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## **SWEET LAND OF LIBERTY**

# Rick Perry's Texas-sized justice

Nat Hentoff lauds state for policies reducing number of juveniles behind bars

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By Nat Hentoff

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Texas Gov. Rick Perry and the state legislature have finally recognized – unlike many other U.S. states – that the brutal incarceration of juvenile offenders "too often turns potentially productive citizens into hardened criminals" (San Antonio Express News, May 24).

Also severely abused are these juveniles' constitutional rights.

I first became aware of this triumph of realistic justice from a July 10 editorial in the New York Times ("Texas' Progress on Juvenile Justice"). Under the new system: "Troubled children receive guidance and rehabilitation services in or near their communities, where families, churches and other local organizations can be part of the process."

Because of this common-sense justice system revolution, according to the editorial, the number of imprisoned youth has been reduced "from more than 4,000 in 2006 to about 1,400 today." Except for this editorial, I haven't seen anything else in the national media about this Texas enlightenment in the midst of all the growing interest in Perry as a 2012 presidential candidate.

After all, who cares that much about a bunch of locked-up kids?

Texas continues to confront this national problem. The New York Times editorial continued, Texas "lawmakers this year passed another sweeping reform bill that commits the state to creating a unified juvenile justice agency that works in partnership with local governments, the courts and communities to provide comprehensive services to troubled young people and their families."

A juvenile justice model for the nation! Even though Perry is now a hot national figure, I expect that none of this will figure in the 2012 elections. Will the Texas governor himself point to it? I've not heard it mentioned in his speeches so far.

The admirable editorial that first clued me in to this news did omit a vital shaping force in getting the Texas legislature to restructure the state's juvenile-justice system to focus on concentrated rehabilitation instead of isolated incarceration. Great credit is due to [Texas Appleseed](#).

According to its website, the mission of this nuts-and-bolts justice-advocacy group is, simply, "to better protect the rights of the most vulnerable – our children, persons with mental disabilities, the indigent, recent immigrants, and those who have lost so much to the hurricanes that have battered the Gulf Coast

in recent years."

But to have any positive effect, and Texas Appleseed often does, it's required to keep facing an unyielding stream of challenges – like Sisyphus, condemned to forever roll a boulder uphill that only rolls down again. For example, its efforts don't end with protecting and rehabilitating juvenile prisoners. It also helps many other youths still in school.

For years, Texas Appleseed has been revealing and condemning the grimly excessive expulsions and suspensions of students in Texas public schools. From its "Texas' School-to-Prison Pipeline: School Expulsion" report available on its website, legal director Deborah Fowler cites the following:

"Special education students make up only 10 percent of the student body statewide, but account for 21 percent of all expulsions in Texas (2008-09). African-American special-education students are over three times more likely to be expelled than other students, and Hispanic special-education students are two-and-a-half times more likely to be expelled."

Remember the 14th Amendment? Each of us is guaranteed "equal protection of the laws."

Oh, but surely they must have done something seriously disruptive? Fowler's answer: "The vast majority of Texas students are expelled for subjective, discretionary reasons, including minor, noncriminal Student Code of Conduct violations.

*(Column continues below)*

"In too many cases, expelling students for 'serious and persistent misbehavior' in a DAEP (Disciplinary Alternative Education Program) is introducing young people to the juvenile-justice system when they have committed no crime – which is an extreme consequence for behavior that would not be an expellable offense in any other educational setting."

So what happens when they're in prison at the end of this pipeline – and their in-school education is over? Again, Deborah Fowler: "Eighty percent of Texas' prison population never graduated from high school – and most never completed the ninth grade. Without a commitment to successful early intervention strategies, we will continue consigning more children to failure and bear the huge financial burden of the school-to-prison pipeline."

This is the personal and social price of dead-end abandonment of the young, not only in Texas. But Fowler's last phrase – the huge social costs of the school-to-prison pipeline – may disturb and anger some taxpaying voters enough to demand in-school support of such students in need.

Here comes another New York Times editorial (July 31) instructing Perry and the state legislature on how much they still have to do ("One Way to Guarantee More Trouble"): "Nearly six in 10 public school students in Texas were suspended or expelled at least once between seventh and 12th grade. ... California and Florida have even higher out-of-school suspension or expulsion rates."

What say you, Republican presidential candidates? I don't ask President Barack Obama for any change I can believe in, except to clear out his office and make room in the White House for a real president.

Meanwhile, so many of our young are left behind bars because none of their teachers and principals cared to find out who they could be.