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The system

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livable state has that reputation."

The answer may lie outside of the criminal justice system. Demographics suggest one partial answer.

Both Washington and Oregon are distinguished by the high proportion of single minority males and the relatively small black populations (2.5 percent of the total population in Washington) that are concentrated in urban areas.

Fehr noted the states with those features typically had the highest incarceration rates.

One nationwide study concluded that as much as 80 percent of the disparity may be due to minorities' overinvolvement in serious crimes, which more often lead to prison sentences.

Nationwide research indicates that blacks, more often than whites, are involved in crimes against persons and crimes where weapons are used. Likewise, blacks are more likely to be involved in narcotics crimes and are more likely to have a prior record.

Alfred Blumstein, a professor of urban and public affairs at Carnegie-Mellon University in Pittsburgh, found that the proportion of blacks committing crimes such as robbery, rape and murder is similar to the proportion of blacks in prison for those crimes.

"The dominant issue is differential involvement in crime, but the question is 'Why?' " Blumstein said in a recent phone interview.

Blumstein guesses minorities may be more prone to crime because they are more likely to be economically and socially disadvantaged.

For instance, the Washington Employment Security Department estimates that in 1983 nonwhites will have double the unemployment rate of whites.

The 1980 census also shows that the average household income of blacks, Native Americans and Hispanics is 25 percent less than the average for whites.

In addition, certain social conditions are statistically linked to a life of crime. Criminal behavior is more likely to occur when:

- Unemployment and financial difficulties are present.
- Other family members are criminal, delinquent or alcoholic.
- The home has been broken by divorce, death or desertion.
- Parental control is lacking.
- There is neglect, dominance or favoritism within the family.
- The home atmosphere is somehow abnormal or unconventional.

That offender profile fits Todd, 36, who has been in the state penitentiary at Walla Walla since 1967. He was released from death row after state death penalty law was declared unconstitutional and is now eligible for parole April 3, 1994.

"The criminal justice system has always had a hand in my life since the age of 4 when they took my mom to jail and took me to a foster home," Todd said in a recent interview at the prison.

Todd said he had no money, no family other than his mother, and was happy to go to the juvenile institution, where he got three meals a day and a place to sleep.

At age 16 Todd ran away from the institution and stole a car. A year later he was prosecuted in adult court, and sent to Monroe Reformatory. His mother died in his third month at Monroe, and he said he was not allowed to go to her funeral.

Back on the streets at age 20, Todd killed a man. He's been in prison ever since.

"We all are conditioned to get money to relieve poverty conditions," Todd said, explaining why he pursued a life of crime.

"Some of us have opportunities to rise above, some of us don't. Everything I learned in school wasn't there for me. I couldn't get a job, so I reverted to something else," he said.

Hubert Locke, dean of the University of Washington's Graduate School of Public Affairs, said he disagrees with the notion that blacks are criminally prone due to their social and economic environment.

"If I had any clues as to why this was happening, I would suggest we do something about it. But all we know is that when you take head counts, the incarceration rates for blacks is 12 to 14 times higher than for whites," Locke said.

"You can say blacks are 12 times as criminally prone, but if you believe that you believe in the tooth fairy."

Convicted robber and rapist Julius Gillespie, 30, wasn't socially or economically handicapped during his childhood in North Carolina.

Gillespie, who is black, came from a stable family and never had any problems until he got his girlfriend pregnant at age 17 and joined the Army.

While in the Army and stationed at Fort Lewis, near Tacoma, he said he became unwittingly involved in drugs with his brother-in-law.

He said he was charged with transporting a stolen car and drug trafficking in 1974, and the authorities took 2½ months to transport him to the East Coast on those charges.

Gillespie said during that trip he was raped by 11 men late one night in a Midwest jail.

When he was finally released, he said he was "very hostile at all white folks."

He said the two rapes and the robbery he committed in 1976 grew out of his disrespect for the law and his growing frustration. He is not eligible for parole from Walla Walla until Jan. 21, 1997.

"When you're growing up in a black community, all you have to vent your frustrations on is basketball," Gillespie said.

"Everyone needs to vent their frustrations. If you don't, you either commit suicide or commit violent crime," he said. "And not too many black folks commit suicide because they figure they'd rather kill somebody else."

Unit supervisor Larry Sutton, the highest-ranking black staff member at the prison, said black inmates — like all other inmates — are in prison because they deserve to be there.

"They have had some opportunities, somewhere along the line, and instead they chose to commit heinous crimes," Sutton said.

"We're always going to have some prejudice and some discrimination, but that's a part of life. A person can only decide for himself if he wants to stay out of prison."

However, that is a tough choice for a poor, unemployed, undereducated black, said Arthur Barnes, who was convicted of assault and awaits a Feb. 17, 1986 parole date from Walla Walla.

"I don't try to rationalize my responsibility for being in prison," Barnes said.

"But racism permeates out of society. Blacks in America are denied the educational opportunity where an elevated amount of morality could be developed," Barnes said. "Economic deprivation is a major factor as well. It's kind of difficult to draw where it begins."

Another problem is that minorities receive an unequal treatment from the law, which teaches them to disrespect the law, Barnes said.

"In my neighborhood we ran whenever we saw the cops come. Instead of learning how to respect the law, we learned how to break into parking meters and steal cars," Barnes said.

"It appears to me the problems are general problems of racism that have been in existence since the beginning of history," he said.

Barnes, Gillespie and Todd agreed there are no easy solutions.

But before solutions can be addressed, specific causes must be identified.

Locke agrees with Fleming and Fehr that an exhaustive study is needed.

Some experts believe the sentencing guidelines recently passed by the state Legislature may provide some of the answers.

The guidelines would limit the sentencing discretion of judges, making the sentence fit the crime rather than the criminal.

"At least it will be fair. It will remove any unintentional institutional bias against minorities," said King County Prosecutor Norm Maleng.

However, even under the guidelines, which take effect on July 1, 1984, judges will be able to give lesser or greater sentences in extreme cases.

And a study of the juvenile system — which has had similar guidelines since 1978 — shows that when the judges go outside the guidelines, blacks and minorities are sentenced to the institution more often and for longer periods of time.

But, if nothing else, the sentencing guidelines will provide a good statistical base for research, Maleng said.

Without that research, the situation may never improve, said Jim Short, a Washington State University sociologist.

"In the long run, it's a very dangerous situation. The violence in the prisons spills out into society," Short said.

He said he believes the racially linked problems of low income, unemployment and undereducation are to blame.

"There is good evidence nationally that the gap between the haves and the have-nots is not only increasing but is solidifying," Short said.

"It appears that we're forming an underclass that is heavily populated by blacks, who are locked into virtually permanent poverty without any hope of getting out," he said.

Job training for minorities and ex-cons would help, Short said. "We need to try to work these people into the mainstream. We don't do a very good job of that in this state."

But in the final analysis, Short said he believes education is the key.

"We need to start with the young, getting them better educated, so they will be able to face the problems they will encounter," he said.

"The best delinquency program in the world starts with education and keeping the family together," Short said.

Todd, Gillespie and Barnes all agreed that the prevention must start with the young.

"I go out to the visiting room and see some of the kids who don't have any money, and sometimes I buy them candy so they don't feel left out," Todd said.

"We all are responsible for the children," he said. "And we have to stop turning our backs on the people who are disadvantaged."

Staff photo by STEVE THOMPSON

Former Death Row inmate Eddie Todd says he got involved in crime at an early age so he could get caught and get three meals a day in a juvenile institution.

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