

TEACHING TOLERANCE



A PROJECT OF THE SOUTHERN POVERTY LAW CENTER
TOLERANCE.ORG

TEACHING

The New Jim Crow

LESSON 5

Mass Incarceration as a Form of Racialized Social Control

THE NEW JIM CROW by Michelle Alexander

CHAPTER 1

The Rebirth of Caste

The Birth of Mass Incarceration

The rhetoric of “law and order” was first mobilized in the late 1950s as Southern governors and law enforcement officials attempted to generate and mobilize white opposition to the Civil Rights Movement. In the years following *Brown v. Board of Education*, civil rights activists used direct-action tactics in an effort to force reluctant Southern states to desegregate public facilities. Southern governors and law enforcement officials often characterized these tactics as criminal and argued that the rise of the Civil Rights Movement was indicative of a breakdown of law and order.

BOOK
EXCERPT

For more than a decade—from the mid-1950s until the late 1960s—conservatives systematically and strategically linked opposition to civil rights legislation to calls for law and order, arguing that Martin Luther King Jr.’s philosophy of civil disobedience was a leading cause of crime. Civil rights protests were frequently depicted as criminal rather than political in nature, and federal courts were accused of excessive “lenience” toward lawlessness, thereby contributing to the spread of crime.

Unfortunately, at the same time that civil rights were being identified as a threat to law and order, the FBI was reporting fairly dramatic increases in the national crime rate. Beginning in the 1960s, crime rates rose in the United States for a period of about ten years. The reasons for the crime wave are complex but can be explained in large part by the rise of the “baby boom” generation—the spike in the number of young men in the fifteen-to- twenty-four age group, which historically has been responsible for most crimes. The surge of young men in the population was occurring at precisely the same time that unemployment rates for black men were rising sharply, but the economic and demographic factors contributing to rising crime were not explored in the media. Instead, crime reports were sensationalized and offered as further evidence of the breakdown in lawfulness, morality, and social stability in the wake of the Civil Rights Movement.¹

To make matters worse, riots erupted in the summer of 1964 in Harlem and Rochester, followed by a series of uprisings that swept the nation following the assassination of Martin Luther King Jr. in 1968. The racial imagery associated with the riots gave fuel to the argument that civil rights for blacks led to rampant crime. Civil rights activists who argued

Abridged excerpt from *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* — Copyright © 2010, 2012 by Michelle Alexander. Reprinted by permission of The New Press. thenewpress.com

that the uprisings were directly related to widespread police harassment and abuse were dismissed by conservatives out of hand.

While many civil rights advocates in this period actively resisted the attempt by conservatives to use rising crime as an excuse to crack down on impoverished black communities, some black activists began to join the calls for “law and order” and expressed support for harsh responses to lawbreakers. Wittingly or unwittingly, they found themselves complicit in the emergence of a penal system unprecedented in world history. Black support for harsh responses to urban crime—support born of desperation and legitimate concern over the unraveling of basic security in inner-city communities—helped provide political cover for conservative politicians who saw an opening to turn back the clock on racial progress in the United States. Conservatives could point to black support for highly punitive approaches to dealing with the problems of the urban poor as “proof” that race had nothing to do with their “law and order” agenda.

Early on, little effort was made to disguise the racial motivations behind the law and order rhetoric and the harsh criminal justice legislation proposed in Congress. The most ardent opponents of civil rights legislation and desegregation were the most active on the emerging crime issue.

As the rules of acceptable discourse changed, however, segregationists distanced themselves from an explicitly racist agenda. They developed instead the racially sanitized rhetoric of “cracking down on crime”—rhetoric that is now used freely by politicians of every stripe. Conservative politicians who embraced this rhetoric purposefully failed to distinguish between the direct action tactics of civil rights activists, violent rebellions in inner cities, and traditional crimes of an economic or violent nature ...”²

Although law and order rhetoric ultimately failed to prevent the formal dismantling of the Jim Crow system, it proved highly effective in appealing to poor and working-class whites, particularly in the South, who were opposed to integration and frustrated by the Democratic Party’s apparent support for the Civil Rights Movement. In fact, law and order rhetoric—first employed by segregationists—would eventually contribute to a major realignment of political parties in the United States.

The success of law and order rhetoric among working-class whites and the intense resentment of racial reforms, particularly in the South, led conservative Republican analysts to believe that a “new majority” could be created by the Republican Party, one that included the traditional Republican base, the white South, and half the Catholic, blue-collar vote of the big cities.³ Some conservative political strategists admitted that appealing to racial fears and antagonisms was central to this strategy, though it had to be done surreptitiously.

Republican strategist Kevin Phillips is often credited for offering the most influential argument in favor of a race-based strategy for Republican political dominance in the South. He argued in *The Emerging Republican Majority*, published in 1969, that Nixon’s successful presidential election campaign could point the way toward long-term political realignment and the building of a new Republican majority, if Republicans continued to campaign

primarily on the basis of racial issues, using coded antiblack rhetoric.⁴ He argued that Southern white Democrats had become so angered and alienated by the Democratic Party's support for civil rights reforms, such as desegregation and busing, that those voters could be easily persuaded to switch parties if those racial resentments could be maintained.

Thus in the late 1960s and early 1970s, two schools of thought were offered to the general public regarding race, poverty, and the social order. Conservatives argued that poverty was caused not by structural factors related to race and class but rather by culture—particularly black culture.

Liberals, by contrast, insisted that social reforms such as the War on Poverty and civil rights legislation would get at the “root causes” of criminal behavior and stressed the social conditions that predictably generate crime.

Competing images of the poor as “deserving” and “undeserving” became central components of the debate. Ultimately, the racialized nature of this imagery became a crucial resource for conservatives, who succeeded in using law and order rhetoric in their effort to mobilize the resentment of white working-class voters, many of whom felt threatened by the sudden progress of African Americans. As explained by Thomas and Mary Edsall in their insightful book *Chain Reaction*, a disproportionate share of the costs of integration and racial equality had been borne by lower- and lower-middle-class whites, who were suddenly forced to compete on equal terms with blacks for jobs and status and who lived in neighborhoods adjoining black ghettos. Their children—not the children of wealthy whites—attended schools most likely to fall under busing orders. This reality made it possible for conservatives to characterize the “liberal Democratic establishment” as being out of touch with ordinary working people By 1968, 81 percent of those responding to the Gallup Poll agreed with the statement that “law and order has broken down in this country,” and the majority blamed “Negroes who start riots” and “Communists.”⁵

Race had become, yet again, a powerful wedge, breaking up what had been a solid liberal coalition based on economic interests of the poor and the working and lower-middle classes. In the 1968 election, race eclipsed class as the organizing principle of American politics, and by 1972, attitudes on racial issues rather than socioeconomic status were the primary determinant of voters' political self-identification. Just as race had been used at the turn of the century by Southern elites to rupture class solidarity at the bottom of the income ladder, race as a national issue had broken up the Democratic New Deal “bottom-up” coalition—a coalition dependent on substantial support from all voters, white and black, at or below the median income.

The conservative revolution that took root within the Republican Party in the 1960s did not reach its full development until the election of 1980.

In his campaign for the presidency, Reagan ... built on the success of earlier conservatives who developed a strategy of exploiting racial hostility or resentment for political gain without making explicit reference to race.⁶ Condemning “welfare queens” and criminal “predators,” he rode into office with the strong support of disaffected whites—poor and working-

class whites who felt betrayed by the Democratic Party's embrace of the civil rights agenda. His "color-blind" rhetoric on crime, welfare, taxes, and states' rights was clearly understood by white (and black) voters as having a racial dimension, though claims to that effect were impossible to prove.

In October 1982, President Reagan officially announced his administration's War on Drugs. At the time he declared this new war, less than 2 percent of the American public viewed drugs as the most important issue facing the nation.⁷ This fact was no deterrent to Reagan, for the drug war from the outset had little to do with public concern about drugs and much to do with public concern about race. By waging a war on drug users and dealers, Reagan made good on his promise to crack down on the racially defined "others"—the undeserving.

Practically overnight the budgets of federal law enforcement agencies soared. Between 1980 and 1984, FBI antidrug funding increased from \$8 million to \$95 million.⁸ Department of Defense antidrug allocations increased from \$33 million in 1981 to \$1,042 million in 1991. During that same period, DEA antidrug spending grew from \$86 to \$1,026 million, and FBI antidrug allocations grew from \$38 to \$181 million.⁹ By contrast, funding for agencies responsible for drug treatment, prevention, and education was dramatically reduced. The budget of the National Institute on Drug Abuse, for example, was reduced from \$274 million to \$57 million from 1981 to 1984, and antidrug funds allocated to the Department of Education were cut from \$14 million to \$3 million.¹⁰

Determined to ensure that the "new Republican majority" would continue to support the extraordinary expansion of the federal government's law enforcement activities and that Congress would continue to fund it, the Reagan administration launched a media offensive to justify the War on Drugs.¹¹ Central to the media campaign was an effort to sensationalize the emergence of crack cocaine in inner-city neighborhoods—communities devastated by deindustrialization and skyrocketing unemployment. The media frenzy the campaign inspired simply could not have come at a worse time for African Americans.

In the early 1980s, just as the drug war was kicking off, inner-city communities were suffering from economic collapse. The blue-collar factory jobs that had been plentiful in urban areas in the 1950s and 1960s had suddenly disappeared.¹²

The new manufacturing jobs that opened during this time period were generally located in the suburbs. The growing spatial mismatch of jobs had a profound impact on African Americans trapped in ghettos.

The decline in legitimate employment opportunities among inner-city residents increased incentives to sell drugs—most notably crack cocaine. Crack hit the streets in 1985, a few years after Reagan's drug war was announced, leading to a spike in violence as drug markets struggled to stabilize, and the anger and frustration associated with joblessness boiled. Joblessness and crack swept inner cities precisely at the moment that a fierce backlash against the Civil Rights Movement was manifesting itself through the War on Drugs.

Numerous paths were available to us, as a nation, in the wake of the crack crisis, yet for reasons traceable largely to racial politics and fear mongering we chose war. Conservatives found they could finally justify an all-out war on an “enemy” that had been racially defined years before.

Almost immediately after crack appeared, the Reagan administration leaped at the opportunity to publicize crack cocaine in an effort to build support for its drug war.

The strategy bore fruit. In June 1986, *Newsweek* declared crack to be the biggest story since Vietnam/Watergate, and in August of that year, *Time* magazine termed crack “the issue of the year.” Thousands of stories about the crack crisis flooded the airwaves and newsstands, and the stories had a clear racial subtext. The articles typically featured black “crack whores,” “crack babies,” and “gangbangers,” reinforcing already prevalent racial stereotypes of black women as irresponsible, selfish “welfare queens,” and black men as “predators”—part of an inferior and criminal subculture.¹³

In September 1986, with the media frenzy at full throttle, the House passed legislation that allocated \$2 billion to the antidrug crusade, required the participation of the military in narcotics control efforts, allowed the death penalty for some drug-related crimes, and authorized the admission of some illegally obtained evidence in drug trials. Later that month, the Senate proposed even tougher antidrug legislation, and shortly thereafter, the president signed the Anti-Drug Abuse Act of 1986 into law. Among other harsh penalties, the legislation included mandatory minimum sentences for the distribution of cocaine, including far more severe punishment for distribution of crack—associated with blacks—than powder cocaine, associated with whites.

Congress revisited drug policy in 1988. The new Anti-Drug Abuse Act authorized public housing authorities to evict any tenant who allows any form of drug-related criminal activity to occur on or near public housing premises and eliminated many federal benefits, including student loans, for anyone convicted of a drug offense. The act also expanded use of the death penalty for serious drug-related offenses and imposed new mandatory minimums for drug offenses, including a five-year mandatory minimum for simple possession of cocaine base—with no evidence of intent to sell. Remarkably, the penalty would apply to first-time offenders. The severity of this punishment was unprecedented in the federal system. Until 1988, one year of imprisonment had been the maximum for possession of any amount of any drug.

Reagan’s successor, President George [H. W.] Bush, did not hesitate to employ implicit racial appeals, having learned from the success of other conservative politicians that subtle negative references to race could mobilize poor and working-class whites who once were loyal to the Democratic Party. Bush’s most famous racial appeal, the Willie Horton ad [released during the 1988 presidential campaign], featured a dark-skinned black man, a convicted murderer who escaped while on a work furlough and then raped and murdered a white woman in her home. The ad blamed Bush’s opponent, Massachusetts governor Michael Dukakis, for the death of the white woman, because he approved the furlough program. For months, the ad played repeatedly on network news stations and was the subject

of incessant political commentary. Though controversial, the ad was stunningly effective; it destroyed Dukakis's chances of ever becoming president.

Once in the Oval Office, Bush stayed on message, opposing affirmative action and aggressive civil rights enforcement, and embracing the drug war with great enthusiasm. By the late 1980s ... not only conservatives played leading roles in the get-tough movement, spouting the rhetoric once associated only with segregationists. Democratic politicians and policy makers were now attempting to wrest control of the crime and drug issues from Republicans by advocating stricter anticrime and antidrug laws—all in an effort to win back the so-called “swing voters” who were defecting to the Republican Party.

In the early 1990s, resistance to the emergence of a new system of racialized social control collapsed across the political spectrum. [A] new racial caste system—mass incarceration—was taking hold, as politicians of every stripe competed with each other to win the votes of poor and working-class whites, whose economic status was precarious, at best, and who felt threatened by racial reforms.

The results were immediate. As law enforcement budgets exploded, so did prison and jail populations. In 1991, the Sentencing Project reported that the number of people behind bars in the United States was unprecedented in world history, and that one fourth of young African American men were now under the control of the criminal justice system. Despite the jaw-dropping impact of the “get tough” movement on the African American community, neither the Democrats nor the Republicans revealed any inclination to slow the pace of incarceration.

To the contrary, in 1992, presidential candidate Bill Clinton vowed that he would never permit any Republican to be perceived as tougher on crime than he.

Once elected, Clinton endorsed the idea of a federal “three strikes and you’re out” law, which he advocated in his 1994 State of the Union address to enthusiastic applause on both sides of the aisle. The \$30 billion crime bill sent to President Clinton in August 1994 was hailed as a victory for the Democrats, who “were able to wrest the crime issue from the Republicans and make it their own.”¹⁴ The bill created dozens of new federal capital crimes, mandated life sentences for some three-time offenders, and authorized more than \$16 billion for state prison grants and expansion of state and local police forces. Far from resisting the emergence of the new caste system, Clinton escalated the drug war beyond what conservatives had imagined possible a decade earlier. As the Justice Policy Institute has observed, “the Clinton Administration’s ‘tough on crime’ policies resulted in the largest increases in federal and state prison inmates of any president in American history.”¹⁵

Clinton eventually moved beyond crime and capitulated to the conservative racial agenda on welfare. This move, like his “get tough” rhetoric and policies, was part of a grand strategy articulated by the “new Democrats” to appeal to the elusive white swing voters. In so doing, Clinton—more than any other president—created the current racial undercaste. He signed the Personal Responsibility and Work Opportunity Reconciliation Act, which “ended welfare as we know it,” replacing Aid to Families with Dependent Children (AFDC)

with a block grant to states called Temporary Assistance to Needy Families (TANF). TANF imposed a five-year lifetime limit on welfare assistance, as well as a permanent, lifetime ban on eligibility for welfare and food stamps for anyone convicted of a felony drug offense—including simple possession of marijuana.

Determined to prove how “tough” he could be on “them,” Clinton also made it easier for federally assisted public housing projects to exclude anyone with a criminal history—an extraordinarily harsh step in the midst of a drug war aimed at racial and ethnic minorities.

The law and order perspective, first introduced during the peak of the Civil Rights Movement by rabid segregationists, had become nearly hegemonic two decades later. Once again, in response to a major disruption in the prevailing racial order—this time the civil rights gains of the 1960s—a new system of racialized social control was created by exploiting the vulnerabilities and racial resentments of poor and working-class whites. More than 2 million people found themselves behind bars at the turn of the twenty-first century, and millions more were relegated to the margins of mainstream society, banished to a political and social space not unlike Jim Crow, where discrimination in employment, housing, and access to education was perfectly legal, and where they could be denied the right to vote Ninety percent of those admitted to prison for drug offenses in many states were black or Latino, yet the mass incarceration of communities of color was explained in race-neutral terms, an adaptation to the needs and demands of the current political climate. The New Jim Crow was born.

Endnotes

- 1 Katherine Beckett, *Making Crime Pay: Law and Order in Contemporary American Politics* (New York: Oxford University Press, 1997), 32; Marc Mauer, “Two-Tiered Justice: Race, Class and Crime Policy,” in *The Integration Debate: Competing Futures for American Cities*, ed. Chester Hartman and Gregory Squires (New York: Routledge, 2005), 171.
- 2 Marc Mauer, *Race to Incarcerate* (New York: The New Press, 1999), 52.
- 3 See, e.g., Patrick Buchanan, *The New Majority: President Nixon at Mid-Passage* (Philadelphia: Girard Bank, 1973).
- 4 See Kevin Phillips, *The Emerging Republican Majority* (New Rochelle, NY: Arlington House, 1969).
- 5 Thomas Byrne Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: Norton, 1992), 38.
- 6 *Ibid.*, 138; see also Jeremy Mayer, *Running on Race* (New York: Random House, 2002), 71.
- 7 *Ibid.*, 56; see also Julian Roberts, “Public Opinion, Crime and Criminal Justice,” in *Crime and Justice: A Review of Research*, vol. 16, ed. Michael Tonry (Chicago: University of Chicago Press, 1992).
- 8 Beckett, *Making Crime Pay*, 53, citing Executive Office of the President, Budget of the U.S. Government (1990).
- 9 *Ibid.*, citing U.S. Office of the National Drug Control Policy, National Drug Control Strategy (1992).
- 10 *Ibid.*

11 Ibid., 56.

12 See William Julius Wilson, *When Work Disappears: The World of the New Urban Poor* (New York: Vintage, 1997).

13 See Craig Reinerman and Harry Levine, “The Crack Attack: America’s Latest Drug Scare, 1986–1992,” in *Images of Issues: Typifying Contemporary Social Problems*, ed. Joel Best (New York: Aldine De Gruyter, 1995).

14 David Masci, “\$30 Billion Anti-Crime Bill Heads to Clinton’s Desk,” *Congressional Quarterly*, Aug. 27, 1994, 2488–93; and Beckett, *Making Crime Pay*, 61.

15 Justice Policy Institute, “Clinton Crime Agenda Ignores Proven Methods for Reducing Crime,” Apr. 14, 2008, available online at www.justicepolicy.org/content-hmID=1817&smID=1571&ssmID=71.htm.