

Cj 301



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What is Michelle Alexander's main idea as expressed in the introduction? A racial caste system was set up from the beginning starting with denying citizenship, The racial Caste system is still largely unchanged with only the language to justify its existence- a shift in ideology, culture and institutions. The primary vehicle for all of this is the war on drugs, which isnt a response to a large drug issue in the brown and black communities, rather a man made moral panic to elevate a small issue. The caste system locks people up behind bars literally and virtually. What is the rate of incarceration in the US and how does it compare to other countries? Largest incarceration rate in the world. I think it increased by like 800% in 2 decades...? 700 per 100, 000 by the turn of 21st century (Calvita page 66)What facts about drug use are important when assessing the timing of the war on drugs? Drug use was higher among whites than any other race however; CIA admitted to basically planting crack in poor and black communities to almost create the war on drugs. 4. What factors undermined the OLD Jim Crow system black success stories undermined the logic of Jim Crow, however they actually reinforce the system of mass incarceration. Mass incarceration depends for its legitimacy on the widespread belief that all those who appear trapped at the bottom actually chose their fate. How does Michelle alexander access the impact of Clinton presidency on African Americans? Clinton was tough on drug policies. Clinton administration that championed the laws denying drug offenders even federal financial aid for schooling upon release. Clinton attacked the war on drugs heavily, he began to implement new laws, which gave a rise to mass incarceration. What factors undermined the OLD Jim Crow systemblack success stories undermined the logic of Jim Crow, however they actually reinforce the system of mass incarceration. Mass incarceration depends for

its legitimacy on the widespread belief that all those who appear trapped at the bottom actually chose their fate. What changes were taking place in the African American communities that made them particularly vulnerable to the war on drugs? The hypersegregation of the black poor in ghetto communities has made the roundup easy. Confined to ghetto areas and lacking political power, the black poor are convenient targets. Racialized caste system “ racial caste,” as it is commonly used in scientific literature, to create “ undercast,” denoting a “ stigmatized racial group locked into inferior position by law and custom.” Racial bribe colony aristocrats were alarmed at the fact slaves, white and black bond workers were forming alliances and getting along so they decided to give special privileges to middle & poor whites to drive out their multicultural alliance. Reconstruction took place in the 1860’s; the North rebuilt the South after the Civil War, including freeing slaves...the 14th amendment was a Reconstruction Amendment Why have civil rights organizations not focused on or have been slow to focus on the issue of racial justice? Because The popular narrative that emphasizes the death of slavery and Jim Crow and celebrates the nation’s “ triumph over race” with the election of Barack Obama, is supported. The colorblind public consensus that prevails in America today—i. e., the widespread belief that race no longer matters—has blinded us to the realities of race in our society and facilitated the emergence of a new caste system. in other words because obama became president everyone even civil rights organizations believe that race no longer matters. What strategies have wealthier whites used to divide poor whites from African Americans in the past and in the present?-racial bribe (see above) Deliberately and strategically, the planter class extended special privileges to poor whites in an effort to drive a wedge between them

and black slaves. White settlers were allowed greater access to Native American lands, white servants were allowed to police slaves through slave patrols and militias, and barriers were created so that free labor would not be placed in competition with slave labor. These measures effectively eliminated the risk of future alliances between black slaves and poor whites. Poor whites suddenly had a direct, personal stake in the existence of a race-based system of slavery. Segregation laws were proposed as part of a deliberate effort to drive a wedge between poor whites and African Americans. These discriminatory barriers were designed to encourage lower-class whites to retain a sense of superiority over blacks, making it far less likely that they would sustain interracial political alliances aimed at toppling the white elite. The laws were, in effect, another racial bribe. In other words, rich whites threw poor whites a bone and poor whites did not want to lose it. The current system of control depends on black exceptionalism; it is not disproved or undermined by it (p. 14) do you agree or disagree? This is what Alexander says: Highly visible examples of black success are critical to the maintenance of a racial caste system in the era of colorblindness. Black success stories lend credence to the notion that anyone, no matter how poor or how black you may be, can make it to the top, if only you try hard enough. These stories “prove” that race is no longer relevant. What are the myths and assumptions does the general public believe about the criminal justice system? It perpetuates the myth that the primary function of the system is to keep our streets safe and our homes secure by rooting out dangerous criminals and punishing them. How have the courts weakened the fourth amendment since 1982? Both chapters describe important. The Court has been busy in recent years approving mandatory drug testing of employees

and students, upholding random searches and sweeps of public schools and students, permitting police to obtain search warrants based on an anonymous informant's tip, expanding the government's wiretapping authority, legitimating the use of paid, unidentified informants by police and prosecutors, approving the use of helicopter surveillance of homes without a warrant, and allowing the forfeiture of cash, homes, and other property based on unproven allegations of illegal drug activity. Where did the train stop for black in LA? Grand Central Ave..? before the station, just at a random location, not allowing blacks to board on and off the train with the whites at the Union Station

War on drugs campaign of the prohibition of drugs; was created during the Reagan Administration -> led to mass incarceration in which African-Americans were targeted although the majority of drug abusers were Whites

14th amendment provided former slaves with national citizenship

mandatory minimum sentence

care searches made by United States law enforcement personnel based on the consent of the individual whose person or property is being searched

Racial profiling the use of race or ethnicity as grounds for suspecting someone of having committed an offense.

McCleskey vs. Kemp

African American man in Georgia who was convicted of murder & sentenced to death , challenged his sentence on the grounds that the death penalty is imposed in a racially discriminatory manner. case came before supreme court lawyers showed evidence that in Georgia a African american man was twenty-two times more likely to get death penalty for murder than a White man, but court DID NOT overturn his death sentence because lawyer did not provide sufficient evidence to prove they were discriminating against him

Alexander vs. Sandoval

Scalia's majority opinion declared that states, schools, and colleges

cannot be sued by individual members of minority groups for policies negatively impacting them, absent proof of intentional discrimination. He went on to argue provocatively that the courts had been mistaken for the previous 35 yrs in allowing private lawsuits for the purpose of enforcing the Civil Rights Act. (courts closed the doors to most claims of racial bias) .

Purkett vs. Elmthe supreme court ruled that any race -neutral reason no matter how silly ridiculous or superstitious is enough to satisfy the prosecutors burden of showing that a pattern of striking a particular racial group is not based on race- reason believing that those factors will somehow affect the person ability to perform as a jurorWhat has been the role of the Supreme Court in addressing racial bias since the beginning of the drug war? the legal rules governing prosecutions, like those that govern sentencing decisions, maximize rather than minimize racial bias in the drug war. The Supreme Court has gone to great lengths to ensure that prosecutors are free to exercise their discretion in any manner they choose, and it has closed the courthouse doors to claims of racial bias. What rights may be taken away as a result of a felony conviction? Loss in right to vote, must reveal criminal past to employers (“ Ban the Box’ passed in Oct 2013) disqualified for government assistance/food stamps/ section 8 housing — cannot go home to stay with family if they are in types of government housing. Accumulated fees once released- (no job to pay)What are the effects of mass incarceration on the communities which have high incarceration rates? high unemployment rate, their counts for population in communities go to the communities where the prisons are (white communities) giving those areas more representation in legislation, taking representation away from poor communities. Strain theory suggests there will be a much higher crime rate

by invisible force, resulting in higher recidivism rate. following this the differential association and learning theory suggest this will trickle down and create a culture of crime passed down within families, spreading throughout the community; Breeding criminals by lack of opportunity/criminal parents/labeling theory. How does Michelle Alexander interpret the development of gangsta culture? jim crow (page 171) = highly stigmatized group embracing their stigma , coping strategy and an act of rebellion , they try to regain some measure of their self esteem. Terms/concepts Anti-drug abuse act of 1988a bill to prevent the manufacturing , distribution, & use of illegal drugs & for other purposes. started national drug control program . paid money to those police departments who will participate in Org. Crime Enforcement Task Forces. Quality housing and work responsibility act of 1998 authorized public housing agencies to exclude automatically (and evict) drug offenders and other felons Housing and urban development “ one strike guideso as resident if you commit crime or peddle drugs you are out! you basically are evicted after the first thing you do. passed by Clinton presidency. Debt bondage newly released prisoners are required to make payments to a host of agencies, including probation departments, courts, and and child-support enforcement offices. Invisible punishment the collateral consequences of criminal records and serving prison time. Operate beyond public view. Imposed by operation of law rather than by a sentencing judge. Rarely visible in legislative debates on sentencing policy Racial indifference it’s not that people are discriminating, they just “ don’t really care about” another race Political disenfranchisement Although after the fifteenth amendment was passed African Americans were able to vote but they still have many barriers hindering them from voting. For instance, many

of them could not afford to pay poll taxes, did not have proper education to pass literacy tests, and most of them disproportionately had felony records in which they lose the right to vote. The reasoning behind it is to suppress black votes. What are the similarities and differences between the old and new Jim Crow? What differences would be important to take into account when organizing a movement? Legalized discrimination, Political disenfranchisement, Exclusion from juries, Closing the courthouse doors, Racial segregation, Symbolic production of race. Arguably the most important parallel between mass incarceration and Jim Crow is that both have served to define the meaning and significance of race in America.

6The Jena Six were six black teenagers convicted in the beating of Justin Barker, a white student at Jena High School in Jena, Louisiana, on December 4, 2006. The Jena Six case sparked protests by those viewing the arrests and subsequent charges, initially attempted second-degree murder (though later reduced), as excessive and racially discriminatory.

Black Exceptionalism: the perception that a country, society, institution, movement, or time period is “exceptional” (i. e., unusual or extraordinary) in some way and thus does not need to conform to normal rules or general principles.

Affirmative Action the policy of providing special opportunities for, and favoring members of, a disadvantaged group who suffer discrimination.

Gideon v. Wainwright established the constitutional right of criminal defendants to legal representation, even if they can’t afford.

Stage Theory: Alexander, like Marx, Maine, and others, offers a stage theory of development which is slavery, Jim Crow era of segregation and terror, and Mass Incarceration.

legal pluralism The duality of a law. Or how in one place several structures of law can be happening. There was law on the books is practiced differently in

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different places in time. Legal pluralism is the existence of multiple legal systems within one geographic area. Plural legal systems are particularly prevalent in former colonies, where the law of a former colonial authority may exist alongside more traditional legal systems. Legal pluralism also occurs when different laws govern different groups within a country. legal consciousness the awareness of law in your life everyday “ real law” vs. jurisprudence law lived in everyday society vs law written in the books panopticism physical meaning: a guard at the center of a large room with tinted glass, the prisoner cells all face in and surround the guard box so the prisoners do not know when the guard is viewing them and can do so at any time. The prisoners in fear of being watched at time, self regulate their behavior Michel Foucault developed this into a sociological theory. “ He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection (wikipedia). Basically we begin to feel as if we are always being watched, we internalize this and become regulating ourselves as if we were the guards ourselves. the fall social contract: An agreement between a government and its citizens. The example the professor used was Bone from Bastards of the Party. Him and his crew were being harassed and beaten by white gangs. The government failed to live up to the social contract in where it agrees to protect citizens of this nation, so why would bone and his people hold up their end of the contract and follow laws? tyranny Grievances, Cruel and oppressive government or rule. Cruel and unfair treatment by people with power over others. A government in which all power belongs to one person.

detention deprivation of doing what you want to do. A form of punishment. expressive punishment public punishment. example sex offenders having to tell everyone in their neighborhood that they are a sex offender. repressive law "emphasized punishment for punishment sake" basically bringing people together to rise up against harsh punishment and reestablish the boundaries of acceptable behavior. false consciousness a Marxist theory that people are unable to see things, especially exploitation, oppression, and social relations, as they really are; the hypothesized inability of the human mind to develop a sophisticated awareness of how it is developed and shaped by circumstances. legitimacy When we accept punishment for breaking the law, we agree that the law is legitimate. Perception on law being fair. resistance Small acts of everyday resistance, "weapons of the weak". People who are deprived power and try to vindicate their position. weapons of the weak Flooding toilets. spitting in food (Resistance is the weapons of the weak/see above definition) effects of fear in society effects of being incarcerated-right to vote taken away; job insecurity. Media portrayal of gun violence. "the myth of rights," and its many uses: We believe our fundamental rights are protected by the bill of rights. We use the fact that we have this list of rights as a remedy when those rights are explicitly violated. bureaucracy-law is constructed based on cultural transformation. example why michelle alexander stated that her husband does not share her views. Counter-Hegemonic Force advancing alternatives to dominant ideas of what is normal and legitimate (hegemony) COINTELPRO was a series of covert, and at times illegal,[1] projects conducted by the United States Federal Bureau of Investigation (FBI) aimed at surveying, infiltrating, discrediting, and disrupting domestic political organizations.[2] Historical

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Parallels Jim Crow and mass incarceration have similar political origins. As described in chapter 1, both caste systems were born, in part, due to a desire among white elites to exploit the resentments, vulnerabilities, and racial biases of poor and working-class whites for political or economic gain. Segregation laws were proposed as part of a deliberate and strategic effort to deflect anger and hostility that had been brewing against the white elite away from them and toward African Americans. Legalized

Discrimination Many of the forms of discrimination that relegated African Americans to an inferior caste during Jim Crow continue to apply to huge segments of the black population today-provided they are labeled felons. If they are branded felons by the time they reach the age of twenty-one, they are to legalized discrimination for the rest of their adult lives. political disenfranchisement African Americans were denied the right to vote through poll taxes, literacy tests, grandfather clauses and felon disenfranchisement laws, even though the fifteenth amendment specifically states that the right to vote shall not be denied. Exclusion from Juries The systematic exclusion of blacks from juries. Which also lead to all white juries trying blacks in the south, they were almost always guilty. Racial Segregation The creation and maintenance of racial segregation is one example, As we know, Jim Crow laws (m?) and dated residential segregation, and blacks were relegated to the worst parts of town. Roads literally stopped at the bordered of many black neighborhoods, shifting from pavement to dirt. Water, sewer systems, and other public services that supported the white areas of town frequently did not extend to the black areas. The extreme poverty that plagued blacks due their legally sanctioned inferior status was largely invisible to whites-so long as white remained in their own neighborhoods, which they were inclined to

do. Racial segregation rendered black experience largely invisible to whites, making it easier for whites to maintain racial stereotypes about black values and culture. It also made it easier to deny or ignore their suffering. Symbolic production of race

The meaning and significance of race in America. Slavery defined what it meant to be black (a slave) and now currently the new jim crow defines what it means to be black (a second class citizen). Today mass incarceration defines what it means to be black and that is that black people are criminals.

-Absence of racial hostility

First, lets consider the absence of overt racial hostility among politicians who support harsh drug laws and the enforcement officials charged enforcing them. The absence of over racial hostility significant difference from Jim Crow, but can be exaggerated.

-White Victims of Racial Caste

We as a nation, seem comfortable with 90 percent of the people arrested and convicted of drug offenses in some states being African American, but if the figure were 100 percent, the veil of color blindness would be lost.

Black Support for “ Get Tough” Policies

Notable differences between Jim Crow and Mass Incarceration is that many African Americans seem to support the current system of control, while most believe the same could not not be said of Jim Crow. Defense of mass incarceration that AA want more police and more prisons because crime is so bad in some ghetto communities