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Black Skin, White Justice: Race Matters in the Criminal Justice System

Curriculum Unit 96.01.10
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UNIT PURPOSE

This unit, designed for grades 9-12 in social studies, law, sociology or Black history, will explore the ever persistent significance of race in the criminal justice system by encouraging honest debate among students. All students generally, and Black students in particular, must come to the understanding that the racial prejudices of the larger society are also present in the criminal justice system. Attempts by anyone, especially teachers, to simply wish away these prejudices, or to gloss over them is as great a disservice to intellectual discourse as is the attempt by many to avoid any discussion of the subject at all.

One area of concern, for Black students particularly, will be how to handle the painful emotions that greater insight into the issue at hand may cause. A responsible educator can only suggest that students use this information/discourse in such a way as to bring about a more just and fair world for all people by doing the following: 1) Consciously avoiding any and all negative interaction with the criminal justice system; 2) Challenging those with power to at all times practice fairness and ensure justice for all people irrespective of their race, gender, ethnicity, religion, etc.; and 3) Becoming involved in productive and positive political and social movements. In short, this unit will encourage social activism because change is brought about through movement and not stagnation. If real change is to come, then students must come to the realization that people change the times and not vice-versa. No institution made by human beings is immutable; commentary to the contrary flies in the face of all known historical records. Things can be fair and just, if human beings desire them to be. The burning question is—Do enough human beings want fairness and justice for all people?

Finally, while the picture that this unit will draw may be considered pessimistic by some, it is appropriate here to suggest that real solutions to pressing social, political and legal problems can only come about through honest and open dialogue, even if this dialogue runs counter to one's previously held beliefs concerning the democratic virtues often espoused, but consistently seldom practiced where Black people are concerned, by American leaders. It is always better to tell the sad truth than it is to repeat or invent a merry lie so that the sensibilities or emotions of some people are not in some way damaged.

INTRODUCTION

Earl Ofari Hutchinson, in his book *Mugging of Black America*, relays an interesting experience by a reporter who spent two and one half hours watching suspects march past Washington, D.C. Superior Court Judge Morton Berg. All but one of these subjects was Black. “There is an odd air about the swift afternoon—an atmosphere like that of British Africa in colonial times—as the procession of tattered, troubled, scowling, poor blacks plead guilty or not guilty to charges of drug possession, drug distribution, assault, armed robbery, theft, breaking in, fraud and arson.”¹ The reporter witnessed more than a courtroom scene, according to Hutchinson, he witnessed the legacy of slavery.²

The United States criminal justice system has frequently been characterized as inherently biased against Black people. That is, there are those who see the criminal justice system as part and parcel of the mechanisms which seek to maintain the status quo. If the status quo is understood to be a set of power relations that has Whites on the top, and Black people, (especially poor Blacks) on the bottom, then one can certainly argue that maintenance of the status quo has been achieved in the United States. For as Manning Marable suggests, “The foundations of the modern U.S. police state are designed specifically to ensure that the killings, rapes and property thefts of Blacks continue unabated—so long as whites (especially in the upper classes) remain protected.”³ In order to maintain this set of power relations, the criminal law has been employed as a means of legal control.⁴ As Richard Quinney states,

Criminal law is used by the state and the ruling class to secure the capitalist system, and, as capitalist society is further threatened by its own contradictions, criminal law will be increasingly used in the attempt to maintain domestic order. The underclass, the class that must remain oppressed for the triumph of the dominant economic class, will continue to be the object of crime control as long as the dominant class seeks to perpetuate itself, that is, as long as capitalism exists.⁵

Along those same lines, as the National Minority Advisory Council on Criminal Justice concluded in their national assessment of the impact of crime on minority communities, “America . . . is . . . a classic example of heavy-handed use of state and private power to control minorities and suppress their continuing opposition to the hegemony of white racist ideology.”⁶

In addition, there are others who suggest that because the criminal justice system is inherently racist, it can not but consider the race of the defendant in every stage of a Black person’s journey through the criminal justice system. As Nkecha Taifa, director of the Public Services Program at Howard University School of Law and cochair of the Criminal Justice Section of the National Conference of Black Lawyers said, “Invariably, people of color and the poor are subjected to disparate treatment at every stage of the criminal justice system, from arrest, prosecution and pretrial, to conviction, sentencing and parole decisions. That disparate treatment is a direct reflection of the institutionalization of racism in the system.”⁷

Public policy, particularly the so-called War on Drugs, is often seen as serving one primary purpose: the continued incarceration of Black males. (Tonry, 1995). For example, The Report of the National Criminal Justice Commission entitled: *The Real War on Crime* states that, “African-American arrest rates for drugs during the height of the “drug war” in 1989 were five times higher than arrest rates for whites even though whites and African-Americans were using drugs at the same rate.” As Earl Ofari Hutchinson stated “When the question is asked: Where are the white defendants? The police and prosecutors have a ready answer: “There’s as much cocaine in the Sears Tower or the stock exchange as there is in the black community,” says Charles

Ramsey, head of the narcotics division of the Chicago Police Department, “but those guys are harder to catch.”⁸

When those in the criminal justice system believe that Whites “are harder to catch”, they inevitably concentrate their energies elsewhere, usually upon Black males. This directly contributes to the criminalization of Black males. For example, in “six California counties independently surveyed in 1995, 100 percent of those sent to trial on drug charges were minorities, while the drug-using population in these same counties was more than 60 percent white—and relatively untouched by law enforcement.”⁹ Across the country, incarceration rates for Blacks have greatly surpassed those for Whites and shockingly high percentages of young Black males are under some form of court-ordered supervision, (Marc Mauer, 1990, The Sentencing Project) even though no commensurate increases occurred in Black violence and drug use.¹⁰

The aforementioned Report of the National Criminal Justice Commission further states that “A race crisis of disastrous proportions is unfolding in the US criminal justice system.” The issue of race, particularly when an individual is Black, appears to be of tremendous importance in regards to the criminal justice system. As Manning Marable further states “The irony of the . . . ” war against crime” is that white police, politicians and law enforcement officers have been nonchalant, at best, in aiding and defending Blacks’ lives and personal property.¹¹

An examination of several statistics in regards to Blacks and their relationship to the criminal justice system is in order here. **For what is rarely mentioned, but of tremendous significance, is that Blacks are most often the victims where more serious crimes are concerned.** For example, from 1973 to 1978, white males were victimized by violent crime at rates between 42 and 45 per year per thousand . . . For Black men, the rate was between 53 and 57 per thousand . . . Any Black man in the U.S. (in the aforementioned time frame) had a 6 to 8 time greater chance of being murdered than any white man.¹² Of all Black households in 1985, 27 percent had been touched by crime. Two years later, black households continued to be more vulnerable than whites for violent crimes (5.4 percent vs. 4.6 percent), burglary (7.6 percent vs. 5 percent), and theft in and around the home (9.1 percent vs. 7.9 percent.)¹³ Unfortunately, there has been no improvement in this area. In fact, things have gotten much worse.

According to the FBI’s Uniform Crime Report, in 1986 Blacks accounted for 46.5% of all arrests for violent crimes even though Blacks comprised 12% of the US population. Blacks accounted for 48% of the persons arrested for murder; 46.6% of all arrests for rape; 39.8% for assault . . . In 1986, of those person under 18 years of age, Blacks accounted for 54% of those arrested for violent crimes . . . the highest violent crime rates are demonstrated by young Black males. . . . **Over 40% of all jail inmates throughout the nation are Black—and the percentage is rapidly rising.**¹⁴ More young Black men died from homicide in one year (1977) than died in ten years in the Vietnam War . . .¹⁵ (The number of Black females murdered between 1980 and 1985 exceeds the number of American casualties in Vietnam in 1967, one of the peak years of fighting.¹⁶) Murder is the fourth leading cause of death for Black males of age 20 to 29.

Clearly, crime statistics can be interpreted in many different ways, depending upon ones motivation(s), agenda(s) or political perspective(s). Furthermore, “Unless we have a fair understanding of the characteristics of crimes that become official and those that do not, we are on very tenuous ground when we use official statistics to try to determine if crime is related to such things as income, racial inequality or a variety of other variables for we do not know what crime rates measure.”¹⁷ What can be said however, with little if any serious discourse to the contrary, is that Black people in America are facing a serious crisis in regards to their

involvement in the criminal justice system, and that this crisis manifests itself at every level of interaction with this system. Yet, a further note of caution is in order here in regards to the statistics mentioned above. For as William Ryan states, “. . . the FBI Crime Report—with all its tables and charts, its fatuously precise summations . . . is one of the most preposterously non-factual documents ever to roll off the print presses of the U.S. Government Printing Office. As a basis for serious discussion of social problems and social policies, it is approximately as useful as Madame Zelda’s Lucky Number Dream Book.”¹⁸

OVERVIEW

All too often, the role of race in the criminal justice system (particularly where Black people are concerned), is not given the serious attention it deserves. Many White Americans appear to have drawn the conclusion that the criminal justice system, perhaps while imperfect, is still effective in dispensing fairness irrespective of the race of the person effected. In short, many Whites seem to agree with the system’s contention that it is colorblind. Many Blacks, and other so-called minorities, on the other hand, differ with this contention, believing that the judicial system is a “White” system where White people get justice (or get away with committing crimes), and Black people get punished. Many Blacks and other so-called minorities simply believe that “looking to the courts for solutions to civil or criminal complaints is a waste of time.”¹⁹

In fact, a growing number of Blacks view the criminal justice system generally, and contemporary crime and drug policies in particular, as White America’s primary means to control, if not ultimately destroy, the Black community.²⁰ In their book, *Chain Reaction: The Impact of Race, Rights and Taxes on American Politics*, Thomas and Mary Edsall “describe focus groups held in the late 1980’s . . . In every session with Black participants, the view was expressed that crime and drug control policies were a deliberate effort to destabilize Black communities.”²¹ Amos Wilson suggests that “There is a pervasive feeling among many White Americans that their world would be much more secure if all young Black males were imprisoned, solitary confined to their ghettos, or kept under constant surveillance . . . Ultimately, criminality of the Black male . . . resides in any act or attitude on the part of Black males which appears to White Americans to defy White American authority, control or dominance.”²²

The entire “crime picture”, is extremely fuzzy to most Americans. The text may be crime. The subtext is race.²³ That is, the common perceptions concerning crime are apparently based upon non-factual, stereotypical and racist presumptions about who commits crimes and who does not. One of the most glaringly erroneous conclusions that most Americans draw in regards to crime is defining as criminal only those persons arrested by the police. As a result,

The trouble with the official crime picture is that it has the effect of grossly distorting the average citizen’s image of what crime is all about. It minimizes and deflects attention from one kind of crime (the common kind that one’s neighbors commit) and exaggerates and spotlights another, less common, kind (the code name is “crime-in-the-street” which is presumably committed by “criminals”).²⁴

The fact of the matter is that poor people, and especially poor Blacks, are convicted of crime more often, although there is no substantial relationship between social class and the *commission* of crimes. There is, however, a marked relationship between class and *conviction* for crime.²⁵ In short, “. . . the fact that half or more of the fifty per cent of the persons arrested for crimes of personal violence, and that forty to fifty percent

of all prisoners in jails and penitentiaries are black says nothing at all about the criminality of black people. And that an even higher proportion of persons arrested are poor and imprisoned sheds no light whatever on the criminality of the poor. These facts only identify the objects of police and court activity. There are law violators and there are law violators; one kind gets arrested, the other kind is usually left alone.”²⁶ It is not disingenuous to conclude, then, that those “left alone” are almost always White and/or wealthy. For in America, Whites clearly benefit from White-skin privilege. Conversely, Blacks appear to suffer from Black-skin punishment.

Police officers do not help bring clarity to this fuzzy criminal picture. In fact, they are greatly responsible for the fuzziness in the first place. For example, in several states, police departments use profiles which they claim help to reduce drug activity. The profiles purport to describe common characteristics of drug couriers by basically encouraging officers to stop, at random and with no reasonable suspicion, people of color (usually Black males) traveling on Interstate 95 and engage in a search of both the vehicle and passenger. While just “a small percentage of the motorists traveling the highway were black, . . . blacks constituted nearly two-thirds of the detainments.”²⁷ In Florida, “Ninety percent of the motorists from whom cash was seized by Volusia County deputies were blacks or Hispanics.”²⁸ This happens despite the fact that the majority of drug abusers in Volusia County are White. Of course, they were not represented amongst the various groups in the profiles.

Perhaps at no point in the law enforcement process is the idea of Black-skin punishment more apparent than at the most powerful and primary level of law enforcement—policing. For police, “Hung with the pressure of quotas to meet, . . . tend to ignore big-time, well-financed professional white criminals (which require long-term investigations but also potentially yield substantially more remunerative arrests) and instead pursue the quick bust, the far easier prey of small-time dealers and gang members.”²⁹ Hence, “any experienced police official could have predicted that policies of wholesale arrests of dealers would sweep up mostly young minority user-dealers in the cities. *This is not necessarily because more minorities use or sell drugs, but because arrests are easier to make in disorganized inner-city areas where many minority dealers operate than they are in middle- and working class neighborhoods where white dealers operate.*”³⁰ (Emphasis mine). This notion runs counter to the contention propagated by criminologist John J. Diulio that “America does not have a crime problem; inner-city America does.”³¹ Diulio’s contention here is at best fatuous, and at its worst, racist because “he completely ignores four decades of rising crime rates in white America . . . Black and white crime rates have increased together . . . The black crime gap could disappear tomorrow and America would still have a crime crisis . . .”³² As mentioned earlier, the text may be crime. The subtext is race.

In order to advance their careers, police officers will try desperately to “make the collar”. The more arrests made, the more it appears as though police officers are getting the job done. As a result, those with the fewest resources are targeted because police officers, as agents of the state, have the full force of the state behind them. For example, where the issue of drug arrests are concerned, police officers, with the assistance and support of the daunting state apparatus, “focus on minority consumers rather than dealers and manufacturers, who are mostly white. The minority consumers, usually neither dangerous nor wealthy, are easier and cheaper to arrest in volume than the often well-armed and well-financed white dealers and manufacturersIronically, this means that those in the drug market who are creating the problem are mostly untouched.”³³

While those who create the problem apparently go “mostly untouched” by law enforcement officials, Black and Latino males are arrested and incarcerated at rates well-beyond their representation in the drug-

trafficking trade. However,

. . . the rising levels of black incarceration did not just happen; they were the foreseeable effects of deliberate policies spearheaded by the Reagan and Bush administrations and implemented in many states. Anyone with knowledge of drug-trafficking patterns and of police arrest policies and incentives could have foreseen that the enemy troops in the War on Drugs would consist largely of young, inner-city minority males. Blacks in particular are arrested and imprisoned for drug crimes in numbers far out of line with their proportions of the general population, of drug users, and of drug traffickers. ³⁴

Closer to home, the Task Force on Minority Fairness, appointed by Connecticut Supreme Court Chief Justice Ellen Peters in 1992, has made some interesting findings concerning the role of race in the criminal justice system. Consider the following:

- 77 percent of minority attorneys think sheriffs and court employees are disrespectful to minorities.
- Defendants are sometimes stereotyped.
- The courts frequented by minorities are more crowded and have fewer resources, leading to the perception they are “poor people courts.” ³⁵

In the same newspaper article, however, is sort of a disclaimer where the issue of racism is concerned. Despite the conclusions of the Task Force, the article still stated that “Much of the real or perceived bias, however, is due more to cultural or socioeconomic factors than racism.” This suggests, among other things, that the socioeconomic position of Blacks and other so-called minorities is not determined by race/racism. Yet, what is becoming more clear is that,

At the root of the possible consequences of economic inequality and crime is the conflict perspective, which perceives the dominant, powerful (white) groups in society as attempting to control culturally dissimilar groups (in this case, nonwhites) who are seen by the dominant group as a threat to the political and social order benefiting them. Domination of nonwhites is achieved through agents of social control such as police . . . Another means of social control takes place in the isolation of worrisome groups into inner-city ghettos and barrios; racial segregation has the additional benefit of reducing the costs of crime control. ³⁶

In short, Black people are not suffering from racism due to a generally low socioeconomic status, but are trapped in a low socioeconomic status due to racism—the idea held by Whites that they are superior to Blacks because they have White skin. Clearly they (Whites) would need, and do have, the power to institutionalize these feelings of superiority, even codifying these feelings into law when they deem it necessary. While it may be classified as a Marxist philosophy (and that should not matter at all here), it certainly rings true that,

. . . market discrimination is not just an important cause of the relative disadvantage of blacks, but an outward manifestation of a “thoroughly saturated” racist social order . . . It implies an attitude on the part of whites and a resultant attitude on the part of blacks which have become strong elements of the “human nature ” of each race. A competitive order intensifies the kinds of racist tendencies which people seem to have had throughout human history. In other words, . . . black poverty reflects racism . . . Capitalism, because it is competitive and aggressive

exacerbates whatever racial or other prejudices one may have had to begin with. ³⁷

Is the United States Criminal Justice System really racist?

Invariably, every argument must indeed have a counter argument. Despite clear and convincing evidence to the contrary, there are those who believe that, though there may be some evidence of discriminatory practices in the criminal justice system, these instances do not significantly impact the dispensation of jurisprudence. (Diulio, 1994, Langan, 1994). As such, there are those who feel, as Patrick Langan does, that “race is only weakly related to whether a defendant is arrested, convicted, prosecuted or sentenced severely.”

³⁸ Diulio argues that once controls for such characteristics as the offender’s criminal history or whether an eyewitness to the crime was present, racial disparities no longer exist. ³⁹

Advocates of Law and order, like Diulio and Langan, apparently have naive notions about fairness in American society generally, and in the criminal justice system in particular. To suggest, as he does, that locking up criminals for a long time will lead to a decrease in crime is simply not true. Diulio asserts that “In the 1980’s, rates of imprisonment rose and crime rates fell . . . ” ⁴⁰ Had Diulio “compared the crime rates in 1985 with those in 1990, a five year period when the percentage and absolute increases in prison populations were the largest in the nation’s history, he would have found it difficult to claim a cause-and-effect relation between incarceration and crime rates. Crime rates overall rose 12 percent, and violent crime rates climbed more than 32 percent.” ⁴¹ As James Q. Wilson notes, “Very large increases in the prison population can produce only modest reductions in crime rates.” ⁴² Furthermore, if locking up criminals was a deterrent, there should be no crime at all!

In his article, “No racism in criminal justice system”, Patrick Langan makes several assertions. Among them are the following: 1) 66% of Black defendants were prosecuted for felonies, while 69 percent of whites were prosecuted for felonies; 2) Among Blacks prosecuted in urban courts, 75 percent were convicted of a felony, while 78 percent of Whites were convicted of a felony and 3) The average state prison sentence received by Blacks convicted of a felony was five and one half-years, one month longer than their white counterparts. Yet among Black defendants convicted of a felony, 51 percent received a prison sentence, as opposed to 38 percent of whites. ⁴³

One could, however, draw a vastly different conclusion regarding the role of race in the criminal justice system because “Blacks tend to get substantially longer prison terms [unlike the one month asserted by Langan above] than whites convicted of the same crimes, even when the Black person is a first time offender and the White person a second- or third-time offender.” ⁴⁴ Clinton Cox adds that, for murder Blacks serve 91.7 months versus 79.8 months for whites; for rape, 55 months for Blacks versus 43.9 for whites; for kidnapping, 41 months for Blacks to 37 for whites; and for robbery, 37.4 for Blacks to 33.3 for whites. ⁴⁵

Furthermore, Langan appears to invalidate at least part of his theory that there is no racism when he refers to those who receive sentences (they were overwhelming Black). Hence, while Langan suggests that judges did not give longer prison sentences to Blacks (which does not appear to be true), his own research shows racial disparities in sentencing. Despite his attempt to explain away these differences by introducing other factors (i.e. were they repeat offenders?, did they live in jurisdictions where sentencing was tougher [which raises another set of racially charged issues?], etc.), it is clear that race matters in the criminal justice system.

Readings

1. Malign Neglect: *Race Crime and Punishment in America*. (Introduction). Michael Tonry.

Accompanying Activity:

Pre-lesson evaluation to gauge student perceptions of race-based inequities in the criminal justice system, if any.

Objectives

1. To introduce the role of race in the criminal justice system.
2. To provide students with insight into the criminal justice system.
3. To analyze the basis for student perceptions of race-based inequities in the criminal justice system, if any exist.

General Statement

American leaders have used the legal system to control the political behavior of Black people from the moment that they endorsed or participated in the forced removal of Africans from their native continent. This control has continued nearly unabated for the last 375 years. As a result, many have come to view Black people as somehow “predisposed” to commit crimes, and in the process, have made the mistake of labeling criminal only those who get caught. Hence, because more Black people get caught, and are more likely to be featured in the evening news in connection with criminal behavior than are Whites, there has been a widely-held view among many that Blacks are “innately criminal.”

Entry Point A:

Inform the class that they will be starting a unit on race and the criminal justice system and that they will be answering a brief survey in order for the teacher to assess, and ultimately for the class to discuss, any perceptions they may currently have regarding the issue. Teacher should inform students that this survey will not be graded.

Entry Point B:

Teacher distributes evaluation and has students complete them. (see attached).

Entry Point C :

Teacher instructs students to read aloud their responses to the questions on the evaluation.

Entry Point D:

Teacher then engages students in discussion concerning the role of race in the criminal justice system.

Homework Read the introduction to *Malign Neglect* .

SAMPLE STUDENT EVALUATION

Please answer all questions to the best of your ability. This is not a test, but will be collected at the end of class. This evaluation will help me develop interesting and useful material for this unit.

1. Do you think that there is racial prejudice in the criminal justice system? Why or Why not?
2. Do you think that Black people use racism as an excuse to commit crimes? Why or why not?
3. Have you ever witnessed an instance of racial prejudice from any law enforcement agency (i.e. Police, judges, lawyers, juries)? If you did, Why do you believe that there was racial prejudice and not other explanations for what you witnessed?
4. The Constitution allows for Black people (and all people) to be judged by a jury of their peers. What do you think this means? Do you think that if only Blacks served on juries where there was a Black defendant, he/she would face no racial prejudice? Why or why not?
5. Do you think that Black people get treated fairly all or most of the time by the criminal justice system? Why or why not?
6. Do you think that Black people with a lot of money do not face racial prejudice in the criminal justice system? If you answered yes, do you think that if more Black people were rich, there would be little if any racial prejudice in the criminal justice system? Why or why not?
7. If you were to end up in the criminal justice system, do you think you would be treated fairly? Why or why not? Would the same be true for most of your friends? Why or why not?

Readings

1. See No Evil
2. Black Robes, White Justice.

Accompanying Activity

Discussion of two conflicting viewpoints. Discussion of last night's homework.

Objectives

1. To show that people hold different beliefs on the same subject and that these beliefs can and

should always be debated but must at all times be respected.

2. To help students understand that racism is a complex issue that must be discussed openly and honestly if it is to be corrected.

General Statement

Debates concerning the role of race in the criminal justice system often call forth many of the most overtly racist attitudes harbored by many Americans. This one area—crime—is often the text, but the subtext is inevitably race. There are those who suggest that Blacks are “predisposed” to committing crimes and that they just be punished when they act on what is a “natural inclination.” On the other hand, there are those who see the criminal justice as a daunting state apparatus whose primary purpose is to lock-up Black people so that Whites can further justify their ill-treatment of them. In this regard, the commission of crimes by Blacks is the result of a deliberate and well-planned conspiracy by powerful Whites.

Entry Point A :

Have the class read the two essays See No Evil and Black Robes, White Justice. (Both written by Gary Highsmith)

Entry Point B:

Divide the class into two groups A)Those that agree with essay #1 and those that agree with essay #2.

Entry Point C:

Have each group select a recorder and a reporter.

Entry Point D:

Have the groups write a Statement of Defense, briefly outlining why they chose that particular essay to agree with. The reporter should speak for the group. A discussion should follow.

Homework Students should write a one-page persuasive essay which discusses both the strengths and weaknesses of the argument which they oppose. Inform students that these will be read in class the following day.

See No Evil

It never fails. Whenever Black people get caught breaking the law, they want to blame it on White society, as if it took the brick, broke the window, and robbed the house! All ethnic groups have had it tough in this country. My grandparents came here and did not have any money in their pockets. Why they couldn't even speak English. But what they did was obey the law and work hard, and they did not get into trouble like the Blacks do nowadays.

It has gotten to the point now that if Blacks don't get the verdict or the treatment that they think they should get, they will go off and riot and burn up every damn building in sight. I mean, look at what happened over in Los Angeles when the police officers were acquitted in the first Rodney King Trial. I mean, they really went berserk. There was a jury, there were lawyers, there was a judge and a trial. But as soon as the Blacks felt that things did not go their way, they were ready to commit more crimes! I just don't get it.

I don't understand how all the White judges can be racist and be Judges. If you believed what the Blacks were

saying, you would think that all the White people involved in the criminal justice system were involved in some kind of conspiracy to put Black people in jail. There are many White lawyers that defend Blacks and there are White judges that do not send Blacks to jail, aren't there? I mean come on, enough is enough already!

Hey, I know that there is some prejudice in today's society. Not all White people are Saints. But they are not all sinners either. I even believe that there is some racism in the criminal justice system, but instances of racial prejudice are, in my opinion, very rare. The courts are places for fairness and justice, and not racism and prejudice.

If the Blacks began to concentrate more on values in their community, and began to look for more legal means to make money, I think all this stuff about racism would disappear overnight. All this attention they get when they march, rally, boycott and even riot just makes it more difficult for them.

I have some Black friends. They have never, not once, mentioned to me that they faced racial prejudice from the cops, or judges or from any area of the criminal justice. That could be because they do not commit crimes like those in the inner-city do.

BLACK ROBES, WHITE JUSTICE

Black Americans suffer from political, social, psychological and economic exploitation at the hands of powerful Whites in this country. As a result of this exploitation, Black people generally are purposefully put into situations where the commission of criminal acts are seen as the most effective solution to their problems.

Most Whites, however, will probably never understand the quandary in which most Black find themselves. Stolen from their homeland, (making them the only ethnic group in the US who came against their will), forced to work under the most wretched conditions imaginable for no money and kept in slavery of different forms and fashions up to this very day, Black people have been under the constant control of Whites. Today, their most effective means of maintaining control is through the criminal justice system.

Black people are absolutely correct when they say there is not justice there is just us! Look in any courtroom in any urban area. What you will find is a steady stream of Black males going to jail, and a steady stream of White males going home.

When the uprising occurred in Los Angeles after the first Rodney King verdict, Whites started to take a closer look at the injustices perpetrated against Blacks because they didn't want more of the same in other major cities. Suddenly, Whites began to realize that there might be some racism in greater society and in the legal system.

It is truly odd that after the first King verdict, so many Whites talked about how we all should honor the legal system even though we may not have liked the outcome. However, after the O.J. verdict, Whites everywhere started questioning the legal system. It is this type of hypocrisy that leads to further racial prejudice. When Whites don't win, they want to take their bat and ball and leave the field, only to play again under a new set of rules, their rules.

It is not until Black people begin to make some noise in this country that we get the attention we have been

screaming for years. We do not ask for more than our fair share, and yet Whites have historically denied us even an opportunity to get that fair share.

Even the most die-hard integrationists must admit that there is racism in the criminal justice system. Just how much, however, is up for debate. I can not, for the life of me, understand why Whites just don't seem to understand that the prejudices of the larger society are also held by judges, cops, lawyers, bail bondsmen, etc. Why do Whites think that Whites connected with the criminal justice system check their racism at the door? That is absolutely ridiculous!

Sure, we have some internal issues in the Black community that we must attend to. But Whites also have internal issues in their respective communities to which they must attend to. The primary issue for Whites, in my opinion, is racism. They practice it, they must end it. When or if they do, then discussions like these will no longer be necessary, and Blacks will not face the racism that we do presently in the criminal justice system.

Notes

1. Earl Ofari Hutchinson, *The Muffling of Black America* . (Chicago: African American Images, 1990). p. 1.
2. *Ibid.*
3. Manning Marable, *How Capitalism Underdeveloped Black America* (Boston: South End Press, 1983). p. 126.
4. Coramae Richey Mann, *Unequal Justice* , (Indianapolis: Indiana University Press, 1993). pp. 126-130.
5. Richard Quinney, *Class State and Crime*, (New York: David McKay Company, 1977). p. 86.
6. Quoted in Mann, *Unequal Justice* p. 21.
7. Quoted in Thomas G. Whittle and Aron C. Mason, "The Black and White of Justice: How the Judicial Playing Field is Tilted against Minorities—and We Are All the Victims." *Freedom* (Published by the Church of Scientology) Vol. 28. Issue 2. p.7.
8. Hutchinson, *The Mugging of Black America*. p. 58.
9. Whittle and Mason, "*The Black and White of Justice.*" p.7.
10. *Ibid.* See also Michael Tonry, *Malign Neglect: Race, Crime and Punishment in America*. (Oxford: Oxford University Press, 1995). pp. 3-47.
11. Marable, *How Capitalism Underdeveloped Black America* . pg. 126.
12. *Ibid* p. 125.
13. Amos Wilson, *Black on Black Violence* . (New York: Afrikan World Info Systems, 1992). p. 18.
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