

Alabama judge to poor defendants: Give blood or go to jail

Shelley Connor
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Poor defendants unable to pay their fines were recently given an unusual choice by an Alabama judge: pay with their own blood or go to jail, according to an audio recording obtained by the Southern Poverty Law Center.

On September 17, some 500 residents of Perry County, Alabama were summoned to appear before Circuit Judge Marvin Wiggins. Those who appeared were informed that they owed outstanding fees and court costs to the county. They were then told that if they could not pay the fines, they could “donate” a pint of blood to a LifeSouth blood collection van present on the courthouse grounds.

In the recording, Wiggins is heard telling the defendants: “if you do not have any money, and you don’t want to go to jail, consider giving blood today.” Addressing those who could neither pay the fine nor “donate” blood, Wiggins warned, “The sheriff has enough handcuffs for those who do not have money.” He urged the defendants to consider the donation as having been given a “discount” on their unpaid court fees.

On October 19, the Southern Poverty Law Center (SPLC) filed an ethics complaint against Wiggins with the Judicial Inquiry Commission. The complaint cites “violation of bodily integrity” and several instances of “improper process”: those summoned to Wiggins’ court were not informed of the reason for their summons, at least one defendant was told by a circuit clerk that he did not need an attorney for the summons, and the “discount” Wiggins promised never materialized.

Wiggins’ ultimatum violates both state and federal laws, which stipulate that jail time for unpaid fees be conditioned upon “willful nonpayment,” not inability to pay. Neither Wiggins nor any other court official

made an effort to ascertain the ability of the defendants to pay their fees.

While Wiggins’ “blood drive” is peculiar and capricious, it is not unusual for poor citizens in Alabama to be extorted—and in many cases, jailed—for nonpayment of fines.

In 2012, a Shelby County judge took control of all cases of nonpayment in the city of Harpersville, accusing the city of running a “debtors’ prison” where the jail time for nonpayment frequently exceeded the jail time the defendant would have served for the original offense. In 2014, the city of Montgomery settled a case with the SPLC for incarcerating an elderly, jobless woman for nonpayment of fines. In March of this year, the SPLC brought a lawsuit against Judicial Correction System (JCS)—a private, for-profit company—and the city of Clanton, Alabama, accusing them of racketeering and extorting impoverished probationers in violation of Racketeer Influenced Corrupt Organization (RICO) laws.

JCS was granted a contract with Clanton in 2009 to collect unpaid fees and fines from defendants. The contract required that all probation cases be assigned to JCS and, as the SPLC points out, the contract was not subjected to a public bid as required by law. JCS inflated fees by 40 percent and extorted payment by threatening to revoke defendants’ probation if they could not pay. JCS employees told one defendant, who had already been jailed once and who suffered from multiple sclerosis, that her health problems were no excuse for nonpayment. The city of Clanton terminated the JCS contract as part of a settlement it reached with the SPLC. The claims against JCS are still pending.

Prior to the lawsuit, JCS had contracts with over 100 municipalities in Alabama. At least eighty municipalities have since terminated their contracts

with the company, and on October 19, JCS announced that it would end its operations in Alabama by mid-November.

In Marvin Wiggins's antics—forcing impoverished debtors to literally pay with blood for their freedom—the class character of the American criminal “justice” system finds grotesque expression. Wiggins holds court in Alabama's poorest county. Located in the heart of the state's Black Belt region, Perry County's per capita income is a meager \$10,948. Nearly 40 percent of Perry County's residents live below the poverty line. Its population has declined steadily over the years, as residents have moved in search of employment and better living standards.

Set against these facts, Wiggins' antagonism towards his indigent defendants stands out even more sharply. The case also demonstrates the bankruptcy of identity politics; both Judge Wiggins and the majority of the people in Perry County are African American. Judge Wiggins and his victims share skin color, but have diametrically opposed class positions.

In 1983, the Supreme Court ruled that imprisoning indigent people for unpaid fines violated their Fourteenth Amendment right to due process. The Supreme Court's decision stipulates that judges consider a defendant's ability to pay the fines in these cases. The states themselves, however, have been left to decide precisely which considerations are to be made. Thus, it is common throughout the United States for the poor to suffer threats by courts and companies such as JCS. In states like Alabama, where judges have been pressured by legislators to raise revenues, there can be no doubt that budgetary pressures factor heavily into these decisions.



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