Criminalizing the victim

New York City: Children die in house fire, mother charged for being at work

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A Brooklyn woman, Kim Brathwaite, returned home at 4:00 a.m. Sunday morning, October 12, from a 12-hour shift at McDonald's to learn that her two children, 9-year-old Justina and 19-month-old Justin, had perished a few hours earlier when someone set fire to their basement apartment. Compounding Brathwaite's tragedy, authorities have charged her with "reckless endangerment" and "child endangerment" for having left her children alone to go to work when their babysitter failed to show up.

Brathwaite learned at 10:00 p.m. that the children were still unattended when Justina called her at work and told her that the babysitter never arrived. She repeatedly phoned their upstairs neighbor to ask her to look in on the children, but got no answer. Brathwaite, who had recently been promoted to assistant manager, felt that she would jeopardize her job by leaving early. Among other things, she was now responsible for securing the cash when her shift ended at 3:00 a.m.

When she left for work that afternoon, Brathwaite faced an impossible choice confronted by many working class parents every day: either leave her children to fend for themselves for a few hours, or risk losing the job she depends upon to support those children. She chose to protect her job, no doubt seeing it as the only thing keeping her family from hunger and homelessness.

There is no assurance that if she had stayed home, she would have been able to save her children. An arsonist apparently entered the "illegal" one-bedroom apartment in the basement of a subdivided house and poured gasoline on the living room carpet and on the door to the bedroom. The fire that erupted blocked the only exit from the bedroom. Firefighters who responded to a neighbor's call found the children lying unconscious next to each other suffering burns and severe smoke inhalation. Attempts to revive them at the scene failed, and they were pronounced dead at a nearby hospital.

Under these circumstances, the attempt to criminalize Brathwaite is a crime in itself. If convicted, she faces up to 16 years in prison. The judge set bail at $35,000, far beyond her means, and left in doubt whether friends and family could raise it in time for her to attend her children's funeral. She buried them on October 21.

Brathwaite's indictment is a classic case of blaming the victim, serving to divert attention from the role of government policies and the capitalist system itself in forcing so many workers into the kind of cruel choices Brathwaite had to face.

This single mother, who turned 35 on the very day she lost her children, was known in her neighborhood as a caring mother. Neighbors reported always seeing her with her two children, as if they were physically attached. She regularly walked Justina to school in the morning. The Administration for Children's Services, responsible for cases of child neglect and abuse, had no reports on her. But the rotating mix of morning, mid-day and night shifts that she worked made it impossible for her to find steady babysitting.

As next-door neighbor Marie Romain explained to reporters, "She was always with her children. It's hard when a single mother has two or three kids and has to work a lot. But I never hear her kids crying, never see her yelling at them. She is a good mom."

Brathwaite had lived in the same apartment for four years, and her landlord's fiancé reported she was an ideal tenant who paid the rent on time. The vast majority of one- and two-family houses in the working class neighborhood where she lives are subdivided into "illegal" apartments without the multiple exits required by fire codes.

In only a few days' time, Brathwaite was set to move into a private house owned by a relative. She had packed most everything into boxes already, except the many photos of her children, which were still hanging on the bedroom wall.

According to Cynthia Rennix, a worker at the neighborhood Dane and Tots Daycare where Brathwaite took her kids when she could, Justina and Justin were always

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well kept and full of energy. Justina was particularly excited about getting her own room in their soon-to-be new home.

The decision to criminally charge Brathwaite is consistent with today's semi-official ideology of "individual responsibility." The role of society in having any collective responsibility for the well-being of its members is minimized; each person must "take charge" of his or her life. Whatever the obstacles—largely created for workers by the system that exploits them—any failure to overcome them is attributed to moral weakness.

This right-wing outlook justifies every cutback of social services for the poor, such as the welfare-to-work "reform" instituted in 1996 by the Clinton administration, under which millions of people living in poverty have been kicked off of public assistance. The lucky ones have landed dead-end, low-wage jobs of the type that Brathwaite felt fortunate to get.

When, in a certain number of cases, the conditions under which workers are forced to live result in tragedy, there is a rush to judge the victim for failing to live up to his or her responsibility. As a spokesperson for the Brooklyn district attorney's office told the press in justifying the charges against Brathwaite, "[O]ur position is we had to charge—two babies are dead."

The victimization of the grief-stricken Brathwaite echoes another tragedy that took place 10 years ago in Detroit, Mich. In February 1993, Leroy Lyons and Shereese Williams returned to their 130-year-old wood frame house to find it in flames. All seven of their children died. The parents were arrested for leaving their children unattended and were subjected to a campaign of vilification by prosecutors, politicians and the local media.

A Committee for a Citizens' Inquiry was formed by the Workers League (predecessor to the Socialist Equality Party). It established that the parents had left the house to search abandoned factories for scrap metal that they could sell. Lyons, a heating and cooling technician, had been unemployed for two years and Williams was on welfare.

The Citizens' Inquiry also discovered that the local utility had cut off the water to the house without notification, due to overdue bills. Not knowing that the water had been cut off, Lyons thought the pipes had frozen. He tried to thaw them by going under the house and holding up lit newspapers as a heat source. Having no success, he left, returning shortly thereafter to discover that smoldering embers from the newspapers had set the house ablaze.

The parents were eventually acquitted of all charges. No charges of negligence, however, were ever brought against the water company, whose action of cutting off the water in mid-winter without notification precipitated the chain of events that ended in tragedy.

Today, Brathwaite, an immigrant from Trinidad with few relatives in New York, is hardly the only parent forced to leave her children alone. A recent study released by Child Trends reports that in 1999, more than 3.3 million or 15 percent of American children aged 6 to 12 were regularly left unsupervised or in the care of a preteen sibling. Of this total, 866,000 were aged 6 to 9. (Notably, a smaller percentage of poor children were left in "self-care" than their better-off counterparts.)

Key reasons were parental work schedules, particularly with two parents working full time or with a single parent working full time; limited after-school programs; for low-income parents, inability to afford outside child care; for those working unconventional hours and for those living in high crime neighborhoods, unavailability of child care services; and parents having mental health problems.

Another recent study of low-income households with small children showed an average of 19 percent of their income was spent on child care. In its October 20 piece "The Childcare Money Gap," CBSNews.com cites advocacy groups' estimates that only one in seven families eligible under federal rules to receive child care assistance actually receives it. States have long waiting lists for subsidized care, but funds are being cut to balance budgets.

In Brathwaite's case, the babysitter who failed to show up was a 39-year-old co-worker living in a homeless shelter, who apparently forgot her babysitting responsibilities when she was out hunting for an apartment.

Recent press reports have touted how much more the government is spending on child care in order to keep people off of welfare, as if the 1996 "reform" has been a huge success. The reality is quite different. It may be true that the number receiving child care subsidies has doubled from 1 million in 1996, but the 1 million increase is a drop in the bucket compared to the growing need for child care, not only for the millions thrown off of welfare programs, but also for the millions more who have lost decent-paying jobs only to find themselves on the low-wage treadmill.

A government genuinely concerned about preventing future tragedies such as Brathwaite's would launch an immediate overhaul of the child care system, greatly expanding subsidies for the working poor and establishing publicly run, quality child care centers in working class neighborhoods open around the clock for night and weekend workers.

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