



"Heart to Heart" With U.S. Rep. John Conyers

The following is an interview with **U.S. Rep. John Conyers**, D-Mich., chairman of the Judiciary Committee, conducted by **Yanick Rice Lamb**, editorial director of **Heart & Soul** magazine, regarding the current hearings about the disproportionate sentencing and detention of people of color in the United States.

This conversation came on the heels of the recent Supreme Court decision to give federal judges new authority to impose lesser sentences for crack cocaine crimes than those called for by sentencing guidelines enacted by Congress. While a step in the right direction, the ruling is widely considered just one in a series of efforts to address the sentencing disparity between crack and powder cocaine crimes. (Under the federal guidelines, 50 grams of crack cocaine yields a 10-year minimum sentence. But for powder cocaine, it takes 5 kilos to draw 10 years, a 100-1 difference.)

This is the first in a series of Q&A's between **Heart & Soul** editors and select newsmakers.

YRL - You've said that the recent decisions to correct sentencing disparities are only a start. What else needs to be done?

JC - The whole idea of the school-to-prison pipeline is what's fueling the huge tripling of the incarceration rate for the last 30 years in the United States. That makes us the largest incarcerator of our citizens of anyone on the planet. So we have other things to do in addition to the recommendations from the Supreme Court. I'm very pleased and surprised to see them moving in this direction-to deal with this whole subject of the disproportionate incarceration of people of color. The increasing incarceration of women is still going, and the whole notion of now privatizing the prison system as construction still continues. So there is an incredible unfairness that has been built into the criminal justice system.

We brag about the presumption of innocence, the right to a trial by a jury, the right to habeas corpus, and all these things are, in fact, under review. And frequently these rights, these constitutional rights, are being constricted.

YRL - I understand that you are planning to have a series of hearings.

JC - That's correct.

YRL - When will those begin, and how many do you plan to have?

JC - They'll begin in the last week of February, and we plan to really go into this matter in the detail that it deserves because so many tens of thousands of people are still in prison under these incredibly harsh sentences that until now could not be reviewed.

YRL - What other legislation is pending in Congress to address related issues?

JC - We have a crime committee within the Judiciary Committee and that crime committee is dealing with a number of things that go wrong inside our justice system. What is the prosecutorial abuse that happens frequently where people of color, according to even independent criminal justice scholars, are more likely to be arrested? People of color are more likely to be charged with more numerous and more serious offenses. People of color are more likely to be convicted. People of color are more likely to receive longer sentences upon conviction. All this suggests that we have a justice system in which there is very little justice for the poor and people of color.

There's also another part of this that we examined. You know if you've got the right number of attorneys, if you've got money to afford the best counsel, what is likely to happen to you in the courts, criminal or civil, is quite different if you can't afford a lawyer and you aren't able to really come in with the kind of legal backup that those who can afford the specialists in the criminal justice field would have.

YRL - Is one of the biggest fights on the retroactivity aspect of the decisions and the concern about causing an influx of people who return sooner than anticipated?

JC - What I want to do is put together-for our hearings-the most competent and capable scholars, law professors, lawyers so that we can have a discussion about this matter. Now there are a lot of people who feel just like President Reagan did and the Congress when they enacted these incredibly punitive and harsh mandatory sentencing: crack-cocaine 100-to-1 disparities into law. That's only one of them. They don't want to change anything. As a matter of fact, we will find a sizable number of people resisting the directions of the two more recent Supreme Court cases. But I am encouraged that we even have Republican legislators realizing we have to change the nature of this crack-cocaine disparity in the criminal justice system.

I'm happy we can at least sit down and talk about it, because up until now, until the advent of me becoming chairman of the Judiciary Committee, this kind of discussion and these kinds of hearings were off the charts. There was no way they could happen before. Now we're investigating the prosecutorial abuse and the intimidation and coercion that are frequently accompanying the admissions of guilt and confessions that so-called come out of some of those police interrogations. So it's a new day.

We now rally to protest the Jena 6-type episodes that occurred only months ago, but we realize that there are many situations in which hate crimes and blacks are being harassed, intimidated that go on across the country. And so we're daring to go back into the system and try to get it much more aligned to a sense of fairness. That judgment should operate in a much different manner from the way it has in many instances before now. We've got to begin to realize that if locking people up and throwing away the key would reduce crime, we'd be in a far different situation and we'd be enjoying much more safety than we do now.

YRL - In retrospect, was it in some ways a rush to judgment before all the facts were in and people misinterpreting the impact of powdered coke versus crack cocaine? What kind of thinking should have been done to even address the problem overall? It has such a strong impact on our communities and families, but it seems like the emphasis was placed on just having really harsh legal remedies.

JC - This was initiated by a president of the United States, his Department of Justice, a conservative Republican Congress. There weren't any steps for us to take to avoid it. A law is a law, and many of the earlier court decisions validated it and found the law was perfectly okay. There wasn't any way we could have inoculated ourselves or prevented some of these things from happening. What we're doing now with the Congressional Black Caucus-incredible number from the 13 of us who started it to 43 now with a progressive caucus in the Congress of more than 80 members-we have the power to begin to re-examine the things that we knew were wrong back in the '80s. And that's what we're going to do. After we get through examining them, we're going to take action to make our system fair and to make sure that justice is available to all.

YRL - Why should citizens-some of whom may think they are removed from this issue, but they're paying taxes of course-care about all of this?

JC - It's a matter of how people view what this democratic society, this constitutional form of government, is supposed to do. That's one. Number two, how they relate to their government. You can have different points of view within a democratic society, and as we find out, the constitution is subject to constant reinterpretation and so it's quite possible that we could be moving in a direction of making justice harder to obtain when a person is brought under the jurisdiction of the criminal justice system. But in the first instance, the question is do we really mean what we say about the constitution and the rights that they give a citizen against self incrimination and testifying against themselves that they should be brought before a judge and a jury to have their innocence determined? Do we really mean that people should not be subject to cruel and unusual punishment? Do we really mean that the sentencing provisions should not be unfair and should be constructive rather than arbitrary?

For some people in our society, the answer is: "As long as I'm OK, I don't see why people should complain about being caught in this syndrome of driving while black or that people of color seem to end up always getting more convictions, more charges, longer sentences, harsher treatment." So we have that to contend with. Do we want a just society? There are those still smarting over the after effects of the ending of the most cruel and longest enslavement anywhere in the world--namely here in the United States, where it took a civil war. The country almost succumbed to the battle over whether or not we're going to say "all men are created equal," although it was parenthetically understood we were talking about all white men were created equal with inalienable rights. And now in the post-slavery era, we're trying to get rid of the vestiges of racism and segregation. And we are looking at all these ways in which you can have a constitution, civil rights laws, voter rights laws and, at the same time, a very uneven system of fairness--not only in the justice system, the criminal justice system, but in the economic system as well.

Remember it was a crime to teach an African to read in the United States. And we see the vestiges of people who are worried about how much education one gets, even today. And job opportunities are still quite limited.

YRL - Is there anything you would like to add that I haven't asked you, that you'd like to discuss?

JC - I saw Kemba Smith only last month. She came by the Judiciary Committee. A number of us worked on trying to get her sentence commuted, and President Clinton, of course, did that as he was going out of office. But she was a perfect example of where having never had anything to do with drugs, just aiding her boyfriend, she ended up with a 24-year sentence. She would still be in prison now if it weren't for President Clinton.

YRL - Yes, that was really something.

JC - And fortunately she was made of a real strong character, that when she got out she got a foundation that works to help other people who have been entrapped and wrongly imprisoned--just like she was. And now she's even going to law school, which makes me feel very, very proud of her.

We are still working with her, a number of nonprofit organizations, to try to get the criminal justice system straightened, to fight the racism that's in it. And to me this is a very important part of my responsibilities as chairman of the Judiciary Committee, to make sure we move along in all of the other areas that are necessary, including some things that we are still trying to find out what happened in the Department of Justice where the politicization of the department was so profound that it led to the resignation of Attorney General [Alberto] Gonzales. And we're still looking at what went on before him under former Attorney General John Ashcroft. And we're still examining what's going on under the new Attorney General, Michael Mukasey.

So it's an exciting and important part of making this system work right. When we get it right at the federal level, that improves the odds of state and local government and justice systems and police getting it right in their communities as well.

#

Representative John Conyers, Jr., a Detroit Democrat, was re-elected to the 14th Congressional District in November 2006, to his 21st term in the U.S. House of Representatives.

Having entered the House of Representatives in 1964, Congressman Conyers is the second most senior member in the House of Representatives. After serving as Chairman of the House Committee on Government Operations (now renamed Government Reform) from 1989 until 1994, he was elected by his congressional colleagues to lead, as Chairman, the pivotal House Committee on the Judiciary. In addition to its oversight of the Department of Justice (including the FBI) and the Federal Courts, the Judiciary Committee has jurisdiction over copyright, constitutional, consumer protection, and civil rights issues.

Congressman Conyers is also one of the 13 founding members of the Congressional Black Caucus (CBC) and is considered the Dean of that group. In his 40-plus years in Congress, some of his major accomplishments include: the Violence Against Women Act of 1994, the Motor Voter Bill of 1993, the Martin Luther King Holiday Act

of 1983, the Alcohol Warning Label Act of 1988, the Jazz Preservation Act of 1987, and he was the driving force behind the Help America Vote Act of 2002.

Yanick Rice Lamb serves as editorial director for *Heart & Soul* magazine, a post she's held twice since 1998. The award-winning journalist and author has amassed a distinguished and wide-ranging career. In the magazine realm, she has served as founding editor for *BET Weekend*, editor-at-large for *Essence* and contributing editor for *Emerge*.

Lamb also worked for the New York Times Company for 10 years, serving both the newspaper as well as its magazine division, where she was a senior editor at *Child* magazine.

She is also co-author of *Born to Win: The Authorized Biography of Althea Gibson and Rise & Fly*, a book about bid whist and spades. Lamb also wrote the text for *The Spirit of African Design*, a best-selling coffee-table book with interior designers Denys Davis and Sharne Algotsson.

An associate professor, she has taught in the Department of Journalism of the John H. Johnson School of Communications at Howard University since fall 2001. Lamb, who is coordinator of the News-Editorial Sequence, specializes in newspapers, magazines, new media and media management.

About Heart & Soul

Heart & Soul, published bi-monthly by Heart & Soul Enterprises, LLC, is the leading source of health and fitness information for African-American women. For more information about Heart & Soul, and/or to contribute to its blog, please visit the Web site at www.heartandsoul.com.

Contact: Heart & Soul Media Relations
(800) 834-8813 x122
Chris@OneDG.com