Treat Her Like a Lady: The Case for the
Dignity for Incarcerated Women Act

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***Resolved: The United States Federal Government should significantly reform its policies regarding convicted prisoners under federal jurisdiction***

Case Summary: This plan passes the federal “Dignity for Incarcerated Women” Act, a bill proposed in Congress several times over the last few years but never passed.

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Prison is supposed to be a place of punishment, not a hotel. But it’s not supposed to be degrading or humiliating, and our sense of civilization and humanity compels us to affirm that: The United States Federal Government should significantly reform its policies regarding convicted prisoners under federal jurisdiction.

OBSERVATION 1. DEFINITIONS

Significant

Merriam Webster Online Dictionary copyright 2021. <https://www.merriam-webster.com/dictionary/significant> (accessed 26 June 2021)

2 a: having or likely to have [influence](https://www.merriam-webster.com/dictionary/influence#h1) or effect

Reform

Merriam Webster Online Dictionary copyright 2021 <https://www.merriam-webster.com/dictionary/reform> (accessed 28 May 2021)

**:**to put or change into an improved form or condition

OBSERVATION 2. INHERENCY, the structure of the Status Quo. Two key FACTS

FACT 1. Prison system not suitable for women

Women are entering prisons designed for men

Jessica Mitten 2020 (JD candidate; Georgetown Univ. law school) “DIGNITY BEHIND BARS: THE ONGOING LEGISLATIVE EFFORTS TO PROTECT INCARCERATED WOMEN” GEORGETOWN JOURNAL OF GENDER AND THE LAW Fall 2020 <https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2020/11/Final-Draft_Jessica-Mitten_Dignity-Incarcerated-Women.pdf> (accessed 29 Aug 2021) (in the context, the author is referring to both state and federal prisons)

Incarcerated women face unique issues behind bars—almost two-thirds are mothers and the majority are survivors of trauma or abuse. Unfortunately, our current prison and jail systems inadequately provide for these unique circumstances. As Holly Harris, the director of the Justice Action Network, a bi-partisan criminal justice advocacy group, explains, “Women are entering prisons that are programmed for men even though their needs are entirely different.

FACT 2. Inadequate reforms

Reforms have been attempted but they’re inadequate and further gaps exist

Jessica Mitten 2020 (JD candidate; Georgetown Univ. law school) “DIGNITY BEHIND BARS: THE ONGOING LEGISLATIVE EFFORTS TO PROTECT INCARCERATED WOMEN” GEORGETOWN JOURNAL OF GENDER AND THE LAW Fall 2020 <https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2020/11/Final-Draft_Jessica-Mitten_Dignity-Incarcerated-Women.pdf> (accessed 29 Aug 2021)

In 2017, the Senate Judiciary Committee never held a vote on the bill. However, the next year, Congress passed the landmark bi-partisan criminal justice reform legislation the First Step Act, which absorbed three of the Dignity Act’s provisions. Specifically, the First Step Act prohibited shackling pregnant, laboring, and postpartum women, and mandated that female prisoners have access to free menstrual products. It also included a place of imprisonment provision similar to the Dignity Act, requiring placement of all federal prisoners within 500 miles of their primary residence to the extent practicable. Unfortunately, the First Step Act’s placement provision is weaker than the provision in the Dignity Act. First, the law prioritized prisoners’ primary residence rather than the location of their children, which is likely to be different if their primary caretaker is now incarcerated. Second, the law placed less emphasis on minimizing distance, and instead, designated 500 miles as an acceptable distance. The First Step Act also included other factors that officials may consider in housing, thereby creating a straightforward guide for prison officials to easily deny placement requests. Senator Booker re-introduced the Dignity Act in 2019. The language of the bill remained largely the same, although without the provisions included in the First Step Act. Unfortunately, the bill has not progressed any further than the 2017 bill, and is unlikely to fare better by the end of the year.

OBSERVATION 3. We offer the following PLAN implemented by Congress and the President

1. Congress passes the Dignity for Incarcerated Women Act

2. Funding from increased enforcement of existing tax laws.
3. Timeline: Plan takes effect 30 days after an affirmative ballot.
4. Enforcement through normal civil service discipline of federal employees
5. All Affirmative speeches may clarify

OBSERVATION 4. ADVANTAGES

ADVANTAGE 1. Dignity for 16,000 women

A. The Plan addresses humiliating treatment against women that goes far beyond the prison sentences they’re supposed to be serving

Chloe Xiang 2021 (journalist) 12 July 2021 “Bill to protect incarcerated women passed in 14 states as reform for female inmates gains national momentum” <https://news.yahoo.com/bill-to-protect-incarcerated-women-passed-in-14-states-as-reform-for-female-inmates-gains-national-momentum-163221964.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAADptPDsRHrPahEcfle7WQxIf5cJfQBl0b0IwZ-5JGHSBhSjHTUbpXrnpDZFpDq5Ni_AxdN8-h2Mip1bM_0sVQyiosRUtVzpQtxGO54F4Rjx5L9DTUbgPBugYD3_FR9CsbpktN3pORb88DxAuk9gtp4rcMOhkOypt6Ly8rVJU1aGJ> (accessed 29 Aug 2021) (brackets in original)

When she was six weeks pregnant, [Pamela Winn](https://www.aclu.org/news/prisoners-rights/pamela-winn-fights-the-shackling-of-pregnant-people/) was sentenced to serve 78 months at a federal prison for a white-collar crime. Anytime she had to be transported, she was shackled — with handcuffs around her ankles and a chain around her waist that bound her hands to a black box in front of her.
**END QUOTE. SHE GOES ON LATER IN THE ARTICLE TO SAY QUOTE:**
She ended up miscarrying at 20 weeks without having had any formal prenatal care. During the miscarriage, it took hours for Winn to be brought to the hospital. “I endured the remainder of my miscarriage shackled to the bed," she said, "with two male officers between my legs that refused to leave the room [or] simply move to a different side of the room to provide me any privacy, which was extremely humiliating.” When the doctor asked for the soiled linen with her baby, an officer told her it had been thrown in the trash. This moment, Winn said, was “the lowest point of my life, to hear that, you know, my baby, my child, something that was a part of me, had been thrown in the trash.” For women in prison, stories like this are common. Pregnant women are forced to give birth in shackles, and mothers are sent hundreds of miles away from their children. Advocates say women are also denied adequate hygienic items and are forced to purchase them at exorbitant costs. They also say male guards conduct strip searches of female inmates and supervise them while they take showers. After she was released from prison, Winn’s experience led her to become an advocate to end intolerable conditions for women behind bars. She worked with Sen. Cory Booker, D-N.J., to draft the federal Dignity for Incarcerated Women Act, which was [introduced to Congress](https://www.cnn.com/2017/09/05/opinions/female-prisoners-dignity-act-booker-warren-opinion/index.html) in 2017 by Booker; Sen. Elizabeth Warren, D-Mass.; Sen. Dick Durbin, D-Ill.; and then-Sen. Kamala Harris, D-Calif.

B. We improve the lives of 16,000 women in federal prison and catalyze improvements at the State level too

Jessica Mitten 2020 (JD candidate; Georgetown Univ. law school) “DIGNITY BEHIND BARS: THE ONGOING LEGISLATIVE EFFORTS TO PROTECT INCARCERATED WOMEN” GEORGETOWN JOURNAL OF GENDER AND THE LAW Fall 2020 <https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2020/11/Final-Draft_Jessica-Mitten_Dignity-Incarcerated-Women.pdf> (accessed 29 Aug 2021) (brackets in original)

The importance of passing The Dignity Act is twofold. First, it would directly improve the lives of the over 16,000 women in the federal system by protecting them from a heightened-risk of violence, ensuring access to proper medical care, and fostering strong relationships with their minor children. Second, states and localities often look to federal policy in setting their own. As the President of the Vera for Justice Institute explains, federal action can “further catalyze[] state action” and “send[] a signal that [women’s prison reform] is a national movement.”

ADVANTAGE 2. Reduced violence against women

The Dignity Act reduces the likelihood of violence against female prisoners

Jessica Mitten 2020 (JD candidate; Georgetown Univ. law school) “DIGNITY BEHIND BARS: THE ONGOING LEGISLATIVE EFFORTS TO PROTECT INCARCERATED WOMEN” GEORGETOWN JOURNAL OF GENDER AND THE LAW Fall 2020 <https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2020/11/Final-Draft_Jessica-Mitten_Dignity-Incarcerated-Women.pdf> (accessed 29 Aug 2021)

Another goal of the Dignity Act is to reduce violence in prisons, especially against incarcerated women by prison staff. The Dignity Act broadly prohibits male correctional officers from strip searching female prisoners and entering female restrooms. Reducing the number of situations where male officers are alone with female prisoners is vital to reducing the occurrence of sexual abuse as American prisons have a history of staff-on-prisoner abuse. Although documenting the full extent of sexual abuse in prisons is essentially impossible, isolated investigations into individual facilities have repeatedly found widespread and pervasive sexual abuse in female prisons, sometimes to the point of violating the Eighth Amendment’s prohibition on cruel and unusual punishment.

ADVANTAGE 3. Better families & children

A. The link: Imprisonment of mothers harms children and devastates families

Chandra Bozelko 2018 (vice president, National Society of Newspaper Columnists) 8 Mar 2018 Incarcerated women need the dignity of freedom more than free tampons <https://www.nbcnews.com/think/opinion/incarcerated-women-need-dignity-freedom-more-free-tampons-ncna854631> (accessed 10 Sept 2021)

Imprisoning a mother can [damage to a child more than doing the same to her father](https://www.sentencingproject.org/wp-content/uploads/2016/01/Incarcerated-Parents-and-Their-Children-Trends-1991-2007.pdf): Almost 62 percent of women behind bars were the primary caregivers of their children before they were separated from their families, which takes a serious emotional toll on their children, many of whom can end up in foster care. (In society at large, 40 percent of households with children under age 18 now include a mother who is either the sole or primary earner for her family, according to the [Pew Research Center](http://www.pewsocialtrends.org/2013/05/29/breadwinner-moms/).) A prison sentence for her devastates the entire family.

B. The solution: The Dignity Act adds provisions to maintain parent/child relationships for incarcerated women

Sen. Elizabeth Warren 2019. (D-Mass.) “Warren, Booker Re-Introduce the Bicameral Dignity for Incarcerated Women Act” 2 Apr 2019 <https://www.warren.senate.gov/newsroom/press-releases/warren-booker-re-introduce-the-bicameral-dignity-for-incarcerated-women-act> (accessed 10 Sept 2021)



C. The impact: The Dignity Act benefits children, families and society

Ashton Pittman 2021 (journalist) 5 Mar 2021 “‘DIGNITY FOR INCARCERATED WOMEN ACT’ HEADS TO MISSISSIPPI GOVERNOR’S DESK” <https://www.aclu-ms.org/en/news/dignity-incarcerated-women-act-heads-mississippi-governors-desk> (accessed 10 Sept 2021)

In 2017, Democrats in the U.S. Senate introduced a national “Dignity for Incarcerated Women Act.” The bill, which then-Sen. Kamala Harris championed before she was vice president along with fellow Democratic U.S. senators Elizabeth Warren of Massachusetts, Cory Booker of New Jersey and Richard Durbin of Illinois included many of the same provisions that the Mississippi bill includes. “The drastic increase in the women’s prison population has destroyed communities, torn families apart and done little to promote public safety,” Harris said in a 2017 statement introducing the federal bill. “This has also had a deep impact on children. In order to create lasting improvements to public safety we have a responsibility to not only reunite women inmates with their families, but to also support the rehabilitation and re-entry of these women inmates into society. In doing so, we must improve the environment in prisons to ensure they are able to maintain a level of dignity and respect.”

2A Evidence: Dignity for Incarcerated Women

DEFINITIONS / BACKGROUND

Text of the bill is here

<https://www.congress.gov/bill/116th-congress/house-bill/2034/text>

Print out and bring with you to the debate round.

INHERENCY

A/T “First Step Act” – FSA only did a few things. Dignity Act is still needed for all the rest

Sen. Elizabeth Warren 2019. (D-Mass.) “Warren, Booker Re-Introduce the Bicameral Dignity for Incarcerated Women Act” 2 Apr 2019 <https://www.warren.senate.gov/newsroom/press-releases/warren-booker-re-introduce-the-bicameral-dignity-for-incarcerated-women-act> (accessed 10 Sept 2021)

[Sen. Elizabeth] Warren and [Sen. Cory] Booker first [introduced the Dignity for Incarcerated Women Act in 2017](https://www.cnn.com/2017/09/05/opinions/female-prisoners-dignity-act-booker-warren-opinion/index.html). Three of the bill’s provisions—to effectively ban the shackling of pregnant women, require incarcerated individuals be placed within 500 miles of the nearest family member, and provide tampons and pads to all women behind bars free of charge—were included in a larger criminal justice package that was signed into law in December 2018, the First Step Act."

A/T “Existing BOP programs for women” – They’re not implemented correctly or consistently

US Justice Dept. Office of the Inspector General 2018. Sept 2018 “Review of the Federal Bureau of Prisons’ Management of Its Female Inmate Population” <https://oig.justice.gov/reports/2018/e1805.pdf> (accessed 14 Sept 2021)

We identified concerns with the way BOP implements two programs for female inmates, as well as a concern with how BOP’s implementation of its inmate grooming policy affects female inmates. First, BOP has not staffed its trauma treatment program for female inmates at a level that ensures that all female inmates who are eligible for the program can participate in it before they are released. Second, a lack of staff awareness and a lack of data may limit access to BOP’s residential programs for pregnant inmates. Third, the distribution methods for feminine hygiene products did not always ensure that inmates had sufficient access to the quantity of products they needed.

A/T “Status Quo programs” – Exist on paper, but Bureau of Prisons (BOP) isn’t actually doing them

US Justice Dept. Office of the Inspector General 2018. Sept 2018 “Review of the Federal Bureau of Prisons’ Management of Its Female Inmate Population” <https://oig.justice.gov/reports/2018/e1805.pdf> (accessed 14 Sept 2021)

BOP relies on research that shows that physical and emotional trauma affects as many as 90 percent of the female inmate population. Research also recommends that female inmates undergo trauma treatment early during incarceration to enhance their ability to benefit from all institutional programming. However, we found that BOP may not be able to provide its trauma treatment program to all eligible female inmates until late in their incarceration, or ever, because it has assigned only one staff member at each institution to offer this program. The lack of sufficient staff is most noticeable at larger female institutions, where inmates face delays in completing each of the program’s two prerequisites, as well as the program’s treatment phases.

A/T “Resolve program (for trauma counseling)” – Understaffed, only serves 3% of the female population

US Justice Dept. Office of the Inspector General 2018. Sept 2018 “Review of the Federal Bureau of Prisons’ Management of Its Female Inmate Population” <https://oig.justice.gov/reports/2018/e1805.pdf> (accessed 14 Sept 2021)

Although BOP considers Resolve to be an especially important program for female inmates, we found that due to current staffing BOP may not be able to ensure that all inmates who are eligible for the program can participate in it before their release from BOP custody. We learned that, regardless of the size of the institution’s female inmate population, BOP allocates one position, known as a Resolve Coordinator, to administer and facilitate the Resolve program, its two prerequisites, and other tasks that are part of the program. As we explain below in our discussion of the ramifications of BOP’s current staffing model for Resolve, we estimate that the 40-week Resolve program can accommodate only 336 female inmates nationwide at a time, and 24 per institution at a time, representing roughly 3 percent of BOP’s sentenced female inmate population.

HARMS / SIGNIFICANCE

Separation from children harms families and society when moms are in prison

Sen. Cory Booker and Sen. Elizabeth Warren 2017 (Booker – D-NJ. Warren – D-Mass.) Booker and Warren: Women in prison deserve dignity 5 Sept 2017 <https://www.cnn.com/2017/09/05/opinions/female-prisoners-dignity-act-booker-warren-opinion/index.html> (accessed 10 Sept 2021)

A woman’s incarceration often hits a family hard. More than[two-thirds](https://www.vera.org/newsroom/press-releases/new-report-sheds-light-on-women-in-jail-the-fastest-growing-population-behind-bars) of female prisoners are moms, a large majority with kids under age 18. When these moms are incarcerated, they are often forced to rely on family members or friends to care for their children. And because the federal prison system doesn’t consider the location of family members when determining where women will serve time, incarcerated women can be shipped hundreds of miles away from their children, seeing their kids sporadically if at all during the months or years they are behind bars. The damage this separation inflicts on children, grandparents, extended families and communities is enormous. And the impact echoes through the years, as incarceration splinters the family ties that help women rebuild their lives when they return to their communities.

Female prison population is growing, and nearly 80% of incarcerated women are mothers

Elizabeth Kiefer 2017 (journalist) 12 July 2017 “Senators Cory Booker & Elizabeth Warren Demand "Dignity" For Women Behind Bars” <https://www.refinery29.com/en-us/2017/07/163017/dignity-incarcerated-women-act-prison-reform-bill> (accessed 10 Sept 2021)

Since 1980, the female prison population in America has grown by 716%: In 2015, the most recent year for which federal prison population statistics are available via the [Bureau of Justice Statistics](https://www.bjs.gov/content/pub/pdf/p15.pdf), 12,953 federal inmates were women. Nearly 80% of women incarcerated today are mothers — many of them primary caregivers and the last line of defense between their kids and the world.

Children suffer multiple impacts when mothers are incarcerated and lose communication and bonding with parents

Annie E. Casey Foundation, Kids Count Policy Report 2016. (private philanthropy doing research and advocacy on children’s issues) A SHARED SENTENCE the devastating toll of parental incarceration on kids, families and communities https://assets.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf#page=5

Having a parent incarcerated is a stressful, traumatic experience of the same magnitude as abuse, domestic violence and divorce, with a potentially lasting negative impact on a child’s well-being. These young children lose a parent’s support during their critical early years, a time when their families and communities should be laying the foundation for healthy development and success. Their bonds to that parent are weakened, or sometimes never formed, as distance may keep them from making regular visits. The loss of that bond is especially devastating for children with incarcerated mothers. The trauma of being separated from a parent, along with a lack of sympathy or support from others, can increase children’s mental health issues, such as depression and anxiety, and hamper educational achievement. Kids of incarcerated mothers, in particular, are at greater risk of dropping out of school. Teachers can further undermine children’s performance and self-esteem by lowering their academic expectations. And when these kids grow up, they are more likely to contend with poor mental and physical health.

SOLVENCY / ADVOCACY / ADVANTAGES

“Punishment” doesn’t justify denial of rights. We need Dignity Act to protect health and lives, uphold human rights

*Khala James 2017 (former intern with the Women’s Health and Rights Program at the Center for American Progress) 22 Dec 2017* Upholding the Dignity of Incarcerated Women <https://www.americanprogress.org/issues/women/news/2017/12/22/444468/upholding-dignity-incarcerated-women/> (accessed 10 Sept 2021)

The Dignity Act takes important steps to afford incarcerated women greater access to hygiene products and proper medical attention, as well as to ease the trauma of incarceration, such as stress caused by the separation of mothers from their children. Although the Dignity Act and the recent [memo](https://www.bop.gov/policy/om/001_2017.pdf) from the Federal Bureau of Prisons represent a promising start, it is important to note that these measures would only improve conditions for women incarcerated in federal prisons and not the thousands of women in state and local facilities. The federal government is [empowered](https://www.nwlc.org/sites/default/files/pdfs/mothersbehindbars2010.pdf) to provide funds that states can use to adopt programs they may not otherwise be able to initiate in their prison facilities. Unfortunately, neither the federal government nor states use this power to effectively protect the health and lives of incarcerated women. As the number of women in prison continues to rise, it is imperative that lawmakers pass the Dignity Act and enact similar measures at the local level across states. While the purpose of incarceration is punishment, it does not serve as justification for the clear violations of women’s fundamental human rights that occur in U.S. state and federal prisons.

Dignity Act is needed to address specific needs of women in prison

John Howard Association 2017. (independent criminal justice advocacy group) “Statement on the Federal Dignity for Incarcerated Women Act” <https://www.thejha.org/statements-and-testimony/statement-on-the-federal-dignity-for-incarcerated-women-act> (accessed 10 Sept 2021) (article is undated but references material published in 2017)

Many of the changes proposed in the Act for the federal prison system echo recommendations that JHA and others have long advocated for within Illinois, recognizing the need for greater supports for women, parents, families and children affected by incarceration. As JHA has consistently reported, the vast majority of female inmates come from backgrounds of serious trauma and physical, sexual, and emotional abuse. Incarcerated women are also more likely than men to have mental health and substance use disorder issues. Frequently, the ways in which women enter the justice system are different than men, owing to histories of trauma, abuse, and undiagnosed or treated mental illness. Most are mothers, and many were the sole parental provider for their children prior to incarceration. Child placement away from their mothers during incarceration raises complicated economic and emotional issues, including grief attendant to separation of families.

Dignity Act provides counseling for pregnant women and mothers on how to function after release

Elizabeth Kiefer 2017 (journalist) 12 July 2017 “Senators Cory Booker & Elizabeth Warren Demand "Dignity" For Women Behind Bars” <https://www.refinery29.com/en-us/2017/07/163017/dignity-incarcerated-women-act-prison-reform-bill> (accessed 10 Sept 2021)

The Dignity for Incarcerated Women Act also aims to interrupt cycles of incarceration in part by providing pregnant women and mothers with access to drug counseling programming, parenting education, and assistance with reentry into society. Lest we forget, says human rights attorney and Jessica Jackson, who is also the national director of the bipartisan prison reform organization [#Cut50](https://www.cut50.org/dignity): Most of these women are coming home. "They're going to be back with their family members, and we've got to be teaching them how to interact, how to be a parent, how to function in that environment," she explains.

Punishment of parents is fine, but it shouldn’t extend to punishing their children

Annie E. Casey Foundation, Kids Count Policy Report 2016. (private philanthropy doing research and advocacy on children’s issues) A SHARED SENTENCE the devastating toll of parental incarceration on kids, families and communities https://assets.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf#page=5

Without a doubt, people who break the law should face the consequences. Still, parents who are incarcerated do not live in isolation: They are fathers, mothers, partners, caregivers, breadwinners and community members, and their kids inevitably end up sharing their sentences. Built into the very essence of the American Dream is the belief that children can, and should, have the opportunity to forge their own path, to reach far and stretch wide, regardless of where they grow up or who their parents are. The confinement of a parent should not doom a child to a lifetime of closed doors.

Funding: Increased enforcement of existing tax laws would gain $1 trillion over the next decade

Galen Hendricks & Seth Hanlon 2021 (*Hendricks is a research associate at the Center for American Progress. Hanlon is a senior fellow at the Center* ) 19 Apr 2021 “Better Tax Enforcement Can Advance Fairness and Raise More Than $1 Trillion of Revenue” <https://www.americanprogress.org/issues/economy/reports/2021/04/19/498311/better-tax-enforcement-can-advance-fairness-raise-1-trillion-revenue/> (accessed 17 June 2021)

The good news is that Congress and the Biden administration have an opportunity this year to begin rebuilding the IRS’ enforcement capabilities, direct new resources toward thoroughly auditing high-income taxpayers and corporations, and modernize the agency’s computer systems in a way that will improve both compliance and taxpayer service. By taking these steps, the United States can increase revenues by more than $1 trillion over a decade, according to multiple estimates.  In other words, investments in tax enforcement would pay for themselves and could pay for other critical investments at the same time.