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The Joseph E. Lowery Institute
for Justice & Human Rights

Criminal Justice Reform Symposium
October 10, 2003

Luncheon Keynote Address*
Interdenominational Theological Center

Thank you. It is good to be back in Atlanta. Although I found serving the Federal Government very satisfying and challenging—especially in times dealing with terrorism and corporate scandals—Washington, D.C. can be a very tough town. After spending two and one-half years in Washington, D.C., I now understand what President Truman said about the city: “If you want a friend in Washington, then buy a dog.”

I want to thank Reverend Lowery for his efforts in organizing this symposium and for his leadership in focusing on the all important criminal justice area. Criminal Justice is an important area of concern for all Americans, especially African Americans. I am going to say something, and I do not believe it is hyperbole. Issues relating to criminal justice are as important to the lives of Americans—but especially African Americans—as any other issues we face. For African Americans—perhaps more so than other groups in our country from a purely statistical standpoint—criminal justice issues directly relate to our quality of life.

Rev. Lowery has been a leader and a visionary throughout his professional life. And that leadership continues with the establishment of the Joseph E. Lowery Institute for Criminal Justice & Human Rights. One of the goals of this Institute is to create a forum for the discussion, and hopefully eventual problem solving, of critical criminal justice issues.

I have been a federal prosecutor in the Reagan Administration and in the Administration of

our current President—George W. Bush. In between, I have been a criminal defense lawyer. I have watched as this country has spent billions of dollars on so-called solutions to the elusive crime problem. Yet, our fellow citizens and neighbors continue to be plagued by unacceptable levels of violent crime. I have seen so-called experts congratulate themselves and say to each other: “We are on the right track to solving the crime problem.” But violence and mayhem continue to plague ordinary folks, especially African Americans. These experts ignore what Will Rogers once said about being on the right track, “Even if you are on the right track and you sit there and wait, you will eventually get hit by a train.” And, ladies and gentlemen, that is what is happening to us. We continue to stand on the track after having been run over by the crime train. African Americans are still disproportionately affected by violent crime in dramatic ways that adversely effect the quality of our lives.

Rev. Lowery understands this. He may not be in agreement with all of my views on the subject. But he has always been willing to listen and consider them for the betterment of our communities.

Let me begin by saying that on the crime front there is some good news and there is also bad news. Let’s start with the good news. Based on a study the Department of Justice released in August of this year, violent crime and property crime fell last year to their lowest levels since the government began collecting statistics 30 years ago. The report noted that there was an estimated 23.6 million violent and property crimes in 2002. That compares with 44 million in 1973, a decline of almost 50 percent. Murder was an exception to the trend and continued to rise slightly. Preliminary numbers reported by the FBI indicate there were 16,110 murders in 2002, up slightly from 15,980 in 2001 and 15,586 in 2000.¹

Criminologists and other experts have attributed the decline to tougher prison sentences and

to demographics—in which the population is aging. Violent crimes, however, tend to be committed predominantly by young males.²

Victim rates fell for all demographic categories—African Americans, Whites and Hispanics in 2001 and 2002.³

Now, for the bad news. Black victims continue to suffer crimes at the highest levels and rates. African Americans were almost three times more likely to be a victim of rape or sexual assault than white Americans, and twice as likely to be a victim of robbery.⁴ African Americans were also significantly more likely to be a victim of an aggravated assault than white Americans. And in a statistic I find simply horrifying, African Americans constitute almost 50 percent of this nation's homicide victims.⁵

And in ways I believe everyone in this room knows, the effect of crime on some minority neighborhoods is completely devastating. Consider the testimony of Ms. D' Ivory Gordon before the Chicago City Council on the problems of gang violence.

“When I walk out of my door, these guys are out there... They watch you... They know where you live. They know what time you leave, what time you come home. I am afraid of them. I have even come to the point now that I carry a meat cleaver to work with me... I don't want to hurt anyone, and I don't want to be hurt. We need to clean these corners up. Clean these communities up and take it back from them.”⁶

I think we need to ask the following question when we talk about criminal justice issues. What can we do to improve the quality of life for Ms. Gordon and millions of Americans, especially African Americans, who live in her situation and who are terrorized by drug dealers, crack heads, and gangs. I see what we should do on two levels.

First, we need to continue to be persistent in our prosecution of crime, especially violent crime. One of the reasons the crime rates are declining is that we are incarcerating the right people—the ones who are committing crimes. We are taking them off the streets.

We need to give a voice to victims—especially minority crime victims—a group that is often overlooked and unheard in the debate about the level of incarceration in our country or drug penalties. When you think about it—while we must value and protect our constitutional civil liberties—one of the most important liberties we all have is freedom from violence—the right to be safe and secure in our homes, in our neighborhoods, and at our places of work. This basic liberty can only be obtained through vigorous and effective law enforcement. The great jurist, Judge Learned Hand, once observed: “Our dangers do not lie in too little tenderness to the accused...what we need to fear is the archaic formalism and the watery sentiment that obstructs, delays, and defeats the prosecution of crime.”⁷ At stake is the well-being and even the lives of millions of Americans.

That is what we need to do on one level.

But, It is not only stupid—it’s wrong - to simply warehouse people in prison. We owe it to law abiding citizens to do everything we can to prevent inmates returning to society from committing further crimes and creating new crime victims.

There are at least three approaches to dealing with crime that are worthy of more attention and support from both the public and private sectors.

The first approach concerns federal prison industries (“FPI”) which has recently received some criticism in Congress.⁸ FPI is a wholly owned government corporation within the Department of Justice. Research has shown that inmates who worked in FPI are 24 percent less likely to commit crimes after their release than inmates who did not work in the program.⁹ Although FPI produces products and performs services, the real output of FPI is inmates who are more likely to return to society as law-abiding taxpayers because of the job skills and training they received. If you really want to punish someone for committing a crime, isn’t it fitting that

we turn that person into a taxpayer?

And FPI can clearly serve to prevent crime in minority communities. A recent study found that 39 percent of FPI participants were African American. It also found that a significant percentage of inmates who were affiliated with gangs also participated in FPI.¹⁰ This was higher than the proportion of prisoners who were not affiliated with a gang but who were FPI participants, which was 18 percent.¹¹

It is government's responsibility, in addition to vigorously prosecuting and incarcerating those who literally terrorize law-abiding citizens, to ensure that programs like FPI are utilized and receive a high priority in our effort to make certain that crime victims are not re-victimized.

Secondly, we should focus more on grass roots efforts to prevent crime, especially in lower income minority neighborhoods. These efforts are important because they work and because as we take violent offenders like gang members off the streets, they are typically replaced by new members. These grass-roots efforts focus on preventing the replacements from terrorizing law abiding citizens.

Let's consider the Violence-Free Zone approach to combating gang violence run by the National Center for Neighborhood Enterprise under the leadership of Robert Woodson. The core of the Violence-Free Zone approach is that the problems of violence-prone youth are internal and, yes, even spiritual. Guns, crack, and crime are symptoms of a deeper problem—a lack of values, purpose, and meaning.¹² This program does not utilize fancy experts like criminologists. It is built on the trust relationships of adult leaders who come from the targeted neighborhoods and who, in many instances, have transformed their own lives.

The Violence-Free Zone concept has produced results. In Washington, D.C. the approach was used to achieve significant reductions in violence and homicide in two of the city's most

violent and crime-ridden neighborhoods—The Bennington Terrace and East Capitol Dwellings areas.¹³

Many traditional experts on gangs often assume that poverty creates an environment that in a way inevitably leads young people to violent behavior. Bob Woodson has told me that effective grass roots leaders do not buy this. According to Bob, these leaders believe that young people have the capacity to overcome adverse conditions and positively turn their lives around. Again, according to Bob, these grassroots leaders work on the belief that, in many cases, an internal transformation in the values of an individual must occur before that individual can move on and accept such positive opportunities as education or employment.

We also need to recognize the basic humanity in everyone in the criminal justice system, including the most violent offenders. I know from my own experience as a criminal defense lawyer that clients many times have problems that reach beyond the narrow boundaries of the criminal charges. Clients from every walk of life worry about their reputations, their relation to the community, and their futures. I always counseled clients to think long-term and try to get their lives together instead of solely focusing on the criminal charge.

The Georgia Justice Project located in Atlanta, Georgia represents indigent criminal defendants in their legal problems. But its work does not end with the legal problems. It also attempts to give its clients the tools they need to lead productive, crime-free lives. The project has consistently achieved results and recidivism rates far lower than the average for the other criminal defendants. According to the Project's latest recidivism study, only 18.8 percent of the Project's 1996 clients were convicted of a crime after participating in their program (compared with a national rate of 60 percent).¹⁴ The Project refers to its clients as "The least, the last, and the lost." But it takes these clients on and treats them with the dignity most people deserve.

Consider what major religions in Western Civilization say about this. Christians call it the Golden Rule, from Jesus' Sermon on the Mount. "So in Everything, do to others what you would have them do to you, for this sums up the law and the Prophets."¹⁵ Similarly, the Talmud teaches: "What is hateful to you do not to your fellow man. That is the entire Law; all the rest is commentary."¹⁶ The Koran teaches: "No one of you is a believer until he desires for his brother that which he desires for himself."¹⁷ All three can be summed up as: "Treat others the way you want to be treated."

I look forward to continuing to work with the Institute as you strive to help secure the safety of ordinary, law-abiding citizens while making certain that offenders are addressed, not just as inmates and cases, but as our brothers and sisters who we certainly should help.

*NOTE: Mr. Thompson frequently speaks from notes and may depart from the speech as prepared. However, he stands behind the speech as presented in written format.

¹ Rennison, Callie Marie, and Michael R. Rand. Criminal Victimization, 2002. *U.S. Department of Justice Office of Justice Programs: Bureau of Justice Statistics, National Criminal Victimization Survey* (August 2003): 1-12.

² Stephens, Gene. Global Trends in Crime. *The Futurist*, Vol. 37; Iss.3 (May/June 2003):41-48.

³ Rennison, Callie Marie, and Michael R. Rand. Criminal Victimization, 2002. *U.S. Department of Justice Office of Justice Programs: Bureau of Justice Statistics, National Criminal Victimization Survey* (August 2003): 1-12.

⁴ Ibid.

⁵ U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Homicide Trends in the U.S.: Trends by Race. Retrieved October 6, 2003 from <http://www.ojp.usdoj.gov/bjs/homicide/race.htm>

⁶ *City of Chicago v. Jesus Morales et al*, 527 U.S. 41, 100-101 (1999) (Thomas, J., dissenting). Testimony given by Ms. D'Ivory Gordon to the Chicago City Council.

⁷ *The Spirit of Liberty: Papers and Addresses of Learned Hand*, Coll. Irving Dillard, ed. (New York: Alfred Knopf, First Edition, (1952), Second Edition (1963)).

⁸ From the U.S. Federal Bureau of Prisons. A hearing to The U. S. House of Representatives Committee on Small Business, the Subcommittee on Workforce, Empowerment, and Government Programs and the Subcommittee on

Tax, Finance, and Exports. *Federal Prison Industry's Effects on the U.S. Economy and the Small Business Environment* (Oct. 1, 2003).

⁹ From the U. S. Federal Bureau of Prisons. Saylor, W. G. and G. G. Gaes. (1997). PREP: Training Inmates Through Industrial Work Participation and Vocational and Apprenticeship Instruction. *Corrections Management Quarterly*, 1(2).

¹⁰ Data and statistics were obtained from the U.S. Federal Bureau of Prisons.

¹¹ Ibid.

¹² From the National Center for Neighborhood Enterprise's (NCNE) community action plan, "Community Action Plan for Expanding the Violence Free Zone in Washington, DC's Wards 7 and 8: Reducing Violence by Transforming Youth, Strengthening Families and Mobilizing the Community Against Violence." The NCNE is located in Washington, DC and was founded by Robert L. Woodson, Sr..

¹³ Ibid.

¹⁴ From the Georgia Justice Project. See the notable achievements on their website. Retrieved October 6, 2003 from http://www.gjp.org/who_we_are.html.

¹⁵ Matthew 7:12.

¹⁶ Talmud, Shabbat 31a.

¹⁷ Sunnah.