Twitter Thread by Scott Hechinger



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“Giving prosecutors more authority & leverage to punish those who are despised—white racist fascists, for example—will inevitably result in more poor nonwhite people being prosecuted.” White crime often leads to harsher punishment for Black & Brown

"Even hate crime legislation specifically intended to help prosecute crimes motivated by white supremacy & other forms of bigotry, can have a disparate negative impact on minority groups. In 2019 Black people (roughly 13% of population) were accused of nearly 24% of hate crimes."

"Half-century ago, the Mafia was seen as a pervasive, violent threat. Congress passed the Racketeer Influenced & Corrupt Organizations Act or RICO the most sweeping federal criminal law ever enacted. At the time, lawmakers weren’t talking about going after Black groups." Well?

Despite RICO passed in response to predominately white Mafia threats, Black people are now "disproportionately prosecuted under RICO In a 2012 study, approximately 86 percent of federal criminal prosecutions of gangs using the RICO statute have targeted racial minorities." Why?

"[T]he implicit racial biases of prosecutors" is what drives prosecutions of Black people under RICO. "They tend to only see a White gang as a “gang” when it is formally organized while far likelier to apply the label to an informal group of Black friends in a neighborhood."

After the Oklahoma City white supremacist bombing, "the sweeping federal law enacted hastily & heatedly in response—one the New Yorker called “surely one of the worst statutes ever passed”—has disproportionately impacted Black & brown criminal defendants, as well as immigrants."

"The law (AEDPA) 'has done its most pernicious work by baking in all of our existing inequalities. Bc the system already so disproportionately affects Black people, stripping away appeal rights inevitably punishes average Black defendants more than White terrorists."

"Meanwhile, the post-Oklahoma City legislation also expanded the government’s ability to detain immigrants and allowed for the fast-tracking of deportations, provisions that are used to this day mainly against people of color."

One of the most pernicious ways laws passed in reaction to white crime targets predominately Black & Brown people, in this case children: school policing in the wake of the Columbine shootings. "The school-to-prison pipeline, as it is now known, was born."

"We know who the profile of the school shooter is, but that wasn't who was profiled," said Judith Browne Dianis, of the Advancement Project. "It was the urban schools, not the suburban Columbines" where kids were being increasingly criminalized.

"Black students had become 3 times more likely than their White peers to be suspended & even more likely to be referred to law enforcement for the exact same infractions. (Special-needs children have also been disparately punished.)"

I always argue against calls for new harsh laws to punish even for those we despise--white, privileged, racist fascists among them. Because people who will be most affected by greater harshness are rarely if ever white, privileged, racist fascists. More:https://t.co/DwFds5isRM

> Public defenders across the country see how the vast array of criminal laws, procedures, & practices that already exist-unique in their harshness & scope around the globe-play out in real life. Oppression, mass caging, prosecution, surveillance, policing of Black & Brown people.
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> — Scott Hechinger (@ScottHech) January 14, 2021