

THE LAURA FLANDERS SHOW

D.A. LARRY KRASNER FACING IMPEACHMENT: CRIMINAL JUSTICE REFORM IN THE CROSSHAIRS

LAURA FLANDERS- Catch a campaign ad in just about any place these days, and you'll see Republicans blaming Democrats for increased rates of crime, and nowhere have the attacks been more vicious than in Philadelphia, where DA, district attorney, Larry Krasner, who was elected in 2017 on a reform agenda, has faced a GOP backlash ever since. This October, on the last day of legislative business before the 2022 midterms, Republican State Representative Martina White, from Northeast Philadelphia, filed articles of impeachment, even after a specially convened committee recommended against doing so. If she wins a majority in the GOP dominated State House, Krasner will have to stand trial in the Senate. Today we're gonna talk about what this means for democracy in a predominantly black city where voters heavily supported Krasner. What does it mean to simply overturn his election? And what is true about rising homicide rates, and Krasner's moves to deprioritize prosecuting drug crimes, and prostitution? Is there actually any link? And, finally, if we wanted to stop talking about politics, and to help black and brown people in Philly, the ones most affected by violence and crime, what would we actually do? What works for this important conversation? I am joining as I am once a month. Sara Lomax-Reese of Philly's own WURD Radio. Sara is also co-founder of URL Media, a network of independently owned and operated, black and brown media outlets, and in place of Mitra Kalita this time, Sara is joined by Charles Ellison, host of WURD's show, "Reality Check," and we are all honored to be joined by the D.A. himself, Larry Krasner. Thank you so much, D.A. Krasner, for taking the time to be with us. Let's start with some facts. I mean, homicide rates are higher than in decades in Philadelphia. Do you dispute that, and how do you think about that?

LARRY KRASNER- Well, first of all, thank you for having me. I'm delighted to be here, and I'm also delighted you want to start with facts, because that's not actually what has been going on for quite some time with Republican politics in the United States. So, here are the facts, the, you know, we have achieved, sadly, all time high homicides in Philadelphia. This is something that did not just happen in Philadelphia. It actually happened all over the country. One of the statistical analyses said, that during part of this time period, during the pandemic, when homicides were up all over the country, including in suburban, and rural, and urban areas, that of the 50 largest cities, the average increase over a certain period was 42%, and in Philadelphia, the increase was actually 40%. So, we're kind of, sort of in that terrible middle, and it is terrible. I mean, you know, this is a heartbreaking national tragedy that we have so many people who are being gunned down, and we've had such a level of gun violence. The truth is that terrible things are happening all over. It has been happening all over. The part they really don't want to talk about is this, the red state murder problem, and there is an article of that name. I recommend it to

all of you. Here's the fact, here's the truth. If you look at the whole country during this time period, the murder rate is 40% higher in red states, meaning a state that voted for Donald Trump is a lot more dangerous than a state that voted for Joe Biden. That is not a small sample, that's not this sort of decontextualized, "Let's look at one city, and pretend it's not happening everywhere." That is a study that covers the entire United States, all Americans, and it shows that Republicans are absolutely terrible at crime. They are, and they were, and it makes sense if you think about it. A 40% higher murder rate all over the country on average in the red states, comes from a couple things. Number one, guns everywhere. Absolutely no common sense gun regulation. And number two, a very old school approach to criminal justice, which is 100% about 'hang 'em high', hurrah for the death penalty, take the most incarcerated country in the world, which we are, and make it even more incarcerated. That whole approach has utterly failed. These are the same people who took the funding out of public schools, who took the funding out of economic development, who are opposed to equality at every level.

SARA LOMAX-REESE - So, D.A. Krasner, let's bring it back to Philadelphia, because the reality is that the people who are most impacted by these increased gun crimes, and carjackings, and all of the things that are in fact elevated now in Philadelphia, and in other cities are black people, and so, there are some in the black community, I know we hear them on WURD, who are experiencing this elevated risk of gun violence, and crime, and they are directly impacted. So, what do you say to the black community who are on the receiving end of all of this gun violence, which is very real?

LARRY KRASNER- Philadelphia is the poorest of the 10 largest cities. It is chronically violent. It is a place where there has been a massive disinvestment in the neighborhoods where there is the most bloodshed, and a massive disinvestment in the support that they need at every level, in terms of economic development, education, and everything else. One of the things I say to them is, thank you for your support, because the fact is, that when I ran in 2021, and we won with a massive landslide all over the city, the very highest levels of support, levels of support that were 80%, 82%, 84% were coming from the areas most affected by gun violence. It is exactly the people who are living in the blocks that are the most victimized, the people who have been the most victimized, who are saying, "We need a new approach." We need a reform approach. We need to have investment in these neighborhoods. We need to have robust enforcement that is modern and scientific, and frankly, nobody, no law enforcement official in Philadelphia, or in Pennsylvania has spent more time advocating for improvements in forensic science, and things that will help us to solve these crimes, but we also need a real investment in prevention, which has never happened in Philadelphia or in this country in the way that it should. It is exactly those people who stop me all the time on the street, and I mean all the time, on the street, knowing what we are going through with this impeachment nonsense. They stop me all the time, and say, "You're doing a great job, hang in there, keep going," because they understand that a new approach can be very, very different. Let me also just say this, I don't want to run away here with

the conversation, but, you know, in the United States, it's hard for us even to imagine how good this could be. If you look at a country like modern Germany, for example, they have one-ninth the level of homicide, and they have one-ninth the level of incarceration, a profoundly historically racist, brutal society, and they have one-ninth the incarceration, and one-ninth of homicide. We should think about that.

CHARLES D. ELLISON - There's still, like, this issue here, this perception problem. You know, we've talked about this before. People just want to see, how many people are you convicting? How many of the violent criminals are you successfully prosecuting? That never seems to come through clearly.

LARRY KRASNER- Our conviction rate by the time you get to trial for homicides is about 87%. So, we actually are remarkably good at this. We have an incredibly talented staff. We're doing exactly what we said, which is that we would focus on the most serious crimes, but this is, of course, also a collaboration. We have to have really solid cases coming from the police department, and we work with them all the time to try to improve this, and for us to have solid cases, they need tools. Once again, this is why I've been so loud in advocating for a \$50 million state-of-the-art crime lab that is only now starting to look like it will really happen. It's taken four years of advocating for the police department to get those resources, to get us to this point. So, you know, there's a whole lot of blame game going on. There's nothing new about that in politics, but the fact is, that we work very hard. We do a really good job. We work all the time with the police to try to improve what they do, and what we do. We're close to the U.S. Attorney's Office, which is the federal prosecutor. Very close to the FBI. We work with them all the time. We take this about as seriously as you can take it, and I believe that we are making progress on the enforcement end. The real victory here is not reactive. The real victory here is preventative. It's not to have the killing in the first place.

LAURA FLANDERS- Well, let me pick up on that, because the conversation has gotten very far from your agenda when you got elected, what you've tried to do, and what you, perhaps, have learned from those efforts, and one of the things that you have done is to deprioritize, and let's remember, D.A.'s have some, you know, discretion to deprioritize the prosecution of non-violent drug crimes, and prostitution. Can you tell us your thinking behind that? Like, how does that affect public safety?

LARRY KRASNER- Sure, so let's be specific though. We prosecute all types of drug dealing, and we prosecute all types of drug dealing vigorously. What we have deprioritized is the prosecution and conviction of people who possess drugs, with the exception of marijuana. We prosecute them as well, but we make every effort to get them treatment, to get them counseling, to get them other resources, so they can get out of it, and so they can deal with these issues, because, fundamentally, we view them as victims, and we don't see value in making it harder for

them to become employed, on the basis of convictions for possession of a small amount of drugs. Similarly with prostitution, which is what the word is in Pennsylvania for the offense, it's really sex work. We do not prosecute sex workers. What they need is public health support. In my mind, they are fundamentally victims. These are people who, not in all cases, but in many, many cases are dealing with psychological issues. They're often dealing with trauma. It is sometimes rape trauma. They're dealing with poverty. They're in very difficult situations, and by criminalizing what they are doing, you make them vulnerable victims for stranglers, for serial killers, for serial rapists. This has gone on for decades. We can't have that. We have to be in a situation where, if someone is a sex worker, they're trying to get out of that life, and they go to get a job at a grocery store as a cashier, they ain't going to get it if they're coming in with three prostitution convictions. It just doesn't make sense. We find ourselves, often, in this situation where it's obvious that we need a public health solution for drug use. It's been incredibly successful in Portugal, for example. I'm talking about use, not sales. They vigorously prosecute sales, and so do we, but it's been incredibly successful. A doctor based model that does not put people in handcuffs and jail cells has resulted in an 80% rate of people recovering from opioid use so serious that they're living on the street. That's what we need here.

SARA LOMAX-REESE- Another one of your major platforms was ending cash bail, and I wanted to see if you could speak on how that's impacting public safety. I know there's a recent case where someone who was out on bail committed another crime, and that too is being used to really question the progressive policies that you're advancing.

LARRY KRASNER- Number one, judges set bail. The D.A.'s Office does not set bail. We don't have that power. The only power we have is to ask a judge for a certain kind of bail, and then the defense makes their argument to the judge, and the judge makes that decision. That is true through the entire process. Just as we advocate for the outcome of a case, we advocate for the bail, and then it is up to judges to decide what that bail is. Second, the system we have in Pennsylvania is one where you can get some amount of cash bail for almost every offense. The only exception, really, is first degree murder, where you're held without bail, meaning, no matter how rich you are, you're gonna sit in jail until that case is heard, and until there's a decision in that case, and there is some kind of a sentencing that follows that. So, you can have people in incredibly serious cases, someone who shoots up a recreation center, and hits a child with a bullet, causing severe harm, who have a right to some amount of cash bail. I think that's a lousy system. I don't think money should have anything to do with it, because what we find when money has something to do with it is, is we find poor people, homeless people, broke people who can't pay a tiny amount of bail on a non-serious offense, so they sit in jail, basically, because they're poor, and at the other end, and you have some very dangerous people who have access to resources. They're big time drug dealers, or they're just, you know, a Weinstein, they're just a rich person. I see no reason why how affluent you are should have anything to do with whether you can get out of custody or not. The District of Columbia, for over 30 years, has had exactly the

kind of system we need in Pennsylvania, and that system is one where you're either held or you're not. If you present a severe danger to society, you're held, and it doesn't matter how rich you are, you're gonna stay there until your case is tried. That happens to about 12% of people who are arrested in the District of Columbia. The rest of those people do not present that kind of a danger, and they should not be held just because they're poor. So, those are people who get out of custody without having to pay bail. They may have to do some other things. They may, for example, have to report once a week to an office that provides homeless services, or that provides drug counseling, or that provides psychiatric services, or that works on anger management in a domestic situation, something like that. But this is the kind of system we need, one that divorces money from the process of whether you're held or not, and it holds you if you're a real danger, and it releases you if you're not. Unfortunately, we have the worst of both worlds. We have a system where cash bail is available in some amount for almost everybody, and it has bad consequences for poor people who are doing nonviolent stuff, but it also has some really bad consequences for people who present a serious danger, and yet they're able to pay their way out.

CHARLES D. ELLISON- D.A. Krasner, go into the root causes of these increases in gun violence in Philly, and then, also, how do you see a place like Philadelphia reducing violence and crime, especially, when we're looking at it from the prism of, you know what? There's a lot of structural collapse that's happening around us.

LARRY KRASNER- So, you know, one of the ironies of this whole process of this impeachment effort upstate is, if we just look at the jurisdictions of the sponsors of this bill, you know, these red flag waving Republicans who are, all of a sudden, worried about Philadelphians, even though they've done nothing to allow us to make ourselves safer with reasonable gun regulation. They've done nothing to fund our public schools. They view us as a source of taxes, yet they want to erase our votes. What those people are up to has nothing to do with stopping crime in Philadelphia. They don't care about stopping crime in Philadelphia, or they would've said, "Well, let's examine our own counties. Let's look at what's going on here. Let's make our own constituents safe." They said the exact opposite. They said that all they wanted to do was study one county, one city, the one that has the most Democrats, the one that turns out the biggest vote, and the one that is the most diverse. That is what they have said. So, I think it's very important to frame it. In terms of the larger picture, there's no question nationally that the pandemic itself closely correlates with enormous spikes in gun violence all over the country, all over the country, and that it has affected us here. You know, I've had a community activist say something that was chilling to me, which is that he coached football for many years at a particular area in Philadelphia which is a high crime area, and that he is seeing the same kids he coached in football, once football shut down, are not only shooting at each other, but they're keeping score on how many people they shoot, and how many people they kill on the other team, meaning the other group, or the other gang that they're up against. The manifestations of

this kind of shutdown, in education shut down, and sort of constructive public prevention type activity are extremely severe, and the lesson that comes out of it is a very positive lesson about how we should have always been investing more heavily in that prevention, but there were other factors as well, and one of those factors was, A, one of the highest gun buys in the history of the United States, something like 10 million or 11 million guns all of a sudden being bought around the unrest surrounding the killing of George Floyd, but also around the pandemic, you know, and sort of generic fear of what would happen during a pandemic. That has certainly played a major factor. The path forward, I think, here is pretty clear. That path forward is, updated, and modern, and scientific enforcement, but the path forward is also a very deep reconsideration of how valuable our limited prevention efforts were, and a commitment that we're not gonna just have organized sports again. We're gonna invest more heavily in it. We're not just going to have public education. We're gonna put the kind of money into it, so that a Philadelphia student isn't funded 50% of what a student is in a suburb right across the county line. We need to have a national reconsideration of why we have unequal funding of public schools, period. You know, we have to get at the heart of this, which is that when young people see no future, and it is young people killing young people, when they don't see a future, when they don't see a role model, we're going to fail. They need to have hope, and if they are to have hope, then that means that they need to be involved in constructive activity. They need to see possibilities.

SARA LOMAX-REESE- All eyes are on Pennsylvania. We're in a very contentious and very competitive midterm election here, and this impeachment effort is very much politicized, and I want you to talk a little bit about what you think your personal experience with this impeachment process means for democracy, and for other progressive D.A.'s around the country when, you know, a Republican led and controlled legislature like Pennsylvania's is stepping into Philadelphia to say, "We want to overturn the people's choice."

LAURA FLANDERS- And just to underscore, Sara, what you've often said on this program, for people that aren't so familiar with Philadelphia and Pennsylvania, the difference between the two.

SARA LOMAX-REESE- Yes, yes. I mean, Philly is a predominantly black city, almost 43% African American, and you know, Harrisburg is dealing with a very red and white controlled majority.

LARRY KRASNER- They have tried to find every way, and this is an old pattern, to prevent voting by the people they don't want voting. They have tried to find ways to cancel the votes by canceling electors. They have threatened the people who work at the polls many different ways, and in Philly we're very familiar with this, because we have people coming up with an AR-15 from Virginia who just got convicted in a criminal prosecution by my office for things that they were doing right outside the place where votes were being counted after election day in the

Biden-Trump election, and what they have found is that their tactic now is not even so much to win elections, because they're not winning elections, their tactic is to undo those elections, or to do things in between election cycles. So, in their playbook, and this is a national playbook, what they're doing in Philly with the district attorney's office is something they're also doing around the country is, they can't beat George Gascon when he runs for D.A. in Los Angeles, because the people want him, and they want his policies. So, what do they do? They try to recall. They take whatever tools there are in that state. A recall election is very good for rich people who can get a few signatures, so they can get another election in the middle of somebody's term, and they can do it when there's a very low turnout, and then maybe they can get away with putting that person outside of office, but they're using other tactics in other places. Bogus investigations like the one that they're doing here in Philadelphia. Knowing that I have done nothing that is an impeachable offense, nothing criminal, nothing corrupt. So, bogus investigations. If you look to Arlington, Virginia, Fairfax County, Virginia, you'll see very similar tactics with reform prosecutors who are down there. They can't beat them in elections, so, what do they do? They try to come up with impeachment, things of that sort. They're trying to do this to Kim Foxx, who is a very well known, and very capable, reform prosecutor in Chicago, Illinois. She went up for a re-election two years ago against the son of a billionaire who spent five times as much money as her. She won by 20%, and what do we do next? We start talking about impeachment, because, obviously, "We can't beat Kim in an election, can we?" You know, the truth is, when you go from having 10% of the U.S. population, 35 million people saying, "Yes, we want this reform to having 70%, 75% of the U.S. population saying, 'Yes, yes, yes, we want this reform, we want to elect it, we want to re-elect it.'" When you go to that, and what you see is that this particular issue ignites reluctant voters. It brings out reluctant voters in a way other issues don't, because it gives people who don't really trust politics for good reason, don't really trust government for good reason, a reason to come out. When you see that, you start to understand what a profound threat reform in criminal justice is to Republicans. Simply put, in Philly, this is a direct effort to erase the votes of hundreds of thousands of people, most of them black, and brown, and young, and broke people. This is a very direct effort by Republicans in the rest of the state to erase the vote of Philadelphians, and if they get away with it with the district attorney, then that means they can erase the votes for mayor, and they can erase the votes for president of city council, or for any other elected official. Why can't they just say, "Well, if you're from Philly, and you're an elected official, you can't vote on public education?" And the answer is, they can. If Republicans get away with this here, the erasure of the votes of hundreds of thousands of Philadelphians by a few legislators who don't live here, who aren't allowed to vote here, then we are really getting to a bad place, and frankly, it's even worse now. A guy from New Jersey whose name is Mehmet Oz, and is running for Senate, has been advising that he's all about this impeachment. This man doesn't even live in the state, and he's about the impeachment. What we need to look out for here is that when the party that cannot win in a particular place is finding ways to erase its votes, this is the end of democracy. This is a gut punch at democracy, and it's incredibly dangerous.

LAURA FLANDERS- One of the things I enjoyed about this conversation with Larry Krasner is that we got to hear as much about what the D.A. is for, as we did about what he's up against, and that's been rare in the commercial coverage of the Republican moves against him. Was Larry Krasner simply born a reform prosecutor? No, his agenda when he ran for office in 2017 was informed by 30 years experience in the Public Defender's Office. It was also informed by a movement, a grassroots upsurge that he says is the civil rights movement of this moment. You can find out more about what the D.A. has invested in, and what he's calling for more attention to in his book, or in our extended conversation where Charles Ellison asks him if there are things he would do differently today, knowing now what he does. You can get the full, unedited version of our conversation through a subscription to our podcast, and all the information about that, and D.A. Krasner's book is at our website. Thanks for joining us. 'Til the next time, stay kind, stay curious. I'm Laura.

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