

The Consequences of Denial and Indifference

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ANYONE WALKING ABOUT in a large urban city today cannot help but see the overwhelming signs of the importance of race in our daily lives. Neighborhoods are segregated into black and white areas. The former are invariably blighted and unattended. The schools are almost totally segregated, black in the inner cities and white in the suburbs. *The New York Times* almost daily has a story on the impact of race on employment. Black resumes are often simply rejected without being read. Police raid black communities for drug use and sales but ignore white communities. These things have to be obvious and yet they are uniformly ignored or denied. There appears to be an overriding indifference that makes the treatment of blacks invisible. On the contrary if there is discussion it is to say that the racial problems have been solved. At this writing the *New York Times* (Oct. 17, 2011) quotes Lonnie Bunch, Director of the National Museum of African-American History and Culture at the dedication of the Martin Luther King memorial on the national mall, lamenting the continuous efforts "to ignore race, tamp it down, or try to say that it's over, that we have solved all the problems." We are constantly told to look at the TV. Black anchormen are common; blacks are seen in many ads, blacks own successful businesses. Colin Powell, Condoleezza Rice, and of course, Barack Obama, the African-American president of the post-racial United States, are pointed to as illustrations of the nation's victory over racism. Harvard academics, Steven and Abigail Thernstrom, in their very successful book *Black and White In America* (1997), attack affirmative action as unnecessary since blacks and whites are now treated equally. They see nothing but the remarkable progress of blacks in American society. Many now believe the Supreme Court will rule against affirmative action. And yet in 2004 the distinguished columnist and economist, Paul Krugman, in *The Times* asked "who could honestly deny that race is a major reason America treats its poor more harshly than any other advanced country?" (9/19/2005) With mounting evidence of racist policies in housing, employment, and in government services the indifference and denials simply increase.

Michelle Alexander in her extraordinarily important work, *The New Jim Crow in the Age of Colorblindness*, goes a long way toward explaining this tragic phenomenon. Her introduction alone is a breathtaking account of a deliberate policy designed to return the black community to the caste-ridden oppression of the former Jim Crow system. Race is no longer mentioned; the N word is banned; there is no racial hostility expressed. The state and its correctional institutions insist they are simply fighting crime. Alexander states explicitly that "crime " is a code word for black. (p.102) Police raid the black ghetto communities explaining that that is where crime is the highest. This is a myth. They raid the black communities to fight the drug war but ignore the campus communities where whites deal and use drugs. The War on Drugs was a godsend to right wing conservatives. It was the perfect way of achieving mass incarceration of young black men arrested and labeled felons for use of crack cocaine. One Senator declared:

If we blame crime on crack, our politicians are off the hook. Forgotten are the failed schools, the maligned welfare programs, the desolate neighborhoods, the wasted years. Only crack is to blame. One is tempted to think that if crack did not exist, someone somewhere would have received a Federal grant to develop it. (p.52)

Once labeled "felon" the defendants are legally barred from voting or serving on juries, there is legalized discrimination in employment, housing, education, and public benefits just as their parents were discriminated against under slavery and also under Jim Crow laws. However, according to Alexander, when the Brown Decision finally brought an end to overt segregation it contributed to the

collapse of Jim Crow. Then the criminal justice system was used to label blacks criminals and to reengage all the discriminatory practices of Jim Crow. Alexander insists that "we have not ended racial caste in America; we have merely redesigned it."

The United States now has the highest rate of incarceration in the world. The penal system is a system of social control defined largely by race. In 1972 fewer than 350,000 were held in prisons. Two million people are held today. How this system survives and is largely ignored by the public is the question Alexander raises. She notes that caste systems do not require racial hostility or overt bigotry to survive. They need only racial indifference. President Reagan in the 1960s avoided race while pursuing racist policies. He attacked the welfare system, claiming that blacks were cheating the system at the expense of the white working class. The media with endless pictures of criminal blacks helped persuade the white working class to abandon the Democratic Party in the South on the grounds that the Democrats were aiding blacks at the expense of whites. This became the "Southern racial strategy" under President Nixon with its constant demand for the restoration of law and order. Prosecutors and police departments insisted that they were fighting crime rampant in the black ghettos. But these were lies; crime was not rising in the ghettos. Alexander lists all of the myths used in the promotion of the drug war at the core of the law and order campaigns. The war on drugs was not, as was claimed, aimed at ridding the nation of the big time dealers. There were far more arrests for minor drug use and not sales. The drug war was not focused on dangerous drugs. Marijuana accounted for 78 percent of arrests. Marijuana is far less dangerous than alcohol. But arrested drunk drivers are predominantly white and male and they receive minor punishments and are seldom jailed. The 4th Amendment protecting the citizen against "unreasonable searches and seizures" was constantly violated with stop and frisk and constant search and seizure in the black communities. Minor traffic violations are used to conduct illegal searches. Why do the cops do this? Because they and their departments receive cash, expensive equipment, and they are able to confiscate private property. They seize cars, cash, homes, and other property.

This war on drugs is institutionalized and accepted. Hundreds of thousands go to jail without seeing any lawyers. Eighty percent can't afford them and the public defender systems are inadequate. Most of the blacks arrested never go to trial, accepting a plea bargain through a coerced confession. Then in many states there is now mandatory sentencing of five to ten years, leaving judges with no ability to make a discriminating judgment. Once convicted, the victims are locked out of society. Branded a felon, they are no longer eligible for food stamps; they are discriminated against in employment, disenfranchised, evicted or barred from public housing. Once homeless, the children are put in foster care. It is almost impossible for them to be returned to the parent.

In this drug war, the enemy is racially defined. Blacks are 80 to 90 percent of all who are sent to jail. Alexander insists the majority of drug users are white but three-quarters of accused blacks and Latinos are sent to jail. So when whites see crime they automatically see black. They do not think they are biased, but fear of young black men has been reinforced by the constant media imagery.

In the black ghetto, the police are referred to as "the occupation." Stop and frisk is so common that when African-Americans encounter a cop car they automatically assume the position soon to be demanded. Supreme court cases have literally granted the police the right to discriminate in the era of colorblindness. Several Supreme Court decisions have made the system of mass incarceration "thoroughly immunized from claims of racial bias." However, today in the *New York Times* (Oct.18, 2011, p. A21) a New York City police officer was accused of violating the civil rights of a black man in an unmerited stop and frisk. He told his girlfriend he had "fried another nigger." The prosecutor described the officer as a "blatant racist."

Once declared by the courts a felon, the victim faces "a lifetime of shame and contempt, scorn,

and exclusion." It is not just a matter of punishment: "One's debt to society is never paid. The badge of inferiority remains for the rest of the victim's life." Alexander is hard on spokesmen like Bill Cosby, Sidney Poitier, and President Obama as well; they preach the old litany about black men accepting responsibility and their need to become better fathers. There are too many fathers missing from the home. Where are they? Alexander points out that the critics and the president don't mention the prisons. Where have all the black men gone is a common refrain among black women. Their disappearance is rooted in the incarceration reality but few deal with the obvious explanation. Alexander, writing with rage, remarks:

Hundreds of thousands of black men are unable to be good fathers for their children, not because of a lack of commitment or desire but because they are warehoused in prisons, locked in cages. They did not walk out on their families voluntarily — they were taken away in handcuffs. Often due to a massive federal program known as the War On Drugs. (pp.173-4)

Often Blacks are quiet about mass incarceration. They blame themselves and feel shame. The victims are seen as behaving badly when in fact the society has created the conditions. "The deep failure of morality," Alexander insists, "is our own." She asks with respect to shaming those trapped in ghettos: "Are we willing to demonize a population, declare a war against them, and then stand back and heap shame and contempt upon them for failing to behave like model citizens while under attack?"

Alexander statistically shows that African-Americans "are no better off today than they were in 1968. If the incarcerated population is counted in unemployment and poverty rates, the best of times for the rest of America has been the worst of times for African-Americans, particularly black men."

Alexander claims that mass incarceration has been an overwhelming success at social control. In less than two decades, the prison population quadrupled and large majorities of poor people of color were placed under the control of the criminal justice system. Alexander claims "this was not an unforeseeable consequence. Judging by the political rhetoric and the legal rules employed in the War on Drugs this result is no freak accident." It was because of race. But the subject is ignored. A callous colorblindness prevents us from seeing racial institutions. We have become blind to racial cast in America. Toward the close, Alexander is critical of the Civil Rights Movement's focus on affirmative action, which only made the mass incarceration more invisible. Affirmative action has promoted the erroneous trickle down theory of justice and acclaims the progress that has been made. It tends to support the argument that "Race no longer matters."

Alexander's book is a powerful and persuasive attack on the criminal justice system and the War on Drugs. There is some ambivalence as to whether the policies she describes are deliberately undertaken by the press, politicians, and the Federal government or are they simply the result of an unconscious racial bias? It seems that she believes both are true. The results are no freak accident, but the policies may also be motivated by an unconscious racism. In any case it has been a tragic history; her book is a powerful weapon toward the necessary remedies.