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Good morning. Let me begin by thanking Lu Bailey for that introduction, for her invitation to join you all this morning, and mostly for her belief that I have something worthwhile to share regarding this nation's persistently inadequate and incomplete discussion about race and racism—especially about what white people can, indeed should, do to advance not only a dialogue about race but, more importantly, participation in concrete actions to advance the causes of racial justice and equity.

I am flattered, but also challenged to share these thoughts with you. I suspect that I should not take the flattery too seriously: it mainly reflects, I fear, how shallow is the line-up of white people who actually want to talk publicly about these matters. Because of the justice system reform work that I do, I find myself compelled to talk about race and justice with some regularity. Lu Bailey had the bad fortune to listen to my rantings on this topic last summer. I'm not sure I should find a lot of flattery in the idea that she thought me either silly or stupid enough to be willing to reprise those comments today.

The challenge I feel in making this morning's comments comes primarily from two sources, neither of which has much to do with whether my thoughts will be deemed perceptive or politically astute. For better or worse, I am willing to publicly expose my ignorance or presumptuousness if that might otherwise stimulate more insightful or provocative reflections.

I feel challenged in making these remarks for two main reasons. First, I believe that there is no more important social issue, nor greater obstacle to the realization of justice—including the well-being of all children in this country—than figuring out how to reduce the racially disparate life chances and circumstances that are arguably the primary characteristic of our society, disparities that materially mock our claims of freedom and justice for all and, therefore, undermine the very fabric upon which this society is supposedly founded. I think we should all feel a unique sense of responsibility when race in America is discussed, white people in particular.

Second, I am impressed by the uniqueness of the Council's efforts to stimulate a renewed and honest discussion about race and racism. For some three decades now, the debates and discussions regarding race have been dominated by what is in effect an intellectual and practical backlash against legitimate, long-standing demands for racial equity. This backlash is based upon several inter-related ideas that now constitute the mainstream of American thought and action regarding racism and that, collectively, have de-legitimized the notion that race is a determining factor in the conditions and

opportunities that different groups face in this country. What are those now dominant ideas?

First, white people believe that the civil rights movement was successful, that it ended inequality based upon race and ethnicity and left behind only some fringe elements in our society to publicly act out their racial hatreds.

Second, most whites (and a dismaying numbers of observers of all races) seem to think that to the extent that inequality persists, it is primarily because people of color—especially black people—have failed to take advantage of the opportunities that the civil rights movement created. The country, this reasoning goes, has laws that protect against discrimination. Continued inequality, therefore, must reflect an aggregate failure of individual responsibility by members of certain groups.

Finally, the current mainstream thinking about race claims that we are fast becoming a race-blind society, one in which Dr. King's dream, that we will all be judged by the content of our character rather than the color of our skin, is actually very close to realization.

These three inter-related notions, now dominant in our country's dialogue and actions about race, make it challenging and uncomfortable, if not actually intimidating, for people to put forth an opposing perspective. Put another way, we have so digressed from the days when the impact of systematic racial discrimination and structural disadvantage held currency in public policy debates that those who actually want to confront persistent inequality, regardless of their race, now generally risk being ostracized as stuck in the '60s, engaging in "identity politics", or demanding special favors of government.

So, I appreciate the opportunity to confront these challenges, although I have no illusions that I possess some great knowledge or expertise that make me especially qualified to offer a different perspective this morning. However, because my life's work has been devoted to justice system reform and, in particular, to trying to curb this nation's appetite for putting people—especially people of color—in cages, I have predictably been engaged by these issues. For almost 35 years now, I have worked to establish alternatives to incarceration and to design and refine the techniques and technologies needed to reduce reliance on incarceration. For the past 15 years, I have had the privilege to design and manage one of the nation's great experiments in juvenile justice reform, the Juvenile Detention Alternatives Initiative, a project that has profoundly changed Cook County's juvenile justice system for the better. It is through this work that I first met Lu and was introduced to the work of the Council.

Most importantly, it is because of this work and the profound racial disparities that define our adult and juvenile justice systems, that the issue of race has been part of my routine intellectual and practical consideration. My being here this morning, therefore, really says less about me as an individual than about the context within which I work.

One cannot work in the criminal or juvenile justice systems and not quickly see that their defining characteristic is the grossly disproportionate representation of people of color. You can't visit a courthouse, a detention center, a jail or prison without being confronted by this reality unless, of course, you choose to visit a few quirky places like Vermont. You cannot read the literature or review the statistics without acknowledging that the justice system in America is primarily processing, controlling and punishing people of color.

It is appalling, but evidently readily explained and accepted in the current ways of thinking about race that I just summarized, that about 30% of African American males born into this society will spend part of their lives in prison. It is equally shameful that as we meet here this morning, fully one-third of young African American males are under some form of correctional custody, be that incarcerated or on probation or parole. It should be infuriating that black juveniles constitute just 16% of our general population, but 28% of those arrested, 37% of those detained and 58% of those kids who end up in state prison. And it should be completely unacceptable that these youth are held in facilities so foul that even the Bush administration's Department of Justice feels obliged to condemn them in a string of lawsuits attacking conditions so damnable that most of us here today would lay our bodies down before the gates of those places if it were our children who were about to be locked up in them.

But, then again, isn't that the nub of the issue? It's not our kids; it's those "other" kids who face these dismal odds and circumstances and, as current wisdom would have it, haven't they really brought this upon themselves? I believe it is a powerful measure of both the poverty of debate about the ongoing impact of racism, and the strength of today's dominant white beliefs that race no longer matters, that justice system realities are not more urgently prominent on our agenda of social ills. I'm afraid this shows that the so-called "racial realists" have been extraordinarily effective in portraying our justice system as color blind, rather than blind about the color of justice.

An exception to this picture, the Juvenile Detention Alternatives Initiative—or JDAI—has provided a unique and at times inspiring forum for stimulating a different conversation and course of action about race and justice. More than two-thirds of youth confined in secure detention nationally are youth of color. Here in Cook County, more than 90% of detained youth are African American or Latino. While many of these youngsters have in fact committed offenses, their representation in these juvenile jails significantly exceeds their share of delinquency in our society. Moreover, they are generally not--despite popular stereotypes--gangbanging, gun-toting thugs. Far more youth are detained for frustrating or angering an adult than are held for serious acts of violence. Even though juvenile crime has dropped dramatically in the past decade, detention use nationally has remained constant, a result largely of misguided policies like zero tolerance that now make schools the primary source of juvenile court referrals in many jurisdictions. These policies, it is no surprise, disproportionately affect kids of color.

Our work in detention reform has shown clearly that detention use is driven by adult policy and practice choices, not primarily by the behavior of adolescents. This under-appreciated reality means that we adults actually have considerable control over the collective complexion of incarcerated youth, despite today's dominant racial paradigm's claims that disparities in detention only reflect differences in offending by different racial or ethnic groups. In JDAI sites, given this fundamentally different starting point, we have identified and changed structural biases that drive disproportionality: statutes that have differential racial impacts, like Illinois' automatic transfer laws; administrative decision making tools that rely on biased criteria; financing arrangements and fiscal incentives that literally fund disparities; or civil service rules and practices that limit the diversity of our workforce or fail to hold employees accountable for the persistence of inequities. These forms of structural racism in juvenile justice are sustained in most places because there is no conscious effort made to identify them, much less change them. We have now seen clearly that this status quo need not be sustained.

We also know from our work in JDAI that individual biases and what we now call cultural incompetence continue to play a role in producing and sustaining racial disparities in juvenile detention, whether through outright discrimination, misunderstanding, or lack of essential skills, as might be the case when a worker can not effectively communicate with a parent for whom English is not their primary language. Again, in most places, these contributors to racial inequity in how cases are handled typically go undetected, unchallenged and, therefore, unchanged.

In JDAI, given who was being detained, we recognized from the outset that we could not achieve our goal to demonstrate that jurisdictions can safely reduce reliance on secure detention if we did not confront these challenges of race. So deep are our societal suspicions about adolescents of color, so great is our demonization of these kids, so embedded are our fears that reducing their incarceration will unleash a crime wave that what has always been easy to accomplish with white middle class children—their diversion from secure confinement following arrest—is now deemed monumental because JDAI has succeeded in places like Chicago where virtually every juvenile detainee is African American or Latino.

What has been different about this work and what have we learned? First and foremost, we have learned that measurable progress can be made in reducing racial disparities in juvenile justice. In Portland, Oregon, for example, kids of color used to be a third more likely to be detained following arrest than their white counterparts. Today, those odds are equal. In Santa Cruz, California, Latino youth experienced lengths of stay in detention that were almost twice as long as white kids, primarily because the county lacked community-based services that could be effective with this population. Today, those differences in lengths of stay have been eliminated. In Cook County, while the detention population continues to be almost exclusively African American and Latino, there are approximately 400 fewer youth of color behind bars than there were a decade ago, meaning that the overall rates of detention for youth of color have correspondingly decreased. These kinds of results are now being replicated in 80 jurisdictions in 21 states and the District of Columbia and, equally amazing, in each of these places—albeit to

varying degrees of course—the issue of racial disparities in juvenile justice and what to do about them are front and center, with everyone from judges to cops to community members genuinely engaged in the difficult, often painful tasks of sorting through both the structural and the individual roots of the problem.

What have we learned from this concerted effort to root out racism and to create a really level playing field where all kids and families have the same opportunities? I think there are a number of important lessons that may help to inform the renewed discussion and new course of action that the Council seeks to stimulate.

First of all, we have found that subtlety is no virtue in these endeavors, that intentionality, a focused, determined, explicit attention to the challenges of eradicating the effects of racism is essential to progress. To that end, we have created a framework designed to assist jurisdictions to keep these issues front and center in their work. In essence, our sites implement all of JDAI's core strategies through a racial equity lens. What does that mean? It means, for example, that when using data to understand what the system is doing and how various reforms are working, sites must be sure to disaggregate quantitative information by race and ethnicity, to track whether the patterns are discernibly different for different groups. It means that collaborative structures established to govern the reform initiative must have diverse representation, explicit authorization to address racial disparities, and mechanisms of accountability that hold stakeholders responsible for the system's fairness. Intentionality means examining all aspects of system policies, practices and programming to determine if kids of color are in any ways disadvantaged.

Second, we have learned that progress depends upon naming the problem accurately, not necessarily politely. In JDAI sites, we seek to root out racism and its effects, not just to diversify or become more multi-cultural. Diversity and multi-culturalism are great, but the structural inequities and personal biases that are at the root of disparities in juvenile justice will only be eliminated by an anti-racist approach. Right now, given the distribution of opportunity in the United States, embracing diversity means accepting the disadvantage that people of color face, sort of like saying, "I embrace you, your culture, your history and, by the way, your poverty and high rates of incarceration." Anti-racism, on the other hand, is affirmatively aimed at eliminating those disadvantages and renouncing the corresponding privileges that accrue to us white people.

And that gets to the third major lesson that we have learned: that we can, should, indeed must, challenge and organize white people to take part in these struggles. It should not be necessary to say that for too long people of my complexion have talked and acted as if racial disparities in the justice system were an issue for people of color. White people may be sympathetic, even sometimes active in support of racial justice, but their dog in this fight is more likely to be the one that asks, "Where's the chalupa?" than to be a mean pit bull. This is plain wrong and while white people surely need to follow leadership from people and communities of color when it comes to these issues, that does not absolve us of responsibility to take the issue on with the same fervor we would have

if the kids in question were our own. White people have been and still are the purveyors of racial injustice. We, therefore, have a special obligation to be actively and affirmatively anti-racist. It pleases me, without wanting to exaggerate, that in the JDAI context at least, we have seen emerge a growing group of white people who have become activists for racial justice.

Fourth, and fundamentally related to this notion that white people need to be challenged and organized to be part of the struggle for racial justice, is the notion that we must not only examine the disadvantages that people of color confront, but also the corresponding privileges that white people accrue and rely upon simply by virtue of our skin color. Without acknowledging those privileges and shedding or sharing them, true equality will be elusive. As long as white people monopolize the purse strings, set the policy agendas, and occupy the positions of power, our discussions and actions will be more limited, less informed and persistently unlikely to address the legitimate needs and concerns of those not similarly privileged. One of the privileges, by the way, that white people must eschew is what we refer to as the privilege of passivity, the opportunity to stand on the sidelines in these struggles for racial justice simply because our skin color does not require that we daily confront the indignities and inequalities that people of color have to address. If white people would only give up the privilege of passivity, the ranks of those committed to racial justice would swell so dramatically that the pace of progress would be radically hastened.

Finally, we have learned that addressing racial disparities in juvenile justice must begin with the things that the justice system can change, not things beyond its purview. In many places, efforts to reduce disparate outcomes for kids in trouble get bogged down in well-intended but frustrating conversations about poverty, poor housing, disinvestment, and lousy schools. These are not unimportant matters, of course, but they are not things that judges or probation officers or defense lawyers can readily change in their daily work. Juvenile justice personnel, however, can ensure even-handed decisions once kids are brought to court. They can provide effective counsel, implement programs that are available to all children, eliminate unnecessary delays in case processing, ensure equal treatment for the same offenses, etc. The more people in JDAI sites have focused on policies and practices that they can in fact change, the greater their progress in reducing racial disparities has been. The more they have allowed themselves to get lost in issues that they cannot immediately affect, the more disabled they have felt and the more discouraged they have become.

Ultimately, what we have seen in JDAI sites that has been the bedrock for producing sustained, determined efforts to eradicate the effects of racism on the administration of justice has been the rejection of the stereotypes and stigmatizing of the kids that distinguishes them from our own. Our experience emphasizes that it is only when adults embrace the kids in juvenile justice as our own that we take the necessary responsibility to change the conditions and opportunities these youngsters face. These really are our kids, and they are both our responsibility and our future. If we fail to acknowledge and act upon this reality, if we continue to treat these children, who have the worst odds of making it in our society, as if they somehow deserve less than what we

seek for our own kids, our society will continue to be characterized by a profound, deep racial dividing line and all children will suffer accordingly.

Thank you for your patience and your consideration.