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Editors' Foreword

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Editors' Foreword

We first wish to thank all members of *Hastings Journal of Crime and Punishment* for their perseverance and dedication to the journal during the Covid-19 crisis.

This issue of *Hastings Journal of Crime and Punishment* has been a challenge to produce, due to the statewide shelter-in-place order, and the shift to remote learning. We are extremely proud, however, of our achievements during this inaugural year. This past February, we hosted the “Progressive Prosecution and the Carceral State” symposium in coordination with *Hastings Race & Poverty Law Journal*. Our journal’s inaugural symposium brought together scholars, activists and prosecutors to discuss the successes, and limits, of the so-called “progressive prosecution” movement. The panel discussions—and audience participation—that occurred were exceptionally stimulating and robust. We are excited to publish two articles in this issue that directly emerged out of remarks given at that event. Professor Kay Levine’s “Progressive Prosecutor’s Playbook” explores the extent to which reformist district attorneys should be guided by consistent practices in order to accomplish their goals and measure benchmarks. Professor Levine proposes that establishing an office-wide “consistency of process” will help progressive prosecutors to ground their reforms in procedural justice. In “Regressive Prosecutors: Law and Order Politics and Practices in Trump’s DOJ,” Professor Mona Lynch describes how President Donald Trump’s Department of Justice has aggressively intervened to quash “progressive” criminal reform by state and local actors. From immigration to “street crime” prosecution, Professor Lynch brings to light the administration’s politicization of its federal criminal power to reestablish a reign of law and order politics. We expect to publish a future issue containing even more articles inspired by the discussions that took place during our symposium.

We are also excited to publish a Note by recent Hastings alumni Dale Radford entitled “*United States v. Stevens* at 10: Adding a “Prurient Intent” Element to Resolve Constitutional Overbreadth in the Federal Anti-Animal Cruelty Statute.” Radford’s Note examines the case law regarding the Federal anti-animal Cruelty Act and proposes adding a prurient intent element in order to constitutionalize that statute and protect it from charges of overbreadth. The subtext of this Note also challenges us to think about

the ability of the law to protect nonhuman life, as well as the substantive challenges to doing so.

We must however admit that we have faltered in one notable aspect. From the beginning of this journal we have sought to publish the writings and perspectives of those who are currently or formerly incarcerated. We value these voices as being of the utmost importance, especially when it comes to issues regarding the criminal legal system and American punishment. Unfortunately, our first two issues have not contained such voices. We are confident that future editors will have greater success.

Finally, we would like once again to thank all of those who have made the first volume of HJCP possible, including our academic advisors, and our comrades at HRPLJ. We are honored to have been provided the opportunity to produce this project, and we hope that we have established an institution at UC Hastings that can continue to produce lively scholarship regarding punishment, the criminal legal system, and challenge the boundaries that separate us from one another. As we prepare to publish this issue, the Covid-19 pandemic continues to wreak its destructive path. At least seven of the top ten outbreaks of the virus have erupted in prisons and jails.¹ This crisis illuminates the reality that the health and safety of those behind bars is not at all separated from those of us who are “free.” Indeed, our lives are inextricably interwoven. Given that the health of *all* members of society may hang in the balance, we hope that this crisis will propel a reevaluation of our extraordinarily punitive legal system.

In Solidarity,
Tatiana Herschlikowicz
Christopher Johnson
Editors in Chief

Hastings Journal of Crime and Punishment

¹ Anagha Srikanth, *Jail and Prisons Are Some of the Biggest Coronavirus Hotspots in the Country*, THE HILL (Apr. 28, 2020), <https://thehill.com/changing-america/respect/equality/495039-jails-and-prisons-are-some-of-the-biggest-coronavirus>.