

Flawed Justice

Billy Sinclair

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The American criminal justice system is flawed, perhaps incurably so.

That is the lasting legacy of the September 1971 Attica Prison Riot and the February 1980 New Mexico State Penitentiary Riot—the two most violent inmate riots in American penal history.

The inmate grievances that triggered these prison riots still exist today in every maximum security state and federal penal facility. Prison cellblock floors may be mopped and cell bars painted more frequently today, but the systemic racism and human abuse that forced thousands of inmates in both prisons to say “enough is enough” is more prevalent today than it was during the decade between the two riots.

Prison riots mirror the nation’s larger criminal justice system.

And what does that mirror show us today about the American criminal justice landscape?

A pandemic has undermined the orderly process of dealing with criminal offenders for more than two years. Increasing violent crime has turned many communities in larger cities into war zones and smaller cities into fear zones.

Hostile, divisive political ideologies have made meaningful criminal justice reform unattainable.

These social conditions have come together in a confluence of storms that darken the criminal justice horizon.

America, by its very diverse, multicultural nature, has always believed—tragically so— that justice is achieved through punishment. It is in the nation’s DNA that the ruling class “punish” the disadvantaged class, those without a voice to “speak truth to power.

The *Prison Policy Initiative* reported this past March that there are roughly 1.9 million people detained in “1,566 state prisons, 102 federal prisons, 2,850 local jails, 1,500 juvenile correctional facilities, 186 immigration detention facilities, and 82 Indian country jails, as well as in military prisons, civil commitment, state psychiatric hospitals, and prisons in the U.S. territories.”

Each of these human confinement facilities are punishment-oriented. They are not designed to correct, rehabilitate, or improve the human condition. Their sole purpose is to isolate and punish those individuals who violate the laws of the ruling class.

It is a system, as the *Cato Institute* says, that is “rotten to the core.”

In a May 2021 essay for the *Brennan Center*, Andrew Cohen, a senior editor with *The Marshall Project*, called this punitive process “the American Punisher’s Brain.”

That is precisely what it is.

Americans, especially evangelicals and political conservatives, see “justice” through the prism of punishment born of revenge—the “get even” mindset. They literally want to see the wrongdoer shed a “pound of flesh” for their wrongs. They see a jury acquittal as “he got away with murder,” while a guilty verdict is seen as “justice has been served.”

Revenge-seeking people cannot comprehend concepts of fairness, impartiality or equality with a neutral brain—all three of which are required to achieve meaningful justice.

Their “punisher’s brain” conceives justice in a primal sense; that is, justice is achieved only through a process of revenge satisfaction, particularly so when it involves people below the ruling class, mostly people of color.

The inevitable result of such a justice scheme?

People of color, the financially disadvantaged, and the socially disenfranchised make up the overwhelming majority of the 1.9 million individuals confined in the roughly 5,000 detention facilities in the U.S.

Last year, *The Sentencing Project* reported that Black Americans are incarcerated at a rate five times higher than white Americans. More than half the prison populations in 12 states are Black Americans with Wisconsin having the highest Black incarceration rate in the nation.

The Case of Wiley Bridgeman

That brings us to a Black American named Wiley Bridgeman and the “justice” he received from the White ruling class.

In May 1975, the 20-year-old Bridgeman, his 18-year-old brother and their 17-year-old friend were arrested in Cleveland for the murder of a 59-year-old money order salesman.

The trio were quickly convicted and sentenced to death in August 1975.

There was no physical or forensic evidence to connect the trio of the crime. All three had solid alibis. The police found one witness, a 12-year-old boy they threatened and coerced into falsely identifying the trio as the perpetrators of the crime. That was the only evidence that sent the three men to death row to be executed.

They remained on death row until the Ohio death penalty was declared unconstitutional in 1978. Their death sentences were vacated and they were resentenced to life imprisonment.

In 2002, in his 27th year of confinement, Bridgeman was released on parole only to be returned to prison after his parole was revoked because he had an accidental verbal encounter with the boy-turned-man witness.

In 2011, according to the death row exonerees' organization Witness to Innocence, the *Cleveland Scene* magazine conducted an exhaustive investigation into Bridgeman's case.

That investigation uncovered substantial misconduct in the way the police coerced testimony from the 12-year-old alleged witness.

The magazine's investigation also led to the witness recanting his testimony against Bridgeman, his brother, and their friend.

The witness recantation and the police misconduct was enough to secure the interest of Ohio Innocence Project attorneys Brian Howe and Mark Godsey. Their ensuing collaborative investigation led to a reversal of Bridgeman's conviction in November 2014.

Bridgeman was then released from prison after serving 39 years, three months and nine days.

Cleveland prosecutors conceded Bridgeman's actual innocence and wrongful imprisonment. The City of Cleveland in 2016 awarded him \$2.4 million in damages for his wrongful imprisonment.

The following year Bridgeman released a book of poetry titled "*There's Something I Meant To Tell You*," acclaiming him to be "one of the most prolific poets to have interwoven verse and thought in a work complementing its own sagacity."

It is, and will remain, a collection of poetry that reflected the soul of a wronged man.

Wiley Bridgeman died in June 2021 at age 66 from complications of COPD. Two-thirds of his life had been stolen by a flawed, corrupt criminal justice system.

The *National Registry of Exonerations* ("NRE") reports that as of June 2022, there have been 3,171 exonerations in this country since 1989—more than half of which involved convictions obtained through either prosecutorial or police misconduct. Nearly two-thirds of those convictions were obtained against people of color.

Legislatures can enact laws designed to bring about criminal justice reforms but they cannot legislate the revenge gene out of the system that implements those reforms.

For example, most parole decisions are determined by race, either of the offender or victim, and/or the local politics associated with given cases. Fairness, impartiality and equality do not exist in the discretionary parole process or in any other process in the justice system that allows discretion to avoid accountability.

There are tens of thousands of innocent Wiley Bridgemans in American penal facilities and hundreds of thousands more who have been and are continuing to be victims of injustice.

Many will die anonymous deaths in these revenge designed institutions while others will survive only to live the rest of their lives damaged by a flawed justice system.

Justice cannot be perfect. But it can be fair absent revenge.