

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/target-2020/a-monumental-missed-opportunity-for-criminal-justice>

Public Facing Advocacy Writing

In this Democratic primary season, justice reform has been a prominently and refreshingly competitive topic. Conspicuously, during the debate, there was almost zero concrete or illuminating discussion of reforming or transforming the American criminal legal system.

Everyone has a [policy platform](#). Think back to the Cory Booker and Joe Biden exchange over the 1994 Crime Bill on the summer debate stage. The Tulsi Gabbard zinger aimed at Kamala Harris, challenging her bona fides as a reform prosecutor. Or Julian Castro asserting the need to decriminalize the act of crossing the border without documents. And most momentously, we even had our first-ever [Justice Town Hall](#) organized by formerly incarcerated people and attended by, well, three candidates.

Conspicuously, during the debate, there was almost zero concrete or illuminating discussion of reforming or transforming the American criminal legal system. In fact, the candidates seemed generally happy to state best-practice high-level talking points, and to avoid the issue entirely, or speak in platitudes.

It all began (did not begin) when Gabbard punted on answering a question about how she'd handle white supremacist violence by reminding us about the failed war on drugs. Kamala Harris noted that candidates should not ignore voters who are the backbone of the party (black women) and reminded everyone that Justice is on the ballot.

Here we go, I thought, as I prepared to take notes. Economic justice. Yes. Health care. Yes. Justice for children. Yes. Justice for our teachers. Yes. But nothing about how she'd change the very system she worked in when she stood for the people. Biden took a bow for fighting against violence against women but reduced his prescription to changing the culture by getting men involved on college campuses. Not wrong, but not specific. Mayor Pete Buttigieg talked about what was in his heart, but not about policing, and Elizabeth Warren ended that session discussing student loan debt.

In a season where candidates have rushed to lay out mine-better-than-your specific policy proposals and even cite specific statutory provisions on the debate stage, except for an exchange between Booker and Biden on marijuana decriminalization and expungement, last night the trending arrow for justice reform was decidedly and perplexingly pointing down.

This strikes me as a monumental missed opportunity. We ought to be talking about a system that leads to almost [one in every two](#) American families having an immediate family member incarcerated in the last 10 years. First Step Act in the rearview mirror, we are ready to talk about the second, third and fourth steps we need to enact common sense, evidence-supported change. To wit: The Real Act, the bipartisan sponsored repeal of the 1994 ban on Pell grants for incarcerated students. Making post-secondary education accessible for incarcerated students increases opportunity, increases safety in prison, reduces recidivism and correctional expenditures, and develops a pool of needed employees in a tight labor market.

Twenty-five years past the 1994 crime bill, we are ready to talk about a new paradigm to address harm and wrongdoing that seeks to provide safety for all communities, does not peddle in fear and racism, and does not mistake excessive punitiveness for accountability. For the people, as we say. We note that the criminal legal system is 90 percent state and local, but there is no reason the federal government should not lead and reshape those systems with all the tools in its toolkit: vision, policy incentives, money, role-modeling, and bully pulpit. After all, if Washington could end post-secondary education in prison with a few words, induce the building of state prisons and policy change with grants, put 100,000 cops on the street, and erect an entire field addressing domestic violence, there is much visionary and practical work to be done. Last week Rep. Ayanna Pressley put down such a [marker](#). Surely that, and the ideas within it, were worth discussing.

But maybe we did discuss them, and we just missed it. Early in the debate, Warren described her plan for building 3.2 million affordable housing units, including for people returning from incarceration. In so doing, she gave a history lesson, explaining the structural racism that has led to the criminal legal complex we have today, as well as the underinvestment in what people need to thrive. Housing is how we build wealth in America. The federal government has subsidized the purchase of housing for white people and has said for black people, you are cut out of the deal. That is known as redlining. Maybe this is some of the justice reform we are all looking for.

This post was originally published on the Arnold Ventures website in response to the fifth round of Democratic debates. To read the full article, please see "[With a Little Help From Our Grantees: Deconstructing the Democratic Debate](#)."

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