

PM: The New Jim Crow  
Mass Incarceration in the Age of Color Blindness

Reviewed by Polly Mann

(New Press, 2010 by Michelle Alexander)

Part Two of Polly Mann's Three-Part Reflection and Summary (Part One appeared in the Women Against Military Madness Newsletter, Fall II, 2014)

In the 1920s, when I was a child in Hot Springs, Arkansas, there were certain unspoken and unwritten racial rules. A white person called any black person by his/her first name and any black person addressed the white person as Mr., Mrs., or Miss. All people of color entered the homes of white people by the back door. Schools were segregated and one had only to view the exterior of schoolhouses to recognize the inferiority of the black school system. Today all this has changed. I think racism still exists, but it is more covert. Guests at the leading hotel are from all ethnic groups, and on the surface racism is dead. But underneath, whether in Minnesota or Arkansas, racism still lurks. Its ugliest manifestation is the massive, and most often unjust, incarceration of young black men for drug convictions. This is the theme of Michelle Alexander's barn-burner of a book, *The New Jim Crow*, replete with statistics to bear out her thesis.

Her book describes how virtually all constitutionally protected civil liberties have been undermined by the drug war. Mandatory drug testing has been approved along with random searches and sweeps of public schools and students; search warrants have been issued based on anonymous tips, and helicopter surveillance has been authorized without an arrest warrant. State and local law enforcement agencies have been granted the right to keep for their own use cash and assets seized in drug raids. The Anti-Abuse Act of 1986 provided mandatory minimum sentences for the distribution of cocaine, including far more serious punishment for the distribution of crack, associated with blacks, than powder cocaine, which was preferred by whites.

The U.S. Supreme Court struck down the basic requirement that motorists stopped by police have to give their consent to a search, thus negating the Fourth Amendment to the Constitution. The Drug Enforcement Agency (DEA) trains police to conduct unreasonable and discriminatory stops and seizures throughout the United States. The "drug-courier profiles" utilized by the DEA and other law enforcement agencies for drug sweeps on highways, airports, and train stations are notoriously unreliable.

Thousands of people are swept into the criminal justice system every year pursuant to the drug war without much regard for their guilt or innocence. Police are allowed by the courts to conduct "fishing expeditions" for drugs based on nothing more than

a hunch. Once in the system, people are often denied attorneys or meaningful representation and pressured into plea bargains by threats of unbelievably harsh sentences—higher than those many countries impose on convicted murderers. Legal representation provided criminal defendants is often illusory. Approximately 80 percent of criminal defendants are indigent and unable to hire a lawyer, and the nation's public defender system is woefully inadequate, with attorneys unable to handle their enormous caseloads.

This is the way the roundup works in virtually every major city in the country. The San Jose Mercury News reviewed 700,000 criminal cases and found that “at virtually every stage of pre-trial negotiation, whites are more successful than nonwhites.” The State of Georgia's “two strikes and you're out” legislation imposes life imprisonment for a second drug offense. As a result 98.4 percent of those serving life sentences were black.

But when a defendant pleads guilty to a minor drug offense, he probably will not be told that that “guilty” plea will most likely prevent him from receiving any kind of government benefits. The sentencing might be probation, community service, and court costs. Also unmentioned might be his lifetime denial of health and welfare benefits, food stamps, public housing, and federal educational assistance. His driver's license may be suspended and he may no longer qualify for state employment and professional licenses. He will not be permitted to enlist in the military, possess a firearm, or obtain a federal security license.

There have been changes in our laws, but not as a result of increases in crime. Instead they have created dramatic increases in the mandatory length of prison sentences that have resulted in the growth of our prison system.

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