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Fed Courts Uphold Rights to Panhandle (New York Post)

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Fed court upholds right to panhandle

Peaceful beggars cannot be banned from the streets and parks of New York City, a federal appeals court in Manhattan ruled yesterday.

A unanimous three-judge panel of the 2nd Circuit Court of Appeals upheld a lower-court ruling that a state law barring panhandling in public places is unconstitutional because it denies freedom of speech to beggars.

"The case before us . . . does leave individual beggars without the means to communicate their individual wants and needs," wrote appeals court judge Roger Miner.

"It does not seem to us that any compelling state interest is served by excluding those who beg in a peaceful manner from communicating with their fellow citizens," he added.

The city had argued that the police need the law to control "the evils associated with begging" including "aggressive . . . intimidating . . . and coercive" panhandling.

The court found this argument "ludicrous" because there are many other laws to control such behavior.

The latest ruling is unrelated to the case involving begging in the subways.

Courts up to the U.S. Supreme Court have ruled that subway begging can be prohibited.

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