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## Introduction

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# WASHINGTON AND LEE LAW REVIEW

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## Introduction

Many of our long-time readers have probably noticed that this issue of the *Washington and Lee Law Review* looks different from previous issues. The layout of the *Law Review* has changed, and the sizes of both the text and footnotes have increased. Our move to desktop publishing with this issue has provided us with a great deal of freedom to change the *Law Review's* appearance. We have tried to use that freedom to present information in a way that is clearer, more readable, and more aesthetically pleasing.

We hope that our long-time readers will also note a subtler change in the types of Articles and Essays that appear in the Symposium section of this issue. In March of this year, the Frances Lewis Law Center, the Black Law Students' Association, and the *Washington and Lee Law Review* sponsored a Symposium titled "To Establish Justice: Race, Crime, and Law in America." This Symposium was unique in that it brought together not only the best legal scholars but also scholars from other academic disciplines and individuals with firsthand knowledge of the effects that race has on our criminal justice system. The Articles in the Symposium section illustrate that social scientists, law enforcement, the judiciary, social workers, academia, and, of course, lawyers have much to add to a legal discussion of the role that race plays in the criminal justice system.

Researchers David C. Baldus, George Woodworth, and Charles A. Pulaski, Jr. report on their research of both Georgia's and New Jersey's capital punishment systems. Baldus and his colleagues find that the race of defendants and the race of victims can have a significant impact on outcomes of capital cases. While noting their frustration with federal courts, they express hope that Congress and state courts will address this problem.

Sociologist Kathleen Daly proposes a conceptual scheme for understanding discussions about race and criminal law. According to Daly, one can view the criminal justice system as "racist" in its differential treatment of

minorities, "white" in its adoption of white and middle class values, and "racialized" in that race profoundly affects the criminal justice system's operation. Daly explains that proponents of each view make different assumptions about and seek different solutions to racial problems in the criminal justice system.

Professor Coramae Richey Mann observes that minority youth are over-represented at every stage in the criminal justice process. Mann rejects assertions that boot camps, rural correctional facilities, or death penalty statutes will solve America's juvenile justice problem. Instead, Mann seeks more lenient treatment of juveniles and a new war on poverty.

Scholar Jerome G. Miller discusses numerous studies that find that police arrest a disproportionate percentage of African American males in comparison with the general population and that the number of arrests is increasing. Miller blames these arrest rates on cuts in government social and employment programs and a "ratcheting up" of the criminal justice system to fill the void. Miller fears that the war on crime will prove disastrous.

Joseph D. McNamara describes his experiences as a Harlem police officer in the 1950s. McNamara thoughtfully demonstrates how bad management, lack of supervision, a negative reward system, a code of silence, and indifference to community service lead to abusive police practices.

Attorneys Bryan A. Stevenson, director of the Alabama Capital Representation Resource Center, and Ruth E. Friedman, a staff attorney for the Center, discuss their frustration with judicial tolerance of racial bias in the area of capital punishment. Stevenson and Friedman provide examples of racial indifference and prejudice in the administration of criminal justice. They urge the legal community to push for change.

Judge D'Army Bailey describes his work as a part-time public defender and how he attempted to use race to the benefit of his clients. Judge Bailey also makes some observations about the bank fraud prosecution of Congressman Harold Ford and how one's fears of racism can prove unfounded. Judge Bailey concludes that the influence of race is both pervasive and complex.

Fay Wilson Hobbs reflects on her work as a counselor for troubled youth in rural Virginia. Hobbs identifies factors that negatively affect young black males. Hobbs ends by describing a poignant moment in which she admits to several youths that she cares about what happens to them.

We hope that the Articles and Essays in this Symposium section illustrate that lawyers can gain much when they come together with individuals from other disciplines to discuss pressing legal issues like race and the criminal justice system. As long as all those involved, like Fay Wilson Hobbs, care passionately about a subject, all will be enriched.