

# JustSouth QUARTERLY



# PRISON CAPITAL OF THE UNIVERSE

Louisiana's chance to change course on incarceration

BY SUE WEISHAR, PH.D.

Louisiana is the prison capital of the known universe. The Pelican State incarcerates more of its residents per capita than any other state, in a country that leads the world in incarceration rates. Louisiana's incarceration rate of 816 inmates per 100,000 residents is almost twice the national average,<sup>1</sup> three times Brazil's, seven times China's, and ten times Germany's.<sup>2</sup> The impact of Louisiana's bloated and costly criminal justice system on African American communities has been particularly devastating. One in 20 African American adult males in Louisiana is incarcerated, a rate exceeded by only six states. Although only 32 percent of Louisiana's population is Black, 67.8 percent of its prison population is Black, the second highest proportion of Black inmates in the U.S. (Maryland is first).<sup>3</sup> The state is in dire financial straits, yet Louisiana spends an astronomical amount of money on its criminal justice system: almost \$700 million a year,<sup>4</sup> with poor returns—42.5 percent of offenders return to state custody in five years.<sup>5</sup> Every dollar spent on prisons is a dollar not spent on schools, hospitals, and coastal restoration. The status quo of Louisiana as the "Incarceration Capital of the World" is financially unsustainable and morally unacceptable. Fortunately, major change is within reach.

In June, 2016, Governor John Bel Edwards convened the Justice Reinvestment Task Force, a bi-partisan group of cross-sector criminal justice experts and stakeholders and charged them with taking a hard look at what is working and what is broken in Louisiana. Evidence presented to the Justice Reinvestment Task Force at five public hearings held between June 2016 and November 2016 has clearly shown that **policy choices**—not crime—explain Louisiana's obscenely high incarceration rates. While other Southern states have crime rates similar to Louisiana's, Louisianans are sent to prison for nonviolent offenses at much higher rates. Indeed, the top ten most common crimes that land someone in prison in Louisiana are all nonviolent, and the most common by far is possession of drugs.<sup>6</sup>

Louisiana's Justice Reinvestment Task Force was advised by criminal justice reform experts with the Pew Charitable Trusts as part of the Justice Reinvestment Initiative (JRI). The JRI is a public-private partnership that includes the U.S. Justice Department's Bureau of Justice Assistance, the Pew Charitable Trust, Vera Institute for Justice, and other organizations. Since

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2007, 33 states have reformed their sentencing and corrections policies through the JRI, including the Gulf South States of Alabama, Mississippi, Texas, and Louisiana. The goal of JRI initiatives is to improve public safety and lower taxpayer costs by prioritizing prison space for serious offenders and investing the cost savings into alternatives to incarceration for low-level offenders that have been shown to reduce recidivism.<sup>7</sup>

JRI policies generally fall into four categories: sentencing laws that instruct courts on how to sanction convicted defendants (Sentencing/Pre-Trial); release laws that determine conditions for leaving prison (Release); supervision laws that guide how people on parole or probation are monitored (Community Corrections); and oversight laws that track the progress of such policy changes (Sustainability). The table below tabulates sentencing and corrections reforms in these four broad policy areas that have taken place in Alabama, Mississippi, Louisiana, and Texas since 2007.

Although reforms initiated six years ago have helped to reduce Louisiana's prison population by 10.5 percent,<sup>8</sup> the state still is number one in the world for incarceration rates. On March 16, 2017, the Justice Reinvestment Task Force announced 21 policy recommendations that had unanimous support from Task Force members and which would reduce

Louisiana's prison population by 13 percent while saving the state \$305 million by 2027. The Task Force report groups these policy recommendations into six major categories.

1) *Ensure clarity and consistency in sentencing.* A specific recommendation here is to implement a felony class system, linking each felony class to eligibility criteria for prison alternatives, hard labor requirements, and jury size. 2) *Focus prison beds on those who pose a serious threat to public safety.* This will require expanding alternatives to detention and revising drug penalties to target higher-level drug offenses. 3) *Strengthen community supervision,* including focusing community supervision during the first months after release—the time period probationers and parolees are most likely to recidivate. 4) *Clear barriers to successful reentry,* such as eliminating the restriction for those with drug convictions from receiving SNAP benefits during their first year of reentry and ensuring that criminal justice related fees and fines do not cause financial hardship. 5) *Reinvest more than half the dollars saved from the reduction in the state prisoner population into the expansion of programs to address returned citizens' education, treatment, and training needs as well as victim services.* 6) *Mandate data collection and tracking of performance measures to monitor implementation and outcomes.*<sup>9</sup>

The Task Force made five recommendations that received majority support from its members, but not unanimous support. The majority recommendations are: 1) *Provide the opportunity for parole to Louisiana's longest serving inmates,* including those serving mandatory life for second degree murder, after serving 30 years and reaching age 50; 2) *Prospectively eliminate life without parole for juveniles,* allowing juveniles convicted of a life sentence to be eligible to apply for parole after serving a minimum of 30 years; 3) *Make parole eligibility changes retroactive to Justice Reinvestment sentences by setting parole eligibility at 55 percent of sentence served;* 4) *Focus habitual offender penalties on more serious crimes,* not the non-violent, low-level incident offenses for which they are often used; 5) *Target mandatory minimum sentences for firearm possession by a felon on those with prior violent felony convictions.*<sup>10</sup>

The most vociferous opponent of the non-unanimous Justice Reinvestment Task Force recommendations is the Louisiana District Attorneys Association. Its leaders claim those recommendations will compromise public safety and break the promises DA's have made to victims of violent crimes.<sup>11</sup> However, there is strong bi-partisan support for all 26 Task Force recommendations from such diverse groups as the Louisiana Association of Business and Industry and a new coalition of progressive advocates, Louisianans for Prison Alternatives.<sup>12</sup>

### Alabama, Louisiana, Mississippi, Texas SENTENCING AND CORRECTIONS REFORMS: 2007-2016

SENTENCING/PRETRIAL	AL	LA	MS	TX
Reclassify/redefine drug offenses	x		x	
Reclassify/redefine property offenses	x		x	
Establish presumptive probation for certain offenses			x	
Revise sentencing enhancements	x		x	
Revise mandatory minimums		x		
RELEASE				
Revise parole hearing/decision/eligibility standards	x	x	x	
Expand good/earned-time prison credits/re-entry leave			x	x
Establish/expand geriatric or medical parole	x	x	x	
SUSTAINABILITY				
Require fiscal impact statements			x	
Establish leadership/board qualification requirements			x	
Require data collection/performance measurement	x	x	x	
Establish measures to streamline/improve efficiency of system			x	x
Improve restitution/victim notification systems	x		x	
Establish oversight council	x		x	
COMMUNITY CORRECTIONS				
Establish/expand for earned discharge			x	
Authorize performance incentive funding	x			
Authorize administrative jail sanctions	x	x	x	
Authorize graduated responses for violations	x	x	x	x
Cap revocation time	x		x	
Establish/improve electronic monitoring	x	x	x	
Establish mandatory re-entry supervision	x			
Require/improve risk-needs assessment	x	x	x	
Require evidence-based practices	x			
Reform/pilot specialty courts (HOPE, drug courts, etc.)	x	x	x	
Reduce probation terms	x			x
Improve interventions for substance abuse, mental health, etc.	x			x

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## Catholic Social Thought and Advocacy

For Catholic political responsibility,<sup>1</sup> advocacy is one invaluable instrument in our hands. “Advocacy offers us an opportunity to bring the realities of our sisters and brothers facing injustice throughout the world to those who hold positions of power in our government.”<sup>2</sup>

Advocacy takes many forms: public education through social and other media; individual meetings and other communications with elected officials or their staffs; mobilization of Catholic organization members; testimony before public bodies; publication of research; consultation with state and local officials; comments on proposed local, state, or federal regulations; and participation in coalitions.

In all Catholic advocacy efforts, there should be a close connection between what we do for people in need on the services side (e.g. Catholic charities, health care, schools, housing) and what we want to accomplish as advocates. There are seven questions to ask and answer in developing an agenda:

1. What advocacy issues are rooted in our ministries and in the experience of those we serve?
2. What issues do our Catholic social justice and peace traditions address, providing principles that ground specific policy applications?
3. On what issues can we make a significant difference? Examples might be where the issue is closely contested; where the moral voice can be persuasive; or where Catholic ministries have a pertinent viewpoint and telling points to make from our experience.
4. What issues particularly impact the poor and vulnerable people whom we serve?
5. On what issues can we develop effective coalitions—with other Catholic organizations, with other faith communities, and with others in the civic community?
6. What can really be achieved on an issue? And, in tension with this, where do Catholics need to

be outspoken and prophetic even if the issue is judged to be “a lost cause”—at least in the short term?

7. What issues will affect the mission and work of our ministries, for example, legislation requiring staff or volunteers to report undocumented persons to the civil authorities or violating our medical/moral principles?

It is important that organizations keep a manageable list of advocacy issues on which they commit their staff and volunteers. These seven questions can help in this winnowing process so that energies are focused and advocates are not seen as “social gadflies” who issue statement after statement often disconnected from the service and ministries upon which the credibility of Catholic advocacy is founded. Organizations must be concerned not to be used by the political left or right, by Republicans or Democrats, for their partisan purposes. The focus must remain centered on the needs of the poor and vulnerable and the means to be *effective* advocates on their behalf in the light of the Scriptures and Catholic social teaching.

Catholic advocates and all Catholic ministries are called to a strong prophetic advocacy for the poor and vulnerable rooted in a tradition of careful but passionate advocacy in the face of many complex challenges locally, nationally, and globally. This is not for the faint-hearted, but standing with the poor never has been—from the days of the prophets to the time of Jesus to the present moment.

### ENDNOTES

- <sup>1</sup> Fred Kammer, SJ, “Catholic Social Thought and Politics,” *JustSouth Quarterly*, Summer 2016, p. 3.
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# Shrinking the Safety Net

## The Truth About Federal Block Grants

BY JEANIE DONOVAN, M.P.A., M.P.H.

Turning safety net programs into “block grants” has historically been a way for the federal government to cut program funding under the guise of increasing flexibility and innovation among states. The problem for those in Congress who are proposing block grants now is that many Americans, including governors on both sides of the political aisle, are familiar with this tired tactic and are unwilling to be duped.<sup>1</sup> What’s more, cutting programs that benefit the poor runs counter to the principles of most faith traditions, including Catholic social teaching.

Since the Trump administration took office and Congress returned to Washington in January, there has been growing discussion about turning Medicaid and the Supplemental Nutrition Assistance Program (SNAP) into block grants. Although these discussions are occurring in the context of a new administration, they are anything but new. Elected officials concerned with trimming federal spending have long advocated for turning entitlement programs into block grants. In some instances, they have been successful. By analyzing data and outcomes from programs converted into block grants in years past, one can project what might happen to existing entitlement programs should they meet the same fate.<sup>2</sup>

The Aid to Families with Dependent Children (AFDC) program offers the most illustrative example of what happens when an entitlement program is turned into a block grant. Congress converted AFDC to a federal block grant in 1996 and renamed it Temporary Assistance for Needy Families (TANF). The mission of AFDC was to provide financial relief to poor, single-parent families by guaranteeing cash assistance to all families who fell below a certain income threshold. In 1994, in a typical state, a one-parent family of three was eligible for TANF if they earned below \$938 per month.<sup>3</sup> The average benefit level for a family of three was \$366 per month, the equivalent of \$566 today.<sup>4</sup> In 1996 AFDC served 4.4 million families, and 68 of every 100 families who lived below the poverty line received AFDC cash assistance.<sup>5</sup>

Today TANF is a shell of the once robust and responsive safety net program that was AFDC. In 2014 TANF provided cash assistance to only 1.6 million families, despite higher rates of poverty than when the block grant was created.<sup>6</sup> In 2015 just 23 of every 100 families living in poverty received TANF and the average monthly benefit was just \$429 per month.<sup>7</sup> In Mississippi, the

maximum benefit is just \$170 per month for a family of three.<sup>8</sup> Unlike AFDC funding, states are allowed to spend TANF funding on variety of activities rather than solely providing cash assistance to needy families. As states shifted their TANF dollars to the new programs they had less money for cash assistance. As a result, many states had to dramatically tighten eligibility criteria and/or lower benefit levels.

Poverty rates have not improved as a result of the new “flexibility” given to states. By 2011 the number of children living in extreme poverty (household income of less than \$2/day) had doubled, from 1.4 million in 1996 to 2.8 million in 2011.<sup>9</sup> In sum, converting AFDC into the TANF block grant succeeded in only one way: reducing federal spending on a critical safety net program. TANF block grants to states were based on the level of funding provided to states through AFDC in 1996 and have not been increased since. When inflation is accounted for, the real value of TANF funding has decreased by 33 percent since 1996.<sup>10</sup>

Now, as Congressional leaders seek budget savings, they are again discussing block grants. House Speaker Paul Ryan has long been a proponent of turning both Medicaid and SNAP into block grants, and he is just one in a long line of fiscal conservatives who have advocated for the same. In fact, conservatives have unsuccessfully proposed legislation to block grant Medicaid in 1981, 1995, and 2003.<sup>11</sup> SNAP has been the target of block grant proposals in nearly every year since 1995.<sup>12</sup> Interestingly, Speaker Ryan has relied on Catholic principles to justify his position on block grants.<sup>13</sup>

One argument used to justify providing block grants to states is the principle of subsidiarity, a foundational concept of Catholic social teaching. Subsidiarity means that larger political entities should not assume the effective functions of smaller ones, but that higher level of governments should step in when problems are too large to be handled by smaller, local governments.<sup>14</sup> While subsidiarity was used as an argument to turn AFDC into a block grant,<sup>15</sup> it is clear that state governments have not been effective in using the funds to reduce child poverty. Still, the federal government has failed to intervene in the administration of TANF, despite poor outcomes in most states.<sup>16</sup>

If Congress were to turn SNAP or Medicaid into block grants they would be further sacrificing human life

and dignity in the name of fiscal savings. The two programs were incredibly important during the Great Recession, and it was their structure as entitlement programs that allowed them to grow and cover those who were experiencing temporary economic hardship.<sup>17</sup> If funding for those programs had been capped, the human suffering would have been far more widespread and painful. Accordingly, leaders in Washington must acknowledge both the importance of the federal entitlement programs and the failure of previous block grants when making difficult budget decisions. Speaker Ryan also must remember that weakening the safety net runs counter to another fundamental principle of Catholic social teaching: a preferential option for the poor and vulnerable.

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- 16 *Chart Book: TANF at 20*. Opt. Cit.
- 17 Robert A. Moffitt. *The Great Recession and the Social Safety Net*. Annals of the American Academy of Political and Social Science. November 2013. Volume 650(1) pp. 143-166.



# White Dominionism

## The Taxonomy of White Radicalism

BY NIK MITCHELL, PH.D.

There are few topics that American society ignores at its own peril more than the intersection of radicalization and race. From the 4,075 Black people lynched between 1877 and 1950 to Timothy McVeigh and, most recently, Dylan Roof, racism has long been a radicalizing ideology in America; to pretend otherwise is intellectually dishonest.<sup>1</sup> Jonathan Githens-Mazer argues that radicalization is generally described in one of three ways: process, causation, and the negative definition.<sup>2</sup> Radicalization is a topic that is currently reserved for conversations about Islam and terrorism. This is problematic as it elevates a minority action to a pathology inherent to Muslim dominated cultures. In America, racism is the source of much of its past domestic radicalization and terrorism. Racism as a radicalizing force can be examined through both a process and a causation lens. In this article, race radicalization will be examined from a causation lens.

In recent months, journalists and essayists have written about the radicalization of White men, especially on-line.<sup>3</sup> Mark Potok of the Southern Poverty Law Center agrees and asserts that the internet allows for young potential recruits to explore supremacist ideology anonymously and connect with other like-minded individuals.<sup>4</sup> The radicalization of White men and

segments of the larger White population are causing concerns because, Potok argues, that, while Klan and Black separatist groups increased in 2016, White nationalist groups declined, which may be a result of their acceptance into the cultural and political mainstream.<sup>5</sup> What ideology is radicalizing a segment of the White population and being absorbed into the main stream and how is it different from previous configurations of White racism? This article asserts that an emerging reconceptualization of pre-World War II White racism, which for the purposes of discussion I have termed *White Dominionism*, is the radicalizing ideology in question.

As an overarching ideology, White Dominionism is the intellectual descendant of the Reconstruction Era Redeemers and the Eugenacists of the first half of the 20th century, who were the architects and maintainers of Jim Crow respectively.<sup>6</sup> It contains smaller movements such as the alternative right and other variants of the identitarian movement—which are active in Europe as a rejection of the broader European Union cultural block.<sup>7</sup> In the American context, White Dominionism, as seen with the alternative right, rejects the baby boomer cultural principles such as post-Civil Rights Movement multiculturalism.<sup>8</sup>

Reconceptualizing the theories of figures like Madison Grant, the cultural project of White Dominionism is the creation of an explicit White culture that emerged from the creolization of White Western European Christian populations.<sup>9</sup>

White Dominionism bifurcates into *White nationalism* and *White culturalism*. White nationalism is an intellectual extension of longstanding scientific racism that has remained a palpable undercurrent in American society since the turn of the 20th century. White culturalists may not share the “scientifically” racist beliefs of their White nationalist counterparts but rather are cultural supremacists and intellectual extensions of the historical European civilizing mission. They hold that any immigrant or minority group must fully assimilate by abandoning their own cultural practices. Only then, can they be accepted into the White – which they assert is the only American – culture.

In regard to causation, on an individual level it is difficult to ascertain what attracts a person to White Dominionism or White supremacist groups in general. Joseph Schafer, Christopher Mullins, and Stephanie Box assert that White supremacist “awakenings” occur because of “seeds of discontent”: prejudice developing from racial observations occurring in ordinary social interactions or a triggering event with exposure to supremacist ideology through familial or peer networks.<sup>10</sup> As a matter of how the seeds of discontent germinate, the causes are individualized. Anja Dalgaard-Nielsen writes, “Based on a review of scholarly articles within the field published from 1887-2003, Victoroff suggests that terrorists probably exhibit high affective valence on an ideological issue combined with a personal stake – strongly felt humiliation, need for identity and glory or a drive for revenge.”<sup>11</sup>

For White Dominionism, “strongly felt humiliation, need for identity and glory or a drive for revenge” manifests as the fear of demographic loss and the power that entails. According to the Pew Research Center, the population as a whole will become majority-minority by 2055.<sup>12</sup> American culture is starting to reflect this diversification intellectually, artistically, and in the history books as diverse narratives take their place in the broader narrative. Politically, White voter power to block people of color from attaining important offices is eroding.

Economically, the demographic shift will occur much earlier. According to the Bureau of Labor Statistics 2015 report on labor force characteristics by race and ethnicity, currently only 30 percent of African Americans and 22 percent of Hispanics work in management or professional occupations compared to 40 percent of the White population.<sup>13</sup> In this

economic stratification, the modes of production are still controlled by a White demographic. A 2016 report issued by the Economic Policy Institute states that about 39.5 percent of the current working class is non-White, the prime aged working class (25-54) will be majority people of color by 2029, and that people of color will comprise the majority of the working class as a whole by 2032.<sup>14</sup>

In the next 50 years, people of color may control the political apparatus in the United States through sheer numbers and activity, which will give them a large stake in the social and economic direction of the country. The United States has always been a creoled society sitting at the intersections of the Atlantic, Indian, and Pacific worlds. This is why White Dominionism has sought a very public role in American life; it is the ideology that makes the protection of cultural, material, and spatial privilege the purpose of an overtly political goal. White Dominionism is unapologetic in its forms, declarations, and aims and does not seek reconciliation with multicultural society. It is opposed to it.

## ENDNOTES

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- <sup>2</sup> Githens-Mazer, Jonathan. *The Rhetoric and Reality: Radicalization and Political Discourse*. International Political Science Review / Revue Internationale De Science Politique, vol. 33, no. 5, 2012, pp. 556–567.
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- <sup>5</sup> *Ibid.*
- <sup>6</sup> *Redemption* is the name of the movement which arose in opposition to Reconstruction. Cf. [http://www.digitalhistory.uh.edu/disp\\_textbook.cfm?smid=2&psid=3107](http://www.digitalhistory.uh.edu/disp_textbook.cfm?smid=2&psid=3107)
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At stake in the 2017 Louisiana legislative session, that began April 10, are critical moral questions about the kind of state Louisianans want for their children and grandchildren. Other states have shown that incarceration and crime can be reduced simultaneously and that reform efforts can change lives and save resources in the process. JSRI encourages our Louisiana readers to work for the reforms so urgently needed in our state's criminal justice policies by joining our advocacy email list at [www.loyno.edu/jsri/take-action](http://www.loyno.edu/jsri/take-action).

### ENDNOTES

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- 2 See <http://www.sentencingproject.org/wp-content/uploads/2016/03/international-incarceration-rates.png>
- 3 Ashely Nellis, *The Color of Justice: Racial and Ethnic Disparities in State Prisons*, The Sentencing Project, 2016 at <http://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>
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The Jesuit Social Research Institute works to transform the Gulf South through action research, analysis, education, and advocacy on the core issues of poverty, race, and migration. The Institute is a collaboration of Loyola University New Orleans and the Society of Jesus rooted in the faith that does justice.