



## **Multiculturalism and the Law: The Criminal Injustice System—The New Enslavement of People of Color**

Curriculum Unit 96.01.11  
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People of Color are faced with the perceptions of inequality and discriminatory treatment by the Judicial Branch. The legal system appears to many people to be inherently racist and deeply rooted in our Criminal Justice System at large.

The courts are mostly visited by the poor, the Negro, and members of unpopular groups. The urban, traffic, and juvenile courts are more crowded and have fewer resources, leading to the perception they are “poor people’s” courts. The system appears biased, beginning at the arrest, through the arraignment, to the trial and sentencing. The court system has underrepresentation of minority judges, lawyers, and jurors. The judicial system fosters a perception among minorities that Connecticut’s courts are a “white” system. The lack of representation leads minorities to perceive they don’t get fair treatment in the courts and that looking to the courts for solutions to civil or criminal complaints is a waste of time. There is a vicious cycle by leading to low minority turnout for jury pools and lower numbers of minority attorneys attending law schools and practicing law. The real or perceived bias may be due more to cultural or socio-economic factors than racism. OJ Simpson was able to capitalize off the rich’s man system, and the need for judicial reform was discussed by law professors who reflected on the Simpson trial and its repercussions two days after the verdict that polarized the nation. In reality, some racial and ethnic bias does exist in the court system, as it does elsewhere in society.

Some White Americans refuse to endorse African-Americans as legitimate members of this society and People of Color are being oppressed by a new form of slavery, The Criminal Justice System. Historically, the constitution has served as a legal document with no value to African Americans until the signing of the Emancipation Proclamation. The intent of its design is to protect the rights of all people, but the treatment of blacks remain to be demeaning and demoralizing. Many vote-seeking politicians hang on to a tough on crime campaign while avoiding the real issues dealing with criminal activity. Some conservative whites have insisted they have a right to separate where they can preserve their way of life. But this is just another thinly disguised attempt to keep blacks out and retain the favored place whites were guaranteed under the Jim Crow laws. Minority defendants have the burden of proof and are treated differently where it appears that they remain guilty until proven innocent. In most cases, once one becomes a defendant, it is very difficult to regain a respectful place in this society again. Almost one out of every three young black men serving a criminal sentence is either in prison, on probation or parole. Highlights from a report on the status of Minorities, especially young black men, and the U. S. Criminal Justice system, showed the percent of men age 20 to 29 in

state and federal prisons, jail, probation, parole on any given day were, Blacks 32%\*, (These findings are based on a 1995 estimate, the other figures are for 1994) Hispanics 12%, and White 7%. The increase of men and women over a 5 year period, age 20 to 29 in state and federal prisons, jail, probation, parole on any given day were, Black men 31%, Black women 78%, Hispanic men 18%, Hispanic women 18%, and White men 8%, White women 40%. This report argues that the mandatory minimum sentences and stepped up enforcement have fallen disproportionately on Blacks and Women. One may argue that Blacks and Women are creating more criminal activity. Not without reason, People of Color believe they have been singled out for harsh treatment by individual police officers.

Is race a major issue for adolescents today? The answer is a resounding yes. Over 1/2 of students would say race relations seem okay. However, racial incidents from hate crimes to violent confrontations to subtle snubs, continue to touch students lives and shape their attitude. Although hate crimes are down, these crimes are, massively underreported because many victims are afraid. The latest FBI figures in 1994 documented 5,258 hate crimes compared to 7,587 in 1993. We start with the premise that everyone is prejudiced. Individuals and Institutions spend so much time denying their biases. There are recent examples of racism that have plagued this state though politicians cried such attacks as infrequent. The city's racial tensions are tangled up in local politics and individual personalities as well as race. The fact remains that the very real tensions and hatred have been bubbling over for a long time. How many isolated incidents do we need in order to recognize a pattern of racism? The racist writings in Greenwich High School yearbook that received national attention; the racist rampage of a white man at Denny's in Milford; the Branford Case in which a deputy fire chief allegedly used the word nigger when talking about suspects in a police chase and most recently, in West Haven, a Black youth who tried to walk away from racially motivated torments was brutally beaten by four white teenagers because he was with a white girl, suggest that there are still malicious people and bigots in our neighborhoods, schools, and courts. What we're seeing is a re-emergence of overt racism. I believe it's really old-fashioned hatred. American society is facing some changes in demographics. Our institutions should be operated to accommodate the needs of the increasing multi-cultural school population.

Communities are at an outrage with the on-going treatment of environmental racism. Environmental racism is when individuals are not only judged by the color of their skin, but where they live.

1) Public workers exhibit slothfulness when engaging with matters in the inner city oppose to how they deal with suburban emergencies. For example, the Branford Fire Official who uttered the N word in response to a police chase, only verbally expressed the sentiments of his colleagues. In Westville, police respond quicker to 911 calls because it is located closer to Woodbridge, Firefighters demolish less because of the value of the property, and snow removal is given number one priority and better cleaning during winter months. Public workers' subtle actions may be non-verbal, however, their racial attitudes speak louder than a thousands words.

2) New Haven Census figures from 1990 showed the city's population was 49 percent white, 36 percent Black and 13 percent Latino. Many of the white residents do not dwell in the inner city. SNET service is designed with several features to make it easy for one to take full advantage of making a non-residential telephone calls. The restrictions placed on coin-operated telephones in New Haven have inconvenienced residents and prohibited them from benefiting from the same services as the residents that live in the Greater New Haven area. If customer is without calling card, one must travel to Westville, Upper State St., and other areas of town to receive incoming calls, or in most cases, coin-operated telephone service. Law officials intentions to deter crime by restricting phone services, inconvenience the inner city residents, and is insensitive to the needs

of the community at large.

3) Criminal activity has increased in Wallingford, Meriden, and North Haven, however the coverage remains to be minimum where the newspaper articles are smaller, and the probing is less intense than the publicity of the criminal acts in the Inner City. At least major changes are needed to policies in all areas. A “skyrocketing” increase in juvenile drug arrest, and the number of juvenile drug busts have risen nationally from around 60, 000 in 1990 to over 130,000 by 1994. There is a deep chasm between Whites and Blacks in America concerning the realities of the criminal process where environmental racism protects white criminals from being exposed and reported.

4) Parents have rallied against white-owned media for what they considered in is sensitive and prejudicial coverage of a variety of issues, including criminal and court matters, and the negative portrayals of Blacks. Newspaper readership has been in decline in recent years. The New Haven Advocate published an article entitled, “Wake Up Bell,” which was generally perceived as a broad criticism of New Haven School Superintendent Reginald Mayo. However, the article sparked protest among the city school system, angered black parents and supporters. The article which strongly implied in the opening paragraph that generally, black parents, and specifically, some Helene Grant parents were either “(absent) too drunk, too hung over or too depressed” to get their children ready for school in the morning. On the contrary, I strongly feel Helene Grant has been one of the jewels of the city school system and has an active parent-teacher association. The school was recently honored by the State of Connecticut Department of Education in recognition of its work in promoting high academic achievement. Helene Grant’s academic excellence was demonstrated through high test scores on the Connecticut Mastery Test.

5) A group of West Haven African-American parents is exploring either a separate K-8 school for their children or a weekend academy similar to one that just opened in New Haven at the Dixwell Community Q House. Because of the seething racial tensions at West Haven High School more than 100 students left school and marched to City Hall, blasting the Board of Education for failing to address long-standing racial problems. A number of Blacks are proposing a separate Black Cultural School to instill pride and self-worth, while some Whites are proposing a White Civil Rights Bill “Equal Opportunity Act of 1996”, to counteract the Affirmative Action Debate. Many talk about separate but equal. If they’re going to be equal, why are they separate? Blacks have been elected to office, received recognition for technological and artistic achievements, which appeared to be on the road to equality. In reality, Blacks were separate and unequal. The thought of a group of black community leaders and teachers proposing a separatist Black school because they believe public schools don’t give black students enough information about their heritage and lack the minority teachers to offer role models, suggest our Public School System is in dire need of reform. The concept of Afro-centric schools are gaining popularity in states like Detroit, Milwaukee, and Atlanta.

The Criminal Justice System is so corrupt that many have lost ( or never had) faith in its effectiveness, and refer to the process as the Criminal *Injustice* System. Nationwide, Blacks are being harassed by the police because of the color of their skin. Due process and reasonable doubt are terms that are masked by

environmental racism. The police are protected under the law to conduct illegal searches as they see fit; whites are committing hideous crimes and blaming their crimes on Blacks; motorists are being beaten unmercifully in front of cameras and the police's inhumane behavior is justified under the law. Cops are given carte blanche to indulge their prejudices and shake down teens they don't like the look of. People of Color have been singled out as victims of Police Brutality. For the past three decades, many studies have reflected that most fatal police shootings were Black. The studies have reflected similar findings for example:

- \* For the period 1965 through 1969, the racial distribution of killings by police was 43 percent white, 42 percent black, 13 percent Spanish-American, and 2 percent Asian, or Native American.

- \* In Philadelphia, from 1950 to 1960, 88 percent of the victims in police killings of civilians were black.

- \* In Chicago, during 1969 and 1970, the death rate among blacks resulting from the police use of deadly force was 5.35 per 100,000 some 6.3 times higher than the white rate.

- \* In New York from 1970 to 1973, 73 percent of the 248 persons killed by police were minority group members.

The system has justified racial segregation, legitimized educational apartheid and re-established the traditions of white supremacy and black inferiority. In 1992, Supreme Court Chief Justice Ellen Peters appointed a task force to evaluate perceptions that minorities were being treated unfairly. The Task Force of Minority Fairness released a report which demonstrated the disparity in how whites and minorities feel about the court system. The report indicated while most people surveyed feel judges and attorneys treat minorities fairly, 77 percent of minority attorneys think sheriffs and court employees are disrespectful to minorities; defendants are sometimes stereotyped. For example, a defendant who wore a beeper for a legitimate business was assumed to be a drug dealer and another wearing a brightly colored jacket was assumed to be in a gang; Court workers sometimes misinterpret body language of minorities. Hispanic defendants, for example, may not make eye contact because of shame, while this action is interpreted as a sign of disrespect or guilt. The Associated Press reported OJ Simpson stated during an interview with Oxford students, in Oxford, England that the US Justice System has a selective prosecution. Explaining that the US doesn't spend as much money prosecuting Whites as they do Latinos and Blacks. Simpson said that while as many Whites as Blacks were arrested in America, Whites tended to go free while Blacks faced prosecution. Between 1985 and 1991, The National Perspective on the proportion of confined juveniles who were minorities, increased from 47 percent to 64 percent. One of OJ's Defense Attorney Gerald Uelmen Book "Lessons from the Trial" explained the best way to look at the legal system was as a cultural phenomenon. The inequality in the administration of the criminal justice system is apparent by the disproportionate representation of minorities.

## Serious Juvenile Arrests by Race

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		Percent		Percent		
		White	Black	White	Black	Ratio
Murder	629	661	48	51	1:1	
Rape	2,296	2,406	48	51	1:1	
Robbery	9,638	20,060	32	67	1:2	
Assault	20,895	14,716	58	41	1:1	
Burglary	109,861	32,582	76	23	3:1	
Larceny	273,127	103,126	71	27	3:1	
Auto Theft	30,120	12,601	69	29	2.5:1	
Arson	5,841	937	85	15	6:1	
Total Violent	33,458	37,843	46	52	1:1	
Total Property	418,949	149,246	72	25	3:1	
Total	452,407	187,089	69	29	2.3:1	

Source: Crime in the United States, 1985, p. 176.

The data shows that minorities are disproportionately represented in the arrest statistics. The Uniform Crime Reports also list arrests of hispanic youths who are included as part of the white group.

Corruption was also evident in prison conditions and inmate rights. The problems with prison and character of inmate life were demonstrated by an uprising at New York's Attica Correctional Facility in Sept. 9, 1971. For both inmates and officers at Attica, "corrections" meant an atmosphere charged with racism. Attica racial polarity and mistrust were magnified by the keepers being white and the kept were largely Black or Spanish-speaking. Racism was manifested in job assignments, discipline, self-segregation in the inmate mess halls, and in the daily interactions of the inmates. In *United States ex rel. Gereau v. Henderson*, 1976, it was decided that prisoners are not stripped of their constitutional rights, including the right to due process, when the prison gate slams shut behind them.

Racism, politics, and socio-economic status are factors that lessen the chances of minorities getting a fair trial with the present Criminal Justice System. However, some bias is due more to cultural or socio-economic factors than racism which leads to another area of concern on how the cases of Minority entertainers' are handled and having wealth can influence a more desirable outcome. We must consider the impact of high profile cases such as, OJ Simpson, Michael Jackson, Menendez Bros., Michael Tyson, Michael Jordan, Mayor Barry, just to name a few, where they are tried for their race and status, instead of the charge. OJ Simpson was acquitted of murdering his ex-wife and her friend. Erik and Lyle Menendez were spared the death penalty for methodically gunning down their wealthy parents in their Beverly Hills mansion. While fame and fortune are the common denominators, the media and the justice system have a way of reminding People of Color that they are not White.

In Essence, racism is taught. It is not hereditary, but environmental. The worst thing one can catch as a child

is not, measles, chicken pox, or mumps, but racism. Racism is an addictive mental health disease. Students are not born with it, they learn negative behaviors from their primary adult agents. Though commonly picked up as a child, “racism is curable with a healthy dose of cultural awareness and individual effort.” Some people in this world assume one knows less because of the spelling of the last name and his complexion. The law prohibits public schools from discriminating on the basis of language, religion, and skin color. Teacher Training is important because of the growing diversity in the community. Raising sensitivity is important. People are looking for a way to talk about the taboo: discrimination and prejudice in all forms; from racism to homophobia to anti-semitism. Each staff member needs training to handle racial and ethnic issues in similar ways. The classroom should be used to reteach and bring awareness to all students. Many families are culturally incompetent, and unaware from lack of exposure to other cultures. New Dimensions in Early Childhood Education with the emphasis on Multiculturalism Education and the Law (starting with self), would be one positive effort towards changing attitudes. Self-awareness, means everyone has prejudices and needs to look at self before addressing institutional racism. We need to look at ourselves in order to deal effectively with biases we hold. People of Color are lacking in representation, and what is happening is racial tension is increasing. There should be more effort in education, prevention, and treatment of Juveniles, then there will be less need for law enforcement. It is crucial that there is diversity training, sensitivity programs, and more minority hiring in the city and school system.

I teach Life Skills to Juveniles from many different backgrounds. My curriculum addresses how the media exposes and deals with racism in the Criminal Justice System. Justice Department Officials advanced a national plan to endorse the criminal prosecution of juveniles in adult court. The move to try juveniles in adult court was 1996 presidential politics rather than good policy. Youth are often sexually, physically, and mentally abused in adult prisons. Due to many changes in the law, for example “Three strikes and you’re out law” where violent criminals are sentenced to life imprisonment after being convicted of a third violent offense, it is necessary for us to continually educate the juveniles on the existing laws and their impact on the criminal justice system. The reciprocity concept of returning something of value to society can be crucial to rehabilitate the typical young offender, who’s not yet into a criminal pattern and has no set lifestyle.

Some sociologists would argue that delinquency is contributed to negative media exposure. One aspect of the social learning theory is that, youths are particularly susceptible to imagery. Many youth are not able to distinguish between fantasy and reality. Systematic exposure to violence on TV, in music, and through other means of the media, may influence aggressiveness, and antisocial behavior patterns.

## **Objectives**

- 1) To understand how the media may influence our social customs and attitudes.
- 2) To help students confront the possible anti-social values portrayed in the media.
- 3) To assist students in thinking through some of their own and their families’ ethical values in comparison with those presented in the media.
- 4) To develop the ability to identify stereotypes in the media.
- 5) To understand that we are all members of different groups which are neither inherently good nor bad, but are important parts of the world we live in.
- 6) To understand that TV influences our feelings about and knowledge of ourselves and our relationships with others.
- 7) To develop the ability to identify subtle, as well as obvious characteristics of TV characters and messages, and to differentiate between the different elements of fantasy and reality.

- 8) To compare and contrast the traits of TV characters with characters from literature, film, and people we know (the universality of human traits).
- 9) To help students recognize the distortions and risks of imitation produced by the media's frequent portrayals of violence. (Media that graphically depicts far more acts of aggression and violence than most of us will encounter over a lifetime), and to enable students to learn how to analyze the media that influence and pervade their lives.
- 10) To raise student' awareness about multiculturalism and the law.

### ***Strategies***

- 1) Through case studies, the students will take a survey in class, tabulate results, create graphs, and interpret statistics.
- 2) By using current events, the students will explore how the media portray the races, and whether they are fair.
- 3) The students will evaluate the role race plays in the US and communicate solutions for improving race relations to other students, teachers and the community.
- 4) The students will choose a trade, keep journals and critique newspaper articles, often those that call for value judgement.
- 5) Through television series like LAPD and New York Undercover, my students will be able to evaluate the injustice served by the system.
- 6) I will use music as an instrument to understand patterns, values, beliefs, and behaviors. By using a wide variety of musical selections, the students will develop a songbook including a description of the type of music, nationality, culture, ritual, origin, era, and other pertinent information about the artists.

**Classroom Activities**

Activity One: Students will watch television and pretend they are producers. Their task would be to develop a series from LAPD, or New York Undercover, and complete the following information. One episode they want to deal with is Police Brutality.

1) From the credits write down the names of:

Producer \_\_\_\_\_

An Actor or Actress \_\_\_\_\_

Camera Operator \_\_\_\_\_

Sound (or "Audio") Person \_\_\_\_\_

Make-up person \_\_\_\_\_

2) Imagine you are a movie critic. Write a review of the program you watched for your readers.

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3) Tell the justice or injustice served by the criminal justice system.

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4) Change the ending and write it down.

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5) Write down any issues that deal with a violation of civil rights.

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6) Were you satisfied with the ways in which these were handled, and how would these issues evolve.

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Activity two: Write a short scene for an video production to accompany your favorite song.

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Rewrite your video using other ethnic groups, (except your own), exploring their social customs and attitudes.

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3) How did the differences or similarities, change the script? and how difficult was it for you to think like your character?

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Activity three: Ask class to develop a songbook. Materials needed: Construction Paper, pencils, and list of songs and entertainers. Students must select at least four entertainers from four different ethnic groups.

Complete the following information:

Name of Entertainer \_\_\_\_\_

Name of Song \_\_\_\_\_

Music (Type, origin, era, etc.) \_\_\_\_\_

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Other pertinent information about the artists (Birth, hometown, childhood, schooling, success or failure)

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Nationality of Entertainer (Tell some of its customs, rituals, etc.)

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Activity four: Karaoke Day. Students will select a song, fill out a Request Card, and sing their favorite song. Materials needed; Karaoke equipment, student songbooks (karaoke songbook.)

Write down the name of the each song selected by your classmates and arrange in the proper category.

- Gospel
- R& B
- Songs with Souls
- Pop Hits
- Motown Hits
- Country Hits
- English Songs

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