

Is Minority Overrepresentation in Prison and Death Row a Result of Discrimination within
the Criminal Justice system?

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ABSTRACT

The overrepresentation of minorities committing crime in the United States is a real phenomenon, not an imagined one as some views have it. There are cries from the White Nationalist community stating that minorities, especially African Americans are committing more crime against White Americans than of White Americans committing crimes against African Americans. Research shows this opinion to be just that, an opinion. In order to learn if the argument White Nationalists are posing is true and correct this paper will discuss the real and true statistics of crime by color, and examine all aspects of the system, including but not limited to racial profiling, the Uniform Crime Report (UCR), the National Crime Victim Survey (NCVS), and the color of execution, otherwise known as African American genocide.

Introduction

What is justice, and does it prevail in a multi-cultural and multi-racial nation?

According to some sources such as White Nationalists, justice does not prevail because in their eyes other races commit more crime than White Americans. On the other side of the coin; minorities complain that they are constantly stopped by police, and arrested due to the color of their skin. How many African Americans and other minorities are put on death row without evidence to prove them guilty beyond a doubt? In order to confirm that people of color are in fact guilty of committing more crime than White Americans rather than overrepresented in the system, it is important that the focus of this paper is an examination of statistics and court cases from the United States Justice System.

Hate Crime and Justice?

Crime is a violation of each states law, laws of the federal government or a local jurisdiction for which there is no justification for the misconduct. Hate crime is defined as “a criminal offense in which the motive is ‘hatred , bias, or prejudice, based on the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of another individual or group of individuals” (Schmalleger, 2003. p.62). Justice is defined as the very principle of what is fair and the paradigm of moral equity. Based on these principles, if a person is pulled over by a police officer due to the color of his skin, or accused of committing a crime he did not commit, proof that justice has not prevailed is quite evident and apparently unconstitutional.

The U.S. Constitution

The first ten Amendments to the U.S. Constitution, which was ratified in 1791, is called the Bill of Rights. The Fifth Amendment protects the deprivation of life, liberty, or

Property without due process of law. The sixth Amendment affords the accused a right to a speedy and public trial, by an impartial jury of the state and district where the crime will be committed, which district has been previously ascertained by law, to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of council for his defense. The eighth Amendment protects against excessive bail, excessive fines, and cruel and unusual punishment. The following are other individual rights protected by the Constitution:

- A right to be assumed innocent until proven guilty
- A right against arrest without probable cause
- A right against fair questioning by the police
- A right to protection from physical harm throughout the justice process
- A right to speak and present witnesses
- A right to be treated the same as others, regardless of race, sex, religious preference, and other personal attributes (Schmallegger, 2003).

To the White Nationalist community, the US Constitution was written by White people for White people and does not extend to minorities (Personal conversation on Stormfront.org, 2004). That statement may or may not be true, however; it is not the focus of this paper. The fact that the statement was made and that a population exists with these opinions negatively impacts their original argument.

Anglo America

When European settlers did a cleansing of the Native Americans in the 15th and 16th centuries, the new world became populated by Europeans and North America quickly

became Anglo America whose political system was based on Christianity. Due to the importation of approximately 5 million African slaves to the Americas, race mixing, and other immigration, the nation has become quite diverse, quite multi-racial and multi-ethnic (Walker et al., 2004). Prejudice Anglo-Americans have been and are reacting negatively to immigration and have caused races to suffer, die, have low self esteem, and at times commit crime. Two of the ways these and other crimes are logged is by using the Uniform Crime Report (UCR) and the National Crime Victim Survey (NCVS)?

What are the UCR and the NCVS?

The UCR is used by the Federal Bureau of Investigations (FBI), is published annually, and contains incidents and rates of reported crimes nationally. The NCVS is conducted by the Bureau of Justice Statistics (BJS), and is a door-to-door survey conducted with selected American households in order to determine unreported crime and the extent of victims in crime (Schmallegger, 2003). The NCVS survey began in 1973 and asks questions regarding selected crimes of people in households who are twelve and older. According to Walker et al., (2004) each household is interviewed every six months for three years, and they must include their race and ethnicity on the questionnaire as well as the offenders.

The problem with these reports is that they are not always reliable because the data comes from law enforcement agencies using their own perception when including the race of an offender. Another problem is that the reports do not include a separate category for Hispanics; they are categorized with Whites. African Americans report more crime than White Americans, and many crimes go unreported (Walker et al., 2004). Another factor is that many Mulattoes are perceived as African Americans, when many identify with either race or both. One source charges that according to the 1997 NCVS, Americans suffered 1,883,000

cases of aggravated assault. According to the UCR, 1,022,000 were actually reported to the police.

Walker et al., (2004) maintains that the NCVS “indicates that the likelihood of reporting a crime to the police “varies by race, that African American’s are more likely to report crimes of theft and of violence to the police than White Americans, and that rape and robbery victims are more likely to report the crimes if the offender is African American. This shows that African Americans prove to be more criminal due to the under representation of White crime. With all of these definitions and protected rights afforded by the constitution, the question is not just why does crime continue, but why do the authorities continue to aid in the bias and prejudice along with criminals? What do statistics show?

RECORD MAKING CASES

Regalado et al v. City of Chicago: Largest police misconduct verdict in the Midwest, \$28,000,000.00, for police officers abusing a young Hispanic man, causing quadriplegia
Oviedo v. City of Joliet, et al: \$100,000.00 jury verdict for Hispanic man who was falsely arrested and criminally prosecuted for felony and misdemeanor crimes (Amnesty International USA [n.d.).

Las Vegas- (11-23-99): While driving around on December 28, 1996, two off duty Las Vegas police officers, Christopher Fisher and Ron Mortensen were harassing Hispanic neighbors and while firing shots, they killed Daniel Mendoza (Cop Crimes-Nevada. [n.d.).

Racial Profiling

Alongside police brutality, racial profiling has become a national concern.

“The issue is national in scope and reaches people all around this country.

For too many people, especially people in minority communities, the trust

that is so essential to effective policing does not exist because residents believe that police have used excessive force, that law enforcement is too aggressive, that law enforcement is biased, disrespectful and unfair.”

Janet Reno, Attorney General of the United States, speaking on Police brutality at a National Press Club luncheon, Washington, DC, 15 April, 1999 (Amnesty International USA).

Evidence has been found which proves racial and ethnic minorities are disproportionately victims of arrest, police misconduct, verbal and physical abuse, and harassment. Several high profile police brutality cases call for national attention as evidenced below:

- Four White police officers searching for a rape suspect fired 41 shots at an unarmed West African immigrant named Amadou Diallo, and 19 of those shots hit Diallo. This took place in New York City in February of 1999.
- The New Jersey Attorney General’s office concluded in a 1999 interim report that New Jersey state troopers had been pulling drivers over based on their race, hoping they would make drug arrests. Several cases were included in the review. One case was a 1998 incident that took place on the N.J. Turnpike involving state troopers who shot and wounded three unarmed black and Latino men. The three men were traveling to basketball trials.
- Kansas City: Timothy L. Wilson, a 13 year old black child was shot dead in November of 1998, after a brief chase, while driving a friend’s pick-up truck.
- California: In August of 1999, a SWAT team of eight from the El Monte police department raided the home of a Mexican immigrant family and shot dead an elderly

unarmed man, named Mario Paz. The elderly man was shot in his bedroom, and no drugs were found in the raid.

- Connecticut: An unarmed 14 year old African American named Aquan Salmon was fatally shot in the back during a chase. Salmon was a suspect in an attempted street robbery.
- Chicago: In June of 1999, a passenger named Haggerty was shot dead after a chase because the officers mistook her cell phone for a gun. She was 19 years old. The next day Robert Ross was shot dead after refusing to get out of his car after a pursuit and an officer broke the car window, stuck the gun in and shot Ross dead. Both of these victims were black (Amnesty International USA, n.d.).
- According to Walker et al (2004), victims of rape and robbery were more likely to report these incidents to the police if the offender was black, and
- Whites are most often arrested for categorized crimes and African Americans are arrested for almost all categories at a disproportionately high rate.

Another problem is that not only are many crimes left unreported, but many crimes do not lead to arrest, which is usually the case of bias, when the law enforcer is White as well as the offender. Many times the White offender will be set free with a warning.

ARGUMENT

Equally important to note is that many minorities on death row are innocent, and many have finally been exonerated due to DNA testing. Another holocaust seems to be around the corner, and all of the minorities are the targets. Not only is this evident with the above information, but there are websites available based on White supremacy and their typical discussions include taking over the United States and sending minorities back to their

countries. They mention how they are now dressing in business suits and will continue to run for office, become police officers, and rid this country of all minorities in order to live in a White nation (See hate, white nation, or white supremacy). This coupled with all of the above information proves that major change and protection is needed because minorities are overrepresented in the criminal justice system, and this is just the beginning.

Encapsulation

Crime is an unjustified act and justice is treating crime with action. The Constitution affords all people individual rights which include the right to be treated like others no matter your race, religion, and sex, yet people are treated unequally as shown in the cases above. White Americans are threatened by the rate of immigration and racial profiling and police brutality have become a cause for national attention because minorities are evidently shot dead for no apparent reason that can be justified. The reports that are available to enforcement agencies are the UCR and the NCVS, but unfortunately they are not reliable due to unreported crimes, disproportionate arrests in the African American population, and the fact that racial data is entered according to the perception of the person entering the information.

Conclusion

What this all comes down to is the United States must decide if racial intolerance will continue or if new tactics are going to be created to end it. What we are dealing with here is silent genocide and this fact is not hidden from the government. Hitler speaks from his grave, is still admired by certain populations and the intolerance that has resulted in this is leading to the Third World War which may inevitably lead to Armageddon. Change is well needed and effective crime prevention and multicultural courses must come into play.

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