

Legal Justice or “Just Us?”

By Norm R. Allen Jr.

Richard Pryor used to joke about the fact that Blacks were disproportionately represented in the U.S. criminal justice system. He once remarked, “You talk about goin’ down there lookin’ for justice, that’s just what you find, *just us*.”

Sadly, not much has changed since Pryor expressed such sentiments in the 1970s. Indeed, the October 9, 2013 issue of the African American weekly newspaper, *The Challenger*, of Buffalo, carried a story with the headline, “1 in 3 Black Males Will Go To Prison in Their Lifetime, Report Warns.”

The Washington, D.C.-based Sentencing Project issued the report. The group pushes for prison reform, which is not the same as prison abolitionism, a radical idea advocated by such individuals as Angela Davis. The report demonstrated that business continues as usual in the U.S. Blacks and Latinos are more likely than Whites to be arrested, and more likely to be convicted and receive lengthier sentences than their White counterparts.

Blacks are especially targeted by the cops. Yet, according to *The Challenger*, “...a 2012 study from the National Institute on Drug Abuse found that White high-school students were slightly more likely to have abused illegal drugs within the past month than Black students of the same age.” (p. 4.) In past years, the Sentencing Project and other groups have also pointed out that illegal drug users are most likely to purchase drugs from members of their own racial groups. However, African American drug users and dealers are those that get the bulk of police attention.

In the same issue of *The Challenger* appeared a story about a new book on Philadelphia Eagles quarterback Michael Vick. *From Vick-tim to Vick-tory: The Fall and Rise of Michael Vick*, by Kenneth N. Robinson of Buffalo, deals with Vick’s dog fighting conviction, imprisonment, and his astonishing comeback to the NFL.

What was most disturbing about Vick’s comeback after having paid his debt to society was that so many people wanted to continue punishing him. Indeed, some people believe he should be punished for the rest of his life. Sadly, to paraphrase one writer, the idea of paying one’s debt to society seems to be a quaint notion, “like the legal equivalent of a potbellied stove.” (As if this is not bad enough, many hard core religionists even pray that ex-cons will suffer eternal torment in Hell – infinite punishment for finite crimes.)

Part of this life-long punishment of ex-cons includes a denial of voting rights. This problem plays out differently in various states. In at least four states – Arizona, Washington, Tennessee and Mississippi – ex-cons do not have the right to vote after they have served their time.

However, unless one has been convicted of voter fraud or a similar offense, there is no reason he or she should not have the legal right to vote. In Maine and Vermont all prisoners have the right to vote, and in nations such as Kenya and Peru, prisoners have the right to vote. What better way to re-integrate prisoners into society than to have them involved in the political process?

The prison-industrial complex makes sending people to jail very profitable for many. Perhaps the most disturbing instance of the problem was revealed in Pennsylvania in early 2009. Judges Mark Ciavarella and Michael Conahan of Luzerne County copped guilty pleas to giving sentences to thousands of children for \$2.6 million in kickbacks over a seven-year period. As long as there is a profit motive driving the criminal justice system, such abuses will take place.

All of this raises the question as to why so few people are interested in alternatives to incarceration. After all, there are many. For example, there is a program in New York in which mothers who are felons are permitted to live with their children rather than go to prison.

According to an article in *The Buffalo News*:

“A study completed by Columbia University in 2011 after a year of observation found residents were thriving. All but one of the seven initial residents completed court mandates, have not been rearrested and found stable homes. Their children remained in school.

“In contrast, women who are incarcerated are more often homeless and have higher rates of mental illness and substance abuse than women who get alternative punishment outside prison, according to the study. Their children are more likely to fail academically, suffer mental health problems and wind up in the criminal justice system themselves.” (“Program lets moms who are felons live with kids instead of prison,” by Colleen Long, Associated Press, p. A9, October 8, 2012.)

There are many other alternatives to incarceration that work, such as shock camps, youth courts, the aid of ex-cons in steering youths away from crime, “focused deterrence” programs that work with communities and social services, alcohol and drug rehabilitation programs, etc. However, if the powers that be continue to lack imagination and/or are heavily invested in maintaining the status quo, legal justice will continue to mean just us.