

Michelle Alexander
The New Jim Crow

“It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.”

-Nelson Mandela

Preface

- Argues that we have a new Jim Crow- we have merely we have merely redesigned the old system (2)
 - Connection between criminal justice system and earlier systems of social control (4)
- Success of Regan’s “War on Drugs” (1982) and the media campaign surrounding it (5)
 - Stories that crack was brought into black neighborhoods by the CIA
- Urban league report 1990 said that is you are to understand what is happening with the drug problem is genocide (6)

- In 30 years US penal population exploded form 300,000 to 2 million (6).
- Highest rate of incarceration in the world Germany 93 per 100,000 in the US 750 per 100,000 (3/4 black poor men will be incarcerated!) (6)
 - More than in S. Africa during apartheid! (6)
- “Primary targets of its control can be defined largely by race.” (8)
 - Which flies in the face of a nation that has “triumphed over race”
- She uses caste because there is a permanent underclass that are barred by law and custom from mainstream society...this is what she will attend to in the book (13)

“This book argues that mass incarceration is, metaphorically, the New Jim Crow and that all those who care about social justice should fully commit themselves to dismantling this new racial caste system. Mass incarceration—not attacks on affirmative action or lax civil rights enforcement—is the most damaging manifestation of the backlash against the Civil Right Movement.” (11)

Ch1- The Rebirth of Caste

- Here she outlines the history that has made for the new caste system
- Post Civil War (War: 1861-1865)- failure of reconstruction that led to the Convict Leasing System
- This is a story of the preservation of racism through transformation (21)
 - Highlights the appeals made to lower-class whites

The Birth of Slavery

- Creation of “the savage”
- Problem of Bacon’s Rebellion (1675) (24)
- How the movement west created whiteness (25)
- The foundation of our democracy is built upon the notion of blacks as 3/5 human (26)

The Death of Slavery

- Ideology of whiteness
- Development of black codes in post-civil war south (pre Reconstruction)
- Amendments
 - 13th- Abolishing Slavery (1865)
 - Civil Rights Act of 1866 (full citizenship)
 - 14th amendment- Equal protection of the law (1868)
 - 15th amendment- Right to vote not denied on account of race (1870)
 - Ku Klux Klan Acts- interfering with voting a federal offence (1871)

The Birth of Jim Crow

- Backlash to reconstruction (compromise to get Hayes in office)
- Ruffin v. Commonwealth (31)- convicts legally non-distinguishable from slaves
 - "For a time, during his service in the penitentiary, he is in a state of penal servitude to the state. He has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. He is for the time being a slave of the State. He is *civilliter mortuus*; and his estate, if he has any, is administered like that of a dead man." (31)
- Challenge of populist efforts
- By the turn to the 20th century every state in the south had laws on the books that disenfranchised blacks
 - Whites and the "racial bribe" (35)

The Death of Jim Crow

- Impact of WWII- pre Brown began to void the discriminatory laws on the book.
- Again, white backlash
- Civil rights movement
- Problem of lack of economic reforms that keep blacks down- 1963- March on Washington for Jobs and Economic Freedom
 - MLK: Eradication of income inequality as next human rights movement (39)
- Movement then to race neutral language by demanding "law and order" (40)

The Birth of Mass Incarceration

- More young men and the rising unemployment rate of black men
- Riots in 1964 in Harlem and Rochester
 - "If blacks conduct themselves in an orderly way, they will not have to worry about police brutality." (WV Senator Robert Byrd) (42)
- Goldwater "get tough on Crime"- the rhetoric switches
- Constructing notion of "social pathologies" of the poor (45)
- 1980-1984 FBI antidrug funding increased from \$8 million to \$95 million; DEA went from \$86 to \$1026 million and FBI antidrug allocations grew from \$38 to \$181 Million. National Institute on Drug abuse reduced from \$274 million to \$57 million. (49-50)

- 1982 only 2% of Americans viewed drugs as the most important issue facing the nation (49)
- Rise of "War on Drugs" just as communities were devastated by deindustrialization and unemployment (50)
- 1986 Anti-Drug Abuse Act with mandatory minimum sentences (53)
- Clinton: "get tough" policies TANF, etc. (56-57)
- Government was not reducing amount of money devoted to the urban poor
 - "By 1996 the penal budget doubled the amount that had been allocated to AFDC or food stamps." (57)
 - Public housing went to prison construction (under Clinton funding for public housing was slashed by \$17 billion (-61%) and increased funding to corrections \$19 billion (increase of 171%).

“If we blame crime on crack, our politicians are off the hook. Forgotten are the failed schools, the malign welfare programs, the desolate neighborhoods, the wasted years. Only crack is to blame. One is tempted to think that if crack did not exist, someone somewhere would have received a Federal grant to develop it.” (53-quoting congressional record)

Ch 2- The Lockdown

- More people in prison for drug offenses than were incarcerated for all reasons in 1980 (60)
- 4th amendment fleeced with ability to seize property (61)
- Stop and frisk came out of Terry v. Ohio in 1968
- Looks at the war on drugs, how it was profitable for local police agencies, the militarization of the police, the legal system and lack of public defenders, the problem of plea bargains, the parole system
- About as many people returned to prison for parole violations in 2000 as were admitted to prison in 1980 for all reasons. (95)

Supreme Court Justice Anthony Kennedy:
 “Our (prison) resources are misspent, our punishments too severe, our sentences too loaded...I can accept neither the necessity nor the wisdom of federal mandatory minimum sentences. In all too many cases, mandatory minimum sentences are unjust.” (93)

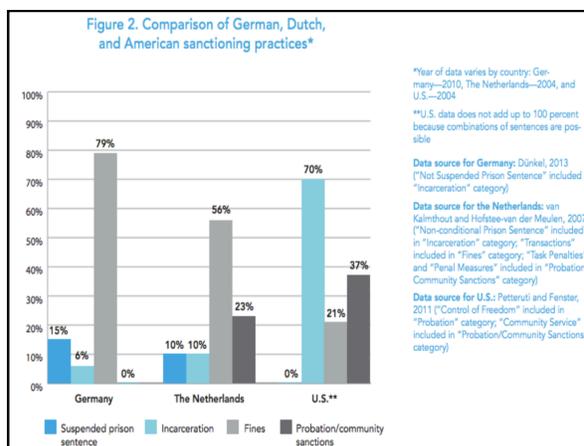
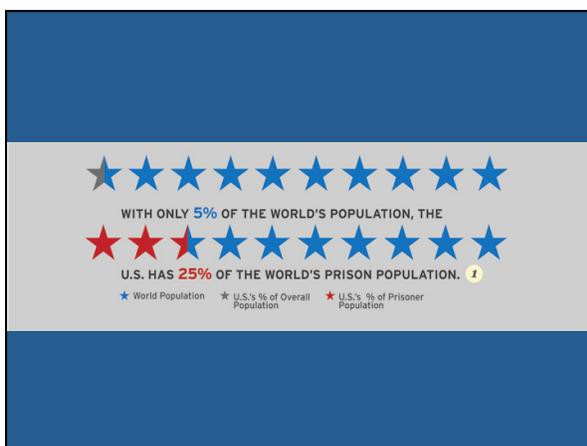
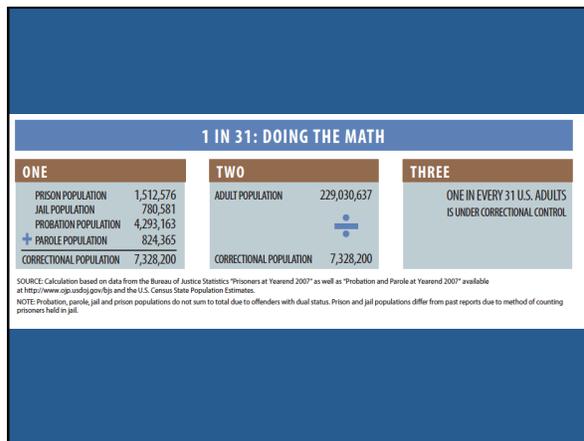


THE U.S. PRISON POPULATION ROSE BY 700% FROM 1970 TO 2005, A RATE FAR OUTPACING THAT OF GENERAL POPULATION GROWTH AND CRIME RATES. 4

TABLE 1
Adult Correctional Populations, 1980–2005

Population	1980	2005	% Change
Probation	1,118,097	4,162,536	272%
Jail	183,988	747,529	306%
Prison	319,598	1,461,132	357%
Parole	220,438	784,408	255%
Total Adults Under Corrections	1,842,100	7,155,605	288%
Adult Population	162.8 Million	222.3 million	36%
% of Adults Under Corrections	1.1%	3.2%	

Sources: U.S. Department of Justice, Office of Justice Programs. *Prisoners in 2005*, Bureau of Justice Statistics Bulletin, by Paige M. Harrison and Allen J. Beck (Washington, D.C.: November 2006, NCJ 215882); U.S. Department of Justice, Office of Justice Programs. *Prison and Jail Inmates at Midyear 2005*, Bureau of Justice Statistics Bulletin, by Paige M. Harrison and Allen J. Beck (Washington, D.C.: May 2006), NCJ 213133 and U.S. Department of Justice, Office of Justice Programs. *Probation and Parole in the US 2005*, Bureau of Justice Statistics Bulletin, by Lauren E. Glaze and Thomas P. Bonczar (Washington, D.C.: November 2006), NCJ 215091

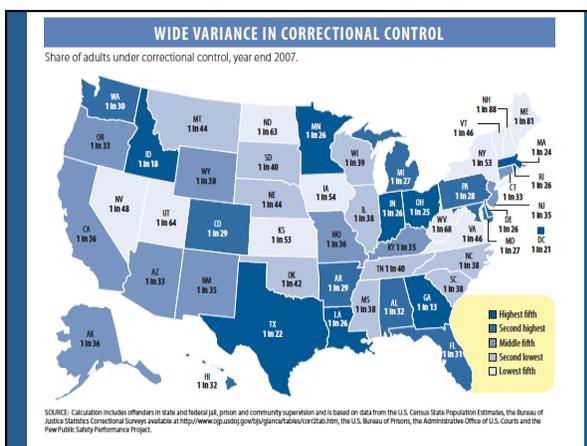


Ch 3- The Color of Justice

- Once a felon you are branded.
- In the drug war, the enemy is racially defined (98)
- So if people of all races use and sell illegal drugs at similar rates, then HOW is it that the rate find that ¾ of all people imprisoned for drug offenses have been black or Latino (99)
- 1 in 4 black men behind bars in 2006 vs. 1 in 106 white men (100)
- Asks how it is mass incarceration increases (rather than decreases) violent crime? (102)
- Follows court cases that made for the system today
- Stop and frisk in NY 2010- 85% of African Americans (135)

Category	Ratio Under Supervision	Percentage of Total Group
Total Population	1 in 31	3.2%
Men (all races)	1 in 18	5.6%
Black Men	1 in 11	9% ³¹

Race/Ethnicity	No. Incarcerated Males 18+	Percentage of Demographic
White	1 in 106	.94%
Hispanic (any race)	1 in 36	2.7%
Black	1 in 15	6.7% ³⁰



Ch 4- The Cruel Hand

- Criminals are the one group we are permitted to hate (141), they are our pariahs, and silence around this
- Looks at what happens once branded a felon (check the box, no jury, no public assistance, etc)
- Disenfranchisement is discriminatory and violates international law (158)
- The deep failure here is not that of the gangster rappers, but it is our moral failure (170)
 - Economist Glenn Loury: “Are we willing to cast ourselves as a society that creates crimogenic conditions for some of its members and then acts out rituals of punishment against them as if engaged in some awful form of human sacrifice?” (170)
- Commodification of gangsta culture as new minstrel show

Ch 5- The New Jim Crow

- There is a huge gender gap in the US census in poor black communities- amazing numbers (179) 26 % gap country-wide and in urban areas it is worse. In NYC for instance it is 37%; for whites it is only 8%.
- More AA are in correctional control than were enslaved in 1850. (180)
- We are in a state of denial
- Looks at how the mass incarcerations system works to trap blacks: 1) round-up; 2) formal control; 3) Invisible punishment (186)
- 188-189- Chicago 90% of those sentenced to prison for a drug offense are AA.
- 55% of adult black males have felony record and 80% of adult black male workforce

- 1985-2005 there was a 2,000% increase in those sent to crime for drug crimes 9469-8,755)
- More than 70% of cases involve class D felony drug possession charge
- 2001 20,000 more black men in Illinois state prison system than enrolled in the state's public universities (190)

Percentage of Incarcerated Males (Ages 20-34)

	1990	2000	2008
White Men	1.1	1.6	1.8
Less Than High School	3.8	7.7	12.0
High School Graduate	1.4	2.3	2.0
Some College	0.4	0.3	0.3
Black Men	8.3	11.2	11.4
Less Than High School	19.6	30.2	37.2
High School Graduate	7.1	11.7	9.1
Some College	2.9	2.1	2.1

The Parallels between Jim Crow and Mass Incarceration (191-3)

- 1) Exploit resentments for economic gain
- 2) Legalized discrimination
- 3) Political disenfranchisement
- 4) Exclusion from juries
- 5) Closing courthouse doors
- 6) Racial segregation
- 7) Symbolic production of race

- Notes that the ideal that black men “chose” to be criminals should be rejected (197); rather, they are made criminals
- Talks about the social construction of the “criminalblackman” (199)- being black means your first police stop
- “The process of marking black you as black criminals is essential to the functioning of mass incarceration as a racial caste system.” (200)
- Limits of analogy of Jim Crow: difference in the way racial stigma impacted blacks then and now (202)- makes collective action very difficult. Also:
 - Absence of racial hostility (202-204)
 - White victims of Racial Caste (204-208)
 - Black support for “get tough” policies (208-217)

“The genius of the current (racial) caste system, and what most distinguishes it from its predecessors, is that it appears voluntary. People choose to commit crimes, and that’s why they are locked up or locked out, we are told. This feature makes the politics of responsibility particularly tempting, as it appears the system can be avoided with good behavior. But herein lies the trap. All people make mistakes. All of us are sinners. All of us are criminals. All of us violate the law at some point in our lives. In fact, if the worst things you have done is speed 10 miles over the speed limit on the freeway, you have put yourself and others at more risk of harm than someone smoking marijuana in the privacy of his or her living room. YET (my emphasis) there are people in the US serving life sentences for first-time drug offenses, something virtually unheard of anywhere else in the world.” (215)

Ch. 6- The Fire This Time

- Wants us to rethink denial and deal with the New Jim Crow: must talk about race and have a movement, and give back the racial bribe, and must recognize that we are all in this together
- Unemployment stats don’t include people who are in prison (229)- could be that it underestimated the unemployment rate for less-educated black me by 24% points?
- 42% unemployment rate for black men in the US (229)
- To return to 1970 incarceration rates we would need to release 4 out of 5 people from jail. (230)
- More than 1,000,000 people would lose jobs if the system changed- yet we now spend \$185 billion on detention, etc. (2003)- tripled since 1982 (230)

- Prisons as big business
- Corrections Corp. of America grew by 14% in 2008- “there is going to be a larger opportunity for us in the future (231)
- Mass incarceration only is a failure if its goal is to decrease crime- however, if for racial control, then it is a fantastic success! (237)
- Child poverty rate higher than in 1968 (246)
- Mass incarceration predicated on notion that AA have freely chosen life of crime.
- COPS claimed to reduce violent crime in 1992, but recent studies shown untrue- 1% reduction for \$8 billion; Criminology noted had little effect. (253)

