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Today

GARY W. LLOYD, Editor

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

L.D. BLISS, Printer

Assembly Line for Black Teenage Boys

Part Two:"

I testify as an eye-witness: "I saw" A POWERLESS SYSTEM."

In Part One, I described my first experience of a courtroom in session: two separate hearings in one week, involving two different black teenage boys, one in a criminal hearing and the other in a court supervision hearing whereby the kid is declared to be a CINC (a child-in-need-of-care) and I am appointed as his CASA (court appointed special advocate.) I spoke as an eyewitness, having spotted Personal Responsibility. Both kids were personally guilty of their crimes and misbehaviors, but I also saw enough to argue that when it comes to the outcome of any particular hearing, we should not ignore the personal responsibility of—i.e. the significant individual latitude exercised by—a judge, a public defender, a prosecutor, a jury member, a voting lawmaker, even a writer of CASA reports like myself. In this edition of *The Liberator Today* we consider the responsibility of the criminal and judicial system. Sociologists and civil rights activists in many urban centers have identified a system—however informal or unintentional—which they have begun to call “the school to prison pipeline” for black teenage boys. Did I catch a rudimentary glimpse of that pipeline in my small community’s own high school and courthouse?

Part two of an eye witness report"

America has five percent of the world’s population, but 25 percent of the world’s prisoners. When I graduated from high school in 1980, there were approximately 500,000 people in U.S. prisons; today there are roughly 2.3 million. Of that number, one million are black. “One in six black men had been

incarcerated as of 2001. If current trends continue, one in three black males born today can expect to spend time in prison during his lifetime.” When it comes to kids: “Nationwide, African-Americans represent 26% of juvenile arrests, 44% of youth who are detained, 46% of the youth who are judicially waived to criminal court, and 58% of the youth admitted to state prisons. (Fact sheets and infographics are available at Center on Juvenile and Criminal Justice, [Criminal Justice Degree Hub](#), [NAACP](#)). In terms of aggregate numbers, “More black men are behind bars or under the watch of the criminal justice system than there were enslaved in 1850.”

To read through such statistics gives one the unsettled feeling that “something is wrong here.” Yet, it’s hard not to gravitate to an interpretation based on Personal Responsibility run amok. Even if we refuse to generalize a criminalized class (i.e. “all black males have something wrong with them”), something was legally determined to be wrong with those 846,000 specific black males who are incarcerated (2008 data.) Yes, we might allow for some innocent prisoners who were falsely convicted among those 846,000, and we might allow that some of those false convictions were because of racial prejudice, but how large could that percentage be, really? If in the courtroom of national debate about judicial reform, Personal Responsibility goes up against Systemic Injustice—i.e. who is guilty for the incarceration boom of black males?—Personal Responsibility will win almost every time. “If you do the crime, you pay the time.” Who is going to argue against that? And certainly, in the case of my two court hearings, now two weeks old, the two black teenage boys “did the crime.” You can’t blame *that* on the system.

As an eyewitness to Personal Responsibility, I could offer up hard facts. I saw and could identify Personal Responsibility in a line-up. Now I also believe that I saw System Failure, less an injustice as I encountered it

on those days, more of a powerlessness. “I swear your honor: I saw the System powerless to avert the eventual incarceration of those two young black males.” However, my testimony could never hold up under cross examination. “Really, Mr. Editor?! Are you claiming to see the future of those two boys? You talk about ‘sense,’ ‘feeling,’ and ‘impression,’ but where’s your evidence? I’m not interested in what you ‘caught a whiff of;’ what did you see?” Maybe the cross-examiner would raise the objection that I had been *led* as a witness, that is *primed* to see System-as-Culprit by my recent reading and reflections.

Here’s my eye witness testimony:

Verifiable Fact: In each hearing, there were nine individuals present in the courtroom: youth, judge, mother, and various combinations of lawyers and attendant social workers. Of those nine people in each case, only one was black: the child. (Even the mothers were white.)

Impression: It felt strange. In each case, it felt like we were eight white people “acting upon” or processing one lone black child. Just that week, I read in the newspaper of one of the two judges participating in a community forum wherein she pointed out the lack of minority representation in our courtrooms. There are no non-white lawyers practicing in our county.

Verifiable Fact: This was juvenile court, not adult. The second hearing wasn’t even a juvenile offender hearing. Most CINC cases are for the purpose of the child—even errant ones—to be protected from the abuse and neglect of others. So arguably, these cases are for the sake of intervention, to put the child on a better path.

Impression: In each case, the eight white people in the courtroom were among the most well-meaning people you would find in the community. Everyone—I mean everyone, including the judges and the opposing attorneys—were rooting for these kids. To tell you the truth, the hearings felt like an exhibition game before the regular basketball season begins. I perceived the judge as that one member in every community who always volunteers as a referee for games. His feet may be on the court, and the whistle is in his mouth, but his heart is up in the bleachers with the rest of the Booster Club. The “opposing coach” (i.e. State attorney, County attorney) engages the competitive mandate to win, but knows that the heart of any Youth Sports program is the health, safety, and personal growth of our kids and theirs.

Verifiable Fact: When the CINC hearing concluded, the child and his mother were asked by his lawyer to wait for her out in the hallway. Then all the lawyers and social workers stayed and—how to describe it?—they

“chatted.” Even the judge returned from his chambers, robes removed, and made one comment, as if to “join the group.” Most of the comments can be summarized as “Well, I hope the kid makes it.”

Impression: The first game of the season was over and the Booster Club had reconvened at the local cafe to commiserate. No one was saying it, but “it looks like we’re in for another losing season.” During my CASA training, we heard from various attorneys and case workers as guest speakers (including two were later present in these hearings.) I always tried to ask them the same question: “How do you prevent burn-out?” On a few occasions, just my question alone brought tears to their eyes.

Verifiable Fact: For a plea bargain to be validated by the judge as his or her ruling, a very proscribed procedure must be followed. A list of questions must be asked of all parties, and sometimes the answers must be word-perfect. In the juvenile offender hearing, the judge then referred to a “matrix” for sentencing. It was apparently a chart that—“yes, your honor”—the defense attorney had dutifully explained to her client. By pleading “no contest” to two felonies, the matrix indicates that even one future misdemeanor (e.g. petty theft, simple assault, possession of marijuana, disorderly conduct) would likely result in incarceration.

Impression: My metaphor changed from sports to that of the headline on page one: I felt like I, as well as the judges, the lawyers, and the social workers, were assembly line workers powerless to stop the product from moving one step closer to whatever lies at the end of the conveyor belt, which in this case is the likelihood of eventual incarceration as a convicted felon. Something inexorable had been set in motion for these kids, and there was nothing Personal about it.

As more and more sociologists study the phenomenon which now has acquired the label “Mass Incarceration of Black Males,” we’ll begin to see more “hard evidence” that stacks up as proof of injustice. For example, there are studies which control for variables (same crime, same number of grams of drugs, same prior history, etc.) and conclude, as one did: “Black youth with no prior admissions were six times more likely to be incarcerated in a juvenile facility than a White youth with a similar history.” (Another fact sheet: *Defending Justice*). In the weeks ahead, we’ll review the book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, by Michelle Alexander. And we’ll also try to employ what *The Liberator Today* has sworn its allegiance to: Hope, a hope that, in the words of theologian Walter Brueggemann, God is a “real character and an effective agent” in the affairs of sitting justices, standing defendants, and beat-walking cops

-A.O.B.