GUEST EDITORIAL

Congress should protect Dreamers from deportation

The Dreamers will not have to live in fear now that they could be deported to a country they might not remember.

The fear should not have been the incessant hum in their everyday lives in the first place, but that's been the threat for three years under the Trump administration.

The threat was lifted — for now — by the U.S. Supreme Court in a 5-4 decision announced Thursday. Chief Justice John Roberts, in writing for the majority, called the administration's move to dismantle the Dreamers' protection as "arbitrary and capricious."

The Deferred Action for Childhood Arrivals, DACA, began in 2012 under an executive order by then-President Barack Obama. Under strict guidelines, including no felony charges, young adults who were brought to this country illegally by their parents as children could apply for protection from deportation.

Nearly 700,000 Dreamers applied in good faith — about 4,000 in Connecticut. While DACA does not provide a path to citizenship, the security from deportation enabled them to pursue higher education and careers.

Studies have shown that most DACA recipients are employed — contributing taxes. The American Action Forum estimates they contribute nearly $42 billion annually to the U.S. gross domestic product.

But in 2017 the Trump administration said the program was unlawful and tried to phase it out. No new applications have been allowed since then.

While the Supreme Court decision is welcome, it does not resolve whether DACA is lawful, only that the administration did not follow proper procedures in attempting to unravel it.

Congress must step in and provide permanent protection. Congress should finally adopt the Dream Act — Development, Relief, and Education for Alien Minors Act — first proposed in 2001.

Immigration reform is a thicket of controversy. But this much is clear: Children who came to this country through no will of their own do not deserve to be punished.

It could reasonably be argued that taxpayers' money spent on rounding up undocumented youth and deporting them could be better directed at other efforts, such as improving lives with opportunity.

Connecticut politicians reaffirmed our state's identity in their quick reactions to the Supreme Court decision. Gov. Ned Lamont said: "Tearing people from the only homes they have ever known is cruel, heartless and — despite what the administration may claim — doesn't even serve a national security purpose."

Once again, we are grateful for the compassion that drives policy in Connecticut.

In 2011, state law extended in-state tuition rates to undocumented students who attended all four years of high school in Connecticut. In 2015, the law was amended to lower the requirement to two years.

In 2018 the General Assembly approved allowing undocumented students to apply for financial aid through a program funded by student fees.

These members of society should have permanent federal protection from deportation, as long as they remain lawful, so they can live their lives without fear.

New Haven (Conn.) Register

Courtesy of Rick Graetz

The Crazy Mountains as viewed south of Harlowton.

The Crazy Mountains — more public access and a new trail

"It's a good country. Where a man can sit in his saddle and see ... all across to the west stretch the Crazies, and, swinging in the stirrups, a man has to throw back his head to follow their abrupt shoulders up to the white crests of the peaks. A pretty clean country where a man can see a long way and have something to see."

– Spike Van Cleve's words from "Forty Years' Gatherin's," speaking of the view from his ranch

Considered an island range owing to their location separate of the massif of the Northern Rockies, the Crazy Mountains of south-central Montana are more akin to the Rockies than they are to the state's other rounded and more forested isolated ranges. The valleys of the Yellowstone and Shields rivers set them well apart from the Absarokas to the south — and the Bridgers on the west. They are only about 30 miles by 15 miles in size but serve as sentinels on the horizon from many points east. Much of their geology, the bedrock that is, consists of an igneous intrusion — magma that rose under the surface rock forcing it upward.

And they are significant to Native American culture. In 1857, Chief Plenty Coup, a great chief of the Crow Nation, is said to have climbed Crazy Peak, the range's highest summit, to seek a vision so he might properly lead and guide his people.

Public land users, especially from Billings and Bozeman, have long considered these mountains crowding Big Timber's northwest horizon prime ground. But unlike most other popular mountain wildlands in Montana, the Crazies are not all public soil. Much of it is in a checkerboard ownership, that is in places, a land ownership map that looks like a checkerboard; one section in private ownership and the adjacent in the public domain. Numerous high alpine drainages, on public property, are completely blocked from public access.

As the nation's westward ambitions became a priority, in the earliest years of the 1880s Congress presented land grants to the Northern Pacific Railroad, including approximately 50,000 acres in the Crazy Mountains area. Hence the ownership pattern of today.

As a result of this pattern and limited public access, many organizations including the Forest Service have spent countless days trying to work out solutions with little movement; animosities and clashes developed.

A possible solution on the horizon?

Now a promising agreement is being developed by Montana citizens that would begin to solve some, not all, of the entry and trail connectivity problems in the Crazy Mountains while also improving public access in the Madison Range. A proposed land exchange is the tool that would be used. While the details are still being hashed out by landowners and public land users, here is what we know.

About 80 miles west, as the eagle flies from Crazy Peak, in the Madison Range, the Yellowstone Club wants to acquire about 500 acres of steep terrain to add a new dimension to their ski operations. And they are willing to give up a beautiful 558-acre parcel of mid-elevation land in a valley between Pioneer Mountain, and Cedar Mountain near the Lee Metcalf Wilderness. This parcel is already on an existing trail, and if public, would create new access opportunities in the Madison Range. The Club would place a permanent conservation easement on the land they acquire to limit development to just ski and avalanche control.

Meanwhile in the Crazies, local ranchers and a coalition of other stakeholders have been striving to assemble an agreement to consolidate public and private lands and resolve long-simmering public access disputes. The public would acquire 5,200 acres of outstanding habitat and wild country in the interior of the range. Landowners meanwhile would acquire 3,600 acres of land on the periphery.

One of the more exciting elements of this work would involve the construction of a 22-mile long trail that will connect with existing trails to create a new 40-mile loop inside the Crazy Mountains. The new trail would link Big Timber Canyon to Sweet Grass Canyon and create new permanent access in an area where public access has been anything but certain.

No public funds will be involved in the creation of the trail because of the involvement of the Yellowstone Club. Through packaging lands in Madison range and the Crazies together, the Club would agree, under USFS guidelines, to construct and pay for the new trail.

To be sure, the current agreement doesn't resolve all concerns. The core of the Crazy Mountains would still be hindered by alternating public-private land sections and more cleanup would need to be done in the future. As well, some groups would like to see conservation easements placed on lands transferred to private title in the Crazy Mountains to protect them from development.

I urge all stakeholders to continue to look at the possibilities and work together on this compromise. But from my perspective, this is the most promising initiative in decades to give the public increased ability to use the interior of the Crazy Mountains; it needs to happen.

———

EDITOR'S NOTE: Rick Graetz, a lecturer at the University of Montana, is an educator, geographer and author.

In the Mail

Equality and oppression

Editor:

When you are accustomed to privilege, equality feels like oppression. Once you realize the truth of that statement, many things become clear.

This I believe is the root of all the division and polarization we are seeing. It's the reason saying "Happy Holidays" means there is a war on Christmas. It's why the right wing, and particularly the religious right, feels they are being denied their rights. They proclaim all over the airwaves, the web, and social media that their voices are being silenced and they are being treated unfairly.

Well, they are being denied the right to oppress, discriminate, persecute, disenfranchise and generally abuse the groups they hate. That is what is being denied. But they have enjoyed the pleasure of exercising those "rights" for generations and someone has told them they have to stop. Suddenly they are the victims, the abused, the mistreated, and they just cannot tolerate it. Believing themselves to possess a superior morality, they are utterly indignant and outraged. Their Tea Party counterparts have dispensed with any pretense of integrity, democracy, or rule of law, and in many cases, just plain decency.

Together evangelicals and Tea Party Republicans are doing their best to try to turn back the clock, socially, economically and environmentally. They want that America back where they could freely hate who they wished to hate and it was accepted. They don't care if they have to burn it all down. In fact, they are actually eager to do so because they are ready to die and go be with their savior.

This is what we have to vote against in November.

Cynthia Hills
Livingston

America's 'critical period' redux?

By George Will
Syndicated columnist

WASHINGTON — The Supreme Court justices might be bemused, or depressed, by this question they implicitly will consider in Thursday's conference: Should they review — the answer is yes — a decision by a lower court that evidently skipped history class the day the teacher explained that a huge defect of the Articles of Confederation was the states' powers to impede the free flow of interstate commerce? This led to replacing the Articles with the Constitution, which gives Congress responsibility for regulating such commerce.

Were the Supreme Court to allow the lower court's decision to stand, this would ignore a lesson the Constitution's Framers learned the hard way by living through what is called the "critical period" of U.S. history. John Quincy Adams used this phrase, which later was adopted by scholars to describe the years 1781-1789, between the Revolutionary War and ratification of the Constitution, when George Washington said the states were held together by "a rope of sand." Connecticut imposed duties on imports from Massachusetts, Pennsylvania had hostile trade relations with Delaware and, according to a historian, "New Jersey, pillaged at once by both her greater neighbors, was compared to a cask tapped at both ends."

At issue Thursday is a mundane matter — construction of an infrastructure project — and a momentous question: Should New Jersey be able to stymie the exercise of a federal grant of eminent domain power, thereby blocking construction of a pipeline to deliver approximately a billion cubic feet of natural gas per day to the Northeast, including New Jersey?

In the 19th century, every state delegated eminent domain power to private companies to produce what were then called "internal improvements" — canals, turnpikes, railroads. Congress amended the Natural Gas Act (NGA) in 1947 in response to various states' interferences with delegated eminent domain powers — e.g., Wisconsin insisted that only Wisconsin-based companies could exercise eminent domain power, and Nebraska said the power could be exercised only by companies that distributed gas within Nebraska. Congress empowered the Federal Energy Regulatory Commission (FERC) to authorize private gas companies to exercise the federal government's powers of eminent domain to secure necessary rights of way for interstate pipelines, of which there are now 2.6 million miles.

For seven decades, courts have affirmed that this delegated power can be used against state-owned property or other property in which a state claims an interest for, say, recreational or conservation purposes. (New Jersey claims an interest in more than 15% of its land.) However, the U.S. Court of Appeals for the Third Circuit says the NGA does not delegate to the federal government an exemption from a state's sovereign immunity under the Constitution's 11th Amendment. If you have not recently pondered this amendment, it reads:

"The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state."

See the relevance to the pipeline? Didn't think so, there being none.

A district court correctly held that a pipeline company vested with the federal government's undisputed eminent domain powers "stands in the shoes of the sovereign." The Third Circuit, however, said the company seeking to build in New Jersey cannot sue the state in order to proceed with construction until the federal government explicitly delegates to the pipeline company the power to sue states.

But the 11th Amendment was ratified in 1795 primarily to preclude *private-party suits* that might impoverish state governments. The states lost all immunity from federal eminent domain authority when the Constitution was ratified. Under the Supremacy Clause, Congress, through the NGA and FERC, has long been delegating its eminent domain power against all property, state-owned as well as private, unless a delegation explicitly carves out exceptions.

On Thursday, when the justices gather to consider hearing the challenge to the Third Circuit's ruling, they may well wonder: Is *any* question ever settled in this litigious country? The question of whether the federal government is exempt from the 11th Amendment's grant of immunity to states had better be settled, considering that natural gas supplies almost a quarter of U.S. energy consumption, and that innumerable infrastructure projects of all sorts depend on the exemption.

Benjamin Franklin supposedly described New Jersey as a valley of humility between two peaks of conceit, New York City and Philadelphia. This state has another humiliation coming.

THE LIVINGSTON ENTERPRISE

A Yellowstone Newspaper

John Sullivan, Editor and Publisher • Justin Post, Managing Editor

Tel. (406) 222-2000 or 1-800-345-8412 • Fax: (406) 222-8580

E-mail: enterprise@livent.net • Website: www.livingstonenterprise.com • (USPS 316-520)

**All subscriptions payable in advance*

Home delivery rates:	1 month	4 months	6 months	1 year
Carrier route	$11.95	$47.80	$71.70	$129.00
Motor route	$12.95	$51.80	$77.70	$140.00

Mail subscription rates:	1 month	4 months	6 months	1 year
In Park County	$15.45	$61.80	$92.70	$175.00
Out of Park County	$19.95	$79.80	$119.70	$225.00

Digital access:	1 month	4 months	6 months	1 year
	$11.95	$47.80	$71.70	$129.00

Published evenings Monday through Friday. Postmaster, send address correction to The Livingston Enterprise, P.O. Box 2000, 401 S. Main St., Livingston, MT 59047. Periodicals postage paid at Livingston, Montana. We accept MasterCard, VISA and American Express for subscription payments — or use our E-Z Pay program (automatic debit from your checking or savings). The Associated Press is exclusively entitled to the use or republication of all local news printed in the newspaper.

LIVINGSTON SUBSCRIBERS: To report delivery errors, please phone 222-2000 from 9 a.m. to 5 p.m. When possible, please contact your route carrier before calling The Enterprise.