
No. 25-368

In the Supreme Court of the United States

—◆—
HAL TAYLOR,
in his official capacity as Secretary of the Alabama
Law Enforcement Agency,
Petitioner,

v.
JONATHAN SINGLETON,
on behalf of himself and others similarly situated,
Respondents.

—◆—
*On Petition for Writ of Certiorari to the United States
Court of Appeals for the Eleventh Circuit*

—◆—
**BRIEF OF *AMICI CURIAE* STATES OF SOUTH
CAROLINA, ALASKA, ARKANSAS, FLORIDA,
GEORGIA, IDAHO, INDIANA, IOWA, KANSAS,
LOUISIANA, MISSISSIPPI, MISSOURI,
NEBRASKA, OKLAHOMA, SOUTH DAKOTA,
TENNESSEE, TEXAS, UTAH, WEST VIRGINIA,
AND THE TERRITORY OF GUAM IN
SUPPORT OF PETITIONER**

—◆—
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INTEREST OF AMICI CURIAE¹

Amici curiae are the States of South Carolina, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, and the Territory of Guam (collectively, the *Amici States*).

Amici States are no strangers to poverty and homelessness. Recent Census data puts the official poverty rate in America at 10.6 percent, accounting for almost 40 million people. Emily A. Shrider and Christina Bijou, U.S. DEP'T. OF COMMERCE, U.S. CENSUS BUREAU, *Poverty in the United States: 2024*, at 1, Sept. 2025 (<https://tinyurl.com/mv9uyjw4>). And “homelessness in this country has reached its highest levels since the government began reporting data on the subject in 2007.” *City of Grants Pass, Oregon v. Johnson*, 603 U.S. 520, 528 (2024).

The impacts of poverty and homelessness extend beyond those who directly experience them. Very often, indigency leads to public begging and other disorderly behavior that impacts the rest of society. As President Donald Trump observed in a recent executive order, “endemic vagrancy, disorderly behavior, sudden confrontations, and violent attacks have made our cities unsafe.” Exec. Order No. 14,321, 90 Fed. Reg. 35817, *Ending Crime and Disorder on America’s Streets*, (July 29, 2025). And “[s]urrendering our cities and citizens to disorder and fear is neither compassionate to the homeless nor other citizens.” *Id.*

¹ Counsel of record for all parties timely received notice of *Amici States*’ intention to file this brief.

That's why states have endeavored to protect the public from disorder while also directing the needy to more constructive and long-term solutions for their want by regulating public begging. This approach is supported by history and tradition. In fact, most states regulate public begging, while others authorize municipalities to do so.

The decision below calls many of those laws into question. *Amici* States have an interest in preserving their ability to protect the public order and care for indigent individuals within their borders with the full panoply of tools at their disposal. And even more fundamentally, *Amici* States have an interest in advocating for the survival of their own laws. That's why they urge this Court to grant certiorari and reverse.

SUMMARY OF ARGUMENT

The Court should grant certiorari to decide an issue of exceptional importance to the states. While the Court grapples with whether begging is speech for purposes of First Amendment protection, it should consider states' long history and tradition of regulating public begging. And it should grapple with the states' interest in protecting public order and promoting the general welfare.

REASONS FOR GRANTING THE PETITION

I. The question presented is exceptionally important to the States.

While the problems of poverty and homelessness are complex, States have historically enjoyed great leeway in how they respond to them. And that makes sense. States "serve as laboratories of democracy,"

Evenwel v. Abbott, 578 U.S. 54, 89 (2016) (Thomas, J., concurring) (cleaned up), where the best ideas become commonplace. That’s exactly what happened with regulation of public begging. Yet the 11th Circuit played policymaker and substituted the states’ judgments with its own. Such a threat to the States’ authority is not taken lightly. The States have a long history of regulating public begging based on their own policy determinations, and this Court should step in to affirm their long-standing lawful ability to do so.

A. States have a long history and tradition of regulating public begging and they continue to do so to this day.

As Alabama ably explains in its petition, there is a long history and tradition of state regulation of public begging. *See* Cert. Petition at 7 (“In fact, *every single State* that ratified the First Amendment had vagrancy laws on the books. Of those, at least six States named and punished the act of begging, including Connecticut, New Jersey, New York, North Carolina, Rhode Island, and Virginia. Four States regulated ‘beggars’: Maryland, New Hampshire, South Carolina, and Vermont”).

This Court and lower courts have recognized this tradition or variants of it. *See City of Chicago v. Morales*, 527 U.S. 41, 103 (1999) (Thomas, J., dissenting) (“The plurality’s sweeping conclusion that this ordinance infringes upon a liberty interest protected by the Fourteenth Amendment’s Due Process Clause withers when exposed to the relevant history: Laws prohibiting loitering and vagrancy have been a fixture of Anglo-American law at least since the time of the Norman Conquest.”); *see also Young v. New York City*

Transit Auth., 729 F. Supp. 341, 353 (S.D.N.Y.), *vacated*, 903 F.2d 146 (2d Cir. 1990) (“[B]egging has been regulated, monitored and at times prohibited throughout history.”)). Even critics of such regulations acknowledge this history. See *Julia Koestner, Begging the (First Amendment) Question: The Constitutionality of Arizona’s Prohibition of Begging in A Public Place*, 45 ARIZ. ST. L.J. 1227, 1230 (2013) (“State and local governments have regulated or prohibited conduct traditionally associated with homelessness, such as vagrancy or begging, throughout our nation’s history.”).

This tradition of regulating public begging is not uniquely American. On the contrary, “[s]ocieties have regulated begging throughout history.” Robert Teir, *Maintaining Safety and Civility in Public Spaces: A Constitutional Approach to Aggressive Begging*, 54 LA. L. REV. 285, 294 (1993). From Plato’s Athens to Edwardian England to the French Republic, western societies “have historically and consistently sought to prevent, or at least control, begging.” *Id.* at 300.

This tradition continues to this day, as numerous States have enacted statutes regulating begging. See National Homelessness Law Center, *Housing Not Handcuffs 2021: State Law Supplement* (November 2021) (documenting 28 state laws that regulate panhandling or begging); see also Teir, *Maintaining Safety and Civility in Public Places*, 54 LA. L. REV. at 302 (“Twenty-six states now have laws concerning begging. Eleven states merely authorize municipalities to proscribe begging.”).

Although the approaches of the States may vary, they all reflect an attempt by the States to regulate

begging in some form or fashion. *See* Tracy A. Bateman, *Laws regulating begging, panhandling, or similar activity by poor or homeless persons*, 7 A.L.R.5th 455 (originally published in 1992) (collecting approaches of the States). Some States, like Arkansas, attempt to prohibit public begging in only certain locations. *See* Ark. Code Ann. § 5-67-107 (making it unlawful for a person to “solicit a donation” or “offer to sell any time or service” in a certain proximity to a state highway). Other States, like Nebraska, empower local municipalities to prohibit such conduct. *See* Neb. Rev. Stat. Ann. § 15-257 (“A city of the primary class may provide for the punishment of vagrants, tramps, or street beggars, prostitutes, disturbers of the peace, pickpockets, gamblers, burglars, thieves, or persons who practice any game, trick, or device with intent to swindle.”).

These varied approaches reflect an admirable feature of our federalism, in which States are acting as “laboratories for devising solutions” to complex and profound moral problems. *Arizona State Legislature v. Arizona Indep. Redistricting Comm’n*, 576 U.S. 787, 817 (2015). And as explained more fully below, there are few problems in our society with greater moral complexity than the problems associated with public begging. *See City of Grants Pass*, 603 U.S. at 528 (“Some suggest that homelessness may be the ‘defining public health and safety crisis in the western United States’ today.”) (quoting *Johnson v. City of Grants Pass, Oregon*, 72 F.4th 868, 934 (9th Cir. 2023) (Smith, J., dissenting from denial of rehearing en banc).

As Alabama explains, courts have regrettably undermined the efficacy of these efforts under a variety

of legal theories. *See* Cert Pet. at 2 (“More percolation is unlikely to bear fruit. Most States and their subdivisions are already blocked [by Courts] from regulating begging as such.”).

This Court should grant certiorari and make clear that in light of this history and tradition, the First Amendment does not protect public begging.

B. Restrictions on public begging protect the public and promote the general welfare.

Both history and the recent experiences of the States confirm that there are sound policy reasons to restrict public begging. They suggest that public begging can create a host of problems for individuals and society, and restrictions on public begging can meaningfully ameliorate these problems.

Before delving into a discussion of these issues, the States emphasize an important caveat that should hopefully go without saying: in regulating public begging, States are not seeking to criminalize poverty but rather, to discourage destructive responses to poverty and the impacts those responses have on society. Such restrictions do not discourage charity to the poor but rather encourage appropriate means of extending charity in ways that help rather than harm the poor.

And as noted above, States have varying approaches to confronting the enduring social problems associated with public begging and may not always agree about the appropriate solution. The undersigned States do agree, however, that the decision of how to best address these problems is for States to make—not the Courts.

1. *Public begging reinforces poverty and harms individuals and society.*

As an initial matter, it is worth noting that public begging often reinforces poverty and may very well harm individual beggars. As some commentators have observed, if panhandling is not restricted, there is little reason to stop. “Most panhandlers are not interested in regular employment, particularly not minimum-wage labor, which many believe would scarcely be more profitable than panhandling.” Michael S. Scott, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, U.S. DEPARTMENT OF JUSTICE, “Problem-Oriented Guides for Police, Guide No. 13: Panhandling,” at 7, Sept. 8, 2003 (<https://tinyurl.com/bdh55a3d>). At least one study estimates that income from panhandling in the United States ranges from \$2 to \$16 per hour. Victoria J. Haneman, *The Liminality of Transactional Relationships*, 109 MINN. L. REV. HEADNOTES 67, 70 (2025) (citing Daniel Reinhard, *How Much Do They Make? A Systematic Review of Income Generated from Begging*, 33(1) Int’l Crim. Just. Rev. 66 (2023)). And “the vast majority of ... homeless populations are not actively seeking shelter and refuse all services.” *City of Grants Pass*, 603 U.S. at 531 (cleaned up).

Income from panhandling is often used to purchase addictive substances rather than food or shelter. “Some panhandlers’ refusal to look for regular employment is better explained by their unwillingness or inability to commit to regular work hours, often because of substance abuse problems.” Scott, at 7, *supra*. Indeed, “[p]anhandlers spend much of their money on alcohol, drugs and tobacco.” *Id.* at 11; see also Bose R, Hwang SW, *Income and spending patterns among panhandlers*, 167 CAN. MED. ASSOC. J.

477-79, Sept. 3, 2002 (“[T]he amount of money panhandlers spend on alcohol and illicit drugs is significant.”); *see also* CHANGE FOR THE BETTER, “Change for the Better fact sheet,” Aug. 13, 2006 (<https://tinyurl.com/35k3fdhj>) (study finding 7 out of 10 panhandlers in Winnipeg, Manitoba, Canada, will use spare change to buy drugs, alcohol, or cigarettes). And “begging has much more of a direct link with addiction or criminal gangs than it does with rough sleeping.” Jon Kuhrt, SEEN AND UNSEEN, “Why begging ‘bothers us tremendously,’” Jul. 20, 2023 (<https://tinyurl.com/ycyvz6xx>).

In fairness, one study noted that “[a]side from alcohol or illegal drugs, panhandlers report a wide variety of other items on which they spend their money, such as food, medicine, clothes, toiletries, and transportation.” Stephen E. Lankenau, *STRONGER THAN DIRT: Public Humiliation and Status Enhancement among Panhandlers*, 28(3) J. CONTEMP. ETHNOGR. 288-318 (1999). Yet the author acknowledged that “a majority of panhandlers in my study are users either of alcohol or illegal drugs or both. It then follows that a certain proportion of monies received from givers is spent on alcohol or illegal drugs.” *Id.* Indeed, while “some money does go toward food, transportation, and toiletries,” panhandlers’ “primary purpose is to immediately buy alcohol or drugs.” Scott, at 11, *supra*.

That’s why many advocates for the poor and homeless recommend against giving money directly to panhandlers. *See, e.g.,* Kuhrt, *supra*. While “[w]e may long for a simplistic world where good intentions are enough and where all donations given in good faith are well-used,” “this is not the world we live in.” *Id.*

Panhandling also harms other individuals and the rest of society. Law-abiding individuals experience distress and sometimes physical harm when approached by indigent individuals. Begging can be “intimidating, harassing and threatening.” *Young v. New York City Transit Auth.*, 903 F.2d 146, 156 (2d Cir. 1990) (cleaned up). As even one supporter of public begging remarked, “like many Americans, I also found face-to-face contact with panhandlers psychological[ly] and emotionally discomforting.” Stephen E. Lankenau, *Native Sons: A Social Exploration of Panhandling*, UNIVERSITY OF MARYLAND, COLLEGE PARK PROQUEST DISSERTATIONS & THESES, at 1 (1997). And panhandling “has the serious potential of creating an accident and injuring many people.” *Young*, 903 F.2d at 150.

At the societal level, public begging can also lead to “an increase in other forms of nuisance behavior or crime” such as “trash scavenging, shoplifting, theft from autos, purse snatching, prostitution, [and] drug dealing.” Scott, at 16, *supra*.

Citing the work of criminologist George Kelling, one commentator suggested that “aggressive begging can be ‘part of a self-perpetuating cycle of decay’ drawing more serious crimes into a neighborhood.” Teir, *Maintaining Safety and Civility in Public Places*, 54 LA. L. REV. at 290 (quoting George L. Kelling, *Measuring What Matters: A New Way of Thinking About Crime and Public Order*, 2 CITY J. 21, 28 (1992)). Under this theory, “[w]hen parks or sidewalks are a place of frequent intimidation and intrusion, they become a place not to be sought out, but to be avoided. People come to think twice about eating their lunch at the local park or square, or taking a

walk to the zoo, the library, or the corner store. Exhaustion from having to run a gauntlet of obstacles when using any public place, ‘locks neighbors behind doors, chases store owners off streets, shuts down businesses, and spreads poverty and despair.’” *Id.* at 289 (quoting Kelling, *Measuring What Matters*, 2 CITY J. at 21).

Economic data supports Professor Kelling’s hypothesis that public begging hurts business, which, in turn, results in less tax revenue to the states. “Indicators of the economic health of the area beset with panhandling” include high property vacancy rates, diminished presence of shoppers, low commerce levels, low tax receipts, and high private-security expenditures. Scott, at 16, *supra*. While poverty and homelessness are complex and difficult problems, most states have concluded as a matter of policy that public begging is not the answer.

One need not ascribe to Professor Kelling’s theory in its entirety to recognize that public begging can lead to significant social disorder. Alabama’s petition cites reporting from across the country to reflect this reality. *See* Cert. Petition at 24 (collecting statistics from local governments across the country, including New York, Los Angeles, and San Diego). States like Alabama seek to stem the tide of that social disorder.

2. Restrictions on public begging benefit all of society, including indigent individuals.

Given the long history of the regulation of public begging, it should be no surprise that restrictions on public begging have real benefits—both to society and to the individual.

In enacting these restrictions, States (and local municipalities) are fulfilling their “core” functions, namely the “promotions of safety of persons and property.” *Kelley v. Johnson*, 425 U.S. 238, 247 (1976). Further, these restrictions advance, well-defined interests in protecting the safety, beauty, and hygiene of public spaces. *See, e.g., Cox v. State of New Hampshire*, 312 U.S. 569, 574 (1941) (“Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses. The authority of a municipality to impose regulations in order to assure the safety and convenience of the people in the use of public highways has never been regarded as inconsistent with civil liberties but rather as one of the means of safeguarding the good order upon which they ultimately depend.”).

These and related restrictions can deliver meaningful results. Perhaps most famously, the relatively sharp decline in crime in New York City during the 1990s has been attributed by some to increased enforcement of non-violent misdemeanor offenses. *See* George L. Kelling and William H. Sousa, Jr., *Do Police Matter?: An Analysis of the Impact of New York City’s Police Reforms*, CENTER FOR CIVIC INNOVATION AT THE MANHATTAN INSTITUTE (Dec. 2001).

And even if one is skeptical of such an ambitious claim, it is difficult to refute the notion that these restrictions necessarily improve the living conditions of those directly impacted by the behavior. *See Young*, 903 F.3d at 158 (“The governmental interests in the prohibition of begging in the subway are more fully elucidated when the harms to be avoided are

juxtaposed with the good to be sustained. The subway is not a domain of the privileged and powerful. Rather, it is the primary means of transportation for literally millions of people of modest means, including hard-working men and women, students and elderly pensioners who live in and around New York City and who are dependent on the subway for the conduct of their daily affairs. They are the bulk of the subway's patronage, and the City has an obvious interest in providing them with a reasonably safe, propitious and benign means of public transportation.”). In any event, the best judges of the efficacy of these policies are the people and their elected representatives.

CONCLUSION

In the American judicial system, “courts call balls and strikes; they don’t get a turn at bat.” *Clark v. Sweeney*, No. 25–52, 2025 WL 3260170, at *1 (U.S. Nov. 24, 2025) (cleaned up). “Yes, people will disagree over which policy responses are best; they may experiment with one set of approaches only to find later another set works better; they may find certain responses more appropriate for some communities than others. But in our democracy, that is their right.” *City of Grants Pass*, 603 U.S. at 560. And a “handful of judges” cannot “begin to match the collective wisdom the American people possess in deciding how best to handle a pressing social question” like public begging. *Id.* (cleaned up).

The 11th Circuit tried to “wrest those rights and responsibilities from the American people and in their place dictate this Nation’s [public begging] policy.” *Id.* This court should grant certiorari to remind the 11th

Circuit, and all judicial circuits, that the American people get to decide matters of policy.

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