

WHAT ROMAN MARS CAN LEARN ABOUT CON LAW CRUEL AND UNUSUAL

ROMAN MARS: So, today is Thursday, August 8th, at about 11:00 AM. What are we going to be talking about?

ELIZABETH JOH: All right, well, let's go back to 1960.

ROMAN MARS: Okay.

ELIZABETH JOH: On a cold night in February, two officers from the Los Angeles Police Department pulled over a green 1947 Nash driven by Charles Banks. Now, Charles was sitting in the front with his wife, Norma. And in the backseat sat 25-year-old Lawrence Robinson, a Black Army veteran. He was sitting with a lady friend of his. Now, the police officers didn't observe any criminal acts from the four people, but they did order Robinson to roll up his sleeves. And the police later testified that they saw what appeared to be numerous needle marks and a scab on his arms. And Robinson admitted that he'd used narcotics two weeks before. But it was those needle marks that led to Robinson's arrest. And in June of 1960, a jury convicted Robinson for violating the state's health and safety code. California made it a crime--a misdemeanor--to be addicted to the use of narcotics. And the judge had instructed the jury that they could find Robinson guilty if they agreed that he held the status of being a narcotics user.

And Robinson was then convicted and sentenced to 90 days in jail. But he appealed this conviction all the way to the Supreme Court. And in 1962, the Supreme Court decided that Robinson's conviction was unconstitutional. The Court noted that no state would make it a crime to be mentally ill, a leper, afflicted by a venereal disease. And there was no difference with California's law making it a crime to be addicted to narcotics. No state should be able to punish someone for their status--even if that status was drug addiction--because it could be, in the Supreme Court's words, "contracted innocently or involuntarily." So, Robinson's conviction was reversed. On July 25th, 2024, California Governor Gavin Newsom issued an executive order telling state agencies to clear what he called "dangerous homeless encampments on state land." Cities and counties in California were encouraged to do the same. What's the connection between Lawrence Robinson's arrest and this shift in policy that's emerging not just in California but many parts of the West Coast? A lot, it turns out, because of the Supreme Court. Time to find out.

ROMAN MARS: Let's do it. This is What Roman Mars Can Learn About Con Law--an ongoing series of indeterminate length and sporadic release, where we look at the vague notion of what is cruel and what is unusual and use it to examine our constitution like we never have before. Our music is from Doomtree Records. Our professor and neighbor is Elizabeth Joh. And I'm your fellow student and host, Roman Mars.

ELIZABETH JOH: So, Roman, the last Supreme Court term we just saw had many really important cases. Not all of them focused on Trump. So today I thought we'd talk about one of them--a case called Grants Pass.

ROMAN MARS: Okay. Let's do it.

ELIZABETH JOH: The executive order I just mentioned from Governor Newsom focuses on the problem of homelessness. And of course, homelessness is a very complicated policy problem in the United States. There are so many reasons why people end up on the streets: drug abuse, housing costs, domestic violence, mental illness, or some combination of those things. And many homeless people end up living together in public places like parks and sidewalks. And the problem keeps growing. The federal government's statistics say that homelessness has reached its highest level since it started keeping track in 2007. And homeless encampments became an especially big problem when the pandemic started. In 2020, the Centers for Disease Control issued official guidance about this. They told cities not to break up homeless encampments because it could lead to further spread of COVID-19. And at the same time, many cities also saw residents and businesses leave their downtowns during the worst of the pandemic.

Many cities have recovered, but many have not. And the homelessness crisis has gotten worse. And this is a serious public policy problem--an urban planning problem--especially on the West Coast. Again, according to the federal government, more than 40% of the country's homeless population lives in the Western United States. And according to one estimate, there are 70,000 homeless people in the city of Los Angeles alone. So, that's the policy issue. How do you encourage urban revival after the pandemic when people's habits have changed and when there are large homeless encampments? And how do you help these thousands of people with complicated problems? So, one method is to clear out these encampments. And most cities have laws that ban sleeping on the sidewalks or camping in public places.

ROMAN MARS: And so what is officially camping in a public place?

ELIZABETH JOH: So, a law might say that you can't camp on public property. And then "camping" might be defined as something like setting up a campsite, which is any place where bedding, sleeping bags, or other material used for bedding purposes or any stove or fire is placed for the purpose of maintaining a temporary place to live. So, a city could use this kind of law--which might impose fines or even jail time--as an incentive to persuade people living in these encampments to leave to accept social services or to accept offers of shelter. So the idea is leave or else. And many cities have adopted a kind of multi-step process to clear these encampments. They might say, "Look, in 48 hours, we're going to clear the encampments. We're going to have city workers offer social services and shelter. And we're going to help you bag up your things so they're not lost or stolen." But in other cities, clearing encampment just means heading directly to enforcing

these anti-camping laws and arresting people. So, Roman, it sounds like an easy solution to an easy problem, right?

ROMAN MARS: Yeah, it's terrible. It's not an easy problem. There are no easy solutions except for giving people houses, which is... It's a simple solution, but it's complicated in how you enact it.

ELIZABETH JOH: And so all of the cities, especially on the West Coast, have struggled with what to do. One of those cities is Grants Pass. And Grants Pass is a small town in southwestern Oregon with a population of about 38,000. And Grants Pass has an anti-camping law like the one I've just mentioned. And the city decided to enforce this law against its homeless population. There are about 600 homeless people there. So, it's large for the amount of people who live in the city. The first violation results in a fine. And then later citations can eventually lead to people being arrested and eventually jail time. Now, Grants Pass had been relying on these laws pretty aggressively for at least five years when a group of homeless people filed a lawsuit in federal court against the city in 2018.

ROMAN MARS: So, what was the basis of their lawsuit?

ELIZABETH JOH: Well, the plaintiffs in Grants Pass had a very good chance of winning their case when they filed it. And that was because the Ninth Circuit--that's the Federal Appeals Court covering the West Coast--had decided a very similar case just six weeks before.

ROMAN MARS: Yeah. That's the Idaho one, right?

ELIZABETH JOH: Yeah, that's right. That earlier case was called Martin versus City of Boise. And the Martin Case also involved a lawsuit brought by a group of homeless people in Boise that challenged that city's enforcement of its anti-camping laws. Just like in Grants Pass, it's a crime to camp in public spaces in the city of Boise. Now, Boise did have emergency shelters for the homeless, but there was not enough bed space for everybody who needed a bed on any given night. And in the Martin case, the plaintiffs argued that arresting the homeless for anti-camping laws violated their constitutional rights. They relied primarily on the case of Lawrence Robinson. So, can you see the analogy they're making here?

ROMAN MARS: Well, like in Robinson, being homeless is not a thing that they can control. Therefore, being punished for it is cruel and unusual.

ELIZABETH JOH: That's exactly right. I mean, remember in Robinson, the Supreme Court said, "Look, this is about the state trying to punish somebody for their status--who they are--and you can't do that." And in Robinson's case, the Supreme Court specifically said in 1962 that if you criminalize the status of being an addict, that violates the Eighth Amendment. So, Roman, why don't you read the amendment?

ROMAN MARS: Oh, yes. I love this part. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

ELIZABETH JOH: Now, in Lawrence Robinson's case, the Supreme Court said that enforcing this addiction law violated his Eighth Amendment right to be free from cruel and unusual punishment. Now, this ban on cruel and unusual punishments is a pretty colorful but not very clear phrase. Is that right?

ROMAN MARS: I love it.

ELIZABETH JOH: So, what exactly does that mean? Well, you don't really have a ready answer for every situation. The death penalty, for instance, is a form of punishment that in general is not considered unconstitutional. But there's so many other kinds of things that are punishments. Justice Gorsuch has said that 18th century methods, like disemboweling, quartering, public dissection, and burning alive, would surely be considered cruel and unusual under the Constitution. That's not too helpful either because Robinson's conviction is not similar to any of these things. And in fact, the Court in Robinson's case didn't object to the method of his punishment. Remember, he just got a 90-day jail sentence. Instead, the Court said criminalizing his status violated the Eighth Amendment. So, really, they're saying that the very idea of making this a crime is what is unconstitutional. So, Robinson versus California is an unusual case because of the way in which it's decided. And the Supreme Court hasn't shown much interest in developing this idea further after Robinson's case. But it remains a Supreme Court decision, and it is Robinson versus California that the Federal Appeals Court relied on in the Martin case to decide that the city of Boise could not constitutionally enforce its camping law in a specific situation when there are more homeless people than beds available in shelters. So, that gives Boise two options. Either you stop enforcing your anti-camping law under these conditions or increase the number of shelter beds so every homeless person could get off of the streets. Those are hard options for any city.

ROMAN MARS: And the idea here is that if you are punishing someone for sleeping outside but there's no other place for them to go then that is cruel? What are they leaning on in this?

ELIZABETH JOH: I think you've gotten to the core of it--that if you have nowhere to go because there's no available shelter beds, how can the state punish you? You are there involuntarily; you are sleeping on the street through no choice of your own.

ROMAN MARS: I'm just trying to find what word in this amendment they're latching onto--that it's particularly cruel, that it's unusual, that it's excessive... You know what I mean? I don't know.

ELIZABETH JOH: Well, they're not. That's kind of the problem. They're relying on the 1962 case--that's Robinson versus California--where the Supreme Court in that case said, "Well, it's cruel and unusual to punish someone for their status." And so

the Ninth Circuit says, "Well, this is also punishing someone for their status of being involuntarily homeless."

ROMAN MARS: So, it's building on an argument. So, they're really focusing on the idea of status established in that other case, not necessarily on what's being spoken in the amendment itself.

ELIZABETH JOH: Exactly. And so the appeals court is not saying that homeless people have the right to particular beds or that any city has to guarantee beds to people. Really what they're saying is that if the city is going to arrest folks for these anti-camping laws or sleeping on the sidewalk, they have to have this realistic choice of having a shelter bed available. You don't have the choice of a particular bed or a particular shelter, but you have to have some access to a shelter. So, the Martin case is a huge decision. It sets the law for all of the West Coast states. Now, let's go back to Grants Pass. The Grants Pass case was filed because of the Martin decision, and it goes a little bit farther. The federal court decided that every homeless person was involuntarily homeless because there were not enough shelter beds for the entire population. The Eighth Amendment and Lawrence Robinson's case did not allow the city of Grants Pass to enforce its camping ordinance. So, we've just talked about two cities--Boise and Grants Pass--but after the Martin decision, there was a lot of uncertainty and confusion about whether and how cities and counties on the West Coast could enforce their laws and clear these homeless encampments. Or maybe they couldn't at all. So after these cases, there were many, many lawsuits filed. And many judges imposed injunctions or judicially ordered pauses on the enforcement of anti-camping laws in places like San Francisco and Los Angeles. But the problem was that, each time, there were small variations about what counted as an available shelter or an adequate shelter so that cities could enforce their laws in ways that didn't violate the Eighth Amendment. So for instance, in 2020, a federal judge said that adequate shelters meant that shelters needed certain features, like nursing staff who could provide covid tests and onsite security. In 2022, a federal judge ordered the city of San Francisco not to enforce its anti-camping laws, but the decision left unclear how the city was supposed to determine who was involuntarily homeless and who is not on a daily basis. And you can imagine that's hard to do, right? Not everyone cooperates. It's not clear who really has access to a shelter or who doesn't.

ROMAN MARS: Yeah. And I don't even know if I know how to define who a voluntarily homeless person is.

ELIZABETH JOH: That's right. That's right. It's really hard to do. So, these decisions raise a very simple question, right? Do these people have the right to be here? But the answers from all of these different courts were complex, sometimes somewhat inconsistent, and very hard for cities and counties to comply with. So, it was no surprise that the Supreme Court decided to review the case of Grants Pass. And the Supreme Court issued its decision in Grants Pass versus Johnson on June 28th, right at the end of its term. Now, before the Supreme Court takes up its

case, I want to just pause for a moment on the issue itself. The politics of this issue are pretty complicated, don't you think?

ROMAN MARS: Yeah because, as you've stated, the most intense pressure when it comes to homelessness and interacting with communities is in the West, where there's a lot of liberal folks who run things who want to take care of the homeless but also know that this is not a thing that is tenable if encampments get bigger and bigger and bigger.

ELIZABETH JOH: That's right. And then the folks who are bringing lawsuits are advocates for the homeless or civil rights organizations--also considered progressive or left. So, this isn't a kind of neat right-left divide. You have a very complicated set of decisions that have to be made, and the alignments are not what you would necessarily expect. And for some of the federal judges, it was a very personal issue. Here's what one federal appeals court judge said in the Grants Pass lawsuit, before the case went to the Supreme Court. This judge said, "Assume you are a police officer and you encounter a homeless person in some public place--say San Francisco's Civic Center near the James R. Browning Building, where our court sits. Assume further that the person has set up a tent and engaged in activities like defecation and urination on the sidewalk nearby. Under Martin, you are powerless to cite this person, even for public defecation, because San Francisco has fewer shelter beds than total homeless persons." And so, in fact, a very large number of cities, states, and counties filed briefs asking--begging--the Supreme Court to take the case not just from the West Coast but also from places all around the country because they wanted some clarity on what was permitted and what was not. Now, some of these local governments asked the Supreme Court to overturn the Grants Pass case. But others, like California's Governor Newsom, simply filed a brief asking for clarity. He wasn't asking for any side in particular. He just said, "Please make clear what we can do in ways that are constitutional, respecting the rights of the people in these encampments, but allowing the cities to do something about the problem." So, Justice Gorsuch wrote the Majority Opinion in Grants Pass. And I think you can understand Gorsuch's point of view from just two sentences from the opinion. He says, "Policymakers need access to the full panoply of tools in the policy toolbox to tackle the complicated issues of housing and homelessness. Five years ago, the U.S/ Court of Appeals for the Ninth Circuit took one of those tools off the table."

ROMAN MARS: So, what's the reasoning behind his opinion?

ELIZABETH JOH: Well, there's sort of two major points. In the majority's view, the Eighth Amendment--the one that bans cruel and unusual punishments--has nothing to do with local governments using anti-camping laws as one of its methods to address homeless encampments. Remember, as you pointed out, the Eighth Amendment talks about cruel and unusual punishments. We typically think of that as what happens after conviction. And the majority in Grants Pass says, "Well, that's the main focus of the Eighth Amendment." And the problem with the lawsuit in Grants Pass is that it isn't really focused on the punishment at all.

It's a lawsuit about the criminal law itself. The punishment afterwards--which could include civil fines, exclusion orders, and then jail sentences--it's just not that severe or strange. It doesn't seem cruel and unusual in the slightest.

ROMAN MARS: And so, what does this mean for the Robinson case--the addict case?

ELIZABETH JOH: Well, the people who challenged the anti-camping law in Grants Pass said, "Look, this is exactly like Lawrence Robinson's case. Robinson was being punished for being an addict, and we are being punished for being homeless. That's unconstitutional." But the majority in Grants Pass has a very simple response to this: "Let's take a look at the law." In Robinson, the state of California had made it a crime to be addicted to the use of narcotics. The law that's challenged in the Grants Pass case says, "You can't occupy a campsite on public property for the purpose of maintaining a temporary place to live." So, Roman, can you see how these laws might be considered pretty different?

ROMAN MARS: Well, they seem entirely different. It's hard to find similarities actually in some ways. I mean, to me, the most obvious one is this kind of nebulous idea of being addicted to something versus the action of actually putting down a bed and a stove and things like that. They just seem like completely different things to be able to measure and control.

ELIZABETH JOH: That's exactly how the majority sees it. The majority in Grants Pass says, "Look, the law in Robinson's case was punishing the fact that Robinson was an addict--nothing that he was actually doing at the time he was arrested." But the law in Grants Pass, which is similar to almost every anti-camping law around the country, doesn't focus on the status or the fact of being homeless. They simply state that there are acts that you engage in. "And that makes all the difference," says the Supreme Court in Grants Pass. And that's why these laws are constitutional. Now, the Supreme Court doesn't overrule Robinson's case. It just says that Robinson has nothing to do with these anti-camping laws at all.

ROMAN MARS: Interesting.

ELIZABETH JOH: And in fact, the Supreme Court says that the Grants Pass case is much closer to another case it decided shortly after Robinson. It's a case called Powell versus Texas.

Leroy Powell had been convicted in Texas of the crime of getting drunk or being found in a state of intoxication in any public place. Powell argued to the Supreme Court that he was just like Lawrence Robinson. He was an addict. He was an alcoholic. So, Texas was punishing him for his status, and that violated his Eighth Amendment rights. But in 1968, just six years after Robinson's case, the Supreme Court decided that, even if Powell could not help what he was doing because he was an alcoholic, Texas was not punishing him for being an alcoholic. Texas was punishing the very specific act of being drunk in public. So, a very different case from Robinson's. And so, Texas could constitutionally punish Leroy

Powell. And so, in Gorsuch's view, anti-camping laws are just like that Texas law. Here's what the majority in the Grants Pass case said: "The public camping laws prohibit actions undertaken by any person regardless of status. It makes no difference whether the charge defendant is currently a person experiencing homelessness, a backpacker on vacation, or a student who abandons his dorm room to camp out and protest on the lawn of a municipal building." So, it's sort of like everybody has a right to sleep under the bridges--that kind of idea.

ROMAN MARS: Or everyone doesn't.

ELIZABETH JOH: Or everyone doesn't. Right. So, the dissenters, of course, did not see any distinction. Justice Sotomayor wrote a dissent that was joined by Justices Kagan and Jackson. And Sotomayor says, "Look, for some people, sleeping outside is really the only choice they have. And the fact that the anti-camping laws literally punish acts rather than status is not really the point." Sotomayor points out that if we look beyond the literal words--if we see why these laws were passed, who's enforcing them, and what they say when they're enforcing them--we can see they're specifically designed to punish homeless people who happen to be sleeping in the parks or on the sidewalks. These laws are designed to only target the people who don't have a choice to live anywhere else. Nobody else--not the backpacker and not the person who just happens to have a pillow in the park--these are not people who are arrested. And so for Sotomayor, the Grants Pass law and all of these other anti-camping laws are really laws that truly target the status of homelessness. And that's what makes them unconstitutional in the dissenter's mind.

ROMAN MARS: Hmm. I am convinced of that. Everyone knows that it isn't the backpacker or the young kid that is getting moved off of a public spot, especially if they're a white, young kid. It really is just for homeless people.

ELIZABETH JOH: I think that's right. I think the problem is that, because of the way that the Court has decided this area of the law, there's only this one sort of outlier case--Lawrence Robinson's case--and they've never really revisited it. It means that they never really liked that case ever since. They don't really want to overrule that case. But if we're really going to have a Supreme Court that says, "Well, if there's a law that punishes acts, what we really need to do is look at how it's enforced to see whether it's punishing status," that would really open up a lot of challenges to every kind of criminal law.

ROMAN MARS: Yeah. Sure.

ELIZABETH JOH: That's not a place where the Court wants to go.

ROMAN MARS: No. So, after the Grants Pass decision, like, what happens now then?

ELIZABETH JOH: Well, what it really means is that state and local governments now are free to enforce their anti-camping laws, anti-sleeping-on-the-sidewalk laws if they want

to use these as tools to clear homeless encampments. They don't have to enforce these laws. They can really do whatever they want. They can continue to offer shelter and services. They can do nothing if those offers are refused. But after the Grants Pass case, the decision is left entirely up to cities, counties, and states. They can use persuasion or they can use arrests. And so, that's what we're starting to see already. So, in San Francisco, Mayor London Breed has already announced that the city will take more aggressive steps after the Grants Pass decision. She's told the city's police officers that they can cite homeless people for illegal camping if they refuse offers of shelter. That was something that they couldn't do before this case. She also announced that police will enforce laws that ban sitting or lying down on sidewalks. I assume that wouldn't be enforced evenly--probably only enforced against people who appear to be homeless.

ROMAN MARS: No way would that be enforced evenly. Yeah.

ELIZABETH JOH: So, that's the clear consequence of the Supreme Court stepping in. There's no longer any confusion. It's absolutely clear that each city, state, or county can do whatever it likes. There is a separate issue that comes up, I think, not having to do with cruel and unusual punishments. When you think about what it means for cities and counties after Grants Pass, this is a decision about local governments--but it's also a policing decision, too, because, when you think about the carrot and stick approach that's been used in the case of homeless encampments, getting people off the streets is often a matter of incentivizing people or saying, "Well, the police are going to arrest you." So, you can think of Grants Pass as a Supreme Court case that also grants more powers in the case of policing because if the police can enforce these laws--not just anti-camping laws but laws that ban sitting and lying down on sidewalks--they have more tools in general at their disposal.

I think one of the problems though is that these laws are notoriously vague and broad, and that means they have the potential to be used in ways that might be considered arbitrary or discriminatory or unevenly enforced. Now, this kind of concern doesn't have a place in the cruel and unusual punishments area of the law. But there is some possibility that someone might bring up a claim that maybe these laws are unconstitutionally vague if I can't really understand how to comply with these laws. And if an ordinary person can't figure out how to avoid violating an ambiguously worded law, well, that means that there's a risk that the police could arrest anybody for any reason or maybe no reason at all. I bring this up because Justice Sotomayor, who writes the dissent in Grants Pass, suggested, "Look, we're just deciding the Eighth Amendment claim here today, but there's some possibility that there could be a due process claim here as well."

ROMAN MARS: And what does she mean by that?

ELIZABETH JOH: What she means by this is somebody could raise a due process claim that these laws are called void for vagueness. They're unconstitutionally vague, and they could be potentially struck down on a different basis.

ROMAN MARS: I see. I see.

ELIZABETH JOH: So, it's just kind of raising a little hint to future lawsuits potentially that might be raised.

ROMAN MARS: And how she might rule on those. Yeah.

ELIZABETH JOH: And let me go back with a coda about Lawrence Robinson. Remember him?

ROMAN MARS: Okay, yeah.

ELIZABETH JOH: Robinson was found dead in a Los Angeles alley, probably of an overdose, in August of 1961. That was 10 months before the Supreme Court issued its opinion in his case. It's not clear whether Robinson's lawyer was hiding the fact or didn't know that his client had died. Now, then the Supreme Court issued its actual opinion in Robinson versus California in 1962. And after they discovered that Robinson was dead, California's Attorney General asked the Supreme Court to vacate its decision because it was moot--no longer relevant--because Robinson was dead. The Supreme Court denied the petition, and California versus Robinson ended up living on as an important opinion--an opinion on the Eighth Amendment that Justice Gorsuch would describe in 2024 as a "notable exception."

ROMAN MARS: Wow. What a story. I mean, this is one of the things that I just, like... I only came to the revelation after we started talking. But just, like, law school is just stories. It's so cool.

ELIZABETH JOH: It is stories.

ROMAN MARS: Yeah. It's so amazing.

ELIZABETH JOH: I mean, one of the things that's really amazing about constitutional law is we always hear about these big-name lawyers that argue these cases but so many of the most important cases start out with the most ordinary kind of situations and ordinary people. And through luck and happenstance, their case is the one that becomes the case that is cited for decades.

ROMAN MARS: Yeah. Yeah. I'm very sympathetic, and mostly I'm on the sort of Sotomayor team on all things. And I follow her line of thought most of the time. One thing that this does bring to mind, though, is the nature of policing--there is definitely a bad side for it being discretionary and vague. But there is kind of an upside to that as well because the community standard for what the cops do and how we

hold our elected officials who control the police in some way responsible--that sentiment could trickle down in a good way, too, right?

ELIZABETH JOH: Oh, absolutely. I mean, discretion is not 100% bad. Police discretion can mean that police can be understanding in situations that technically call for a citation or arrest. I mean, we shouldn't think of police discretion as some sort of evil. I think the problem is police discretion only comes up in legal cases and goes up to the Supreme Court when there have been bad uses of discretion--when you have policing that is just targeting a group or saying, "Look, we're just going to arrest these people because they're the unpopular people in the city or the community." And if the Supreme Court's ever worried about police discretion, those are the situations where it arises. But you're right. I mean, even with what's happened after Grants Pass, there have definitely been cities on the West Coast that reacted to the Supreme Court decision and said, "Look, that's what they said, but we're not changing our position. We're still going to offer shelter and social services. We're not going to use policing in an aggressive way to punish these folks." So, in a way, you might say that this is a decision about sending it back to local communities and deciding what to do. So, that leaves a lot in the hands of local folks to decide how they want to address this. And that can be using the tools of policing as a backup or using it in the first place. And that's what I think will concern some people.

ROMAN MARS: Yeah, I mean, the silver lining to this is that placing this back into just the local community and for them to assess their values and really realize what they're doing here and not rely on these strictures of law that-- They feel like their hands are tied, and now they know that they're not. And maybe it causes them to be more charitable, and maybe it causes them to think more holistically about the problem. I would have some hope that the better angels of our nature would come through when they realize that they have this power to really destroy someone's life. And maybe they just choose not to. And that would be really, really great.

ELIZABETH JOH: I hope that's right. I mean, I hope that cities go in the way that is the opposite direction of what we saw in Grants Pass, which was basically a decision before the lawsuit that we are just going to get rid of these people and we're just going to start arresting them left and right. And that's not what you want to see. We want to see some other more humane approach, and hopefully more communities will adopt that.

ROMAN MARS: Yeah. Well, good. I mean, I don't know if I'm extremely hopeful, but at least there's something there for people to take charge of this and for people who are aware of this to know that now they actually have the local control to make those decisions and provide those services and solve the problem in a specific way related to that community. I think that--you know--we should take on that responsibility.

ELIZABETH JOH: Yeah, that's right. It's definitely back in our hands now.

ROMAN MARS: This is fascinating stuff, Elizabeth. Thank you so much.

ELIZABETH JOH: Thanks, Roman. Good to be with you.

ROMAN MARS: This show is produced by Elizabeth Joh, Isabel Angell, and me, Roman Mars. It's mixed by Haziq bin Ahmad Farid. Our executive producer is Kathy Tu. You can find us online at learnconlaw.com. All the music in What Roman Mars Can Learn About Con Law is provided by Doomtree Records, the Midwest Hip Hop Collective. You can find out more about Doomtree Records, get mech, and learn about who's on tour at doomtree.net. We are part of the Stitcher and SiriusXM podcast family.