

# Good the new jim crow: voting rights and incarceration inconsistencies research p...

[Law](#), [Criminal Justice](#)



## Introduction

A pretty, articulate African-American woman stands before a University of Chicago audience to deliver a lecture on her latest book. She is Michelle Alexander, a highly acclaimed civil rights attorney and Associate Law Professor at Ohio State University. The Stanford Law School graduate is the author of the book, which discusses the modern effects of a viciously racist Jim Crow system on today's society. Significant patterns have continued to emerge regarding racist voting practices in the United States. Is it little wonder, given the historical debauchery that has occurred? Various inconsistencies in prison policy practices (and voting rights discrepancies) have engaged critical minds to question the new 'clothes' of Jim Crow. The clothing of 'Jim Crow' may be new attire, but cannot hide the same old core of his rotting soul. In this research paper, an analysis of a significant socio-political problem succeeds in demonstrating certain examples which makes a credible point. The so-called new Jim Crow that Professor Alexander speaks of, displays the creation of legalized discrimination against racial minorities. Proof that incarceration policy and practices target folks of color tests the legitimacy of an unjust system.

This research paper explores the correlated information about this topic. Four main requirements shape its coverage. The first presents the problem, a definition of Jim Crow, and its historically significant background. The second frames the problem with current examples drawn from credible sources. The third inputs a summary and critical evaluation, exposing the historical conversation and debates about the topic. The fourth requires the

paper to decipher the historical context of the problem by locating two artifacts.

## **Body**

What is Jim Crow, anyway? Its meaning escapes the comprehension of many in this present generation. However most African-Americans understand quite well ' who' he is. According to a Library of Congress documentation, the Jim Crow phenomena in America stemmed from the legal " Black Codes." Black Codes were post-Civil War laws effectively instituting a color caste system, in which Black citizens were enforcedly separated from whites. Schools, trains, restaurants, skating rinks, churches, and yes - even graveyards interpreted their pronouncements. Segregated cemeteries? Imagine that. According to the Library of Congress, " Thomas ' Daddy' Rice, a white minstrel show performer of the 19th century, was famous" for dancing a silly jig while adorned in a black-painted face (" Primary Source Set - Jim Crow America"). The 1850s character, Jim Crow became a term that referred to the racially segregated state-relegated and socially oppressive system. Not only so, but ' Jim Crow' inferred Black inferiority, a reminder of " racial discrimination toward Blacks" which came to be known " as Jim Crow practices" (" Primary Source Set - Jim Crow America"). Obviously then, America's early inception set the stage for later social, cultural, and political problems.

In ' The New Jim Crow' book, Alexander seeks to discuss the politicizing of the disproportionately high rates of African-Americans attributable to a racist legal system. However, it is interesting to note that the author's first

sentence (in her introduction) voices the historical account of a Black man denied the vote. The reason Joseph Cotton was denied the vote, she states, is because “ like many Black men in the United States, has been labeled a felon and is currently on parole” (1). In a radio interview with NPR Alexander also informs that ex-convicts can neither ever qualify for food stamps, regardless if they have families or children. If nobody will hire an ex-felon or parolee, and he or she cannot get food stamps - how do you survive? A ruthless cycle insures a life hardship, along with the status of second or third-class citizenship. See the problem?

In the radio interview Alexander continues to bemoan the situation. She comments on the well-known expression, (and situation), among African-American people as “ driving-while-black.” Its meaning focuses on a context in which police are more likely to pull-over Black drivers, even if they are doing nothing wrong. Alexander blames socio-political inequalities, having historical impetus, wherein “ staggering rates of unemployment” characterize the situation (“ Legal Scholar Jim Crow Still Exists”). It is important to recognize that the cultural and political difficulties have their roots in the legal system. Begin to connect the dots. Voting rights and imprisonment records of individuals are major players in the American game of discrimination. For example, many recall the disgraceful disenfranchisement of scores of Black American citizens during the George W. Bush the Second’s supposed ‘ election’ to Presidential Office. The States of Florida and Ohio have traditionally been contentious battlegrounds for Republicans, to win national elections - due to a complex system of ‘

electoral' votes. Electoral votes weigh the political 'value' of every state. Uncle Sam can be tricky.

## **Historical Events from Past – Voting Violations**

The New York Supreme Court, in 1967, rendered a ruling which effectively disenfranchised African-Americans legally portrayed in the case of Green versus the Board of Elections. Gilbert Green, a convicted felon, was the defendant party in the situation. The original crime regulated against him pertained to an accusation of organizing Communist Party meetings. Accused of teaching these unwanted principles, Mr. Green had been convicted of using this platform to advocate overthrowing the U. S. government. According to one documentation concerning this matter, Gilbert Green “ filed suit in New York Supreme Court challenging his disenfranchisement” (“ Felon Voting Pros and Cons”). A law was on the books in New York which disallowed any convicted persons to have the legal right to vote. Green directly, and literally, challenged this statute. The New York statute forbidding any felons having the right to vote stated the ruling could only be effectively overturned by special ‘ pardon’ or ‘ permission’ of the President of the United States. The New York Supreme Court rendered its final ruling that, indeed, to approve “ voting disqualification” for felons (“ Felon Voting Pros and Cons”).

Approximately thirty years later the State of Florida disenfranchised Black voters, during the U. S. Presidential election process involving George W. Bush, in the period of 1999-2000. The disenfranchisement was sneaky, rather than a straightforward legal regulation. The disenfranchisement

occurred by using a computer voting system, which had been designed to scour voter rosters by eliminating ' so-called Black felons.' This action illegally removed thousands of African-Americans who were never criminals, preventing them their rights to vote in the election. As a result, Gore who virtually had won the ' popular' vote, lost the election to George W. Bush - also with the extra boost of the electoral system. These two historical events portray a pattern of blocking the voting rights of African-Americans. Since voting represents a foundational right of citizenship, these tendencies reflect a serious social and political problem. The event concerning the Florida voting debacle during the 1999-2000 George W. Bush Presidential election, is commented upon by investigative report Greg Palast later in this paper. In Louisiana in 1896, the infamous " Grandfather Clause" disallowed Blacks to vote. The ridiculously impossibility framed the argument into stating that if your grandfather (or father) was not eligible to vote, then neither could you. Obviously, the Black slavery status did not qualify. According to one source, this Louisiana legislature clause also imposed a literacy requirement. Slaves could not read, and furthermore it was illegal for them to read. Any intelligent or critical thinker easily grasps how the political machine historically blocked full citizenship of certain people according to race. As ' History Commons' notes " Almost all African-Americans were slaves in 1867, and were not allowed to vote" (" Context of Florida 1999 Error-Prone Voting Machines").

Thousands of Black people were expunged from voting ballot rosters, in an action by former Secretary of State of Florida's Katherine Harris. Political observer and researcher Greg Palast extensively comments about the

debacle in his book which suggests that a national democracy can be bought, exposes the perfidious truth about the George W. Bush election. In reference to what happened in Florida, in terms of denying a bulk of African-American votes, Palast refers to the situation as “ Jim Crow in cyberspace” and reports how the Florida ballots were fixed. Palast insists “ In the days following the presidential election, there were so many stories of African Americans erased from voter rolls you might think they were targeted by some kind of racial computer program. They were” (11). The most stunning evidence proves that “ 90. 2 percent” of the people on the ‘ scrub’ list were “ innocent” Black and Latino Democrats (12). Secretary of State Katherine Harris ‘ declared’ Bush the winner. Palast continues “ Now do the arithmetic. Over 50, 000 voters wrongly targeted by the purge, mostly Blacks. My BBC researchers reported that Gore lost at least 22, 000 votes as a result of this smart little black-box operation” (12). These facts not only foster an international embarrassment, but hints of a national favoritism at best - or nationwide conspiracy at worst.

Briefly, another example demands attention from critical thinkers. The following example cites an incarceration injustice. The case of Troy Davis represents one of the most outrageous blights on the American jurisprudence system. The level of “ racism, lying witnesses, shoddy police work and innocence ignored” stunned a nation and garnered international outcry (“ I Am Troy Davis”). The young Black man accused of killing a police officer had been prosecuted in Georgia, and later executed on death row. The clean-cut Troy Davis was never linked to any physical evidence, and one eye-witness not allowed to testify swore that Sylvester Coles did the crime.

An original juror, “ given this information” appealed to the Georgia Board of Pardons and Parole, telling them “ I feel, emphatically, that Mr. Davis cannot be executed under these circumstances” (“ I Am Troy Davis”). They ignored her plea. Troy Davis was strapped to a table of lethal injection, and now “ the state of Georgia has blood on its hands” (“ I Am Troy Davis”). During the global campaign to save Davis’ life, the Georgia legal system chose to openly disparage the value of this young man’s innocence. A summary follows.

A summary of these situational examples of racist voting fraud practices, and socio-political practices which negatively impact American culture, serves to critically evaluate the historical conversations and debates. Efforts continue to bar the Black vote in the United States under the guise of organizations like ‘ True the Vote’ and ‘ The Virginia Voters Alliance’. Reporter Abby Rapaport exposes ‘ True the Vote’ as an organization which delivers the rhetoric of anti-racism, but delivers different action. The project derives from a plethora of “ Tea Party” groups, she says, and appears to have formed in denying “ the nation’s first black president” (“ True the Vote’s True Agenda”). The historical record of barring African-Americans their rightful citizenship vote, and the legal system’s tricky practices that effectively prevent ex-felons getting jobs or food is a shame.

The pattern is easy to spot. The historical record of barring Black people from voting weaves into the current situation of the denial of ex-prisoners (or currently imprisoned) to vote. As a consequence of the law, they can neither work nor eat. The old adage says that a man must pull himself up by his bootstraps. What can a man do who has no shoes? Note the facts. This graph



derives from The Justice Policy Institute. Consider the source. In a study of American incarcerations from a century perspective, the report shows a stunning rate of prison population growth from 1910 to 2000. The graph speaks for itself. The analysis, conducted by the “ Washington, D. C.-based Justice Policy Institute (JPI) shows, some time in 2001 America will have two million adult citizens in prison and jail” (“ The Punishing Decade”). Their record reports that “ A black male born in 1991 stood a 29% chance of being imprisoned at some point in his life, compared to 4 percent for a white male born that year” (“ The Punishing Decade”).

At the time of its writing: “ 1. 4 million African American men, or 13 percent of the black adult male population have lost the right to vote due to their involvement in the criminal justice system. \*{Graph below Courtesy of the Justice Policy Institute}.

In the states with the most restrictive voting laws, 40 percent of African American men are likely to be permanently disenfranchised” (“ The Punishing Decade”). Fast-forward to the current situation in the voting sphere.

The system applies an intricate confusion of legal formulations, in terms of internal and explicit voting scenarios. One report distills the reality and states “ The scale of the assault on voting rights is substantial, according to experts on electoral law. The Brennan Center for Justice, based at New York University law school, estimates that the new measures could bar as many as 5 million eligible voters from taking part in choosing the occupant of the White House next year” (“ GOP War on Voting”). The new measures refer to

a series of state legislation which unfairly “ restrict the right to vote, among black and Hispanic voters in particular” (“ GOP War on Voting”). To decipher the historical context and pathways is not a difficult task.

In conclusion, the overarching and pervasive institutionalization of Jim Crow practices has smoothly paved the way for current voting rights and incarceration discrepancies. Ironically, people of all colors have been caught in this insidious net of injustice. What does Alexander have to say about these things? The savvy lawyer states that rhetoric is one thing, but ending the policies and practices is far more important. In other words, do not simply talk the ‘ talk.’ Walk the walk. African-Americans from 1900-1965 were simply ignored, in a ‘ de facto’ way, from the voting process. The deep-South facilitated lynching and murders to terrorized Blacks from exercise of their Constitutional rights as citizens. Jim Crow encouraged it. Cyber Jim-Crowism has sustained it. When a legalized system of segregation has endured for decades, the entire socio-cultural society suffers.

## **Works Cited**

### Bibliography

Alexander, Michelle. *The new Jim Crow: mass incarceration in the age of color blindness*.

Rev. ed. New York: New Press; 20102011. Print.

“ Context of ‘ 1999 and After: Florida Disenfranchises Voters via Obsolete, Error-Prone Voting

Machines’.” Historycommons. org History Commons, n. d. Web. 20 Oct.

2014.

<https://assignbuster.com/good-the-new-jim-crow-voting-rights-and-incarceration-inconsistencies-research-paper-example/>

“ Felon Voting Pros and Cons.” Felonvoting. procon. org ProCon. org, n. d. Web. 20 Oct. 2014.

“ The GOP War on Voting.” Ucimc. org Urbana-Champaign Independent Media Center, n. d. Web. 19 Oct. 2014.

“ I Am Troy Davis.” Aclu. org ACLU American Civil Liberties Union, n. d. Web. 19 Oct. 2014.

“ Legal Scholar: Jim Crow Still Exists in America.” npr. org NPR – National Public Radio, n. d. Web. 19 Oct. 2014.

“ Me and Jim.” Loc. Library of Congress {archives of primary sources images: Little nude black girl with mandolin, sitting on limb with crow}. [Photographic image, circa: 1895].

Palast, Greg. The best democracy money can buy: An investigative reporter exposes the truth about globalization, corporate cons, and high finance fraudsters. London: Pluto Press, 2002. Print.

“ The Punishing Decade: Prison and Jail Estimates as the Millennium.” Justicepolicy. org Justice Policy Institute, n. d. Web. 19 Oct. 2014.

Rapoport, Abby. “ True the Vote’s True Agenda.” Prospect. org The American Prospect, n. d. Web. 19 Oct. 2014.

Smith, Earl, and Angela J. Hattery. "Incarceration: A Tool for Racial Segregation and Labor

Exploitation." *Race, Gender & Class* 15. 1/2 (2008): 79-97. SocINDEX with Full Text.

Web. 19 Oct. 2014.

"Teacher's Guide Primary Source Set - Jim Crow in America." *Loc. Library of Congress*, n. d.

Web. 19 Oct. 2014.