

# SUPREME COURT TO RULE ON HOMELESS CAMPSITES

by **Eddie Young**  
Publisher

**This next month, April 22nd, the Supreme Court will hear arguments for a case that could crystallize a city's freedom to criminalize an involuntary homeless person's attempts at resting in public space with the most rudimentary provisions to shelter themselves from the elements.**

The city of Grants Pass, Oregon is appealing a 9th Circuit Court's ruling prohibiting the city from banning people for sleeping "with rudimentary protection from the elements" when there was nowhere else from them to go.

The 9th Circuit's ruling was in response to a 2018 lawsuit, Johnson v. Grants Pass, filed on behalf of the homeless community there who were accusing the city of trying to "punish people based on their status of being involuntarily homeless." Like most other cities across the country, those experiencing involuntary homelessness far exceeded the city's shelter space. Nevertheless, the city had banned the use of stoves, cardboard, sleeping bags, pillows, blankets and other means of bedding while sleeping within the city's limits. The penalty resulted in civil fines of several hundred dollars and repeat offenders could be banned from all City property. If after an individual had been banned, and yet violated again, they would be subject to criminal prosecution for trespassing.

The only shelter in Grants Pass is a religious "mission" that can take a few people, but they must agree to attend their services. The court held that shelters with "mandatory religious focus" could not be counted as available due the potential violations of the First Amendment's Establishment clause.

The Grants Pass ruling followed on the heels of the same Appeals Court's landmark decision on the suit filed in Martin v. Boise, Idaho. Earlier in 2018, six homeless, or recently homeless individuals sued the city of Boise for the criminal prosecution they were subjected to under two city ordinances related to camping in public. The court certified a class of "involuntarily homeless" persons and granted the partial summary judgment in favor of the class. Martin held that the cruel and unusual punishment clause of the "8th Amendment prohibits the imposition of criminal penalties for sitting, sleeping or lying outside on public property for homeless individuals who cannot obtain shelter." The formula established in Martin is that the government cannot prosecute homeless people for sleeping in public if there "is a greater number of homeless individuals in [a jurisdiction] than the number of available shelter spaces."

The Justices extracted their position on applying the 8th Amendment from Robinson v. California (1962). In that case, the Justices held that a California statute that "made the 'status' of narcotic addiction a criminal offense" invalid under the Cruel and Unusual Punishment Clause. "Criminal penalties may not be inflicted upon a person for being in a condition he is powerless to change." The Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one's status of or being." As the Justices reasoned in Jones v. The City of Los Angeles, "whether sitting, lying, and sleeping are defined as acts or conditions, they are universal and unavoidable consequences of being human." And as held in Robinson, the state may not "criminalize the state of being homeless in public places," the state may not "criminalize conduct that is an unavoidable consequence of being homeless – namely, sitting, lying, or sleeping on the streets."

**The State of Tennessee has done just that. In July of 2022, house bill 0978 passed and was sent to the Governor's desk. Governor Lee's reply...**

Dear Lieutenant Governor McNally and Speaker Sexton:

I write to inform you that I am letting HB 978 / SB 1610 become law without my signature. I understand the intent of this legislation to maintain public land and parks for the purposes they were intended.

However, criminalizing homeless persons can be a counter productive response to an issue more appropriately addressed by public, private, non-profit and faith-based organizations partnering together.

I am concerned about the unintended consequences, operational costs, and inconsistent enforcement and we should actively monitor the effects of the legislation

This bill makes it a Class C misdemeanor offense for a person to:

- (1) Solicit from the roadway, shoulder, berm, or right-of-way of a controlled-access highway or entrance or exit ramp of such highway;
- (2) Camp on the shoulder, berm, or right-of-way of a state or interstate highway; or
- (3) Camp under a bridge or overpass, or within an underpass, of a state or interstate highway.

A person will receive a warning citation for a first offense of (1)-(3). A second or subsequent offense will be punishable by either a \$50.00 fine and a sentence to 20-40 hours of community service work, or a sentence of 20-40 hours of litter removal.

The Equal Access to Public Property Act of 2012 generally makes it a Class E felony offense for a person to camp on property owned by the state knowing that the area on which the camping occurs is not specifically designated for use as a camping area. An area of state-owned land may be designated as a camping area by the department, agency, official or officials responsible for the operation, protection or maintenance of the property in question by signage, advertisement, or other notice. This bill makes the Equal Access to Public Property Act of 2012 applicable to all public property rather than only state-owned property. This bill also extends to local governments and their employees the provisions of the Act concerning impoundment and disposal of camping equipment that is used in violation of the Act.

By the time of this issue's release, Kentucky will most certainly have done the same, yet even worse through HB5, "the safer Kentucky act." This bill decriminalizes the use of deadly force against individuals engaging in "unlawful camping" – sleeping outside on public or private property. Under this law, if a property owner believes a homeless person is attempting to commit a felony or attempting to "dispossess" them, they can shoot to kill the them.

These laws are nothing short of barbaric. And even if the Supreme Court should deny the Grant's Pass appeal, you wonder if Kentucky's legislature will find a way to circumvent the decision in order to preserve one's right to shoot to kill a homeless person. And how long before the State that sits below Kentucky encourages our gun owners to shoot homes people first, and ask questions later?

The Supreme Court holds in its hands the fate of our fellow American citizens who have been systemically pushed beyond the margins of our sheltered communities.

**The ones who make these decisions are self-protected from ever experiencing the radical poverty that can leave a human being with nowhere to sleep but a cell or a grave.**

*"We the people are the rightful masters of both Congress and the courts, not to overthrow the Constitution but to overthrow the men who pervert the Constitution."*

- Abraham Lincoln





by **Eddie Young**  
Publisher

# TO DIE ANOTHER DAY

As the nights have begun to retire their fatally cold temperatures, I recall a conversation I had with a friend while visiting her campsite, and she expressed in one sentence what I had been struggling with for days and weeks – that her homeless community’s response is a mixed bag of thankfulness and anger. “Where’s all this concern any and every other time of the year!” Our thoughts were the same, but my struggle was ideological, hers were reality. And her feelings represent the feelings that many in the homeless community who are subjected to these confusing pendulum swings – from being harassed and swept beyond the margins, to being swept up into the rescuing arms of Jesus, (depending one’s luck that night. Literally).

There’s a heightened sense of urgency when there are people at risk of literally freezing to death. I could see how my friend ached at the thought of her slow and agonizing death that is at work every other day of the year and yet goes virtually unnoticed. Or noticed, but ignored. It’s like the person who knows their diet is leading to heart disease, but only takes action upon having a heart attack. The doctors plead for a change, but there’s always the sense that, “I’ll address that later,” or we just don’t have the willpower to make those needed changes, sometimes until it’s too late. Our cities and towns serve up a steady diet of systemic oppression against the homeless. Some of it is direct and intentional; most of it, however, is the sense that it’s just not a pressing concern for those of us who’s struggle is an overcrowded neighborhood pool. That is until our own personal guilt and shame are at stake, but that would require one to have the capacity in their heart to override the crystalized myth that “if you’re homeless, you’ve brought this upon yourself.”

Apart from those who know, but lack the willpower to act, there are too many people who are not aware of the systemic issues that contribute to and even perpetuate homelessness. And it is not overstating the crisis to say that these issues can contribute to the slow and painful death of people without homes. We memorialize them every year.

## OUR PURPOSE

is to:

- \* Raise the community’s awareness to the Issue of homelessness - local, regional, national and global.
- \* To illuminate the person within the stranger on the street.
- \* To help shape opinion on homelessness issues through education and with a sensitivity towards the lives behind the issue.
- \* To provide the means by which the voice of the homeless community can be heard.
- \* To help open doors to opportunities for economic and social advancement.
- \* To present ways in which the community at large can engage and participate in the efforts to eliminate the snares of homelessness.
- \* To inform the reader on how the world around us affects those without homes.

is not to:

- \* Exploit the homeless for gain.
- \* To provide a platform for political endorsement of a specific person and/or party. We will provide a platform for political endorsement of ideas, postures, positions, and strategies.
- \* To provide a platform for pointless debate and/or attention-seeking belligerence.
- \* To be used as a vehicle for hate.

Of course, we have the power to change these issues, but an appreciation for the need for change won’t come if we’re not made aware of, and appreciate the effects they have. And after having been made aware, we must address these very systemic issues rather than applying the endlessness of charity. Charity is always the mode of operation for some, and so the degree of need determines the degree, extent, and urgency of their response and involvement – like subfreezing weather calls for an “all hands on deck” approach. Unfortunately, many charitable persons and organizations fail to appreciate the advantages of applying a sense of urgency in time and resources towards the systemic changes that can ultimately reduce the need for charity.

This is not a criticism of charity nor charitable people, they (we) are necessary. Our communities need more Mother Teresas, but we also need more Dr. Kings – people who are working for change. Contrary to what many may think, the general consensus within the homeless community is that they are weary of being the recipients of our charity, and the objects of our ministries. No one knows and appreciates the necessity of generosity as well as they do, particularly during the winter months. But this is the very thing that causes the confusing and opposing emotions within them - one of gratitude and thankfulness towards generous people, pitted against the anger and frustration of living in a society that seems bent on making their generosity necessary. It’s a combination of a spoken, “thank you so much” and an under the breath, “I’m so tired of this.”

It can be difficult for even the most disciplined of us to consistently sustain a sense of urgency, or a high level of consciousness and attention even towards things that affect us directly. Bringing about systemic change is hard work, and the vested interests of the unaffected are always there and ready to fight or “reason” us away. And quite honestly, it seems easier to rally an effort around collecting blankets than to work towards the basic needs of affordable housing and a living wage. And the dark side of me wonders if the good feeling one gets from extending charity is addictive to the point that it contributes to a lack of urgency, or even an organization’s fear of working itself out of a paycheck.

It is inexcusable for a capable community to gin up enthusiastic generosity towards the homeless because of the immediacy of this moment, saving their lives only to die another day.



**Publisher**  
Eddie Young

The Street-XChange operates as a 501c3 non-profit corporation

All donations go back into publishing the paper and facilitating our solicitor’s efforts in distribution

Contact Eddie Young  
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Visit our website  
Street-XChange.org

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Front Cover 4x6	\$50.00	\$100.00	\$200.00	\$350.00
Back Cover Half Page	\$150.00	\$300.00	\$500.00	\$900.00
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## How It Works



1/4 to printing

Your vendor receives 20 ‘start up’ papers when the issue is released. They then contribute back to the Street-XChange 25¢ per subsequent paper to fund our printing cost.

3/4 to your vendor

Our suggested donation is \$1 per paper. Whatever you choose to give, (however generous you are led to be) goes directly into your vendor’s pocket. *The Street-XChange does not make a profit off of your donations.*



# Linda Shropshire



This is the I.D. photo that Linda posed for when she worked with me. Her expression is not one of reluctance, but of her deep contemplative nature  
*We would never publish an image of someone that was taken without their consent*

My friend for nearly fifteen years, Linda, surrendered to the cold on January seventeenth.

She died an undignified and undeserved death behind a dumpster.

Linda and I had much in common, and shared an unpretentious disgust for societies manipulated by privilege.

It was rare, but priceless when she laughed.

If Linda’s in a ‘better place,’ it’s only because any place is arguably better than a world where one’s warmth is dependent upon providing someone with a profit.



# ARREST REPORTS



There are certain crimes that are committed by people who are experiencing severe poverty and homelessness. We codify our collective values, or more accurately, the values of those we elect, into laws. We penalize those who act outside of those values, and rarely are we excused because of the reasons for the action, especially those who are without privilege and regarded as having no societal value. These aren’t the ones who dodged a school suspension because the football team needs them for the big game.

There are times however, when the risk of being penalized pales in comparison to the need of getting through to the next day, week, or month. And one finds themselves in the position of having to betray their own morals to do what has to be done. These aren’t crimes of greed and violence, as you can see, these are crimes that would (typically), not be committed if one were living an economically comfortable life. If you have a home, there’d be no need to risk sleeping under a bridge. If you had money to buy food, there’d be no need to sneak something off the shelf. If you had four walls to discretely enjoy your alcohol, you’d be far less likely to be arrested for public intoxication. And as the data confirms, substance use and abuse is not the cause of homelessness as much as the result of one trying to cope with the hopelessness and despair of it. Our intention in providing this data is to highlight the charges for actions that a person experiencing the despair that accompanies radical poverty and homelessness (the absence of life-sustaining needs), will at times circumvent their ethics to commit.

These actions (crimes), do not define the person who wouldn’t give in to these actions. How many of us commit crimes on the street depends upon it. We don’t want to add standards to ourselves. However, sleeping on the street or bringing serious harm to an innocent

## These aren’t crimes of greed or violence

character of an individual. There’s not many of us who make it through the day depended upon it. We don’t want to add standards to ourselves. However, sleeping on the street or bringing serious harm to an innocent

This data, however, will include some of these alleged ‘crimes’ that will have been committed in the company of others that align with actions driven by greed and violence. It’s difficult to isolate them fairly, so the data will present a slightly higher total than if they could be.

These alleged crimes represent % of all arrests recorded for the month of December 2023, We’ve also included the data for those whom, if convicted, will have lost their right to vote.

According to the 2023 census, the population of Knox County is 502,336. If the number of Felony charges end in convictions, 3,806 citizens will have lost the right to vote (this is without the influencing data for repeat offenses). Whereas these numbers aren’t static, nor is the population of Knox County, they do provide an estimate approachable to the facts, the deciding margin in Knox County’s 2022 Mayoral election was 5,888.

*How long before one who’s lost the right to participate in a society they’ve been expelled from, decides they have no vested reason to play by its rules?*



This data has been collected from the Knox County 24-hour arrest report. The site provides this information with the following disclaimer:

*The Knox County Sheriff’s Office provides this information as a service to the public for the convenience and safety of the general public. While every effort has been made to endeavor to confirm that this information is true and complete, it should not be relied upon for any type of legal action, and Knox County does not make any warranty, either expressed or implied, as to the accuracy, timeliness, or the completeness of any information obtained through the use of this service.*

The Knox County website is checked once per day, so there is also the possibility of reports entering and expiring between those times.

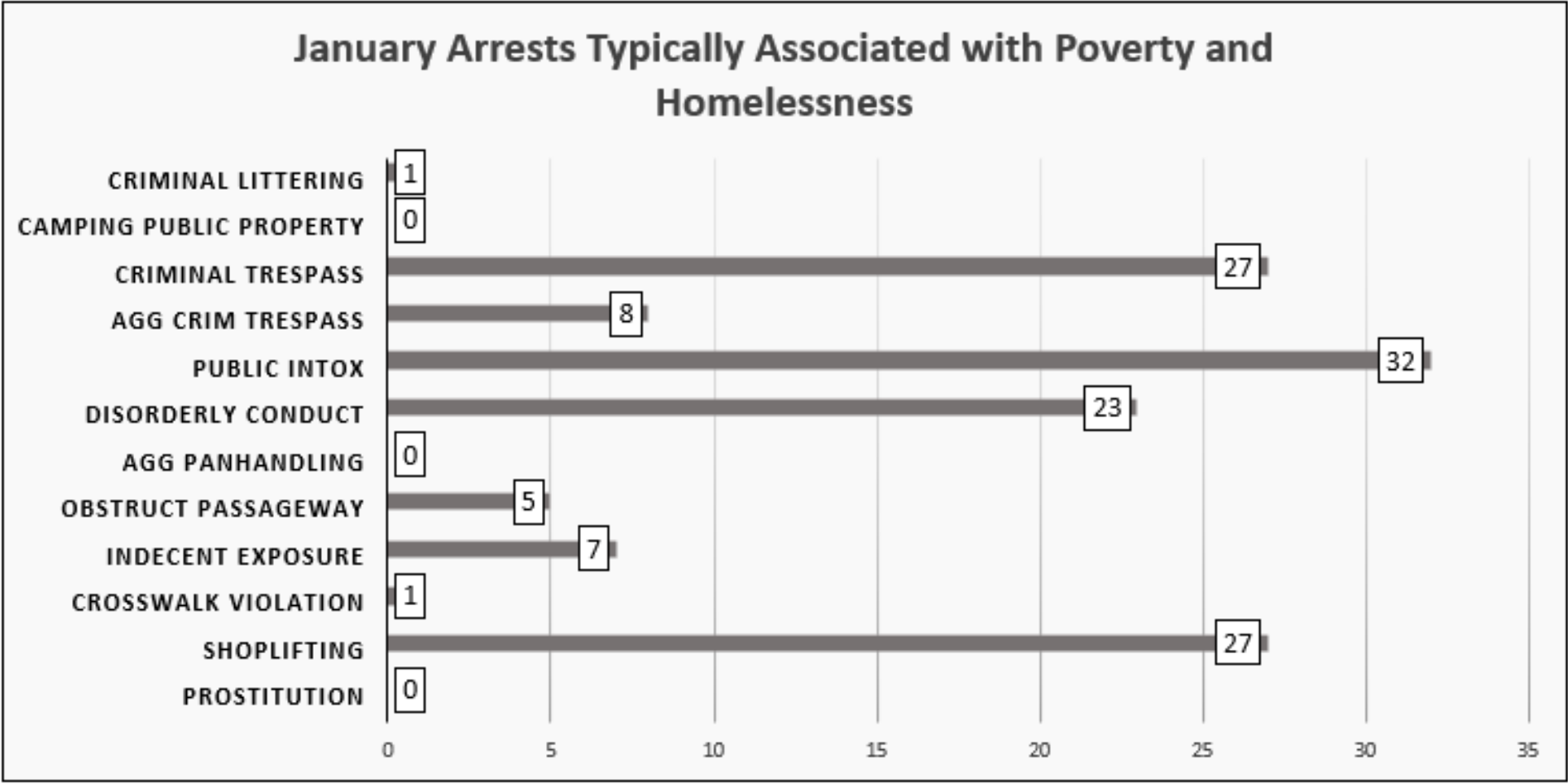
And to be clear, these reports are not presented to bring criticism upon local law enforcement. Nor should they, in light of KCPD’s disclaimer, be reviewed with a precision of accuracy, and we are presenting the data accordingly. Obviously, people within the homeless community are easy targets, but I won’t personally assess an officer’s or department’s motives without evidence. Our purpose is to highlight the level of despair among those who’ve been arrested, and to argue on behalf of *their* motives.



# ARREST REPORTS



ARRESTS FOR JANUARY AND FEBRARY 2024 THAT ARE TYPICALLY ASSOCIATED WITH THOSE LIVING IN POVERTY AND HOMELESSNESS



January 2024

TOTAL ARRESTS 1084

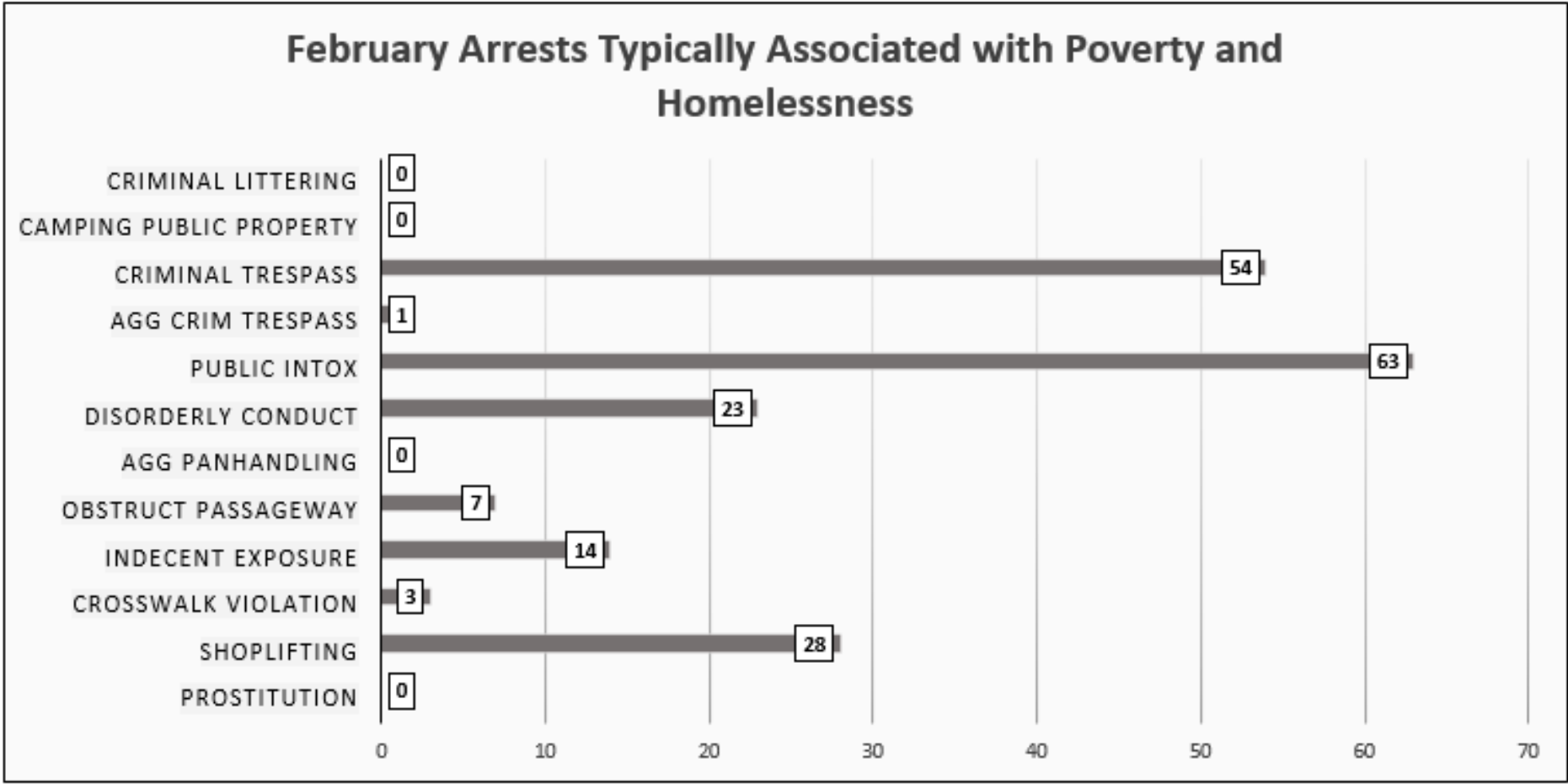
TOTAL ARRESTS: 137 and the PERCENTAGE OF TOTAL % 12.64  
Typically Associated with Poverty and Homelessness

If convicted, have **Lost the Right to Vote:** 465  
This data does not take into account recitivism

**Involving Intentional Violence:** 252  
Included are violations of orders of protection

**Domestic Assault:** 116  
Male: 94 Female: 22

**Immigration Detainees:** 29  
Data includes those not charged with crimes



Febraury 2024

TOTAL ARRESTS 1059

TOTAL ARRESTS: 193 and the PERCENTAGE OF TOTAL % 18.22  
Typically Associated with Poverty and Homelessness

If convicted, have **Lost the Right to Vote:** 514  
This data does not take into account recitivism

**Involving Intentional Violence:** 169  
Included are violations of orders of protection

**Charges For and/or Including Drug Use:** 436  
This data includes alcohol, (such as DUI) % 41.17

**Immigration Detainees:** 19  
Data includes those not charged with crimes

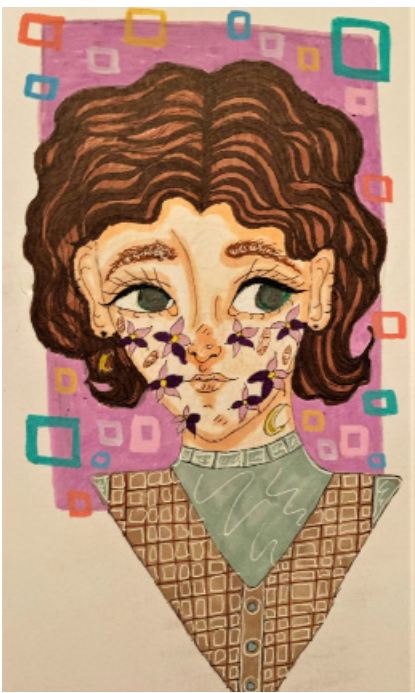
“Wars of nations are fought to change maps.  
But wars of poverty are fought to map change.”

Muhammad Ali



# EXPRESSION

SXC



Art by Q.E.R.

**“You Know What?**  
**People are Complicated Figures**  
**But You can Either Choose**  
**To Look Right Through Them or**  
**Just Decide to Stay and Explore**  
**A Little Bit More”**



The

Street

X

Change

ARE YOU ON THE SAME PAGE?

WE COULD USE YOUR HELP

BRING IT...

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Photography, Editing, and Layout

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No experience needed.

Bring an open mind, a thirst for justice, and a conviction that we can still change the world