DAVID ONEK: Welcome to the Criminal Justice Conversations podcast, a coproduction of the Berkeley Center for Criminal Justice and the Berkeley School of Journalism. I'm your host David Onek. The podcast, recorded in the Berkeley School of Journalism studios, features in depth interviews with a wide range of criminal justice leaders: law enforcement officials, policy makers, advocates, service providers, academics, and others. The podcast gets behind the sound bites that far too often dominate the public dialogue about criminal justice to have detailed nuanced conversations about criminal justice policy.

Today’s guest is Benjamin Jealous, the President and CEO of the NAACP. Jealous is the NAACP’s 17th president and the youngest person ever to head the organization in its storied history. One of his major new initiatives at the NAACP is a smart and safe criminal justice initiative. Jealous previous served as
president of the San Francisco based Rosenberg Foundation, where we collaborated closely on a project to increase employment opportunities for people with prior convictions. He also served as director of the US Human Rights program at Amnesty International and as managing editor of the Jackson Advocate, Mississippi’s oldest African-American newspaper. Jealous was a Rhodes Scholar at Oxford University where he earned a masters degree in comparative social research. He joins us from a Baltimore studio this morning. Ben Jealous, welcome to the program.

BENJAMIN JEALOUS: Thank you, David. It’s great to be here with you.

ONEK: Ben, before your arrival, the NAACP had some involvement in the criminal justice arena, but I think it’s fair to say that it was not taking a real leadership role on criminal justice issues, which is curious, since African-Americans and other people of color are disproportionately affected by crime, both as victims and as those incarcerated. One of the first things you did as NAACP president was to launch the ‘Smart and Safe Criminal Justice Initiative.’ Why did you decide to
make criminal justice reform one of the central tenets of your presidency?

JEALOUS: Sure. What we’re doing is really catching up with the leadership in the field. I mean, communities across the country, all through the last 40 years, we’ve seen more and more leadership from our local folks on local criminal justice issues, from police brutality to the overuse of incarceration, the Tooley case, for instance, started with our local people in Texas, launching an investigation that ended up with lawyers coming from all over the country to undo that injustice where an entire town, or half the adults in town had been sent off to prison wrongfully. But what we’ve been focusing on nationally is to really up the volume, up the level of leadership on a national level and really get in some folks’ faces about this. We, part of a generation that was told that we were the children of a dream. We were the first generation of Americans who were to be judged uniformly based on the content of our character rather than the color our skin or the kink in our hair. And we came of age just in time to find that once again, our brown and black brothers and sisters in this great young American generation were being treated differently than our white
brothers and sisters. We, and those of who are black came of age just in time to find ourselves the most murdered generation in this country and the most incarcerated generation on the planet. And it’s just time for us as a country to recognize that Jim Crow is still with us, that we killed Jim Crow, Sr., but we’re still dealing with James E. Crow, Esq., Jr. And the reality is that our country, as great as it is, has worked itself into this situation where we have 5% of the world’s people, and 25% of the world’s prisoners. It’s breaking the spirit of communities across this country, and it’s breaking the bank of pretty much every state.

ONEK: Let me follow up with a quote from a previous guest on this program, San Francisco police chief George Gascon, who spoke to some of the things you’re talking about. He said on this program, quote, “who have the highest incarceration rate of any First World nation, and most of that incarceration rate is impacting primarily the African-American community. The unintended consequence of this has been that we’ve removed entire generations of male role models, and the impact that has had in the African-American community has been devastating. If you look at the social impact and the social cost in our society
over long periods of time, I think that’s untenable," end quote. How can the NAACP work with police chiefs like Gascon on this issue while at the same time, you said earlier, you wanted to, quote, “get in people’s faces.” How do you work collaboratively on these problems while also playing the advocacy role?

JEALOUS: Sure. Well, first of all, on this issue, there are a lot of allies in law enforcement. There are a lot of people who just realize that what they’re being asked to do, what they’re being commanded to do in some cases through mandatory sentencing laws or misguided law enforcement strategies have been not achieved, is just not just inhuman or unjust. It’s just stupid. They realize you have judges who realize that, look, sending poor person after poor person to prison for drug addiction, knowing that rehab is what happens to rich people in this society, that’s their option 99 out of 100 times, is more effective and cheaper. It just doesn’t make any sense. And so, and similarly you have chiefs who have taken over departments and seen the kind of warlike attitude that their officers had towards the local community and understand their hearts, that when officers take that sort of siege and force mentality, people in the community stop cooperating, and everybody gets
less safe. And so there has been a real, and you David have been part of this, and the Center has been part of this. There’s been a real renaissance coming out of the Bay, led in many ways by Kamala Harris and her role at DA, and now picked up by people like Seth Williams in Philadelphia who used to work with us to launch the billboard there yesterday, saying look, there is an alternative to being tough on crime that’s actually better and more effective. It’s called being smart on crime. And so that allows us to actually build great broad strange bedfellow coalitions, and to sometime be standing right there with a decorated law enforcement officer, getting in the face of voters saying, whoa, hold up. There’s a better way. Let’s just slow the role and the whole Attila the Hun approach to criminal justice, because it’s been failure for 20 years, and let’s get focused on what works.

ONEK: You talked about San Francisco District Attorney Kamala Harris, and her work on being, quote, “smart on crime,” the title of her book. You labeled your initiative the smart and safe initiative, and of course, worked closely with Harris here in the Bay Area. How much did her views influence your thoughts on criminal justice reform as you went into your new role at the
JEALOUS: Well, you know, as far as I’m concerned, she’s like the Mother Mary of smart criminal justice policy. I mean, she’s the person who’s really, through her, and there’s a lot of us who have been out there talking, but she put it all together and put it in place as a law enforcement leader and marketed it to her peers, and then turned around and marketed it to the public. And she’s been just a transformative force on all levels, and really increasing the level of intelligence in the criminal justice conversation. We’ve had this sort of lock them up, throw them up warehousing as panacea approach to criminal justice, where we just simply tried to imprison as many people as possible. You know, that strategy, that scorched earth strategy was a failure in the Vietnam War, and it’s a failure in the war on drugs, and it’s a failure in the war to make our communities safer. We have got to realize that every human life is precious, that the first order for criminal justice officers is to make us safer, and that the second is to be financially efficient in doing so. When we’re in a situation where we’re spending money increasing every year on failed law enforcement policies, eventually it begins to catch up and constrain our
ability to do, to pay for schools, to pay for colleges. And that’s why we launched that billboard in California this week that said, welcome to California where since 1988 state spending on prisons has risen 20 times faster than in higher education. Those will be launched this week in San Francisco and LA. In Virginia, welcome to Virginia where from 1988 to 2008 state spending on incarceration has increased four times faster than higher education. Welcome to Alabama where since 1968, the state prison population has increased 700%. And finally, welcome to Pennsylvania. Since 2000, I mean, less than ten years, I’m sure the data probably is through the end of last year, state spending on the prison system has increased 300%, while state spending on higher education went down. And in that state, they took, I believe it was 300 million, it may have been 150 million, but it was well over $100 million, a year ago they took it straight out of the prison, I mean, straight out of the public education budget and stuck it into the public incarceration budget. I mean, it’s been that explicit in many instances.

ONEK: Well, let me ask you about this billboard campaign. I have some shots of the billboards in front of me, and the first
one is a picture of the Statue of Liberty and says, welcome to America, 5% of the world’s people, 25% of its prisoners. And then there are specific ones for each state, including California that you just mentioned. Tell me how you came up with this strategy of communicating through billboards and why you think that will be effective in getting your message across.

JEALOUS: Because we’ve just got to get people to stop and think and then act. And right now there’s a real opportunity to pass something called the National Criminal Justice Act, which will get the whole country, if you will, to just take a step back and look at how our criminal justice system functions and make some recommendations through blue ribbon commission about the way forward. It comes from the head of Senator Jim Webb, who was out running for office, a former Republican turned Democrat running for office several years ago before he won for, he was on his way to winning and becoming a US Senator. And he was talking to judges in rural Virginia, a lot of them Republicans, who just said, look, it’s just not working. I mean, I’m just worn out by sitting on this bench, enforcing policies that don’t work. And we’ve got to take a big step back. He started off wanting to basically create a kind of base reuse and closure
approach for, when we’d just vote up or down in the US Senate on dramatic reforms as a group. He found out that his colleagues were a little more slow going than he would like to be. So he said, this is a good first step. It’s been approved by the House leadership, by the Speaker and others, and --

ONEK: But it’s been stalled in the Senate. What do you see as its prospects for moving forward in the Senate currently?

JEALOUS: We see some real opportunity. Both us and Webb are optimistic that we can get it done this year. If we don’t get it done in this Congress, which ends in a few weeks, we thought it was important to set down a marker and raise our voices that we will get it done in the next Congress. We’ve wasted too much money and too many lives, broken up too many families being stupid on crime, and like I said, the one thing that resoundedly beats tough and stupid is smart and safe, and that’s what we’re trying to do.

ONEK: The approach being taken, or trying to be taken by that commission of bringing a bipartisan group of experts from all sides of the issue together to try to come up with some
consensus based pragmatic solutions on the criminal justice system as a whole, is similar to an approach you and I took in California regarding employment opportunities for people with prior convictions, which is one of the four tenets of our smart and safe strategy for the NAACP. So wanted to talk to you specifically about that a little bit. What we did here in California is bring together a wide range of experts on the subject from law enforcement leaders, to community and advocacy leaders, to employers, and brought them all to the table to reach some consensus on ways to move forward on this issue. I know this is something that you took with you to the NAACP and are really pushing there. Can you tell us what the NAACP is adding to the mix on this issue now?

JEALOUS: Certainly. What we’re doing is, we’re taking that spirit of bipartisan, strange bedfellow cooperation into everything that we do. We’ll announce this fall that we’ve got one of the largest states and one of the nation’s largest employers to both change their hiring practices, making them more inclusive of people seeking to redeem ourselves. We as a country believe that people who have paid their debt to society have a right to redemption. And we understand that work is one
of the most redemptive things of all, that it allows people to reestablish themselves in their community, make a new name for themselves, and to also reconnect their families. We’ve seen a 2000% increase in black women going to prison over the last couple of decades. When Dad goes to prison, the family gets poorer. When Mom goes to prison, in too many instances, the kids go into foster care. If you want to understand why black kids are so overrepresented in foster care systems, then you need to look no further than the crisis in our criminal justice system and the related AIDS crisis. And so you know we have got employers, we’re getting one of the nation’s leading employers, one of the nation’s leading states to both make swift action. And now we’re hoping by making the announcement and convening their peers and other corporations to sort of whipsaw that through and to greatly accelerate the pace of change that you and I have been a part of at the county level throughout California supporting people in other states. And so that’s been our hope. And it’s been refreshing. What I’ve found in this job is that there really is virtually no one who doesn’t want to do right by the NAACP if given the opportunity. And so therefore we can get the Governor to give a little bit of his personal attention. You can get our chief legal officer or CEO
of a corporation a moment of their attention. And the beauty about the spectrum of thought in this country is that at either end in some ways it’s kind of a circle, and it comes close to each other, and so you find people who can say to be in the far right wing, but they go to church every week, or they go to synagogue every week, and they believe in redemption. And so when you come to them, and you say, we want you to think hard about this issue and to help us get back to the common sense of, don’t ask whether or not somebody’s been convicted on the job application. Rather ask in the job interview. Because if you ask on the application, then they never even get considered. But if you ask in the job interview, you’re only asking the people who have been considered, and they can have a chance to explain it. If you ask it on the application, it’s a blanket ban. If you ask in the job interview, it’s a sane, reasonable, controlled doorway in for people who are qualified and whose convictions are irrelevant to the job at hand. It’s often the most conservative leaders who are the quickest to say “yeah. That makes sense. I believe in redemption.” As one of them said to me, it was funny, sometimes you have to bite your tongue in this job. He said, well, I understand why we deny your right to vote forever if you commit a crime, but denying you your
right to work, now, that’s just a sin. Now, obviously, I think both are sins. But heck, if we can agree on one, then we’ll focus on that, get that done, and then we’ll revisit the other.

ONEK: So really, it’s the reputation of the NAACP that was able to get this large employer and this large state to the table and move it forward. Basically you were able to do that through your position at the NAACP. Is that right?

JEALOUS: Personally, I think it was my charm and good looks. But no, we have one of the, we have a great team. We have great leaders. And one of those stages, the state conference president who reached out, and it’s this tremendous brand. I mean, we are the most recognized and respected advocacy group in the country in opinion poll after opinion poll, the third most recognized and respected nonprofit in the country. We have a 101-year legacy of change in the world. And we bring the moral authority, quite frankly, of the old abolitionists, because that’s who founded us. And you put all those things together, and most folks who are in positions of great power in this country want to talk to you.
ONEK: And I think the other point you made is a really important one, that you’re willing to work --

JEALOUS: About charm and good looks? I’m sorry. [LAUGHTER]

ONEK: You’re willing to work with anyone who will work with you to get, to move forward towards common goals. And that doesn’t mean you need to agree on everything.

JEALOUS: And that’s exactly right. And frankly, David, that’s one of the things that was, the value of which was really affirmed by me by your leadership at the Center and what you guys seek to do at UC Berkeley. And I think it’s characteristics of our generation, who is much more interested in results than in purity.

ONEK: Let’s move on to another tenet of your smart and safe strategy, which is working with crime victim survivors. And as I stated earlier, African-Americans are disproportionately the victims of crime, as well as disproportionately those incarcerated. Can you tell us about your plans to work in this area?
JEALOUS: Yeah, you know, we are, last year I had a situation where the mother of a young man, I was headed out to Illinois, and I had to deal with two things in one day. I had to deal with the mother of a young man who had been beaten to death in the streets outside of his school. And I had to deal with the family of a man who had been shot by the police in a church in front of daycare students, one of which was six-years-old and now losing her hair from the anxiety that witnessing that produced. And I carry around the knowledge every day that in Los Angeles I believe we have 300,000 children living in extreme levels of poverty, 2/3 of which it’s estimated suffer from Post Traumatic Stress Disorder, because of their close proximity and witnessing extreme acts of violence throughout their childhood, both domestic violence and violence in the streets. And some of that violence committed by, a lot of that by people in their community, and not an insignificant amount by the people who are supposed to keep them safe from violent people in their community. We have to understand that safety is a civil right, that you can’t pursue life, liberty nor happiness if you can’t be safe in your own home and community, and be very grounded in the reality of most people in the black community, and too
many working class people of all colors in this society who live in war zones. And we have to be committed to confronting the war zones. And we at the NAACP will focus on advocacy and changing policy and changing practice and changing behavior. And we focus on people in power and holding them accountable. And so as we develop our criminal justice program here, one of the things that we will be focused on is really bringing, really focusing on these communities across the country where 50, 60, 70, 80, sometimes 90% of, neighborhood specific, of the homicides go unsolved, and where kids are allowed to run truant in the streets. Because those two things are very connected. If you look at the kids who kill other kids, the young men.

ONEK: Oh, we did a study in San Francisco of homicides, and for both the victims and the offenders, what’s the common theme? School dropouts.

JEALOUS: Yeah, that’s exactly right. That’s exactly right. And parents need to understand that. They really need to look at their child and not laugh when they say, “oh, Johnny’s just like me. He don’t go to school most days.” But because the stakes now are much higher. And when they see a child who’s not
going to school, they may as well envision the casket that’s going to carry them to the grave or the handcuffs and the leg cuffs that they’re going to be wearing as they go off to prison. We have to be fierce in defending the future of our children, and that starts with setting high standards for ourselves as parents, as aunties, as uncles, as grandparents.

ONEK: Well, you’ve talked about holding law enforcement responsible. I want to talk a little bit about holding the community accountable for working with law enforcement and the leadership role the NAACP could play there. We’ve have different law enforcement officials on this program, like DA Harris, really talk about how crucial it is for law enforcement to reach out of the community to build partnerships. But at the same time, the community needs to reach back, and we had Joe Marshall, the founder of the Omega Boys Club on this program, who had this to say about the community. He said, quote, “the reaction that you get when they believe the police are not doing things they should. They’ll march. They’ll show up at the police station, do all of this. When their neighbor does that, when their brother does that, when anyone in the community does that, the reaction is, I can’t get a peep out of people. So
they hold everyone else accountable, and the police should be held accountable. They don’t hold themselves accountable. And if you think about it, they’re far more in danger from their neighbor or their brother. I want them to be as vocal, as upset and as challenging to the people who are actually doing these things to them as they are to law enforcement when law enforcement is in the wrong.” Do you think the NAACP has a responsibility to push back on the community just as it pushes back on law enforcement?

JEALOUS: Certainly. And we do that. But we handle our criticism of public officials in the public square, and we handle our criticism of private behavior more privately. We have 1,200 active units in this country. We spend a lot of time talking to individuals in crisis, and a lot of time encouraging people to be, to take leadership. And we have signed on and been supportive of people who challenge the anti-snitching culture. But having sat with young people who have observed homicides and asked them why they haven’t, number one is, they’re afraid of being killed for being a witness. They are afraid of being beaten up or stomped for being a snitch. And if they police are not committed to solving homicides in
communities, there’s not much that you can really do when you’re sitting eyeball to eyeball when somebody’s fearing their life.

ONEK: But in terms of getting people to come forward and report crimes, which is really the key to public safety, right? It’s to get witnesses and victims to come forward and share the information they have with the police so that somebody isn’t free who can victimize that community again. And I think the concerns are twofold. One, as you mentioned, is the concern of retribution. But secondly, if they know of other homicides that haven’t been solved, I mean, we do have homicides in San Francisco where everybody knows who the killer is. Nobody has come forward, and that killer is still walking around. So unfortunately the message to the community is people are not going to be held accountable, and thus, why should I come forward and risk my life if nothing is going to happen anyway. All I’ve done is put my life in danger, and that person isn’t going to be incarcerated anyway. So it becomes sort of a vicious circle, and somehow we need to turn that around, and I think the key to that is having law enforcement reach out to the community and begin to build that trust. But at the same time, the community has to reach back.
JEALOUS: But you and I both know that the first step has to be taken by law enforcement. Law enforcement’s job is, they’re there to make people feel safer. And people aren’t talking, because they don’t feel safe. Unfortunately, that’s the responsibility, being in a leadership position, you have got to take the first step. When law enforcement decides to prioritize solving homicides, when they take folks out of the cars, and they put them on the streets, and they develop relationships that only beat officers can develop, when they really make clear to their community that solving murder and solving rape isn’t just a rhetorical commitment, but a literal commitment. Then the community softens and becomes more engaged and takes the next step, and sometimes takes two steps towards them.

ONEK: Let me talk a little bit about that, Ben, because I think you’re right, and law enforcement leaders from Chief Bratton to DA Harris to others certainly say that law enforcement needs to reach out. In fact, Bratton said on this program, “the single most significant reason for the successes in Los Angeles, not only with reduced crime, but with improved public feelings about the police force, is community policing.” So can you talk
about, you’ve talked about some parts of community policing. Can you talk about what the NAACP is doing to promote positive and proven police methods for interacting with the community?

JEALOUS: Sure. In town after town we have people who are out there advocating for folks to get in, get out of the cars, return beat cops, get people engaged. We have people who organize police forums and really help to build trust, work with new chiefs to get them to know people in their community and to develop a base of support for progressive chiefs who are trying to bring real change to embattled departments. We’re out there advocating to get the bad apples off the force. There’s a lot to be gained, not just for the community, but for the force, when they hold people accountable. And so that’s what we focus on. We are, right now we’re getting really aggressive around sentencing. We’ll follow this up with a real aggressive policy around solving homicides, solving rapes and changing local law enforcement priorities.

ONEK: Well, I think the focus on solving homicides is something that, like we talked about earlier with increasing employment opportunities for people coming out of prison, is something that
really all sides of these issues should be able to get on board with. Everybody wants to increase the homicide solve rate, and so I think that’s an issue that it would be great to have the NAACP take leadership on and work with law enforcement on. Ben, I have time for one last question, and this is about something you probably don’t get asked about very much, but I know that you’re working with the Maine State Prison chapter of the NAACP, and you’re spent some time up there. Unlike almost every prison in the country, this prison is comprised primarily of white inmates, including the head of the NAACP chapter. Can you tell us about how you got connected to that chapter and the visits you’ve had there?

JEALOUS: Sure. Well, it started off with a mix of things. One, I was introducing myself, and my dad’s family is from Maine, and found out that no NAACP president had been to Maine in 45 years. And I said, well, let me be the first one, and I can see some cousins while I’m at it. But also I’d heard that there was phenomenal leadership up there, and I was eager to go meet them. They had, or they were in the midst of, and they would soon be successful in getting the first prison approved head scarves for Muslim women incarcerated in Maine, and the
NAACP branch in Portland helped to design those head scarves. These are for an increasing Somali population that was being denied their religious rights. And because the racial, probably the glaring racial disparities in Maine, maybe until recently with the Somali community showing up, happened in the prison system. Now, black people are .7% of the state population but 10% of the prison population. The local NAACP branch has really focused on the prison. The prison has a lot of support on the outside. And so what we found out is pretty phenomenal. The prison had 900 inmates, 90 black inmates, more than 200 members of the NAACP. Among those 200, there were 50 black inmates who were active in the NAACP. And the state prison had just passed a directive, had just issued a directive that said that no civic organization could have more than 50 members. So it would essentially reduce the NAACP back to the number of black inmates who had expressed interest in the NAACP. And so we went in there, and we supported our local prison chapter, the Maine State Prison chapter and their campaign to get that directive overturned and to convince the leadership that they had a vested interest in the civic participation, the civic engagement of inmates, that more than 85% of the people were going to be on the outside. And if the NAACP could get a quarter of the prison
organized and thinking about issues on the outside and feeling like they were having an impact, it was in the best interest of everybody, including the people who were on the outside and would be welcoming these people back into their communities. And that’s where we stand now. The directive has been removed. It’s been replaced by one that the inmates helped write. The branch is, the prison chapter is growing again, and it’s as diverse as it ever was, and it’s a good sign. And a sign right now is we’re planning a march on Washington right now called One Nation, calling people to work together across all racial lines to solve our problems in our society that we should really all follow. And the Maine State Prison is a source of great inspiration to me.

ONEK:  Ben, you mentioned the march coming up. As we go out, I just wanted to give you a chance to tell everyone a little about it, just a sentence or two, so people are aware.

JEALOUS:  On October 2\textsuperscript{nd}, 10/2/10 in Washington, DC at the Lincoln Memorial we will have a great rally and march on Washington for jobs, justice and education called One Nation. And we need everybody there. We need it there for the short
term fight, for the DREAM Act, and for making sure that these Bush BMW giveaway tax cut things are not extended. And we need it there to get consensus about the priorities for the next Congress, which has to be job creation, making school, making sure that every school is a great school, and solving tough justice issues in our society, like passing comprehensive immigration reform and ending racial profiling.

ONEK: Ben Jealous, thanks so much for joining us.

JEALOUS: David, it’s a real pleasure, and thank you for your leadership, both in the Bay Area and throughout this country.

ONEK: Please tune in next week when we’ll be joined by Ron Davis, East Palo Alto Police Chief. Thank you for listening to the Criminal Justice Conversations Podcast. You can find this episode of the program, and all prior episodes, on our website at www.law.berkeley.edu/cjconversations, on NPR KALW’s website, and on iTunes. You can also become a fan of Criminal Justice Conversations on Facebook, and you can follow us on Twitter on CJ Conversations. The podcast is engineered by Milt Wallace. Our editor is Nancy Lopez, and our program intern is Sheridan
Bloch. I’m David Oneck, thanks for listening.