

# Mass incarceration parallels with jim crow



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Mass incarceration has not only emerged as a racialized form of social control fueled by politician's strategies to gain political status, but has perpetuated a national epidemic characterized by unequal civil liberties and an endless cycle of crime. This cannot be stopped until American's accept the severe reality of the situation and drug laws and law enforcement policies are radically changed. Michelle Alexander further explains this phenomenon in her book *The New Jim Crow*.

Alexander argues that mass incarceration in the United States was developed primarily as a form of social control and identifies the War on Drugs as the main cause. The general public assumption is that the War on Drugs was launched in response to the crisis caused by crack cocaine in inner city neighborhoods. This view furthers the idea that the racial disparities seen in drug convictions and sentences, which are disproportional to blacks and Hispanics (Tonry 2016, 4), as well as the rapid growth in prison population, are simply a reflection of the government's efforts to combat drug crime in poor, minority neighborhoods (Alexander 2016, 7). Alexander however, declares that this is wrong.

In the 1960s, the social, political, and economic pressures felt by both Northern and Southern whites after the Second Great Migration of blacks from the rural South to the urban North and from the civil rights movement were not only still present, but were intensified with the increase in crime rates (Travis, Western and Redburn 2014, 109). Political leaders of northern cities called for more law enforcement power in response to the rising crime rates and for poor blacks to have greater rights in the cities to which they migrated. In response, President Johnson launched the "War on Crime" that

not only expanded the role of federal government in state and local crime policy, but sought out to address poverty, which he believed was the “ root cause” of crime. His approach was known as the Great Society (1964-1965) and was a set of policies that aimed to eliminate poverty and racial injustice through investing more in education, health, welfare, and other social and economic problems, outside of law enforcement. However, when this approach failed, liberals and conservatives alike, agreed that there was a need to “[modernize, professionalize, and federalize]” the criminal justice system in order to combat the crime problem (Travis, Western and Redburn 2014, 110).

In the 1970s, President Nixon similarly added to this ideal with the “ southern strategy” which rested on politicizing the crime issue in a racially coded manner. In order to gain support among southern voters, Nixon claimed that “ the whole problem [was] really the blacks” and that personal and cultural shortcomings, such as lack of work ethic, poor parenting practices, and reliance public assistance and social programs, were major sources of the rise in disorder and violence (Travis, Western, and Redburn 2014, 116-117). Thus, the War on Drugs was launched to target the poor individuals in inner cities that in the governments minds lacked certain personal and cultural qualities and were a social burden on society. This further supports Alexanders claim that while the 1980s and 1990s publicity surrounding the crack cocaine epidemic led to dramatic increase in funding for the drug war and increase in sentencing policies of those convicted of crack cocaine use, there is no notion that the War on Drugs was launched in response to crack cocaine. In fact, President Raegan officially declared the

War on Drugs in 1982, years before there was much media coverage on the crisis of crack cocaine in poor black neighborhoods. Consequently, the War on Drugs arose not to combat drugs, but as a political strategy that won over both northerners and southerners, liberals and conservatives, and blacks and whites alike to seem “tough on crime” (Kirby and Szuberla 2006).

An important factor when addressing the War on Drugs in relation to mass incarceration is the role of the police and the courts. There are few legal rules that constrain the police when it comes to drugs. Alexander argues that there exists a “virtual drug exception to the Bill of Rights” (Alexander 2016, 63-64) The Fourth Amendment guarantees the right of the people to be secure in their persons, houses, and papers against unreasonable searches or seizures without warrants or probable cause, however in *Terry v. Ohio* (1968), the Supreme Court ruled that as long as a police officer has reasonable suspicion that someone is engaged in criminal activity and dangerous then it is constitutionally permissible to stop, question, and search him/her (Alexander 2016, 63-64). The Fourth Amendment is just one example of the civil liberties that have been undermined by the drug war.

Another consequence of mass incarceration is that it has little effect on actually decreasing the crime rate. Not only do prisons allow criminals to create a crime network with one another, but after being released that Alexander mentions, individuals are often confined to very poverty stricken areas with high criminal activity (Currie 2016, 84). These areas commonly exhibit activities, like a thriving drug trade, lots of guns, and the presence of many other people in the exact same situation, that can greatly increase the risk of the individual being pulled back into crime (Currie 2016, 84). Those

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who have strong economic and social opportunities are unlikely to commit crimes regardless of the penalty, while those who go to prison are far more likely to commit crimes again in the future (Tonry 2016).

Although, Alexander acknowledges that the development the War on Drugs, and in effect mass incarceration, has long throughout history just been a political strategy for politicians to say they “tough on crime,” (Kirby and Szuberla 2006) she also argues that it was created as a form of social control directed towards African Americans. Alexander’s most compelling, and perhaps strongest statement, in her book is that “mass incarceration in the US [has], in fact emerged as a stunningly comprehensive and well-disguised system of racialized social control that functions in a manner strikingly similar to Jim Crow” (Alexander 2016, 4). While this idea is extremely unsettling, Alexander successfully draws parallels between the old and “new” Jim Crow and supports her claim to emphasize the severity of the problem in the American criminal justice and prison system.

Historically, the segregation laws of Jim Crow emerged as strategic way for white elites to gain political and economic power and deflect the anger and hostility they were faced with onto African Americans. The modern American system not only similarly developed as a way for politicians to gain status, but also as a form of racial segregation. In 2008, 45% of the racial disparities in imprisonment for all offense could not be explained by arrests, or in other words, the idea that the disparities existed only because African Americans were committing more crimes was not justifiable (Travis, Western, and Redburn 2014, 95). This means that there is an extraordinary percentage of black people in prisons all over the United States when compared to whites, <https://assignbuster.com/mass-incarceration-parallels-with-jim-crow/>

segregating them from main stream society. An extraordinary percentage of black people in the United States also have a “prisons label” and face restrictions in education, employment, housing, public benefits, and the right to vote, because they are an incarcerated individual (Alexander 2016, 2 & 191-192). Due to these legal discriminations, are constrained to ghetto communities characterized by extreme disadvantages, such as limited health care, poor social services, inadequate schools, and few stores (Currie 2016, 84). The lack of these liberties not only affects the individual incarcerated, but can have massive consequences on their families and their communities as a whole by taking away potential sources of economic and social support and parental guidance, making it difficult for children to find a path out of poverty (Currie 2016, 83-84).

Another incredible similarity between the old and new Jim Crow that Alexander identifies is that both have served to define the meaning and significance of race in American society. Slavery defined being black as being a slave, Jim Crow defined it as being a second-class citizen, and today’s mass incarceration defines it as being a criminal (Alexander 2016, 197-200). Therefore, racism in the United States has not been “abolished” it has merely been redesigned it. Malcom X, a human rights activist, also acknowledged this phenomenon when he said “Racism is like a Cadillac. They bring out a new model every year.” Every racial caste system in the United States, although vastly different from one another, has developed a stigma that negatively defines what it means to be black. Today, Americans live in the “age of colorblindness,” as Alexander describes it, where there is an absence of outward racial hostility and “nearly [everyone] has a genuine

commitment to basic racial equality in the public sphere” (Travis, Western, and Redburn 2014, 99). Therefore, Alexander argues that the modern criminal justice system is just the new “ model” of racism that has been designed to fit in with the changing times.

Just as Alexander draws a detailed analysis of the causes, consequences, and problems of mass incarceration, she also describes proposed methods on how to fix them. She argues that impressive changes in drugs laws need to be made in order to combat the “ poverty, chronic unemployment, broken families, and crime” that the War on Drugs, and also subsequently mass incarceration, creates rather than destroys (Alexander 2016, 237). Locking up many drug users and dealers has almost no preventative effects, as they are often minor participants in a much larger, more complex market, and actually provides a “ school [of] crime” for these incoming offenders to connect with more advanced and hardened criminals (Tonry 2016, 14-16).

While this War on Drugs could easily be changed by creating new policies, such as the decriminalization of marijuana, without any regard to race, the prevailing caste system cannot successfully be fully destroyed with a race-neutral approach (Alexander 2016, 239). Since the United States imprisons a larger percentage of its black population than South Africa did at the height of apartheid (Alexander 2016, 6), Alexander argues that Americans have to “ resist the temptation of colorblind advocacy” and discuss race openly and honestly (Alexander 2016, 238). Americans must openly admit that “ it was because of race that [they] didn’t care much about what happened to ‘ those people’” and only then can meaningful changes be made to law enforcement policies, such as *Terry v. Ohio* (1968) and *United States v. Matinez-Fuerte*

(1976), that obstruct basic civil rights and make mass incarceration immunized from claims of racial bias (Alexander 2016, 39).

What Alexander fails to mention in her analysis of mass incarceration is the vast number of whites, who are also being incarcerated at rates unprecedented in any other country in the modern world. The United States has imprisonment rates four to twelve times those of the other developed countries (Tonry 2011, 9) so not all can be achieved in addressing this as solely a politically and socially driven race issue. While it is true that black males in the United States are incarcerated at rates higher than white males, 4,749 people per 100,000 people versus 708 people per 100,000 people, these are both still rates much higher than the next country on the incarceration leader board, Russia at 568 people per 100,000 people (black and white combined) (Gottschalk 2015, 5). Alexander acknowledges that many whites are incarcerated, but writes it off as collateral damage. In doing so, she misses many of the other factors outside of “colorblind” drug laws and law enforcement policies that drive mass incarceration, including, but not limited to, economic factors.

The most predominant economic factor is the idea of a prison-industrial complex which explains how the government and industries use imprisonment as solutions to economic problems. The film “Up the Ridge,” a documentary that aimed to address the injustices of the America prison system, exploited this idea perfectly as it showed the development of a prison town in Big Stone Gap, Virginia (Kirby and Szuberla 2006). Wallen’s Ridge State Prison was built when the town faced a major economic depression after a mining company that employed majority of the

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community close down. Soon nearly the entire town became dependent on it for jobs and companies in the area became dependent on it for revenue (Kirby and Szuberla 2006).

While it is clear African Americans have been, and remain, the central targets of the criminal justice system, many members of other groups are finding themselves “economically and politically disenfranchised and socially marginalized” (Gottschalk 2015, 11) by the expansion of the system. It is important to recognize that this system, although first and most importantly created as a political project, and not an economic project, has become a powerful industrial business with close political allies (Gottschalk 2015, 77). Without taking these two key factors into account, Alexander’s proposed solutions will not fully solve the problem of mass incarceration.

Michelle Alexander successfully draws extremely unsettling parallels between the causes and consequences of the modern-day American criminal justice and prison system and Jim Crow while emphasizing the importance of making both political and social change in order to combat the War on Drugs and the new age of “colorblind racism” that America faces today. Her analysis, however, lacks acknowledgment of the high imprisonment rates of white people, as well as blacks people, and the economic factors that play into mass incarceration. In omitting these parts of the problem, Alexander’s proposed solutions will not full address the problem.

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