

*a brief review of the system of*  
**The New Jim Crow**

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*this content is from, or inspired by...*

## “The New Jim Crow”

*Mass Incarceration in the  
Age of Colorblindness*

by Michelle Alexander

- **US Sentencing Commission**
- **Center for American Progress**
- **Ashley Nellis, The Sentencing Project**
  - **Drug Policy Alliance**
    - **Daniel Hunter**
    - **Laura Branca**

**New Jim Crow**  
Mass Incarceration  
War on Drugs

**Black = "Criminal"**  
= "Gangster"  
= "Drug dealer"  
Permanent  
Under-Caste =  
Permanent  
Loss of Rights

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**Freedom Movement**  
**Civil Rights**

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**Black = "Militant"**  
Voting Rights  
Equal Rights

Black Nationalism; Vietnam

**Jim Crow Laws**  
Forced Prison Labor

**Black = "2nd -  
Class Citizen"**  
Legalized  
Discrimination  
Racial  
Segregation

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Great Migration North  
Peonage, Terrorism, Lynching

**Emancipation &  
Reconstruction**

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**Black Political ,  
Cultural &  
Economic  
Development**

**Slavery**  
**Free Labor**

**Black = "Slave" =  
Property = Sub-Human  
= Life-long Servitude  
No Rights**

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## some Parallels between....

**Jim Crow: legal discrimination  
based on race**

**New Jim Crow- mass incarceration  
based on “colorblind” drug laws**

- ✓ **Stigmatization and shame**; an elaborate system of control—political disenfranchisement, legalized discrimination in every realm of economic and social life.
- ✓ **Prisoners are counted as residents** in mostly white rural areas, artificially increasing the political representation of free residents of the region (as in the days of slavery), while not affording prisoners or people with felonies political participation/voting rights.
- ✓ **Ex-felons pay fines or fees before voting rights are restored** (a new poll tax); in 3 states they are permanently disenfranchised.
- ✓ **Exclusion from serving on juries**
- ✓ **Racial segregation**, rendering black experience invisible to whites— *“out of sight, out of mind”*.
- ✓ **Symbolic production of Race**—promoting racial associations/stereotypes

## More Similarities

- Intentionally designed systems
- Made building and operating prisons into profitable industry
- Exploiting free hard labor or cheap prison labor for profit
- Violence, legalized physical and psychological torment
- Destroying lives, families and communities
- Use of extraordinarily abusive police tactics
- Targeting and rounding up black and brown “suspects”

## Comparisons

Jim Crow Laws were *explicitly* legal racial discrimination

- Segregation, disenfranchising black voters through intimidation, unreasonable testing, and poll taxes

Drug Law enforcement claims to be “colorblind”, yet unequal arrest, conviction and sentencing = structural racism

- Felony conviction and incarceration produce the same disenfranchisement and a permanent caste system.

# The Symbolic Production of “Race”

*Slavery, Jim Crow and Mass Incarceration serve to define the meaning and significance of race in America and racialize explicit and implicit associations.*

- Under Slavery, to be black meant = to be a slave
- Under Jim Crow, to be black = a second-class citizen
- Mass Incarceration & the war on drugs redefined black people in the US, esp. black men = as criminals;
  - (If thugs, gangsters, predators, pushers & crackheads happen to be black or brown, locking them up isn't “racist”, it's “necessary” to keep American safe)
- For this system to work, black youth have to be labeled as criminals, and children as criminals-in-the-making.
- Mass incarceration is an institutional system. It serves to define the meaning of race in America, even though Justice is supposed to be Colorblind.

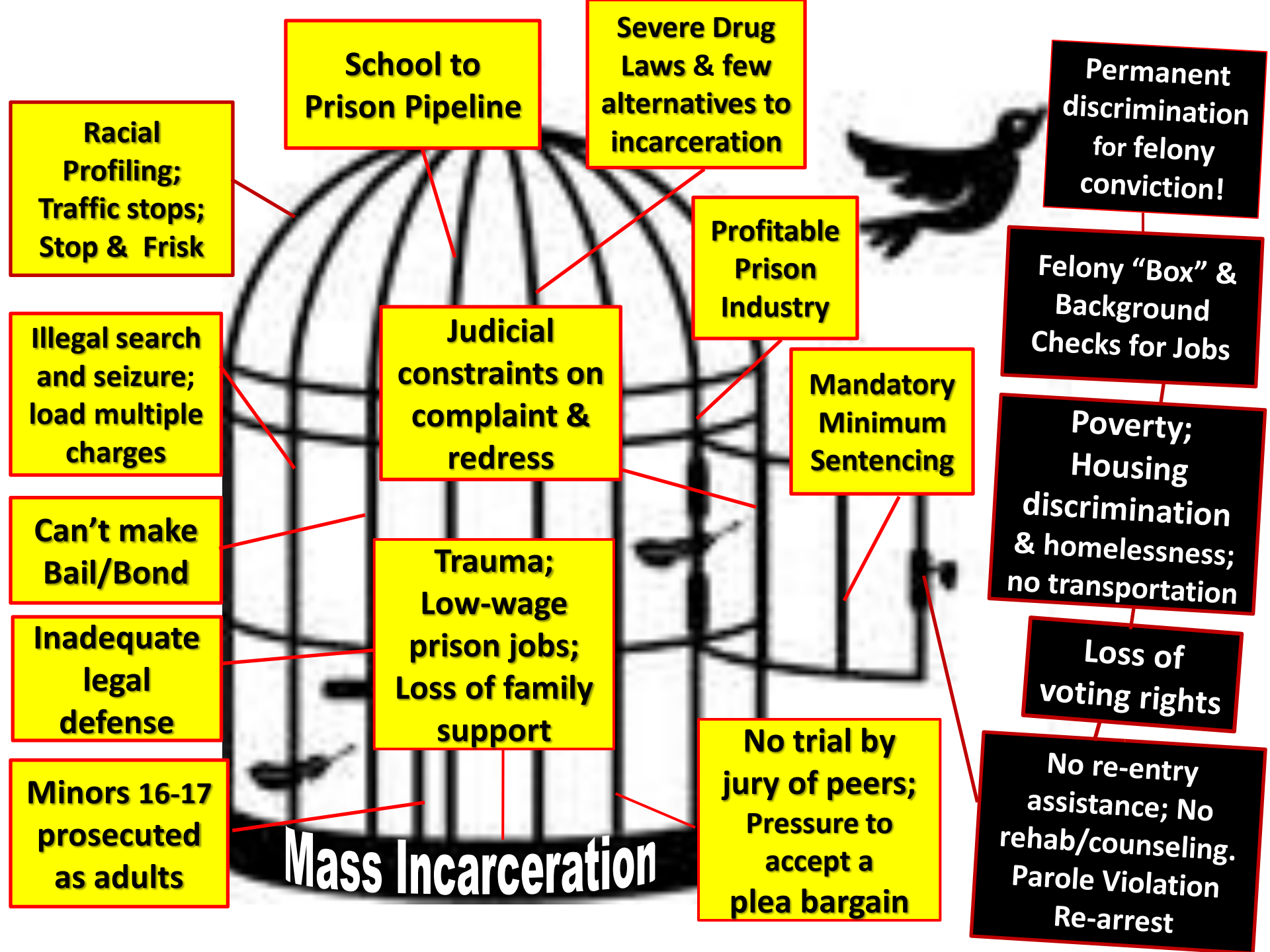
# Is Justice Colorblind?

- If 100 % of people incarcerated for drug charges were black, people would see that the laws and sentencing are not colorblind.
- But at 80%, people are able to think of it as *normal* and the result of *individuals' bad choices*, **not** racial discrimination.
- **Nearly 80 % of people in federal prison and almost 60 % of people in state prison for drug offenses are black or Latino.**

# **Structural Racism—the “Birdcage”**

- **“The system of mass incarceration is like a birdcage ....locking a racially distinct group into a subordinate political, social & economic position, effectively creating a second-class citizenship.”**
- **“The system itself is structured to lock them into a subordinate position.”**
- **The War on Drugs is the vehicle through which extraordinary numbers of black and brown people are forced into the cage.**





**School to  
Prison Pipeline**

**Severe Drug  
Laws & few  
alternatives to  
incarceration**

**Racial  
Profiling;  
Traffic stops;  
Stop & Frisk**

**Profitable  
Prison  
Industry**

**Permanent  
discrimination  
for felony  
conviction!**

**Felony "Box" &  
Background  
Checks for Jobs**

**Illegal search  
and seizure;  
load multiple  
charges**

**Judicial  
constraints on  
complaint &  
redress**

**Mandatory  
Minimum  
Sentencing**

**Poverty;  
Housing  
discrimination  
& homelessness;  
no transportation**

**Can't make  
Bail/Bond**

**Trauma;  
Low-wage  
prison jobs;  
Loss of family  
support**

**Loss of  
voting rights**

**Inadequate  
legal  
defense**

**No trial by  
jury of peers;  
Pressure to  
accept a  
plea bargain**

**No re-entry  
assistance; No  
rehab/counseling.  
Parole Violation  
Re-arrest**

**Minors 16-17  
prosecuted  
as adults**

**Mass Incarceration**

- **No single bar of the cage can keep people in. Together, the bars form & reinforce the cage.**
- **People of color experience discrimination at every stage of the judicial system and are more likely to be ...**
  - stopped, searched,**
  - arrested, jailed, convicted,**
  - harshly sentenced,**
  - and, if and when they are released—**
  - saddled with a lifelong criminal record.**
- **This is particularly the case for drug law violations.**

# Disproportionality & Racial Disparities

## Criminal Justice

- ❑ The U.S. incarcerates a greater % of our youth than *any other* country.
  - ❑ People of color are more than 60% of the prison population.
  - ❑ Whites are 64% of US population but only 39% of the incarcerated.
  - ❑ Blacks are 13.5% of US population but 38% of prison inmates.
  - ❑ Young black men are *21 times* as likely as white peers to be killed by police
  - ❑ 1 in 111 white women will go to prison at some point.
  - ❑ 1 in 45 Latinas and 1 in 18 black women will go to prison at some point.
  - ❑ 75% of people in prison for drug offenses are people of color, despite similar rates to whites of using and selling drugs.
  - ❑ 5.9 million people are unable to vote due to felony convictions.
  - ❑ 1 in 13 blacks are disenfranchised due to felony convictions.
  - ❑ 1 in 5 black adults are denied the right to vote in FL, KY, & VA.
- Sources: US Sentencing Commission; Center for American Progress
- ❑ Black students K-12 are 3X more likely to be suspended or expelled than white students.

## Key Findings from

# *The Color of Justice: Racial and Ethnic Disparity in State Prisons*

Ashley Nellis, Ph.D. June 14, 2016

- African Americans are incarcerated in state prisons at a rate that is 5.1 times the imprisonment of whites. In five states (Iowa, Minnesota, New Jersey, Vermont, and Wisconsin), the disparity is more than 10 to 1.
- In twelve states, more than half of the prison population is black: Alabama, Delaware, Georgia, Illinois, Louisiana, Maryland, Michigan, Mississippi, New Jersey, North Carolina, South Carolina, and Virginia. Maryland, whose prison population is 72% African American, tops the nation.
- In eleven states, at least 1 in 20 adult black males is in prison.
- In Oklahoma, the state with the highest overall black incarceration rate, 1 in 15 black males ages 18 and older is in prison.
- States exhibit substantial variation in the range of racial disparity, from a black/white ratio of 12.2:1 in New Jersey to 2.4:1 in Hawaii.
- Latinos are imprisoned at a rate that is 1.4 times the rate of whites. Hispanic/white ethnic disparities are particularly high in states such as Massachusetts (4.3:1), Connecticut (3.9:1), Pennsylvania (3.3:1), and New York (3.1:1).
- The Sentencing Project <http://www.sentencingproject.org/issues/incarceration/>

# Mass Incarceration Destroys Families

- 2.7 million children are growing up in U.S. households in which one or more parents are incarcerated.
- Two-thirds of these parents are incarcerated for non-violent offenses, including a substantial proportion who are incarcerated for drug law violations.
- **One in nine black children has an incarcerated parent, compared to one in 28 Latino children and one in 57 white children.**
  - [Drug Policy Alliance nyc@drugpolicy.org](mailto:nyc@drugpolicy.org)

# Mandatory Minimum Sentencing Laws...

- Have contributed greatly to the number of people of color behind bars.
- Research shows that prosecutors are twice as likely to pursue a mandatory minimum sentence for black people as for white people charged with the same offense.
- Among people who received a mandatory minimum sentence in 2011, 38 percent were Latino and 31 percent were black.

[Drug Policy Alliance nyc@drugpolicy.org](mailto:nyc@drugpolicy.org)

# Policy Recommendations Call for a Movement!

- 1. Decriminalize drug possession, removing a major cause of arrest and incarceration of primarily people of color, helping more people receive drug treatment and redirecting law enforcement resources to prevent serious and violent crime.**
- 2. Eliminate policies that result in disproportionate arrest and incarceration rates by**
  - changing police practices,
  - rolling back harsh mandatory minimum sentences, and repealing sentencing disparities.
- 3. End policies that exclude people with a record of arrest or conviction from key rights and opportunities, including barriers to**
  - voting; employment, (e.g. *Ban the Box*)
  - public housing and other public assistance,
  - loans, financial aid and child custody.

• [Drug Policy Alliance nyc@drugpolicy.org](mailto:DrugPolicyAlliancenyc@drugpolicy.org)

## Organizing a Campaign requires :

☐ a Specific Goal

☐ a Network of relationships w/different kinds of people

- **Helpers-** *directly meet individuals' needs for*
  - services & resources, e.g., jobs, food, rides, housing, childcare, healthcare, clothes, counseling, support, etc.
- **Advocates-** *help people navigate existing systems*
  - for fairer treatment, legal defense, rights and justice
- **Organizers-** *bring us together for sustained action*
  - Planning & strategies to change policies, laws & build systemic change
- **Rebels-** *confront injustice, challenge authority thru*
  - Personal risks, civil disobedience & acts of resistance

adapted from [Building a Movement to End the New Jim Crow](#) by Daniel Hunter