

Essay: Children and the Trickle Down Economy

“Perhaps we cannot prevent this world from being a world in which children are tortured. But we can reduce the number of tortured children. And if you don’t help us, who else in the world can help us do this?”

– Albert Camus

I. Our Children of Poverty

When we look at a child we are looking at our future. What do we want our future to be?

I am a children’s court judge and I have seen the future. He is a fifteen-year-old boy and, although he is a composite, he is known and familiar to all of us here. I am about to sentence him for his third felony offense in two years.

His father is in prison and has never seen the youth. His mother is a drug addict and convicted prostitute. I have no idea where she is. At his sentencing, there will be no family member in court to support him or to speak on his behalf. No father, no mother, no uncle, no grandparent will appear. This young man is full of rage and anger. He doesn’t know why. He doesn’t go to school – no one tells him to. He has no guidance, no role models, and no direction. He feels no love. He has no hope. Also, frighteningly, because he has nothing, he no longer has anything to lose.

His older half-brother, now nineteen, is in prison serving a forty-year sentence for second-degree intentional homicide – a street robbery gone awry. His sixteen-year-old sister has been in a juvenile corrections facility – a prison for kids – since she was fourteen, for battering a classmate over the affections of an older boy. Because she cannot follow the rules of the correctional facility, she will likely remain incarcerated there until her eighteenth birthday.

This young man I will sentence has a five-year-old half-brother. I know a bit about him. He’s happy and smiles all the time. He loves his friends and loves playing outside. He is full of hope. For him, the world is one of infinite possibilities. He has no idea of what’s to come.

Children's court judges hear a variety of cases involving children, but there are three main categories of cases.

The first is juvenile delinquency cases. These cases concern children who have committed crimes. If the child is convicted, a judge can sentence him or her to a term of probation, a term of probation with a suspended period in corrections, or straight corrections, the children's prison. Corrections orders can be for two years, but are renewable until a child reaches eighteen. At that point, of course, the child is eligible for the adult criminal justice system.

The second is foster care cases. These are cases in which children have been abused, abandoned, or neglected by their parents. These children enter the foster care system and, if families are available, are placed in a foster home. If families are not available, the children are placed in shelters or group homes. Children can remain in foster care until a parent corrects the problems that led to the child's removal from the home, or until they are nineteen, whichever comes sooner.

The third is termination of parental rights cases. In cases in which the parent is unlikely to remedy their problems, and a foster family is willing to adopt the child, the State can file a petition to terminate the mother's and father's parental rights. If the parents' rights are terminated, the child will be adopted, and the parent has no right to ever see the child again.

The three types of cases share a common thread: poverty.

I cannot describe my job without talking about poverty and its dreadful impact on our children.

I have never seen a child from a upper-income family enter foster care. Almost without exception, these children are the products of extremely poor families. No child from wealth or privilege ever encounters the full force of the foster care system.

The overwhelming majority of children in the delinquency system come from families on the poverty roll. In only the rarest of circumstances will a child of wealth or privilege ever see the inside of a corrections facility.

Finally, I have never seen a petition for termination of parental rights filed against a parent of means. Only the poor have their parental rights terminated.

My professional education has been a bit backwards. For seventeen years I was a state and federal prosecutor pursuing adults who committed crimes. For a time, I specialized in drug cases. My cases then were often the result of something that occurred

much earlier. Now, after four years as a children's court judge, I see how those cases began, and why, I fear, they will continue on into the foreseeable future.

My comments here flow from what I see everyday, all day, at children's court. The unending parade of sadness, the march of failure. The suffering of children – the terrible, heartbreaking suffering of a child who hurts, and doesn't know why. The inconsolable suffering of parents, especially mothers. The failure of families. The ever-present effects of poverty.

One of my assignments at children's court is termination of parental rights cases. Again, all of these cases involve families in poverty. There, I preside over the saddest, most heartbreaking cases the justice system handles. Almost daily, I watch mothers cry, as they voluntarily give up their rights to their children, or listen as juries make that decision for them. When the facts and law so require, I enter orders terminating, forever, the rights of parents to their children. These parents will never know about the health, welfare, progress, success or failure of their children, or even know if their children are still alive. They will never know their grandchildren. Compare the parents' pain from these terminations to the pain described in scripture by the prophet Jeremiah: "In Ramah, is heard the sound of moaning, of bitter weeping. Rachel mourns her children, she refuses to be consoled, because her children are no more."

When I look at the future – our future and that of our children – I focus on half generations. Certainly we cannot, and do not, turn our back on the fifteen-year-old. But, try as we will, he might already be lost. A large portion of children raised in poverty in the half generation above him is lost. Right now, we are losing his generation to the same cycle. But, we can save his five-year-old brother, and his half generation, from a future of poverty and hopelessness. I believe that if we concentrate on this next half generation, if we make a serious and sustained investment into the future of this half generation, we can break this otherwise unending cycle of poverty. It is the cycle of poverty that continues to cripple our society.

Some of the younger children in the delinquency and foster care system who can envision a future, will, when asked, tell me that they want to be doctors, teachers, nurses, lawyers, and even judges. They just don't know the path. Nor do they realize that unless there is a dramatic change in their lives, they don't have a chance at any of those careers.

It's shocking to see such a lack of resources, and consequently for judges, a lack of options, for these children of poverty. It appears at times that we, as a community, as a society, have given up on their future. We are content to pay for their placement in foster care or shelters, and when that fails, we are content to pay for beds in a corrections facility or, eventually, a prison. And, when we lack beds in our prisons, we don't grumble about building more prisons. I have never seen a taxpayer revolt over the

building of additional prisons.

What we seem unprepared to do, though, is spend the money on them at the front end – by keeping them in good health; by making sure they have the finest education available; by ensuring that they have a safe and comfortable school environment – one in which they want to participate; by ensuring their facilities are up-to-date; and, by ensuring that after school and on the weekends, they have safe and comfortable surroundings to which they can turn for recreation, training, companionship, mentoring, and learning. If families are failing, and they are, we, the community, need to assume a larger role in the everyday lives of these children. They are, at the end of the day, our children, our future.

II. Our Destruction of the Safety Net

Karl Marx was wrong. Tax cuts, not religion, are the opiate of the people. Those terms – tax cuts, tax freeze – those very concepts, like opium, make our eyes glaze over, warm our bodies and dull our senses, and blind us to the ramifications of our present actions.

When I was an Assistant United States Attorney prosecuting complex drug and financial crimes, my colleagues and I often stated: “Follow the money.” What follows is the money trail.

In 1992, Bill Clinton ran for president on a campaign promise to “end welfare as we know it.” In 1996 he made good on that promise by signing into law the “Personal Responsibility and Work Opportunity Reconciliation Act.” Certainly, there are many positive things to say about this legislation. It moved many women and families off the welfare rolls and into the workforce, especially during the economic prosperity of the late 1990s. However, beginning with the recession of 2000, it has left many families behind. It is accurate to say that this legislation was the most direct and effective attack on our country’s longstanding policy of providing a safety net to families in crisis. The Act eliminated guaranteed federal assistance under the Aid to Families With Dependent Children program (AFDC), and instead, provided states with block grants that the states could use to assist families as the states saw fit. The Act also put a 60-month cap on benefits payable to individuals under the block grant.

Then, in 2001, Congress passed, and the President signed into law, the “Economic Growth and Tax Relief Reconciliation Act.” This was the first of three major tax cuts enacted by Congress. In addition to numerous other provisions, the tax cuts decreased the income tax rates in the four upper tax brackets by three to five percent each; gradually eliminated the estate tax, now cynically labeled the “death tax,” such to imply that all Americans pay it at death, when in fact, only the wealthiest two percent of individuals

pay any federal tax on their estate at their death; reduced the capital gains tax rate by 25 percent; and, lowered the maximum dividend rate to 15 percent, down from a high of 40 percent.

Now, in his 2006 budget, at a ten-year cost of \$115 billion, the President seeks to implement two high-income tax cuts that were enacted in 2001, but then frozen, and has introduced new tax incentives to encourage the highest income earners to utilize tax shelters that will cost the treasury more than \$30 billion a year when this class cashes in their accounts tax-free.¹ According to the Tax Policy Center, 54 percent of the benefits of these tax cuts will benefit individuals with incomes exceeding \$1 million a year, that is, the top 0.2 percent of households.²

Although it is technically accurate to say that a particular president or a particular Congress enacted a law, it is in truth, misleading. I say that because we, the voters, have repeatedly elected the people who have passed these laws. And these officials, Democrats and Republicans alike, enacted these laws in our names – in your name and in my name. All of us, all Americans are responsible for these laws, and their consequences.

The fiscal consequences of these tax cuts are nightmarish in scope. When the President took office, he inherited a projected ten-year budget surplus of \$5.6 trillion.³ Those projected surpluses were large enough to pay off the entire national debt by 2011.⁴ Last year's federal deficit was \$413 billion, the largest in history.⁵ The Wednesday morning following the election, the Treasury Department announced that the government would borrow \$147 billion in the first three months of 2005 – a new quarterly record. This year's deficit will increase to \$427 billion.⁶ Under our present policies, and excluding the cost of financing the war and replacing Social Security, the federal deficit will well exceed \$400 billion every year for the next ten years, and is expected to top \$700 billion in 2014.⁷ This March, Federal Reserve Chairman Alan Greenspan called our federal budget deficit “unsustainable.”⁸ Privately, he calls the deficit “a crisis on wings.”⁹

The projected ten-year budget surplus of \$5.6 trillion has now been replaced with a projected \$5.2 trillion deficit.¹⁰ This is a negative swing of almost \$11 trillion. In the next ten years, interest payments on our national debt will total \$3.4 trillion.¹¹ By 2014, nine years from now, yearly interest payments on that debt will exceed \$480 billion a year.¹² Remember, these are payments toward only the interest portion of the debt. Imagine, if you can, the social and educational programs this country could fund with a spare \$480 billion a year. Imagine the investment we could make in the upcoming half generation of children.

More numbers. According to a study by the non-partisan Center on Budget and Policy Priorities, \$270 billion of the 2004 deficit, that is, 56 percent of the total deficit, was caused by the three Bush tax cuts.¹³ The tax cuts enacted since 2001 account for seventeen times as much of the shift from our budget surpluses to deficits as do increases in discretionary spending.¹⁴ Federal tax receipts as a share of national income are now at their lowest level since 1951.¹⁵ This past August, the non-partisan Congressional Budget Office released a study establishing that the wealthiest one percent of Americans received seventy-eight times the benefit of the tax cuts that the middle 20 percent received.¹⁶ By 2010, when all the provisions of these enactments are in place, 51 percent of the value of these tax cuts will benefit the wealthiest one percent of Americans.¹⁷ As I said, “follow the money.”

As a further consequence of this draining of the treasury, the United States continues to run out of money to pay its expenses. In order to prevent the government from defaulting on its obligations, this past November Congress authorized an \$800 billion boost in the federal borrowing limit.¹⁸ This act increased the federal borrowing cap to \$8.18 trillion – its highest in history.¹⁹ The cap is also \$2.4 trillion higher than our accumulated debt when the president took office in 2001.²⁰

These tax cuts are the largest redistribution of wealth in our nation’s history: from the middle class and poor, to the super-wealthy; from future generations, to the present generation. They are the primary reason why our national debt is at its highest point in history, and why our current deficit is at its highest level in history.

Finally, while a bit more removed but no less chilling, payments to foreign countries, many holding our debt, continue at a frantic pace. Our additional debt to foreign countries topped \$665.9 billion in 2004, a new record.²¹ On April 11, the U.S. Commerce Department reported that our trade deficit rose to \$61 billion in February 2005 – its highest in history. Last year’s trade imbalance with China set a record at \$162 billion, creating the largest trade imbalance the United States has ever recorded with another country.²² Moreover, foreign countries now hold 43 percent of our national debt.²³ China alone holds more than \$575 billion of our total debt.²⁴ Let me put that another way. If you have a mortgage on your home, it may be that communist China holds a good part of that obligation.

Twenty years ago, our debt to foreign countries was negligible. Today, it exceeds \$2.4 trillion.²⁵ The value of the dollar is in decline around the world and economists here and abroad blame that fall on our deficits – that is, foreign countries are worried about our appetite for debt and, ultimately, our willingness and ability to repay it. This past November, well prior to the determination of the 2004 imbalance, Federal Reserve Chairman Alan Greenspan warned that these trade deficits pose a serious threat to the United States economy in that they could eventually deter foreign investment in our

country. A recent report by the International Monetary Fund concluded that America's "large fiscal deficits also pose significant risks for the rest of the world." In an April 6, 2005 announcement, the World Bank stated that the continued high U.S. budget and trade deficits could sharply cut economic growth in developing countries by driving up interest rates and further weakening the dollar.²⁶ In other words, our debt is not only a threat to our economy, but to the entire world's economy.²⁷

In February, South Korea sent shock waves through the international markets by declaring that because of the declining value of the American dollar, it might diversify into other currencies and away from dollar-based assets. If other foreign countries follow suit – more specifically, China and Japan, interest rates in the United States would have to rise correspondingly to attract foreign investment. And, we don't need economists to tell us that rising interest rates will negatively impact this country's finances, the value of our homes, our own ability to borrow money, the inflation rate, the stock market, and, will increase the possibility of a recession.²⁸

This country's national debt and escalating yearly deficit are not abstractions. Neither is the burgeoning trade deficit.²⁹ We are not yet feeling the immediate consequences of these shortages. But we will. At this moment we are staring blindly into the hungry jaws of a future economic collapse – one that will fall far disproportionately on the poor and on the lower middle class.

The problem is that when these bills come due, the people responsible for creating the mess will have moved on – moved up or moved out. Moved up because once we have awarded them for their seduction, they will have gained a higher political office. Popularity equals votes. The politicians who give to us become very popular, and we continually promote them for it.

These debts will have to be repaid, if not by us, then certainly by our children and grandchildren. Additionally, as a logical, but relatively unspoken, consequence of this emptying of our national treasury, the federal government has been forced to make cuts in numerous social service programs, and, in the amount of dollars it allocates to the state's for their own social service programs. These program cuts will only accelerate when, someday, we and our children begin paying down this debt, further reducing money available for our schools, our seniors, and our social programs. The previously fought "war on poverty" has ended. The war on the poor is fully engaged.

III. The Trickle Down Effect

The government must compensate for the dramatic loss of revenue attributed to the tax cuts. This administration has made it clear in its most recent budget that it intends to do so on the backs of the poor.

Cuts in programs and services that comprise society's safety net are almost too numerous to mention. As examples, though, consider the following. At the federal level, HUD is cutting rental assistance vouchers for large families by an average of \$200 a month.³⁰ In addition, under the proposed budget, 370,000 families – all living in poverty – will lose rental assistance completely.³¹

A \$2.2 billion program that provides home heating aid to the poor – especially the elderly, will be cut by ten percent.³² This reduction is especially cruel at a time when oil prices are at an all-time high. And incredibly, while a war wages, it intends to cut funding in 2006 for veteran's medical care by \$1.5 billion.³³ The proposed reduction for veterans medical care comes on the heels of a \$380 million cut in 2005.³⁴ As to those soldiers not yet veterans, but still fighting in Iraq with inadequate equipment, the Department of Defense has failed to follow a law requiring it to reimburse soldiers for personal expenditures that they have made to acquire body armor, Humvee reinforcements, medical supplies, and other combat essentials.³⁵

The number of people living in poverty rose for the third straight year in 2003 and the number of people without health insurance rose to 45 million that year – the highest number in history.³⁶ The non-partisan Center on Budget and Policy Priorities' analysis of the budget shows that despite these dismal facts, the administration seeks to end child care assistance for 300,000 children by 2009.³⁷ The proposed budget will also eliminate food stamp assistance for approximately 300,000 additional low-income people – most of whom are members of low-income working families with children.³⁸ And, by 2010, the cuts in these areas will cause further harm – approximately 670,000 fewer women, infants, and children would receive nutrition assistance under the Supplemental Nutrition Program for Women, Infants, and Children (WIC), with total cuts to that program of \$658 million.³⁹

Education programs, many funded under the President's No Child Left Behind Act, face enormous decreases in funding.⁴⁰ In its proposed 2006 budget, of 154 programs that the administration intends to cut in 2006, the largest number – 48, are in the Department of Education with a total cut of \$4.3 billion.⁴¹ For fiscal year 2006, the administration intends to cut funding for Project Head Start (currently aiding 120,000 preschoolers);⁴² eliminate Project Even Start, a \$225 million literacy program for impoverished children (prompting a letter-writing campaign from teachers, parents, and students);⁴³ and, decrease total funding for childhood education by \$925 million.⁴⁴

According to an analysis by the Center on Budget and Policy Priorities, the budget's impact on future K-12 educational programs is much more disturbing. Total funding for such elementary and secondary educational programs such as Education for the Disadvantaged, Special Education funding, School Improvement programs, and

Impact Aid, will be reduced by \$11.5 billion from 2006 to 2010.⁴⁵ Special Education funding will sustain the biggest losses – \$7.6 billion from 2006 to 2010.⁴⁶ My experience in children’s court confirms that children of poverty are greatly over-represented in Special Education classes. This is so because of the dismal, unhealthy circumstances in which they live during their earliest and most formative years.

Education is the key to the future of our children – especially our children of poverty. Yet, in addition to the cuts detailed above, the administration also is seeking to limit eligibility for Pell Grants – college scholarships for low-income students. Between 80-90,000 students will be eliminated from eligibility and 1.3 million more will see benefit reductions.⁴⁷ As a consequence, many of these students will not finish college and will be relegated to low-paying, unrewarding employment – jobs that will hardly make a contribution to our communities, our country, or, most importantly, to their sense of dignity and self-worth. This loss of dignity, this hopelessness, is a crucial component of the cycle of poverty and crime.

The lack of funds available to the federal government will have a substantial effect on the funds it makes available to the states for their own social programs. Major federal funding grants that enable the states to provide assistance to their own poor, elderly, and disabled are also on the administration’s chopping block.

The first is the community development block grant. This funding source is a lifeline of economic support to high poverty areas.⁴⁸ The states have used these funds to aid high poverty cities by funding housing initiatives, economic development, crime prevention, and job training.⁴⁹ The block grant program has a \$4.7 billion budget in 2005.⁵⁰ The administration’s 2006 budget will slash that amount to \$3.7 billion – a 30% decline.⁵¹

The future outlook is much worse, though. The administration is proposing to consolidate the Community Development Block Grant and various other state grants into one single grant called the “Strengthening America’s Communities” (SAC) block grant. Once this is accomplished, the administration plans to cut funding for the SAC block grant \$9.2 billion from 2006 to 2010.⁵²

The second funding grant is Medicaid, which at this time, is still an entitlement program. Medicaid funds three crucial areas of our country’s safety net for the poor: providing appropriate medical care to children in poverty; providing health coverage to struggling working families; and, providing quality care to the elderly. Medicaid is sometimes referred to as the last-resort funding source for the poor and elderly. The President’s budget proposes a \$45 billion reduction in Medicaid funding to the states. Since the states and federal government split the costs of Medicaid, the impact of these

proposed cuts will be devastating to the states in terms of their ability to fund social service programs.

Governors of both political parties across the country are balking at these proposals.⁵³ The states are poorly equipped to shoulder these funding decreases.

Twenty-six states currently project budget deficits totaling more than \$32 billion.⁵⁴ Many states are presently struggling to fund their own share of Medicaid assistance for their citizens. Inevitably, these funding cuts will result in the decimation of programs and services designed to assist the poor and their children.

Certainly, handouts to the poor are not a permanent solution. They destroy incentive and erode self-respect. Long-term welfare has the same effect. But increased funding for our school system is not a handout. Increased funding for drug rehabilitation centers is not just charity. Emergency housing assistance to prevent a family from being scattered to the wind is not an indulgence. Treating the mentally ill is not a waste of funds. Money for job training is not a gift. All these expenditures are investments – investments in our future. And when a family is in free fall through the holes in society's safety net, then short-term cash relief is the only answer. Families include children, and children are our future.

The consequences of all these program and service cuts will inevitably, through the actions of economic gravity, trickle down through the cracks of society, through the middle class, and then the lower-middle class, down to families struggling every day in poverty, down past single mothers fighting to feed their children, until finally the trickles will puddle around, and then over, the children of poverty, ultimately extinguishing their hope and their chances for a healthy, happy, and productive future. And when they realize what has befallen them, and when their hope has been snuffed out, they will become the enemies of the society that actively deprived them of the chance to be like others they see, those of privilege and opportunity.

As members of this small world community, that private voice within us should be crying out that these policies, and the consequences of these policies, promise tragedy for our future and the future of our children – especially, and starting with, our children of poverty.

But when critics present these facts, advance these arguments, and make these observations, the politicians and the primary beneficiaries of the tax cuts cry, “class warfare.” But that's exactly what our elected officials have done through these policies: declared war on the poor and on the powerless.

IV. The Trickle Up Consequences

The by-products of poverty are familiar to all of us: crime, drug addiction, irresponsible procreation, mental illness (resulting from a traumatic, unhealthy childhood), joblessness, and an uneducated, hopeless, nothing-to-lose lower class. The validity of these consequences is reinforced even more by my experience as a prosecutor and a children's court judge.

To turn on its head a term coined during the era of Reaganomics, poverty has a "trickle up" effect. The deeper poverty is, the higher it reaches. The broader poverty is, the wider its grasp. Eventually, the effects of poverty can swallow all individuals within its capacity, even those from wealth and privilege.

If a child lives his youth in poverty, what chance of success does he have as an adult? Is it likely that as an adult he will contribute to the community, or drain it of its resources? Who in our community is truly safe from those who are a product of a life without hope and opportunity.

Calculate, if you can, the costs to society – to all of us – of crime. What is the value of a human life? How does the family of a murder victim measure the costs of that senseless act? What is the cost to society of a murder – the cost of a life snuffed out as a result of unbearable frustration, hopelessness, or simply for the killer's need to possess the meager coins in the victim's pocket?

Until we seriously address poverty, and the cycle of poverty, we cannot address its consequences – drug abuse, mental illness, child abuse and neglect, and, especially crime, always crime. Until we address the cycle of poverty, we cannot address the cycle of crime. Few things in court are as sobering as a foster-care hearing in which both a father and his teenage son are in secure custody.

On one level, though, it is simply a question of economics – the financial impact of poverty on society. Its impact on our pocketbooks. The cost of not making this investment in our children is staggering. Try to compute the direct and indirect cost of poverty and crime.

Begin with foster care – the breeding ground of lives destroyed. At this time there are more than 530,000 abused and neglected children in foster care in this county.⁵⁵ Now consider, for example, a one-hour foster care hearing for one of these children (and understand that there is ordinarily more than one such hearing each year for the child). An attorney appointed at public expense represents the child – and, when there are

multiple children, they often have their own separate attorneys. The children have an assigned State social worker, or two.

The district attorney attends the hearing. If the parents appear, each receives counsel appointed at public expense. If a parent is incarcerated, and often one or both are, they must be transported by armed sheriffs back and forth from prison for every court appearance. Oftentimes, doctors, psychologists, and other treatment professionals attend the court hearings, their fees paid by the public. We frequently see additional community-based social workers who are appointed to assist the children, at taxpayer expense. One or sometimes two sheriff's deputies, a clerk, a court reporter, and a judge staff the court full time. These are state or county employees, their salaries paid by the taxpayer. In every large city, you can multiply this situation by hundreds of times a week, thousands of times a year. Then, add payments to foster parents (from \$450 to more than \$1,500 each month for each child), the cost of probation agents, and the cost of our juvenile correction facilities. Finally, consider the cost to society if these children turn to crime as adults, as often happens. Who pays for all this now? You do. And I do.

Compare the cost to our community of a child who enters foster care at a young age against the contribution to our community of a child who is well cared for and well educated, who then uses his stability, education, training, and experience to become a businessman who trains and employs others.

It is almost impossible to accurately quantify the costs to society of poverty's consequences. There are, however, some well-established and respected estimates of these by-product costs.

The federal Bureau of Prisons is one of the fastest growing agencies of the government. According to figures released by the Justice Department, in 1980 the Bureau's budget was \$330 million and there were 44 prisons. In 2002, the federal prison budget was \$4.6 billion and there were 102 prisons, with 11 more in construction.⁵⁶

Between 1980 and 1996 the number of inmates in state, federal, and local prisons more than tripled, from 500,000 to 1.7 million.⁵⁷ Today, there are 2.1 million people behind bars in this country. According to a recent report issued by the Re-Entry Council, a non-partisan group of 100 policy makers, spending on corrections has increased seven-fold in the last 20 years – from \$9 billion a year in 1982 to \$60 billion in 2002.⁵⁸

According to that same study, three-quarters of those released from prison have a history of drug or alcohol abuse, two-thirds have not completed high school; nearly half earned less than \$600 a month immediately before their imprisonment; and, more than one-third of inmates reported a rate of mental illness of three of four times higher than that reported by the general population. Furthermore, two-thirds of state prisoners are re-

arrested within three years of release, and, during that same time frame more than half will return to prison.⁵⁹ This cycle of crime flows from the cycle of poverty.

Drug and alcohol abuse can strike any person, any family, however, it is rampant among the poor. For addicts with families, these addictions are devastating to the children of poverty. Drug and alcohol abuse are the chief factors leading to the removal of children from their home and their placement in the foster care system.

In its April 2001 “Blueprint For New Beginnings,” the White House estimated the yearly cost of drug abuse at more than \$100 billion. The document went on to note that “[t]his figure does not capture the human costs associated with drug abuse – wasted opportunities, families torn apart, and lives lost.” The Drug Enforcement Administration estimated the cost at \$160 billion for that same time period.⁶⁰ The DEA also correctly noted that “[c]hronic mental illness is inextricably linked with drug abuse.”⁶¹

Mental illness and poverty are a deadly combination for families. Most parents who lose their children to the foster care system are failing in their struggle with some form of mental illness – often depression. Mental illness among children of poverty who are taken from their homes is all but epidemic. Many of these children suffer from psychological disorders such as Reactive Attachment Disorder, Post Traumatic Stress Syndrome, Oppositional Defiant Disorder, Attention Deficit Hyperactivity Disorder, severe clinical depression and most frightening, Emerging Anti-Social Personality. Many children have a combination of these disorders. Taxpayer money funds their rehabilitative therapists and hospitalizations. Intensive, long-term (for some, life-long) treatment is required for children suffering from these psychological illnesses. Many of these children will never be productive members of society. We will bear their costs as far as the eye can see.

A recent report from the Surgeon General attempted to calculate the indirect and direct costs to our citizens from mental illness.⁶² Using the most recent figures and studies available, in 1990 the “indirect costs of all mental illness imposed a nearly \$79 billion loss on the U.S. economy.”⁶³ The Surgeon General called this figure conservative in that it did not capture the measure of “pain, suffering, disruption, and reduced productivity that are not reflected in earnings.”⁶⁴

In that same report the Surgeon General found that the United States spent more than \$69 billion for diagnosis and treatment of mental illness. The public paid 53 percent of that amount.⁶⁵ That is, tax revenues paid \$37 billion for the direct cost of mental illness in this country in 1996.

While mental illness can strike anyone, regardless of their social or economic background, it is beyond dispute that mental illness and its costs are part of the cycle of poverty.

V. The Failure of the Electorate

At its core, poverty is a moral issue. In a country as rich and prosperous as the United States, we can categorize it in no other way.

In the recently concluded Presidential election, we heard much about the importance of moral values in politics. And it is so: all the major religions of the world, and many of the main philosophies handed down through history, command us to love our neighbor. Indeed, for Christians, Jesus himself gave no quarter on that mandate when he instructed his followers to give food to the hungry, water to the thirsty, clothes to the naked, and comfort to those in prison, stating: “I assure you, as often as you did it for one of the least of my brothers, you did it for me.”

How did we get to this point, a country whose human infrastructure is crumbling? We have arrived at this point for one simple reason: we continue to reward elected officials who don't tell us the truth. When was the last time one of our elected officials told us that we must sacrifice for the good of our country, for the good of our fellow citizens, for the good of our children and grandchildren, for the long-term interests of our country? When was the last time a politician told us to give, not to receive? Where is the political courage – where are the leaders who will tell us firmly, we must sacrifice, each of us – without exception for the fortunate sons of the wealthy and powerful, without exemptions, without deferments, and without loopholes designed for a select group of our fellow Americans? Where are the elected officials who will lead us, and not just follow us as we pursue our own selfish agendas? Where is the public leader who will stand up and call out a warning to the preoccupied electorate?

This irresponsible, short-sighted political pandering has created a dramatic shift in voter expectations. We called the 1980's the “decade of greed.” We called the 1990's the “me decade.” This decade has taken us one step further – this is the decade of “now”; the decade of “today.” We want it right now, we want it today. In other words, don't think about tomorrow, ignore the next generation, and disregard the future.

We must demand better. We must elect leaders; not politicians who simply wish to follow. We must elect individuals with a passion about the long-term welfare of our country; not demagogues who pander to our desire for immediate gratification. We must elect people who have the moral courage to tell us why, when, and where we need to sacrifice; not charlatans and untrained magicians who promise us tax cuts without service cuts as far as the eye can see. We must elect men and women of strong mettle who,

instead of appealing to our own personal selfish interests, appeal instead to the good in all of us, the inherent, natural love that we carry for our neighbors and for our brothers.

Many forces move within us. One powerful force, the one that allows humankind to survive and progress, is the Darwinian force of self-interest. But, I believe that within us surges another force that is just as powerful, and that force is our inherent concern and love for our fellow man.

In his 1961 inaugural address President Kennedy challenged Americans by reaching out to the very best in all of us when he stated: “Ask not, what your country can do for you. Ask what you can do for your country.” Then, and in the years following, President Kennedy tapped into the goodness moving within all of us. And Americans responded positively to what he drew out of them.

I believe people want to help others. I think people need to help others. I believe that such a force is part of our very nature, and that in all of us it yearns for fulfillment. If we all take a moment, a bit of time for personal exploration, we will find within us that powerful and immeasurable force, a literally churning ocean of love. If we recognize that movement, and then unleash that ocean on all of our neighbors, on all of our brethren who inhabit this small blue planet, we can change our community, and then our country, and then the world. Such is our ability; such should be our dream.

At children’s court, I see foster parents lining up to embrace children who are so damaged by abuse and neglect that the foster parent’s life’s work will be that of tending to the child. I see children with cerebral palsy; children who cannot speak, who cannot see, who cannot hear, and who cannot reciprocate the love that these strangers will pour into them. Oftentimes, foster parents will not only care for that child, but accept into their homes siblings who have been similarly damaged. And at the end of the day, many of these foster parent will adopt the entire brood and accept the permanent legal obligation of raising them. Why? Because these people love, because they carry so much love within them that they know of nowhere else to place it; no other way to satisfy it.

Weekly, I see grandparents and great-grandparents step in to help their own families in crisis and bring into their home four or five children whose parents have failed them. As the rest of us ponder our retirement, calculate our pensions, and plan our years in the comfort of a gentle and relaxed twilight, these people, aged 60 or older, are stepping in to raise a family of children knowing it will be ten or fifteen years before these children leave the nest. Why? Because they love – they have so much love within them that they have almost no choice but to take on this great obligation – to them, this joy – of raising young, rambunctious, and oftentimes, damaged children, during their retirement years.

As of February, the world community had responded to the tsunami disaster by contributing more than \$7 billion to the relief effort.⁶⁶ One-third of all American households contributed to that effort, providing more than \$1 billion in private, non-governmental aid.⁶⁷ And this is not the first time the world community has opened its hearts and pockets to those in dire need. We contributed this money – our money – to strangers, strangers in need. We did this with no expectation of recognition, no thought of reward, no external benefit to ourselves. Why? Because we hurt at the hurt of others, we ache at the suffering of strangers. And this ache compels us to help. Our concern for our neighbors overwhelms us and leaves us with no choice but to step in and make a difference. Is it our religion, is it some innate moral compass, or is it a natural identification with those in pain? I don't know, but it is of no matter because that force roils within all of us.

A woman drives by a burning building and hears the shrieks of children inside. She's on her way to an important appointment, dressed in her business best. She doesn't know this family; she doesn't know who is crying out in terror. Yet, she stops her car and runs into the burning building looking for the source of the screams. At no time does she think of the mortal danger to herself. "Why," she is asked, "did you run into that inferno and save those children." She can't explain. Why, I ask all of you? I can't explain except to say that it is the response of the natural concern we carry within us for all of our neighbors, for all those in need. This woman is not exceptional; many of us would do the same.

To become true leaders our elected officials must appeal to that natural force burning within all of us. True leaders will arise when they invoke the good in us, when they invoke and draw out our inherent good. True leaders will educate us instead of playing on our fears and our natural desire for immediate gratification. Then we will evolve, individually at first, but ultimately, as a society, a country, and a world.

Elected officials are only messengers, but they are our messengers. The key here is the message. The body electorate writes that message; our officials merely deliver it. It is up to us to change that message, and then elect leaders who will have the moral courage to deliver that new message – one of responsibility, foresight, and altruism. Again, we must elect leaders who will appeal to the good within all of us.

In 1961, the world was a dangerous place. It is more so today. In 1961, our country faced grave perils, from both within and from without. Today the perils the United States faces are even more grave. From the outside, we wait as an enemy without a face or a country gathers its strength to launch an assault of unknown magnitude that our elected officials continually assure us will undoubtedly come. From within, poverty, the failure of our public schools, the disappearance of meaningful jobs, drug addiction,

the collapse of retirement security for our elderly, the hopelessness of the poor, and the disintegration of our inner cities all threaten our country with a slow but inevitable implosion.

In the face of all this, I'm pessimistic. And yes, our elected leaders deride pessimism. "The politics of pessimism" they label it, in an effort to deflect our thoughts from the future consequences of today's actions. They urge us, in essence, not to worry, be happy. Instead, they anaesthetize us with tax cuts. And by appealing to our individual selfish interests and our natural desire for immediate gratification, they preserve their jobs and advance their careers. But where will today's leaders be when these bills come due – clearing brush on their ranch? In reality, when these bills inevitably come due, we, and our children, and the most needy and powerless among us, will be left holding their empty bag.

To those elected officials and citizens offended by my bluntness, my pessimism, my characterizations, I can only say, come to children's court. To those who say we are spending enough on the poor already, I say, come to children's court. To those who decry any type of financial assistance to families who haven't "earned it," I say, come to children's court. Watch case after case, day after day, and see for yourself, the effects that the policies we have implemented have had on our neighbors and our children. Then tell us, we who work at children's court, that our country is headed in the right direction.

VI. Our Investment In The Future

On March 20, 2005, in connection with the Terry Schivo feeding-tube controversy, Florida Governor Jeb Bush stated: "We in government have a duty to protect the weak, disabled, and vulnerable."⁶⁸ In that statement, Governor Bush appealed to the fundamental good of the electorate: protect children, the disabled, the powerless, the poor, and the elderly. All fall within the umbrella of his pronouncement.

Jeb Bush's challenge to our elected officials echoes that set down by former Vice President Hubert Humphrey, speaking on these issues in 1976:

"The moral test of a government is how it treats those who are at the dawn of life – the children; those who are in the twilight of life – the aged; and those who are in the shadow of life – the sick, the needy, and the handicapped."

Recently, I heard a public figure decry four-year-old kindergarten as "taxpayer subsidized day care." I thought to myself: we don't need four-year-old kindergarten, we need three-year-old kindergarten, staffed with energetic, well-trained, appropriately compensated, and highly motivated teachers who will begin to teach these children

before they even start school. We need to get these children of poverty out of their environments, which are too often unsafe and unhealthy, and place them into vibrant centers of learning and training.

We need to make an unprecedented investment in our public schools, and in our teachers. We must pay our teachers well, and make teaching attractive – why do most of the best students go into engineering, or to law school, or to medical school, and not go on to educate our children? Is teaching our children any less important than the work of these other professions?

We must encourage and expand the school voucher system. The poor should have the identical right to attend the same quality schools as do the privileged. It is frustrating to see that this issue has become politicized across the country. The dispute over school vouchers is a red herring meant to disguise our failure to invest in the education of our children from no-income, no-choice families.

We must make a massive investment in after-school and weekend programming for children in our cities. We must support the existing Boys and Girls Clubs, and strive to create more such facilities and programs. We must attract more mentors and educators to these programs – people who can teach our children and teens how to use a computer, how to write a clear and persuasive paragraph, how to balance a checkbook – and then the books of a company, how to build cabinets, install plumbing in a new home and wire it for electricity, and fix any car that limps into the garage.

Who will pay for all this, you ask? You will. And I will. We should pay for it because it is the right thing, the moral thing, to do. And, it is in our own self-interest to do the right thing now. But, we must pay for it because it is the financially responsible thing to do. That is, we can pay for it now, tomorrow, or in ten years. But, we will pay for it, and the sooner we do, the less expensive it will be.

America is the greatest county in the world. I believe that history will call American the greatest country the world has ever known. America also is the richest country in the world; certainly the richest the world has ever known. With the riches that surround all of us in these United States, no child should ever suffer in poverty. It is for that reason that poverty is, at its core, a moral issue.

But, be clear, that when we hear, and feel seduced by, the terms “tax cuts,” or “tax freeze,” we must think instead, “service cuts,” and “program cuts.” And realize, that the programs that will be cut are the ones meant to benefit the poorest, the neediest, the youngest and the oldest, and the most disabled and weakest of our community. In the end, our children of poverty will suffer the most.

Understand the consequences of these program and service cuts today, and tomorrow, but especially, in ten years when those to whom we have turned our collar and denied opportunities begin making their own opportunities outside of society, and outside of the law. We will pay then, not dollars for school breakfast and lunch programs, not hundreds of dollars for new books and computers, not thousands of dollars for additional teachers, more mentors, and newer facilities, but, for each forgotten and discarded child, and the cost he or she inflicts on society, tens of thousands and hundreds of thousands of dollars in tangible costs, and an equal measure, or greater, in intangible costs.

And, following all that, we will face yet another lost generation.

Joseph R. Wall**
September 23, 2005

** Judge Wall is a Circuit Court Judge in Milwaukee, Wisconsin and is finishing his fourth year as a children's court judge. Judge Wall is also a certified public accountant.

End Notes
(End Notes are included for fact-checking purposes only)

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