

Guilty Until Proven Innocent

Is the death penalty morally wrong? Within my research and installation, I examine the perceived flaws and shortcomings of the criminal justice system, particularly questioning the ways in which minority voices are disproportionately harmed when acts of “justice” are carried out. Through my art, I seek to confront the issues that the death penalty reflects; mass incarceration and the dehumanization of criminals in direct opposition to other goals such as rehabilitation. I also confront the issue of exoneration, when those who are convicted of crimes are proven innocent, focusing specifically on the moral problem of exoneration after execution.

Any person of color can be an easy victim of the system, which is what I wanted to highlight with this piece. The contrast of the subjects in normal vs victimized situations is meant to show that, in the eyes of the system, for people of color, guilt is assumed regardless of reality. The chair serves as a blatant reminder of the harsh, old fashioned methods of execution.

I challenge the concept of the death penalty as a method of getting revenge, enabling “an eye for an eye” mentality instead of using alternative methods to achieve restorative justice. The U.S. government should reform the current criminal justice system by abolishing the death penalty.

Amara I.
California

Guilty Until Proven Innocent: Those Wronged By The Criminal Justice System

Amara I.



Is the death penalty morally wrong? In this paper, I examine some of the perceived flaws and shortcomings of the criminal justice system, particularly questioning the ways in which minority voices are harmed when acts of "justice" are carried out, with an emphasis on capital punishment in the United States. I also confront the issue of exoneration, when those who are convicted of crimes are proven innocent, focusing specifically on the problem of people being exonerated after they've been executed. I challenge the concept of the death penalty as a method of getting revenge, instead of using alternative methods to achieve restorative justice. The United States government must reform the current criminal justice system by abolishing the death penalty.

Imagine a world where people are regularly convicted of crimes they've never committed but have to serve long sentences for them. Some of these people are even executed by the government for these crimes. Some people convicted of these crimes have never even known they happened in the first place. Well, this is a reality. In the United States, criminal convictions against innocent people happen every year. My interest in this topic began in middle school. As a middle school student, the news that played in my house always talked about the killings of unarmed black men. As such, The Black Lives Matter movement came into my knowledge, and I became more aware of the flaws of the criminal justice system, particularly about the lack of accountability for legal authorities, such as police officers and judges, who abuse their power. I also remember being deeply disturbed the first time I heard about George Stinney's case. George Stinney was a young African American boy who was executed in 1944 by the state of South Carolina for rape and murder, but he was only recently exonerated of his crimes. Learning about the racially motivated conviction of a little boy for crimes he did not commit deeply appalled me. My interests in the criminal justice system have been recently rekindled after I read the book *Just Mercy* by Brian Stevenson.

Just Mercy is a book about Brian Stevenson's work as the Founder and Head of the Equal Justice Initiative, a nonprofit dedicated to aiding marginalized people wronged by the criminal justice system. Within the book, Stevenson details his work as a lawyer helping people in prisons to receive better treatment, by appealing cases, advocating to judges, getting wrongly convicted felons exonerated, and a variety of other legal methods. He also speaks about the emotional side of his work with criminals, dealing with mental health issues, broken families, and wronged communities. Reading about Mr. Stevenson's cases, such as his work that led to the exoneration of Walter McMillan, have made me even more aware of what I already knew before reading it: that the criminal justice system is deeply flawed. It disproportionately targets and harms marginalized groups such as brown and black people, the poor, and the mentally ill, and within his book, Mr. Stevenson reviews his work helping such people.

Walter McMillian's case is the most prominent one detailed by Brian Stevenson throughout *Just Mercy*. In the late 1980s in Monroeville, Alabama, Walter McMillian, a black man, was convicted of the murder of a white woman and sentenced to death. McMillian's interracial relationship with a white woman caused scandal and disapproval within his community, and his ownership of a successful lumber business generated resentment from townfolk. His independence at a time of many social constraints for people of color in the South made him an easy target for law enforcement personnel to pin the crime onto. Law enforcement didn't have enough evidence to arrest him for the murder charge at first, so they orchestrated his arrest with a bogus sodomy charge. While being arrested, the Monroeville County sheriff hurled racial slurs at McMillian, calling him a "nigger." The primary witness who had implicated him in the crime was an unreliable conman who had never met McMillian before, however, the Monroeville police promised to clear him of other crimes for testifying against McMillian. Walter McMillian's trial lasted less than two days, and even though he had an alibi from several firsthand eyewitnesses, who were black, putting him in a completely different location at the time of the crime, he was convicted and sentenced to death by the judge. Because of his race, and those who defended him, he wasn't given a fair trial.

Through his work at the Equal Justice Initiative, Brian Stevenson spent several years appealing the case, and finally, by proving that witnesses testifying against Walter McMillian had lied, and that evidence proving McMillian's innocence had been suppressed, he was able to get Walter McMillian freed. After spending six years on death row, in 1993, Walter McMillian was

released from prison, and his sentence was overturned. Walter McMillian's case is only just one of similar stories revealing mistreatment and malpractice representative of the wider discriminatory issues within the criminal justice system; its flaws continue to harm black and brown people. The continued dedication to providing justice by those most affected by the criminal justice system that Brian Stevenson displayed in his book moved me deeply. Reading his book really resonated with me and allowed me to empathize with people who've been hurt by the criminal justice system. As a low-income black girl, it is easy for me to picture myself in the shoes of some of Mr. Stevenson's clients, as any number of decisions I could make could possibly lead me to one day being in their position, and that was a scary wake-up call for me to realize after reading the book. It made me question whether or not I feel safe or protected with the U.S.'s current criminal justice system. Even though I do feel protected by it sometimes, I don't completely trust it. I wanted to explore these feelings more, and so my research has led me to focus on the topic of death row as a method of state-sponsored execution... Should capital punishment continue?

The death penalty has been used in the United States since the country's inception as a means of enacting justice. In 1608, when Captain George Kendall was accused of spying for the Spanish government, he was executed by firing squad. The death penalty has been carried out through a variety of execution methods, but the most visibly notable symbol of it is the electric chair. Before the electric chair, executed prisoners were killed by hanging, which was an extremely painful way to die that took a long time, so its invention was invited as a less cruel way for the government to enact the death penalty. The first electric chair was used on William Kemmler in the state of New York at Auburn prison in 1890. After its invention, the electric chair became the most popular execution method of the death row up until the 1970s, when the death penalty was revamped by the Supreme Court. Now, lethal injection is the most prominent way that people are executed, but, in several states, execution by electric chair is still made an option for those being killed.

The criminal justice system in the United States revolves around the three branches of government: the Executive, the Legislative, and the Judicial. The Executive branch of government enforces the laws, the Legislative branch makes the laws, and the Judicial branch of government interprets the laws. The Judicial branch is comprised of the legal courts of the United States. All of these branches aim to provide justice and maintain order. However, in actuality, this has not always been the case, and one indicator of that is mass incarceration. Mass imprisonment refers to the extremely high amount of prisoners the United States has; around 2.3 million people are imprisoned in some form. The United States has the highest incarceration rate of any country in the world. Our prison system is more comparable to a business model than a rehabilitation space; increased privatization of prisons has made incarceration based upon profit, and the greater the number of prisoners, the greater the amount of profit. Of the total number of inmates, 37.8% of them are black, while 58.5% of them are white. However, comparatively, only 13.4% of the total United States population is black, while 60.7% of the total United States population is white. This means that black people are disproportionately overrepresented in the prison population. The disproportionately high amount of black people in prisons represents unfair punishment of the black community. Black people aren't committing more crimes than white people, they're being overcriminalized for the same offenses as white people. This can especially be seen within the population statistics of death row. 1,493 people have been executed in modern times (since 1976.) Of that, 34.5% of those executed have been black, while the current death row population is 41.53% black, meaning that there has been a 7.03% increase in the number of black people on death row. To contrast, 55.6% of those executed since 1976 have been white, while 42.04% of

those currently on death row are white, a 13.56% decrease. The number of black people on death row has increased, but the number of white people on death row has decreased. This points to deeply ingrained, and currently rising, systematic racism within the implementation of death row. Capital punishment is a way in which the state can legally condone the killing of black people without accountability nor repercussions.

Instances often occur in which the death penalty leads to the wrongful conviction and then execution of innocent people. Some of these are never addressed by the legal system, however, when it is, it is known as exoneration. Exoneration is when someone is freed from prison because the courts acknowledge that they were wrongly convicted. Specifically, the most notable case of exoneration is that of George Stinney. In 1944, George Stinney was only 14 years old when he was executed by electric chair by the state of South Carolina. He was a tiny, skinny boy convicted of murdering and raping two white girls. Even though the evidence didn't reasonably support his guilt, he was sentenced to death by an all-white jury in an unfair trial. Mounting pressure from townsfolk to find a conviction for the case mixed with rampant systematic and social racism of the time created a tense legal environment in which George Stinney wasn't given a fair chance from the start. Stinney's lawyer didn't appeal his sentence and wasn't very invested in his case. According to eye witness accounts, the first volt of electricity knocked his mask off, revealing his tear-streaked face. The common thread of mistreatment and legal malpractice between not only his case, but also in Walter McMillian's previously mentioned case, can be found in most cases of exoneration for people of color. The gross lack of justice in George Stinney's trial is a graphic emblem of the racial injustices within America's criminal justice system, specifically as it relates to the death penalty, flaws that continue at the expense of black people.

The continued practice of capital punishment within the United States emphasizes revenge over factual healing and restorative justice for those affected. It creates more complications and questions than solutions. Does someone who committed a heinous crime deserve to be killed by the government for the said crime? Does condoning the killing of criminals make us just as harmful as the criminals themselves? Does the death penalty provide closure to the victim, their family, and people close to the victim? Or does it simply put a band-aid on the problem? The morality of capital punishment requires a deep examination of not only personal morality, but also the morality of the law. Taking the life of a murderer won't bring back someone who was killed, and ultimately capital punishment doesn't always provide clear, tangible closure, nor justice for all parties involved. Capital punishment is state-sponsored execution, execution that predominantly harms people of color, especially black people. Widespread racism oversaturates the criminal justice system in so many complex ways, ingraining itself in our cultural psyche and manifesting into the literal execution of black and brown bodies regularly. Every day without significant criminal justice reform is another day people are wronged by the system, and the most pressing of the reforms to be made is an immediate abolition of capital punishment in the United States.

Bibliography

Just Mercy By Brian Stevenson

<https://deathpenaltyinfo.org/race-death-row-inmates-executed-1976>

https://en.wikipedia.org/wiki/Miscarriage_of_justice#United_States

<https://ejl.org/death-penalty>

<https://ejl.org/mass-incarceration>

<https://www.bjs.gov/content/pub/pdf/cpus14.pdf>

<https://www.al.com/news/montgomery/2019/02/courts-weigh-mans-religious-rights-in-holding-up-alabama-execution.html>

https://www.washingtonpost.com/news/morning-mix/wp/2014/12/18/the-rush-job-conviction-of-14-year-old-george-stinney-exonerated-70-years-after-execution/?noredirect=on&utm_term=.0a8c727caf62

<https://www.youtube.com/watch?v=YNMQfrzFxdw>

<https://www.history.com/this-day-in-history/first-execution-by-electric-chair>

<https://deathpenaltyinfo.org/node/6216>

<https://deathpenaltyinfo.org/women-and-death-penalty#facts>

<http://www.executedtoday.com/2008/07/08/1999-allen-lee-davis-tiny-florida-electric-chair-old-sparky/>

http://www.executedtoday.com/images/Florida_electric_chair_new.jpg

<https://www.earhustlesq.com/episodes/2018/5/23/the-row>

<https://www.usatoday.com/story/opinion/policing/spotlight/2017/09/15/while-blacks-executed-whites-more-likely-walk-free-deaths-black-men/668422001/>

<https://www.cnn.com/2017/08/24/health/florida-death-row-inmate-execution/index.html>

<https://www.pixelsquid.com/png/electric-chair-1384900278477657492?image=H01>

https://en.wikipedia.org/wiki/Capital_punishment_in_the_United_States

https://en.wikipedia.org/wiki/Thomas_Granger

<https://www.prisonpolicy.org/reports/pie2019.html>

<https://www.amnesty.org/download/Documents/60000/amr510032007en.pdf>

<https://www.aclu.org/other/racial-profiling-definition>

<https://deathpenaltyinfo.org/views-executions>

<https://www.census.gov/quickfacts/fact/table/US/RHI225217#RHI225217>

https://www.bop.gov/about/statistics/statistics_inmate_race.jsp