

JustSouth QUARTERLY



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Six Myths of Payday Lending

By ALEX MIKULICH, PH.D.

In Shakespeare's *Hamlet*, Polonius instructs his son Laertes: "Neither a borrower nor lender be, for loan oft loses both itself and friend, and borrowing dulls the edge of husbandry." The wisdom in Shakespeare's time was that too often one would lose both money and friend through borrowing or lending. Even worse, borrowing or lending would dull one's ability to make a living (husbandry). Ultimately, Polonius instructs his son: "To thy own self be true."

Shakespeare's wisdom endures in the case of predatory payday lending. Although payday lenders advertise as if they were friends in your moment of need, payday loans throw most borrowers into a cycle of debt, dulling their ability to make a living.

The payday loan industry thrives upon a web of myths. In a recent letter to the *Baton Rouge Advocate*, the CEO of Community Financial Services of America (CFSA), a payday industry association,

claimed, "The truth is consumers across demographic lines (gender, race, income level) have a need for short-term credit, and payday loans are often the best option to meet that need."¹ There is truth in the fact that "credit has become so central to our lives that job applicants can now expect to have theirs checked as a proxy for responsibility and trustworthiness."²

However, contrary to the industry insinuation that everyone uses payday loans across all income levels, 68 percent of all payday loan borrowers have income below \$30,000.³ Only 16 percent of all payday borrowers have incomes over \$40,000.

The industry digs deeper into half-truths for its second myth. A national survey by the CFSA reports that customers understand payday loan products, feel in control, express satisfaction with their lender, and want to make their own decisions, i.e., do not want government regulation of payday loans.⁴

In fact, the CFSA survey was scientifically flawed. CFSA only surveyed people who made their final payments and excluded people who are still repaying loans.⁵ They surveyed less than 1 percent of CFSA customers, excluding more than 19 million payday loan borrowers nationwide.

A third myth the payday industry perpetuates is that Americans do not want government regulation of payday loans. In fact, according to a recent study by the AARP, the majority of Louisianians want state lawmakers to prohibit annual interest rates above 36 percent. Sixty percent of respondents to the AARP survey said lawmakers should prohibit APR (annual percentage rates) above 36 percent.

The AARP survey also found that 69 percent of Louisianians indicate APR of less than 30 percent should be the highest rate these lenders should be able to charge.⁶

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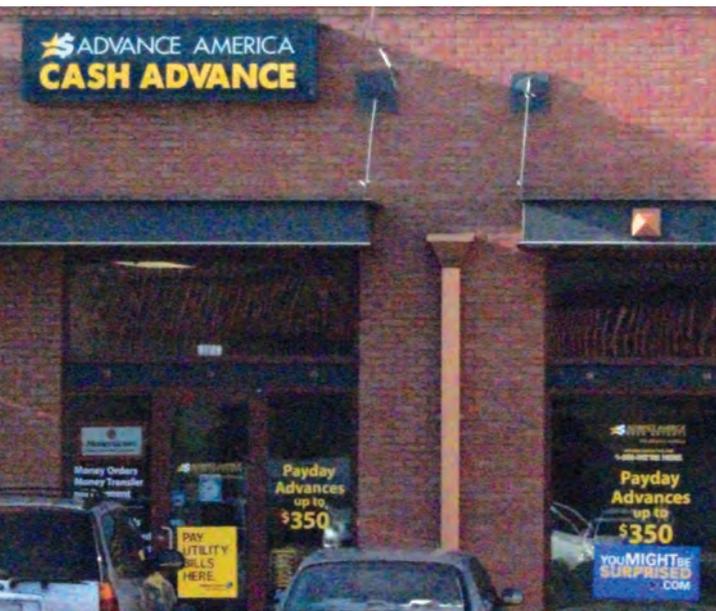
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Nearly six in 10 Louisianans over age 18 indicate they would be more likely to vote for a state candidate who supports capping loans at 36 percent APR.

If one has ever seen or heard payday loan advertisements, one might easily and mistakenly believe payday lenders are charitable institutions. Securing a loan is so effortless one might easily overlook the loan's costs and feel like the product must be good.



The promises of advertising are, indeed, too good to be true. This fourth myth promotes the lie that payday loans benefit borrowers. Indeed, as the Consumer Financial Protection Bureau and the Center for Responsible Lending (CRL) find, payday lenders enjoy lending to the same borrowers over and over again.

CRL reports that repetition, or “churning,” of loans costs cash-strapped families 2.4 billion per year. Loans to non-repeat borrowers account for only two percent of payday loan volume.⁷ The payday loan business model relies upon borrowers getting caught in a cycle of debt. That is predatory; that is usury.

A fifth myth is that payday loans are well-regulated in Louisiana. In fact, Louisiana law currently allows payday lenders to charge more than 400 percent for a two-week, \$350 loan. Payday lenders counter that they only charge 16.75 percent interest. However, if calculated by APR, the

standard measure of credit consumers use to compare different loans, payday lenders charge from 400 to 800 percent APR in Louisiana.

A sixth myth of payday loans is that borrowers do not have access to other forms of short-term credit. In fact, there are many alternatives to payday lending that are readily available to Louisiana residents. Many financial institutions, including banks and credit unions, offer responsible products to meet unexpected expenses.

Additionally, credit unions and other community service organizations offer credit counseling to establish a credit plan with creditors, request payment assistance from utility companies, or create a paycheck advance from their employer to help individuals make ends meet.

Catholic Charities and many other religious and social service agencies also provide multiple forms of assistance that help families address a full spectrum of needs in difficult times. Finally, if there really are no other options, it is far better

to ask for help from family and friends than to fall into the payday loan debt trap.

The fact is that Louisiana can do far better without predatory payday loans. Payday loans drained at least \$46 million from Louisiana in 2011 according to a rigorous study by the Insight Center for Community Economic Development.⁸ Moreover, in states that enact strong legal protection against payday loans, only 5 percent of would-be borrowers choose to borrow from payday lenders online, while 95 percent choose not to use payday loans at all.⁹

Pope Francis condemned all forms of usury in his January 29, 2014, General Audience. At the end of his prepared comments, Pope Francis urged concern for the plight of workers and their families. The Pope said: “When a family has nothing to eat because of loan sharks, that is not Christian! It is inhuman! It is a dramatic social evil that wounds the inviolable dignity of the human person.”¹⁰

The wisdom of Catholic social teaching and Shakespeare endures. We need to cap APR on payday loans at 36 percent. That would be true to ourselves and the common good of Louisiana.

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Catholic Social Thought and Conversion

The *Catechism of the Catholic Church* speaks of two conversions. The first responds to the proclamation of the Gospel of Christ and leads to Baptism.¹ The call to conversion, however, “continues to resound in the heart of Christians” and is “an uninterrupted task for the whole Church.”²

This second conversion is critical to Catholic social teaching. Pope John Paul II described conversion as a call to revise all the different areas of life, “especially those related to the social order and the pursuit of the common good.”³ Pope Francis teaches that an authentic faith “always involves a deep desire to change the world, to transmit values, to

A lifelong process, conversion takes personal struggle and occurs best in the context of a larger faith community.⁷

leave this earth somehow better than we found it.”⁴

Conversion is about *metanoia*, Greek for “a change of mentality.”⁵ Even more, conversion involves a Gospel vision of the world, which requires “leaving behind our worldly way of thinking and acting, which so often heavily conditions our behavior.”⁶

A lifelong process, conversion takes personal struggle and occurs best in the context of a larger faith community.⁷ It is a share in Christ’s cross that calls us to “continually go beyond where we now are”; it “means separating ourselves from all attachments and affiliations that could prevent us from hearing and following our authentic vocation.”⁸

The difficulty of conversion to full Gospel is precisely because it means rejecting deeply seated human attitudes and assumptions and their embodiment in the life and structures of society:

To embrace peace: We choose “the disarmament of the human heart and the conversion of the human spirit to God who alone can give authentic peace.”⁹

To pursue economic justice: We place people before “the worship of the ancient golden calf [that] has returned in a new and ruthless guise in the idolatry of money and the dictatorship of an impersonal economy...”¹⁰

To preserve the earth: We choose a simple lifestyle to “break with the logic of mere consumption” and promote agricultural and industrial production that will “respect the order of creation and satisfy the basic needs of all.”¹¹

To end personal and institutional racism: We end “not only individual prejudice but also the use of religious, social, political, economic, or historical power to keep one race privileged.”¹²

To promote solidarity: We “recognize that the social function of property and the universal destination of goods are realities which come before private property.”¹³

To care for the needy: “We can no longer trust in the unseen forces and the invisible hand of the market” and embrace “decisions, programs, mechanisms, and processes specifically geared to a better distribution of income, the creation of sources of employment, and an integral promotion of the poor which goes beyond a simple welfare mentality.”¹⁴

Ultimately, true conversions embrace the countercultural Gospel priorities of Pope John Paul II:

*The needs of the poor take priority over the desires of the rich; the rights of workers over the maximization of profits; the preservation of the environment over uncontrolled industrial expansion; production to meet social needs over production for military purposes.*¹⁵

Such a difficult conversion to stand against “a world that is increasingly estranged from Christian values”¹⁶ must be inspired by prayer and Scripture reading, supported by a vibrant faith community, and nurtured by daily practice.

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OF TEARS AND TERROR: Families Torn Apart By Community Raids in th



Erlin San Martin Gomez speaks about his experience as a victim of a CARI raid at the Nuns Rally for Immigration Reform, the front lawn of Loyola University, November 23, 2013. To his right is Fernando Lopez Sanchez, an organizer with the Congress of Day Laborers, who translated for San Martin.

Photo by Andrea Malby, courtesy of *The New Orleans Advocate*.

The family holds a central place in Catholic Social Teaching. Key Church teachings describe the family as “the sanctuary of life,”¹ the “essential cell of human society,”² and the “domestic Church.”³ Given the primacy of the family in the spiritual, ethical, social, and emotional formation of children, the unprecedented increase in deportations since President Obama took office is deeply disturbing. An Urban Institute study found that one child was left behind for every two immigrants apprehended by immigration authorities in worksite raids.⁴ Approximately 1,100 immigrants are being deported a day—causing profound grief, anguish, and hardship for tens of thousands of children a year. If the current pace of deportations continues, the Obama administration will have deported more than 2 million immigrants by the end of 2014, a deplorable record for an American president.⁵

President Obama’s “get tough” attitude on immigration enforcement apparently was intended to

create the political space for compromise with Republicans in reforming our nation’s badly broken immigration system, but clearly that strategy has failed as Republicans continue to insist they cannot “trust” the president on immigration reform.⁶ In the meantime families continue to suffer the tragic loss of their fathers and mothers.

A recent report by the New Orleans Workers’ Center for Racial Justice (NOWCRJ) casts light on the cruelties local immigrant families have had to endure during the recent escalation in immigration enforcement actions in the New Orleans area.⁷

According to the NOWCRJ report, on August 16, 2013, immigrant Jimmy Barraza and his wife were unloading groceries in front of their apartment in Metairie when five to seven Immigration and Customs

Enforcement (ICE) agents approached the couple with guns drawn. When Barraza’s U.S. citizen stepson came out of the apartment to attempt to translate for his parents, an ICE agent shoved him against the wall, pinned his hand back, and handcuffed him. His mother called out, “For God’s sake, let him go.” An ICE agent responded: “There’s no God here. I’m the only one in charge here.” Barraza was fingerprinted with a mobile fingerprint device developed by the U.S. military in Iraq and Afghanistan in the back of an ICE van. When his fingerprint check showed a previous deportation order, he was handcuffed and then driven around in the back of the van for hours while ICE agents searched for other immigrants in the area.⁸

On June 26, 2013, Omar Victoriano German was participating in a weekly Bible study group in Chalmette with about 12 other people, including women and children, when ICE agents wearing bulletproof vests began pounding on the door searching for the driver of a van parked nearby.

e New Orleans Area

BY SUE WEISHAR, PH.D.

When one member of the group opened the door, ICE agents rushed in and ordered everyone, including women and children, outside. As the group stood about with their Bibles still in their hands, the men were separated from the women and fingerprinted by a mobile fingerprinting device in an ICE SUV. German was handcuffed when his record came up showing he had been detained by immigration authorities in 2005. As German was placed in an ICE van, his 4-year-old daughter, crying uncontrollably, tried to get in the van with her father.⁹

Irma Esperanza Lemus and her husband were packing up the car to leave for a fishing trip with their three children on September 25, 2013, when ICE agents, wearing bulletproof vests and holstered guns, came to their apartment door and began asking them about their immigration status. Both she and her husband, Wilmer, were fingerprinted in an ICE van in front of their house. Irma was found to have a previous deportation order and was handcuffed and led away in front of her husband and three children. The baby began to cry, as did Irma. An ICE agent asked her, "What are you crying about?" Irma responded: "You're really asking me that? My children are very young. You're separating me from them, and they're watching while you do it." The agent responded: "But you aren't from here. This isn't your country."¹⁰

One of the hallmarks of Ignatian spirituality is using one's imagination in prayer and reading Scripture. I ask the reader to use Ignatius's method of imagining and place oneself fully within the stories above as a way of seeking the "truth of the heart" rather than just the "truth of the facts." Imagine you are the little girl at the Bible study and suddenly you see your father handcuffed and taken away by strangers in uniforms. Or imagine you are the mother who only moments

before was savoring the thought of a peaceful day fishing with your family but now are terrified you may never see your children again. What does it feel like when you see five men approach you with guns drawn, your son shoved and handcuffed by federal agents, and your prayer for mercy mocked? Then imagine scenes like these occurring hundreds of times a day across the United States.

While advocating for the release of Erlin San Martin Gomez, who was caught up in recent raids in the New Orleans area, the NOWCRJ learned what was behind the escalation in ICE enforcement in New Orleans. A document in Gomez's ICE file revealed that his arrest had taken place as part of a hitherto unknown initiative between ICE and local law enforcement agencies, referred to in an ICE memo as the Criminal Alien Removal Initiative (CARI). That memo in Gomez's file was the first public evidence of the program.¹¹

Although ICE officials have since maintained that CARI raids go after specific "criminal" suspects, it is important to note that ICE includes within its definition of "criminal aliens" those whose sole legal transgressions are prior deportation orders. An ICE official admitted to an *AlJazeera* reporter that immigration agents will also handcuff and fingerprint people in "the area around criminal suspects."¹² This fact turns supposedly "targeted" enforcement action into the kind of race-based "stop and frisk" community raids that have been terrorizing New Orleans area immigrants since June 2013. Sadly, local law enforcement officials have been willing participants in the CARI raids.

The harm immigrant enforcement actions like CARI raids have inflicted upon immigrant families is incalculable. How much longer must families and communities suffer the tragic consequences of a broken political process?

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Delegates to the 35th Jesuit General Congregation, 2008



Photo by Don Doll, S.J.

Inside Jesuit Justice: A Forty-Year Journey into the Public Square

BY FRED KAMMER, S.J.

Jesuits articulated the *mission of faith and justice* most dramatically in the 1970s, following two major Catholic events. First was the Second Vatican Council and its 1965 declaration that:

The joys and the hopes, the griefs and the anxieties of the people of this age, especially those who are poor or in any way afflicted, these too are the joys and hopes, the griefs and the anxieties of the followers of Christ.¹

The second was the Synod of Bishops in 1971, which taught that “action for justice [is] a constitutive element of the preaching of the gospel...”²

The Church arrived at these refinements of its mission in two ways. It discerned that the reality of worldwide injustice was a denial not just of human dignity, but of the very existence of the God who created and loves all people.

The church also recognized that the practical atheism of injustice was not only person-to-person but structured into the social, economic, and political systems of societies: schools that do not teach; prisons that do not rehabilitate; a food and agriculture system in a hungry world that pays farmers not to grow; a health care system that leaves



millions of people out; and an economic system that makes some people very, very rich while leaving billions of others poor.

The gospel then must have, as constitutive parts, *denouncing unjust structures* as did the prophets, including Jesus, and *announcing more just and life-giving ways of living together* as children of one loving God, including societal structures. In *Economic Justice for All*, the U.S. bishops explain:

*Whether the problem is preventing war and building peace or addressing the needs of the poor, Catholic teaching emphasizes not only the individual conscience, but also the political, legal, and economic structures through which policy is determined and issues are adjudicated.*³

Connecting faith and justice then commits the church, Jesuits, and our colleagues to work to eliminate individual injustices and unjust social structures.

General Congregation 32 [1974-75]

Drawing on wider church teaching, the mandate from the 32nd General Congregation (GC32) pivots around three poles:

1. *The mission of faith and justice*: “What is it to be a companion of Jesus today? It is to engage, under the standard of the Cross, in the crucial struggle of our time: the struggle for faith and that struggle for justice which it includes.”⁴
2. *The reality of social structures*: “There is a new challenge to our apostolic mission in a world increasingly interdependent but, for all that, divided by injustice: injustice not only personal but institutionalized: built into economic, social, and political structures that dominate the life of nations and the international community.”⁵
3. *The call to solidarity*: “Similarly, solidarity with men and women who live a life of hardship and who are victims of oppression cannot be the choice of a few Jesuits only. It should be a characteristic of the life of all of us as

individuals and a characteristic of our communities and institutions as well.”⁶

GC32 launched the Society of Jesus and our colleagues into what the 33rd General Congregation (GC33) (1983) later called “an experience of grace and conversion,” persecution for the sake of Christ’s Kingdom, difficulty in understanding “the Church’s recent emphasis on changing the structures of society,” and “tensions both in the Society and outside it.”⁷ GC33 confirmed the mission of faith and justice and emphasized key directions for the future.

General Congregation 34 [1995]

From the 34th General Congregation (GC34), we Jesuits learned that the mission of faith and justice must be fleshed out in two complementary dimensions: culture and interreligious dialogue.

Faith and culture. In the 20 years between the GC32 and GC34, Jesuits and others became more convinced that social and economic injustices are woven deeply within the fabric of cultures. U.S. cultural myths, for example, of rugged individualism, manifest destiny, pragmatism, private property, white racial superiority, and economic self-sufficiency are so deep-seated that they make it difficult, if not impossible, for many Americans to hear the Gospel’s call to community, stewardship, solidarity, and a special care for the *anawim*, the poor of God. To hear Pope John Paul’s emphasis on the diabolical role of the “desire for profit” and “thirst for power”⁸ in our economy and culture requires a complete “conversion.” [See “CST and Conversion” in this *Quarterly*.]

Not to understand how culture promotes injustice or justice is to miss its subtle but profound force and, for us, culture’s role in preaching the gospel and building the reign of God ... or opposing those efforts. As GC34 put it, “Justice can truly flourish only when it involves the transformation of culture, since the roots of injustice are embedded in cultural attitudes as well as in economic structures.”⁹

Second, *faith and religious dialogue*. GC34 taught that the faith and justice mission also required a commitment to interreligious dialogue. Central to most cultures is the role of the transcendent, so transforming culture to pursue justice requires attention to the role of religion. And, aware that Christians are fewer than 20 percent of the population, “any commitment to justice and peace, human rights, and the protection of the environment has to be made in collaboration with believers of other religions.”¹⁰ This consciousness was enhanced by many experiences of working hand-in-hand with other faith communities in advocating for justice and peace.

The Ignatian vision that commits us to the faith that does justice then presupposes a commitment to the transformation of culture and to dialogue with religions that inspire, shape, and sanction cultures. As GC34 put it,

*...this justice cannot be achieved without, at the same time, attending to the cultural dimensions of social life and the way in which a particular culture defines itself with regard to religious transcendence.*¹¹

General Congregation 35 [2008]

In 2008, the 35th General Congregation (GC35) expressed this commitment to faith and justice in terms of a triple reconciliation—going back to the image of Jesus as the bringer of Jubilee, the biblical call to unity with one another, with God, and with the earth. GC35 called Jesuits and their colleagues to promote reconciliation with God, reconciliation with one another in the whole human community, and reconciliation with the earth. In a global world, this implies building bridges between rich and poor, establishing advocacy links between the powerful and powerless, care for creation, using new communications technologies more effectively, and networking internationally.¹²

—Continued on back cover

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Inside Jesuit Justice: A 40-Year Journey into the Public Square Continued from page 7

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