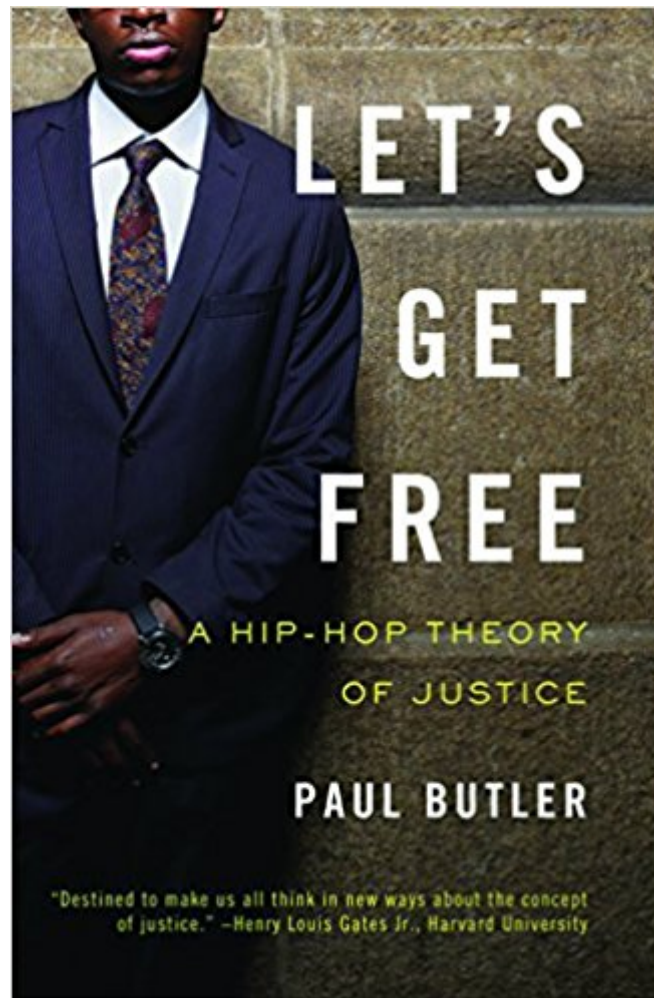




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Let's Get Free: A Hip-Hop Theory Of Justice



Synopsis

Paul Butler was an ambitious federal prosecutor, a Harvard Law grad who gave up his corporate law salary to fight the good fight—until one day he was arrested on the street and charged with a crime he didn't commit. The Volokh Conspiracy calls Butler's account of his trial "the most riveting first chapter I have ever read." In a book Harvard Law professor Charles Ogletree calls "a must read," Butler looks at places where ordinary citizens meet the justice system—as jurors, witnesses, and in encounters with the police—and explores what "doing the right thing" means in a corrupt system. Since *Let's Get Free*'s publication in spring 2009, Butler has become the go-to person for commentary on criminal justice and race relations: he appeared on ABC News, Good Morning America, and Fox News, published op-eds in the New York Times and other national papers, and is in demand to speak across the country. The paperback edition brings Butler's groundbreaking and highly controversial arguments—jury nullification (voting "not guilty" in drug cases as a form of protest), just saying "no" when the police request your permission to search, and refusing to work inside the system as a snitch or a prosecutor—to a whole new audience.

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Customer Reviews

"Useful analyses and original suggestions regarding the debate about how best to incarcerate fewer people . . . a debate that should have begun years ago." *California Lawyer* "An intriguing volume . . . the building block for future scholarship and conversations about racial issues affecting

real people." —LA Daily Journal "Provides a framework of solutions to a stressed and broken justice system that is in need of reform." —purepolitics.com "A can't-put-it-down call to action from a progressive former prosecutor. Butler's take on controversial topics like snitching and drug legalization is provocative . . . smart and very entertaining." —Danny Glover "A fresh and thought-provoking perspective on the war on drugs, snitches, and whether locking so many people up really makes Americans safer." —Anthony Romero, executive director, American Civil Liberties Union

A former federal prosecutor, Paul Butler is the country's leading expert on jury nullification. He provides legal commentary for CNN, NPR, and the Fox News Network and has been featured on 60 Minutes and profiled in the Washington Post. A law professor at Georgetown University, he is the author of Let's Get Free: A Hip-Hop Theory of Justice (The New Press). He has published numerous op-eds and book reviews, including in the New York Times, the Washington Post, the Boston Globe, and the Los Angeles Times. He lives in Washington, D.C.

Fortunately C.W. Day has given a detailed review of Butler's book. That helps a lot, because I'm having trouble knowing where to start in expressing appreciation for it. What I want to know is why there are so few reviews? This is important! It should have a wide audience. So why did I give it only four stars rather than five? Because I take issue with the statement on page 124, "Punishment should be the point of criminal justice, but it should be limited by the impact it has on the entire community." Everything he's said in the book would lead me to assume he has a different goal. As an enthusiast for the Restorative Practices movement, I believe, and I infer that he really believes as well, that punishment may serve a goal of individual and social justice, but is not a goal in itself. That takes us right back to the damage done by the focus on retribution, inflicting pain for pain, which has led us to the "Get tough on crime" thing in the first place. As he so aptly points out, getting "tough on crime" is nothing of the sort. It's "getting tough on criminals," which, as he points out, has the effect of increasing crime. On page 19 he says, "There is a tipping point at which crime increases if too many people are incarcerated. The United States is past this point. If we lock up fewer people, we will be safer." This point is elaborated on p. 25 by his pointing out that "Now, the United States has the largest rate of incarceration in the history of the free world." Interestingly, evidence from sources other than Butler's book suggests that the rate of imprisonment is directly related to the decision to privatize prisons. I recall a friend of mine - a former state administrator of probation - saying at the time, "Just watch. The rate of imprisonment will go up now that private ownership has to fill the

beds." Toward the end of his book, Butler reflects on the advantage of alternatives like electronic monitoring. I was interested that he noted that these devices are produced by private enterprise. Given the importance of economics in our culture, perhaps this will be an opportunity to increase the involvement of private enterprise in a positive way - sort of the equivalent of green industry. I learned so much from this book, some of which hit me like, "Of course, I knew that." His summary account of the effects of excessive incarceration makes a lot of sense when elaborated. Here I'd like just to list the points, referring you to his pages 32-33.* The "replacement effect:" the vacancy created by imprisonment gets filled by someone else.* Mass incarceration disrupts families.* It changes the way people think about crime - young men expect that at some point they'll do time, a kind of rite of passage that reduces respect for the law.* It's extremely difficult for a released felon to find employment.* And it's very expensive: (p.34) Sixty billion dollars is the amount that the United States spends on prisons and jails every year. This does not include the costs of police and the courts. Again, in the class of "Of course, I should have known that," (see pages 112-118) "Like other politicians, prosecutors pander to voters. In the majority of jurisdictions, this means promising to get tough on crime, which translates to locking more people up. There are few risks to being overaggressive - even when prosecutors cross the line. Since 1976, approximately 120 people who received death sentences were later found to be innocent. In all these cases, prosecutors were responsible for these wrongful convictions. The number of prosecutors who have been disciplined for these egregious miscarriages of Justice? Zero. By contrast, the line prosecutor who goes against the "get tough" ethos too forcefully not only risks losing her job but also risks causing her boss to lose his. But what was really new to me was the option of Jury Nullification. (p.61) "When a jury disregards the evidence and acquits an otherwise guilty defendant, it has practiced jury nullification. The jury is saying that the law is unfair, either generally or in this particular case. The jury's decision is totally legal - indeed, the practice of jury nullification is a proud part of U.S. constitutional history." I'm trying to avoid getting carried away, but my next-to-the-last point is to refer to his two goals on p. 120. "Let's say we have two goals. First, we seek to reduce incarceration substantially. Our specific goal here is to return the United States to incarcerating "only" 1,750,000 people rather than the current 2.3 million. Our second objective is a major reduction in racial disparity in incarceration. The numerical goal here is to reduce the current eight-to-one black-white disparity to three-to-one, which is closer to the average black-white disparities in other measure of economic and social well-being" Finally, to get personal. One hopes that the disparity won't be decreased by increasing the number of "white" prisoners. I have seen the broad effects on the imprisonment of one (white) prisoner I care about. Having been on medical leave from work for a year in treatment

for Hepatitis C, the latter six months of which consisted of treatment with interferon/Rebetol and Trzadone to treat depression caused by the interferon, he had completed the interferon injections but continued the Trzadone and had been back at work for two weeks. On a Sunday afternoon he consumed four beers between 3:00 and 5:00 p.m. As he reports, "My last conscious memory was about 5:30. From that point on I was in a chemically induced blackout. My next real memory is coming to in the emergency room in ... and being informed that I had caused a crash that had ended the life of two children." After release from the hospital and three weeks at home, he admitted himself to a hospital, suffering deep depression over the lives he had taken. He was not allowed to communicate to the family his deep grief. [The latter prohibition is, I believe, part of victim protection.] Advised by his lawyer to plead guilty, he was sentenced to 12 years, six for each child. At no point did he do anything but accept full responsibility for his youthful behavior that led to the Hepatitis C or for the accident. On the other hand, the judge was never presented with the information about his medical condition. Nor was the judge aware that he had no priors, confusing his record with that of his son. At a future time, another lawyer prepared a brief making those two things clear. The Judge refused to review it. He has now been in prison since 2005, during which time his marriage has ended in divorce, the son with the priors fell off the wagon, his elderly mother, single and living alone, has suffered major health problems, from open-heart surgery to back surgery to near blindness, and many things in between, rendering her incapable of leaving home on her own. In prison he has become an instructor in the restorative practices course, earned enough credits to be close to an Associates degree, and contributed his knowledge to the prison's computer system. And at his most recent hearing he was denied parole. p.s. He was not allowed to accept the book I sent him for his birthday, even though it was shrink-wrapped and sent directly from Border's Books. Nor was he allowed to receive a self-addressed stamped envelope from me so he could send me a letter. Yes, I think this is a perfect example of the futility of incarceration. This man is in no way a violent person, trying his best to care for his family from the confines of the prison. There is nothing to be learned about accepting guilt or "going straight." If nothing else, electronic monitoring would make it possible for him to care for his mother. I hope this latter story is acceptable to the author as an example of the points he is making. At the very least, I hope it's clear that I strongly urge that more people read the book.

This book addresses a question I have had for a long time: Why, with all the might and power of the U.S. has there been hardly a dent made in the war on drugs. When I saw the interview of Paul Butler on C-S[an/Book T.V., I was intrigued by both the views and the research of the author. I

thought there would be answers to my questions in his work, and I was not disappointed. The sad truth is that the "fight against drugs" has an underlying purpose, which today is beginning to be openly discussed: the deliberate decimation of a target population through addiction, incarceration (often for the financial benefit of others) destruction of communities, prison release with life penalties that deny jobs, voting rights, ability to meet responsibilities to family and community, and then re-addiction--a vicious circle. Drugs are a multi million dollar business; a stone that kills more than one bird. The truth, however, is finally being exposed. According to the author, hip-hop, which many people don't understand, but may be happy to learn about, has answers that make sense.

I recently saw Paul Butler giving an interview on the Ferguson case. I was very impressed with his ideas about the judicial system and race in this country, and how we've basically become or have been a police state for some time. So I wanted to hear more from him so I looked on to see if he'd written anything, and I found Lets Get Free. What an insightful and inspiring work about real change. The kind of change that regular every day folk can do to make their/our neighborhoods safe. Definitely check it out if you want some practical solutions to everyday social problems. It's refreshing, seriously.

This book was extremely worthwhile and provided a different vantage point from other books I had read on the topic. A black former prosecutor tells what is wrong with a justice system that seeks out and penalizes black drug dealers and users, while white dealers and users are mostly ignored. He gives statistics and examples to illustrate how the system is discriminatory and why we should all care. He explains the negative effects on the whole society and proposes alternate methods of dealing with non-violent offenders. He even suggests things that individuals can do to improve justice. Another book I would highly recommend that deals with the same subject is "The New Jim Crow" by Michelle Alexander.

Was never a big fan of Hip-Hop so the title threw me. The book was not about Hip-Hop, but a tremendous problem in the USA with our human capital. I spoke with a Federal prosecutor about why we imprison the largest percentage of our population than any civilized nation. He acknowledged the problem and acknowledged that our leaders will not take the political risk of doing something about it and appearing soft on crime. This book includes data and facts that are alarming. It was well written and the author's personal involvement in the process gives the book a bit of extra authenticity. I am sharing the message with my friends, family and contemporaries.

This book is an important work examining our criminal justice system in a critical and thoughtful way and suggesting solutions to deeply entrenched and troubling problems. Some of his ideas are being implemented to address mass incarceration in our country. Truly ahead of its time and still relevant to anyone who is interested in criminal justice and social justice in our society. Extremely well documented and beautifully written.

The first and final chapters, and the part of the book where he tells the story of Kathryn Johnston, are the most interesting. I wish he had included even more stories, to keep all the other parts interesting. Still, the book is well researched and I think many people would benefit from reading this. He presents many options for dealing with the excessive numbers of people in jail and being jailed, the drug problem in America, etc. I liked the chapter on jury nullification also.

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