

Judicial mercy withheld from black men

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By **LEONARD PITTS Jr.**
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This is an open letter to black men.

I suppose I could as easily have addressed myself to the broader world, but I know how the response to that would go. Folks denying, rationalizing and arguing that facts are not truly facts.

That's how it always is when the subject is crime and you.

Earlier this week, The Miami Herald ran a jaw-dropping series called "Justice Withheld." It detailed the abuse of a legal procedure called a withhold of adjudication. This is a tool Florida judges can use at

their discretion that allows felony offenders to avoid a conviction.

Receiving a withhold allows you to legally say you've never been convicted of a crime, even though a court found you guilty. There are many benefits: You retain your right to vote and hold office and you don't have to put the crime on your application for a job or a student loan.

In theory, withholds are handed out sparingly to deserving people in extenuating circumstances. The Herald found that in practice, they are handed out like Halloween candy.

Four-time losers get withholds. Rapists and car thieves get withholds. Drug dealers and batterers get withholds. If you commit fraud or forgery, you've got an even chance of getting one. Abuse or molest a child and your chances are actually better than even.

All those folks enjoying all that judicial mercy. Guess who gets left out?

Yup. You.

Even if you commit the same crime and have the same record, a white offender is almost 50 percent more likely to get a withhold than you are. Some folks say that's not a function of racism, but of socio-economics. Meaning that whites are more often able to afford private attorneys, less likely to have to rely on some overburdened public defender.

There are two answers to that. One: socio-economics can't be disconnected from racism where black people are concerned; the disparity in black and white accumulated wealth is hardly an accident. And two: The Herald report shows that, even when you adjust for type of attorney, black defendants are "still" much less likely to receive withholds.

So I have a question for you:

Can we "please" stop being such good customers of the American injustice system? I am sick to my soul of watching shag-

gy-haired black boys and men in orange jumpsuits led into courtrooms to be judged for doing some stupid and heinous thing. I'm weary of the truth in that old Richard Pryor line about how he went to court looking for justice and that's what he found. Just us.

Contrary to what society has told us, to what so much of our music claims and to what too many of us have internalized, the reason isn't that we carry some kind of criminal gene. No, it's that we don't get second chances, don't have the same margin for error a white guy would. One strike, and you're out.

We need to recognize this. Need to make sure our sons and brothers recognize it.

The Herald report is not the first, the fifth, nor even the 10th to come back with results like these, results that codify the painfully obvious: the injustice system sees no value in us, is comfortable throwing us away like so much used tissue. It doesn't give a damn about us.

But our children do. Our women and mothers and fathers do. So let us love them _ and our-

selves _ enough to stay as far from that system as humanly possible. Because once you're in it, you're like a dinosaur in a tar pit. Dragged down.

No, it's not fair that we are held to a different standard. Say that loudly and clearly. Fight to make it right. But do not stop there.

You see, when you discover that a game is rigged against you, you have every right to complain that you're being cheated. But a smart man does one thing more:

A smart man stops playing.

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