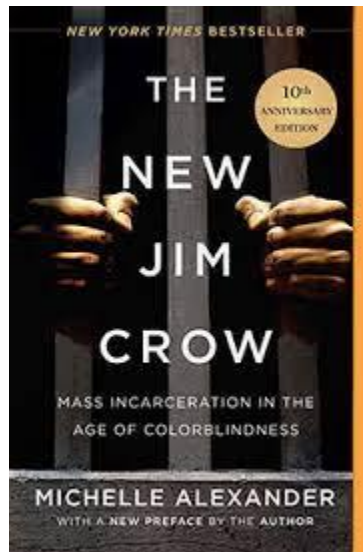


**Excerpts from "The New Jim Crow" - by Michelle Alexander**  
(Intro, p. 1-4; 6-9)

[Audio Link](#)



Jarvious Cotton cannot vote. Like his father, grandfather, great-grandfather, and great-great-grandfather, he has been denied the right to participate in our electoral democracy. Cotton's family tree tells the story of several generations of Black men who were born in the United States, but who were denied the most basic freedom that democracy promises: the freedom to vote for those who will make the rules and laws that govern one's life. Cotton's great-great-grandfather could not vote as a slave. His great-grandfather was beaten to death by the Klu Klux Klan for attempting to vote. His grandfather was prevented from voting by Klan intimidation. His father was barred from voting by poll taxes and literacy tests. Today, Jarvious Cotton cannot vote because he, like many Black men in the United States, has been labeled a felon; and is currently on parole.

Cotton's story illustrates in many respects the old adage "the more things change, the more they stay the same". In each generation, new tactics have been used for achieving the same goals – goals shared by the Founding Fathers. Denying African Americans citizenship was deemed essential to the foundation of the original Union. Hundred of years later, America is still not an egalitarian democracy. The arguments and rationalizations that have been trotted out in support of racial exclusion and discrimination in its various forms have changed and evolved; but the outcome has remained largely the same. An extraordinary percentage of Black men in the United States are barred from voting today, just like they have been throughout American history. They are also subject to legalized discrimination in employment, housing, education, public benefits, and jury service – just as their parents, grandparents, and great-grandparents once were. What has changed since the collapse of Jim Crow has

less to do with the basic structure of our society than with the language we use to justify it. In the era of colorblindness, it is no longer socially permissible to use race explicitly as a justification for discrimination, exclusion, and social contempt. So, we don't. Rather than rely on race, we use our criminal justice system to label people of color criminals – and then engage in all the practices we supposedly left behind. Today, it is perfectly legal to discriminate against criminals in nearly all the ways it was once legal to discriminate against African Americans. Once you're labeled a felon, the old forms of discrimination – employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service, are suddenly legal. As a criminal, you scarcely have more rights, and arguably get less respect, than a Black man living in Alabama at the height of Jim Crow. We have not ended racial caste in America. We have merely redesigned it.

I reached the conclusions written in this book reluctantly. Ten years ago, I would have argued strenuously against the central claim made here. Namely, that something akin to a racial caste system currently exists in the United States. Indeed, if Barack Obama had been elected president back then, I would've argued that his election marked the nation's triumph over racial caste. The final nail in the coffin of Jim Crow. My elation would have been tempered by the distance yet to be traveled to reach the promised land of racial justice in America. But, my conviction that nothing remotely similar to Jim Crow exists in this country would have been steadfast. Today, my elation over Barack Obama's election is tempered by a far more sober awareness. As an African American woman with three young children who will never know a world in which a Black man could not be president of the United States, I was beyond thrilled on election night. Yet, when I walked out of the election night party, full of hope and enthusiasm, I was immediately reminded of the harsh realities of the New Jim Crow. A Black man was on his knees in the gutter, hands cuffed behind his back, as several police officers stood around him talking, joking, and ignoring his human existence. People poured out of the building. Many stared for a moment at the Black man cowering in the street, and then averted their gaze. What did the election of Barack Obama mean for him?

Like many civil rights lawyers, I was inspired to attend law school by the civil rights victories of the 1950s and 1960s. Even in the face of growing social and political opposition to remedial policies such as affirmative action, I clung to the notion that the evils of Jim Crow are behind us; and that while we have a long way to go to fulfill the dream of an egalitarian, multiracial democracy, we have made real progress and are now struggling to hold on to the gains of the past. I thought that my job as a civil rights lawyer was to join with the allies of racial progress to resist attacks on affirmative action, and to eliminate the vestiges of Jim Crow segregation – including our still separate and unequal system of education. I understood the problems plaguing poor communities of

color, including problems associated with crime and rising incarceration rates, to be a function of poverty and lack of access to quality education; the continuing legacy of slavery and Jim Crow. Never did I seriously consider the possibility that a new racial caste system was operating in this country. The new system had been developed and implemented swiftly, and it was largely invisible even to people like me, who spent most of their waking hours fighting for justice.

I first encountered the idea of a new racial caste system more than a decade ago, when a bright orange poster caught my eye. I was rushing to catch the bus, and I noticed a sign stapled to a telephone pole that screamed in large bold print: "The Drug War Is the New Jim Crow!" I paused for a moment and skimmed the text of the flier. Some radical group was holding a community meeting about police brutality. The new three strikes law in California, and the expansion of America's prison system. The meeting was being held at a small community church a few blocks away. It had seating capacity for no more than fifty people. I sighed and muttered to myself something like "Yah, the criminal justice system is racist in many ways, but it really doesn't help to make such an absurd comparison. People will just think you're crazy." I then crossed the street and hopped on the bus.

I was headed to my new job, director of the racial justice program of the American Civil Liberties Union, ACLU, in Northern California. When I began my work at the ACLU, I assumed the criminal justice system had problems of racial bias, much the same way that all institutions in our society are plagued with problems associated with conscious and unconscious bias. As a lawyer who had litigated many class action employment discrimination cases, I understood well the many ways in which racial stereotyping can permeate subjective decision making processes at all levels of an organization with devastating consequences. I was familiar with the challenges associated with reforming institutions in which racial stratification is thought to be normal – the natural consequence of differences in education, culture, motivation, and, some still believe, innate ability. While at the ACLU, I shifted my focus from employment discrimination to criminal justice reform – and dedicated myself to the task of working with others to identify racial bias whenever and wherever it reared its ugly head.

By the time I left the ACLU, I had come to suspect that I was wrong about the criminal justice system. It was not just another institution infected with racial bias, but rather a different beast entirely. The activists who posted the sign on the telephone pole were not crazy; nor were the smattering of lawyers and advocates around the country who were beginning to connect the dots between our current systems of mass incarceration and earlier forms of social control. Quite belatedly, I came to see that mass incarceration in the United States had 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.

In my experience, people who have been incarcerated rarely have difficulty identifying the parallels between these systems of social control. Once they are released, they are often denied the right to vote, excluded from juries, and relegated to a racially segregated and subordinated existence. Through a web of laws, regulations, and informal rules, all of which are powerfully reinforced by social stigma, they are confined to the margins of mainstream society and denied access to the mainstream economy. They are legally denied the ability to obtain employment, housing, and public benefits – just as African Americans were once forced into a segregated second class citizenship in the Jim Crow era.

The racial dimension of mass incarceration is its most striking feature. No other country in the world imprisons so many of its racial or ethnic minorities. The United States imprisons a larger percentage of its Black population than South Africa did at the height of apartheid. In Washington, D.C., our nation's capital, it is estimated that 3 out of 4 young Black men – and nearly all those in the poorest neighborhoods – can expect to serve time in prison. Similar rates of incarceration can be found in Black communities across America.

These stark racial disparities cannot be explained by rates of drug crime. Studies show that people of all colors use and sell illegal drugs at remarkably similar rates. If there are significant differences in the surveys to be found, they frequently suggest that whites, particularly white youth, are more likely to engage in drug crime than people of color. That is not what one would guess, however, when entering our nation's prisons and jails – which are overflowing with Black and brown drug offenders. In some states, Black men have been admitted to prison on drug charges at rates 20 to 50 times greater than those of white men. In major cities wracked by the drug war, as many as 80% of African American men now have criminal records, and are thus subject to legalized discrimination for the rest of their lives. These young men are part of a growing undercaste, permanently locked up and locked out of mainstream society.

It may be surprising to some that drug crime was declining, not rising, when a drug war was declared. From a historical perspective, however, the lack of correlation between crime and punishment is nothing new. Sociologists have observed that governments use punishment primarily as a tool of social control, and thus the extent or severity of punishment is often unrelated to actual crime patterns. Michael Tanry explains in "Thinking About Crime" – "Governments decide how much punishment they want – and these decisions are in no simple way related to crime rates." This fact, he points out, can be seen most clearly by putting crime and punishment in comparative perspective. Although crime rates in the United States have not been markedly higher than in other countries, the rate of incarceration has soared in the United States while it has remained stable or declined in other countries. Between 1960 and 1990, for example, official crime rates in Finland, Germany, and the United States were close to

identical. Yet the U.S. incarceration rate quadrupled, the Finnish rate fell by 60%, and the German rate was stable in that period. Despite similar crime rates, each government chose to impose different levels of punishment. Today, due to recent declines, U.S. crime rates have dipped below the international norm. Nevertheless, the United States now boasts an incarceration rate that is 6-10x greater than that of other industrialized nations. A development directly traceable to the drug war. The only country that even comes close to the American incarceration rate is Russia; and no other country in the world incarcerates such an astonishing percentage of its racial and ethnic minorities.

**The stark and sobering reality is that, for reasons largely unrelated to actual crime trends, the American penal system has emerged as a system of social control unparalleled in world history. And while the size of the system alone might suggest that it might touch the lives of most Americans, the primary targets of its control can be defined largely by race. This is an astonishing development, especially given that as recently as the mid 1970s, the most well-respected criminologists were predicting that the prison system would soon fade away. Prison did not deter crime significantly, many experts concluded. Those who had meaningful economic and social opportunities were unlikely to commit crimes regardless of the penalty; while those who went to prison were far more likely to commit crimes again in the future.**

**The growing consensus among experts was perhaps best reflected by the National Advisory Committee on Criminal Justice Standards and Goals – which issued a recommendation in 1973 that no new institutions for adults should be built – and existing institutions for juveniles should be closed. This recommendation was based on their finding that the prison, the reformatory, and the jail have achieved only a shocking record of failure. There is overwhelming evidence that these institutions create crime, rather than prevent it.**

**These days, activists who advocate a world without prisons are often dismissed as quacks – but only a few decades ago, the notion that our society would be much better off without prisons, and that the end of prisons was more or less inevitable, not only dominated mainstream academic discourse in the field of criminology, but also inspired a national campaign by reformers demanding a moratorium on prison construction.**

Mark Mauer, the executive director of The Sentencing Project, notes that what is most remarkable about the moratorium campaign in retrospect is the context of imprisonment at the time. In 1972, fewer than 350,000 people were being held in prisons and jails nationwide – compared with more than 2 million people today. The rate of incarceration in 1972 was at a rate so low that it no longer seems in the realm of possibility; but for moratorium supporters, the rate of imprisonment was egregiously high. Supporters of the moratorium movement can be forgiven for being so naive, since the prison expansion that was about to take place was unprecedented in human history.

No one imagined that the prison population would more than quintuple in their lifetime. It seemed far more likely that prisons would fade away.

### **Vocabulary:**

**egalitarian** - equal

**caste** - a societal tradition of holding people in different social classes, with permanently different amounts of power and money

**mass** - large number

**incarceration** - imprisonment

**economy** - the way money moves in a society

**subordinated** - made lower

**moratorium** – a stop

**unprecedented** - never before

**abolition** - ending of a practice or institution

**inevitable** - bound to happen

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### **Reflection Questions:**

1. What are your 3 biggest takeaways from this article?
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2. What do you currently think, based on this reading, is the underlying reason for mass incarceration? What should be done about it?
3. Reread the bolded paragraphs at the end of the article. Why was prison abolition (*the ending of prisons*) both recommended and seen as inevitable (*bound to happen*) by leading criminologists in the 1970s?

What does this mean for us today?