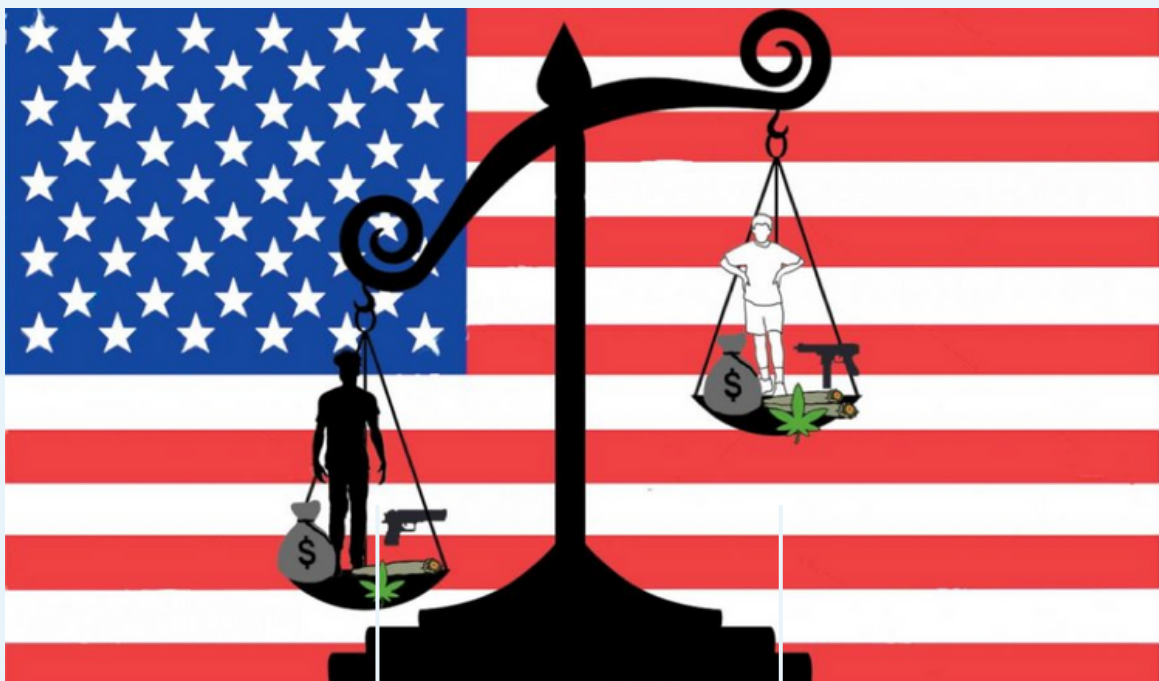


HOW THE U.S. JUSTICE SYSTEM IS BROKEN

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I think anyone that knows me knows how much I cherish education. Constantly learning is so important to personal growth, and using or spreading that knowledge is even more transformational. We started reading “Nobody: Casualties of America’s War on the Vulnerable” by Marc Lamont Hill in my Black Political Thought class at VCU and it has dramatically changed the way I examine America’s judicial system. The United States judicial system is broken. Its crooked system doesn’t affect everyday Americans though, it affects the mostly marginalized and politically disenfranchised groups—those who often bear the brunt of injustice. The Black, brown, immigrant, and poor are left to scavenge for justice on their own terms. Using the book as my guide, I’m going to explore and explain some of the pathologies within Black life that make way for injustice within the United States’ justice system. I want to spread as much knowledge as I’ve learned from this book to properly illustrate my opinion. Education is liberation and we need to break away from institutionalized thoughts that tell us we’re nobodies.



What does it mean to be a Nobody in America?

According to Hill, to be a nobody is to be vulnerable, subject to state violence, and abandoned by the state—yet you're also supposed to be able to confront systemic forms of state violence on your own. Simply put, the Black experience in America. The murder of Michael Brown led me to analyze the racial history and disparities within East St. Louis, Illinois, and St. Louis and Ferguson, Missouri, as it has led to state-sanctioned violence against Black bodies. The rather shocking testimony illustrated all I needed to hear, Darren Wilson (the white policeman who killed Brown), states "as he is coming towards me, I kept telling him to get on the ground.... He doesn't. I shoot a series of shots. I don't know how many I shot; I just know I shot it." It. That's what it means to be Black in the US, you're essentially an animal that can be slaughtered without any accountability. The white judicial experience differs from that of the Black experience due to three things. 1. Little or no accountability among police officers, 2. unconstitutional over-criminalization, and 3. a sort of bargained judicial process that's deeply rooted in racism.

Policing

Policing in the United States has a deep and dark history that I encourage everyone to educate themselves upon. Police and prosecutors have historically tended to wield extraordinary power over the lives of others, holding strongly to the power of life and death—but this is concerning when they're the least accountable people on earth. In the case of Eric Garner, it's clear to see the reality of state violence as police killed Garner with a chokehold method or the murder of Walter Scott in Charleston for having a broken "third taillight," and Sandra Bland, for changing lanes without signaling and then police arresting her for talking back. In these tragic cases of Black lives lost, none of these officers were convicted of their crimes or took accountability for their actions. Even in the rare occurrence that a case is taken to trial (ex. In the case of George Floyd), the judiciary has helped to ensure that other avenues of accountability be rather shrunk. Accountability within policing is broken in this country, and this takes us into the judicial process.

Bargained

Discretion and discrimination travel together, and despite this utopian notion that's been sketched into our courtrooms ("we're all prosecuted equally under the law")—our current system of justice doesn't replicate that. With the use of plea deals, most prosecutors have turned justice into a bargain rather than a means to serve justice. A sort of "take my offer or take your chances in court" mentality that makes the issue of fairness and mercy a subordinate notion of efficiency. Black communities receive more policing that puts them behind bars, and less of the kind of policing that protects them from danger. Being Black within the judicial system means being bargained for.

In the aftermath of Freddie Gray's murder in the custody of The Baltimore Police department, we're able to see this play out. After the process of plea-bargaining, cases like this are left without a semblance of justice with a stroke of a pen. Overcriminalization is another enormous point within black life being bargained for. For example, an ordinance in Louisiana made it illegal to wear saggy pants—yes, you read that correctly. Or during the War on Drugs era, we began to see the political will for harsh sentencing intensify, allowing disproportionate levels of incarceration towards the Black community for petty crimes.

To live in a world where being Black is criminalized is exhausting. But, by supporting a national use-of-force standard, strengthening police accountability, and supporting community-led public safety strategies. Instead of police departments examining crime as being "caused by societal problems that were impervious to police intervention," they need to understand the root problems—poverty and a lack of social resources (which has been foundationally set up by the white man). Crime won't be solved with more police on the streets, but by economic investments in neighborhoods. I also think enacting change when it comes to becoming an officer is important, while some officers have higher degrees, not all of them do, so allowing just any "trained" individual to patrol with a firearm and a little bit too much confidence, to me—is concerning. Trayvon Martin's story should've ended way differently, one which turned him into a hero instead of an aggressor. It's concerning when legislators support the notion of "shoot now, ask questions later" (referencing Florida Stand Your Ground Law), when most of the bodies are Black Americans. It's time for the federal government to take a lead in criminal justice reform, and while it's going to be difficult, it's achievable. When Congress and the President decide to commit to reform, it'll demonstrate that those in power understand the urgency of repairing the justice system—but most importantly, they'll finally see that Black bodies aren't just nobodies.