

Civil Gideon

My name is Mary Baker. I live in Stoughton but I lived in Madison for many years and I am a low income disabled person. These are my opinions, thoughts and observations. I would like to give my views and opinions on what happens to people who feel they can't receive justice in court.

I think the consensus is gaining among those who live in poverty and sometimes the middle class, is that street justice is quicker, more reliable, and more fair than the civil justice system.

I feel that when whole classes of people get treated unfairly in the legal system, it causes many of them to lose respect for all legal authority and our laws. I think that for an individual who feels he can't get justice in the civil legal system due to lack of means, respect for the legal system is often abandoned, and it gets easier to step over the line and break any other law that strikes them as unfair. This disrespect for the law, then becomes a lifestyle change that influences the whole family. When breaking the law becomes a generational norm (where children are taught street law and have no knowledge of or respect for real law) you will see a complete break down into a subculture that live in their own parallel world and have their own laws. They will view regular law as just sort of a nuisance, like bad weather. I think that we are in that situation now.

When I lived in my last apartment in Madison, I lived in the same apartment and in the same neighborhood for fifteen years. When the housing bubble burst and overextended landlords could not meet their obligations to the banks or sell their properties, my neighborhood quickly sank into deep poverty. The landlords moved to month to month renting, taking money from anyone who had it. An example of this would be group of related families would pool their money and provide the first months rent and a security deposit for a family member who was a crack addict, who they were tired of taking care of. Landlords took this money, knowing the second months rent would not be forthcoming and knowing they could keep the security deposit because the addict would never show up in small claims court.

As the tenants around me increasingly became the extremely poor, the thing that struck me the most was that there was an entire subculture of poor people who lived outside the rule of law. They had no money, so expected no justice. They had, over several generations, developed their own loose system of street justice. Most of this evolved around fighting, stealing, forgery, drug dealing Etc. Common currencies to survive in this culture

where entrepreneurship (selling and trading in stolen goods, food stamps, or drugs), your place of residence as currency (illegally renting out a room in your apartment), your time as currency (substandard, violent, and abusive daycare), and your body as currency (prostitution). Neighbors were generally willing to assist another neighbor in engaging in this non rule of law society. This 'disregard for the law behavior' was pretty much considered normal and done all day, every day, by everyone. If you find yourself unable to imagine street justice on a daily basis, think of the recent news story of a mother who drove her daughter to a daughter's friends house, who she had a dispute with, so that they could fight it out. How about the swarms of kids at the mall just taking anything they want. Frequently children over the age of eleven, in street terms are considered emancipated. Children growing up in this environment of 'no respect for authority', frequently go to school unteachable. Some of these children can live in a world of double rules but many can't.

The other thing that was remarkable about this situation was that a very small percentage of this criminal behavior came under police scrutiny. One method of thwarting interference by the police if you had done something wrong, was to quickly call the police yourself if you thought someone else was going to call them first. You could then claim that your neighbor, who was calling the police to complain about you, had just done something to you that you claim you had just witnessed (such as scratch your car). Thus the police are faced with two exact complaints by opposing parties, sort of nullifying the real offense by the real offender.

I surmised, after witnessing these scenarios for a number of years, that there is indeed a vast subculture in our country today that has been in this 'no rule of law' situation for generations. Consider a report done by Dane county a few years ago that asked people who moved here from other metropolitan areas what obstacles they had in resettling. The main complaint was that they had moved here to get away from crime only to find that when they got here, they were constantly getting arrested. These were people who lived with very little rule of law.

Lest you think this is just a deep poverty, unemployed, minority problem, the majority of poor are working poor. Think of the person who hands you coffee at the drive thru, or your waitress at your favorite restaurant, or the person who cleans your office at night.

As the gap between the rich and poor grows greater and greater, more and more individuals, who feel they are being treated unfairly in civil court, but who have never before even considered breaking the law, will feel it is more prudent to take matters into their own

hands. I think that there is probably an ever growing portion of the public, poor and middle class, who find themselves in court as a pro se litigant. and losing badly because they can't afford a lawyer. They will probably feel like they are they are faced with a excess of complicated and convoluted legal procedures that they can't understand and where yes means no. In many cases as their desperate and traumatic plight in court continues to deteriorate, they will feel like there was never any hope for justice from the beginning. While still in court they could very well be planning a new strategy to resolve their problem that involves going outside of the law. They will find a great deal of sympathy from a savvy criminal subculture and a ready support system on how to take the law into your own hands and get away with it. The problem is that many times they will fail and consequently clog the court system even more.

Maybe if this proposal is adopted poor and middle class people could begin to have more hope and trust in the legal system.

Thank you for hearing me.

Mary Baker