

## **ACLU Commends Royal Oak for Repealing Harsh and Unconstitutional Ban on Begging**

**The organization encourages a dozen Oakland County cities to follow suit**

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DETROIT – The American Civil Liberties Union of Michigan commended Royal Oak officials for repealing an unconstitutional ordinance that punished peaceful panhandling on public sidewalks. The organization encourages cities across the state, including at least a dozen in Oakland County, to follow suit.

“Royal Oak realized that criminalizing the most vulnerable segment of our society is not only wrong, but also illegal,” said Dan Korobkin, ACLU of Michigan staff attorney. “City officials should be commended for their quick action to repeal the ordinance and protect the free speech rights of the poor.”

In January, the ACLU of Michigan sent a letter to Royal Oak city officials after learning that police were enforcing an unconstitutional ordinance that made it a crime for individuals to peacefully ask for money on all public streets and sidewalks. Earlier this month, the Royal Oak City Commission voted to amend the ordinance to comply with state and federal rulings that protect begging in public spaces as protected speech under the First Amendment.

“Royal Oak was not the only city with an unconstitutional begging ordinance,” said Korobkin. “We hope other cities will take this opportunity to review their city code and follow Royal Oak’s lead in protecting the constitutional rights of poor people.”

At least a dozen other Oakland County municipalities, including Birmingham, Bloomfield Hills, Farmington, Farmington Hills, Madison Heights, Milford, Novi, Northville, South Lyon, Walled Lake, Waterford and West Bloomfield, completely ban begging in violation of the Constitution.

“The ACLU is not opposed to laws that protect citizens from threats, intimidation and harassment,” said Korobkin. “However, city officials across the state should be on notice that our laws cannot be used as a tool to silence the voices of innocent people who rely on charity to survive.”

Royal Oak’s new ordinance prohibits only "aggressive begging," which is clearly defined as:

- Touching the solicited person without consent.
- Blocking the path of a person being solicited or the entrance to a building or vehicle.
- Following behind, alongside or ahead of a person who walks away from a solicitor.
- Using abusive language or gestures during a solicitation or when a donation is refused; communicating anything that would make a reasonable person feel fearful or compelled to give.
- Soliciting someone at a sidewalk cafe without getting the owner's permission.

Courts have upheld “aggressive begging” ordinances provided they are narrowly tailored to protect the public from actual harm and leave open ample alternatives for panhandling in public places.

In addition to Korobkin, the ACLU of Michigan’s letter to Royal Oak was signed by Richard H. Lobenthal, ACLU Oakland County Branch president, and Michael J. Steinberg, the ACLU of Michigan’s legal director.

[Read Royal Oak’s amended ordinance.](#)

[Read the ACLU of Michigan’s letter to the Royal Oak Police Chief and City Attorney.](#)