

5-26-2017

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Recommended Citation

Roger Williams University School of Law, "Newsroom: Horwitz On Panhandling Ordinances And The First Amendment 05-26-2017" (2017). *Life of the Law School (1993-)*. 606.
https://docs.rwu.edu/law_archives_life/606

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May 26, 2017

Newsroom

Horwitz on Panhandling Ordinances and the First Amendment

Professor Andy Horwitz's latest contribution to the RWU First Amendment Blog: "First Amendment Protects the Right to Give and to Receive."

[Professor Andrew Horwitz](#) has been [critical](#) of an ordinance recently passed by the City of Cranston, Rhode Island because in his view it criminalizes homelessness. The ordinance prohibits "stand[ing] in or enter[ing] upon a roadway for the purpose of distributing anything to the occupant of any vehicle or for the purpose of receiving anything from the occupant of any vehicle."

In a recent post on the [RWU First Amendment Blog](#) Professor Horwitz outlines his argument that the ordinance is not just bad policy, but that it also violates the First Amendment. He argues that under controlling case law, 1) sidewalks and medians are traditional public fora; 2) panhandling is a form of expressive conduct; and 3) Cranston's asserted interest in protecting public safety is not supported by any evidence of a public safety problem. Today, the [New England First Amendment Coalition](#) posted the blog on its website.

You can find the full post [here](#).