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May 15, 2017

Re: Proposed Ordinance to Limit Large Group Feeding in Parks

Dear Mayor Stodola, City Manager Moore, and City Directors:

The ACLU of Arkansas is a non-profit, non-partisan organization dedicated to preserving and defending the rights guaranteed to everyone by the United States and Arkansas Constitutions and civil rights laws. We correspond today specifically concerning the proposed Ordinance to Limit Large Group Feeding in Parks and Park Facilities and other treatment of homeless and low income individuals in the City of Little Rock.

The proposed Ordinance to Limit Large Group Feeding in Parks violates existing precedent concerning the constitutionally guaranteed freedoms of assembly, association, and exercise of religion of people who provide or receive services. See, e.g., *Chosen 300 Ministries v. City of Philadelphia*, 2012 WL 3235317 (E.D. Pa. Aug. 9, 2012); *Big Hart Ministries v. City of Dallas*, 2011 WL 5346109 (N.D. Tex. Nov. 4, 2011). Passage of this ordinance would lead to extensive litigation against and exposure for the City and, more importantly, it would violate people's rights.

We understand that there is at least the perception that there has been an increase in the number of people panhandling in Little Rock public spaces since the federal court's decision before Thanksgiving last year striking down the Arkansas law that made it a crime to beg or ask for assistance in any public place. *Rodgers v. Bryant*, 4:16CV00775BRW (E.D. Ark. November 22, 2016). Shamefully, that illegal law was on the books and enforced for many years with many people arrested for peaceably holding a sign or asking for help before the law was addressed. The state law's longstanding existence and its enforcement pushed many people seeking assistance out of public spaces and often into private business space or areas. As recognized by the court's decision, it is unlawful for the police or the government to punish someone for holding a sign seeking help. And since that long overdue decision was issued, people seeking help have come out of the shadows and other hiding not just in Little Rock but also in other cities and towns across Arkansas. Homelessness, poverty, and food insecurity are once again more visible in our public spaces and on public sidewalks across the state.

The ordinance would eradicate any sort of reliable feeding services in public parks and spaces. It would preclude food support that is accessible via public transportation, including the downtown bus terminal. It would burden the few providers who use their limited resources in Little Rock to do as much as they can to fill the gaps in existing city, county and state services.

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The ordinance as well as other recent proposals and activity by the City would punish the poor or defeat services and assistance. Recent reports indicate that at least some city officials wish to return to enforcing an ordinance making it a crime to beg or seek assistance. Solutions will not be found in smothering services and tasking police with hassling or arresting people suspected of no crime. If arrests are resumed for people begging in Little Rock, a lawsuit against the City and its Police Department will ensue. We are likewise deeply troubled by recent reports of Code Enforcement "evicting" people living in tents from private property without a request or consent by the real property owners. The evictions themselves and the confiscation and destruction of property raise serious constitutional concerns.

Homelessness, food insecurity and seeking, receiving and giving assistance are not and cannot lawfully be crimes. This proposed ordinance, criminalizing begging, and the eviction sweeps not only have legal problems due to the rights violations they create, but they also are tugging Little Rock in the absolute wrong direction.

We request and suggest that the City Board not adopt the Large Group Feeding proposal and continue to refrain from enforcing laws that criminalize asking for assistance. We also suggest and request that the City expend its energies into looking across the city, county, state and nation for constructive solutions that harness our resources, help people get on or back on their feet, and create a safer Little Rock community that works together. We welcome your questions, comments, or concerns and are happy to provide other input or information.

Respectfully,



Holly Dickson

cc: Tom Carpenter, City Attorney  
Bruce Moore, City Manager  
Truman Tolefree, Director, Little Rock Parks and Recreation Department