

Opinion articles do not necessarily represent the views of the Portland Observer. We welcome reader essays, photos and story ideas. Submit to news@portlandobserver.com.

OPINION

Disgraceful, Costly and Preventable Poverty

Children are the poorest Americans

BY MARIAN WRIGHT EDELMAN

It is a national disgrace that children are the poorest Americans. The Children's Defense Fund's new report *The State of America's Children 2017* details the immoral, costly and preventable poverty, homelessness, hunger, health problems, poor education and violence plaguing children who are America's responsibility and future.

The U.S. has 73.6 million children. Nearly 1 in 5 are poor—more than 13.2 million. Children of color, who will be a majority of our children by 2020, are disproportionately poor. About 1 in 3 black, 1 in 3 American Indian/Alaskan Native and 1 in 4 Hispanic children are poor compared to 1 in 9 white children. Nearly 70 percent of poor children are non-white. Imagine a young girl—let's call her Janie—who is one of those millions of poor children. Maybe she lives in California or Texas, the states with the biggest numbers of poor children, or in New Mexico, Mississippi, Louisiana, or Kentucky, the states with the highest child poverty rates. What else do we know about what Janie's life may be like?

Janie may be one of the 3.9 million children who still lack health coverage or one of the nearly 9 million children who were at risk of losing coverage before Congress finally extended the Children's Health In-



urance Program (CHIP). She might be one of the nearly 1 in 5 children—14.8 million—who live in food-insecure households and don't have enough to eat.

As a poor child she probably didn't get the best chance to start school ready to learn because less than half of poor children are ready for school at age 5 compared with 75 percent of their wealthier peers. Only 5 percent of eligible infants and toddlers are in Early Head Start and 54 percent of eligible 3- and 4-year-olds are in Head Start. As she grows up, Janie may never catch up: The majority of all public school fourth and eighth graders cannot read at grade level and more than 75 percent of lower-income fourth and eighth grade public school students could not read or compute at grade level compared with less than 55 percent of higher-income students.

Growing up poor means Janie is more likely to be involved in the child welfare system—every 47 seconds a child is abused or neglected, the majority of them victims of neglect, and the number of children in foster care is increasing rapidly as the opioid crisis spins out of control. She may even be one of the more than 1.2 million public school children who are homeless. She also would be more likely to be involved in the juvenile justice system, one of the 2,805 children arrested every day. Finally, growing up in America puts her at risk of the very American scourge of gun violence.

Although the U.S. accounts for less than 5 percent of the global population, our

civilians own 35-50 percent of civilian-owned guns in the world, most recently estimated as high as 310 million guns. In contrast, U.S. military and law enforcement combined owned only 4 million guns. Eight children and teens are killed with guns every day and gun violence is the leading cause of death for black children and teens.

How are the leaders of our wealthy nation addressing the grim child survival needs of children like Janie across the country? Making them worse. It is a disgrace. What kind of leaders and people cut essential food and health care from babies and children to give massive tax cuts to billionaires and corporations?

This is one of the scariest times America's children have faced in the struggle to level the playing field as the last 50 years of progress in child health coverage, nutrition, education, and other child and family programs are ravaged. We should be building on what we know works and moving forward, not backwards, to improve the odds for children who need our protection. We urge the American public to stand up and stop this savage war on children. The White House and Republican members now celebrating the massive and morally obscene tax cuts are expected to add to the outrageous injustice by slashing Medicaid, SNAP, education, housing and other crucial child investments to pay for welfare for non-needy millionaires, billionaires and corporations.

We can and must do better – and need to follow up on proven solutions that work

to improve the odds for America's children at the same time that we fight all efforts to take away the gains we've already made after laborious work over a half century.

The State of America's Children report is a critical tool for everyone who cares about whether children are treated fairly and our nation's future. It provides a comprehensive overview of children's status nationally and in each state. The report also addresses the especially dire needs facing children in Puerto Rico and the U.S. Virgin Islands even before last year's hurricanes, which worsened them; offers a portrait of immigrant children; and describes how poorly we rank among rich countries for investing in children.

Despite our great wealth, the U.S. lags behind other industrialized nations in investing in our children and consistently ranks among the worst on key child outcomes. We should be ashamed. Addressing our moral poverty and preparation of our young for fruitful lives should be our priority.

We must persist but we need your help. We ask you to use the data in the State of America's Children report along with stories of children you know or work with and share them with your Members of Congress and with us. Please rev up your engines of outrage and courage in 2018 and make sure we keep moving forward with persistence to protect our children's futures and the future of our nation and world.

Marian Wright Edelman is President of the Children's Defense Fund.

Prosecutions for Sanctuary Cities is Unconstitutional

Threats are lawless and baseless

BY CODY WOFSY

In recent testimony before Congress, Secretary of Homeland Security Kirstjen Nielsen confirmed that her agency is seeking the prosecution of state and local officials in jurisdictions that limit their entanglement with federal immigration enforcement.

Even in the context of the Trump administration's frequent disregard for the Constitution, Nielsen's threat to prosecute mayors, legislators, and police chiefs over policy disagreements is shocking. There is no basis in federal law to prosecute government officials who decide, with and on behalf of their constituents, that their communities are better served by opting out of participation in the federal deportation system. And that kind of prosecution would be an assault on the principles at the core of our constitutional system.

Nielsen's threat may or may not be empty. Either way, it is unacceptable.

We are now nearly one year into the Trump administration's seemingly endless attempts to threaten, cajole, and coerce local governments into abandoning what is com-

monly referred to as "sanctuary" policies. There are hundreds of such jurisdictions (including Portland and the state of Oregon) that, in a variety of ways, have decided not to entangle themselves in the federal government's deportation program. Those communities have decided it's not worth the financial burden or legal risk or harm to public safety and community trust — or all of the above.

Unhappy with those decisions, the administration has tried a laundry list of tactics over the last year to intimidate localities into giving up. Its attempts to take away federal funding, for example, have been met with defeat after defeat after defeat in the courts. And its attempt to publicly embarrass localities into changing their policies with a weekly report had to be suspended when Immigration and Customs Enforcement's rampant errors came to light and law enforcement rightly balked at this form of bullying.

The most recent broadside in this campaign is the administration's decision to float the possibility of criminal prosecutions. In an interview earlier this month, Acting ICE Director Thomas Homan said he had asked the Justice Department to look into charging local officials with violating a federal stat-

ute for "harboring" noncitizens. Secretary Nielsen doubled down, confirming that her agency had sought such prosecutions. And, like Homan, she made clear that the threat of prosecution was being used as a political cudgel.

These threats are lawless and baseless. Local officials commit no crime when they and their communities decide not to participate in deportations. They do not, as Homan wrongly claimed, harbor anyone from deportation by simply opting out. ICE can arrest people on its own — and in fact Congress gives the agency billions of taxpayer dollars each year to do just that.

But local police are under no obligation to use their time and resources to help with arrest, detention, and deportation. Local jails need not allow ICE agents to roam their facilities, conduct interrogations, and make arrests without a judicial warrant. And government officials need not share home addresses of local residents to make it easier for ICE to carry out its mass deportation campaign. The point of sanctuary policies is non-participation, meaning that if ICE wants to arrest and deport people it must do the work itself. There is nothing at all criminal about that, and it is irresponsible to suggest otherwise.

In fact, state and local governments' ability to opt out of the federal deportation system is constitutionally guaranteed. The framers of the Constitution recognized that distributing authority — including between the federal government and the states — protects against the accumulation and abuse of power by a tyrant or group of tyrants. As the Supreme Court has explained, this principle prevents the federal government from requiring state and local officers to become de facto federal agents. Therefore, even if the administration's imaginary crime of declining to help ICE deport people actually existed, it would be struck down as unconstitutional.

Of course, these threats may be empty, like the now-disavowed threats to strip "sanctuary" cities of all their federal funding. But, regardless, the idea of these prosecutions is insidious. At bottom, the administration's complaint is that localities are adopting policies with which it disagrees. This idea of locking up elected officials for their political speech, beliefs, and votes is contrary to the First Amendment and the democratic principles on which our country was founded. Even the suggestion is dangerous and reprehensible.

Cody Wofsy is an attorney with the ACLU Immigrants' Rights Project.