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"Why is there a prison here? Five hundred years ago there was none"

Too many people are unjustly caged in United States prisons. (Image from Bureau of Prisons' website). My awesome friend and mentor Jun Yasuda has spoken of the time when the land that now comprises the United States had no prisons: "Why is there a prison here? Five hundred years ago there was none. There were only Native Americans living in peace. They had reverence for each other. Now we fear each other. I am here to help people stop fearing each other, and to trust. We need to change the way we think. Putting people in cages is not a solution." The law books, courts, and criminal justice system in the United States are over-criminalized. Countless criminal defendants are caged pre-trial while presumed innocent. A slew of innocent people are convicted. Countless people are victimized by unfairly harsh sentences, sometimes for nothing more serious than being a drug addict convicted the second time for passing less than a half gram of crack cocaine, to be paid a crack commission to feed the addict's habit. What good does our overcriminalized society do? It places too much power in police to abuse their power and in prosecutors to abuse their power. Police and prosecutors are not going to be a sufficient source for bringing us closer to a just society that breathes life into the promises of the Bill of Rights and the Declaration of Independence. That change first and foremost must come from the people, persuasively demanding that their politicians, judges, and government officials reverse the overcriminalization. Caging so many criminal defendants (over two million) -- including so many people in their teens and twenties -- segregates them from society, rather than addressing and healing the root causes that lead so many people to act in ways that harm others. If each person committed to being available for full empathy and support for just one other person for the long haul, we would be far along the path of solving those root causes. Jon Katz.

Posted by Jon Katz in Criminal Defense at 01:00