

How will Trump and Biden address criminal justice reform in the debates?

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September 10, 2020

The United States is gearing up for three presidential debates, with the first one in late September, in anticipation of one of the most heated elections in history. We can expect to see insults hurled during the three debates, yet most of the discussion will surround the parties' policy differences. One of the more pressing disputed issues will be the proper approach to criminal justice reform.

Two significant criminal justice reform issues need to be thoroughly discussed by the dueling parties. The first is how politicians have put both federal and state police in formidable positions with policies that force them to make arrests for relatively minor crimes. The second is how politicians have tossed aside traditionally used evidence of testimony and documents in favor of broad inferences based solely on the over-reliance of generalized datasets to make insufficient diversity a crime. Not only have we substituted evidence for statistical overgeneralization, but we use it as an excuse to enforce the church of diversity and corporate affirmative action.

Over-criminalization and the federal government putting criminal penalties on too many activities are problems that politicians do not like to discuss. The blame always shifts to overzealous police forces and tactics rather than politicians' policies that lead to these confrontations. [Clark Neily](#) of the Cato Institute wrote on June 7, 2020, that the proper role of government is to "employ state-sanctioned violence and punish conduct that threatens the very fabric of civil society — things like murder, violent assault, theft, and fraud." One problem is that the government has exceeded "the scope of what a criminal justice system may legitimately seek to address while routinely using force against peaceful people in morally indefensible ways." Neily cites an ordinance in Louisiana that makes it illegal to wear saggy pants, which interferes with individual liberty.

An issue that will show some stark differences between President Donald J. Trump and Joe Biden is a policy implemented during the Obama-Biden administration in the Department of Labor. The policy tossed aside real evidence to accuse companies of sex-based or racial bias in hiring and promotion in favor of using statistics. [The Wall Street Journal](#) editorial board pointed out, in February of 2019, "Labor's continuing stickup of Oracle over diversity in hiring based on

dubious evidence. Mere days before Barack Obama left office, Labor sued Oracle for discrimination. The lawsuit supposedly stems from a routine audit of Oracle's hiring and pay in 2014." The government accused the company of discrimination "solely on statistical analyses of Oracle's workforce."

The Journal pointed out that the government policy allowed the government to use the statistic that "82% of the employees' Oracle hired for a technical position were Asian compared to 75% of job applicants" as conclusive evidence of discrimination. They never reviewed worker applications or performance reviews to see if pay and hiring discrepancies could be based on merit.

This policy is another example of politicians using the laudable goal of equal opportunity as a pretext to toss aside accepted evidence. It is effortless for the federal government to prove discrimination if it needs only to roll out some statistics without ever providing a smoking-gun email or the applications of people who did not get a job or promotion to reveal the truth.

The election this fall should hinge on who has the best policies. Both parties need to do a better job of putting a good portion of the blame for the unrest on the collective shoulders of state and federal politicians.