From coast-to-coast, cities enact anti-homeless laws in a cruel race to the bottom

These new anti-homeless "laws" might better be described as "crimes against humanity," to use the Nuremberg phraseology. 

by Becky Johnson and Robert Norse

W hat is happening in America? If we as a society abhor murder, burglary, rape, assault, and fraud, what are we doing putting people in jail for sleeping at night, sitting down, or putting a backpack on the sidewalk?

In January, 1997, in Glendale, California, it became illegal to sleep at night if you are homeless; having a sleeping bag, backpack, suitcase, or, God forbid, a shopping cart has now become a crime. In March, San Jose, the largest city in northern California (population 850,000), passed a sitting ban downtown that mandated jail for the first offense and gave cops the power to charge homeless people with a misdemeanor after a first warning. The possible penalty is six months in jail and/or a $1000 fine.

In late April, liberal Palo Alto passed its own Sit/Lie Ban on University Avenue, in spite of overwhelmingly negative testimony before the City Council from Stanford Homeless Action Coalition students, the Palo Alto Human Relations Commission, many social service providers, dozens of thoughtful and intelligent members of the public, and homeless people. Shortly thereafter, nearby Mountain View made it illegal to panhandle from a public median strip or in public parking lots.

Mean Sweeps is a needed update of NLCHP's 1994 report, No Homeless People Allowed, on the national surge of anti-homeless laws. The title refers to police crackdowns on homeless people, a practice reported in 54% of cities surveyed. Some cities have taken a particularly tough stance against their homeless residents and stand out as having the meanest streets. The top "winners" in this ugly contest of thuggery-as-social-policy were San Francisco, San Diego, Atlanta, Dallas, and New York.

Naming the five top "winners" with the meanest streets has proven to be an effective tactic. A direct result of the report's Meanest Metropolis box score has been wide media coverage of the offending cities. The nasty controversy graced newspapers and lit phone lines at radio talk shows across the nation. Indeed, the NLCHP's report proved prophetic in identifying an ominous trend in city governments to socially and economically cleanse public areas of the presence of poor and homeless people.

Attorneys Maria Foscarinis and Catherine Bendor working with NLCHP staff give us a plausible explanation of the motives behind this series of increasingly oppressive laws.

MEAN SWEEPS ON THE MEAN STREETS

Mean Sweeps is the latest report issued on the criminalization of the poor by the National Law Center on Homelessness and Poverty (NLCHP) in Washington, D.C. It provides the most comprehensive record yet of the development of anti-homeless laws and their implementation, along with a reasoned thesis on why these laws make bad public policy.

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In a thoughtful, well-researched narrative, Mean Sweeps defines the dynamics of "quality of life" crimes and their relationship with homelessness. The report itemizes the new plague of anti-homeless laws across the country. It examines the proposed justifications, public health and safety issues, prevention of crime, economic issues, aesthetic and quality-of-life concerns. The report concludes convincingly that such laws are ineffective, counterproductive, and inhumane.

The authors write: "The adoption of laws and policies that attack homeless people rather than attacking the problem of homelessness is an inevitably ineffective strategy. All of the proposed justifications for criminalizing homelessness generally neglect to address the fact that penalizing people for engaging in behaviors such as sleeping in public, sitting on public sidewalks, or begging, will not reduce the incidence of such behaviors, or keep public places clear of homeless people, when people are doing so because they have no alternative place to sleep or sit, or no other means of subsistence. These policies are usually counterproductive in