



# No Equal Justice: Race and Class in the American Criminal Justice System

By David Cole

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*No Equal Justice* examines subjects ranging from police behavior and jury selection to sentencing, and argues that our system does not merely fail to live up to the promise of equality, but actively requires double standards to operate. Such disparities, Cole argues, allow the privileged to enjoy constitutional protections from police power without paying the costs associated with extending those protections across the board to minorities and the poor.

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## **No Equal Justice: Race and Class in the American Criminal Justice System** By David Cole **Bibliography**

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### Editorial Review

#### Amazon.com Review

The American criminal-justice system, writes Georgetown law professor David Cole, has effectively become a two-tiered system, with differing levels of regard depending on the race or class of a given citizen who comes into contact with it. The thousands of African Americans who have been confronted by law-enforcement agents nationwide for "fitting the description" of alleged perpetrators would likely concur, but, according to Cole, it isn't just the cops that operate this way; judges, prosecutors, juries, and legislators are equally complicit. If the barrage of illustrative cases he presents in *No Equal Justice* paints a picture of an antidemocratic society, his proposed solution--making the criminal-justice system more "community-based," strengthening the relationships between citizens to "stop" crime before it starts--holds out a promise of equality. Critics may argue that such a plan is unrealistic, but the problems he describes are all too real, and deserve the attention *No Equal Justice* provides.

#### From Publishers Weekly

Cole, a lawyer and Georgetown University professor, puts teeth into the argument that America has two separate systems of justice—one for the privileged and educated, another for the poor and less educated, which often means black and Latino people living in inner cities. Citing recent cases from around the country, he documents widespread police brutality and corruption, including planting evidence and lying to win convictions. He demonstrates the likelihood that several police tactics—e.g., pretextual traffic stops—that are routinely applied to racial minorities would not be tolerated if applied to more privileged citizens. Cole's catalogue of inequities is no less damning for being familiar: defendants charged with killing white victims get the death penalty far more often than defendants charged with killing black victims; state-appointed lawyers for indigent defendants are often overburdened and grossly incompetent. Cole goes beyond complaint, however, and offers a reform strategy. Among the measures he calls for are a shift away from mass incarceration toward community policing, "shaming" penalties in lieu of jail for some offenders and offering monetary or other incentives to disadvantaged youth to stay in school. Cole's book is a well-argued, passionate plea for an unabashedly liberal program to fight crime while honoring the constitution's protection of individual rights.

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#### From [Booklist](#)

"Equality under the law" is a constant mantra in the U.S., whether the forum is the House Judiciary Committee, a courtroom, or a campaign debate. Georgetown University law professor Cole judges our criminal justice system as being far from equal. In balancing "two fundamental and competing interests: the protection of constitutional rights and the protection of law-abiding citizens from crime," he argues, "we have repeatedly mediated the tension not by picking one point on the continuum, but, in effect, by picking two points—one for the more privileged and educated, the other for the poor and less educated." Cole traces these double standards from the local police station to the Supreme Court, demonstrating how rights promised to all Americans are compromised and undercut when the suspect's income is low or race is nonwhite. A system of true "equal justice" *would* be more expensive, but Cole urges that, to rebuild the system's legitimacy, this issue must be discussed, double standards must be eliminated, and communities devastated by unequal justice must be rebuilt. *Mary Carroll*

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