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OP-ED CONTRIBUTOR

Is It Now a Crime to Be Poor?

By BARBARA EHRENREICH
Published: August 8, 2009

IT'S too bad so many people are falling into poverty at a time when it's almost illegal to be poor. You won't be arrested for shopping in a Dollar Store, but if you are truly, deeply, in-the-streets poor, you're well advised not to engage in any of the biological necessities of life — like sitting, sleeping, lying down or loitering. City officials boast that there is nothing discriminatory about the ordinances that afflict the destitute, most of which go back to the dawn of gentrification in the '80s and '90s. "If you're lying on a sidewalk, whether you're homeless or a millionaire, you're in violation of the ordinance," a city attorney in St. Petersburg, Fla., said in June, echoing Anatole France's immortal observation that "the law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges."

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Heads of State

In defiance of all reason and compassion, the criminalization of poverty has actually been intensifying as the recession generates ever more poverty. So concludes a [new study](#) from the National Law Center on Homelessness and Poverty, which found that the number of ordinances against the publicly poor has been rising since 2006, along with ticketing and arrests for more "neutral" infractions like jaywalking, littering or carrying an open container of alcohol.

The report lists America's 10 "meanest" cities — the largest of which are Honolulu, Los Angeles and San Francisco — but new contestants are springing up every day. The City Council in Grand Junction, Colo., has been considering a ban on begging, and at the end of June, Tempe, Ariz., carried out a four-day crackdown on the indigent. How do you know when someone is indigent? As a Las Vegas statute puts it, "An indigent person is a person whom a reasonable ordinary person would believe to be entitled to apply for or receive" public assistance.

That could be me before the blow-drying and eyeliner,

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and it's definitely Al Szekely at any time of day. A grizzled 62-year-old, he inhabits a wheelchair and is often found on G Street in Washington — the city that is ultimately responsible for the bullet he took in the spine in Fu Bai, Vietnam, in 1972. He had been enjoying the luxury of an indoor bed until last December, when the police swept through the shelter in the middle of the night looking for men with outstanding warrants.

It turned out that Mr. Szekely, who is an ordained minister and does not drink, do drugs or curse in front of ladies, did indeed have a warrant — for not appearing in court to face a charge of “criminal trespassing” (for sleeping on a sidewalk in a Washington suburb). So he was dragged out of the shelter and put in jail. “Can you imagine?” asked Eric Sheptock, the homeless advocate (himself a shelter resident) who introduced me to Mr. Szekely. “They arrested a homeless man in a shelter for being homeless.”

The viciousness of the official animus toward the indigent can be breathtaking. A few years ago, a group called Food Not Bombs started handing out free vegan food to hungry people in public parks around the nation. A number of cities, led by Las Vegas, passed ordinances forbidding the sharing of food with the indigent in public places, and several members of the group were arrested. A federal judge just overturned the anti-sharing law in Orlando, Fla., but the city is appealing. And now Middletown, Conn., is cracking down on food sharing.

If poverty tends to criminalize people, it is also true that criminalization inexorably impoverishes them. Scott Lovell, another homeless man I interviewed in Washington, earned his record by committing a significant crime — by participating in the armed robbery of a steakhouse when he was 15. Although Mr. Lovell dresses and speaks more like a summer tourist from Ohio than a felon, his criminal record has made it extremely difficult for him to find a job.

For Al Szekely, the arrest for trespassing meant a further descent down the circles of hell. While in jail, he lost his slot in the shelter and now sleeps outside the Verizon Center sports arena, where the big problem, in addition to the security guards, is mosquitoes. His stick-thin arms are covered with pink crusty sores, which he treats with a regimen of frantic scratching.

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Barbara Ehrenreich is the author, most recently, of “This Land Is Their Land: Reports From a Divided Nation.”

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A version of this article appeared in print on August 9, 2009, on page WK9 of the New York edition.

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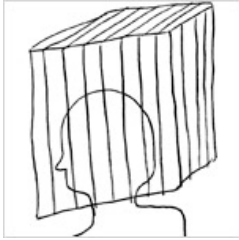


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