

US Justice Department cites abuse of students' constitutional rights in Mississippi schools

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According to the US Department of Justice (DOJ), school officials in Meridian, Mississippi have been running a “school-to-prison pipeline” for youth in the public school system. The report indicated that police acted as a “taxi service,” utilizing minor infractions to fast-track students into the jail system, often without any accompanying due process to oversee the legality of such actions.

Issued late last week, the DOJ report states “under the “Fourth, Fifth and Fourteenth amendments of the U.S. Constitution” that “there is reasonable cause to believe that the City of Meridian, Lauderdale County, Judges [Frank] Coleman and [Veldore] Young, and the State of Mississippi, are engaged in a pattern or practice of violating the constitutional rights of children in the juvenile justice system.”

The report also insists city officials violated Title VI of the Civil Rights Act of 1964, the statute prohibiting discrimination based on race, color or national origin of a citizen. Civil Rights Division Assistant District Attorney Thomas E. Perez stated: “The systematic disregard for children’s basic constitutional rights by agencies with a duty to protect and serve these children betrays the public trust.”

Contributing to this attack on children was the Meridian Police Department (MPD) which, according to the report, failed to adequately assess “probable cause” as well as “circumstances of the alleged charge” and “whether the alleged conduct actually qualifies as an arrestable offense.”

The report further details how dress code violations and “defiance,” such as talking back to teachers—normal adolescent behavior—was considered a

legitimate reason to send children to prison.

Pronouncing systems of due process to be both “illusory and inadequate”, the DOJ shows that children arrested were “not always” given access to attorneys in instances of detention, and that publicly appointed defenders did “not provide children and guardians with meaningful or effective representation.” Bled bone-dry of public resources in many cases, local governments now treat the constitutional right of lawful representation of people in need as not so pressing.

The Justice Department’s professed concerns over due process are cynical at best. Earlier this year the Obama administration asserted the “right” of the president to order the targeted assassination of US citizens without judicial oversight, or any due process. (See “The Collapse of American Democracy”)

Meridian’s criminal system was also the subject of a 2009 Southern Poverty Law Center (SPLC) investigation that released findings on the status of Mississippi’s juvenile detention facilities, declaring them to be “shockingly inhumane.”

According to the report, young offenders were found “crammed into small, filthy cells” and routinely “tormented” by guards for minor infractions. “I think this is evidence of a broken system where the most vulnerable population of kids are not receiving their constitutionally guaranteed rights,” stated Jody Owens II, managing attorney for the SPLC’s Mississippi state office.

The Justice Department was repeatedly obstructed by local city officials over an eight-month period preparing its report. The document singles out by name judges Frank Coleman and Veldore Young, juvenile courtroom judges who explicitly denied federal

officials access to courtrooms during trials, and instructed other city officials to bar access to any of the juvenile courts' records.

The DOJ's criticism of the widespread abuse still remained typically hypocritical: "We hope to resolve the concerns outlined in our findings in a collaborative fashion, but we will not hesitate to take appropriate legal action if necessary." The "collaborative" resolving of these concerns can only be an attempt to obscure such abuses from public knowledge, while outing a few "bad apples" such as Coleman and Young.

According to the Census Bureau, Mississippi has the highest African-American population of any state, standing at 38 percent of the population compared to the national average of 13 percent. Meridian's public school system is composed of 86 percent African American youth, higher than the state average. The Mississippi Department of Education has reported that 80 percent of households in the state's public school system now live in poverty.

In recent years, Meridian has been devastated by economic decline, deindustrialization, and social neglect. In 2010, the city's main sources of employment were the military and health care service. Over 40 percent of all youth in the city exist under the "official" poverty line, with nearly a quarter of the general population also falling below it.

No doubt Meridian, which in the era after Reconstruction and throughout the 20th century was considered an industrial hub, now stands as a representative of the Obama administration's "new normal." According to this model, manufacturing wages are lowered through pitting older workers against younger workers in two-tier wage systems, in conjunction with the slashing of social programs.

The routine criminalization of students in poor public schools is but one aspect of the social crisis facing the working class. It is worth contrasting the vindictive outlook of prosecutors and judges today—who have tossed out the conception of social support and the rehabilitation of children in favor of the criminalization and punishment of youth—to the compassionate and enlightened sentiments of an earlier era.

The juvenile court was not originally intended to be a legal institution. It was envisioned more as place where specialists could work together to examine a child's character, background, psychology and home

environment, and develop a plan of treatment in the child's best interest.

Julian Mack of the Juvenile Court in Chicago was appointed in 1904 and developed the legal theory and procedure for the new juvenile court. He found precedent for the separate and humane treatment of children by a modern juvenile court system in the old chancery procedures of the common law English courts.

He elaborated the doctrine of *parens patriae*, whereby the state is recognized as the ultimate parent of all children and is therefore responsible for every child's welfare.

The state, said Judge Mack, "as the greater parent of all of the children within its border, must deal with the child as the wise, the kind, the just but the merciful parent would deal with his own child, must abandon the idea that for every petty offense the great authority of the state must be vindicated, and its punishment visited upon the minor."

Mack, like the Progressive reformers of the last century, advocated that the court should look into the background of the child. "Why isn't it the duty of the state," he remarked, "instead of asking merely whether a boy or girl has committed a specific offense, to find out what he is, physically, mentally, morally and then, if it learns that he is treading the path that leads to criminality, to take him in charge, not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, not to make him a criminal but a worthy citizen."



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