Introduction

Our American flag upholds many values, one of which is justice, represented by the color blue. Our research will focus on the ways in which the 8th and 14th Amendments of the U.S. Constitution have been overlooked in the decision of rape and murder cases. Throughout the 20th and 21st centuries, race has played a factor in determining the convictions of minorities in the justice system of America. According to the research gathered, there are racial disparities in the decision-making process.

Background

- Eighth Amendment states that cruel and unusual punishment should be avoided when convicting felons.
- Section I of the Fourteenth Amendment provides that any citizen of the United States shall not be deprived of their natural rights of equality under the law.
- According to Acquittal, the Capital-J Justice system “dictates the laws of the land- it is the Big Rule Book by which we all must play” (Gabriel, 2014).

Methods

- We researched the evidence in the Scottsboro Boys case and Furman v. Georgia (1972).
- We examined and interpreted the 8th Amendment right against cruel and unusual punishment under the U.S. Constitution.
- We gathered statistical evidence of the consequences of minority murder and rape cases and their convictions.

Fig. 1: Race of Defendants Selected for Capital Prosecution

- White: 4
- Hispanic: 4
- Black: 9

Goals

- To prove the lack of justice in the sentencing process of minorities.
- To show specific cases in which the 14th Amendment was not properly enforced.
- To demonstrate how the 8th Amendment was not properly applied during the trial of minority defendants.

Findings

- In murder and rape cases with African-American felons, they are three times as likely to receive the death penalty whereas a Caucasian felon is not.
- “Racial minorities are being prosecuted under federal death penalty law far beyond their proportion in the general population or the population of criminal offenders” (Racial Disparities, 1994).
- Southern states today still treat African-Americans with little respect and sometimes decide multiple cases in one trial.

We live in a post-racial society; however, today we can still observe traces of the disproportionate and disparate sentencing of blacks in America.

Fig. 2: Comparison of Jury Death Sentencing Rates for Black Defendants and Other Defendants (Unadjusted)

<table>
<thead>
<tr>
<th>Defendants</th>
<th>Rate of Death Sentencing from Eight States in the 1980s</th>
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<tbody>
<tr>
<td>Black Defendants</td>
<td>0.12</td>
</tr>
<tr>
<td>Other Defendants</td>
<td>0.15</td>
</tr>
</tbody>
</table>

Conclusion

Collectively, we have uncovered many untruths in America. African-Americans and other minority groups have come face to face with the unfair and unjust justice system. In our title, we mention that the blue in the American flag is missing. You may ask yourself as to what we mean by “missing.” The color blue, in terms of America, means justice. The word justice means there’s equality for all, regardless of age, gender, and race. Now, when we say missing, we firmly declare that justice is not “for all.”

Racial Bias

Black Defendants who kill white victims are 2.5 times more likely to be sentenced to death than whites who kill whites.

References


U.S. CONST. amend. IV
U.S. CONST. amend. VIII
U.S. CONST. amend. XIV