



Spring 3-1-1994

A Minority View of Juvenile "Justice"

Coramae Richey Mann

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/wlulr>



Part of the [Civil Rights and Discrimination Commons](#), [Criminal Law Commons](#), and the [Juvenile Law Commons](#)

Recommended Citation

Coramae Richey Mann, *A Minority View of Juvenile "Justice"*, 51 Wash. & Lee L. Rev. 465 (1994).
Available at: <https://scholarlycommons.law.wlu.edu/wlulr/vol51/iss2/5>

This Article is brought to you for free and open access by the Washington and Lee Law Review at Washington and Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Washington and Lee Law Review by an authorized editor of Washington and Lee University School of Law Scholarly Commons. For more information, please contact christensena@wlu.edu.

A Minority View of Juvenile "Justice"

Coramae Richey Mann*

One of the major contributors to the over-representation of people of color in the criminal justice system is the increasing influx of racial and ethnic (minority) youths into the juvenile justice system. These youths are primarily African-Americans. In the recent past, this transfer occurred in two major ways: either through the accumulation of a juvenile delinquency record that was often compounded by a history of secure juvenile confinement or by waiver to criminal court where the juvenile was tried as an adult and ultimately incarcerated in an adult prison. In light of a flurry of hastily passed state laws, there is increasing evidence that even more minority youths will enter the criminal justice system by a third and more direct route. Joining the national bandwagon, the Indiana state legislature recently passed an anti-crime bill that will allow the state to automatically bypass juvenile court and send sixteen and seventeen year-olds charged with serious gang-related crimes directly to criminal court.¹ In addition, any youths who have guns on school grounds will be charged with felonies and tried as adults.² Most of these juveniles will be minorities, particularly African-Americans. Along with the "three strikes, you're out" crime legislation, a vaunting Governor Evan Bayh signed this anti-crime bill less than two weeks after its passage.³ Thus, two more oppressive Indiana laws came into existence and joined their "evil twin" laws across the nation.

The difficulties that African-Americans enmeshed in the U.S. juvenile and criminal justice systems face on a daily basis are identical for all historically disadvantaged people of color—Hispanics, Asians, and Native Americans. However, the remarks in this Article center on African-American youths for three reasons: first, they are the juveniles most

* Department of Criminal Justice, Indiana University.

1. *Sweeping Anti-Crime Bill OK'd*, BLOOMINGTON HERALD-TIMES, Mar. 5, 1994, at All.

2. *Id.*

3. *Bayh Signs Crime Bill*, BLOOMINGTON HERALD-TIMES, Mar. 16, 1994, at C2.

frequently arrested and processed by the justice systems; second, as a result of this initial concentration and treatment, this subpopulation is the one most frequently researched; and finally, as an African-American, I have had unique, life-long experiences that provide me with first-hand knowledge of the problem. This "seasoning" ranges from my early teenage delinquency and status offending in inner-city Chicago, my work as a clinical psychologist, which included the testing and counseling of youths who mirrored my earlier image, and my observational dissertation research in the Cook County juvenile court, to my most recent involvement as a technical assistance provider to the Disproportionate Minority Confinement (DMC) Project, funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

In a recent issue of *The New York Review*, David Rothman describes the current plight of minorities in the American criminal justice system and comments: "The least controversial observation one can make about American criminal justice today is that it is remarkably ineffective, absurdly expensive, grossly inhumane, and riddled with discrimination."⁴ Because the juvenile justice system parallels the criminal justice system, Rothman's statement also applies to the juvenile justice system. In many ways, the juvenile system is *more insidious* because it drains our African-American children of their youth and our African-American families of their children.

According to the latest FBI national arrest statistics, 30% of the youths under age eighteen arrested in 1992 were minorities.⁵ The 529,534 African-American juveniles arrested that year comprised 27.3% of the total youths arrested.⁶ Their five most frequent offenses were, in rank order: larceny-theft (primarily shoplifting), other assaults, disorderly conduct, drug abuse violations, and motor vehicle theft.⁷

Our most recent data reveal that the number of new court commitments to prison for drug offenses in 1990 reached a record high and accounted for one-third of all such commitments. The rate of drug commitments was higher than commitments for property crimes, violent crimes, or

4. David J. Rothman, *The Crime of Punishment*, N.Y. REV., Feb. 17, 1994, at 34, 34.

5. U.S. DEPT. OF JUSTICE, CRIME IN THE UNITED STATES—1992, at 236 (1993).

6. *Id.*

7. *Id.*

public order crimes.⁸ One contributor to this unjust condition is the legal persecution of U.S. minorities. Although 80% of drug users are white and only 12% are African-American, whites constitute only 7% of those convicted for drug offenses.⁹ By contrast, 43% of convicted felony drug offenders in state courts are African-American.¹⁰

The courts treat crack cocaine cases more harshly than cases involving powdered cocaine.¹¹ Defendants charged with crack offenses are typically people of color.¹² In New York City, for example, African-Americans or Latinos constituted 92% of those detained and tried as felons on crack charges.¹³ These minority defendants received jail or prison sentences more frequently than the predominantly white defendants who used powdered cocaine.¹⁴ This severe treatment was accorded *after* controlling for the seriousness of the charges and prior criminal records.¹⁵ The increase in new state and federal laws that adversely affect significant numbers of people of color and far too often result in discriminatory enforcement of the law buttresses the assertion that the "greater the number of laws, the greater the resulting discretion, and the more lawless the official part of the state becomes."¹⁶

The picture is more dismal for juvenile incarceration. The 1992 *Sourcebook of Criminal Justice Statistics* indicates that among the average daily population of 54,351 juvenile inmates in 1989, 60% of the youths in public juvenile facilities were minorities; of those, 42% were African-American.¹⁷ Preliminary research indicates that minority, especially

8. Corey Weinstein & Eric Cummins, *The Crime of Punishment at Pelican Bay Maximum Security Prison*, 45 COVERT ACTION Q. 38, 44 (1993).

9. *Id.*

10. *Id.*

11. See STEVEN BELENKO & JEFFREY FAGAN, N.Y. CITY CRIMINAL JUSTICE AGENCY, *CRACK AND THE CRIMINAL JUSTICE SYSTEM* 13-15 (1987).

12. *Id.* at 5.

13. Weinstein & Cummins, *supra* note 8, at 44.

14. BELENKO & FAGAN, *supra* note 11, at 14.

15. *Id.*

16. Charles Reich, *The Law and the Corporate State*, in *SOCIOLOGICAL READINGS IN THE CONFLICT PERSPECTIVE* 445, 450 (William J. Chambliss ed., 1973).

17. KATHLEEN MAGUIRE ET AL., U.S. DEPT. OF JUSTICE, *SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS—1992*, at 579 (1993).

African-American, youths are over-represented in secure confinement facilities across almost all states. Generally, the index of over-representation is lowest at the arrest stage, with increasing levels of over-representation as the juvenile progresses in the justice system toward one of two outcomes—secure juvenile confinement or transfer to adult jurisdiction. This pattern is consistent with the interpretation that processing within the juvenile justice system increases the disparities between racial and ethnic groups.

I. The Juvenile Justice and Delinquency Prevention Act

Twenty years ago, under the persistent guidance of Indiana Senator Birch Bayh, ironically, the father of current "get tough" Governor Evan Bayh, Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP Act).¹⁸ The purposes of the JJDP Act were to *remove* juveniles from adult jails and lockups, to achieve *sight and sound* separation of juveniles from adults in jails, to *deinstitutionalize* status offenders, and to develop a system for *monitoring* to assure compliance with the objectives.¹⁹

In 1988, Congress amended the JJDP Act to *address* the over-representation of minority youth in the juvenile justice system.²⁰ Congress required that states participating in the JJDP Formula Grants Program "address efforts" to reduce the disproportionate incarceration of minority youths.²¹ If the proportion of minority youths detained or confined in secure detention and correctional facilities, jails, and lockups exceeded the proportion of such groups in the general population, the Act as amended, *required* those states to develop a strategy to reduce those proportions.²²

The JJDP Instructions, issued to the states in 1989, outline two phases of implementation.²³ Phase I requires a preliminary examination of minority youth over-representation with a focus on 1990 data collection and

18. Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, 88 Stat. 1109 (codified as amended at 42 U.S.C. §§ 5601-5785 (Supp. IV 1992)).

19. *See id.*

20. Anti-Drug Abuse Act of 1988, Pub. L. No. 100-690, § 7258, 102 Stat. 4440 (codified at 42 U.S.C. § 5633(a)(23) (Supp. IV 1992)).

21. *Id.*

22. *Id.* § 7263 (codified at 42 U.S.C. § 5665 (Supp. IV 1992)).

23. 28 C.F.R. § 31.303 (1993).

analysis.²⁴ Once a problem is determined to exist, Phase II calls for the design of program models and strategies to *eliminate* disproportionate confinement of minority youths and the implementation of policies and procedures to resolve the problem.²⁵ The states then must evaluate the resulting program models.²⁶ The strategy includes an appraisal of the reasons for disproportionate confinement and the concomitant development of diversion, prevention, reintegration, and other alternative programs accessible to all youths despite race or ethnicity.²⁷

In 1992, the "requirement" allegedly became a "mandate." When federal officials talk about a "mandate," they usually mean that there is a *threat* of the removal of federal monies. In this case, the applicable "threat" was the withdrawal of funds for juvenile delinquency research and programs from those states that did not determine whether minority youths were disproportionately over-represented in secure facilities.

In 1987, Professors Carl Pope of the University of Wisconsin, Milwaukee and William Feyerherm of Portland State University conducted a study sponsored by the OJJDP that included an intensive literature review and laid a solid foundation for the DMC initiative.²⁸ Subsequently, the OJJDP, under the dedicated guidance of Deborah Wysinger, developed a technical assistance approach to help states meet the requirements of the JJDP Act's DMC Amendment. In 1991, I joined Pope and Feyerherm as co-principal investigator on a grant funded by OJJDP to provide technical assistance to the five pilot states OJJDP selected to identify, develop, and disseminate model program strategies related to the DMC project.

II. *The Pilot Projects*

The integral components of the minority over-representation initiative are five OJJDP-funded pilot projects that will provide the model for the rest of the states and U.S. territories. The preliminary reports from these

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. See CARL E. POPE & WILLIAM FEYERHERM, U.S. DEP'T OF JUSTICE, MINORITIES AND THE JUVENILE JUSTICE SYSTEM (1993); Carl E. Pope & William H. Feyerherm, *Minority Status and Juvenile Justice Processing: An Assessment of the Research Literature* (pts. 1 & 2), 22 CRIM. JUST. ABSTRACTS 327, 527 (1990).

states—Arizona, Florida, Iowa, North Carolina, and Oregon—as well as information garnered from other states, Washington, D.C., and some of the territories, reveal clear indices of over-representation of minority youths in the juvenile justice system. This is especially true for African-American juveniles.

Each of the pilot states was original and creative in its Phase I implementation:

*Arizona*²⁹ intensively examined two counties, Pima (Tucson) and Maricopa (Phoenix), where 80% of that state's minority youth are located. This examination found that relative to their percentage of the population, minority youths were significantly over-represented in the juvenile justice system. After controlling for such factors as seriousness of offense and prior records, examiners found that race and ethnicity, particularly for African-American and Hispanic youths, had "statistically observable impacts" at eight specific decision points within the juvenile justice system. Continuing efforts are directed at other major areas of concern in Arizona—those youths who are Native American, Asian-American, or Mexican Nationals and minority youths residing in rural counties.

*Florida*³⁰ examined all fifteen districts of the Florida Department of Health and Rehabilitative Services (DHRS), which is that state's delinquency intake agency and encompasses all sixty-seven Florida counties. Data collected from DHRS were then merged with data from the Florida Department of Education. In addition to juvenile justice data, Florida's unique research approach generated a wealth of useful socio-demographic information on Florida youths, including, for example, family composition. African-American and Hispanic juveniles were found to be over-represented in the various stages of juvenile justice processing in every district: those juveniles referred to the juvenile justice system, those detained, those recommended for a filing, those assigned the most serious dispositions, and those committed or transferred to adult court.

29. See PEG BORTNER ET AL., ARIZONA JUV. JUST. ADVISORY COUNCIL MINORITY YOUTH ISSUES COMMITTEE, *EQUITABLE TREATMENT OF MINORITY YOUTH PROJECT: A REPORT ON THE OVER REPRESENTATION OF MINORITY YOUTH IN ARIZONA'S JUVENILE JUSTICE SYSTEM* (July 1993) (reporting findings from Arizona).

30. See ALLISON HAIGLER & ROBERT A. CONNERS, DEP'T OF HEALTH & REHABILITATIVE SERVICES, *THE MINORITY OVER-REPRESENTATION INITIATIVE FOR FLORIDA PHASE I REPORT* (July 1993) (reporting findings from Florida).

*Iowa*³¹ has a small number of minority youths under the age of eighteen and, therefore, focused on the three counties that have substantial proportions of minority youths. Minority youths—primarily African-American—were over-represented among those juveniles held in adult jails. For example, as of 1990, African-American youths constituted 21% of the admissions to the state training school in Iowa and 54% of all youths held in adult jails after waiver to adult court. Depending on the county and after controlling for crime-related factors, the study found race effects at various stages of juvenile justice processing. Most of the differences appeared at intake, petition, and judicial disposition, with minorities more likely than whites to be placed in the state training school.

*North Carolina*³² collected data on arrest, detention, and commitment practices and generated profiles of all 100 North Carolina counties. Applying an original high/low, urban/rural design, ten of the counties representing the state's geographic and ethnic diversity were identified as pilot study sites. Overall, African-Americans and Native Americans were more likely to go to court than other youths. However, the decision to commit was found to diminish according to race.

*Oregon*³³ spotlighted three pilot counties that accounted for nearly one-half of Oregon's minority youth population and 85.2% of the state's African-American youth population—Lane (Eugene-Springfield), Marion (Salem), and Multnomah (Portland). Data from each of the pilot counties indicated that minority youths are over-represented in the Oregon juvenile justice system. Oregon found African-American youths disproportionately represented at nearly every decision point in the system and across all three pilot counties. Even with controls for seriousness of offense, this pattern

31. See RICHARD G. MOORE & DAVE KUKER, DIVISION OF CRIM. & JUV. JUST. PLAN. & STAT. CENTER, A DESCRIPTION AND DISCUSSION OF MINORITY OVERREPRESENTATION IN IOWA'S JUVENILE JUSTICE SYSTEM (June 1993) (reporting findings from Iowa).

32. See VICKY T. CHURCH & CHARLES W. DEAN, DEPT. OF HUM. RESOURCES, EMBRACING DIVERSITY, EXPANDING COMMON GROUND: THE DISPROPORTIONATE INCARCERATION OF NORTH CAROLINA'S MINORITY CHILDREN (May 1993) (reporting findings from North Carolina).

33. See JAMES P. HEUSER & GINA E. WOOD, OREGON COMMUNITY CHILDREN & YOUTH SERVICES COMM'N, FINAL RESEARCH REPORT ON PHASE I OF OREGON'S PARTICIPATION IN THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION DISPROPORTIONATE MINORITY CONFINEMENT PROGRAM (May 1993) (reporting findings from Oregon).

was especially apparent on the "back end" of the system—that is, institutional commitment.

In sum, although the proportions of minority subpopulations varied by state, each of the five DMC pilot states found over-representation of minority youths not only in secure confinement, the original focus of the study, but also at every step of the juvenile justice process—complaint, arrest, intake, detention, petition, adjudication as delinquent, and waiver or transfer to criminal court to be tried as adults. In most instances, the problem was compounded as minority youths moved through the serpentine justice process. Disparities between minority and nonminority youths increased as they proceeded through the various decision points of the juvenile justice system. This process is referred to as "accumulated disadvantaged status." "Indirect effects," which include family and other background information (such as whether a home is "intact" or whether a child is in school) were isolated as influential factors in some of the pilot studies.

The second phase of the OJJDP program calls for implementing and evaluating the five state pilot programs. Phase II further defines the problem and identifies the trends in over-representation. More importantly, Phase II addresses the programmatic and policy portion of the DMC Amendment. According to the Amendment, the major Phase II activities are the implementation of uniform policies, procedures, and practices to reduce the minority disproportionality and the institution of program alternatives to the secure confinement of minority youth. Operations manuals and training programs for the other forty-five states and U.S. territories will be the final activities of this three-year research effort and its pilot programs.

III. The "Non-Involved" States

In light of convincing preliminary reports of minority youth over-representation in the juvenile justice systems of most states and U.S. territories and the opportunity for direct allocations from State Formula Grants to deal with the problem, it is astounding that there has been such an abysmal response to this national disgrace. As of the fall of 1993, only fifteen states—a number that includes the five pilot states—had collected the necessary data and moved into the assessment stage or beyond. Thirty states had collected data but had not moved much further, while the remaining states and territories had done very little to address the DMC problem. Some states have yet to be heard from on this issue although they applied for and were allocated DMC funds. A few states did not even bother to apply for funding.

These unenthusiastic responses to the DMC initiative suggest that, even after a half-dozen years, there is little national concern for the disproportionate number of minority youths caught in the web of the juvenile justice system, or for those ultimately confined in juvenile training facilities and adult prison systems. Among many other major deficiencies in these corrections systems, three little known problems associated with minority youth incarceration should be exposed: boot camps, the location of juvenile correctional facilities, and youths on death row.

IV. Where the Boys Are (and Shouldn't Be)

A. Boot Camps

According to David Rothman, boot camps for nonviolent youthful offenders are "to be located where possible on closed military bases and to be run by one-time drill sergeants, [and] are to compel adherence by inmates to a highly regimented schedule that involves strict discipline, physical training, and work."³⁴ It is difficult to identify anything beneficial about boot camps, also known as "shock incarceration" programs. Critical criminologist Mark Hamm recently observed that it was ironic that about all that boot camps trained their charges for was service in the military—the one vocation denied to them!³⁵

Aside from the ethical and moral questions involved in sending juveniles to boot camps to experience "shock incarceration," indications are that this method does not even work. Not only may such programs fail to rehabilitate, they may not deter future delinquency and crime. In a "quasi-experimental" study involving five groups of subjects—old shock, new shock, dropouts from old shock, parolees, and probationers—Doris MacKenzie and James Shaw found that shock offenders had higher arrests and revocation arrests than either parolees or probationers and did not differ significantly in failure rates from shock dropouts.³⁶ These findings make a great deal of sense in light of Merry Morash and Lila Rucker's assessment of boot camps:

34. Rothman, *supra* note 4, at 38.

35. Conversation with Mark Hamm, Professor of Criminology, in Bloomington, Ind. (Feb. 25, 1994).

36. Doris Layton MacKenzie & James W. Shaw, *The Impact of Shock Incarceration on Technical Violations and New Criminal Activities*, 10 JUST. Q. 463, 480-82 (1993).

The imagery of the people that we send to boot camp as deserving of dehumanizing treatment is in itself troubling, but even more so in light of the fact that the inmates are disproportionately minorities and underclass members. The boot camp idea also raises the disturbing question: Why would a method that has been developed to prepare people to go into war, and as a tool to manage legal violence, be considered as having such potential in deterring or rehabilitating offenders?³⁷

The increasing movement toward privatization of boot camps and other correctional facilities in the United States, allegedly for the purpose of cost effectiveness, overlooks the potentially dire consequences for minority youths. There is little doubt that the "institutionalized racism prevalent in the corrections system and the nation at large would be as exacerbated by the profit motive as it is in the free world."³⁸

B. Rural Locations

In addition to the financial hardship that prohibits many poor, minority, inner-city family members from visiting their sons, brothers, or other relatives incarcerated in a rural correctional facility, the milieu itself can be viewed realistically as additional punishment. A number of studies have noted the hostility and racial prejudice that predominantly white, rural guards and other correctional personnel exhibit toward their urban, inner-city minority charges.³⁹

Historically, rural areas, particularly white rural areas, have been conservative and religious. Further, "the positive effect of conservative beliefs and affiliation on punitiveness appears to be restricted to whites."⁴⁰ Contemporary research suggests that whites who adhere to a literal interpretation of the Bible attribute juvenile crime more to a youth's character

37. Merry Morash & Lila Rucker, *A Critical Look at the Idea of Boot Camp as a Correctional Reform*, in *TAKING SIDES: CLASHING VIEWS ON CONTROVERSIAL ISSUES IN CRIME AND CRIMINOLOGY* 255, 257 (Richard C. Monk ed., 1991).

38. CORAMAE RICHEY MANN, *UNEQUAL JUSTICE: A QUESTION OF COLOR* 254 (1993).

39. See James W. Marquart, *Prison Guards and the Use of Physical Coercion as a Mechanism of Prisoner Control*, in *CRIMINAL BEHAVIOR* 528, 537 (Delos H. Kelly ed., 1990); see generally LEO CARROLL, *HACKS, BLACKS, AND CONS: RACE RELATIONS IN A MAXIMUM SECURITY PRISON* (1990).

40. Harold G. Grasmick & Anne L. McGill, *Religion, Attribution Style, and Punitiveness Toward Juvenile Offenders*, 32 *CRIMINOLOGY* 23, 25 (1994).

than to characteristics of the social structure and that such attribution "has a significant positive effect on punitiveness toward juvenile offenders."⁴¹

Physical location of boot camps and other juvenile correctional facilities in rural areas harms minority youths in at least three profound ways: 1) it severs essential supportive family ties by hindering family visits; 2) it exposes minority youths to intense racial prejudice and hatred that they may not have experienced in segregated urban ghettos; and 3) it leads to potentially greater punitive treatment by religious conservatives who inhabit rural areas and are the employees in the institutions.

C. *Juveniles on Death Row*

Victor Streib, Professor of Law at Cleveland State University, almost single-handedly keeps a cadre of scholars and other professionals abreast of the status of special groups of death penalty inmates. His most recent treatise on juveniles under death sentences and those executed lists four juvenile offenders executed in the last six months of 1993—two African-Americans, one Hispanic, and one white.⁴² These legal slayings of youthful offenders were as many as had been executed in the preceding seven years.⁴³

In the twenty-one years since "the current era of death sentencing began in 1973," courts have imposed 121 juvenile death sentences.⁴⁴ Of the thirty-three sentences currently in force, 61% are for minorities—52% African-American and 9% Hispanic.⁴⁵ An analysis of the thirty-three cases reveals that 70% of these inmates were on death row for killing whites—27.3% of the African-Americans, all of the Hispanics, and 33.2% of the white offenders.⁴⁶ Three of the inmates currently under juvenile death sentences are in Pennsylvania and one is in Missouri.⁴⁷ Not surprisingly, the remaining twenty-nine are located in nine "Bible Belt" states

41. *Id.* at 39.

42. Victor L. Streib, *The Juvenile Death Penalty Today: Present Death Row Inmates Under Juvenile Death Sentences and Death Sentences and Executions for Juvenile Crimes, January 1, 1973, to December 31, 1993*, at 2 (Jan. 13, 1994) (on file with author).

43. *Id.*

44. *Id.* at 4.

45. *See id.* app. B at 14-17.

46. *See id.*

47. *See id.* app. B at 15-16.

(88%)—Alabama (4), Florida (4), Georgia (2), Kentucky (1), Mississippi (3), North Carolina (1), Oklahoma (2), Texas (10), and Virginia (2).⁴⁸

Studies have found a strong correlation between religious beliefs and support of the death penalty for juveniles. It has been argued convincingly that "evangelical/fundamentalist Protestants are more inclined to attribute crime to offenders' dispositional characteristics than to situational factors."⁴⁹ Research survey data revealed greater punitiveness among members of this religious group in four of the five policy issues studied: support for juvenile death penalties, adult death penalties, harsh courts, and stiffer laws.⁵⁰ Further, whites were significantly more likely than non-whites to favor capital punishment for juveniles.⁵¹

An Indiana study found that in 1986 almost one-half (47%) of Indiana's *legislators* supported the death penalty for juveniles.⁵² Yet less than 30% of the public favored the policy!⁵³ Although the geographic location of a lawmaker's home district had no effect on the legislators' attitudes toward juvenile capital punishment, it did for adults.⁵⁴ Legislators from *rural areas* were more supportive of capital punishment for adults than their counterparts from suburban or urban areas.⁵⁵

V. *Establishing Justice: Some Ruminations*

Thirty years ago, the vision of the War Against Poverty and its programs had the potential to eliminate the problems we are facing today in our juvenile and criminal justice systems, as well as the potential to prevent the physical and moral decay of our society. We need to revisit those exciting plans and agendas that never had a chance to run their full courses, augment them with fresh ideas, and get our people—young and old—out of these degrading, dehumanizing corrections facilities where most do not

48. *See id.* app. B at 14-17.

49. Harold G. Grasmick et al., *Religion, Punitive Justice, and Support for the Death Penalty*, 10 JUST. Q. 289, 289 (1993).

50. *Id.* at 301-06.

51. *Id.* at 304.

52. Mark S. Hamm, *Legislator Ideology and Capital Punishment: The Special Case for Indiana Juveniles*, 6 JUST. Q. 219, 226 (1989).

53. *Id.* at 228.

54. *Id.* at 226.

55. *Id.* at 226-27.

belong. We are obligated to see that minority youngsters benefit from more lenient and humane juvenile justice treatment and to create alternative community-based facilities and other innovative programs that can reverse current negative trends and hopefully turn their lives around.

It is crucial that all *public servants* in the juvenile justice system receive the cultural and racial sensitivity training that so many of them desperately need. This includes the police officer on the corner; the intake worker, prosecutor, and judge in the juvenile court; and the counselor, corrections officer, and warden in the correctional institution. Such training should continue until we *abolish* penal institutions altogether.

As we face the increasing development of what appears to be a selfish, mean-spirited, racially divided society, it is obvious at this point in our tormented history that any change depends a great deal upon *attitude* change. The aforementioned study of Indiana legislators' attitudes toward capital punishment revealed that lawmakers who had never visited a prison or who had visited a prison only once were more likely to support the juvenile death penalty than those legislators who had visited prisons more than twice. It is conceivable that the dismal experience of the prison setting possibly changed some legislators' attitudes.

Biased attitudes can be changed with the informed help rather than the constant hindrance of the media. Given truthful information and education, public opinion would become more tolerant and humane. In such an environment, we could abolish the juvenile and criminal justice and correctional systems as we know them today, decriminalize drugs, and subsidize the minority poor, whom William Wilson calls the "truly disadvantaged."⁵⁶ We must ensure that less privileged families of color and the white poor receive the assistance they need to provide stronger home bases for their children.

President Clinton speaks of a national community service program in which financially subsidized college students would provide some form of national service for two years as payback for a college education. While not exactly voluntary, this proposal resembles the Volunteers in Service to America program (VISTA), another anti-poverty program. This type of national service could be used to great benefit in correctional settings that, after all, are also communities.

56. See generally WILLIAM J. WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* (1987).

Finally, we should vigilantly monitor all of the social programs in our minority communities; insist that they function properly; and thereby effectively enable secure, healthful, and enriching environments for community residents. Only then can we reduce delinquency and crime.