

BETWEEN YOU AND ME

Deeply-rooted attitudes about race and religion are clues to Oklahoma's number one ranking in mass incarceration.

RYAN GENTZLER

Oklahoma has a problem. Being dubbed “first in the nation” might be a point of pride with many public policies. But when it comes to incarceration, we’re locking up Oklahomans in record numbers, stretching state coffers to support those behind bars, and removing breadwinners from society for petty offenses, leaving their families financially vulnerable and perpetuating a cycle of poverty and prison. Our state’s distinction at the top for mass incarceration of its citizens leaves much to be desired. How did we get here—and how can we pursue fair and balanced reform?

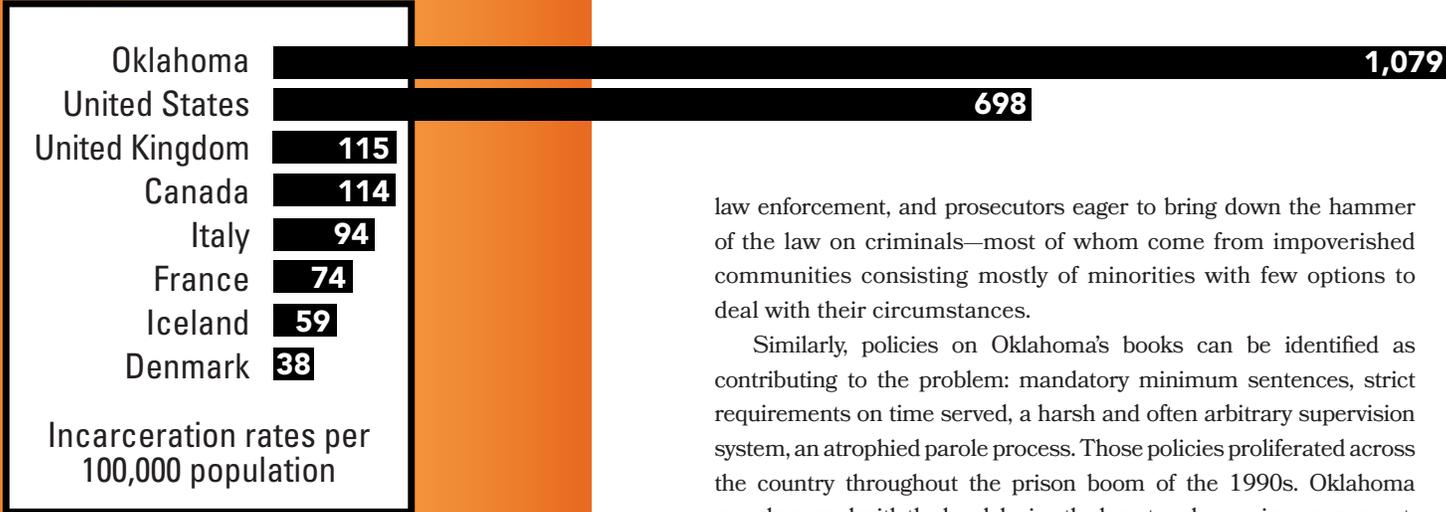
Oklahoma Justice—By the Numbers

In April 2018, the Bureau of Justice Statistics released its annual report on incarceration rates throughout the United States. The report showed that Oklahoma, which has led the country in female incarceration for the better part of three decades, had surpassed Louisiana to become the state with the highest overall incarceration rate. Our state incarcerates 1,310 people per 100,000 residents, or 1.3 percent of the adult population, a rate that is more than 50 percent higher than the national incarceration rate, and several times higher than those of Canada and other Western democracies. Oklahoma’s arrival at the top garnered headlines across the state for a few days, and then took its rightful place as a central talking point in the push for justice reform.

There’s no shortage of explanations for Oklahoma’s status as the most-incarcerated people in the world, and, as with most things, what you believe probably depends on the political views you align with. Some demonize people with drug addictions (*If we let them go they’ll just continue to use and steal.*). Others find evidence in reports of gruesome crimes that fill the local news and social media. And many lay blame at the feet of overzealous legislators,

It is not enough to be compassionate, we must act.—Dalai Lama





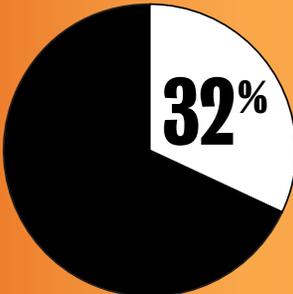
OKLAHOMA leads the world in **MASS INCARCERATION.**

OKLAHOMA'S IMPRISONMENT

OF BLACK FEMALES
(97 per 100,000)
IS ALMOST DOUBLE
THAT OF
WHITE FEMALES
(49 per 100,000).



People in Oklahoma county jails who **HAD NOT BEEN CONVICTED** of a crime (2015)



ADMISSIONS RELATED TO DRUGS, the leading driver of incarceration in Oklahoma (2015)

law enforcement, and prosecutors eager to bring down the hammer of the law on criminals—most of whom come from impoverished communities consisting mostly of minorities with few options to deal with their circumstances.

Similarly, policies on Oklahoma's books can be identified as contributing to the problem: mandatory minimum sentences, strict requirements on time served, a harsh and often arbitrary supervision system, an atrophied parole process. Those policies proliferated across the country throughout the prison boom of the 1990s. Oklahoma merely moved with the herd during the long tough-on-crime movement.

While competing partisan explanations (or justifications) will continue to animate policy debates, none is a particularly satisfying account of why Oklahoma has risen to the very top. After all, our rapidly rising incarceration rates followed a similar trajectory as the rest of the country. Between 1990 and 2010, Oklahoma's imprisonment rate rose from 390 to 698 per 100,000, a 77 percent increase; the increase across all states was 60 percent. Oklahoma's imprisonment rate for women was double the national rate in 1990 and remained so 20 years later. Oklahoma followed the national trend of rising incarceration, but our relative punitiveness was as evident in 1990 as it is today. Looking at each dynamic in turn, we are similar to the rest of the country but we take things to an extreme.

So what's the matter with Oklahoma? The attitudes that constructed and sustain the most punitive justice system in the world can be seen as the flip side of values we as Oklahomans take deep pride in: self-reliance, individualism, and hard work, exemplified by the industriousness of the land-rusher and the wildcatter. Oklahoma's homegrown religious philosophy—that every individual is responsible to God for his or her choices—sanctifies those values, but in doing so too often condemns those of us who fail to pull ourselves up by our bootstraps. These attitudes have been with us for quite a long time; they are deep in our collective identity. Racial disparities, too, are a pernicious but mundane reality in the state's exercise of punishment. Open views of white supremacy date from statehood and the founding of our cities. Our politics and institutions, our judges and legislators and prosecutors are overwhelmingly white.

The Gospel of Individualism

Jill Webb, now the Legal Director of the ACLU of Oklahoma, has long been a tireless advocate for Oklahomans accused of crimes. She is a former public defender and leader in the study of how disparities in the justice system have a systemically negative impact on the poor. In a September 2017 interview for *The Tulsa Voice*, Webb noted, "Mass incarceration is the most important civil rights issue of our time." She further theorized on the connection between Oklahoma's high crime rates and our embrace of the prosperity gospel. This popular theology advocates that financial success is directly proportional to one's faith in God. In that line of thinking, whatever is good or bad about your life is a reflection of your faith—and that's on *you*, not me:

If you really believe [that] if you're right with God, you will prosper, then the thing that's wrong with people who aren't prospering—who are addicted [or] suffering from mental illness—is they just haven't asked Christ into their lives. And if that's your solution to these problems, then, of course it's *their* fault, and of course you don't have to worry about them in prison. And while I think that Christianity, spirituality can lead people to do wonderful things . . . we lost the body . . . the notion we're all in this together, our shared experience. The reality is that neighborhoods of color or poor neighborhoods are patrolled much differently than wealthy ones, so those people's relationship with elected officials and police are much different than in other parts of town. As trite as it sounds, we are products of the garden in which we grow. [Emphasis added.]

Webb's commentary is a compelling framework for understanding a prevailing, well-meaning religious ethic that has allowed us to become the most highly incarcerated state: *If it's between you and God, I don't have to worry about it.* Pair this attitude with a darkly racist past that continues in our glaringly segregated present and we have the recipe for a state that ruthlessly executes its power in deeply unequal ways.

Persistent Racial Bias

We speak of incarceration in rates of 100,000 people, but it's difficult to comprehend numbers at that scale. Even in our state with the highest incarceration rate in the world, many Oklahomans—including most of those in power—are well-insulated from the realities of our justice system. What does it mean to have 1,310 per 100,000 people incarcerated? Think about the number of Facebook friends you have. Are more than one percent of them in prison or jail? This question was posed to a group of 60 high-performing graduate and undergraduate students at the 2018 Summer Policy Institute, an annual program convened by the Oklahoma Policy Institute to train and connect people in policy research and advocacy. When asked to raise their hands if more than one percent of their Facebook friends were incarcerated, about a dozen hands went up—almost exclusively belonging to students of color.

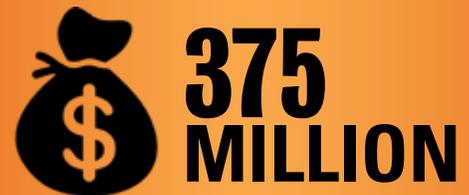
Black youth are suspended from school, arrested, and incarcerated at rates several times higher than white youth. Black adults are more likely to be stopped when driving, more likely to be arrested when stopped, more likely to be charged and convicted, and more likely to receive harsher sentences than their white peers. Similar but less extreme dynamics exist for Latino and Native American Oklahomans.

Racial disparities are by no means unique to Oklahoma, but they are markedly worse here: Oklahoma has easily the highest rate of black incarceration in the country: Nearly 1 in 25 black Oklahomans is in prison or jail at any given time, compared to 1 in 140 white Oklahomans. The ripple effects of incarceration are actively traumatizing, ripping apart families and exposing individuals to horrific violence.

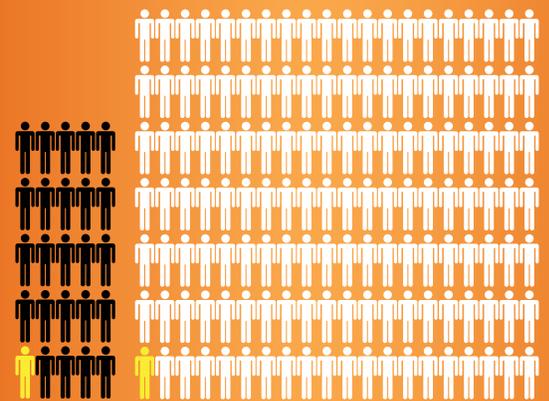
	Oklahoma
	United States
13	United Kingdom
13	Canada
8	Italy
7	France
5	Iceland
5	Denmark

Incarceration rates per 100,000 women

OKLAHOMA leads the world in incarceration of **WOMEN**.



GENERAL FUNDS SPENT on corrections in Oklahoma (2016)



Oklahoma incarcerates 1 in 25 **BLACK** Oklahomans compared to 1 in 140 **WHITE** Oklahomans.

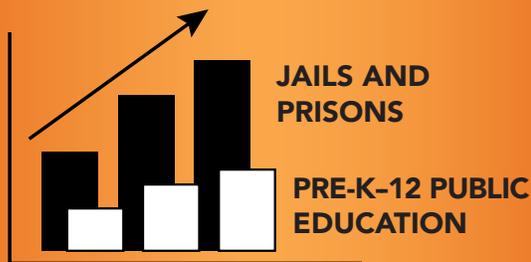


FAILURE (or financial inability) **TO PAY COURT COSTS** was the **4TH MOST COMMON OFFENSE** for people booked into Tulsa County jail (2016).

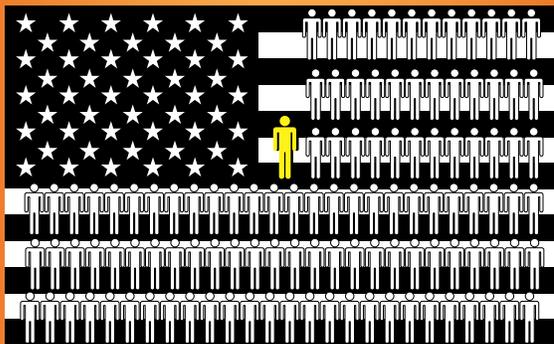
U.S. INCARCERATION



The U.S. makes up only **5%** of the world's population, yet incarcerates **21%** of the world's prisoners.



In the last 30 years, U.S. spending on jails and prisons has increased at **TRIPLE THE RATE** of spending on Pre-K-12 public education.



1 IN EVERY 115 ADULTS in America was in prison in 2015.

SOURCES: Bureau of Justice Statistics: bjs.org
ACLU Blueprint for Smart Justice: aclu.org
NAACP Criminal Justice Fact Sheet: naacp.org
Oklahoma Policy Institute: okpolicy.org
Prison Policy Initiative: prisonpolicy.org
Oklahoma Department of Corrections: doc.ok.gov

For black communities drained of their young men, it's trauma by subtraction. Sociologist Bruce Western, co-director of the Justice Lab at Columbia University, contends that "imprisonment makes the disadvantaged literally invisible," by removing them from free society. So many black men are incarcerated across the country, says Western, that "optimism about declines in racial inequality and the power of the U.S. model of economic growth is misplaced once we account for the invisible poor, behind the walls of America's prison and jails."

For those of us in middle- and upper-class communities, the incarceration problem is an abstract one; most of us have little interaction with the criminal justice system and can ignore its ugly wreckage as we please. But people who reside in predominantly black neighborhoods of Tulsa, Lawton, and Oklahoma City, for instance, experience the justice system as a foreign force that "disappears" from their community a staggering number of men and women in their prime parenting and earning years.

When confronted with these facts, it would be difficult—and irresponsible—not to reflect on our state's dark history of violent racism. At statehood in 1907, the first bill introduced by the inaugural Oklahoma legislature established racial segregation. Tulsa's thriving Black Wall Street district was destroyed and hundreds of black Tulsans killed in the infamous Tulsa race massacre of 1921. There were 76 racial terror lynchings in Oklahoma between 1877 and 1950. Homages to that past, like the naming of towns and streets for prominent, yet racist, community leaders—like Tulsa's Brady Street (now Reconciliation Way) named for Wyatt Tate Brady, a city founder and member of the Ku Klux Klan, and Norman's DeBarr Avenue (now Deans Row Avenue) named for OU professor and administrator Edwin DeBarr, also a KKK member—have started coming down only in the last couple of years.

The Cycle of Prison and Poverty

These historical realities survive in the over-policing of black neighborhoods and in the harsh criminalization of minor infractions like drug use and petty theft that pervade communities devoid of opportunity. Recent Department of Corrections data shows that Oklahomans sentenced to prison for drug and property crimes were incarcerated for periods nearly double the national average, and Oklahomans were killed by police at the third-highest rate in the country.

And an exit from prison does not signify an end to punishment, only a shift in its nature. Oklahoma often requires people leaving prison to return to and be supervised in the very communities where they got into trouble, surrounded by the same desperation and temptations. Our state justice system encourages people returning from prison to reunite with their families, to get a job, get treatment for addiction and mental health issues. The hitch is that they return to neighborhoods devastated by poverty. Their felony records limit employment to low-paying, menial work. The rehabilitative services they need have been cut along with the taxes that would pay for them. Without the clean break of new surroundings and a fresh set of challenges, our communities of color, so far removed from centers of power, become a purgatory for those returning from incarceration.

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Martin Luther King, Jr., after meeting with President Lyndon Johnson to discuss civil rights. Photo: Warren K. Leffler, *U.S. News & World Report Magazine*, Dec. 3, 1963. Library of Congress

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We would benefit from heeding his call to challenge unjust laws, to use nonviolent direct action to force powerbrokers to the negotiating table, to reject the label of outsider, and to embrace the idea of becoming extremists for justice.

The arc of the moral universe is long, but it will only bend toward justice if we make it.

HASAN KWAME JEFFRIES teaches civil rights history at The Ohio State University. He earned his Ph.D. in American history from Duke University. He is the author of *Bloody Lowndes: Civil Rights and Black Power in Alabama's Black Belt* (2009) and the editor of *Understanding and Teaching the Civil Rights Movement* (2019).

DEREK RUSSELL is an American artist best known for stunningly energetic images of amazing people. He creates meaningful, engaging stories with bold, vibrant color that inspire people to open their minds and make a positive impact on the world. His art is collected across the U.S. and around the world. DerekRussellArtist.com
Instagram: @DerekRussellArt

EXTRA! READ | THINK | TALK | LINK

- "Atlantic Readers Respond to Martin Luther King Jr.'s 'Letter From Birmingham Jail,'" Mara Wilson, *The Atlantic*, Jan. 21, 2019. Recounts printing MLK's text in the August 1963 issue under the title "The Negro Is Your Brother" and the largely positive reaction from readers. theatlantic.com
- The Martin Luther King, Jr. Research and Education Institute, Stanford University. The Encyclopedia has a short annotated essay, "Letter from Birmingham Jail," on the circumstances surrounding King's writing of the letter. kinginstitute.stanford.edu/encyclopedia | Read the full transcript of King's letter or listen to the audio of King reading the letter. kinginstitute.stanford.edu/king-papers

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A Way Forward

As dark as this picture is, light has unmistakably broken through in recent years. Driven by a combination of humanitarian compassion and budgetary prudence, the Oklahoma Legislature and the electorate at large have taken significant steps towards a system that offers redemption rather than condemnation.

At the helm of this movement is Kris Steele, who offers a different vision of what familiar religious traditions can bring to the justice reform debate. Steele, a Baptist minister who runs a job-training and education ministry, reminds people that "there is no spare Oklahoman." He is also a former Republican Speaker of the Oklahoma House of Representatives who shepherded a major justice reform package in his last year in the legislature—laws that were ignored amid petty intra-government squabbling after he left office. Steele's deep faith informs his passion for helping people involved in the justice system get back on their feet and redeem themselves. His message is gaining traction: He led the successful campaign for State Question 780, which reduced penalties for low-level drug possession and property crimes, and he remains actively involved in legislative efforts to reduce incarceration as head of the broad, bipartisan coalition Oklahomans for Criminal Justice Reform.

Oklahoma's fire-and-brimstone approach to criminal justice appears to be slowly fading, thanks in large part to the work of individuals like Steele and Webb—a turnaround that our justice system desperately needs. States with similar problems are further ahead on their reform journeys. Oklahoma's first steps have (so far) been relatively minor ones, so our incarceration rate will remain at the tippy-top for the foreseeable future.

Our indifference to the plight of our neighbors, especially those who do not share our skin color, is abetted by a religious doctrine that absolves us of responsibility for others. Making meaningful, lasting changes to our approach to justice requires us to recognize that our collective fate depends on how we recognize and meet challenges, and how we treat those we find different or might otherwise ignore.

It may be between you and God, but it's also between you and me.

RYAN GENTZLER serves as Director of Open Justice Oklahoma, a program of the Oklahoma Policy Institute that seeks to illuminate the justice system through analysis of public data.

EXTRA! READ | THINK | TALK | LINK

- *Solutions: American Leaders Speak Out on Criminal Justice* (2015), Brennan Center for Justice, Inimai Chettiar and Michael Waldman, editors. brennancenter.org
- "You Miss So Much When You're Gone: The Lasting Harm of Jailing Mothers before Trial in Oklahoma," ACLU of Oklahoma, Sept. 26, 2018. Video and report on effects of incarceration on families and communities. acluok.org
- "America Has Locked Up So Many Black People It has Warped Our Sense of Reality," Jeff Guo, *The Washington Post*, Feb. 26, 2016. Decisions about economic policy are skewed by not accounting for black men in prison. thewashingtonpost.com