Can I sit?

The use of public space and the ‘other’

Calvin John Smiley

Introduction

On a frigidly cold morning in March 2011, I arrived at Newark Penn Station and decided to have breakfast in the Gateway Center – a set of interconnected above ground tunnels and buildings – before arriving at the prisoner reentry office where I was doing fieldwork. I sat at one of the small tables in the corridor away from the noisy eatery filled with businessmen. Facing me at another small table was a young adult White male in a dark navy blue suit. I assumed he worked in one of the multiple businesses located inside the Gateway Center. When I sat down we glanced at each other and both gave a half grin. I expected that this interaction was final but to my surprise I heard a voice say, ‘Good choice.’ I looked up and before I could respond the young man said, ‘On your breakfast,’ glancing down to the fact that we had the same exact meal. I cheerfully stated, ‘Yes, it is.’ ‘Do you work in the Gateway?’, he said. I responded, ‘No,’ yet an interesting but brief conversation ensued. He told me that he had recently finished law school and had started working at a law firm in the Gateway Center. He was living at home with his parents but looking to move out. I asked had he thought of moving to Newark. He replied, ‘You know... I’ve never been out there.’ I gave him a perplexed look and he clarified, ‘I haven’t actually been in Newark. I started working here at the end of August and still haven’t been outside [Newark] Penn Station or the Gateway [Center]. You always hear bad things about Newark and I guess I have no real reason to go out there.’ We both finished and said good-bye; he headed towards his office as I made my way towards the exit. Our encounter was short but as I left the Gateway Center facing the cold wind for the second half of my walk, I thought about our conversation and two things stood out about this young man’s comments. First, his assessment and analysis of both Newark Penn Station and the Gateway Center that had anything he needed for a typical day, which included several places to eat, fitness center, banks, and coffee stands. Second was the reaction to the question about moving to Newark and his comment of ‘you always hear bad things.’ Newark, like many other predominately poor and Black communities, is marred with a stigma of being dangerous and a place that is unsafe for ‘good’ people. By his own admission, he had never felt or experienced this threat of danger of Newark being a ‘scary’ place, yet still harbored those feelings of fear towards the city.
Several weeks later as the weather began to change and it became significantly warmer I noticed a transient man sitting underneath one of the skyway tunnels of the Gateway Center getting shelter from the hot midday sun. When I looked above into the glass encased tunnel there was a man dressed in a suit walking towards the parking deck. I immediately thought back to my interaction with the young man and began to think about the physical and symbolic space proximity in front of me. The man above would not know there was someone sitting underneath the tunnel and conversely, from the angle where the transient man was sitting, he would not have seen the man above him walking across the platform. This physical space distance outlines and highlights inequalities based on socio-economic status in American society. However, it is indicative of a larger symbolic history of how American society reinforces the ‘other’ through the use of public space, which is designed to keep certain groups in, but also to keep certain groups out.

Two major groups that occupy Newark Penn Station are identified as commuters and the ‘other.’ First, this paper discusses the broad field of the use of public space and the construction of the built environment as ways that support the ‘other’ process. Next it describes the key players in this public space and their roles within it. Then the article explains many of the findings of this research including the ways the ‘other’ label is enforced as well as subverted, showing the ways in which the ‘other’ is simultaneously marginalized and incorporated into public space. Finally, the paper explores the reasons why segments of society use this public space as shelter and sheds light on why support for public policy is important. Three questions navigate this research: (1) How is public transportation space and the built environment used by several different groups? (2) What are the (un)written rules that govern this space? (3) Who is charged with enforcing rules and for what purpose?

Methods

Opening in 1935, Newark Penn Station is the largest commuter hub in the state of New Jersey carrying over 27,000 train commuters daily (NJ Transit, 2014). Despite being the largest form of public transportation in the state, the city of Newark has been tainted by violence, stemming from the 1967 rebellion, identified by the Kerner Commission as the second most damaging riot behind Detroit, Michigan (Kerner, 1968). The revolt left the city with furthered economic divestment, White flight, and urban decay (Epps, 2010). However, in 1971, the Gateway Center was built as a project that was part of the ‘New’ Newark campaign, which looked to attract businesses and consumers back to the city. Since then, the construction of the Gateway and connecting sky tunnels has been completed in phases, with four total phases completed and two more designed but not implemented (DePalma, 1985).

This research was an unintended consequence (Merton, 1936) of a larger project I had been working on while in graduate school. During my commute to Newark Penn Station a few days per week, the transient population was one of the most
visible groups occupying this space. Many times, this population could be seen sitting or sleeping on the benches throughout the station. As an ethnographer, I began to take field notes (Duneier, 1992; Anderson, 1999) of the interactions between the various groups of commuters and transients, all which were regulated by law enforcement. Overtime, I began to interact with key players, which included several law enforcement agents, transient individuals, commuters, and other key persons who worked within the station. I began to spend more and more time at Newark Penn Station, which resulted in three years of fieldwork collecting field notes, data, personal testimonies, and observations of the daily interactions.

Public space, the built environment, and the ‘other’

The use of public space is a complex idea. In short, it is an area that is open to the community for social use. However, the use changes based on the consumers. For example, scaffolding and playground equipment are used for exercise (De la Tierra, unpublished). Mitchell Duneier (1999) highlights how street vendors use sidewalk space to sell magazines and other materials. Low et al. (2005) discuss the cultural expression of Latino communities occupying public beach space in New York City. Therefore, public space is fluid based on the occupant.

The production of space (Lefebvre, 1991) is an important role in the use of social space as it is a social construction that reflects spatial practices and perceptions based on the individuals and groups occupying a particular location or segment of society. It is through this use of space that order or disorder arises. Historically, street people have been seen as a nuisance in public space. In Britain, vagrancy (Chambliss, 1964) and theft (Hall, 1952) laws were passed, which predominately focused on the poor, in the 14th and 15th century, respectfully. Therefore, over time the outlook on the unemployed or unemployable is that they are the ‘dangerous’ class (Barak et al., 2015).

In America, the intersectionality (Crenshaw, 1991) of race, class, and gender play a pivotal role in developing notions and myths of the supposed ‘dangerous’ class. Following the American Civil War, newly freed former slaves began to gain citizenship rights that threatened White supremacy. This threat was thwarted through the passage of various Black codes, laws of moral turpitude, and felon disenfranchisement laws (Uggen et al., 2003). These had a profound affect on law enforcement’s reaction to specific communities and the racial make-up of U.S. prisons as well as the legacy of fearing the poor, many who are people of color. This fear of the ‘other’ allows for public interest to push certain segments of society to the margins and out of public spaces based on perceived physical threats. Therefore, the built environment is a use of space that is, ‘the human-made space in which people live, work, and recreate on a day-to-day basis’ (Roof & Oleru, 2008: 24). It is shaped by the material, spatial, and cultural production of human labor that uses physical space surroundings as a setting of human activities. This man-made environment is assembled many times with conscious efforts for specific uses by city planners, politicians, and other key stakeholders, which dictate
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and delegate how this space is shared, occupied, and used, for particular groups. Nevertheless, public space is used for multiple purposes. Consequently, tensions between the intended uses of public space and unintended uses of public space occur.

In 1961 Jane Jacobs published *The Death and Life of Great American Cities* that looks at how urban renewal in the 1950s destroyed communities as it rejected the human beings living within them through re-organization of public space. She argues that public characters on the street play a crucial role in maintaining social order, specifically on sidewalks. She states, ‘The first thing to understand is that the public peace - the sidewalk and the street peace - of cities is primarily not kept by the police, necessary as police are. It is kept primarily by an intricate, almost unconscious, network of voluntary controls and standards among the people themselves, and enforced by the people themselves’ (Jacobs, 1961: 32). In other words, the people navigating public space maintain order.

Mitchell Duneier’s ethnographic work of panhandlers and street vendors illuminates and reflects Jacob’s work and the need for public characters. In an interview Jane Jacobs reflects, ‘It is very important for cities to have public characters for many reasons. They are people who take responsibility not because they are paid but because they like too and have a talent for it’ (Duneier, 2007). Duneier’s work is an example of how the informal economy operates through street vendors and their use of public space. These men and women become vital public characters giving out information and directions to passers-by and the safety of community residents. Additionally, Duneier’s work illustrates how public space is criminalized by the enforcement of ‘quality of life’ crimes.

Broken windows theory (Wilson & Kelling, 1982) argues that in order to prevent larger crimes from happening, lesser crimes need to be eliminated. Wilson and Kelling base their theory on an earlier study of two vehicles left unattended that looked abandoned and were ultimately destroyed. Wilson and Kelling (1982) write:

‘Untended property becomes fair game for people out for fun or plunder and even for people who ordinarily would not dream of doing such things and who probably consider themselves law-abiding... But vandalism can occur anywhere once communal barriers - the sense of mutual regard and the obligations of civility - are lowered by actions that seem to signal that “no one cares”.’ *(The Atlantic Online)*

In other words, they argue untended behaviors lead to community disorder. Therefore, if law enforcement focuses on small infractions, this will diminish larger crimes. Duneier documents the street vendors interactions with law enforcement. This constant harassment can lead to furthered stigmatization of being viewed as the ‘other’ and perpetuate myths of the ‘dangerous’ class because ‘quality of life’ is coded language for ‘control of the poor.’

Colin Jerolmack’s (2013) ethnography about animal-human relationships explores ways public space is shared in urban cities, specifically between humans and pigeons. He investigates how these seemingly superficial relationships
between animals and humans transcend racial boundaries and tether ethnicity and history to a common narrative among those who handle pigeons. For Jerolmack, place becomes an important role of public space, because place embodies history. Social significance of public space is not just shaped by human occupants but by other non-human animal life. He illustrates the view of pigeons as urban nuisances playing a role in city planning trying to remove birds from areas. Pigeons, are viewed as deviant creatures known as ‘rats with wings’ or as Jerolmack writes, ‘... and ban pigeon feeding was part of a larger political project aimed at tackling a host of “quality of life” issues’ (2013: 7). Like other issues in urban cities, pigeon feeding is considered a quality of life crime that is not just a deviant behavior, but in some cases considered criminal, especially since, as Jerolmack explains, many of the people feeding pigeons in public parks are homeless and those who keep pigeons typically come from lower socio-economic status, as pigeon racing is known as ‘the poor man’s horse racing.’

All of these groups: public characters, street vendors, and pigeon handlers share a common identity of being part of the ‘other’ within their society. Jock Young has called the excluded the ‘outgroup’, described as, ‘... a scapegoat for the troubles of the wider society: they are the underclass, who live in idleness and crime’ (1999: 20). Many times, structural and systemic forms of discrimination play a crucial role in the economic, political, and social landscape that place people in the position of being homeless or jobless, leaving them to resort to other means of self-preservation. The liberalism ideology on responsibility focuses on the individual rather than the group. Therefore, if someone is homeless they have no one to blame but themselves under this philosophy. Randall Amster tackles this discussion of choice in his book, *Lost in Space: The Criminalization, Globalization, and Urban Ecology of Homelessness*. According to Amster the debate of who is at fault for being homeless, is irrelevant because he contends that people should have the right to live in the manner they so choose. However, this tactic of blaming the victim furthers the ‘other’ process because it exacerbates discriminatory practices, while simultaneously telling individuals they must simply work harder to achieve social mobility.

In the case of transient individuals who reside in Newark Penn Station, they are made the ‘other’ through various codes of conduct and written rules that govern this public space. Albert Cohen (1965) describes the ‘other’ as a way to reaffirm one’s own status by judging others to use as a measurement of one’s own self. Therefore, the ‘other’ is considered an exploitable and expendable segment of society through social and physical distance. Kretsedemas and Brotherton describe, ‘the otherness as an impermeable, ontological divide that separates “us” from “them”’ (2008: 372). This myth of difference in association with objectifying the ‘other’ becomes the primary way to legitimate programs and policies that alienate, disrupt, monitor, and remove unwanted persons in society. Jeff Ferrell (2001) discusses how neo-liberal agendas that push for this ‘Disneyfication’ of urban settings create conflict with several street groups such as graffiti artists and gutter punks. This ‘cleaning up’ of urban areas is intended to attract tourism and consumerism while simultaneously marginalizes unwanted groups perceived to be a nuisance and aesthetically not appealing to this newly fabricated society.
Interestingly, the ‘other’ is in a peculiar position with their attachment to larger society. Don Mitchell explores this strained relationship in his book, *The Right to the City: Social Justice and the Fight for Public Space*. He writes:

‘The very existence of such an army of poverty, which is so necessary to the expansion of capital, means there is an army of humanity that must be strictly controlled or else it will undermine the drive toward accumulation. If this has been a constant fact of capitalist development, then what sets the present era, and the present wave of anti-homeless laws, apart is the degree to which such regulation has also become an important ingredient in not just expanding capital but in either attracting it in the first place or in protecting it once it is fixed in particular places. This is what anti-homeless laws are meant to do. The contradiction, then, is that the homeless and poor are desperately needed, but not all wanted, and so the solution becomes a geographical one: regulating space so that homeless people have no room to be here.’

(Mitchell, 2003: 174, emphasis in original)

This exercise of removal to appease public persona maintained by power structures that want to preserve aesthetic appeal to potential consumers of the middle-class, becomes the struggle for transient populations. The transient men and women of Newark Penn Station are in a constant state of limbo because this public space is not guaranteed to them because of the ubiquitous threat of removal. The ejection from public space in a transportation area is presented in the book *Sidewalk*. Duneier describes that many of the panhandlers and street vendors in Greenwich Village used to stay in New York Penn Station because it was an ideal locale for the amenities it came with including various shops, access to the New York City subway system, and overall refuge from seasonal elements. The high influx of passengers created a space for panhandling or other services such as carry luggage or hail a taxi (Duneier, 1999). The removal of transient people began with Amtrak police not allowing anyone to sleep on benches in the station. Eventually, the infringement of constitutional rights of public space went to court. In a U.S. Circuit Court, *Streetwatch v. National Railroad Passenger Corporation*, ruled in favor of the transient population. Despite this legal victory, according to Duneier, Amtrak was now able to systematically find reasons to remove people. Amtrak hired a homeless outreach coordinator, which Duneier quoted, ‘The press that came out when the decision was reached suggested that Amtrak must endure homeless individuals... I think quite the opposite came out of the case - that we do have the capacity to enforce the station rules, and that’s exactly what we now do’ (1999: 129).

The particular use of transportation public space is simultaneously inclusive and exclusive. In a post-9/11 world, heightened levels of security have given rise and justification to creating spaces that are designed and implemented in ways of reducing the number of undesirable people (Low et al., 2005). Politically charged phrases such as ‘protecting freedom’ gives the illusion of security, while systematically shutting out unwanted populations and bolstering support for practices such as profiling. The use of crime prevention through environmental design...
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CPTED (Angel, 1968; Atlas, 2013) is implemented in public spaces to create an infrastructure that will - in theory - disrupt and ultimately decrease criminal activity. In the 21st century, scholars and policy makers using the rhetoric of fighting the ‘war on terrorism’ have further pushed CPTED (Wortley & Mazerolle, 2008). However, those who are affected most by these aggressive and preventative programs are marginalized populations that are unwanted segments of society, therefore dismissed and ignored as the ‘other’.

Occupants of public space at Newark Penn Station

The intended purpose of Newark Penn Station is for commuters to get from one destination to another. Yet, this institution, which provides public restrooms, restaurants, benches, and well-regulated ventilation based on the season, becomes a living social organism with many unintended purposes. There are two main populations that occupy this space, commuters and transient persons, which are both monitored by law enforcement.

Commuters

This population is comprised of two sub-groups. First is that of the worker who uses the station to get to and from his or her job. The overwhelming majority of these people are White middle-class men and women wearing business attire. They are most frequent in the station during peak rush hours of morning and afternoon commutes. During lunchtime, various businessmen and women will emerge from offices to eat.

The second population of commuters is travelers, people who are using the train or bus system for leisure. This group tends to be more diverse in both racial composition as well as national origin. Often non-English languages can be heard from people pulling luggage and toting tourist items such as expensive cameras. Interestingly, for many of the travelers, Newark is not their final destination. Prior to arriving in Newark Penn Station, New Jersey Transit stops at Newark Liberty International Airport, picking up newly arrived immigrants or tourists who seek New York City. However, the inaudible speaker system that announces train arrivals coupled with the lack of knowledge of the train system, many times ‘Newark’ is mistaken for ‘New York.’ Travelers exit Newark Penn Station thinking they have reached the ‘Big Apple’ only to be disappointed and have to wait for the next train.

Transient

The transient population in the waiting area of Newark Penn Station is a prominent component of the dynamics of this place. This population is predominately men and women of color and often older. Lack of hygiene in physical appearance indicates that many have spent significant time on the streets. A noticeable observation is emotional and mental health problems that plague this population. Often, many of the men and women are seen talking to themselves or making inaudible sounds and gestures that would convey a sense of illness. Along with
mental health disease is the issue of substance abuse. Some of the inhabitants of this population arrive to the train station inebriated, not being able to walk straight or slurring their words as they attempt to speak. Others who are using harder narcotics, such as heroine, perform stances such as the 'h-lean' also known as the 'dope fiend lean,' bending over without being able to stand. In a sense, transient populations become a part of the decoration of the Art Deco and Neo-Classical design of the building because of their prominent placement throughout the train station.

Law enforcement

Law enforcement regulates the movement within the station. Heightened security measures are seen with the use of military-style weapons such as automatic rifles, helmets, and dogs. The agencies that patrol and monitor Newark Penn Station and the Gateway Center are: Amtrak Police, Newark Police Department, and private security.

Amtrak police has the largest presence, since they are a federal agency charged with maintaining railroad lines. Since the terrorist attacks of 9/11 Amtrak police maintain a more anti-terrorism oriented focus of police tactics, using K-9 dog units and other tools to counter terrorism.

Newark Police Department is the local police agency. While infrequently inside either Newark Penn Station or Gateway Center, Newark Police maintain a presence outside, patrolling the streets and reminding people of the invisible barriers of jurisdiction. On one occasion a Newark police officer in his car said to a transient man, ‘get back on that curb or I’ll take you in [local jail].’ This threat illustrates the invisible line of authority that should not be crossed.

Finally is the use of private security in some of the privately owned establishments. Depending on the agency, some of the security guards are armed with handguns. Speaking to a few security guards, many of them are retired police or corrections officers who, as one older male jokingly said, ‘Gives me something to do since I am retired and away from the wife for the day.’

The ‘other’-marginalized & incorporated

The ‘other’ stigma is assigned to the transient persons living at Newark Penn Station. There are various sets of markers that indicate who is the ‘other.’ Physical appearance is one component of the aesthetic identity of creating this population. A Black man, Harry,\(^1\) who was once un-housed and had served time in state prison said, ‘I’m sure nobody in there [Newark Penn Station] ever expected to be homeless or living on the streets. I know I didn’t, but I was drinking and making mistakes and it just happens.’ This population seeks asylum in this public space as a sort of makeshift refuge from the outside world.

\(^1\) All names are pseudonyms.
Benches & waiting area
The largest open space within Newark Penn Station is the waiting area that is lined with long wooden benches. In this space, one could find the majority of transient people seated. It is here that the majority of interactions occur between the commuters and the ‘other’ because of proximity. Along the top of all the benches a metal plaque reads, ‘Seating for ticketed passages only.’ Therefore, in order to remain on the bench, one needs a train ticket. While the concept is that people have train tickets to depart, many of the transient population secure a ticket so they do not have to leave. According to the law, anyone with a valid ticket has the right to remain in this public space of the station waiting area. The reason why this population obtains a ticket is because NJ Transit train tickets do not expire (Frassinelli, 2014; Gonzalez, 2013). Amtrak Police Officer Harris explained, ‘They have a clever loophole with the ticket because it doesn’t expire, so they [homeless] know as long as they have their ticket they can enjoy peace and quiet and no harassment. I’ve been on the force [Amtrak police] for five years and I have seen people with the same ticket since the day I started.’ The ability to secure a NJ Transit ticket that never expires simultaneously subverts and reinforces one’s status as the ‘other.’ This dichotomy points out the interesting and complex relationship of how the ‘other’ is created. On one hand, having a ticket and being able to remain seated is a form of resistance to a system that is constantly looking to remove this population. On the other hand, one of the markers of being seen as the ‘other’ is the long-term residence people have in this space. Train stations are places of people ‘on the move’, so most commuters have short-term seats waiting for a train to arrive or depart. Sitting for hours on end reinforces this ‘other’ status because public space is not being used for its intended purposes.
While the tickets grant amnesty to this population there are ways in which law enforcement can remove people. Many times sitting for long hours these men and women often sleep. Lying down is forbidden and can result in being removed. Officer Harris consistently taps people on the foot or calls out someone’s name to wake him or her up. Many times people respond by sitting up and going back to sleep in a seated position. Officer Harris explained that kicking people out for sleeping is unproductive because many times they will leave and come back in through another entrance and lie back down. He felt that procedure would waste his time having to track people down. On several occasions men who were sitting down in a hunched over position were being tapped on the shoulder to wake up and sit ‘properly.’ Officer Harris explained the differences in body position and body language were important to watch, saying, ‘It really all comes down to discretion. Each officer has his or her own way of dealing with things and has a different relationship with the people who sit here. These are our people and I know my officers are looking out for their [transient] best interests. Sometimes we have to wake them up just make sure they do wake up. If they come high or drunk and we just let them continue sleeping it could be a bad situation.’ Officer Harris was very sympathetic towards the ‘other’ population at the train station. Even his word choice calling them ‘our people’ was an inclusive type of narrative he used to describe the various situations he was confronted on a daily basis. Other officers
were less sympathetic towards this population and on a few occasions had asked people to leave.
Beyond sleeping, other reasons for removal would be breaking the codes of conduct or for medical purposes. The codes of conduct are not formal written rules, but unwritten behaviors that are avoided. Individuals making loud sounds, typically associated with mental health issues, could be removed from the station as this is considered to be a public nuisance. Typically an Amtrak officer on duty would approach this person and try to ask them questions about what was wrong. Most times the presence of another human being would quiet an individual back to a murmur. Often times, it was other transient persons who would quiet or enforce the codes of conduct. One afternoon a Latino male was whistling and eventually started yelping. Immediately an older Black woman sitting with multiple bags around her opened her eyes and said, ‘Shhhhh’ to the man and started saying to herself, ‘Why he gotta make all this noise.’ Officer Hunt, the managing officer, viewed the event that transpired and did not get up from his paperwork. He explained, ‘This is a daily routine with this guy, he is just loud and annoying and he annoys everyone equally, so usually other people handle it before we [police] even get a chance to. I’ve had to remove him several times because sometimes it can get really bad, but he just comes back.’
Another reason for removal is medical purposes. One morning, medical services, Newark PD, and Amtrak police were all huddled around an older transient White man who was being strapped to a gurney. A by-stander informed me that the man had been walking around and fell over and was bleeding. Later that day, Officer Harris explained, ‘Yeah, he will be fine. He is one of our regulars and EMS has to come for him a lot.’ Officer Harris went on to explain that the Amtrak police try not to call EMS to take care of medical issues since many of the transients come back after being released from the hospital. However, he said, ‘In some circumstances we have to call EMS, especially if its drugs or alcohol-related and unfortunately, it always is.’
The drug consumption among this population is noticeably high. Many of the transient people engage in drug-use, specifically heroine. Officer Harris said, ‘A lot of them shoot dope, drink, or smoke [crack]. They go to different places, get high and then come sit here while they are high. I think a lot of them come here because they know they are safe. It’s not safe to be homeless and high on the streets of Newark.’ Once again, this public space becomes a sanctuary for this population, which is then accepted, hesitantly, by law enforcement. This process of being marginalized and incorporated into the public space presents and offers contradictory discretionary practices. In other words, law enforcement fully realizes that this population engages in illegal narcotics but tolerates these criminal infractions for a variety of reasons that stem from empathy to not wanting to deal with it.
Finally, while the transient population have legal rights to sit anywhere within the station waiting area, the majority sit along a bench and a few perpendicular benches in the back corner. This is the ‘skid row’ of benches. Officer Hunt explained, ‘They can sit wherever they like, but we try to encourage them to all sit in that back area that way we can watch over them and they stay out of the way.’
This paternalistic sentiment offers two goals: 1. Keep an eye out for the transient safety and welfare and 2. Keep the ‘other’ away from the commuter and not cause interactions between both groups. Regulating specific space avoids unnecessary crossover of public space use, because while not spoken or written, it becomes clear this space is meant for the transient population, thus invisible borders and boundaries becomes clear and presented.

Amtrak police have taken a much more progressive stance towards the homeless population. This culture is conveyed by the NJ Transit Police Chief Christopher Trucillo who said, ‘It really is a difficult issue, the balance between the rights of the commuters against the rights of folks that find themselves in bad social situations - and to make sure we’re being fair to both groups’ (Fransenelli, 2014). Yet, underlying the humanitarian effort is the regulating of space. Lumping the homeless population into a specific area limits social interaction between commuters and the ‘other.’ This social distancing creates a stigmatizing process that reinforces this population as the unwanted but tolerated group.

**Bus terminals**

In the areas outside Newark Penn Station transient men hang out, while commuters wait for taxis. Some of the transient men will provide a small service such as being an improvised doorman, hail taxis, and help cab drivers load luggage. These are voluntary services but with an expectation of a tip. Many times a commuter, mostly travelers, will provide one-dollar compensation, whereas the more seasoned and daily commuter gives a gesture of a smile or ‘thank you.’

These services are a form of panhandling - the unlawful form of solicitation. Some other creative ways to solicit a monetary contribution is by asking an arbitrary question such as, ‘What time is it, sir?’ This act unexpectedly engages an individual in a dialogue with a follow-up question asking for any loose change that the commuter might have to spare. Officers Harris and Hunt both spoke about panhandling. Officer Hunt explained, ‘Panhandling is illegal, but we cannot make an arrest or issue a summons if we do not personally witness and hear the direct asking for money. So it is a two-part issue. If we see someone just hand a homeless person a dollar we have no idea if this is just a contribution like a gift and same goes if we only hear them ask and don’t see any money being exchanged. It gets tricky.’

When asked if either had issued tickets for panhandling Officer Harris explained, ‘We have to use our discretion. We interact with so many of these people daily and know their situation that it becomes useless to give them a ticket... These folks are asking a person for a dollar, giving them a ticket that says they need to pay $50 isn’t going to make the problem go away. If I catch someone panhandling, I try to make them give the money back but most people don’t want the money back so the guy usually keeps it because I can’t force someone to take their money back after they handed it to someone.’

The illegal sale of narcotics is another form of financial improvement outside the train station. Underground networks of individuals with various roles assist in this process. Engaging in underground or illicit economies is well documented (Maher, 1997; Venkatesh, 2006). The ‘other’ relies on this underground network
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to supplement the lack of the licit labor-market jobs. Brian, a Black male in his early 20s, stated, ‘We got to do this to survive. What else we got?’ Not seeing future prospects or alternative opportunities, the drug ‘game’ becomes a way to make money.

Some transient folks loiter around the cement bus terminals. These small buildings are areas for commuters to wait for NJ Transit buses to arrive. They have no benches or seats but are heated in the winter and air conditioned in the summer. Lining the walls are signs posted, ‘Loitering is strictly prohibited in this area.’ This area void of traditional seating forces people to stand. In other words, transient people who could use this space to sit are unable to do so.

Newark Penn Station closes at 11:30 p.m. and the transient population must seek refuge for the night elsewhere. Some sleep at ‘Heroes Highway’ - along Market Street near Newark Penn Station (Queally, 2012), others find a chair at Newark Liberty International Airport (Frassinelli, 2012), few seek out shelters and many more locate a tree or covered space. However, between the months of November to March, Amtrak police do not lock the bus terminal so men and women can seek refuge from the winter cold. Two formerly un-housed men, Tony and Larry, who met while living in a halfway house after serving time in prison, explained this convenient coincidence. Tony said, ‘The Amtrak cops is nice to the folks ‘cause they know that nobody is going to steal or mistreat that room.’ Harry followed up by saying, ‘Yea, you just have to watch out for the Newark cops, if they see you in the middle of the night they might harass you, go to sleep, and be out before the morning rush.’

Learning techniques to become unseen is part of the role of being the ‘other.’ This invisibility gives the ‘other’ an ability to circumvent detection from law enforcement, when necessary. In this case, being caught by Newark police could result in a criminal charge such as trespassing. The cold months are much harsher as Tony stated, ‘During the summer you can go sit in the park all night and relax, but in the winter you could freeze to death and it happens.’

McDonalds

The international fast food restaurant, McDonalds, has a franchise located inside Newark Penn Station. For many commuters, fast food is the most convenient meal while on the move and trying to catch departing trains. Upon entering the restaurant there are two noticeable differences than the rest of the train station. First is the private security guard who typically stands near the entrance. Second is the abundance of signs that state, ‘Please No Loitering. Time Limit: 20 minutes.’ The sign goes on to read that only consumption of McDonalds products are allowed within the restaurant. McDonalds is a private business with its own store policies that differ from public space. In fact, this is technically not public space. However, this restaurant exists within a larger public space institution and its policies seem to suggest that certain populations are not welcomed.

This McDonalds does not have the famous ‘dollar menu’ where items cost a dollar or less. Inquiring about this was dismissed as store policy; however, it seems to have a more overt message of who is allowed to dine making it harder for transient individuals from purchasing food. The additional use of private security is
symbolic of this doubled effort for safety removing specific patrons who stay beyond the allotted seating time. The security guard would make more of an effort to remove the transient people than commuters from the restaurant. Many times security would firmly state, ‘we need that seat for more paying customers,’ to a transient person who finished their meal, while not saying anything to commuters. Often transient folks would be told, ‘This is not a hang out,’ and dismissed back into the train waiting area. Private space becomes a site of much more aggressive tactics because the law is on the side of the business, keeping out as many unwanted persons is not seen as a social inequality but necessary for industry.

Bathrooms & gateway center
Public restrooms are essential in public spaces because of the multiple purposes of relieving bodily functions, washing, grooming, and rest. Jerry, a former unhoused person, spoke about the importance of public restrooms, ‘I could go into a stall, sit down and sleep without anyone noticing or fear being mugged or assaulted.’ Inside Newark Penn Station there is only one restroom for men and women, respectfully. The Gateway Center has no public restrooms representing a concerted effort to keep the ‘other’ in Newark Penn Station and not venture to other areas. The lack of public restrooms is the explicit understanding that homeless individuals are not welcomed. In this case, to be the ‘other’ means to be a pseudo-resident of Newark Penn Station only. Hence, this status of ‘other’ in this public space means to be relegated to specific areas and places within this institution.

Conclusion
The ‘other’ is part of the terrain of Newark Penn Station. This public space becomes an area where middle-class commuters are forced to either directly or indirectly interact with those deemed ‘less than’. The ‘other’ is a segment of society that is pushed aside. In the case of public space, such as train stations, this area becomes an essential part of livelihood for the ‘other’. The multiple purposes this space provides make it a unique locale for transient populations. The intended purpose of mass transit is trivial to the larger narrative of shared space. This public space becomes a form of resistance to those who need it as a safe space from outside assault and violence as well as protection from harsh weather conditions.

Law enforcement plays a pivotal role in regulating public space. Police officer discretion sets the barrier and culture of how this space operates and who occupies it. There is a fine line between lawful and unlawful, particularly post-9/11. National security against terrorism furthers tough on crime measures. The Amtrak police recognize their responsibilities to public safety; yet also realize their role as protectors, almost social workers, of the vulnerable transients that occupy this space. Therefore, a fragile but working relationship is formed between commuters, the ‘other,’ and law enforcement over the rights of public space.
Addressing transient people’s issues takes more than just theory but pragmatic and policy driven solutions. Officer Harris explained, ‘I wish I could get all of these people into housing. This is no life sleeping in a train station, but they feel safe here. Many times I see people try and go to a shelter and end up right back here. There are more homeless shelters here in Newark than the rest of the state, so it’s pretty telling how bad it is for these folks.’

Staying in shelters can be difficult and dangerous. Many of the shelters are viewed as unsafe as well as unsanitary. Jerry said, ‘My daughter had given me an old cellphone and within two days someone stole it at the shelter.’ Many of the people do not trust staying at shelters in fear of losing the little property they possess or physical assault. A second issue with shelters is many cater to specific populations such as only women or women with children. While these are needed, more shelters that provide services to more diverse groups are in demand. Next is the issue of having a state-issued identification card. Many shelters do not allow people without an I.D. into their housing. Harry jokingly said, ‘If I had an I.D. with an address, I wouldn’t be homeless.’ Finally, many shelters are alcohol and narcotic-free housing. Meaning one cannot be admitted if they are inebriated or under the influence of drugs. For a population with high mental health risks coupled with substance abuse problems this is challenging. Jerry explained, ‘I use to try and stay sober all day because the shelter kicks you out in the morning. All day would be a struggle trying to stay sober and rarely could I do it, so most nights I just slept on the streets.’

Taking a walk through Newark Penn Station is a reminder and indicative of the government’s feelings towards the most vulnerable populations. In the end, public spaces are the litmus test in a civilization of who is wanted and the ‘other’ can easily be dismissed to the shadows of society.

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