



Secours, M. (2004). Minority and Disenfranchised Youth in Juvenile Justice: A Dominant Majority Problem—Reframing and Renaming the Issues. *Workplace*, 11, 38-50.

MOLLY SECOURS

**MINORITY AND DISENFRANCHISED YOUTH IN JUVENILE JUSTICE:
*A DOMINANT MAJORITY PROBLEM—
REFRAMING AND RENAMING THE ISSUES***

While walking the halls in juvenile prison each week, there is an eerie sensation of bearing witness to childhoods set up in flames. Peering deeply into the ashen masks worn by these young offenders, I look for vital signs indicating it isn't too late for an infusion of hope.

1.2 Faith seems to be a foreign concept as many of these young people have already learned the risks of optimism. For Terrance, too much damage has already been done to imagine anything different. Others like Michael were abused and neglected by parents, guardians, or society in general and recount unthinkable tales of violation in the flat cadence of someone reciting a phone book. Tabitha, like Alicia and Jamar, just couldn't seem to get enough solid ground under their feet to avoid running headlong into selling drugs or stealing.

1.3 In many cases these young people seem to be the wrong race, in the wrong place at the wrong time and, without proper legal counsel and support, end up spending their young lives imprisoned.

1.4 For many of the dead-eyed children in prison, innocence has been burned out of them. The one day a week I am there, my mission is to apply a soothing balm of encouragement to their wounds in hopes they will envision another self, another life—as someone worthy of respect. Often I leave feeling a failure and swear not to return. But I do anyway.

1.5 It is easy for me. I am not in law enforcement and I do not work day in and day out in the juvenile justice system. As a writer/filmmaker/activist all I have to offer them is an hour of reprieve where they learn the basics of screenwriting and video and where I get to see all of their potential brilliance and beauty.

1.6 Most of the youth I encounter in the juvenile justice world are poor Blacks or Latinos hailing from neighborhoods that most folks I know have never even driven through—and wouldn't even consider it.

1.7 While negotiating the security check points in juvenile detention, I swim through the sea of black and brown faces. I am unsurprised by the latest numbers confirming that while Blacks and Latinos only comprise 25 percent of the nation's population, they actually constitute 63 percent of the prison population

(Schlosser, 1998). We've all heard the statistics in one form or another and perhaps even yawned at the latest figures being cited on the evening news.

1.8 In several years, I don't recall ever having met a young inmate from a part of town in which wealthy middle-class folks reside. And therein lay a significant clue to this injustice. Even more disturbing is that these statistics seem commonplace to many—a matter of fact reality to be endured rather than a symptom of a great social ill requiring deep national reflection—if not a national visit to the psychologist's office.

Straight Line to Adult Prison

2.1 After spending a few hours in juvenile prison I am reminded of a classic example of juvenile injustice: Abu-Ali Abdur'Rahman, (formerly known as James Jones) a 52-year- old death row inmate at Riverbend Prison in Nashville, Tennessee. Abu-Ali was born to a black father and full-blooded Cherokee mother and like many of the young offenders I meet, Abu-Ali's childhood was snuffed out an early age. In addition to various physical and sexual tortures, Abu-Ali's parents used his person as an ashtray (literally) extinguishing cigarettes on his 4-year-old body and beating him until he ceased to scream. His father enacted sexual tortures upon him by tethering wet leather strips to his private parts and attaching them to a hook in the closet and keeping him locked in as the leather dried and shrunk. The abuses were countless and hideous and like many of the incarcerated youth I encounter, his pleas to for help were ignored.

2.2 Although Abu-Ali's abuses were well documented from an early age, there were few interventions and virtually no safety net to catch him before his downward spiral. As a result, Abu-Ali developed severe emotional and psychological disorders that were never treated over the years and he began running away at age eight.

2.3 By the time he was a teenager, Abu-Ali lived in a juvenile corrections institute where he was subjected to repeated sexual abuse—adding to his mental instability. Again he received no help from authorities and no treatment for the mounting mental anguish he experienced inside the corrections system.

2.4 Fast forward to 1986; Abu-Ali is involved in and held solely responsible for a murder in which his mental illness played a major role. A plan was contrived to steal from the drug dealers and run them out of business and out of the community. Abu-Ali's mental illness made him a logical participant in this well-intentioned but rather half-baked plan and during the robbery gone awry, the intended victim—a man selling drugs in the community—was stabbed to death.

2.5 Abu-Ali was one of three persons involved in the robbery/murder and the only one to receive a first-degree murder charge and ultimately a death sentence. During the trial, Abu-Ali was subjected to a revolving door of court appointed attorneys—two of whom later admitted that in the year they had to prepare for his case, they hadn't started working on it until five days before trial. Seeing him as a throw-away defendant, Abu-Ali's lawyers called no witnesses and conducted no investigation. The jury never heard about his lengthy history of mental illness or the documented abuses he suffered in juvenile facilities throughout his teen years. There was no social history conducted or mitigating evidence presented nor did the jury learn that the blood evidence presented by the prosecution was misleading. Forensics evidence proved there was no matching blood linking Abu-Ali directly to the murder victim, but this critical piece of information was kept from the jury.

2.6 Because Abu-Ali's counsel did no investigation, the jury only saw a man who was for the most part unlikable and who for the dearth of mitigating evidence presented, appeared to be guilty. For this, Abu-Ali received a death sentence and although he has once escaped death-watch he is currently awaiting to hear the results of his latest appeal.

2.7 Abu-Ali's profile fits in with all the studies and statistics. There is little doubt that being poor, Black and Cherokee and born to parents who both suffered from mental illnesses themselves—affected Abu-Ali's chances of living a productive and meaningful life outside the criminal justice system. There can be little argument that if Abu-Ali were White and middle-class that his experiences in the juvenile justice system would have been different. That Abu-Ali received substandard legal assistance resulting in a first-degree murder charge and ultimately a death sentence is not surprising.

2.8 In no way is the suggestion being put forth that Abu-Ali is not somehow responsible for his involvement in the murder. The situation is used to illustrate that the path leading from Abu-Ali's early involvement with the juvenile justice system was a straight line to death row.

Reframing the Issue

3.1 It seems as a nation we are reflecting on the wrong questions, and often times the way much of the research is conducted and reported intimates that minority youth are the problem instead of the recipients of unfair treatment. It is unfortunate that the numbers reflected in studies encourage us to focus further on "them" as the problem rather than factors responsible for disproportionate numbers of youth filling our jails and prisons.

3.2 The disproportionate number of minority youth involved in juvenile justice is a symptom of larger and more disquieting issues. Rather than turning inward to face the difficult inquiries, we place minorities under a microscope to examine why "they" commit more crimes, why "they" can't seem to overcome poverty, why "they" are arrested more for drugs, theft and violent crimes.

3.3 And it is the framing of the questions that points a finger outward rather than reflecting internally, collectively, and locally to determine how the system fails minority and disenfranchised youth and how we individually and collectively contribute to that failure.

3.4 If we continue to focus solely on the victims of inequity in juvenile justice, we will never address the causes. And whether we are comfortable admitting it or not, it is preferential treatment for Whites that lies squarely in the center of the disproportionate minority epidemic.

3.5 After reviewing study after study comparing incarceration rates, sentencing, and public perception, we can draw one of two conclusions: 1) minority youth are simply more criminal or, 2) that a premium is placed on youth who are classified as White hence they (Whites) are suspected, arrested, sentenced, and incarcerated at significantly lower rates than minority youth.

3.6 It is an indisputable fact that minority youth are arrested in far greater numbers than youth classified as White. One recent study in Maryland revealed that 75 percent of drivers who exceed the speed limit are White, and 18 percent are Black, and yet 70 percent of the drivers who are pulled over and searched are African American (Schlosser, 1998).

3.7 These figures make it difficult to argue the value of reframing the discussion. For instance, instead of questioning why minority youth commit more crimes and are arrested more frequently, we could explore why law enforcement agencies consistently target minorities and often perceive them as more dangerous than Whites. The emphasis is then shifted away from people of color—the victims—and placed on those individuals carrying out law enforcement policies.

3.8 Part of the solution to disproportionate numbers of minorities arrested, charged and convicted can be addressed by changing the consciousness and behaviors of law enforcement. But is important to note, the behaviors and attitudes of law enforcement are informed by society in general. In other words it is not an

isolated indictment on the criminal justice system. The "system" is all of us. It is an extension of practices and policies in all facets of life. And it is important to not only acknowledge that there are disparities, but accept responsibility for those disparities by taking appropriate steps to reverse and resolve the wrong—even when the implications are disquieting and uncomfortable.

Fixing What Is Broken

4.1 In February 2001, the Youth Law Center in South Dakota filed a suit with the state after an investigation revealed that in addition to being over-represented in the facility (Native youth account for 10 percent of the adolescent population in South Dakota but are 40-45 percent of the incarcerated youth population), Native youth were treated more harshly than White youth.

4.2 In addition to being the victims of excessive and abusive force, staff was recorded on video tape forcing youth into metal handcuff restraints and overwhelming them with cell entry teams dressed in riot gear. The youth were also assaulted with pepper spray for minor infractions—one of which included punishment for anyone caught speaking in Lakota, their native tongue. Because the staff could not speak Lakota, this was considered a violation of facility rules.

4.3 One cannot help consider the frightening similarities between the corrections staff's behaviors and the restrictions often employed by slave-masters to control enslaved Africans on the plantation where, among other things, they were often brutally punished for speaking their native languages.

4.4 In December 2000, The Youth Law Center reached a settlement with the State of South Dakota to end the abusive practices and provide adequate mental health and educational services including proper training for the staff.

4.5 During 2001, enormous changes were made and instead of continuing to point an accusing finger at the minority youth as the source of the problem, the facility was forced to look within itself. The policy prohibiting youth from speaking Lakota was changed and the staff was given cultural diversity training and Native-American professionals were brought in to provide more culturally appropriate activities for the youth. The population of the facility—which had been over 120 when the law suit began—shrank to 51 in approximately a year's time.

Renaming the Problem

5.1 It seems we have not traveled so far from what has historically been referred to as "the negro problem." The implication being that if the people who are victims of an injustice behave differently or somehow change, i.e., "lift themselves up by their bootstraps," the problem would cease to exist.

5.2 Along with reframing the issues, we might raise the level of discussion by renaming the problem. What if we were to view the disproportionate confinement of minority youth as a "dominant majority problem?" If we acknowledge that minority youth are disproportionately charged and convicted for more crimes—and numerous studies confirm this—then shouldn't we assume that White youth must be disproportionately not charged?

5.3 Because in the United States we tend to view most social and political issues through a dominant majority lens, perhaps this shifting emphasis to the dominant majority offers new and more truthful insight as to why privatized prisons are one of the fastest growing industries in the country (Bates, 1998; Schiraldi & Ziedenberg, 2001). In whose best interest are for-profit prisons and who is benefiting most? Corporations that are driven to make profits, require products. For a corporation in the prison business, prisoners are their chief producers of revenue and empty beds mean poor profits.

5.4 Corrections Corporation American is one of the top performers on the stock market in recent years and boasts of extremely high return rates. Private for-profit prisons currently operate secure juvenile facilities in 23 states and the District of Columbia (Bates, 1998; Shichor, 1995).

5.5 Since for-profit companies emphasize the bottom line, what incentive is there to develop innovative programs that encourage rehabilitation? When the bottom line is at stake, cost savings are king and programs such as mental health treatment, arts, and education are inhibitors to greater profits. Facilities concerned about profit hire fewer people and less qualified staff—often resulting in deteriorating conditions which result in violent incidents and injuries. The emphasis is on tighter security measures rather than rehabilitation.

5.6 Perhaps through the dominant majority problem lens, we might gain insight as to why state after state continues to allocate dollars at accelerated rates to build more juvenile jails rather than spending dollars on crime prevention. And most importantly, we might better understand why non-white minority youth are so undervalued in our culture as to be over represented in prisons and jails.

5.7 By questioning the issue from a dominant majority problem perspective we reverse the emphasis from the victims to the perpetrators. As uncomfortable as it is to grapple with, when we recognize that minority youth are unfairly over-represented, we must address the reality that youth classified as White are indeed the beneficiaries of privilege which cause them to be under-represented in comparison. It is from this place that we step closer to a more fair and just system.

The Faces of Juvenile Court

6.1 This past year I made a film with a group of juvenile court youth on probation who were assigned to work with me and the Oasis Center in Nashville for 12 weeks to make a video. During the program the youth were encouraged to create a piece about something important to them and that others would learn from watching. The youth decided to make a documentary about their neighborhoods so that those in juvenile court (the youth) would see who they were outside of the offense they had committed.

6.2 During the 30 minute documentary, the youth reveal many things about themselves and it is clear that the issues brought forth in the film have raised questions and eyebrows for most anyone who watches. The post-viewing discussions are revealing and powerful and as the Tennessee Commission on Children & Youth determined in its 2003 report, the video highlights all of the high risk factors of youth disproportionately inhabiting juvenile prisons. These factors are poverty, race, class and the negative influences that often plague those living in urban public housing communities where drugs and crime flourish.

6.3 In their documentary, "Welcome to My Hood," all four of the young people featured in the video are African American and live in what are referred to as projects or public housing in notoriously high crime areas. Very often after viewing the film, someone will inevitably challenge me about the racial make-up of the video and ask me why there are no White youth or say that it seems slanted and unfair that there are only black and brown faces. Of course I agree but I am always pleased when this question is asked because it underlines a key issue. In the last three videos produced with court-ordered youth, all of the youth are either African American or Latino. They are not selected by me as a filmmaker; they are the young people who are in the juvenile justice system. Very seldom have I walked into a room and seen more than one face that mirrors my own complexion.

6.4 In the film, the youth are questioned about violence in their neighborhoods and how they are affected by it. Seventeen-year-old Keisha—who was arrested for shop lifting—matter of factly states:

There isn't too much violence up here. Well somebody got shot the other day and somebody got killed over there but other than that there ain't too much violence over here.

When the interviewer delves further and asks Keisha if she is scared living in close proximity to a shooting, she simply shakes her head no and says, "Not really, cause I'm used to it."

6.5 Lamont, a 15-year-old male, is asked in the film what scares him. Without hesitation and almost before the interviewer can finish the question, he responds, "Getting locked up, going to the penitentiary." For this young man, jail is a very real possibility if not probability. His brother is in jail and throughout the film it becomes clear that his brother's incarceration has had a deep impact on his life and shaped how he views his future. When asked if "hanging out with the wrong folks scares him," Lamont clearly and articulately paints a verbal scenario, "If I am in a car with some friends who have drugs, I'm going to jail regardless of whether I knew about the drugs or if I graduated from Harvard." As a young African American, Lamont has learned well that he is not judged solely on the content of his character or by his actions alone.

6.6 For the hundredth time, minority youth are charged, arrested and convicted at much higher rates than those classified as White. I learned this my first day conducting a life-skills group in a juvenile facility several years ago. While conducting an exercise intended to help the participants retrace their path to prison, the discussion turned to sentencing and a comparison game developed. The game that I have now witnessed more times than I care to count was "who got how much time for what crime." Out of the twelve young men in the group, only three were classified as White—a fairly accurate representation of the prison population. As youth compared crimes, arrests, and sentences the room inevitably divided along racial lines. Very often one of the youth classified as White would point out the obvious: that they had received different treatment during an arrest and/or a lighter sentence for the same offense as the guy they were sitting next to who was of a darker hue.

6.7 It is always disturbing when faced with facts that reflect the inequities of the criminal justice system that point to institutional racism and prejudice. It is quite another thing to witness a conversation among youth who are incarcerated wherein one admits to the preferential treatment he or she has received because of his or her race. The silver lining during those experiences—although it is little comfort for those who feel unjustly incarcerated—is that sometimes a trust is built because one human validates another's experience.

Why the Face of Juvenile Court Matters

7.1 A recent study in Tennessee revealed that in seven counties—including Davidson, where Nashville is located—100 percent of the primary juvenile judges are Caucasian, despite significant minority populations in some of these counties (Tennessee Commission on Children & Youth, 2000). Since these are elected positions, voters can significantly alter the racial balance and it is essential that the judicial system and the public recognize the inequities and the need for change. When the person standing before you is someone you recognize and perhaps even empathize with, you are more likely to more accurately interpret their behavior and history which naturally affects their sentencing.

7.2 Last year, Sasha, one of the 17-year-old African-American women participating in one of the video classes violated her probation and was caught selling marijuana to the vice squad several months after the completion of the project. She had never sold drugs before but an opportunity arose to make some money, and since she had been experiencing difficulty getting a job because she had no transportation, she made a terrible decision. The news was devastating to her grandmother and her mother who works very long hours—second shift mostly—to support the family.

7.3 Like most American teenagers, Sasha has a laundry list of what she considers to be needs that her mother can't afford—shoes, clothes, and getting her hair styled. For many African-American woman (young and old), hair is often a subject of conversation and a source of great stress. The dominant culture sets the standards of beauty in a way that leaves many women of color in a constant struggle to live up to an ideal.

7.4 Imagine any young woman who is concerned about her appearance—and show me one that isn't—who doesn't have enough resources to dress and groom herself to her peers' approval, who doesn't fit in, has little self confidence, and who is the source of ridicule in her school because of her attire. In a weak moment, operating outside the law becomes an option.

7.5 For young middle-class teenagers, this is often a non-issue. Necessities don't weigh on them (and clothes and grooming are indeed necessities for teenagers) because their family has the resources to provide for them. It doesn't mean that middle-class teenagers don't suffer the slings and arrows of misfortune in high school, but they are not the ones filling the cells in juvenile detention. And when white, middle-class teenagers find themselves in court, they are faced with someone who most often looks like them and perhaps identifies and empathizes with them.

7.6 Unfortunately Sasha decided to take the fast money and we both knew that violating her probation put her at risk for lengthy incarceration. While I was visiting her in lock up, Sasha told me how lucky she had been. The fact that I received a phone call informing me of her arrest (someone recognized her from the video) let me know Sasha was right.

7.7 Most of the probation officers, judges, and referees had viewed the video Sasha had made with other juvenile court youth just a few months previous to her arrest. In the video, Sasha expresses her views about "white people" and states clearly why she generally doesn't trust them—"the white people downtown that is." When she appeared before the juvenile court referee, two people in the room recognized her from the film—and lucky for Sasha, one of them was the referee who also has a great reputation for fairness and compassion. Instead of being locked up and forced to drop out of school, Sasha was sentenced to weekend jail time and community service. For that, she felt extremely grateful.

7.8 Although there is no way to know for sure, Sasha believes that being recognized by the referee and the bailiff are probably what saved her from being locked up. Perhaps by seeing her in the video, they felt they knew her, understood her more. Or perhaps because of what she said, they wanted her to have an opportunity to experience those "white people downtown" differently. There is no question that humans tend to extend empathy and compassion to those with whom they have an affiliation. Perhaps Sasha's story illustrates this.

Identification and Sentencing

8.1 A recent study in Tennessee revealed that juvenile court judges weigh a number of factors when deciding whether or not to adjudicate a child as delinquent. Among the social and criminal history and the evidence of guilt of the juvenile, the judge considers family attitude, parental involvement, along with school behavior and performance, and whether the juvenile is repentant. For several reasons these factors tend to work against minority youth. Very often in marginalized and disenfranchised families, parents find the judicial process intimidating and sometimes attitudes which are motivated by fear and intimidation are interpreted as being uncooperative.

8.2 Last year I worked with Lavonne, a 15-year-old African-American male whom I had been warned by the probation officer lived with a single mom who was obstinate and difficult to deal with. She missed the

first appointment we set for an interview and before I ever met her, I concluded she was her child's greatest deficit.

8.3 When she finally made the meeting, she seemed distant and a little impatient, if not short-tempered. Instead of immediately discussing the issues that brought her to juvenile court, I decided to spend some time asking about her day. What I learned was that in order to make our appointment she had to leave her second job one half hour early and take two buses across town. She missed one of them and, because of an inadequate public transportation system, had to wait nearly 30 minutes for another bus. In less than 10 minutes, Lavonne's mom began to soften and smile and I realized I had been wrong. It wasn't as I had assumed. She wasn't uncooperative, she was exhausted. We discussed the difficulty of relying on public transportation and she revealed that her dream was to buy a used car so that she wouldn't have to take the bus to do the grocery shopping. That's why she was working the second job and often unavailable for meetings.

8.4 What is sometimes interpreted as being obstinate or uncooperative behavior is often a symptom of stress, fear, or plain fatigue. For a low-income minority family relying on public transportation in a city with a poor transit system, adhering to a schedule requires a herculean effort. And like anyone, many people are too proud or ashamed to admit hardships and often camouflage their circumstances in order to preserve their dignity. Often what lies beneath bravado is insecurity and fear and very often this is where misunderstandings and faulty interpretations are bred.

8.5 A significant factor used by judges to determine adjudication is whether or not the juvenile is repentant. For many poor and disenfranchised youth, bravado is a form of survival—especially for young men. A common mantra heard among many juvenile court youth is "show no fear."

8.6 Jessica, a 17-year-old African American who participated in the documentary video "Welcome to My Hood," was asked about her neighborhood and what scared her. Jessica replied "Walkin to the store...You could be walkin to the store and you never know what might happen...but you can't act scared. You just got to face the 'real' even though you really are scared...but you still got to face the 'real.'" For Jessica the "real" is the reality of the threat that surrounds her. She has learned well to "show no fear" in order to survive the neighborhood. Unfortunately for young people like Jessica, her bravado might be interpreted as arrogance or lack of contrition and precisely what lands her in jail or compounds her sentence.

Juveniles and the Death Penalty

9.1 In the United States a person must be 18 years of age to vote or to sit on a jury. In most states children under the age of 18 (in many it's 21) cannot even legally purchase alcohol, gamble, get married without their parents' consent, or join the military unless they have been emancipated by the state. Although these civil laws exist because juveniles need special protection and treatment under the law, we are still not dissuaded from executing them.

9.2 The United Nations Convention (Article 37[a]) provides that "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age." Contrary to the self-image boasted by many Americans regarding human rights practices, the death penalty for juvenile offenders has become a uniquely American practice. In over seventy countries that employ the death penalty by law, juvenile offenders under eighteen years of age are exempt. The United States is the only country in the world that has not yet ratified this international agreement, in large part because of our desire to remain free to retain the death penalty for juvenile offenders (Human Rights Watch, 1995).

9.3 When you consider the disproportionate number of minorities in juvenile detention, how many on death row suffer from inadequate judicial proceedings, and that their age was never presented as a mitigating factor, the execution of juveniles is exponentially unjust.

9.4 There are currently 28 inmates convicted as juveniles awaiting execution in the state of Texas. Of the 28 inmates, 21 are Black or Latino. Of the seven convicted juveniles on Louisiana's death row roster, six are African-American males.

9.5 Many juveniles incarcerated for serious crimes are themselves victims of extreme physical and/or sexual abuse, drug addictions, and mental illness. As juveniles they are deemed less capable of controlling their emotions, or using maturity to aid them in responsible decision making. This represents a grave injustice in that any young person considered too immature to vote or to drink alcohol can be held to adult standards when it comes to criminal (capital) punishment.

Crime, Punishment and Restorative Justice

10.1 While visiting Italy this past year, I interviewed Dr. Franco Casciano, the director of prisons in Tuscany and former director of juvenile prisons for nearly 20 years in that region. Dr. Franco expressed great concern about restorative justice policies in the United States.

10.2 Having been born in the first state in the world to outlaw the death penalty over 100 years ago, Dr. Franco grew up believing all human life is valuable and views every person as worthy of rehabilitation.

10.3 In the Italian prisons of Tuscany, rehabilitation is not only a goal but an expectation. Guards are not considered dead-end, minimum-wage gatekeepers but an integral part of the rehabilitation process and are put through extensive training. Prison employees and guards are taught not just how to restrain prisoners but how to instill self-esteem and encourage productivity among the youth. And because prisons are not profit-making business ventures in Tuscany, the goal and incentives of those operating the prisons are not compromised when it comes to rehabilitation.

10.4 A firm believer in spiritual restoration through art, Dr. Franco started a program whereby juvenile offenders engaged in a multitude of artistic disciplines to recoup their humanity and to understand the journey that led them to prison in the first place. Dr. Franco believes that when a young person has landed in prison—regardless of the reason—a part of his/her spirit has been damaged and requires reconstruction. He emphasizes the importance of helping them recapture a part of themselves so that they are not destined to a life of imprisonment.

10.5 Through collaboration with various artists throughout Tuscany, the juveniles study sculpting, painting, writing, bicycle making and various other disciplines that help to engage their minds and spirits.

10.6 I interviewed several inmates who were released nearly 10 years early because of a local gallery owner. The gallery owner committed to house and support the inmates for a two-year period by paying their rent, providing studio space, and showing their work in his gallery. During that time the young men were on probation, the gallery agreed to be accountable for the ex-offenders and cooperated with probation officers who conducted periodic checks on the former inmates' progress.

10.7 One of the former inmates, Russiello, told me—through an interpreter—how fortunate he was to have met the gallery owner and Dr. Franco and how much better his life is now than he had ever expected. Going to prison was one of the worst and best experiences of his life. In prison he discovered the person he was meant to be.

10.8 Like many of the juvenile offenders I meet, Russiello was born into a desolately poor family—one of twelve children—and began selling drugs to help support his family. He served two years of a 15-year sentence and has been out for nearly 10 years and is now a successful contemporary artist whose work is being shown in one of the oldest contemporary art galleries in Tuscany.

10.9 The above story for many Americans probably sounds fanciful at best and ludicrous at worst. Why wouldn't it? After all, isn't the idea to punish criminals, not adorn them with privileges?

10.10 Sadly enough, our attitudes towards those filling our juvenile jails are often shaped by the media, politics and fearful leaders who want to gain the confidence of voters. Even among some faith communities there is a reluctance to address the inequities of the criminal justice system. It is difficult to admit that it is primarily the poor and mentally ill who are relegated to death row or a life of imprisonment and that the road map is laid out for them as juveniles.

Zero Tolerance Policies

11.1 In the last decade, Americans have become numbed to the frightening increase of rigid security measures—which disproportionately affect people of color and especially those who are immigrants.

11.2 Spoon-feeding fear into the hearts and homes of many Americans, the current administration has succeeded in making Homeland Security a household phrase. One of the residual affects is the increase of zero tolerance in American schools.

11.3 With the increase of violence, availability of guns, and weapons being carried by young people, schools have justifiably become more concerned about safety issues. The result is school suspensions and expulsions have reached epidemic proportions.

11.4 Children of color are subjected to far more suspensions and expulsions than those classified as White—especially immigrant youth. Although African-American youth were only 17 percent of national public enrollment from 1998-1999, they received 32 percent of suspensions (Schiraldi & Ziedenberg, 2001). In Tennessee, White students were suspended and expelled only half as much as Blacks and Latino/as (Tennessee Commission on Children & Youth, 2003).

11.5 The practice begins early in minority youth's educational experiences. In Connecticut—which during the 1999-2000 school year nearly 52 percent of the suspension of kindergartners were African American, 35.2 percent Latino/a, and only 12.1 percent were White (Schiraldi & Ziedenberg, 2001).

11.6 Unfortunately no-tolerance is confused with prevention or eradication. Zero tolerance is clearly not a solution and has in fact created another layer of more complicated and dire problems (Building Blocks for Youth, 2003). When students are expelled and suspended, they end up in the streets, are far more likely to engage in delinquent behavior, and naturally find themselves in the juvenile justice system.

11.7 Once again, the numbers reflect that the finger is aimed at minority youth and thus Blacks and Latino/as are caught in the cross-fire.

11.8 Thankfully there are alternative programs to zero tolerance being developed around the country. The National Crime Prevention Council is currently supporting a pilot project focused on dropouts in Woodford County, Kentucky that relies on "soft" services that emphasize fostering positive student/teacher relationships as well as more tangible preventive measures which involve purchasing security equipment. In addition to prevention, alternative education models are being developed like detention programs known as SMART which are being implemented in Chicago and Philadelphia schools

(Building Blocks for Youth, 2003). The more young people are banned from education and relegated to the streets where criminal activity is virtually inevitable, the more jail constructions can be justified. Perhaps there should be a zero tolerance policy for legislators and politicians proposing more juvenile facilities.

Immigrant Youth Transference to Adult Courts

12.1 Immigrant youth—especially Latino/as—tend to suffer doubly harsh treatment in juvenile justice. In Los Angeles, a 1996-98 study revealed that Latino/a youth are arrested 2-3 times as often as Whites, prosecuted as adults 2.4 times as often and imprisoned 7.3 times as often as Whites (Schlosser, 1998). Latino/a youth are also transferred from juvenile court to adult criminal court at much greater rates than White youth and they suffer additional consequences if they come to the attention of Immigration and Naturalization Services (Building Blocks for Youth, 2001).

12.2 Numerous cases have been reported whereby Latino/a youth are assigned counsel who does not speak their language and no interpreter is provided. Often when a Latino/a youth is taken into custody, his/her parents are too intimidated to contact the authorities—fearing deportation. As a consequence, many youth are traumatized by long periods of incarceration with no family communication (Building Blocks for Youth, 2001).

12.3 Last year I was contacted anonymously by a woman in Nashville who worked in juvenile justice and was mortified by the treatment that four young Latinos received who were being tried for drug possession. Although there were nine youth arrested for possession of marijuana, only four of them were prosecuted. None of the White youth were charged.

12.4 Two of the young men were barely 20 years old, first time offenders, who spoke no English, and had no previous interaction with the criminal justice system. Because both of them were economically deprived, they were represented by court appointed attorneys who didn't speak Spanish and were not able to communicate with their families in Mexico.

12.5 The more I questioned the woman, the more incredible the story became. Although the total amount of marijuana was significantly less, the State's Attorney—a prosecutor known for histrionics in the courtroom and who has been disciplined by the Bar more than once for unethical behavior—was allowed to wheel over 500 pounds of marijuana into the courtroom to dramatize his point—that these four young men (two first-time offenders) were a dangerous threat to the community.

12.6 Because of the language barrier, the defendants' attorneys knew little about them and barely presented a defense. In the end, the prosecutor convinced the court. The jury, also affected by his performance, sentenced all four young men to life in prison without possibility of parole.

12.7 What does it say about how we view youth—although the two younger defendants were technically adults—that we throw away the key for first time offenders who have no ability to communicate or to offer a proper defense for themselves?

12.8 Cultural competency in juvenile justice is severely lacking in most states. Criminal courts don't generally provide competent personnel and services including translation of documents and forms into the defendant's native language, recruiting bilingual staff, and providing services that are culturally appropriate.

12.9 I recently overheard a conversation between two juvenile court attorneys who were discussing a diversity training program they had attended. They commented on how "touchy" people have become

about being referred to as either "Latino" or "Hispanic." Both seemed to think there was no difference and felt satisfied that the term "Hispanic" identified anyone who spoke Spanish. One of the attorneys expressed little patience for needing to be "politically correct."

12.10 I offered that there were rich cultural differences between people from Puerto Rico, Guatemala, Peru, Mexico, and other Latin American countries and suggested that perhaps people feel overlooked and invisible when referred to as "Hispanic." After all, isn't it the equivalent of being identified as a "North American?" As is often the case with those considered members of the dominant White majority (majority in this country only), neither had ever given it much thought.

Reconciling the Dominant Majority Problem

13.1 Somewhere along the line we turned a blind eye to a system that is warehousing a future generation of black and brown youth behind bars. And although we "North Americans" generally tend to perceive ourselves as setting the standards for human rights in the rest of the world, it is our philosophy and policies regarding juvenile justice that are sadly lacking and lagging behind many other countries.

13.2 We must overcome the urge to become "color-blind" and face just how much of our own inherited blindness stems from the racist/classist/elitist principles of the White European founding fathers who espoused freedom and justice for all—unless you were a person of color.

13.3 It requires courage and conviction to acknowledge the racist principles embedded and still practiced in our social, economic, and judicial policies. The tough questions require us to identify and weed out those practices that continue to victimize a growing segment of the national population.

13.4 What prevents us from wholeheartedly embracing and working towards an equitable criminal justice system? What subconscious elitist values and principles cause us to resist acknowledging what numerous studies have revealed: that minority and disenfranchised youth do not receive equal treatment in the criminal justice system?

13.5 For many (in the dominant culture), equity means losing a position of dominance and naturally engenders fear. Perhaps we haven't traveled far enough in our thinking to re-imagine how true equity might actually free us and render that fear unnecessary.

13.6 The work before us is not simply political or personal. It is both. It is "we the people" who run the criminal justice system and it is often human ignorance and arrogance which prohibits justice "for all" from prevailing. People are the criminal justice system and it is "everyday people" who enact policies and procedures that disproportionately affect people of color. We are all responsible for continuing the practices that unfairly target minority and disenfranchised youth in the juvenile justice system. And it should matter to us all who is minding our prisons and whether or not young people are seen as potential profit or future resources.

13.7 By exploring the issue as a dominant majority problem and retracing the road most traveled by minority and disenfranchised youth—from juvenile detention to adult prison and death row—perhaps we will begin to chart out more equitable and productive alternative routes for all our youth.

References

- Bates, Eric. "Private Prisons." *The Nation* 5 January 1998: 11.
- Building Blocks for Youth. "History of Zero Tolerance." 6 May 2002 <www.buildingblocksforyouth.org/issues/zerotolerance/facts.html> 9 August 2003.
- Building Blocks for Youth. 7 February 2001 <www.buildingblocksforyouth.org/latino> 10 February 2001.
- Human Rights Watch. "Children's Rights U.S.: A World Leader in Executing Juveniles." *Human Rights Watch* 7(2) (1995): 23.
- Schlosser, Eric. "The Prison-Industrial Complex." *Atlantic Monthly Digital Edition*. 10 December 1998 <www.theatlantic.com/issues/98dec/prisons.htm> 11 September 2003.
- Schiraldi, Vincent and Jason Ziedenberg. "Schools and Suspensions: Self Reported & the Growing Use of Suspensions." Report. Washington, D.C.: The Justice Policy Institute, 2001: 4, 6, 9, 12, 16.
- Shichor, David. *Punishment for Profit: Private Prisons/Public Concerns*. Thousand Oaks, CA: Sage, 1995.
- Tennessee Commission on Children & Youth. "Executive Summary." 8 August 2003: 6-9, 11.
- . "Inequities in the Juvenile Justice System: Trouble TCCY Taskforce." *The Advocate* 10(1) (2000): 7.

Author Notes

As a writer/speaker/filmmaker/activist Molly Secours has been called an "uncompromising fighter for racial equity and social justice." Since 1995, Ms. Secours' writings have been published by over 50 mainstream and internet magazines and newspapers and she has appeared on numerous radio and television talk shows to discuss issues of racism, white privilege and reparations for slavery. After receiving a grant from Open Society Institute, Secours co-founded a program with Oasis Center Inc. called Youth Voice through Video (YVTV) wherein she teaches video making to juvenile offenders and incarcerated youth in a Nashville prison. She has written, produced and edited documentary videos related to social justice issues and is working on several documentary film projects for her company, One Woman Show Productions.