

BOOK REVIEW: The New Jim Crow: Mass Incarceration in the Age of Colorblindness

Tim Mitten, Webster University – Saint Louis

Our nation has still not overcome our struggle with racism. Our penal system puts away thousands of African American men and leaves thousands more disenfranchised. Michelle Alexander is a civil rights lawyer and advocate and the director of the Racial Justice Project for the ACLU. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* states that the United States' justice and penal system perpetuates discrimination and infringes basic human rights such as the right to equality and freedom from discrimination.

Alexander argues that the police use discretion now to target and arrest whom they want, using stereotypes and stigmas established by political propaganda. Discretion is the new discrimination. Unlike homicide or thefts, there is a clear victim and an incident occurs that is necessary to call the police. However, in drug offenses there is no necessity to call for the police. "The first step is to grant law enforcement officials extraordinary discretion regarding whom to stop, search, arrest, and charge for drug offenses, thus ensuring that conscious and unconscious racial beliefs and stereotypes will be given free reign" (p. 103). Police can stop and question whom they want at their discretion. Officers may use tactics that mislead the individual to self-incriminate. It's hard to prove that some officers use discrimination and at times Alexander sounds like a far-fetched conspiracy theorist, but in truth the numbers don't add up. For example, the number of whites that use drugs is the same if not greater than

the number of African Americans, but the numbers don't reflect that in the prison population. Police focus their attention in poor lower-income communities of color to conduct their drug war. Alexander argues that police departments are given incentives to crack down hard on drug offenders. Police department can seize property and assets from arrested drug offenders. Police departments are also given government funding to support the federal war on drugs. This includes money, and equipment. This has been the propellant for the militarization of the police force. In recent events in Ferguson Missouri, there is the debate of this new militarized police force that uses excessive force from this war on crime at home.

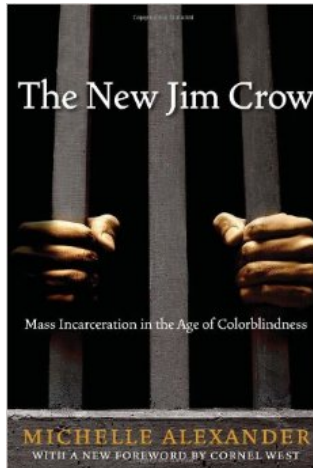
Alexander often supports her claims with statements from respected colleagues or published articles, or even statements from citizens who are affected by the system. It is apparent that Alexander has studied this "new" Jim Crow system in depth. She uses commentaries from recognized civil rights advocates such as W.E.B Du Bois, and she quotes research done by others in her field to support her claims. At times, though, she reiterates some of the same subject matter and it can make some of the talking points repetitive. Yet her argument is clear, and it is unnerving that criminals are essentially second-class citizens. Criminals are labeled and ostracized in our society. Felons are stripped of the right to vote, a basic human right to participate in government, and cannot serve as jurors. The criminal label also victimizes them by creating obstacles for employment. "Nearly every state allows private employers to discriminate on the basis of past criminal convictions," writes Alexander (p. 149). It is legal in America to discriminate against criminals. The system is designed to strip criminals, and unfortunately African Americans who make up the majority of convicted criminals, of their basic human rights. Alexander points out a crucial fact that addresses the concern that America's penal system is a violation of human rights. Alexander states: "The United Nations Human Rights Committee has charged that U.S. disenfranchisement policies are discriminatory and violate international law" (p. 158). American laws

prohibiting convicted felons from voting and other disqualifications have no legitimate purpose other than to exclude selected member of the population.

It's interesting that not only does the government discriminate against convicted criminals, but so do family groups and the general public. "Imprisonment is considered so shameful that many people avoid talking about it, even within their own families" (p. 166). Individuals convicted of crimes are not left with a strong support group. Government and public aid will not support nor will family groups then again the individual will most likely end back in prison. Public perception of convicts unfortunately perpetuates the notion that African Americans as convicts. The mass media constantly bombards the public with images of African Americans in handcuffs and in the back of police cars. Families that struggle with the shame of this and don't speak out reinforce the public perception, which disenfranchises individuals even more. Alexander makes an interesting argument that this new form of Jim Crow doesn't only affect African Americans or minorities, as it had done so in the past, but now it also affects whites who are caught in the drug war. It now discriminates directly against them, a new difference between the new and old system.

The book breaks down each facet of the American prison system from law enforcement to courtroom discrimination, and post discrimination. It is shocking to see that an important cog in the machine is the prosecutors. Prosecutors have more power now than judges because they have the discretion of picking and choosing which cases go to trial and which get tossed out. Discretion in the book is just another tool for discrimination. Alexander states that majority of the drug cases that are allowed to go to trial are African American, even though there are plenty of white drug users and dealers. The American "War on Drugs" leads to a variety of human rights abuses, discriminating against and disenfranchising millions of individuals who go through the system. These people are labeled as unwanted second-class citizens. The penal system is designed is control the overwhelming numbers of

African Americans and minorities who go through the system. As Alexander's book clearly shows, this affects American society as a whole.



Book Information

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Michelle Alexander (2010)

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