

Child welfare

October 16, 1998

CCI FridayFax

As a short report to keep you up to date on our news and activities

CCI Blitzing the Courts

In the last two weeks, CCI has filed briefs in three important cases:

"One Strike" Public Housing Evictions

Opponents of HUD's "one-strike-and-you're-out" policy -- under which any drug-related crime by a member of a tenant's household is automatic grounds for eviction from public housing -- have sued the Oakland, CA Housing Authority to block the policy. In July, a federal district judge used the case to enjoin the Housing Authority from enforcing "one strike," which is extremely popular with tenants and has made life safer in housing projects across the country. In our brief to the 9th Circuit U.S. Court of Appeals -- prepared by Joe Escher of San Francisco's Howard Rice & Nemerovski -- we argue that scarce public housing resources should be reserved for the vast majority of law-abiding poor families whose members do not threaten the safety of other low-income tenants.

"Baby Cornilous" Custody Battle

In August, Maryland toddler Cornilous Pixley won a reprieve from a state judge's ruling that he be returned to the mother who murdered his half-sister in 1992. Heeding the recommendation of a CCI brief that was endorsed by *The Baltimore Sun*, Maryland's top court agreed to hear the case - giving Cornilous one last hope to remain with the woman who has raised him since infancy. Last week we filed a brief urging the high court to reverse the lower court ruling in light of recent reforms in Maryland and U.S. law that emphasize the health and safety of children over the "rights" of dangerous parents. Our thanks to a first-rate team from Washington's Wilmer Cutler & Pickering who drafted the brief, and to the numerous child welfare advocates who signed on as co-amici. The case will be argued in December.

Aggressive Panhandling Restrictions

Last year, Los Angeles' panhandling control ordinance was enjoined by a federal district judge who, faced with clear federal precedent in favor of such laws, found it invalid under the California state constitution. The 9th Circuit U.S. Court of Appeals has referred the issue to the California Supreme Court. Our brief to that court, joined by the Center City Association of Los Angeles and a group of Fashion District property owners, was filed last week by Marc Becker of the L.A. firm Munger Tolles & Olson. CCI helped draft the ordinance, which only bans begging that is intimidating or occurs at inherently coercive locations like bus stops or ATMs.

Publications of Note

An op-ed by Professor (and CCI Advisor) Amitai Etzioni in Wednesday's *Wall Street Journal* eloquently defends public libraries' use of "filtering software" to prevent children from accessing pornography on the Internet. The ACLU has sued to block this (and even objects to private use of filters on home computers) because it limits "opportunities for kids to learn and talk about sex." On a related note, an op-ed that CCI Assistant Director Dennis Saffran wrote for the *Journal* in July -- denouncing a court ruling that New Jersey sex offenders have a constitutional right to porn in prison -- has resurfaced in the November issue of *Reader's Digest*.

Center for the Community Interest

Washington: (202) 785-7844 New York: (212) 682-0218

this is sketch