RACE, POVERTY, AND JUSTICE REFORM

Bruce Western
Department of Sociology, Columbia University

This dossier brings together papers from the Square One Project's inaugural convening of the Roundtable on the Future of Justice Policy, exploring the U.S. criminal justice system's roots in American poverty and racial inequality. Entitled "Examining the History of Racial and Economic Inequality: Implications for Justice Policy and Practice," the Roundtable meeting at North Carolina Central University in Durham drew upon the work of leading historians, political scientists, sociologists, policy researchers, and practitioners.

The Square One Project, of which the Roundtable is a part, is a multi-year effort that convenes researchers, policymakers, and community representatives to re-imagine the foundations of U.S. criminal justice policy. The Square One Project grew out of my collaboration with Jeremy Travis, then President of John Jay College of Criminal Justice in New York. Jeremy chaired a landmark National Academy of Sciences consensus panel on the causes and consequences of high incarceration rates in the United States. I served as Vice Chair of the panel, and Jeremy and I worked closely together and with the panelists on writing the report. The NAS report summarized much of the research on the origins and socioeconomic effects of mass incarceration (Travis et al. 2014). With pervasive imprisonment emerging particularly in poor communities of color, the panel was seized by a sense of moral urgency. The leading recommendation was a significant reduction in U.S. incarceration rates.

At the time we were writing, criminal justice reform efforts were unfolding around the country. The state of California had just been ordered by a federal court to reduce its prison population by a third in response to unconstitutional conditions of overcrowding. Drug policy reform was gathering momentum. The use of force by police was protested by a burgeoning social movement, under the banner of Black Lives Matter. While the policy conversation was slowly shifting, we worried that these new winds of change could be focused too narrowly only on reducing incarceration. Missing was an alternative vision of what justice in America could be. The Square One Project was conceived to fill the gap, to imagine a different kind of justice that relied not on punishment, but on fundamental values of fairness and human dignity.

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Square One consists of a series of convenings, published writings such as this current volume, policy communications, and provocations. Square One participants are challenged to closely consider the impact of the American criminal justice system on poor communities of color, the places where the justice system's footprint falls most heavily. For those communities, where poverty and racial injustice can inflame violence, policymakers have built more prisons and hired more police. This project invites us to re-imagine our responses to violence under conditions of extreme disadvantage, by asking "what if we started over at Square One?"

To address this challenge, the Roundtable in Durham began by tracing the links between contemporary criminal justice institutions and the historic contest for full Black citizenship. In her essay, "The Racial History of Criminal Justice in America," Heather Ann Thompson shows how mass incarceration is entwined in a history of racial injustice and conflict. Incarceration as a recognizably modern institution emerged following Civil War Reconstruction, and the contemporary pattern of racial disparity in imprisonment unfolded with the Great Migration through the first half of the twentieth century. Gross racial disparities in criminal justice contact, evident by the 1960s, themselves contributed to the civil rights activism, to which mass incarceration was the most extreme reaction.

Leah Wright Riguer and Anna Beshlian pick up the chronology in the 1960s. Their paper, "The History and Progress of Black Citizenship," describes how deep inequalities in wealth and political power directly affected the escalation of incarceration rates in communities of color in the following decades. Along with the segregation of schools and educational opportunities, economic and criminal justice inequalities combined to fundamentally undermine the quality of life for African American citizens.

Police stand on the front line of contact between the criminal justice system and the public. Robert Brown's "Policing in American History," focuses on officers' discretion in the use of force and arrest. Reviewing research in these areas he finds that suspects of color are more likely to be arrested than White suspects. Police discretion tends to raise the risk of arrest among minority suspects compared to Whites. Black citizens are also subject to greater force used by police. Brown concludes that it is "impossible to credibly say that racial bias in policing is a 'thing of the past' and that policing is just for all."

While researchers typically study the effects of policing on community crime rates, in her essay, "The Community in Criminal Justice: Subordination, Consumption, Resistance and Transformation," Monica Bell offers a community-centered analysis that examines how local residents respond to law enforcement. She asks what conditions might support the constructive resistance of residents and allow them to transform dysfunctional policing. Bell's analysis probes the deep estrangement from police felt in poor communities of color. Transcending more conventional studies of police legitimacy, her analysis sees communities as active political agents in their relationship with police.

The question of politics is addressed directly by Kerry Haynie in his review of research on the disenfranchisement of citizens with criminal records. In "Containing the Rainbow Coalition: Political Consequences of Mass Racialized Incarceration," Haynie offers a macro-political analysis of the power of Black and Latino voters in battleground states as their populations increase. This demographic trend has been met with widespread disenfranchisement through mass incarceration. While in electoral politics demography is usually destiny, the suppression of the vote by way of the criminal justice system significantly curtails the political power of Black and brown citizens.

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Leah Sakala and Nancy LaVigne consider the empowerment of communities in their paper, "Community-Driven Models for Safety and Justice." Based on a comprehensive review of community safety efforts around the country, they distil the core elements of a civilianized anti-crime program. Such efforts democratize the criminal justice function, share data, and capitalize on the local knowledge of community residents. Activities as varied as bail funds, participatory budgeting, and community arts initiatives all fall under the umbrella of community-driven public safety. At its root, the public safety described by Sakala and LaVigne emerges from a transfer of power from authorities to community representatives.

The collection ends with a powerful reflection on a restorative justice project led by Susan Glisson and described in her paper, "Critical Connections: Trust-Building as a Prerequisite to Systems Change." In 2003 Glisson and her team began work with the local community in Philadelphia, Mississippi, a town that four decades earlier was convulsed in racial violence when Klansmen murdered three civil rights workers. For years, the perpetrators of the violence, whose identities were an open secret, continued to live in the town amid deep and apparently intractable racial inequalities. Through a slow and difficult process of community consultation, Glisson and her team gradually revealed the truth and built public trust. Here, restorative justice laid a foundation for prosecuting the last surviving perpetrator, and several years later, electing the town's first black mayor.

Taken together, the papers in this collection suggest that fundamental criminal justice reform first requires a reckoning with history. Such a reckoning would confront the historic injuries of racial injustice in which mass incarceration is entangled. Like Susan Glisson's work in Mississippi, this requires truth telling in which criminal justice representatives and other authorities would acknowledge the damage inflicted and their roles within a history of racial oppression. Telling the truth about history provides a way of being accountable to those who have been harmed. The crazy-making denial of legitimate grievances about police brutality and over-incarceration would be reversed.

Some efforts have already been made in this direction. In 2016, Terence Cunningham, then president of the International Association of Chiefs of Police, acknowledged that "there have been times when law enforcement officers… have been the face of oppression for far too many of our fellow citizens." This, he said, has produced "multigenerational mistrust" between "communities of color and their law enforcement agencies." Progress, he went on, required an apology (Western 2018, pp. 187–188). Criminal justice is a local affair, and a thorough reckoning will require multiplying the efforts of Glisson and Cunningham across many towns and counties, each of whom has its own unique past. History is not abstract, rather it is specific, to times, and people, and places. Reckoning with history should be likewise.

By itself, however, transparency and acknowledgement are hollow without reforms to reduce incarceration and transform the relationship between police and the public. With a new kind of criminal justice, thriving and healthy communities could depend more on their own social organization than the external force of state. Community organizations, not law enforcement, could provide structure and routine in daily life, particularly for young men who face the greatest risks. Connecting these young men to institutions of opportunity – schools and labor markets, for example – must be part of the agenda for community safety. In short, going to Square One is to reckon with history, and to find peace in the face of violence by enriching community life.

Corresponding author: Bruce Western, Department of Sociology, Columbia University, 606 W. 122 Street, New York, NY 10027. E-mail: bruce.western@columbia.edu.

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