



**CRIMINAL JUSTICE  
PROGRAM**  
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## **No Child Left Behind Panel**

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**AFSC Annual Meeting  
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By Bonnie Kerness**

For the past 28 years I have served as a human rights advocate on behalf of prisoners for the American Friends Service Committee. As such I have the opportunity to work with many young people of African and Latino decent who tell me that the police feel like an occupation army as if the inner cities were militarized zones. They speak about the school system being the feeder to filter young bodies of color into youth detention, jails and adult prisons where those bodies are suddenly worth a fortune. People say that the criminal justice system doesn't work. I've come to believe exactly the opposite - that it works perfectly as a matter of economic and political policy.

Many of the prisoners and family members with whom I work believe that the youngster of color who the country labels worthless to the economy suddenly generates 30 thousand dollars a year once trapped in the criminal justice system. The expansion of prisons, parole, probation, the court and police systems has resulted in an enormous bureaucracy which has been a boon to everyone from architects, plumbers and electricians to food and medical vendors - all with one thing in common - a pay check earned because this country insists on keeping so many of its citizens in cages in human warehouses. The criminalization of poverty is a business and we've replaced the social safety net, and in many cases, a caring educational system, with a dragnet. I doubt that this would be tolerated if we were talking about mostly rich children or mostly white children.

Between June 2000 and August 2001, the American Friends Service Committee became so concerned about juvenile detention issues that we conducted a listening project with the eleven youngsters of our New Directions Youth Project in Newark, NJ. This is a mentorship program in which we pair young people ages 14 to 18 who have had a first time brush with the law with older mentors from the

same community who are doing well. We asked these children to share with us some of their experiences in the youth detention facilities in New Jersey.

We were unprepared for the young people's reactions as they spoke. Many cried, many expressed so much fear of retaliation that they would not allow us to use their names. I want to share with you some of the voices of those who testified in the pamphlet called "Our Children's House".

"They mace the boys. If you fight... they jump on your back and mace you. They hit you with big sticks. When I got into a fight with another girl, they used pepper spray and hit me with these long, black sticks. I still have the marks on my back. I kept saying, "my eyes, my eyes, my eyes'. You can't see anything and you don't know who's hitting you".

"I was 12 and 14 when I went to the youth house. I saw them pepper spray this girl one time. She beat up a boy. They threw the boy in the hole and took all his clothes from him He had to sleep naked. It was so cold in there. He was screaming".

"They used pepper spray on this girl who was fighting one time. They sprayed her directly in her mouth and she couldn't breathe. We kept telling them that she had asthma, but they wouldn't listen".

"The male guards be having sex with the females. Guards bring in weed and cigarettes for the kids. I remember one bringing a girl he was having sex with cigarettes".

"I left out of there with a nasty rash. I had just turned 12 and I was the youngest one in there. They lock the younger kids in their room and they can't go to rec with the other kids. Before I left, there was a boy who was 11 and he had to stay in that cell all day. He cried all the time".

"I was 14 when I went in. They have what they call the MCU there and it's like the "hole" in a regular prison. Kids that fight go there. If you refuse, they come and get you. You don't see anybody in here. They bring the food to you. They even turn off the toilets at 9 p.m. so if you have to go you can't flush. You get a shower once a week".

"The cops are racist. Even the black ones. They stop 9 and 10 year olds in my neighborhood. They throw them in a car and handcuff them. Then they take them to a different neighborhood and drop them off. All for no reason. And if they don't like you, they actually put drugs on you. They have a new charge now. It's called

"wandering". Can you believe that? Getting charged for "wandering?!"

"They need more psychiatrists up there. The things the kids go through they need help with. They can't just suck it in like adults. They need to be able to tell what's going on with you, what is wrong with you. The kids come out of youth houses institutionalized. The big kids go into school with jail tactics beating on the little kids, taking their food and taking their money. The jail kids come out crazy. One friend, his sister told me that he scared her. He'll come down for dinner, eat and then put the fork in his pocket and go back to his room. When he came home he'd come out to eat and go to the bathroom, but then he'd just stay in his room. It's all over the street what it's like there".

On Mother's Day of this year in Elizabeth, NJ, 17 year old Eddie Sinclair Jr. hung himself in the juvenile detention facility. Eddie had previously stolen a bicycle and had forgotten an appointment with his parole officer the day before. The police picked him up and placed him in isolation in the juvenile facility. It is no surprise that Eddie's Mom is Latina and his Dad of African decent. Eddie's is perhaps the loudest voice of all.

An old poem tells us that children learn what they live. If they live with hostility, they learn violence. These children speak the language of the violence taught by the adults around them. Many of the children were incarcerated when other action could have been taken.

Across the US children are sometimes held in facilities that are seriously overcrowded and cannot provide essential educational, mental health and other services. Trends in juvenile justice policy and practice violate a number of United Nations Conventions to which the US is a signatory, including the UN Convention Against Torture and the International Convention on the Elimination of Racial Discrimination. In 1998 I was asked by the World Organization Against Torture to help them write two documents on the status of compliance by the US on the CAT and CERD Conventions. We found that the use of devices of torture, dangerous chemical application, extended isolation, physical and sexual abuse, hunger, cold, filth, lack of medical care and lack of educational opportunities cannot be justified in any way. Many children are experiencing this every day in our baby jails. We found the United States was not in compliance with either of those treaties in part because of treatment of juveniles. In other words, the US violates international law on a daily basis.

Youth of color are startlingly over represented at all levels of the juvenile justice system - from arrests to incarceration with adults. Our youth are in grave danger with the US spending less than any other industrialized nation on nurturing its

children. Increasingly our young and mostly poor are ravaged by poverty, insufficient health care, grossly under funded and mismanaged schools, fear of adult violence, and internalization of adult stereotypes about them.

In spite of the dismal poverty rates, violent juvenile crime in the US has been declining for ten years. Yet at least 43 states have passed laws in the past decade making it much easier for children to be tried as adults. This is being propelled in part by a Congress that made money available to states that allow children over 14 to be transferred to adult court. Campaigns to criminalize children have done away with the term "child" altogether. New legislation across the country is threatening an entire generation of children by making them responsible for the ways in which the systems have failed them. The current trend in school disciplinary "zero tolerance" policies is changing schools from safe educational havens into a place which is philosophically punitive. Other evidence of the lack of tolerance for our youth is evident in suspension and expulsion practices, often for what once would have been considered pranks.

The shame of this country is that there are two school systems in the US - one for the haves and one for the havenots. There is no room for zero tolerance policies in the raising of our children. If we allow no room for mistakes and testing of limits, we have effectively taken away childhood. Schools must return to their mission of educating children, and stop being an arm of the very flawed juvenile justice system.

The Service Committee has always recognized the existence and continued expansion of the penal system as a profound spiritual crisis and, as a faith-based organization, it is our job to address it as such. It is a crisis that allows children to be demonized. It is a crisis that legitimizes torture, isolation and abuse of power. It is a crisis that extends beyond prisons themselves into school and judicial systems, to parole, probation, and law enforcement. I know that each day I face a system that doesn't understand that sending a child to bed hungry is violence. That wealth concentrated in the hands of a few at the expense of many is violence, that the denial of dignity based on race or class is violence.

We must stop violating the human rights of children and we must stop demonizing our children. From cradle to the grave, racial as well as class profiling exists for the poor and people of color. We need to redirect the dollars going into prisons that belong in our communities. We need to be investing in fully funded education, from preschool, to public schools and universities. Our children must be cared for in loving environments. Children should be a community priority, not a private matter between individuals.

Through its two year Visioning Process, I'm proud to say that the AFSC is preparing for a five-year focus on youth. That focus will include youth leadership development programs with the same population of young people whom we've been talking about. We will be training these young people to lead the initiatives that will contribute to their own development and to that of other young people around the world. We will also be listening to these young people, listening hard so that Eddie Sinclair's voice and the voices of all of the children who testified gain the strength and power necessary for them to assert themselves. We'll be asking people of like mind to partner with us in this endeavor with both their hearts and their money. It really does take the village of all of us to raise and nurture these young people, to, as Roger Wilkens said, end the disability.

Thank you.

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