

Racial inequality in the criminal justice system



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There is a recurrent pattern that involves law enforcement agencies and the African American communities that is questioning the police conduct, especially because of the recent shootings in Ferguson and New York City. One can't rationally discuss the issues of race within the criminal justice system without looking back at history and why the issue of race is not diminishing. The United States has an infamous history of slavery, the Jim Crow laws, and many other racially based inequalities that make it apparent that race does play an important factor in many parts of the criminal justice system. The purpose of this paper is to recognize what role race and media play within the criminal justice system. This paper will discuss the history of African Americans within the justice system and whether racial biases exist and if racial neutrality is even achievable.

A study of race and the criminal justice system is incomplete without acknowledging the way slavery and its abolition played into the relationship. Based on author Chaney and Robertson's article titled "Can We All Get Along?" even when the slaves were legally freed, their individual, ancestral, and shared status in society remained extremely weak. The authors also state that whites created the black codes, which were laws, statues, and rules, which allowed members of this group to reclaim control over the freed slaves, and uphold white supremacy, and safeguard the continued supply of cheap labor (Chaney & Robertson, 2014). Some of these codes of behaviors included; vagrancy, absenteeism from work, violation of job contracts, the possession of firearms, and insulting gestures or acts. Such acts were common at the time making these laws unguarded to interpretation and

easy manipulation, which meant that black people became easily targeted and punished (Chaney & Robertson, 2014).

While the Thirteenth Amendment passed the constitutional principle of convict leasing began. It was meant to abolish slavery and involuntary confinement however it was permitted as a form of punishment for a crime. Therefore, many blacks in the south went from being slaves to criminals, whose freedom was quickly and legally taken away by the same constitutional amendment that was believed to have protected that freedom. The number of confined blacks increased, and so did the common belief of black criminality (Slavery in the United States). The racial separation of America's criminal justice system had begun.

Furthermore, the 1950s and '60s were a time of great social eruption and change. Millions gathered together to fight for racial equality and justice at a time when there were almost little of both (Johnson, 2014). The times produced notable leaders of change like Martin Luther King Jr. and Malcolm X. These two exceptional leaders, with a vision of change, alongside the aid of millions of others, motivated the charge in demanding American principles of racism, discrimination, and segregation to come under question and challenge.

Author Michelle Alexander argues in "The New Jim Crow" (2011) that racist white interests began a call for a disciplinary crackdown on crime that was easily linked to the Civil Rights Movement. Riots and the social distress following Martin Luther King Jr.'s murder intensified this effect, and "the racial imagery associated with, gave fuel to the argument that civil rights for

African Americans led to widespread crime” (Alexander, 2011) The riots and public disorder epidemic during these times were often the result of police brutality, a fact confirmed by the findings of the National Commission on Civil Disorders, but those wanting to dishonor the Civil Rights Movement gave slight credit to such accusations and dismissed them most of the time (Weaver, 2007). According to author Weaver, it is at this time that so-called “frontlash” empowers the elites to form new systems that whereas on the outside seem irrelevant in upholding the status quo, however, work together to continue it cunningly. It is in this era the United States would find its early foundation and strategy used in the criminal justice system, as the basis to control African Americans, that race which is an undeniable proof does matter in the criminal justice system.

The 1980's and the war on drugs didn't help the race inequality within the criminal justice system but hurt it even more. Although both blacks and whites use cocaine, one form received a much harsher sentence of punishment. The harsher sentence was for crack cocaine, which was used mainly by blacks (Provine, 2011). This was a huge discrepancy in the sentencing guidelines. Furthermore, the role of the media surrounding race disparity didn't help lesson but heightened it even more. According to author Trujillo (2012) the newspapers and magazines all reported that this was an epidemic similar to a plaque on the society. Additionally, author Alexander (2010) states that the articles played up the racial stereotypes and fixated on racial cartoons such as “ the black crack whore and gangbanger.”

Although President Obama did sign the Fair Sentencing Act in 2010 that lessened the crack/powder sentencing disparity, some may blame crack as

the assumed link to crime and violence as the reason for the sentencing disparities between the two (whitehouse. gov).

The media also hurt the viewpoint of the society towards blacks and gave a face to the drug war's number one enemy the black crack users and the sellers. However, it was and is law enforcement officers who pursue and arrest the criminals who are prosecuted under disciplinary drug legislation. Thus racial profiling became acceptable and widespread under the pretext of the drug war, which plays a huge role in the racial disparities that have defined the criminal justice system for years.

This idea of black criminality is reproduced and perpetuated by the mass media in order to get ratings. Studies of news coverage have emphasized the criminal tenor of news reports highlighting African Americans. Media often depict African-American men and boys, as criminals, crime victims and predators. These stereotypes, according to social justice supporters, can generate a racially charged atmosphere that results in violence such as the shooting death of teenager Michal Brown (Sanders, 2012). Therefore, when the media portrays blacks and especially black men as criminal or violent, it can further strengthen the already negative views that the public holds about them. Just because blacks are arrested more for a particular crime does not inevitably mean that they actually commit that crime regularly. Rather, it could be biased police methods that lead to more arrests of blacks than of whites, and actual criminality may have little to do with it.

In conclusion, Americans like to uphold values of equality and justice for all, however, until the criminal justice system is truly equal not based on race or

ethnicity, equality, and justice will not be achieved. As long as African Americans fear police officers and as long as imprisonment is an ordinary life encounter for many of them, equality and justice are not feasible. As long as racial profiling is allowed as a suitable form of law enforcement, equality and justice are not possible. Change may not come effortlessly and may come slowly, but it is achievable. Until the whole society sees each other as an equal, there will be no justice in the criminal justice system.

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