

# Table of Contents

The Pottinger settlement . . . . . 1



# The Pottinger settlement

By Robert Neuwirth / Takebacktheland

Robert Neuwirth's urgently necessary 'Squattercity' draws attention to the Takebacktheland occupation in Miami, where on the site of a demolished block of cheap apartments the homeless are building and defending the housing that the 'market' and the state will never provide. As Neuwirth suggests, imagine if this supposedly 'third world' phenomenon were to spread to New Orleans and...and...

<http://squattercity.blogspot.com/>

Thursday, January 04, 2007

## The Pottinger Settlement

No, it's not a Robert Ludlum title.

It's a unique Miami law that takes its name from Pottinger v. City of Miami, a 1988 federal court case (decided in 1992), in which the city's policy of arresting homeless people for engaging in "life-sustaining conduct" on the street (thus making it a crime simply to be without a home on public land) was ruled illegal. "The City's practice of arresting homeless individuals for the involuntary, harmless acts they are forced to perform in public is unconstitutional," senior United States District Judge Clyde Atkins wrote in the decision, adding that "the City's practice of seizing and destroying the property of homeless individuals" was also against the law. The principles of Judge Atkins' decision were memorialized in a 1998 memorandum called The Pottinger Settlement.

Now an intrepid group of activists are building shanties on city-owned lots, citing the Pottinger settlement in support of their legal right to use the land.

Here are a few relevant sites:

take back the land, a blog run by the land invaders

an article from The Final Call

Shantytown U.S.A., an article from the South Florida Sun Sentinel

Liberty City residents have come up with a visionary strategy to create housing. Is anyone in New Orleans planning to follow suit?

The Takebacktheland site seems to be updated regularly, and fully documents the occupation's history.

Here is the latest entry:

<http://takebacktheland.blogspot.com>

Take Back the Land. Liberty City residents and supporters, led by the Center for Pan-African Development, squat on public land, to build housing for our own community. No government permission or money. We are liberating the land for our people.

**Sunday, January 07, 2007**

## VICTORY FOR TAKE BACK THE LAND!

Anti-shantytown ordinance is pulled, will not be voted on

After initially sponsoring the item, city commissioner Michelle Spence-Jones pulled the "anti-shantytown" ordinance from the January 11 agenda. This means the new law will not be voted on

and, therefore, the Umoja Village Shantytown is safe- for now.

Take Back the Land is organizing a press conference to announce the legal victory and next steps. The press conference is scheduled for Monday, January 8, 2007, beginning at 4:00pm at the Umoja Village, on the corner of 62nd St. and NW 17th Ave. in the Liberty City section of Miami. We will also host a rally at the Umoja Village on Thursday night at 6:00pm. See details at the end of this message.

There is no two ways about it: this is a clear and major victory for Take Back the Land and our supporters. This item was pulled due to the tremendous and overwhelming opposition to the ordinance. We thank each and every one of you for your support, calls, emails, petition signatures, support and contributions of time, goods and money.

**WE WON THE BATTLE, BUT THE WAR IS NOT OVER!** The ordinance was pulled, but it was not voted down. As such, it can be revived at any time in the future, or different tactics can be used to try to bring down the village. Our support network and legal team remain intact and ready to activate.

In response to the crisis in gentrification and low-income housing, and the role local government policies and corruption played in exacerbating that crisis, on October 23, 2006, several organizations and individuals took control over the vacant publicly owned lot on the corner of 62nd St. and NW 17th Ave. in Liberty City. Using the legal protections afforded in the landmark Pottinger Settlement, the Umoja Village currently houses and feeds over 40 otherwise homeless people in wood frame shanties. Acknowledging our legal rights to the land, the Miami city attorney crafted the ordinance to outlaw "assemblies" of any size on vacant public lots. In addition to restricting the public's right to free assembly, the ordinance would have, theoretically, outlawed the shantytown and set up a showdown and potential raid of the village.

The pulled item allows Take Back the Land to refocus energies on improve the quality of life for residents of the Umoja Village and taking on new initiatives, some of which will be discussed at the press conference on Monday and rally on Thursday. Please come to the events and check your email for important updates.

In recognition of this new development, Take Back the Land is hosting a celebration rally on the day the vote was to take place. On Thursday, January 11th, 2007, at 6:00pm, at the Umoja Village, we rally in celebration of our victory and continue our march forward. We ask that you bring a side dish to share and bring a donation to the village, such as money, bottled water, canned meat, blankets, dish soap, bleach, large trash bags (39 gallons or larger), clothes and money. All are invited and welcome, so come rally in support of the village, against gentrification and for housing for all and celebrate our victory- YOUR victory- with us on Thursday.