

Racial injustice and disposable youth in the age of zero tolerance

HENRY A. GIROUX
Pennsylvania State University

The author argues that economically, politically, and culturally the situation of youth in the U.S. is intolerable and unforgivable. Childhood has been demeaned by popular news media and no longer is regarded by society as the future of democracy. Rather, young people are increasingly isolated, treated with suspicion, and subjected to diminished rights of privacy and personal liberties. Zero-tolerance policies in communities and schools amount to the criminalization of youth, and schools grow more like prisons than institutions of education. The multiple social and political costs of negative perceptions of youth are considered. It is argued that repressive social policies and neglect of children, as evidenced by the growing state of poverty, hunger, and homelessness among America's children, threatens the future of democracy. The author encourages policy reforms and individual and community commitment to policy reforms.

Introduction

In many ways, the United States appears to be a country that is under siege. Faced with increasing threats of terrorism in the aftermath of the horrible events of September 11th, Americans are both concerned about their safety and fearful that the Bush Administration will sacrifice the country's most basic freedoms in the name of national security. At the same time, the economy is in a recession, over two million workers have lost their jobs since 2000, and the outlook for those who are working and middle class is far from optimistic. Similarly, economic insecurity and the attack on civil liberties take on an ominous air in light of an endless series of scandals revealing the most blatant and pernicious examples of greed and corruption at the highest levels of corporate America. Moral panic fueled by economic insecurity, a crisis around civil liberties, and widespread corporate corruption make democracy appear fragile in the United States in this time of civic and political crisis.

At the same time, there is an ongoing and growing resistance to the passing of antiterrorist laws such as the USA Patriot Act – which gives extensive and wide-reaching powers to government agencies, including the right to monitor what people read in libraries, engage in wiretaps, snoop around in places of worship, and listen in on what clients say to their lawyers – and the now suspended Operation TIPS – the Terrorism Information and Prevention System – designed to recruit millions of workers and citizens to act as government snitches while bolstering an expansive internal spying network that would act as “extra eyes and ears for law enforcement” in order to report “suspicious and potentially terrorist related

activity.” There are also protest movements challenging the Bush Administration’s unsubstantiated arguments for invading Iraq and the all too cozy entanglements between top officials in the highest levels of government and corrupt business executives associated with multinational corporations that have engaged in disreputable business practices. Yet, at the same time, there is a thunderous silence on the part of many critics and academics regarding the ongoing insecurity and injustice experienced by young people in the U.S., which is now being intensified as a result of the state’s increasing resort to repression and punitive social policies. The current concerns about terrorism and security almost completely ignore what these terms mean outside of a violent attack against property and persons. There is a sense of moral and political indifference, if not cynicism, about the forms of domestic terrorism suffered by children who are poor, hungry, homeless, neglected, lack medical care, or suffer physical abuse by adults.

Increasingly children seem to have no standing in the public sphere as citizens and as such are denied a fair sense of entitlement and agency. Children have fewer rights than almost any other group and fewer institutions protecting these rights. Consequently, their voices and needs are almost completely absent from the debates, policies, and legislative practices that are constructed in terms of their needs. This is not to suggest that adults do not care about youth, but most of those concerns are framed within the realm of the private sphere of the family and can be seen most clearly in the moral panics mobilized around children being abducted or preyed upon by pedophiles or other evil assailants. The response to such events, tellingly, is more “get tough on crime policy,” never an analysis of the systemic failure to provide safety and security for children through improved social provisions. In public life, however, children seem absent from any discourse about the future and the responsibilities this implies for adult society. Rather, children appear as objects, defined through the debasing language of advertising and consumerism.

No longer seen as a crucial social investment for the future of a democratic society, youth are now demonized by the popular media and derided by politicians looking for quick-fix solutions to crime. In a society deeply troubled by their presence, youth prompt in the public imagination a rhetoric of fear, control, and surveillance – made all the more visible with the 2002 Supreme Court decision upholding the widespread use of random drug testing of public school students. Such random drug testing of all junior and senior high school students who desire to participate in extracurricular activities registers a deep distrust of students and furthers the notion that youth have become a generation of suspects. Schools increasingly resemble prisons, and students begin to look more like criminal suspects who need to be searched, tested, and observed under the watchful eye of administrators who appear to be less concerned with educating them than with policing their every move. Trust and respect now give way to fear, disdain, and suspicion. Moreover, this hostility by adults towards young people is increasingly being translated into social policies that signal the shrinking of democratic public spheres, the hijacking of civic culture, and the increasing militarization of public space. Police and drug-sniffer dogs now become a common fixture in public schools. In many suburban malls, young people (coded as youth of color) cannot even shop or walk around without either appropriate identification cards or in the company of their parents. Excluded from public spaces outside of schools that once offered young people the opportunity to learn a sport, play music, hang out in a

youth club, attend alternative educational clubs, and develop their own talents and sense of self-worth, young people are now forced to hang out in the streets, while increasingly subject to police surveillance, anti-gang statues, and curfew laws, especially in poor, urban neighborhoods.

Instead of providing a decent education to poor young people, we serve them more standardized tests and house too many of them in under-funded and under-served schools; instead of guaranteeing young people decent health care, jobs, and shelter, we offer them the growing potential of being incarcerated, buttressed by the fact that the U.S. is the only industrialized country that sentences minors to death and spends "three times more on each incarcerated citizen than on each public school pupil" (Wokusch, 2002, p. 1); instead of providing them with vibrant public spheres, we offer them a commercialized culture in which consumerism is the only value through which they can define their individual and collective identities.

The shameful state of many of the children in America can be seen in some of the astounding statistics that suggest a profound moral and political contradiction at the heart of the United States, one the richest democracies in the world: over 11 million children live in poverty and 8.4 million in 2002 were without health insurance; 5.6 million young people between the ages of 16 and 24 are out of work and the joblessness rate among youth has surged by 16 percent since the year 2000. The *New York Times* recently reported that over "1.4 million children are homeless in America for a time in any given year... and these children make up 40 percent of the nation's homeless population" (Egan, 2002, p. 35). As the Bush Administration provides the lion's share of huge tax cuts for the upper one percent of the population, it has eliminated tax cuts for over 16 million children in low income families (Herbert, 2003, A27). Moreover, tax cuts have resulted from the loss of over \$75 billion from state budgets, producing cut backs in many social programs that directly affect children. In states such as Oregon, Massachusetts, and California, teachers have been fired, the school year shortened, and extracurricular programs eliminated. In fact, one consequence of the Bush Administration budget for 2003 is that 8000 homeless children will be denied educational benefits, 50,000 children will be cut out of after-school programs, and 33,000 young people will be cut from child care. 20 percent of children are poor during the first three years of life and millions lack affordable child care and decent early childhood education; in many states more money is being spent on prison construction than on education; the infant mortality rate in the United States is the highest of any other industrialized nation. When broken down along racial categories, the figures become even more despairing. For example, "In 1998, '36 percent of black and 34 percent of Hispanic children lived in poverty, compared with 14 percent of white children' (Child Research Briefs, 2000). In some states such as the District of Columbia the child poverty rate is as high as 45 percent" (Childhood Poverty Research Brief 2, 2000). While the United States ranks first in military technology, military exports, defense expenditures and the number of millionaires and billionaires, it is ranked 18th in the gap between rich and poor children, 12th in the percent of children in poverty, 17th in the efforts to lift children out of poverty, and 23rd in infant mortality (Children's Defense fund, 2002). In short, economically, politically, and culturally, the situation of youth in the United States is intolerable and unforgivable (Bhabha, 2001).

At a time when people who are committed to exclusion have been appointed to the highest positions in government, there are mounting ideological, institutional,

and political pressures among conservatives, liberals, and others to remove youth from the inventory of ethical and political concerns that legitimize and provide individual rights and social provisions for members of a democratic society. I refer specifically to the growing support among the American people for public policies that increasingly address social problems by relying on the police, courts, and prison system. This is clear not only in the widespread use of zero-tolerance policies in the criminal justice system and the public schools – with their mutual emphasis on mandatory intolerance – but also in the emergence of degrading representations, repressive practices, and policies that target young people across a wider variety of public spheres. For example, within the last decade, youth have become public enemy number one – blamed in the press, Hollywood films, and on an endless array of right-wing talk shows for nearly all of our major social ills extending from violence and drug use to the breakdown of family values. Even the Bush Administration could not resist bashing youth by running a series of anti-drug ads suggesting that youth who used drugs were responsible for terrorist acts. In one of the more ridiculous charges coming out of the Bush government, kids were linked to terrorist acts. But there are more insightful, generous, and ethical understandings of youth that can be drawn upon to challenge the current pejorative representations of youth as dangerous, shiftless, and selfish. Critics from John Dewey to Paulo Freire have always embraced the utopian notion that the model of the good life should not be cut off from the model of the good society, and that the greatest investment in the good life should be made in the children of any given society. One finds, for instance, that Martin Luther King, Jr. dedicated his entire life to the assumption that the public good, collective struggle, equity, racial justice, civil disobedience, and compassion were at the heart of what it meant to provide the conditions for children to inherit a future in which they experienced the benefits of a meaningful and multiracial democracy. In a series of lectures aired by the Canadian Broadcasting Corporation in December of 1967, he argued the following:

When an individual is no longer a true participant, when he no longer feels a sense of responsibility to his society, the content of democracy is emptied. When the culture is degraded and vulgarity enthroned, when the social system does not build security but induces peril, inexorably the individual is impelled to pull away from a soulless society. This process produces alienation – perhaps the most pervasive and insidious development in contemporary society. (King, 1986a, p. 644)

I want to build on this insight and its implications for children by arguing that we are a society that faces the problem of losing a generation of young people, especially young people of color, to a system of increasing repression, moral indifference, and racism. Equally important is the recognition that this crisis facing young people is fundamentally about the crisis of democracy itself. In the spirit of revitalizing, expanding, and deepening the possibilities of a strong democracy, educators, parents, students, and critical citizens are currently faced with the challenge of revitalizing the legacy of militant hope and engaged struggle that celebrates a long legacy in American history indebted to the principles of justice, human rights, freedom, and democratic public life.

In light of these concerns, I want to examine in greater detail the social and political costs of the growing popular perception of youth, but especially youth of

color, as a generation of suspects, and how the latter assessment is increasingly being translated into social policies that signal the shrinking of democratic public spheres and the increasing militarization of public space. It is against this growing threat to basic civil liberties, democracy, homeless youth, and youth of color that I want to address the related issues of zero-tolerance policies and the increase in domestic militarization. While my focus is on the relationship between education and zero-tolerance policies, my analysis points to a broader set of repressive conditions that not only target young people across a wider variety of public sites, but also undermine the guarantee of rights and institutional structures that are characteristic of a meaningful democracy.

Zero tolerance and the politics/color of punishment

When the “War on Poverty” ran out of steam with the social and economic crisis that emerged in the 1970s, there was a growing shift at all levels of government from an emphasis on social investments to an emphasis on public control, social containment, and the criminalization of social problems. The criminalization of social issues –starting with President Johnson’s Omnibus Crime and Safe Streets Act of 1968 (a bill that was debated in Congress after the assassination of Dr. Martin Luther King), entering a second phase with President Ronald Reagan’s war on drugs and the privatization of the prison industry in the 1980s, and moving into a third phase with the passage of a number of anticrime bills by President Clinton’s administration, including the Anti-Terrorism and Effective Death Penalty Act, coupled with the escalating war on immigrants in the early 1990s and the rise of the prison-industrial complex by the close of the decade¹ – has now become a part of everyday culture and provides a common referent that extends from governing prisons and regulating urban culture to running schools. This is most evident in the emergence of zero-tolerance laws that have swept the nation since the 1980s, and gained full legislative strength with the passage of the Violent Crime Control and Law Enforcement Act of 1994. Following the mandatory sentencing legislation and get-tough policies associated with the “war on drugs,” this bill calls for a “three strikes and you’re out” policy, which puts repeat offenders, including nonviolent offenders, in jail for life, regardless of the seriousness of the crime. The general idea behind the bill is “to increase the prison sentence for a second offense and require life in custody without parole for a third offense” (Donziger, 1996, p. 19). It also provides 60 new offenses punishable by death, while at the same time limiting the civil rights and appeal process for those inmates sentenced to die. In addition, the largest single allocation in the bill is for prison construction.² The prison market, estimated to be worth \$37.8 billion a year, is larger than major league baseball, and it “employs more than 413,000 people, having more than doubled in the last twenty years” (Calvi, 2001, pp. 40–41). Since the Crime Bill was passed in 1994, the prison industry has become big business with many states spending “more on prison construction than on university construction” (Lewis, 1999, p. A1). Yet, even as the crime rate plummets dramatically, more people, especially people of color, are being arrested, harassed, punished, and put in jail.³ As is widely reported, the United States is now the biggest jailer in the world, with 6.5 million people either in jail or under corrections supervision.⁴ Between 1985 and 2000 the prison population grew from 744,206 to 2.0 million (approaching the

combined populations of Idaho, Wyoming, and Montana), and prison budgets jumped from \$7 billion in 1980 to \$40 billion in 2000.⁵ Put another way, the United States is “spending \$35,000 a year to maintain one prisoner in a minimum-security cell . . . [while] it costs nearly \$80,000 a year to confine a prisoner in a maximum-security cell. [In addition,] we are building over a hundred new prison cells a day” (Marable, 2000, p. 3).

The explosion in the prison population has also resulted in a big increase in the move towards privatizing prisons.⁶ By the close of 1997, at least 105 for-profit private prisons existed in the United States, “each receiving some form of federal subsidy with limited federal protection of prisoners’ rights or prison conditions” (Kelley, 1997, p. 98). Prisoners, especially the widely disproportionate pool of African-American inmates, which has tripled since 1980, provide big business not only “with a new source of consumers but a reservoir of cheap labor” (Kelley, 1997). Of the two million people behind bars, 70% of the inmates are people of color with 50% being African-Americans, while 17% are Latinos (Barsamian, 2001). The racist significance of this figure can be measured by a wide range of statistics. For instance, law professor David Cole, in his book *No equal justice*, points out that while “76 percent of illicit drug users were white, 14 percent black, and 8 percent Hispanic – figures which roughly match each group’s share of the general population,” African-Americans constitute “35 percent of all drug arrests, 55 percent of all drug convictions, and 74 percent of all sentences for drug offences” (Cole, 1999, p. 144). A Justice Department Report points out that on any give day in this country “more than a third of the young African-American men aged 18–34 in some of our major cities are either in prison or under some form of criminal justice supervision” (Donziger, 1996, p. 101). The same department reported in April of 2000 “black youth are forty-eight times more likely than whites to be sentenced to juvenile prison for drug offenses” (Press, 2000, p. 55). The Report of the National Criminal Justice Commission noted in 1996 that “spending on crime fighting has risen three times faster than defense spending,” and the biggest beneficiary appears to be “private businesses [that] reap enormous profits from the fear of crime and the expansion of the criminal justice system” (Donziger, 1996, p. xii). Moreover, as many critics of the private prison system have pointed out, it “is particularly disturbing that corporations should be making a profit from policies that are not in the public interest – such as excessive prison sentences and the incarceration of nonviolent offenders” (Featherstone, 2000, p. 78). At a time when over 550,000 black males are interned in jails in the United States, “the concept of private companies profiting from prisoners evokes the convict leasing system of the Old South” (Featherstone, 2000, p. 78). The increased use of a zero-tolerance policy functions not only to contain “minority populations” and provide new sources of revenue, it also actively promotes and legitimizes retrograde social policies. For example, an increasing number of states, including California and New York, are now spending more on prison construction than on higher education, and the impact on minorities of color has been devastating. Paul Street illustrates this point. He claims that in Illinois, for every “African-American enrolled in [its] universities, two and a-half Blacks are in prison or on parole . . . [While] in New York. . . more Blacks entered prison just for drug offenses than graduated from the state’s massive university system with undergraduate, masters, and doctoral degrees combined in the 1990s (Street, 2001, p. 25). Moreover, many states are also hiring more prison guards than teachers. A recent study by the

Correctional Association of New York and the Washington, D.C.-based Justice Policy Institute claims that millions of dollars are being diverted from the public university budget in New York and into prison construction. The reports point out that “between fiscal year 1988 and fiscal year 1998, New York’s public universities saw their operating budgets plummet by 29% while funding for prisons rose 76%. In California, the average prison guard now earns \$10,000 more than the average public school teacher, and increasingly more than many professors working in the state university system.⁷ As the “prison-industrial complex” becomes a dominant force in the economy of states such as California, competing with land developers and service industries, it does more than rake in huge profits for corporations; it also contributes to what Mike Davis calls a “permanent prison class” (Davis, 1996, p. 73) fed by the rising “market” of black offenders disenfranchised of their political and economic rights. Sustaining this “permanent prison class,” in part, is a prison-industrial complex that offers itself as a high-powered growth industry to many small towns in rural communities throughout the United States that have been “recently hollowed-out by the de-industrializing and family farm-destroying gales of the ‘free-market’ system” (Street, 2001, p. 28). Attempting to provide jobs and protect their local economies, rural communities in places such as Sayre, Oklahoma with a population of 4,114 have become part of a prison-industrial lobby that supports tougher crime laws, harsher sentences, and more funding for prison construction, even as crime rates continue to fall throughout the country. And such lobbying efforts seem to be working. Calvin Beale, a senior demographer at the Economic Research Service of the Agriculture Department, claims “an average of 25 new rural prisons opened each year in the 1990s, up from 16 in the 1980s and 4 in the 1970s” (Kilborn, 2001, p. A1).

What are we to make of a society that turns to prison construction as a way of reviving its slugging economy, that constructs social policies which increasingly portray youth, especially youth marginalized because of their color and class, as a generation of suspects? What are we to make of a social order whose priorities suggest to poor, urban youth of color that it is easier for them to be sent to jail than to be given a decent education? What is the lesson to be learned when a society invests more in prisons than in those public institutions that educate young people to become critical and productive citizens? In this instance, the culture of domestic militarization, with its policies of containment, brutalization, and punishment, becomes more valued to the dominant social order than any consideration of what it means for a society to expand and strengthen the mechanisms and freedoms of a fully realized democracy.⁸

Zero-tolerance policies have been especially cruel in the treatment of juvenile offenders.⁹ Rather than attempting to work with youth and make an investment in their psychological, economic, and social well-being, a growing number of cities are passing sweep laws – curfews and bans against loitering and cruising – designed not only to keep youth off the streets, but to make it easier to criminalize their behavior. For example, within the last decade, “45 states . . . have passed or amended legislation making it easier to prosecute juveniles as adults” and in some states “prosecutors can bump a juvenile case into adult court at their own discretion” (Talbot, 2000, p. 42). A particularly harsh example of these Draconian measures can be seen in the recent passing of Proposition 21 in California. The law makes it easier for prosecutors to try in adult court teens 14 and older who are convicted of felonies. These youth would automatically be put

in adult prison and be given lengthy mandated sentences. As Louise Cooper points out, "It also increases the discretionary powers for routine police surveillance, random searches and arrest of young people" (Cooper, 2000, p. 12). The overall consequence of the law is to largely eliminate intervention programs, increase the number of youth in prisons, especially minority youth, and keep them there for longer periods of time. Moreover, the law is at odds with a number of studies that indicate that putting youth in jail with adults both increases recidivism and poses a grave danger to young offenders who, as a Columbia University study suggested, are "five times as likely to be raped, twice as likely to be beaten and eight times as likely to commit suicide than adults in the adult prison system" (cited in Nieves, 2000, pp. A1, A5).

Paradoxically, the moral panic against crime that increasingly feeds the calls for punishment rather than rehabilitation programs for young people exists in conjunction with the disturbing facts that the United States is currently one of only seven countries (the others are Congo, Iran, Nigeria, Pakistan, Saudi Arabia, and Yemen) in the world that permit the death penalty for juveniles, and that in the last decade it has executed "more juvenile offenders than all other countries combined that allow such executions" (cited in Rimer & Bonner, 2000, p. A16).

The National Criminal Justice Commission report claims that while "get tough" policies are likely to be more severe when dealing with children, they are particularly repressive when applied to youth of color, especially as a result of the war on drugs and the more recent eruption of school shootings. Numerous studies have documented that unlike middle-class white youth, minority youth are "more likely to be arrested, referred to court, and placed outside the home when awaiting disposition of their cases. . . . [Moreover] all things being equal, minority youths face criminal charges more often than white youths for the same offenses. Also, African-American youths are charged more often than whites with a felony when the offense could be considered a misdemeanor. . . . Minority youth are also more likely to be waived to adult court, where they will face longer sentences and fewer opportunities for rehabilitative programs" (Donziger, 1996, p. 123). Fed by widespread stereotypical images of black youth as superpredators and black culture as the culture of criminality, minority youth face not only a criminal justice system that increasingly harasses and humiliates them but also a larger society that increasingly undercuts their chances for a living wage, quality jobs, essential social services, and decent schools.¹⁰ Within such a context, the possibilities for treating young people of color with respect, dignity, and support vanishes and with it the hope of overcoming a racial abyss that makes a mockery out of justice and a travesty of democracy.

The growing influence of zero-tolerance laws in the United States can be seen in the application of such laws in areas as different as airport security, the criminal justice system, immigration policy, and drug-testing programs for athletes. The widespread use of these policies has received a substantial amount of critical analyses within the last decade. Unfortunately, these analyses rarely make connections between what is going on in the criminal justice system and in the public schools.¹¹ I want to focus on this issue and in doing so take up Manning Marable's (2002) claim that "One of the central battlegrounds for democracy in the U.S. in the twenty-first century will be the effort to halt the dismantling of public education and public institutions in general for the expansion of [the] prison-industrial complex" (p. 5).

Schooling and the pedagogy of zero tolerance

Across the nation school districts are lining up to embrace zero-tolerance policies. Emulating state and federal laws passed in the 1990s, such as the federal Gun-Free Schools Act of 1994, that were based on mandatory sentencing and “three strikes and you’re out” policies, many educators first invoked zero-tolerance rules against those kids who brought guns to schools. But over time the policy was broadened, and now includes a range of behavioral infractions that include everything from possessing drugs to harboring a weapon to *threatening* other students – all broadly conceived. For instance, in many districts school administrators “will not tolerate even one instance of weapon possession, drug use, or harassment” (Beem, 2000, p. 3A).

Unfortunately, any sense of perspective seems lost, as school systems across the country clamor for metal detectors, armed guards, see-through knapsacks, and, in some cases, armed teachers. Some school systems are investing in new software in order to “profile” students who might exhibit criminal behavior.¹² Overzealous laws relieve educators of exercising deliberation and critical judgment as more and more young people are either suspended or expelled from school, often for ludicrous reasons. For example, two Virginia fifth-graders who allegedly put soap in their teacher’s drinking water were charged with a felony.¹³ Officials at Rangeview High School in Colorado, after unsuccessfully trying to expel a student because they found three baseball bats on the floor of his car, ended up suspending him.¹⁴ In a similar litany of absurdities, four pupils were suspended from a New Jersey Elementary School because they pretended that their fingers were guns, saying to one another “I want to shoot you.” The principle defended the suspensions claiming “This was not cops and robbers” (Associated Press, 2003, on-line). Jesse Jackson offers the example of a student who was suspended on a weapons charge because school officials discovered a little rubber hammer as part of his Halloween costume. Jackson provides another equally revealing example of a student brought up on a drug charge because he gave another youth two lemon cough drops (Rethinking Schools, 2000). Images of young children handcuffed, sitting in adult courts before stern judges, are increasingly matched by depictions of schools marked by the foreboding presence of hired armed guards in the corridors, patrolled cafeterias, locked doors, video surveillance cameras, electronic badges, police dogs, and routine drug searches. As compassion and understanding give way to rigidity and intolerance, schools become more militarized and appear as adjuncts, if not conduits, to the penal system.

Zero tolerance does more than offer a simple solution to a complex problem; it has become a code word for a “quick and dirty way of kicking kids out” of school rather than creating safe environments for them (Goodman, 2000). For example, the *Denver Rocky Mountain News* reported in June of 1999 that “partly as a result of such rigor in enforcing Colorado’s zero tolerance law, the number of kids kicked out of public schools has skyrocketed since 1993 – from 437 before the law to nearly 2,000 in the 1996–1997 school year” (*Denver Rocky Mountain News*, June 22, 1999). In Chicago, the widespread adoption of zero-tolerance policies in 1994 resulted in a 51% increase in student suspensions for the next four years, and a 3000% increase in expulsions, jumping “from 21 in 1994–’95 to 668 in 1997–’98” (Michie, 2000, p. 24). Within such a climate of disdain and intolerance, expelling students does more than pose a threat to innocent kids, it also suggests that local school boards are refusing to do the hard work of exercising critical judgment, trying to

understand what conditions undermine school safety, and providing reasonable support services for all students, and viable alternatives for the troubled ones. As the criminalization of young people finds its way into the classroom, it becomes easier for school administrators to punish students rather than listen to them or, for that matter, to work with parents, community justice programs, religious organizations, and social service agencies.¹⁵ Even though zero-tolerance policies clog up the courts and put additional pressure on an already overburdened juvenile justice system, educators appear to have few qualms about implementing them. And the results are far from inconsequential for the students themselves.

Most insidiously, zero-tolerance laws, while a threat to all youth and any viable notion of equal opportunity through education, reinforce in the public imagination the image of students of color as a source of public fears and a threat to public school safety. Zero-tolerance policies and laws appear to be well tailored for mobilizing racialized codes and race-based moral panics that portray black and brown urban youth as a frightening and violent threat to the safety of “decent” Americans. Most of the high-profile zero-tolerance cases generally involve African American youth, and as a result they reinforce the racial inequities that plague school systems across the country. For example, Tamar Lewin (2000), a writer for the *New York Times*, has reported on a number of studies illustrating “that black students in public schools across the country are far more likely than whites to be suspended or expelled, and far less likely to be in gifted or advanced placement classes” (p. A14). Even in a city such as San Francisco, considered a bastion of liberalism, African-American students pay a far greater price for zero-tolerance policies. Libero Della Piana (2000) reports that “According to data collected by Justice Matters, a San Francisco agency advocating equity in education, African Americans make up 52 percent of all suspended students in the district – far in excess of the 16 percent of the general population” (p. A21). Marilyn Elias reported in a recent issue of *USA Today* that “In 1998, the first year national expulsion figures were gathered, 31% of kids expelled were black, but blacks made up only 17% of the students in public schools” (Elias, 2000, 9D). Feeding on moral panic and popular fear, zero-tolerance policies not only turn schools into an adjunct of the criminal justice system, they also further rationalize misplaced legislative priorities. And that has profound social costs. Instead of investing in early childhood programs, repairing deteriorating school buildings, or hiring more qualified teachers, schools now spend millions of dollars to upgrade security, even when such a fortress mentality defines the simplest test of common sense. For example, school administrators at Fremont High School in Oakland, California decided to build a security fence costing \$500,000 “while the heating remained out of commission” (Piana, 2000). Another instance of such irrationality can be found, as I mentioned earlier, in the fact that many states now spend “more on prison than on university construction” (Lewis, 1999, p. A31). Young people are quickly realizing that schools have more in common with military boot camps and prisons than they do with other institutions in American society. In addition, as schools abandon their role as democratic public spheres and are literally “fenced off” from the communities that surround them, they lose their ability to become anything other than spaces of containment and control. In this context, discipline and training replace education for all but the privileged as schools increasingly take on an uncanny resemblance to oversized police precincts, tragically disconnected both from the students who inhabit them and the communities that give meaning to their historical

experiences and daily lives. As schools become militarized, they lose their ability to provide students with the skills to cope with human differences, uncertainty, and the various symbolic and institutional forces that undermine political agency and democratic public life itself.

Schooling and the crisis of public life

I want to conclude by arguing that as parents, educators, and concerned citizens we need to rethink what it would mean to interrogate and break away from the dangerous and destructive representations and racial practices of zero-tolerance policies as they work to reinforce modes of authoritarian control and repression in a vast and related number of powerful institutional spheres. We need to recognize, once again, that the crisis of race and youth in this country is symptomatic of the crisis of democracy. In spite of the message we often get from the media, the enemy of democracy is not difference but bigotry. For many youth, the future appears to be a repeat of the present, a period not unlike what the singer and songwriter Gil Scott-Herron once called “winter in America.” The time for social change has never been so urgent because the fate of an entire generation of young people is at stake. Educators, parents, and other concerned citizens need to understand more clearly, as the writer Jack Geiger (1997) reminds us, how racism in this country “distorts individual relationships and magnifies such major social policy issues as poverty, crime, drugs, gangs, welfare, joblessness, and the failure of inner-city schools, which are, in American social and political discourse, racially coded” (p. 28). In addition, as parents, critical citizens, and educators we need to reject a growing commercial culture that reduces social values to market relations, limits the obligations of citizenship to the act of consuming, and dismisses racial and economic justice as the product of a bygone era. This is what Dr. King meant when he told a group of young people to “Make a career of humanity. Commit yourself to the noble struggle for equal rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in” (1986b, p. 22). Under the present circumstances, it is time to remind ourselves that collective problems deserve collective solutions and that what is at risk is not only a generation of young people now considered to be generation of suspects, but the very promise of democracy itself.

Notes

1. For a history of these events, see Parenti (2001).
2. For specifics on this bill, see Stone Brown, C. (1996). Legislating repression: the federal crime bill and the anti-terrorism and effective death penalty act. In Elihu Rosenblatt, *Criminal injustice: Confronting the prison crisis* (pp. 100–107) (Boston: South End Press).
3. For some extensive analyses of the devastating affects the criminal justice system is having on black males, see Tonry (1995), Miller (1996); Cole (1999), Garland (2001), Mauer & Chesney-Lind (2002).
4. Parenti (2001), p. 19.
5. These figures are taken from the following sources: Delgado (1999–2000), p. 18; Butterfield, (2000), p. A10; Lewis, op. cit., p. A1; also see the special issue of *Monthly Review* 53:3 (July-August 2001) on “Prisons and executions: The U.S. model.” As of 2001, there are 6.6 million people in the correctional system, with 1.9 million in either prison or jail. Some 3% of the U.S. population is under the supervision of the correctional system. See *USA Today* (2002). Record numbers behind bars, Monday August 26, p. 3A.
6. Prisoners being held in private facilities make up the fastest growing segment of the jail and prison population in the United States. At the same time, only 7% of prisons and jails are privately run. It is worth noting that such prisons have bad track records around human rights and providing decent

services. They are also actively opposed by corrections guards' unions. Cited in Featherstone (2000), p. 78.

7. Cited from Lotke (1996).

8. Even more shameful is that fact that such discrimination against African-Americans is often justified from the Olympian heights of institutions such as Harvard University by apologists such as lawyer Randall Kennedy who argue that such laws, criminal policies, and police practices are necessary to protect "good" blacks from "bad" blacks who commit crimes. See Kennedy (1997).

9. For a moving narrative of the devastating effects of the juvenile justice system on teens, see Humes (1996).

10. When Tom Smith of the National Opinion Research Center at the University of Chicago asked respondents to compare blacks and other minorities "on a variety of personal traits" in 1990, he found that "62% of nonblack respondents thought that blacks were lazier than other groups, 56% felt they were more prone to violence, 53% say them as less intelligent, and 78% thought they were less self-supporting and more likely to live off welfare." Cited in Massey and Denton (1993), p. 95. I mention this study as simply one example of the widespread racism that permeates American culture. Of course, while blacks are not the only group victimized by stereotypes, unlike many other groups they often do not have the material resources to fight back and prevent such stereotypes from spreading and influencing individual behavior and social policy. Hence, African-Americans, especially black youth, as a group are more likely to suffer the abuse such stereotypes generate. For a more extensive study of the ongoing presence of racism in American society, see Shipler (1998); Walters (1996), pp. 2–8. Of course, one could compile an endless list of sources on the latter subject. I mention only three because of limited space.

11. A typical example can be seen in Talbot (2000), pp. 41–47, 58–60, 88, 96. Talbot takes up the get-tough policies that currently characterize the juvenile justice system but makes no connections to wider social, economic, or political considerations or for that matter to the related assaults on teens taking place in a variety of spheres outside of the criminal justice system.

12. See Moore (2000), p. 18.

13. Goodman (2000), p. 8.

14. Editorial (1999), p. 38A.

15. It was reported in the *New York Times* that in responding to the spate of recent school shootings, the FBI has provided educators across the country with a list of behaviors that could identify "students likely to commit an act of lethal violence." One such behavior is "resentment over real or perceived injustices." The reach of domestic militarization becomes more evident not only as the F.B.I. takes on the role of monitoring potentially disruptive student behavior, but also as regards the degree to which teachers are positioned to become adjuncts of the criminal justice system. The story and quotes appear in Editorial (2000), p. A18.

References

- Associated Press (2003, June 22). *Punishment upheld for kindergartner who imagined finger as a gun*. Available on line at www.nytimes.com/2003/06/22nyregion/22Kind.html?ei=1&en=16427bccaa259a5
- Barsamian, D. (2001, February). Interview with Angela Davis. *The Progressive*, p. 35.
- Beem, K. (2000, March 3). Schools adopting safety measures. *Centre Daily Times*, p. 3A.
- Bhabha, H. (2001, September 28). A narrative of divided civilizations, *Chronicle Review*. Section 2 of the *Chronicle of Higher Education*, p. B12.
- Brown, C.S. (1996). Legislating repression: The federal crime bill and the anti-terrorism and effective death penalty act. In E. Rosenblatt (Ed.), *Criminal injustice: confronting the prison crisis* (pp. 100–107). Boston: South End Press.
- Butterfield, F. (2000, August 10). Number in prison grows despite crime reduction. *New York Times*, A10.
- Calvi, S.J.A. (2001, May). The craze of incarceration. *The Progressive*, pp. 40–41.
- Child Research Briefs (2000). Poverty, welfare, and children: A summary of the data [available online at <http://www.childtrends.org>].
- Childhood Poverty Research Brief 2 (2000). Child poverty in the states: levels and trends from 1979 to 1998 [available online at <http://www.nccp.org>].
- Children's Defense Fund (2002). *The state of children in America's union: A 2002 action guide to leave no child behind* (pp. iv–v, 13). Washington, DC: Children's Defense Fund.
- Cole, D. (1999). *No equal justice: race and class in the American criminal justice system*. New York: New Press.
- Cooper, L. (2000, May/June). Youth activists fight prop 21. *Against the current* (86), p. 12.
- Davis, M. (1996). The politics of super incarceration. In E. Rosenblatt (Ed.), *Criminal injustice: confronting the prison crisis* (p. 73). Boston: South End Press.

- Delgado, G. (1999–2000, Winter). Mo' prisons equals MO' money, *Colorlines*, p. 18.
- Donziger, S.R. (Ed.) (1996). *The real war on crime: The report of the national criminal justice commission*. New York: Harper Perennial.
- Editorial. (1999, June 22). Zero Tolerance is the Policy. *Denver Rocky Mountain News*, p. 38A.
- Editorial. (2000, September 7). FBI Caution Signs for Violence In Classroom. *New York Times*, p. A18.
- Egan, J. (2002, March 24). To be young and homeless, *The New York Times Magazine*, p. 35.
- Elias, M. (2000, December 11). Disparity in black and white? *USA Today*, p. 9D.
- Featherstone, L. (2000, Fall). A common enemy: students fight private prisons. *Dissent* p. 78.
- First Class Jails, Second-Class Schools. (2000, Spring). *Rethinking schools*, p. 16.
- Garland, D. (2001). *The culture of control: crime and social order in contemporary society*. Chicago: University of Chicago Press.
- Geiger, J. (1997, December 1). The real world of race. *The Nation*, p. 28.
- Goodman, E. (2000, January 4). 'Zero tolerance' means zero chance for troubled kids. *Centre Daily Times*, p. 8.
- Growing Zeal for Zero Tolerance Ignores Needs of Troubled Youth. (1999, November 22). *USA Today*, p. 27A.
- Herbert, H. (2003, June 2). The Reverse Robin Hood. *New York Times*. Available on line at www.commondreams.org/views03/0602-06.htm
- Humes, H. (1996). *No matter how loud I shout: A year in the life of juvenile court*. New York: Touchstone.
- Kelley, R.D.G. (1997). *Yo' mama's disfunkional!* Boston: Beacon Press.
- Kennedy, R. (1997). *Race, crime, and the law*. New York: Pantheon.
- Kilborn, P.T. (2001, August 1). Rural towns turn to prisons to reignite their economies. *New York Times*, p. A1.
- King, M.L. Jr (1986a). Speech before the youth march for integrated schools. In J.M. Washington (Ed.), *A testament of hope: The essential writings and speeches of Martin Luther King, Jr.* (p. 22). New York: HarperCollins.
- King, M.L., Jr. (1986b). The trumpet of conscience. In J.M. Washington (Ed.), *A testament of hope: The essential writings and speeches of Martin Luther King, Jr.* (p. 644). New York: HarperCollins.
- Lewin, T. (2000, March 11). Study finds racial bias in public schools. *New York Times*, p. A14.
- Lewis, A. (1999, December 2). Punishing the country. *New York Times*, p. A1.
- Libero, D.P. (2000, February 9). Crime and punishment in schools: Students of color are facing more suspensions because of racially biased policies. *San Francisco Chronicle*, p. A21.
- Lotke, E. (1996, November). *The prison-industrial complex multinational monitor* [retrieved from: <http://www.igc.org/ncia/pic.html>].
- Marable, M. (2002). *Green Party politics*. Transcript of speech given in Denver, Colorado on June 24, 2000, p. 3–5.
- Massey, D.S. & Denton, N.A. (1993). *American apartheid*. Cambridge, MA: Harvard University Press.
- Mauer, M. & Chesney-Lind, M. (2002). *Invisible punishment: The collateral consequences of mass imprisonment*. New York: the New York Press.
- Michie, G. (2000 September 8). One strike and you're out: Does zero tolerance work? Or does kicking kids out of school just make things worse? *Chicago Reader*, 29(49), 24.
- Miller, J. (1996). *Search and destroy: African-American males in the criminal justice system*. Cambridge: Cambridge University Press.
- Monthly Review* (July/August 2001). On prisons and executions: The U.S. model. No. 53:3.
- Moore, B. (2000, September 8). Letting software make the call. *Chicago Reader* 29(49), 18.
- Nieves, E. (2000, March 6). *New York Times*, p. A1, A15.
- Parenti, C. (2001). The 'new' criminal justice system: state repression from 1968–2001. *Monthly Review*, 53(3), 19–28.
- Piana, L.D. (2000, February 9). Crime and punishment in schools: Students of color are facing more suspensions because of racially biased policies. *San Francisco Chronicle*, p. A21.
- Press, E. (2000, October). The color test. *Lingua Franca* p. 55.
- Rethinking Schools. An Interview with Jesse Jackson. First Class Jails, Second-Class Schools (2000, spring). *Rethinking Schools* p. 16.
- Rimer, S. & Bonner, R. (2000, August 22). *New York Times*, p. A16.
- Shipler, D.K. (1998). *A country of strangers: Blacks and whites in America*. New York: Vintage.
- Street, P. (2001, May). Race, prison, and poverty: the race to incarcerate in the age of correctional Keynesianism. *Z Magazine*, 25–28.
- Talbot, M. (2000, September 10). The maximum security adolescent. *New York Times Magazine*, 41–47, 58–60, 88, 96.
- Tonry, M. (1995). *Malign neglect: race, crime, and punishment in America*. New York: Oxford University Press.
- USA Today*. (2002, August 26). Record numbers behind bars, p. 3A.
- Walters, R. (1996, Winter). The criticality of racism. *Black Scholar*, 26(1), 2–8.
- Wokusch, H. (2002, July 8). Leaving our children behind. Common dreams news center [available online at: <http://www.commondreams.org/views02/0708-08.htm>, p. 1].
- Zero Tolerance is the Policy. (1999, June 22). *Denver Rocky Mountain News*, p. 38A.