

Let Us Not Lose Focus on the Justice Issues That Still Loom

Written by Dr. Elsie L. Scott
Friday, 22 February 2013 10:59 -



This year, we are celebrating the 150th Anniversary of the Emancipation Proclamation and the 50th Anniversary of the March on Washington. As African-Americans, we are pleased that this country has progressed from the forced enslavement of our race to the removal of the Jim Crow laws and practices.

We are also celebrating the reelection of a man of African descent to a second term as President of the United States. There is a lot to celebrate in 2013, but there is still much work ahead.

One area that is seriously flawed and that requires the attention of more than the progressive movement is the "justice system". It is commonly known that the U.S. incarcerates more of its citizens than any other industrialized country. The fact that a disproportionate number of the persons arrested, convicted and imprisoned are African-Americans is troubling.

According to the Bureau of Justice Statistics (BJS), in 2010, 4,347 out of every 100,000 Black males were incarcerated in a state, federal or local facility. This number is seven times higher than the number of White males incarcerated.

In 2010, African-Americans, at 13.1 percent of the U. S. population, made up 38 percent of the total state prison population. Hispanic-Americans, at 16.7 percent of the U. S. population, made up 21 percent of the state prison population. Compare those statistics to White Americans, at 78.1 percent of the U. S. population, made up only 34 percent of the total state prison population.

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When arrest data are compared to prison data, the percentage of Blacks in the total arrest numbers (27.8 percent) is found to be 10 percent lower than the percentage incarcerated. This seems to indicate that Blacks are more likely to be convicted and sentenced to time in prison than Whites. Similarly, an examination of felony conviction data shows that Black felony convictions are more likely to result in incarceration than White felony convictions. According to BJS data for 2006, 39 percent of persons convicted on felonies were Black and 60 percent were White.

Conviction data show that Whites who are convicted are less likely to be incarcerated (66 percent to 72 percent Blacks). For drug offenses, 72 percent of Blacks convicted were incarcerated in 2006 compared to 61 percent of whites. Only 59 percent of Whites convicted of drug trafficking were incarcerated compared to 70 percent of Blacks. The mean maximum sentence imposed by state courts on White felons was 37 months compared to 42 months for Black felons. If violent offenses are isolated, the statistics show that the mean maximum prison sentence given to whites was 99 months, but the mean for Blacks was 108 months.

Why are such large numbers of Blacks in prison? To answer that question one needs to drill down into the issue of race, arrests and convictions. Almost any Black man can tell a story of being stopped by the police under questionable circumstances. Regarding convictions, look at the fact that DNA testing has exonerated over 300 persons and 70 percent of the exonerations have been people of color.

As long as many see the image of crime as a Black man, this country will struggle with addressing race in the criminal justice system. Young Black boys will continue to be placed in the prison pipeline, beginning with childish pranks until society returns school discipline to the school system. Prisons will continue to be full of Black men until investments are made in removing the barriers that are contributing to school dropouts because two-thirds of school dropouts end up in the criminal justice system.

In recent years, there has been a reduction in the number of persons incarcerated. Now, action must be taken to address the problems faced by persons released from prison. Laws and ordinances that prevent ex-inmates from securing housing and employment are impediments to them becoming productive citizens. Their paths to restoration must begin with reinstating their civil rights, especially their right to vote.

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So as we celebrate the freedom and equality anniversaries, let us not lose focus on the justice issues that still loom before us.

Dr. Elsie L. Scott, founding director of the Ronald W. Walters Center at Howard University, is immediate past president/CEO of the Congressional Black Caucus Foundation. This article - the sixth of a 20-part series - is written in commemoration of the 50th Anniversary of the Lawyers' Committee for Civil Rights Under Law. The Lawyers' Committee is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and the resulting inequality of opportunity - work that continues to be vital today. For more information, please visit www.lawyerscommittee.org.