

Decarceration Nation Episode 43 Reuben Miller

Hello and welcome to Episode 43 of the decarceration nation podcast, a podcast about radically reimagining America's criminal justice system. And Josh Hoe, among other things, I'm formerly incarcerated freelance writer, criminal justice reform advocate and the author of the book writing your own best story addiction and living hope. Okay, we'll get to my interview with Professor Reuben Miller in a few minutes.

But first the news You're right. You might remember that a few weeks ago I mentioned the disgusting USA Today story about stake in prison. Two more good pieces pushing back against this narrative came out this week one was the appeals podcast which had my friend Amy polka on to talk about the problems with that media narrative and also a piece of the Columbia Journalism Review which came about as close as possible I think of any of the pieces to really saying all the things that I'd hoped would be said when the media started to push back again against the "steak in prison" narrative course, the the shutdown is finally over. Which means hopefully the prison union will stop pitting prisoners against the shutdown as a way to try to get more traction for them to get paid. Anyway, one of the things about the Columbia Journalism Review that I thought was crazy is that it features both quotes from me and from one of my idols in this work. Bryan Stevenson so that was pretty cool. My hope is that we could get more and more media outlets to stop using people in prison and formerly incarcerated people as the punch line in their stories. In other words, don't talk about us without including our voices, and don't reduce us to nothing but caricatures.

I also want to mention a few events I attended recently, actually this Saturday. First there was a moral fusion summit in Ypsilanti Michigan at the brown me church. Which was an outgrowth of the poor people's campaign and Michigan. What a turnout. It was so exciting to see so many people in my area, deeply concerned about so many pressing social issues. I also later that evening participated in the nation outside to trick meeting and what a pleasure it was to be one of the many formerly incarcerated speakers. I think it ended up being about 10. So great to see so many of my brothers and sisters and incarceration, working to make a difference in Detroit. We're all going to work together to make a lot of change happen in Michigan this year, want to give a shout out to Robert all of who's doing a great job running the Detroit chapter and to pastor Kevin Harris, who's our statewide organization chair he's doing great work.

Finally everyone needs to save the date in every state in the nation. We will be celebrating the third annual day of empathy on March 5, 2019, the day of empathy is a national day of action to generate empathy on a massive scale. For those who have been directly impacted by the criminal justice system, we hope you will show up and share your story in whatever state you live in. You can find more at dayofempathy.org.

Ok. And now my interview with Professor Reuben Miller

Rubin. Jonathan Miller is an assistant professor in the University of Chicago School of Social Services Administration. His research examines life at the intersections of race, poverty, crime control, and social welfare policy. He's completing a book titled *Halfway Home* race, punishment and the afterlife of mass incarceration based on 15 years of research and practice with currently and formally incarcerated men, women, their families, partners and friends. Professor Miller is also a longtime member of my church, although we can't attend very often anymore. So welcome Ruben to the decarceration nation podcast.

Thanks so much for having me

Oh, my pleasure. So I always ask the same first question. Can you flush out your bio a little bit? How did you end up finding yourself doing research at the intersections of race, poverty, kind of control and social welfare policy?

Yeah. So I appreciate the question very much. I mean, it's a it's, I hope this story is a bit interesting. So I was a volunteer chaplain at the at the Cook County Jail, and I did that from 2003 to 2008. The way I got into that work was just really just motivated by a scripture that touched my heart. It was, um, you know, Matthew 25 and the part of that verse it says, when I was sick and in prison, did you visit me and inside we didn't have a prison or jail ministry at my church at the time and I spoke with a pastor who was all for it. And so she said, you know, go figure it out until I went to try to figure it out. I got connected to some lovely people. Through a parish church organization called chaplains from Christ got involved in prison ministry and did that work well so so as a volunteer chaplain or religious volunteer more accurately you know my job was to really sit with men in the minimum medium the maximum security wing of the prison or jail rather, I mean Cook County very interesting. It was more time one of the largest jails in the country is still one of the largest was at in some in some moments and some years It is the largest because it's a you know, as a single site jail facility has the capacity to hold about or I shouldn't say it has passing hold I should say it holds because it's crowded but it holds up to 10,000 people and so for a single site facility at different moments in time that it becomes the largest single type facility country but anyway, so I was working divisions the minimum medium and maximum security wings of the digital different moments kind of progressing up insecurity as, as I moved through my tenure as a volunteer. And it just struck me that everybody looked like me, you know me, I'm, I'm a black man from Chicago, grew up poor, you know, raised by my grandmother, etc. And everybody kept coming back and it had to be something more to give them then, you know, salvation in Jesus. Not that that's not important or something, but but I was I was selling that that's what I was selling. That's what I was offering. And I thought I could I could perhaps offer something else because what I was offering didn't didn't prevent folks who I saw and who I would see in the store, some of whom I grew up

with because I grew up in Chicago on the south side on the low end with you know, with some of the cats who I spent time with as a religious volunteer and if I went to Social Work school I got my masters in social work at the University of Chicago because I thought I wanted to be a good clinician, but showing up in a place like the University of Chicago now work raises a set of structural questions that I wasn't prepared to address through clinical work. And so and then I went on to do a PhD in sociology and Emily and so that's that's kind of how I made my way into it. But the most interesting thing I think, is that when I got to the jail I'd spent about the chaplain for probably two and a half years so midway through my 10 year I'm on my way into social work school at this time already decided to study the cars will state as a thing and I meet my father you know for the first time not in the jail but just as a function of meeting my father you know, I was probably 28 or something like that and and I learned

And he just never been around. I learned after having decided to study after having been a chaplain for two and a half years or so. And after being already interested in jails and prisons, and these kinds of questions, I learned that he had done 20 years and I'm writing about some of this in my book. Now, I can't say that he was gone because he was in jail or prison, he could have just been a jar, great things happen, but I can't say that he was gone and he was in prison. And I realized at that moment that if you're born black and poor, I'm after a certain moment in time. And for me, it was after 1972. I was born in 76. But but but after about 1972, and my father was not born after that time. But but but but yet and still, he he's a part of the generation that was over incarcerated, but if you're born young and black and poor, and not just young black poor people, also we can talk about this as we go when we talk about the article and citizenship which is why I think you brought me on, you can't avoid the jail or prison. I mean, I, you know, I was getting a master's degree I was a religious volunteer, I was doing work to keep people out and, and the prison follows you. It's like, it's like slavery. You know, the beautiful passage in in, in a book called silencing the past by Michelle Rolf trio who's a who's a celebrated anthropologists he died several years ago but but it's work it's timely and important. And he says slavery like a ghost always present yet somehow always in the past. And I think that in the same way, a history of incarceration. It's like a whispering interlocutor, right? Like, it's always there always influencing things in ways that perhaps we have yet to fully capture or imagine. We certainly haven't captured it in our research. We certainly haven't thought through it fully and I public policy and so me someone who should be in some ways calculated from the worst of the criminal justice system because I was doing a master's degree at one of the most prestigious universities in the world. I, I finished a bachelor's degree. I was on my way to PhD land, had a father who was incarcerated and learn that later, and then later my brother would be incarcerated. And again, this is all after I made the decision to try to study this stuff. So so so it's not like it was it was the family history that pushed me into the study of it. It was it was it was it was it was the fact that that I can't escape it in a statement that you can't avoid it in your family history. And that's a radical injustice if

I don't want to spoil what we'll be talking about in a couple seconds. But I think this notion of the ghosts that you just brought up is really interesting. I know later you'll be we'll be talking a little bit about you know, hard to believe but some benefits for carceral citizenship. And you know, I wonder sometimes if one of the strange benefits I think Dave Chappelle used to call it when I came in, remember what he said. But you said a bit about something like this. But I kind of am wondering if maybe one of the strange benefits of mass incarceration is that so many people encounter that ghost if that makes sense?.

Yeah. So there's a there's a community that can be activated. So let's think about this for a second. Let's think about what 1.4 million people being given voting rights means in a state like Florida for example, you know, this means there's an entire political block that can is should be activated. This means that the nature of governing can and should be transformed and transform radically for the better you know,

yeah, I guess one thing that's I'm still a little bit more conflicted about amendment amendment for in Florida, not because I'm really happy for the 1.4 million people, obviously who just got the right to vote but one of the problems with that amendment is it appears to me that it sort of sacrificed everyone who is left behind because now in order for those people the people who were convicted of say murder or a sex offense to get the franchise back we basically have to pass a constitutional amendment and just for them which seems highly unlikely to me Do you have any thoughts on that?

Yeah I do I think it's terrible but but but I mean if you think my thoughts my personal thoughts on that is that this is a terrible thing right that that that that we don't believe in in in redemption for the hard cases and that will tend to do is is go after the low hanging fruit Mrs. Our typical policy strategy is to is to go after the kind of the easier wins. Now let me say though, this was not an easy When by any stretch of the imagination,

It was totally unlikely.

I mean, totally unlikely. So here's what I think. I think that you raise a great point that it may require a constitutional amendment to make this happen. optimistic side, I wonder if their ways to improve what we want, what could it so what what I think the condition was before a member for i think that i think the condition before that were people who had no experience had to advocate for people who have a history of incarceration, and now 1.4 million people who've had the experience of being incarcerated, can advocate through their vote for themselves. And so and so, on the one hand, you're right, I mean, it it creates a problem, I mean, Michel Foucault says, "All things aren't bad, but all things are dangerous." you know. So it's i think that i think that there's real danger in what just happened, right like creating a permanent pariah class among violent offenders among quote quote offenders among people who are who are convicted of many versions of of sexual offenses and and also

created it does what we tend to do in public policy which is to cherry pick you know which moves are deserving of of helping support and having said that 1.4 million people as a whole lot of people and there's there's leverage there and there's room there and there's ways to make that state function better with this many voices that could potentially be activated and so and so I think that the role of the activist the role of the of the of the kind of social change agent as it were, it's not just listen to those 1.4 million voices but to find a way to, to, to, to to help them find their way into places of political power. I mean, I just I just I just think that there's I think there's real hope on on on the back of this amendment i think i think there's real hope.

Well, I definitely hope you're right. Today's can be a pretty interesting day I'm doing this interview and later I'm going to be at a symposium at the University of Michigan's new Carceral State Project so let's break this down. What do you mean when you say Carswell citizenship

Yeah, so for me citizenship is is a legal status for sure. But beyond the legal status, it's also it also is is is a local practice. To borrow from the sociologists have Linda kind of bland, it's a local practice and is a it is a it is a practice of belonging. So it is it Is citizenship for me as a form of political membership, and so and so citizenship has both formal and informal, formal and informal. The word I'm looking for is escaping me. But but there's sort of this sort of formal and informal attributes to citizenship that have to be considered. And so on the formal side is legal standings have the ability to do things like vote and illegal suite of rights that one can access and they also laws and restrictions and benefits that one has to consider. But then there's also this informal stuff which is which is how citizenship is lived out. And so and so and so the reason why I'm spending some time here is because as alone literature on the extent to which one has access to kind of specific citizenship or their social citizenship. Whether or not one has access to the suite of benefits that would be afforded to you but if you live for example if you're a black person living under Jim Crow you know then then you know the question of your citizenship is suspect like me you inhabit a kind of second classes ship something like that. Okay Carceral citizenship is an alternate form of citizenship that I think was inaugurated at the moment we began this experiment in human aging so 1972 forward and with the with the with the introduction of new laws policies and administrative sanctions what started to happen in a in a real robust way in the 1980s at what we've done is we've introduced an alternate form of citizenship and so Carceral citizenship is is is a set of rights benefits and responsibilities and also on the formal and informal side that get activated at the moment one is accused of a crime. And so. And so the difference between Carswell citizenship and what one might talk about is conventional forms of citizenship is that there are that is that the rights benefits and restrictions are just different. You know, there are some 48,000 laws, policies and administrative sanctions that target people with criminal records. We talked about these as, quote, collateral consequences of a criminal conviction. But these are but they're also laws

on top of laws for people with criminal records. These would be the conditions of release that only people with criminal records are responsible to abide by when they get released from a period of incarceration or detention after they leave the court. So if you get arrested and you're brought into into in, you know, you're brought before the judge, the judge might say, okay, you can be released on bond but you have to pee in a cup. You can't leave the state you can't go back to the scene of the crime, etc, etc. You haven't been convicted of anything just yet. You simply been accused of a crime a formal accusation has been brought is has been has been levied against you. And at that moment you're under a new set of rules just for you but they also the the responsibilities that are different for you and then a set of benefits that you mentioned that that we can also talk about later that are associated with with this issue so so that that kinds of rights that that people who've been accused of a crime have access to that others don't have access to for example you know council if you're if you're accused of certain kinds of crimes So for example, if you're accused of abuse and neglect by the state you have access the state's read you as having an informal right to having access to counseling services to family reunification, like family reunification plans, get drawn these kinds of things. So anyway, these benefits of tongue in cheek they don't they don't. They don't. They don't. equal in any great way that the benefits citizenship, I'm not trying to say that they're equivalent. I'm just saying that they are benefit. There are benefits associated with being accused of a crime with being convicted of a crime, etc. And then we have to consider when we think about motion,

So I think I found two quotes in your article. Pretty interesting in this area. The 2017 article. Here's one of them. "The number of formerly incarcerated people living in disadvantaged urban neighborhoods is increased precipitously. Since 1973, when roughly 1 million US residents were on probation or parole. Today, that figure is 4.7 million." The second quote is "over half of the 35,000 inmates actually released from Illinois prison. Illinois prisons returned to just six neighborhoods in the city of Chicago each as poverty, crime and unemployment rates triple the national average with black and Latino residents exceeding 90% of the resident populations." This is part of a national trend. I find this fascinating. could you talk about this a little bit more?

Sure. I mean, you know, pick a city you know, New York has these million dollar blocks in a very famous so to to Chicago, la most big cities, the trade etc. Where where you know criminal justice expenditures let me translate that arrests incarceration exceeds \$1 million per person living in a given city black right like so those are these these million dollar blocks all over the place The point is that crime and Crime Control interventions more likely Crime Control interventions but certainly also issues with crime, poverty, unemployment etc are concentrated throughout the United States in in poor very disadvantaged communities often racially segregated and so in a city like Chicago you've got this dense concentration we're over half of all prisoners who were released from the state of Illinois get released into Chicago and over half of them get released it just these six neighborhoods which translates

to something like I'm thousand so people descending on a given neighborhood each year it's a whole lot of folks okay but but if you look in Detroit you know there's something like seven or eight zip codes that that something like a third of all prisoners who are released in the state return to in the city of Detroit this despite Detroit furnishing just 7% of the state's general population I mean it's so it's so it's like that in LA it's like that in Chicago it's like that in every major city Oh and by the way it's starting to look like that in rural communities to I mean a different race this powerful book Big House on the Prairie where he looks at prison proliferation things John Easton maybe somebody for the podcast but but but uh. But when he finds is that you know, rural incarceration rates are equaling and exceeding incarceration rates and cities and they tend to be concentrated in areas that tend To look like the kinds of areas where the hearts racing rates happen in cities now subtract the buildings to track the numbers of people, etc, etc, etc. And just think about racial segregation. Issues of low home ownership, deep, deep entrenched poverty, you know, so if it's if it's segregated, white, poor, uneducated, you know, low levels of education, etc. Or segregated Blackpool, low levels of education, it doesn't matter. You know, what you see is, is the overuse of Crime Control interventions in these areas, and the over and disproportionate incarceration of young working age men and increasingly women in these areas.

And so when we talk about I mean, that seems like a function a weird kind of function of citizenship, for sure that you almost are part of it is that your sentence to certain neighborhoods in certain lifestyles and certain education levels. It's also an importance of identifying language and all of this. For instance, being able to immediately identify people by conviction or convictions.

Let me let me get my head around your question. Can you ask that again? Yeah, sure. What is the importance of importance of identifying language in all of this, for instance, being able to identify people by prior conviction or convictions? I think sometimes you hear people talk about this like saying, you know, I often argue that you shouldn't use the word felon because it defines someone entirely by their criminal history?

Absolutely. I mean, I could have sent you a different paper on the work that classification systems do I have a paper that's cooking right now that I need to finish for

I know how that goes

...under revision for, you know, way too long and I need to get it out but but I'm what I'm looking at is how systems of classification work. In this case, I'm looking at a reentry program but but we can think more broadly about this too. So language That is a person sort of centered that that matters. And it's not, this isn't just being PC, you know, imagine interesting way so the label and somebody, a felon, an ex offender, you know, in an offender, you know, these this kind of work and identifying them as such does a particular

kind of work, it signals other kinds of things. So, so, you know, to give you an example, I mean, so to understand the population as a group of felons signals a certain kind of response to them. And so like the cultural stuff matters, you know, the way people feel and think about the group matters in really interesting ways. But let me take the the ex offender category which is which is the point of the paper that I'm writing so that so I spent years doing ethnographic research and in in halfway house this is a part of my dissertation that I did that I finished in 2013, you know, between basically 2008 and 2013 I was I was spending you know, time you know, three to five days a week. Participating in and halfway houses for form incarcerated people who are recovering from substance use or who are in addiction treatment you know these these kinds of places and what I found was that there were these really interesting categories that will get that would get sort of thrown around inside reentry houses around this is a good ex offender or a successful ex offender or this is a resistant resistant they wouldn't say bad they would say resistant but there were but there were there were repercussions for this so if you are a quote good ex offender and it makes sense if you if you play by the rules if people understood you to be a good guy trustworthy somebody who was doing everything they could then you will get referred to other services you would you would get hired when jobs open at three entry has it he would get you will get access to an entire political economy of random programs and practices so you might go from let's say a Catholic social services run residential program when that ran out in six months you might be the one who got the referral to another transitional housing facility that that was the fast track facility for permanent housing for example it or you might get a few a good ex offender you might get access to temporary work that would lead to more permanent employment at the place where you were spending your probation so look for example people will do their probation in these in these halfway houses the parts of them and so and so that was the good side on the bad side if you will resist it ex offender you'll be left to your own devices it wouldn't kick you out because nobody will people don't tend to kick people out because you know that their hearts in the right place but they wouldn't get help right because They were resistant to help they wouldn't so so so the label mad and in really interesting ways and what happens to someone who's left up to their own devices like any of us all of us need support so if you got somebody who doesn't have support what do they do they winner right they they do well they find themselves on the street it'd be on the street then what do you do and it's not not a crime to survive what happened you read offend you go back to prison things happen and so So anyway, the classification scheme really does matter so so in the label really does matter. It's not just PC talk, there's there's there's there's there's social and economic repercussions for for for how we think and talk about people with criminal records, but honestly, that their social and economic consequences and civic consequences for how we think and talk about everyone. And the problem is that we treat people with criminal records as unique kinds of people as if they're different, right? People can run into no different from anyone else. Right, they need the same kinds of support the same kinds of health and the things that are damaging to people don't have criminal records a damaging to the things that help people who don't have

criminal records are helpful to them. I know I'm talking way too long but but I want to make one point if not at all, if you think about any was good jobs we all get jobs to our networks if you think about how any of us find really nice places to stay or at the very least if we have money and enough if we have enough credit and downpayment to afford a house how we find the best realtors to help us get the best places it's all networks it's all on networks. But when it when we think about people with criminal records, how do we expect them to get by we expect them to get by through tenacity, through the grit through their determination all by themselves. Go and find yourself a job with no help for me. Go go and buy yourself a place to stay with no help for me, despite despite the thousands of laws that constraint where you can and can't work with. With whom you can and can't live and on and on. You're I think you're talking a lot about the part of the article that I in the 2017 article that he talked about his social exclusion.

So just to put a cherry on on that, or I guess that's a weird way to put it. What makes carceral citizenship the most troubling to you?

Yeah. So it is the contradiction that we have an alternate form of citizenship in a in a in a supposedly democratic state. So so just to just to talk a little bit about this. So I mentioned the 48,000 laws, policy ministry sanctions if I bring this home in Michigan, there something like eight close to 800 I think or something like 783 and so and so this includes hundreds probably something over somewhere around three to 400 exclusions on the kinds of employee that one that one can access. And so it's this is in the state of Michigan. And so and so the question is, what does it mean to, to, to inhabit a citizenship as a form of political membership where members of this political class have access to some kinds of jobs but don't have access to hundreds of other full types and kinds of employment. That is the case if you have thousands of people in your state that don't have access to hundreds of kinds of employment to multiple forms of housing, maybe can or can't whole political office, maybe can't I can't live in a home where there's a where a child is foster or adoptive. So you're the state the government is all in family planning all in for this group and no one else What does that say about this? about democracy so wasn't most vexing to me, is the inherent contradiction of this. And the reason why I'm focusing on citizenship and not, for example, in this case, folks who don't have documentation, undocumented immigrants is because of the contradiction of citizenship. These, you know, folks with criminal records are who, who were born in the United States are citizens by birth, right? so and so and so and so. And so the contradiction is, is is is is what's most vexing to me.

And that's that's really interesting because it does seem that the point of citizenship is to define you buy a set of rights you have against government, at least in our system, but after you've come into contact with the law, that relationship does seem to flip is that kind of what you're talking about.

Yeah, so all of us all, all folks who have conventional forms of citizenship have to have rights restrictions and responsibilities at must undergo. And so what what coming into contact with the law does is it alters the, the, the the kind that the contours I mean it alters the shape of it. So it's a different set of rights restrictions and responsibility. But I'll give you an example. So, you know, I have to follow all the laws, I don't have a criminal record, I have to follow the laws of the land, whatever they are, however, there whatever whatever they are, some of the criminal record has to follow all of those laws plus an additional set of laws that are unique to them. It's a change it It adds it adds a particular kind of burden as as a person who doesn't have a criminal record I have a certain set of things that that I'm expected to do. I've responsibilities, the responsibilities and things I'm expected to do to be a good citizen. You know, I'm expected to vote I'm expected to pay my taxes, etc. Someone with a criminal record of expected to vote they expect to pay the taxes they have an additional burden now. have to prove to others that they're good people right I am I talked about this in the article a bit but but because people with criminal records are legally excluded this question that you raised earlier about social illegal exclusion because that legally excluded from full participation in the political economy and culture meaning hundreds of laws and given state banning where they can live work he cetera thousands in some cases hundreds in the case of Michigan because they legally excluded they are put in a position where they need support right so I can't get a job in the in the formal economy in traditional ways that most people get jobs so I can't get a job in the traditional way of filling out an application you know going up to the local Burger King and saying hey I need a job because the Burger King is able to run a background check on me and then has a constitutional right enshrine by the 13th amendment has a constitutional right to exclude me from access to this job. And they can. They can. They can. They cannot hire me. They can formulate against me legally. And so so what I need is I need that Burger King manager to overlook their constitutional right to exclude me and take the risk and hire me. The second part of this changes the liability law make it so that the Burger King manager not only has the right to exclude you, but is encouraged to exclude you. This is because the Burger King manager is now made responsible for your actions if you have a criminal record in ways that they're not made responsible for people who don't have a criminal record these and changing the liability law that mean that the owner of a restaurant a landlord, a social service provider, can be sued if someone is a criminal record breaks the law and harm somebody while on their premises. So so so not only are they able to discriminate against you, they're incentivized to discriminate against you or put better than this incentivize from helping you. So what the person with the criminal record has to do when they come across a landlord is they have to do a little shuffle. They have to say, Hey, you know what, let me prove to you that I'm a good guy. I'm a good risk. Talk to my probation officer here three letters of recommendations for people speaking to my good character so that I can get admitted to the school even though I've got three days even though you know, excellent test scores, but here for letters of recommendation and yeah, I'm happy to go before your admissions counselor and sit before a group of people for an employer. I have

to give them some song and dance about how my mistakes in the past yes I spent time in jail or prison but that is so far behind me, you know, way back. But look, I'm a great guy. I let me prove to you how great I am. I volunteer at a homeless shelter. I do social service work. I pass out food at soup kitchens, there's a civic responsibility that formerly incarcerated people take on that is greater than the civic responsibility others are expected to take on. And they, and I'm not saying that it's all cynical, I'm not saying it's all for the exchange itself, but think some people are very motivated to do good work in the community. But formerly incarcerated people almost have to do this work order to prove to others that they're good enough for them to engage in everyday forms of exchange. So in order for me to rent an apartment to you and you've got the credit and the money you got to also be a homeless social service provider at a food pantry or violence interrupted or something like that you you have to have been seven years past your conviction for me to think about hiring you at a temp agency.

The last mistake you made

Yeah, you know, on and on all these new modes of have all these mechanisms of proving that one has to engage in to prove that they're not a harm and not a threat. And it's almost impossible to do on some level because all I have to do is record and there is a status that says yes, you are, in fact the threat. It's only way it's it's it's a it's a burden that other folks don't have to show the responsibility of citizenship that's different for formerly incarcerated people. It is, I think almost everybody else.

Hmm. So we've talked about a lot of the problems. We've definitely talked about a few of the benefits, how do we take this understanding, of course, real citizenship as a unique form of citizenship and apply it to kind of unraveling this the system or or getting rid of the ghost as you put it earlier?

Yeah, it's a great question. I think we have to start by reimagining the problem. I think that's party. So what I'm trying to do in this series of paper that I wrote with my co authors, one author, Amanda Alexander, who's a brilliant attorney and

I know Amanda

Fantastic. She should be on the podcast. And then the second is how you think about it definitely. And then the second is is for Stewart who was a sociologist billion sociology at the university, Chicago, I think on his way to Stanford.

And so these two papers that I wrote with them we're trying to sort of trace one paper traces kind of legal framework right you know, traces kind of the legal framework of it like like how and why I think a we think this this this Carswell citizenship emerge, what are the just where

the legal justification for it, how does it show up in the second sort of tries to trace the mechanisms. The reason that I did that and wanted to do that and want to write these papers was to sort of raise awareness at the breadth of the problem. I think that we keep approaching, trying to address the problem of mass incarceration with behavioral interventions. And while behavioral interventions are indeed necessary, so I'm not under the illusion that people don't commit crimes. I'm not under the illusion that people don't need help thinking about how to get their life on track and not under the illusion that there aren't real human capital deficits on that we see in jails and prisons across the country that the jails and prisons don't represent or don't quote high poverty is Angela Davis says I think that's absolutely the case but like Angela Davis I think that the the way to address this problem is not on the level of reforming a transforming individuals but but it's but it's at the level of of, of the Democratic project itself. She writes about a kind of abolition democracy, like what kind of abolition democracy and I have to reimagine what the democratic project could and should look like from this abolitionist framework. And I'm not saying that being an abolitionist is right or wrong. I'm saying that the exercise is very important to what what would what would my systems of justice and care look like if we did it a completely different way? That's the first part I have to start After reimagine and to do that I've been reimaged the problem itself. We haven't yet come to grips with the full scale of the problem, we tend to think about this as as bad people doing bad things. But if I think about this as a problem of citizenship and not behavior, right, very different policies, what kinds of policies were right? How would where would I start, I would start from a place of human thriving, I would ask myself, if I were a conventional citizen, equal and always with others, citizens in a given society, what would I need to thrive rather than starting with the question, What do I need to make me feel safe from this person and put myself in that position? And I said, Yo, what kinds of access do I need? What what what what is it reasonable that they're over, you know, that there are three or 400 restrictions on employment business licenses. occupational licenses and property rights in the state of Michigan Do we need 789 laws policies in the ministry of restricted in the state of alert I might review those laws and say is it reasonable that that that a person with a felony conviction can't room a dog in this state like I might I might start with those questions can place on my intervene is at the level of who we elect the reason why I'm very hopeful about Florida is because an educated electorate can really make powerful changes and an election swing we saw this last night I mean the difference between who was governor of florida like the difference in the government a tutorial elections or something like \$80,000 a month there's 1.4 million people that now have the right to vote you know the the the presidential election in 2000 you know we're talking hundreds difference difference about you know very few votes you know, etc You know, the whole political The landscape, the level of degree of representation, that kind of representation that we have, could look very different. If if, if, if and when people with criminal records are allowed to, to, are allowed to and engage in the political process. That's very important. And then the last thing I'd say what would be to engage and to allow for, for people with criminal records to help lead the way? You know, one, one thing to do is to get

the reason why I'm finding things I find. So you read to theoretical articles. But this the theory which was driven by ethnographic research, where I got real close, I spent years paying very careful attention to what people experience from day to day and I asked questions about what they experienced from day to day and then I asked questions about whether or not I'm capturing of the people who I've talked to, when I write something I say, does this capture your experience? Am I right? Am I wrong on this? And we might disagree with how I theorize it like how I think of like what I think the broader impact of it means how I located socially or something like that we might have some disagreements but at the end of the day I'm trying to check to make sure that I have an accurate representation of what people actually go through. And so it's getting close and allowing folks to have voice and my work I think allows it to speak to I hope allows it to speak to the real life consequences and things that I study in the same way you know we have a policy process where people with criminal records to shut out of the policy making process when making decisions about people's criminal records without their representation so organizations like nation outside organizations in in you know like national organizations like just leadership USA organizations like the Michigan Council on on common delinquency etc, etc. that the American friends Service Committee that consistently invite people with breakfast and not just take part but to lead efforts the push to lead the agenda even is really really promising I mean Florida happened despite the problems Florida happen for a couple reasons people were listening and people allow people with criminal records to help lead some of the activism some of the some of the work that's happening on the ground the reason why Rikers Island in New York City The mayor and the governor have embraced the closure of Rikers Island even though it's 10 years out and activists on the ground don't like that and I can appreciate why i mean it's it's further out but the reason why that happened was because formerly incarcerated activist push the agenda set the agenda and push the agenda so so so what happens when we allow for that to happen on a national level? I think what happens is you see you see a lot of social change.

So I know that you have a book coming out soon.

Do you want to say anything about Yes, I'd love to say a lot about this book. So anyway, the book is halfway home as as you mentioned, it will be published by Little Brown and Company in February of 2020 which seems like a long way away but it's not and so it's so halfway home is about how this this experiment in human cage and his transform the nature of American democracy I say one poor black family at a time but but the second claim that it makes is that mass incarceration doesn't stop at the threshold of the black family right so it doesn't stop at that threshold so so it moves out it affects the US the entire population the United States and really interesting way so so what's happened is the worlds of work look fundamentally different as a result of mass incarceration the the the, the state of family life looks different now that we're in an age of Carswell expansion. civic life looks different and so what I do is I take I take the reader with me into each of these domain into into labor

market into into a fan Life into activism following formerly incarcerated activist across Michigan, into New York City, to LA, etc, to, to understand better how a history of of incarceration has come to shape, the way we do social life in the United States. And I'm in this book, thinking carefully about my own experiences, trying to wrestle with what it means to be, you know, a professor at at, at a, at a supposedly elite institution, that I mean, the institutions I've worked at a pretty elite University, Michigan, Chicago, I spent some time in Superman study. I mean, so they've been very elite as to what does it mean to occupy this place is as a black man who grew up poor, raised by my grandmother, you know, been through foster care, all these things, who has a brother who was incarcerated, who has a father who was incarcerated and what it means for me to do this work from these places of great privilege and how and how to manage writing a book like this as as I'm, as I'm wrestling with my own ghosts, and so and so that's the book I hope folks pick it up i think i think i've been pouring my heart and soul into this thing and I hope folks find it informative, useful read and that it helps change some of the policies and practices that we have that landed us in this position.

I always ask the same last question What did I mess up? What questions should I have asked but didn't

I don't know don't know man. I don't know I'm delighted to have been able to spend a little time with you this morning and I look forward to to hearing more from your podcast which is which is taking off quite quite wonderful.

Thanks, man. I'm glad I didn't make any obvious errors there.

I really enjoy your work and I thank you so much. much for doing this room and it's been great to talk to you. Thank you. Take care. All right, bye bye.

Now, my take when I was a kid, I would hear all the time, even in popular media and movies that people paid their debt when they serve their sentences. We now live in a world where you never pay your debt. Even after you serve your sentence. Forget for just a minute or two. The problem is a prison parole and probation and think about what life is like for people who are returning after that. In the media. You are always and forever a felon. Your record is largely accessible to the public you face legal employment and housing discrimination you likely have accumulated large amounts of criminal justice debt, some folks or even on lifetime monitoring at total cost to themselves others are simply committed and God forbid you are like me on one of the ever expanding list of public registries. Under those conditions, you are in essence, on probation for life forced to visit law enforcement to verify information at threat of incarceration on a regular basis. Whenever you exercise almost any of your quote unquote, freedoms. If you ever fail to meet any of the requirements of your registration, even if it was with no criminal intent, you face additional years of incarceration.

If you travel abroad, you're identified by your own government and made subject international surveillance or worse back at home legislators are trying to empower corporate security companies with police powers. They're employing facial recognition technologies and a massive anti terrorism urban surveillance network that threatens the literal possibility of public spaces being open to only some people in this country. And with one and Every two people now having a family member who has been incarcerated. This means a very large percentage of the population can be at risk of restricted access to public spaces. Conspiracy Theory, perhaps. But last time I visited my parents in the city of Tulsa. They've just created a massive new public park designed to be an accessible free Wonderland to build community. But in Oklahoma, one of the states suffering the most from mass incarceration. People on public registries can't visit this massive space built for the public's enjoyment in starting to make me wonder if the official definition of public is starting to look more like the 14th amendment exception to our Constitution, which allows our states to legally decide between people who are legitimate citizens and people who will be disenfranchised forever because of criminal convictions from voting. We see new registries being passed animal abuse registries, Homicide registries domestic can be for industries child abuse registries. I'm not saying it's inevitable yet, but there is a vision of our future in the minds of at least some legislators where our country has to public spheres and an ever widening group of people who are excluded from participation in all the most desirable parts of public life. Which makes me wonder if a person coming back from prison. This discriminated against an illegal economy prevented from experiencing secure housing and increasingly excluded from the benefits of citizenship. Why in the world would that person invest in a future in the legitimate economy in a legitimate residence or as a legitimate citizen member of this legitimate society that shuns them? My guess was certainly right Carswell citizenship is a different kind of citizenship with different rights, responsibility and occasionally benefits. But the fact remains it is not the same citizenship if it ever was people with Chrome. convictions long after their time is served are routinely denied the right to vote to work to live safely and move freely or enjoy public spaces. And as the partial state expands, so do these limit limitations on partial citizenship.

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