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Prisons are the New Black

by Paolo Mazza

(Philosophy 1130)

Angela Davis once said, “We take prisons for granted but are often afraid to face the realities they produce” (Davis, 15). One of these realities prisons produce is the degradation and hopelessness of prisoners now integral to the structure of the United States institution of oppression. In *The New Jim Crow*, Alexander claims our country has had a history of institutionalized oppression in many different forms to specifically target minorities. She views slavery and Jim Crow as two historical forms of oppression that have transitioned from one to another; the latest form of oppression is the United States prison system. I agree with Alexander on the modern institution of incarceration being directly related to Jim Crow laws. I believe institutionalized oppression is stronger than ever, thanks to the efforts of the War on Drugs, militarized law enforcement, and the cycle of incarceration.

Before she can divulge into the oppression of modern society, Alexander analyzes the important of how oppression has evolved. Prior to the rise of slavery, Colonial America was dependent on the labor of indentured servants. These bondsmen were a mixture of blacks and whites and represented the lower class of society as a whole. The oppression towards these bondsmen reached its peak after Nathaniel Bacon led a rebellion against the wealthy, upper class plantation owners. Although Bacon was ultimately unsuccessful, planters feared that a united lower class was powerful and could once again rebel. In response, planters shifted their labor towards slavery, which comprised of mostly imported Africans.

The change from servitude to slavery sparked tensions between the white and black lower classes. I agree with this claim, because laws granting more liberties to the white lower class planted the seeds of racism and created a separation between poor whites and African Americans, ultimately leading to racial oppression in slavery, Jim Crow, and the current War on Drugs.

Eugene Jarecki points out in *The House I Live In*, the multiple historical attempts led by the white poor were to restrict minorities of jobs in our country. The prohibition of opium in the late 1800's was established because the massive number of Chinese immigrants threatened the job security of the poor white workers (Jarecki). As we continued to criminalize more drugs, media coverage created the perception that certain races were the main users. When crack cocaine appeared in the 1980's, the Reagan administration used it to promote the War on Drugs and, ultimately, to target African American communities. Crack cocaine became the headline for thousands of articles with what Alexander calls “a clear racial subtext” (Alexander, 31). Horror stories depicted that communities decimated by crack were traced to black ghettos.

I agree with Alexander that the War on Drugs has directly attacked the lives and communities of African Americans. Instead of being viewed as victims of a devastating drug, like the white users of powder cocaine had been labeled in the early 1980s, they were marked as ‘crack whores’, ‘crack babies’, and ‘gangbangers’ to once again reaffirm the irresponsibility and negligence of the black community (Piggybacking off of Reagans famous discourse towards the Chicago ‘welfare queen’ and the exploitation of the welfare system perpetrated by blacks) and disassociate them from the rest of society (Alexander, 61).

The public image of the ‘black drug criminal’ became the face of the enemy even though whites were doing the very same crimes. While many white dealers and users were probably not racist, nobody in his or her right mind is going to stand up and shout, “I do cocaine, arrest me too!”

but instead revert to the protection of white privilege they gained since Colonial America. These interpretations of black society segued the rise of law enforcement and, ultimately, the mass incarceration of African Americans.

The media assumption of law enforcement's 'protect and serve' motto is incorrect. According to Alexander, like a "myth", we remind ourselves the police are there to safeguard us from danger and eliminate crime, when in fact they consistently overstep their jurisdiction to instill oppression with the excuse of rooting out crime (Alexander, 35). She argues the civil liberties designed to protect us have been run-down by the drug war. Courts continue to approve laws that allow law enforcement to act on their discretion, while undermining our core constitutional rights, and "ensured that anyone, virtually anywhere, for any reason, can become a target of drug-law enforcement activity" (Alexander, 37). Her claim is supported by the Supreme Courts refusal to consider the Fourth Amendment for Terrance Bostick's case in *Florida vs. Bostick*. The Court defended their choice by saying Bostick, a African American man arrested for drug trafficking on a Greyhound bus, voluntarily allowed the police to search him and if he had felt threatened, "A reasonable person... would have felt free to sit there and refuse to answer the police officer's questions, and would have felt free to tell the officer 'No you can't search my bag'" (Alexander, 38).

The Supreme Court's lack of empathy for Bostick is seemingly because they do not understand how intimidating law enforcement can be, especially for African Americans. In theory, the right to refuse a search and walk away is perfectly reasonable. Yet in practice, officers, brandishing their guns while the individual is cornered, shapes the situation in favor of the police and restricts the individual from refusing. The Court's decision is also a popular critique on black youth. Many individuals will agree with the Court because if their children were to encounter the police, they were raised to be respectful to the authority figure. There seems to be an assumption that because of the stereotypes toward African Americans for their irresponsibility and where they live, that it leads them to be disrespectful towards authority figures. The fact is, law enforcement use this generalization as a method to target African Americans and link them to crimes for profit, while defending their actions with laws and saying they 'felt threatened' or 'had a hunch'.

Drug crimes were not the top priority for law enforcement until the War on Drugs. Alexander argued the Reagan administration enticed state and local law enforcement agencies to focus on drug crimes by providing economic and military incentives. We truly began a war against drugs when Congress passed a law to allow the Federal government to legally provide billions of dollars in federal aid, while the Pentagon concurrently offered over 1.2 million in military arms and training to police forces around the country (Alexander, 43).

How has the militarization of our state and local police forces made our communities safer? Alexander insists they have not. In fact, the only outcome they have created is a misuse in the funding, training and arming of a police force able to terrorize the communities they have vowed to protect and push millions of individuals towards a continuous cycle of incarceration.

According to Alexander, the 'criminals' for most drug crimes are disproportionately African Americans because race is the determinative reason for arrests (Alexander, 78). She defends her claim because if an officer does not specifically state their reason for stopping and searching an individual based on their race, then racial-profiling is acceptable. The Supreme Court identifies this as, "In policing, race *can* be used as a factor in discretionary decision making" (Alexander, 77) while other factors like location, age, and physical appearance add to police inspection. In fact, many police agencies like the Los Angeles Police Department, Denver Police Department, and New York Police Department use databases to identify suspected criminals within the city; Denver's discriminatory system to identify suspected gang members indicated that eight out of every ten individuals of color in the city were on the list (Alexander, 81).

While I agree with her statement, she generalizes the white population as 'marijuana frat boys' and fails to differentiate the white society by socio-economic class. She does successfully

inform her audience that drug laws are broken by every American once in their lives, but sees the upper and middle class whites as the overall majority for the white society. As Davis describes in *Are Prisons Obsolete*, the deindustrialization of United States factories in 1980s and the disestablishment of the welfare system by President Clinton caused many working class families to struggle as they spiraled towards poverty (Davis, 90-91). With a lack of sustainable income, illegal work became more desirable to the lower class as a whole.

The reason why law enforcement fills prisons with African Americans disproportionately is because it is simply easier in the short-run. As Alexander has said, law enforcement agencies have a nation-wide epidemic of drug crimes but have limited resources to combat them with (Alexander, 94). These agencies joined the War on Drugs because of the financial gains; many have become corrupt and dependent on the federal aid given to them (Alexander, 47). With the lack of resources to combat all the drug-related crimes in their field, ghettos in black communities known for high-crime rates are the ideal target to sustain their agencies.

With race having a factor in the likelihood of being a police target, the laws also help facilitate the cycle of mass incarceration. Strict drug laws have the potential to label first-time, non-violent, drug offenders as convicted felons. Alexander remarks about the stigma as a label that permanently removes you from mainstream society and economy (Alexander, 55). A felony on your record transforms an individual into a second-class citizen by restricting the right to public housing, food stamps, and discrimination towards employment opportunities; it seems this label attempts to remove the individual from society, making illegal work more attractive and, ultimately, creating a cycle of incarceration. Cities like Chicago, Illinois fuel this cycle of incarceration with young African American men. As Alexander states, more young black men were imprisoned in 2001 for drug charges than enrolled in the state universities (Alexander, 89-90).

The systematic culling of young black men into institutionalized oppression proposed by Alexander is an issue deeply rooted in the society of the United States. She succeeds in providing a consistent argument against the prison system rebranding as ‘The New Jim Crow’, however her arguments directly relate toward the disproportional imprisonment of African Americans and fail to give the same light on the imprisonment of the poor and working class.

The recent murders of young black men such as Mike Brown, Eric Garner, and Trayvon Martin have sparked national movements like Black Lives Matter, demanding an end to police brutality, racial profiling, the mass incarceration of African Americans, and the militarization of police departments. They have gained media attention internationally and are calling attention to the racially discriminatory United States justice system. Finally, decades old discussions that have been swept under the rug are being questioned. However, simply calling attention to these issues is insufficient. The national discussion has yet to materialize into any real systematic changes.

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