
VICTIMIZATION OF MARGINALIZED GROUPS BY THE CRIMINAL JUDICIARY SYSTEM ON THE BASIS OF RACIAL DISPARITY WITH REFERENCE TO THE MOVIE “JUST MERCY”

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ABSTRACT

The following essay gives an overview of racial bias in the matters of marginalized groups by the Criminal Judiciary system as portrayed in the movie ‘just mercy’ which is based on a true case of a black man, named Mr. Walter McMillian who was wrongfully imprisoned for the murder of Ms. Rona Morrison which also shows the biased nature of judicature as well as the police county. On the other hand, another character named Bryan Stevenson comes in as a messiah to provide justice to all the wrongfully convicted people, who’ve just been left to die regardless of the fact, that they are not at fault. Moreover, he was so committed to his job that he provided free legal assistance to all of the falsely imprisoned death-row killers. There, he crossed paths with Mr. McMillian and however, got intrigued by his case. He chose to fight for him by being his legal representative in the court of law. The entire film hinges on society's set stereotypes of the underprivileged people and also the legal proceedings of McMillian. Furthermore, the research paper also informs about the records of some similar cases in India as well. In addition to this, the study also critically analyses the similar prevalent cases in India, of the legal authorities having a biased nature towards disenfranchised groups.

Keywords: wrongfully imprisoned, marginalized groups, racial bias, stereotypes, death-row killers.

INTRODUCTION

When such high-level power is entrusted in the hands of people, all aspects of the judicial system are brought to light. 'The more the duties, the harder it is to control all the boundless abilities,' as the saying goes. The power to choose what's right for one is the basic concept of a democratic nation like India, U.S.A. In countries like ours, many cases involve the aspect of racial bias done by the criminal system which led to the results of some of the surveys, claiming that racial disparity is an epitome of the true crime rates as well as the presence of such a diverse population in a country might also contribute to the normalization of racial bias in the system of government. As quoted in the movie, to identify a country's genuine character and level of development, is to give heed to its concerns for the marginalized and oppressed groups, because a country's character is established by how the poor and disadvantaged are treated in comparison to the rich and privileged ones. Throughout the film, there are various quotations that highlight the complex relations between race and punishment. And there is a strong belief among certain people that folks who belong to a specific community are more likely to commit crimes than the rest of the country's population because they are less educated and have been oppressed for several years. For e.g.- blacks in U.S.A and minorities in India. Moreover, this exact mentality is one of the major reasons behind the racial disparity which is ought to be done by either the governing system or by the rest of the people. Meanwhile, coming across similar cases like McMillian's converts the principle of equal protection adopted by these democratic countries into fiction. There are a few key aspects or ideas without which a democracy would be nothing more than a lip service to provide justice to all those who have been oppressed and exploited in ways that are beyond imagination.

'Many of the scholars have observed how India's and the United States' criminal justice systems confine a disproportionate number of minorities in a cycle of poverty, crime, and policing.' (Sampson, 1997) Additionally, *Petit apartheid* is a phrase used for one component of institutionalized racism. This concept comprises regular informal or concealed interactions between police and minorities, such as stop-and-question and stop-and-search police procedures, which may or may not end in an arrest. As a result of this, individuals may go through the criminal justice system. 'The main focus of *Petit apartheid* is the culturally prejudiced beliefs and actions that includes patrolling and the matters related to other decisions within in the system' (Sophn, 2015). This concept contrasts with the actual grand apartheid. Usually, the overt apartheid is generally highlighted whereas, *petit apartheid* mostly goes

unseen or ignored which is basically an overt apartheid within the confinement of the criminal judiciary system.

RESEARCH METHODOLOGY

The methodology used in the research paper will be analytical and descriptive in its primary nature. Mainly secondary in nature will be reference material used in research; government documents, journal articles, surveys and newspaper articles.

REVIEW OF LITERATURE

- 1) **“An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System”** By *Elizabeth Hinton*, this represents an overview of a historic background of racism and oppression against the Blacks and the Minorities residing in U.S.A. which till date persists in the criminal judiciary system.
- 2) **“Addressing the Real World of Racial Injustice in the Criminal Justice System”** By *Donna Coker*, this article addresses numerous occurrences of racial discrimination perpetrated by the criminal jurisprudence as well as the stereotyped role of society in manifesting such instances when the concept of racial bias comes into play.
- 3) **“Race, Crime, and Punishment in the Twentieth and Twenty-First Centuries”** authored By *Cassia Spohn*, speaks about the correlatively of all crime, race and punishment in the modern times, additionally, it also discusses about some of the cases where a widespread racism can be seen while characterising the criminal judiciary system as well as victimizing marginalized groups on a large scale.
- 4) **“Racial Bias Still Exists in Criminal Justice System? A Review of Recent Empirical Research”**, the article talks discusses the nature of criminal law and how racial bias is ingrained in it Furthermore, it provides some data that supports the system's prevalent attitude toward minorities or oppressed groups.
- 5) **“The Numbers Don’t Speak for Themselves: Racial Disparities and the Persistence of Inequality in the Criminal Justice System”** By *Rebecca C. Hetey* and *Jennifer L. Eberhardt*, the article states about the various ways to justify and rationalize the racial disparity which is found within the governing system. It also focuses on the incarcerations and the policing of the laid down rules or legal aspects.
- 6) **“Racial Discrimination in the Criminal Justice System: Findings and Problems in the Literature”** By *R. Weitzer*, the journal article specifies about discrimination

specifically and the race-based theory which includes the concept of institutionalised racism within the criminal judiciary system.

- 7) **“Race inequalities in the criminal justice system”** By *David Isaac*, this review provides an estimated data of minorities preferably getting arrested in comparison to the majorities as well as information on how ethnic minorities are treated in the criminal justice system and in general.
- 8) **“Discrimination in Criminal Justice”** By *Shailesh Poddar*, this article compares and contrasts the numerous legislative reforms and issues confronting marginalised communities in India and the United States.
- 9) **“Racial Disparities in Criminal Justice”** By *Shasta N. Inman*, this article focuses on recent protests such as Black Lives Matter. It also provides information on how to deal with the criminal justice system's pervasive problem of racism and racial bias.

ANALYSIS

The movie ‘Just Mercy’ is typically based on a death row killer, Mr. McMillian who was deemed to be the murderer of an 18-year-old girl, Ms. Rona Morrison. She was found dead by strangulation and shot at Jackson Cleaners. McMillian, who was popularly known as Jhonny D was convicted and in regards to this, life sentence was given to him as punishment. Whereas, the same judgment was overruled sentencing Jhonny D to death. Meanwhile, another character comes into action, Bryan Stevenson who was a young Harvard law graduate travels to Alabama aiming to fight for poor people who had been wrongfully convicted for the crimes they did not do and still serving their time in prisons. To provide legal services to people, who cannot really afford it, he teams up with Eva Ashley, by joining Equal Justice Initiative and as an intern he travels to a prison to meet death-row prisoners. There, he meets McMillian, an African-American whose case matched Bryan's ideal definition of his profession's morals or ethics, which he wanted to fight for. Nonetheless, in his first visit to the Alabama prison, he interviewed several inmates claiming same stance that they had been serving their life sentences as a compromise because many prisoners were given the option of reducing their actual sentences, and they were even forced to admit to crimes they had not committed. This problem relates to the attitude of working government officials who are unconcerned about working and following a procedural method to investigate a case, but instead go around coercing people to confess to crimes they had nothing to do with, demonstrating racial bias by criminal jurisprudence or officials toward all marginalised groups. The people, as in, from

specific community like in chosen movie, African-Americans seems to be the target whereas, in India there had been many similar incidents where the marginalized groups are often targeted like the minorities, Dalits, SC's and ST's. When Bryan took up the case, it was shown in the movie that there were two or three incidents where some of the sheriff's colleagues tried to intimidate him and coerce him into not fighting for the cause because he would be touching many old wounds that would inevitably enrage the masses. This however, did not stop him for fighting for the case, he then approached Myers, who gave testimony against McMillian claiming he saw him shooting the girl earlier. Shortly after his visit to the prison to meet Myers, he admitted that the testimony made against McMillian was fraudulent, claiming that the police threatened him by playing on his fear of being burned and claiming that he would be put to death via electric chair. To avoid this, he delivered the same testimony in court earlier to save his own skin. Somehow, the same point was stated in the court but the judge refused to grant a retrial for the case of McMillian. Later, a news appeared on 60 minutes rallying in favour of McMillian and demanding for a retrial of his case to prove his innocence. Following this, the SC of Alabama overturned their decision, granting a retrial for McMillian's case and after that, Bryan went to the Chapman's house to persuade him to join them in their motion and to honestly stand up for the underprivileged people who are the true victims of injustice. On the last day of the trial, the State supported Bryan in his motion of dismissing all the charges that were against McMillian. After such a big win, a plight of all these wrongfully convicted people was portrayed in the movie, advising and acknowledging the fact that racial bias still persists and there is not just one, there are many cases like this. A data was shown in the movie depicting that **'for every 9 people who have been executed in the US, one person on death row has been proven innocent and gets released, a shocking rate or error.'** (Du, 2021) Such data's and surveys exposes the liability on behalf of the governing system and their working officials which also predicts about their negligent behaviour and stereotypical thinking towards marginalized people. In relevance to the movie, statements like **'he must be the killer, because he looks like one'** had been made in the movie. This portrays a societal viewpoint as well as strong racism towards the oppressed people and how they are treated inside the prisons which exposes the reality of prisons, when specific groups of individuals are jailed simply because they appear to be criminals. The criminal justice system's racial bias is exposed by this ludicrous behaviour and remarks made in the film.

Furthermore, 'the prison system became increasingly crowded as more people were imprisoned for minor offences which escalated to the problem of a national crisis as a result of mass

incarceration' (N.Ghandnoosh, 2014). The number of people in jail in the United States has risen from 300,000 in the 1970s to 2.3 million presently. According to these figures, 'one out of every 15 people born in 2001 will end up in prison at some point.' (Hinton, 2018) On the other hand in India, according to the NCRB research, Indian prisons had a capacity of 4,03,739 inmates, but the number in jail was estimated to be 4,78,600 as of December 31, 2019, implying a 118 percent occupancy rate. The occupancy rate in 2018 was 117.6 percent, compared to 115.1 percent in 2017. Following this, U.P. comes on the top of the list followed by M.P having 14.9% of number of the prisoners. According to the National Crime Information Bureau's most recent prison statistics, the number of Muslims, Dalits, and tribal people detained is disproportionately higher than their numbers outside of prison. Simultaneously, Racial bias, which isn't usually visible but is deeply imbedded in American society, has prompted black people to be treated with distrust. 'As a result of this distrust, blacks are significantly more likely than whites to be criminal suspects. While one out of every 15 Americans are sentenced to prison at some point in their lives, whereas for African Americans the value is one in three.' (Coker, 2003)

As a result, this is a devastating occurrence not just for the wrongfully convicted victim, but also for the entire community from which they belong. Instances like these have a negative impact on that person's entire community, bringing our community as a whole down. But, in contrast to the prisoner's suffering, his or her family and community also suffers. The author had first-hand experience with how being accused with a crime impacts the entire family. When Bryan appeared in court to defend Walter McMillan, who was sentenced to death for a murder he did not commit, he was welcomed by nearly 30 members of Walter's family, all of whom had been impacted by his conviction.

CONCLUSION

"Just Mercy" the movie, gives out a powerful message to the viewers which must be known by everyone especially in our times. When we are the ones, the type to keen on changing the worlds and putting an end to all of the pain and tyranny that these people have suffered or continue to face. As exclaimed in the movie, "**the opposite of poverty is justice**" which proves a factual statement that providing or getting justice shouldn't discern between majority or minority, black or white, rich or poor. Moreover, one of the ideal principles preached in this film is that everyone deserves justice, and everyone needs kindness and a level of gratuitous grace, regardless of their point of views or preconceptions. The false imprisonment of

McMillian did not just affect him but his community as whole as well as lots of cases like this were brought to light by genuinely doing something for them. One of the quotations which addresses the same issue that, **“Justice shall be served but not at the cost of an innocent man serving years of life in prison.”** Rather than apprehending the real perpetrator of a crime, whereas, placing an innocent person behind bars just because of their origins or appearance is a violation of the principle of justice and equal protection in all senses. It all boils down to the fact that, at the end of the day, everyone is a human, breathing under the same sky, bleeding same colour. Just because they have distinct characteristics or they originate from a certain group does not mean they are obligated to be ideal criminals. There is no set criteria for identifying someone as a killer. Whereas, connecting such baseless stereotypes to caste or race of a person does not amount to them being at fault in any way.

References

- Coker, D. (2003). Addressing the real world of racial Injustice in the Criminal Judicial System. *Journal of Criminal Law and Criminology*, 827-880.
- Du, Y. (2021). Racial Bias still Exists in criminal judicial system. *Touro Law Review*, 79-103.
- Hinton, E. (2018). An Unjust Burden: the Disparate treatment of Black Americans in the Criminal Judicial System . *Vera Institute of Justice*.
- N.Ghandnoosh. (2014). Race and Punishment: Racial perceptions of crime and support for Punitive Policies. *The Sentencing Project*.
- Sampson, R. &. (1997). Racial and ethnic Disparities in Crime and Criminal Justice in the U.S. *crime and justice*, 311-374.
- Sophn, C. (2015). Race, Crime, and Punishment in the twentieth and Twenty- First Centuries. *Crime and Justice*, 49-97.