

September 2022

To: CCPAB  
From: Muriel Strand  
Re: Crimes of Injustice

Since our last meeting, I have read 3 particularly impressive books that offer some telling context for our mission.

### **Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race**

Joe Soss, Richard K Fording, & Sanford F Schram

<https://press.uchicago.edu/ucp/books/book/chicago/D/bo12120768.html>

In the first decade of this century, 3 professors in the fields of political science and social policy conducted an audit of the effects of ‘welfare reform,’ that is, the 1996 PRWORA. The results were, and are, not pretty. The PRWORA philosophy of ‘homo economicus’ has been a particularly bad fit for single moms and their children, since caring for their own children is defined as ‘not work.’ This forces them into the morass of expensive childcare, essential-worker jobs, and work schedules that are increasingly chaotic. “[N]eoliberal paternalism has produced a dramatic transfer of poor women from welfare caseloads to prison populations.”

Yes, this is a wonky book, and the authors have provided helpful conclusions for every chapter. Their research indicates that the criminalization of race, lately via the war on drugs, has leaked into the criminalization of poverty, leading to the expensive and ongoing disasters of overincarceration and rising tides of homelessness.

“Needs-based aid for the poor has been retrofitted as a market transaction rooted in financial incentives, penalties, and profits.” Numerical measures and unrealistic goals are a recipe for gaming the system, especially by case workers. Sadly, education and living-wage job training programs seem elusive. At the same time, the research contrasts “the increasingly punitive approach to recipient fraud with the proliferation of corrupt profiteering among corporate providers.”

Inflexible procedures and meager funding lead to policies that look like ‘the floggings will continue until morale improves.’ The accumulated effects of the PRWORA are seen in persistent and expensive overincarceration and record levels of homelessness.

### **The Rage of Innocence: How America Criminalizes Black Youth**

Kristin Henning

<https://www.penguinrandomhouse.com/books/623467/the-rage-of-innocence-by-kristin-henning/>

In addition to a formidable array of statistics about biased criminal justice at all levels in the system, law professor Henning’s account of the many deep and durable oppressive effects of the legal harassment of youth of color makes it all feel more real and hits home to those of us who escape this kind of ‘guilty-until-proven-innocent’ attitude. Youth are particularly likely to object vociferously to unfairness, whether towards themselves or their peers.

“The recent storm of police violence against black youth has created a Hobson’s choice for white business owners, homeowners, and neighbors who want to protect their space but don’t want the police to kill.” The ‘gang game’ gets singled out as inaccurate and destructive of poor communities; Henning advises erasing all gang databases.

Cops need to stop taking things personally, to stop expecting citizens to respond robotically to their commands, and definitely to stop shooting at people who are running away. DAs need to be ready to say they are sorry, and judges need to be ready to say they were wrong. The absence of accountability among criminal justice officials sends the wrong message to youthful citizens, especially when contact with the system can ruin lives by blocking education, voting, and/or housing.

### **Not a Crime to Be Poor: The Criminalization of Poverty in America**

Peter Edelman

<https://thenewpress.com/books/not-crime-be-poor-0>

Law professor Edelman describes in vivid detail the misery resulting from the effective criminalization of poverty in the US. The war on drugs, on minor property crime, on ‘blight,’ the school-to-prison pipeline, the fines-and-fees-to-prison pipeline, various Procrustean IT procedures, etc., all add up to misery for poor people and for their children who often are removed because their parents are poor and/or homeless.

“[A]ny kind of criminal conviction [or any criminal record including just an arrest] effectively shreds the social safety net almost always ensuring a permanent state of poverty and often leading to convictions on future crimes that emanate from being poor.”

“Poverty is not only a cause of acquiring a criminal record but also a consequence.”

“Money spent on prison education saves four to five times that amount in recidivism costs.”

“More often low-income people who violate chronic nuisance laws lose their housing even though they have legal rights, because the rights are useless without a lawyer.”

“Homeless people are eleven times more likely to be incarcerated than the population as a whole”

“[E]xperts also estimate that five times the number actually homeless are at risk of homelessness,” including 1.36 million kids who are at risk of being removed from their parent/s.

“The opposite of criminalizing poverty is ending homelessness.”

Expungement Generator software reduces the process from half an hour to 2 minutes.

The conflict of interest when the criminal ‘justice’ system funds itself in part from fines & fees has been hiding in plain sight for years, and the revelations in Ferguson have not ended the problem.

All of these books illustrate the wisdom of the parable of the sun and the north wind who try to persuade the traveler to doff his coat. Effective tough-on-crime policies are also and only constructive safety-net policies.