

REMARKS

OF

THE HONORABLE KAROL V. MASON
ASSISTANT ATTORNEY GENERAL
OFFICE OF JUSTICE PROGRAMS

AT THE

BENNETT COLLEGE CHARTER DAY EVENT

ON

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GREENSBORO, NC

Thank you, Dr. Fuse-Hall. I am thrilled to join you, the Bennett College faculty and staff, your outstanding students, distinguished alumni, and special guests.

I'm humbled to be here today, at my mother's alma mater, a place she always spoke of with such reverence and pride. Hearing from her the history of this institution, about the role it has played in changing the conscience of our nation, and to be standing here in this storied chapel, in the very room where Eleanor Roosevelt, Thurgood Marshall, and Dr. King spoke before me – I can only say, I am awed.

My mother had the great privilege of attending Bennett College in the very early years of the Civil Rights Movement. Her freshman year, 1937, was the year the Bennett Belles led the first great boycott of the Carolina Theater, and she followed events closely in the decades that followed.

She spoke proudly of how the Belles helped lead Operation Doorknock in 1951. She beamed when she recalled how President Willa Player stood up to local pressure and welcomed Dr. King to campus in 1958. And she supported Bennett when almost half the student population was jailed during the Greensboro sit-ins in 1960 and when many more were imprisoned during the protests three years later.

So much has happened here, so much that has determined the forward progress of this country. Bennett College is truly a place of heroes, and I am proud to count my mother as one.

But even as we celebrate the courage and accomplishments of those who came before us, we're reminded of what Dr. King said when he spoke here more than half-a-century ago: "We've come a long, long way, but we have a long, long way to go."

In no area of our society is this more true than in the field in which I work, the criminal justice system. Throughout American history, criminal justice practices have reflected relations between the races – too often, in negative and shameful ways.

To be sure, we've made progress. Our nation is safer than it has been in decades. And our rates of imprisonment, though still shockingly high, have begun to fall. I'm particularly proud that, under the Obama Administration, crime rates and incarceration rates declined together for the first time in four decades. These are milestones of progress we can and should be proud of.

But there's still much to be done to make our criminal justice system more fair, more effective, and more faithful to our founding ideals. The fact is, too many people of color, particularly young men of color, are arrested and locked up for far too long. Too many black males are killed or victimized by violent acts.

African American girls, too, are disproportionately represented in the juvenile justice system. Black females are nearly three times more likely than their white peers to be referred to juvenile court for a delinquency offense.

Too many minority families and communities are torn apart by high incarceration rates that have done little to make us safer. And too often, institutions that are supposed to ensure justice have been complicit in these disparities. We were reminded of that in the Justice Department's investigation of the Ferguson police department and municipal court. We found that the city was relying on the justice system to close budget shortfalls – and African American citizens in particular were literally paying the price. Sadly, Ferguson isn't an isolated case.

The bottom line is that, in many cases, we're left with hollowed-out communities and – no less troubling – a crisis of faith in our institutions of law and order. Clearly, we still have a long, long way to go.

The good news is that there's a sense of urgency – widespread if not universal – to take action to address these problems. Members of Congress from both sides of the aisle are working together on sentencing reform. Red and blue states alike are overhauling their justice policies to reduce both incarceration and recidivism. And our President, who said that our criminal justice system is not as smart or as fair as it should be, has made common-sense justice reform a top priority for his Administration.

In his speech to the NAACP last summer, he laid out his vision. Reform, he said, must happen “in three places – in the community, in the courtroom, and in the cellblock.” In other words, from the front end of the system to the back end, before justice system contact and beyond.

First, we need to reduce the number of people from the community who enter the courtroom. That means investing in sentencing alternatives like drug courts, which have been shown to reduce arrests and substance abuse while saving taxpayer dollars.

But even before that, it means expanding opportunities for those at risk of justice system involvement, especially our young people. The President's My Brother's Keeper initiative is designed to do just that, and my office plays a central role.

We're part of an effort with the Department of Education to re-think school disciplinary policies that send kids to court for minor behavioral infractions. These practices are counterproductive because they often lead to continued justice system involvement – and they disproportionately penalize minority children.

We're also leading something called the National Forum on Youth Violence Prevention, which brings together an array of local and federal stakeholders to tackle youth crime in our cities. And last year we launched a program that seeks to break the cycle of violence in our urban centers by helping young male victims find support and healing. Too often these young people are seen as perpetrators when in fact many were victims first.

The second area of reform is in ensuring that the process of moving from the courtroom to the corrections system is smart and fair. This means looking anew at the way we deal with those entering the system. In America today, our jails are filled with people awaiting trial, many of whom languish for days, weeks, and months simply because they can't afford to post bail. We should be making these pretrial decisions based on a deliberate assessment of risk, not on an arbitrary socio-economic condition.

Taking that a step further, we need to look critically at how fines and other court-related fees are being used to perpetuate a cycle of poverty and incarceration. As we found in Ferguson, poor residents can't always afford to meet these financial obligations – and when they can't, they're penalized with interest fees and late payments that drive them deeper into debt and farther into the grip of the justice system.

The Department of Justice and the Administration are calling attention to this problem. We held a working session in December to examine the way these penalties are assessed and enforced, and we followed that up with a White House event to raise awareness of the issue.

We're taking a number of concrete steps toward change, as well. Last week, we released a package of resources, which includes a resource guide to help state and local leaders make informed policy decisions. We also sent a letter to state and local courts clarifying their legal obligations around the enforcement of fines and fees. We're assembling a national task force on fines, fees, and bail practices. And we'll be awarding grants to test new strategies around fee and fine enforcement.

The third area of reform is in the area of corrections – in particular, making sure that people who have had contact with the justice system are able to successfully integrate back into their communities. Over 600,000 people come out of our nation's prisons every year. More than 11 million cycle in and out of local jails. And here's another statistic you ought to know: One in four American adults has some sort of a criminal record.

These men, women, and – yes – young people face a barrage of what we call collateral consequences. These are penalties like denial of housing and voting privileges and loss of a driver's license that go beyond the sanctions imposed by the criminal justice system. Some of these penalties may serve a legitimate purpose. Others, frankly, seem designed to prevent people from returning to society as productive citizens.

From both a humanitarian standpoint and a public safety standpoint, it's imperative that we reconsider the need for so many collateral punishments. We should, instead, focus our energy on equipping individuals with the tools and skills they need to be successful, law-abiding members of their communities.

Since President Obama has been in office, we've awarded more than \$400 million to support hundreds of reentry programs across the country. And the Federal Interagency Reentry Council, which is chaired by the Attorney General and includes cabinet members

and heads of 23 federal agencies, is working hard – across the government – to remove barriers to reentry and reduce collateral consequences.

So reform must touch every facet of the justice system, from arrest to release. And it must involve the community – neighborhood and faith-based organizations; businesses and philanthropies; and our schools, colleges, and universities.

But there's another element to reform that extends beyond the justice system, one that is fundamental not only to law and order but to the ordering of civil society. And that is trust.

There's a growing body of research in procedural justice that tells us empirically what our civil rights forbears – and so many advocates today – have tried to communicate. And that is, if we expect people to respect the law and the institutions that enforce it, the law must respect them.

In fact, studies show that even when people have encounters with the law that result in arrests or other sanctions, they're more likely to accept the consequences if they believe the authorities are acting in a fair, respectful manner. And when community residents see the law being administered fairly and without bias, they will support law enforcement and other justice system professionals.

The bottom line is this: the safety of our communities and the legitimacy of our justice system are bound together.

In 2014, we launched our National Initiative on Building Community Trust and Justice. The basic idea of this initiative is to build on what we know about procedural justice, implicit bias, and racial reconciliation and help communities begin to heal those historic rifts that are so often centered on the justice system.

We're working with several private and academic partners and an advisory body of law enforcement practitioners and community and faith-based leaders. These groups are bringing their expertise to the task of repairing fractured relationships between justice system agencies and the citizens they serve.

Currently, six cities are serving as demonstration sites. Our site in Birmingham offers a wonderful example of the possibilities that exist when communities decide to tackle these issues. The Birmingham Police Department runs a program called the Youth Citizens Police Academy. This is an outstanding training program that gives young people a chance to see, close up, how law enforcement works and the challenges officers face every day.

It's remarkable to see how the interaction between police and citizens changes the dynamics of their relationship – from distrust and downright hostility to respect and even admiration. This is the kind of cooperative spirit I believe is possible in so many

communities. If we can find this spirit in a city like Birmingham, with its history of tension and discord, there's no reason to believe we can't find it in other places.

But bridging these divides is not something that will happen quickly or spontaneously. Nor should we expect to coast to victory on sheer momentum. As Dr. King said when he spoke here, "history has proven that social systems have a great last minute breathing power. And the guardians of the status quo are always on hand with the oxygen tents to keep the old order alive."

We're seeing a movement to right a history of wrongs and to set our justice system – and our nation – on a course to meeting our noblest ideals. Bennett College is part of this movement, as it was in an earlier era when injustice and intolerance stood in the way of progress. It's a place, as Willa Player once said, "where freedom rings."

I'm proud of my association with this institution. My mother would be proud, too, to see how Bennett College – a place she considered a second family – has remained true to its mission of intellectual inquiry, public service, and responsible civic action. You have all inherited an amazing legacy, and through your outstanding leaders, your talented faculty and staff, and your gifted student body, you are proving yourselves excellent stewards of that inheritance.

I urge you to remain faithful to the values that Bennett stands for, and to the example of Bennett Belles who have gone before you. Keep working to make America a more just nation. Help to make our country worthy of its principles – of fairness, of inclusiveness, and of equal justice under law. And expect of it the same great things you expect of yourselves.

Thank you.

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