

Racial Discrimination in the U.S. Justice System

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Racial Discrimination in the U.S. Justice System Introduction In modern-day America the issue of racial discrimination in the criminal justice system is controversial because there is substantial evidence confirming both individual and systemic biases. While there is reason to believe that there are discriminatory elements at every step of the judicial process, this treatment will investigate and attempt to elucidate such elements in two of the most critical judicial junctures, criminal apprehension and prosecution. Criminal Apprehension Statistical accounts show consistent accord in that African Americans are disproportionately arrested over whites. What is much less lucid, however, is the real reason for this disparity. Both criminologists and political scientists alike have expounded remarkably polarized explanations for this phenomenon. Exemplary of this are two arguments as developed as they are diametrically opposed, that of William Wilbanks and that of Samuel Walker, Cassia Spohn and Miriam DeLone. These authors' arguments are both well-articulated and comprehensive, addressing virtually every pertinent concept in the issue of explaining racially disparate arrest rates. In *The Myth of a Racist Criminal Justice System*, Wilbanks insists that racial discrimination in the criminal justice system is a fabrication, explaining the over-representation of African Americans in arrest numbers simply through higher incidence of crime. Walker, Spohn and DeLone's *The Color of Justice* dissents that not only are African Americans not anywhere near the disproportionate level of crime that

police statistics would indicate, they are also arrested more because they are policed discriminately. Walker, Spohn and DeLone addi..... middle of paperican Sociological Review 55(5): 609-627.<http://links.jstor.org/sici?sici=0003-1224%28199010%2955%3A5%3C609%3ACADOTL%3E2.0.CO%3B2-4>Tappan, Paul W. 1947. "Who Is the Criminal?" American Sociological Review 12 (1): 96-102.<http://links.jstor.org/sici?sici=0003-1224%28194702%2912%3A1%3C96%3AWITC%3E2.0.CO%3B2-Z>Turner, Billy. 1986. "Race and Peremptory Challenges During Voir Dire: Do Prosecution and Defense Agree?" Journal of Criminal Justice 14: 61-69.U.S. Department of Justice. 2002. "What is the Sequence of Events in the Criminal Justice System?"<http://www.ojp.usdoj.gov/bjs/pub/pdf/cjsflowco.pdf>.Walker, Samuel, Cassia Spohn, and Miriam DeLone. 2000. The Color of Justice.Belmont, CA: Wadsworth Publishing Company.Wilbanks, William. 1987. The Myth of the Racist Criminal Justice System. Monterey,CA: Brooks/Cole Publishing Company.

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