

1-1-1991

Symposium on Law and the Homeless: An Introduction

Wes Daniels

Follow this and additional works at: <http://repository.law.miami.edu/umlr>



Part of the [Civil Rights and Discrimination Commons](#)

Recommended Citation

Wes Daniels, *Symposium on Law and the Homeless: An Introduction*, 45 U. Miami L. Rev. 261 (1991)

Available at: <http://repository.law.miami.edu/umlr/vol45/iss2/2>

This Article is brought to you for free and open access by Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized administrator of Institutional Repository. For more information, please contact library@law.miami.edu.

University of Miami Law Review

VOLUME 45

NOVEMBER-JANUARY 1990-1991

NUMBERS 2-3

Symposium on Law and the Homeless: An Introduction

WES DANIELS*

You used to be so amused
At Napoleon in rags and the language that he used
Go to him now, he calls you, you can't refuse
Bob Dylan, *Like a Rolling Stone*¹

What good am I, if I'm like all the rest,
If I just turn away, when I see how you're dressed,
If I shut myself off, so I can't hear you cry,
What good am I?

What good am I, if I know and don't do,
If I see and don't say, if I look right through you?
If I just turn my back, when you silently die,
What good am I?

Bob Dylan, *What Good Am I?*²

Early in 1989, the *University of Miami Law Review* decided to devote its annual Symposium Issue to "Law and the Homeless." One of its goals was to bring together a group of *Law Review* students to research and write on various aspects of the topic. Working throughout the 1989-1990 academic year, these students produced the high-quality work represented in this Issue.

Another goal of the project was to hold a Symposium at the Law School to which established academic experts would be invited to speak about their work, and interact with the student authors working on pieces for this Issue. The *Law Review* was optimistic that at

* Wes Daniels is the Law Librarian and a Professor of Law at the University of Miami School of Law.

1. HIGHWAY 61 REVISITED (1965).
2. OH MERCY (1989).

least some of these talks would lead to articles for the *Review*. A stimulating Symposium was held on March 23 and 24, 1990, and hopes for publication have been amply fulfilled by the excellent contributions from Professors Curtis Berger, Stanley Herr, Lucie White, Stephen Wizner, and Dr. Pedro Greer printed here.

At the close of the Symposium, an incident occurred that provided an immediate context for what we had been trying to do. A woman approached the moderator to thank the participants for the program, saying that she had learned a great deal. She had spent the night between the two days of the Symposium in the Law School's parking lot sleeping in her well-worn car, which was filled with her belongings. She could not afford the gasoline for a round trip from the place where she usually stayed. "I hope I can find more of these programs," she said, "especially ones that serve food."

The faculty contributors to this Issue represent a productive merger of the worlds of theory and practice. They are thinkers *and* doers, academics *and* activists. Their theoretical work is informed by their close contact with people about whom they write. These authors are not merely participants in an abstract "intellectual feast."³ Rather, they provide food for thought of a kind that will help lead to the elimination of the hunger of those whose suffering makes symposia such as this one necessary.

As a number of pieces in this Issue remind us, homelessness must be regarded not as a completely distinct phenomenon, but as an extreme manifestation of poverty. Homelessness represents the far end of a spectrum, and the tip of an iceberg to which people have paid more attention than to the serious underlying problems of which homelessness is simply one symptom.

More than 32.5 million people in this country live below the poverty line⁴ (a standard that represents mere subsistence⁵). Many of them are precariously housed either because they are doubling- and

3. When asked why he wanted to serve on the United States Supreme Court, unsuccessful nominee Robert Bork responded that it would provide an "intellectual feast." This remark was widely interpreted as an indication of his overly scholarly, detached, and unfeeling approach to the law. *In the End, Bork Himself Was His Own Worst Enemy: Intellectual Approach Lacked Appeal*, Wash. Post, Oct. 24, 1987, at A1, col. 2.

4. U.S. DEP'T OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES 1990, at 38 (1990). This represents 13.5% of the country's total population. *Id.* More than one-third of the Black population lives below the poverty line. *Id.* For both categories, the percentage has increased since 1980. *Id.*

5. The current poverty level annual income for a family of four is \$12,700. U.S. DEP'T OF HEALTH & HUMAN SERVS., THE 1990 FEDERAL POVERTY INCOME GUIDELINES, 53 SOC. SECURITY BULL. 15 (1990).

tripling-up with relatives or friends,⁶ or because they are paying a disproportionate amount of their income for housing.⁷ These Americans live in a state of near-homelessness. When either the cost of housing rises, or the amount of available, effective income decreases, people in this situation face tragic choices: Should meager income insufficient to cover all of life's essentials be spent on housing, or on food, clothes, and medical care?⁸

The contemporary poor face both housing that costs too much and income that does not go far enough. As a result, many are vulnerable to becoming literally homeless. In fact, as sociologist Peter Rossi has demonstrated, most homeless people are not "chronically" homeless.⁹ No clear, sharp division permanently separates the very poor from most of the literal homeless. For many, lack of shelter is episodic, and large numbers of poor people continually risk falling into a state of literal homelessness. They lead lives characterized by what Lucie White calls "shelter poverty,"¹⁰ victims of what Curtis Berger describes as the "housing indigency"¹¹ endemic to our society.

6. See Berger, *Beyond Homelessness: An Entitlement to Housing*, 45 U. MIAMI L. REV. 315, 318 (1990-1991) (arguing that overcrowding is a major problem); White, *Representing "The Real Deal,"* 45 U. MIAMI L. REV. 271, 289 n.62 (1990-1991) (explaining that overcrowding can constitute breach of lease or subsidy contracts in subsidized housing); see also INSTITUTE FOR POLICY STUDIES, A PROGRESSIVE HOUSING PROGRAM FOR AMERICA 10-11 (1987) (noting that according to the 1983 *Annual Housing Survey*, nearly three million households contained more than one person per room, and 700,000 households contained more than 1.5 persons per room); Finder, *Too Close for Comfort: More New York Families Doubling Up in Apartments*, N.Y. Times, Sept. 25, 1990, at A13, col. 1 (explaining that the number of two- and three-family households in New York City public housing has doubled in the last seven years).

7. Eighty percent of very-low-income renters pay more than 30% of their income for housing. U.S. CONG. BUDGET OFFICE, CURRENT HOUSING PROBLEMS AND POSSIBLE FEDERAL RESPONSES xi (1988). Households are characterized as "very-low-income" when the family's income does not exceed a percentage, adjusted by family size, of their geographical area's median income. For a family of four, the percentage is 50%. *Id.* at 12. Thirty percent of income is the federally-established threshold for affordable housing, and is the figure set by law for tenant contributions toward rent in assisted housing programs. *Id.* at 7. Some 6.6 million poverty-level households, and 1.8 million (71%) of the young, single parents among this group, spend more than half their incomes for housing. JOINT CENTER FOR HOUSING STUDIES OF HARVARD UNIVERSITY, THE STATE OF THE NATION'S HOUSING 1989, at 16-17 (1989); see also Berger, *supra* note 6, at 317.

8. See Berger, *supra* note 6, at 321.

9. See generally P. ROSSI, DOWN AND OUT IN AMERICA: THE ORIGINS OF HOMELESSNESS 94-95 (1989). Seventy-five percent of the homeless surveyed in Chicago had been homeless no longer than two years, and 32% had been homeless no longer than three months. *Id.* Other studies suggest that most cities have more short-term homeless than Chicago. *Id.*

10. White, *supra* note 6, at 288. "Shelter poverty" is a condition in which people spend a disproportionate amount of income on rent, and live in overcrowded, unhealthy, and unsafe conditions. *Id.*

11. Berger, *supra* note 6, at 316. The term "housing indigency" characterizes people living

As the contributions in this Issue teach us, an exclusive focus on those relegated to a life on the streets, particularly a focus on their personal characteristics, can lead us to misconceive the problem as one of individualized failure. It is a short step, then, to devise solutions that target personal shortcomings, and that do not address the larger, underlying structural social problems that have inevitably led to the mass misery most conspicuous in the example of the visible homeless.

As important as it is not to lose sight of the larger issues of poverty, the particular qualities of deprivation characterizing the state of literal homelessness are striking.¹² Homeless people suffer greater health problems,¹³ are more seriously undernourished,¹⁴ and are more frequently victims of physical violence¹⁵ and death.¹⁶ They are routinely discriminated against and harassed because of their appearance, a direct function of their life on the streets.¹⁷ They are arrested for engaging in fundamental life activities in public¹⁸ (to which they have no alternative). Their belongings are confiscated or destroyed by the police.¹⁹ Homeless children have more difficulty in school, assuming they are able to attend school.²⁰ Many homeless mothers feel com-

"a life of sorrow," associated with extremely poor housing conditions. *Id.* These people represent a "systemically . . . deeper national dilemma" than do the homeless. *Id.*

12. At the same time, we must be careful not to imply that the "urgent shelter problems of people who *are* housed [are] qualitatively different." White, *supra* note 6, at 301.

13. See Greer, *Medical Problems of the Homeless: Consequences of Lack of Social Policy—A Local Approach*, 45 U. MIAMI L. REV. 407, 411 (1990-1991) (arguing that the homeless generally have a higher incidence of disease than do housed people); INSTITUTE OF MEDICINE, HOMELESSNESS, HEALTH, AND HUMAN NEEDS 68 (1988) (noting that "[h]omeless people experience a wide range of illnesses and injuries to an extent that is much greater than that experienced by the population as a whole"); Winkleby, *Comparison of Risk Factors for Ill Health in a Sample of Homeless and Non-Homeless Poor*, 105 PUB. HEALTH REP. 404 (1990) (arguing that the homeless are significantly less likely to have health insurance, to receive preventive health care, and to be non-smokers).

14. Luder, Boey, Buchalter & Martinez-Weber, *Assessment of the Nutritional Status of Urban Homeless Adults*, 104 PUB. HEALTH REP. 451, 455 (1989).

15. INSTITUTE OF MEDICINE, *supra* note 13, at 41 ("Homelessness . . . increases the possibility of trauma, especially as a result of physical assault or rape . . .").

16. Studies report mortality rates 10 to 40 times greater among the homeless than among the general population. P. ROSSI, *supra* note 9, at 42.

17. See, e.g., Coleman, *Diary of a Homeless Man*, in HOUSING THE HOMELESS 37-52 (J. Erickson & C. Wilhelm eds. 1986) (reporting the experiences of the president of the Edna McConnell Clark Foundation, who posed as a homeless man for more than a week in the streets and shelters of New York City).

18. See Comment, *Anti-Homeless Legislation: Unconstitutional Efforts to Punish the Homeless*, 45 U. MIAMI L. REV. 417, 458-61 (1990-1991) (describing a class action lawsuit to enjoin the Miami police from arresting homeless individuals for "conduct which is necessary for their daily lives on the public streets").

19. See *id.* at 460 n.24.

20. See Herr, *Children Without Homes: Rights to Education and to Family Stability*, 45 U. MIAMI L. REV. 337 (1990-1991); Comment, *The Homeless School-Age Child: Can Educational Rights Meet Educational Needs?*, 45 U. MIAMI L. REV. 537 (1990-1991).

pelled to hide from authorities who they realistically fear will take their children away from them because the family is homeless.²¹ The numbing effect of life on the streets is often psychologically devastating.²²

On a basic, concrete level, a home offers its inhabitants the ability to sleep comfortably, to eliminate bodily wastes, to bathe, to rest, to recuperate from illness, to store, prepare, and consume food, to store belongings (such as clothes, documents, books, and other items having personal or sentimental value), to entertain oneself and one's friends, and to communicate conveniently (by mail and by phone) with others outside the home. For many people, a home also represents an opportunity to enjoy security (physical and psychological), personal privacy, and family intimacy (including sexual expression and the care of children), and to express individuality. In sum, a permanent home allows us to exercise autonomy. Thus, to lack a home is to suffer deprivation on a deep and broad scale.²³

Although concern for the homeless was prevalent throughout most of the 1980's,²⁴ anti-homeless sentiment has begun to flourish.²⁵

21. See Herr, *supra* note 20, at 360 nn.132-33 and accompanying text.

22. Affidavit of Ellen L. Bassuk, M.D., Associate Professor of Psychiatry, Harvard Medical School at 6, Hansen v. McMahan, 193 Cal. App. 3d 283, 238 Cal. Rptr. 232 (Ct. App. 1987) (Civ. B021106) (noting that "[t]here is no controversy among the experts in the field that homelessness is exceptionally stressful for persons with no preexisting disabilities, and that it greatly aggravates any preexisting disorder in adults and children"). For further elaboration of the effects on homeless children, see generally Herr, *supra* note 20 (arguing that homeless children are especially vulnerable to mental problems).

23. See generally P. ROSSI, *supra* note 9, at 14 (arguing that life without a home denies people the basic physical and emotional necessities of human life).

24. Public opinion polls indicated strong sentiment that government should express more concern for the homeless, even if it meant an increase in taxes. See, e.g., *A Survey of Attitudes Toward Hunger and Homelessness in America January 8 to 19, 1988*, in D. SCHWARTZ & J. GLASCOCK, *COMBATING HOMELESSNESS: A RESOURCE BOOK* (1988) (noting that 83% of registered voters surveyed nationwide agreed that "it is embarrassing that there are so many homeless and hungry people in a country as wealthy as the United States"); *Americans Favor Aid for Homeless*, N.Y. Times, Jan. 22, 1989, at A1, col. 3 (reporting that 75% of those polled said that local governments had not shown enough concern for the homeless; 65% said they supported more federal spending on the homeless; and 49% said they were willing to pay \$100 a year more in federal taxes to support homeless programs). The 1989 "Housing Now!" march on Washington, designed to mobilize political support for affordable housing programs, drew as many as a quarter of a million participants from around the country. The October 7 rally on the Capitol Mall featured dozens of prominent political and entertainment figures, from Jesse Jackson and Coretta Scott King, to Geraldo Rivera and Valerie Harper. *Thousands March on Mall in Mass Appeal for Affordable Housing*, Wash. Post, Oct. 8, 1989, at D1, col. 4; *Thousands March on Washington in Protest Against Homelessness*, N.Y. Times, Oct. 8, 1989, at A24, col. 2.

25. See Ferguson, *Us vs. Them: America's Growing Frustration with the Homeless*, UTNE READER, Sept.-Oct. 1990, at 50; *Seeking Shelter, the Street People are Finding Scorn*, Boston Globe, Aug. 27, 1990, at 1, col. 2. In its extreme form, this sentiment finds expression in such brutal attacks as the Halloween assault of homeless people by a New York City gang of young

Official anti-homeless action is on the rise. Homeless people are being ousted from public areas, even in cities and in neighborhoods previously known for their tolerance.²⁶ Panhandling has been banned in New York City's transportation terminals.²⁷ Funding for homeless programs is beginning to be cut substantially.²⁸ The homeless, rather than eliciting sympathy, are beginning to be considered a "nuisance,"²⁹ if not as "detritus."³⁰ One major metropolitan newspaper has even editorialized in favor of "benign incarceration" of street people.³¹ Yet homelessness continues to grow at an alarming rate, with

men wielding knives and bats that left one man dead and many others injured. *Youths and the Homeless: Blood Feud*, N.Y. Times, Nov. 3, 1990, at A16, col. 1; *Gang Attack on Homeless in New York Kills One*, N.Y. Times, Nov. 2, 1990, at A1, col. 2.

26. In a neighborhood long known for its liberalism, community pressure led New York City police to clear an encampment of homeless people from Tompkins Square Park. *Tent City in Tompkins Square Park Is Dismantled by Police*, N.Y. Times, Dec. 15, 1989, at B1, col. 2. Despite Mayor Art Agnos' initial promises to the contrary, he had San Francisco police remove an encampment near City Hall that had housed as many as 350 homeless people. *San Francisco Mayor Ousts Homeless Outside City Hall*, N.Y. Times, July 6, 1990, at A8, col. 1. Even in Berkeley, a trailer set up to feed the homeless in People's Park was removed by University of California authorities. *Berkeley "Cafe" Removed from People's Park*, L.A. Times, Mar. 11, 1990, at A34, col. 2. In some cities, of course, the practice is hardly new. *"Greyhound Therapy" Detailed at Officers' Trial*, L.A. Times, May 10, 1990, at B5, col. 1 (describing the practice of moving "transients" to other jurisdictions, a policy in which the San Diego Police Department had been engaging for more than 30 years).

27. *Transit Police to Eject Subway Panhandlers*, N.Y. Times, May 31, 1990, at B1, col. 2. The ban, although initially invalidated on first amendment grounds in *Young v. New York City Transit Auth.*, 729 F. Supp. 341 (S.D.N.Y. 1990), was upheld on appeal by the United States Court of Appeals for the Second Circuit. *Young v. New York City Transit Auth.*, 903 F.2d 146 (2d Cir. 1990), cert. denied, 111 S. Ct. 516 (1990).

28. The District of Columbia Council voted to restrict the right of homeless people to overnight shelter that had been guaranteed by a citizens' initiative in 1984. *D.C. Puts Shelter Referendum on November Ballot*, Wash. Post, Sept. 6, 1990, at D3, col. 1. Council members characterized this action as a means of slowing the drain on the city's treasury resulting from escalating costs of providing shelter. *Id.* A referendum held on Nov. 6, 1990, allowed the Council's action to stand. *Homeless Referendum; Shelter Referendum Loses by a Slim Margin*, Wash. Post, Nov. 7, 1990, at A33, col. 2. Programs for the homeless in Philadelphia were cut by 50% in 1989 and were reduced even further in 1990. *50% Cutback in Funds for Homeless Is Fiercely Protested in Philadelphia*, N.Y. Times, Sept. 15, 1989, at A12, col. 3; *Its Cash and Tempers Short, Philadelphia Seeks Solvency*, N.Y. Times, Sept. 11, 1990, at A1, col. 1. The budget for homeless shelters in Massachusetts has suffered a reduction of \$1.2 million. *Budget's Extra 4% Cut in Critical Services Hit*, Boston Globe, Aug. 3, 1990, at 19, col. 3; see also *Homeless Aid Cut in Alameda County Budget*, San Francisco Chron., Aug. 15, 1990, at A4, col. 2 (budget for homeless services in Alameda County, California (which includes Oakland) cut by more than 45%).

29. *Homeless, Helpless Neediest*, N.Y. Times, Nov. 26, 1989, at A12, col. 1 ("[M]any of [New York City's 90,000 homeless] have been on the streets so long they blur into the cityscape, regarded more and more as nuisance rather than tragedy.").

30. J. WRIGHT, ADDRESS UNKNOWN xiv (1989) ("[T]here are some, perhaps many, who look on the homeless less as poor people deserving of sympathy and help than as detritus to be swept out of sight.").

31. Ferguson, *supra* note 25, at 50. The California Supreme Court has invalidated

no apparent end in sight.³²

How are we to address this daunting situation? The array of articles published here enriches the theoretical discourse on homelessness, and offers concrete suggestions for ways in which lawyers can use the legal/political system to relieve the misery that poverty and homelessness inflict.

Lucie White³³ offers a comprehensive account of the economic and political context in which a focus on "homelessness" emerged in the 1980's. She analyzes the images of the homeless and the rhetoric employed by poor people's advocates, concluding that well-intentioned efforts may have had counterproductive effects. She suggests that in seeking creative solutions to the crisis of "shelter poverty," we must engage in self-reflective dialogue not only with our professional colleagues, but especially with those whose lives our efforts are directed at affecting.

Curtis Berger³⁴ depicts the "housing indigency" endemic to our society, agreeing with Lucie White that the focus on "the homeless" has diverted attention away from this much deeper and broader problem. He advocates a universal entitlement to affordable housing through enactment of a multi-faceted legislative program rather than through constitutional litigation. The goals of this program would include preserving the existing supply of low-income housing, increasing that supply, and enhancing effective demand for it, accompanied by programs directed to the specialized needs of certain disadvantaged groups, such as the mentally ill.

Stanley Herr³⁵ calls to our attention the needs of homeless children, challenging lawyers to serve as advocates for this largely unrepresented group. He offers suggestions for asserting, through litigation and legislation, the rights of homeless children to a meaningful education, and a stable environment based in affordable housing and supportive family services. By avoiding a fixation on short-term,

Sacramento County's efforts to require certain residents eligible for General Assistance to live in a county facility in lieu of receiving cash benefits. *Robbins v. Superior Court*, 38 Cal. 3d 199, 695 P.2d 695, 211 Cal. Rptr. 398 (1985).

32. Advocates assert that the homeless number three to four million, and that the number has been increasing by 25% per year. *Bush Plan for Homeless Faulted as Too Modest*, N.Y. Times, Nov. 26, 1989, at A15, col. 5. The demand for emergency shelter in major cities surveyed by the United States Conference of Mayors increased 156% from 1985 to 1989; after a drop in the rate of increase to 13% from 1987 to 1988, a 25% rise was experienced from 1988 to 1989. U.S. CONFERENCE OF MAYORS, A STATUS REPORT ON HUNGER AND HOMELESSNESS IN AMERICA'S CITIES: 1989, at app. (1989).

33. See generally White, *supra* note 6.

34. See generally Berger, *supra* note 6.

35. See generally Herr, *supra* note 20.

emergency shelter, lawyers can work with other advocates to ensure that these children have real homes and educational success.

Stephen Wizner³⁶ explores the tension experienced by legal advocates for poor people between dealing with clients' immediate needs and the long term social policy implications of lawyers' activities. Arguing that poor people do not live in a world that corresponds precisely to social scientists' theoretical models, he asserts that advocates must find creative ways to make the existing system work for their clients. By exposing flaws in existing programs through their advocacy, lawyers' efforts can lead to more effective political and social policies.

Dr. Pedro Greer,³⁷ an expert on the medical problems of the homeless, delivered the Symposium's keynote address, on which his article in this Issue is based. He presents stark medical evidence of the abysmal and rapidly deteriorating conditions faced by the poor and homeless, and suggests that continued failure to address adequately the underlying social problems will have cataclysmic consequences. His description of the multi-purpose clinic he has established in Miami provides a promising ray of hope.

The student comments published here illustrate the broad range of efforts that can be undertaken to expand rights of the poor and homeless through litigation and legislation.

Regrettably, one of these battles must be to preserve what the president of the National Coalition for the Homeless, attorney Gary Blasi, has ironically termed "the right to be homeless,"³⁸ the right for homeless people to conduct daily life activities without fear of harassment and arrest. Don Baker³⁹ analyzes legal challenges to criminal ordinances applied to homeless people to punish behavior that is an unavoidable consequence of their homelessness. He uses as a case study a class action lawsuit currently being litigated in federal court in Miami that seeks to enjoin conduct of the city police department targeted toward the homeless.

Suzanne Sleep⁴⁰ focuses on municipalities' attempts to preserve existing low-income housing. She analyzes and criticizes a recent New York Court of Appeals decision that invalidated, on fifth amend-

36. See generally Wizner, *Homelessness: Advocacy and Social Policy*, 45 U. MIAMI L. REV. 387 (1990-1991).

37. See generally Greer, *supra* note 13.

38. Address by Gary Blasi, American Association of Law Libraries Annual Meeting, at Minneapolis (June 19, 1990).

39. See generally Comment, *supra* note 18.

40. See generally Comment, *Stonewalled by Seawall: New York Decision Impedes Legislative Solutions to Affordable Housing Shortage*, 45 U. MIAMI L. REV. 467 (1990-1991).

ment takings grounds, a New York City ordinance that prevented demolition of, and required the rental of, single room occupancy buildings. She suggests ways of accomplishing similar goals while avoiding constitutional obstacles.

Developing in greater depth some of the points raised by Stanley Herr, Camilla Cochrane⁴¹ analyzes Congress' attempts in the Stewart B. McKinney Homeless Assistance Act⁴² to deal with obstacles homeless children face in achieving a free, appropriate public education. She further evaluates the initial responses of the states to the policy goals enunciated in the federal legislation.

Focusing on the particularly painful plight of the HIV-ill homeless, Patti Phillips⁴³ discusses potential legal avenues to assuring access to medically appropriate housing. She explores remedies that might be developed through expanded notions of the right to shelter and the right to medical care. She thoughtfully examines the potential benefits and risks in this context of pursuing legal rights based on medical models, and she evaluates the social utility of various methods of assuring housing for the HIV-ill.

Two of the contributions consider methods of increasing income to allow the poor and homeless more effectively to compete in the market for housing. Michael Diehl⁴⁴ characterizes the mistaken denial of federal disability benefits as both a cause and a consequence of homelessness. He proposes new standards for reviewing physical and mental disabling conditions experienced by homeless people that often are overlooked or discounted by evaluators.

Daryl Shapiro⁴⁵ criticizes the policy of increasing the minimum wage as a way of combatting the problem of insufficient income for the working homeless. Describing counterproductive economic effects he believes such legislation can have, he offers alternative solutions by means of such mechanisms as the negative income tax or enhanced earned income credits.

David Rosendorf⁴⁶ explores the implications of competing theories of property for the legal rights of homeless people. In the seem-

41. See generally Comment, *supra* note 20.

42. 42 U.S.C. § 11302 (1988).

43. See generally Comment, *Adding Insult to Injury: The Lack of Medically-Appropriate Housing for the Homeless HIV-III*, 45 U. MIAMI L. REV. 567 (1990-1991).

44. See generally Comment, *Screening Out Worthy Social Security Disability Claimants and Its Effect on Homelessness*, 45 U. MIAMI L. REV. 617 (1990-1991).

45. See generally Comment, *Will an Increased Minimum Wage Help the Homeless?*, 45 U. MIAMI L. REV. 651 (1990-1991).

46. See generally Comment, *Homelessness and the Uses of Theory: An Analysis of Economic and Personality Theories of Property in the Context of Voting Rights and Squatting Rights*, 45 U. MIAMI L. REV. 701 (1990-1991).

ingly disparate contexts of voting and squatting rights, he traces the influence of the economic utility and personality theories of property rights, and suggests opportunities within the theories for advocates who seek to effectuate personal rights for those who lack property.

This Issue will have achieved its purpose if it inspires and educates lawyers and law students to work, in a reflective and progressive way, in partnership and in dialogue with colleagues and with poor and homeless people, toward establishing justice for the many "Napoleon[s] in rags" among us. Otherwise, with all of our education and training and our privileged position in this society, what good are we?