

## 59 Tony Platt

Hello and welcome to episode 59 of the decarceration nation podcast, a podcast about radically reimagining america's criminal justice system. i'm Josh Hoe, among other things, i'm formerly incarcerated, a freelance writer, a criminal justice reform advocate and the author of the book writing your own best story addiction and living hope.

We'll get to my interview with tony platt in just a second. but first, the news.

First, apologies frankly, has taken a lot of work to put this podcast together over the last two years. and now that i'm working full time again, it has been challenging to schedule research and plan new interviews and produce the shows. i also really needed a summer break, i was pretty tired. and i'm still planning to fill out the production schedule for 2019 and will do my best to get things done in a relatively timely manner. sorry for the delays. hope you didn't miss me too much. but we're definitely working our way back. second, hopefully you've been following our weekly newsletter. even in weeks when i don't put out episodes i've been covering things that were happening criminal justice policy and criminal justice reform policy, both through the newsletter and actually also through blog posts on our website. so if you've been going to our website regularly, you've seen that and please feel free to sign up for our newsletter. it's just the sign up on the side of the website. finally, sorry to talk shop. but for anyone concerned about the michigan legislature calling the session early, right before our proposed legislative day for clean slate legislation, i still feel very good about what will happen with clean slate in the fall session. i truly believe we are going to see a really good bill, perhaps an unprecedented bill come out of this process. basically, we're pushing hard and michigan for bill all that broadly expands the clearance of public criminal records, and then ensures that the clearance of public criminal records happens automatically. we were due to have a legislative lobbying day on the 25th just a few days from now, but the legislature decided to end the session. so we will be rescheduling for the fall. okay, let's get to my interview with tony platt about his book beyond these walls.

Tony platt is a distinguished affiliate scholar at the center for the study of law and society at the University of California Berkeley. he has been the author of many books over 150 essays and has taught across the University of California system is well known activist and public intellectual. he's the author of the recent book beyond these walls rethinking crime and punishment in the united states. welcome to the decarceration nation podcast. mr. platt.

i'm glad to be with you. thank you.

i always ask the same kind of insanely broad first question, what was your life journey that led you to the place where you started beyond the walls and kind of to coming to this discussion.

So i actually started thinking about the issues in this book in the 1970s, when we had a broad based activism movement fighting for social justice, and when we seem to have a chance of making some significant changes in the castle state and criminal justice institutions. and then,

you know, we lost so much ground and a lot of that optimism, the 70s was driven back and erased. and i didn't really start thinking about the big issues again, until about eight or 10 years ago, when obama became president. and there was a public debate starting again about what to do about criminal justice and a public discourse about the police and over over incarceration and capital punishment, i felt this would be a good time to try to think through and write about a book which grapples with the the challenges and the difficulties of making any kind of substantial change and console institutions.

As a formerly incarcerated person, i found a huge part of myself in the oscar wilde quote that you use that people in prison typically carry their prison with them into the air and hide it as a secret disgrace in their hearts. a lot of us believe that the best hope is that people like myself have been directly impacted by mass incarceration can best hopefully lead the opposition to kind of the cultural state. before we start talking about the mess we find ourselves in today, do you it sounds like you kind of see hope that we might be able to start doing some of the things again, that maybe you saw in the 70s. is that fair?

Yes, if you if you look at the front cover of my book, there's a thin sliver of blue sky there, which represents some kind of hope. i mean, i'm really inspired by the new youth movements and the social movements and me to black lives matters, the struggles that have come out of the florida, high schools for gun control, the new kinds of social movements around environmental issues, i'm very encouraged by that. also concerned that we don't have the political organizations yet to, to give a to give concrete applicability to these movements and to make things happen. so i think we've still got a very big mountain to climb to make these kinds of changes. but i'm encouraged by the fact that we have new movements for social justice today.

Do you find, you know, i am too pretty excited about kind of the ubiquitousness and some of the impressive results that some of these movements have had, in particular, unfortunately, one of the big ones was what happened in florida with voting, but then it kind of got gutted by the legislature, which is i think part of what you talked about a lot in the book is kind of two steps forward one step back. this book seems to be to be kind of a in a weird way, a taxonomy of the evolution of the cultural state. it's really not a map, but it's also not a history, but it's a lot of both. does this make any sense to you? and can you talk about the process of writing the book?

Yeah, the way, the way i think about history is more of a zigzag than sort of a linear line. and the book goes back and forth between present and past. every every chapter begins with the present with trying to figure out the current crisis, whether we're in whether it's killing civilians or over incarceration, or racism and the criminal justice system, and then goes back to that deep history to ask the question, have we been here before? how did we get here? why did why is this such a long and intractable set of problems to deal with?

Okay. so i think you conclude that in a lot of ways, we still live in a world of walls? where did this story of building walls start for you? like, where do you think this all began?

Well, i think we live in a society of profound inequality. and that's the starting place the inequalities of gender and class and race. and that the castro state, i use that term much more broadly than criminal justice, to include the welfare system, the history of eugenics, immigration policies, to look at the way in which those institutions play a critical role in maintaining and reproducing inequality. so that's the starting place. and i think the failure of this country to have a decent welfare system, the failure of this country to have a national political party that represents working and poor people, and ordinary people think that has a lot to do with the with the failures of our efforts to try to make significant changes. so inequality is that is the beginning point. and then understanding, in particular, the role that the castle state plays in maintaining and reproducing that inequality. i don't see criminal justice really having very much to do with crime or justice, i see it much more as a population control operation.

Yeah, i think that makes a lot of sense to me. and i think the intersections that you draw between all these things are pretty powerful. one of the things i thought was pretty interesting, was how you kind of make all of these things. like i never really thought i mean, i never really thought of the welfare system prior to reading this book is kind of an extension or another example of the course real estate. but it seems like you draw that in. that's pretty powerful comparison.

Yeah, well, like you know, the criminal justice system is usually portrayed in very masculine terms, you know, that the police mostly go after young men and jails and prison system, mostly incarcerate men, which is true. but if we stand back and look more broadly, at what it does, i think of the the welfare system as being a set of institutions that criminalizes women and families and treats them as being suspicious and inherently chris, criminal and not to be trusted. and that there are many parallels there between welfare and what the what the prison and jail system does. and also, if you look at the the deep history of the 20th century and look at, for example, the eugenics movement in which public health workers and social workers and government agencies went after sterilizing without consent, some 60,000 women, or during world war one rounding up some 30,000 women who were accused of spreading venereal disease the troops and putting them in detention without trial. i think if you look at things that broadly and also include institutions like immigration, which of course affects men, women and children equally, then you see the the breadth of the carceral state and the way in which the prisons and jails and police are really part of a much larger process instead of institutions.

And I think you take it even farther than that. i mean, i think that you talk about, for instance, the united states taking training and skills to other countries to teach them how to, for instance, build better military prisons as we found out in Abu Ghraib. is that fair?

Yeah, that's an important part of what i try to get people to consider in this book that the US foreign policy and US domestic policy, i think, are very intertwined. and that works in two ways. it works, first of all, by trying out new technologies and new techniques of control during warfare. for example, baltimore police department today uses surveillance techniques that were used in in the iraq war. and secondly, and i think, more importantly, us foreign wars, bring back attitudes

about whole populations as being dangerous and problematic and in need of control. you see that right from the first foreign operation, which was in the philippines in the 1900s, when they were rounding up 10s of thousands of civilian activists and talking about the dangerousness of filipino activists. and then when they came back to the united states developed very similar techniques for identifying and surveilling and try to control the black community. so i think it's about cultural attitudes that are exploited and then brought back. and it's also about techniques of control. and that i think those two are very intertwined.

I think in all of these stories that you're talking about from the supreme court case of *Buc v. Bell*, all the way through what's going on with immigration right now, the common theme seems to be fear in a lot of ways. at one point in the book, you talk about the criminalization of public space, do you think that the forced disappearance of the commons has had any relationship to the ability to create this kind of overarching structure?

i do, i think if you look at the history of criminal justice in other countries, for example, in how policing and criminalization developed in the in england and the united kingdom and the 17th and 18th centuries, when behavior that had been lawful and communal for generations collecting word and using public space, was suddenly criminalized and whole populations were made into vagrants. and I think you see that today continued in what a polite they call civility codes that cities have passed to try to regulate the homeless and move them out of city places and city centers. in berkeley right now, people think of berkeley as being a very progressive town where i live, which it is in many ways. but at the same time, we just passed a, an ordinance called the three by three ordinance that specifies that people sitting on the ground can occupy no more than three by three feet square feet, as a way of trying to regulate people begging or sleeping or being on the streets. so yes, i think there's a long line of continuity between the criminalization of vagrants and say 18th and 19th century britain and what's going on in cities today.

It seems like, you know, like i said, kind of what a common theme through all of this seems to be ratcheting up kind of, you know, almost like, security has become more what i think some people have called security theater has become more important in many ways than many of the other kind of principles and practices that we tend to believe that we were founded around. how, how do you think that the kind of head gemini of this kind of narratives of security, kind of as more important than anything else has become so important?

Yeah, i think this has been developing a lot since the 1960s. we tend to associate president Johnson, for example, with the war on poverty and more progressive kinds of proposals. but if you go back and look, for example of the current report, and these other national conditions that we're dealing with issues of race and inequality, they also paid a great deal of attention to beefing up social control apparatus, to arming the police with the latest gadgets, to getting the military capable of coming in to do riot control, and so on. so that's where i see the roots of the modern period of this, i think they're really a versions of this that go back to actually the early 20th century, when police became professionalized. and were really organized to go after the

labor movement. so this military model of policing is very old. but i think this contemporary model of with a high emphasis, security and technology and getting industries to provide the latest stuff for securing populations, i think this begins in the in the 60s, and then it really developed very rapidly in the 80s and 90s. so too, so now, issues of so called global security. and protecting populations, i think, is the dominant way of trying to think about what the police, for example, do and the different cities around the country.

It's a pretty good lead in, there's several parts of the book where you talk about how policing has never been a democratic operation, which i thought was interesting. can you kind of talk some more about why policing is anti democratic, or at least as its practice now? or could it is there a possibility it could be anything but as a democratic?

Well, there's always a possibility, it can be something else, and i'll come back to that. but it never has been a lot of critiques of policing today, for example, locate the origins of police militarization in the development of swat teams, in the 1960s and 19, 70s. in particular, are they located in the transfer of military hardware from the Iraq war to police departments, and so on. but one of the things i argue in the book is that has much deeper, longer roots. and that if you go back to look at the early efforts to professionalize the police and the late 19th and early 20th century, and to try to create an independent urban police force, that they had several models that they were drawing upon, one model came from private policing. and private police operations like pink kittens and burns, had really developed to control the labor movement to infiltrate it to spine it to try to break up that movement. so that was one model. the second model then became the national guard and the militia that were highly militarized, and were then pulled into urban and urban situations when there were strikes and revolts going on. so those those two operations, the militia, the national guard, and also then private security, they were the two models that informed how professional policing happened in the early 20th century. and one of the first commissioners of policing in new york city was was Teddy Roosevelt before he became president. and he said that he regarded the police as being a half military. and i think that model of policing as a military operation is built in their structurally right from the beginning. it doesn't have to be that way. the other models of what policing could be, but that's been the framing of training the police to think of themselves, in domestic combat with up with whole communities that as seen as as dangerous and precarious. and opposed to the state. that's been the framing of things. and that, of course, guides policing today, and it's it's guided police policing throughout the whole 20th century. and maybe think of some parallels between how i

I mean, one thing you say in the book is that the formal governance of policing is as far removed as possible, from popular control. and it's seems like that is also paralleled by prosecution. and also in prisons where, you know, for the most part, they're black boxes, do you think that that's accidental? or by design, or?

Well, i, you know, i think the prison historically, really starting in europe in the in the 17th century, and then expanding and throughout the, you know, the penitentiary in the 19th century, and becoming all the way to the high security prisons today. they've always been institutions a

very, very severe punishment. and also, i think punish prisoners play that role. not just a brutally punishing people that are in the institutions, but also send out a warning to poor working people outside the prisons and jails, that, you know, you might think that you're you have your face difficult situations now, but your fate would be a lot worse, if you ended up here. so presence is sort of a warning to the wider population about what can happen if they if they get out of control. and i think policing and prisons in essence, go hand in hand, they had the same views of controlling populations and have very little to do with justice. that's why, you know, most people are the 12 million people that are arrested every year in the united states right now, there's really no such thing as due process or trials or juries are carefully considering the evidence providing people with decent legal defense. i mean, not that that's all, that's all a pretense for the most part, people are just processed into these brutal bureaucracies.

I thought one of the interesting things that you talked quite a bit about us the disparities in funding between n personnel between the prosecution side and the defense side, do you want to elaborate on that a little bit?

Yeah, well, you know, we have the the myth that the criminal justice system operates like an adversary system, you know, with both sides, the prosecution and the defense in some kind of symmetrical balance with both sides having the same resources. when you actually look at the money and resources that goes into prosecution. it's, it's well over 90% that go into prosecutors, investigators, for prosecutors, public police, private police, guards, administrators of institutions, they are overwhelmed, for example, the number of people that work as legal aid or public defenders or even probation or parole. so then there's a huge imbalance in numbers. and there's also a larger imbalance in the in the larger society of for example, you know, today, we have more criminal justice employees, and we have teachers, we have more gods than we have doctors. i mean, this just says a great deal about how the society thinks of its priorities. and even if you go back to the 1980s, which is the time of significant law and order, you know, there were three times more social workers, there was the three times more money and resources going into a welfare then into prisons, and please, and that reverses by 1996. this is before trump. so the public priorities are clear in terms of where money and where resources go. and then in terms of the actual operation of criminal justice, so called criminal justice, it's no battle, it's a totally uneven and even war. really.

That's a good place, i think, to talk you were brought this up a little bit earlier to that there's kind of a long history of activism inside of prisons, bleeding out into society and actually having a bit of influence. can you talk a bit about that history?

Yeah, again, i think, you know, as an activist, i've been struck, by the way in when people talk about, for example, prison activism or police activism, they tend to go back to the 60s and 70s. and people know and, and rightly know, you know, the work of on the books that people like malcolm x and the activism, jackson, and what happened at attica, and so on. but those are very important events in our in our distant present and our and our memory of what's happened in the previous generation, but also wanted to show in the book that there's a much longer

history of this kind of resistance and opposition. that goes back to at least the late 19th century, where writers and poets and activists and political people who have been in prison have been in jail. and like any activists anywhere, you you, you organize where you are. so the activists in the 1930s, you know, the labor organizers who went to prison, try to organize other prisons, and to speak out against injustice. there were some extraordinary memoirs of prison life long before malcolm x. and a lot of people like eugene jobs, the socialist and labor leader, lead leader who was in prison in jails many times in the 1920s. when he got out, he wrote a really lengthy chapter on a book in which he made a case for how he would democratize and run the prison and what he could do what could be done to make things better. and i think the reason for going into this history and trying to connect with this long this, this previous generation of activists and political writers who've written about this issue is it's not just to, you know, rescue a blueprint from the past or to be nostalgic for some previous era. but to understand how difficult it is to make these changes that people have been trying to make significant changes in criminal justice and the castle state ever since the modern castle state was created. and i think that history, both gives us hope, because it shows previous generations that have tried to do things sometimes effectively. and it also shows what we're up against.

Yeah, we're definitely it's it's a long, it's definitely a great to be reminded of the length enos of the struggle, but you know, i mean, hopefully, we'll get to some reasons for hoping as well, it seems like before we get there, though, we should talk about a couple more things. one thing is you seem like there's two things that you generally think are kind of responsible for what is happening today. and, you know, i mean, we've had, we are having some change right now. and i think that you see some room for optimism right now. but there's also been a lot of retrenchment over retrenchment over the last couple of decades. and one of the things that you seem to pinpoint is that there's kind of a, almost a bipartisan competition to out carswell each other at times. is that accurate?

That's correct. and i think one of the reasons why we've not been more successful and trying to make some serious reforms and prisons and police and the castle state is because of the bipartisan efforts to consolidate law and order, i think, since the johnson administration. and that, i mean, there were differences within the democratic party, the was the liberal wing of the democratic party, the call for reducing prison populations and introducing rehabilitation more widely, and trying to get rid of cash bail, and a lot of other significant reforms that were around in the 60s and 70s. but i think by the time of the clinton administration, the democratic party closed ranks with the republican party, the clinton wing of the democratic party, i think, helped to isolate and wipe out the liberal wing of the democratic party. and the clinton wing made the argument that we need to be tough and as right wing as possible on issues of race, welfare, prisons, crime, policing, and so on. and they did that effectively, the clinton administration had the largest increase in the american prison population ever. the clinton administration removed 3 million families impoverished families from welfare, the clinton administration stood by capital punishment. from that point on, it was very difficult for the republicans to find any difference whether the democrat so so we're up against that kind of history of a consolidated bipartisan law

and order positions. that began to shift a bit under obama, but quickly closed down even during the obama administration.

And then the second thing that i think that you point to is 911. it seems to me that the combination of 911 and the boston bombing have made almost every aspect of public life in the united states as much about security is about almost anything else, including freedom or just living. how do you feel like 911 has changed things?

Well, it profoundly changed things. i mean, it was that that was the largest reorganization of the government since the new deal. and one of the fastest growing and largest departments was homeland security. so that that changed, everything could not only change the world resources, and the technology that was going into so called terrorism control, but it also changed the the cultural attitude of law and order, it made anti terrorism the the primary goal so that police departments and state governments all over the country knew that they in order to get money and funding and resources, they had to make sure they had a strong anti terrorism component. so the anti terrorism component then makes people more fearful of terrorism, and then more people are more fearful of terrorism. and then that justifies expanding social control and technology and terrorism institutions, and so on. so it becomes this, this self perpetuating set of institutions and processes. and it's also taking place at a time when compared to the rest of the world, the united states has had actually very few terrorist activities actually on the homeland here. and also, it was a very distorted set of policies, because the groups of people that are responsible for the most deaths in the name of terrorism and politics or right wing white supremacist groups, and they weren't the ones that have been targeted by the terrorism industry. so yes, it's it's a profound shift. and it means that it changed everything it should, the local police departments, you know, wanted to have the latest technology and the latest tanks and the latest riot control and so on, irrespective of whether there was any threat of terrorism in their communities or not,

it ended up with us having, you know, cities that have basically become surveillance maps for essentially everyone who lives there. and, you know, i think you bring up several times in the book?

The kind of expansion of private policing is that if you go back over the history of private policing, and private security, there's got, like different stages through development in the early part of the 20th century, it was about providing, you know, men just about all men that would, you know, work for big companies and operators, private security operations, sort of like henchmen and, and brute force and so on. and then the second stage is really, the 1960s, following the the urban riots and the urban protests against the war against racism against inequality. and that's when police departments really begin to beef up security. and when also, you begin to see an enormous growth of private security operations as well, so that by today, we have more people that work for private security companies than work for public place, as to have always gone on in a parallel way. but i think in the period between the, say, the 60s in the 80s, the us government played a pretty critical role in putting out contracts for new tanks, new



technology, new surveillance techniques, and so on. and then major companies would, would come back and say, okay, you need and we'll develop this for you, and, you know, radio systems and new forms of technology, and so on. but the third stage, which is really the, you know, post 911 stage, i think, now we have systems of global security. and we have companies engaged in anti terrorism and global security operations that are really partners with government, they're not just waiting for the government's to say, we need this. so we need that. they are now initiating ideas, they're initiating projects, and they're coming to governments and saying things like, well, wouldn't it be good to have a facial recognition system in the airport, and for you know, \$10 billion , we can develop one for you. so that's the way i see those changes more recently, and these global security operations. so something like what was pinkerton that used to provide, you know, private security for businesses against labor in the early 20th century, there are now they're now a global security firm, and they prefer security operations to countries all over the world, whether they're, you know, communist countries or capitalist countries or social democratic countries. that's become a global industry. and that's really now change the relationship with with governments.

Yeah, i think he i talked with James Kilgore on here once before where we were hypothesizing about how this seems like, there's going to be almost a seamless spread of control of public space to the extent that, you know, these things like private police forces and, and, and facial recognition software and other forms of surveillance will start potentially making it so only certain people can travel in certain places. and

I think we've seen some of that already. With, with we have, and i think the new big development is electronic shackling, so the so called prison reform is today are saying, you know, let's get some people out of prison. and let's put them under electronic shackles and communities in their homes. so you see that new development, and rather than reducing the prison population, you sort of shifting the prison population to communities and homes. but at the same time, i think this is more being like kafka than all, well, you know, oh, well, is 1984, where everything sort of in control and where everything is known, and everything is secure, and everything is surveilled. i think it has been more chaotic in the in the catholic sense, because while things are becoming more security conscious, and well, state and governments have a great deal more control. there's also a lot of chaos there. and there's a lot of contradictions between different agencies and a lot of an evenness. and there's a lot of things happening that suggests that they don't know exactly what they're doing. you know, i remember in the old days, when we used to think of the fbi, this way that the fbi was collecting information on everybody, which they were i had people in my classes at berkeley in the 70s, reporting to the fbi, the fbi sent agents to liberal arts colleges in the 70s to report on every single black student on the campus and so into, sort of feed the paranoia of j. edgar hoover. so, i mean, this has gone on for a long time. but you know, if you if you look, for example, at fbi files and fbi documents, you see that there's a lot of stuff in there, that's not true, that local fbi agents are just recycling information that they're making things up. so even though i worry about the spread of authoritarianism and, and control and surveillance and so on, i don't think we're yet at the state where we have sort of a way or williams surveillance system in place.

I actually found that kind of hopeful in a kind of comic way. I don't know if you've ever seen the movie *Time Bandits*. But it seemed kind of the premise of the movie. Well, they find out by the end of the movie that they've been able to this group of, of people running through space have been able to kind of go through holes in the design, because God kind of mess this stuff up.

Yeah, so yeah, that was kind of thinking of it like that, you know, they've designed the system more like Orwell, but they're acting more like, you know, yeah, so that's somewhat somewhat comical in a in a sad kind of way. But, yeah, well, I mean, this would be something you know, about that, you know, a lot of people when they leave prisons and jails, yes, that, you know, they suffer as, you know, certain social and civil death of not being able to get jobs and licenses for a lot of things. And, and, and, I mean, lives are miserable for most people that that do time afterwards. But at the same time, most people like in California are dumped into these urban zones where there's, there's really no regulation, there's no control, there's no there's no real jobs for them. I mean, they sort of moved between different kinds of self help organizations, you know, anger management, training, so on, but as a lot of people that are abandoned, as well as surveilled, and I guess is my point.

Now, that makes a lot of sense. Kind of you, you know, earlier, we talked about kind of movements, you thought were coming into the forefront, since we're kind of in the hopeful part. Now, before I jump full force into that. Do you feel like that said that one of the problems I think you mentioned, this is one of the weaknesses of movement organizing, is that there's a lot of times there's some tension between some of the groups, for instance, you know, some of the "me too" stuff and maybe some of the anti prison stuff, there's some tension between that and sometimes will work against each other in ways that can be counterproductive to you. In your experience, having seen movements work through this in the past. Do you have any thoughts on how that might be navigated?

Well, I think it's important to understand that that is a very deep problem in the history of American activism and left I mean, it, I think it has a lot to do with the fact that the United States has never had a left of center national political party that has power in Washington, DC, we've never had a Labour party or socialist party at the national level, which makes it difficult, then to coordinate struggles and to try to build relationships and communication between different struggles, we have an incredible amount of an evenness, you know, so for example, you could say that that moment after the Civil War during reconstruction, which was the first civil rights movement, when African Americans were, you know, freed from slavery and gained a variety of civil and political rights. And it was a very hopeful moment. In the, in the 1870s. You know, at the same time that was happening, Native American tribes are being militarily defeated, they're being they're being pushed into reservations, which I think I was really penal castle institutions, you know, the children are eventually taken from them and put into boarding school where they're forced to give up their, their cultural background, and so on. So you have that, you know, you have that moment of progress for one group, and then it's taken away for other people or, or think about the contemporary gay lesbian movement that was first so successful in getting a national agenda for deal with issues of AIDS, and then fought for the right, you know, to marry

into have the legal right to have a variety of human and intimate relationships, i mean, incredible struggle over the last 30 years to do that, at the same time that that's happening, the african american movement is being defeated by the smashing of the poverty programs and also the end of affirmative action and the reset irrigation of public schools and housing. so this is this is a long standing the problem. and today you see this in the, in the separation of these extraordinary movements that we now have, you know, young people fighting for gun controls, very vigorous immigration movement, trying to stop deportations black lives matters, finally does try to stop police killings, the me to movement, a revival of struggles against patriot patriarchy. i mean, these are very extraordinary social movements. but it's rare to see cooperation between them, or unity between them, or even meetings and conferences between them, where people talk about trying to find some kind of united strategy. and i think that is a is a weakness and limited our movements.

So we seem to be building walls, all over the place, both internally and externally. as you said, before, the cover of your book has in the little holes of the wall, some blue sky peeking through. so how do we change a country that seems to be more about building walls and being afraid than it does maybe to be about freedom?

Well, i think one of the first things is we have to do is we have to face what we're up against. and so partly what i do in the book is saying, okay, you think things are bad, i'm going to make a case that they're actually worse, you know, the problem, the problems are wider and deeper than we tend to think of that then, and they have a longer history than we tend to think about. so i was always moved and inspired by fannie lou hamer, you know, the civil rights leader. and when she was talking about racism, she said, we need to bring this thing out into the light. so partly what we do around these issues around prisons and police and security issues, and immigration is just facing what how this operates and what it is. and i don't think we do enough of that. so that may not seem like enough. but i think it's an important beginning point to see widely and to see deeply. and to get a sense of, of the challenges we face. so that that's that's one issue. a second issue, i think we should be trying to get the us government to stop exporting law and order and what it does around the world, it still does that. trump may have a more of a restriction, his policy and more of a nationalist policy. but still, the state department continues to send what it considers to be the best practices of american criminal justice around the world. i think that should be stopped. i think they should be put pressure again on state department and allies in congress to stop doing that we have no business, telling other countries what to do. and in fact, it will be a very nice change in us policy, if we were open to learning from other countries. i mean, just about every other western country that we try to compare ourselves has, you know, prison, jail policing systems that are make ours look barbaric and medieval, and there's a lot to learn from, from other places. so that that's where i would begin. and then i'd also go back to that deep problem of the lack of the lack of communication and unity between different movements and try to figure out politically, how to build more communication between those movements. and i think there's also something to learn from the trump administration. strangely speaking, it's probably not what you expected me to say. but i think what trump's been very effective at doing is not just building on what happened before him,

because a lot of what's going on now, and the coastal state is just a continuation of more of the same. but also, i think what trump and the right have been very effective in doing is in framing law, their law and order policies and very big ideas about how they see the nation, how they see security, how they see law and order, how they see policing, how they see the crime problem, so that when they put out policies, they don't just put out a specific policy, you know, to have the cops have more guns or whatever. they also put out a sense of why the cops need more guns that we need more guns, because this is a very dangerous world. and i think the left or progressive movement, whatever we want to call ourselves, we've been done a good job of articulating a broad big vision of how certain kinds of criminal justice reforms might fit into a larger vision of a more just and humane society. and i think that's what we need to do at the same time, while we fighting for very specific reforms.

I always ask the same last question. where did i mess up? what questions should i have asked but did not?

You read the book, you got a clear understanding of the book, i appreciate that i've had some interviews where clearly people haven't read the book or didn't get the ideas. you obviously have a, you know, a personal experience that informs you about what goes on inside. so i appreciated the questions. i appreciated the thoughtful thoughtfulness. and now i think i think we've covered all the big issues. now we just have to do them.

the actual hard work we have to get done now.

Oh, yeah.

well, i really appreciate you taking the time. and it was really nice to get to talk to you. i really enjoyed the book.

Enjoyed talking to you. and thanks for having me on the program.

All right. and i hope to talk to you again soon. thanks for being on.

okay,

bye.

And now, my take, i really appreciate mr. platts approach, it is so important for us to look back at other moments at time and look at other attempts at criminal justice reform wouldn't was successful looking at how activists in prisons and other activists gate came together to gain traction. we can also learn a lot about what not to do, what went wrong then and how to move forward now. and since we do seem to be gaining traction now, i'm very hopeful that we can be even more successful as a movement by learning from our past. this week, two really important criminal justice proposals were introduced by two of our 2020 presidential candidates. first on

thursday, cory booker returns to released a proposal leaning heavily on broadening the use of presidential clemency powers, which includes commutations and pardons. this proposal was heavily influence by the writing and work of one of my former guests, rachel barkow, and also another friend of the program, mark osler. currently presidents tend to only give commutations of pardons on a case by case basis. and i believe that we should expand this process of making more much more independent of the department of justice. there is no doubt that sentencing is not always just and one of the ways that we can correct the mistakes that have been made is to ensure that clemency is used much more by executives and certainly by the president. anyway, after the first step pass lack to set last december, i suggested that the second step action make the 924 see stalking and safety valve provisions of the first step back retroactive. without getting too deep into the weeds 9924. see, stalking allows prosecutors to add more or sentence enhancements to make sentences longer. in the cases where firearms were president. unfortunately, a lot of times the firearms don't even actually actually have to be part of the crime committed, and the safety valve just as another way of making sure that we don't make mistakes in sentencing based on mandatory minimums. so it'd be great for most of these things to be made retroactive. mr. booker proposes to do this through the clemency process, which is unique. and he also promises to effectively reduce through clemency, the crack versus cocaine disparity from 18, one down all the way to one to one, which is the way it should have always been, in other words, the amount of crack that you have is not will no longer be charged at 18 times the amount of cocaine that you had. and the reason why this is important, is because crack and cocaine are essentially identical chemically, which means that the only real reason for the disparity, you know, as far as we can tell is based on where and what communities the drugs are sold in at the time that all these laws were passed, crack was seen mostly as a street drug in communities of color. another really amazing part of this proposal would also consider all people in prison over the age of 54 commutation or partners. the research suggests that any sense over 10 years starts to be extremely costly and counterproductive. and the people generally tend to age out of crime and out of violent crime. you know, as they get older, this would be a really great way to start massively decreasing the federal prison population and sending a message to state governments that they should follow suit. there's a lot of other good stuff and mr. booker's proposal, i will include a link to his proposal in the show notes. the second proposal was from elizabeth warren, who did something that really warmed my heart. while the headlines all said elizabeth warren promises to end private prisons, she also promised to effectively bringing into predatory prison privatization, as anyone who listens to the podcast regularly probably knows, private prisons impact about four to 8% of people who are incarcerated, while predatory prison privatization, or the provision of services private companies in public facilities impacts 100% of people who are incarcerated. i will also include a link to elizabeth warren's proposal in the show notes. but i do want to say that when you see people talk about private prisons, they almost never also mentioned prison privatization, which is a much larger problem. i personally probably would have gone farther than either of these proposals. mr. booker, for instance, was a co sponsor of the reverse mass incarceration act in a sentence in the senate, excuse me, which would have used federal money to create incentives for state systems to reform their prisons, too. i love that he is suggesting that there that there's a lot that he could do as the president without the help of congress, but he should also be talking

about the ways that he can work with congress to reduce mass incarceration. miss warren's proposal did a great job of addressing the entire problem. but i think it's fair to ask if the problem is really who runs the prisons, it is certainly possible that regardless of who runs the prisons, private or public, that we need to do, what we need to do is demand better outcomes. in other words, as we've seen recently in alabama, and south carolina, in texas, in michigan, in mississippi, in many states, public prisons can do a pretty terrible job of protecting incarcerated people to we need to demand that regardless of who is in charge, that every prisoner should be treated with respect and dignity, and that the goal is good outcomes for every person, our prisons, and jails. in addition, miss warren made a great suggestion, which is that we should have someone who monitors the outcomes of interactions with private prison companies in prison. i think this has to be much broader. there's no reason why we shouldn't have independent monitors in every prison in united states who are looking, you know, who watches the watchmen. in other words, we need to have someone who is not beholden to the department of corrections who is not beholden to the bureau of prisons, who work to look to make sure that the people in prisons are being taken care of and not abused. i have in the past suggested that there should be a social worker who is not employed by the department of corrections, or the bureau of prisons and every prison and that that social worker or social workers should work around the clock that there should be someone in those prisons at all times. so we're checking to make sure that there are not abuses going on. anyway, criticisms aside, i'm just very happy to see that the 2020 slate of candidates are starting to release serious proposals for real change our criminal justice system. we are a long way from getting this mixed mess fixed, but real change is going to take vision and a commitment from the top. the more conversation and discussion of reform from the top from the candidates, the more change is likely to happen. it will drive both parties to move farther in criminal justice reform. and that is what we need.

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