

Graduating — to Jail?

The Striping of an American School

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Early this fall, our son was arrested and charged with a third degree felony. He had not committed any crime, but for an afternoon this 17-year-old West U resident and son of two university professors joined the one million Americans in jail. The charges were dropped two days later, and, because we can afford the cost, we may be able to have his criminal record expunged, but the world will forever look different to him, and to his parents.

The cause of this reversal in our lives was a souvenir from the Renaissance Festival, a curio in the shape of a dagger, with a five inch blade, painted black and silvered near its unsharpened edge, which had been sitting in a sheath in a back seat pocket in the van Alex drives to school, had been sitting there for months ever since he showed it to a friend and then forgot it was there. The car, parked in the high school parking lot, was picked out by HISD police dogs for a drug search, perhaps because alcohol had been used to clean the engine.

It is possible that this could have happened to your son, and your son, like ours, could be uninterested in drugs and innocent of any history of violence, could even be a pacifist, like ours. Your son's school could also be a large public school in an elegant part of the city, a school without unusual drug, violence or gang problems which nonetheless has found it necessary to employ a police force to patrol for violations. Your son's principal may also have decided to give the police a free hand. (This is a decision made by each school.) The policeman who arrests your son may also not know that, even had the souvenir been a genuine knife, Alex was not breaking the law.

Has the line between criminal and socially nonconforming behavior become so blurred in our society that soon it will disappear altogether? During his high school career, Alex has been picked up by the West U police for wearing a trench-coat. We accepted this (and the policeman's lame story about responding to a complaint) as the price of living in a society known to be violent. Should we have accepted it? Should we not have shouted from the housetops the warning, 'What will become of our society if people cannot engage in unusual but innocent activities without being branded as criminals?'

Do we not realize what enormous damage we do to the social contract when we criminalize innocuous activity? Let me say this more clearly. The presence of a knife in a car in a school parking lot is not illegal but it is a violation of the student code of conduct, and Alex should not have had it in the van. Nonetheless, the willingness of school authorities to stigmatize our son as a criminal, to allow him to be arrested, to punish him at school (he was immediately suspended for three days and threatened with expulsion, which was then commuted to a further five-day in-school suspension) as if he had committed a heinous act rather than an absent-minded one, is a very upsetting part of this whole business. It is disturbing for reasons well beyond the authoritarian behavior of the principal and the duplicity with which we anxious parents were treated. It is infuriating not only because Alex, as a senior, is well-known and universally liked by teachers and counsellors at the school. A B+ student taking

IB-BC Calculus and excited by writing and history, a favorite in the Philosophy Club, and an advocate of free speech, he drew some attention last year by joining the Young Socialists (a legal organization), and more attention yet by mounting a petition drive in support of a fellow student who he felt was being too-rigorously punished for a misdeed. (The petition drive was also legal but incurred the animosity of school officials, which may have had more to do with searching his car than the interest of the canine unit.)

Has the phrase '*in loco parentis*' lost its meaning? When we send our children to school, whether it be kindergarten or college, we send them to a nurturing environment, where they will be encouraged to think, to study, to develop values important to the continuation of a civil society. We do not expect them to be treated like criminals in the making. And yet, the speed with which school authorities allow a non-violent non-offender to be carted off the campus in handcuffs labels every digression from an ideal of conduct as incipient criminal behavior. The fear of violence in our society is real, but dealing with it this way compounds the problem.

For are we so unimaginative that we cannot see what this labeling will do? What are the consequences of letting schools, among their discipline options, hand out lifelong criminal records? (The principal of Lamar believes that Alex's criminal record will be erased when he turns 18. This is incorrect.) What do we do with the victims, when they are innocent? Do we accept what happened to Alex as the price we have to pay for living in the violent society we read about? Do we accept that, in a time neither of war, nor of economic crisis, nor of civil unrest, a talented and idealistic young man's future will be blighted because, owing to some unspecified crisis, we cannot tolerate the least letter of infraction of our rules? This is not a case of a young person being crippled by a drunk driver or a violent crime, but of a future being crippled by the very institution to which we entrusted it.

As Alex prepared for the SAT-II exams the next month, as he hoped that there would be colleges broadminded enough to read beyond the words 'suspended' on his high-school transcript, I wondered about the root causes. Driving by the city jail at 61 Riesner on the way home from the theatre, I remember the afternoon I spent there frantically trying to communicate with Alex, and the feeling of horror and despair in the pit of my stomach comes back suddenly and irresistibly. My husband and I question where to place the blame — is it due to ourselves for not impressing on Alex the need to conform, to Alex for his carelessness, to the police for treating an innocent person like a criminal, or to the DA's office for filing a charge for which it must have been obvious there was insufficient evidence? What is most responsible: the 'zero-tolerance' policy, and the schools' obsession with drugs, or the policies of this specific principal and the assistant principal, who acted with spectacular insensitivity in turning Alex over to the police without even checking to see if this object was a weapon? Does the fault lie in the structure of HISD which gives principals so much authority as to encourage corruption? Is it in the Board of Education, which chooses and monitors the structure?

Or is it all of us who fail to realize, tragically, that we must protect our children better than this, that we must remember that not every mistake is a crime, or we will destroy the society they will all inherit.