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LANGUAGE

How The Label "Criminal" Dismisses the Value of Black Lives

A simple, powerful word used to justify disparate treatment



Dr. Allison Wiltz Follow 7 min read · 3 days ago

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As the daughter of a former public defender, I learned fairly early in life that not every person wearing an orange jumpsuit in a courtroom was guilty. My mother explained this so my siblings and I wouldn't look down on those serving time. In this country, the term "criminal" is subjective and often reflects racial biases. Consider that slavery was once legal, and so were racial segregation and the discrimination that flowed from that system. Under the Fugitive Slave Act, the federal government helped recapture and return runaways to their former enslavers and suppress uprisings on the same basis. Before the fall of Jim Crow, police arrested leaders like Dr. Martin Luther King Jr. for protesting segregation. At best, a nation's laws preserve social norms, regardless of whether those traditions cause harm. In a country like America, where racism against Black people is pervasive, the term "criminal" is racialized.

While the term “criminal” could be used to describe someone from any racial group, media reports have contributed to prejudicial undertones. For example, after Hurricane Katrina devastated New Orleans and the Gulf Coast in 2005, media outlets labeled many Black people “looters,” linking them to crime and violence in the area while overlooking the humanitarian disaster that forced thousands to travel through murky water in search of food, clean water, and other supplies. While photos showed White people engaging in the same behavior, many saw Black people as criminals. A shooting in the New Orleans community of Algiers further illustrates the consequences of this assumption. Ronald J. Bourgeois Jr., a White man, warned his neighbors that “anything coming up this street darker than a brown paper bag is getting shot.” Days later, he made good on his promise, firing a shotgun in the direction of three Black men walking to the ferry.

Preemptively calling Black people “criminals” is a linguistic strategy used to justify their mistreatment within and outside of the criminal justice system, while at the same time denying prejudicial attitudes and beliefs. By leaning into a conversation about public safety, they hope to bypass difficult discussions about racism. But in America, Black people are nearly eight times more likely than White people to be wrongfully convicted of murder. Similarly, they are more likely to be falsely accused of drug crimes, theft, and a litany of other offenses. The high rate of exoneration among Black people exposes a contemporary form of racism. Police, sheriffs, prison guards, district attorneys, judges, juries, and even some defense lawyers are tainted by the trope of black criminality, even if they’re unwilling to say so out loud. That’s why you’re more likely to see chain gangs of mostly Black men on the side of the road in Louisiana and our sister states of Mississippi and Texas. Their presence is not proof of Black guilt, but rather the shackles of an unjust system.

In America, it's no secret that the criminal justice system disproportionately punishes Black people, which has over time limited their ability to fully participate in society. Those convicted of a crime are often deprived of access to well-paying jobs, limited in their housing prospects, and in some states, they are even prohibited from casting a ballot. On the flip side, when the opioid epidemic hit the white community like a bolt of lightning in the 1990s, destroying lives and severing ties to family, friends, and colleagues, our country largely treated widespread addiction as a national health crisis, rather than a "rise in crime," which is how pundits routinely characterized drug addiction within the black community. This designation of White opioid use as a health problem rather than a criminal threat created the social conditions for officials to adopt empathetic strategies to alleviate the rate of addiction and address the long-term harmful impacts. The crack-cocaine conviction disparity produced in the 1980s is another example of how the term "criminal" has been used to justify disparate treatment: Black suspects found in possession of 5 grams of crack would serve a 5-year mandatory minimum prison sentence, compared to a White suspect found in possession of 500 grams of powder cocaine. These tough-on-crime policies were rooted in a misunderstanding of addiction. Nancy Reagan's "just say no" campaign suggested the use of highly addictive substances was a simple choice, a framing that overlooks the nature of addiction.

Those who pitched mass incarceration as the only solution for drug abuse within the black community supported compassionate approaches for addressing drug addiction among White people. So, while many Black people faced incarceration, many White people benefited from medical treatment and high-profile civil lawsuits that attempted to hold companies

responsible, rather than cast blame on individual users. According to the American Psychological Association, drug addiction is classified as a mental health illness in which individuals consume harmful substances in larger amounts for longer durations of time than they intend to, express a desire to limit use, and spend sufficient time acquiring, using, and recovering from substance abuse. The system has criminalized Black people struggling with addiction, in spite of the scientific community's declaring drug addiction as an illness, not a choice.

Labeling Black people "criminals," painting them with a broad brush, attempts to justify racist policies and practices. People tend to assume that those people in the nation's prisons and jails deserve to be behind bars, to have their freedom taken away. But such a viewpoint overlooks the fact that even innocent people endure hardships in this country. Or that people behind bars are entitled to human rights. There's a loophole in the 13th Amendment that permits involuntary servitude for those convicted of a crime, meaning the government can force someone to labor without pay after they've been found guilty. Sixteen states, including eight former slave states (Louisiana, Mississippi, Alabama, Georgia, Arkansas, Missouri, North Carolina, and South Carolina), have continued this practice. Given that Black people are disproportionately represented in the criminal justice system, and many are descendants of chattel slavery, it's clear that racialized labor exploitation has never been abolished in America. Only its form changed, but not its nature.

The author Michelle Alexander suggested that "What changed since Jim Crow has less to do with the basic structure of society than with the language

we used to justify its inequities. As a criminal, you have scarcely more rights, and arguably less respect, than a black man living in Alabama at the height of Jim Crow." For far too long, the trope of Black criminality has served as a shield against those who criticize the system. Society doesn't have to address racial profiling, police brutality, racial biases in the courtroom, or mass incarceration when many are convinced Black people are more likely to engage in criminal behavior. In 1989, decades before Donald Trump entered the political arena, he took out a full-page ad calling for the death penalty to be brought back to punish the Central Park Five, a group of Black teenagers accused of raping a White woman. The irony shouldn't be lost on you that Trump insisted his concern was about crime, not race, yet now he's a convicted felon serving as President, without any fear of consequence. Had lawmakers and authorities followed his guidance, innocent teenagers would have lost their lives, all under the assumption that young Black men were more likely to engage in violent, criminal behavior.

Not everything is as it seems. Not all Black people labeled as "criminals" are guilty of the crimes they've been accused of. The high rate of exoneration among Black people who've been convicted of a crime proves this belief is rooted in prejudice, not actual crime rates. It's unsettling to witness how that label is used and abused. People tend to look away from what's happening to Black men, women, and adolescents behind bars. But the concerning part is that there are people who are counting on you to look away, to dissociate from those wearing an orange jumpsuit or a black-and-white striped jumpsuit, many of whom are trying to survive in a 6-by-8-foot cell. Calling Black people "criminals" replaces empathy with apathy and leaves those accused of breaking the law especially vulnerable to mistreatment. Words are powerful, so much so that they can bestow grace and respect upon some and rob others of the same.

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A powerful point, and a great and important article.

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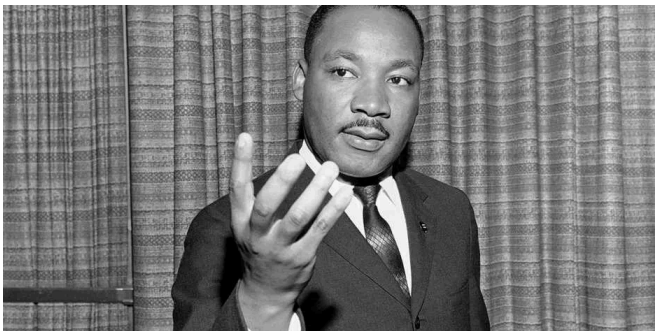


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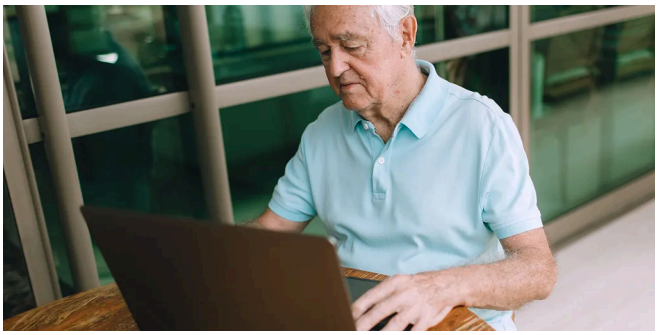
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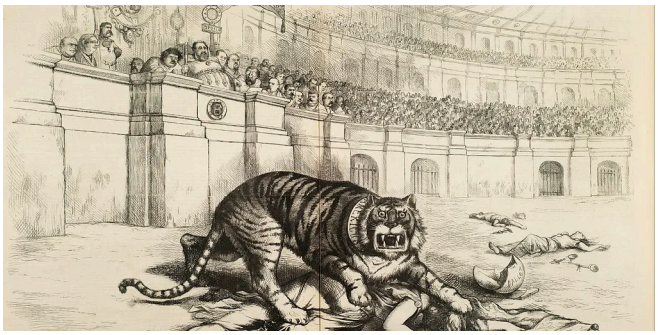
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