

Homelessness and the Desecration of Democracy in Denver, Colorado

Denver Municipal Code § 38-86.2 — known locally as the ‘urban camping ban,’ [enacted by the City Council in 2012 \(in a vote of 9-4\)](#) — makes it unlawful for any person to sleep on public property with a blanket or “any form of cover or protection from the elements other than clothing.” But there are hundreds of people living in Denver who have nowhere else to sleep, and must nevertheless sleep and shelter themselves, who are therefore made criminals by the municipal code and treated as such by the police (a July 17, 2020, count [found 1,328 people living in tents in Denver](#)).

Such an inhumane law has resulted in some organized political resistance, of course. In 2019 volunteers coordinating through an organization called [Denver Homelessness Out Loud](#) managed to get a referendum (Initiative 300, [the “Right to Survive” Initiative](#)) on the ballot, bypassing the council in favour of direct democracy. If accepted by voters, the initiative would have made it legal in Denver “to rest and shelter oneself from the elements in a non-obstructive manner in outdoor public spaces.” The potential protection of such an essential freedom was apparently too much for Denver’s business community which launched a campaign, endorsed by the Chamber of

Commerce, to oppose the measure. That campaign spent \$2.4 million to try to convince Denver voters that acts of survival by some of the already least advantaged citizens should remain criminal acts (compare to the \$0.1 million spent by supporters of the measure). That campaign was successful, and on election day the Right to Survive initiative was rejected by voters 81%-19%.

If democracy, the “rule of the people,” means anything of substance, then it can’t mean mere majoritarianism and instead must refer to a society which, in the words of Kevin Carson, tries to “[maximize the agency of individual people, and their degree of perceived control over the decisions that affect their daily lives.](#)” I’d go farther and say that any worthwhile version of democracy is one guided by something like a Rawlsian difference principle whereby social and economic institutions work “to the greatest benefit of the least advantaged members of society.”

An examination of any actually-existing democratic society will make it clear that by those standards democracy is a lie. The United States of America is both the revolutionary birthplace of liberal democracy with its dreams of republican equality as well as one of the world’s foremost engines of inequality. American politics is dominated by two political parties which in their rivalry never imagine a world outside of a struggle over the spoils of capitalism. The two American parties, appropriately called the Republican Party and Democratic Party, mirror the double lie of democracy itself: the promised “rule of the people,” a fair society in which we have a say over our own circumstances, is a false promise; but so too is its less lofty illusion as “rule of the majority.” Would-be cynics hold their

lanterns up to democracy and declare that it is in fact nothing more than mob rule, a majority of wolves caucusing with a few sheep over lunch plans. But in practice even this cynical view is optimistic and democracies tend instead toward oligarchy, the rule of the few on behalf of a privileged class.

The case of Denver's Right to Survive initiative being rejected by an overwhelming 81% of voters might seem like a counter-example to the charge of oligarchy. I'll concede that any electoral system that allows Denver's wealthy residents to decide the fate of the homeless is like polling the citizens of Sodom and Gomorrah to decide how strangers should be treated; it immediately puts the lie to any pretensions of a just rule of the people. But even in this egregious case of democratic-process-as-mob-violence, the oligarchic tendency of democracy is visible in the background. Looking at the election numbers shows that less than half of active, registered voters in Denver cast a ballot on the issue. The defeat of the initiative was the result of a hateful minority, whipped up by a campaign funded by business owners, to preserve oppressive legislation originally enacted by nine city council members.

Eight years (and counting) of the urban camping ban has not reduced homelessness in Denver, but it has exposed some of Denver's most disadvantaged residents to increased stress, danger, and police harassment. More recently, amidst a nationwide rebellion against [murderous police](#) and a pandemic-fueled recession, Colorado's capital has been rocked by protests and shifting homeless encampments as city police sweep one location after another. In June Colorado Governor and millionaire Jared Polis opted not to renew an emergency moratorium on evictions. After protests against police in Aurora

(Denver's most populous suburb), the governor also re-opened an investigation into the 2019 killing of [Elijah McClain](#), an unarmed black man who was attacked and killed by police while walking near his home. The officers involved in McClain's death remain at large, and protests are ongoing as I'm writing this.

By July the state capitol building and other state property in Denver were marked by substantial vandalism and encroached by growing tent cities. In response to questions about these scenes during [a press conference](#), Governor Polis pressured the city to grant authority for his state troopers to help enforce the urban camping ban and likewise encouraged city police "to come onto our property and remove tents." The city immediately granted the requested authority and a few days later [state troopers effected a sweep of the homeless camp in front of the capitol building](#).

During the press conference, the governor offered these words to emphasize the importance of more aggressive policing:

It's not just a building. It's a big part of our Republic. It's who we are. It's our state Capitol. It's symbolic. It's important. And frankly, when it is desecrated, we all are desecrated and democracy is desecrated.

Governor Polis reveals here the actual content of democracy: sacrosanct symbols of state power elevated above struggling human life. If ever there can be a society in which individuals have a real say over the management of their own affairs and in which our economic and political institutions benefit the worst

off the most, it begins with the desecration of this present democracy. “Do you see these great buildings? Not one stone will be left here upon another; all will be thrown down.”