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Government mustn't forget about homeless Americans

A June 23 headline in the New York Times says it all: "Young Children Taken from Their Parents: It Doesn't Just Happen to Immigrants."



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As the readers of this newspaper may know, your faithful servant is a man of limited intellectual resources and as such easily baffled by the doings of our betters who govern us. A case in point are the two seemingly unrelated phenomena that have lately burst into public consciousness, causing widespread strife and dissention: the plight of the homeless and the treatment of undocumented immigrants coming across our southern border in pursuit of a better life.

The condition of the homeless has troubled us for some time, but apart from inspiring a lot of talk by politicians, it has only grown worse. Homeless people have been reduced to living in cars, on sidewalks, and under bridges, amidst trash and other unmentionable detritus of their unfortunate lifestyle. Some of them are ordinary folks who through no fault of their own have fallen on hard times by reason of illness or job losses by family breadwinners, all exacerbated by the enormous and rising cost of housing in California, a phenomenon which is incontestably rooted in local governments' obdurate resistance to construction of badly needed dwellings. Others are unable (or unwilling) to grasp the tools that organized society makes available to its members, or are just plain mentally ill,

and unable to avail themselves of the meager social resources that may be available to them. Whatever the cause, this is a tragedy of major proportions that tugs at one's heartstrings and cries out for effective relief, which has not been forthcoming. And now, adding insult to injury, Santa Clarita has criminalized sitting or lying on sidewalks, and sleeping in parked cars.

Courts have contributed greatly to this situation by issuing decrees that emptied the old-style, admittedly bad insane asylums and turned their inmates loose on city streets to fend for themselves. Government's feeble attempts to deal with the resulting problems have only made things worse. See our discussion of this sad situation in this newspaper (Gideon Kanner, "Injunction Bars City from Seizing Poor Folks' Property," Sep. 24, 2012).

Apart from the social and humanitarian aspects of this problem, it has legal ramifications that were dealt with at length at the recent ABA Land Use Institute which devoted its annual featured presentation to this topic. What emerged from that presentation was the cold fact that, as noted by the principal speaker, Wendie Kellington of Oregon, there are no effective government solutions in sight and no promising efforts to provide them. It's mostly politicians' talk and their promises of patently inadequate relief. Government continues to shirk its responsibility by blocking construction of needed low-cost housing, and by trying to shift these social burdens onto the private sector -- e.g., by ineffective enactments of "inclusionary zoning" that only increases housing costs, discourages the construction of affordable housing and perpetuates the problem.

The bottom line is that the government -- the same government that blows billions of state and federal dollars for such frivolities as subsidizing billionaire-owned athletic stadiums or Gov. Jerry Brown's misbegotten California choo-choo train that in the sweet bye and bye is supposed to bring us into the 21st century transportation nirvana, but has so far succeeded only in creating astonishing overruns.

So you might think that a government that is unable or unwilling to do much for its deserving poor, would also be unable to do much for those crossing our borders in violation of our laws. But that has not been the case. No shortage of housing funds, it would appear, for the south-of-the-border types who -- whatever else they may be doing - - are advancing the *reconquista*.

What needs to be understood is that in spite the avalanche of media denunciations of the Trump administration for thus enforcing our immigration laws, not all border crossers are deserving of treatment they and their allies demand. As elsewhere, this situation has had its share of "fake news." So the depiction of a crying Honduran toddler on a recent cover of TIME magazine creates a misleading impression and falls short of journalistic candor.

Two factors need to be acknowledged to restore a modicum of integrity to the ongoing debate. First, the separation of young children from their mothers who are being

incarcerated is not something that the wicked administration types have inflicted solely on the border crossers. It is the normal and inevitable result of incarceration of people who violate the law but have young children who cannot be incarcerated with them. A June 23 headline in the New York Times says it all: "Young Children Taken from Their Parents: It Doesn't Just Happen to Immigrants."

Second, faced with mass hysteria over the problem of dealing with children of detained immigrants, the feds have backed off from the usual treatment of incarcerated violators of immigration laws, whose small children cannot be taken into jail with their mothers. Instead, they are now building large-scale special housing so the detained border crossers can avoid the inconvenience of being treated the same way as incarcerated Americans with young children. True, we are told, the newly built housing will be "austere," but even so, it appears to be a hell of a lot better than the lot of homeless Americans who have no choice but to sleep in the streets. It seems plain that the latter have a stronger claim to our feelings of compassion than those who willfully insist on violating our immigration laws and then demand special treatment that is not available to homeless Americans.

This is simply wrong. After all, we are supposed to treat people equally; as it says over the entrance to the U.S. Supreme Court, "Equal Justice Under Law." And we are a nation of laws, aren't we?