

Tracing the Roots of the Criminalization of Poverty

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Elizabeth Hinton, [From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America](#) (2016).

That Elizabeth Hinton's *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* is a must-read for those interested in the origins of the U.S. carceral state has been made clear in a stream of well-deserved and laudatory reviews.¹ Echoing and reinforcing Naomi Murakawa's *The First Civil Right: How Liberals Build Prison America*, Hinton persuasively demonstrates that today's racially-targeted carceral state did not originate in Ronald Reagan's 1980s. Instead its roots are both older and disturbingly bipartisan.

The architectural foundations of today's carceral policies were laid during the administrations of Kennedy and Johnson, in the moments when the federal dedication to Community Action, maximum feasible participation and the War on Poverty gave way to the pathologization of black youth. Hinton moves steadily forward from that moment, persuasively indicting along the way not only Kennedy and Johnson but Carter as well. As she reveals, "in full historical context, the policies of the Regan administration marked merely the fulfillment of federal crime control priorities that stemmed initially from one of the most idealistic enterprises in American history ." (P. 4.) But the book is not only relevant for those interested in carceral policies. For scholars of poverty law and social welfare history, and in particular for those who seek to understand the historical origins of what Kaaryn Gustafson termed the criminalization of poverty, Hinton's book is equally important.²

When one wonders at the punitive and criminalizing nature of current U.S. social welfare policy, from federal housing policies that devastate families, to the over-policing of schools and the resulting school to prison pipeline, to the desperate turn to problem-solving courts to solve seemingly every social ill, Hinton's book sheds disturbing light. Beginning in the late 1960s, federal policy-makers began not only radically disinvesting in community-based support, but they began integrating policing and surveillance of urban, African American youth into the very fabric of what remained of U.S. urban social welfare programs. Ever-focused on "potentially delinquent" black youth, 1960s Youth Bureaus integrated law enforcement into recreational, education and employment programs. "By the mid-1970s federal disinvestment from the public sector and the remnants of the War on Poverty programs meant that social welfare agencies in urban centers had little choice but to incorporate crime control measures in their basic programming in order to receive funding." (P. 236.)

Over time, basic and vital social supports, like public housing, became the site for surveillance, policing and criminalization. Take for example the Carter-era Urban Initiatives Anti-Crime program, which "[established] stronger partnerships between social and law enforcement institutions and [devoted] the majority of funds to surveillance and security needs." (P. 288.) In so doing it "vastly enhanced the scope and power of punitive authorities in the most deteriorated and segregated public housing sites in the country." By that time, ". . . law enforcement and criminal justice institutions could involve themselves in virtually any community-based effort." (P. 293.)

By the end of the Reagan era, the story was complete. As Hinton explains, "[w]hen Reagan took office, the rhetoric of community involvement vanished from the domestic policy arenas, never to return. Stemming from the punitive shift in urban social programs during the previous decade, over the course of the 1980s, law enforcement officers came to provide the primary (and in some areas the *only*) public social services to residents." (P. 337-38.) No wonder then that today police fill our schools and policing dominates our welfare offices. No wonder that we criminalize addiction and

poverty. No wonder too that problem-solving courts have emerged as a desperate attempt to address the deep social welfare needs of whole communities led inexorably into criminal systems. History, it seems, has led us to precisely this moment.

But Hinton's book offers not only an origin story but also a way forward. For her, solutions lie in returning to ideas deeply embedded in the early War on Poverty. As she states, "[w]e must revisit the principles of community representation and grassroots empowerment that guided the early development of the Great Society in order to begin moving toward a more equitable and just nation." (P. 336.) We would be wise both to learn the history she teaches and to heed her advice.

1. See e.g. James Forman, Jr., *Fortress America*, *The Nation*, Oct 17, 2016 at 35–37; Imani Perry, *Book Review: 'From the War on Poverty to the War on Crime', by Elizabeth Hinton*, *N.Y. Times*, May 29, 2016, at 15; Adam Hochschild, *Our Awful Prisons: How They Can be Changed*, 63 *N.Y. Rev. Books* 9, 30–32 (2016); Christine Canfield, [Book Review: From the War on Poverty to the War on Crime: the Making of Mass Incarceration in America](#), *ForeWord* (Jan 23, 2017). [?]
2. Kaaryn Gustafson, **Cheating Welfare: Public Assistance and The Criminalization of Poverty** (2011). [?]

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