

## **From the Civil Rights Movement to the Rise of the Incarceration Nation: The Politics of Race and Crime in Contemporary America<sup>1</sup>**

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### **Abstract**

This paper seeks to delineate the sinister sociological synergies that have accompanied the discourse on race and crime in contemporary America. It explores the links between race and crime by situating the African American experience since the Civil Rights Movement within the context of the flight of low skilled jobs from the inner city, the war on drugs, and the growth of the prison-industrial complex as an effective mechanism for perpetuating the marginalization of black Americans.

### **Introduction**

Inequality has been a dominant feature of America's political ethos since its inception as a nation-state within the modern capitalist world system. In stark contrast to the rhetoric of its leaders and their myriad pronouncements regarding equality of our nation's citizens, the history of America is filled with many instances where people whose features were incongruent with those of our founding fathers were denied their human and political rights. Ultimately, those rights were won because of protracted struggles against the dominant political ethos of American society. However, despite the successes of these struggles, the continued attempts to restructure the basis on which inequality is perpetuated in American life belies our Constitution's pronouncements that all men are created equal and are, therefore, endowed with equal rights. An example of the latter is the experiences of black<sup>2</sup> Americans, particularly as they relate to race and crime in contemporary American society. When the African American experience is viewed through the Orwellian prism, where political language is designed to make lies true and murder respectable, the manipulation of Americans' perceptions as they relate to race and crime can be better understood as effective instruments for maintaining black disenfranchisement thereby perpetuating America's

system of racial hierarchy. Not surprisingly, America's system of racial hierarchy is firmly rooted in inequality (Orwell 1946; Orwell 1961; Steinberg 1999; Alexander 2012).

My concern with exploring the nexus between race and crime stems from my belief that the American prison-industrial complex represents an insidious and seemingly apolitical attempt to perpetuate the continuing marginalization of African Americans. For example, according to the NAACP's Criminal Justice Fact Sheet, about 14 million whites and 2.6 million African Americans, about the same proportion of each group, reported using an illicit drug. Surprisingly, the arrest and conviction rates of blacks for drug usage/distribution are much greater than for their white counterparts. The latter finding is buttressed by the Congressional testimony of Marc Mauer, executive director of the Sentencing Project, in which he pointed out that although blacks constitute 13 percent of the American population and 14 percent of drug users, they make up 37 percent of Americans arrested for drugs and 56 percent of the people in state prisons for drug offenses (U.S. Congress 2009). A felony conviction is tantamount to economic suicide because an African American with a felony conviction will experience major barriers to legal employment and, in some states, be denied the right to participate in the electoral process at the local and national levels. Although it is true that all individuals with felony convictions experience substantial obstacles to employment, this problem is especially acute for African Americans. As Pager and Western reported, black job seekers without criminal records fare as well as white males just released from prison (Pager and Western 2005:12). Given the fact that incarceration exacerbates inequality, this paper explores three topics:

First, it delineates the progress of African Americans as a consequence of the Civil Rights revolution. However, the success of the Civil Rights Movement gave rise to allegedly race neutral policies such as the war on drugs that led to the explosion of the number of African Americans in our nation's prisons.

Second, while a large number of African American males in our nation's prisons and jails have garnered the attention of criminologists, scholars and journalists, the number of African American females in prison holds disturbing implications. Specifically, black females are warehoused in American prisons at three times the rate of their white counterparts<sup>3</sup>. However, since 2000 the ratio of black to white female

imprisonment has declined. My exposition seeks to address this issue and its impact on African American families.

Finally, the social costs of incarceration are delineated because of their destructive consequences on employment, family, political and community engagement. In the words of Paul Street (2001), the “sinister sociological synergies” implicit in the reality accompanying race and crime in contemporary America constitute the subject matter of this paper.

### **Progress and the Continuing Significance of Race**

Since the Civil Rights era, blacks in America have made significant progress. Black chief executive officers such as Ursula Burns (Xerox), Kenneth Chenault (American Express), Ronald Williams (Aetna) and John Thompson (Symantec) provide leadership to Fortune 500 companies. The ability of Michael Jordan to become the majority owner of a professional basketball team and the reelection of Barack Obama as the President of the United States speak to the remarkable progress that African Americans have made. The lofty achievements of high profile blacks in higher education, entertainment, sports, government, and other sectors of American society have given birth to the perception that race based discrimination is a thing of the past. Pager and Western remarked,

Public opinion polls indicate that Americans today are much less likely to view discrimination as a major problem as were their counterparts in the 1970s. In fact, according to a recent Gallup poll, more than three quarters of the general public believe that Blacks are treated the same as Whites in society ( Pager and Western 2005:1).

Ironically, the success of African Americans such as Eleanor Holmes Norton, Condoleezza Rice, Alice Walker, and Oprah Winfrey does not mean that African Americans no longer face powerful barriers to equal access to jobs in the American workforce. Despite the progress of blacks and the prevailing view that race based discrimination is no longer a significant force limiting the opportunities available to

minorities, blacks continue to face significant challenges in the workplace. As Pager and Western's study confirms,

In contrast to public opinion that assumes little influence of discrimination on labor market inequality, we find that black job applicants are only two-thirds as successful as equally qualified whites. Indeed, black job seekers fare no better than white men just released from prison. Discrimination continues to represent a major barrier to economic self-sufficiency for those at the low end of the labor market hierarchy. Blacks, and to a lesser extent Latinos, are routinely passed over in favor of whites for the most basic kinds of low-wage work. Indeed, discrimination has not been eliminated in the post-civil rights period as some contend, but remains a vital component of a complex pattern of racial inequality (Pager and Western 2005:12).

An investigation into the continuing significance of race is important because opportunities for advancement in our society's education and employment arenas are not wholly independent of an individual's racial/ethnic classification(s). As Pettit's research demonstrates, "By 2008, a young black man without a high school diploma was more likely to be in prison or jail than to be employed in the paid labor force" (2012:67). Consequently, exploring the connections between education, employment, and incarceration are critical because, as Pettit and Western's (2004) research has illustrated, young black males who have high school diplomas and/or college degrees and are successfully engaged in the labor market are less likely to be under the supervision of the law enforcement community. Black males who have dropped out of high school dominate the demographic profile of African Americans behind bars (see Table 1).

Table 1: Percent of Jobless in Prison or Jail, 1980-2008					
	1980			2008	
	Non-Hispanic White	Non-Hispanic Black		Non-Hispanic White	Non-Hispanic Black
<b>18-64</b>	2.4%	9.6%		5.6%	20.8%
<b>20-34</b>	4.2%	16.7%		9.2%	27.4%
<b>20-24 with less than a high school diploma</b>	8.7%	23.8%		28.2%	50.4%
					Source: Pettit, <i>Mass Incarceration</i> (2012)

The explosive growth in the number of young black males who are disconnected from our nation’s educational institutions and labor market cannot be understood without an appreciation of our leaders’ embrace of public policies that buttressed the war on drugs and the deindustrialization of urban centers, starting in the 1960s. These developments along with the radicalization of the Civil Rights Movements as evidenced by the urban revolts in Newark, Detroit, and Watts set the stage for the criminalization of a significant segment of the African American community. These public policies are legitimized by the belief that African Americans were inherently violent, educationally inferior, and that the commitment of black males to their children was tenuous, at best.

**The War on Drugs and the Growth of the Prison-Industrial Complex**

Since the 1960s, African Americans have increasingly become the face of the dangerous class, in American society. The roots of the criminalization of African Americans, as a contemporary phenomenon, can be traced to the Civil Rights Movement when white supremacists tried unsuccessfully to portray black attempts to end Jim Crow segregation in public places as unlawful. Southern segregationists’ attempts to criminalize the Civil Rights Movement failed largely because images of southern blacks fighting valiant non-violent campaigns against white oppression were analogous to the biblical battle between David and Goliath. These images became

prolific on the television sets of northerners who were shocked by southerners' violent reactions to African Americans' attempts to win their civil rights and integrate public educational institutions. An iconic image of the latter was Norman Rockwell's magazine cover titled "The Problem We All Live With."<sup>4</sup> Rockwell's painting depicted a six year old African American girl, Ruby Bridges, being escorted by four U.S. marshals to an all white school in New Orleans, Louisiana. Ruby's enrollment at William Frantz Public School in the fall of 1960 was a direct consequence of the Supreme Court's *Brown v. Board of Education* ruling outlawing segregation in public schools. White proponents of the Jim Crow status quo vehemently resisted the federal government's attempts at racial desegregation through protest, intimidation, and murder. White southerners' proclivities for employing intimidation and murder as efficacious tools for imposing their wills on blacks shocked many white northern liberals. Unfortunately, while white liberals initially supported the Civil Rights Movement and its leaders' lofty demand to end the policy of separate and unequal accommodations, when the movement entered its more militant black power phase white support for the movement largely evaporated. Increasingly, militaristic strategies--orchestrated by J. Edgar Hoover and law enforcement leaders at the state and local levels--were employed to crush the radical elements within the Civil Rights Movement. This led Roderick Bush to observe:

...the tension between the heroic act of the oppressed and the larger and more democratic vision that Malcolm X and the Black Panther Party articulated created a juncture at which federal and local law enforcement agencies could implicitly justify acting as occupying armies not only to bring these dangerous organizations under control, but also to monitor and undermine the efforts of all who were involved in the movement as a whole. It is only in this context that we can understand how the FBI's war against Dr. Martin Luther King, Jr., could gain such wide support among liberals, who in theory supported the program of the Civil Rights movement (Bush 2009:2).

Ultimately, these counter-revolutionary campaigns' destructive impact on black democratic movements for change involved the use of clandestine and oppressive actions. These efforts proved too much for the black offensive against the federal

government's attempt to maintain the racial status quo minus Jim Crow. Thus, Malcolm X was assassinated, members of the Black Panther Party were jailed and legally executed by armed agents of the state, and the full force of the law was utilized to co-opt and/or destabilize important institutions within the black community.

The assassination and defeat of these individuals and organizations left the black community along with its traditional and conservative Civil Rights organizations unprepared to address the new period characterized by the disappearance of work, the proliferation of apparently race neutral policies, and punitive law enforcement tactics that reduced black girls and boys to fodder for the illegal drug industry, overcrowded and failing schools, the prison-industrial complex, and low wage unskilled jobs where career advancement and wage growth were, at best, tenuous. The deindustrialization of urban centers meant that access to high wage jobs in the low skill sector of the national economy was a thing of the past. The exodus of low skilled high wage jobs that accompanied the deindustrialization of American urban centers, gave rise to a drug economy. Infamous figures such as Nicky Barnes, Frank Lucas, and Freeway Rick Ross reinforced the erroneous belief that the drug trade could provide African American males a viable route to financial success and material well-being. Not surprisingly, during this period public policy shaped the implementation of laws that targeted blacks, thereby destabilizing the communities in which they lived.

### **Public Policy, Crime Bills & the Criminalization of African Americans**

On July 14, 1969, President Richard Nixon identified drug abuse as a threat to national security. President Nixon's remarks to Congress were replete with statistics regarding the dramatic increase in the use of narcotics and drug arrests. In 1971 he officially launched the War on Drugs and created the Drug Enforcement Administration (DEA) to coordinate the national campaign against the rising tide of drug abuse. The war on drugs resulted in the passage of legislation aimed at punishing those who engaged in the illicit distribution and use of narcotics. At the federal level, Congress passed major crime bills in 1968, 1984, 1986, 1988, and 1994<sup>5</sup>. Bills such as the Crime Control and Safe Streets Act and the Violent Crime Control and Enforcement Act have provided states with fiscal incentives to incarcerate more of their residents. States that

failed to promote a get tough on crime posture were not able to access millions of dollars from the federal government. Thus, under the 1994 federal crime bill, a state could receive part of the \$9.7 billion set aside for new prison construction only if it required inmates to serve at least 85 percent of their sentences before parole, in effect doubling sentences for many classes of offenders (Donziger 1996:13-14).

At the state level, New York's Rockefeller Drug Laws of 1973, Michigan's 650-Lifer Law of 1978, and California's Three Strikes Law of 1994 mirrored the federal government's preference for longer sentences for those convicted for drug related offenses. The Rockefeller Drug Laws represented a milestone in our nation's war on drugs. As Madison Gray observed, they created mandatory minimum sentences of fifteen years to life for possession of four ounces of narcotics—about the same as a sentence for second degree murder (Gray 2009). Similar to New York's laws, Michigan's 650-Lifer Law required judges to incarcerate drug offenders convicted of delivering more than 650 grams of narcotics (Gray 2009). The implementation and execution of these laws had a disproportionate impact on African Americans and, particularly since the 1980s, led to the explosion in their numbers behind bars.

Scholars and activists who have argued that federal and state governments' get tough on crime policies are inherently biased often cite the differences in punishments that are meted out to those convicted of trafficking crack as opposed to powder cocaine (Donziger 1996; Roberts 2004; Cuffee 2008). As Aldolphus Belk argued, "The Anti-Drug Act of 1986 was drafted in response to the advent of the crack." He continued, "The most controversial aspect of the law was the 100-to-1 ratio, which created the following penalty structure for first offense cocaine trafficking" (see Table 2). An individual convicted of trafficking 5 grams of crack cocaine received the same sentence as an individual convicted of trafficking 500 grams of powder cocaine<sup>6</sup> (Belk 2006:8). In an example of logic being turned on its head, in 2002 blacks constituted more than 80 percent of the people sentenced under the federal crack cocaine laws despite the fact that more than two-thirds of crack cocaine users were white and Hispanics, (NAACP 2009). However, given the prevailing perception that whites were more likely to use powder cocaine as opposed to blacks who were more likely to utilize the poor people's form of cocaine—i.e., crack, blacks were penalized more harshly under this sentencing structure. This led Belk to conclude that:



The creation of the 100-to-1 ratio was a deliberate act on the part of the executive branch and Congress, as both institutions considered crack to be the leading drug menace in America. As a result, for any amount of cocaine, trafficking offenses involving crack are now considerably more severe than those involving drugs such as powder cocaine. This aspect of the law reflected a severity similar to the drug laws enacted in New York State during the 1970s (Belk 2006:8).

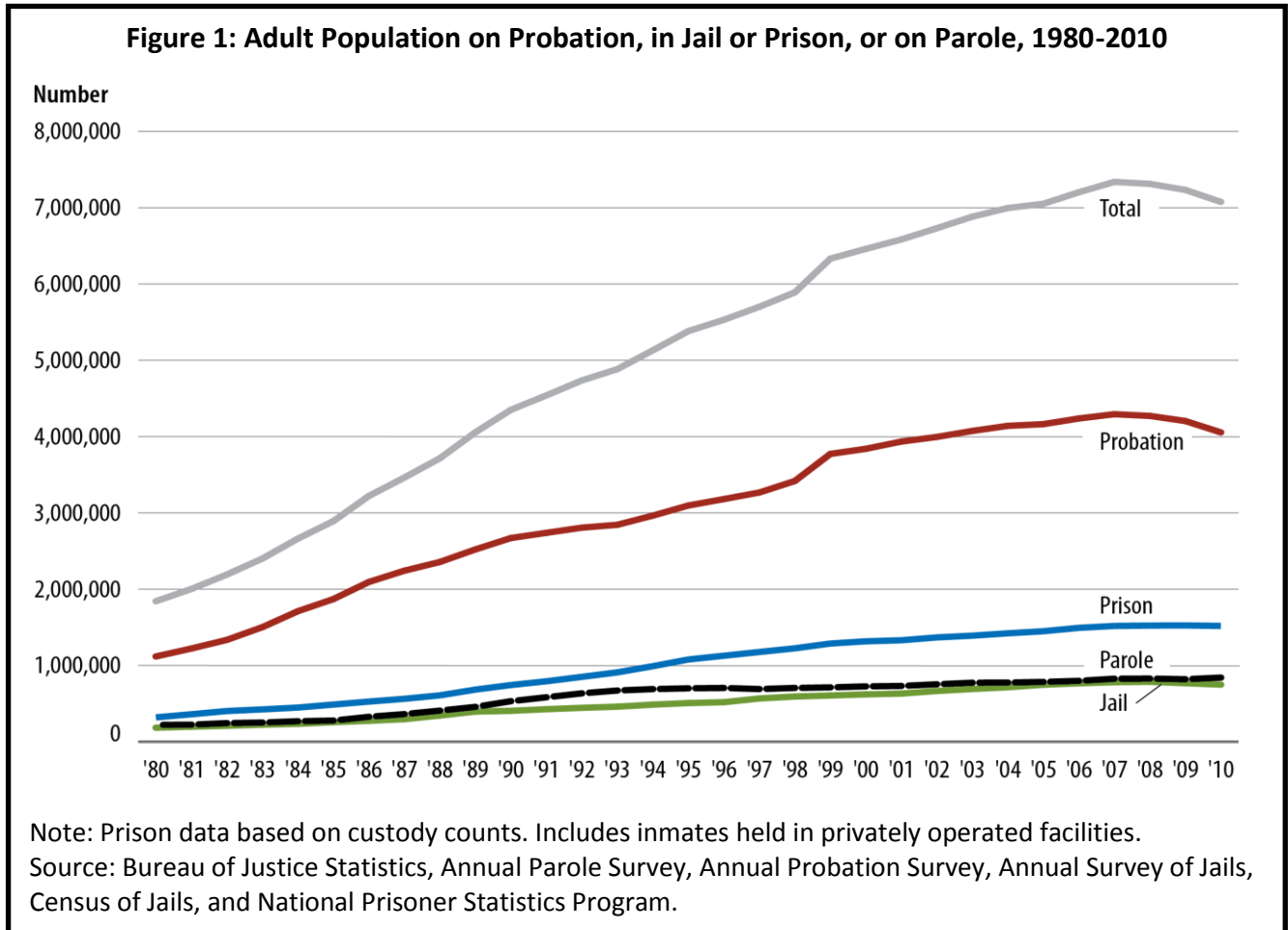
**Table 2: Sentencing Guidelines for Crack versus Powder Cocaine**

<b>5 grams or more of crack cocaine or 500 grams or more of powder cocaine</b>	<b>= five year mandatory minimum penalty</b>
<b>50 grams or more of crack cocaine or 5,000 grams or more of powder cocaine</b>	<b>= ten year mandatory minimum penalty</b> <b>Source: Belk, <i>A New Generation of Native Sons</i> (2006)</b>

This imbalance in the design and application of drug laws and sentencing practices had a profound and disproportionate impact on African Americans. Notwithstanding similar rates of drug use among all races, African Americans fed the prison industrial-complex and the communities in which they lived were transformed into police states with whites playing the leading role in law enforcement and blacks, as a percentage of the American population, dominating the faces behind bars.

Predictably, the passage of federal and state crime bills led to an explosion of the number of Americans, in general, and African Americans, in particular, warehoused in our nation's jails and prisons or under the supervision of the court via parole officers. Figure 1 illustrates our national addiction to the prison-industrial complex and the judicial system that feeds it. When the number of inmates is combined with individuals on probation and parole, the number of Americans under the supervision of the criminal justice system climbs to over seven million. While conservatives celebrated the get tough on crime stance and its race neutral articulations, African American males bore the brunt of these policies (see Figure 2); their average rate of incarceration from 2000-2010 was seven times that of white males. This was due largely to number of African Americans in prison for non-violent drug related offenses. While these laws and policies

were framed in race neutral language, they unleashed disastrous consequences on the life trajectories of many men of color.



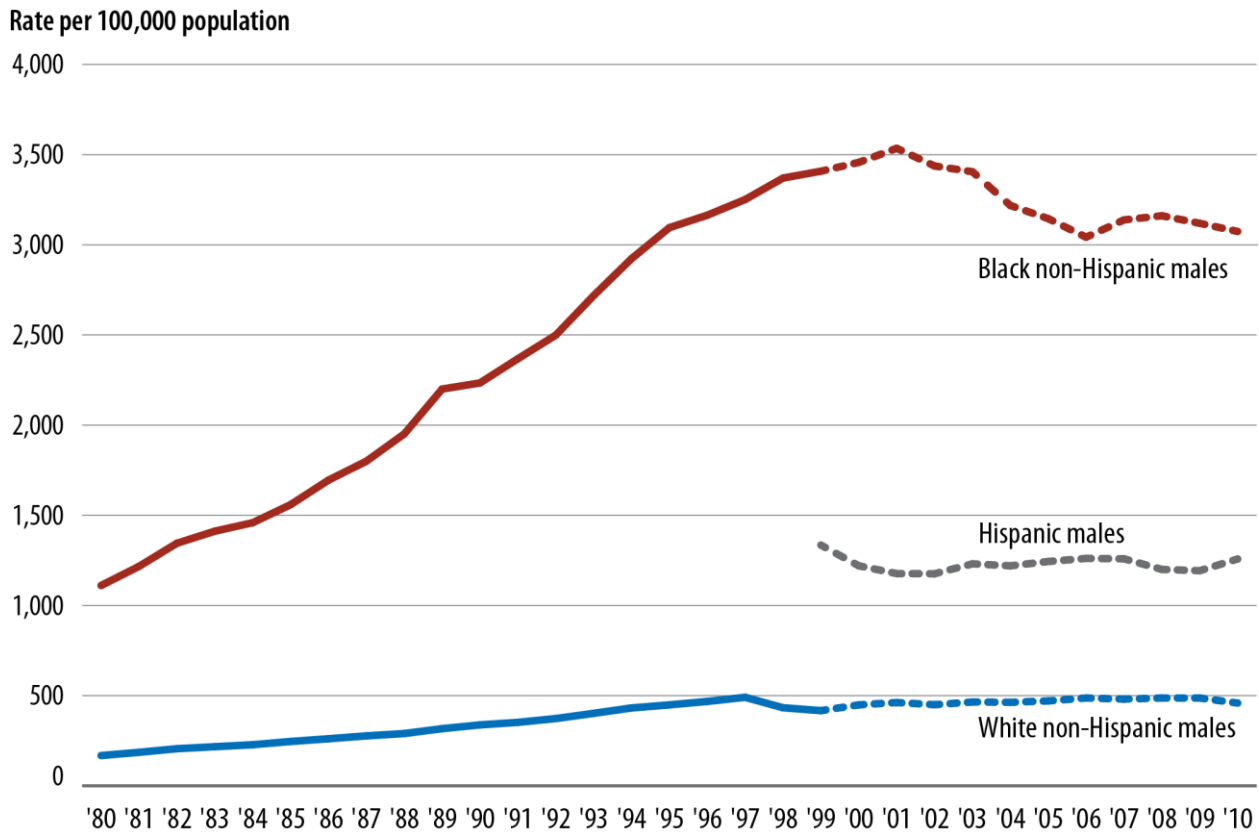
The criminalization of African Americans is obfuscated by race neutral language that has come to dominate the post civil rights era (Alexander 2012:8; Wise 2010). This was largely a consequence of the “Southern Strategy” that led to the election of President Richard Nixon and inaugurated the rise of the Republican Party’s dominance in the South. The blue print utilized by President Nixon to acquire the presidency was enhanced by Ronald Reagan’s campaign for president in 1980 and his skillful use of the image of the black welfare queen, without reference to race. In 1988 Reagan’s Vice-President, George H.W. Bush, used Willie Horton attack ads to portray his opponent for the presidency, former Massachusetts Governor Michael Dukakis, as weak on crime. Bush’s ads played to the popular perception that blacks were the chief purveyors of

crime and provided a cautionary tale about the moral and physical hazards inherent in unleashing black felons on the general population. The stunning success of Bush's political strategy was achieved without any direct reference to race. These political ads most likely secured the presidency for George H.W. Bush and reassured conservative forces that America's racial hierarchy in the post Civil Rights era was best maintained by the use of race neutral language, aggressive street-level enforcement of drug laws, and harsh sentencing guidelines (Roberts 2004:1275).

The conservatives' use of political discourse ensconced in visceral images, such as the welfare queen and Willie Horton, achieved the desired effect of reaffirming and thereby legitimizing popular but erroneous beliefs about race and crime without direct reference to race. Thus, it served as an effective instrument for disenfranchisement by promoting the misleading notion that blacks' concentration at the lower levels of America's economy was a direct consequence of their preference for welfare over work. The 2012 Republican primaries provided ample evidence of this strategy for transforming lies into truths while continuing to make legalized discrimination, respectable and acceptable. For example, frequent references to President Obama as the "food stamp president" and the Republican Party's attempts to disenfranchise blacks by suppressing the minority vote in the key battleground states of Florida, Pennsylvania, and Ohio serve as powerful reminders to Americans that race still matters.

The continuing significance of race seemingly has been blunted by the race neutral discourse that is shaped and perpetuated by well-funded conservative think tanks which have effectively removed race as an important issue on our nation's public policy agenda. Evidence to support this can be seen in efforts to erode affirmative action policies in higher education and the workplace. Moreover, attacks on affirmative action via legal challenges and passage of state-wide initiatives such as California's Proposition 209 (1996), Washington State's Initiative 200 (1998), and Michigan's Proposal 2 (2006) were accompanied by public policies that skewed anti-drug laws to emphasize punishment over rehabilitation.

**Figure 2: Male Prisoners under State or Federal Jurisdiction per 100,000 residents by race and Hispanic Origin, 1980-2010**



Note: Data for whites and blacks from 1980 through 1999 include persons of Hispanic origin.

Source: Bureau of Justice Statistics, National Prisoner Statistics Program and Survey of Inmates in State Correctional Facilities, 2004.

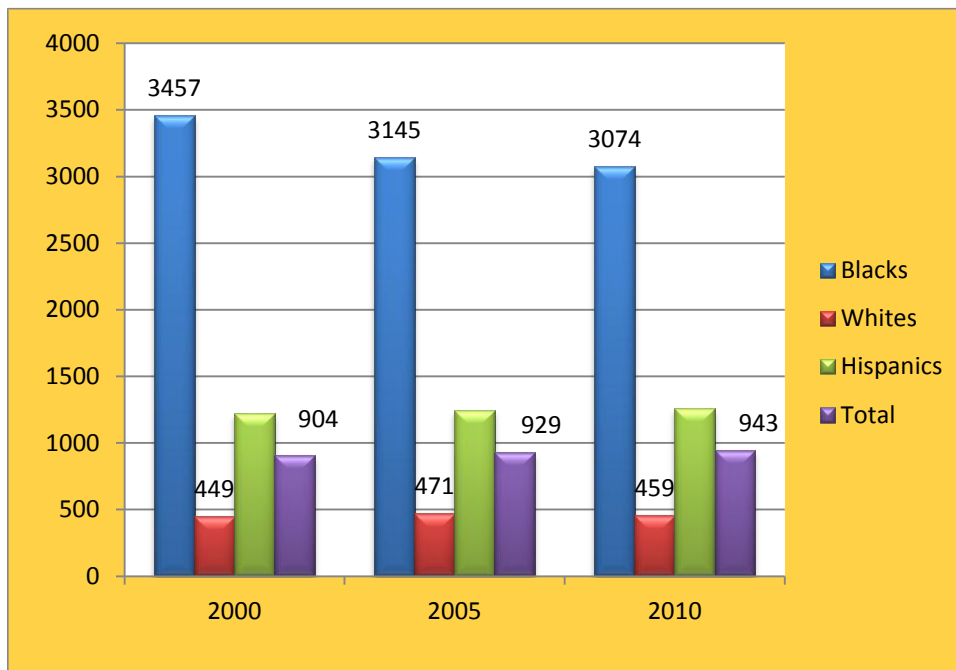
When viewed through the prism of illicit drugs, crime, and incarceration, race continues as a significant force shaping the life trajectories of African Americans. Since 1980, the number of Americans incarcerated because of drugs has accounted for the exponential growth of America’s prison population. According to Guerino, Harrison, and Sabol, about half (51%) of federal inmates in 2010 were serving time for drug offenses (2011:1). A disproportionate number of individuals in federal and state prisons and local jails for drug related offenses were African Americans.

The war on drugs ushered in a new era of the African American experience. During this period incarceration became a normative experience for a large number of

African American males and females. In the early 1970s, America's prison population was approximately 200,000. By 2010, 2.3 million Americans occupied our country's federal and state prisons and local jails. Relative to their percentage of all Americans, blacks were greatly over-represented among our nation's prisoners (Guerino et al. 2011:7)

At the end of 2010 black males had an incarceration rate (3,074 per 100,000) that was nearly seven times higher than white non-Hispanic males (459 per 100,000) (Guerino et al. 2011:7). If the number of blacks in jails were added to this total, the black to white ratio is even higher. While Figure 3 shows that the black incarceration rate trended downwards between 2000 and 2010, the incarceration rates of blacks remained much higher than the rate for whites. The figures for black female prisoners, while significantly lower than those of black males, nevertheless, follow a similar trend when compared to white females. (See Figure 4)

**Figure 3: Incarceration Rates by Race, 2000-2010**

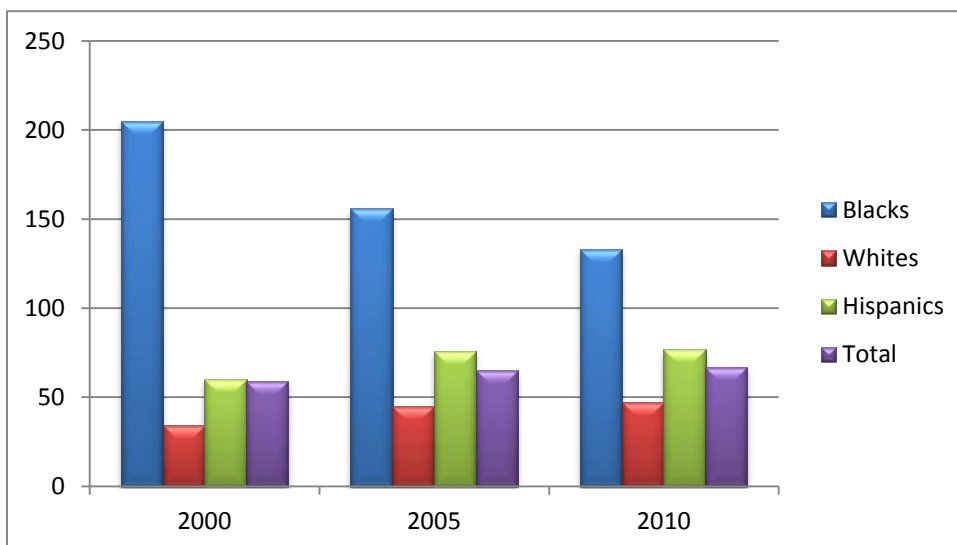


Source: Guerino, Harrison, and Sabol, *Prisoners in 2010* (2011)

While the rush to incarcerate black males has garnered the lion's share of the literature on crime, the incarceration rate for black females has mirrored the trend of their male counterparts. The incarceration of women, in general, and African American women, in particular, creates serious problems for their children's emotional development and their families' stability.

This development is very troubling given the fact that from 1991 to 2007, the number of incarcerated mothers more than doubled from 29,500 in 1991 to 65,600 (Sentencing Project 2009a:3). Ann Stanton (1980) studied fifty-four mothers and the impact their incarceration had on their children's development. Not surprisingly, children with mothers on probation did better than children whose mothers were still incarcerated. Equally as important, the severe dislocation experienced by children with incarcerated mothers did not end with their release. Consequently, Moore observed that the usual problems faced by an inmate upon release—i.e. finding money, a job, and a place to live—are particularly acute for women with children (Moore 1996:4). This alarming growth in the rates of prison confinement of African Americans has given birth to several sinister sociological synergies.

**Figure 4: Female Incarceration Rates by Race, 2000-2010**



Source: Guerino, Harrison, and Sabol, *Prisoners in 2010* (2011)

## **Sinister Sociological Synergies**

George Orwell wrote, “Who controls the past controls the future. Who controls the present controls the past” (Orwell 1961:27). When the African American experience as it relates to race and crime is placed within this Orwellian chronology, sinister sociological synergies clothed in rhetorical doublethink proliferate. Evidence of the latter can be found in the dystopian narratives that characterize the life trajectory of African Americans entangled in the prison-industrial complex. The mass incarceration of African Americans constitutes the bedrock upon which the contemporary reproduction of black disenfranchisement is based. Historically, the control, domination, and marginalization of African Americans have been achieved by physical confinement and terror. Orwell wrote about and fought against the use of terror as an instrument of control. In the post-Civil Rights era, the control and domination of a significant section of the African American community is achieved through the prison-industrial complex. Like slavery, the prison-industrial complex robs African Americans of their freedom; however, while the former denial of freedom was based on the ill-conceived concept of black inferiority rooted in physical characteristics, the latter is based on the equally ill-conceived socially invented calculus, linking race to crime. Thus, when projected through the prism of race and crime, the mass incarceration experiences of black Americans facilitate the continued and, in some cases, growing inequality between blacks and whites in education, income, and wealth. Quantitative research demonstrating a high correlation between these socio-economic variables and the probability of being incarcerated is ignored in favor of explanations linking race, behavior, culture (or the alleged and often maligned black sub-culture), and crime. The disproportionate number of African Americans on the lowest rung of the educational and economic ladder was consequential in setting the stage for the war on drugs and public policies that resulted in their criminalization. The criminalization of African Americans continues to frustrate their attempts to be a part of the American mainstream. Ironically, Orwell wrote, “If you want a vision of the future, image a boot stamping on a human face forever” (Orwell 1961:220). This observation proves germane when applied to the African American experience as viewed through the prism of race, public policy, and crime.

The criminalization of African Americans, which accompanied the end of the Civil Rights Movement, witnessed the genesis of a series of sinister sociological synergies. First, incarceration became a normative life experience for large numbers of black men. As a consequence, by the start of the twenty-first century, the number of African American men in prisons and local jails rivals the number enrolled in colleges and universities.

Second, the large number of black male prisoners gives credence to many Americans' perception that they are irresponsible, dangerous, and a threat to society. Thus, criminal justice policies that rob them of civil rights and freedom usually go unchallenged (Roberts 2004; Alexander 2012). Over the long-run, these erroneous perceptions support practices such as racial profiling that target African Americans, resulting in glaring disproportions in the numbers of white and black prisoners. The fact that white Americans use drugs at rates similar to blacks is routinely overlooked in favor of the number of African Americans arrested and convicted of non-violent drug related offenses (Sentencing Project 2009b:8).

Third, formerly incarcerated blacks face significant barriers to employment. A criminal record becomes tantamount to legalized discrimination. Black men with felony records find insurmountable obstacles to legal employment in the governmental sector and many occupations requiring licenses from the state and security clearance from the federal government. Ironically, these ex-felons find themselves ineligible for federal and state aid to finance their educational aspirations or attempts to acquire vocational training. This led Steinberg to write, "African American males who end up in prison do find work, only to find themselves jobless again, once they are on the outside" (Steinberg 1999:157). Employers' biases against formerly incarcerated African Americans lead to idleness, high rates of recidivism, and fatalistic attitudes about their future employment prospects.

Fourth, African Americans with criminal records find themselves legally disenfranchised from the political process. The policies used to disenfranchise blacks are based on race neutral language in crime bills and harsher criminal justice sentencing guidelines that disproportionately impact black communities across America. These sinister sociological synergies legitimize the divestment of resources from the African American community. This is reflected in the flight of jobs from inner cities, the



concentration of African Americans in failing schools, and the criminal justice system in America. Whites are over-represented on the side of law enforcement as judges, FBI agents, ATF officials, detectives, court clerks, district attorneys, assistant district attorneys, wardens, correctional officers, etc. Conversely, blacks constitute a disproportionate number of offenders and are characterized as people who are unskilled, high school dropouts, disconnected, unemployed, and counted among those who are chronically poor. In a perverse turn of fortunes, when incarcerated these individuals are taken to prisons located in predominantly white electoral districts. They are counted as residents of these districts, thus increasing federal funds and further enhancing the political power of these districts. Although Maryland and New York passed legislation in 2010 ending this practice, and California and Delaware passed similar laws that will take effect in 2020, this form of prison based gerrymandering continues to influence federal and state funding formulae (Wagner 2012:1251). In many states, these former inmates are returned to their old neighborhoods where, because of their status as convicted felons, they are legally excluded from the political process. This cycle of disenfranchisement serves to further diminish the ability of communities of color to influence the political and legal processes that perpetuate their marginalization via the dilution of their residents' voting rights.

The contemporary experience of African-Americans enmeshed in the prison-industrial complex reaffirms Orwell's pronouncement that political language is designed to make lies sound true and murder respectable. Despite overwhelming evidence that belies the notion that linking crime to race is a valid conclusion of social research, many Americans continue to perceive blacks as dangerous and the major driving force behind crime in America's urban centers. The ideological framework buttressing this political discourse linking the politics of race to crime is a by-product of Europeans' global conquest and their division of humanity based on race (Gossett 1963; Steinberg 1981). Ultimately, the erroneous biological calculus that accompanied the concept of race led many Americans to couple behavior with race. Thus, whites were seen a superior and blacks were branded ignorant, therefore inferior. Like the white poor in England during the period of the Enclosure, blacks became the new face of the dangerous class. Evidence of the resiliency of this racial ideology, which inflamed the passions of segregationists who vehemently resisted legal challenges to Jim Crow and to the

employment of Ruby Bridges and others as instruments for advancing racial desegregation, may very well have influenced the new drug laws that ultimately had a disproportionate impact on African Americans' communities. Despite the Civil Rights Movement's success in rolling back Jim Crow's legal frontiers, the basis upon which America's system of racial hierarchy was built was reconstituted. America's contemporary racial hierarchy is largely based on the expansion of the prison-industrial complex and the creation of new laws and draconian sentencing guidelines that target African-Americans without the use of political language ensconced in race. Thus, like a Shakespearean tragedy, the children of formerly incarcerated individuals ended up taking their fathers' and, increasingly, their mothers' places in federal and state prisons upon their arrival at adulthood. Ultimately, these sinister sociological synergies give credence to Thomas Paine's early challenge to our national beliefs when he observed in the *Rights of Man*:

When it can be said by any country in the world, my poor are happy, neither ignorance nor distress is to be found among them, my jails are empty of prisoners, my streets of beggars, the aged are not in want, the taxes are not oppressive, the rational world is my friend because I am the friend of happiness. When these things can be said, then may that country boast its constitution and its government (Paine 1995).

If Paine's observation is the barometer by which the progress of African Americans should be measured, then the reelection of President Obama marks not the end but the continuation of black leaders' and heroes' attempts to get whites to truly recognize them as part of the human family. When this goal is achieved our nation will truly fulfill the meaning of its Constitution and its celebration of freedom, equality, and justice for all.

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## **Endnotes**

<sup>1</sup> Paper presented at the 2012 meeting of the New York State Sociological Association.

<sup>2</sup> In this paper I use the terminology blacks and African Americans interchangeably.

<sup>3</sup> This figure was based on an analysis covering a ten year period starting in 2000. The data is contained in the U.S. Department of Justice 2011 Bulletin, NCJ 230096.

<sup>4</sup> On November 14, 1960, federal marshals escorted Ruby Bridges to her first day of kindergarten. She was the only black child to attend the school, and after entering the building she and her mother went to the principal's office while the white parents came in and took their children out. Thereafter she was the only student in her class.

<sup>5</sup> The Comprehensive Crime Control Act of 1984, the Anti-Drug Abuse Act of 1986, and the Anti-Drug Abuse Act of 1988 were the toughest measures enacted during the Reagan and Bush administrations (Belk 2006:9).

<sup>6</sup> In August 2010, The U.S. Congress passed the Fair Sentencing Act. This new law changed the 100-to-1 disparity between the minimum sentences for crack and powder cocaine to 18-to-1.