

Twelve arrested outside San Diego for feeding the homeless

Meenakshi Jagadeesan
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On January 14, 12 members of the activist group “Break the Ban” were arrested in the city of El Cajon, a suburb of San Diego, California, for providing food to a homeless community at Wells Park. Among those detained by the police was a 14-year-old boy. The volunteers were part of a larger group of around 50, who were handing out food as an act of civil disobedience against the city of El Cajon’s ban on food sharing, enacted last November.

The actions of the El Cajon volunteers coincided with those of numerous groups around the US that were marking the Martin Luther King birthday weekend by providing food and basic toiletries to the homeless in what is commemorated as the MLK Day of Service.

In his 1964 speech to Nobel laureates, Rev. King expressed his deep concerns for those “have no houses or beds to sleep in.” He added, “If we feel this as a profound moral fact, we cannot be content to see men hungry, to see men victimized with starvation and ill health, when we have the means to help them.”

More than five decades since that speech, homelessness has become a national crisis in the United States. In the last year alone, homelessness in the United States grew by 1 percent, while San Diego alone saw a staggering increase of 5 percent.

Stagnant wages, extreme income and wealth inequality, and continued austerity measures aimed at further weakening a grossly insufficient social welfare system are all characteristics of contemporary American society. Millions of people are homeless or at risk of becoming so, with the numbers including at least 1.36 million children enrolled in public schools.

In 2017, the National Law Center on Homelessness and Poverty (NLCHP) published a report “Housing not Handcuffs,” which analyzed laws criminalizing homelessness in 187 cities that were tracked by the

Law Center since 2006. The report revealed the manner in which laws—including those prohibiting camping and sleeping in public spaces, living in vehicles and food sharing—are ineffective, expensive to tax payers, and most importantly violate the constitutional and human rights of the homeless. Instead of targeting the causes of homelessness, the aim of law-makers seems in these cases to criminalize those who already are the victims of capitalism.

As the NLCHP notes, “Although many people experiencing homelessness have literally no choice but to live outside and in public places, laws and enforcement practices punishing the presence of visibly homeless people in public space continue to grow. Homeless people, like all people, must engage in activities such as sleeping or sitting down to survive. Yet, in communities across the nation, these harmless, unavoidable behaviors are punished as crimes or civil infractions.”

Food-sharing bans have been adopted by 26 cities between 2013 and 2015, but their number only accounts for 6 percent of the cities that were analyzed by the NLCHP report. These bans are unique among the criminal ordinances surveyed in that they target those who provide the food, rather than the homeless people themselves.

The basic underlying logic of this type of ordinance is the claim that free food will only serve to encourage the homeless to remain homeless. Such an argument, as the report points out, is based neither on evidence nor on common sense.

Like the city of El Cajon, the cities that have imposed food-sharing bans have also claimed that they have done so in the interests of public health and safety.

In the case of El Cajon, officials cite the hepatitis A outbreak that has infected more than 500 people and led

to the death of at least 20 individuals continues to plague the homeless populations in San Diego, Los Angeles, and Santa Cruz and has now spread to Salt Lake City. The outbreak has been exploited by city councils throughout the region to push for more reactionary measures to criminalize the homeless.

The law to ban food sharing in public spaces, such as parks, was adopted in El Cajon last October in a bipartisan agreement. El Cajon Democratic council member Ben Kalasho told NBC 7 soon after, “What we’re saying is feeding them at city parks is a bad idea given the situation that we’re in with the Hepatitis A outbreak, and the fact that it makes the place completely messy afterward.”

More recently, responding to public outrage over the arrest of the 12 volunteers, Republican council member Steve Goble insisted, “This isn’t a ban on compassion, and there is certainly no restriction or lessening of access to food. This is about protecting the public, both those at risk, and those around them.”

However, there is no documented evidence that any case of food poisoning has emerged from sharing food with the homeless in public spaces. As homeless advocates have pointed, the real threat to public health comes not from sharing food, but rather from the persistence of unsanitary conditions, including in the particular case of Wells Park, the absence of functioning public bathrooms for over a week due to a broken sewer line.

Lawyers for the arrested volunteers have declared their intention to file a lawsuit against the city’s ordinance on the grounds that it is discriminatory in its targeting of a “vulnerable class of people,” and that it violates the First Amendment rights of those wishing to provide food to the homeless.

The actions of the El Cajon police are not the first of their kind against citizens who have attempted to help the homeless populations in their communities. In December 2017, Adelen McLean was issued a ticket for feeding the homeless in Atlanta Hurt Park, and in January 2017, seven people in Tampa were arrested for feeding the homeless without a permit.

The Obama administration, while not directly challenging any of the ordinances criminalizing homelessness, had issued a guidance to state and local courts advocating against imposing fines on poor people. Given that Attorney General Jeff Sessions and

the US Department of Justice rescinded that limited guidance in December 2017, a further escalation of the criminalization of both the homeless and those who try to help them can be expected in the coming months and years.



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