

OPINION | CHARLES J. OGLETREE JR. AND DAVID J. HARRIS

More than ‘enough is enough’



JONATHAN WIGGS/GLOBE STAFF

‘Black Lives Matter’ protesters gather in a park near near Dudley Square Tuesday.

By Charles J. Ogletree Jr. and David J. Harris | DECEMBER 17, 2014

LAST WEEK thousands of demonstrators in Greater Boston and throughout the nation voiced their outrage at the decision of two grand juries not to indict white police officers in the deaths of unarmed black men, as well as the corruption and bias embedded in our law enforcement system.

As veterans of civil rights struggles spanning nearly a half century, we felt heartened by the reemergence of young people as a force for change. Indeed, we experienced the collective refrain of “Enough is enough” as sweet music. But even as we nodded in agreement, we found ourselves asking a few follow-up questions: When is enough not enough? When are rage and protest necessary, but not sufficient? How do we transform “enough is enough” into “we demand more?” There can be more protest, for as long as necessary, but there also needs to be more concrete action to advocate for fundamental shifts in the design and delivery of public services, here in Massachusetts and nationally.

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At the Houston Institute, we use shorthand to describe such a shift: “community justice.” It is a call for the active participation of communities that have, for too long, been largely dismissed in policy discussions that directly affect their health and well-being. It demands eliminating and replacing incentives in our justice system that reward arrests and overzealous prosecutions. For example, federal funds have encouraged police departments to concentrate on things like marijuana possession; doing so has not only fueled our astronomical rates of incarceration, but also the racial disparities that characterize our prison population. These incentives create the conditions under which police view entire communities with distrust or worse, and community inhabitants feel like they are under the rule of an occupying army, together fueling a cycle of incarceration, isolation, and alienation.

This system is not only wasteful and deeply harmful, it is also woefully outdated. It is as if we have been riding on an old bike with balloon tires and one speed even though we have far more sophisticated vehicles at our disposal. Imagine a public safety vehicle as a 21-speed bike, with enough flexibility to traverse any terrain. The larger sprockets represent enlightened and evidence-based programs that help communities to flourish, such as drug treatment, workforce

development, innovative education, and comprehensive health care; the smaller sprockets represent different pieces of the formal justice system, including restorative justice, ankle bracelets, drug courts, probation and — as a final resort — prison. And, just as is true for the bike, the two sets of sprockets cannot be separated. Prisoners need to be linked to educational opportunities or drug treatment while serving sentences so that they will be ready for reentry to the community upon release. “Corrections” needs to rehabilitate rather than isolate and punish exclusively.

So how do we get from where we are today to community justice? First, we have to acknowledge and confront our own biases, individually and collectively. Recent work by Harvard Professor Mahzarin Banaji suggests that our biases can operate as much to favor those like us or for whom we have positive associations as they may operate against the “other.” This would certainly seem to be the case in terms of our habitual exclusion of certain communities in policy debates. For example, several years ago, the Massachusetts Legislature debated “three strikes” legislation that would mandate life in prison the third time a person commits a felony. Despite almost unanimous opposition from legislators of color to a bill that would disproportionately affect their constituents, the bill passed. It was as if the rest of the Legislature literally could not hear those voices.

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Second, as the elder generation, we need to look to history to guide us. Indeed, we can't move forward without revisiting our past. More than 150 years ago, in the infamous Dred Scott decision of 1857, the Supreme Court declared that a black man had no rights that a white was obligated to observe. It was a denial of both black humanity and black citizenship. Today, that decision is regarded as a stain and an abomination. And yet, aren't traces of the same sentiments present in the seeming speed with which police officers shoot at young black men, in the way they tend to view black boys as adults, or in the animal imagery used by Darren Wilson to describe his encounter with Michael Brown? Until we acknowledge these links, we will never be able to overcome them.

Almost 100 years after Dred Scott, Charles Hamilton Houston — probably the most influential and least well-known civil rights lawyers of the 20th century — devoted himself to using the law to end racial discrimination and segregation. Houston was advised by his law professors to be more cautious and to focus on smaller, incremental goals. Fortunately, he ignored that advice and crafted the litigation strategy that yielded the unanimous Supreme Court decision *Brown v. Board of Education*, even though he died before he could see that strategy argued successfully in court. As we all know, it took years of continued struggle before the promise of *Brown* was memorialized in the civil rights laws of the 1960s.

As a nation, we have this habit of denying our own past, and of lulling ourselves into believing that every corrective step is the final step. That's not how progress happens. There are leaps forward, periods of relative stability, and retrenchment. But our leaps forward are often precipitated by crisis, setbacks, and even bloodshed. That's where we stand today. Our task is to make sure that the tragedies of Michael Brown, Eric Garner, and all of the other young men and women of color who have been unjustly killed and harmed by our current system become the impetus to push back hard against that system.

In Massachusetts, the stars are favorably aligned to produce real change. We have new leadership in Boston, in the State House, and in the Legislature. We have a growing grassroots movement advocating to reduce our prison population, end counter-productive mandatory minimum sentences, and reconsider the entire “tough on crime” era. The Houston Institute stands ready to contribute to these statewide efforts to develop and implement a new model for social service delivery, and to breathe life into the notion of community justice. We also call upon our the leaders of the region’s universities to harness the tremendous amount of expertise within their midst to serve the needs of our communities. We need to lock arms with our students, as well as the thousands of people taking to the streets across the country, and demand not just an end to the status quo, but the beginning of something “more.”

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