

The Delray Democrat*

August 2019

Florida Statute Claims to “Fix” Amendment 4 But Only Creates More Ambiguity

Nancy Chanin

In the last election, voters overwhelmingly approved Amendment 4 (by 64.55% of the vote), which “restores the voting rights of Floridians with felony convictions after they complete all the terms of their sentence, including parole and probation.” The amendment does not apply to those convicted of murder or sexual offenses.

Claiming that Amendment 4 did not specify the meaning of “after they complete all the terms of their sentence,” the Florida Legislature passed a law that, among other things, requires felons to pay court costs and fees before a sentence would be considered complete.

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Upcoming Meetings

September 12: Marc Lafalaise moderates panel on The Haitian-American Experience

October 10: Fred Guttenberg on Gun Safety and the 2020 Election

November 14: Amendment 4 Update

Universal Health Care and Race

Sandra Elaiissen-Cantwell

President Truman failed in his effort to pass universal healthcare for three reasons. First, Americans workers already had healthcare through their jobs because – in the face of wartime pay restrictions – it was a way for employers to compete in a tight market. Second, the AMA opposed it. And last, but surely not least, Southern Democrats – forced to accept integration of the armed forces during World War II – knew that universal healthcare would lead to integration of hospitals in the South.

Segregated hospitals are what led Dr. King to declare, “Of all the forms of inequality, injustice in health care is the most shocking and inhumane.” At a time when “Black” hospital were few and far between, African Americans were literally dying in the gutter outside hospitals. Disparity in health care not only still continues but goes back throughout American history.

Some months ago, The New York Times published an article based on a comprehensive essay by Linda Villarosa, “Why America’s Black Mothers and Babies are in a Life-or-Death Crisis.” It dealt with the enormous racial disparities of mother-and infant mortality that still exists in the United States.

This month, The Times published a series of articles, The 1619 Project, examining the legacy of slavery in America, and among these is Jeneen Interlandi’s exploration, “Why doesn’t the United States have universal health care? The answer has everything to do with race.”

From the conclusion of the Civil War, Black Americans, former slaves, that is, found themselves relegated to ramshackle camps where the most primitive conditions of poverty, sanitation and health existed. The diseases rampant in these camps were

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*“Democrat: 1. An advocate of democracy. 2. a person who believes in the political or social equality of all people.”

contained within them so that the nearby White communities were spared such illnesses as smallpox. White leaders who were aware of the devastation and high mortality caused by such conditions demurred to offer assistance for three reasons: they feared the spread of epidemics to white communities; they believed that only a healthy Black population would be capable of working the land; and equally, or more to the point, they feared that freed from the bonds of slavery and servitude, healthy Black Americans “would upend the racial hierarchy.”

Thus, the awareness that free and healthy Black Americans might pose a threat to the existing status quo, lay beneath Federal and State health policies. Any aids, even if attempted, were soon discarded, and abandoned to Jim Crow management throughout the South. Indeed, the first Federal Health Care Program to assess the crisis came to naught when pleas for medical personnel and equipment were ignored and forty hospitals supposedly built with aid in mind were soon closed down. When the health crisis loomed

even more brutally, White congressmen considered free assistance a slur on the concept of independence. Uglier still, they insisted that such ill health was to be construed as the forthcoming death of the entire race of Black Americans: their “inferior nature ...and inevitable fate.”

From the years after Reconstruction and, shockingly, until The Affordable Care Act, Black Americans were deprived of health care programs enacted to provide health care assistance to all others, using various schemes as States Rights. Moreover, until the 1960s, medical schools and professional groups like the American Medical Association effectively refused education and membership to Black Americans.

In 1964 the Civil Rights Act declared segregation illegal for any “entity receiving federal funds” but allowed former slave States to effectively control the amount and/or distribution of federal funds. Disgracefully, this is still true in 2019 in such states.

Moscow Mitch and the Miscreants

No, it’s not a retro punk band. The Senate Majority Leader and his followers give punks, skunks, and slugs a bad name. Rather, it’s a collection of rent boys and call girls who will do anything to stay in power – lie, cheat, and sell out their honor and their country.

MKC

Millennials, Come Out

Not just to vote . . . of that I have no doubt. Your turnout in 2018 was 79% higher than in the prior midterms and was the highest in any age group.

But to run for office. Your generation is the most colorblind and decent I have seen in my Baby Boomer life. You are the hope for our future, indeed our best hope that the human race gets to have a future.

MKC

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Abuse of Immigrants Is Good Business

June Sandra Neal

I know. Numbers are boring. But stay with me.

Trump lies. There is no “invasion” of illegal immigrants. In fact, according to the Pew Research Center’s latest study, the number of “apprehensions at the U.S.-Mexico border has sharply decreased over the past decade or so, from more than 1 million in fiscal 2006 to 396,579 in fiscal 2018.”

Central Americans have supplanted Mexicans as the majority seeking legal asylum here from the terrors of their home countries. Yet, after grueling treks of thousands of miles, they are miserable again in detention camps, immigrant jails and “shelters.”

Thousands of the most vulnerable, the children, have been suffering in our own backyard.

According to the U. S. Department of Health and Human Services, whose figures most certainly are under-reported, approximately 14,300 children have gone through the Homestead Temporary Shelter for Unaccompanied Children in FL. Their detention is illegal and their treatment deplorable.

Trump denies it. But people don’t hide what they are proud of. DHS refused even members of Congress unannounced visits, and in the few government-controlled ones, no cameras were allowed. Senator Kamala Harris reported she circled round and climbed a tree to see what she could. Senator Elizabeth Warren climbed a ladder. Both scenes could be in North Korea. The government’s propaganda photos show neat, though crowded, rooms, ala military barracks. But surreptitious cell phone pictures and eye-witness accounts reveal the lie. Protestors had been braving the heat and humidity outside the facility and the media continued its censure. Nothing changed.

And then, on August 3, all the children were quietly whisked away.

We don’t know why or to where. Officials claim it was to get them out of the way of possible hurricanes. A plausible reason. If so, why did they evacuate the children in the middle of the night?

This detention is contemptible. It is also good for business. There are approximately 200 detention

centers, “shelters,” and immigrant jails and prisons scattered throughout the country. Why are people who’ve committed no crime (as seeking asylum is their legal right) not allowed to live with relatives already in the United States? Or in motels, for which taxpayers would expend far less than they do now?

One answer: 60% of the migrants are in privately-owned migrant prisons. And it’s quite profitable. The U. S. has a long, dark history of private companies cashing in on natural disasters and war. Remember Halliburton and Blackwater? Not only do these private contractors do well, so do the government officials with lobbying ties to them.

Item: February 2017. Comprehensive Health Services paid the U. S. Dept. of Justice more than \$3.8 million to settle claims of medical fraud, double-charging the Internal Revenue Service for services. CHS was purchased by Caliburn, owned by a private equity firm that hired former Trump Chief of Staff John Kelly as a lobbyist who failed to disclose his \$37,000 earnings from that firm to the government.

Item: July 2017. Despite all that, Governor Rick Scott (who should know something about medical fraud) awarded CHS a \$600,000 tax package for a project at Cape Canaveral. One year later, the DHS gave CHS a \$341 million no-bid contract to operate the Homestead Shelter until October of 2019. But as of August 3, no children are there. Quartz news service reported Homestead was costing taxpayers \$500,000 per day to operate.

Item: May 2018. General Dynamics was awarded a \$1.6 million contract for “training and technical assistance” at Homestead.

Item: December 2018. American Canyon Solutions of California won a \$60.5 million contract to manage Homestead.

All for a place that should put our government to shame. Homestead is a metaphor for immorality and unchecked greed. And our government is in no rush to change, not when its friends and former officials find the system so lucrative.

The law raises more questions than the one it purports to address, however. Since many felons are financially unable to pay court costs and fees, a provision was made in the new law to allow the court to convert payments to community service. However, the legislature did not specify the procedures for converting monies owed to community service.

Moreover, it is unclear whether a court can modify the original sentencing order to waive fines or fees for returning citizens. What is clear, however, is that converting the outstanding debt to a civil lien is

financial obligations) that they cannot pay now or in the foreseeable future.” The suit further argues that “lawmakers expressly refused to consider evidence about the racial and socioeconomic impact of the law and the foreseeable harm to Black communities, and rejected ameliorative amendments that they were advised could have lessened the law’s impact on Black returning citizens.”

Meanwhile, some individual judicial circuits/counties are attempting to sort out how they can streamline the process for returning citizens to register to vote within the confines of the law. Three

Another way to help would be to make a financial donation. The Florida Rights Restoration Coalition has a [web page](https://wegotthevote.org/finesandfees/) where you can contribute directly by clicking on “help with fines/fees” (<https://wegotthevote.org/finesandfees/>).

of no benefit, because returning citizens remain responsible for payments even after an outstanding debt has been converted.

The demand that returning citizens fulfill monetary obligations unrelated to their sentences did not exist in the past when former felons went before the state’s clemency board. Most states have actually taken the opposite tack, mitigating restrictions on felons’ voting rights. In addition to Florida, only seven other states require that returning citizens pay all fines, fees and restitution in order to vote.

A lawsuit filed by the NAACP, the ACLU and the League of Women Voters on behalf of 11 plaintiffs argues that the bill passed by the Florida legislature, SB 7066, “makes restoration of voting rights contingent on a person’s wealth” and that, “It is well established that people with felony convictions in Florida are disproportionately Black—a product of higher rates of policy stops, arrest, prosecution, and conviction of Black citizens in the criminal justice system. It is also well established that a large majority of returning citizens have LFOs (legal

of these circuits — Palm Beach, Broward, Miami-Dade — are located in Blue counties. The fourth, Hillsborough County, has a State Attorney who ran as a Democrat. Whether returning citizens will be helped in Red counties is, at least at this time, questionable at best.

Given all these constraints, what can Democrats do to help? I would suggest that voter registration efforts target areas where returning citizens are likely to reside. As previously mentioned, the law adversely impacts a significant number of poor people and communities of color, so those neighborhoods should be covered.

Another way to help would be to make a financial donation. The Florida Rights Restoration Coalition has a web page where you can contribute directly by clicking on “help with fines/fees” (<https://wegotthevote.org/finesandfees/>). Donations are tax deductible and go entirely to helping returning citizens complete the monetary obligations imposed on them by Florida Republicans.

There's No Such Thing as "Not Voting"

Michael Cantwell

Under what is essentially a two-party system, people who fail to cast a ballot are effectively voting against the candidate whose values they most closely share. And until we have an instant runoff system, people who cast protest votes for third- and fourth-party candidates with no chance of winning are effectively voting for the candidate they most despise.

Forty years ago I was one of them, choosing to vote for the ecologist and environmentalist Barry Commoner because I found Jimmy Carter far too conservative. I quickly learned from my mistake as I watched a grade B movie actor adopt and expand what has become a four-decades-long assault on American workers. (See "Income Shares," below.)

That's why I voted for Al Gore in 2000 even though I had great admiration for Ralph Nader, and even though I lived in New York and thus had a free vote.

Had Nader not run, it is almost certain that Gore would have won Florida and with it the White House. That said, it was five Republican judges who stopped the Florida recount in a nakedly partisan, widely discredited decision. Three had been appointed by Ronald Reagan, *which allows us to draw a straight line from Reagan's election to Bush's selection.*

Fast forward to 2016, when a grade B reality TV star stunned the media (if not those of us who'd been paying attention) by winning the Electoral College. The election was much closer than in 1980, and there's no question that Donald Trump owes his Electoral College victory to those voters in

Wisconsin, Michigan, and Pennsylvania who either stayed home in protest or voted for a third- or fourth-party candidate with no chance of winning.

If the 2018 midterms are any measure, these stay-at-home and protest voters were fast learners. The turnout was the highest in over a century and up more than one third from the 2014 midterms

This is a hopeful sign. If, we dispatch Donald Trump next year, we can begin undoing the destruction he has caused, first by repealing the Republican "tax cut," which transfers wealth from ordinary Americans and small businesses to multimillionaires and multinationals. We can pass laws that will reduce rather than increase the numbers of uninsured. We can put stewards in place of grifters in all Cabinet and administrative offices. And begin combatting climate change, the existential threat of our time.

But one thing that we can never undo or recover from is the stolen Supreme Court seat in which Neil Gorsuch sits or alter the fact that 54-year-old Brett ("What Goes Around, Comes Around") Kavanaugh sits in place of the 83-year-old Anthony Kennedy, reducing the average age of this Republican majority. Even if a Democrat is elected in 2020, these men will remain a threat to Roe v. Wade as well as any progressive legislation.

Worse still, if Trump is reelected and gets to nominate replacements for Justices Ginsburg and Breyer, he will create a Republican supermajority on the Supreme Court that will last for decades.

Income Shares							
The income share going to the bottom 90 percent of Americans shrank between 1970 and 2017. Among the top 10%, the higher a person ranked the more one's slice of the economic pie grew.							
Year	Bottom 90%	90% to 95%	95% to 99%	99% to 99.5%	99.5% to 99.9%	99.9% to 99.99%	Top 0.01%
1970	67.10%	11.10%	12.70%	2.80%	3.50%	1.80%	1.00%
2000	52.00%	11.10%	15.20%	4.10%	6.60%	5.90%	5.10%
2017	52.44%	12.53%	16.97%	4.20%	6.19%	4.43%	3.24%
1970-2017	-21.85%	12.88%	33.62%	50.00%	76.86%	146.11%	224.00%

Source: Piketty & Saez (cited in David Cay Johnston, *Perfectly Legal*) (updated)

Florida Wants to Turn Local Police into Federal ICE Agents

June Sandra Neal

Ten organizations have filed a lawsuit opposing the State of Florida's new law that requires local police to act as Immigration and Customs Enforcement (ICE) agents. The groups were represented by the Southern Poverty Law Center, The Community Justice Project and The Immigration Clinic of the University of Miami School of Law.

SPL argues that "Entangling ICE and local law enforcement leads to racial profiling, civil rights violations, isolation of immigrant communities, and unjust deportations" and that turning local police into federal immigration agents erodes any trust the police have established with the community. It would make immigrants fearful of reporting crises such as emergency help or crime. They further argue that the law conflicts with the state's Sanctuary law, federal law and the equal protection clause of the 14th Amendment.

It is critical that these groups do not stand alone. Our governor, state representatives and newspaper editors must hear from us.

- Florida Immigrant Coalition, floridaimmigrant.org
- Community Justice Project Florida communityjusticeproject.com
- Amnesty International USA Orlando – amnestyorlando.org
- Florida Immigrant Coalition, Farmworker Association of Florida – floridaimmigrant.org/placemarks/farm-workers-association-of-florida-fwaf/
- WeCount!
- Americans for Immigrant Justice
- Hope Community Center
- QLatinx
- Westminster Presbyterian United Church
- The Guatemalan-Maya Center, Inc.
- Family Action Network Movement
- City of South Miami
- Southern Poverty Law Center Florida
- Immigration Clinic of the University of Miami School of Law

The Five Horsemen of the Apocalypse

Michael K. Cantwell

During the "Lochner Era," which extended from the 1890s through the Great Depression, a bloc of fiercely conservative Supreme Court justices plagued the administrations of Teddy Roosevelt, Woodrow Wilson, and Franklin Delano Roosevelt by repeatedly striking down progressive legislation. Labeled the "Four Horsemen of the Apocalypse," they invalidated minimum wage laws, laws restricting the number of hours employees could work, and child labor laws, as well as regulations of banking, insurance and transportation industries.

In his confirmation hearing, Chief Justice Roberts criticized *Lochner v. New York*, the case that gave its name to that era, by saying of his forefathers, "it's quite clear that they're not interpreting the law, they're making the law." Of course, that is exactly what he went ahead and did, presiding over the

decisions in *Citizens United* and *Shelby County*, striking down long-standing precedents in acts of blatant judicial activism.

Today, there are Five Horsemen, led by Chief Justice Roberts. While he is no less conservative than he was when appointed, he's now labeled a "swing vote" only because Clarence Thomas, Sam Alito, Brett ("What Goes Around Comes Around") Kavanaugh, and Neil "Stolen Seat" Gorsuch are all to the right of Attila the Hun.

If our lost opportunity to reshape the Court after the 2016 election makes you gnash your teeth, just reflect upon whether we can prevent an apocalypse if Trump is reelected and there are not Five, but Seven, Horsemen.

Republicans – Do What Is Right for the Country in 2020

Robert Resnick

Three years of President Trump has led to the worst division this country has ever seen. Some refer to it as a “cold civil war.” Trump continually seeks to divide the nation with vile rhetoric, overt racism, and daily dishonesty to the point he demonstrably lies far more than he tells the truth. He not only fails to condemn white supremacy; he thoroughly embraces it.

His personal conduct in office is entirely reprehensible. Those who believed he would adjust once in office were unfortunately wrong. Some Republican voters maintained the falsity that they can disapprove of Trump’s disgusting behavior but vote for him solely because of tax cuts or conservative judges. If that worked in 2016, such an argument in 2020 is completely fallacious.

what is necessary in this most unusual election. The country cannot afford and may truly not be able to survive the inevitable damage that would be done by a second Trump term.

Republicans, there is no neutrality this time. He will not change and not abandon his hallmark hate and division. There is no legitimate argument that voters can vote for Trump because of traditional Republican policy but reject his abhorrent rhetoric and behavior. Such would simply defy logic and reality at this point. There were not good people on both sides when decent people stood up to the hate and violence spewed by a white supremacist march and there can not be good people on both sides in 2020 when one side fights for our democracy and return to decency in the White House and the other aims to ratify and

Our future may depend on [Republicans] doing what is necessary in this most unusual election.

After 3 years, Trump’s abhorrent conduct has degraded rather than improved and there is no indication he will change. He further divides the nation rather than do his duty to unite. In the face of tragedy, he sinks even lower. The country is at the breaking point. There is no longer any viable separation or distinction between Trump policy and Trump repugnant personal conduct.

In 2020, Republican voters face a very real challenge. They cannot vote for Trump based on policy alone without endorsing his detestable conduct. Trump’s rabidly loyal base, consisting of his fellow racists, white supremacists, nationalists, and xenophobes, will most certainly come out in droves to vote for their champion. However, there are good, decent traditional Republicans who need to do right for the country. They are long-time loyal Republicans who believe in a conservative agenda, not Trump’s white nationalism. Our future may depend on them doing

take even further Trump’s reprehensible conduct to the clear detriment of the nation. Any vote for Trump in 2020 is a clear statement in favor of his ongoing racism, white supremacy, hatred, and violence.

Republicans opposed to white supremacy and who care about the country cannot vote for Trump. They have the choice to stay home, vote for the Democratic nominee, or perhaps vote for a third-party candidate. Whatever they do, they cannot vote for Trump and then distance themselves from his white supremacy, etc. They cannot claim to be voting only for certain Republican policy priorities and not for the detestable person who leads their ticket. There is simply no such logical distinction. The 2020 stakes are way too high and the danger is way too great. Republican voters need to do what is right for the country.

Take the (Indivisible) Pledge

THE 2020 CANDIDATE PLEDGE.

We must defeat Donald Trump. The first step is a primary contest that produces a strong Democratic nominee. The second step is winning the general election. We will not accept anything less. To ensure this outcome, I pledge to:

Make the primary constructive. I'll respect the other candidates and make the primary election about inspiring voters with my vision for the future.

Rally behind the winner. I'll support the ultimate Democratic nominee, whoever it is – period. No Monday morning quarterbacking. No third-party threats. Immediately after there's a nominee, I'll endorse.

Do the work to beat Trump. I will do everything in my power to make the Democratic Nominee the next President of the United States. As soon as there is a nominee, I will put myself at the disposal of the campaign.

Democratic Club of Delray Beach 2019 Membership Application

Date _____ New _____ Renewal _____

Name/names of household members _____

Address _____

Community/Condo Name _____

E-mail Address _____ Phone number _____

(E-mail addresses are shared with the Palm Beach County Democratic Party so our members will be kept abreast of the latest County Democratic Activity. If you do not wish to receive this information, please initial here ___ and we will not share your E-mail address.)

Preferred method of contact: E-mail _____ Mail _____ Phone _____

Send newsletter by: E-mail _____ U.S. Mail _____

I/we are in South Florida from _____ to _____ each year or are a permanent resident _____.

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