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A Personal Opinion

God Help the Poor -- God Help Us

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David Frum, in the Wall Street Journal (2-15-90, Free to Beg, Free to Intimidate) seems a bit upset. The cause of his discomfort is that a Federal Judge has ruled unconstitutional the New York transit authority's ban on begging in the subway.

In Mr. Frum's words the judge has ruled, "The transit authority must...permit large, foul-smelling men to lean threateningly into the faces of immobilized passengers and demand "spare change"."

What Judge Leonard Sands did say was, "While government has an interest in preserving the quality of urban life, this interest must be discounted where regulation has the principal effect of keeping a public problem involving human beings out of sight and therefore out of mind. Begging is informative and persuasive speech...it is the very unsettling appearance and message conveyed by the beggars that gives their conduct its expressive quality."

Mr. Frum tries to make a case that the federal courts are misreading the free speech amendment to the U. S. Constitution. Judge Sands' case is that we have a problem. A very serious problem. Indeed we do. And it is a problem that will destroy our nation unless we face it with some intelligence.

The very real problem Mr. Frum refuses to face is the same one that Gideon Kanner (WSJ, 1-22-90, Squatters' Rights, Landlord's Loss) refuses to face. Mr Kanner relates the story of some squatters in San Diego. Homeless Mexican farm workers built shacks in McGonigle Canyon on some acreage to which Bob and Beverly Scarcia hold title. Not only did these homeless people

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have the affrontary to build on land to which they have no title, but they were aided and abetted by clergy and local public officials.

Could it be that there are within our governments some humane persons who recognize that something is rotten in America? Could it be that Judge Sands and the San Diego officials know something that David Frum and Gideon Kanner do not? That there ain't any place left on God's earth for some people to live on? No. I do not mean there are too many people. I mean that our land policy is inappropriate to our technology and market economy.

Mr. Kanners concern, at least, has a basis in his knowledge of legislated property rights. Though, if Mr. Kanner were to do some research, he might find that property rights in English and American law have undergone some noteworthy changes since William of Normandy trumped Harold the Unready.

In these rather scary times, Mr. Kanner ought to be in the vanguard asking what changes are needed to retain security of property while some accommodation is made for the unfortunate. Instead, Mr. Kanner is fighting a rear-guard action while various factions are picking away - successfully, I might add - at this or that particular which each faction considers inequitable. A good beginning for Mr. Kanner would be to peruse the list of publications available from the Lincoln Institute of Land Policy, Cambridge, MA.

A nation that does not provide some access to land for all its people is uncivilized. Man is a land animal. His very body is composed of the earth's elements. Deny him access to land, and he dies. There is no other source of sustenance for his physical body.

What would Messers. Frum and Kanner do with the beggars and trespassers? Shoot them? Send them to disintegration chambers? Where shall we herd them short of the grave? Where is the bit of

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ground on which they may stand, or sit, or lie? They have only the public ways and public facilities available to them. Step off the public way, they trespass.

A nation that makes no provision for the least of its people to have unrestricted access to some land dooms itself. Without access to land, humans are by necessity reduced to homelessness and beggary.

From the ranks of those frustrated by the denial of opportunity to satisfy their wants by their labor will come the marauders, the mindless mobs, that will destroy what they cannot carry away. Such were the mobs that brought down Louis XVI, and prepared the way for Napoleon. We need not fear an organized revolution. We do need to fear the uncontrollable rage sparked by the frustrations of poverty.

We provide wildlife preserves and refuges. Are we too ignorant or too uncaring to provide human life preserves, human life refuges? Have we not brains enough, nor compassion enough to set aside, in or near our cities, enough space for those who have fallen between the cracks of our economy? Some place where they may build their cardboard and tarpaper shacks? Where those who have the energy and wit to scavenge the alleys and garbage bins and trash heaps may set up booths from which to trade their troves? Where police and bureau inspectors will not ask to see a license? Where building and zoning codes do not run?

Given the opportunity to build and to trade without hindrance from nosy inspectors and grubby license clerks and self-important aldermen; and, protected from the snooty effetes who can't stand the sight and smell of the poor, those now outside the regular economy will establish their own economy, their own markets, and provide their own sustenance. And when they have done so, let us not send in the tax collectors.

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