

The passage of the George Floyd Justice in Policing Act, by the U.S House of Representatives by a vote of 220-212 this past Friday is a good beginning and a strong statement of national resolve as the trial of the Minneapolis police officer who murdered Mr. Floyd commenced yesterday.

For over four hundred years America's economic machine has been fueled with the sweat and blood of black people. The Thirteenth Amendment's exclusion of felons from emancipation was a safety valve for Southern farmers and factory owners who used local police to criminalize blackness, arrest and imprison former slaves and lend lease them as free labor. To this day, black Americans are the principal occupants of state prisons providing the same free or cheap labor. Black people have shorter life spans, are more susceptible to disease, more likely to be arrested or even killed by police, more food insecure, more deprived of health care and basic living needs such as housing, education and good paying jobs. Black unemployment levels always exceed white ones, black families are generationally churned in and out of the prison systems, disenfranchised from voting and excluded from good housing, schools and higher education.

The United States comprises 5% of the world's population but owns 25% of its incarcerated population. There are on any given day about 2.3 million people in America's jails and prisons with about 10% of the entire U.S. population under some form of justice system supervision. A full 97% of all criminal convictions in the US are obtained by guilty plea and 80% of all justice involved people cannot afford a privately retained lawyer to represent them in criminal proceedings and must rely on an overburdened, outspent, inadequate public defense system, which is for the most part why the plea bargaining rate is so incredibly high. About 68% of the US prison population is black or Latinex. Under 3% of all attempts at obtaining post - conviction relief meet with some modification or relief. Approximately 95% of all incarcerated people will be released at some point on parole or sentence completion, about 750,000 people a year. Of these returning citizens about 70% will recidivate based on mostly system related failure or be violated on minor parole issues with about 68% of the prison and jail population comprised of returning or recidivating people. Many say the system is broken. In truth, the system is not broken, it does exactly what it is designed to do, churn poor people and people of color in and out of the nation's prisons to support an \$80 billion dollar a year prison industry which when you add the indirect, less measurable social costs of incarceration costs the American taxpayer closer to \$1 Trillion per year.

We need to take the existing criminal justice system apart, go back to the fundamentals and create one that is worthy of the ideals the founders contemplated and wrote about but never got around to effectuating and which to this day have not been realized or implemented. Every component of the criminal justice system from investigation, policing, arrest, conviction, sentencing and incarceration to release needs rethinking. That is the work we are called on to do. Everything else is words. And for those who urge compromise and consensus, we are reminded that consensus is a good thing when possible but that true transformation and change always take place on the fringes, on the margins, and not necessarily at the center and that the pursuit of racial and economic justice must never be compromised.

It may very well be that America never was what we idealized that it used to be, but it can be and must be. John F. Kennedy described the motivation of the founders as the belief that "the rights of man [sic] come not from the generosity of the state but from the hand of God" This is what transcended the written words of those brilliant but imperfect men inspired by Locke and Rousseau but tethered to economy and property. A new social and political order is emerging in this country. Young people who know the difference between rhetoric and action, poor people and people of color turning out to vote, more woman and people of color in positions of power and a new President and Vice President determined to turn the tide in the fight for justice.

As the poet said, "Come my friends, tis' not too late to seek a newer world" [Tennyson].

It is never too late.

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March 20, 2021