

SCOTUS Seems to Side With Oregon City and Its Ban on Homeless Camping, Ruling Will Have Huge Implications

By **Bob Hoge** | 9:24 PM on April 22, 2024

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AP Photo/Jim Mone

The Supreme Court heard arguments on Monday in *City of Grants Pass, Oregon v. Johnson*, a case that could decide how the country deals with its ever-growing homeless problem. The question before them: is it a violation of the Eighth Amendment protection against “cruel and unusual punishment” to ban sleeping or camping in public spaces, as the plaintiffs argue?

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The plaintiffs are Gloria Johnson and John Logan, [two homeless people](#) who are represented by attorney Kelsi B. Corkran.

The court was in session [for over two hours](#):

case, which has sweeping implications for how the country deals with a growing homelessness crisis.

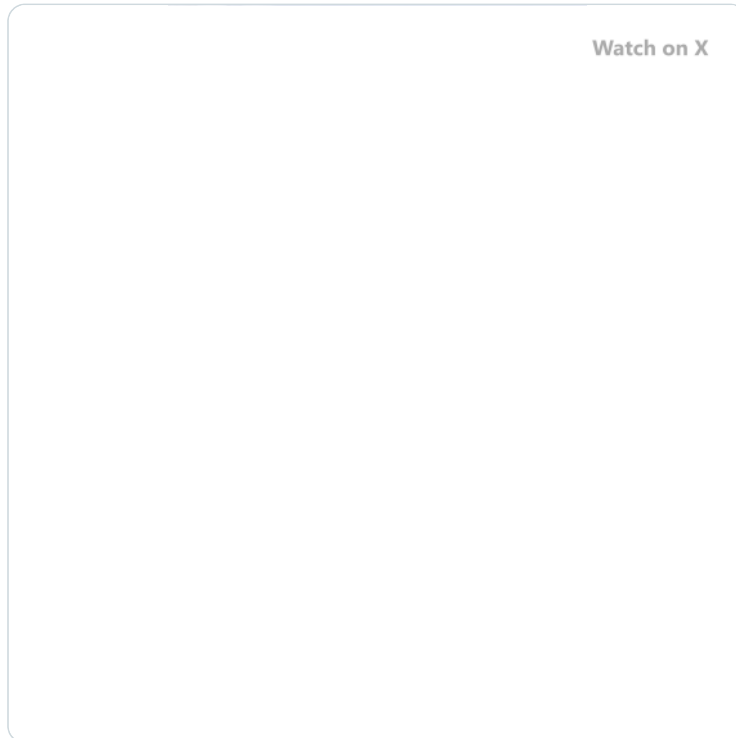
In a lengthy and, at times, fiery argument that lasted almost two and a half hours, [questioning from the justices](#) reflected the complexity of the homelessness debate. They weighed the status of poverty and the civil rights of homeless people against the ability of cities to clear public spaces like parks and sidewalks to address concerns about health and safety. They wrestled with what lines could be drawn to regulate homelessness — and, crucially, who should make those rules.

California Rep. Kevin Kiley (R) strongly supports the city's arguments, and explains how previous rulings by the 9th Court of Appeals kneecapped officials' ability to deal with the issue:

@KevinKileyCA · Follow

I just left the U.S. Supreme Court, where I've asked the Court to restore the ability of local communities to clear homeless encampments from our public spaces. Based on this morning's oral argument, the Court appears poised to do just that.

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The tweet continues:

Half the unsheltered homeless in the U.S. live in California. A big reason is irrational 9th Circuit decisions that have essentially created a right to set up tent encampments anywhere and deprived cities of the ability to do anything about it. This has caused encampments to multiply unchecked, resulting in crime, waste, fires, disease, and the deterioration of many parks and downtowns.

It has also meant a stunning lack of compassion for homeless individuals, who are dying on our streets

Based on what I heard today, I believe at least 3 and as many as 6 Justices are prepared to overrule the original *Martin v. Boise* case. Since 5 votes are needed, it is unclear whether that will be the outcome. But regardless, I believe at least 6 Justices are prepared to rein in the 9th Circuit's nonsensical rules in a meaningful way and restore significant power to local communities.

It will be a new day for California.

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Even far-left CA Gov. Gavin Newsom [disagreed](#) with the 9th Circuit's previous decisions, saying about the case, "The Supreme Court has an opportunity to strike a balance that allows officials to enforce reasonable limits on public camping while treating folks with compassion."

Reportedly, the conservative majority on the panel "appeared sympathetic" to the city's arguments that the issue is a local one and should be handled by local officials—not by the courts. "Why would you think that these nine people are the best people to judge and weigh those policy judgments?" Chief Justice John Roberts pointedly asked.

Liberal Justice Elena Kagan had a different view and felt that laws banning camping could be discriminatory. "Could you criminalize the status of homelessness?" she asked the city's lawyer, adding, "Homelessness is a status. It's the status of not having a home."

The Washington Examiner [summed up the arguments](#) of both sides:

The plaintiffs argued the city's enforcement of the ban essentially criminalizes homeless people, as the city does not have shelters for them.

On the other hand, the Oregon city claimed that criminal charges, like unpaid fines for camping, are not protected under the Eighth Amendment, and warned not enforcing the fines could lead to an increase in homeless encampments nationwide.

shelter for them, and Justice Sonia Sotomayor wondered, "Where do we put them if every city, every village, every town lacks compassion and passes a law identical to this? Where are they supposed to sleep?"

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Nevertheless, the takeaway for some observers was that the Court [did not think it should be up to them](#).

General consensus from the justices appears to point to the idea that these specific policy debates were best left to local officials, not courts. The majority of the justices seemed inclined to side with the city and allow Grants Pass to decide how they will regulate homelessness. They did not see these arguments as constitutional questions for the high court.

The SCOTUS decision is expected in June, and if Kevin Kiley is right and they side in favor of the City of Grants Pass, it would give local authorities a huge tool in trying to restore order in our disintegrating cities. Those who argue that banning camping on city streets is inhumane ignore the fact that encampments are usually dangerous and unhealthy and that homeless people are literally dying on the sidewalk, while tent cities also degrade the quality of life for all residents. That's truly inhumane.

Even Gavin Newsom realizes we have to do something to get our streets back, and this upcoming decision may be a step in the right direction.

Editor's Note: Help RedState defend the Constitution and expose the truth about the radical on the Supreme Court.

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page contributor and copy editor, pro-football fan, Los Angeles
Devils fan, and also a longtime Bears sufferer (although he
was in attendance at the New Orleans Superdome in '86 to
watch the greatest defense in the history of humanity smash
the NE Patriots 46-10 in Super Bowl XX). He is shown
sporting his Covid beard, which his wife has since forced
him to shave. Follow him (well, me) on Twitter
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