

A Guilty Society

An Essay By Dania Amra and Sarah Coffman

For over 200 years The United States has used the criminal justice system as a way to punish those of different races unequally for crimes of the same category. Over time this has been less noticed in society as racism and looked at instead as those “getting what they deserve”. The American nation has covered its eyes to the blatant inequality, injustice, and prejudice served by courts daily. This essay will be going through racism in law for the part of history starting after the civil war taking us all the way to now, in 2023. Hopefully by the end of this paper it is understood that many of the discriminatory flaws in law are rested on not just the members of the judicial court but also on those who turned a blind eye to the system's failures.

Following the Civil War, government officials in the South sought to expand their control over the previously enslaved people under their jurisdictions. Criminalizing and restricting the rights of black individuals through Black Codes led to the prosecution and incarceration of nearly 1 million black Americans between 1865 and 1965. During this time, previously conceived ideas that black people were dangerous began to progress, resulting in public panic. To respond to this panic, more black individuals were surveyed, accused, and convicted of violent, blue-collar crime. Police also continued to abuse their power at this time, using disproportionate force to control colored groups.

The Supreme Court of the United States is the highest court in the nation and is only a part of the federal judiciary required by the Constitution. Some of the most well known rulings made by the Supreme Court are: Marbury vs. Madison, McCulloch vs. Maryland, Dred Scott vs. Sanford, and Roe vs. Wade. The Supreme Court has made many first hand decisions that have negatively impacted numerous racial communities throughout the US. In 1875, congress passed the Civil Rights Act banning racial discrimination in public facilities. After numerous African-Americans sued businesses that refused to serve them, the Supreme Court heard 5 of the cases in 1883. By October of that year the Supreme Court overturned the Civil Rights Act 8-1. The Supreme Court's verdict in the Civil Rights Cases abolished the sole federal law that prohibited racial discrimination by individuals or private businesses, and left African Americans who were victims of such, to seek legal recourse in uncaring and unsympathetic state courts. Racial discrimination in housing, restaurants, hotels, theaters, and employment became tremendously entrenched and continued for generations. It would be more than 80 years before Congress tried again to outlaw discrimination by passing the Civil Rights Act of 1964.

Beginning in the 1960s, frustrated white groups have used law enforcement to circumvent Civil laws that protected the rights of black Americans. Since then, police brutality has become a largely represented social issue, but effective actions against it have been few and far between. Many blame individual police officers for violent and

excessive reactions, and although these officers should be held legally responsible for their actions, so should the training system that encourages racist practices. One of the most infamous and recent cases of police brutality was the murder of George Floyd, which occurred May 25, 2020, in Minneapolis, Minnesota. After paying for a box of cigarettes with an alleged \$20 bill, Floyd was arrested, pinned to the ground, and suffocated for approximately 8 minutes. Officer Derek Chauvin used illegal deadly force to subdue Floyd, and continued to kneel on his neck after Floyd stated multiple times that he could not breathe. Floyd's murder sparked national outrage, and protests quickly began campaigning for the protection of black Americans from police officers. However, these efforts were largely extinguished after Chauvin was convicted and sentenced to 21 years. However, many victims of police brutality do not receive the justice indebted to them by the American Judicial system.

To recap, the American Judicial system has consistently proven its blatant failures as the rights of black citizens are violated in courts daily. However, American youth has the opportunity to fight this system, and provide people of color with a safer America. We, as Americans, are all guilty by association, but we don't have to be.

References

Alto Arizona! - History of racist U.S. laws. (n.d.). Alto Arizona!.

<https://www.altoarizona.com/history-of-racist-us-laws.html>

The justice system. (n.d.). Bureau of Justice Statistics.

<https://bjs.ojp.gov/justice-system>

Landmark civil rights cases decided by the Supreme Court. (n.d.). The

American College of Trust and Estate Counsel.

<https://www.actec.org/diversity/landmark-supreme-court-civil-rights-cases/>

Lyons, K. (2022, March 5). *Criminal justice reform in 2021: Here are the bills that passed and failed.* CT Mirror.

[https://ctmirror.org/2021/06/11/criminal-justice-reform-in-the-2021-legislative
-session-here-are-the-bills-that-passed-and-those-that-didnt/](https://ctmirror.org/2021/06/11/criminal-justice-reform-in-the-2021-legislative-session-here-are-the-bills-that-passed-and-those-that-didnt/)