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Today

GARY W. LLOYD, Editor

© White Man, love, just as Christ has loved you!

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Assembly Line for Black Teenage Boys

Part One:"

I testify as an eye-witness: "I saw PERSONAL RESPONSIBILITY."

I am 52 years old and last week was the first time I have ever been in a courtroom with a hearing in session. I've been called to jury duty numerous times—including once when a judge denied my travel plans and made me fill out a 25-page questionnaire in preparation for a murder trial—but in all cases, I was notified ahead of time that my service would not be needed. Last week however I was in court, not once, but twice. Each hearing, on two separate days, involved the fates of two black male teenagers from our local high school. Neither hearing resulted in jail time; indeed, only one hearing involved juvenile offender charges.

This world opened up to me as a result of my new appointment as a CASA, a Court Appointed Special Advocate. This fall I underwent the six weeks of training that certified me as a paraclete to come alongside a child who, because of some sort of neglect or abuse, is designated by the court as a "Child in Need of Care" (or CINC). I applied as a CASA volunteer in the same year that my father died and my mother came to live with us. Suddenly I found myself engaging that verse in James: "Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress and to keep oneself from being polluted by the world" (1:27). My mom was certifiably a widow but I once asked the question of my CASA trainer: "Do we ever work with CINCs who are truly orphans, meaning no father or mother alive?" Almost never. It made me think about the modern spiritual dynamics behind such verses as James 1:27. Are there "widows" in this world whose husbands are still alive? Might you still be an "orphan" if you have only a mom in the house? The courtroom meanwhile is not a place

for nuance. Are there kids who commit crimes who aren't guilty? Are there officers of the court who are somehow themselves on trial? We roll our eyes at such questions because we presume that our justice system is more cut and dry than that.

A court hearing, we are told, is based on the adversarial system, and I did meet five separate attorneys: for the State, for the County, for my CASA child (called a *Guardian ad Litem*), for the defense, and for the mother. But the two adversaries that grabbed my attention are the two that we see facing off against each other time and again in the national debate on crime and justice: Personal Responsibility at one table, Just (or Unjust) Systems at the other. A child is in the dock; who is responsible for his crimes? He alone is! No, we together are! I saw them both. Here, in two parts spread between two editions of *The Liberator Today*, is my eye witness account.

I saw Personal Responsibility. On Tuesday, the case I myself was involved in was granted a continuance but I decided to hang around in open hearing and familiarize myself with the scene. (After all, I was scheduled to be back tomorrow.) The defendant, in a plea agreement, pleaded "No Contest" on two counts of felony theft in order that two other charges might be dropped. The prosecutor nonetheless had to satisfy the judge with the factual basis of the case, and as he read off how the State would have argued the case, well, "no contest" sounded like a sports metaphor—the kid would have been left scoreless. So he was personally responsible for these crimes.

The child on trial had a unique first name, and suddenly I thought, "Hey, I know this kid." And then I recognized his mother sitting on the bench beside me. Six years ago or so, I was riding my bike on my way to my office when I spotted two kids playing behind a fence in the trailer park. Just an hour earlier I had put my own kids on a bus to Bluemont Elementary School.

These kids should have been on that same bus. They were skipping school. I rode over and after listening to a handful of excuses, I said, “Let me give Mrs. Stitt [the principal] a call and take you back to your mom,” at least to the one of the two single moms who wasn’t working that day. When the mom opened the door she shot me one desperate glance that seemed to plead, “tell me that parenting is hard for other parents too.” What she said to her son was, “I was frantic. The school called and said you weren’t there.” Now, six years later, her look of haggard shame seemed more indelible. You send your child out to the bus stop, or out into a world where expensive laptops entice from the seats of unlocked cars, and yes—as a parent you are not responsible for your children’s crimes. The court had enough sense to seat her behind the visitor’s rail, but a judge is not a mother. A grieving mother, I suspect, asks all the “what if” questions: about having taken up with the boy’s father 15 years ago, about “shoulda been stricter,” about finding a job with no evening hours. She herself feels guilty.

And then there’s the matter of friends. Two boys played hooky that day. The one whom I would later see in court was, according to Mrs. Stitt, “the younger one, the impressionable one, the follower.” Even today, when the State attorney read the facts of his case aloud, there was an accomplice mentioned. Yes, followers who are followers by nature are nonetheless personally responsible for who they choose to follow. No contest. Yet, my point has to do with Personal Responsibility and its expansive powers. If you go into a courtroom, or into a political debate about crime and justice, looking solely for Personal Responsibility, you will surely find it. It is so obvious as to make considerations of systemic injustice seem obscured. But if you go beyond merely spotting Personality Responsibility to studiously examining it, you begin to see that it is not a line that a guilty defendant crosses, but rather the perimeter of a circle that expands to include others beyond the person. In the second hearing, it expanded so far as to implicate me as well.

The second hearing, the one involving my CASA child, had similar appearances by Personal Responsibility. The judge lectured my kid about his inarguable misdeeds. The mother was even more implicated than in the first hearing. She sat at her own table, with her own appointed attorney, on the opposite side of the room from her son. After all, it’s her “neglect” which was being blamed for some of my kid’s misbehavior. The judge asked the Guardian ad Litem how she wished to proceed on this Child-in-Need-of-Care hearing and she said, “Based on the CASA report, we recommend . . . XYZ.” The County Attorney and the mother’s attorney said the same thing, until finally I heard the judge say it, “Okay, based on the CASA report, I hereby rule. . . XYZ.” The CASA report in question is the one that I myself had written, the one my supervisor had accepted without revision. Everything that was decided during that hearing was based on my words! There had been no other pre-hearing investigations or

conferences. Admittedly, though I can’t go into detail for the sake of confidentiality, my CASA case is not a desperate one. CASA cases can often involve social workers, educational specialists, doctors, the police, drug abuse programs, foster parents, etc.—but not mine. So my report was sufficient for that day’s task, and yet, the personal responsibility left me reeling: should I have written *this* instead of *that*? should I have better clarified *this* point or *that* one? I’m a writer. I am accountable for tone and connotation and allusion. It was then I realized that all the actors in the courtroom, not just the defendant, exemplified some degree of Personal Responsibility in the case, and that each of our Personal Responsibility is on its own (human) spectrum of guilt and innocence. Will the underpaid public defender nonetheless work hard enough on behalf of her client? Will the judge interpret accurately and rule harshly or mercifully? Will the legislator behind the mandatory sentencing guidelines vote wisely and with a clear conscience? Michelle Alexander wrote her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* before Ferguson prosecutor Robert McCulloch brought Michael Brown’s shooting to a grand jury, but her chapter on the latitude that our legal system gives to prosecutors will convince you that prosecutors are almost 100 percent Personal Responsibility, as free an agent as the defendant. A crime isn’t a crime until a criminal commits it, but equally true: a crime isn’t a crime until the prosecutor says it is.

White conservatives need not fear that a consideration of a broken judicial system—as we’ll take up in the next issue of *The Liberator Today*—suddenly absolves all personal responsibility, but if you insist on being tunnel-visioned about Personal Responsibility, as if peering through a tube into a courtroom, make sure to bring a wide angle lens and a mirror as well. If you put them all together—tube, lens, mirror—you’ll actually end up with a kaleidoscope and an understanding that, when it comes to crime and justice, it’s not all black and white.

-A.O.B.

In the next issue of *The Liberator Today*”

Part Two: I testify as an eye-witness: “I saw A BROKEN SYSTEM”

Publishing Notices:”

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