IS THIS A PUBLIC LIBRARY OR A REFUGE FOR THE HOMELESS?

Not for many years had Joseph Calenda, director of the Bridges Bay Public Library, felt so thoroughly worn out. Sighing wearily, he slouched back in his chair and stared vacantly at the tapestry gracing the wall of his office.

"Oh," he groaned. "If only the weather had stayed nice." After a long spell of flawless days and temperate nights, suddenly over the weekend the air had turned freezing cold. On Monday morning, just after the library opened, a succession of five disheveled, shivering men and one woman entered the lobby, where they sat or stood waiting for the sun to warm the streets.

As library users passed through the 16 x 14 foot lobby, an unpleasant stench assailed them. Every person who came in spoke to the staff about the homeless people in the foyer. “What are you going to do about them?” was the question on everyone's lips.

Calenda and the assistant director hastily convened a meeting with the four department heads to discuss the situation. They decided to do nothing, in the hope that the lobby occupants would leave of their own accord when the day warmed up. Staffers were instructed to answer inquiries by saying they were sure the people would be leaving soon.

By noon everyone was gone, except for the woman. Wearing several layers of garments, with her feet wrapped in dirty rags, she stood hunched over by the door, where she could keep an eye on a shopping cart weighted down with plastic bags and discarded possessions. At the front of the cart was a paper cup into which people could drop coins or bills should they feel so inclined. When not watching her cart or casting furtive glances at patrons who walked through the lobby, she communed audibly but quietly with her reflection in the glass door. She lingered there until four o’clock or so, then she too left. Sighs of relief were heard throughout the library.

But Tuesday morning, even though the weather had taken a considerable turn for the better, the woman came back. The question for the staff this time was, “What are you going to do about the bag lady?”
Calenda directed everyone to respond that they were sure she would not stay long, and to ask people to be patient. Slowly, though, the awful suspicion dawned on him that the woman might begin spending part of every day in the lobby, or perhaps sitting on the two-foot-high cement wall by the entrance, as she had done briefly on Monday afternoon. He pushed the thought away.

In the meantime, however, the chief custodian had taken it upon himself to suggest that the woman move along. All he got by way of an answer was a blank uncomprehending stare. He reported this to Calenda, who had just been visited by one patron who stated that as a taxpaying citizen he had the right not to be exposed at the library's entrance to a person he found repugnant. If he wanted to see poverty and despair, the man said, he would watch a TV documentary. Another person complained to the assistant director that the sight of the homeless woman enraged her; she said she paid her taxes and deserved to be able to walk in and out of the library without having to see or be seen by "this menacing creature." The staff assuaged unhappy visitors as best they could, but clearly everyone was feeling the strain.

One irate user said that if the employees didn't call the police soon to have the woman removed, he would do so himself. Calenda, feeling now like a man trying to save his belongings from a fire, called his assistant director and department heads to his office again. It was Tuesday, mid-afternoon. The woman had left for half an hour but was back, sitting on the wall.

The head of the reference department had done some research. She reported that the state laws covering vagrancy, dating back to 1880, set forth that “persons wandering abroad and begging, or who go about from door to door or in public or private ways, areas to which the general public is invited, or in other public places for the purpose of begging or to receive alms, and who are not licensed . . ., shall be deemed vagrants and may be punished by imprisonment for not more than six months in the house of corrections." The reference head informed the group that a year or two ago, the ACLU of Northern California won a case in federal court striking down a California law that prohibited "accosting" for the purpose of begging. The judge had rejected the reasoning of an earlier New York federal court decision that upheld a ban on begging in the subway. The California courts stressed that appeals for money, whether for oneself or for other charities, involve a number of speech interests protected by the First Amendment.
While the merits of these findings were debated, along with the suggestion that the police be called, the assistant director, Bridget O'Dea, sat in the background saying nothing. Suddenly, in a mild voice, she said, "Wouldn't it be nice if homeless people had the decency to starve or freeze to death in some obscure place where no one would ever see them?"

The room, which a moment before had been alive with discussion, fell quiet. All eyes turned in her direction.

Continued the assistant director, "I'm having a terrible time, as I am sure you all are, with this problem of the homeless. 'Call the police!' 'Call the police!' 'We don't care where they go, but get them away from our front door.' A healthy society such as ours should be able to help those who can't help themselves. When we avoid direct efforts of caring towards individual human beings, when we contribute to the needy only through charities and organizations, it seems we're just passing the buck."

The faces in the room wore scowls and frowns. "What are you suggesting, Bridget?" someone asked. "That we permit the woman to stay here as long as and as often as she wants? What about our obligation to our library users?"

Another staff member said, "I feel like a skunk for saying this, but shouldn't library use be restricted to those who pay for it? What I mean is, if the woman's homeless, then she'd have no address, and if she has no address she can't pay taxes. The library's a tax supported institution, isn't it?"

The room burst into a riot of argument. Calenda knocked on the table and called for quiet. "Bridget," he said. "Are you suggesting we let the woman stay here as much as she wants?"

“Yes, I am. The woman is not doing anyone any harm, and I think in light of the California court ruling we have no choice but to let her stay here. It is a First Amendment and an ethical issue.”

She found herself hopelessly in the minority as the staff's animated discussion stretched on and on. Presently the director's secretary entered.
"The mayor just called," she announced to Calenda. "He says that someone has complained to him about the bag lady occupying the library lobby. He wants to know what you're going to do about her, and asked if you'd call him back when your meeting's over."

So it was that Joseph Calenda found himself sitting in his office staring at the tapestry on his office wall.

ABOUT BRIDGES BAY: The city of Bridges Bay (pop. 164,000) has problems with congestion, crime, and diminishing financial resources. It has become a city where those who work don't live and those who live can't find much work. City workers, who are mainly middle- and upper-income white suburbanites, serve city residents, who are largely but not exclusively lower-income minorities. In all, 15.5% of all city residents live below the poverty level, compared to 7.9% in the country as a whole.

Adapted from a case written by A. J. Anderson, Professor Emeritus, Simmons College GSLIS