

What is Justice?

Dear Brandon,

We are a group of students in a Sociology class at Cal State L.A. We recently saw the movie about your case, *Reckless Indifference*, directed by William Gazecki. After watching the movie, we talked about justice and what it means to us. We thought you might be interested in reading what we came up with.

Ben said that justice is like love: just as we have an idea of perfect love, we have an idea of perfect justice. As a cultural ideal, it is independent of reality. It is applied differently in different cases, contaminating the ideal. That doesn't make the ideal go away. In the Agora Hills, California murder case analyzed and presented in the movie, justice was applied improperly on several counts.

First of all, the people involved were thinking emotionally rather than critically. Emotion rather than the search for truth developed the case and brought it to its unbalanced conclusion.

The parents of the victim thought of him as an "angel," yet he had been well known in the neighborhood for his involvement with selling drugs. They were unable to accept his part in the situation. They seemed unaware that they were also a part of their boy's trouble and were, indeed, part of his own felony murder.

The prosecution presented a case that played to the emotions of the jury – referring repeatedly, without substantive proof, to gangs. Though no proof of gang membership was determined, it was concocted, and the accused boys were kept in chains – providing a visual, if not legal, condemnation.

Some sociologists look at justice as a tool for maintaining order in society – a component of the collective morality. But, when viewed from this perspective, severe punishment such as life imprisonment for the boys in this case is a counter indication to justice, because it creates a feeling of imbalance and injustice in reasonable citizens.

Other sociologists believe that justice in today's society is based on class, but it is not that simple. Different classes have access to different means of criminality or victimization and different systems of law are established to process the offences. Offenses most accessible to the lower classes are defined as crimes. Offenses accessible to the powerful are regulated, if at all, primarily by civil and tort law systems and only to a small degree by the criminal justice system. This is why it is more accurate to think of our condition as one of “structural” discrimination rather than case by case, situational discrimination by class or race. Typically the rich and the poor do not commit the same type of offences. In the cases that they do, a good and expensive lawyer can certainly flip the scale of justice.

In this case, all parties were from the same affluent neighborhood and one in which gang murders do not take place. Rich on paper, but poor perhaps in culture, the boys were bored and reckless. While money did not enter into the fate of the case, influence seemed to come in with a roar. Connections between people are not connections to the truth. Connections and influence and knowing how to work the system must not pull down the scales of justice.

We do not know what happened in this case. No one really knows what happened. We also do not know from the movie much of what the defense presented as argument or if their efforts were spent in protesting event-construction by the prosecution.

Justice is meant to be impartial. From impartiality we believe we assign merited rewards and punishments. The punishment should fit the crime! When the punishment doesn't fit the crime and people are imprisoned too long, as in this case, it is in contradiction to the purpose of justice.

The way in which we evaluate justice depends on our perspective in a given situation – whether we are the one judging or being judged. But we believe that justice should be more than just “how you look at it.” Justice is something real, and it is that essence which our system is meant to uphold.

Because the law is there to protect us not only from the criminal but also from itself, justice must involve a relentless effort to establish what is right and fair based on facts as defined by procedural law. In the appeals system, the petitioner must proceed along one relatively narrow avenue. In this case, for example, the avenue of appeal will be inadmissibility of evidence based on the revelation of the letter which provoked the testimony against the boys. While that will presumably be found to be inadmissible, there are other elements about this case that also rail against it as an instance of justice. It is as if something more should be done to rectify the other imbalances:

- state was ushered by a former agent and buoyed by a letter from the Chief of Police of another city, Los Angeles
- state called on expensive testimony to malign the boys' character as vicious gang members and that the expert testimony was thrown out
- community concern about the perception of crime and real estate values
- that the victim was himself a felony murderer as the seller of illegal drugs
- the dozen years that the defendant will have served before it is over.

All these matters add up to a cry for a deeper and wider redress to re-gain the sense of balance with which we endow the system of justice.

As a society, we have come to an agreement on the meaning of justice. That agreement is based on a perfect idea. The agreement must not become weakened by practice. When something goes against the very essence of justice, to redress it all the particulars must be brought out to the light of day and not only the one legal thread allowed by the appeals system. But the agreement becomes flawed in practice. Both the ideal and the practice are what we call law.

Is “perfect justice” like “perfect love?” Any ideal is brought down for use in “real life.” With both love and justice, parties to it would benefit from a return often to the wellspring of their ideal. In the legal system, the appeals system limits the method to right the wrong. With love, more open, we can return frequently to the ideal to gauge our behavior and feelings against it.

The documentary does what the legal system cannot do: it brings up, in this case, the smorgasbord of things that can go wrong in one case, whereas the appeal can only take one narrow avenue. Lovers have, if they so desire, more rights to appeal, and on vaster grounds.

Know that we are thinking about you and wishing you well in your appeal.

Sincerely,

Armando Bencomo, Kyeong Chang, Melissa Hatanaka, Mary Forney, Yoly Guitierrez, Ben Beltran, Kiran McTaggart, Teresa Navaro, Elvia Rojas.