

Representation Matters

By Richard Coble



I am five years old. I'm with my mom, my dad, and my older brother. We have just driven down a long winding road, and through a fence with barbed wire. I have on my some of best clothes, but for some reason, I have to take off my shoes and belt when I get inside this big building. I walk through this rectangular portal, in hindsight a metal detector, and something beeps. I don't know what it is. A man in uniform calls me over and uses a wand that is as big as I am, waving it around my body to check for anything I shouldn't have. I get the OK from the man and so does my family.

Now, we're being taken to a large loud room where dozens of families are scattered throughout as they converse with men sitting across from them. All the guys have on the same outfit. Guess they didn't get the note that it's supposed to be a "dress up" day. We sit down in plastic chairs and wait. A certain amount of time goes by that could have been three minutes or three hours, I don't know. I was five and didn't wear a watch. But then, there comes this man from behind a large metal door wearing the same outfit as the rest of the men but

with a smile as wide as the Cheshire Cat, and he's coming straight toward us. This is my brother, and this is my very first memory of him, in prison.

Now, despite one's innate desire to feel exceptional, my story is anything but. We live in a country that has 5% of the world's population but 21% of the world's prisoners.¹ With those numbers, you would think they're just throwing everyone into prison, and while there's some truth to that, it's truer in some communities than in others. African Americans are incarcerated at a rate five times higher than that of America's white population.¹ To further put that into perspective, according to the Stanford Center on Poverty and Inequality, the incarceration rate for adult black men in America in 2000 was 11.5% and is hovering around 10% currently.² A 2013 report to the United Nations Human Rights Committee by The Sentencing Project paints an even darker picture, stating that, "[i]f current trends continue, one of every three black American males born today can expect to go to prison in his lifetime...."³

So, while these statistics may be extraordinary, I am not. With these numbers, I am the norm. To be black in Amer-

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I experienced the automatic assumption and association of the justice system and a black face when, upon entering a courtroom, I was asked if I was a defendant. And I was asked it again. And again. And again.

ica is to have a father, an uncle, a cousin, or, in my case, a brother in prison.

This is why I added myself to the ranks of the 5% of attorneys in America who are African American.⁴ I became an attorney—a criminal defense attorney—because there’s already significant African American representation in prisons, and that’s partly because there’s not significant African American representation in courtrooms.

Now please do not misunderstand me. I am not saying that the quality of an attorney’s representation varies based upon the race of the client. I do not mean that defendants should only be represented by those of the same ethnicity or background. The reason I feel that black attorneys are necessary is because the dictionary definition of representation (the description or portrayal of someone or something in a particular way or as being of a certain nature) is just as important as the legal definition.

I have lost count of the number of times a black defendant has told me that they were happy or even relieved to see my face when we met for the first time. I’ve been informed that my name and, to a lesser extent, my voice leads some to believe they’ll be meeting with someone who is Caucasian. They still came, obviously, but many tell me that they had trepidation in not knowing if they would be truly listened to and, more importantly, heard. They had preconceived notions of a stuffy suit and a paler complexion looking back at them with skepticism and a belief that they were actually guilty. After all, “one of every three black American males born today can expect to go to prison in his lifetime.”

Now, some of these accused individuals will have been innocent. Some will have been guilty. But all will have been viewed through the societal lens of black criminality, perhaps even by their lawyer. It’s not racism. It’s not prejudice. It’s conditioning. The media representations of black Americans have long been that of gangstas and hustlers, pimps and hos, deadbeat dads and single moms. It’s everywhere, and it’s inescapable. Overall, I have enough faith in people that I believe they can look at these portrayals and logically conclude that it can’t be true for all black people. But it has to be true for some, right? That’s the insidious effect of conditioning. It’s always there. When logic leaves and sensibility ceases, there’s always conditioning. That includes for me.

I saw from a young age that black people, and in particular black men, belonged in prison. However, this wasn’t from television. “Oz” and “The Wire” had not even been created yet. I was too young to watch “COPS.” No, I experienced this concept firsthand when I visited my brother in prison. I experienced the presumed criminality of a young black man when I entered a store with a friend and was told, “Only one of you at a time.” I experienced the automatic assumption and association of the justice

system and a black face when, upon entering a courtroom, I was asked if I was a defendant. And I was asked it again. And again. And again. Every time I would answer, “No, I’m an attorney.” I would let them know who I was representing and at the same time, I would know what I’m representing.

I represent a challenge to the status quo. I represent an upheaval of society’s ingrained ideas. I represent a black man in the courtroom, in a three-piece suit, not a jumpsuit. I wear confidence, not chains. I am tested but not tried. When I introduce myself to the court, I also introduce myself to the conditioning of every person present. So, whether I want to or not, while I’m trying to right wrongs, I’m rewriting narratives. That is my dual-defined representation.

Now I know that I’m not there to change the world. I’m not even there to change minds. I’m there because I have a client who needs a zealous advocate. However, in being a zealous advocate for my client, regardless of race, I unintentionally become an advocate for my own race. And I believe that is why my black clients breathe a sigh of relief when they finally meet me. They understand that not only would I be representing them, but I would be representing them. In me, they see the defense to the defamation, the answer to the assumptions, the counter to the conditioning. Being black allows me to see beyond their race, but hopefully, me being black allows my race to be seen beyond. Beyond criminality. Beyond courtrooms. Beyond incarceration. I’m doing my best to make sure the next little black child’s first memory of a loved one is in person and not in prison, because representation matters. ■

¹ *Criminal Justice Fact Sheet*. (n.d.). Retrieved from <https://www.naacp.org/criminal-justice-fact-sheet/>

² Pettit, B., & Sykes, B. (2017). *Incarceration. Pathways: State of the Union 2017*, 24-26.

³ *Report of Sentencing Project to the United Nations Human Rights Committee*. (August 2013) Retrieved from <https://www.sentencingproject.org/wp-content/uploads/2015/12/Race-and-Justice-Shadow-Report-ICCPR.pdf>

⁴ *ABA National Lawyer Population Survey*. (2018) Retrieved from https://www.americanbar.org/content/dam/aba/administrative/market_research/National_Lawyer_Population_Demographics_2008-2018.pdf

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