

Manufacturing Identities, Producing Poverty:
Criminalizing Poor Women Through Welfare Fraud

Rebecca Castner

A dissertation
submitted in partial fulfillment of the
requirements for the degree of

Doctor of Philosophy

University of Washington
2012

Reading Committee:
Angela Ginorio, Co-Chair
Gail Stygall, Co-Chair
Shirley Yee

Program Authorized to Offer Degree:
Gender, Women, and Sexuality Studies

University of Washington

Abstract

Manufacturing Identities, Producing Poverty:
Criminalizing Poor Women Through Welfare Fraud

Rebecca Castner

Co-Chairs of the Supervisory Committee:
Associate Professor Angela Ginorio
Gender, Women, and Sexuality Studies
Professor Gail Stygall
English

This dissertation makes crucial connections between poverty, welfare, race, and the penal system. There are several aspects to consider. The first is that women are made poor by inequitable governmental policies, practices, and relations. The second element is when they need help and seek assistance from the government, welfare does not pay enough to live on. Consequently, they are forced to break a welfare rule, in order to survive and keep their children alive. However, breaking a welfare rule can result in one or more felony counts, including perjury and welfare fraud. The third factor is that poor women and welfare moms are manufactured as criminal subjects through the media, welfare policies, and the public court documents amassed against women convicted of welfare fraud.

After examining thirteen court case files of women convicted for welfare fraud in King County, Washington through a discourse analysis perspective, it was apparent that the welfare subject and the criminal subject were one and the same.

TABLE OF CONTENTS

	Page
Chapter One: Introduction.....	1
Data Collection.....	15
Reading the Documents Through a Discourse Analysis Perspective.....	17
Theoretical Framework of Governmentality, Discipline, and Punishment.....	40
Women, Poverty, and Race.....	52
The War Against the Poor, Welfare, and Welfare Reform.....	59
Chapter Two: Eleven Court Cases.....	67
Lucy Allan.....	70
Frances Page.....	81
Gwen Hudson.....	86
Mary Rice.....	89
Cory Gray.....	93
Kathy Brook.....	97
Vera Yada.....	101
Tanya Engel.....	106
Michelle Emory.....	109
Pam Dow.....	112
Susan Davis.....	115
Chapter Three: The Case Against Lisa Bandy.....	122
Chapter Four: The Case Against Loren Hall.....	146
Chapter Five: Conclusion.....	163
Appendix A.....	175
Appendix B.....	187
Appendix C.....	192
Bibliography.....	199

ACKNOWLEDGEMENTS

I am deeply grateful to Angela Ginorio for her unwavering support and encouragement. She weathered the long journey of this study from beginning to end and despite many tangents and countless hurdles, she never lost faith in me or this project. I'm also indebted and thankful to Gail Stygall for her scholarly guidance and insight that have directed this project. I'm also beholden to my co-chairs, Angela Ginorio, Gail Stygall and committee members, Anis Bawarshi, Shirley Yee, and Michelle Storms for their remarkable patience.

There are many people that have made this project possible. Diana Pearce provided the necessary foundational support for this work. Luana Ross helped early on in formulating this study. The longtime support and assistance of Eileen Robison and more recently, James Flowers provided me the financial assistance to see this project through.

Finally, the love and support of my family and friends, Madison, Teresa, Lois, Elizabeth, Bill, Chad, Lynda, Jack, Young Sook, Mae, and Caroline gave me the hope and inspiration to complete this dissertation.

Dedication

This dissertation is dedicated to the thirteen women this research is about.

Chapter One

“One Nation, under Lock and Key” Rosette Royal, 2011¹

Introduction

“Like slavery and apartheid, poverty is not natural. It is man-made, and can be overcome by the actions of human beings” Nelson Mandela, 2005

This dissertation emerged after many years of studying poverty and inequality issues plaguing women in the United States. It is an inquiry into the criminalization of impoverished women. It is a feminist project in that it seeks liberatory space for women, otherwise socially and economically alienated and excluded. This project is an advocacy for women mired in poverty, motherhood, and criminality; where bottomless pits are inescapable and whose glass ceilings are also obstructed by iron bars.²

Most women do not want to be poor; rather they are made poor by inequitable laws, policies, and practices. This project examines the complex political, social, economical, and governmental systems, forces, and relations that situate women poor, raced, and criminalized. There are compounding, multiple and/or overlapping oppressions that can account for the disparities in the lives of women ensnared in poverty that directly and indirectly attribute to and/or result in their criminalization and conviction for welfare fraud. Additionally, due to discriminatory and biased culture, structures, and systems impeding women’s social and economic access, opportunity, and inclusion, particularly for women of color, it was difficult to capture the complexity of these issues. Consequently, this was an arduous and daunting task.

There are three important factors to consider in this project. The first, is that women are made poor by inequitable governmental policies, practices, and relations. The Second element is that when women have children and need help and seek assistance from the government, welfare does not pay enough to live on. Consequently, they are forced to break a welfare rule, in order to survive and keep their children alive. However, breaking a welfare rule can result in one or more

¹ Rosette Royale was interviewing Michelle Alexander for the *Real Change*.

² The idea of bottomless pits and glass ceilings emanated from Randy Albelda and Chris Tilly work in *Glass Ceilings and Bottomless Pits*.

felony counts, including perjury and welfare fraud. The third factor is that poor women and welfare moms are manufactured as criminal subjects through the media, welfare policies, and the public court documents amassed against women convicted of welfare fraud.

One can say that the court documents are supposed to be criminalizing because they are criminal documents, after all. However, the documents have nothing to do with the real women, as the real women were severed from the discourse in the files and replaced with false identities--the criminal subject. There was an amputation of sorts, as the criminal subject replaced the human subject. Or for that matter, the documents never even revealed a human subject.

Additionally, there are three methodological approaches to this research project. The first aspect is the collection of data. I collected thirteen court case files out of a database of 103 cases of women convicted of welfare fraud in King County, WA, from 2000 to 2005.

The second aspect of my methodology is reading the legal documents in the court files through a discourse analysis perspective, with special attention to the legal aspects that contribute to making the women in these court cases criminal subjects. Examining the documents provided the means to evaluate how women are situated in legal discourse. Analyzing the discourse (or the absence of discourse) in the court documents also revealed tactics, techniques, and processes in the criminalization of women and, importantly, how women were (re)produced discursively and spatially through the court documents as criminal subjects and left them utterly devoid of any human subjectivity. Indeed, the criminal subject preempted the human subject completely.

For example, one tactic was the kinds of information that were or (weren't) in each of the files compiled against the women, which formulated a particular kind of mould for criminal subjectivity that the women were forged into. There was nothing in the files about the real women, other than the skeletal remains of their names and physical characteristics, as they were severed from the files and severed from existence. It was difficult, if not impossible to know anything from their perspective, as *not one word* emanated directly from any of the thirteen women in over 1400 pages of documents. As a result, the manufactured criminal identities vacated the real life identities and experiences of the unknown women of these cases.

Another tactic was the amount of documentation compiled in the files against the women that I refer to as the Foucauldian file or the amassing of documents that fixes the women to a particular kind (criminal) subjectivity. Michel Foucault in *Discipline and Punish: The Birth of the Prison* described the amassing of documents. He stated, “The examination that places the individuals in a field of surveillance also situates them in a network of writing; it engages them in a whole mass of documents that capture and fix them...[and] a system of intense registration and documentary accumulation” (189). In the thirteen files I analyzed, the number of documents in each of the files ranged from 54 to 431 pages or an average of 108 pages, which is tantamount to a small book. This book of documents was created specifically to solidify the criminalization process and hardcopy and cyberspace it for permanent records and public display. These women were booked into jail, but they were also branded and booked for life.

In addition, the text in the documents was most often in legalese, formal, scripted, and always narrowly limiting to the specifics of the crime, as defined by the law. The text and scant narrative, when a narrative appeared in the files, also tightly bound and constrained the women within a framework of criminality. There was also a plethora of criminally colonizing language deeply embedded in the text and discourse, such as *she was* evasive, elusive, suspect, not truthful, deliberately, concealed, fraudulently, false, perjury, and unlawfully. These words are tactical and act as epoxy in the construction of the criminal identity. In addition, the strategically positioning of the words, such as placing the State above the defendant, as well as the use of capitalization, and lower casing of the letters also worked to subjugate the accused. Although seemingly insignificant, it bespeaks of the power that government wields over the defendant. The state is all-powerful and reigns over the defendant. It is an act to colonize and occupy—to rule over its’ subject, the defendant. This also fosters the construction of the criminal subject.

There were also approximately 135 documents throughout the files that had varying techniques to criminalize the women. One document was the “Superform,”³ the form that was used to gather information about the women as they were booked into jail. It appeared in all the files, except one and multiple copies were in each of the files. The condensed and truncated information in this form spatially barred the real person or anything about her, other than

³ Please refer to “Appendix A” for a complete description for this document and other documents.

identifying characteristics, such as name, address, race, hair color, weight, and height. This one-page form was a super-grid of boxes, with 106 different boxes or lines and 53 of these required specific numbers, such as “B/A,” “PCN,” “CCN,” “WAC,” “NIC,” “DOE,” “TOE,” “OP,” “DOC,” “TOC,” as well as, for warrant, court cause, file, and case numbers. Most of these numbers originate from state and federal agencies and are available through various governmental sources. Through a sort of metamorphosis, the women were reduced to sets of numbers. These numbers are codes and links to a vast array of governmental criminal archival networks and databases. These codes also permanently fixed the individual women into these centers of record keeping. Consequently, their real identities were discarded and replaced with false identities, which are then reduced to sets of identifying numbers that are permanently archived in national and local databases and networks, all in this one-page document. To be sure, it was the most criminally transformative document in the case files. There was no other document in the files that did this so utterly completely and definitively.

Another document was the “Certification for the Determination of Probable Cause” (CDPC). It was the criminal investigator’s report about the specifics of the crime that was allegedly committed. Even though, this was a brief summation of the State’s case against the individual women, it provided the most information, specifics, and explanation about the case, than all the other documents (except for the two cases that had appeals). In addition, this was one of two documents that appeared in all of the files and one of the only documents that allowed for a narrative format. In twelve of the cases, these reports were by submitted by the Department of Social and Health Services (DSHS) Department of Fraud Investigations (DFI)⁴ criminal investigators and in one case, the report was compiled by a Washington State Patrol Detective. The length of the document varied from less the one-half of a page to eight pages.

The stark rigidity and sterility in formatting most often found in the other documents, gave way to an appearance of benignity in the CDPC. Despite the masking of the underlying authoritativeness of the document, it carried significant power. In fact, this document was the most influential and compelling of all the documents, in terms of making the case against the women accused of welfare fraud. Unfortunately, there was not a space in this document or any

⁴ DFI recently changed it’s name to the Office of Fraud and Accountability (OFA)

of the documents for the women to have an opportunity to give their version leading up to the charges filed against them. It is not just that this created lopsidedness or was one-sided, but it also had the effect to void out the individual, whereby, she became not much more than a blank. Through this blankness and void, made it remarkably easy and convenient for the government to create and invent the individual in their terms.

Another form, was the “Statement of Defendant on Plea of Guilty (Felony).” It was revealing in that it actively engaged the individual women in a participatory process in their own demise. They were forced to surrender, in a sense, the subject-ness of who they really are to a state imposed identity of the criminal subject. In other words, this document reflected the acquiescing and take-over of the self, which is negated and voided, in order for the state to make and re-articulate the subject, as the criminal subject. She is rendered powerless underneath the unleashed power of the government. In this scenario, the making of the criminal subject is tactical to ensure direct governance and intense scrutiny as a means to maintain civil order and rein in civil dis-order.

Besides the extensive criminalizing aspects of the documentations compiled against the women convicted for welfare fraud that manufactured the criminal subjectivity, there was a high level of scrutiny, documentation, and surveillance lodged against the women when they were welfare recipients. For instance, in order to collect DSHS benefits in the state of Washington, at the time the women were convicted, there was a grueling application process. Women applying for welfare were required to fill-out over twenty pages of forms, provide significant documentations, such as car registration and title, bank statements, utility bills, lease agreements, wage statements, and immunization records for their children, and submit letters from landlords and numerous other verifications. Once the documentation is completed, this process is somewhat repeated by a caseworker who asks a similar barrage of questions. All this documentation constructs the beginning of the welfare *file* and a part of the Foucauldian disciplinary process. Foucault asserted, “The ideal point of penalty today would be an indefinite discipline; an interrogation without end; an investigation that would be extended without limit to a meticulous and ever more analytical observation, a judgement that would at the same time be the constitution of a file that was never closed...” (227). Although, Foucault was referring to the

penal justice, this is also true for welfare recipient, as they are under constant surveillance and monitoring through the mandated interviews and documentations. This was also a criminalizing process, as the welfare file was also a criminal file.

Both the welfare documents and court documents constructed the women as criminal subjects, as they were similarly posited as suspicious, deviant, and need constant surveillance. Loic Wacquant, in his book *Punishing the Poor: The Neoliberal Government of Social Insecurity*, made astounding connections to welfare recipients and prisoners from the way they are typecast (as deviant, suspect, and lazy) to their replicated profiles. He pointed out that in 2001, the number of household receiving welfare assistance or TANF was over 2.1 million and 6 million beneficiaries. At the same time, there were 2.1 million people incarcerated and another 6.5 million people under the control of the Department of Corrections (16). In addition, he claimed that both 44 percent of welfare recipients and 37 percent of prisoner have significant physical and mental disabilities that restrict their ability to work (99). Wacquant refers to this as “two gendered sides of the same coin” (98-9).

The third aspect of my methodology is reading the documents in the court files through a theoretical framework of Foucauldian governmentality, discipline, and punishment. By governmentality, I mean the rationalities or mentalities that are used in thinking about governing people that is similar to Mitchell Dean’s use of governmentality in his book, *Governmentality: Power and Rule in Modern Society*. In addition, although government can work like a well-oiled machine, it is operated by people. And, governmentality shifts, just as the dominant modes of political regimes change.

For example, the US class warfare and the mass-incarceration of well over two million people, in late-capitalism were rapidly expanded by both neoconservative and neoliberal factions and policies. In the late 1970s, Ronald Reagan used his infamous fabrication of the welfare queen to spew hatred and contempt at her, in order to build his popularity and propel himself to the US presidency. Although, the hate, lies, and hostility that he generated were squarely aimed at Black women, all poor women were targeted. This continued throughout his tenure as president in the 80s. At the time, there was strong public sentiment simmering from a deep chasm in cultures, left over from the Civil Rights movement, the women’s movement, the Viet

Nam war, and the proliferation of drugs during and following the peace movement. The bombardment of negative rants and super-hype thrust again, and again against not just the poor, but also drugs and crime by Reagan, his regime, and the media sent shock waves throughout the social body, striking a raw nerve in the vexed American psyche. While aggravating and riling the residual sentiment and stimulating new fears and insecurities, old sentiment was (re)energized and redirected toward vulnerable and marginalized populations.

In essence, the poor, drug users, and crime emerged as the new public enemy and the number one threat to national health and security. Channeling the public focus toward this perceived menacing populations, diverted attention away from Reagan's deregulation and economic policies. The overarching effect of these policies and shift in government paved the way for welfare devolution, the decaying of workers rights and reduction of wages for the working and middle classes, and the recent economic crises.

In addition, Bill Clinton, during his presidency, enacted neoliberal legislation that worked as a continuum to Reagan's policies, including banking deregulations, governmental privatization, major crime legislation, and Welfare Reform. Clinton's welfare reform as predicted by welfare recipients, activists, and advocates for the poor, and poverty scholars has had devastating consequences for poor women and children. While drastically shrinking social services, such as welfare, Clinton's policies have also resulted in the massive expansion in the US penal system, and has furthered the interests and reach of large corporations. Then again, Bush continued to enact policies of deregulation and tax cuts during his tenure as president. Bush's policies led directly to the profound financial crises in the first decade of 2000, the wars in Iraq and Afghanistan, the enormous retraction of civil rights, increased governmental privatization, including prisons and the military, and the enormous widening of US wealth distribution.

For over thirty years, the war against the poor has raged and has spread to encompass not just poor women, but also large segments of the population, as millions of people have lost their jobs, homes, pensions, and healthcare coverage. At first this tidily and effectively masked, arguably the corporate coup d'etat of the US government, the decline of democracy, and the dramatic shift of US wealth to an elite few. Not only has the impact of neoconservative and

neoliberalism regimes and the governmental response, legally and otherwise, led to advanced marginalization and increased the divide of the social body, but it has also resurrected and (re)vitalized a caste system that is not unlike Jim Crow and its predecessor, slavery. Michele Alexander refers to this as the “New Jim Crow” in her book, “The New Jim Crow: Mass Incarceration in the Age of Colorblindness.” New or not, as she claimed, it has become the twenty-first century caste system.

Consequently, there has been dramatic shifts in governmentality shaping wealth, poverty, freedom, and servitude. For example, governmental policies have created inequitable income and wealth distributions. Overtime, these policies have made the rich, grossly rich and the poor, devastatingly poorer--perilously widening the divide between the rich and poor. As a result, the middle class has declined and many of them have been thrust into poverty, thus poverty has deepened and is significantly more wide-spread.

Subsequently, those at the bottom of the wealth distribution, with no wealth are competing for the little shredded remains of assistance programs, including welfare, as many of these programs have been slashed, reduced, or eliminated. Some of these programs are critical measures to prevent horrible conditions, such as homelessness and hunger. Moreover, these assistantship programs, including welfare were established to provide protection and safety nets to vulnerable populations and were counter measures against bad policies that created the disparity and devastation in the first place.

In addition, the rationalities of governmentality has shifted from entitlement to competition and welfare has transformed, accordingly. Since the advent of welfare reform, millions of women and children have been thrown off TANF, as time limits, family caps, and sanctions are implemented. Not only are women being forced off of welfare, but many women don't even apply, as they are being discouraged from applying, and/or denied eligibility. WorkFirst⁵ requirements have also had detrimental effects that work to expel women from TANF. Moreover, rather than federal and state agencies focusing on what is happening to the women and children when assistance is withdrawn, they triumph in the success in the reduction of the welfare rolls or justify it as a budgetary necessity.

⁵ WorkFirst is the program in Washington state that implements the federal requirement that women must work. However, the name of the program varies from state to state.

Furthermore, government has intensified its efforts to get women off welfare and has expanded its authority to do so, from different mechanisms and procedures within the same agencies and in the programs they have privatized, such as WorkFirst, EBT (electronic benefit transfer) debit cards, fingerprinting, photographing, and drug testing.⁶ Many of these measures are considered invasive and criminalizing, to say the least. Subsequently, welfare is more a mode of punishment and criminality. This has been more widely recognized by the incursion of harsh *sanctions* levied against poor women and their families, that has often meant suspension and even permanent expulsion from TANF, even for the slightest infraction of a rule.

Moreover, DSHS, the state agency that is supposed to be helping women and their families is also the same state agency that conducts criminal investigations against them. Consequently, it is not much of a stretch to envision the pipeline between welfare and prison. Asking government for help, puts one at risk to be criminalized. In essence, enter one door (welfare) poor, exit another door (Department of Correction), poorer and criminal. Welfare reform policy is also just one of many neoliberal and neoconservative policies formulated to direct populations of people into prison. As a result of the penal expansion, accordingly to the Department of Justice (DOJ), in 2009, there were over 2.4 million people in US prisons and jails,⁷ which equates to four times the size of the population of Seattle, but there are also another seven million people under the Department of Correction (DOC) supervision, which is over 11.6 times Seattle's population. How can a nation proclaimed as the "leader of the free world" imprison far more people than all the other countries in the world. America has become the leader of a prison nation, the "leader of the unfree world," or as Rosette Royale disclosed "one nation under lock and key."

As political regimes and governmental forces work singularly, they also act rhizomatically, as well as collectively, amalgamating to form an overwhelming collusionary power that is concomitantly armed with vast social complicity and complacency. Michelle Alexander in her article, "In Prison Reform, Money Trumps Civil Rights" pointed out that Martin Luther King in his battle against racism and poverty, King was more concerned about the

⁶ Privatizing TANF was not cost effective and it produced troubling issues. Consequently, TANF is run by the states. However, as mentioned, portions of the services are sometimes privatized.

⁷ This number also includes the number of people in private prisons and military prisons.

indifference of people ignoring the suffering of people, rather than the people committing hateful and cruel acts of racism. Alexander quoted him: “We will have to repent in this generation not merely for the hateful words and actions of the bad people, but for the appalling silence of the good people” (9). Some of the silence besieging impoverishment and criminalization can be attributed to the high level of stigmatism. As a result, association with criminality (and concomitant poverty) increases the reluctance to speak against the inhumanity and injustice. In addition, criminalized people are often separated, disconnected, and even exiled from the rest of society, which makes them and the issues plaguing them invisible, which in turn, makes it difficult to understand.

The normalization of putting people in metal cages or sending mothers to prison is also pervasive and subsequently, not questioned or challenged, at least with sufficient rigor. Additionally, there is a prevalence in thinking that someone who commits a crime “deserves” to be punished, treated badly, and to suffer. This contributes to the disconnection and indifference and is fodder for *they don't matter*, as they are getting what they deserve. However, this just deepens and perpetuates the divide, while providing an easier means to justify the silence and leave the moral issues of inhumanity uncontested and unchallenged.

Moreover, a crime itself is constructed, as someone sets the perimeters of what constitutes a crime (or not). It should be a crime to make women and children extremely poor. It should be a crime to criminalize poor women for trying to care for their children or for forcing poor women to make decisions that would directly result in child neglect and abuse. Welfare fraud has been established as a crime and because 90% of people using welfare are mothers and children, the majority of people charged with welfare fraud are women. This is one way that the feminization of criminalization⁸ has increased. It is also a method to normalize criminalizing poor women. In addition, it is not what constitutes or defines a crime and the population it targets that is problematic, but also what does not get created and defined as a crime or what should be made a crime. For example, taking advantage of the vulnerability of poor people should be a crime. It is also the implementation and practices that are operationalized and enforced (or not) that have serious implications and consequences for who gets criminalized (and not criminalized). For instance, according to

⁸ The rate of incarceration for women is higher than men, although the majority of people in prison are men.

Alexander, Black people are far more likely to get arrested for drug crimes and the majority of people convicted on drug charges are Black people, even though white people use drugs at the same rate or higher (96-7). In this project, the majority of women convicted of welfare fraud are Black women, even though the majority of TANF clients and the majority of the population, at large, are white women.

The information in this dissertation was gathered over a ten year period. Consequently, it was necessary to update some of the information, periodically, in order to reflect various changes relevant to this project. For example, DSHS modified the application process for TANF and food stamps, reducing the number of pages from twenty pages to six pages. In addition, it is now possible to submit the application online. However, when discussing the issues related to the case studies, I used current information for that time, unless otherwise indicated.

Nevertheless, it was not always possible modify all the changes, as it was difficult to track rapidly changing information, such as the divisive political landscape and subsequently, the revamping of policies. For example, following the 1996 Welfare Reform, there have been numerous cuts and changes to DSHS programs. The most recent drastic changes in Washington occurred in February, 2011, when incorporating a strict 60-month time limit to receive TANF assistance. This resulted in approximately 5,500 adults and 13,000 children to lose their benefits when this slash was implemented.⁹ In addition, cash grants were reduced 15% and family cap were implemented. As hurtful and damaging these changes in policies are for poor single mothers and their families, even more brutal and savage is that some of the money that was helping them is now being diverted to criminalize the women. For example, the DSHS Office of Fraud and Accountability was recently expanded it's staff and funding. Consequently, welfare fraud investigations and hence, the efforts to criminalize welfare recipients is now more aggressively pursued. This information was included here in this study, in order to illustrate the war against poor women is fiercer than ever.

There are other disturbing concerns pertaining to the criminalization of welfare mothers gathered from this research project, including the racial disparities for women of color. For example, the majority of women convicted of welfare fraud were women of color. Women of

⁹ See <http://www.ofm.wa.gov>.

color also received a higher number of felony conviction, spent more time in jail compared to the white women, and the two women convicted of defrauding the least amount of money spent the most time in jail and they were Black.

Another troubling issue that stood out was the enormous amount of state ordered restitution or legal financial obligations (LFO) that all the women were ordered to pay. The LFO's ranged from \$969.33 to \$32,332.14 or averaged \$8,563.36, for each of the women. In addition to the LFO's, the majority of women were ordered community services and four of these women were given 240 hours. There is a high level of callousness and disconnect with humanity in meting out these penalties. How is it possible for an impoverished single mother raising children with limited resources and support, needing government assistance pay a debt, even if she didn't have a criminal conviction? If she does *not* pay the LFO, she is left with a constant threat of imprisonment. She is also permanently yoked to the state.

The most disconcerting issue in this research was the lack of humaneness, compassion, and respect for poor single mothers who are struggling to raise their children. But then again, to crush them with criminalization is beyond the fray of what constitutes human. One question left sorely lingering was, why aren't these families given adequate assistance, in the first place. From a human perspective, giving them the support they need is a far better, wiser, and kinder investment not just for mothers, their children and immediate communities, but also for the country. It certainly would be more cost effective to assist impoverished women with childcare, shelter, food, and other necessary essentials to raise children, then the high costs to criminalize them.

For example, there were 183 attorneys used in the conviction of the thirteen women in this study. There were also numerous other people used in the conviction of the women, including WSP detectives, DSHS criminal investigators, and staff from DSHS, King County Court house, King County jail, legal aid, prosecutors office, DOC, and the King County sheriff's office. There are also enormous other resources and energy expended. As a result, not only has this expanded the the penal system and production of poverty (and the women were made dependents of the state), but this has also bred ill-health, misery, and tragedy for all of society.

When this project first began, I used discipline as the modality of critiquing welfarism. However, welfare has become more of a punishing apparatus and criminalizing process, than disciplining, though there are moments of nuances between the two. More and more scholars are making the connections between welfare and criminality, as this project reveals. Welfare is not about disciplining women's behavior, rather it is more about "taking them out" however possible.

Foucault in his work in *The Foucault Effect: Studies in Governmentality*, stated that "...with government it is a question not of imposing law on men, but of disposing things: that is to say, of employing tactics rather than laws, and even of using the laws themselves as tactics-to arrange things in such a way that, through a certain number of means, such and such ins may be achieved" (95). From this perspective, welfare reform policy was deployed to get women off of government assistance (creating a large supply of cheap labor) and indirect techniques in the policy were used, such as time limits. One example of "taking them out" is the government dispensing of those most in need, by throwing millions of women and children off of welfare, whether they have a job or not. It is a disposal of sorts, as the government is no longer in the assistanceship business. While government has been slashing and burning social services, it has been massively expanding its penal apparatus. This has been another way to "take them out" and is akin to "neutralizing" them. Welfare reform has not been about "disciplining" women to work or to independence or about helping them find jobs that pay livable wages. It has been about forcing women to take horrible jobs that don't pay enough to survive on, let alone to raise children, or throwing them off welfare without jobs and no way to survive, or like many states have done, making them work like slaves for the state, or making them bondage of the state, as I have shown.

The corruption, moral decay, and deficiency of human decency that has seized the social body, politics, and government has resulted in a tidal wave of devastation for poor women and children. The heinousness of the injustice and atrocity that has prevailed against the poor, not just in this project, but everywhere has spilled over into my work. At times, this fury is embedded in my words and ideas.

This dissertation is divided into five chapters. Along with this Introduction in Chapter One, there are discussions of the methodological approaches to this research, including the data collection, demographics, and findings of the study; reading the legal documents in the court files through a discourse analysis perspective, which includes the *exemplar files of Pam Dow and Susan Davis*; and finally, governmentality, discipline, and punishment.

This is followed by the “Women, Poverty and Race” and “The War against the Poor, Welfare, and Welfare Reform” sections. This provides background and contextual information about women’s impoverishment and welfare, including an account of inequitable and discriminatory policies, laws, and practices that force women, moreover, women of color into poverty and an analysis of welfare and the criminalizing elements that pull poor women in a field of criminality.

Chapter Two describes the crimes, judgement, outcome, and specifics of the case for each of the eleven women in this chapter. Many issues and concerns about the cases were raised. With the exception of Allan’s case, the information about the women contained in these files was extremely sparse. The human subject was devoid in the documentation and instead a fabricated identity was constructed.

Chapter Three provide an in-depth analysis of the case against Lisa Bandy, by far the lengthiest file of all the cases. Her case went to a non-jury trial and the judge found her guilty of Theft in the First Degree, a felony. On appeal, the conviction was upheld. This case reflected egregious failings of the criminal justice system. From the twenty-seven pages of caseworkers notes in the file, it was possible to observe how the welfare subject and the criminal subject were one and the same.

Chapter Four examines the conviction and outcome of the case against Loren Hall. There was a plea by her attorney for the authorities to considerable the complexities and possible misunderstanding of a trust that she did not report to DSHS. Ultimately, her charges were reduced from a felony to a gross misdemeanor for Attempted Theft in the Second Degree and Attempted False Verification for Public Assistance. It was apparent she had quality representation throughout the criminalization process, at least from the onset charges were filed against her. In addition, an appeal was filed for the restitution determination and this was won,

reducing the amount of restitution owed from \$39,056.35 to \$32,332.14. Similar to Bandy's case file, it was clear that Hall suffered tremendous hardships and the criminalization made it far worse.

Chapter Five evaluates the overall project and the particularized concerns and issues that are raised and/or exposed. In addition, there is a reflection of how this project has advanced an understanding of how women are made poor and criminalized subjects, and the melding between being poor, the subjectification of the welfare subject, and the criminal subject. There is also a discussion of what questions remain unanswered and what future research could resolve.

Methodological Approaches To This Research

There are three methodological approaches to this dissertation. The first aspect is the collection of data. I collected thirteen court case files of women convicted of welfare fraud in King County, Washington. The second aspect of my methodology is reading the legal documents in the court files through a discourse analysis perspective, with special attention to the legal aspects that contribute to making the women in these court cases criminal subjects. The third aspect of my methodology is reading the documents in the court files through a theoretical frame of Foucauldian governmentality, discipline, and punishment.

Data Collection

My first methodological approach is the collection of data. I conducted a preliminary search to see if and how I could access court documents of women convicted of welfare fraud and this was not intended to be part of my dissertation research, per se, but rather to ascertain if the files were accessible, how to locate them, and if there was enough material in the files to conduct a coherent analysis. I contacted the Director of the Department of Social and Human Services, Division of Welfare Fraud Investigations for the state of Washington. He confirmed that his office refers fraud cases to 39 different prosecutors in the various counties throughout the state of Washington. For geographic convenience, I then, contacted the Deputy Chief of Staff for the King County Prosecuting Attorney's Office and through a computer search of her files, she

provided me with 103 Cause Numbers for cases of welfare fraud that her office prosecuted between 2000 and 2005.

On June 19, 2006, I went to King County Superior Court house to informally examine these specific welfare fraud cases. My intention was an exploratory investigation to see what the files contained and if there was enough documentation to conduct a study. At the courthouse, via computer, I viewed some of the documents in a number of files and selected and copied the documents within two of the files. Subsequently, I returned to the court house several times, until I had viewed all the cases and copied the complete files of thirteen cases. The only criteria used in the selection of cases was that the crime was welfare fraud and that it was a woman charged with the crime, otherwise the selection was completely random. In all but a few of the 103 cases, it was women that were charged, not men and the crime that they were charged and convicted was welfare fraud. However, there were a few cases that men were charged with welfare fraud. In these cases, both a woman and man were charged together in the case, but again, I did not select those cases.

In addition, I selected cases by the year, in order, to distribute the cases as evenly, as possible across the five year period of case files. Consequently, I selected two cases for 2000, three for 2001, two for 2002, three for 2003, two for 2004, and one for 2005. Only one case was copied for 2005, as there were not enough documents in the other files for that year to make a case study. One extra case was also added in 2001 and 2003, in order, to have at least thirteen cases. Even though, the real names of the women were revealed, as the court records are public documents for any one to view, I have changed the names of the women to afford them respect and privacy. The pseudonym and the year charges were filed against them are as follows:

- 2000 Lisa Bandy and Cory Gray
- 2001 Lucy Allan, Kathy Brook, and Vera Yada
- 2002 Gwen Hudson, Tanya Engel
- 2003 Loren Hall, Francis Page, and Mary Rice
- 2004 Susan Davis and Pam Dow
- 2005 Michelle Emory

Also, please refer to the Appendix B, “Definition and Specification of the Law” for a full list and description of the laws that the women were charged with.

Of the thirteen cases, only two cases, Bandy and Hall had any sort of appeal, but neither case went to jury trial. Instead, the cases went before a judge and then the judge rendered a decision. In Bandy's case, she claimed her right to a speedy trial was violated. However, the judge did not agree and convicted her with one felony count of Theft in the First Degree. Bandy filed an appeal, but the lower courts decision was upheld.

In Hall's case, the charges of Theft in the First Degree and False Verification were reduced to Attempted Theft in the Second Degree and Attempted False Verification for Public Assistance through plea bargaining, a gross misdemeanor. Also, an appeal was filed for an issue pertaining to restitution. Consequently, her restitution was partially reduced, as the Administrative Law Judge ruled that the state had failed to bring charges against Hall for food stamp overpayment within the 24-month mandatory time limit.

Reading the Documents Through a Discourse Analysis Perspective

The second aspect of my methodology is reading the legal documents in the court files through a discourse analysis perspective, with special attention to the legal aspects that contribute to making the women in these court cases criminal subjects. For example, when examining the court documents of mothers prosecuted for welfare fraud, this methodological approach helped me understand the court documents and the discourse roles assigned to the women being prosecuted. Discourse analysis provided a means of describing not just legal terrains, but ideological underpinnings. Barbara Johnstone in her book, *Discourse Analysis* noted that "...discourse is one of the principal activities through which ideology is circuited and reproduced...ideologies are sometimes seen as inherently misleading, as tools used by the dominant to make oppressive social systems seem natural and desirable and mask the causes of oppression" (45). Although, I did not interview individual women convicted of welfare fraud, examining the documents revealed that the discourse was a powerful instrument in the manufacturing of criminal identities and both the means to naturalize and normalize criminal subjectivity. The documents were also a testament to how the women were rendered utterly criminal, while masking the humanness and any authenticity of the real women.

The documentation is perhaps the single most defining and element, as well as the epoxy in the construction of criminality. It is assuredly the most permanent, as nothing can entirely erase away the text, once it enters the countless databases and archives. It also captures, advances, and cements the sentiment and rhetoric that was used against poor women in the time of welfare reform. Consequently, the text has subsumed the worldview of the status quo and that has defined the women in the documents. As Johnstone further claimed, “Texts and interpretations of texts are shaped by the world, and they shape the world” (10). In this research, the text was not discretely whole, but rather, often consisted of irreconcilable and contradictory meanings. It was also arbitrarily and fragmentarily concocted. At the same time, except in Hall’s case, the limitation and control of the text foreclosed any possibility for representation of the real women to exist. The only document in the files, the “Statement of Defendant On Plea Of Guilty” that it appeared that the women had any opportunity to respond to the charges was not her response, but rather a legal prescription. For example, although, it was written on the document, “...state briefly in my own words...”, it was not in her words. Instead, “in her own words” was a legal script that was quoted almost verbatim in all the cases. The only thing that varied were the charges against the women and if an Alford¹⁰ plea was submitted. In these cases, there were just a few word changes, such as the addition of an Alford plea or which laws were broken. In one case, the woman stated she believed she was not guilty, but did not state Alford.

In addition, a historical perspective can help provide an understanding of the complexity from which the documents and mentality of the legal system have evolved. Peter M. Tiersma’s in his book, *Legal Language* charted out the long history of the US judicial system. He grounded the conservatism of legal language, practices, and procedures to its early beginnings in approximately the fifth century, as well as its development and expansion from that time. Tiersma claimed that the judicial system was shaped and influenced by sovereign forces in England in the early years of formation. He stated, “...England, [is]where the language of the law was molded by Celtic-speaking Britons, Anglo-Saxon mercenaries, Scandinavian raiders, Latin-speaking clerics, Norman invaders, and lawyers themselves” (2). As he pointed out, legal language is also a derivation of French, Latin, and Anglo-Saxon law. Traditionally, it was not

¹⁰ Alford plea is not a guilty plea, but has the same effect, as the defendant concedes that there is enough evidence, that she would likely be found guilty, if the case went to trial.

meant to be understood by the general public. Moreover, even lawyers and judges cannot always understand it.

Even though, as Tiersma explained there has been significant thought and effort expended in changing the judicial system, changes have been slow. The difficulty in understanding legal language (written or spoken) is often bound up in its awkward, archaic, and complex lexicon and syntax. Additionally problematic is the use of excessive, redundant, useless, and superfluous words and language. Though, historical perspective of the legal system is useful to understand how it's founding and expansion through more than a dozen centuries has formed current practices, it does not resolve contemporary problems or shortcomings. Arguably, it has proven its effectiveness, or at least its sustainability through time. Consequently, from this standpoint, there lies the reasoning and reluctance to change.

In this research project, just reading the laws that the women have broken was difficult and often required researching numerous attendant laws. For instance, one RCW (Revised Code of Washington) or law that many of the women were charged with breaking had a number of components and other Washington state statutes embedded in the legislation making it difficult to understand and required looking up multiple RCW's. Please refer to "Appendix B," for a full list and definitions for each law that the women were charged and prosecuted under.

Below is an example of the text and type of law under which these women were charged and prosecuted.

RCW 74.04.300 Recovery of payments improperly received-- Lien -- Recipient reporting requirements. If a recipient receives public assistance and/or food stamps or food stamp benefits transferred electronically for which the recipient is not eligible, or receives public assistance and/or food stamps or food stamp benefits transferred electronically in an amount greater than that for which the recipient is eligible, the portion of the payment to which the recipient is not entitled shall be a debt due the state recoverable under RCW 43.20B.030 and 43.20B.620 through 43.20B.645. It shall be the duty of recipients of cash benefits to notify the department of changes to earned income as defined in RCW 74.04.005(11). It shall be the duty of recipients of cash benefits to notify the department of changes to liquid resources as defined in RCW 74.04.005(10) that would result in ineligibility for cash benefits. It shall be the duty of recipients of food benefits to report changes in income that result in ineligibility for food benefits. All recipients shall report changes required in this section by the tenth of the month following the month in which the change occurs. The department shall make a determination of eligibility within ten days from the date it receives the reported change from the recipient. The department

shall adopt rules consistent with federal law and regulations for additional reporting requirements. The department shall advise applicants for assistance that failure to report as required, failure to reveal resources or income, and false statements will result in recovery by the state of any overpayment and may result in criminal prosecution.

[2003 c 208 § 1; 1998 c 79 § 7; 1987 c 75 § 32; 1982 c 201 § 16; 1980 c 84 § 2; 1979 c 141 § 306; 1973 1st ex.s. c 49 § 1; 1969 ex.s. c 173 § 18; 1959 c 26 § 74.04.300. Prior: 1957 c 63 § 3; 1953 c 174 § 35; 1939 c 216 § 27; RRS § 10007-127a.]

Notes: Savings -- Severability -- 1987 c 75: See RCW 43.20B.900 and 43.20B.901".

Consequently, in order, to have an accurate understanding of the law, it was necessary to review the statutes associated with fraud and welfare fraud, RCW's 43.20B.030, 43.20B.620 through 43.20B.645, 74.04.005(11), and 74.04.005(10). Additionally, to understand the spirit of the law also necessitated reviewing the history. The codes are provided at the end of each section of the law, as illustrated.

Tiersma has identified numerous problems that are germane to my project. For example, when first viewing the files, I noticed that there was a significant amount of documentation in each of the files. There were more than 135 different types of documentation in the files and the number of documents in each file ranged from 54 to 431 pages. However, this was not a complete compilation of information, as it appeared only two cases had been closed, even after five years. In addition, the documents were placed in the files at different times. For example, after viewing a file at the court house and then going back to the court house and observing the file months later, additional documents had been added. There was also an order to how the documents appeared in the files. For example, the documents in nearly every file appeared in the following order. The title of each document is presented in parentheses.

1. "Information" was submitted by the Prosecuting Attorney and is the charging document for theft that each of the women received, which included the applicable RCW's and an extremely brief, but exact statement of the crime
2. "Certification For Determination Of Probable Cause" (the criminal investigators report).
3. "Prosecuting Attorney Case Summary And Report For Bail Conditions Of Release"
4. "Notice of Appearance and Request for Summary" (from the Defendant's attorney to the state)
5. "Arrest Warrant"
6. "Superform" (data obtained about the "suspect" during booking into the King County Jail, such as, name, address, social security number, drivers license number, DOB, sex, race,

height, weight, hair, skin tone, scars, marks, tattoos), deformities, and whether or not the “suspect” is armed/dangerous, et cetera)

7. “Statement Of Defendant On Plea Of Guilty” (the defendants statement in legalese)
8. “Amended Information” from prosecuting attorney (reduction in charges)
9. “Non-Felony Plea Agreement And State’s Recommendation”
10. “Appendix B To Plea Agreement/Prosecutor’s Understanding of Defendant’s Criminal History (Sentencing Reform Act)”
11. “Request For Entry Of Withdrawal Of Guilty Plea And Entry For Dismissal Pursuant To Deferred Sentence”
12. “Judgment And Sentence”

In addition, some of these forms were repeated (the identical forms with identical information) in the files, such as the “Certification For Determination Of Probable Cause” and the “Prosecuting Attorney Case Summary And Report For Bail Conditions Of Release.” The recursion of these forms was after the “Amended Information” from the prosecuting attorney, which indicated that the sequencing of forms is a formality in the process of prosecuting women for welfare fraud. In other words, incorporating the newer and reduced charges required starting the process from the beginning again, which required resubmitting particular (identical) documents. This redundancy could be attributed to what Tiersma claims is the legal professions’ fixation on crossing every “t” and dotting every “i.”

Also, many of the forms appeared in the files multiple times, sometimes completed differently and other times the same, so this added to the bulk of the files. Tiersma correlated repetition to be symptomatic of stagnation. He stated, “...eliminating redundancy and wordiness requires some thought, and tradition often gets in the way” (60). Although, I am referring to the repetition of words through the replication of documents, it serves the same end—*to be symptomatic of stagnation*. In addition and importantly, most of the documents in the files, more than likely, represented a small fraction of the actual accumulation of notes, reports, and information, not to mention information stored in electronic data bases. For example, multiple officials from various agencies, such as the criminal investigator, multiple prosecuting attorneys, multiple defense attorneys, TANF case workers, over payment specialists, police, sheriffs, and jail officers, et cetera have created their own files on each of the women, as well. In essence, this enormous documentation and databasing of the individual women created a thickening and

deepening of the criminal subjectivity. It also fixed their identity permanently into the criminality domain, while leaving the human existence ashes in the dust.

Exemplar Files of the Legal Documents (The Cases Against Pam Dow and Susan Davis)

The documentation in the files against Pam Dow and Susan Davis were typical of most of the cases. Their files were selected to discuss specific elements of the documents, as the documents and information in their files were typical in most of the cases. As a result, this reduced the amount of repetition when discussing the same issues that appeared in the documents. If other issues or aspects were found in the documents, they are discussed in the individual cases, as noted throughout this project.

The information contained in the files was limited to specific kinds of fragmented information, which prohibited even a partial understanding of what happened to the women, let alone a complete story. This also channeled the women into criminal subjectivity and this was tactical in the construction of the criminal identity. For example, nearly all the information in the case files, except for the two cases that were appealed was reduced and compiled into standardized forms and/or format. Many of the documents in Dow's file were not only standardized, but they were also constructed in a rigid question and answer format that helped to streamline the information, but it also worked as a criminalizing tactic. This structure allowed for either answering the questions by filling-in the blanks and/or checking the boxes. Additionally, only three documents,¹¹ provided information on what happened in a narrative style, however, even these were predominated scripted. The "Statement of Defendant On Plea Of Guilty" document was a legal script of the law that was allegedly broken. For example, in the section "in your own words," Davis wrote, "In King County, Wash., between November 1, 2002 through August 31, 2003, by means of false statement or representation, and willful failure to reveal material facts or circumstances affecting eligibility..." However, these words were also almost identical to part of the statement in the "Information" or formal charging document filed by the prosecuting attorney (and nearly identical, except for the dates, in all the cases that the document appeared). In the two other documents, the criminal investigators report and the

¹¹ "Certification For Determination Of Probable Cause" (CDPC) and "Prosecuting Attorney Case Summary And Report For Bail Conditions Of Release," respectively.

prosecuting attorney's summary although in narrative format, the information was narrowly specific, scant, and provided little, if any detail. For instance, in the CDPC or investigators report, the investigator testified, "The total cash assistance received was [the dollar amount]...", "[The name of the defendant] was not eligible for...", "[Name] failed to inform...", "[Name] failed to accurately report", and "[overpayment specialist from the criminal investigators office] will testify to the authenticity of the records..." Similar to the curbed, restrained, and pointed information in the investigators narrative, the prosecuting attorney's narrative was almost always only one paragraph long, which was the whole document. Overall, even though there were many documents, the kinds of information being gathered were very specific and extremely limiting; leaving large gaps in the cases. Overall, the narrative served to make the women criminal and nothing but criminal. I was left meticulously searching word by word, paragraph after paragraph, page after page, document after document, file after file for any resemblance of the real women, the circumstances of their life, and an explanation for what had happened to them. By the end, all the cases, except in Allan's. Bandy and Hall, this was nearly futile. In these cases, there was more information found in the files against them for varying reasons.

The text, narrative, and specific intent was to construct a criminal subject, while the vacuity of space, narrative, and information caused the real women to vanish. Nevertheless, it was still possible to glean bites of information about the women and their circumstances from the interstices and fissures within the discourse, the lack of discourse, and calculations derived from fragmented information, such as where she worked, financial information, and problems with homelessness. For example, in Davis's case, in the investigators report, Loni Dean noted that Davis had been *known* to the department since 1993, when she received some welfare assistance during her pregnancy. The use of the term "known" is meant to create a criminal history. Although, this was a welfare history, it is also had the effect to slip into criminal history, as the investigator was compiling criminal information. From November 2002, through August 2003, or nine months, while she was receiving benefits again, she was also employed at King County Metro and at Hole in the Wall, a small café in Pioneer Square area of Seattle. During this period, she earned approximately \$12,300, yearly or a take-home of \$1,094,¹² monthly. In addition, she

¹² The monthly gross amount was \$1,367, however, using a standard 20% IRS deduction for this income range, I roughly estimated her actual take-home monthly income was about \$1,094.

received DSHS cash assistance of \$3,951 or approximately \$439 monthly. It appeared she was receiving cash benefits for two people, so, it is reasonable to assume she had one child. Combing her income from unreported work and welfare assistance, her monthly cash income was \$1,533. She also received, at least some food assistance. Even when combing incomes from welfare and her job, she was still exceedingly poor. Also, it was noted that her employers agreed to testify for the state. As a result, it is reasonable to assume that she lost both of her jobs because of the criminal investigation and her subsequent conviction.

Furthermore, the language used in the narratives was constrictive and formal, such as, “These acts occurred in...”, “Signed and dated this 23rd day of ...”, “There is probable cause to believe...”, and “...Dow has been *known* [my emphasis] to the [welfare] department since...” Although the language appeared simple, for the most part, the lexicon and syntax reflected an inculcation of legalese. As Tiersma explained, legal writing is more formal and technical than everyday English. In one way, it is the quest of the legal community to be precise (79, 87) and neutral (173). Although, as I have shown, the legal language in the court documents is not neutral, rather it is highly criminally charged. In another way, the formality and technicality of legal language provides in-group cohesion between lawyers—a fraternity of sorts (107) and legalese can be an effective way to communicate in legal communities, but for the general public, it reduces the comprehensibility (141). Also, Tiersma avowed that if only English words were used in law, it would be “doomed to silence” (31). Ironically, because of the formality and constrictiveness of legalese, women are doomed to silence.

The impoverishment of information about the women was alarming and left a lot unanswered questions. However, the legal system is only concerned with the particulars of the law and strictly constrains the defendant (and plaintiff) information. Lawyers must also weave a story together from the fragmented information¹³ (181).

Similarly, a story about Davis could include that she was a single mother of a ten year old child (calculated from the time she first applied for benefits when she was pregnant until she was receiving benefits the second time) and struggled financially for at least ten years, as she needed financial assistance “off and on” since she was pregnant. She also worked as a bus driver and

¹³ Although Tiersma was discussing Gail Stygall’s idea about testimony in a trial, it is also relevant about piecing and weaving a story from the documents.

waitress, while trying to make ends meet with approximately \$1,533, per month. Furthermore, her work was probably part time, which indicates financial instability and also irregular or changing shifts/hours, such as on-call, swing-shifts, and/or evening shifts (which can be extremely problematic for single parenting). It is also unlikely that she received benefits, such as health insurance, paid leave, or sick pay. In addition to the criminal status and suspended welfare assistance, she faced one year of probation, eighty hours of community service, and legal financial obligation of pay back \$5,118.26 for overpayment of benefits and Victim's Assessment. Her case was plea bargained and the charges were reduced from a felony for Theft in the First Degree to a misdemeanor for Attempted Theft in the Second Degree. The explanation given by the prosecuting attorney for why she didn't report her employment was that she was trying to "catch-up" and this was stated twice. The use of this phrase left the impression that Davis's income was more than adequate, therefore, her thievery was more a motive of greed (pathology), than a stabilizing necessity to survive. Furthermore, in a perverse way, she was blamed for her poverty and the inference was that she had taken money from someone who actually needed it (other recipients) and struggling hardworking taxpayers. From Davis's perspective, "catching-up" could mean that she was struggling to survive and trying to stabilize her finances.

Similar to Davis, from the information acquired through the forms, little is known about Dow's circumstances. She was "known" to have first received medical assistance in June 1997, but she was over income for cash and food assistance. From April 2000, until July 2002, she received food assistance off and on. She was self-employed as a childcare provider. However, unlike Davis, it appeared she had more financial viability, as she had an IRA account that nearly doubled to \$6,197.17, between June 2001 and July 2002. She also had money market accounts and trusts for her children. She collected \$2,590 or \$216.00, monthly from June 2001 through July 2002, for which she was ineligible because of the IRA account that she did not report (welfare rules stipulate that recipients are not allowed more than \$2000 in resources). From these scant bits of information, it is plausible that Dow was single parent with more than one child and did not earn much money as a childcare provider, as historically, childcare is a low paying profession. She may have become financially vulnerable after a divorce and was not self-sufficient, as her income had been low enough that she was eligible for food and medical

assistance (if she didn't have the IRA). Although, it appeared she struggled with poverty like Davis, she was more financially stable, as revealed by her IRA accounts and the accounts for her children. In addition, she retained a private attorneys that appeared to provide better representation, as the charges against her were reduced to False Swearing, she did not receive a jail sentence, probation, or community service, and her case was closed. Furthermore, private representation and her more viable financial circumstances may be the reason that her case was closed, which occurred in only two of the cases. She entered an agreement to payback restitution (that was to be determined at another court hearing) at \$35 monthly, at the middle of each month. There was considerable ambiguity surrounding the charges and no explanation was given why she allegedly did not report the IRA. She stated that she was not guilty and pleaded Alford.

The procedures for welfare fraud convictions appeared to be long and tedious. For instance, the legal proceedings lasted almost twenty-five months from the time the CDPC or criminal investigators report was filed on March 26, 2004, until the case was closed on June 13, 2006 (as indicated by the last document in her file, "Order of entry for dismissal"). It was not known how much time the investigation process lasted. The time, energy, and money to fight against criminalization, while struggling against poverty and trying to raise children is not visible in the discourse used in the forms that leads to envisage mothers convicted of welfare fraud as wholly criminal. The construction of the criminal identity obfuscated and made the real women invisible. At the same time, the root causes of poverty and the insufficiency of welfare assistance are covered up and not addressed.

In addition, one of the standardized forms, the "Non-Felony Plea Agreement And State's Recommendation" included information outside the purview of what constitutes welfare fraud. For example, toward the end of this document there is irrelevant information, such as the statement, "MANDATORY CONSEQUENCES: HIV test...for any sex offense or prostitution related offense, or drug offense with needle use; DNA test...[for] Harassment, Stalking or Communication with a Minor for Immoral Purposes..." Standardization benefits the State in a number of ways. As Tiersma pointed out. the same forms are recirculated over and over again because it is convenient, cheaper, and saves time (97). He further stated, "...by recycling old forms rather than reinventing the wheel for every transaction...antiquated language is [also] kept

on life support” (243). Although in this specific instance, I was not referring to antiquated language, but rather the grouping of criminals. For example, the inclusion of this section on the form situates poor mothers categorically with stalkers, drug offenses, domestic violence perpetrators, and prostitution. Not differentiating welfare fraud from different types of crimes, in effect, compartmentalizes all “criminals,” as if all “criminals” are the same, except for different consequences, such as DNA, HIV testing, firearms and driver’s license restrictions, and offenders registration. The criminal subject is created. While poor mothers have been moved categorically to criminal, their personhood is also wiped out.

In addition, the use of bolding and capitalizing letters was prevalent in all the forms. In at least one document, the “SUPERFORM” was entirely capitalized. In other documents, the title, name of the section, and specifics were capitalized and bolded. For example, in the “Non-Felony Plea Agreement And State’s Recommendation” document, not only was mandatory consequences bolded and the letters capitalized, but many other words, such as, “REAL FACTS”, “NO CONTACT WITH MINORS...[or] CRIME VICTIMS”, and “SUPERVISED PROBATION”. This kind of practice, Tiersma attributed to informal legal conventions meant to “warn readers that the term has been given authoritative definition” (117). In another way, it was a visual guideline that announced important information (221). Yet, semantically, the underlying message was “we control you” and “you will obey.” Tiersma commented that meaning was “the most important issue in the law” (124). He goes on to say, “What matters is the speaker’s [or writers] communicative intentions, rather than just the meaning of her words and sentences. Words and sentence meaning are a means to an end—a way to figure out what the speaker intends to communicate” (125). Bolding and capitalizing letters covertly work as a command. Accordingly, mothers convicted for welfare fraud are commanded to surrender to state authority and their real identities are stolen and replaced with a fabricated criminal identity.

Like bolding and capitalizing, the use of archaic morphology had authoritative implications and consequences. Some of the archaic language used in the “Arrest Warrant,” including “Come now the defendant Pam Dow, by and through undersigned counsel...”, “You are therefore commanded to forthwith arrest the said Pam Dow,” and “...make due return of this writ with your manner of service endorsed hereon...” Tiersma explained the use of archaic

language as stemming from a long history of legal conservatism. As previously noted, the archaic language is “kept on life support” by the recirculation of the forms. According to Tiersma, archaic language is meant to be exclusionary and in one way, it keeps lawyers in business because only lawyers (and not even all lawyers) can understand and interpret it. He stated, “Archaic language also seems particularly authoritative, perhaps even majestic...[it] bestows a sense of timelessness on the legal system, as something that has lasted centuries and is therefore deserving of great respect” (97). The milieu that archaic language engenders is just part of the overall otherworldliness that women encounter once initiated into the criminalization process. While this otherworldliness empowers and superiorizes the court, legal language is meant to render the “criminal” or the mothers convicted of welfare fraud powerless and inferior. It also has the effect to disappear them.

Another feature of the documents was the use of long and/or complex sentences. Although most of the language in the documents was expressed in short sentences or stated in a few words, when longer discourse was used, it tended to be excessively long. For example, one sentence in the “Information” document contained 198 words and was three paragraphs long. It also contained 17 commas, one colon and one semi-colon. Another sentence¹⁴ contained 175 words, 13 commas, one colon, and one semi-colon. In the “Information Amended” document, one sentence was 86 words long. Also, it appeared that the prosecuting attorney was quoting parts of the statutes verbatim, which makes sense, but then, the legalese embedded in the statute made it difficult to understand. Tiersma mentioned this style of syntax was typical in written legal language. He stated, “A motivation for lengthy sentences is the desire to place all information on a particular topic into one self-contained unit” (56). The purpose of the self-contained unit is to prevent ambiguity, however, as Tiersma noted, in some cases, trying to remove the ambiguity has resulted in the production of it (65). The length of the sentences and the complexity of the language also impedes comprehension (59) and reduces the comprehensibility. As a result, the effect alienates and criminalizes the women being prosecuted for welfare fraud.

14

The long and complex sentences used in the forms, was also problematic in the statutes. For instance, four out of the approximately five statutes¹⁵ by which the women were convicted, were difficult to understand. One of the statutes,¹⁶ contained 179 words and nineteen commas in one sentence. It was also one paragraph long. In another statute,¹⁷ there were five other statutes cited within one sentence, as explained earlier, thus significantly impairing the comprehensibility of an already long sentence. It stated:

If a recipient receives public assistance and/or food stamp benefits transferred electronically for which the recipient is not eligible, or receives public assistance and/or food stamps or food stamp benefits transferred electronically in an amount greater than that for which the recipient is eligible, the portion of the payment to which the recipient is not entitled shall be a debit due the state recoverable under RCW 43.20B.030 and 43.20B.620 through 43.20B.645.

In addition, the full citations of the statutes were not included in any of the documents¹⁸ thus forcing the reader to look up the statutes. However, finding statutes is not always easy or straight forward. Although the numbers for the various RCW's were included in the text of the statutes, the actual statutes were not included. As a result, in order to completely understand the statute, the additional statutes would have to be looked up, too. This further hinders comprehension and accessibility to the laws that they are being charged with. Tiersma claimed one of the reasons that statutes are convoluted is that they are written by lawyers for lawyers, as an in-group communication (and tradition).

Yet, the people being charged with a crime and the public have a right to understand the statutes they are obliged to obey. He affirmed, "The United States Supreme Court has held that a criminal statute must put a person of 'average intelligence' on notice that something is illegal before that person can be punished for violating it" (212). He also stipulated that although, in-group communication is beneficial for those in that particular group –lawyers,--it also excludes

¹⁵ RCW (or Revised Code of Washington)74.08.331, RCW 9A.28.020, RCW 9A.56.030, RCW 74.04.300, and RCW 9A,72.040

¹⁶ RCW 74.08.331

¹⁷RCW 74.04.300

¹⁸ Although, the prosecuting attorney cut and pasted part of the statutes into his summary.

other populations that are not privy to the language (142). This also creates an insider/outsider dyad, where poor women are the outsiders.

Furthermore, the use of the third person and not the first or second person and the lack of pronouns, such as I, we, and you, was prominent in the documents I reviewed. This created a milieu of detachment and distancing. Tiersma discussed Peter Goodrich's idea that the "...use of the third person suggests that judges are not mere mortals, but the embodiment of law and justice" (67). Tiersma continued, "This usage thus helps legitimate the judicial system by making it appear to be above the fray of human emotions and biases" (67). Moreover, he added, "An interesting custom is when judges use *we* to refer not merely to themselves, but to the entire institution throughout time" (67). However, the idea "to be above the fray of human emotion" is frightening because emotions are what makes one human and compassionate and without emotions we are the cold monster Foucault discussed (103). The disconnection of emotions also makes it possible for the crime creators, prosecutors, and judges to disconnect from the truth, the whole truth, and nothing but the truth.

In addition to the use of third person and the lack of pronouns, the use of "defendant" in the forms worked to detach or *disappear* the real person. The practice of using defendant, rather than addressing the women by their names was widespread and this had a tremendous impact on the discourse. In essence, Tiersma asserted the use of defendant, much like using third person, is impersonal and situates the judge and plaintiff in more powerful positions while disallowing power to the defendant. In one document,¹⁹ the prosecuting attorney wrote a summary about Davis, yet he never mentioned Davis by name, not even once. Instead, he referred to her as *defendant*, *she*, or *her*. He used *defendant* five times, *she* fifteen times, and *her* three times. It had the effect of not just silencing her, but erasing her—wiping Davis out of existence.

The replacement "defendant" for the use of names, and the concentration of *negation* in the documents worked to void them as real people. For example, in the criminal investigators report, there was an inordinate amount of negativity evident in the words of the investigator, such as failure, misstated, misrepresented, not eligible, and not employed. And, all these negatives were used again and again in the document. Tiersma noted that legal language is

¹⁹ "Prosecuting Attorney Case Summary And Report For Bail Conditions Of Release."

highly negative. It is not just words, like the *not(s)* and *mis(s)*, but semantic negatives like *deny* (66). As Tiersma affirmed, the law is about what people can *not* do (66). In this context, it is no wonder that "...the more negations a sentence contains, the harder it is to process "(208). This also works to negate the women as real people, but even more so it wipes them out of existence. In addition, the negation leveled at the women convicted for welfare fraud helps to construct them as wholly criminal, which dehumanizes them. In one way, it takes the attention away from the fact, that they are real people and mothers with children that need to be cared for. Negating poor women, also redirects the attention away from the real reason for their poverty and hardship.

One was of the most daunting forms in the files was the "Arrest Warrant." One troubling aspect was that it actualized and finalized the criminalization process by forcing the women to surrender their bodies and life to the criminal justice system. They lose their freedom and agency. At one moment, Dow was taking care of children in her home and the next moment, she was in jail. Although their fingerprints, pictures, and personal data acted as identifying markers, their sculpted criminal identity, which had the effect to void them of any interiority. They were then permanently archived into databases and centers of record keeping. Their files are also available for public viewing. Second, although many of the other documents contained ritualized language, the arrest warrant utilized it the most. And for that matter, the entire document was comprised of ritualized language, such as "Come now the defendant", "You are therefore commanded to forthwith", and "make due return of this writ". Tiersma claimed that ritualized language creates an aura of higher authority. He stated, "Formal, archaic, and ritualized language helps accomplish this goal [to be as authoritative as possible] by conveying an aura of timelessness that makes the law seem almost eternal, and thus more credible and worthy of respect" (243). In this vein, the law is positioned as supreme authority that humans can not attain and ritualized language is an expression of that law. Indeed, law was exercised and Dow and the other women of this study were brought forthwith and placed in jail.

It is not clear how many times, the women prosecuted for welfare fraud were made to "go before a judge" but they were required to appear before a judge in the final judgment and sentence proceeding. Consequently, it is useful to contextualize this in terms of the overall

prosecution process. Additionally, the courtroom is a stark reminder of the power differentiation between the judge and accused. Similar to ritualizing language that *effects* timelessness and grandiosity, ritualizing in the courtroom is even more predominant and intense. Tiersma noted, “The distancing effect of elevated language is reinforced by the judge’s location, which is physically above the fray and separated by empty space...[this] physical isolation reinforces the notion that law as embodied by the judge is detached...”(194). The architecture of the building and courtroom frames and heightens the illusion of a higher power. Dark wood usually lines the walls, tables, chairs, and the judge’s bench, which evokes somberness, but it also emits a unique smell. Most of the people in the courtroom remain silent. Ceremonially, everyone is asked to rise and when the judge is announced. Tiersma compared this to religious ceremonies. In fact, going before a robed judge is not unlike going before a supreme power. From his elevated position on the bench, he looks down and casts his judgment.

The real lives of the women prosecuted for welfare fraud are virtually absent in the documents and they are transformed and reduced to the forms. In essence, they become the files. But also, the files become them. It is important to note that the only document, the “Statement Of Defendant On Plea Of Guilty” was the only form that appeared to allow the accused women to give a response was scripted. The rigid construction of the form limited how questions could be answered. For the most part, it was fill-in-the-banks. For example, “1. My name is _____. 2. My date of birth is _____... 5. **I HAVE BEEN INFORMED AND FULLY UNDERSTAND** that I am charged with the crime(s) of _____.” Not only are there a number of specific questions, there are numerous statements or directives. For instance, “**I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT**²⁰ a). I have a right to a speedy and public trial... “ It continues to promulgate six other stipulations. Consequently, as data is collected on the women, commands are given--and it is here that the impersonal and personal meet or collide. The austere impersonal authority extirpates the very personal lives of the women.

What’s more, it isn’t until the very last question in this form, that the women are given an opportunity to respond to the charges. It stated: “The court has asked me to state briefly *in my own the words* [my emphasis], what I did that resulted in my being charged with the crime(s)

²⁰ As mentioned earlier, Tiersma attributed the bolding and capitalizing as a means to make it authoritative.

with which I have been charged. This is my statement: _____ [this is followed by several blank, but underlined lines].” However, there is only space for a few sentences to be written, in order for the women to provide their version of the story of what happened. Moreover, “in my own words” is not her words at all. Instead, the discourse revealed a preponderance of legalese. Dow stated, “Alford plea: I make this plea solely for the purposes of taking advantage of the state’s offer. I maintain, I did nothing wrong, however, after a review of the evidence with my attorney, I believe that if this case were to go to trial, there is substantial likelihood that I would be found guilty. I agree the judge may review the police report and other documents, including this “Certification For Determination Of Probable Cause” and determine my guilt and for the purposes of sentencing I understand this has the same effect as a guilty plea.” Any possibility for a narrative of her side of the story is quickly dashed, as this was not her story but a script, with specific legal information that she was required to submit. Tiersma discussed the courts rigidity in not allowing narrative type explanations. He used an example of a woman asking the court to let her explain herself. She inquired, “‘Will you not give me leave to speak for myself.’ One of the judges retorted, ‘You are madam, to answer only such questions as are asked you pertinent to the issue that the jury are to try; and if the counsel will ask you no questions, *you are not to tell any story of yourself* [my emphasis]’” Tiersma also noted that nothing has changed in this regard, for the last three centuries” (159).

In conclusion, Tiersma has presented valuable insights and historical perspective of the U.S. judicial system, specifically as it pertains to legal language and practices. This has provided a means to understand the documents that were amassed against the women convicted of welfare fraud. Although some of the language used in the documents was simple, well organized, and easy to understand, the awkward and complex syntax and lexicon was kept alive by legal tradition and conservatism. Also, there are innumerable problems with the forms, particularly with the rigid formatting and the fragmented, limited, and missing information. As a result, there was significant ambiguity, confusion, and unintelligibility. Conversely, as Tiersma pointed out, “The legal system desires to have the law appear not only authoritative, but maximally objective...creating the impression that such acts are accomplished without the intervention of a fallible agent” (243). While it may achieve authority, it fails miserably at being objective. In

fact, the untenable goal "...to be above the fray of human emotions and biases" (67) is ironic, as the legal system is ensconced in a sea of biases, prejudices, and favoritism. One of the starkest ironies found in the forms,²¹ is that the women have defrauded the state of Washington, not only of money, but also of its' *peace* and its' *dignity*. However, the women are defrauded of jobs that pay living wages and defrauded the opportunities that would allow them to provide adequate care for their children.

Demographics and Findings of the Study

The information in the court files of the thirteen women convicted of welfare fraud in this study, revealed the following information.

Race

Out of the thirteen cases, six of the women were Black or 46%, four women were white or 31%, two women were Native American or 15%, and one woman was Hispanic. Black women were disproportionately over represented.

Age

The average and median age of the women at the time charges were filed against them was 33.5 years old, and the modal age was 34. The range of age was from 25 years to 44 years of age; and three women were 40 years old or over. The ages of the thirteen women were 25, 27, 28, 31, 32, 33, 34, 35, 35, 36, 40, 40, 45.

Education

Out of the thirteen women, ten completed the twelfth grade and at least three of these women had at least some college, with one, completing one year of college; one finished with a GED; one went through the ninth grade; and in one case, her education level was unknown, but it appeared she had attended community college.

Number of Children

There was extremely little information about the children in the files. Consequently, in five of the cases, it was impossible to decipher how many children the women had. However, the number of children were mentioned in three of the cases and five of the cases it was possible to

²¹ Specifically, the "Information" and "Amended Information" documents.

estimate the number of children by calculating the amount of welfare that was received, when this information was revealed. From this information in the files, there were two women that had at least one child; one woman had more than one child; one woman had two children; one woman had three children; and three women had at least four children.

Age of Children

Only two files disclosed the ages of the children, including one mother that had two children, aged two and eight years old. The other mother had four children aged twelve, fourteen, and two eighteen year old twins. The ages of the children were noted after the women were sentenced.

Language

Eleven of the women used English as their primary language. One woman was provided a Spanish interpreter and one woman was provided an Oromo interpreter. Oromo is used in parts of Ethiopia, Somalia, and Kenya.

The Conviction and Sentence

Charges and Convictions (felonies and misdemeanors)

All thirteen of the original charges filed against the women were felonies. However, in nine of the cases, the charges were reduced or amended to misdemeanors and it appeared nearly all through plea bargaining. Accordingly, four of the original charges of felony did not change. It was not possible to discern with accuracy from the information in the files, the reason that charges were reduced in some cases, while in other cases, the charges were *not* reduced. However, plea bargaining and the amount of evidence could account for the discrepancies. The four felonies that were not changed were against one Black woman, one White, one Native American, and the only Hispanic woman. Consequently, the majority of felonies were lodged against women of color.

The women convicted of felonies, were accused of defrauding \$24,848.36; \$8,612; \$7,376; and \$4,714. Three of the four women convicted of felonies were also given 240 hours of community service. The other woman did not receive community service. Three of the women with felony convictions used English as their primary language and one woman used a Spanish interpreter, but no other information was given.

Jail Time

All the women spent at least one day in jail. The length of time in jail varied and it was not possible to confirm how much time each woman spent in jail. However, it appeared that seven women spent one day in jail; one woman spent two days; one spent more than one day; one spent five days, one spent eleven days; one spent twenty-one days, and one women spent seventy-one days in jail.

Ten women were sentenced to 12-months of confinement that was suspended, deferred, or converted. In addition, one woman was given an alternate sentence of 30-days of confinement, converted to community service. Another woman was given one day of confinement. Only one woman received zero jail time as part of her sentence.

Probation

Nine of the women were ordered community supervision or probation, six of these cases were for 12-months and three were for 24-months of probation. In addition, one woman was given 12-months of probation, but not supervised; one woman was not ordered probation, but her attorney was ordered to report to the court when she had completed her legal obligations; and two women were not given any probation. However, the probation was extended in many of the cases because of failure to pay their legal financial obligations.

Community Service

Four of the women in the cases were sentenced to 240 hours of community service, the highest amount of community service ordered. Four women were sentenced to 80 hours of community service, and in five cases no community service was ordered.

Restitution, Victim's Assessment, Court Costs, and Fines

All the women in this study were ordered to pay restitution and the exact amount of money defrauded was determined by DSHS. However, it is not clear how the amount was calculated. This amount of restitution varied, but it ranged from \$469.33 to \$32,332.14. In

addition, all the women were ordered to pay \$500 for Victim's Penalty Assessment, even though there were no victims, other than what could be construed as the State or taxpayers. The total legal financial obligation averaged \$8,563.36 and ranged from \$969.33 to \$32,832.14.

Findings of the Research

There are considerable concerns pertaining to the criminalization of welfare mothers gathered from this research project. One of the most daunting aspects was the inhumanness to criminalize poor single mothers who are struggling to raise their children. There are troubling questions, including why aren't these families given adequate assistance, in the first place. From a human perspective, giving them the support they need is a far better, wiser, and kinder investment not just for mothers, their children and communities, but also the country. Certainly, it would be more cost effective to assist impoverished women with childcare, shelter, food, and other necessary essentials to raise children. The costs of criminalizing women is far more exorbitant than to help them.

Another troubling aspect was the racial implication for women of color. For example, the majority of women in the study were women of color. Nine of the cases were against women of color, including six Black women, two Native Americans, and one Hispanic, compared to only four white women. Women of color also received the highest number of felony convictions compared to white women. For example, one Black, one Native American, and one Hispanic woman received felony convictions, while only one white woman was given a felony conviction. Consequently, one of the six Black women; both of the Native American women; the only Hispanic woman; and one of the four white women received felony sentences.

Women of color also spent most time in jail, compared to the white women. For instance, while five women of color spent more than one day in jail, only one white woman spent more than one day in jail and that was for only two days. The following number of days spent in jail and her race, included:

- 71-days Black
- 21-days Black
- 11-days Native American
- 5-days Black
- more than one day Native American

Another concern with race was the use of FBI numbers. None of the four white women had FBI numbers, but six of the nine women of color did, including four Black women and both Native Americans. In addition, in one of cases, there was not enough information in the file, to know if she had a FBI number and she was Black. The other women of color that didn't have FBI numbers, also needed interpreters. This could indicate that they were not in the country long enough to acquire a number. Consequently, these factors could skew the outcome and as a result the number of women of color could even be higher, but not lower. Moreover, there was no appearance of a correlation between having an FBI number and having prior felonies and/or misdemeanors. For example, there were at least two women who did not have prior convictions, but had FBI numbers.

Another issue that stood out in this research was the enormous amount of State ordered restitution that all the women were ordered to pay. They were also ordered to pay a Victim's Assessment cost, and some women paid court costs and interest. The total legal financial obligation ordered averaged \$8,563.36 and the range was from \$969.33 to \$32,332.14.²² In general, the larger amount that was owed, the more children they tended to have. This is not surprising as the more children you have, the more it costs to raise them. In addition, childcare is expensive and some of the money owed was from childcare costs. There also may have been high medical costs. The pressing question is, especially when the restitution was set so high, how can anyone with limited resources, needing assistance in order to survive, especially impoverished single mothers pay such a huge debts? Short of a miracle or lottery, is it even possible? If not, then they are left with the threat of imprisonment. The debt never goes away, unless it is paid. This is tantamount to permanent bondage.

The vulnerability of women was also apparent, as the women did not always have addresses or they used a relatives address. From the "SUPERFORM" document, it is documented that nine of the women were living in apartments, one was living with her mother, and it was unclear for three of the women. At least three of the women became homeless for a time. In Bandy's case, she had four children and sporadically worked. She was employed part-

²² Court costs, interest, and Victim's Assessment were included. However, if just calculating the restitution ordered, it ranged \$469.33 to \$32,332.14.

time as a telephone sales representative for a telemarketing company. She earned \$8.50 per hour or approximately \$1,000, monthly. At one point, she was unable to pay a rent increase from \$525 to \$565 per month, so she was forced to move. It appeared that they suffered chronic poverty and homelessness. They slept in a car, the floor of a friend, and motels between bouts of homelessness.

It appeared, that at least two or three of the women convicted of welfare fraud became homeless during the criminalization process. One woman was so close to the edge that she became homeless, after welfare fraud charges were filed against her. Even with welfare assistance and the unreported income or other scant extra resources that they were accused of receiving, it appeared they were struggling to survive. The cruelty of this is chilling. It was also apparent that the majority of the women who had been working were not working full-time and worked sporadically. They held various positions, such as a housecleaner for Maid Brigade, waitress at Hole-in-the-Wall, bus driver for Metro, patient liaison for Ortologic, case worker for DSHS, and YMCA. These were not high paying jobs. Consequently, the low wages and instability of work left them extremely vulnerable. The little bit of help from DSHS provided much needed stability.

Another concern was that many of the women were also ordered to perform community service work. Although, five women did not receive community service, four women were given 240 hours of community service and four others were given 80 hours. In addition, there was not a correlation between the severity of the crime, such as a felony or misdemeanor or the amount allegedly defrauded. As a result, it was unclear why some of the women received community service and others did not. In addition, it appeared that none of the eight women that were ordered community service, actually completed the service.

Another concern was the large number of attorneys that were used, weakening their chances for good legal representation. The number of attorneys the women used throughout the criminalization process once they received representation, ranged from one to seven attorneys. Only one woman had one attorney. However, the average number of attorneys the women used was approximately four. All, but one of the women used at least, one public defender or an

attorney assigned by the state. This was not surprising, as they were already reliant on the state for assistance. Even if they had not been eligible for state assistance, they were extremely poor.

The number of deputy prosecuting attorneys was even higher. For instance, the number of deputy prosecuting attorneys used against the women ranged from three to eighteen or an average of over ten for each case. The large number of attorneys could reflect the State having more available resources to use against the women. The high turnover of attorneys also indicates that there was a large leeway for an abundance of errors and issues, such as having difficulty in getting the State to respond to the defendant's attorney. In total, there were 183 attorneys used in the cases, both prosecutors and public aid or private attorneys.

Another issue was the lengthy time the women were ensnared in the criminal justice system. There was not enough information in the files to calculate how much time was spent in the investigatory phase, except in one case. In this case, it appeared they spent over two years investigating her. In addition, some of the cases were still ongoing after more than five years and the older the case, the longer the period. The cases ranged from nine months to over five years. One of the factors to consider in the criminalization process was the enormous amount of time spent in meeting with lawyers, prosecutors, judges, and probation officers. Another aspect was severe emotional strain.

Theoretical Framework of Governmentality, Discipline, and Punishment

The Making of the Criminal Subject

“Not the Truth, Not the Whole Truth, Something but Not the Truth”

The third and final aspect of my methodology is reading the documents in the court files through a theoretical frame of Foucauldian governmentality, discipline, and punishment. There are numerous operants in the making of the criminal subject, including the political regimes and politics behind crime creation, the media that manipulates data and information distributed throughout the social body, governmental laws, policies, and rules, and the implementation and practices that enforce them. In addition, the mass documentalization, as revealed by this study also situates, officiates, records, and permanently fixes criminal subjectivity. There are other tactics of surveillance that also work to forge criminal identity. Moreover, it was possible, to

observe how the threads of poverty, welfare, gender, race, and the penal apparatus splice and meld together. The following is a brief discussion about this.

In order to fully understand governmentality, it is useful to consider the overarching polity and political vein through which government is exercised, evolves, devolves, or dies. It is from here, that the government of governing is realized and the rules, laws, and policies that are created and implemented (or how they are implemented or not implemented). For over thirty years, political regimes have dramatically changed the US government. Although, neoconservatism and neoliberalism appear at the forefront of dominant mentalities and ideologies driving government, numerous other terms and labels have been used to describe the political upheavals, such as oligarchy and plutocracy. Mitchell Dean discussed the variances in dominant political thought. He noted, “Although neoliberalism might be a dominant mentality of contemporary government, we have witnessed the rise of a range of alternatives from communitarianism (Etzioni, 196) to neoconservatism that define themselves in opposition to it (Cruikshank, 1998)” (203). From this vantage point, it is possible to see evolutionary and transitional thinking in the ways of thinking about governing and the current dominant mode or even multiple modes of government. Consequently, the term neoliberalism does not adequately conjure up the current state of government that is operationalized. Nor is neoliberalism entirely to blame for the economic and social crises that the US is currently positioned. To be sure, the globalization of the economy, the shift of wealth, resources, and power to large corporations and an elite few citizens has had a devastating impact on the US. However, this term--neoliberalism--is used to describe one of the contemporary dominant modes of US governmental regimes.

Consequently, the rationalities and mentalities of government have also transformed, accordingly. The wide and far-reaching arms of governmentality, as described in the analyses of the documents in these court case files are not just reducible to the power of the state, but a whole range of systemic functions and power relations. In her discussion of power relations, Sara Mills stated in her book *Foucault*, that

Foucault does not simply want to dispense with the notion of the State...or argue that the State is not important; rather, in analyzing the relations of power, it is

necessary to extend that analysis beyond the limits of the State.” She further explained that he insisted that the State “...for all the omnipotence of its apparatuses, is far from being able to occupy the whole field of actual power relations’ ...in short, all relations between people -- are power relations. (49)

This is particular relevant in this study. For example, in the case against Allan,²³ although the state conducted the elaborate investigation against Allan, it was the daycare staff she had used for her children for ten years that reported her to the DSHS for suspicion of welfare fraud. In this scenario, the power of state and agency, the daycare provider--which relies on the state for licensing and funding--both empower and enforce each other. They are also two strands of a much larger web that worked to entangle Allan and the women of this study within a frame of criminality.

Not only was there an expansion of the power field of the state, but also a co-opting of power relations. What’s more, the power enacted and exerted by the childcare center and their shifting role from caregiving to policing agent is troubling when taking into account their positionality as caregivers and the assumed intimacy of that relationship. The co-opting of power relations is also an expansion of control. For instance, Nicholas Rose stated:

And this problem [control strategies] is made more complicated when one accepts that the penal complex represents only one facet of strategies of control: school, families, factory, public architecture and urban planning, leisure facilities, the mass media and much more have been mobilized and instrumentalized governmentally in the name of good citizenship, public order and the control or elimination of criminality, delinquency and anti-social behavior. (240)

In this vein, the expansion and mobilization of control over poor women is considerable, including the media’s negative campaign against poor women, especially black and brown women, the industrialization of child care, federal, state, and local levels of DSHS, and all appendages of the penal system, as well as the courts, prosecutors, and police. In fact, they are more strands woven in an enormous web that ensnare welfare mothers.

²³ Please refer to Chapter Two for a detailed discussion of the case against Allan.

This is also a dispersion of state functions. For example, Rose stated, "...a blurring of boundaries between the 'inside' and 'outside' of the system of social control, a widening of the net of control whose mesh simultaneously became finer and whose boundaries became more invisible as it spread to encompass smaller and smaller violations of the normative order" (238). Consequently, this *spreading of the net of control* has had the effect of entrapping poor women, and forcing them further and ever deeper into poverty by insufficient and inefficacious welfare support, racist and classist practices, unlivable wages, unstable jobs, and communities shattered socioeconomically and socioenvironmentally because of the mass incarceration of men (and now women), and the causal (and damaging) impacts of demonization and criminalization (naming, blaming, and shaming) not just single mothers receiving welfare, but all poor women.

Another way the dispersion of state functions and spreading of control has prevailed is through welfare reform, which gave state governments more discretion and power in establishing their own welfare rules and guidelines. This has resulted in more oppressive rules and "cutting" and "burning" of social services, including TANF. Many states have also privatized portions of welfare, such as drug testing, DNA testing, the EBT debit cards, and WorkFirst²⁴ programs. This is one way the state has spawned new tentacles into private enterprise, further expanding documentation, monitoring, and surveillance tactics over welfare recipients. Colin Gordon, in "Governmental Rationality: an introduction" in *The Foucault Effect* discussed the "modes of pluralization" and also, the boundary line between state and society. Gordon stated:

Foucault contrasts to the somewhat monolithic object postulated by theories of the state the perspective of a 'multiple regime of governmentality': this phrase might serve as the rubric for an analysis of a range of distinct *modes of pluralization* of modern government which contribute towards the revitalization of the notional boundary line between state and society...the cross-fertilizing interplay between different agencies and expertise's, public and private alike...the propensity of the public institutions of government to secrete within themselves their own multiple spaces of partly autonomous authority. (36)

²⁴ Work requirement programs are often referred to as Workfare. In Washington state it is called WorkFirst.

Similarly, the government has multiplied its regimes of power and sites in the expansion of its disciplinary and penal authority. For example, government has *secreted* its authority into private industries, in order to assist in the documenting, surveillance, monitoring, and technological tactics in the disciplining and criminalizing of poor women. As a result, both the state and private businesses have harshly and tacitly spewed their power and authority into the private spaces and lives of poor women and poor children. The various surveillance tactics advanced against women by governmental agencies and private entities were modes of observation, but also provided sites to intervene, discipline, and punish.

It also produced an intimidating and hostile environment. Foucault stated, “The exercise of discipline presupposes a mechanism that coerces by means of observation; an apparatus in which the techniques that make it possible to see induce effects of power, and in which, conversely, the means of coercion make those on whom they are applied clearly visible” (170-71). For instance, the use of “coercion by means observation” is mandating welfare recipients to use food stamps or EBT debit cards. In this case, women are placed under public scrutiny and monitoring by citizens, including grocery clerks and people standing in grocery lines, as welfare recipients purchase food in grocery stores. While, the clerk examines and scrutinizes the food to make sure welfare mothers are not purchasing paper products, deli items, and/or various other forbidden items, the people in the line behind them also look on, sometimes judging or curious of what is being purchased. Furthermore, as Rose noted, “These assemblages which entail the securitization of identity are not unified, but dispersed, not hierarchical but rhizomatic, not totalizing but connected in a web or relays and relations”²⁵ (246). For women receiving welfare, it is not just the State exerting control over them, but there is a wide-range of dispersion. Control is also dispensed rhizomatically, not just hierarchically.

In addition, powers are also transferred. Foucault stated:

...the growth of the disciplinary networks [such as welfare], the multiplication of their exchanges with the penal apparatus, the ever more important powers that are given them, the ever more transference to them of judicial functions; now, as medicine, psychology, education, public assistance, ‘social work’ assume an ever

²⁵ Rose used rhizomatic as means to describe how control is dispersed by how the conduct of citizens is designed into the “fabric of existence” by the choices they make and the resulting consequences.

greater share of the powers of supervision and assessment, the penal apparatus will be able, in turn, to become medicalized, psychologized, educationalized; and by the same token that turning-point represented by the prison becomes less useful when, through the gap between its penitentiary discourse and its effect of consolidating delinquency, it articulates the penal power and the disciplinary power. In the midst of all these mechanisms of normalization, which are becoming ever more rigorous in their application, the specificity of the prison and its role as link are losing somewhat of their purpose. (306)

In 1979, when Foucault wrote this, the “widening of the net of control” and the dispersion of state functions appeared to be replacing the function of prisons, as the focus was moving toward monitoring behavior through parole and other venues outside of prisons. As a result of the burgeoning decarceration, there was also little, if any way to foresee that incarceration rates, would instead, soar.

Nevertheless, as disciplinary powers have expanded, the penal apparatus has not only remained purposeful and critical, but it is the fuselage of social control. Wacquant described this as the “full-blown activation of the penal apparatus” and “hardening of the penalty” (xiii). This is observable, as poverty populations flood the penal system. In other words, as control and disciplinary networks have increased, the penal apparatus has expanded at an every faster rate, as the disciplinary systems feed directly to the penal system, as illustrated in this study, by the direct linkage between welfare and prison. The door between the two institutions—DSHS and the penal institution--is fused open.

Although DSHS remains, in part, a disciplinary network, its’ expansion as an apparatus of the penal system is more effectuated--as Foucault envisioned--and it’s penal force substantially increased with the implementation of welfare reform. For example, one of the *stated* tenets of the reform was to get women to work, as well as independent of the state. However, the *realized* agenda is to get women off of welfare by enforcing work requirements, time limits, and family caps. These measures and the implementation of harsh sanctions have forced women to work for unlivable wages, forced them off welfare, whether they are working or not, and in some states, women are forced to work like slaves or prisoners by work mandates. Another way welfare has

expanded the penal apparatus is by prosecuting welfare recipients for welfare fraud. It is not possible to live solely on welfare benefits because of insufficient assistance. Consequently, women are forced to break welfare rules in order to survive and keep their children alive. However, breaking a welfare rule can result in multiple felony counts. Not only do felonies permanently shackle the women to the penal system, but so do the legal financial obligations thrust on them. Ironically, instead of assisting women to financial viability and independence, this ensures permanent attachment to the State.

In addition, the surveillance tactics deployed by DSHS situated women in a field of criminality. Surveillance of welfare mothers was also markedly expanded by welfare reform, as many states have actuated new welfare requirements that are implemented both by the State and privatizing of services, such as photographing, fingerprinting, DNA, drug testing, and EBT debit cards.²⁶ Consequently, welfare recipients movements are scrutinized, evaluated, monitored, recorded and subject to profiling and patterning. The boundaries between the welfare subject and the criminal subject collapsed, as they appeared as one and the same.

The mass amount of documentation and verification that is required of welfare recipients also reflected a criminalizing process. The application process was extensive, as previously mentioned, during the time that the women were convicted of welfare fraud in this study, DSHS in the state of Washington. Some of the information required, included at least twenty pages²⁷ of forms, numerous documentations (such as car registration and title, banking statements, wage statements, divorce decrees, and immunization records), and verifications (for example, letters from landlords and employers). There was also at least one interview with a caseworker which required an oral confirmation of all the information in the forms and documents. In addition, once welfare was approved, in order to keep benefits, new paperwork and documentation was required on a regular basis, as well as meetings with caseworkers, WorkFirst staff, and other mandated appointments. The enormous amount of documentation and extreme personal information required, as well as the sustained surveillance charted a zone of penalty.

²⁶ Although, EBT debit cards have streamlined cash assistance and food stamps, they are also a means of surveillance.

²⁷ This information is from 2005. Some states required the completion of more than 50 pages of forms. However, in Washington state, there have been more recent changes. Applicants can now file for assistance online and there are only six pages of forms to fill-out.

In one of the cases,²⁸ it was also possible to observe the surveillance meted out by the caseworkers from the twenty-eight pages of DSHS caseworker notes found in her file. The notes revealed the severe degree of suspicion and bias that the recipients were placed under by the caseworkers. As the notes disclosed, the caseworker also verified the information submitted by the welfare recipient by calling her landlords, employers, and her children's schools. In addition, the welfare recipient was constantly having to submit documents and forms to DSHS and resubmit them when DSHS lost or misplaced information. As Foucault stated, "The examination that places individuals in a field of surveillance also situates them in a network of writing; it engages them in a whole mass of documents that capture and fix them. A system of intense registration and of documentary accumulation...an essential part in the mechanisms of discipline" (189). The "examination" or surveillance imposed on Bandy and all the women in this case was not unlike processing and *booking* prisoners.

When taking into account the overall hyper surveillance imposed on women as welfare recipients or criminal subjects, it could be construed as the electronic Panopticon that Rose discussed (241, 245). Although Rose doubted or was skeptical that as a society, we had not reached this extreme point, at least, in a totalizing sense, we have inched nearer and nearer. Consider for example, the technological advancement and hyper-connectivity being used for purposes of identification and tracking, storing and archiving vast amount of information on individuals. It is not just the stockpiling, hardcopying, and cyberspacing information or the Foucauldian file, but also the "cybernetics of control." By this I suggest, the melding of computer data and information from governmental agencies and private entities, along with varied other sources of human collection that is directed in the use to control people.

For example, the documentation submitted by the Washington State Patrol in one court case file²⁹ revealed the enormous collection of data, records and information from varied sources, such as the Department of Licensing, apartment manager records, automobile insurance companies,

²⁸ Please refer to the case against Lisa Bandy, in Chapter Three for specifics about these notes.

²⁹ Please refer to the case against Lisa Allan's in Chapter Two.

health records, banking statements, telephone companies, and Department of Licensing. The WSP detectives also conducted interviews with apartment managers, employers, as well as the welfare recipient and the father of her children. They also conducted an elaborate investigation that included a stakeout outside her apartment, monitoring vehicle movement, and following the father of the children.

The criminal documents in the court case files also acted to officiate the criminal status of the women. Pager noted that “The state in this way [the records, files, and databases of people criminally processed] serves as a credentialing institution, providing official and public certification of those of us convicted of wrongdoing” (4). The documents are also made readily available to anyone, as they are public records. Pager continued “The ‘credential’ of a criminal record, like educational or professional credentials, constitutes a formal and enduring classification of social status, which can be used to regulate access and opportunity across numerous social, economical, and political domains” (4). These documents were not just the mould to forge criminal subjectivity, but they were like the mortar that permanently sealed criminal identity.

From a historical perspective, Foucault’s genealogy of governmentality and Donzelot’s (in his book *Policing of Families*) genealogy of the family charts the mechanisms and dynamics of the social and political relations that entrapped women convicted for into what appears as an inescapable web. For example, in the eighteenth and nineteenth centuries Foucault and Donzelot mapped out a wide range of phenomena that occurred, albeit extant, manufacturing the criminalization of poor women (and children) from the late twentieth and continues through the first decade of the twenty-first century. The inculcation of governmentality and its dispersion, distribution and circulation in the social body is almost seamless and at once ubiquitous and opaque. Only now it has developed the capacity to turn in on itself, secreting and cloning within its power fields its force, vigor, weight, which has the effect, in one way, to re-energize itself. And, the apparatuses of its laws, regulations and disciplines, and security fully functional and functioning; themselves are not just recursive or repeating themselves overtime, but instead they grow, mobilize, and colonize and in a way, they clone themselves and then re-colonize. But also, new techniques of power, along with recursive old techniques, only now transmuted, expanded,

revitalized, and more perfected to be even more powerful, efficient, and effective are used to intervene, direct, control, discipline, police and so forth vulnerable populations. Along its trajectory, it transforms and transmutes, not necessarily everything in its path, but its' target(s). In this way, theoretically and otherwise, women have been made poor and morphed into criminal subjectivity. From a feminist lens, it is supersexist, superracist, and superclassist. Neoconservative and neoliberal projects (such as welfare reform and penal expansion) and the financial crises have led to political upheavals which has given way to the rigorous revitalization of the traditional rule of patriarchy and misogyny, as well as the upwelling of racism.

The idea that racism was the mechanism used to divide the social body, in the time of welfare reform was also a means for biopower to exercise itself; to wrest control of the social body; to control the behavior of welfare recipients by directing their movement off of welfare, supposedly to work (or welfare to prison) and coercing them to marry. Essentially, the ineluctable, yet wretched message to poor women is that either you work or you die,³⁰ because government requires it. Although this may seem a bit maniacal or exaggerated, I can assure you that this is a reality for many women. Foucault discussed the transformation in the 1800s from the power of the sovereign to “take life” or “let live” to also include “to make live” and “let die” (*The Foucault Effect: Studies in Governmentality*, 241). In this case, governmentality has intervened in the very core of humanity, women-as-species and as producers of life; to manipulate and control life; to manage who can live and who can die. The imperative to poor women is: if you don't follow the rules, then government will indirectly or through direction, let you die or even “make (you) die.” As Foucault once stated, it is a *monstre froid*—a cold monster (103).

In a similar vein, Jacques Donzelot, explained “The launching of Family Planning echoed a discourse that was more than two centuries old, that of those men and women who had undertaken to struggle against the obscurantism of mores,³¹ to free the masses from their mental fetters, from miseries that used to be material and moral but now were sexual and emotional, so

³⁰ Die does not necessarily mean physical death, but it could. Death occurs in many different ways and it can be immediate or it can take a long time.

³¹ By mores, Donezot refers to the introduction of divorce, child protection laws, and the advancement of women (xx).

that they would produce fewer children, and above all, fewer social misfits” (221). The revealed the One relevancy is the rise of biopolitics of racism before, during, and following the 1996 welfare reform. Another concern is the biopolitics of controlling women’s reproductive choices and *access* to those choices, and the state and government interventions (in the biological continuum) to regulate and manage the population, particularly as it relates to poor women. Also, the current mode of governmentality is more about criminalizing poor women, penalizing welfare recipient, moving mothers and their children off of welfare, and criminalizing them, than about helping them and keeping their families together.

Mimi Abramovitz in her book, *Regulating the Lives of Women: Social Welfare Policy from Colonial Times to Present*, noted that poor people were marked or labeled by blue or red pieces of cloth forming the letter “P” that were pinned to their chests or hung from their necks. “P” meant pauper, which indicated they were undeserving (86). Paupers were highly demonized and paupers of yesterday are like welfare recipients today. Through the advancement of technologies, labeling practices are deployed even more effectively and permanently. Vivyan Adair in “Disciplined and Punished: Poor Women, Bodily Inscription, and Resistance through Education,” in *Reclaiming Class: Women, Poverty, and the Promise of Higher Education in America*, theorizes about past techniques and to current practices to mark people. She refers to this as “branded with infamy” (27, 28, 47). Drawing from Foucault’s work in *Discipline and Punish*, Adair explained, the public displays of violence are socializing processes to mark the victim. She stated that Foucault depicts:

a genealogy of torture and discipline as it reflects a public display of power on the body of subjects of the seventeenth and eighteenth centuries...The public spectacle works as a patrolling image, socializing and controlling bodies within the body politic. Eighteenth-century torture ‘must mark the victim: it is intended, either by the scar it leaves on the body or by the spectacle that accompanies it, to brand the victim with infamy. (27)

She correlates these grotesque techniques to current practices. She stated, “Poor women’s and children’s bodies, publicly scarred and mutilated by material deprivation, are read as expressions of an essential lack of discipline and order (38). She further stated, “Welfare reform is designed

to publicly expose, humiliate, punish, and display ‘deviant’ welfare mothers” (34). During welfare reform, acting as scaffolds, the media displayed poor women being punished via media clips donned in orange glow vests sweeping streets and subways and on their hands and knees scrubbing cobblestones. In addition, poor women were depicted villainously through US media outlets, such as magazines, newspapers, and television. The mugshots of people convicted of welfare fraud were displayed in local newspapers and posted on state welfare Website across the country. These criminal images were circulated throughout the social body by politicians, government leaders, and media conglomerates. This practice continues today. For example, King 5 television produced a series of reports on welfare fraud, titled “Their Crime Your Dime.” Over twenty stories about the abuse of welfare fraud were aired approximately from June, in 2011, through through July, 2011. These stores resulted in the resignation of several top DSHS officials and the legislation of several new laws, including outlawing the use of Quest cards at ATM’s located at Casino’s. In one of these stories, King 5 television’s Chris Ingalls reported that thousands of welfare recipients were spending their public assistance money on gambling. When in fact, welfare recipients were just withdrawing money from ATM’s using their Quest cards, as a convenience (many recipients reside by casinos because rents tend to be cheaper). He also misused DSHS data in his reporting. Nevertheless, funding and staff were increased for DSHS’s fraud investigations unit as a result of his distorted reporting that criminalized welfare recipients. Kiran Mirchandani and Wendy Chen in their book, *Criminalizing Race, Criminalizing Poverty: Welfare Fruad Enforcement in Canada* referred to criminal investigation units as the “fraud squad” (37).

In addition, Wacquant explained the proliferation of crime shows on television and “... the crystallization of law and order pornography, that is, the accelerating inflection and inflation of penal activity conceived, represented, and implemented for the primary purpose of being displayed in ritualized form by authorities –the paradigm for which is the half-aborted reintroduction of chain gangs in striped uniforms—suggests that news of the death of the ‘spectacle of the scaffold’ has been greatly exaggerated” (297). Consequently, the scaffold has been re-articulated, redirected and re-energized by television and media outlets.

Women, Poverty, and Race

The final two sections of this chapter, “Women, Poverty, and Race” and “The War against the Poor, Welfare, and Welfare Reform” provides background and contextual information about women’s impoverishment, welfare, and welfare reform. In this section, critiquing why and how women become and remain impoverished and raced is pivotal to understanding my work about women convicted of welfare fraud. There are complex political, economical, governmental, and social systems, forces and relations that situate women poor, raced, and criminalized. In addition, when discussing poverty, racism and classism as sociological facts are often inseparable. There are compounding, multiple, intersecting, and/or overlapping oppressions that can account for the disparities in the lives of women ensnared in poverty, that directly and indirectly attribute to and/or result in their prosecution and conviction for welfare fraud.

The significance of examining poverty and race is also grounded in my premise that women convicted of welfare fraud become criminalized because they are poor and they are made poor by the same systems and forces that also criminalize them. It is then, at the very least, a systemic problem. Indeed, being poor and/or a person of color is a conduit, a pipeline—a direct link--to prison for millions of women, children, and men.

Perhaps, the most powerful force making women poor are governmental policies that create inequitable income distributions. Overtime, these policies have not only made the poor, poorer and the rich, richer, but also the divide between them has considerably widened. While policies have been enacted and implemented favoring corporate interests and making the rich, excessively richer, their has been a rollback of governmental policies and programs that have traditionally, provided more equitable distribution of wealth, including in major areas of healthcare, education, and social services. Furthermore, programs established to provide assistance and safety nets to vulnerable populations have been slashed reduced, or eliminated.

For example, over the past thirty years, besides the war against the poor, there has been a rampant **winner-take- all** politics that resulted in just that--winner takes it all. Paul Hacker and Paul Pierson in their book *Winner-Take-All Politics: How Washington Made the Rich Richer-- And Turned Its Back on the Middle Class* discussed how politics and corruption have forged

governmental policies that not just favor the rich, but make the rich very, very rich and the result of these policies has devastated working and middle classes. The rich are not just getting a bigger slice of American wealth and resources, they are taking it all. Hacker and Pierson reiterated that *public policy matters* and that “Practically every aspect of the labor and financial markets is shaped by government policy” (44) and “[policies] powerfully shape how, and for in whose interests it operates” (55). This is done by policies and rules, such as setting wages, taxing, conditions of employment, union governance, and regulating corporations.

The decision makers making these governmental policies and rules are, of course, the political leaders in congress, as well as the white house administration, and the court system. While government officials have the power to make, implement, and change policies and rules, the citizens of the country also elect the majority of officials who construct the laws and rules. So, there is an element for elected public officials to be accountable to their constituents, at least in theory or to some degree. Politicians may choose to set their agendas or pass legislation according to the needs of the majority they are charged to represent in the local and/or national level(s). However, this is not always the case. For instance, even though the majority of constituents may heavily favor certain legislations, such as public healthcare, abortion rights, and same sex marriage, the people that were elected to represent their interests legislate against them. Then again, many elected officials will support those they are most beholden to, including special interests, but they also may be swayed by their own interests and agendas that is not for the public good. Indeed, this made the winner-take-all possible. It is part and parcel of how the great divide in wealth distribution was created and how the poor are being made poorer and poorer.

One way that has enabled government corruption responsible for driving innumerable people into poverty, suffering, and ruination is the promulgation and dispersion of propaganda, misinformation, and spin throughout the social body by media and sociopolitical outlets. What’s more, large corporations also own and control the media. Noam Chomsky in the Documentary *Manufacturing Consent: Noam Chomsky and the Media* identified varying methods or agenda setting techniques that have worked to manipulate information and some of these tactics, include the selection of topics, concerns, and opinions, filtering information, containing or bounding

debates within certain limits, framing issues, and emphasizing certain information. These propaganda techniques or techniques of control (to control what people think) have created what Chomsky described as “necessary illusions.” In effect, the dissemination and circulation of propaganda has produced a massive and boundless web of deception that is constructed and benefits the entrenched elite. This is how the contemporary “war against the poor” was initiated in the 80s, propelled in the 90s, and continues to gain momentum in the twenty-first century.

It is not just the media, large corporations, conglomerates, politicians, and government forces and powers that are responsible for the mass production of poverty in this country, but the individuals in these entities that turn their head the other way. The complacency and complicity of individual citizens abets and enables this atrocity. Together these powers and forces--not only the government policy setters, politicians, corporate executives, and the media’s circulation of propaganda, misinformation, and spin, but also the widespread complacency and complicity, individually and collectively that knit a collusionary and collaboratory network, at least in some part in producing poverty.

In addition, there are numerous ways women are disadvantaged and made poor. Various scholars have identified causes of poverty and from these discussions, I included six prevalent and egregious ways women are made poor.

First, **wages** are cornerstone to women’s economic stability and a means to make and keep women poor. Government policies set minimum wages, of course, and these wages are often far too low to provide a livable income. In addition, Kathryn Edin and Laura Lein in their book, *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work* revealed that women were better off on welfare (which provides less assistance than low-wage work), than low-wage work. This phenomenon results from the instability of low-wage work, whereas welfare provides some stability.

Most data posits that women earn approximately 69 to 77 cents on every dollar that men earn. However, the author of *The Price of Motherhood*, Ann Crittenden makes us privy that these figures only account for the women who work full-time, a method that neatly excludes one-half of the mothers who have children under 18 years old and don’t work full-time. So, if this discrepancy is taken in to account, in 1995, the average earnings of *all* women were actually 59

percent of what men earn.³² However, in this analysis, Crittenden fails to mention that women of color are paid even less than white women. Gwendolyn Mink in her work “Violating Women: Rights Abuses, in Welfare State” in *Welfare Reform, Poverty, and Beyond: Lost Ground* noted Black women, in 2000, who worked full-time earned 64 cents to the white men’s dollar and 84 cents to white women. Similarly, Latina’s earn 55 cents for every dollar white men earn and 72 cents to white women.³³

Also, *occupational segmentation* and labor market segregation are the way in which the labor market is hierarchically structured and/or segregated, which benefits primarily white men. Women have been traditionally been excluded from many sectors of the labor market and when they have included, they have been and continue to be paid less for the same work performed by men. Government policies have only marginally addressed these issues. Teresa L. Amott and Julie A. Matthaei in their book, *Race, Gender & Work: A Multicultural Economic History of Women in the United States*, described the three sectors of the structure as primary, secondary, and underground. The primary is monopolized by white men who enjoy stable work, good wages and benefits. The second sector is where people of color and white women are relegated to low paying, unstable work, and little, if any benefits or chance for advancement. The underground segment includes the most vulnerable and marginalized. Many are people of color. The work is often illegal or quasi-legal, such as sweatshops, prostitution, and drug trafficking (26-7).

Furthermore, Albelda and Tilly pointed out that women have only so much upward mobility before they hit a *glass ceiling*—an invisible barrier that prevents women from moving to higher level positions during their careers. They refer to the *bottomless pits* as holes poor women get stuck in as a result of insufficient viable economic opportunities (1). Because women of color are subjected to more discrimination, they have to climb even further out of the pit and the glass ceiling they hit is much lower, than for white women. In this vein, the ceilings, pits, and slopes are even steeper, harsher, and often permanent for criminalized women.

³² Crittenden’s data is from the US Bureau of the Census, Current Population Reports, *Money Income in the US: 1995* (93).

³³ Mink’s data is from the 2000 US Bureau of Labor statistics. Please note that Crittenden and Mink’s data are from different sources and years, which make it problematic to compare them (98).

In addition, there are huge issues with *women's unpaid labor* in the home and/or caring for children, family members, and parents. For one, it is equated by some researchers as equivalent to at least one full time job (Crittenden, 8). Consequently, while many of their male counterparts are focusing solely on their paid labor, females must split their attention and energy between unpaid care work and wage work.

Additional conditions that contribute to women's economic impairment or demise in the labor market are termed as the *mommy-faults*, including mommy track (Albelda and Tilly, 60; Crittenden, 31), mommy gap, mommy tax (Crittenden, 5), wage gap (Crittenden, 5), double shift (the work of both paid work and unpaid work), and triple oppression³⁴ or triple jeopardy.³⁵ The former two terms refer to multiple oppressions, including racism, classism, and/or sexism.

Although adequate wages affords the comfort of not having to struggle day in and day out, in order to survive, the lack of wealth plays a major role in women's poverty, particularly single mothers, who are significantly less likely to accumulate wealth and assets. Mariko Chang and Nicole Mason, in their report, "At Ropes End: Single Women Mothers, Wealth and Assets in the U.S." pointed out "We know that wealth and assets are better indicators of economic stability and well-being than income. A decent salary only guarantees that an individual will be able to pay the bills today; wealth guarantees that she will be able to pay the bills tomorrow and for generations to come" (5). So, lacking assets and wealth not only means that single mothers have less, to begin with, but this also debilitates wealth building. Chang and Mason also identified a number of components impairing women's wealth, such as employment benefits and governmental factors. Single mothers are often relegated to low-wage work that do not pay benefits or what she refers to as "wealth escalators," such as paid vacation, sick leave, medical and dental insurance, unemployment, retirement accounts, and pensions (24).

Impoverished single mothers are excluded from "wealth escalators" in governmental tax codes that give preferential treatment, such as capital gains (income that is taxed at a lower rate

³⁴ Linda Burnham in her article "Racism in U.S. Welfare Policy: A human Rights Issue" in *From Poverty to Punishment* 121.

³⁵ Kenneth J. Neubeck and Noel A. Cazenave in their book, *Welfare Racism: Playing the Race Card Against America's Poor* (167).

than wages) and deductions. They don't qualify for home mortgage deductions because they don't own their own home and they don't earn enough to receive child, donation, or other deductions and shelters afforded to higher income earners (24). Even the Earned Income Credit, which was designed to benefit lower income tax payers is based on income, so the less earned, the less tax credit is received and the more income earned, the more income credit is given.

The second aspect contributing to women's poverty is **single motherhood**. Typically, single mothers have only one income, so they tend to be poorer and have fewer resources, which makes them considerably more financially vulnerable. Whereas, two-parent families often have two incomes, if not one larger income and they also have more resources and webs of support not available to single mothers. Additionally, the rates of single parent families are significantly higher for people of color. For example, the percentage of single-parent Black families is almost twice that of whites (Mink, 99).

The third factor that thrusts women into poverty is **sex discrimination** and **sexual harassment**, which act as monumental barriers to employment. Historically, women have been excluded from many types of employment. However, in 1972, Title VII of the 1964 Civil Rights Act was amended to give enforcement to the law. In turn, this opened the opportunity for many women to gain access to employment from they had been excluded. Specifically, it gave Equal Employment Opportunity Commission (EEOC) the right to sue employers (under specific conditions) that refused to hire women based on their sex. Nevertheless, many jobs, today, remain segregated by gender and race.

On the job, some women are subjected to sexual harassment, in which case, this can result in job dismissal, denied promotions, lower(ed) wages, demotions, and/or they can be relegated to demeaning work. If they try to leave, then they risk being banished by other organizations in their field and consequently, not hired. They can also suffer retaliation for reporting harassment, even though retaliation is illegal.

The fourth component that has shoved countless women into poverty is the **no-fault divorce** laws. These laws, even though unintended have had disastrous economic consequences for *women* and their children. Under the no-fault divorce laws, the legal system assumes that everyone is equal, yet they are not. As the majority of women do not earn as much as men and

many women give up or put their careers on hold, so, that they can care for their families and manage the household. Thus, for many women it is difficult, if not impossible to re-enter the work force, if they have been out of paid employment for an extended period of time. As a result, many women after divorce, are left scrambling to begin new careers, some at entry level, thus low paying, as well as struggling to raise their family and manage the household.

Many women of color are even worse off because not only have they historically had to work, they earn less than white women, men of color earn less than white men, and they are less likely to have been married in the first place. So, not only do they have class hurdles, they have additional burdens of race barriers.

The fifth measure making women poor is the lack of adequate **child support** and this is pandemic. For instance, approximately 50% of single mothers are awarded child support and only 25% of these women actually receive it (Amott and Matthaehi 313-14). Women of color are less likely to get support and if they do, it is more likely to be less than what white women receive because men of color earn less than white men.

The six factor that contributes to impoverishment is violence against women. For example, many women, escaping **domestic violence** or violent relationships, leave in such a way that renders them poor or poorer and some women are forced to leave their material possessions behind, altogether.

Historically, impoverished people have been subjected to social condemnation and confinement. For example, Donzelot discussed the use of poorhouses to confine indigent people, especially, those deemed a threat to public order. These included people that had "... no one to supply their needs, but neither was there anyone to hold them within the bounds of order" (49). He added, that this confinement was "... for the sole purpose of putting them [poor people] socially out of action, of bringing an end to the scandal constituted by the spectacle and behavior of those uncontrolled elements" (49). Similarly today, women convicted of welfare fraud are "put out of action," by an even more efficient, streamlined, and expanded penal system of the twenty-first century. The expansion of confinement is the mechanism to control and manage poor women--to "hold them within the bounds of order."

In a like manner, Mimi Abramovitz in her book *Regulating the Lives of Women: Social Welfare Policies from Colonial Times to the Present* also traces and grounds current welfare and poor policies in English poor laws (77). Distinctions in the eighteenth century emerged between the deserving poor and the undeserving poor. The deserving poor were white women who were poor from no fault of their own. They were often widows or abandoned and left to care for the family. They maintained the family ethic and didn't veer from their prescribed role. If they were lucky, the community would help by providing help or they were often sent to live with different families in the community, more or less as servants (84-5).

Conversely, the undeserving white poor people were pathologized and blamed for their own poverty. Undeserving white women could be "...auctioned off and sold to the lowest bidder in town" (86). Or, they were often sent to poor houses, which were more like modern prisons (88). As Karlene Faith in her book *Unruly Women*, explained (originally in England), it was actually the poor houses that were first used to remove unruly and deviant elements from society for the purpose to punish and reform them to be good workers (221). Poor children, women, and men were sent to live and work in horrid conditions. They were considered indentured and for the most part, worked for free. Sometimes the children were taken from their mothers for no other reason than because they were poor (92). Women of color, subhumanized, weren't eligible to live in the poor houses, but they could be taken there to be punished, such as a whipped or they could be beaten to death—there were no laws against it (91).

The War against the Poor, Welfare, and Welfare Reform

It is not an American Dream, It is an American Nightmare

The war against poor women began to build in the 1970s, as the government was under pressure to resolve the dilemma that welfare benefits were severely inadequate and the lack of support to increase funding. This war was fueled aggressively in the 1970s and 1980s by Ronald Reagan in both his bids for the presidency and culminated when then, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) or welfare reform, also referred to as TANF, in 1996. Welfare policy dramatically changed with this legislation and what was once an entitlement was now a moral mandate for poor single mothers

to work and to get married, even though the cost to women and children, at least in part, could be deadly. Poor women and their advocates condemned the reform as cruel and barbaric. Many denounced this reform as “welfare deform,” “the end of welfare,” “the death of welfare” or “welfare burial.”³⁶ Indeed, it can be construed as a crime against humanity.

Although, there are several kinds of welfare and the one most referred to is the aid government dispenses to the poor, welfare, or TANF, which accounted for less than one percent of the budget before the 1996 reform and currently, even less. Another kind of welfare is the wealth and resources extracted from the government and directed to benefit the wealthy and large corporations. This amounts to enormous government subsidies, bailouts, tax loops, breaks, and shelters, and aid that literally floods to large corporations and the richest Americans. Rather than calling it welfare, other terms, including subsidies, bailouts, and tax shelters are often used, which is talked about in the next section in greater detail. This kind of welfare was virtually invisible and silenced in most public domains and discourse, until the substantial tax cuts for the wealthy and deregulation caused an economic crisis during the Bush regime. For the purposes of this project, the discussion is focused on welfare aid given to the poor.

Leading up to the war against poor women, both the equal rights movement and women’s rights movement had been simmering for many years and there were several significant pieces of legislations passed that were attempts to leveling the *playing field*, including the 1963 Equal Pay Act (barring wage discrimination based on sex), the 1964 Civil Rights Act (outlawing major forms of discrimination practices against people of color and women), and in 1972, the Equal Rights Amendment passed. However, 38 states were needed to ratify the ERA, which would make it the 28th amendment to the US constitution. By 1977, thirty-five states had voted yes. To date, the ERA has not being ratified and the time limit for ratification expired in 1982. Nevertheless, efforts are underway for it’s ratification.

In addition, in 1972, the 1964 Civil Rights Act was amended to give teeth to women’s access to employment, as mentioned earlier. The fervor for equal rights for women had swept the country and across the world. In the US, women were making momentous strides in gaining equality and women, literally, flooded the labor market. Many women gained access to non-

³⁶ 50

traditional work and/or they expected and even, demanded higher paying jobs and higher pay for the work that they were traditionally assigned. Equal rights was becoming a reality and almost reachable for many women, as they fought and were winning access to all areas and levels of employment and education. While *tokenism* subsided somewhat, as more-and-more women broke through barriers, women were also taking control of their lives and bodies by accessing abortion, birth control, and birth planning. The vast spread and speed of the movement brought remarkable change for the betterment of women and this came about, often with great challenges and struggles. What's more, there was a bittersweet sentiment left over. The sweet is the rights that women now enjoy because of the immense struggle of the first and second wave of feminism. The bitter is the inequality that remains. In addition, many rights procured were met begrudgingly and even with violence. To a small faction, the advancement of equal rights for women and for people of color has been considered an infringement and detriment to men, specifically white men. This vile and misogynist sentiment spilled over and to some degree, propelled the war against poor women. In general, there has been revitalization of sexist, racist, classist, homophobic, and hate-filled sentiment that has been powered and garrisoned by right extremists and residual currents remaining from a long battle for equal rights.

In part, this is arguably a “backlash” in response to the advancement of rights for *some* women and/or people of color and similar to the backlash that occurred during the women's rights movement that Susan Faludi discussed in her book, *Backlash: The Undeclared War Against American Women*. She identified the evangelical right and the fundamentalist ideology as a source for the backlash against women and this backlash surge occurred just as women were about to achieve equality (xix). Although, Faludi contends the war against women was undeclared in the title of her book, for poor women the war against them was fully exercised and could not be clearer. In addition, the enormous vulnerability of poor women made them sitting targets, as the focus of hostility and contempt shifted toward them.

The war was mediated primarily through newspapers, television, and the Internet. The media hype denigrating and pathologizing poor women was launched by the iconic *welfare queen*. According to Julily Kohler-Hausmann, in her article ““The Crime of Survival”: Fraud Prosecutions, Community Surveillance, and the Original ‘Welfare Queen’” the original welfare

queen was Linda Taylor, a welfare recipient from Illinois. She had been convicted of defrauding \$8,000 (while using four aliases). She became the scapegoat for the incompetent management, understaffing, and underfunded welfare program in Illinois, in 1971. Kohler-Hausmann stated the media went wild concocting stories about her and the variance of vilification mutated from article to article. *The Chicago Tribune* reported that Taylor “illegally received over \$200,000 by using more than 100 aliases in 12 different states...had at least 31 addresses, 25 phone numbers, 3 cars (including one Cadillac), and several husbands” (334). In other articles by the same newspaper, it was reported that she allegedly committed “robberies, bigamy, and told how she had collected fees as a ‘voodoo doctor...’” (333-34). Then again, Ronald Reagan seized the opportunity to boast his political capital and popularity in his failed 1976 presidential bid by criticizing ineffective and wasteful government programs (welfare) and he used the welfare queen and hateful poverty rhetoric profusely throughout his first campaign (335) and his next campaign.

The welfare queen symbolically represented and embodied the disease and disorder of society. Her personification reflected that she was Black and sometimes Brown, lazy, alcoholic and drug (crack) addict, sexually promiscuous, and having many children with different fathers. Although Linda Taylor is real, the stories used against her were fabricated. Yet, the fervor for war against poor women was ignited by these manufactured stories. In this way, the narrative spine of the war was the welfare queen and the target of the war was squarely aimed at Black poor women. Ultimately, the misinformation and hatred made it palatable, thus possible to pass a reform so cruel to women and children.

Consequently, the passage of welfare reform was met with open arms by the mainstream populace and lauded victorious by republican and democratic factions, alike. However, for poor women and children, it was devastating. The new reform imposed many more limitations on the preexisting welfare policy, including time limits, work requirements, and harsh sanctions. What it didn't do was increase the amount of assistance (except with childcare, in some cases), so, it failed to address the longstanding urgency and hotly contested debate that welfare did not provide enough assistance for poor mothers and their children to live on, even for the barest of

necessities. Another thing it did do was remove the safety net for poor families—increasing hardships, deprivation, and vulnerability for hunger and homelessness.

Before welfare reform was passed, it was well known and documented that welfare did not pay enough to live on. One particular research project provided overwhelming evidence. In their book, *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work*, Kathryn Edin and Laura Lein found that all of the 379 single mothers that they interviewed between 1988 and 1992, whether wage-reliant or welfare-reliant (which was Aid to Families with Dependent Children (AFDC), at that time) did not have enough money to live on and subsequently, all but one of the women in the study generated alternative support by other means (6). For instance, many women (77%) survived on welfare with help from family members, boy friends, and/or the fathers of their children, but did not report it. Some of the mothers worked or received in-kind services that they did not report and/or were involved in illegal activities. Several of the women bought various items from shoplifters, in order, to reduce costs. Other women (31%) received assistance from a “community group, charity, or student aid program” (45). There was only one woman that followed all the rules and did not supplement her income or resources outside of AFDC. As a result, she was reported to Child Protective Services and was under threat of losing her child, due to “neglect” because she could not feed and cloth him adequately (42).

Single mothers in attempt to survive and escape welfare are usually relegated to low-wage work. As Edin and Lein noted, wage-reliant mothers, similar to welfare-reliant mothers supplement their incomes by alternate means (107-109). Furthermore, their research revealed that working in low-waged work was not as stable as welfare and resulted in “serious material hardship” (117) for numerous reasons. This provided the revelation and evidence that not only did low wage work not resolve the poverty issues for poor single mothers, but it made it even worse.

Generally, low wage work is unstable and the hours tend to be irregular and inconsistent, which in turn, effects income. Additionally, schedules that require working split-shifts, nightshifts, and/or weekend can have profound consequences for single mothers and their

families, as finding childcare can be extremely difficult, if not impossible. They can also lose their jobs by staying home to take care of sick children.

Women are also at risk of being laid off or losing low-income governmental benefits, including childcare, medical assistance, and/or housing subsidies—all critical and stabilizing components for vulnerable families. In addition, other expenses increase as a direct result of working, including transportation, childcare, and clothing costs. When taking into account how difficult and time consuming it is to get back on welfare, working is not always a viable option, as it can lead to instability very quickly. Subsequently, as Edin and Lein revealed “...women learned that the kinds of jobs available to them were not avenues to success or even to bare-bones self-sufficiency; they were dead end” (70). Women don’t want to be on welfare. They want a better life. However, cycling from unlivable welfare “welfare trap” (86) and even worse unlivable work “poverty trap” sustains and deepens their poverty.

In addition, welfare reform is laden with tactics to sweep women off of welfare, including work requirements, time limits, sanctions, and prosecutions for welfare fraud. Women were also discouraged to apply for assistance by massive documentation and verification requirements³⁷ or they are denied benefits, even though they are eligible for assistance. These measures are deterrents for women seeking governmental assistance.

The most prolific tactic to reduce welfare rolls in the onset of the new reform was the implementation of sanctions, whereby, mothers and their children are temporarily or permanently banned from receiving benefits. The use of sanctions has resulted in a significant reduction in the number of women receiving assistance and/or the amount of help they are able to receive. The government rationality and justification for sanctions is that recalcitrant women who break the rules must be punished. However, this tactic and the way it has been actualized is a means to reduce welfare. Many women have been sanctioned for no fault of their own, as the rules are exceedingly arbitrary and convoluted. Sharon Hays in her study of welfare workers and clients in *Flat Broke with Children: Women in the Age of Welfare Reform*, pointed out that it was no surprise that many women who had been sanctioned were not sure what rule they broke because even the staff didn’t understand the tortuous rules (42). She disclosed that “...not liking your

³⁷ As previously mentioned, welfare application requirements are now streamlined.

work, having problems with childcare, experiencing family problems, having a sick child, your own illness, arguments with supervisors, having your apartment building burn down” are not good causes for quitting or getting fired from your job and *will* result in a sanction (41). The abuse and illogic of sanctions has been wide spread and well documented, particularly at the inception of welfare reform.

The severest tactic that may be used to move women off of welfare is prosecution, or *threat* of prosecution for welfare fraud, which is sometimes accompanied by a perjury charge—both felonies. Conviction can also result in permanent welfare banishment. Martha F. Davis asserted that welfare reform has become prison-like. An interviewee in her research stated, “After welfare reform, it became almost like a police state. They started fingerprinting, taking photos, like a prison system. Poverty is criminalized now” (150). In addition, many states are legislating for laws that require drug testing welfare recipients. In 2011, Governor Scott of Florida after lobbying for drug testing welfare recipients, he signed into law that welfare recipients must be tested for drug use, annually. According to Kevin Spak, reporting from Newser,³⁸ after approximately one month, out of the 1000 welfare applicants who took the test, only two percent failed the test and another two percent refused to apply for assistance. Consequently, this will likely end up costing the state \$345,600 to \$518,400,³⁹annually. and ironically, some of the money will shift from the state to the Governor, as he is co-founder and owner⁴⁰ of Solantic, a chain of medical clinics that is aligned to profit from the invasive and humiliating tests. Moreover, not only is this legislation repressive and criminalizing to welfare recipients, it’s costly to the taxpayers that pay for the tests,⁴¹ it does nothing to resolve to problem of drug use, poverty, or assistance vulnerable populations.

The different means of dissuasion not only keeps women off government assistance, but it makes them even more vulnerable. Poor women, particularly poor single mothers trying to raise children unable to rely on government for assistance are an excellent source of labor. The

³⁸ From <http://www.newser.com/story/127011/only-2-failed-florida-welfare-drug-tests.html> on August 28, 2011.

³⁹ This is based on \$30, the minimum cost for a drug test, minus four percent of the 1000 to 1500, applicants.

⁴⁰ Although, he signed his ownership over to his wife approximately six months before signing the law.

⁴¹ Welfare recipients pay for the drug tests, but are reimbursed by the state, if the tests are negative.

work requirements creates a predatory-prey environment, whereby welfare recipients are rendered as prey. Work requirements forces impoverished women to work for low wages, for many unlivable wages--in segregated, segmented, and mobilized labor markets, but also many are forced to work and live in squalid conditions. As a result, the work requirements have resulted in large numbers of women exiting welfare, this government tactic was not just directing women's movement to low-wage work, but forcing them off welfare. Foucault noted that regulation was not meant to discipline but to regulate the flow of populations. In this study, the focus is how welfare has funneled--directed the flow of-- welfare recipients to the penal system.

Chapter Two

Eleven Court Case Files

This chapter provides an in-depth discussion of eleven of the thirteen court cases in this study, including the files against Lucy Allan, Mary Rice, Kathy Brook, Michelle Emory, Tanya Engel, Cory Gray, Gwen Hudson, Francis Page, Vera Yada, Pam Dow, and Susan Davis. The crime, sentence, outcome, specifics, and details of the case for each of the eleven women are discussed, as well as the criminalizing elements of the documents. Some of the cases are discussed at length more than others because of the varying and often limited amounts and kinds of information in the files. In order to avoid a high level of repetition in the files, I focused on the unique aspects of each of the cases.

Unlike the two cases of Lisa Bandy and Loren Hall, which are reviewed in Chapter Three and Four, respectively, these cases did not go to trial and were not appealed. Instead, it appeared they were plea-bargained and the women pleaded guilty. However, in many of the cases, they pleaded Alford⁴².

All the documents in the files of the eleven cases, except for one,⁴³ were highly criminalizing in varying degrees and worked as a formula to discursively construct and contextualize the women as criminal. The women were forged concretely through these documents in the files as criminal subjects, as if there was nothing else about them to report. In this way, other than their criminality, they were made vacant and soulless entities. In the process, their individual personhood and what makes them real people was erased and replaced with criminal subjectivity. The overall effect, wiped out any authenticity of the *real* women, their lives, and their essential role as mothers to their children. Moreover, in nearly all the cases the children were rendered invisible. In most

⁴² Alford means that the court recognizes the defendant as guilty, although, she does not admit any guilt. Instead, she concedes there is sufficient evidence that she would likely be found guilty by a judge or jury, if the case went to trial. Consequently, by not admitting guilt, leaves open the possibility for her innocence, at least from her perspective.

⁴³ This document, the “Notice of Appearance and Request for Discovery” was sent by the attorney for the defendant to the prosecuting attorney, requesting specific information from the prosecution, such as providing all relevant information pertaining to the case and preserving evidence. It was not in every file. However, it was in every file where a private attorney was retained.

of the cases, it was difficult, if not impossible to know if the women even had children, except they wouldn't be eligible for welfare without having children. In a few cases it was possible to ascertain they had children, when the children were mentioned in reference to the case. For example, in Allan's case, the Washington State Patrol's primary investigator noted that while two detectives were staked outside of Allan's apartment they observed the mother (Allan) left her residence alone and an hour later, the father left the premises with their *three children* and then he drove them to school. The nullity of the children raises serious concerns about the impact on the children and our society as whole.

Simultaneously, the making of the criminal subject, in all these cases, foreclosed the possibility for humanness, humaneness, and compassion. Consequently, the women's hardships, struggles, sacrifices, greatness, and responsibility in trying to care and provide, even the most rudimentary of necessities for their children, despite and amid all the horrors of poverty and criminalization was expunged, as well. This disconnected and masked the gross deprivation not only the women suffer, but also the children. There are often overlying justifications for the criminalization of women and what happens to their children. Rose discussed the rationale for justification and coercive policies. He stated, "...the argument that constraint of the few is a condition for the freedom of the many, that limited coercion is necessary to shape or reform pathological individuals so that they are willing and able to accept the rights and responsibilities of freedom, or that the coercion is required to eliminate dependency..." (Rose 1999;10). Another justification, is that *she should have thought of that (consequences) before she broke the law*. In other words, she deserved it. In this scenario, the children are rendered collateral damage.

There were numerous types of legal documents and forms, with various levels of standardization and the information dispersed in them was rigidly and narrowly bound to a criminalizing script that the women were pressed into. For example, the information in the "Information" document was identical in all the files, except spaces that were filled-in specific information, such as the names of the women, the dates the crime occurred, and if the crime was Theft in the First Degree or Second Degree. As a result, the women were made to "fit" with in the bounds of the document. However, the emergence of the

women as something other than criminal subjects or importantly, as human subjects was, at times, slightly possible by piecing together scarce bits of information gleaned from the documents and from what is or is not in the documents and/or file. It is analogous to having a giant puzzle, but some of the pieces don't fit and others are missing. There are also outlying pieces that help make up for the missing and/or ill-fitting pieces.

For example, information about welfare, poverty, and not earning enough to live on provided important perspective in understanding the real conditions of living poor. Knowing what welfare pays made it possible, in a few of the cases, to figure out how many children the women were caring for, if the amount of monthly benefits were disclosed. Although, inconsistent, the "Superform" document listed specific detailed kinds of information, including physical characteristics, such as race, height, weight, and color of the hair and eyes. It also recorded the date of birth, address, Social Security numbers, drivers license numbers, employer and position, and a whole host of criminal identity numbers that was discussed in detail in Chapter One.

In addition, the "Statement of Defendant On Plea Of Guilty" document gave educational information. The "Certification For Determination Of Probable Cause" document or investigator's report tended to provide the most personal information about the women and in more of a narrative format about the particulars of the alleged crime, including a brief description of the crime, dates, RCW's of what laws were broken, what benefits were received, and how much money was allegedly defrauded. In a few instances, information related to the women would seep out. For example, in Allan's case, this document revealed substantial more information about her and her family, compared to the other cases in this chapter, such as she had three children, used the same daycare for ten years, and received approximately, \$1,000, every month from DSHS for childcare assistance. It also revealed that she worked for DSHS as a case worker. The investigator's report also revealed a considerable amount of information about her financial situation, particularly when compared to the other cases. With a little bit of calculation of her income and expenses, it was possible to begin to realize the severity of her situation and her financial limitations. For instance, when combing her income with the estimated income of the

father of their children, they were still extremely poor and would still need assistance with basic needs.

Furthermore, some of the information dispersed in the documents made it possible to analyze and decipher the process of how these particular women were criminalized and how the files produced criminal subjects. The documents are meant to create and identify only the criminal subjectivity, yet this fails to accurately and truthfully represent the women. The information in the documents, also in a few of cases disclosed the level of poverty that trapped the women and their children. This also loosened and/or opened up space to understand the women from a human and humane perspective and their plight as poor single mothers, trying to raise their children.

In addition, the names of the documents that the information originated from were included in the description of the cases. This provided an accurate account of how and what information was channeled through the documents. Moreover, it was a means to illustrate not only the limitations, constraints, and scarcity of information *contained* within the documents, but also the kinds of information that was dispersed. For a detailed description of the documents, please refer to Appendix A. For the definition and specificity of the laws, please refer to “Appendix B.” There is also a complete list of all the documents in the case files in “Appendix C.”

Lucy Allan

The Crime, Judgment, Sentence, and Outcome

According to the “Information” document, filed in 2003, Lucy Allan was charged with one felony count of *Theft in the First Degree*. The “Certification For Determination Of Probable Cause” document indicated that she had not reported financial assistance she received from Frank, her alleged husband⁴⁴ and father of their children and that he was living with them, at least some of the time. Consequently, she was not eligible for childcare assistance that she received for her three children from July 1998 though

⁴⁴ It was never clarified that they were actually married or divorced, as there was conflicting information.

August 2000. As a result, she received an overpayment of \$24,348.36 from DSHS for childcare assistance.

According to the “Judgment and Sentence Felony” document, Allan was convicted of *Theft in the First Degree*, on December 7, 2001. As part of her sentence, a “first time offender waiver” was granted and she did not receive confinement and was credited for one day already served. She was also ordered to perform 240 hours community service, two years of community custody (probation), and pay restitution and \$500 for Victim’s Assessment. The “Order Setting Restitution” was set at \$24,348.36. Her total financial obligation was \$24,848.36. Allan’s was the second highest restitution ordered out of the thirteen cases.

It took just a little over *seven months* for Allan to be sentenced from the time charges were filed against her on May 23, 2001, indicated by the “Information” document or charging document until she was sentenced on December 7, 2001. Furthermore, her case was still ongoing after approximately *one year and nine months* from the time the “Certification for Determination of Probable Cause” document, dated March 6, 2001, to the last document in the file or the “Order Immediately Releasing Defendant,” dated December 11, 2003. The investigative phase was an additional *eleven months* from the time her benefits were terminated on August 20, 2000, until the earliest document was signed on March 6, 2001, according to the investigator’s report. Consequently, she spent two years and eight months immersed in criminalization and her life being forever transformed by it.

She also was arrested and jailed on October 7, 2003, for an additional four days because of a “supervision violation according to the “Order Immediately Releasing Defendant--This Cause Only” document. Consequently, it appeared the case was far from over, as there was no indication that any of the court ordered financial obligations had been paid or community service had been worked, let alone completed. Not paying the legal obligations tethers her to the penal system and

In the eighty-nine pages in the file, there were two private attorneys from the same law firm, approximately five public defense attorneys, and thirteen deputy prosecuting

attorneys or twenty attorneys, overall that were used in this case. The large number of attorneys raises troubling concerns that she received fair treatment. For example, how could both the prosecutors and defense attorneys have the needed time to give adequate attention to her case, if they are continually replaced. As it is, public defense is notoriously known to be severely overburdened. Also, Washington State Patrol (WSP) Detective Penry appeared to be the primary investigator, as he filed the “Certification For Determination Of Probable Cause” document. Furthermore, Allan’s case was the only case where it was clear that the WSP conducted the investigation. The other cases were conducted by DSHS investigators Loni Dean or Earl Gurney. This was the next-to-the-longest report, six pages, following Hall’s case of eight pages and it was also highly detailed relative to the most of the cases. One explanation is that in Allan’s case the WSP were conditioned to be more professional in tightening their case, whereas DSHS investigators didn’t have to be as rigorous to have the same results. In other words, there may be a different standard to prosecuting and/or convicting women for welfare fraud than with other crimes. In Hall’s case, the report was against two people, but she also had quality legal representation and she was also the niece of a celebrity.

Specifics of the Case and Issues Germane to this Study

Allan was 35 years old at the time of her sentencing and she had gone through the twelfth grade, according to the “Statement of Defendant on Plea of Guilty.” As discussed in Chapter One, only one woman had not completed high school or GED. Consequently, nearly all the women in this project are educated and therefore, more employable. It was also noted in several documents that Allan did not have any known prior convictions.

According to “Certification For Determination Of Probable Cause,” Toddler Town USA, the daycare she had used for her three children for over ten years called DSHS on April 19, 2000. They informed DSHS staff that they suspected Lucy Allan was committing welfare fraud, as Frank, the father of the children might be staying with Lucy and the children because “...on several occasions Allan’s children made reference to their father

and mother being together.” It was also reported that the children told daycare staff that they were living in a three-bedroom apartment and “the two girls stayed in one of the bedrooms, the young boy stayed in another, and the parents shared the third bedroom.” Toddler Town USA staff also stated that Frank had paid the childcare co-pay for the children, on several occasions, even though Allan was required to make the payment. Along with the co-pay, DSHS had paid the remainder of the money owed, directly to the childcare center.

In addition, Allan had worked as a caseworker,⁴⁵ for the DSHS Renton welfare office since March 16, 1998, and she made an application for childcare assistance with DSHS on July 6, 1998. In her application, Allan made several claims that DSHS thought were fraudulent, including that her only source of income was her DSHS wages, she lived alone with her *three children*, and was not married. It was also noted that she had also left a number of lines blank for questions pertaining to child support from the children’s father, Frank Allan. She also reapplied for assistance approximately every six months, filling out, signing, and submitting the required forms.

According to the investigator’s report, Allan’s benefits were terminated on August 31, 2000, when her children stopped using daycare. There wasn’t an explanation given for discontinuing childcare services. In addition, there wasn’t any information in the file that indicated she had continued to work for DSHS after the investigation began, the charges were filed against her, or after she was convicted.

Frank Allan disclosed to the WSP detectives, as noted in the investigator’s report that he had been married to Lucy since 1991, but they hadn’t been together since about 1995 or 1996. Penry discovered that Frank Allan worked at Bartell’s Drug Store. Through a Department of Licensing search, Penry noted that the three cars were registered in his name, including a 1993 Taurus, listing a second owner as the Mid-Ohio Securities Corp, and a 1994 Acura, listing the second owner as Washington Mutual Bank. Another car, a 1992 VW was listed as a total loss by an insurance company. Consequently, the cars

⁴⁵ According to staff at the Washington State DSHS regional office you do not need to have a college degree to be a caseworker and this should not be confused with a social worker.

were in Frank's name and not Lucy's.

Struggling to Survive on Unlivable Wages

Because there was explicit information in the investigator's report, the financial data provided in the file against Allan was significantly more than the other cases, except for Bandy's case, which contained a similar amount of financial information. There was enough information provided to calculate Allan's income and her expenses. For example, her net income working for DSHS was \$1581.40 per month. Her rent was \$910 per month, which included parking fees. Her childcare co-pay for her three children ranged from \$154 to \$331 per month, from July 1998 through August 2000. Her utilities cost \$200 to \$300 per month, although it was not clear if this also included her monthly telephone bill that was approximately \$69. Consequently, her monthly rent, utilities, and childcare co-pay totaled approximately \$1541.00 per month--using the higher childcare co-pay and utility calculations. This leaves only \$40 each month for all other expenses for a family of four to live on, such as food, clothing, school and household supplies, medical and dental, and car expenses (gas, insurance, and maintenance).

Although Allan was working in steady employment for DSHS, as she was leaving for work at 6:30 every morning, as reported by the WSP detectives, her income was not enough to cover her living expenses, even with childcare assistance from DSHS. In addition, when counting the help of Frank Allan's income--assuming his Bartell's wages are about the same as hers--or net about \$1,600 per month or \$12.00 per hour, after subtracting 20% reduction for taxes--they are still not financially viable for a family of five. For example, DSHS was providing \$1,000 per month for childcare assistance and he was still paying for the two cars they were using. If the monthly car payments were \$100 per car or \$200 for both car payments, that is \$1200 per month for the car payments and additional childcare expenses that DSHS had been covering, leaving \$400 per month of Frank's money or \$440 of their combined income to pay for basic monthly expenses, including food, clothing, medical and dental, gasoline, and car repairs, registration, and car insurance for a family of five. Consequently, even with combined incomes, meeting

basic monthly financial expenses would be difficult. Furthermore, any emergencies, additional costs, and/or adverse change in income(s) could result in devastating consequences. The combined incomes provided, at least, a possibility, whereas, living on just Lucy's income, even with childcare assistance was far more inadequate.

The MAKING of a Criminal Subject

Not only was it possible to calculate and conclude from the information in the file compiled against Allan that her income was insufficient to raise three children without additional resources, but there were also other glimpses of her struggles with financial hardships through fragmented comments of the WSP investigators. However, the comments were the means to discredit and criminalize her, rather than an explanation of how she managed to raise her family amidst poverty and unlivable wages. Moreover, it worked to make her a criminal subject and at the same time, it superseded and concealed her real struggle of living in poverty.

For example, in the investigator's report, Detective Penry discussed Lucy Allan's admissions of guilt when WSP detectives were interrogating her. Detective Penry stated, "*After a period of time* [my emphasis], Lucy *admitted she should have* [my emphasis] included the monies and financial assistance she received from Frank over the last two years [on the DSHS forms], but didn't *so she could better provide for her children* [my emphasis]." What this statement does is to establish that through interrogative practices the detectives were able to break her down and extract the truth, as though they had gotten the truth, by cutting through the lies, deception, and justifications. Hence, the criminal—the true subject is revealed and exposed. To state "admitted" implies she knowingly chose criminal behavior. Hence, the criminal subject is forged. Penry used she "admitted" several times, which also shored up her criminality. Furthermore, the criminal subject confesses the truth and wrongdoing not once or twice, but over a long period of time, as she signed many DSHS documents for two years giving false information. Criminal identity then, is constituted and cemented historically.

To better provide for her family reflects more of an excuse for criminal behavior, than a

means of survival to ward off destitution, ill health, hunger, and/or homelessness. The children are lost and ultimately devoid of any subjectivity. In addition, immediately following this statement “After a period of time, Lucy admitted she should have included the monies and financial assistance she received from Frank over the last two years,” Penry rephrased it to read, “She later admitted that Frank lived with her and the children for a period of time and should have included his name and income on the forms, but did not *for the same reasons as previously mentioned* [my emphasis].” In this case, “...for the same reasons as previously mentioned” supplanted “...to better provide for her children,” which had the effect to make the children nonexistent.

Other examples repeated this dynamic, such as, Lucy Allan stated that Frank made daycare co-payments “...when she did not have money to do so.” “...but knew she was supposed to report it.” or Frank paid rent on occasion “...when she did not have the money.” or Frank helped pay utility bills “...when she could not afford it.” In other statements, Penry noted, “She was *evasive* [my emphasis] about the exact amount of time he lived with her.” Consequently, not only does this bespeak about the good job the detectives did in their interrogation by getting her to “admit” her wrong doing, but the language, such as “she knew she was supposed to report it,” she “should have,” and “she was evasive...” makes her complicit, but also bends her to confess and admit to her wrong doing. Ultimately, her criminal identity is constructed.

In addition, there was a plethora of language that was embedded in the investigator’s report that fused her to criminal conduct and subjectivity, including she was “evasive,” “elusive,” “she knew” and, “not truthful.” Other language, such as the repeated use of she “admitted” and “she purposely omitted,” meaning, of course, her felonious behavior and criminal intent was to defraud the state of Washington. It is through the interrogation that she confesses her criminal activity and criminality. These are techniques used in the making of a criminal subject.

The Use of Surveillance, Control, and Demeaning Tactics

Allan’s case was the only file in this project that revealed the extent of surveillance

tactics that were applied in the investigative phase of the criminalization process. The rigor of the police investigation and surveillance was disconcerting to the degree in which they went to prove that Frank Allan was staying at her home with their children. Although, social workers are no longer barging into the welfare recipients houses at any time of the day or night to catch “the man in the house,” it is evident, the police have taken over the task, as detectives were used to monitor Lucy and Frank Allan’s movements at her home. For example, on at least five different days or nights, Penry described the stakeouts outside of her home. One or two of the three detectives that were working on the case, reported on the surveillance of the vehicles in Frank’s name outside of her apartment. Although, the vehicles were not always spotted, one and sometimes both of the cars were found in parking areas outside her apartment. The police went so far as feel the hood of the car(s) to see if they had been used. The detectives noted that on numerous occasions, the hood of the car felt cold, meaning if the car had been there for a while, so had the father.

Besides stakeout tactics, they also used shadowing or stalking, although legal techniques. For example, while waiting and watching for the mother and father to leave, the WSP made several reports of their movements. In one instance, the mother was seen leaving her apartment alone around 6:37 AM, without her children, and drove away in the Taurus. Although the Taurus was never established as her car in the report, Penry referred to it as her car. She was not followed after driving away. In another example, the mother was spotted leaving her residence alone, at 6:35 AM and two hours later, at 8:35 AM, the father was seen leaving in the Acura, with the three children. On one occasion, two detectives followed the father and the children and the WSP reported that he stopped at a dry cleaner’s, dropped the children off at school, and then went to work at Bartell’s. They noted that when they followed him on other occasions, he drove the children to school and then went to work. On another occasion, the mother exited her residence at 6:40 AM, without the children and Frank arrived exactly two hours later, picked up the kids, and drove them to school in the Acura.

The elaborate investigation was not just limited to WSP stakeout outside her apartment,

monitoring their vehicles, and shadowing both of them and their children, it also entailed surveillance through data, records and files, such as information collected from the Department of Licensing, apartment manager records, contacting Action Auto Insurance company, the insurance company for Frank's cars, Washington State Department of Health Records, Department of Licensing, and US West, the telephone company. The detectives also questioned the apartment manager for Lucy's apartment and the manager of the apartment that Frank had disclosed as his address on his drivers license. They also checked their bank and checking statements, although it was unclear how they acquired these particular documents.

On December 5, 2000, both parents were contacted and interrogated at their respective places of employment by the same detectives. They were informed about the reason for the interview. Frank did not agree for the interview to be taped, but agreed to talk to them. Lucy submitted to the request to be taped. The detectives noted that they also advised her of her constitutional rights and waiver, at 11:01 AM, and she verbally acknowledged and signed a waiver to those rights. To interrogate them at their places of work puts them both into extremely compromising positions with their employers. It also furthers transforms her into a criminal subject. Even if she had not been guilty, it would be hard to undo the damage caused by the police taking her away from her work, in order to discuss the alleged criminal activity.

Although Penry referred to the conversations between WSP detectives and Lucy and Frank Allan as "interviews." For instance, he stated, "Detective Penry conducted *the* interview," "Lucy was advised the reason for the interview," and "Frank was advised the reason for the interview..." Although on the surface, the use of the term "interview" gave an appearance neutrality and impartiality in gathering information, in this case, it was anything but neutral. In addition, to conduct an "interview"/interrogations at their places of work and read her rights to her was a method to "surprise" and "disarm" them. Furthermore, the detectives didn't start the surveillance of the family until September 28, 2000, four months after the complaint was filed and nearly one month after Allan had stopped receiving childcare assistance from DSHS and no longer used Toddler Town

USA. According to the investigator's report, the last day she used Toddler Town USA and received DSHS benefits was August 31, 2000. What was the point of the police officers staking out her home and following her (ex)husband and their children around after the fact?

In addition, surveillance didn't end after conviction, but instead intensified, as Allan was placed under the Department of Correction's supervision. While she was working without a felony conviction, she was not earning enough money to raise a family of three. Even with the father of the children's assistance, they were still not earning enough to adequately live on. Moreover, after her felony conviction, she was made exceedingly more vulnerable and poorer, as she was now legally obligated to pay \$24,848.36 to the government and perform 240 hours of community service. Consequently, as a parent responsible for three children and considering her level of poverty, vulnerability, and criminality, it seems impossible that she could comply with the court ordered sanctions that were levied against her. What's more, to stay out of jail, she would have to make monthly payments of \$1,035, in order to pay off her financial obligations (\$24,848.36) by the end of her 24-month probation. However, those payments are almost equivalent to two thirds of her DSHS income, even if she was able to retain her employment.

Furthermore, the felony conviction and sentence permanently yokes her to the criminal justice system. The repercussions have far-reaching consequences. For example, several years after Allan was convicted, an "Order for Bench Warrant" was issued on March 25, 2003. As a result of this warrant, she was remanded and booked into the King County Jail on December 7, 2003. However, an "Order Immediately Releasing Defendant—This Cause Only" was filed on December 11, 2003, stipulating that the bench warrant was mistakenly issued. Even though, there was a supervision violation, it did not mandate a bench warrant. Because she was supervised under the Offender Accountability Act, a "secretary's warrant" should have been issued. As a result of state error, she spent four days in jail, during the holiday season. This evidently is not uncommon because at least five of the women in this project spent extra time in jail because of supervision violations or mistakes made in having arrest warrants issued and/or quashed.

Although, besides ruining at least one person's life--Lucy's--and the exorbitant cost to her children, family, and community, the costs to society are steep on multiple levels. One of the most apparent is the financial cost, resources, and energy that was spent in these cases. For example, in Allan's case two private attorneys, at least five public aid attorneys, approximately thirteen prosecuting attorneys, at least three WSP detectives, at least one DSHS investigator were used in Allan's case. There were also numerous other resources and people used in this case, from DSHS, King County Court house, King County jail, legal aid, prosecutors office, DOC, and the King County sheriff's office. Some the costs, reflected in this case, include the WSP detectives, who at the very least earn \$52,775.52, annually or approximately \$27.50 per hour.⁴⁶ This does not include the benefit package they also receive and the increased salaries every six months, for at least the first four and one half years of employment. Consequently, the amount of money for two detectives to be working on this case, at the same, illustrated by the stakeout and shadowing cost taxpayers, at least \$55 per hour for their work. Also, King County deputy prosecuting attorneys annual salaries range from \$56,331 or about \$33 per hour to \$145,143 or approximately \$78 per hour.⁴⁷ It is not the aim of this project to calculate the exact expenses, but rather point out that the monetary cost to criminalize Allan was extremely expensive. Compared to the humane alternative and less expensive costs of helping Allan, the costs of criminalizing her appears excessive.

Foucauldian File

The amounts and kinds of information compiled against Allen configured what I have previously described as the Foucauldian file, as she is turned into a criminal subject. The "Superform" document in the file, described Allan as Black and that her skin tone was dark. Allan was one of the three women of color out of four women convicted of a felony (in the thirteen cases). Consequently, race was significant in the outcome for felony convictions. It also stated that she was 5'6" tall and weighed 155 pounds. This

⁴⁶ Reflected on October 5, 2011, from: <http://www.wsp.wa.gov/employment/benefits.htm>

⁴⁷ According to the King County Website. Please refer to: <http://www.kingcounty.gov/Prosecutor/jobs/benefits.aspx>

data marks out the perimeters of her physicality and acts as an identifying marker. It is also the shell that is filled in with criminal information and data. Her criminal subjectivity is thus constructed.

Through the use of surveillance by WSP detectives, as just discussed, a great deal of information about Allan was accessed, retrieved, and documented in this file. Some of this surveillance gathering, included data, records, files, and information retrieved from governmental, public, private, and personal sources.

For example, the WSP interviewed the apartment manager where Allan resided and the manager reported Allan had rented two parking spaces, #91 and #92, at her apartment complex, but then gave up one space, leaving her with just #91. With this information, the WSP, placed a stakeout at these parking areas, watching for car movement.

Another example, the WSP, through the Department of Licensing data system acquired Frank's address and then used that information to contact the apartment manager for that address to verify if he was living there. It was also noted that the manager had no records of Frank Allan residing at that address between 1996 and 2000.

Not only was the data collected in the investigatory and surveillance phases used in constructing her criminal subjectivity, but also the eighty-nine pages of documents amassed in her file, furthered that effort, and was also a means to permanently secure her there.

Francis Page

The Crime, Judgment, Sentence, and Outcome

According to the "Information" document, in 2003, Page was initially charged with one felony count of *Theft in the First Degree* for unreported income from July 2000 through February 2001 and April 2001 through October 2001. Loni Dean, the DSHS investigator claimed in the "Certification For Determination Of Probable Cause" document, that Page received DSHS financial and medical assistance for her son, while employed for Maid Brigade for approximately 13 months. Her employment made her ineligible for DSHS benefits. Consequently, she received a DSHS overpayment of \$4,214.

Page pleaded guilty to a reduced and amended felony charge of *Theft in Second Degree* through plea-bargaining, according to the “Felony Plea Agreement.” In addition, the document “Appendix B To Plea Agreement Prosecutor’s Understanding Of Defendant’s Criminal History” revealed that Page did not have any known convictions.

As part of sentencing, according to the “Judgment and Sentence” document, on March 26, 2004, Page received 30 days of confinement, converted to 240 hours of community service. However, she was given credit for one day served in jail, so there were 232 hours remaining. She was also ordered to pay restitution and \$500 for Victim’s Assessment. The “Order Setting Restitution” document indicated restitution was set at \$4,214. Although, parole or community supervision was not ordered, “Appendix F” stipulated that her attorney was to provide proof when her sentence stipulations were completed. A deadline of September 25, 2004, was set for community service hours to be completed. There was no mention when the restitution and VA was supposed to be paid off. Also, this was the only case that the defendants attorney was providing the proof that her sentence was completed and one of three cases that the women did not receive probation or community supervision. The total financial obligation was \$4,714.

It took approximately *three months* from the time the charges were filed on December 15, 2003, according to the “Information” document to the time she was sentenced on March 26, 2004. This was the shortest amount of time for sentencing to occur out of all the cases. In addition, the case remained ongoing for over *eleven months*. For example, the earliest document in the file or the “Certification For Determination Of Probable Cause” was signed on May 9, 2003, and the last document in the file, “Notice of Withdrawal of Attorney” dated April 13, 2004. There was no indication that she paid any money that was owed or completed any of the community service. Although it was not known how long the investigatory phase lasted, Page was caught in the criminal justice system for almost one year of her life. Moreover, with the felony conviction she received will bind her to it for a lifetime. It is hard to imagine how it would be possible for her to pay off the financial obligation without enough income to do so.

In addition, in the seventy-eight pages of documents in this file, there were approximately eight prosecuting attorneys, four public defender attorneys, and one DSHS investigator that worked on this case. The large number of both prosecuting and public aid attorneys used in this case indicates she was more likely funneled through the system than receiving quality representation.

Specifics of the Case and Issues Germane to this Study

Page was 25 years old at the time of sentencing, calculating her date of birth from the “Superform” and the date she was sentenced. According to the two “Superforms” in her file, Page was described as Hispanic, 5’01” tall, weighing 135 pounds, with black hair and brown eyes, and living in an apartment in the Bothell area. According to the “Statement of Defendant On Plea Of Guilty,” she had completed high school.

Page was provided a Spanish interpreter, according to the “Court Minutes” and she was one of the only two women in the cases who required an interpreter. Although some of the forms were bilingual, in Spanish and English, many of them were not. It was not possible to determine if she was consistently provided an interpreter.

Like most of the cases, there was no information about the amount of money she earned, whether she was part-time, full-time, and/or that she had stable and consistent work. Consequently, it was not possible to accurately calculate her earnings from Maid Brigade. However, Maid Brigade pays on average \$10 per hour and she was unlikely working full-time, as Maid Brigade hires hourly workers. Consequently, for twenty hours, she was only earning \$200 per week, before taxes.

In the investigator’s report, Dean claimed that Page *admitted* she worked for Maid Brigade and *knew* she was supposed to report her employment to DSHS. Dean also stated, “...she (Page) *chose* (my emphasis) not to report her employment” (5). The word choices “admitted,” “knew,” and “chose” are intended to make Page culpable. In another way, *chose* has particular significance. For example, *chose infers* she intentionally and purposefully committed the crime and confesses her criminal behavior. It also veils and diminishes the real vulnerability and consequences of poverty in which Page and her son

were living. In other words, it is similar to saying you have a choice to be poor. When in fact, most people do not chose to be poor, but are made poor by inequitable policies and practices. Barbara Ehrenreich stated in “Remaking America: From Prosperity to Poverty” at George Washington University, “Poverty is not a character flaw,” rather it is an labor market failure. This is not to say that she did not have options because, after all, she could have told the truth and lost the benefits anyway. However, the hardship of losing medical assistance for her son or the loss of stability that DSHS benefits provided, despite the meagerness, are to some extent, incalculable. In another way, the choice between making a child’s life just a little better, healthier, and safer, juxtaposed against the alternative may not be a choice, at all.

It was also stated in the same document that she didn’t “report her employment because she *feared losing the benefits* (my emphasis) she was receiving for her son” (5). Although, this statement evokes a sense of being human, otherwise absent in the documents, it has a more startling affect. For as bad and horrid poverty is for mothers and their children, it does not begin to measure-up to the nightmare for a mother also to be criminalized. The fear she has for her son to be poor and without adequate shelter, food, clothes, and medical access, pales in comparison to her life as a felon. “Fear” is also meant to illustrate that Page was trying to justify her behavior, but in the legal system, there is no justification for a crime. As a result, Page’s *fear* or justification is more of a criminalizing element, rather than a human and compassionate concern.

Dean also noted in the investigator’s report that Page was “known” to the Department since she first received pregnancy medical assistance in April 1995. As with many of the other cases “known” to the Department is meant to establish a felonious history. It also has a criminalizing effect as the welfare subject and criminal subject are one the same. This is discussed in detail in Chapters Three and Four.

Consistent with all the cases, there were many discrepancies and errors in this file. For example, in the investigator’s report, Dean referred to Page as Ms. Flores, although the error was only once.

In another example, it was noted that Page was Hispanic on both of the “Superforms” in

her file. However, the “Washington State Disposition Report” and “King County Superior Court Convicted Felon Report” documents stated she was white. Also, the “Washington State Disposition Report” document typed in the place of birth box as “MM.” It was unclear what this meant, but it may have a code, the public is not privy to. However, the discrepancy to not accurately record her race from document to document gives the message that she does not matter.

Then again, one of the “Superforms” had “illegally used” hand written above her Social Security Number. However, the other “Superform,” and the “Washington State Disposition Report,” have listed the same Social Security number, but there is no mention of an illegal use. In addition, it was not mentioned anywhere else in the file. Consequently, it seems unlikely that she used an incorrect Social Security. However, this works to criminalize her, particularly when considering she needs a Spanish interpreter and the highly politicized issue of “illegal” immigration in the US.

Another example of a disparity in this case that was different than all the other cases was the ordering of DNA testing. Although, the box for DNA testing was not marked, at the time of sentencing, there was a check mark for “DNA fee waived.” After the “Judgment and Sentencing” document there were several documents, including “Fingerprints” “Order Setting Restitution,” and Appendices B, F, and G. “Appendix G Order for Biological Testing and Counseling” document was dated the same day as the sentencing. It required Page to provide a biological sample for DNA identification analysis. Additionally, on the “Minute Entry” document, the DNA box was left blank. It was unclear why Page was the only case where DNA testing was required.

In addition, there was a deportation clause in Page’s “Statement Of Defendant on Plea of Guilty” that stated, “if not a citizen, a plea of guilty to an offense...is grounds for deportation...” It was stated in both Spanish and English. This clause was also in Hudson’s case, who also required an interpreter, but not in the other cases.

Moreover, these discrepancies, including the inconsistent inclusion of bilingual forms, “illegal use” written above her Social Security number, particularly when it wasn’t mentioned in any of the other documents in the file, the mistakes made about her race, the

deportation clause warning, and the DNA testing requirement not only raises issues if she was treated fairly, but are a means to make her into a criminal subject.

Gwen Hudson

The Crime, Judgment, Sentence, and Outcome

According to the “Information” document, Hudson, in 2002 was initially charged with *Theft in the First Degree* for failing to report income from October 1998 through June 2000. According to the “Certification For Determination Of Probable Cause” document, Hudson worked for the YWCA for approximately 20 months and this made her ineligible for benefits. As a result, she received a DSHS overpayment of \$11,137.

According to “Motion And Order Permitting Filing Of An Amended Information” a plea bargain was made and the “Amended Information” filed on September 20, 2002, indicated the charges were reduced to *False Swearing*,“ a gross misdemeanor. It was also noted she did not have any known criminal history.

On October 18, 2002, according to the “Sentence and Judgment” document, as part of sentencing, Hudson was given a 12-month deferred sentence with conditions, including one day in the King County Jail, with credit for one day already served, 12 months supervised probation, and 80 hours of community service. She was also ordered to pay restitution and \$500 Victim’s Assessment. On December 19, 2002, an “Order Setting Restitution” was filed and restitution was set at \$10,882. It was unclear why restitution was set \$255 lower than when the original charges were filed. The total financial obligation was \$11,382.

However, on February 13, 2004, a “Notice Of Probation Violation Hearing” was issued for a probation violation for failing to make court ordered payments. Consequently, an “Order Modifying Sentence And Jail Commitment” on February 13, 2004, extended the supervised probation an additional 12 months.

Then again, on October 12, 2004, another “Notice Of Probation Violation Hearing” was issued for failing to make financial obligation payments and on December 3, 2004, an “Order Modifying Sentence and Jail Commitment” was filed. As a result, the deferred

sentence was revoked and the suspended sentence imposed, and supervised parole was terminated. However, it was unclear what the short and long term of the consequences of her sentence would be because of the outstanding restitution still owed.

On April 13, 2007, according to DSHS calculations filed, Hudson had paid \$2,570 of the \$10,882 restitution owed, which left \$8,312 still owed. The last payment made was on March 19, 2007. Consequently, after four and one half years, she had not paid one-quarter of what was owed. If she were able to continue to pay at this rate, she would need at least another thirteen and one half years to pay the remainder owed without paying interest or over eighteen years just to pay the restitution.

It took about *six months* from the time she was charged until she was sentenced, as noted in the “Information” document, dated April 4, 2002, and the “Sentence and Judgment” dated, October 18, 2002. In Addition, the case remained ongoing after *five years and three months*. For instance, the “Certification For Determination Of Probable Cause” document was signed on January 24, 2002, and the last document in file from DSHS was dated April 13, 2007. She still owed \$8,312 and there was indication that the community service hours had been completed. Although, she was not charged with a felony, it appears she is still chained to the criminal justice system with the enormous financial obligatory and work requirements.

In the seventy-nine pages of this file, there were approximately twelve prosecuting attorneys, five public defender attorneys, and one DSHS criminal investigator that were used in this case. The high number of attorneys used against her, as well as to represent her reflects the inadequacy of the criminal justice system to provide equitable treatment.

Specifics of the Case and Issues Germane to this Study

Hudson was 36 years old, at the time of her sentencing calculating from her date of birth noted in the “Superforms” and the sentencing date recorded in the “Sentencing and Judgment” documents. According to the three “Superforms” in her file, she was Black, 5’06” tall, weighed 180 pounds, and black hair and brown eyes. She was living in the NE section of Seattle.

Similar to Page, Hudson was provided an interpreter for her native language, Oromo, which is spoken in East Africa, including the countries of Ethiopia and Kenya. Whereas in Page's case, bilingual forms were sometimes included in the file, in Hudson's case, none of the documents were in Oromo. Hudson and Page were the only cases that required an interpreter in this project. It appeared that an interpreter was provided, for the most part, in the case against Hudson, but not always, which raises concerns if she was treated fairly.

In the "Prosecuting Attorney Case Summary And Request For Bail And/Or Conditions of Release" document, it was noted that Hudson had been receiving DSHS cash, medical, and food stamps assistance for her four children since 1992. She started working for the YWCA on October 22, 1998, and on October 23, 1998, she signed a document under perjury that there were "no changes of income or status" and she continued to work until January 8, 2001. However, the "Information" document stated Hudson worked October 22, 1998, until June 30, 2000, and Dean's report also stated Hudson worked from October 1998 until June 2000. Consequently, the information in the "Prosecuting Attorney Case Summary And Request For Bail And/Or Conditions of Release" was confusing.

In addition, this document ("Prosecuting Attorney Case Summary And Request For Bail And/Or Conditions of Release") specifically referred to the "Certification For Determination Of Probable Cause" document stating that Dean mentioned Hudson had four children, but this was not in Dean's report. In addition, Dean's report was barely one page with the briefest of information.

Like most of the other cases, even though the investigator listed perjury as one of charges, they were not charged with it, including Hudson. However, on July 3, 2002, according to the "Omnibus Application Of Prosecuting Attorney As To The Defendant" document stipulated, "The State will move to amend the information to [add] multiple thefts, perjury." This was one of two cases (out of the thirteen cases) that the State added additional charges against the women after the original charges had been filed. It appeared this was an intimidation tactic, in order to secure a plea bargain. Ironically, Hudson appeared to be one of the most vulnerable women out of all the cases. For

example, she had four children, a single mother, poor, trying to work, and not able to speak and/or understand English enough without the use of an interpreter. In addition, according to the “Statement of Defendant On Plea Of Guilty,” Hudson went through the ninth grade. Consequently, she was the least educated of all the women convicted of fraud in this project.

Additionally, fifteen days later, on July 18, 2002, the “Defendant’s Omnibus Application. Request For Discovery And Notice of Motions” was filed, asking among many things, for prior convictions to be suppressed. It also asked for her statements to be suppressed because they were obtained in violation of her rights protected by the constitution. However, as noted earlier, a plea bargain was eventually reached, as the charges were dropped from Theft in the First Degree to False Swearing, according to the “Amended Information” filed on September 20, 2002.

Furthermore, the “Prosecuting Attorney Case Summary And Request For Bail And/Or Conditions of Release” document, quoted the DSHS investigator as stating that Hudson had “...continued to regularly complete and sign eligibility documents stating ‘I not work.’” This was the only time this kind of information was in this particular document and it was not in the investigator’s report. To quote her as saying “I not work” acted to mock her language skills and as a result was highly prejudicial. It was also criminalizing.

Mary Rice

The Crime, Judgment, Sentence, and Outcome

In 2003, according to the “Information” document, Rice was originally charged with one felony count of *Theft in the First Degree*. According to the “Certification for Determination of Probable Cause” document, she did not accurately report her wages, while working as a customer service representative for Advantage Sales and Marketing from November 9, 1999, through April 30, 2002, or approximately 28 months. It was also noted that Rice was not eligible to receive as much assistance for childcare as she had from December 1999 through June 2000 and August 2000 through March 2002 because of the income she earned from Advantage Sales and Marketing. As a result,

Rice received a DSHS overpayment of \$4,890.58 for childcare assistance.

However, the “Non-Felony Plea Agreement And States Recommendation” document indicated that through a plea agreement, Rice pleaded guilty to a reduced misdemeanor charge of *Attempted Theft in Second Degree*. According to the “Sentence and Judgment, Non-Felony” document dated, April 30, 2004, she was given a 12-month deferred sentence, with credit for one day of time served in jail, 12-months of supervised probation, and ordered to pay \$500 for Victim’s Assessment and restitution. On the same day, the “Order Setting Restitution” set restitution at \$4,890.50 and to be paid directly to DSHS “in accordance with the parties restitution repayment contract.” The total financial obligation was \$5390.50.

Additionally, on April 21, 2005, a “Notice of Probation Violation Hearing” was filed, as it was noted, Rice had not made the required restitution payments. Consequently, according to the “Order On Criminal Motion” document, dated April 21, 2005, the length of deferred sentence (originally 12-months) was extended an addition year or until April 20, 2006. At the same time, the Department of Correction’s supervision was terminated.

On April 7, 2005, DSHS notified the court that Rice paid the full amount of restitution owed or \$4,890.50. It was also requested to waive any interest, as DSHS had closed the case. On April 20, 2006, an “Order On Criminal Motion” waived the \$279 the trust fees and interest. Then again, on June 27, 2006, a “Satisfaction of Judgment Legal Financial Obligation” was filed, indicating both restitution and the \$500 Victim’s Assessment were paid in full. On October 16, 2006, an “Order Of Dismissal Pursuant to RCW 3.66.067,” was issued and Rice’s case was closed/dismissed. Rice was one of the two cases that restitution and Victim Assessment had been paid and the case was closed. She was also one of the five women that were not sentenced to community service work.

It took approximately *one year and three months* for Rice to be sentenced from the time the investigator’s report was issued on January 15, 2003, until the time of sentencing on April 30, 2004. The time span of this case was *two years and nine months*. This was calculated from the time the “Certification For Determination for Probable Cause,” was dated on January 15, 2003, to the last document in the file, the “Order Of Dismissal

Pursuant to RCW 3.66.067,” when the case was dismissed, dated October 16, 2006. However, this does not include the time spent with investigation, as there was not enough information in the file to calculate this phase. Nevertheless, her time spent in the criminal justice system was lengthy, especially when considering her life’s circumstances.

From the ninety-five pages of document, there were four public defenders, eighteen deputy prosecuting attorneys, and one DSHS investigator that were used in the case against Rice. As a result, twenty-two attorneys were used in the case against Rice and the most attorneys of any of the other cases. This equates to almost one new attorney every month, the time span of the case. It appeared impossible that this case received adequate attention with the high rate of attorney turnover.

Specifics of the Case and Issues Germane to this Study

According to the “Washington State Disposition Report” and “Superform” documents, Rice was 34 years old in 2004, the same year she was sentenced. In addition, the “Superform” documents described her as Black, 5’00” tall, weighing 114 pounds, and lived in Auburn. In addition, the “Statement of Defendant on Plea of Guilty” document, stated she had completed high school and one year of college.

Loni Dean, the DSHS criminal investigator in her report, stated that Rice “has been known to the Department since at least April 1998, when she received childcare assistance and March 1995 when she received food stamps.” Again, *known to the Department* has a criminalizing effect and establishes a miscreant history.

Although, the impact was negative of “having a history with DSHS,” it also provided a glimpse into the poverty that Rice was struggling with, as Rice had been seeking assistance from DSHS for about seven years. The report also revealed that even though, Rice was working, her income was low enough that she was still eligible for childcare assistance.

It also appeared that Rice was not making the court ordered monetary payments, but rather her sister was. For example, in the “Order on Criminal Motion,” dated February 8, 2006, it was noted, “The defendant needs time to research whether cause numbers under

her sister's name are affecting payments.” In other words, there was concern that when her sister made a payment, it was not being credited to Rice's case.

In another aspect, and consistent with all the cases, except Hall's, there were numerous errors and discrepancies found throughout the file. The information requested in the “Superforms” and the “Washington State Disposition Report” were mostly left blank, documents were missing, even though, there were other repetitive and identical documents in the file.

In another example, Dean, in the criminal investigator's report referred to Rice as Ms. Morgan. Even after Dean had addressed Rice correctly several times, she referred to as Ms. Morgan. In the paragraph following addressing her by the wrong name, she addressed her by her correct name.

Yet, another example, there was a discrepancy in Rice's height and weight between the “Washington State Disposition Report” and two “Superforms.” The former document claimed she was one inch taller and three pounds heavier, even though the contradictory documents were dated on the same day. The general sloppiness and inaccuracies can be attributed to her poverty and the lack of adequate representation, but also the assembly-line approach she is pushed through the system.

What's more, according to the “Prosecuting Attorney Case Summary and Request for Bail and/or Conditions of Release,” one of the first filing documents, the NCIC reported that her criminal history charges included “Prostitution,” in 1998 and three additional times in 1997; “Driving with License Suspended in the Third Degree,” in 1997, 1998, and 1999; “No Valid Operator's License” in 1994. However, in the “Appendix B to Plea Agreement,” dated July 23, 2003, it stated she did not have any known criminal history. Even though, errors are made, mistakes of this magnitude have an impact to thicken the criminal subjectivity.

Overall, comparing what it cost to *help* Rice with childcare assistance and weighing the costs to criminalize her makes no sense. For example, there were enormous expenses generated from this case, including 22 attorneys, at least one DSHS criminal investigator, and a profusion of staff that worked on the case, but also an untold amount resource

costs, such as the five subpoenas that were issued, costing the State \$154.59. Moreover, to punish Rice and subsequently her children and to criminalize her has far worse consequences than monetary expenses. The cruelty and callousness will not only create a heavier toll on Rice, her family, and community, but also society, as it breeds savagery and ill health. At the same time, it deepens and spreads poverty, marginalization, and criminalization.

Cory Gray

The Crime, Judgment, Sentence, and Outcome

In 2000, according to the “Information” document Gray was charged with one felony count of *Theft in the First Degree* for not reporting income. In both the “Certification For Determination Of Probable Cause,” and the “Prosecuting Attorney Case Summary And Request For Bail And/Or Conditions of Release” documents, it was noted that Gray’s unreported income, while employed with M. A. Hanna Resin Distribution, a subsidiary of Bruce Plastics Co. from August 27, 1997, through June 26, 1998, or about ten months made her ineligible for DSHS assistance. As a result of not reporting income, she received a DSHS overpayment of \$6,876. According to the “Statement of Defendant on Plea Of Guilty” document, Gray was receiving DSHS assistance for medical care and food stamps.

According to the “Judgment and Sentence” document, Gray was convicted of one felony count for *Theft in the First Degree* and was sentenced to one day of confinement, with credit for one day served and 12-months of community supervision (probation). In addition, she was ordered to pay restitution and \$500 for Victim’s Assessment. However, she did not receive community service. The “Order Setting Restitution” set restitution at \$6,876. Her total financial obligation was \$7,376.

It was stated in several documents, including the “Appendix B to Plea Agreement Prosecutor’s Understanding of Defendant’s Criminal History” and the “Appendix B to Plea Agreement Prosecutor’s Understanding of Defendant’s Criminal History *Preliminary Criminal History Only” documents that she did not have prior adult or

juvenile felonies. However, in the latter document, it was hand written in that she had misdemeanors between 1986 and 1995, including three convictions for shoplifting, “no v-bdop”, and one DUI. However, this was the only document that stated she had any prior convictions.

According to the “Notice of Sentencing Modification Hearing and Motion to Show Cause” document, dated July 10, 2002, Gray failed to make required payments toward her court ordered financial obligations. She also missed a court hearing on August 16, 2002. Consequently, a “Bench Warrant was issued on August 20, 2002, without bail. On September 27, 2002, according to the Order Modifying Sentence and Jail Commitment” she was given an additional 10 days in jail, with credit for nine days already served.

In addition, it took a little over four months for her to be sentenced from the time the “Certification for Determination of Probable Cause” was issued on June 7, 2000, and the sentencing date on October 20, 2000. The time span of her case was ongoing for over *three years and ten months*, from the time of the “Certification for Determination of Probable Cause,” dated June 7, 2000, and the last document in the file, “States Acknowledgement Of 5990 Closure,” dated April 16, 2004. Even though, according to the DOC “Notice of Supervision Closer,” dated November 4, 2003, supervision was terminated, the case was not closed, as Gray still owed \$7,331. Her only payment was on February 10, 2003, for \$45. Although the time spent in the investigatory was not possible to figure out, Gray spent almost four years entangled in the criminal justice system and it appeared improbable that she will have an opportunity to pay off the court ordered debt. In addition, the felony will keep her shackled to the criminal system for a lifetime.

In the seventy-five pages of documents in her file, there were approximately five public defenders, and at least, eleven prosecuting attorneys, and one DSHS criminal investigator that were used in this case. The high turnover of attorneys or the sixteen attorneys used in the case is indicative that they are overwhelmed and perhaps underpaid. As a result, it’s less likely Gray will receive adequate representation.

Specifics of the Case and Issues Germane to this Study

Gray was 33 years old at the time of her sentencing, in 2000, according to the “Statement of Defendant on Plea of Guilty” document and the time she was sentenced. It was also noted that she went through, at least the 12th grade. The three “Superforms” in her file, described her as American Indian, 5’08” tall, weighing 220 pounds, with Brown hairs and eyes, and that she had a scar on her left cheek. One “Superform” also listed her as working as a Patient Liaison for Orthologic.⁴⁸

Although, the documents did not reveal how many children she had or specifics about the condition of her life, it was noted in one of the three “Superforms” in her file that she was living in homeless shelters. The two other “Superforms” indicated she lived in an apartment in Kent. Also, an unidentified document that resembled the “Washington State Disposition Report” document listed her as living in an apartment in Federal Way.

The several addresses and living in homeless shelters reflected her super-marginalization, fragility, and vulnerability. It appeared she was subsumed by poverty and the criminalization process pushed her further over the edge. Also, it was troubling that the prosecuting attorney recommended that she be disqualified from food stamps in the “Plea Agreement” document because of her vulnerability. None of the other cases mentioned food stamp disqualification, let alone recommended.

In addition, although poverty can be rooted out from the information in the documents, the racism is more elusive and slippery to get a grasp of. More overtly though, racism was identifiable in some instances. For example, none of the white women had FBI numbers, when first being booked into King County Jail, as noted on the “Superforms.” However, three of the Black women and both of the Native Americans, including Gray had FBI numbers. That left the four white women, half or three Black women, and one Hispanic that did not have FBI numbers, when they were first booked into jail. There was not a correlation between prior convictions and the women having FBI numbers. This raises the question of what was the FBI involvement? The historical, rampant abuse by the FBI to heavily monitor, track, spy, and criminalize people of color, particularly

⁴⁸ Several Web searches indicated Orthologic is a medical and surgical supply company.

Native Americans and Blacks can not be overlooked. The residue and sentiment of these practices continues to spill over. New policies are continually being enacted, replacing older racist overt laws. However, the practices and implementations and enforcement of the new laws and polices have the same racist ramifications that the old policies had. For example, the drug laws that have been enacted and the racism apparent in the implementation of these policies has resulted in the mass incarceration of over two million people. As mentioned in Chapter One, Michele Alexander referred to this as the New Jim Crow. When considering that the majority of people in prison are disproportionately Black men and that Black women are also being incarcerated at a higher rate than white women, the consequences are enormous to not just the individuals criminalized, but also to their children, families, and communities. Ultimately, this affects all of society. Although these cases also reflect the feminization of crime, as it is women being charged with welfare fraud, the disparity for women of color was significant.

There were also many discrepancies in this case, such as the “Superforms” describing Gray as Native American and having brown hair and then the “Washington State Disposition Report” and an untitled document that appeared similar to the “Washington State Disposition Report” recording her as white and having red hair. Again, these kinds of discrepancies contribute to the idea that she doesn’t matter, as the they can’t even manage to be accurate.

In another instance, the “Motion and Order Determining the Existence of Probable Cause, Directing Issuance of Warrants and Fixing Bail,” signed on August 2, 2000, stipulated “the defendant [Gray] be released, after booking...” However, the “Arrest Warrant” signed on the same date, August 2, 2000, set bail at \$2,000. Then again, eight days later on August 10, 2000, bail was increased to \$3,000, according to the “Order Increasing Bond.” It was unclear why this was done. On August 14, 2000, “Conditions of Release for the Defendant” ordered her to be released on personal recognizance.

At the bottom of the form on one of the “Superforms,” it stated “For King County Jail Use Only. **Confidential.** Do Not Disclose.” Nevertheless, all the files had at least one

or more of these “documents” in their file, even though, it is stipulated clearly and thoroughly, they are not supposed to be released. They are for the King County Jail only. Again, Hall was the only person that did not have a “Superform” in her file and she also had high quality legal representation.

At the top of this particular “confidential” page, which is the second page of the “Superform,” which appeared only once, was a statement from DSHS criminal investigator Gurney. It stated, “Ms. Gray *deliberately concealed income* [my emphasis] from employment by *fraudulently completing and submitting false* [my emphasis] written documents she had *signed under penalty of perjury declarations* [my emphasis], to the Department of Social and Health Services *in order to obtain monies and food stamps* [my emphasis] to which she was *not lawfully entitled* [my emphasis].” Almost every word and groups of words in this statement are highly criminalizing and charged, including the individual words “deliberately,” “concealed,” “fraudulently,” “false,” “penalty,” “perjury,” and “lawfully,” and the groups of words “deliberately concealed income,” “fraudulently completing and submitting false written document,” “she signed under penalty of perjury declarations,” “in order to obtain monies and food stamps,” and “she was not lawfully entitled.” The words are extremely criminally colonizing. Although, the criminal acts need to be identified, these words are criminally charged and the language acts as mortar to create a criminal identity and are part of the components and tactics in the manufacturing criminal identities.

Kathy Brook

The Crime, Judgment, Sentence, and Outcome

In 2001, Kathy Brook was initially charged with one felony count of *Theft in Second Degree*, according to the “Information” document, filed on January 26, 2001. According to the “Certification For Determination Of Probable Cause” document, she was accused of cashing a public assistance check for \$642 on August 2, 2000, (the check was dated August 1, 2000) and then claimed she had not received it. On August 6, 1999, she signed an affidavit, claiming she had not received, endorsed, or benefited from the check. DSHS

reissued another check on August 10, 1999, and she cashed that check. She also signed under a penalty of perjury statement on September 1, 1999, claiming the she signature found on the first check was not hers. The WSP claimed that her right thumbprint was found on both checks, although this seems questionable because of the number of people that would be handling the check. It was also noted in the “Prosecuting Attorney Case Summary and request for Bail and/or Conditions of Release” document that a representative of Check Mart stated that it was Brook who cashed the check Brook claimed she did not receive.

Through plea bargaining, according to the “Non-Felony Plea Agreement and State’s Recommendation” document, the charges were reduced and amended to *Attempted Theft in the Second Degree*, a gross misdemeanor. She pleaded Alford. Additionally, according to the “Appendix B To Plea Agreement Prosecutor’s Understanding of Defendant’s Criminal History,” Brook had a prior adult misdemeanor of *False Swearing*, in 1998.

On March 11, 2005, according to the “Judgment and Sentence, Non-Felony” document, she was convicted of *Attempted Theft in the Second Degree* and sentenced to 12-months in King County jail, suspended, and ordered to serve twenty days in King County Jail. It also noted that the jail term was satisfied. She was given 12-months of probation and was ordered to pay \$642 in restitution and \$500 for Victim’s Assessment, totaling \$1,142. In addition, she did not receive community service and probation was not supervised or monitored.

It was *over four years* before Brook was sentenced or from the time charges were filed against her, according to the “Information” document, dated February 6, 2001, to the “Judgment and Sentence, NON-Felony,” dated March 11, 2005. This does not include the the time spent on investigatory phase. Furthermore, the case was still ongoing for *almost five years*, calculated from the first document or the “Certification For Determination Of Probable Cause,” dated November 21, 2000, and the last document in the file, “Notice of Withdrawal of Attorney,” dated October 10, 2005. It appeared the case was still open and none of \$1,142 legal obligation had been paid. This lengthy time

enmeshed in the criminal proceedings against her and the arduous task of paying the financial legal obligation not only is criminalizing, but bonds her to it.

In the fifty-four pages of documents in this file, there were approximately eight deputy prosecuting attorneys, one private attorney, two public defender attorney, and one DSHS criminal investigator that had worked on the case. In addition, there were several documents that listed Norm Melang's name and address, but no signatures.

Consequently, it was not possible to know if there were more prosecutors working on the case.

Specifics of the Case and Issues Germane to this Study

Brook was 31 years old when she was convicted, according to the "Statement of Defendant on Plea of Guilty--(Alford)" document. She had also completed her GED. The two "Superforms" in her file, described her as Black, with medium dark skin tone, black hair and brown eyes, and 4'11" tall, and weighing 145 pounds. Her address was in Los Angeles. However, there are several other documents indicating she lived in the Central District of Seattle.

This case was complicated in terms of bail and arrest issues. Initially, she was supposed to be released on "personal recognizance," but for some unexplained reason, one month later, bail was changed to \$3,000. However, she wasn't arrested until three years and ten months later, on November 29, 2004. It appears that she was in jail for one day, as the next day, a bond was posted for \$3,000, by Liberty Bail Bonds.

Approximately, two weeks later, she missed an arraignment hearing and she was re-arrested, again on January 10, 2005. Cash bail for \$500 was posted two weeks later, but it was not clear if she was released because on February 8, 2005, an order was issued for her release.

However, on January 26, 2001, the "Motion and Order Determining the Existence of Probable Cause, Directing Issuance of Warrant and Fixing Bail" document stipulated that Brook be released on personal recognizance. Then, on February 5, 2001, an "Order Increasing Bail" to \$3,000 was ordered. On January 26, 2001, an "Arrest warrant" was

issued. This form also had “BOOKED” in very large font and below this was stamped “November 29, 2004 King County Jail.” Bail was fixed at \$2,000 or \$3,000 (it was difficult to read, as either two was marked over three or three was marked over two). In addition, the second “Superform” in her file, appeared to have adjusted the bail from \$3,000 to \$2,000, in the “Amount of Bail.” However, the form was not dated and the date of arrest was also not dated. The “Washington State Disposition Report” also indicated that she was arrested on November 29, 2004. On November 30, 2004, a bond was signed for \$3,000 from the “Bankers Insurance Group” and the executing agent was “Liberty Bail Bonds” as just mentioned. It was unclear why she was arrested on November 29, 2004, with a warrant issued on January 26, 2001. There was no indication this was a mistake, as bail was posted for her, rather than a judge quashing the order.

Then again, on December 13, 2004, a “Motion, Certification and Order for Bench Warrant” was issued and indicated the defendant had failed to appear for arraignment. Bail was fixed at \$5,000. Following this form in the file was the “King County Sheriff Criminal Warrant Information Sheet,” indicating bail was set at \$5000. As a result, on December 15, 2004, a “Notice of Presentment of Judgment of Forfeiture of Surety Bond” was issued and noted the security bond was for \$3,000 was forfeited. On December 14, 2004, a “Superior Court of Washington for King County Bench Warrant” was issued, setting the warrant at \$5,000. This form had “Booked January 10, 2005,” similar to the previous arrest on November 29, 2004. On January 24, 2005, the “Conditions of Release for Defendant Pending Trial” document, stipulated that the release was conditional on appearance bond for \$5,000, and \$500 cash to be submitted to the court. On January 24, 2005, cash bail for \$500 was posted. On February 8, 2005, an “Order For Release of Defendant Pending Sentence on this Case Only” was issued. On March 11, 2005, the “Order Exonerating Bond” document also exonerated the bond.

In addition, it was clear from Brook’s file that she had poor legal representation. For example, the debacle of warrants and jail time, more than likely could have been avoided and the thumb print and witness identification could have been contested, as well. Furthermore, the overwhelming majority of documents in her file were representative of

the State's action and other than the "Notice and Request for Discovery" documents, there were no documents countering the State.

In addition, it appeared that Brook had at least four kids, as her DSHS monthly assistance was for \$642, the DSHS cash assistance standard for five people. There was not an occupation listed for her on any of the forms. Although as a single parent with four children, working would be extremely difficult without a sufficient support system, especially if the children were young and needing childcare and/or with special needs. It is unimaginable that monthly benefits of \$642, could even begin to cover the expenses needed to adequately raise four children. Even with two monthly benefit checks or \$1,284, would be extremely sparse for a family of five to survive on. What's more, adding on five years of criminal system bombardment and jail time, of at least twenty-one days, makes the already impossible, unthinkable.

When considering the alleged crime of defrauding DSHS of \$642 and missing a court meeting, and the harsh penalty and punishment unleashed on Brook and her children appears the crime is misplaced. It should not be a crime to be poor, or Black, or a single parent, or to care for your children, rather the crime was what was done to Brook, in response to her allegedly defrauding \$642 and missing a court hearing. The crime was also making her poor and keeping her poor and punishing her for being Black and poor with inequitable laws, policies, and practices.

Vera Yada

The Crime, Judgment, Sentence, and Outcome

In 2001, according to the "Information" document, Yada was charged with one felony count of *Theft in the Second Degree*. According to the "Certification For Determination Of Probable Cause" document, she cashed a DSHS benefit check for \$469.33 on October 3, 1999, but claimed she had never received it. She signed an "Affidavit of Lost, Stolen, or Destroyed Assistant Warrant" to that effect on October 12, 1999. Another check was reissued several days later. In addition, she signed an "Affidavit of Forged Endorsement" on November 18, 1999, claiming the signature on the check she reported not receiving

was not hers. Similar to Brook's case, Yada was identified as the person cashing the check and her fingerprint was allegedly found on the front of the check, according to the police.

On March 1, 2001, she was booked into King County jail. It was not clear how long she was there, but she was booked again on March 21, 2001, and released on April 17, 2001. Consequently, she spent at least twenty-seven days in jail, if calculated between March 21, 2001, and her release on April 17, 2001. Please refer to the next section for the details of this case.

According to the "Non-Felony Plea Agreement and Sentence Recommendation" document, through plea-bargaining, the charges were reduced to *Attempted Theft in the Second Degree*. In addition, it was noted in the "Statement of Defendant on the Plea of Guilty (Misdemeanor)" document that although, she did not specifically state "Alford," she claimed, "I do not believe that I am guilty of this charge."

On July 6, 2001, according to the "Judgment and Sentence, Non-Felony" document, she was convicted of *Attempted Theft in the Second Degree* and sentenced to 12-months confinement in the King County jail, but this was suspended and instead, she was given five days in the King County Jail, with credit for five days already served. She also received 12-months of supervised probation and ordered to pay \$469.33, in restitution and \$500 for Victim's Assessment.

In addition, her sentence was modified on February 1, 2002, for failing to report to her parole officer and failing to pay her legal obligations. Her parole or community supervision was extended one year and she was sentenced to fourteen days in King County jail, with credit for nine days already served.

According to a "Bench Warrant," filed on July 3, 2002, she was booked into King County jail on June 26, 2002, that stipulated no bail. On July 12, 2002, the "Order Modifying Probation and Jail Commitment" document ordered her to serve thirty days in jail, with credit for seventeen days already served for failing to report to her Correction Officer and for failing to make required payments toward her legal obligations. Consequently, Yada's total jail time was at least seventy-one days.

According to the “Appendix B To Plea Agreement Prosecutor’s Understanding of Defendant’s Criminal History Preliminary Criminal History Only,” Yada had a criminal history. In 1986, she was convicted as an adult of a felony for *Possession of Stolen Property-2*. She was sentenced to 30 days of confinement and 24 months of community supervision. In 1990, she was convicted on two felony counts for *Robbery-2* and *Forgery*. She was sentenced to 24 months of community supervision. In this same document, under juvenile and misdemeanor section and toward the bottom of the document, there was a long, but small box with the following information typed in. “Between 1987 and 1990, six convictions that include Theft 3, Theft, Shoplift, Prostitution, and a Superior Court conviction for attempted tmvwop [Taking a Motor Vehicle Without Permission]...”

It took exactly *four months* to convict her; from the time charges were filed against her in “Information” document on February 6, 2001, to the day she was sentenced on July 6, 2001. Furthermore, after more than two years, the case was not closed, from the first document in the file, the “Certification For Determination Of Probable Cause,” dated December 14, 2000, to the last document in the file, “Termination of Supervision,” dated January 29, 2003. In addition, this did not include the time spent that was spent investigating the case against her. Even though parole was terminated, the case was not closed and it appeared that none of the \$969.33 legal obligation had been paid. The longer the time immersed in the criminal justice system the deeper and tighter criminal subjectification.

In the fifty-nine pages of documents in this file, there were approximately twelve deputy prosecuting attorneys, five public defender attorneys, and one DSHS criminal investigator, Earl Gurney that were used in this case. With the large number of attorneys working on the case or seventeen seem, particularly when it took only four months to convict her raises serious concerns about her getting fair treatment.

Specifics of the Case and Issues Germane to this Study

Yada was 40 years old at the time she was sentenced in July 6, 2001, calculated with

information obtained from the “Superform” and “Judgment and Sentence Non-Felony” document. The two “Superforms” described her as Black, with black hair, brown eyes, 5’01” tall, weighing 135 pounds, and a scar on her left leg. Also, she was residing in an apartment in the Central District of Seattle. She had some education beyond the 12th grade, according to the “Statement of Defendant On Plea Of Guilty.”

Yada’s case was remarkably similar to Brook’s, as the initial charge of *Theft in the Second Degree* was amended to *Attempted Theft in the Second Degree* and their alleged crime of cashing a benefit check and reported they hadn’t received them (and these were the only two cases of this study that this occurred). Additionally, both cases were complicated with warrant and bail issues and received additional jail sentences, although, there were several other cases that women had additional jail time because of probation violations. Furthermore, both women were convicted of defrauding the least amount of money, \$642 and \$469.33. Yet, they spent the most amount of time in jail, at least twenty-one and seventy-one days. They were also both Black and allegedly had prior convictions.

In addition, there were significant errors, inconsistencies, and general sloppiness in the documents. For example, some of the more minor errors, included spelling her name incorrectly on both “Superforms.” The “Superforms” also recorded that she was 05’ 01” tall and weighed 135 pounds, but the “Washington State Disposition Report” recorded that she was 05’ 02” tall and weighed 200 pounds. It is impossible that she could grow an inch or gain sixty-five pounds in a short amount of time. Additionally, most of the information requested on the “Superforms” was left blank, including the dates. However, the “Superform” in all the cases were left significantly blank. The DSHS investigator also, rounded off the amount she allegedly defrauded, to \$469.00 in the investigator’s report, whereas, the deputy prosecuting attorney did not, in his case summary. However, the major areas of sloppiness and mistakes were in the warrants, arrest, and bail documents.

For example, initially, the “Motion and Order Determining the Existence of Probable Cause, Directing Issuance of Warrants and Fixing Bail” document, filed on February 6,

2000, stipulated that Yada be released on her personal recognizance. However, on February 14, 2001, an "Order Increasing Bond" was issued and bail appeared to be set at \$3,000. This was not clear, as it appeared the three was written over the two. On February 28, 2001, the "Conditions Of Release Of Defendant" document, ordered her to be released from King County Jail on her personal recognizance and that she appear for a hearing on March 14, 2001.

Then again, she was booked into King County jail on March 1, 2001, according to an "Arrest Warrant." However, the warrant was issued on March 6, 2001. It appeared the form not only had the dates stamped in wrong (For example, how could she be booked into jail before the arrest warrant was issued?), but it was also not clear if the bail was set \$2,000 or \$3,000, as the two, also looked like a three. In addition, a document from the "Sheriff King County" was in the file, that stated, "showed up late & left before Det [sic] could be notified." Her name wasn't even on this document, so "showed up" could mean anyone. It also stated that she had "NOT" been previously booked for identification purposes.

On March 21, 2001, the "Motion, Certification and Order for Bench Warrant" document ordered no bail. However, it was not clear, if she had even been released from her last arrest. On April 17, 2001, the "Conditions Of Release for Defendant Pending Trial" document ordered her to be released on her personal recognizance, conditional that she attend hearings. Consequently, it appears she spent 17 days in jail, counting from March 21, 2001, until April 17, 2001.

In addition, on January 9, 2002, an "Order For Bench Warrant" was issued, with no bail, but there was no explanation why she was being arrested or no bail was ordered. On February 1, 2002, the "Modification Calendar" recorded that Yada's sentenced was modified and required her to serve 14 days, with credit for nine days. However, on the same day, the "Order Modifying Sentence and Jail Commitment" document noted that she serve 13 days, with credit for nine days already served. Her probation was also extended an additional year.

On May 10, 2002, a "Notice of Probation Violation Hearing" was issued, and it was

noted that she failed to report to her probation officer, failed to make payments toward her financial legal obligations, and she incurred new violations of the law. On June 13, 2002, a “Motion, Certification, and Order for Bench Warrant” was issued. According to the “Notice of Withdrawal” document, Yada’s attorney also withdrew as counsel on June 24, 2002. According to a “Bench Warrant,” filed on July 3, 2002, she was booked into King County jail on June 26, 2002, with no bail. On July 12, 2002, the “Order Modifying Probation and Jail Commitment” document ordered her to serve 30 days in jail, with credit for 17 days already served. Finally, on January 29, 2003, Yada’s supervised probation was terminated, according to the “Order Terminating Supervision.”

Tanya Engel

The Crime, Judgment, Sentence, and Outcome

According to the “Information” document filed in 2002, Engel was charged with one felony count of *Theft in the First Degree* for not reporting income from October 1998 through March 1999 or about five months, while receiving DSHS benefits. According to the “Certification For Determination Of Probable Cause” document Engel’s employment at the Muckleshoot Indian Bingo made her ineligible to receive public assistance. Consequently, she received a DSHS overpayment for \$3,039. In addition, the “Prosecuting Attorney Case Summary and Request for Bail and/or Conditions of Release” document noted the overpayment was for cash and food stamp assistance.

According to the “Non-Felony Plea Agreement and Sentence Recommendation (Probation)” document, Engel’s case was plea-bargained and the “Amended Information” document indicated, she pleaded guilty to an amended misdemeanor charge of *Attempted Theft in the Second Degree*. According to the “Appendix B To Plea Agreement Prosecutor’s Understanding of Defendant’s Criminal History” document, she did not have any adult or juvenile felonies. However, two misdemeanors were noted, including *Criminal Trespass* in 2002 and *Physical Control*,⁸ in 1999.

On July 10, 2002, according to the “Judgment and Sentence” document, she was convicted of Attempted Theft in the Second Degree and sentenced to 12-months in the

King County jail, but this was suspended, on conditions that she serve 30 days in the King County Jail. The jail sentence was converted to 240 hours of community service. She was also given 12-months of supervised probation, and ordered to pay \$2,431 in restitution (this was set on July 26, 2002, by the “Order Setting Restitution”) and \$500 Victim’s Assessment. The total financial legal obligation was \$2,931.

However, her probation was modified on July 8, 2003, according to the “Order Modifying Probation” document, extended her probation another 12 months, in order for her to complete the ordered community service hours and pay the financial legal obligation. Then, on September 14, 2004, an ”Order Terminating Supervision” was filed and even though, it appeared she had not completed the community service requirement, her supervision was terminated.

In addition, on June 7, 2002, Engel had a family emergency and as a result, her sentencing date was rescheduled for the following week, as it was noted on the “Notice of Change in Sentencing Date” form. Then again, she did not appear for that hearing, as noted in the “King County Sheriff Criminal Warrant Information Sheet.” Consequently, a bench warrant was ordered on June 14, 2002, and bail was set at \$1,500, according to this document and the “Motion, Certification and Order for Bench Warrant” document.⁴⁹ An “Order Quashing Bench Warrant” was issued, on July 10, 2002, as Engel’s attorney filed a motion to quash the bench warrant. Then again, on March 25, 2003, a new “Order Quashing Warrant” was ordered quashing the same June 14, 2002, bench warrant. It was noted that the original quash order failed to remove the warrant from the statewide system. As a result, Engel’s was arrested in Yakima County. It stipulated that she initially missed a hearing, which caused the warrant to be issued. To some degree, this had the effect of casting blame on her and re-directing blame away from state for not adequately quashing the bench warrant in the first place. Moreover, it appeared that warrant issues were a rampant problem in this study. Additionally, it can’t be determined by the information in the documents how long she was in jail in Yakima County.

⁴⁹ *DUI* is sometimes referred to as *Physical Control*. For example, you can be arrested for being intoxicated and being in your car, even though, the car is not moving.

Engel paid off the restitution on June 17, 2004, and a “Satisfaction of Judgment Legal Financial Obligation” was filed on November 8, 2006, stating that she had paid her legal monetary obligations in full, including \$2,431 for restitution, \$500 Victim’s Assessment, and \$176.51 for interest. She was one of the three cases (out of the thirteen cases) where the legal financial obligation was paid. However, there was no indication that the community service hours had been completed.

It took about *five months* for Engel to be sentenced from the time the “Information” document was filed on February 30, 2002, to the sentencing date on July 10, 2002. In addition, the case was still ongoing after *five years*, even though the her financial legal obligation was satisfied by the court. For instance, the “Certification For Determination Of Probable Cause” was signed on September 27, 2001, and the last document in the file, “Satisfaction of Judgment Legal Financial Obligation” was dated November 8, 2006. Even though, she was able to pay off the legal debt, the case was far from over, as she needed to complete 240 hours of community service. It was clear that Engel remained trapped in the criminal system.

In the sixty-three pages of court documents in the file, there were approximately twelve deputy prosecuting attorneys, one attorney from the NW Defenders Association, and one DSHS criminal investigator that were used. The high number of prosecuting attorneys in one sense, illustrates the prosecution position to have more available resources and power. However, in another way, it does not appear possible to be able to give the necessary attention and focus to the case with so many attorneys.

Specifics of the Case and Issues Germane to this Study

Engel was 27 years old at the time she was sentenced, in July 2002, calculated by her date of birth, as noted in the “Superform” documents and the time of sentencing. According to the three “Superforms” in her file, Engel’s was American Indian, 5’04” tall and weighed 145 pounds, with Black hair and brown eyes. One form noted she had a tattoo on her left wrist, indicating the word “owens”. Also, the address given for her was her mother’s house in Auburn. She had completed the twelfth grade, as indicated in the

“Statement of Defendant On Plea Of Guilty” document.

The investigator’s report was brief, less than one page long and the documents in her file disclosed little other information about her or the case, other than what is noted in this study. Consequently, the scant information didn’t reveal how many children she had, what her job was at the Muckleshoot Casino, how much she earned, if her employment was part or full-time, or the circumstances of her life or the case.

However, it appeared that she did not have a home and may have been staying with her mother, as she used her mothers address. This suggested she may be vulnerable to homelessness. Again, it was apparent that she spent some time in jail, at least in Yakima, but it was not possible to know for how long. However, the time she spent in jail resulted from State error, as a mistake was made in the first order to quash the bench warrant. There was also, conflicting information about her employment, as the investigator’s report, Loni Dean’s stated that Engel was employed at the Muckleshoot Indian Bingo. However, the Prosecuting Attorney Case Summary and Request for Bail and/or Conditions of Release,” indicated that she was employed by the Muckleshoot Casino. Yet, they are two separate businesses. The State errors not only reflected the haphazardness and it’s vast power over people, but was also worked to criminalize Engel and drive her deeper into the criminal justice system.

Michelle Emory

The Crime, Judgment, Sentence, and Outcome

According to the “Information” document, filed in 2005, Emory was originally charged with one felony count of *Theft in the First Degree* for unreported income from July 2003 through January 2004, or approximately six months. According to the “Certification For Determination Of Probable Cause” document, she did not acutely report the unemployment benefits she received. Consequently, she was not eligible for the \$3,350, she received for childcare assistance from DSHS.

According to the “Non-Felony Plea Agreement And States Recommendation” document, the case was plea-bargained, and as noted in the “Amended Information” document, the

charges were reduced to *Attempted Theft in the Second Degree*. She also pleaded “Alford” and according to the “Appendix B To Plea Agreement Prosecutor’s Understanding Of Defendant’s Criminal History,” she did not have any known prior convictions.

On October 28, 2005, according to the “Judgment and Sentence, Non-Felony” document, Emory was sentenced to 12-months in King County jail that was deferred. Instead, the jail time was suspended and she was ordered to serve 10-days of confinement. This was converted to 80 hours of community service hours, with credit for two days already served. She was also given 24-months of supervised probation. It was stipulated that the community service must be completed by March 1, 2006. She was also ordered to pay \$2,675 for restitution and \$500 for Victim’s Assessment. Restitution was set \$675 lower than the amount the DSHS criminal investigator had claimed was owed. There was no explanation for the difference. The total financial obligation was \$3,175. An additional \$67.06 for interest was applied to her legal debt.

On March 3, 2006, an “Order Modifying Probation and Jail Commitment” specified that Emory failed to pay her legal financial obligations and perform 80 hours of community service. There were no sanctions imposed on her. However, she was warned that “further violations will result in a jail sanction.”

On March 29, 2006, a “Satisfaction Of Judgment Legal Financial Obligation” document was filed, stipulating that Emory had paid the \$500 for Victim’s Assessment, \$67.06 for interest, and \$2,675 for restitution. Consequently, Emory was one of the three women that paid in full their legal financial obligations. However, it was unclear if the community service hours had been completed and it was apparent the case remained open. As a result, she continued to be ensnared in the criminal justice system.

It took about *seven months* for her to be sentenced, from the time the “Information” document was filed on May 31, 2005, to the time of sentencing on October 28, 2005. In addition, the case was ongoing for over *one year and two months*, according to “Certification For Determination Of Probable Cause” document, dated November 18, 2004, and the last document in the file, “Satisfaction Of Judgment Legal Financial

Obligation” that was filed on March 29, 2006. There was no indication in the documents that any of the community service hours had been completed and the case had not been dismissed or closed. Even without a felony count and her ability to pay off the legal debt, her case was still ongoing. As a result her life is suspended, as she is left to fend off the criminality and threat of jail.

In the sixty-three pages of documents in this file, there were approximately eleven deputy prosecuting attorneys, three public defender attorneys, and one DSHS criminal investigator that were used in this case. In addition, four subpoenas were issued pre-sentencing in this case. As with the majority of the cases, the high number of prosecuting attorneys reflects the State’s power, but also raises concerns about the lack of attention that is given to the case, considering that the State is changing attorneys at the rate of approximately one attorney every month.

Specifics of the Case and Issues Germane to this Study

Emory was 35 years old at the time of sentencing, calculated from the documents. According to the three “Superform” documents, she was Caucasian, 5’02” tall, weighing 150 pounds, with red hair and brown eyes. It was also noted that she resided in a Kent area apartment and worked as an apartment complex manager for Auburn Flight School Investors Property Management. In addition, according to the “Statement Of Defendant On Plea Of Guilty,” she completed high school.

It was also mentioned in the investigator’s report that Emory worked for Phillips Real Estate Services, earning about \$1,000, monthly. With this income, she was still eligible for childcare assistance. Even though, it was evident that she was collecting, at least some unemployment, it was not necessarily the amount of income from unemployment, but being unemployed that made her ineligible for DSHS childcare assistance. This inadequate income made Emory financially vulnerable.

In the “Order Modifying Probation And Jail Commitment” document, on March 3, 2006, stated that she failed to perform the court ordered 80 hours of community service and comply with financial obligations. Although no sanctions were imposed for these

violations, she was warned that further violations “will” result in a jail sanction. Consequently, the threat of incarceration was unending.

It was also noted in the investigator’s report that she had been *known* to the department since at least, December 2000, when she first applied for medical assistance and, she had also received some child care assistance, since at least January 2001. Although, “known” is meant to establish history, but it also casts her in the rubric of criminality. Furthermore it meshes welfare with the penal system. However, it also revealed that even though Emory was working, her low wages left her struggling with medical and childcare issues, for many years.

In the standardized form “Motion And Order Permitting Filing Of An Amended Information” document, two statements were checked, including “The Amended Information more accurately reflects the Defendant’s Conduct” and “evidencing [sic] considerations and plea negotiations” was filled in above a blank line. However, the state’s omission that the *information more accurately reflects the defendant’s conduct* was a bending of sorts on the State’s part, to admit that Emory’s error (conduct) was not commensurate with the crime they were originally charging her with, but more inline with a lesser misdemeanor charge.

Pam Dow

Pam Dow’s case was discussed extensively in Chapter One, except for the following specifics about the case.

The Crime, Judgment, Sentence, and Outcome

In 2004, according to the “Information” document, Dow was originally charged with one felony count of Theft in the First Degree. According to the “Certification For Determination Of Probable Cause” document, she was self-employed as a childcare provider. As a result of not reporting an IRA account, she received an overpayment for \$2,590 from DSHS for food assistance from June 2001 through July 2002 or approximately thirteen months.

According to the “Non-Felony Plea Agreement and Sentence Recommendation” document, the case was plea-bargained and the “Amended Information” indicated the charge was reduced to a misdemeanor for *False Swearing*, a gross misdemeanor. Also, the “Statement of Defendant On Plea Of Guilty” document, noted she pleaded guilty by *Alford*. Additionally, according to the “Appendix B To Plea Agreement Prosecutor’s Understanding Of Defendant’s Criminal History,” she did not have any known prior convictions.

According to the “Judgment and Sentence, Non-Felony” document, dated January 14, 2005, she was given a deferred 12-month sentence, with zero days of confinement, no probation, and no community service. However, she was ordered to pay \$500 for Victim’s Assessment and pay restitution, to be set at another date. It also stipulated that the total financial obligation payments were not to be less than \$35, monthly. However, there was not a “Order Setting Restitution,” but it stated in the “Statement of Defendant On Plea Of Guilty” document, dated the same day, as the sentencing hearing, that she “has the full amount of remaining balance w/her today.”

On December 12, 2005, a “Satisfaction of Judgment Legal Financial Obligation” was filed, stating the \$500 Victim’s Assessment was paid in full. As a result, the court acknowledged her legal financial obligations were satisfied.

Dow’s request for “Request For Entry Withdrawal Of Guilty Plea and Entry of Dismissal Pursuant To Deferred Sentence” was granted on June 13, 2006, according to the “Order of Entry of Dismissal” document. Consequently, her guilty plea was withdrawn and the case was dismissed. This was the only case out of the thirteen cases in this project that it was apparent the case was not only dismissed, but her guilty plea withdrawn.

It took approximately *ten* months from the time “Certification For Determination Of Probable Cause” was signed on March 26, 2004, to the time she was sentenced on January 14, 2005. In addition, the case was ongoing for *two years and three months* from the time “Certification For Determination Of Probable Cause” was signed on March 26, 2004, until the case was dismissed on June 13, 2006.

In the seventy-eight pages of documents, there were approximately ten prosecuting

attorneys, four public defenders, two private attorney, and one DSHS criminal investigator that worked on DOW'S case. In addition, nineteen subpoenas were issued, costing approximately \$494.50. There were also a number of subpoenas mailed. However, all but one of the mailed versions were to the same people that were also served subpoenas. The twenty people subpoenaed were employed by DSHS. The amount of DSHS staff involved and resources expended in this case and likely the other cases in this study was extremely revealing.

Consequently, sixteen attorneys and twenty DSHS workers or thirty-six had been involved in this case and that does not include the myriad of other staff, such as personnel from the sheriff's department, court personnel, jail, public defenders, and prosecutor attorneys and all the resources. All but six out of the thirty-six, as well as numerous other staff all worked in the criminalization process against Dow.

Dow was 45 years old at the time she was sentenced, calculated by the information in the documents. The two "Superform" documents described her as white, 5'00" tall, weighing 130 pounds, and hazel colored eyes. The two "Superforms" did not give a hair color and the box for the hair color was filled in with "XXX" in "Washington State Disposition Report." Also, she lived in a house in Kirkland. In addition, it was noted in the "Statement Of Defendant On Plea Of Guilty" document that Dow had completed high school and college.

The quality legal representation appeared to make a difference in the sentencing outcome, as she was the only case where she did not receive jail time, probation, or community service, even when taking in account the amount of money allegedly defrauded. Her case was also dismissed, after her financial obligations were paid off. In addition, she was white and lived in a house, completed college, and had significant assets, including an IRA, money market and trust accounts for her children, compared to the women in the other cases, except for Hall. Dow was the only woman that had any accumulated assets, other than Hall's trust.

Susan Davis

Similar to Dow's case, Susan Davis's case was discussed in-depth in Chapter One, except for the following information.

The Crime, Judgment, Sentence, and Outcome

Davis was originally charged with one felony count of *Theft in the First Degree*, as noted in the "Information" document, filed in 2004. According to the "Certification For Determination Of Probable Cause" document, she failed to report her employment and wages from King County Metro and Hole in the Wall from November 1, 2002, through August 31, 2003, or about nine months. As a result, she was not eligible for \$6,729 in DSHS benefits that she received; \$3,951 for cash assistance and \$2,778 for food stamps.

The "Non-Felony Plea Agreement and Sentence Recommendation" document indicated that the case was plea-bargained and according to the "Amended Information" document, the charges were reduced to *Attempted Theft in the Second Degree*.

According to the "Judgment and Sentence, Non-Felony" document, dated March 4, 2005, Davis was sentenced to 12-months in King County Jail, but his was suspended. She received zero days of confinement and 80 community service. She was also ordered to pay restitution, \$75 for court, costs and \$500 Victim's Assessment. It stated that her monthly payments on her legal financial obligations were not to be less than \$50. The "Order Setting Restitution" on the same day of sentencing, set restitution for \$4,543.26. It was unclear why this amount differed from the original amount. Nevertheless, Davis's total financial obligation was \$5,118.26.

It took almost nine *months* for her to be sentenced, calculated from the time the investigator's report was dated, on June 23, 2004, to sentencing on March 4, 2005. The case was ongoing for almost *nine months* from the time the investigator's report was dated to the last document in the file or the attorney "Notice of Withdrawal" document, dated March 7, 2005. It appeared the case was far from closed, as there was no indication any of the financial legal debt had been paid or the community service completed.

In the fifty-four pages of documents in the file, there were approximately nine prosecuting attorneys, one a public defender, two private attorneys that worked on this case. However, the documents reflected that the private attorneys worked most of the case and the public defender worked briefly in the initial process. In addition, one DSHS criminal investigator worked on this case.

At the time of sentencing, she was 32 years old, from the information gathered in the documents. The “Superform” documents indicated that she was “cau,” or white, 05’03” tall, weighing 128 pounds, with brown hair and brown eyes. Her residence was listed as an apartment in Federal Way. The “Statement Of Defendant On Plea Of Guilty” document also indicated that she completed the twelfth grade.

In conclusion, the documents in the court case files compiled against the eleven women convicted of welfare fraud in this chapter are structured as criminal templates that the women are forged into, as if there was nothing else about the women. These documents fail to account for the real women, the circumstances of their lives, and the causes for their poverty. The documents also forge the documents on the women, like a branding that permanently affixes criminality to them. Consequently, it was possible to discern how the files manufactured their criminal subjectivity. There were numerous tactics that did this. For example, one method was the pervasive criminally charged language throughout the documents, such as fraudulently, concealed, perjury, and unlawfully. Another technique was the amassing of documents or Foucauldian file that narrowly and rigidly bound the women to criminal subjectivity. This also included accessing, compiling, databasing, archiving, and storing criminal information. In this way, the criminal subject was manufactured.

Another logistic in the making of the criminal subject was the lack of discourse and narrative about the real women. Although, the documents are created to identify criminality, the real women are made invisible and rendered non-existent. As a result, the documents fail to accurately, completely, and truthfully represent the women. In essence, their identities were removed and replaced with criminal identity. This constitutes a sort

of identity theft.

The surveillance meted out also had highly criminalizing affects. There was an inordinate amount of surveillance through the documents, as information in the documents was obtained and compiled about the women and in some cases, their families, as illustrated in the case against Allan. Another instance was in the criminal investigator's report, noting that the women were "known" to DSHS. In other words, DSHS reported that the women were "known" to the department because they had received or had applied for assistance from DSHS prior to this bout of assistance. In this case "known" slips from the DSHS to the Department of Corrections and the meaning of "known" between the agencies becomes one and the same. It is also meant to establish criminal history. Simultaneously, the women's economic fragility and struggle to get out of poverty is erased, as she cycles in and out of welfare and now, criminalization.

In addition, it is not only the surveillance through the documents, data, records, and files that created a rubric of criminality, but the surveillance by the WSP and various other criminal investigators, including DSHS. In Allan's case it was the WSP that conducted the stakeouts, shadowing, and interrogations. It doesn't matter if Allan and the other women were innocent,⁵⁰ these procedures had criminalizing implications and affects. Another means in the criminalization of the women of this study was the enormous amount of sloppiness, errors, and discrepancies in all the files, including uncompleted forms. There was also an array of misinformation, such as misuse of names and differing data on the race, height, and weight of the women in and across the documents. It appeared that the women didn't matter, as the people responsible for filling in the information and data on the documents didn't care or try enough to get it right. In addition, the general sloppiness and inaccuracies can be attributed to the women's impoverishment, as without adequate representation, there was no one to make sure they were getting equitable and fair treatment. The mistakes and blunders also bespeaks to the assembly-line approach the women are pushed through, as the massive amounts of

⁵⁰ Allan's case was the only case that it was apparent that the WSP were involved in the case. However, it is assumed that all the women were interrogated or interviewed by at least one criminal investigator, whether from the DSHS criminal investigators, WSP detectives, and/or attorneys from the prosecutors office.

information, data, and numbers are created, compiled, stamped, signed, and verified and repeated, again and again. It may not even be humanly possible to “cross every ‘t’ and dot every ‘i’” that legal profession is obsessed with, as Tiersma claimed, at least in the cases that do matter.

The most troubling and daunting errors were made with the warrants. When it was possible to calculate, some of the women were arrested and spent many extra days in jail because of problems with warrants. In many instances, the warrant should not have issued or it should have been quashed, but wasn't. Nevertheless, the errors with warrants was prevalent in this study and the majority of women received at least one arrest or bench warrant, after the initial bench warrant. It appeared that most were related to not making restitution payments or missing a meeting or hearing. This also deepened their immersion in the criminal justice system, as well as shoring up the criminality. In addition, there were a number of concerns that emerged from this project. For example, the majority of the women convicted of welfare fraud were women of color and the majority of women that had felony convictions were women of color. Then again, the women convicted of defrauding the least amount of money, spent the most amount in jail and they were both Black. The majority of women of color also spent more than one day in jail, whereas, the majority of white women spent only one day in jail. This disparity can be attributed to the overt or covert racism in society, at large.

Another concern raised in this study was the legal financial obligation that was ordered for all of the women. The amount of money that was ordered was excessive and the majority of women owed thousands of dollars or on average approximately \$8,500.⁵¹ Although the amounts of legal debt varied, any extra financial burden appeared impossible for the impoverished women to bear, if not extraordinarily difficult. If the women were unable to meet the basic needs for their families before criminalization, it is reasonable to assume it would be even more difficult after conviction, especially if they received a felony conviction.

For example, Allen's legal financial obligation was almost \$25,000, which was the

⁵¹ \$8,500 was estimated for all thirteen cases, rather than the eleven cases for this chapter.

second highest of the thirteen cases in this project. To pay that off, it would take her over ten and one-half years, if she was able to pay \$200 from her \$1600 monthly income, assuming she retained similar income. However, her monthly rent was \$910, consequently, that leaves \$490 to pay for everything else, including food, utilities, and transportation. In addition, all three of her children needed childcare. According to Pearce's self-sufficiency standard for one adult, one infant, one toddler, and one school age child, the income needed to be self-sufficient in 2006, was \$5,479 a month (62). From this more accurate perspective, even if Allan's \$1,600 salary doubled, her income would be still be inadequate to raise three children, let alone paying off an expensive debt.

In a few other instances it was possible to detect that the women were subsumed by poverty from the information in the documents, as it appeared that some of the women suffered homelessness after criminal charges were filed against them. Consequently, criminalization pushed them deeper into poverty and marginalization. In fact, a felony conviction or the insurmountable legal debts shackles them to the criminal justice system for a lifetime.

Furthermore, one of the primary tenets of welfare reform is to get welfare recipients working and independent of the State. However, instead of attaining independence, welfare recipients are at risk not only to be criminalized, but when they are convicted of felonies or ordered to pay financial legal obligation that is beyond their earning capabilities, they are then forced into another sort of permanent dependency on the State.

Besides the legal financial obligations, the majority of women were also ordered community service. It appeared that none of the community service was worked, let alone completed in any of the cases where it was ordered. In Allan's case, she was ordered to work 240 hours of community service (in addition to paying \$25,000 in legal debt). To comply with this order, she would have to work full time for six months. As with the legal debt, the court ordered community service raises serious concerns if it is even possible to fulfill. It also sustains the conjunction with the criminal justice system.

Another issue raised by this study was the length of time the women were immersed in

the criminal justice system. For example, the average time span in each of the eleven cases was over thirty-three months and at least seven cases, the cases were ongoing after twenty-nine months. In three of the cases, the time span was more than five years. Furthermore, only two of the cases were closed. In essence, their lives are held in limbo because rather than focusing on caring for their children and the daily toil of trying to survive hard poverty, they are instead, under a legal system mandate to appear for court hearings, meeting with attorneys, or other related criminal justice matters.

There is also always the looming threat of imprisonment. Alexis Harris, Heather Evans, and Katherine Beckett noted that in their research, the majority of the people convicted of felonies they interviewed did not make regular legal financial obligation payments (1782). They also revealed that many of the interviewees didn't even know how much they owed. When an interviewer asked an interviewee, if he received monthly statements about his debt, the interviewee responded, "No, I get arrested. And they tell me" (1782). There is also the untold burden and strain from living thrust into criminalization and the state of continual adjustment to the concomitant harshness, limitations, and exclusions. Additionally, the longer the time immersed in the criminal justice system, the deeper and tighter criminal subjectification.

Another concern was the large number of both prosecuting and defense attorneys used in all the cases. Overall, 167 attorneys were used in the eleven cases, averaging over fifteen attorneys for each case. The number of prosecuting attorneys far exceeded the number of attorneys used in the defense. For instance, in Rice's case, twenty-two attorneys were used during the thirty-three months that the case was ongoing against her; eighteen were prosecuting attorneys. In Allan's case, twenty attorneys were used in the twenty-one months that her case was ongoing. The high rate of attorney turnover makes it appear impossible that the women or the cases against received an adequate amount of attention, in order to receive fair treatment. Also, this made it seem as though the women were funneled through a criminal justice pipeline.

In addition to the high number of attorneys, it was apparent that there were a large number of people from DSHS that were involved in the cases. For example, in Dow's

case, twenty people were subpoenaed from DSHS. In that there were DSHS staff involved in the case against Dow, indicated they were also involved in the other cases, at least to some extent. Overall, there was a myriad of staff that were used in the cases against the women of this project, including the personnel from DSHS, which includes the criminal investigator, WSP, sheriff's department, King County court personnel, King County jail, DOC, public defenders, and prosecutor attorneys. There are also considerable other resources that are used in the criminalization of women, such as overhead costs, computers, and paper. In addition, there are other costs that are incalculable.

For example, the inhumanity and brutality to criminalize women for being poor not only creates a heavier toll on the individual women, their children, and their community, but also society, as it breeds savagery and ill health. The criminalization of women in this study deepens and entrenches poverty and creates super-marginalization. They are also forced into indefinite servitude by the State.

Chapter Three

The Case Against Lisa Bandy

The case against Lisa Bandy⁵² was the only case in this study that went to trial, although it was non-jury. It was also the only case appealed through the Washington State of Appeals. These legal proceedings did not seem to change the outcome of the case against her, as she was still convicted of a felony and it also prolonged the time spent ensnared in the criminal justice system.

The Crime, Judgment, Sentence, and Outcome

Lisa Bandy was convicted of a felony for *Theft in the First Degree (Welfare Fraud)* by the Washington State Superior Court on August 21, 2001. The charges from the criminal investigators report stated that she failed to report the date she started working and her correct earnings as a telemarketer for Telemark, a telemarketing company from July 1997 to August 1998, approximately 13 months. If she had correctly reported her earnings, she would not have been eligible for all the benefits she received, including cash, medical, and/or food stamps. As a result, she received a DSHS overpayment of \$8,112.00 (\$4,622 in cash assistance and \$3,490 in food stamps).

Bandy's public defender attorney filed a motion on January 24, 2001, to dismiss the charges, claiming that her "right to due process and a speedy trial" were violated. However, on August 21, 01, Judge Carol Schapira ruled that her rights were not violated and found her guilty in a non-jury trial. Bandy's attorney filed an appeal on September 5, 2001. Nevertheless, the Washington State of Appeals on July 29, 2002, concurred with the lower court decision that Bandy's rights were not violated. It was also mentioned that she did not have prior misdemeanors or felonies.

As part of her sentencing, she was given 30 days in jail. However, her jail time was converted to 240 hours of community service. Because she had spent one day in jail before her conviction, she was credited with one day of time served, so, this left her with 232 community service hours. She also received 12-months of community supervision or reporting to a

⁵² Again, Lisa Bandy and the names of her children were changed.

probation officer; she was ordered to pay \$8,112.00 in restitution for the money that was allegedly defrauded, and \$500 for Victim's Assessment, a fee that was charged in all the cases. Additionally, as with most of the cases, the court and jail costs, interest, trust, and supervision fees were waived.

In addition, on October 25, 2002, she was given an additional 12 months of community supervision, because she failed to complete her community service and had not paid her financial obligation. This was typical with most of the thirteen cases, as the women were unable to pay the restitution or perform the community service, if it was ordered. It is difficult to imagine living in the poverty that Bandy and her children were immersed in, but then to add the financial obligation and work commitment appears beyond what is humanly possible, unless there were significant changes in financial circumstances.

The time span of her case was *four years and two months*. However, this does not include the actual investigative time, which was not discernible from the documents in the file. The time span was measured from the onset of the investigators report or "Certification For Determination of Probable Cause," dated June 30, 2000, to last document in the file, which was when the State closed the Department of Corrections supervision on April 20, 2004 (name of doc?) In addition, the case was not closed (according to what doc), as of December, 2003, as there was no indication that any of the legal obligations had been completed. She still owed \$450 of the \$500 Victim Assessment fine, \$8,112.00, for restitution, and she had not completed any of the 232 community service hours. It appears virtually impossible that Bandy could ever pay off her legal debts.

There were approximately six prosecuting attorneys and five public defenders that worked on the case during the four years and two months of the proceedings. The large number of attorneys on both sides raises serious concerns about the lack of quality representation she received, as well as the validity of the State's charges against her.

Specifics of the Case and Issues Germane to this Study

Out of thirteen cases, Bandy was the only case that appeared not to be plea bargained. Instead, her case proceeded to a non-jury trial, she was found guilty, and then her case was

appealed and she lost the appeal. In this case, her public defender claimed her *right to due process and a speedy trial* were violated, as just mentioned. As reflected in the “Information” document, charges were filed against her on July 31, 2000. However, she was not contacted by anyone regarding her case until late March 2001, about nine months later. The state contended that this was due to the police not having her correct address, as Bandy had moved on the *two* occasions they had tried to contact her. According to the caseworker’s notes, Bandy was forced to move because she could not afford a rent increase in the Kent area apartment she had been living in. Consequently, Bandy and her four children became homeless. They moved from place to place, until they were able to secure a room at the Legend Motel on Pacific Highway South. Bandy and her family remained there for approximately four months and then moved back to another low-rent apartment in Kent. The police claimed they made several efforts to locate her through Web searches. Yet, when they contacted the Department of Licensing, they were immediately able to locate her. Moreover, if they had contacted the government agency where the charges commenced—DSHS—they would have found her, as Bandy had consistently updated DSHS with her addresses, when she had one. DSHS was also privy to her homelessness and multiple moves. Nevertheless, a bench warrant was issued on August 8, 2000, and bail was set at \$3,000, as she did not show up for an arraignment (again, she was not notified and consequently unaware of it). She was booked into King County jail on August 8th and again, on August 10, 2000.

As her defense attorney noted, a delay of 45 days in bringing a defendant before the court is sufficient grounds to invoke violations for a speedy trial. Despite the fact that Bandy was not notified for nine months and the police using minimal effort to locate her, particularly when they are afforded enormous resources in which to locate her, the judge agreed with the State that her rights were *not* violated.

The Economics of Living on Welfare or Low-Wage Work

Research has proven, as discussed in detail in Chapter One and common sense reveals that it is impossible to live on welfare or unlivable wages without finding alternative resources. For example, Bandy’s income fluctuated, as she worked irregularly, while receiving Temporary

Assistance to Needy Families (TANF). She typically received \$440.00 in monthly cash assistance and \$378.00 in food stamps monthly for herself and her four children. That equates to approximately \$18.90 weekly or \$2.70 daily for food, per person. This paltry sum would take more than abundant creativity to feed four children, two of which are teenage boys.

In addition, she received \$200 from the Social Security Administration (SSA) for her twin sons. It was unclear why they were receiving SSI, but one possible explanation is that the father of her sons was a war veteran and was either injured or killed while in the service. It was alleged that at least one son was employed by American Alliance of Vets, suggesting a connection with veterans. However, when she was receiving the \$200 for her sons, it was deducted from her welfare benefits. The SSI benefits were terminated when her sons turned eighteen.

Consequently, besides the \$378.00 for food stamps, their total monthly cash income was \$640.00. At the time, their monthly expenses were \$595.00 (\$525.00/rent, \$35.00/telephone, and \$35.00/electricity). That left \$45 every month to pay for everything else, such as toilet paper, shampoo, soap, clothes and shoes, school supplies, toys, developmental aids, extracurricular activities, car insurance, maintenance, gas, and Laundromat expenses. Clearly, \$45 could not possibly cover their needs. Her only asset was a 1984 Ford Cougar, valued at \$400. She also owed \$6,000 for student loans. To think that welfare assistance is the safety net is sobering.

Furthermore, comparing this amount to what it actually costs to live on is alarming. For example, in 2006, Diana Pearce's self-sufficiency standard calculated how much income was needed to adequately meet basic needs without public or private assistance and also the family was not forced to choose between basic necessities, such as food vs housing.

Pearce calculated that the income needed to cover monthly expenses for one adult and child in the Renton (Bandy resided in outlying areas of Seattle) is \$2,862 or \$34,348, annually (62).

The cost of living in King County far exceeds what welfare pays, as Pearce's Self-Sufficiency standard illustrates. Although, welfare has rarely changed, many components of it have been slashed, including a 15% reduction in cash benefits in Washington state in February 2011. Cash assistance is now \$385 per month for a family of two, although food was increased to \$367 per month. I'm not sure it is even possible to find something to rent for \$385 per month, let alone also paying for utilities, soap, clothes and shoes for growing children.

Even when working, Bandy's income was dismal. While employed as a Telephone Sales Representative for Telemark, she earned \$8.50 per hour and less than \$12,000, annually. It can be calculated from the criminal investigator report that between July 1997 and August 1998 or 13 months, she earned less than \$1,000 per month, gross. She was not working full-time or otherwise she would have been earning \$1360 per month.

In another example, in April 2000, she was earning \$920.00 per month while working for Home Depot. What's more, her wages were higher in April than in January and February of 2000, and as it was noted, this was because of the *slow season*. At the time, her sons were not living with her, but her monthly expenses for her and her daughters were approximately \$845, which included \$570 for rent, \$75 for utilities, and \$200 for food and transportation. In this scenario, the remaining \$75 could not adequately cover the basic expenses needed each month and the additional expenses for working, including childcare, transportation, and clothing. Then again, her employment was anything but stable.

Even when combining Bandy's incomes from Home Depot (\$920) and welfare benefits (\$640), they would receive only \$1560, monthly, in cash assistance or \$18,720, yearly, in addition, to food stamps. Consequently, Bandy and her family were living far below the self-sufficiency standard--\$2,862--again, this was set for two people. Consequently, the self-sufficiency for Bandy's family would be higher. They were also living below the poverty line, as the poverty threshold for the US Census Bureau for 2001 was \$21,405.⁵³ Moreover, her employment was unstable and she was not working full-time.

⁵³ Copied on 9/14/11: <http://www.census.gov/hhes/www/poverty/data/threshld/thresh01.html>

It is hard to imagine that Bandy and her family would be better off with welfare assistance, than with more income from paid labor. However, as discussed in Chapter One, welfare provides much needed stability and consistency. Working for low-wages did not and could not stave off poverty for Bandy or her children. Even while earning low-wage income and collecting welfare benefits, they were still extremely poor, but more stable. The combined resources of welfare and paid work could have prevented bouts of homelessness that they experienced, not to mention easing the hardship of abject poverty.

In addition, instead of low-wage work bringing relief, it created a whole new set of problems. Not only did Bandy not earn enough to live on, she also continued to be in a constant state of verifying information to DSHS, as she still needed some assistance. At one point, she had to wait thirty days before being reinstated for benefits when she stopped working. This not only augmented instability and stress, but also increased her need and expenses for clothing, transportation, and childcare. When considering how difficult and time consuming it is to get back on welfare, working is not always a viable option and can lead to even greater insecurity rapidly. Subsequently, as Edin and Lein pointed out "...women [low-wage workers] learned that the kinds of jobs available to them were not avenues to success or even to bare-bones self-sufficiency; they were dead end" (70). This was incontrovertible in Bandy's case.

Eventually, Bandy went back to school in an attempt to find more decent job opportunities, but even by April 2000, almost three years after welfare, Bandy still needed help. What's more, it appears she was working harder than ever, yet deeply immersed in poverty. She was working for four temp-agencies and still not making a livable wage. Consequently, cycling from unlivable welfare "welfare trap" and even worse unlivable work "poverty trap" only seemed to maintain and widen the enclave of poverty she was submerged in.⁵⁴

Furthermore, her felony conviction foreclosed possibilities to escape the trap of poverty, as it surely acted to seal and permanently fix her to a life of poverty and criminalization. The felony will permanently follow and constrain her in nearly aspect of her life, including employment, housing, and voting. Besides raising the last two of her four children without adequate wages and owing \$6,000 for student loans, she now is required to pay \$8,112 to DSHS

⁵⁴ Edin and Lein, discussed the poverty trap (86).

for restitution and \$500 to the court for Victim's Assessment, as well as owing 232 hours of community service.

Struggling to Survive

Although not transparent, bits of narrative about Bandy can be gleaned from the scant, splintered, and random information in the documents. Most of the documents that made it possible to imagine Bandy from a human and humane perspective were not supposed to be in the file, including the caseworker notes, bills, drivers licenses, social security numbers, marriage licenses, social security information for her two sons, and employment records.

Nevertheless, it took numerous documents to decipher that in 1998, Bandy was a single mother with four children, including two daughters, Nancy, 9 and Laura, 11 and twin sons, Kyle and Jason, 18 years old.

Although the arresting document, or the "Superform," the official document with the most succinct and totalizing criminal formulation of all the documents, indicated that Bandy was 40 years old, white, 5'03" tall, 185 pounds, and brown eyes. There were four different surnames listed for her, which indicates she was probably married several times. Additionally, her daughters had different last names than her twin sons, so, in all likelihood her daughters had different fathers than the sons. This could be confirmed elsewhere in the file, because the sons collected SSI and the daughters didn't.

Clearly, they lived in chronic poverty and intermittent homelessness. She had the minimal accumulated assets, including a 1984 Ford, valued at \$400.00. For the most part, even when working, it appeared Bandy was still eligible for, at least some welfare assistance. As noted earlier, although working for Telemark and Home Depot, earning \$8.50 per hour, she wasn't working full-time. On another occasion, she was paid \$7.00 per hour for approximately thirty hours, weekly, caring for her sister-in-law's children. Despite working, she still earned less than \$1,000 per month.

At another point, she was working for four on-call temp agencies, including Interim, Evergreen Staffing, General Employment, and Express Personnel. Even though, she received

employment opportunities through them, she was unable to get enough work to ward off poverty and welfare. As a result, Bandy and her children existed far below the threshold of poverty.

Along with unstable work, Bandy's dubious housing circumstances were perilous. According to the DSHS caseworker's notes, Bandy and her four children moved at least seven times in thirty-one months and this does not include the times they were homeless. In essence, they were moving every four months for two years and seven months, as gleaned from the time span of the caseworker notes. They lived in several different low-rent apartments in Kent, a motel on Pacific Highway South, in a trailer park in Des Moines, an apartment rented by her sister (the landlord didn't know Bandy and her children were staying there), and friends. On a psychological level, moving can be equivalent to a death. The hardship and distress this created for Bandy is inconceivable, but even more so for the children. Their childhood was ripped apart and replaced with destitution, suffering, and the horror of watching their mother struggle to care for them, amidst struggling to survive on hard poverty and welfare, but also the nightmare of criminalization.

Even though Bandy resided in outlying areas of King County, where rents tend to be cheaper, it wasn't cheap enough. As reflected in the caseworker's notes, at one point, her monthly rent in Kent increased \$45 or from \$525 to \$565. As a result, they were being evicted because she did not have enough money to pay the additional rent. They became homeless and lived in her car for almost a week, until a friend let them sleep in her one bedroom apartment on the living room floor. Eventually, they moved to the Legend Motel in Des Moines and lived there for roughly five months. However, any one of the issues, including poverty, living on welfare or unlivable wages, lack of support systems, unaffordable rent increases, eviction, homelessness, multiple moves, and criminalization, let alone the aggregation of all the events is catastrophic.

Again, the stress, anguish, exhaustion, and instability associated with any one of the multiple devastating issues confronting Bandy, the upheaval for her children is just, if not more traumatic. At the same time, it has deprived them of a childhood. Along with the psychological, mental, emotional, and physical costs, each move has economic expenses, as well. According to

the DSHS caseworker notes, while living with Bandy's sister, she was able to find them a place to live, but needed \$560 for moving costs. However, DSHS could "not commit" to helping.

In addition to the difficulty of paying rent on sparse income, Bandy could not always afford a telephone. It appeared her telephone was disconnected more than connected, according to the bills in her file. There were also several late utility bills, indicating she could not always pay her utility bills. In the caseworker's notes, it was mentioned that she asked them to help her pay a utility bill. They claimed, Bandy "...had sufficient income to cover utility bill [sic]." However, it is impossible that \$640 in welfare cash assistance or or less than \$1000 from income from low-age work, when she was working, could cover all the expenses. Consequently, Bandy was left juggling expenses. Children also need clothes, shoes, toys, and school supplies. Yet, this never entered into the discourse. As Johnstone pointed out, "...we explore ways of thinking about and uncovering silence, the things that cannot be talked about and may hence be hard to imagine in a particular language, and the things that systematically go unsaid either because they are assumed to be true or because they are for social reasons unthinkable or unmentionable" (32). In this case, the diversion of discourse shifts away from the pain, hurt, and violence of poverty that Bandy and her four children experience and live through daily, inflicted by mechanisms of governmental policies, and practices and social forces and focuses solely and unremittingly on her "irresponsibility," "failure," and "criminality." Consequently, the root causes of poverty are concealed and unquestioned. Stuningly, the children's existence vanishes into thin air. Their suffering, innocence, diminished childhood, and super-marginalization simply vaporizes. The real story is disallowed and replaced with a manufactured narrative of the criminal subject.

In addition, when her sons dropped out of high school, they were also required to participate in WorkFirst. Eventually, her sons moved and it was reported that they went to live with a cousin. It appeared that they were pushed out, as they couldn't live with their mother and not work, but also, their income would not be their own, it would be considered household income.

Similar to the uncertainty and instability of her financial and housing situation, it was apparent that Bandy's employment opportunities were limited and a source of dissatisfaction for her. For example, when she quit her job at Telemark in August 1998, according to the "Voluntary

Employment Termination Notice” document, it was hand written in the “Comments” section that “Scheduling conflicts re: continuing education, lack of respect” were the reasons she quit her job. On another Telemark form, the “EXIT INTERVIEW REPORT,” she had checked off “Scheduling conflict,” “Other dissatisfaction,” and “Lack of advancement opportunities.” It was clear that Bandy was trying to improve her financial situation by going back to school and opting to find a better job with upward mobility and *respect*. This was one of the many documents that were not supposed to be in the file and having quality legal representation would have prevented it. It was from this break and gap in the narrative, that splinters of struggling to improve her conditions emerged.

Struggling to survive is immensely complicated and difficult to articulate. For example, the conditions of living poor, not just for mothers, but also their children can be traumatic and an immeasurable source of stress, devastation, and pain. It is lived every minute of every day and is almost inescapable—it becomes a heavy burden that seems to never lift. It is a mighty weight on the back and on the soul. It appeared that Bandy and her children were struck again and again with immense blows of poverty. Yet, the discourse in the documents did not directly or even indirectly discuss the hardship of poverty, which had the effect of erasing away the conditions of poverty, the causes, and the existence of the real people of this family.

It was deeply troubling imagining how Bandy was supposed to feed her children, pay the rent, and give them at least some material comfort, like a box of crayons or a new (or used) pair of shoes. Furthermore, besides the material deprivation, how was she supposed to find the time and respite from the pressures and hardship of poverty and welfare to spend a few moments with her children each day? People and especially children need nourishment, love, and hope, but this was stolen from them, as the constraints of poverty pushed them into an even harsher conduit of criminalization.

On another occasion, it was documented on a DSHS form that when she was warned about not cooperating with WorkFirst, the TANF federal and state work requirements, she stated that she was having “*emotional problems* (my emphasis).” One question and concern is how a person could function, at all under the conditions that Bandy was subjected to day-in-and-day-out? This constitutes state violence. As stated earlier, these policies can be construed as human

rights violations and crimes against humanity. For example, Abby Pitcher in the Urban Justice Center's report, "Human Rights Violations in Welfare Legislation: Pushing Recipients Deeper into Poverty," discusses many aspects of TANF that violates human rights, such as work requirements (17-21) and limitations for higher education (13-6). The mentality behind these cruel policies, rules, and practices that force women and children into inhumane conditions can be described as antisocial, antihuman, and sadistic.

Consequently, governmentality in the era of neoliberalism is retracting its helping arm to the population it most excludes and marginalizes. It is being replaced with a sweeping arm that rounds up the most vulnerable and funnels them into a pipeline from poverty to prison.

The Personal Made Public Domain

There were substantial personal documents and information in Bandy's file that should not have been placed there, including her Social Security card, drivers' license, marriage certificate, divorce decree, employment information, employer notes, and employment pay stubs, IRS form, completed DSHS forms, letters from landlords confirming her residency and rent amount, etc., and late notices from Seattle City Light. There were also multiple copies of identity cards, including drivers' licenses and Social Security cards, reflecting previous different last names and addresses.

In addition, a considerable amount of DSHS documents were released in Bandy's file about her and her children, including monthly reports, eligibility reviews, and twenty-eight pages of DSHS caseworker's notes. These DSHS documents contained detailed information about her personal life and situation that were collected while she received benefits, including an accounting of every aspect of her financial and employment circumstances. This included every pay stub from every job, every known address and telephone number, and letters from employers and landlords. Other personal information was revealed as well, such as where she slept (on the floor) and even that she had emotional problems.

The kinds and amount of detailed personal information about Bandy included pictures of her, via drivers' license photos, addresses, Social Security number, and fingerprints. To have this made available to the public is alarming. Publicizing this information causes her to be even

more vulnerable, if that is possible. There is also safety issues, as releasing this information makes her an open target for personal attacks, harassment, and identity theft. What's more, this information is impossible to purge from public records and/or cyberspace. It is permanent and can't be completely removed. If Bandy had good legal representation, this would not have happened.

Releasing highly personal information about Bandy for public viewing was egregious, to be sure. Even more contemptible was the personal information released about her children. As a result, not only was their mother's life bared for public view, but their lives, too. Their names, dates of births, Social Security numbers, and various personal information were released in the documents. Also, high school and employment information about Kyle and Jason were released. It was disclosed that they dropped out of high school for a while and were required to participate in DSHS employment workshops because they were not working, even though they were not 18 years old, at the time. Information was released that when they were homeless, they slept on the living room floor of a friend of their mothers. Additionally, when their mother and sisters moved to a trailer park in Des Moines, they moved in with a cousin in Seattle. This raises serious issues concerning the privacy and safety of the children. Also, what are the ramifications for children when their schools have been notified the children are in a family receiving welfare benefits? At some Seattle public schools during this time, poor children were referred to as "free lunchers," when they received free lunch. They were also required to stand in different lines to get lunch. Although, this practice has ended, the sentiment may still linger.

Furthermore, not only were the personal lives of Bandy and her children made part of the public domain, but other members of her family and her ex-husband were also exposed. For example, her sister, mother, and sister-in-law's names and addresses were released in these documents because Bandy had lived, rented, and/or worked for them. The Social Security number of her ex-husband, the father of their sons Social Security number, divorce degree, and marriage license were in the file as well.

Overall, the documents in the file have a highly criminalizing affect even though, they have not been convicted or even charged with a crime in this case. Intentional or not, dispersing this kind and the level of personal information to the public is tantamount to an assault.

The Making of a Welfare Subject: Surveillance, Discipline, Discouragement, Demoralization, and Demeaning Tactics

The use of surveillance, outside of confinement is, perhaps, never more intense, than for people receiving welfare benefits, as exemplified in the case against Bandy. The detailing, documenting, and monitoring of movement and behavior was rigorous. For instance, the perpetual documentation and verification production Bandy was placed under was tantamount to surveillance that parolees or even some prisoners are required to undergo. Then again, the EBT debit cards⁵⁵ welfare recipients are issued record every item purchased--every can of corn and box of cereal, and so is the date, time, and place of the transaction. Consequently, the government knows how much, how often, and what Bandy and her children eat. These super-surveillance and supervisory techniques deployed by DSHS has the affect of criminalizing, disciplining, discouraging, and demeaning welfare recipients. It is part and parcel, a tactical procedure in the making of the welfare subject.

Furthermore, the application process for welfare is an invasive and grueling indoctrination and could be construed as the welfare "Superform," the document that was used to record information about the women when they were booked into jail. Although, the welfare application process was not streamlined and the women were not reduced to numbers, there was extensive information collected about them. There was a multiplicity of required documents, verifications, and information that were collected and processed on personal data. Although, women are not booked into King County Jail, they are being *booked* into the DSHS welfare department. Furthermore, welfare booking is far more invasive than being booked into jail. For instance, the state of Washington DSHS, during the years Bandy received benefits, required at least twenty-two pages of questions to be completed⁵⁶. Additionally, there were numerous demands for documentation, such as car title and registration, letters from landlady or landlord, any current and/or previous three months wage statements, bank statements, child support orders, if any, birth certificates, immunization records and proof of who the father of the child(ren) is/

⁵⁵ EBT (Electronic Benefit Transfer) debit cards have replaced food stamps. This is called the Quest card in Washington state.

⁵⁶ TANF in Washington State has changed many of practices that is discussed in Chapter One.

are, and so forth. If proof of the father can't be provided, a list of all sexual partners and other pertinent information, including telephone numbers and addresses of those partners are required. If the applicant submits the correctly filled out forms and provides all the documentation, and they are deemed eligible, it can take a month to receive benefits. Another welfare benefit is food stamps and that requires another barrage of paperwork and sometimes verifications, although, food stamps can be issued more quickly.

Consequently, women seeking state assistance virtually are required to turn over their lives and the lives of their children, in order to be managed and policed by governmental agencies. The welfare application process initiates government intrusion and continues as long as benefits are collected. Then again, it appeared that the documents and records of welfare recipients are permanently stored. For example, it was mentioned in the investigators report, if the women were "known" to the department (welfare agency).

Once welfare benefits are issued, staying on welfare is a job in itself, given the amount of verification that is requested. Welfare recipients are also given DSHS "Client Id's," which could be construed as a form of surveillance. Bandy was in a perpetual state of submitting something. In fact, she was never free of it. For example, from January 1997 to April 2000 or 39 months, there were 45 requests pertaining to verification information and this does not include verifications that she was submitting on a regular basis, such as monthly reports, rent receipts, and utility bills or when Bandy (re)submitted documents, statements, or forms because the agency had lost them. In many instances, it was information that Bandy was having difficulty getting, such as statements from landlady (lord), even though they didn't know she was living on their property and employers that did not have formal businesses, therefore had to hand-write what they hired her to do and the amount they were paying her, etc. This kind of requested information is like a red flag--the scarlet letter--signaling the landlady (lord) and employer that you are on the government dole and financially unstable. It can carry enormous stigma and the consequences of that stigma is far-reaching, including losing your home and/or your job. Also, Bandy was required to submit utility bills, even though, she didn't have any, but then, she would have to prove that. How do you prove you're homeless? Evidently, a letter from the last landlady (lord) verifying you have moved maybe sufficient. If the requested information was not

provided to DSHS, in a timely manner, then it was not uncommon for Bandy's benefits to be withheld or denied. This happened to her many times. Not only are the verifications a potent method of surveillance, they are disciplinary measures and they have the affect to discipline, discourage, demoralize, and demean women. Hence lies the making of the welfare subject, as she must bow-down to the demands. If she doesn't follow the rules and demands, the punishment comes swiftly, as she loses precious money and food for children. And, as Bandy cruelly learned time, and again, she lost her home and shelter for her children.

The kinds of information requested, as reported in the caseworker notes, included name change verification, car title and registration, utility bills, monthly reports, periodical eligibility reviews, statements from the school for each of her children to confirm their attendance, rental leases, monthly rental receipts, landlord statements verifying who lives in the unit, the rent amount, and dates the family moves in and out. Also requested were statements from SSA for both of her sons, including the dates benefits started, the amounts paid, any changes in benefits, and the last dates benefits were paid. Furthermore, every time she worked, she was required to get a verification statement (form) filled out by her employer that stated when she started working and another statement that reported when she stopped working. When Bandy worked for four different temp-agencies, at one time, she was required to get information from each of them. Also, DSHS required monthly pay stubs or statements to determine her monthly benefits. Additional employment verification was required not just for her, but for both of her sons, including the start and stop dates of any, and all employment, and monthly pay stubs. And, if her sons worked, DSHS subtracted the amount from the benefits.

The surveillance was not limited to the massive amount of verification that Bandy provided, but the caseworker was also making contacts. For example, in the caseworker's notes, it was disclosed that the caseworker called the SSA and her children's schools, employers, and landlords inquiring about them. In one instance, the caseworker called Jason's employer, the American Alliance of Vets and requested information, but it was noted that, "...they would not give it out." However, even when the caseworker had gotten information, such as from SSA, landlords, employers, and schools, etc., Bandy was still required to submit the information, as well. Although Bandy probably did not know that caseworkers were making these calls, just

knowing they had the power to do it was far more than verification, as the caseworkers were acting more like a parole officer. This creates an atmosphere of suspicion and deviance, whereby the welfare subject is made suspect and deviant. This is the making of the welfare subject. At the same time, it is the making of the criminal subject.

Some of the DSHS forms are complicated, such as the Eligibility Review form, which was six pages long, with twenty-seven sections and many other subsections. The monthly report was four pages long. Both forms have various warnings, such as perjury and food stamp program penalty warnings. The penalties are outlined and then there was a warning on the monthly report, stating, "Those who have knowingly and purposefully broken a rule can be prosecuted and fined up to \$250,000 and imprisoned up to twenty (20) years, or both. A court can also bar a person from the [food stamp] program for an additional 18 months." The criminal undercurrent in the warning is that *using food stamps may lead to life in prison*.

It is stunning that a food stamp violation could result in a \$250,000 fine. How is possible for someone with extreme limited resources to pay such a huge fine? For example, a mother and one child receives \$180 in food stamps and \$486 in cash assistance, every month. That isn't enough to live on, let alone budget an additional \$250,000 fine. It is something like taking a several ton wrecking ball to wipeout a gnat. Moreover, imprisonment for twenty years is ludicrous. Twenty years in prison for an impoverished single mother just trying to feed and care her child(ren) is beyond comprehension. The maximum fine and imprisonment that could be imposed is even more difficult to understand when considering how high level banking executives sapped billions of dollars from institutions and citizens, which nearly collapsed the United States (and world) economy and resulted in billions of dollars of US money in bailouts. If that wasn't criminal enough, the CEO's responsible for the economic crises, not only didn't lose their jobs and got to keep the money they extracted, but they also took billions more from the bailout money to pay themselves bonuses. However, there are not laws against that or at least, no one has been prosecuted for their offenses. What's more, considering if one banking executive gave up a meager two million from his hefty annual bonus or the government diverted two million from the coffers it gives to the wealthy or a war, it would be enough to give over 83 families, like Bandy's \$24,000 for one year to live on. This is almost double what Bandy's

receives from DSHS, but about the same amount the DOC pays to imprison one person for a year.

In addition, the caseworker's notes revealed inconsistencies and multiple errors, including missing warrants (welfare checks) and misplaced and/or missing information. For instance, Bandy was repeatedly requested to give the same information several times, even though she had previously submitted it. In the caseworker notes, Bandy claimed she had given the same information twice before and then, after the third time, they claimed they had received it. At least, two of those times, the information was hand delivered by Bandy. As a result, it appeared that Bandy, on a regular basis hand delivered most of the information directly to the DSHS office and even to the caseworker. Even though hand delivery could not assure more efficiency, it was more effective, as the information was going directly to the caseworker, which by passed mail errors.

In addition, benefits were allegedly mailed to the wrong address a number of times. So, when Bandy didn't receive the assistance, she would pick-up the check directly from the DSHS office. Overall, Bandy went to the DSHS welfare office over twenty times in a three year period, just to collect food stamps and/or cash grants. DSHS was not always responsible for misplaced checks, as Bandy moved regularly and the checks, on several occasions, were not sent to the new address. Nevertheless, she signed approximately seven affidavits for missing checks that had been mailed, but she did not receive. The caseworker's appeared annoyed at the system, as well. For instance, it was stated, "See no reason why they [checks] are here...should have been mailed."

According to the notes, her caseworker initiated a new welfare rule that required she make an appointment for food stamp and grant replacement. Bandy was reminded several times, not to come without an appointment. As a result, when Bandy didn't receive her food stamps or cash grants, instead of going directly to the office and getting the problem resolved on the spot, as she had done previously, she was now required to wait longer by getting an appointment. On many occasions, it was noted that the checks never came back to the DSHS office. This leaves one wondering, if the checks weren't returned to DSHS, where were they or were they ever even issued? Moreover, the new policy evoked further discouragement and abasement. Even though,

it was more often the caseworker and/or the system that made the mistake, Bandy and her four children suffered the consequences, such as paying the rent late, paying late fees, having to move, and/or not having food to eat.

In addition to human error, there were repeated computer glitches in which information was deleted, missing, and/or generally, questionable. For example, it took four months and multiple attempts to update Bandy's name change in the DSHS computer. It was also necessary for the social worker to notified SSA and remind them to update their computers with Bandy's correct last name. In another example, it took three months, to update the computer that Bandy no longer worked for Telemark. Another example is when the computer would not allow food stamps to be issued, so the caseworker had to override the computer and hand calculate and issue the food stamps himself. For that matter, it appeared the computer was in charge and not the caseworker, as there were a number of remarks in the notes to that effect, such as "computer will not allow it" and "system had removed retro amount," and "unable to ver. [verification] in system."

The caseworker's notes also revealed at least eight alerts and one audit. It was not clear what an *alert* was or what set it off, but it was a trigger to alert DSHS staff of something. *Alert* preceded such events as Kyle and Jason turning eighteen, termination of their SSI, dropping out of school before eighteen years old, and working or not working. One alert required an "alpha worker" to check on the case regarding an earning statement. Alerts seemed to result in at least one verification request. Alerts seemed like a welfare reconnaissance.

In addition to the alerts, there was a "clean sweep review," as Bandy allegedly was using the same address as two other welfare recipients—a computer generated alert. The caseworker stated, "MASSIVE AMOUNTS OF QUESTIONS BEING RAISED...CASE TOO QUESTIONABLE TO LEAVE OPEN." Furthermore, it was requested that "ALL CW'S [caseworker's] TO SCHEDULE AN APPOINTMENT FOR THE SAME DAY AND TIME AS TO TRY AND GET ALL CLIENTS INFORMATION AND COMPARE IT, AND CONFRONT CLIENTS IF INFORMATION DOES NOT MAKE SENSE." Nothing more was discussed about this particular "clean sweep," except that due to the *clean sweep*, Bandy's food stamp case was closed because DSHS could not verify the household composition. Bandy was also unable

to verify her living arrangements because the landlord did not know they were staying on his property, as he was leasing the apartment to her sister. However, the food stamps were reinstated the following month. *Clean sweep* sounds like something the vice squad and/or a SWAT team does and not an agency attempting to help an impoverished single mother with four children, who suffer from chronic poverty and intermittent homelessness. Clean sweep was part of a profusion of surveillance techniques, that were also criminalizing.

Furthermore, at the time, she did not have a telephone, as the telephone had been disconnected when she moved. Her sons also had dropped out of high school several months before this and they had stopped working as well. The caseworker informed Bandy that both of her sons were now required to participate in the WorkFirst workshops, even though, they were not eighteen years old, as welfare policy stipulates that if you are between the ages of sixteen and sixty, you must be in school and/or working. Consequently, her two sons were mandated to attend workshops that month. So, it was not just Bandy being disciplined, but the entire family. They were not only being disciplined and punished, but also criminalized.

In this vein, one of the harsher methods of disciplining and punishing recipients is through sanctions, such as withholding and canceling benefits, as was discussed in detail in Chapter One. Welfare sanctions are imposed on women that do not follow the rules, but as the evidence reveals, it is not possible to live on welfare alone. Inevitably, a rule will be broken, in order to survive and provide living essentials for their children. In doing this, they also prevent child neglect and abuse. Consequently, for many welfare-reliant mothers trying to raise their children is a nightmare and sanctions make it even worse. Diane Dijon and Ann Withorn in, “There but for Fortune: The Failure of Our Dreams and Back-up Systems.” in *For Crying Out Loud*, explained this wretchedness as a “perpetual game of ‘Jumanji’--where every roll of the dice yields yet another disaster” (20).

Welfare for Bandy was like a game of “Jumanji,” as she was confronted with tragedy after tragedy. Her grants and/or food stamps were denied or withheld because of being sanctioned, ineligibility, time-limits, or she didn’t submit verification and/or information to the caseworker, within a deadline. One example was when her caseworker claimed she wasn’t “cooperating” because she missed a WorkFirst workshop. Even though, Bandy had just moved

again and told the caseworker that she was having emotional problems, she was still sanctioned. Bandy was told she needed to work for two weeks, before the sanction could be lifted. On another occasion, she was denied benefits for one month because she quit a job in order to go back to school. At other times, benefits would be withheld and then released, usually, when she provided the verification or information that was requested. From this scenario, sanctions seem cruel and inhumane. Bandy was being beat-up, battered, and abused by poverty, but also by welfare policy.

In another vein, the DSHS caseworker's notes are almost all capitalized and comprised of abbreviations, brief narrations, and codes that are somewhat difficult to decipher. For example, "A/R IN LO FOR NON RECEIPT OF FS" and "PER A/R SHE HAS ALREADY TURNED IN LLF..." means Bandy came to the welfare office because she did not receive food stamps and Bandy stated that she has already turned in the landlord verification form. Even though they are caseworker notes, they are part of Bandy's DSHS file and are shared system wide. These notes were transferred to caseworker to caseworker and to another office, at least once, when Bandy moved and switched to an office closer to her new residence.

The caseworker's notes also reflected the caseworker's sentiment toward Bandy or other caseworkers. In the 39 months of caseworker notes that were in the file, there were at least four caseworkers involved in her case. Clearly, there was a sense of disconnection and dismissal of Bandy. For example, Bandy was mainly referred to as A/R. She was never addressed by her last name and only by her first name three times and, that wasn't until the 12th page of the notes. In twenty eight pages, she was referred to as A/R, 112-times; CLT (client), 22-times; client, 21-times; AR, 6-times; and worker, 2-times. In many instances, she was simply not addressed. For example, the caseworker stated, "Mailed reminder to attend job search workshop," instead of Mailed *Lisa* a reminder to attend job search workshop. This revealed depersonalization, disrespect, and contempt for Bandy.

There was also a sense of authoritativeness, suspiciousness, and/or irritation. For example, during the initiation of the *clean sweep*, as mentioned earlier, the caseworker was requesting other caseworkers to call in the clients with the same address at the same time, in

order to “catch” them in a lie or devious scam. Then, they could “CONFRONT CLIENTS“ One caseworker asked her “WHY ISN’T SHE [Bandy] COOPERATING.”

The notes also *talked down* to Bandy and talked to her, as if she was a child, as observed in the use of “explained” on a number of occasions. For instance, the caseworker noted “EXPLAINED WORKFIRST TO A/R” and “EXPLAINED SANCTIONS,” even though she knew Bandy understood the rules of WorkFirst and sanctions. The use of she of “she understood” was prevalent, as well, connoting a certain degree of complicity (by Bandy). In one instance, after Bandy had been sanctioned and she was told what needed to be done to lift the sanction, it was noted, “A/R STATED THAT SHE UNDERSTOOD.” Sometimes, explained and understood were used in the same sentence. For example, “EXPLAINED THIS [she must attend workshop] TO A/R & SHE STATES SHE UNDERSTANDS.” Besides expressing condescension, the notes appear to be a warning. Overall, the intensity of scrutiny leveled at Bandy was daunting, as welfare intrusion seemed to take over her life.

In addition, the boundaries between the welfare subject and the criminal subject were considerably blurred. As a result, there was little slippage between the two. Bandy seemed to slide from one to the other, from welfare subject to criminal subject and with a blink of the eye—it was one, and the same.

What’s more, DSHS, the state agency that is supposed to be helping families is also the same state agency that conducts criminal investigations against them. Consequently, the distance between welfare and prison is nearly collapsed. Asking government for help, puts one at risk to be criminalized. In essence, enter one door poor (welfare), exit another door (Department of Corrections), poorer and criminal. Furthermore, welfare reform policy is just one of many neoliberal and neoconservative policies formulated to direct populations of people into prison.

Sadly and tragically, despite the horrible conditions which Bandy and her children were continually battling, there was not a flicker of human kindness or compassion emanating from any of the documents. Bandy and her children were beat-up and assaulted by poverty, welfare, and criminalization. The policies, practices, and sentiments lodged against them and the poor reflects a significant shift in the kind of society we have become. In that, there has been a fracturing and even disconnection of humanity.

The Making of a Criminal Subject

As discussed in Chapter One in “The Making of a Welfare Subject,” the welfare subject was virtually the same as the criminal subject, as the criminalization process was in place in the making of the welfare subject. In both cases, she was deviant, not trustworthy, and required constant surveillance, disciplining, and supervision. The processing of the welfare subject was also the transitioning and conduit to the criminal subject.

As with all the cases, there is not a document or space within a document for Bandy to discuss in her own words and terms or the circumstances of her life, specifically that led her to the situation that she and her family are in. It is not that this just creates lopsidedness or posits only one side, but it has the effect to void out the real person, whereby, she becomes not much more than a blank. This blankness and void makes it easier and remarkably convenient for the government to invent the criminal subject, on their terms. Consequently, negating the real person and manufacturing the criminal subject are necessarily contingent. In other words, it entails removing the real live version of the individual and forging and molding her into a criminal subject. Bandy is not a criminal subject, she was constructed as one.

For example, the “Statement of Defendant on Plea of Guilty” document is revealing, in that it actively engages the individual women in a participatory process of their own demise. They are forced to surrender, in a sense, the subject-ness of who they really are to a state imposed identity of the criminal subject. This document reflects the acquiescing and take-over of the self, which is negated and voided, in order for the state to make and re-articulate the subject, the criminal subject.

Similarly, in the investigator’s report, it was stated that Bandy was *known* to the Department since June 1994, when she first asked for assistance. *Known* infers a certain amount of criminality and invokes a *history* of crime. Consequently, from the onset of her first application for welfare, Bandy became a criminal subject.

Correspondingly, as discussed earlier, the “Superform” document, literally transforms the women convicted of welfare fraud, swiftly and wholly, into the criminal subject. This form has the power on the most basic level to reduce her to sets of numbers. These numbers are cataloged

into governmental registries and databases, as both identifying numbers and codes and links to a multitude of governmental information.

In this way, governmentality has set in motion the mechanisms, techniques, and force to do its job. Individual subjects have been collected and forged in such a way; they can now be tidily filed, tracked, and monitored. Poor women and even more so, women convicted of welfare fraud constitute the newly colonized—particularized kind of subjects that are being swept from the fray of the margins and marked, labeled, and contained in what can be described as the twenty-first century caste system.

Despite the power and authorization to do this, government has abetted and engaged in what amounts to a technopolitical kidnapping. By this, I am suggesting that women convicted of welfare fraud, as politicized subjects have had their identities kidnapped and transformed through technological tactics into criminal subjects. This is tantamount to identity theft. By identity theft, I mean the real identity of women convicted of welfare fraud has been stolen, taken from her, and replaced with a criminal concoction. In the simplest of terms, the state is stealing someone's identity and replacing it with a criminal identity. In essence, the women are victims of the state. This is not to say they didn't do what they have been accused and convicted for. More so, the crime of welfare fraud was a creation and the women were placed to fit within the specificity of that particular criminal mold.

The Foucauldian File

Bandy's case file was complex and the lengthiest of all the cases. There were 431 pages of court documents and still the case was not closed, when I last checked it for documents by March 2006. Subsequently, more documents will likely accumulate. In addition, she may end up in prison because of her inability to pay the financial obligation and community service ordered by the state, in which case, considerably more documents will amass.

Of all the files, Bandy's case file embodied the ideal Foucauldian file, as it contains not only the most documents, but also the widest range of documents. The file contained a magnitude of criminal documentation, as well as, a significant amount of DSHS forms, none of which were in the other files, such as DSHS monthly reports, eligibility reviews, and 28 pages of

caseworker's notes with varied information, which was discussed in detail, earlier in this chapter. Other pertinent documents, included Bandy's car title and registration, rental leases, utility bills, monthly reports, periodical eligibility reviews, and her children's names, dates of births, and statements from the schools they attended. The names of friends, relatives, and her ex-husbands, along with one of their social security numbers were also in the file.

In addition, three different copies of the "Superform," the most comprehensive and criminalizing document of all the documents were placed in Bandy's file. Compared to the other files, one of the copies of the "Superform" in her file, was completed the most; it had the most numbers filled in (how many out of how many?). Bandy's transformation and reduction to sets of number was complete.

Chapter Four

The Case Against Loren Hall

The Crime, Judgment, Sentence, and Outcome

According to the documents, Loren Hall was twenty-three years old when DSHS began the criminal investigation against her in December 1999. Hall was originally charged with two felony counts, including “Theft in the First Degree” and “False Verification for Public Assistance” on June 6, 2003. However, after her charges were amended through a plea bargain, she pleaded “Alford” to reduced charges, and was convicted of a gross misdemeanor “Attempted Theft in the Second Degree” and “Attempted False Verification for Public Assistance.” Her crime was not accurately reporting unearned income that she received periodically, as a beneficiary of a trust fund. If the income she received had been accurately reported, she would not have been eligible for the benefits she received. Consequently, according to the “Certification for Determination of Probable Cause” document from approximately January 1997 through October 2000, she received a DSHS public assistance overpayment of \$38,956.77 (\$16,407.00 for cash assistance, \$6,102.00 for food stamps, \$8,129.73 for medical benefits, and \$8,318.04 for childcare).

On December 10, 2004, her sentence was deferred for twelve months. The terms and conditions were that she be confined to ten days in jail, with credit for one day already served. However, this was converted to community service work. She also was ordered to pay \$500 for Victim’s Penalty, twenty-four months of probation, and restitution, to be determined at a future hearing. In other words, she spent one day in jail and will have to work seventy-two hours of community service, report to a Department of Corrections parole officer for two years and abide by the Department of Correction (DOC) rules, pay the court \$500, and pay back what was defrauded, as determined by the DSHS.

On June 21, 2004, restitution was set at \$39,056.35, according to the DSHS “Notice of Debt” document. However, Hall’s attorney, David Smith filed a motion appealing DSHS’s restitution determination. Eventually, Administrative Law Judge (ALJ) Virginia Robison ordered the food stamp portion of the calculations dropped, as DSHS had not notified Hall about the overpayment for food stamps within the twenty-four month time limit, after they became aware

of the overpayment. As a result, they deducted the \$5,733 for food stamps and this reduced the restitution to \$32,332.14.

The time span of her case was approximately two years and six months, measured from the first document in the file, “Certification For Determination Of Probable Cause” dated, June 4, 2003, to the last document, “Order Setting Restitution” dated, January 6, 2006. Although Hall’s welfare benefits were terminated by DSHS on October 31, 2000, when an overpayment was determined, the actual investigation began in December 1999, according to the “Certification For Determination Of Probable Cause” document. Consequently, for Hall, the case against her was compiling for three years and one month prior to the charges being filed against her. In other words, the timeline in this case from when the criminal investigation commenced until restitution was finalized, was *six years and one month* and the case was still not closed. According to the documents, by January 6, 2006, Hall had not paid any of the court ordered financial obligations costs or completed any community service.

In addition, from the information obtained from the documents in her file, three prosecuting attorneys were used against her. She retained two private attorneys from the same law firm to represent her. The first attorney worked with her before the charges were filed against her and the second attorney remained her counsel throughout the rest of the ordeal. It was unclear if they were providing services pro bono or if she was paying them.

Specifics of the Case

This was a complicated and tragic case. It was the second longest case in terms of documentation, with over 144 pages of court documents. It was also one of only two cases that had any sort of appeal. In addition, it was only one of two cases where women used private lawyers exclusively.

The original case was filed against two people, according to the “Certification for Determination For Probable Cause” or the investigator’s report and “Information” documents. Not only was Loren Hall charged with two felony counts—referred to as Counts Three and Four, but her mother, Cheryl Hall was also charged with identical felony counts—referred to as Counts One and Two. Even though I collected all the documents in the file in March 2006, after these

first two documents, the case proceeded only against Loren. From that point, the only information about Cheryl was informational, regarding Loren Hall's case and not legal proceedings against Cheryl. However, much of the information in the files are most likely applicable to both Loren and Cheryl, or at least, overlapping. For example, Loren was beneficiary of a trust that was set up for her and her five siblings, including Jacob, Lindy, Jack, Aaron, and Jayda. Cheryl, their mother was not a beneficiary of the trust. As a result, Cheryl's benefits would be affected by income from Jacob's trust when he was in her care. The information was confusing in the investigator's report because it discussed Jacob and Lindy, more than it discussed Loren, even though, the charges were being filed against Cheryl and Loren. In part, one reason for this was that Jacob was sometimes in Lindy's care, while she also received welfare benefits. Jacob allegedly received funds from the trust, which would affect the benefits Cheryl or Lindy received. Nevertheless, the criminal charges pertained only to Loren and not Cheryl. It was unclear what happened to the charges against Cheryl.

The major issue in this case was the trust funds that Loren and Jacob allegedly received periodically. There is little information in the documents about the amount of money that was dispersed, how frequently it was dispersed, or who received it. Although the "Information" document didn't mention the trust even once, Loni Dean, the criminal investigator for DSHS crime division, gave detailed descriptions.

In addition, Smith, Loren's attorney asked the court to consider the memorandum opinion of Judge Ramsdell, from a previous Washington State Superior Court decision concerning the revocable living trust of Adam Hall, the assumed grandfather of Loren and father-in-law of Cheryl. This 35-page opinion provided historical facts pertaining to the trust, the will, and family dynamics that make this case tragic, complex, as well as divulging extensive personal family history. From this information, something other than a criminal subject emerged and the hardships that Loren endured became more evident, including the following information.

The funds for the trust originated from Hall's, Uncle Jacob, a legendary superstar who died in 1970. He did not leave a will and his estate was administered in the state of New York. As a result of the intestate succession laws of New York, Jacob's entire estate went to his presumed father, Adam, considered his next of kin. His mother, Lonny was never mentioned in

any of the documents, other a scant bit of information in the “Memorandum Opinion,” including that in 1941, when she was fifteen years old, she met Adam, who was twenty-two years old and she gave birth to to Jacob within one year. Five years later, she gave birth to Larry and eleven months later, she gave birth to Jonathan. She divorced Adam two years later, in 1951. Adam asked for and received custody of their three children, Jacob, Larry, and Jonathan.

After a wretched childhood, her Uncle Jacob joined the Army when he was sixteen. His enormous talents led him immediately to super stardom. Jacob and Larry remained close, even after Jacob became famous. Jacob, who was about five years older than Larry, brought him to live with him, once his fame was established, at least periodically. Jacob was not close to his father and saw him infrequently.

Their father, Adam married his second wife, Jasmine, in 1966, after Jacob had already become famous. Jasmine had five children from a former marriage. Only one of the children, Jackie, who was five, at the time, lived with her and Adam. Adam adopted her and appeared to have helped raise her.

Loren’s father, Larry married Cheryl, in 1974 and they had six children, including herself, Lindy, Aaron, Jack, Jacob, and Jayda. Adam helped Larry and Cheryl financially for many years and even bought a house for them. Adam also established the trust for Larry and Cheryl’s children--his grandchildren, in 1996, but evidently, the trust was not funded until 1997.

The relationship between Larry and Adam was tumultuous, at best. In addition, Larry developed severe alcohol and drug problems, just like Jacob. As Adam became closer to Jackie, he was more distant toward Larry. Because Adam’s reading level was between fifth and seventh grade, he needed help with reading and business matters. Consequently, Jackie helped Adam regain control of Jacob’s estate, as it was being poorly managed. She also found the attorney, accountant, and business people to help manage it.

Eventually, she was running everything, with Adam’s approval and she did not want Larry to have any connection to the business-side of the estate. Moreover, Adam had created three wills through attorney’s he hired prior to Jackie taking over. These wills left the majority of the estate to Larry, a smaller share went to Jackie and the remainder was divided amongst additional family members, including Adam’s grandchildren. After Jackie wrest control of the

estate, the last will was written and Larry was excluded completely, she was left with a significant interest, and although, the trust for the grandchildren was left intact, they were cut out of everything else. The trust was worth approximately \$700,000. Cheryl was never a beneficiary to any of it, but Jackie's side of the family were left with what Jackie didn't get, except several relatives on Adam's side of the family. Another beneficiary with some interest was Robert Hall, Adam's cousin. Robert also worked with Jackie to manage the businesses and trusts.

The will was contested after Adam died in 2002. The judge in the case, Jeffrey M. Ramsdell in his "Memorandum Opinion" let the will stand. However, he removed Jackie and Robert as trustees of several of the trusts (confirm) that were set up and they were ordered to pay back money they had borrowed inappropriately from the estate. At the same time, they were bilking money from the business for themselves and denying money to other beneficiaries. The judge ordered them to pay back the money they had taken with interest and money to be dispersed to the trusts, so that people could access their money. However, the judge did not remove Jackie as the personal representative of Adam's will.

Consequently, Hall and her siblings would share the \$700,000 trust or about \$117,000 each and the trust stipulated that the grandchildren were not allowed to touch the principal. Apparently, the money was dispersed periodically. However, they could ask for additional funds as long as the principal was not touched. For instance, if the \$700,000 trust yielded a seven percent earning, that would generate \$49,000, yearly. Divided between the six children, that would give them \$8,167 each, yearly or \$681, monthly.

Nevertheless, Smith in the "Defense Counsel's Sentencing Recommendation" document, claimed Loren did not understand that she was supposed to report the money from the trust to DSHS. Furthermore, Smith stated that she was a single mother with two young children with no income and could not afford to pay the money back to DSHS.

In addition, in the "Defense Counsel's Sentencing Recommendation" document, which was only found in Hall's file and none of the other cases, Smith attempted to mitigate the sentence by explaining the incredible hardships that Hall was subjected to both growing-up and as an adult. He further explained that the law failed to define what constituted "income" and the

ambiguity embedded in the law. He disclosed, “This chapter [WAC Chap. 388-450] contains over 40 sections which attempt to define what DSHS considers ‘income.’” While the chapter describes types of money as “income” for eligibility purposes, it does not contain a clear definition which would include trust disbursements...” He also pointed out, that it was understandable that Hall would be confused, considering the amount of forms she was asked to sign.

Even though, she was convicted, it appeared that because she had enough resources to retain good legal representation. As a result, the documents in her file were somewhat different and many that were building a case in her defense. As a result, it is highly probable that she received a much lighter sentence, especially considering the amount she allegedly defrauded was significantly higher than the women in the other cases. For example, she was originally facing two felony counts, but was convicted of a gross misdemeanor, sentenced to 10-days in jail that was converted to 72-hours of community and the restitution that was originally ordered was reduced over \$6,000.

The restitution reduction occurred after Smith filed and partially won an appeal. Smith argued that restitution was not a mandatory court requirement and that Hall was an impoverished single mother trying to raise two children. In addition, as a result of both her parents addictions and family crises, her childhood and adult life were riddled with dysfunction. At the same time, she assumed the role as the primary caregiver to various family members, including her three brothers. She also was unemployed and could not afford childcare, in order to go back to school to train for something better. Furthermore, she had no means, in which to payback the restitution.

Smith also contended that DSHS failed to notify Hall within the required twenty-four month period, after DSHS became aware that a food stamp overpayment was made, which was October 31, 2000, the day her benefits were terminated. DSHS staff tried to reestablish the date when they became aware of Hall’s food stamp overpayment. However, it was clear they were aware of the overpayment, as that is why they terminated her benefits. DSHS also stated that other than one contact, they had not received any letters or had telephone conversations with Severin, Hall’s first attorney. However, Smith produced a copy of a letter that Severin had sent

to DSHS and a number of voice messages from DSHS, returning calls from Severin. It was apparent DSHS staff was not being honest about the facts of the case.

Moreover, there was an attempt by DSHS staff to twist the information around. For example, when they did remember a conversation with Severin, they recalled it was about Severin's inquiry about the charges against Hall being dropped, if she repaid the overpayments, prior to the case going to trial. Consequently, this makes it appear, that Hall does have the resources to pay restitution. The chicanery deployed by DSHS staff, in this instance, indicated the measures they were willing to take, in order to "win" their case.

The Very Private Made Very Public

Other than Bandy's and Hall's cases, it was nearly impossible to know anything about the lives of the women or even if they had children. The information could only be deciphered through bits of mostly fragmented and fractured narratives. Contrastingly, in Hall's case, we are made privy to her life, her brothers, sisters, mother, father, grandfather, uncles, and extended family, as well as her children lives. Some of their names, birthdays, dates of marriages, divorces, deaths, and her uncle's adoption were disclosed in the documents.

The tragic history of her and her family's lives were mapped out and the misfortunes, problems, chaos, and complications of their lives were revealed. Even intimate and extremely personal information about Hall's life and most members of her family and extended family was compiled in this file. In one sense, Hall becomes human--real, in a sense, not just a file. In another sense, there is an overexposure of her personal life boxed in legal wrangling.

At the same time, her file is fixed and permanently located at the King County Court house and can be requested by anyone to view. It is also available on the Internet and can be viewed by anyone, at anytime.

Furthermore, as just discussed, Hall's grandfather cut her father and his grandchildren, including her, out of his will, save for the \$700,000 trust. Although, the will was contested and this generated a media blitz, it was not a public war per se, but rather the money originating from a beloved American superstar was not being passed down to his family, but someone unrelated, except through adoption. Also controversial is that Hall's family, including her famous uncle

were Black and the adopted daughter of Adam was white. As a result, most of the money was diverted to one White woman, who had never known Jacob. Larry and his stepsister did not use the media as a means to discredit each other, at least not on a regular basis. In addition, the information that is discussed in this project was gathered from public documents that was personal family information made public by being dragged through the court system and publicized through court documents. All the while, the media was having a heyday with the dissension, celebrity, and affluence.

Rather than the publicity affording Hall consolation and uplifting her, ironically, it was being turned around against her. The judge attempted to justify the grandfather's reasoning for cutting her father and her siblings, including herself from his will. For instance, he stated "Adam does not believe giving more money to Larry and certain of his [sic] children will improve their lives, given their *current lifestyles, arrest records and drug history* [my emphasis]." (re-check quote) He also stipulated that the money and house that Adam had so generously given him only encouraged him to be "idle," rather than develop a work ethic. The judge repeated several times, what someone said that Adam supposedly had said about Larry, "[he] ain't never gonna change." The inference is that Larry was pathologically terminal and there was no hope for Larry to change. Consequently, he would only use any money from the estate for drugs and bailing his criminal children out of jail. Although, not explicit, the judge disclosed that there was a disassociation with his grandchildren, as he noted most of them had a criminal record. Even the judge referred to Adam's grandchildren as Larry's children and not Adam's grandchildren.

Alarmingly, the rhetoric used against Hall's father and her siblings was highly racialized and stigmatized. It is the same racist rhetoric used against Black people, historically, and more recently in the time of welfare reform, it was re-energized, in the war against the poor, which was directed at Black women. For example, Larry and his family, just like poor women were personified as lazy, drug addicts, and misfits. Then again, this racism was being (re)used against a Black family by a white judge. Moreover, the person most benefited by his ruling, was also White. This travesty of justice is impossible to overlook and is shocking. From a historical perspective, Black people in the US have suffered oppression and disenfranchisement in longstanding brutal regimes, including slavery, Jim Crow segregation laws, and the New Jim

Crow segregation through criminalization and mass incarceration. The ensuing vilification of Hall through her father and mother and her siblings was extremely damaging and hurtful in many, many ways. (use more quotes for Adam from Ramsdell's doc)

In another context, Dean, the DSHS investigator, also used the fame of Loren's Uncle Jacob, as a platform to elevate herself. For example, Dean discussed her professional and educational qualifications for half of the first page of the report. She did not do this in any of the other cases that she investigated and compiled reports in this project. Furthermore, her report was eight pages long. When compared to the other cases, this was extraordinarily long, as the other cases the majority of cases were less than one page. Although, the report was about four counts committed by two people, rather than one person, as it was in the other cases.

Similarly, Dean was out of character in Hall's case, compared to the other cases. For example, she did not mention other family members by name in any of the other cases and only made reference to one of them, once. Yet, in Hall's case, Dean was not only conversant about Cheryl and Loren, she also discussed Lindy, Adam, Larry, her Uncle Jacob, and her brother Jacob, at length. What's more, she divulged first and last names of everyone in her family, as well as detailed family information. Dean's primary focus was on the trust, but it was often done, in such a way that deflected to her Uncle Jacob fame. In fact, his celebrity status was mentioned six times in the eight pages. The report centered more on Lindy and Jacob than on Loren or Cheryl. Dean stated several times that the caseworkers thought that Jacob might be the only person receiving money from the trust. It was also pointed out several times, that Jacob was his grandfathers "favorite" grandchild because he was named after his famous uncle, therefore, only wanted him to get the money. It was also stated that Loren's grandfather liked him the best.

Struggling To Survive Single Motherhood, Poverty, and Racism

Poverty is often complex. It often entails far more than material hardship, as the concomitant emotional, mental, and physical stresses can be devastating. It is difficult, if not impossible, to sort out the issues. For example, it is hard to discuss poverty, without talking about race because they are often so intertwined. Racism, like poverty has severe and sometimes

permanent adverse consequences, but the two together are even worse. The racism exhibited by the judge and his ruling to let the will stand have detrimental consequences on the Hall family. Loren and her family will suffer immeasurable losses because of it. In a way, the judge has stolen a part of Jacob from them and the possibility of a path away from a bleak and painful past.

According to the “Defense Counsel’s Sentencing Recommendations” dated, December 8, 2004, Hall was 28 years old, unemployed, poor, divorced, and a single mother of two sons; George, who was two years old and Aaron, who was eight years old. She had completed high school and had attended Community College. She dropped out of college when she lost childcare assistance from DSHS because her benefits were terminated due to the trust.

It was noted in Judge Ramsdell’s “Memorandum Opinion” that her grandfather had worked hard his entire life, and continued to work as a gardner, after he inherited his son’s estate, worth millions of dollars. He had dropped out of school in the seventh grade after his father died, as he needed to work to help support his family.

After Adam and her grandmother, Lonny were married, they had three children, including her father Larry, Jacob, and Jonathan, as just mentioned. After Adam and Lonny divorced in 1951, Adam asked and got custody of the children, he placed Jonathan up for adoption. Larry was sent to live in a series of foster homes and Jacob lived with Adam. At the time, Jonathan was almost three, Larry was three years and eleven months, and Jacob was almost nine years old. Lonny and Jonathan were never mentioned in the documents, again. Their family was ripped apart. Larry lost his mother and brother, Jonathan forever, but his relationship with Jacob and his father were severed, though to a lesser degree. While suffering the horrendous loss of his family, he now had the added task of surviving foster care drift. Racism and segregation were rampant and legally sanctioned and enforceable, at that time. The impact racism and poverty had on the Hall family is incalculable, but the damage cuts deep and far, to be sure. Although, it would have been difficult to foresee desegregation measures, the passage of the 1964 Civil Rights Act, and Affirmative Action instituted, perhaps even less predictable and laden with irony and tragedy is the resurgence of racism and segregation, sixty years later.

Although, her Uncle Jacob lived with her grandfather, he drifted around and left home permanently, when he was 16 years old. Although, he did not live with his dad, again, he did see

him a few times after that. He was eminently famous by the time he was twenty-three years old. He kept close relations with Larry, though, and brought him to visit and live with him. Jacob died when he was 28 years old from a drug overdose. Loren was twenty-eight years old when she was sentenced.

As mentioned earlier, similar to her uncle, both her father and mother developed acute alcohol and drug addictions. Larry also suffered a debilitating injury that forced him to quit his job as a delivery driver. He only worked for a brief time, many years after that. Her mother was known to stay out all night and bring strangers into the house, and she moved in and out, repeatedly. There was considerable fighting and domestic violence in the house, as well as drugs and alcohol. At the same time, they suffered severe financial hardship. Cheryl moved out of the house when Loren was twelve. Her oldest sibling, Lindy, who is two and a half years older than Loren, moved out of the house and had a baby when she was fifteen years old. Loren was barely thirteen years old, but assumed the primary caregiver role for her three brothers, as a result of the dysfunction and chaos.

Furthermore, according to Smith's "Statement For the Defense" because of her family's lifestyles, almost half the family had been shot in a drive by shooting or involved in a shooting. For example, Loren was fourteen years old, when Lindy was shot and hospitalized for two months. She was fifteen years old when Cheryl was shot and hospitalized for one month. Her brother was also involved in a shooting. Then, Loren was sixteen years old when bullets grazed her head and ear while riding in her sister's boyfriend's car. The shot nearly killed her, but she made a quick physical recovery. However, she suffered significant emotional depression for one to two years, following the shooting. The significant level of trauma she experienced is enough to leave her reeling in post-traumatic stress disorder.

There was little respite from the turmoil and tragedy. However, she found solace in hanging out at a local community center. In addition, with the help of a mentor, she worked as a volunteer for the Seattle Parks And Recreational Department. This was one of the few positive influences during her teenage years.

Despite the hardships she managed to finish high school. Following high school, she moved out of her family home and worked at a department store. She was twenty-one years old,

when she gave birth to her first son. In addition with DSHS assistance, she started attending community college and job training at the YWCA.

Just as she was beginning to turn around lifelong monumental obstacles, DSHS terminated her benefits. Without sufficient resources, she could not afford childcare on her own, so, she dropped out of college and the job-training program. She was twenty-three years old, when DSHS began the criminal investigation against her.

Eventually, Loren married and she had her second child when she was twenty-six years old. The marriage ended after almost two years. At that point, she was a single mother with two children and it appeared she was not getting support, at least initially, according to the “Defendant Loren Hall [name was changed] Memorandum RE Restitution” document.

Foucaultian File

Hall’s case was very different than Bandy’s case, in which the documents in Bandy’s file represented an extraordinary Foucaultian file, in terms of reducing her to numbers or categories, as well as, efficiently recording, organizing, filing, mapping, tracking, and profiling her. This had the effect to squash out any authenticity of Bandy. At the same time, Bandy’s identity was made-over and replaced as a criminal subject.

Although there were damaging documents and information in Hall’s file that had criminalizing effects, some of the documents were attempts to explain Hall’s situation, humanize her, and support her, thus prevent a criminal transformation. In other words, her attorney was fighting to keep Hall a human subject and not a criminal subject, to be reduced and contained in a file.

For example, Hall’s file was extensively different than the other cases, as illustrated by the forms and documents that were and were not in the file. She was the only woman in this project that only used private counsel (check Davis file) and did not from the onset of the investigation use one public defender. Clearly, her decent legal representation stood out.

The kinds of documents in her file reflected that she had quality representation, including the following:

- “Defendant Loren Hall’s Motion For Judicial Notice Of The Hon.

Jeffrey M. Ramsdell's Memorandum Of Opinion" was the 35-page decision on the will contestation of Adam Hall, as discussed earlier in this chapter.

- "Defense Counsel's Sentencing Recommendation" provided 12 pages of explanation and reasoning that Hall was not guilty and asking the court to defer imposition of sentencing for two years based on several conditions, such as 24-month unsupervised probation, no criminal violations, and payment of court costs and restitution determined through her administrative appeal.
- "Defendant Loren Hall's Memorandum RE Restitution" provided five pages of law and argument of why Hall should not have to pay restitution.
- "Declaration of David H. Smith In Support Of Defendant Loren Hall's Memorandum RE Restitution" provided three pages of explanation of Hall's case and he also submitted ten attached exhibits. Three of the relevant attachments to this discussion are listed below.
- "Attachment 6," includes "Declaration of Linda C. Severin RE Loren M. Hall's Objection to July 8, 2003 Overpayment Letter." This document explains Severin's initial contacts with DSHS overpayment staff. Severin was able to substantiate her claims that she made numerous contacts with DSHS staff by providing telephone voicemail's and a letter. This provided the evidence that DSHS staff were incorrect and as a result, they were backed into a corner. See below.
- "Attachment 9" contained three e-mails dispersed between Patty Bacon, Division of Fraud Investigations, Overpayment Manager and Alexis Miller, DSHS Administrative Hearing Coordinator, regarding prior letters and conversations with Hall's attorney and the issue of the 24-month DSHS notification deadline. Although, these e-mails were meant to be damaging to Hall, they backfired and DSHS staff Miller and Bacon got caught-up in a deception. They attempted to cover-up the fact they didn't have documents to show that they notified Hall within the 24-month deadline, by trying to establish another date. At the same time, they attempted to create a *red herring*, by diverting attention, instead to a telephone conversation Miller recalled she had with

Severin. Basically, she stated that Severin wanted to know, if Hall paid off the restitution, would DSHS drop the charges against her.

- “Attachment 10” contained a letter from David Smith to ALJ Virginia Robison. He was commenting on the DSHS staffs failure to respond to the ALJ’s request for information. Smith also criticized the DSHS document in “Attachment 9,” noting that it was “...self-serving, non-responsive and contains inadmissible heresay.”
- “Supplemental Declaration Of David H. Smith In Support Of Defendant Loren Hall’s Memorandum RE Restitution” is a notice to let the court know that Hall agrees with the ALJ’s restitution order.
- “Supplement To Defendant Loren M. Hall’s Memorandum RE Restitution” stipulates that Hall does not object to the amount of the restitution order in the amount of \$32,332.14.
- “Final Order” was a ten-page decision issued by ALJ Robison. She dismissed the food stamp overpayment. However, she agreed with DSHS that Hall should pay back cash, childcare, and medical benefits.

In addition, there were at least six documents *not* in her file that were in all the other files, the specificity of which were criminally transformative, such as the “Superform,” “Arrest Warrant,” and “Prosecuting Attorney Case Summary and Request for Bail And/Or Conditions of Release.”

Also, there were three standardized forms that appeared in most of the files, including Hall’s, including “Information,” “Statement Of Defendant On Plea Of Guilty,” and “Amended Information...” However, in her case they appeared differently, as mentioned earlier, the “Information” document included charges against two people, instead of one person. In this case, it had almost a conspiratorial effect, as it appeared that at least, three members of her family had committed criminal acts to defraud the government.

In another example, the “Statement Of Defendant On Plea Of Guilty” was formatted somewhat differently and other than the regular signatures and initials, the whole form was typed, which made the document appear more professional, formal, and authoritative. This was not done in any of the other cases. Moreover, in the section where the defendant is asked to “state in her own words,” Hall stated “I am entering this plea pursuant to Alford V. North Carolina...” and although in similar legalese as the other cases, hers was longer, more

descriptive, and included stipulations, such as she was entering the plea to take advantage of the prosecutors reduced charges and sentencing recommendations and that she would likely be found guilty by the evidence compiled against her. All the other cases, had almost identical copies of the law that was broken and handwritten, except Bandy. In her case, she went to a non-jury trial, so, this form wasn't applicable.

Consequently, the high quality of representation that Hall received set her apart from the other cases. Having a good attorney also resulted in the two felony counts against her being reduced to a gross misdemeanor and her restitution reduced by \$5,733. A gross misdemeanor will have considerable less criminal consequences, such as employment, housing, and voting difficulties. She also received less jail time, as she was given ten days in jail, rather than one year, which was given in ten other cases, in both felony and non-felony convictions, even when deferred, suspended, alternative sentence, or converted to community service.

Although, there was considerably less criminalizing documentation than all the other files, there was still significant criminalizing information. Although, not streamlined or a reduction of the criminal subject to numbers and categories, the sheer number, 144 pages of legal documents and the amount of personal information make this abundantly, a criminal file.

The MAKING of a Criminal Subject

Unlike Bandy's case, Hall's case, had little information about DSHS staff. However, there was discussion in Dean's report that was revealing about the role of DSHS staff. For example, Dean, in her report discussed separate, but distinct dialogues between a number of caseworkers and Loren, Cheryl and Lindy. As noted earlier, Lindy also received welfare benefits. Dean postulated that DSHS caseworkers *repeatedly asked* and *questioned* Loren, Cheryl, and Lindy, if they received income from a trust. Dean claimed, "Under questioning from DSHS case manager..." and one caseworker "specifically asked them" and another "asked for information." Overall, Dean provided eight different examples of how the Cheryl, Lindy, and Loren were questioned and asked about their income and trust. The caseworkers repeatedly asking and questioning them about the trust is supposed to make it clear that the welfare recipients had a full understanding of DSHS requirements to report income from the trust.

Moreover, it demonstrates the caseworker functions more like an investigator and interrogator, who searches out truth, to prove guilt, in order to provide evidence in the building of their case. The interrogation style tactics deployed by the DSHS caseworkers is more inline with the DOC activities, then someone that is expected to provide support and assistance to poor women. As a result, this is one way, the pathways of DSHS and DOC intersect and merge as one. It also illustrates tactics in making a criminal subject.

In her report, Dean also used “repeated” numerous times to drive home the idea that it was not once or twice that the women lied, but *repeatedly* lied. Dean insisted that the defendants didn’t just lie to the caseworkers under questioning, but they lied on the forms, as well. She noted, they “continually filled in” and “repeatedly filled in the forms” (stating they did not receive income from a trust). In questioning the clients, Dean used the term “repeatedly denied” four times and “denied,” “denial,” or “denying” seven times. She also used the terms, “After repeated denials,” “consistently answered,” “consistently denied,” and “repeatedly indicated” (they did not receive income from a trust). In this case, “denying,” “repeatedly” and “consistently” are meant to establish intention, history and a pattern of lying. However, the effects are more than just establishing lying, rather they indicate pathological and criminal behavior.

One caseworker told Dean that it was her *practice* to go over each and every one of the nineteen possible income sources listed on one of the DSHS forms with each client, orally, after the forms were already filled out by the client. Subsequently, after exhaustive questioning and denials, the caseworkers officiously extracted the *truth*. As it was noted, “eventually admitted” was used twice and Lindy “finally admitted” was used once. Additionally, Loren “never did admit.” Through the DSHS caseworker interrogations techniques, the women were broken down to admit their crimes and deceit, thus in the process, they were also bent into criminal subjects.

The documents in Hall’s file submitted by her attorney’s were intended to support Hall and prevent criminalization or at least, mitigate the charges, sentence, and financial debt. However, they were deeply enmeshed in a criminalizing process.

In one instance, in the “Defense Counsel’s Sentencing Recommendation” document, Smith was trying to illustrate how Hall had survived horrible life circumstances, that few people would be able live through, as well as she had and that she was clearly the most responsible and stable member of her family. He stated, “Although, [Loren’s] parents and most of her siblings have criminal records, this is [Loren’s] first criminal offense, a remarkable achievement considering her circumstances.” Although this can be read and viewed as a feat of overcoming unimaginable difficulties, the opposite effect may weigh more heavily. As this statement tethers Loren tighter to criminal subjectivity.

Furthermore, as Razack, in her book *Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms* explained, “Processes of racialization, economic inequality, gendering, and criminalization are fundamentally interlocked and inseparable” (page 7). In this way, Hall, like other mothers receiving welfare have become more than welfare subjects or suspect criminal subjects, they are made criminal subjects. Then again, as Dorothy E. Chunn and Shelby A.M. Gavigan in their book, *Criminalizing Women...*, pointed out, “Welfare fraud has become welfare as fraud. Thus, welfare, poverty, and crime are linked” (218). For Hall, as with all the women in this study, welfare, poverty, and the penal system were one, and the same.

Chapter Five

“The truth must not only be the truth; it must also be told” Malcolm X⁵⁷

Courage is not living without fear.

Courage is being scared to death and [still] doing the right thing anyway.

Chae Richardson

Lucy Allan, Lisa Bandy, Kathy Brook, Susan Davis, Pam Dow, Michelle Emory, Tanya Engel, Cory Gray, Lynn Hall, Gwen Hudson, Francis Page, Mary Rice, and Vera Yada are brave and courageous women for trying to care for their children in what appeared to be impossible circumstances. They endured the harsh deprivation and hardship of poverty and welfare. They weathered long periods of time subjected to investigatory scrutiny and inquiry for allegations of welfare fraud and even longer spells sustaining the legal proceedings against them, once charges were filed against them. Then again, after the convictions, the women in all but two of the cases, were still immersed in an unending criminal system nightmare, as their cases had not been closed. Moreover, it appeared that most, if not all, of the women are permanently moored and indentured to the penal system by having legal obligatory requirements thrust on them that will be difficult, if not impossible to fulfill, including paying off restitution and completing community service work. Simultaneously, they were “branded with infamy” by manufactured criminal identities and the amassing of criminal documentation against them that is permanently stored in archival networks and databases that will shackle them to the penal system for a lifetime.

The concerns of this project was not that the women may or may not have committed welfare fraud, but *how could they not*, as welfare is severely inadequate to live on and just how are poor women supposed to survive and raise children without livable incomes and healthy environments? In this vein, how is it possible for the richest country in the world to greedily and grossly take precious resources away from those most in need, when a little sharing would eliminate horrible suffering, hunger, and homelessness. This is not a modality of civility, but rather a culture of savagery.

⁵⁷ From Theresa Funicello’s book *Tyranny of Kindness* (80)

Constructing laws that criminalize poor women for trying to survive is beyond the pale of decency and particularly egregious when considering it is not against the law for an elite few citizens to bilk most of all the national resources and wealth for themselves--whether through corrupt practices or non-divisive techniques. There are also no laws against someone earning \$900,000 per hour,⁵⁸ while other laws force welfare mothers to work for \$1.80 per hour,⁵⁹ even though minimum wage is significantly higher. There are laws that force welfare recipients to choose between following welfare rules or committing child neglect and endangerment. There is no law against forcing mothers and children into abject poverty and extreme deprivation.

In late-capitalism, the emergence (and dominance) of neoconservatism and neoliberalism factions in the US political landscape has resulted in dramatic shifts in wealth, poverty, and servitude. For example, governmental policies have created inequitable income distributions and overtime, these policies have not only made the rich, grossly richer and the poor, devastatingly poorer, but they also perilously widened the divide between the rich and poor. As a result, the middle class has declined and many of them have been thrust into poverty, further augmenting the poverty population. Currently, this segment of the population is often referred to as the *new poor*.

Subsequently, the new poor are competing with those at the bottom of the wealth distribution, with no wealth for the little shredded remains of assistance programs, including welfare, as many of these programs continue (or are at risk) to be slashed, reduced, or eliminated. Some of these programs are critical measures to prevent horrific conditions, such as homelessness and hunger. Moreover, these social service programs were established to provide protection and safety nets to vulnerable populations and were counter measures against bad policies that created or did not prevent the disparity and devastation in the first place.

While policies have been enacted and implemented favoring large corporate interests and the excessively rich, those at the bottom of the wealth distribution have been crushed deeper into poverty and poverty is more widespread. At the same time, the rollback of governmental

⁵⁸ Based on an annual income of approximately 1.7 billion that some of the wealthiest Americans receive.

⁵⁹ In the report "Human Rights Violations in Welfare Legislation: Pushing recipients Deeper into Poverty," Abbey Pitcher explained that New York City's work requirements forced women to "work off" their monthly benefits. Consequently, welfare moms were relegated to sweeping streets and subway tunnels costing the city \$1.80 per hour, rather than the minimum wage \$5.15 (at that time).

policies and programs that have traditionally, provided more equitable distribution of wealth and assistance to poor and vulnerable populations has created more vulnerability and marginalization. Consequently, while over-bloated corporations and an elite few suck a disproportionate amount of the country's wealth and resources for themselves, millions of people have lost their jobs, homes, and access to healthcare, thus poverty. The trickle-down travesty is more realized as a massive geyser of wealth shooting upwards to an elite few, choking off and shutting down resources to a *trickle* or drought for nearly everyone else.

Rather than expanding social services and programs to assist the growing marginalized populations, governmental response has directed vulnerable populations into the penal system. In 2009, there are over 2.4 million people in US prisons and jails and another seven million under the Department of Justice supervision. Consequently, governmentality in this era of neoliberalism, has retracted its helping arm to the population it most marginalizes and excludes. This arm is now the sweeping arm that rounds up the most vulnerable and funnels them into a pipeline from poverty to prison.

There are also numerous policies, practices, and relations that traditionally have made and continue to make (and keep) women poor, including inequitable wages (such as, occupational segmentation and labor market segregation), opportunities, and access to good paying jobs and employment advancement. Other conditions and barriers that make women poor are single mothering, economic impairment because of mothering, women's unpaid labor in the home, including caring for children and other family members. Although, government enacted and implemented welfare as means to assist poor single mothers and their children, welfare does not pay enough to survive on. Consequently, it takes a lot of work and creativity to live on welfare benefits.

Currently, TANF, in Washington state pays \$385 in monthly cash assistance (in addition to food stamps) for one mother and one child. However, it is impossible or nearly impossible to find something to rent for that amount in the King County area, let alone pay other bills, such as utilities, transportation costs, soap, toiletries, clothes, and school supplies. As demonstrated by this study, even if doubling benefits or when combining welfare cash assistance and the low-wage incomes some of the women received, their incomes were still far below self-sufficiency

standards and below the federal poverty threshold. Clearly, TANF was and remains exceeding inadequate.

In addition, welfare reform has become a mode for punishment, as evidenced by the influx of harsh *sanctions* levied against poor women and their families. Sanctions have resulted in the suspension of benefits for minor infractions of rules, even if welfare recipients were not at fault. The boundaries between being poor and criminal have become considerably blurred and collapsed, as their behavior is harshly monitored and placed under criminal scrutiny by photographing, fingerprinting, drug testing, and electronic debit cards. Since the advent of welfare reform, government programs have also ramped up their criminal investigation divisions by diverting more money to these agencies, in order to increase welfare fraud prosecutions and convictions.

The use of surveillance, outside of confinement is, perhaps never more intense than for people receiving welfare benefits. Women seeking state assistance virtually are required to turn over their lives and their children lives, in order, to be managed and policed by governmental agencies. The welfare application process initiates government intrusion and continues as long as benefits are collected. These documents and records of welfare recipients are also permanently stored.

In addition, as revealed in the case against Bandy, if the requested information was not provided to DSHS, in a timely manner, then it was not uncommon for her benefits to be withheld or denied. This happened to her many times. Not only are the verifications a potent method of surveillance, they were punishing, and criminalizing. They must bow-down to the their demands. If she doesn't follow the rules and instructions, the punishment comes swiftly, as she loses precious money and food for her children. And, as Bandy cruelly learned time, and again, she lost her home and shelter for her children.

The detailing, documenting, and monitoring of movement and behavior was also rigorous. This was exemplified in the case against Bandy. The surveillance was not limited to the massive amount of documentation and verification that Bandy was in a state of perpetually submitting and resubmitting, but it appeared the caseworker was also contacting her employers, landlord(s), her children's school, and Social Security Administration to substantiate the information Bandy submitted. In this instance, the caseworker was acting more like a parole

officer. This also created an atmosphere of suspicion and divisiveness, whereby, the welfare subject was relegated to a realm of criminality. The super-surveillance and supervisory techniques deployed by DSHS in the perpetual documentations and verification production Bandy was placed under was tantamount to surveillance that parolees or even some prisoners are required to undergo. This also worked to make the welfare subject a criminal subject.

Besides the enormous documentation and surveillance lodged against the women as welfare subjects, the documents in the court case files compiled against the women also revealed a criminalizing process that transformed the women into criminal subjects. One can say that the court documents are supposed to be criminalizing because they are criminal documents, after all. However, the documents have nothing to do with the real women, as the real women were severed from the discourse in the files and replaced with false identities--the criminal subject.

The kinds of information that were or (weren't) in each of the files formulated a particular kind of mould for criminal subjectivity that the women were forged into. The high level of legalese, scripted, narrowly limited, and criminally charged words and discourse also worked to tightly bind and constrain the women within a frame of criminality. The criminally constructed identities replaced the real women. In other words, the manufactured criminal identities vacated the real life identities and experiences of the unknown women of these cases. that left them utterly devoid of any human subjectivity.

The massive amount of documents in each of the files was equivalent to a small book. This book of documents was created specifically to solidify the criminalization process and was hardcopied and cyberspaced for permanent public viewing display. Besides booked into jail, but they were also booked and branded for life.

In addition, there were numerous troubling aspects about women convicted of welfare fraud gathered from this research project, including the racial disparities for women of color. For example, the majority of women convicted of welfare fraud were women of color, they received more felony convictions, and they spent far more time in jail, compared to the white women. The two women that were convicted of defrauding the least amount of money were Black and they also spent the most time in jail then all the other women.

Another disconcerting issue was the enormous amount of restitution that all the women were ordered to pay. Their total legal financial obligation ranged from approximately \$970 to \$33,000 and averaged \$8,563.36, for each woman. Additionally, the majority of women were ordered community service work, and many were given 240 hours. It was unclear how the women were supposed to pay off these debts. For example, in the case against Allan's, it is not difficult to figure out that even with her salary working full-time (if she was able to retain employment once the criminal proceedings began) and assistance from welfare and the father of their children, it would be impossible to pay off nearly \$25,000 in legal debt or find additional time to work off the Department of Correction's supervised 240 hours of community service. In addition, adding the challenges and difficulties of living with a felony conviction, only makes it all the more impossible. In another example, in the case against Bandy, as a single parent with four children and suffering from chronic poverty, homelessness (they moved at least seven times in 31 months and this does not include the times they were homeless) how was she supposed to pay over \$8,600, in legal financial debt and work 240 hours of community service. Consequently, there was a considerable lack of intelligibility and empathy in meting out these sanctions against the women. In addition, unless the debt is paid, it never goes away. As a result, if she is unable to fulfill the imposed obligations, there is the looming threat of imprisonment. The Department of Corrections closed only two of the cases, because the women had not completed the State ordered financial or work obligation. This amounts to an indefinite servitude to the penal system. These harsh impositions placed on the women is inhumane and cruel.

The financial costs to criminalize poor single mother appeared extensive, including the financial costs, resources, and energy spent in these cases. For example, at least *183 attorneys*⁶⁰ were used to convict the *thirteen women* in this study. There were also WSP detectives, DSHS criminal investigators, and numerous other staff from DSHS (such as the twenty people subpoenaed to testify for the state in one case), King County court house, King County jail, correction officers, legal aid, prosecutors office, DOC, and the King County sheriff's office. In

⁶⁰ Although four of these attorneys were privately hired by the women.

addition to staff expenses, there were enormous resources and overhead costs that were used, such as jail, offices, utilities, computers, paper, and telephones.

In addition, it costs approximately \$28,400,⁶¹ yearly to incarcerate someone, in 2009, in the the US, not to mention other costs accrued for the children. In Washington, in 2011, welfare paid \$4,620 in cash assistance and \$4,404 in food stamps, annually. The astronomical costs to criminalize them far exceeds the kinder, humane, and healthier alternative of providing the necessary assistance and support to vulnerable populations. It is far more cost effective to assist impoverished women with childcare, shelter, food, and other necessary essentials to raise children.

Besides the financial costs to criminalize and jail the women, there are also the enormous costs to the individual women and their children considering any one of the issues, including poverty, living on welfare or unlivable wages, lack of support systems, unaffordable rent increases, eviction, homelessness, multiple moves, and criminalization, let alone the aggregation of all the events is catastrophic. There is enormous stress, anguish, exhaustion, and instability associated with any one of the multiple devastating issues confronting the women and the upheaval for their children is just, if not more traumatic. At the same time, it has deprived the children of a childhood.

There are also severe long term and even permanent financial repercussions and profound emotional, physical, and mental tolls on the women criminalized, but also for their children and families. And, their communities can be devastated, as well. This crosses-over to all of society by cultivating misfortune, ill-health, poverty, and depravity. In the end, everyone pays.

Furthermore, the problem is not only unresolved, but rather considerable worsened, as the women are crushed deeper into poverty and they are pushed further away from accessing jobs that pay a livable wage.

The overarching concerns in this research was the lack of humanity and compassion for poor women or their children. Indeed, it was difficult, if not impossible to know, if the women even had children. As a result, it was apparent that the safety and well-being of the children did

⁶¹ This figure was reported in the Justice Policy Institute report “Gaming the System: How the Political Strategies of Private Prisons Companies Promote Ineffective Incarceration Policies,” but originated from American Correctional Association (13).

not matter anymore than the mothers. It appeared that the children were not considered when criminalizing poor single mothers. The ease in which the children were disposed in the process of making women poor and criminal was remarkably callous and unthinkable. The women in this study were badly beaten-up by poverty and welfare, but they were further assaulted and pummeled by criminalization. Their children were, too.

This research project revealed not only how poverty is produced by inequitable laws, policies, and practices, but also how poor women are criminalized through rhetoric and narratives distributed throughout the social body by political regimes and media outlets. In addition, because welfare does not pay enough to live on, women are forced to break welfare rules, in order to survive. Although, welfare was meant to assist women, this project disclosed that instead of helping poor women, welfare criminalizes them, which expands an already engorged penal system. Subsequently, this study revealed how this has become the welfare to prison pipeline.

One of the most important aspects of this project is that it has located the convergence of gender, poverty, race, welfare, and the penal system. Creating vulnerable populations by inequitable policies and practices (or failing to address the problem that they incapable or unable to participate in capitalistic economical systems) and then driving this population into the punitive penal apparatus constitutes crimes against humanity. At the same time, this work also ruptured pervasive normative ideas about what constitutes crime, criminality, and the crime and punishment modality of thinking.

In addition, this research has exposed the multiple ways the court documents have manufactured criminal identities and affixed them to the women convicted of welfare fraud. Moreover, as the analysis has shown, the court documents have nothing to do with the real women, as the real women were severed and replaced with false identities of criminal subjectivity. There revealed an amputation of sorts.

This work brings a platform for a much needed conversation about how women are made poor and criminal, but also furthers movement to help those women most marginalized. It is meant to pry open space for their inclusion and representation. As such, this project

(re)articulates and champions space and voice for vulnerable and marginalized women, specifically those poor, criminalized, and excluded. This is central to the primary and historical tenets of women studies and feminism that promotes and defends women's equality, particularly as it pertains to economical, political, and social rights. Consequently, it is a feminist project, as well as, a continuation of feminist poverty scholarship.

Although, it was not possible to address all the discrepancies and issues, this project provided perspective in locating, identifying, and grappling with in part, some of the issues of women's impoverishment and criminalization. The concerns raised in this project from the thirteen court cases constitutes only the "tip of the iceberg." Consequently, further research is needed. While the intent of this project was to pry open space for the inclusion and representation of the women, the very files used to argue for their destroyed humanity also rendered them invisible. The voices of the women that are the focus of this project are absent here too, but their voices must be heard. Women convicted of welfare fraud are real human beings and their voices could provide crucial perspective about their lives and the policies and practices that make them poor and criminalized.

One possible research project could include interviewing women convicted of welfare fraud. This could provide critical perspective and bring the voices of the women to the forefront, thus a real human subject. It also would provide crucial information about their lives and the policies and practices that make them poor and criminalized. Further research conducting interviews with public defenders, criminal investigators, social workers, and the prosecuting attorneys could be useful in understanding how policies are implemented and the thinking behind the implementation. This information could be useful in understanding the people on the frontlines and how the policies and practices impact them.

Although analyzing thirteen court cases provided insight into the criminalizing process, larger research projects, not just in King County and other counties in Washington, but also other states across the country could reveal more about the populations of women being targeted. Further research could provide useful information about the increased trend (or not) to criminalize women after welfare reform and the trend to criminalize poor women in the wake of the war against poor women and as it rages to encompass even larger populations. Correlations

and patterns for welfare fraud convictions could provide information about the targets of government punishment.

Another research study could disclose the real costs to criminalize poor women compared to humane alternatives, as well as how much money has been diverted from assisting women and children to increase welfare departments criminal investigatory divisions across local and state agencies. It could be useful to track how many women and their families have been thrown off DSHS, as a consequence, but also to understand what happens to them. For example, does their poverty increase and what are the short term, as well as long term effects. At the same time, research is necessary to understand how race is targeted and what forces and practices result in an over-representation of women in color prosecuted and/or convicted of welfare fraud. My small research project revealed a huge disparity in race and larger projects can expose further racial discrepancies, inconsistencies, and variances. In addition, research can reveal who gets convicted in counties that have higher populations of people of color and marginalized populations. Furthermore, research can disclose if more women of color are being targeted and convicted in these counties at higher rates, as well as from other counties.

Further research can also track what happens to women and their children, after welfare fraud convictions, but also track welfare policies and other policies that make people poor. For example, in Washington state, while the poverty population has expanded and welfare benefits have been cut, reduced, and eliminated, research could explain what is happening to vulnerable populations. Consequently, future research could be invaluable in creating and implementing policies that have critical impact on vulnerable populations.

In conclusion, this project was a daunting task. Struggling to survive is hugely complicated and difficult to articulate. For example, the conditions of living poor, not just for mothers, but also their children can be traumatic and an immeasurable source of stress, devastation, and pain. It is lived every minute of everyday and is almost inescapable—it becomes a heavy burden that seems to never lift. It is a mighty weight on the back and on the soul. In a few of the cases, it was possible to see how the the women and their children were struck again, and again with immense blows of poverty. The discourse in the documents did not

directly or even indirectly discuss poverty or the impact of poverty, which had the effect of erasing away the conditions of poverty, the causes, and the existence of the real people of these families.

The children, the needs of the children, or what happens to the children when their sole caregiver is criminalized was also absent in the discourse in the documents. Children have material and emotional needs. As Barbara Johnstone pointed out, "...we explore ways of thinking about and uncovering silence, the things that cannot be talked about and may hence be hard to imagine in a particular language, and the things that systematically go unsaid either because they are assumed to be true or because they are for social reasons unthinkable or unmentionable" (32). In this project, the diversion or absence of discourse shifts away from the pain, hurt, violence, and the tangible reality of poverty that the women and their children experienced and lived through, daily, inflicted by mechanisms of governmental policies and practices, social relations, and media agenda setting that focuses solely and unremittingly on poor women's "irresponsibility," "failure," and "criminality." Consequently, the root causes of poverty are concealed and unquestioned. Stunningly, the children's existence vanishes into thin air. Their suffering, innocence, diminished childhood, and super-marginalization simply vaporizes. The real story is disallowed and replaced with a manufactured narrative.

It was deeply troubling imagining how they are supposed to feed their children, pay the rent, and give them, at least some material comfort, like a box of crayons or a new (or even used) pair of shoes. Furthermore, besides the material deprivation, how are they supposed to find the time and respite from the pressures and hardship of poverty and welfare to spend a few moments with their children each day? People and especially children need nourishment, love, and hope, but this was stolen from them, as the constraints of poverty furthered them into an even harsher conduit of criminalization. The women in this study were badly beaten-up by poverty and welfare, but they were further assaulted and pummeled by criminalization. Their children were, too.

The mentality behind cruel policies, rules, and practices that force women and children into inhumane conditions can be described as antisocial, antihuman, and sadistic. This

constitutes state violence. These policies can also be construed as human rights violations and crimes against humanity.

As I was sifting through the text and narrative of the court documents and finding only the skeletal remains of the unknown women of this study, I felt as if I was in a graveyard “excavating” through pervasive normative ideas about crime and punishment. There was often an impoverishment of words and ideas to adequately express the injustice and inhumanity that the women and children of this project have had to endure. This process left me wondering what it was like for them, considering the high level of emotional violence, trauma, and outrage that I felt.

The documentation in the court case files served to make the women criminal and nothing but criminal, as not one word from the women was discernible in over 1400 pages of documents that were created to represent them. I meticulously searched word by word, paragraph after paragraph, page after page, document after document, file after file for any resemblance of the real women, the circumstances of their lives, and an explanation for what had happened to them. In the process of trying to “uncover” the unknown women buried under crushing poverty, degradation of welfare, and the ruination of criminalization, I found glimpses of their hardship emerging through the fissures and gaps in the text and narratives in the documents. Their voices were drowned in a sea of grief and tragedy. Audre Lorde stated “Give Name to the Nameless” and in way, that is what this project was about.

APPENDIX A

Detailed Description of the Documents

There were more than 135 documents in the thirteen files⁶² that were part of this research project. They are not placed in the file randomly; rather they appear somewhat in order. For example, the “INFORMATION” document is always the first document in the file, followed by either the “PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR CONDITIONS OF RELEASE” or the “CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE” and so on and so on. These also corresponds to the progression of the case. For example, the state files charges against a person (who immediately becomes the plaintiff and defendant, respectively) by submitting the “INFORMATION” document to the King County Superior Court. Next, they recommend that either bail be set or they don’t object to the defendant being released on personal recognizance by filing the “PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR CONDITIONS OF RELEASE.” The information obtained by the state about the accused person is based on the criminal investigator’s report or the “CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE.”

In addition, duplicate copies of the forms are often found in the files and some documents appear multiple times, but are filled out differently and varying amounts of information. For instance, none of the “SUPERFORM” were never completed (the intake document that is used to gather information about the accused women as they are being booked into the King County jail). However, the document appears in some of the files three or four times with varying bits of information. In such cases, it appears they are filled out with a high degree of lenience or negligence. So, this calls into question, the importance, necessity, and kinds of the information that is being requested, particularly in the “SUPERFORM”. In light, of the seriousness of charges and consequences of criminalization, the carelessness, inconsistencies, disorganization, and repetitiveness of the forms is disturbing. The sloppiness entailed in this one document alone reflects an indifference, unimportance, and disregard for the women and their alleged crimes.

In another vein, the amount of information that is requested is mind boggling. For instance, on one page “SUPERFORM” document, out of the 106 different boxes or lines requesting miscellaneous information, approximately 68 boxes/lines require numbers, such as warrant, court, file, FBI, and case numbers. In addition, about 20 of the 96 boxes/lines request several bits of information to be filled into one box, such as an entire address, full name, or the contact person’s name, serial number, and telephone number.

Furthermore, along with the legal standardized documents in the files, in the two cases that went to (non-jury) trial, there were substantial amounts of supplementary papers. For example, in Bandy’s file there were an additional 20 documents attached to one form, as well as many letters, multiple copies of marriage certificates, divorce decrees, social security cards, driver’s licenses,

⁶² For a complete list of documents, please refer to Appendix A.

employment packets, and 27 pages of DSHS TANF case workers notes. This particular set of documents appears in her file twice with additional documents in the second set, totaling approximately 431 pages. This is discussed in further detail in Chapter Three.

The “*SUPERFORM*” is a one-page document filled with information that is collected from the individual (and various governmental sources) when they are being booked and processed into the King County jail, as previously noted. Of all the documents in the files that I collected, this one is the most disconcerting and daunting. On the most basic level, this form is a condensed compilation of information about the individual as a criminal subject. It has transmutative qualities, as this form literally wipes the real person from existence—there is no space for the real person to exist—and for the most part, it makes the person a reduction of numbers. Ensnared into criminal archival networks and databases, these numbers are codes and links to a vast array of governmental information. All of which makes the subject wholly criminal. In other words, it is the making of a subject by attempting to capture, historicize, and re-invent the subject as criminal, all in a one-page document. There is no other document in the files that does this so utterly and definitively.

If the entire form was filled out properly, it would look like a super-grid of boxes (almost all are rectangular with varying length and height) filled in with sets of numbers, checked boxes, and scant writing. For instance, on one page, there are approximately 106 different boxes or lines requesting miscellaneous information. 20 of these boxes require multiple bits of information. For example, one box may require the full name of a person, address—street, city, and zip code, or the name of the person, serial and telephone number.

The majority of information required is numbers (see below) and then followed by letters or names. A few boxes are for checking. In addition, some of the information requires a mixture of numbers, letters, and checks. The 106 boxes and/or lines consist of:

- 53 boxes and/or lines require only numbers, such as “B/A,” “PCN,” “CCN,” “WAC,” “NIC,” “DOE,” “TOE,” “OP,” warrant, court cause, file, and case numbers, etc. Most of these numbers originate from state and federal agencies and are available through various governmental sources.
- 24 boxes require only letters, such as, names of the people, places (name of court, state), and things (color of eyes, hair, and skin).
- 18 boxes require a combination of numbers and letters, such as addresses, name of arresting officer, his/her badge number and telephone number.
- 12 boxes require checking (sometimes there are multiple boxes to be checked within one box).
- 5 boxes require a combination of checking, number, and/or letters.

Although, the page is comprised almost entirely of lines that forms a grid (and one circle), it has various sections, including:

- At the very top of the page is a boxed titled “SUPERFORM” (centered and in very large font). Underneath this box are a series of ten boxes (in three lines). In two of these boxes, there are two different boxes for checking. Seven of these boxes necessitate numbers to be entered, such as “CCN/JCN NUMBER,” “B/A NUMBER,” “PCN NUMBER,” “Case Number,” and “File Number.” Some of the “SUPERFORMS” have small variances (even in the same file), including the exclusion (or inclusion) of the boxes to check for “Felony” or “Misdemeanor” and also the name of the court.
- Directly to the left of these boxes is an empty and fairly large round circle, reserved for the date and time of booking to be filled.
- Below this upper section is a solid grid of boxes. It is marked off by six sections that are labeled vertically. The first section, “SUSPECT DATA” has 41 boxes, including date and time of arrest, date and time of booking, arrest location, name of person arrested, alias(es), identity in doubt—yes or no, date of birth, sex, race, height, weight, color of eyes and hair, skin tone, scars, marks tattoos, deformities on body, armed/dangerous—yes or no, last known address, phone, citizenship, occupation and address of employer and/or school, shop or union number, social security number, driver’s license information and number, vehicle information and license number, tow company, emergency contact information, and “ARS # and “FBI #”.
- The second section, “OFFENSE DATA” has 19 boxes (four of which are boxes for possible offenses. Other information, includes, “RCW/ORD #,” “COURT/CAU #,” and “CITATION #,” date and time of violation, criminal traffic attached, and accomplices.
- The third section, “PROPERTY” has five lines and includes a line to list valuable items, property, and/or cash left with the arrester at time of jailing, items and description of what is entered as evidence, and the name, signature, and serial number of the jail staff receiving the items and/or property.
- The fourth section, “OFF” (I assume means arresting and/or booking officer) has five boxes and includes arresting officer and serial number, transporting officer and serial number, supervisors signature and serial number.
- Following this section is a box that extends margin to margin. It advises for misdemeanors to be completed to this line and for felonies to be completed on both sides. Objection to Release is on the back side of form (misdemeanor or felony).
- The fifth section, “COURT FILE” has six boxes, but two of these have two pieces of information in them. Information requested also includes, whether the suspect is in custody, at large, or out on bond, court information, such as court, date, cause number, the amount of bond and bond number, warrant number, and “COURT./DIST” and CT” number).

- The six and last section, “WARRANT INFO/EXTRADITE” has 11 boxes followed by one large box. The information requested above the large box includes, the warrant date, “OFF CODE” and offense, amount of bail, police agency issuing, court, person approving extradition, whether it is a local, state-wide extradition, and which state(s) to extradite from, and boxes to check if it was a felony, misdemeanor, bench, and/or arrest warrant.
- The large box contains nine lines in three columns, all requiring numbers, including the “CCN#,” “WAC#,” “NIC#,” “DOE#,” “TOE#,” “OP#,” “DOC#,” “TOC#,” and “OP#.” (Explanation forthcoming).

Also, on some of the Superform’s, there is an official looking stamp placed randomly on the page that states “Booked” (in largest font on the form, capitalized, and double-lined) followed by a date and “King County Jail” (capitalized and smaller font than “Booked”, but larger than the other fonts on the page).

In addition, on some of the Superform’s, a section at the bottom is included, even though, there is a very noticeable dotted line that states “...do not duplicate below this line...FOR KING COUNTY JAIL USE ONLY...**CONFIDENTIAL** [bolded and underlined].” There are also instructions of how many copies to make. For example, the jail gets three copies and additional copies are made for police files and departmental distribution. This is followed by a section for “VICTIM DATA,” in cases of domestic violence, harassment, assault, stalking, and/or sex offenses.

Except for the case against Hall, there are at least two Superforms’ in each of the files and the majority had three and some had four. Sometimes, one file may have one duplicate. What’s more, none of these forms are filled out correctly or completely. There are always missing bits of information. In Bandy’s case, there are three Superforms’ and none are duplicates. Even if all the information was compiled from the three forms, there is still not enough information to complete one form. There is an inordinate amount of carelessness in which the forms are filled out. The sloppiness and carelessness can be attributed to their poverty and they don’t count. Yet, the magnitude of the ramifications of this form toward the individual women is incomprehensible, not to mention the impact on their children, family, and community.

Moreover, in the box, “POLICE AGENCY ISSUING” (or the police agency issuing the warrant) is written “DSHS” (this was done on one of the three forms in Bandy’s file). DSHS, the Washington State Department of Social and Human Services is the agency that provides cash benefits, food stamps, health care, and childcare assistance to families, as well as a wide range of public services for the elderly and disabled. However, under DSHS jurisdiction is the Division of Fraud Investigations (DFI). This is the agency that investigates welfare fraud allegations. If the agency deems the case suitable for prosecution (after investigation), then they refer these cases to the Prosecutors office, where formal charges are commenced. Consequently, the state agency that is supposed to be helping families is also the same state agency that conducts criminal investigations against them. Consequently, it is not much of a stretch then to consider

an impoverished person asking for help, risks being hauled into a time consuming investigation and possible criminalization. In one sense, enter one door poor, exit another door poorer and criminal. In another sense, this is tantamount to identity theft. The state is stealing someone's identity and replacing it with coded and systematic numbering schema.

The "***CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE***" (CDPC) is the criminal investigator's brief report about the crime allegedly committed. Even though, this is a brief summation of the state's case against the individual women, it provides the most information, specifics, and/or explanation about the case, than all the other documents. In addition, other than the "INFORMATION" document, this is the only document that appears in all of the files. It is also, one of the only documents that allows for a narrative format. The other space for narrative was found in the letters and legal exhibits in the two cases that went to trial (Bandy and Hall). Out of the thirteen cases in this project, nine of the CDPC/reports were submitted by Loni Dean and three by Earl Gurney, both investigators for DSHS DFI. One report was compiled by Washington State Patrol Detective Penry.

In addition, the CDPC document appears in the beginning section of the files, which is either the second or third document. The length of the documents varies from less the ½ page to more than six pages. It does not look like a standardized form, but it does have a somewhat formal format. For instance, at the top of the page is typed "KING COUNTY Cause No:." Next to this is a number is either a stamped or handwritten code, which contains nine digits and three letters--identifying the cause or case number and the city, such as SEA for Seattle. The second line is the name of the document: "CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE" (which is centered, bolded and underlined). The entire middle section is in narrative format, with the exception of two files. In these cases there is a small section inserted with a table of numbers, representing the amounts of money allegedly defrauded. The last line of the document is the title of the document: "Certification for Determination of Probable Cause" (in smaller font). Appearing above this is the signature of the investigator, which is underlined. Below the signature is her or his typed name.

The stark rigidity and sterility in formatting of the other documents, gives way to an appearance of benignity in the CDPC. Despite the masking of the underlying authoritativeness of the document, it carries significant power. In fact, this document is the most influential and compelling of all the documents, in terms of making the case against the women accused of welfare fraud. Unfortunately, there is not a document or space within a document for the women to have an opportunity to give their version leading up to the charges filed against them. It is not just that this creates lopsidedness or one-side, but it also has the effect to void out the individual, whereby, she becomes not much more than a blank. Through this blankness and void, makes it easier and remarkably convenient for the government to create the individual in their terms and/or invent the criminal subject.

The “**INFORMATION**” document is the formal charging document filed in court by the prosecuting attorney. Basically, it names the jurisdiction of the court, state, and county, who is being accused, and for what crime. It also gives the range of time the alleged crime took place and the laws that were broken.

The language used is legalese and formal. For example, the first paragraph reads:

I, Norm Maleng, Prosecuting Attorney for King County, in the name and by the authority of the State of Washington, do accuse (followed by the name of the defendant) of the crime (This is followed by either “Theft in the First Degree” or “Theft in the Second Degree” and in four files, “Welfare Fraud,” is added) committed as follows:”

Consequently, even though, there is an appearance of narrative, the standardization of language and format collapses any true narrative. It is robotic language, at best. Yet, the effect gives a powerful authority to it.

The “INFORMATION” document appears first in all the files and it ranges from one to two pages long. Although, in Hudson’s file, there are three pages (as previously mentioned the case was filed against two people). It is a standardized legal form and more official in appearance than many of the documents. There are a number of sections including:

- A set of numbers appear vertically listed, outside the left margin. In ten cases, they are listed from one through twenty-seven. Although, in three cases, the numbers are listed by odd numbers, one through forty-nine.
- Two solid vertical lines appear to the right of the numbers and extend above and below the numbers. Supposedly, the numbers act to mark the lines. However, to the right and below the bottom numbers is always information that can not be identified by any numbers. Although, probably never necessary, as it usually includes the name of the document, page number, and prosecuting attorney’s name, address, and telephone number.
- At the top of the page and centered appears, “SUPERIOR COURT OF WASHINGTON FOR KING COUNTY”. (In three cases, it reads “IN THE SUPERIOR...”). Even though this is the first line on the document, it is not always aligned with number one. For example, sometimes the first line is aligned with six.
- A large box or semi-box appears below the first line and on the right side of the document. One side is the vertical lines to the left and either a straight or scalloped line on the right side. This side runs down the center of the document for about 10 lines. There is solid line along the bottom. Although the top does not have a line, the words “THE STATE OF WASHINGTON” appears, which more or less completes the box. Inside this box and about two lines below Washington reads “Plaintiff,”. Several lines below this, appears “v.” Two more lines below this, is the full name of the defendant and below her name is “Defendant,” (which is just above the bottom of the box).

Also, all the letters are capitalized in the information in the upper portion of the document, the state of Washington, and the first letter in plaintiff and defendant. However, in three cases, the only thing not capitalized is the name of the defendant (other than the first letter of her name) and “Defendant” (except the first letter). In these three cases, despite the inconsistency, the consistency to capitalize “THE STATE OF WASHINGTON,” and “PLAINTIFF”--which also occupies two thirds of the box—gives a towering effect over “Cathy Gray” (name of one of the defendant’s) and “Defendant.” Although, seemingly insignificant, the mindset bespeaks of the power government wields over the defendant. The state is all-powerful and reigns over the defendant. The strategically positioning of the state and defendant, capitalization, and lower casing of the letters, also works to subjugate the accused. Moreover, this is an act to colonize—to rule over its’ subjects (defendant). This is part of the process that allows government to make or re-subject them “criminal.”

- The cause number appears to the right of the box. Under the cause number is the title of the document, “INFORMATION.”
- There are three paragraphs below the upper section. The first paragraph is short, as just mentioned, the second paragraph and longest of the three gives the timeframe and specifics of the crime, such as willful failure to notify, reveal, and/or false statement, etc. The last paragraph, also the shortest, lists the laws or RCW’s allegedly violated.
- Several lines below the last paragraph and indented to right (and almost centered) are five or six lines that include, Norm Meleng, “Prosecuting Attorney,” “BY:” (and the signature of the person filing the document), and either “Chief Deputy Prosecuting Attorney,” “Deputy Prosecuting Attorney,” or “Chief Deputy, Fraud Division.”
- At the bottom of the document and aligned with the left margin appears the name of document ‘INFORMATION’ (again) and the page number.
- At the bottom and to the right is “Norm Meleng” bolded and in smaller font. Directly below his name are his position, address, and telephone number (in the smallest font on the document).

In addition, all of the cases have information randomly stamped on them, including “FILED” (very large font), date, time, “KING CONTY,” “SUPERIOR COURT CLERK,” and “SEATTLE. WA.” On some of the documents an additional stamp may appear that reads “WARRANT ISSUED CHARGE COUNTY \$110.00.

The “**JUDGMENT AND SENTENCE FELONY**” document is four pages long⁶³ and appears in only four files, as four women (Allan, Bandy, Gray, and Page) were convicted of felonies. The Judgment and Sentence for non-felonies that was filed against the remaining nine women, follows this form.

⁶³ Although, Gray’s document is three pages, they are the same length. For example, the text in Gray’s first page begins at the top of the first page, rather than text starting ¼ of the way down the page, as the other three cases do.

It is a standardized legal form. Most of information requested requires putting “x” in a bracket “[]” and some information requires numbers, such as the restitution amounts and other costs the defendant is ordered to pay. Some forms have information typed in more than others. They are all signed, dated, and stamped “FILED,” along with the time, date, and names of the court and county. The forms are nearly identical with a slight variation that is apparently due to revisions that were made. For instance, Gray’s document was revised in 1995, as at the bottom left hand side of the form “Rev 11/95” is written (in very small font). Page’s document was revised in 2003. The other two documents were revised in 2000.

In Gray’s case, the document has a little less information (that is not relevant to the welfare fraud cases) and one additional line. Page’s document has an additional bracket for “DNA” fee and another three additions, including:

- First, it stipulates that crimes committed after 7/1/2000, the defendant remains under the Court’s jurisdiction until her debts are paid off completely, rather than being released after ten years.
- Second, if the defendant is more than 30 days past due on her financial obligations, then pursuant to RCW 9.94A.7602, “a notice of payroll deductions may be issued...”
- Third, “pursuant to 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.”

There are four main sections, including, the Hearing, Findings, Judgment, and Order. Each section is divided into subsections, as follows:

The “HEARING” section mentions those who were present at the hearing, which includes the defendant, her attorney, and deputy prosecuting attorney.

The “FINDING” section has five subsections, including:

- “Current offense(s)” requests the crime, RCW, crime code number, date of crime, and incident number to be filled in. However, only two cases listed a crime code and two cases listed an incident number. This subsection also has a subsection for “special verdict or finding(s)” that has six to nine possible scenarios, such as, armed with a firearm, armed with a deadly weapon, and with a sexual motivation, etc.
- “Other current conviction(s)” is left blank in all of the cases
- “Criminal history” is left blank in two cases and the brackets are marked for “See appendix B.” However, none is handwritten next to this.
- “Sentencing data” is a grid of boxes that includes, sentencing data, offender score, seriousness level, total standard range, and maximum term. The information is filled in differently in every case.
- “Exceptional sentence” is left blank in all the cases.

The “Judgment” sections states the defendant if found guilty.

The “Order” section sets the terms of the sentence and has four subsections, including:

- “Restitution and Victim Assessment” has seven possible scenarios, such as the date to be set, restitution is not ordered, or to be determined at a future date.
- “Other financial obligations” may include, court costs, attorney fees, fines, drug fund, lab fee, incarceration, and costs.
- “Payment schedule” sets the amount of money owed, where the money is paid to, and the method of payment, etc.

The “Confinement one year or less” section stipulates that amount of confinement time in terms of days or months and that it commences immediately or a date must be given. It also includes:

- “Work release”
- “Credit” for time already served.
- “Alternative conversion,” such as community service, instead of jail. In all of the cases, 30 days of jail was converted to 240 hours of community service. The amount of time that was spent in jail was credited for time served.
- “Community supervision” stipulates that defendant must report to the Department of Corrections within 72 hours of release from custody and must abide by all their rules, regulations, and conditions. The amount
- “No contact” is an order for no contact.
- “Blood testing” is an order for certain crimes, such as prostitution and drugs.
- “Off limits order” is also known as the drug trafficker.
- “Sex offender registration.”

Below the sections are a number of lines to the right and to the left. On the right there are four lines for a date, “Presented by,” the name of the deputy prosecutor, his or her position and WSBA number, and the printed name. On the left are five lines for the name of the judge, “JUDGE”, printed name of the judge, “Approved as to the form,” the name of the defendant’s attorney, “Attorney for the Defendant” and his or her WSBA number, and printed name.

Many brackets are left unchecked and places that information should be filled in. There are additional inconsistencies in the way the forms are filled out.

“STATEMENT OF DEFENDANT ON PLEA OF GUILTY (Felony)”

The “Statement of defendant on plea of guilty” document is revealing, in that it actively engages the individual women in a participatory process of their own demise. They are forced to surrender, in a sense, the subject-ness of who they really are to a state imposed identity of the criminal subject. In other words, this document reflects the acquiescing and take-over of the self, which is negated and voided, in order for the state to make and re-articulate the subject, the criminal subject. She is rendered powerless underneath the unleashed mighty governmental powers. In this scenario, the making of the criminal subject is a methodological tactic to ensure direct governance and intense scrutiny, in order to maintain civil order and/or rein in civil disorder.

Consequently, the state agency that is supposed to be helping families is also the same state agency that conducts criminal investigations against them. Consequently, it is not much of a stretch then to consider an impoverished person asking for help, risks being hauled into a time consuming investigation and possible criminalization. In one sense, enter one door poor, exit another door, poorer and criminal. In another sense, this is tantamount to identity theft. The state is stealing someone's identity and replacing it with another that is mapped and coded into a systematic numbering schema.

There is not a document or space within a document for the women to discuss the circumstances of their lives that has led to the charges being filed against them. It is not just that this creates lopsidedness or one-side, but it also has the effect to void out the individual, whereby, she becomes not much more than a blank. Through this blankness and void, makes it easier and remarkably convenient for the government to create the individual in their terms, such as inventing the criminal subject.

Although, seemingly insignificant, the mindset bespeaks of the power government wields over the defendant. The state is all-powerful and reigns over the defendant. The strategically positioning of the state and defendant, capitalization, and lower casing of the letters, also works to subjugate the accused. Moreover, this is an act to colonize and occupy—to rule over its' subject (defendant). This is part of the process that allows government to construct someone "criminal."

The "***PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR CONDITIONS OF RELEASE***" (PACS) was found in all, except for Hudson's case. It is a legal standardized form. Similar to the "information" form, this has numbers listed vertically on the right side of the document. Basically, it has two sections; one the PA's case summary and two, request for bail or personal recognizance. However, it is comprised of several bits of information, including:

- "IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY" appears at the very top of some of the documents, but it is not on all of them.
- The cause number and the title of the document (PACS) are at the top of most documents (which are centered). The order of which appears first varies.
- Appearing below PACS is either an abridged case summary adapted from the DSHS DFI investigator's report ("CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE") or a reference to it, in which case, the DFI incidence number is included.
- In all but Allan's case, there is a second section that is either titled "REQUEST FOR BAIL" (RFB), in ten cases or "REQUEST FOR PERSONAL RECOGNIZANCE" (RFPR), in two cases. (They are centered). If it is RFB, then there is a sentence that states the defendant "does not have any," "has no known," "does not appear to have any significant," or "has no significant," criminal history. This is sometimes followed by "The state does not object to her release on her personal recognizance." Additionally, in one case, the

defendant's criminal history is listed. The RFPR simple requests the defendant be released on her personal recognizance.

- Several lines down from this sections and aligned from the center to the right is the signature of the person submitting form, such as the Chief Deputy Prosecuting Attorney (CDPA), underneath the signature is the typed name, the position, CDPA, for example, and his/her Washington State Bar Association number
- At the bottom of the document and to the left is the name of the document and page number (in smaller font and in two or three lines). To the right is Norm Meleng's name (bolded, but smaller font than the font used above and to the left). Underneath this is his position—King County Prosecuting Attorney, sometimes Family Division appears, address, and telephone number (in separate lines and in the smallest font on the document).

The "**ARREST WARRANT**" (AW) was found in all of the cases, except Hudson's. It is a formal and standardized legal document that is asking for the defendant to be arrested. The wording in the AW is exactly the same in all of the 12 files. And, the legalese was archaic. For example, it stated, "You are therefore commanded to forthwith arrest the said...and make due return of this writ with your manner of service endorsed thereon."

- Similar to the "INFORMATION" document, the AW has the "SUPERIOR COURT OF WASHINGTON FOR KING COUNTY" and semi-box that contains the "STATE OF WASHINGTON", "Plaintiff", and "v.", etc, as well as, the "No..." with the name of the document, "ARREST WARRANT" to the right of the box. However, the AW does not have the numbers and vertically lines to the left.
- Underneath the box section, the document is addressed "To Any Peace Officer In The State Of Washington". This is followed by a paragraph that is broken up into two to five sections (it varies between documents). This is followed by the AR authority "CrR 2.2(c), RCW 10.31.060" and it is noted that the court is ordering the warrant. The document is then signed by a deputy clerk. There are also five indentations that include, "Witness my hand and seal this", the date that is both stamped and partial typed, the name of the clerk for the Superior Court, and name also appears, along with the date, the signature and stamped name of the deputy clerk, and title "Deputy Clerk."
- Below the paragraph section there is a series of dashes that separates the top from the bottom section. The lower section requests information including, when the warrant was received and executed, the name of the person arrested, the fees for service, mileage, and keeping, and the total of the fees. None of the fees were noted on any of the documents, except for the totals. Eight of the totals listed \$15.50 and three listed \$22.50, and one was left blank. Also, on five of the documents, there was a space for "booked" to be filled in, but it was done only twice.
- To the right of the costs was a section with three lines for the signature, printed or typed name, and title of person (apparently of the arresting officer), and the agency, although, it was requested information on only five of the forms. However, most of the information was given whether it was requested or not.
- At the bottom of the form "Return of the Arrest Warrant (Cr.R2.2(e))" is typed in small font.

- On all but two of the forms, “BOOKED” (in very large font and double lined), the date (larger font than the rest of the document), and “KING COUNTY JAIL” (second largest font on the form). In one case, “Kent Division” followed “King County Jail,” which indicates the defendant was probably arrested and booked in Kent. All of forms had an additional stamp: “FILED,” (large font) along with the date, “SUPERIOR COURT CLERK,” and “Seattle, WA.” In addition, some of the stamps were difficult to read and many were stamped over other information, making the text of the document difficult to read, as well.

In addition, four of the forms had a line crossing out “Personal Recognizance” and 3,000 (I assume this means \$3,000) was written next to it. Although, it was difficult to decipher whether it was 2,000 or 3,000, as it appeared that three was marked over the two.

Also, in all of the AR documents, “THE STATE OF WASHINGTON” was capitalized and nine cases the defendant’s name was also capitalized. However, in three cases the name of the defendant (except first letters in her name), was not capitalized. Again, as described in the “INFORMATION” document in more detail, this bespeaks of the power of the state and the de-powering of the *alleged criminal*.

Overall, there was a slight inconsistency in completing the requested information. Nevertheless, this document commands a certain level of perfection, considering the formalness and strong use of legalese, not to mention the seriousness and implications of an arrest.

“**FINGERPRINTS**”

This one page document appears in only four files and was found twice in Bandy’s case. At the top of the page is a solid line stretching horizontally margin to margin. Above the line in large font and extra spaces between letters is the title of the document: “FINGERPRINTS.” Below the line almost 1/3 of the page is filled with the fingerprints of four fingers from the right hand. However, for the most part, they are illegible. One file has additional parts of three fingers (two phalanges) and another file has part of one finger (two phalanges), in addition to the tips or first phalanges of the four fingers.

Below the fingerprints is a block of requested information that takes up almost ½ of the page. First, at the left hand margin “RIGHT HAND” is stated, followed by approximately 12 blank spaces, and then “DEFENDANT’S SIGNATURE:”. Next to this is a solid line with the signature of the respective women above the line. Directly below “RIGHT HAND” is “FINGERPRINTS OF:” with several blank spaces and aligned directly below “DEFENDANT’S SIGNATURE:” is “DEFENDANT’S ADDRESS:” and this is followed by two solid lines. Three out of four of the addresses were given and all were handwritten???

Some of the information was typed in, but most was handwritten. However, the information was incomplete. For instance out of the 18 inquiries, only seven were answered or given.

APPENDIX B

Definition and Specification of the Laws

There were five Washington State laws or RCW's that the women were charged with and/or convicted by (name of doc). In every case, they were initially charged with breaking at least two of the laws. In addition, sometimes the charges were reduced--in nine cases where it was evident the cases were plea bargained (confirm this). Furthermore, in all the cases, the investigators report or "CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE" document there were additional charges, including one count of "Perjury." The laws used against the women, include the following descriptions. ⁶⁴

RCW 9A.56.030

Theft in the first degree — Other than firearm or motor vehicle.

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) five thousand dollars in value other than a firearm as defined in RCW [9.41.010](#);

(b) Property of any value, other than a firearm as defined in RCW [9.41.010](#) or a motor vehicle, taken from the person of another; or

(c) A search and rescue dog, as defined in RCW [9.91.175](#), while the search and rescue dog is on duty.

(2) Theft in the first degree is a class B felony.

[2009 c 431 § 7; 2007 c 199 § 3; 2005 c 212 § 2; 1995 c 129 § 11 (Initiative Measure No. 159); 1975 1st ex.s. c 260 § [9A.56.030](#).]

Notes: Applicability -- 2009 c 431: See note following RCW [9.94A.863](#).

Findings -- Intent -- Short title -- 2007 c 199: See notes following RCW [9A.56.065](#).

Findings and intent -- Short title -- Severability -- Captions not law -- 1995 c 129: See notes following RCW [9.94A.510](#).

Civil action for shoplifting by adults, minors: RCW [4.24.230](#).

Property crime database, liability: RCW [4.24.340](#).

RCW 9A.56.030

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(2) (a) Property or services which exceed(s) one thousand five hundred dollars in value other than

(3) a firearm as defined in RCW [9.41.010](#);

(4) (b) Property of any value, other than a firearm as defined in RCW [9.41.010](#) or a motor vehicle, taken from the person of another; or

⁶⁴ <http://apps.leg.wa.gov/RCW/>

(5) (c) A search and rescue dog, as defined in RCW [9.91.175](#), while the search and rescue dog is on duty.

(6) (2) Theft in the first degree is a class B felony.

[2007 c 199 § 3; 2005 c 212 § 2; 1995 c 129 § 11 (Initiative Measure No. 159); 1975 1st ex.s. c 260 § [9A.56.030](#).]

Notes: Findings -- Intent -- Short title -- 2007 c 199: See notes following RCW [9A.56.065](#).

Findings and intent -- Short title -- Severability -- Captions not law -- 1995 c 129: See notes following RCW [9.94A.510](#).

RCW 9A.56.040

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(2) (a) Property or services which exceed(s) two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value, other than a firearm as defined in RCW [9.41.010](#) or a motor vehicle; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) An access device.

(2) Theft in the second degree is a class C felony.

[2007 c 199 § 4; 1995 c 129 § 12 (Initiative Measure No. 159); 1994 sp.s. c 7 § 433; 1987 c 140 § 2; 1982 1st ex.s. c 47 § 15; 1975 1st ex.s. c 260 § [9A.56.040](#).]

Notes: Findings -- Intent -- Short title -- 2007 c 199: See notes following RCW [9A.56.065](#).

Findings and intent -- Short title -- Severability -- Captions not law -- 1995 c 129: See notes following RCW [9.94A.510](#).

Finding -- Intent -- Severability -- 1994 sp.s. c 7: See notes following RCW [43.70.540](#).

Effective date -- 1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW [9.41.010](#).

Severability -- 1982 1st ex.s. c 47: See note following RCW [9.41.190](#).

Civil action for shoplifting by adults, minors: RCW [4.24.230](#).

RCW 9A.56.100

Theft and larceny equated.

All offenses defined as larcenies outside of this title shall be treated as thefts as provided in this title.

[1975 1st ex.s. c 260 § [9A.56.100](#).]

[RCWs > Title 9A > Chapter 9A.28 > Section 9A.28.020](#)

[9A.28.010](#) << [9A.28.020](#) >> [9A.28.030](#)

RCW 9A.28.020

Criminal attempt.

(1) A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he or she does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(2) An attempt to commit a crime is a:

(a) Class A felony when the crime attempted is murder in the first degree, murder in the second degree, arson in the first degree, child molestation in the first degree, indecent liberties by forcible compulsion, rape in the first degree, rape in the second degree, rape of a child in the first degree, or rape of a child in the second degree;

(b) Class B felony when the crime attempted is a class A felony other than an offense listed in (2) (a) of this subsection;

(3) (c) Class C felony when the crime attempted is a class B felony;

(4) (d) Gross misdemeanor when the crime attempted is a class C felony;

(5) (e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

[2001 2nd sp.s. c 12 § 354; 1994 c 271 § 101; 1981 c 203 § 3; 1975 1st ex.s. c 260 § [9A.28.020](#).]

Notes: Intent -- Severability -- Effective dates -- 2001 2nd sp.s. c 12: See notes following RCW [71.09.250](#).

Application -- 2001 2nd sp.s. c 12 §§ 301-363: See note following RCW [9.94A.030](#).

Purpose -- 1994 c 271: "The purpose of chapter 271, Laws of 1994 is to make certain technical corrections and correct oversights discovered only after unanticipated circumstances have arisen. These changes are necessary to give full expression to the original intent of the legislature." [1994 c 271 § 1.]

Severability -- 1994 c 271: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 c 271 § 1103.]

[RCWs > Title 74 > Chapter 74.08 > Section 74.08.331](#)

[74.08.290](#) << [74.08.331](#) >> [74.08.335](#)

[RCW 74.08.331](#)

Unlawful practices — Obtaining assistance — Disposal of realty — Penalties.

(1) Any person who by means of a willfully false statement, or representation, or impersonation, or a willful failure to reveal any material fact, condition, or circumstance affecting eligibility or need for assistance, including medical care, surplus commodities, and food stamps or food stamp benefits transferred electronically, as required by law, or a willful failure to promptly notify the county office in writing as required by law or any change in status in respect to resources, or income, or need, or family composition, money contribution and other support, from whatever source derived, including unemployment insurance, or any other change in circumstances affecting the person's eligibility or need for assistance, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain any public assistance to which the person is not entitled or greater public assistance than that to which he or she is justly entitled is guilty of theft in the first degree under RCW [9A.56.030](#) and upon conviction thereof shall be punished by imprisonment in a state correctional facility for not more than fifteen years.

(2) Any person who by means of a willfully false statement or representation or by impersonation or other fraudulent device aids or abets in buying, selling, or in any other way disposing of the real property of a recipient of public assistance without the consent of the secretary is guilty of a gross misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than one year in the county jail or a fine of not to exceed one thousand dollars or by both.

[2003 c 53 § 368; 1998 c 79 § 16; 1997 c 58 § 303; 1992 c 7 § 59; 1979 c 141 § 329; 1965 ex.s. c 34 § 1.]

Notes: Intent -- Effective date -- 2003 c 53: See notes following RCW [2.48.180](#).

Short title -- Part headings, captions, table of contents not law -- Exemptions and waivers from federal law -- Conflict with federal requirements -- Severability -- 1997 c 58: See RCW [74.08A.900](#) through [74.08A.904](#).

RCW 74.08.055

Verification of applications — Penalty.

(1) Each applicant for or recipient of public assistance shall make an application for assistance which shall contain or be verified by a written declaration that it is made under the penalties of perjury. The secretary, by rule and regulation, may require that any other forms filled out by applicants or recipients of public assistance shall contain or be verified by a written declaration that it is made under the penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each applicant shall be so informed at the time of the signing.

(2) Any applicant for or recipient of public assistance who willfully makes and subscribes any application, statement or other paper which contains or is verified by a written declaration that it is made under the penalties of perjury and which he or she does not believe to be true and correct as to every material matter is guilty of a class B felony punishable according to chapter [9A.20](#) RCW.

[2003 c 53 § 366; 1979 c 141 § 323; 1959 c 26 § [74.08.055](#). Prior: 1953 c 174 § 27.]

Notes: Intent -- Effective date -- 2003 c 53: See notes following RCW [2.48.180](#).

RCW 74.04.300

Recovery of payments improperly received — Lien — Recipient reporting requirements.

If a recipient receives public assistance and/or food stamps or food stamp benefits transferred electronically for which the recipient is not eligible, or receives public assistance and/or food stamps or food stamp benefits transferred electronically in an amount greater than that for which the recipient is eligible, the portion of the payment to which the recipient is not entitled shall be a debt due the state recoverable under RCW [43.20B.030](#) and [43.20B.620](#) through [43.20B.645](#). It shall be the duty of recipients of cash benefits to notify the department of changes to earned income as defined in RCW [74.04.005](#)(11). It shall be the duty of recipients of cash benefits to notify the department of changes to liquid resources as defined in RCW [74.04.005](#)(10) that would result in ineligibility for cash benefits. It shall be the duty of recipients of food benefits to report changes in income that result in ineligibility for food benefits. All recipients shall report changes required in this section by the tenth of the month following the month in which the change occurs. The department shall make a determination of eligibility within ten days from the

date it receives the reported change from the recipient. The department shall adopt rules consistent with federal law and regulations for additional reporting requirements. The department shall advise applicants for assistance that failure to report as required, failure to reveal resources or income, and false statements will result in recovery by the state of any overpayment and may result in criminal prosecution.

[2003 c 208 § 1; 1998 c 79 § 7; 1987 c 75 § 32; 1982 c 201 § 16; 1980 c 84 § 2; 1979 c 141 § 306; 1973 1st ex.s. c 49 § 1; 1969 ex.s. c 173 § 18; 1959 c 26 § [74.04.300](#). Prior: 1957 c 63 § 3; 1953 c 174 § 35; 1939 c 216 § 27; RRS § 10007-127a.]

Notes: Savings -- Severability -- 1987 c 75: See RCW [43.20B.900](#) and [43.20B.901](#).

RCW 9A.56.010

Definitions.

- (18) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act. (c) Except as provided in RCW 9A.56.340(4) and 9A.56.350(4), whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a criminal episode or a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.
- (19) For purposes of this subsection, "criminal episode" means a series of thefts committed by the same person from one or more mercantile establishments on three or more occasions within a five-day period.
- (19)

APPENDIX C

Comprehensive List of Documents

The following information is a comprehensive list of documents found in the case files. Included in the list are the names of the women who had the document in their file and the number of copies found in that file. For example, “‘aces.online’ (Bandy x2)” means the “aces.online” document was found in Bandy’s file two times and it was only found in Bandy’s file, as there is no additional names mentioned.

- “aces.online” (Bandy x2)
- “AMENDED INFORMATION” (or “Information Amended”)(Brook x3, Emory x2, Hall x3, Page x2, Rice x2, Davis x2, Yada x2, Dow x2)
- “Amended Information as to Loren Hall only”
- “AMENDED SUPPLEMENTAL DESIGNATION OF CLERK’S PAPERS/EXHIBITS” (Bandy)
- “APPENDIX B TO PLEA AGREEMENT” (criminal history) (Allan, Brook x2, Engel, Gray x2, Page x2, Rice, Yada, Hudson, Dow x2)
- “APPENDIX F ADDITIONAL CONDITIONS OF SENTENCE” (Page)
- “APPENDIX G ORDER FOR BIOLOGICAL TESTING AND COUNSELING” (Page)
- “ARREST WARRANT” (Bandy, Allan, Brook, Emory, Engel, Gray, Hall, Page, Rice, Davis, Yada, Dow) (all, except Hudson)
- “BENCH WARRANT” (Allan, Brook, Engel, Gray, Yada)
- “CASE LOG” (Bandy, Hall, Yada)
- “CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE” (Bandy x4, Allan x2, Brook x2, Emory x2, Engel x2, Gray x2, Hall x2, Page x3, Rice x2, Davis x2, Yada x2, Hudson x2, Dow x2)-13
- “CERTIFICATE OF SERVICE FOR SUBPOENA DUCES TECUM” (Bandy x2)
- “CONDITIONS OF RELEASE FOR DEFENDANT PENDING TRIAL” (Bandy, Brook, Gray x2 copy, Yada x2, Dow)
- “COURT-SPECIAL 5990 SUPERVISION CLOSURE” (Gray)
- “DECLARATION” (Bandy)
- “DECLARATION OF DAVID H. SMITH IN SUPPORT OF DEFENDANT Loren HUDSON MEMORANDUM RE RESTITUTION” (Hudson).
- “DECLARATION OF LINDA C. SEVERIN RE Loren HUDSON’S OBJECTION OVERPAYMENT LETTER” (HUDSON)
- “DEFENDANT Loren HUDSON’S MEMORANDUM RE RESTITUTION” (Hudson).
- “DEFENDANT Loren HUDSON’S MOTION FOR JUDICIAL NOTICE OF THE HON. JEFFREY M. RAMSDELL’S MEMORANDUM OPINION” (Hudson).
- “DEFENDANT’S OMNIBUS APPLICATION, REQUEST FOR DISCOVERY AND NOTICE OF MOTIONS” (Gray)
- “DEFENSE COUNSEL’S SENTENCING RECOMMENDATION” (Hudson)

“DESIGNATION OF CLERK’S PAPERS/EXHIBITS” (Bandy)
 “DESTRUCTION AUTHORIZATION FORM” (of exhibits in Bandy’s case)
 “DSHS” –“NOTICE OF DEBT” (Hudson)
 “DSHS” –Restitution not paid (Hall, Rice)
 “DSHS –Restitution Paid in full” (Emory, Engel)
 “FELONY PLEA AGREEMENT” (Page)
 “FINGERPRINTS” (Bandy x2, Allan, Gray, Page)
 “FINAL ORDER” WA State Office of Adm. Hearings (Hudson)
 “GENERAL SCORING FORM” (Allan, Brook, Engel, Gray, Page)
 “GENERAL SURETY APPEARANCE BOND” (Brook)
 “IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON, COUNTY OF KING:
 CASH BAIL” (Brook)
 “IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF KING: INDEX TO
 CLERK’S PAPERS” (Bandy x2)
 “INFORMATION” (Bandy x4, Allan x2, Brook, Emory, Engel x2, Gray x2, Hall, Page,
 Rice, DavisDavis, Yada, Hudson, Dow)-in all the cases
 “INVESTIGATOR’S REPORT” (Bandy)
 “JUDGMENT AND SENTENCE FELONY” (Bandy x2, Allan, Gray—doesn’t say felony,
 Page)
 “JUDGMENT AND SENTENCE, NON-FELONY” (Brook, Emory, Engel, Hall, Rice,
 Davis, Yada, Hudson, Dow x2)
 “KENT REGIONAL JUSTICE CENTER” (Gray)
 “KING COUNTY DEPARTMENT OF PUBLIC SAFETY CRMINAL WARRANT
 INFORMATION SHEET” (Allan)
 “KING COUNTY SHERIFF CRIMINAL WARRANT INFORMATION SHEET” (*Brook,
 Engel, Yada)
 “KING COUNTY SUPERIOR COURT CONVICTED FELON REPORT” (Bandy, Allan,
 Gray, Page)
 “LIST OF EXHIBITS” (Bandy)
 “MANDATE” mandating Court of Appeals to Superior Court (Bandy)
 “Minute Entry” (Bandy, Allan x2, Brook, Emory x4, Engel x2, Gray x2, Hall x2,
 Page x3, Rice x4, Davis x2, Yada, Hudson, Dow) in all of the files
 “MODIFICATION CALENDAR” (Bandy, Gray, Hall x2, Yada x2)
 “MOTION AND ORDER DETERMINING EXISTENCE OF PROBABLE CAUSE,
 DIRECTING ISSUANCE OF WARRANT AND FIXING BAIL” (Bandy, Brook, Gray x2,
 Yada x2, Dow)
 “MOTION AND ORDER PERMITTING FILING OF AN AMENDED INFORMATION”
 (Emory, Hall)
 “MOTION, CERTIFICATION, AND ORDER FOR BENCH WARRANT” (Brook, Engel,
 Gray, Hall, Yada x2)
 “MOTION, FINDING OF PROBABLE CAUSE AND ORDER DIRECTING ISSUANCE OF
 WARRANT AND FIXING BAIL” (Allan, Emory, Engel, Hall, Page, Rice, Davis,
 Hudson, Dow)

“MOTION TO DISMISS FOR VIOLATION OF SPEEDY TRIAL” (Bandy)
 “MOTION TO WITHDRAW GUILTY PLEA AND FOR ENTRY OF ORDER OF
 DISMISSAL UNDER RCW 3.66.067” (*Rice)
 “NON-FELONY PLEA AGREEMENT AND STATE’S RECOMMENDATION” (Brook x2
 Emory, Rice, Davis, Dow x2)
 “NON-FELONY PLEA AGREEMENT AND SENTENCE RECOMMENDATION
 (PROBATION)” (Engel, Hall, Yada, Hudson)
 “NOTICE OF APPEAL TO THE COURT OF APPEALS, DIVISION 1” (Bandy)
 “NOTICE OF APPEARANCE AND REQUEST FOR DISCOVERY” (Allan x2—copy,
 Brook, Emory, Rice-probation, Davis)
 “NOTICE OF APPEARANCE AND REQUEST FOR DISCOVERY PURSUANT CrR 4.7
 AND LCrR 4.5(J) AND REQUEST FOR CRIMINAL HISTORY AGGRAVATING
 FACTOR, AND REAL FACTS TO BE RELIED ON BY PROSECUTION” (Gray x2,
 Hall, Page, Rice, Dow x2)
 “NOTICE OF APPEARANCE AND DISCOVERY DEMAND PURUSANT TO CrR 3.7”
 (Engel)
 “NOTICE OF APPEARANCE, PLEA OF NOT GUILTY, DEMAND FOR JURY TRIAL,
 DEMAND FOR DISCOVERY, DEMAND PURSUANT TO CrR 6.13, DEMAND FOR
 SPEEDY TRAIL, MOTION TO MAKE MORE DEFINITE AND CERTAIN, MOTION
 FOR JOINDER OF OFFENSES” (Allan)
 “NOTICE OF APPEARANCE REQUEST FOR DISCOVERY DEMAND FOR SPEEDY
 TRIAL DEMAND FOR JOINDER” (Davis)
 “NOTICE OF CASE SCHEDULING HEARING DATE” (Bandy, Allan, Brook, Emory,
 Engel, Gray, Hall, Page 2, Rice, Davis, Yada, Dow) in twelve files, multiple times
 “NOTICE OF CHANGE OF RESTITUTION HEARING DATE”
 “NOTICE OF CHANGE IN SENTENCING DATE” (Allan, Engel x2)
 “NOTICE OF FELONY SENTENCE” (Gray)
 “NOTICE OF FELONY SENTENCING DATE” (Hall, Page)
 “NOTICE OF HEARING” (Hudson)
 “NOTICE OF MISDEMEANOR SENTENCING DATE” (Emory, Engel, Rice, Davis)
 “NOTICE OF POST SENTENCING PROBATION HEARING” (*Emory)
 “NOTICE OF POST SENTENCING PROBATION REVIEW HEARING” (Emory)
 “NOTICE OF PRESENTMENT OF JUDGMENT OF FORFEITURE OF SURETY BOND”
 (Brook)
 “NOTICE OF PROBATION VIOLATION HEARING” (Brook, Hall x2, Rice, Yada)
 “NOTICE OF REQUEST FOR APPEAL OF ADMINISTRATIVE DECISION BY THE
 DEPARTMENT OF SOCIAL AND HEALTH SERVICES” (Hudson)
 “NOTICE REASSIGNING CASE FOR SUPERVISION” (Dow)
 “NOTICE OF RIGHTS ON APPEAL AND CERTIFICATE OF COMPLIANCE WITH CrR
 7.2(b); SUPERIOR COURT RULES” (Bandy, Allan, Brook, Engel, Page, Rice, Davis, Dow)
 “NOTICE OF RIGHTS ON APPEAL AND RIGHTS PURSUANT RCW 10.73 (NTRA)”
 (Emory)
 “NOTICE OF SENTENCING MODIFICATION HEARING AND MOTION TO SHOW

CAUSE” (Bandy, Gray)

“NOTICE OF WITHDRAWAL” (attorney-Allan x2, Davis x3, Yada)

“NOTICE OF WITHDRAWAL OF ATTORNEY” (Bandy, Brook, Gray, Hall, Page, Rice x3, Dow)

“NOTICE TO DISMISS FOR VIOLATION OF SPEEDY TRIAL” (Bandy)

“NOTIFICATION OF INELIGIBILITY TO POSSES FIREARM” (Bandy, Allan, Gray, Page)

“OMNIBUS APPLICATION OF PROSECUTING ATTORNEY AS TO THE DEFENDANT” (Bandy, Emory, Hall, Rice, Dow)

“OMNIBUS HEARING CHECKLIST” (Bandy x2)

“ORDER AUTHORIZING APPEAL IN FORMA PAUPERIS, APPOINTMENT OF COUNSEL AND PREPARATION OF RECORD” (Bandy)

“ORDER CONTINUING CASE SCHEDULING HEARING-SEA” (Bandy x3, Allan x4-KNT, Engel x4, Gray x2, Hall x4, Rice x2)

“ORDER CONTINUING DEFENDANT’S RELEASE PENDING FELONY SENTENCING (RCW 10.64.025) (Allan, Gray, Page)

“ORDER EXONERATING BOND” (Brook)

“ORDER FOR BENCH WARRANT” (Allan, Yada)

“ORDER FOR CrR 3.3 EXTENSION OF TRIAL” (Bandy)

“ORDER FOR PRESENTENCE INVESTIGATION REPORT –KNT (Allan)

“ORDER FOR RELEASE OF DEFENDANT PENDING SENTENCING ON THIS CAUSE NUMBER ONLY” (Brook)

“ORDER IMMEDIATELY RELEASING DEFENDANT—THIS CAUSE ONLY” (Allan)

“ORDER INCREASING BOND” (Bandy x3, Brook x2, Gray x2, Yada x2)

“ORDER MODIFYING PROBATION” (Engel)

“ORDER MODIFYING PROBATION AND JAIL COMMITMENT” (*Emory, Yada)

“ORDER MODIFYING SENTENCE AND JAIL COMMITMENT” (Bandy, Gray, Hall x2, Yada)

“ORDER OF DISMISSAL PURSUANT TO RCW 3.66.067” (Rice-withdraws previous plea and entry not guilty and dismiss present case)

“ORDER OF ENTRY OF DISMISSAL” (Dow)

“ORDER ON CRIMINAL MOTION” (Rice x4)

“ORDER ON OMNIBUS HEARING” (Bandy)

“ORDER ON STIPULATED FACTS-FINDINGS OF FACT AND CONCLUSIONS OF LAW” (Bandy)

“ORDER QUASHING BENCH WARRANT” (Engel x3)

“ORDER SETTING BOND ON APPEAL” (Bandy)

“ORDER SETTING DATE TO SEND IN DOCUMENTS” (TANF, and food and childcare Assistance) (Hudson x3)

“ORDER SETTING RESTITUTION” (Allan, Brook, Engel, Gray, Hall, Page x2, Rice, Davis, Yada, Hudson)

“ORDER SETTING RESTITUTION AS A CONDITION OF DEFERRED SENTENCE” (Emory)

“ORDER STRIKING TRIAL DATE” (Emory, Hall, Rice, Dow)

“ORDER TERMINATING SUPERVISION” (Engel, Yada)
 “ORIGINAL COURT MINUTES (Bandy x7, Allan x9, Brook, Emory x5, Engel x5, Gray x3, Hall x6, Page x4, Rice x10, Davis x6, Yada x2, Dow x9)
 “PLEA AGREEMENT” (Allan, Gray)
 “PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR CONDITIONS OF RELEASE” (Bandy x3, Allan x2, Brook x2, Emory, Engel x2, Gray x2, Hall x2, Page x2, Rice, Davis x2, Yada x2, Dow x3)
 ”REQUEST FOR ENTRY WITHDRAWAL OF GUILTY PLEA AND ENTRY OF DISMISSAL PURSUANT TO DEFERRED SENTENCE” (Dow x2)
 “SATISFACTION OF JUDGMENT LEGAL FINANCIAL OBLIGATION” (Emory, Engel, Rice, Dow)
 “SENTENCE RECOMMENDATION (PROBATION)” (Engel, Hall, Yada, Hudson)
 “SHERIFF OF KING COUNTY” notice she was previously booked (Yada)
 “STATEMENT OF DEFENDANT ON PLEA OF GUILTY (Felony)” (Allan, Gray, Page, Hudson)
 “STATEMENT OF DEFENDANT ON PLEA OF GUILTY (Misdemeanor)” (Brook, Emory, Engel, Hall, Rice, Davis, Yada, Dow x2)
 “PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR CONDITIONS OF RELEASE” (Bandy x3, Allan x2, Brook x2, Emory, Engel x2, Gray x2, Hudson x2, Page x2, Rice, Davis x2, Yada x2, Dow x3) all files, except Hall
 “STATE OF WASHINGTON DEPARTMENT OF SOCIAL & HEALTH SERVICES DIVISION OF FRAUD INVESTIGATIVE REPORT” (Attached with this document also includes, “INVESTIGATOR REPORT,” “WITNESS LIST,” “EVIDENTIARY DOCUMENTS,” “Office of Special Investigation Referral and VOCS Referral,” “Employment Security Wage Inquiry,” various documents, such as five copies of drivers license’s, eight copies of Social Security cards, and “Certificate of Marriage,” Employment packet from TeleMark, Incorporated,” “DSHS Eligibility Review,” TeleMark “Voluntary Termination Notice,” TeleMark “Exit Interview Report,” IRS W-4 “Employees Withholding Allowance Certificate,” TeleMark “Alias Registration Form,” “QUALMED Health Plan Enrollment Application,” “DECREE OF DISSOLUTION,” TeleMark “Earnings statement(s),” “Seattle City Light LATE NOTICE,” “DSHS EMPLOYMENT/STOPPED QUESTIONNAIRE,” “DSHS MONTHLY REPORT(s),” DSHS “CHANGE OF CIRCUMSTANCES,” letter from landlord to DSHS, DSHS “INCORRECT PAYMENT COMPUTATION,” DSHS “INTENTIONAL OVERPAYMENT NOTICE,” DSHS “FOOD STAMP INADVERTENT HOUSEHOLD ERROR OVERISSUANCE LETTER,” letter from DSHS FRAUD INVESTIGATIONS Investigator Dean to Bandy, “Client Receivable System CSO Inquiry Client Data,” “Client Receivable Client Obligation Detail,” 27 pages of untitled documents or “Narrative” which appears to be DSHS welfare case worker’s notes.) Also, this document was submitted twice with all the attachments. The second time had the original documents, in addition, to considerably more documents (repetitive from file), totaling 162 pages. (Bandy)
 “STATE’S ACKNOWLEDGMENT OF 5990 CLOSURE” (supervision of Bandy, Gray)
 “STATE’S SENTENCE RECOMMENDATION” (Bandy, Engel, Gray, Page)
 “STATE’S TRIAL MEMORANDUM” (Bandy)

“STIPULATED ORDER TO CONTINUE OMNIBUS HEARING” (Bandy, Hall, Rice, Dow)
 “STIPULATION AND ORDER FOR RELEASE OR DESTRUCTION OF EXHIBITS” (Bandy)
 “STIPULATION, OATH, AND ORDER APPOINTING JUDGE PRO TEMPORE” (Bandy, Allan, Brook, Emory, Engel, Gray x2, Hall x2, Page, Rice, Davis, Yada x3, Dow)
 “SUBPOENA” (Bandy x2, Emory x4, Rice x5, Dow x23)
 “SUBPOENA DUCES TECUM” (Bandy x2)
 “SUPERFORM” (Bandy x3, Allan x2, Brook x2, Emory x3, Engel x4, Hudson x3, Page x2, Gray x3, Rice, Brook x 2, Davis x2, Yada x2, Dow x2) in all files, except Hall
 “SUPPLEMENTAL DESIGNATION OF CLERK’S PAPERS/EXHIBITS” (Bandy)
 “SUPPLEMENT TO DEFENDANT Loren M. Hall’S MEMORANDUM RE RESTITUTION”
 “SUPPLEMENTAL DECLARATION OF DAVID H. SMITH IN SUPPORT OF DEFENDANT Loren HUDSON’S MEMORANDUM RE RESTITUTION”
 “Unpublished Opinion” Court of Appeals—filed for public record (Bandy)
 “WAIVER OF PRESENCE AT OMNIBUS HEARING” (Bandy)
 “WAIVER OF JURY TRIAL BY DEFENDANT WVJTD)” (Bandy)
 “WAIVER OF TIME FOR TRIAL AND SETTING” (Emory x2, Hall x2, Rice x6, Davis x4, Dow x5)
 “WAIVER RIGHT OF JURY TRIAL BY DEFENDANT...” (Bandy)
 “WASHINGTON STATE DISPOSITION REPORT” (Allan, Brook x2, Emory, Gray, Page, Rice, Davis, Yada, Dow)
 “WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW ON CrR 3.3 MOTION TO DISMISS FOR VIOLATION OF 60/90 SPEEDY TRIAL RULE” (Bandy)

In addition, to the above documents, there were a number of letters found in the files, including:

“The Court of Appeals” to the attorney’s in Bandy’s case about the “Rules of Appellate Procedure”
 “King Count Department of Judicial Administration” to the “Court of Appeals” forwarding exhibits
 “The Court of Appeals to Superior Court” returning exhibits. (Bandy)
 “Counsel David Smith to judge about declaration of Hall’s prior counsel
 “From Adm. Hearing Coord. to Adm. Judge about “Order extending date” (Hall)
 “DSHS DFI” overpayment interoffice correspondence (Hall)
 “From Hudson’s counsel to administrative Judge pertaining to DSHS DFI food overpayment issue (120)

There were also several miscellaneous documents, including:

Requesting discovery (Rice 71-2x).
 Bench warrant/no bail set failed to show-up for modification hearing

Disposition (Hall)

DNA ordered (Page)

Failed to make required payments toward her court-ordered financial obligation 7/10/02

Order continuing defendants release pending felony sent. 9/18/00

Prosecutors understanding of defendant's criminal history (sentencing reform act):

State's sentencing recommendation

Ten Exhibits (Hall)

BIBLIOGRAPHY

- Abramovitz, Mimi. *Regulating the Lives of Women: Social Welfare Policy from Colonial Times to Present*. Boston: South End Press, 1996.
- Adair, Vivyan. "Disciplined and Punished: Poor Women, Bodily Inscription, and Resistance through Education." *Reclaiming Class: Women, Poverty, and the Promise of Higher Education in America*. Vivyan C. Adair and Sandra L. Dalberg, eds. Philadelphia: Temple University Press, 2003.
- Albelda, Randy and Chris Tilly. *Glass Ceilings and Bottomless Pits: Women's Work, Women's Poverty*. Boston: South End Press, 1997.
- Alexander, Michelle. *The New Jim Crow*. The New Press: New York, 2010.
- . "In Prison Reform, Money Trumps Civil Rights." *The New York Times*. 15 May 2011: WE 9.
- Amott, Teresa L. and Julie A. Matthaei in their book, *Race, Gender & Work: A Multicultural Economic History of Women in the United States*. Boston: South End Press, 1991.
- Burnham, Linda. "Racism in U.S. Welfare Policy: A human Rights Issue." *From Poverty to Punishment*. Gary Delgado, ed. Oakland: Applied Research Center, 2002.
- Chang, Mariko and Nicole Mason. "At Ropes End: Single Women Mothers, Wealth and Assets in the U.S." *Women of Color Policy Network*. 2010.
<http://wagner.nyu.edu/wocpn/publications/files/AtRopesEnd>
- Chang, Mariko. *Shortchanged: Why Women Have Less Wealth and What Can be Done About it*. Oxford: University Press, 2010.
- Chomsky, Noam. *Class Warfare*. Monroe, Maine: Common Courage Press, 1996.

- Chunn, Dorothy E. and Shelley A. M. Gavigan. "Welfare Law, Welfare Fraud, and the Moral Regulation of the 'Never Deserving' Poor." *Social & Legal Studies*. Thousand Oaks: Sage Publication 2004: V13, 219-243.
- Crittenden, Ann. *The Price of Motherhood*. New York: Henry Holt and Company, 2001.
- Dean, Mitchell. *Governmentality: Power and Rule in Modern Society*. Los Angeles: Sage Publication, 2010.
- Dijon, Diane and Ann Withorn. "There but for Fortune: The Failure of Our Dreams and Back-up Systems." *For Crying Out Loud*. Dijon, Diane and Ann Withorn, eds. Boston: South End Press, 1996.
- Donzelot, Jacques. *Policing of Families*. New York: Pantheon Books, 1979.
- Edin, Kathryn and Laura Lein. *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work*. New York: Russell Sage Foundation, 1997.
- Ehrenreich, Barbara. "Remaking America: From Prosperity to Poverty" George Washington University. Lisner Auditorium, Washington D.C. 12 January 2012. Panel Discussion.
- Faith, Karlene. *Unruly Women: The Politics of Confinement and Resistance*. Vancouver: Press Gang Publishers, 1993.
- Faludi, Susan. *Backlash: The Undeclared War Against American Women*. New York: Three Rivers Press, 1991.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books, 1979.
- Funiceillo, Theresa. *Tyranny of Kindness: Dismantling the Welfare System to End Poverty in*

- America. New York: The Atlantic Monthly Press, 1993.
- “Gaming the System: How the Political Strategies of Private Prison Companies Promote Ineffective Incarceration Policies.” Justice Policy Institute: June 2011.
- Hacker, Paul and Paul Pierson. *Winner-Take-All Politics: How Washington Made the Rich Richer--And Turned Its Back on the Middle Class*. New York, London, Toronto, and Sydney: Simon & Schuster, 2010.
- Harris, Alexes, Heather Evans, and Katherine Beckett. “Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States.” *American Journal of Sociology*. May 2010: 1753-99.
- Hays, Sharon. *Flat Broke with Children: Women in the Age of Welfare Reform*. Oxford and New York: Oxford University Press, 2003.
- Ingalls, Chris. “Their Crime Your Dime: 13,000 welfare recipients accessed cash in casinos.” *King 5 News*. 26, January 2011. <www.king5.com/news/investigators/TheirCrime---YourDime-a-series-of-reports105189679.html#>
- Johnstone, Barbara. *Discourse Analysis*. Malden, MA: Blackwell Publishers, 2002.
- Kohler-Hausmann, Julily. “The Crime of Survival”: Fraud Prosecutions, Community Surveillance, and the Original ‘Welfare Queen.’ *Journal of Social History*. Winter 2007: 329-54.
- Manufacturing Consent: Noam Chomsky and the Media*. Directors Mark Achbar and Peter Wintonick. Narrated by Noam Chomsky, Mark Achbar, and Edward S. Herman. 1992. Documentary.
- Mink, Gwendolyn. “Violating Women: Rights Abuses, in Welfare State” *Lost Ground: Welfare*

- Reform, Poverty, and Beyond*. Albelda, Randy and Ann Withorn, eds. Cambridge: South End Press, 2002.
- Mirchandani, Kiran and Wendy Chen in their book, *Criminalizing Race, Criminalizing Poverty: Welfare Fraud Enforcement in Canada*. Halifax and Winnipeg: Fernwood Publishing, 2007.
- Mills, Sarah. *Foucault*. London and New York: Routledge, 2003.
- Neubeck, Kenneth J. and Noel A. Cazenave. *Welfare Racism: Playing the Race Card Against America's Poor*. New York and London: Routledge, 2001.
- Pearce, Diana. "The Self-Sufficiency Standard for Washington State 2006." Prepared for "The Workforce Development Council of Seattle-King County." June 2007.
- Pitcher, Abbey. "Human Rights Violations in Welfare Legislation: Pushing Recipients Deeper into Poverty." Urban Justice Center, Human Rights Project. April 2002: 1-27.
<<http://www.urbanjustice.org>>
- Razack, Sherene H. *Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms*. Toronto, Buffalo, and London: University of Toronto Press, 1998.
- Royale, Rosette. "One Nation, under Lock and Key." *Real Change*. 9 February 2011: 6.
- Rose, Nikolas. *Powers of Freedom: Reforming Political Thought*. Cambridge and New York: Cambridge University Press, 1999.
- Spak, Kevin. "Only 2% Fail Florida Welfare Drug Tests". *Newser*. 28 August 2011.
<http://www.newser.com/story/127011/only-2-failed-florida-welfare-drug-tests.html>

The Foucault Effect: Studies in Governmentality. Burchell, Graham, Colin Gordon, and Peter Miller, eds. Chicago: The Chicago Press, 1991.

Tiersma, Peter M. *Legal Language.* Chicago and London: The Chicago Press, 1999.

“What is Welfare Fraud in Washington State? Washington State Department of Social and Health Services. Division of Fraud Investigations. 1 July 2004.

<<http://www.1dshs.wa.gov/fraud/what.html>>

“What is Welfare Fraud in Washington State? Washington State Department of Social and Health Services. Division of Fraud Investigations. 26 April 2005

<<http://www.1dshs.wa.gov/fraud/what.html>>

Wacquant, Loic. *Punishing the Poor: The Neoliberal Government of Social Insecurity.* Durham and London: Duke University Press, 2009.

VITA

Rebecca Castner was born in Portland, Oregon, but has lived and traveled extensively in the United States and around the world. In 1995, she received B.A.'s in English and Women Studies from the University of Washington. In 2012, she received her PhD in Women Studies from the University of Washington.