti-camping bans if there aren't available homeless shelter beds.

In late October 2018, Lane County opened an official homeless camp on Hwy 99 to relocate homeless campers who were congregating at Butterfly Lot, citing health and safety concerns as reasons for making the move. The county later temporarily closed the area and evicted some campers who had returned to the site. There were no arrests or citations.

Camp 99 was closed down in January 2019. In announcing the pending closure, county officials said there were increasing reports of violence among campers and at least one known fire and several drug overdoses. Officials also said Camp 99 also showed evidence of rats, dog waste and trash, despite dumpsters being provided on site. Jackson says these claims are exaggerated and were used as bogus reasons to shut down the camp before it had time to succeed.

Jackson felt discouraged after the closing of Camp 99. At the time, the county still hadn't approved a long-proposed Dusk to Dawn temporary shelter that would house upwards of 80 people and be run by St. Vincent de Paul.

Chief Skinner admits that resources are scant and that there simply aren't enough beds to house everyone that's homeless in Lane County. He said in March 2020 that the city planned on providing a 75-bed shelter, although when and where it will be built had yet to be decided.

"The initial 75-bed shelter is really important to me," Skinner says. "It's not kind to go up to someone and say, 'Hey you can't sleep here, but by the way I don't have anywhere else for you to go.'"

It was only this month, more than two years after Camp 99, that Eugene finally opened its first Safe Sleep site on 2nd and Garfield, with capacity to shelter up to 55 people. St. Vinnie's opened its 'Dawn to Dawn' shelter off Hwy 99 in 2020. The location is close to the old Camp 99 and holds up to 110 people. It's funded through the end of the year, according to its website.

In early 2020, Jackson, along with 75-year-old Pat Hadley, had been staying in front of former Eugene mayoral candidate Zondie Zinke's house. They were forced to relocate after the city of Eugene began fining Zinke more than \$300 a day until they left.

Through it all, Jackson has been issued a litany of different tickets and violations — and he isn't the only one.

Before ticketing, EPD says they give campers the opportunity to accept alternate housing provided by resources given out by the police. They'll even offer to give the campers a ride to the new location, often someplace like White Bird Clinic or St. Vincent de Paul.

But shelters often have strict rules for who can stay the night. Not all of them accept dogs, and most require sobriety. This makes it difficult for some of the homeless

population to qualify for the alternate housing — making the resources inadequate and the prohibited camping tickets illegal, according to Jackson.

Skinner says, "It's their First Amendment right to camp wherever they want and protest." But, he adds, "The nuance is that in most instances when we deal with that particular group, we had a space or shelter for them, but they chose not to go."

According to court documents, between Jan. 4 and Dec. 16, 2019, Jackson was cited for prohibited camping 53 times. This is in addition to scores of other citations and small violations also listed in the documents.

## Boise Case

In June 2020, Jackson, along with about a dozen other plaintiffs from the protest camps, filed a federal lawsuit against the Eugene police, the city of Eugene and Lane County, among other people individually named, claiming that the city violated his constitutional rights by continually criminalizing Jackson's way of life and the way of life of thousands of unhoused Eugeneans.

"I'm not looking for big money damages from the city, I'm looking for big change from the city," Jackson says. "The only money damages I'm looking for is mostly from the county for their failure at Camp 99."

Jackson's federal lawsuit relies heavily on the precedent set in the Boise case. On Dec. 16, 2019, when the Supreme Court denied a petition by the city of Boise, it bound all of the states under the 9th Circuit Court of Appeals, including Oregon, to the decision.



Photo by Keven Salazar

Kimberly E. Leefatt, an associate attorney who worked on *Martin v. Boise*, explains that *Boise* shifted the responsibility of having a shelter from the person who is involuntarily homeless to the municipalities who are attempting to clean up homelessness.

"The decision was, if you have enough available beds, even if it's not enough to serve the entire population, as long as there is no option of sleeping in those available beds, whatever that reason would be, the government cannot criminalize the homeless."

*Boise* has limitations. Under the ruling, each instance where someone could be ticketed is based on the availability of shelter beds at that point in time. However, the case does not define what availability means. Often, there could be a bed that is open in a shelter, but restrictions on things like having an animal or dealing with an addiction can make that bed unavailable to that particular person.

"If Eugene doesn't have a policy in place to call every shelter, every night, for every homeless person they encounter, then they can't say they are in compliance with the law," Leefatt says.

"At some point there needs to be some sort of accountability for that officer. How do they know a bed is available?"

Leefatt says that it is up to Eugene to create a compassionate definition of availability and to consider whether someone is unable to access shelter for whatever reason, even if a bed is available.

"A compassionate definition would include these issues of mental illness," she says. "It would include these issues of family dynamics. Let's define availability in a way that preserves the humanity of these people."

## Jackson Goes to Jail

Jackson says if he's learned anything from COVID-19, it's that homeless people are more than capable of maintaining a livable area as a large group. He points to large camps allowed to exist during the pandemic — such as the one on Chambers and at Washington Jefferson Park — as examples.

At first, Eugene police greatly scaled back their sweeps of homeless encampments, as per the CDC's orders, and in some instances even provided temporary dumpsters, port-o-potties and running water for the residents. It's the type of temporary solution that Jackson thoroughly believes could be permanent with the right help from the city.

But even in the shadows of a national pandemic, it didn't last long. An analysis of city records obtained by *Eugene Weekly* and the Catalyst Journalism Project in June 2020 showed that unhoused people were forced to move from their campsites more than 1,600 times since the COVID-19 pandemic began.

Jackson hasn't received a ticket of any kind since February 2020. He's spent a majority of the pandemic living in a tent in Zinke's backyard, typing up his civil suit from his phone, and searching for the momentum he had when he successfully leveraged his Butterfly Lot protest into Camp 99.

"I still want the city to give me the opportunity to take care of what they asked me to take care of," Jackson said. "I still have the 150 people I've made inroads with who qualify as low barrier, which they said is the only thing they'll finance."

He spent a week in the Springfield Municipal Jail at the beginning of February, where he finished out a 12-day sentence for two separate criminal trespassing charges that date back to October 2019. Jackson sought to appeal the charges, but says he missed a court date due to COVID-19.

Zinke protested Jackson's week-long stay in jail, calling it a pointless and dangerous exercise of authority to put a nonviolent person in jail with recirculated air in the middle of a global pandemic.

The defendants in Jackson's sweeping civil suit filed a motion to dismiss for failure to state a claim in June 2021. Judge Mustafa T. Kasubhai filed an advice notice on June 16, telling Jackson that he can't rely on his original complaint when answering to these motions; that he'll need to provide more evidence to make sure his case doesn't get thrown out.

"If you do not submit your own evidence in opposition, the motion to dismiss will be granted, your case will be dismissed, and there will be no trial," Judge Kasubhai writes in the filing.

It may seem as if Jackson has been more quiet lately, but he isn't gone. Filing a civil suit against a city is already an uphill battle. Doing it while living in a tent — through snowstorms, pandemics and heat waves — seems almost impossible. Yet, through it all, Jackson is the same jarringly confident man that he was nearly three years ago at Camp 99 and the Butterfly Lot, and his frustration with the city has only grown more fervent.

Why did Jackson give up everything in his personal life to help a city he had no connection to until only recently? He says it's because he made a commitment.

"Yeah, it really is," Jackson says. "That's why I literally wear a wedding ring. So that I don't forget that I'm married to this cause, and I can't just walk away. Because there's no voice. Nobody else has the ability to speak up because they get pushed down by police. I won't be backed down by the police. I'll do the time in jail. I don't care." ■

With additional reporting from Rachel McKinnon.