

The New Jim Crow Study Guide

The New Jim Crow by Michelle Alexander and Michelle McCool

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Plot Summary

"The New Jim Crow" highlights the racial dimensions of the War on Drugs. It argues that federal drug policy unfairly targets communities of color, keeping millions of young, black men in a cycle of poverty and behind bars.

The book begins by disproving claims that racism is dead. Those who believe that full equality been achieved would do well to notice many African Americans' reality today. An extraordinary amount of blacks are still barred from voting because in nearly every state, as convicted felons cannot vote. Hundreds of thousands of African Americans have served time in prison as a result of drug convictions and are branded felons for life. Voting is also barred for those currently incarcerated. Alexander uncovers the system of mass incarceration: a system comprised of laws, rules, policies, and customs that control criminals both in and out of prison. The greatest instigator of mass incarceration is the War on Drugs. Rather than combat drug activity, the War on Drugs has served as a deliberate strategy to control people of color and remove them from the political process, which is racist in both application and design. Alexander suggests that the War on Drugs and mass incarceration constitute a "rebirth of caste" in America. Beginning with slavery and continuing with Jim Crow segregation, mass incarceration prevents places entire groups of people into discriminatory positions in society, permanently.

The War on Drugs began in earnest in the mid-1980s, equipping local law enforcement agencies with the means to increase crackdowns on communities in search of drugs. Alexander notices, however, that many of the policies implemented by the War on Drugs usurps the U.S. Constitution and are specifically targeted at communities of color. The "stop-and-frisk" rule, for example, grants police officers the ability to search individuals based on "suspicion", not probable cause, of drug activity. This opens the floodgates for discriminatory practices. Police can find an individual "suspicious" based on dress, walk, driving ability, and as Alexander points out, skin color. This supports statistic that nearly 90 percent of drug felons are black, when whites are more likely to engage in drug activity. Polices that punish crack cocaine more harshly than powdered cocaine (blacks being associated with crack) serve as a reminder of the discriminatory approaches to drug crime. Alexander provides numerous statistics that suggest that poor black men are on the whole, stopped more often by police, arrested more often, and imprisoned more often than white offenders.

The lives of convicted felons after they are released from prison are forever changed. As a result of their criminality, they are legally discriminated against in their ability to obtain housing, employment, education, and public benefits like Medicaid and food stamps. Convicted felons are prevented from voting until they pay exorbitant fines and penalties, many of which they can never fully pay. Ex-offenders are shamed in their communities, and often live in isolation and despair. Many return to crime and are re-incarcerated. Here, Alexander draws parallels between mass incarceration today and past systems of racialized social control like Jim Crow. Both systems legally discriminated against citizens and were formed by the racist views of those in power.



The book ends with a simple question: how best should the public respond to a social crisis of this magnitude? Alexander is skeptical of legal-driven, trickle down theories of social change. Such approaches reform aspects of the system, but don't address the root of the problem. She suggests that in addition to bringing an end to the War on Drugs and the system that has developed around it (which will be no simple feat), the public consensus that "being a criminal equals being black" must to be challenged and changed. In addition, "colorblindness" and its indifference to the specific problems faced by racial groups needs to be exposed. Talking about race must once again become honest and transparent. Ending mass incarceration will require a grassroots movement of people, white and black, criminal and non-criminal, demanding peace and prosperity for all.



Introduction

Introduction Summary and Analysis

Author Michelle Alexander opens with the story of Jarvious Cotton, an African American man on parole from a felony drug conviction and therefore unable to exercise his voting rights. Jarvious, however, is not the first in his family denied complete democratic participation. His great-great-grandfather was slave, not considered a human being let alone an active member of the voting public. His great-grandfather was murdered by the Ku Klux Klan for attempting to vote. Ku Klux Klan intimidation prevented his grandfather from voting, and his father was denied voting due to literacy tests and poll taxes. Each generation in the Cotton family was blocked from voting.

Given the enormous progress in civil rights and the promise associated with the Obama presidency, the revelation that millions of African American men are currently trapped within a newfound racial caste system and stripped of their democratic rights was particularly disquieting for Alexander. Before researching the issue more completely, Alexander's inclination was that the criminal justice system was racially biased. In her opinion, the exhaustive list of black men behind bars was largely the result of poverty and the racial make-up of the drug market, not conspiracy. Yet when faced with facts and difficult questions, Alexander was forced to reconsider. For example, she found it odd that President Reagan declared war on drugs while drug crime was actually declining and long before crack cocaine ravaged poor, urban neighborhoods. Why has the rate of incarceration for drug crime grown so incredibly large in the past thirty years? She discovered that the "U.S penal population exploded from 300,000 to more than 2 million, with drug convictions accounting for the majority of the increase" (Page 6). Imprisonment numbers in the United States eclipse both repressive regimes of Russia and China, and a higher percentage of American blacks are currently incarcerated than in South Africa at the height of Apartheid. Yet strangely, Alexander noticed that civil rights advocates scarcely address this issue. The rights of prisoners rarely enter the political discourse and no mass movement currently exists to challenge the legal norms associated with the War on Drugs. In "The New Jim Crow", Alexander ultimately seeks to undo this apathy. Mass incarceration, the systematic rounding up of millions of human beings under the guise of drug enforcement is the leading cause of black disenfranchisement and the new, unchallenged system of racialized social control in the era of "colorblindness."

Analysis

The case of Jarvious Cotton illustrates how regardless of the historical context, African-American men in particular have been shut out of the democratic process. Indeed as Alexander points out, "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" (Page 1). Not unlike the Jim Crow legal system of the early 20th century, Jarvious must endure legal discrimination



as a result of his felony status. His access to gainful employment, housing, education and public benefits are all restricted. His ability to serve on a jury or vote is no longer possible. Jarvious has effectively been cut out of the social fabric. He is a member of the permanent underclass, a racial caste that was not dismantled with Jim Crow, but "merely redesigned" (Page 2). For many Americans, this appears to be impossible in a colorblind society. Echoing the words of Martin Luther King Jr., each individual is judged according to their character, not skin color. Indeed people of color have made tremendous strides in society and systems of racial control, like slavery, have been left in the dustbin of history. Yet as Alexander discovers, millions of Americans are targeted by the War on Drugs and face heavy discrimination, the majority of whom are black. As the public has come to understand it, colorblind drug policies are supposedly directed at drug use. But in reality, people of color disproportionately face its harsh penalties. Alexander contends that colorblindness has "redesigned" racism. Rather than outwardly separating people based on race, colorblindness shields the public eye from the racial injustice of mass incarceration and allows for the systematic crackdown of communities of color, yet it appears to be non-racist. This is the irony Alexander wishes to expose in "The New Jim Crow".



Chapter 1: The Rebirth of Caste

Chapter 1: The Rebirth of Caste Summary and Analysis

In conventional analyses of American history, systematic injustices directed toward people of color have been on a steady downfall since the days of race-based slavery. The Civil Rights Movement in the 1960s was the final blow to institutionalized racism, and the ascent of Barack Obama, a black man, to the highest political office in the United States is proof that we now live in a "colorblind" society. Arguably, great progress has been made in achieving a fairer society, yet Alexander argues that this story largely misrepresents the conditions of poor and working class blacks today. "The superlative nature of individual black achievement today in formally white domains is a good indicator that the old Jim Crow is dead, but does not necessarily mean the end of racial caste" (Page 21). In Chapter One, Alexander shows that American history is one of transformation, rather than linear progression. Social systems of control that were no longer politically viable or morally acceptable, like slavery, faded temporarily only to reemerge in a different form and protected with new laws, regulations, social customs, and political dictates. The current system of mass incarceration is no different.

The beginning of racial division and injustice in America had its start with race-based slavery in the seventeenth century. It gradually replaced indentured servitude, or contract "slavery" that guaranteed freedom after a predetermined period of time, as the primary characteristic of labor in the United States. Race, above all else, determined where one sat in the social hierarchy, whether they would be born free or stuck in perpetual, generational slavery. Adding to the political viability of the slave system, institutions such as federalism, the division of governmental powers between state, and federal offices were developed to calm anxieties of Southern states fearful of a federal government growing increasingly intolerant of slavery. A century later, social and political unrest led to the American Civil War, followed by an acceleration of legal protection for newly freed slaves. For example, the Reconstruction Amendments (13th, 14th, and 15th) outlawed slavery (except in cases of imprisonment, as Alexander explains) and established African-American slaves as legal citizens of the United States (at least on paper).

However, as Alexander illustrates, old habits die hard. Provisional Southern legislators enacted "black codes" that constricted the movement, employment, and purchasing power of freshly emancipated blacks. Vagrancy laws were put in place that harshly penalized the unemployed and trapped blacks into poor working conditions. Finally, the emergence of Jim Crow in the late nineteenth century signaled the most comprehensive segregationist system to date; a "new racial order" (Page 35). Jim Crow was an elaborate system of laws and customs that forcibly separated blacks from whites in virtually every sector of society. In this system of racial segregation, blacks were literally forced into separate, less desirable spaces from whites in society. However, important



legal cases such *Brown v. Board of Education* helped desegregate public facilities (schools, hospitals, government buildings, etc.) and the Civil Rights Act of 1964 outlawed racial discrimination in voting, employment, and areas of public accommodation (restaurants, movie theaters, churches, etc.). Soon the individuals who were most ardent supporters of racial segregation became most outspoken on the issue of "crime." Segregationists could no longer implement their clearly racist views and still appear legitimate, so the rhetoric was shifted to combating crime. The Southern Strategy appeared from these former-segregationist circles, in hopes of playing into the racial fears of poor whites and creating a conservative Republican base in the South. The push to prosecute drugs and criminals appeared soon after Ronald Reagan ascended to the presidency and the War on Drugs was created. Mass incarceration was born.

Analysis

In Chapter One, Alexander suggests that systems of racialized social control have always been a part of American history starting with race-based slavery to its current form, the War on Drugs. Another way of thinking about a system of racialized social control is a caste system. A caste system cements an individual into his or her societal place based on the circumstances of their birth. Slavery was a caste system. If you were born black, you were a slave for life. Alexander is arguing that mass incarceration is also a caste system. If you are a black male in America, you will likely encounter the criminal justice system in some form. Another important way of understanding systems of social control is the process they go through. It often begins with a system of injustice, popular anger, and legal changes overturn it, and it ends with a system similar to the one before it, but perhaps more cleverly worded and now socially "acceptable." In other words, those in power who desire racialized social control adapt to the public consensus. If being an outward racist is off limits, than choosing to focus on crime is perhaps a safer option.

The institution of slavery was indeed driven underground, yet former slave-owners and those that profited from slave labor remained in power to develop new legal techniques of social control, such as racial segregation during Jim Crow. This continuation of racialized social control demanded the consent of many whites, often poor whites who now viewed the color of their skin as an economic asset; something that black Americans could never have. As such, driving a wedge between poor whites and blacks through segregationist policies became a chief priority of white supremacist elites. This strategy, "has been achieved largely by appealing to the racism and vulnerability of lower-class whites, a group of people who are understandably eager to ensure that they never find themselves trapped at the bottom of the American hierarchy" (Page 22). After Jim Crow law became illegal under the Civil Rights Act of 1964, Alexander suggests that drug enforcement policy, which gained momentum after the end of segregation and accelerated with the presidency of Ronald Reagan, was yet another strategy to hinder black inclusion into mainstream society. Cloaked in "cracking down on crime" rhetoric, she argues that anti-drug legislation favors the proponents of a racial hierarchy, criminalizes innocent and harmless victims, and cements a permanent, dependent black underclass.



The Lockdown

The Lockdown Summary and Analysis

The War on Drugs is more than a simple pronouncement; it is a complex system with multiple rules and regulations. It was authorized by the federal government, protected by the court system, and is executed by local law enforcement agencies. Hundreds of thousands of people are arrested every year for drug offenses, many through specially designed police tactics. For example, the Fourth Amendment of the Bill of Rights is supposed to protect American citizens from "unreasonable search and seizure" by government authorities. In order to sidestep this protection, however, police implemented the "stop-and-frisk" tactic to search anyone "suspected" of engaging in drug activity. If somebody acts, talks, or moves suspiciously, it is grounds for police inspection. Additionally, police use routine traffic stops to pull people and search vehicles, called "pretext stops." This means that anyone who has a broken taillight, breaks the speed limit, or fails to use a turn signal is liable to be pulled over and searched. Federally-funded programs like Operation Pipeline trained law enforcement officials to use pretext stops to make arrests, and to lengthen traffic stops and manipulate the driver into consenting to a search. Consent gives police authority to search for drugs. Yet, Alexander shows that consent is often collected by intimidating individuals with threats, or using drug-sniffing dogs. Few defendants are aware that it is even possible to deny police the ability to search for drugs, if of course, probable cause is not found.

A major component of the War on Drugs is the flow of resources. Money and equipment are funneled to local law enforcement agencies to beef-up police forces. However, federal grants are determined by the amount of arrests police make. This means that most defendants are arrested for minor drug charges, not violent crime which happens less frequently. In addition to funds that allow for increased police recruitment and higher pay, law enforcement agencies are outfitted with premium military supplies, weapons, surveillance technology and SWAT teams to amplify the crackdown on communities in search of drugs. These SWAT police teams routinely perform raids on apartments and housing projects where people live, and schools. Many individuals are violently subdued by police during the process, often in front of their family or children. Some are accidentally shot and killed. Lastly, police routinely seize property during drugs arrests, claiming up to 80 percent of the valued proceeds. Beginning with the Comprehensive Drug Abuse Prevention and Control Act in 1970, law enforcement could seize drugs, drug manufacturing equipment, and vehicles that transported drugs in an attempt to stop the spread of drug activity. In 1984, however, federal law enforcement agencies were given the green light to retain and use any proceeds from asset forfeitures. Some assets are seized based on mere suspicion of drug activity. Of course many defendants lack the means to pay for a proper lawyer making the ability to reclaim their taken assets nearly impossible.



After an extraordinary number of people are swept up into the criminal justice system, they are often pressured into taking plea deals rather than face harsh mandatory sentences. Legislators in Congress and the White House passed strong anti-crime legislation, mandating that drug offenders spend many years behind bars for even the smallest offenses. Choosing a three-year sentence instead of risking a legal fight that could land one prison for decades appears to be a wise choice. However, Alexander is quick to point out that a guilty conviction has multiple social and economic consequences. Ex-offenders branded with the label "felon" are discriminated against in housing, employment, education, and other social functions. Finally, lawyers assigned to defend drug offenders are sometimes just bad lawyers. Most don't have the time or the resources to provide effective representation, and the sheer number of people arrested makes meaningful representation from available lawyers unlikely.

Analysis

The War on Drugs has signaled one of the greatest crackdowns on American citizens in history. Millions of people have been churned through the criminal justice system, the vast majority for minor possessions of drugs like marijuana. The right to remain free of "unreasonable search and seizures" guaranteed by the Constitution is virtually suspended to allow drug enforcement. Police at every street corner use methods like "stop-and-frisk" to corner individuals for no apparent reason and search for drugs. Even if drugs are not found, the experience of being accosted by a police officer can often be traumatizing. This behavior will continue, however: law enforcement agencies are rewarded for the quantity of arrests they make, not the "quality." This creates an incentive for police to maintain levels of arrests. Indeed, law enforcement benefits from a perpetuation of the War on Drugs, not bringing it to an end. In addition, cracking down on drug crime is good business when nearly 80 percent of seized assets become the property of federal officials. The luck of arrested drug offenders once they enter the courtroom doesn't improve, unfortunately. Criminal defendants, when faced with the choice of pleading guilty and receiving a minimum sentence or risk being sentenced harshly, they usually pick the former. In short, mass plea-bargaining means defendants rarely meet an attorney to challenge their case. Witnesses used to convict defendants are usually paid or coerced through their own plea bargain situation. Penalties for many drug crimes are so severe that innocent people plead guilty, accepting plea bargains to avoid harsh mandatory sentences. The system of mass incarceration begins to form when people are rounded up from the streets by questionable police tactics, pushed through the court process, and left in prison for many, many years—all in the name of the War on Drugs.



The Color of Justice

The Color of Justice Summary and Analysis

"We are told by drug warriors that the enemy in this war is a thing—drugs—not a group of people, but the facts prove otherwise" (Page 98). The War on Drugs, as those in power describe it, combats drug-related crime and violence. The majority of illegal drug users and dealers are in fact white, yet three-fourths of all people imprisoned for drug offenses have been black or Latino. Indeed, African-Americans constitute 80 to 90 percent of all drug-offenders sent to prison. Proponents of the drug war claim this statistic is based on violent crime in communities of color. Yet violent crime is at an historic low and incarceration rates are climbing. What is perpetuating this racial bias? Alexander outlines a number of factors that are contributing to these disproportionate levels of incarceration. First, the War on Drugs is designed to give police and other law enforcement officials "unbridled discretion" when locating and arresting potential drug criminals. In other words, police are given the green light to search people based on hunches (without probable cause) and without the "hassle" of obtaining a warrant to search. Psychological studies have shown that people are subconsciously prone to hold racist beliefs. When one thinks of a "criminal," a black man who dresses and looks a particular way usually comes to mind. Police are no different. This bias informs police officers to pick out drug offenders based on physical factors such as race.

However, suggesting this technique is racial profiling and bringing it to court has been denied. Supreme Court cases such as *McCleskey v. Kemp* tried to prove that there is a racial bias in the court system. It was rejected. It also tried to expose discriminatory sentencing policies. Blacks are more likely to receive longer prison terms than whites for the same crime and are more likely to face the death penalty. Drug convictions also fall along racial lines. For much of the War on Drugs, the penalties associated with crack cocaine were much harsher than powdered cocaine; blacks tend to deal crack cocaine more than powdered cocaine. One gram of crack cocaine carried the same penalty as one hundred grams of powdered cocaine. Finally, African Americans are routinely denied jury participation. The prevalence of white juries is caused by prosecutor "discretion" or the ability to remove jurors if prosecutors suspect a potential conflict of interest. Prosecutors can remove a black juror if they believe that juror will be sympathetic to a black defendant. Of course "race" cannot be used as a reason to drop a juror, so prosecutors find loopholes in the law, claiming that hairstyle, occupation, and even dress are legitimate factors to remove a juror. African Americans and Latinos are disproportionately targeted by the War on Drugs and both are unable to properly defend themselves in court.

Analysis

If the rates of drug-use and dealing are higher for whites than blacks, why are black Americans disproportionately represented in prison populations? The high numbers of African Americans currently incarcerated is no coincidence. The system specifically



targets people of color and then funnels them into a second-class status not unlike the Jim Crow system of the South. The previous chapter, "The Lockdown", revealed that law enforcement agencies choose poor communities of color to satisfy quotas that guarantee the flow of federal grant money. Racial minorities like African Americans and Latinos are easy targets. Beyond racial profiling as a tactic for arresting blacks, African Americans are more likely to live in poverty and are unable to defend their communities from police crackdowns. In addition, poor, black communities lack private spaces. Drug activity occurring on public property, in plain sight invites a greater police presence. Alexander argues that poor, black neighborhoods are "occupied" by a constant police presence. Young black men routinely assume the "humiliating" position of spreading their legs and placing their hands on the wall in preparation of encountering police or SWAT military—careful not to make sudden movements that could invite lethal force. Indeed, black neighborhoods have developed a particular relationship with law enforcement as a result of the War on Drugs, one that is characterized by mistrust, fear, and hatred. Alexander mentions that if similar drug crackdowns were perpetrated in white, middle class neighborhoods, the public would be outraged—the War on Drugs would end.

Claiming that police behavior or court conduct is racist in order to fight a guilty conviction has become incredibly difficult. In important cases like *McCleskey v. Kemp* or *Alexander v. Sandoval*, the Supreme Court determined that any accusations of racial bias made against criminal proceedings were outrageous. Unless the defendant can provide hard evidence that a decision was based solely on race, the case is thrown out. In today's colorblind society, where racism has been driven underground, finding such a motivation is impossible. With colorblindness, the Supreme Court's opinion was driven by a "desire to immunize the entire criminal justice system from claims of racial bias (Page 111). Yet the reality of the War on Drugs is that poor African Americans are more likely to be searched by police, arrested, and imprisoned for long, mandatory sentences. The mass incarceration of millions of black Americans can continue without legal protection.



The Cruel Hand

The Cruel Hand Summary and Analysis

When racial segregation became illegal and unacceptable for many Americans after the successes of the Civil Rights Movement in the 1960s, criminals, as opposed to black Americans, emerged as the new underclass. After a drug conviction, felons are assured a range of discrimination in housing, public benefits like food stamps and Medicaid, and employment. In addition to this legalized discrimination, criminals face social neglect, and are often distrusted and ostracized in their communities and families. Unfortunately, criminal defendants that plead guilty to minor drug charges are usually not aware of the consequences beyond incarceration. Indeed, judges are not required to inform defendants of the important rights they are forfeiting when they plead guilty to felonies. The label of "criminal" that sticks with ex-offenders for the rest of their lives, "make[s] it virtually impossible...to integrate into mainstream society and economy upon release" (Page 143). The "cruel hand" has been laid upon them.

The level of economic and emotional hardship faced by drug-related felons is quite high and begins the moment they are released from police custody. For example, a top priority for many newly released prisoners is to locate a place to sleep. Yet beyond living arrangements with friends or relatives, convicts soon discover that housing availability is tightly restricted for them. Federal policies like the Anti-Drug Abuse Act of 1988 grants housing agencies the ability to evict tenants based on suspected criminal activity, regardless of whether or not the accusations are found to be true (often a past felony conviction is grounds for suspicion). Tenants are routinely screened for criminal records and can be denied housing based on whatever blemish is discovered. Perhaps more harshly, public housing officials even reject applicants based on their prior history of arrests, regardless of whether the applicant was found innocent or convicted of any crime. The "cruel hand" drug offenders experience does not stop there, however. The ability to find gainful employment and support oneself financially (and more importantly, legally) is exceedingly difficult. Employers in nearly every state can refuse to consider applicants with criminal records and economic sectors that traditionally absorb ex-offenders back into the U.S. workforce, like construction and manufacturing, have largely evaporated due to outsourcing and the expanding global market. An inability to earn an income prevents convicts from paying off their mountain of personal debt; fines collected during the period of incarceration. A failure to pay off debt all at once piles on so-called "poverty penalties": late fees, payment plan fees, and heightened interest. Lastly, personal benefits like medical assistance and welfare, the last option for individuals in need is restricted for drug offenders. Acts such as The Temporary Assistance for Needy Family Program, imposes a five-year maximum on benefits—a harsh penalty for those unable to hold steady employment. In many states, individuals with felony convictions are permanently barred from receiving federally funded public assistance.



Convicted felons are also prevented from exercising their civic duties. In many states, inmates are flatly denied the right to vote while imprisoned and after their release while on parole. Even when ex-offenders regain their ability to vote, many are still prevented from doing so. Clinton Drake, an African-American Vietnam veteran served five years in prison for a minor drug charge. After release, he was barred from voting until he paid \$900 in court fines, an impossible task for someone unemployed and unable to create hundreds of dollars in savings. Drake, like so many convicted drug offenders, could very well be disenfranchised for life.

Analysis

The long-term future for those convicted of felony drug charges is not bright. Their opportunities to rise up the social and economic ladder are severely limited, due in large part to their permanent, felony conviction. Employment, the ability to earn a livable income, is pushed beyond reach for many ex-offenders. Without adequate and stable housing, their children are relocated by social services; families are torn apart. Exclusion from housing and employment inevitably leads to homelessness for many, primarily because cheap public housing is the final choice for people who have nowhere else to go. Public benefit assistance offers no refuge, for it too is denied to criminal offenders. Finally, by restricting voting rights and the ability to serve on juries, former prisoners lack the power to shape elections and influence their community for the better. Presidential election outcomes in 2000 and 2004 could have easily swayed in opposite directions if prison populations were afforded the right to vote. Yet, beyond legal and financial hurdles, carrying the label of "criminal" has greater social consequences. It damages reputations, social and professional relationships, and emotional health. Ex-offenders are shamed by their peers. Families, in an attempt to save their reputation, are silent when it comes to discussing the treatment of their loved ones in incarceration. The punishments dealt by the drug war are disproportionately felt in communities of color. Indeed most people struggle and often fail to meet the challenges life presents, yet drug offenders face the heaviest penalties for their actions, and the vast majority of drug offenders are black men. In short, the drug war rounds up thousands of men and spits out felons. The cycle of poverty, crime and imprisonment continues for ex-offenders as each option for upward mobility is decidedly closed.



The New Jim Crow

The New Jim Crow Summary and Analysis

In Chapter Five, Alexander creates a detailed analysis of structural racism; a collection of policies that work against people of color yet are officially "colorblind" and non-racist. She uses a birdcage to illustrate her argument. When one observes a birdcage up close, it's a mystery as to why the enclosed bird fails to fly away. After stepping back, however, it is clear that the bird is surrounded by bars—obstacles that work collaboratively to restrict the bird's free movement. Similarly, the War on Drugs and mass incarceration prevents many African Americans from being truly free. The system of mass incarceration has a number of working components. For drug offenders, it begins with the arrest, followed by a period of formal control either through imprisonment, parole or probation. After release, convicts experience the "period of invisible punishment," a series of legal discrimination in housing, education, and employment, as well as social rejection and personal, emotional hardship.

She continues by mapping the many parallels, as well as considerable differences between the Jim Crow system of the early 20th century and mass incarceration today; the new Jim Crow. The political origins of both social 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" (Page191). Instead of offering economic relief for poor Americans, white elites worked to shift the anxieties of the public to racial difference and conflict. Legal discrimination and political disenfranchisement also characterize both Jim Crow segregation and the current system of mass incarceration. Large segments of the black population today face discrimination in housing, employment, education, voting, jury duty, and public assistance—so long as they are first labeled felons. Similar to racial segregation in the South, prisons located miles away from population centers house minority prisoners, keeping them out of mainstream, white society. Finally, federal courts protect each system from judicial scrutiny for racial bias. Pivotal Supreme Court decisions such as in the case of *McCleskey v. Kemp* work to conceal possible racial motivations held by prosecutors and as a consequence, allow the drug war to continue targeting black communities.

The parallels between the system of mass incarceration today and racialized social systems of the past are limited, however. Most prominently, the new Jim Crow lacks the racial hostility of previous racialized social systems. Rather than being characterized by images of beatings and lynchings, black Americans under the current system of mass incarceration experience a kind of state violence cloaked in "colorblindness." Lastly, Alexander offers an explanation for African-American support of "get tough" polices associated with the War on Drugs. In her opinion, some black Americans either fail to understand the severity of incarceration rates in the black community, or choose to adhere to the "politics of responsibility"—an ideology that believes poor blacks deserve their poverty because they simply haven't tried hard enough. For many, however,



choosing to support the War on Drugs is a complicated decision. Black women, for example, can be torn between battling crime in their neighborhood and protecting their sons from harsh police treatment. These women are usually unaware, however, how the War on Drugs has devastated other families in their communities, families that stay silent out of shame. That in fact, drug enforcement policy is designed to punish and control young, black men for the rest of their lives.

Analysis

Alexander remarks that celebrities like Bill Cosby, and then-presidential-candidate Barack Obama have all argued that the African American community is plagued by "fatherlessness". The outrage concerning missing black fathers closely resembles the "lack of eligible black men for marriage" (Page 179), a common worry held by American black women. Yet the question remains, where are all the black men, and why? On the issue of no fathers involved, the finger is often pointed squarely at the fathers themselves. Spokesmen for the "fatherlessness problem" claim that missing black fathers lack character, or that they simply haven't the devotion to care for their children. They need to work harder. A closer examination, however, reveals that hundreds of thousands of black fathers "didn't walk out on their families voluntarily" (Page 180). Instead, they are unable to raise their children due to their status behind bars, victims of the drug war and the system of mass incarceration.

Due to the amount of African American men in prison for drug convictions, mass incarceration and drug use has come to define the new meaning of race in America. Under current drug enforcement policy, African Americans are criminalized more than whites. This perpetuates the racial image of the "black criminal," which encourages police to practice racial profiling and make more arrests. The media dramatizes black Americans in the criminal justice system in the news and through popular TV programs like Law and Order, convincing viewers that those criminals "deserve" punishment. Indeed, prosecuting drug crime and sending criminals to prison justifies the division between "us" and "them." This policy segregates two groups of people, the citizen and the criminal. Today, many ex-offenders affected by mass incarceration suffer in silence, unable to remove their criminal label. In places like Chicago, a poster child for "colorblind" cities and African American success, nearly 80 percent of the black male workforce has felony convictions. This means that many of them are legally excluded from housing, public benefits, and full democratic participation. The new Jim Crow that Alexander illustrates in Chapter Five does not rely on racial segregation to control black men. Rather, the feeling of hatred many Americans feel for criminals is enough to keep them separated from their families and behind bars.

The Fire This Time

The Fire This Time Summary and Analysis

A misconception held by many in the American public today is that racism is shown through bursts of racial discrimination, offensive language, or violence. Causes like affirmative action, for example, bring advocates of racial justice out in droves. Yes, it is important to find solutions to clear social and racial problems. Racist violence must also be condemned. However, Alexander argues that the emphasis of racial justice should focus on the biggest producer of racial oppression—mass incarceration and the criminal justice system. There is some movement from civil rights and legal organizations for prison reform but it is simply not enough. The problem of mass incarceration is too vast. Civil rights lawyers are subject to the same racial stereotypes as other people. They have become professionalized—choosing to engage with elite circles rather than represent poor communities devastated by mass incarceration. Lawyers are also reluctant to advocate on behalf of convicted felons and as a result, pick clients that invoke the greatest sympathy for their political cause. Rosa Parks, for example, was the ideal client for many attorneys during the Civil Rights Movement for her courageous personal story, physical attractiveness, and impeccable moral character. Individuals incarcerated or under the control of the criminal justice system, on the other hand, have blemished records. Many come from broken homes and communities. Their criminal record is a permanent stain.

Any movement to tackle the new Jim Crow system faces a considerable obstacle: the prison industry itself. If hundreds of prisons were closed tomorrow, many law enforcement officials would be laid off. Hundreds of thousands of prison employees would lose their jobs—the following social unrest could lead to heightened racial tension and violence. It is clear that the prison system has become one of the major players in the U.S. economy, employing some 700,000 people. So, how did the prison system become so large and influential? The War on Drugs pumps billions of dollars into it. "The U.S. government spent nearly \$185 billion for police protection, detention, judicial, and legal activists in 2003—a tripling of justice expenditures since 1982" (Page 230). A political movement working to end mass incarceration must also demand an end to the War on Drugs. In addition, Alexander suggests that in order to combat mass incarceration, racial justice advocates need to change the public consensus. Simply waiting for action from elected officials would be a mistake. President Obama, for example, has on a number of occasions publicly objected to the War on Drugs, yet his policies and appointments suggest otherwise. Not only are his Vice President and former chief of staff champions of the War on Drugs, his 2010 "budget for law enforcement [was] actually worse than the Bush administration's in terms of the ratio of dollars devoted to prevention and drug treatment as opposed to law enforcement" (Page 253). Therefore the solution must be from the ground up, comprised of people who challenge "colorblind" assertions that racism is dead when in fact, it is alive and well in the criminal justice system. There is much to be done to combat mass



incarceration. The entire structure of society, including colorblindness as the supposed antidote for racism, must be put into question and ultimately changed for the better.

Analysis

Abolishing the laws that perpetuate the War on Drugs is a start but it fails to address the root of the problem. The central ingredient in overturning mass incarceration is changing the public consensus. Indeed, true racial and social justice, in Alexander's opinion, is not "lawyer-driven, trickle-down strategies for racial justice," but rather comes from the bottom-up (Page 255). The people at the bottom have the closest relationship to mass incarceration. Their neighbors, or loved ones, or even themselves has encountered the failings of the criminal justice system. The people at the bottom of society are many, and can mobilize in great numbers to challenge the opinions of the broader public. One belief that has infected the public imagination and government policy is colorblindness. Those who adhere to colorblind ideology claim that racism died years ago with segregationist Jim Crow. The successes of black celebrities, politicians, teachers, and doctors prove that racism is truly behind us. However, colorblindness turns a blind eye to the current system of racialized social control: the incarceration and exclusion of millions of Americans, most of whom are black. In order to confront colorblindness, people must first be made aware of the challenges faced by communities of color during this drug war. Traditional approaches to confronting racism must change. People once again need to talk about race openly and honestly with the intention of improving racial relations. Policies that distract the public and were formed with colorblind intentions, like affirmative action policy, need to be put aside to fight against the system of mass incarceration. Prison employees need to be retrained in fields outside of criminal justice. Police officers need to regain their trust and partnership with communities of color. It is through colorblindness that the New Jim Crow system is rendered invisible. That is the area racial justice advocates need to fight against and change.



Characters

Jarvious Cotton

Jarvious Cotton perhaps best illustrates the consequences in "The New Jim Crow". He committed a drug-related felony and as a result, was stripped of his voting rights. The tragic irony of Cotton's story is that he is not the first in his family to lose such a right. His great-great grandfather was a slave, not considered a human being under the law. His great-grandfather was murdered by the Ku Klux Klan. His grandfather's life was threatened by the Ku Klux Klan if he tried to vote. Lastly, his father was unable to vote due to literacy tests and poll taxes. Colorblindness has confused the public into believing that racism is dead, but Cotton's story symbolizes the continuation of legalized racial discrimination, up until the present moment.

President Barack Obama

President Barack Obama is the symbol of black progress in America in "The New Jim Crow". A triumphant achievement for colorblindness, his ascent to the Presidency of the United States depended on both black and white support. Yet his disturbing record of amplifying the War on Drugs and the crackdown on people of color have undermined his progress in Alexander's eyes. As President, he chose War on Drug champions Joe Biden and Attorney General Eric Holder to serve in his administration, supported the death penalty for non-homicidal crimes, and dramatically increased law enforcement funding, even when crime was stagnant. In many respects, President Obama symbolizes "The New Jim Crow". On the surface, the drug war is an effective program that rounds up criminal drug users and locks them away. Yet, under further inspection, the War on Drugs is the largest perpetrator of racial caste in America today.

Martin Luther King Junior

Martin Luther King Jr. was the revolutionary Civil Rights leader who championed racial de-segregation, the abolition of poverty, and as Alexander reminds readers, the rights of prisoners. King serves as an antithetical figure to colorblindness in "The New Jim Crow". He spoke vehemently against "cosmetic changes" to the system, that the inclusion of a few black Americans into white society is not fundamental change. Rather, the only way to heal racial division in America demands a radical restructuring of society that promotes human compassion and mutual sacrifice. Charity is simply not enough. The systems that produce racial inequality must be dismantled.

Clinton Drake

Clinton Drake is a black Vietnam veteran from Birmingham, Alabama. Drake was convicted of marijuana possession (a total of five "joints") and sentenced to twenty



years in prison. After release, Drake discovered he was barred from voting, largely because of his inability to pay a \$900 fine incurred during his imprisonment. For Drake, given his criminal background, he either faces unemployment or a low-wage. In either case, he will unlikely pay off his debt and may very well be disenfranchised for life.

George Wallace

George Wallace was the former governor of Alabama and Democratic Presidential candidate, a staunch Jim Crow segregationist that believed African Americans corrupted white society. Alexander uses the persona of Wallace to demonstrate how racism existed in the United States prior to the War on Drugs and colorblindness. Wallace was explicitly racist. Alexander believes that the public is largely distracted by figures like Wallace, and thus fail to focus on the implicit racism of mass incarceration.



Objects/Places

Felony Conviction

A felony conviction is placed on the criminal record of those who have committed (or convicted of) a felony drug crime. Having a felony conviction on one's record invites a number of legal discriminations in public housing, education, employment, and the ability to receive public benefits. In addition, felons are restricted in voting and serving on juries. When over 90 percent of convicted drug felons are black, this creates a noticeable racial dilemma. Alexander suggests that as a result of their experience with incarceration and their felony label, black men are kept in a cycle of poverty and crime. The felony conviction works to keep black men out of American society.

Globalized Economy

The globalized economy is a system marked by extensive trading between nation-states, international corporations with multiple branches in various countries, and the increasing use of technological products. In "The New Jim Crow", black convicted felons are hit hard by the globalized economy. Alexander notes that many of the industries that employed convicts in the past, construction and manufacturing, have virtually dried up in the United States as companies choose to manufacture products in foreign countries. Black Americans and Latinos have historically filled low skilled, low paying jobs. However, in the globalized economy, these groups are no longer necessary, as foreign workers are willing to work for lower wages and longer hours.

McClesky v. Kemp

McCleskey v. Kemp was a case decided by the Supreme Court during the height of the War on Drugs that prohibited challenges of racial bias in sentencing under the Fourteenth Amendment. If the defendant cannot provide clear evidence of conscious, discriminatory intent, the challenge is rejected. The ability to prove unequal treatment is nearly impossible, however, given prosecutors can use a number of nonracial variables, in addition to race, to target the defendant and seek harsh penalties. In Alexander's words, McCleskey v. Kemp was "driven by [the Court's] desire to immunize the entire criminal justice system from claims of racial bias" (Page 111).

The War on Drugs

The War on Drugs is a comprehensive U.S. federal drug enforcement program initiated in the early 1980s that continues today. It is a combination of laws, rules, policies, and institutions that work collaboratively to crack down on drug crime. In order to carry out the War on Drugs, local law enforcement agencies are outfitted with military-style equipment and strategies, surveillance tools, federal funds, and legal protection. One



policy in particular, "stop-and-frisk," grants police officers the ability to search individuals without probable cause or a warrant. The War on Drugs has signaled the longest running war against American citizens, particularly against communities of color. As a result of U.S. drug policy, nearly 90 percent of all drug convicted felons are African American. Alexander suggests that the War on Drugs is not directed toward drug crime at all, but rather it is designed for greater control of racial minorities.

Colorblind Societies

"Colorblind" societies view race as an irrelevant factor in social, political, and economic interactions. Discussing racial topics becomes socially unacceptable, and those who do are often labeled extremists or racists. On the surface, "colorblindness" appears to be a progressive movement toward racial equality and peace, but Alexander believes that colorblindness has merely driven racism underground. Racism still infects the criminal justice system, the courts, and our personal interactions, albeit unconscious. Due to cases like *McCleskey v. Kemp*, "colorblind" courts prevent defendants from accusing prosecutors of racial bias—although the statistics clearly show a racial disparity. "Colorblind" societies do not seek racial justice; they are simply indifferent to struggles faced by particular racial groups. Social systems that are implicitly racist, like mass incarceration, go unchallenged and can endure indefinitely.

Jim Crow

Jim Crow was a racialized social system that segregated black and white populations in the early 20th century. After *Plessy v. Ferguson* signaled the "separate, but equal" doctrine, Southern states determined to control blacks, and keep them as second-class citizens segregated public and private spaces by race. In short, African Americans were unable to eat at "white only" restaurants, go to "white only" schools, and sit in the "white only" section on buses, in movie theaters, and concert halls. Jim Crow was preceded by "black codes," a collection of laws in the South that denied voting for blacks, and forced many into oppressive sharecropping contracts. Alexander draws a connection between the legalized racial discrimination of Jim Crow and the current criminal justice system: "Once prisoners are released, they enter a parallel universe—much like Jim Crow—in which discrimination in nearly every aspect of social, political, and economic life is perfectly legal" (Page 192).

Themes

Racism

The theme of race plays a central role in the development of "The New Jim Crow". Even the book title evokes the racial segregationist system that notoriously characterized southern American states in the decades following the Civil War. A major difference, however, between the old Jim Crow system and mass incarceration today is where the racist intention lies. Previous systems of racialized social control in American history were explicitly racist. 'Whites only' signs, segregated lunch counters, and brutal lynchings characterize racism in the past. Today, the War on Drugs is concealed racism. It does not contain a single mandate that explicitly targets any racial group, and the Supreme Court outwardly condemns laws that discriminate based on race or ethnicity. Yet Alexander challenges readers to look beyond the rhetoric of colorblindness and see how racism is perpetuated by federal drug policy and how it is experienced on the ground. As a result of the War on Drugs, African Americans are disproportionately criminalized, even though whites use and deal drugs more than blacks. Colorblind ideology has also directed the Supreme Court to reject accusations that police departments or drug convictions are racially biased. Defendants must prove that race was the only motivation for their arrest and treatment, something that is impossible to do.

Colorblindness has turned problems faced by racial groups into gross exaggerations. Proponents of colorblindness view it as the exact opposite of racism. However, rather than healing racial problems, colorblindness shuts down discussion. Colorblindness allows for police to crack down on black communities with impunity; it grants prosecutors the ability to remove black jurors from juries, and it gives politicians legal protection when they create racist policies. Racism is built on the vulnerabilities and insecurities of people. Therefore, advocates for racial justice from all racial groups and backgrounds should encourage policies of transparency, honesty, and compassion for others.

Social Systems

A system is a collection of actions, processes, and reactions that produce a given product. An assembly line in a car factory can be used to illustrate this phenomenon. The department that creates car doors is combined with the department responsible for the car engine, wheels, exterior and so forth. A car is the final product. Taken abstractly, the War on Drugs serves a similar purpose. However, the "item" produced is not an automobile, but the mass incarceration of millions of human beings. The process begins when government leaders who still hold deeply racist views put forth legislation that is later executed by local law enforcement agencies. The amounts of arrests are rewarded with equipment, resources, and money. This encourages police to target poor communities of color to meet the quotas that are necessary for federal grant money.



After people are arrested, they are pushed through the court system. Defendants plead guilty to avoid long sentences and are unable to successfully challenge their conviction due to the inaccessibility of decent lawyers. The prisons are filled with drug offenders. Finally, after release, convicts notice that their rights as U.S citizens are restricted. Their felon label invites legal discrimination in housing, employment, voting, and education. The cycle continues as more and more black Americans are churned through the system of mass incarceration.

On the surface, however, the system is not "racist." In the fight against drugs, no particular group is singled out. Yet, the collaboration of independent policies and laws in the War on Drugs produce a highly racist outcome. The structural racism embedded in the War on Drugs helps keep many black Americans in prison and out of the voting booth. Alexander explains how a bird cage illustrates the structural racism faced by many black Americans. In other words, what appears harmless from one perspective is the major cause of racial injustice from another.

Human Compassion

"The New Jim Crow" not only exposes an ongoing racial caste system in America, but also proposes an antidote to fix it. Overturning mass incarceration and the War on Drugs requires a strategy that goes beyond clever political and legal maneuvering. Stopping the cycle of racial caste systems and healing the damage caused by mass incarceration requires a fundamental shift in the public consensus. "Rather than shaming and condemning an already deeply stigmatized group, we, collectively, can embrace them—not necessarily their behavior, but them—their humanness" (Page 176). Compassion for the "criminal" underlies each chapter in Alexander's book. The reader sees on a number of occasions, the injustice faced by many black Americans caught in the web of the criminal justice system. Some drug felons are indeed innocent; individuals that plead guilty out of fear. However many ex-offenders are simply fragile beings. They make mistakes, some perhaps more unforgivable than others, but are fundamentally good people. This not only makes mass incarceration unjust, it is immoral and destructive. The call to extend human compassion to others goes beyond caring for those targeted by racial injustice, however. In fact, Alexander in perhaps the best tradition of Martin Luther King Jr., includes those who perpetuate the injustice. Police officers, the ground troops in the War on Drugs, need to reform their strategies in communities of color. Rather than abuse the communities they serve, law enforcement must cultivate a humane approach to confronting the problems of the urban poor. They must pursue a method of engagement that promotes trust, healing, and partnership. Likewise, the public at large, who are so often susceptible to racist views out of insecurity, are simply acting from the gut. The people who perpetuate systems of racialized social control are not wicked. They need to be fundamentally transformed through love.

Alexander argues that the system of colorblindness is not racial inclusion and equality, but indifference to others. Colorblindness, in its work to become "race-neutral", ignores the plight of racial groups by emphasizing the success of a few (i.e. President Obama).

Colorblindness is perhaps more dangerous to racial peace than bigotry ever was. This is because it shields racists and racist policies from criticisms. The only path toward complete liberation from racism and hatred of others, including the criminal, is a radical prescription of human compassion.

Style

Perspective

"The New Jim Crow" is an academic text written by Michelle Alexander, and as such, Alexander is arguably the book's narrator. She makes no apologies to those offended by her thesis and warns in that preface that, "this book is not for everyone." She does not bother presenting opposing points of view or suggest that certain components of the War on Drugs are effective in combating drug use, as many politicians and law enforcement officials contend. In her view, the drug war has not only been a failure, it has increased crime and is racially biased in application and design. Indeed, the intended audiences for "The New Jim Crow" are those seeking to expose the criminal justice system as racially unjust. It is a system so corrupt and racist it's comparable to previous institutions of social control like race-based slavery. Convincing the American public that "colorblindness" has contributed to such a system, especially when colorblind policies and laws are designed to be non-racist is a tough sell. Yet, Alexander's past involvement with the ACLU, a civil liberties organization, and her position as a law professor at Stanford Law School, makes her an expert on the legal system and how it has been manipulated to justify systems of oppression.

Tone

For all intents and purposes, Alexander has identified what she believes is the source of modern-day racial oppression in America. Being a racial justice advocate, a legal scholar, and an African American woman herself, she is clearly passionate about uncovering any injustice perpetrated by the criminal justice system. This gives her a noticeable combative tone: "mass incarceration operates as a tightly networked system...to ensure the subordinate status of a group defined largely by race" (Page 13). The statistics appear to back up Alexander's argument; nonetheless, there is little space in "The New Jim Crow" for dissent, or any moment that would call into question her accusations. Additionally, "The New Jim Crow" contains little partisan rhetoric. Alexander attacks both Republican and Democratic lawmakers in her critique of the War on Drugs. She claims that surprisingly, Democratic President Bill Clinton, more than any Republican anti-drug champion, is to blame for the acceleration of drug enforcement and the current racial caste in America. "During Clinton's tenure, Washington slashed funding for public housing by \$17 billion...and boosted corrections by \$19 billion (an increase of 171 percent)" (Page 57). However, she also implicates America's first black President, Barack Obama, in perpetuating mass incarceration and systematic racism. This shows that is passionately opposed to the system, and that she hasn't taken political sides based on race.



Structure

"The New Jim Crow" is constructed into six main chapters, each containing eight or nine sections. A forward section by Princeton professor Cornell West, a leading author on racial injustice and poverty, and an introduction by Alexander make up the remaining sections of the book. Chapter One serves as an introduction to mass incarceration, as well as provides a short overview of previous systems of racial control. This chapter reveals the racial intent of Washington D.C. lawmakers, claiming that after Jim Crow became illegal, "fighting crime" became the new policy for ex-segregationists. Chapters Two and Three delve into the inner-workings and motivations behind the War on Drugs, which Alexander claims is the primary cause of mass incarceration. The final chapters uncover the structure of the new Jim Crow, how it submerges millions of black men into a permanent underclass, and what, if any, resolution is available. "The New Jim Crow" is surprisingly accessible, given the enormity of Alexander's project. The reader is presented with hard, indisputable, and difficult statistics to swallow, but also has an opportunity to meet some of the individuals most adversely affected by the War on Drugs. As with any good argumentative piece, the author demonstrates that a problem exists, provides data to support the conclusion, and what can be done to rectify the situation

Quotes

"For me, the new caste system is now as obvious as my own face in the mirror. Like an optical illusion—one in which the embedded image is impossible to see until its outline is identified—the new caste system lurks invisibly within the maze of rationalizations we have developed for persistent racial inequality" (Page 12).

"As the rules of acceptable discourse changed, segregationists distanced themselves from an explicitly racist agenda. They developed instead the racially sanitized rhetoric of "cracking down on crime" (Page 43).

"By waging war on drug users and dealers, Reagan made good on his promise to crack down on the racially defined 'others'—the undeserving" (Page 49).

"In every state across our nation, African Americans—particularly in the poorest neighborhoods—are subjected to tactics and practices that would result in public outrage and scandal if committed in middle-class white neighborhoods. In the drug war, the enemy is racially defined" (Page 98).

"Police and prosecutors did not declare the War on Drugs—and some initially opposed it—but once the financial incentives for waging war become too attractive to ignore, law enforcement agencies had to ask themselves, if we are going to wage this war, where should it be fought and who should be taken prisoner" (Page 104).

"The dirty little secret of policing is that the Supreme Court has actually granted the license to discriminate. The fact is not advertised by police departments, because law enforcement officials know that the public would not respond well to this fact in the era of colorblindness" (Page 130).

"The 'whites only' sign may be gone, but new signs have gone up—notices placed in job applicants, rental agreements, loan applications ... informing the general public that 'felons' are not wanted here"(Page 141).

"Our understanding of racism is therefore shaped by the most extreme expressions of individual bigotry, not by the way it functions naturally, almost invisibly ... when it is embedded in the structure of a social system" (Page 184).

"For black men, the stigma of being a "criminal" in the era of mass incarceration is fundamentally a racial stigma. This is not to say stigma is absent for white criminals; it is present and powerful. Rather, the point is that the stigma of criminality for white offenders is different—it is a nonracial stigma" (Page 198).

"Laws prohibiting the use and sale of drugs are facially race neutral, but they are enforced in a highly discriminatory fashion" (Page 201).



"[Mass incarceration] is better designed to create crime, and a perpetual class of people labeled criminals, rather than to eliminate crime or reduce the number of criminals" (Page 236).



Topics for Discussion

"The New Jim Crow" demonstrates that many groups benefit financially from the War on Drugs. For example, law enforcement agencies receive federal funds and equipment for making drug-related arrests. Can you identify other areas in the drug war that display a profit-motive? How might this present a problem for those working to bring an end to the War on Drugs? Be sure to provide examples from the text to help strengthen your argument.

In Chapter Five, Alexander states that young black men are "made black" by their experience with police and the criminal justice system. What do you think she means by this? Do you agree with her? Why or why not? Be sure to provide examples from the text to help support your argument.

When ex-drug offenders are released from prison, they carry the label of "felon" with them back to society. Being marked a "felon," however, has many legal consequences. What are some of the legal discriminations ex-offenders face? Please provide four examples from the text and explain how each is implemented.

According to Alexander, the Supreme Court played a sizeable role in shaping the War on Drugs. What are some of the important legal cases she discusses to provide evidence for this? How did they affect the treatment of supposed "drug offenders" and their chances of receiving justice?

The legal scholar John A. Powell once remarked that, "It's actually better to be exploited than marginalized, in some respects, because if you're exploited presumably you're still needed" (page 219). Alexander cites slavery as a system that depended on the labor of slaves, whereas mass incarceration views criminals as "disposable" people in the new economy. Do you agree that mass incarceration makes people "disposable"? If so, what examples can be drawn from the book to support your position? If not, what else may be going on? Please explain.

According to Alexander, "The New Jim Crow" is defined by implicit racism, meaning there are no laws that explicitly single out particular groups by race. Why would Alexander say this? Do you agree with her? Why or why not? Be sure to provide examples from the text to help strengthen your argument.

Do you agree with Alexander that, "the uncomfortable truth...is that racial difference will always exist between us"? If not, what are the major issues you see that perpetuate racial difference? If so, what solution does Alexander provide for racial reconciliation in spite of racial differences?