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The Legacy of Slavery and the Continued Marginalization of Communities of Color Within the Legal System

Julia N. Alvarez

The Graduate Center, City University of New York

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THE LEGACY OF SLAVERY AND THE CONTINUED MARGINALIZATION OF
COMMUNITIES OF COLOR WITHIN THE LEGAL SYSTEM

By

Julia Nicole Alvarez

A master thesis submitted to the Graduate Faculty in Liberal Studies in partial fulfillment of the
requirements for the degree of Master of Arts, The City University of New York

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Legal System

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Julia Nicole Alvarez

This manuscript has been read and accepted for the Graduate Faculty in
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Date

Hester Eisenstein

Thesis Advisor

April 6, 2017

Date

Elizabeth Macaulay-Lewis

Acting Executive Officer

THE CITY UNIVERSITY OF NEW YORK

ABSTRACT

The Legacy of Slavery and The Continued Marginalization of Communities of Color Within the Legal System

By

Julia Nicole Alvarez

Advisor: Hester Eisenstein

The aim of this thesis paper is to demonstrate how the history of slavery in the United States continues to marginalize communities of color. The history of slavery in America was the result of various factors. Some of these factors included but were not limited to; economic, legal, and social. Slavery provided a reliable and self-reproducing workforce. The laws enacted during slavery ensured the continuation of the social order of the time. This social order was based on the generalized understanding that blacks were born into servitude. Those born into slavery were not given the same legal or economic status as their white counterparts. This social order has trickled down into our current system. It can be seen in the way that people of color, as well as those who are poor, are treated across the board. The maintenance of this social order is no longer explicit instead it is masked by policies that ensure that it continue intact.

The legal practice of slavery operated from 1619 to 1865. Slave labor became a very important commodity; especially in the southern states. Slavery covered two full generations and the beginning of a third while it was legal. But, its stain continues to plague communities of color today. This meant that the mentality of those of color being viewed as inferior had been embedded into the minds of those born into the system; both black and white. This created a sense of resistance coming from those who were not a part of the current state of affairs of that

time, this resistance would become a factor in the Civil War. The abolitionists of the time and the runaway slaves formed a part of this resistance. After the war came a time for reconstruction and for the unification of the country. But, that was not the only thing that occurred. There were policies that were enacted after the reconstruction era that kept former slaves in the same position that they were during slavery.

The purpose of this research is to look at the policies enacted during slavery and thereafter. The findings in this paper will reveal the intertwined relation between the past and present. Having the available knowledge of how people of color were treated in this country, currently maintains those facing similar situations in a constant state of disillusion. When cases of police brutality are presented, these sentiments of not being treated equal under the law spreads across communities of color. Many believe that the justice system was not made or created to assist all equally as it has been portrayed throughout history. Those who are of color as well as those who are poor many times are not treated equally under the law.

The findings of this paper will provide a setting to further discuss the implications of slavery. I want to look at what can be done to better the relationship between communities of color and those in charge of upholding the law. There will be parts of interviews as well as specific case studies presented in this work. The current state of affairs in terms of movements such as the Black Lives Matter movement will be discussed in the final section of the paper.

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Introduction: A Brief History of Slavery

Slavery in the United States comes with a long and murky trajectory. There are various aspects that come into play in its multi-generational history. The roles that racism, the economy, and religious views had during the establishment of slavery are pivotal. Each factor assisted in cementing the practice of slavery and creating an empire from it.

James C. Morgan's *Slavery in the United States: Four Views* touches on several views that contributed to the institution of slavery. When slavery is spoken of, usually the brutal nature of the institution is what is brought forth. However, various perceptions and attitudes towards those with black skin also prolonged the slave system. The attitudes, Morgan discusses that influenced the views on slavery were: causes for blackness, religious differences, savage behavior, and likeness to apes.

The black skin of the African slave to those in England was symbolic. Many believed this to be a reason for their condition of servitude. It was widely believed that the blood of Africans was tainted by heathenism hence, their black skin color. This obsession with heathenism and Africans created a platform for them to be considered subhuman. This ideology led to the assertion that the African was to be in a place of servitude. Being in a state of enslavement was a method of ensuring that the “savage” be controlled. The body of the African slave did not belong to him or her instead, it was the property of the slave trader or master.

The emphasis on the skin color of the African slave was revealing of ulterior sentiments. Why was skin color so important? Why were Africans being exported and exploited during the slave trade? The label of heathens brought with it a sentiment of less than, Blacks were viewed as lacking moral fortitude. One must wonder what role racism played during this time. To delve more into this thought the work of Winthrop Jordan will be analyzed.

In “The Simultaneous Invention of Slavery and Racism”, by Winthrop Jordan, from *White Over Black* (1968), the definition of blackness is discussed. Jordan explains how the dictionary described black during that time:

As described by the Oxford English Dictionary, the meaning of black before the sixteenth century included, "Deeply stained with dirt; soiled, dirty, foul Having dark or deadly purposes, malignant; pertaining to or involving death, deadly; baneful, disastrous, sinister, foul, iniquitous, atrocious, horrible, wicked Indicating disgrace, censure, liability to punishment, etc." Black was an emotionally partisan color, the handmaid and symbol of baseness and evil, a sign of danger and repulsion. (Jordan 1)

One must wonder how wide-spread the indifference towards people of color was during that time; in terms of, how whites felt or perceived people of color. Before the 17th century the word black was equivalent to malignant or sinister. So, it makes sense that the English perceived Africans as heathens, if this definition was what they were exposed to. The fact that the term “black” created liability to punishment or being judged as immoral, sets the tone for the religious battle that was to come once the interactions between the English and Africans became a regularity.

As stated in the reading “Englishmen found the natives of Africa very different from themselves. Negroes looked different; their religion was un-Christian; their manner of living was anything but English; they seemed to be a particularly libidinous sort of people” (Jordan 1). The English seemed to not be open to accepting any other lifestyle other than their own. The differences between both groups were emphasized and exploited to justify the state of servitude of Africans. The African religion was un-Christian; therefore, linked to heathenism.

As Morgan states “for Englishmen, then, the heathenism of Negroes was at once a counter-image of their own religion and a summons to eradicate an important distinction between the two people” (13). The eradication of this difference fueled the emphasis on efforts of converting Africans. Conversion was considered by many Englishmen as a sacred duty and it was necessary for Africans and the American Indians to have the “proper standards”. These “proper standards” are subjective, given the racist and biased form in which African slaves were perceived, even if they achieved these so-called standards. Would they (the Englishman) look passed the skin color of the African? Would conversion really make a difference in the treatment of the slave, if they were already perceived as sub-human? Winthrop Jordan seems to have an answer:

Heathenism was treated not so much as a specifically religious defect but as one manifestation of a general refusal to measure up to proper standards, as a failure to be English or even civilized. There was every reason for Englishmen to fuse the various attributes they found in Africans. (Jordan 3)

The African religion and the African were not viewed as separate. So, if the religion was viewed as heathenistic, then, the African is therefore a heathen. They were perceived as un-civilized, and any “positive” attribute was then overshadowed by this obsession with heathenism.

As Morgan states "The logical sequence of events, then, would have been for the English to either convert the Africans to their form of religion or assign them to a place outside of their "real world"" (13). One must wonder if viewing Africans as equals was even possible with conversion. Or if the “tale of conversion” was just a means of control, by presenting Africans to a religious figure that they were unfamiliar with? Therefore, being able to control them using

religion and brainwashing them into believing that the Englishmen were their white saviors. In either case the outcome was ripping their identity apart.

The emphasis was on placing Africans in a position that was similar to that of the Englishman. This explains why the attire of the female slaves that worked in the home, mirrored that of the Madame. They were molding the slave into an obedient entity. The purpose was to have obedient and loyal servants, within the home. Many felt that the behavior of Africans was primitive and savage, hence the only solution in their minds was stripping them of their identity.

The savage behavior of Africans according to the Englishmen was so different then their own that it automatically led to the belief that "Africans were not fully human". Africans were judged based on the values that the English had, the obvious origins of the cultural, language, and regional differences were never taken into consideration. The eurocentrism of the English led to them to divide the world's population into the white men and colored. "The necessity of continuously measuring African practices with an English yardstick of course tended to emphasize the differences between the two groups but it also made for heightened sensitivity to the instances of similarity" (15), as stated by Morgan. These instances of "heightened sensitivity" were not enough because the English consistently looked for concrete forms of showcasing that the differences outweighed the similarities.

Many Englishmen likened Africans to apes. Africans were perceived as beasts hence, lowering their status from human to animal, and contributing to the idea that Africans were heathens. "Most (Englishmen) seemed to believe that slavery was a means of removing Africans from their heathenistic surroundings" (Morgan 15). Again the "tale of conversion" is displayed with ulterior motives. If the Englishmen wanted to save the Africans from their heathenistic surroundings, then why not aid, instead of enslave. It was easier to enslave Africans when they

were viewed as inferior and heathens. If they were treated as equal, then slavery possibly would not have occurred. However, slavery served the purpose of free labor, as well as the unquenchable thirst for domination that the Englishmen had. For the advancement of the Englishmen, slavery was needed. Slavery served an economic and social purpose.

There were many legal aspects during slavery that assisted in cementing ideologies about Africans. The legal status of the American Negro slave can be seen in four views: term of servitude, marriage and family, police and discipline, and civil rights. Dating back to the 17th century the law stated that "a slave was a slave for the duration of his life, and slavery was a status which he transmitted by inheritance to his children and children's children" (Morgan 69). This was the basis of a racial caste system, the law assisted in every step of its formation.

The law itself was never on the side of the slave. They were viewed as a precious commodity, but were also disposable. The constant arrival of slave ships made it possible for slave owners to constantly have a renewed labor force along with the constant birth of new slaves on plantations. Given their status of property it was impossible for the slaves to seek assistance, or even fathom self-defense. The language barrier also made it even more difficult for the slaves to grapple with what was occurring to them. It was not like modern times, where people can go to the embassy of their country of origin to seek assistance.

The authorities were not in the business of lending a "helping hand" to these slaves. These slaves did not have any support from their homeland. Once they were forced on the slave ship that was the end of the transaction. Those who were slaves lost their humanity in the eyes of those who sold and brought them. The slaves as mentioned were viewed as property, therefore, the slave master could do to the slave as they wished. The laws pertaining to the treatment of the slave varied from state to state. Some of the laws were fixed, in terms of certain

aspects being the same across the board. However, the property holder had some wiggle room for how they treated the slaves.

In some occasions the laws were much more fluid and flexible to justify the actions of plantation owners. As discussed, "the plantation owner was free to do whatever he deemed necessary to maintain his need-cost balance and that the law would adjust itself to legalize his actions" (Morgan 38). The phrase "adjust itself to legalize his actions", paints a clear picture of the state of the legal system during the time of slavery. Ideally laws are meant to stand as they are; there rarely is any flexibility with the law. However, there were preferences given to the property owners, since they were a part of the ruling class.

A slave is a slave period, this condition was passed down to their children as if it were part of their DNA. This was a social contract that slaves went in to without having the tools to sign it. Slaves were not even given the consideration to view the contract or even fully understand what was occurring. This ensured that slavery would transcend generations. It also worked as a method to prohibit black men and women from having a formal education or aspiring to be more than those who came before them. This legal status worked to keep slaves physically and mentally chained. This chain was not only passed down from generation to generation but also affected the social and intimate life among slaves.

The idea of a traditional marriage and family for the American Negro slave was destroyed by the law, and the law never showed any inclination to rehabilitate it. The social structure was dismantled and family values struggled to flourish. The master had control over the slave's social and intimate life. They were viewed as property and disposable. There was a constant trade occurring and on a day to day basis new slaves were brought in. The slaves were

a commodity, one that was available and effective. Slaves were a labor force that did not go on strike or demand better working conditions.

The family factor was heart-wrenching. Very often female slaves would have children, and knew that they could be sold at any time. Obviously, this carried with it a psychological burden that affected the entire slave population on any given plantation. This was a testament to the powerlessness that the slaves had. This was used as a control tactic. It was a means of maintaining slaves psychologically, physically and emotionally chained.

There were many tactics for punishment as well as for reward; both were used as control mechanisms. Some of the punishments mentioned throughout Morgan's text were whippings, confinement in stocks, incarceration, sale, and branding. Many times, the slaves that were physically punished were kept around the plantation to serve as a constant reminder to other slaves of what occurred when they disobeyed their master.

Aside from punishment, reward was also used as a control mechanism. For example, when the female slave gave birth to the desired number of children she was given a lighter work load. It was seen favorably for the female slaves to be sexually active compared to the male slaves, this of course with permission of the master. The fear of any sexual interaction between a black man and white woman was condemned and resulted in the lynching of the slave. It is interesting to see the sexual control that was placed over the male slave. Could it be that white men of the time feared that their wives or daughters would fall for a slave? In the same manner that many of them fell for female slaves and used them for their own sexual pleasure.

The master could have sexual copulation with the slave's wife and still pronounce that wife to be highly moral and virtuous - the implication being that the male slave had no "rights to human feelings"; that as long as

the female slaves' sexual activity received the approval of the master it was moral and right. (Morgan 137)

Female slaves were exploited and used for the pleasure of the plantation owner and the continuation of the institution of slavery. One could imagine that this caused the family structure among slaves to be further disintegrated. The fact that your wife was not your wife or your child was not your child made an impact on the slave population. Slaves did not have the right to property or liberty, which is ironic given the fact that the American Revolution was fought for those very same rights that were denied to the slave.

The first lines before the Constitution read as follows,

We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Clearly slaves were not a part of the "We the people" portion, nor were they given justice, tranquility, or general welfare. The fact that this was composed during a time where a significant portion of the population was enslaved revealed the hypocrisy and the embeddedness of the sentiment of superiority over people of color. This further cemented the notion that people of color were disposable and inferior. It was as if there was a huge banquet and all people were invited. But the only ones that could eat at the table were white. The black people could only watch from a distance.

How could it be that in a country that had the bill of rights, a portion of the population could be enslaved? How could the claim that "All men are created equal" be held on a pedestal,

but a portion of the population receive corporal punishment and treated as cattle? The irony and hypocrisy of those in power was clear to all those around. The plantation owners would reap harvest of the hard work done by the slaves, but then turn around and call them lazy. Female slaves were used and abused by white plantation owners but the black slave was the heathen. It seems that the white supremacists were projecting their most evil impulses onto the slaves. In effect, they were attributing characteristics to slaves that were present in white society but covered up. By projecting these negative, self-hatred attitudes onto the slaves, the reaction was “I’m a slave because I am inferior and I deserve this”. It was a form of psychological suppression.

To keep the masses calm, the reward and punishment system was used across various plantations. Aside from those mentioned, other, rewards included but were not limited to receiving a vegetable patch, chickens, being able to visit town, and receiving extra food and clothing. Slaves did not earn wages, so the rewards were compensation for their good behavior. Owners were treating them as if they were children and not logical thinking adults. Both punishment and reward were mechanisms of social conditioning.

Social conditioning made it possible for those enslaved to not riot. On any given plantation, the slave population outnumbered those in charge. Why did they not riot? Why did they just stand around and watch their fellow brother or sister be whipped or lynched? The slaves were conditioned to obey their master. They were treated as non-human, stripped of their humanity and molded into a brainwashed population. Furthermore, the slave population was socially conditioned to accept all verbal, physical, and mental abuse. Those born into slavery never knew about life before slavery and how their ancestors lived. They were not granted the

opportunity to live life freely, nor did they have the knowledge of where they had come from, and what cultural and religious traditions from Africa had sustained them.

The final element of the legal status of the American Negro slave deals with civil rights. The civil rights aspect of the institution of slavery was non-existent for the slave. "The rights of property, and all civil and legal "rights" were everywhere denied the slave with a clarity that left no doubt of his utter dependency upon his master" (Morgan 69). The slave was considered property, hence no rights were allocated to them. This meant that anything done to the slave was not challenged. Aside from not having civil rights, the local authorities were not much help. When it came to police and discipline, the authorities sided with the masters. As discussed, "The slave was property of his master and the police and the law was one of the means for ensuring that all concerned abided within" (Morgan 69). Lastly, this toxic relation between blacks and local authorities during slavery set the ball rolling for future events.

The northern states were no better in their treatment towards Blacks. The mistreatment of Blacks for the most part is spoken of in southern terms. However, this abuse and discrimination occurred nationwide. The story of the Civil War can paint a picture of the Union saviors fighting against the vile Confederates. But, the reality was that in all parts of the country people of color were heavily discriminated against and abused.

Gene Dattel's "The Untold Story of Reconstruction" showcases the racial tension throughout the Civil War and the Reconstruction Era. Slavery was prohibited in parts of the North. However, since the black population in the North was minimal, race based slavery was not a concern. So, prohibiting slavery did not really make much of a difference, this nevertheless, did not mean that the states wanted free blacks in their territory. An example of this anti-black sentiment was seen in the states of Illinois, Ohio, and Indiana.

In the Illinois territory, an 1813 law provided that a free black or mulatto was given two weeks to leave or else thirty-nine lashes would be applied. In 1807, Ohio made blacks post a prohibitive \$500 bond before even entering the state. Ohio, Illinois, and Indiana would not allow the tiny black community to serve on juries, intermarry with whites, or serve in militias. (Dattel 14)

To say that the northern states were opposed to the expansion of slavery because they believed in equality, completely whitewashes American History. A lot of northern politicians believed that Blacks were inferior and should be sent back to Africa or confined in the south. The only difference for the Black community in the north versus the south was that they were not slaves. However, Blacks in the north were not considered citizens. The fact that they could not serve on juries, or marry who they wanted, or even vote, demonstrates the marginalization of Blacks in the north.

This was not a secret. Northern politicians would publicly offer solutions for the northern “negro problem”. As stated “Republican politician from Massachusetts, George Boutwell, proposed that Florida, Georgia, and South Carolina be designated exclusive black states” (Dattel 14). This bill was proposed in 1866. Clearly, freed blacks were left in limbo. If they fled to the north they were met with blatant racism, and pro-segregation. However, if they stayed in the south they would continue to live in the same situation prior to emancipation. The abolition of slavery did not equal citizenship. If the goal of the Reconstruction Era was to have racial tolerance or some sort of equality for Blacks; it failed. The Reconstruction Era ran from 1865 to 1887. During which there no efforts of assimilation for freed Blacks. There were amendments that were enacted during this period, that were meant to provide legal standing for newly freed Blacks. But, there were

also policies enacted that cemented the legacy of slavery not just in the South but in America.

In summary, the attitudes and legal aspects during slavery cemented the ideologies towards people of color. Slavery drew a line between white and black. There were social norms that existed during slavery, that continued well into the mid-1900's. The abolition of slavery did not magically erase the years of abuse and dehumanization that Blacks experienced. The Reconstruction Era, further fueled the anti-black sentiment. The following section will discuss the years following the abolition of slavery.

The Rise of Jim Crow and the Civil Rights Movement

Following the Civil War, several amendments were enacted. The purpose of these amendments was to provide former slaves, a legal standing in the country. Now, this was not a smooth transition. There were laws placed across various states as a form of retaliation. Unfortunately, these actions caused a further deterioration in racial relations and hindered the advancement of people of color.

The 13th Amendment abolished slavery and involuntary servitude, this deeply affected the south because the southern economy was depended on slave labor. The abolition of slavery did not magically eradicate the racist ideologies that made slavery such a profitable institution. The amendment states:

Section 1: Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2: Congress shall have power to enforce this article by appropriate legislation.

This amendment was used to eradicate one social ill, but left the door open for another form of punishment. Convicts, could replace the former slave population, in terms of a forced labor group. There were laws that were enacted such as vagrancy laws, that increased the prison population.

Vagrancy laws targeted newly freed blacks. As stated in the article “The Southern “Black Codes” of 1865-66” by the *Constitutional Rights Foundation*:

All Southern Black Codes relied on vagrancy laws to pressure freedmen to sign labor contracts. South Carolina’s code did not limit these laws to unemployed persons, but included others such as peddlers and gamblers. The code provided

that vagrants could be arrested and imprisoned at hard labor. But the county sheriff could “hire out” black vagrants to a white employer to work off their punishment. The courts customarily waived such punishment for white vagrants, allowing them to take an oath of poverty instead.

Essentially the crime for Blacks was being unemployed, the easier route was to incarcerate and punish with hard labor, then to assist newly freed Blacks with seeking employment. Black vagrants could be hired out for hard labor, and it would be more difficult for them to argue their rights in a white supremacist society. Newly freed slaves were a vulnerable population hence, easily targeted by authorities. African-Americans were not given the opportunity to take the oath of poverty that their white counterparts were offered as discussed in the article. The goal was to extend slave labor for as long as possible. The trick was renaming the system. It was a blatant effort to restore slavery.

The 14th Amendment was used to “guarantee” equal protection under the law for all those born or naturalized in the United States, essentially securing birthright citizenship. Section 1 of the Amendment states:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This amendment was adopted in 1868. This was nine years before the Jim Crow laws were implemented across various states in the U.S. This was an example of how the law could be used to improve the lives of newly freed slaves.

Prior to 1868, there was no definitive explanation of who qualified as a U.S citizen. Laura Edwards article “The Reconstruction of Rights: The Fourteenth Amendment and Popular Conceptions of Governance” discusses the meaning of citizenship. As discussed “The 1790 Naturalization Act did limit citizenship to those who were free and white” (315). The American Revolution was in 1776, fourteen years later, the Naturalization Act is passed, this exposes the hypocrisy of the revolution. The fact that naturalization was limited to those who were free and white, completely undermined the Native American and Black population. This act further fueled the anti-black sentiment. People of color had their fate sealed. They had no legal status, they were property and treated as such. Even after the abolition of slavery, states had their own laws and unfortunately the federal government was not monitoring how the amendments were being enforced.

The 14th amendment was not enough to prevent the black codes, which preceded Jim Crow. The black codes were laws that applied only to people of color. These codes dictated how the newly freed slaves should conduct themselves in the social sphere. The movements of Blacks were monitored well after the abolition of slavery. The guarantee of equal rights was an illusion. The violence towards African Americans continued and was not done in secret:

White supremacists used violence widely and indiscriminately to keep African Americans from using their civil and political rights—to keep them from going to

court or voting. But white supremacists also used violence widely and indiscriminately to keep African Americans from pursuing their vision of what was right—to keep them from using public space, advancing economically, gathering together, and even going to school. (Edwards 322)

White supremacy was embedded into the legal system. The social norms were not going to be changed even with Blacks being granted birthright citizenship. Across the country there was a large section of the population that were not receiving equal protection or representation under the law.

The power of representation would come from being able to vote. This right would be granted through the 15th amendment.

The 15th Amendment states the following:

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude. Section 2. The Congress shall have power to enforce this article by appropriate legislation.

This amendment would ensure that newly freed Blacks would have the opportunity to participate in politics. Hence, they would be able to have a say in what was occurring around them.

The Voting Rights Act provided the security to people of color to be able to vote without restrictions. Even though sections 1 and 2 of the 15th Amendment guaranteed the voting rights of all citizens regardless of race, color, or previous condition of servitude, this did not stop various states from enacting laws that restricted access to voting for people of color. Examples of this are the grandfather clause and literacy tests.

The Grandfather Clause, wreaked havoc until it was deemed unconstitutional in 1915 by the Supreme Court. As stated in the article “The Grandfather Clause (1898-1915) by blackpast.org. The clause was used along with other tactics in southern states to disenfranchise black voters. As stated; “The Grandfather Clause was a statute enacted by many American southern states in the wake of Reconstruction (1865-1877) that allowed potential white voters to circumvent literacy tests, poll taxes, and other tactics designed to disenfranchise southern blacks.” Essentially what the clause stated was that in order to have the right to vote the person’s grandfather must have also been able to vote.

For obvious reasons this disqualified the newly freed blacks. Since slavery was inherited generationally it was obvious that the newly freed blacks would not be able to vote. This was a way to go around the protection for previous condition of servitude mentioned in the 15th amendment. Aside from that, the literacy tests placed on Blacks another disadvantage. Many were not allowed to learn to read during slavery, and once slavery was abolished, schools were not rushing to offer them any form of education.

Emancipation ended slavery but not its legacy. It only took eight years after the implementation of the 13th amendment for Jim Crow to replace slavery. The black codes and the Jim Crow laws were used to force freed Blacks to continue living a life like that during slavery. These were methods of retaliation against newly freed blacks. These laws forced segregation across sectors of public life, the purpose was to keep communities of color marginalized.

The Jim Crow laws were in effect from 1877 to 1965. Ferris State University’s, “Jim Crow Museum of Racist Memorabilia: Using objects of intolerance to teach tolerance and promote social justice” by Dr. David Pilgrim discusses the system of Jim Crow and its legacy.

Jim Crow was the name of the racial caste system which operated primarily, but not exclusively in southern and border states [...] Jim Crow was more than a series of rigid anti-black laws. It was a way of life. Under Jim Crow, African Americans were relegated to the status of second class citizens. Jim Crow represented the legitimization of anti-black racism. (Pilgrim)

Jim Crow was not only the result of anti-Black racism but also demonstrated the legacy of slavery. When the Reconstruction Era in the South ended, Jim Crow began. There was never an understanding that blacks were no longer slaves because they were equal and not sub-human. Instead there was a deep-seated anger towards the newly freed Blacks. During the civil war, many southern Blacks fought for the North. Hence, the newly freed blacks were placed in position of public enemy number one. This was a position in which they were in anyways but, it was amplified by their stance against the South.

The Jim Crow laws affected various social structures including religious institutions. As stated in the article Pilgrim (2000):

Many Christian ministers and theologians taught that whites were the Chosen people, blacks were cursed to be servants, and God supported racial segregation. Craniologists, eugenicists, phrenologists, and Social Darwinists, at every educational level, buttressed the belief that blacks were innately intellectually and culturally inferior to whites. (Pilgrim)

These teachings resemble the heathenistic argument that the Englishmen had towards Africans. But where the Englishmen wanted to use conversion as a means of control, these so called Christian Ministers wanted segregation. They affirmed as the Englishmen

did, that the slaves were savage like, intellectually inferior. The anti-black ideology and teaching was not halted by the 13th Amendment. This sentiment was not only seen in religious institutions but also in the political sphere.

Politicians across various states argued in favor of segregation. Jim Crow was the solution to the “impending doom” that interracial relationships could bring. Politicians spared no recourse and describing why segregation was necessary. Pilgrim mentions the language used by politicians and newspapers when advocating for segregation.

Pro-segregation politicians gave eloquent speeches on the great danger of integration: the mongrelization of the white race. Newspaper and magazine writers routinely referred to blacks as niggers, coons, and darkies; and worse, their articles reinforced anti-black stereotypes. Even children's games portrayed blacks as inferior beings. All major societal institutions reflected and supported the oppression of blacks. (Pilgrim)

This relates back to Morgan’s work and the lack of civil rights and legal backing that Blacks had. During slavery, there were no institutions for the slaves to turn to. Likewise, during Jim Crow there was no fixed place for those in the Black community to turn to, as well. For centuries, they were denied education, representation and the right to protest. If politicians and media outlets were comfortably speaking heinously about the Black community, then where could they turn to for assistance?

The Jim Crow era represented an expansion of the ideologies of slavery. The anti-Black sentiment was discussed openly in schools, in politics, and in media outlets. It was widespread and accepted. There were beliefs that accompanied the law. Such beliefs are discussed in the article Pilgrim (2000):

The Jim Crow system was undergirded by the following beliefs or rationalizations: whites were superior to blacks in all important ways, including but not limited to intelligence, morality, and civilized behavior; sexual relations between blacks and whites would produce a mongrel race which would destroy America; treating blacks as equals would encourage interracial sexual unions; any activity which suggested social equality encouraged interracial sexual relations; if necessary, violence must be used to keep blacks at the bottom of the racial hierarchy. (Pilgrim)

Once more it is demonstrated that the abolition of slavery was not a magic wand that erased anti-black sentiment. The push for segregation itself had ulterior motives. Not only was it about segregating but also about maintaining the racial caste system. The Black community was being regulated and monitored. There were social norms that they needed to abide by. Emancipation did not mean freedom from racism or from white supremacy. Pilgrim lists some of the social norms during Jim Crow, that demonstrates the blatant lack of respect towards the Black community.

- a) A black male could not offer his hand (to shake hands) with a white male because it implied being socially equal. Obviously, a black male could not offer his hand or any other part of his body to a white woman, because he risked being accused of rape.
- b) Blacks and whites were not supposed to eat together. If they did eat together, whites were to be served first, and some sort of partition was to be placed between them.

- c) Under no circumstance was a black male to offer to light the cigarette of a white female -- that gesture implied intimacy.
- d) Blacks were not allowed to show public affection toward one another in public, especially kissing, because it offended whites.
- e) Jim Crow etiquette prescribed that blacks were introduced to whites, never whites to blacks. For example: "Mr. Peters (the white person), this is Charlie (the black person), that I spoke to you about."
- f) Whites did not use courtesy titles of respect when referring to blacks, for example, Mr., Mrs., Miss., Sir, or Ma'am. Instead, blacks were called by their first names. Blacks had to use courtesy titles when referring to whites, and were not allowed to call them by their first names.
- g) If a black person rode in a car driven by a white person, the black person sat in the back seat, or the back of a truck.
- h) White motorists had the right-of-way at all intersections. (Pilgrim 2000)

These norms were another form of socialization. During slavery, the slaves were taught to obey orders and were consistently reminded that their condition of servitude was due to their inferiority. These social norms provided a platform for the anti-black agenda. The same way that the condition of servitude was an inheritance, the same went for racist attitudes. Blacks were treated as inferior, and social institutions taught this as well.

Segregation was the law in various parts of the country. It was a focal point in many political debates. The point of segregation was not only to avoid race mixing, but also to continue to push the further degradation of the Black community. Interracial relationships were abominable to the public. However, during slavery sexual encounters between the slave master

and slave were not seen as an aberration. On the contrary, they were permitted and encouraged, in parts as a policy of the reproduction of new slaves. One must wonder how many black female slaves were raped, with nowhere to seek assistance. During slavery and Jim Crow, black males could not even give white women a handshake or compliment because they could be accused of rape or even killed.

An example of this was the case of Emmett Till. Emmett Till was a 14-year old African-American boy, who was visiting his great-uncle in Mississippi. One day he went to the grocery store with a group of friends, and subsequently was accused of whistling at a white woman. Once this rumor reached the ears of the woman's husband and his half-brother, they sought revenge. Emmett Till was kidnapped, tortured, shot in the head, and had a large metal fan used for ginning cotton tied to his neck with barbed wire, and then thrown in the river.

This occurrence was not a strange one. For centuries Blacks were lynched, whipped, and deprived of basic human rights. What separated however, the Emmett Till murder was that it occurred decades after slavery was abolished. It occurred decades after the 14th, and 15th amendments were ratified. It occurred during a time where Blacks were now being educated and knew their rights. Did this mean that justice would be served? No. Both men were found not-guilty.

This occurred in 1955; nine years before the Civil Rights Act of 1964. This murder along with other occurrences were used to launch the Civil Rights Movement. The news of Till's murder circulated around the world. It was an eerie reminder that racism and white supremacy continued. Emmett Till's murder was not the first and sadly not the last. Once the verdict was read the murderers celebrated by smoking cigars and drinking champagne. It was as if they already knew what the verdict was going to be. The reactions of the jurors and the murderers

was telling of how deep seated white supremacy was. In the following years, there were mass demonstrations of civil disobedience. The unified resistance against the explicit racism in schools, in the courts, and across social life had pushed many to their limits.

The Civil Rights Act of 1964, “outlawed discrimination on the basis of race, color, religion, sex, or national origin, required equal access to public places and employment, and enforced desegregation of schools and the right to vote” (NPS). In “The Strategy” published by the National Park Service (NPS) the tactics used by civil rights activists are discussed. The methods used were boycotts, sit-ins, and social movements. As discussed, “Locally initiated boycotts of segregated buses, especially the Montgomery bus boycott of 1955-1956, were designed to unite and mobilize black communities on a commonly-shared concern”. The protestors also held sit-ins and freedom rides. These demonstrations occurred in the public square to catch the attention of all people.

Unfortunately, for many segregation and discrimination had become normalized. This meant that hearing or seeing racist acts did not cause indignation for many. To say that some were quite comfortable with segregation was an understatement. White supremacy reigned throughout the states. The legacy of slavery had numbed the senses of those engulfed by it.

Rosa Parks was an example of the power that these demonstrations had. During Jim Crow, Blacks were assigned the seats in the back on the bus. Again, we see how they were treated as secondary citizens. There were however, seats in the middle of the bus that were not assigned to any race. But it was understood that if a white man or woman were to find themselves without a seat then, the Black people would move from the middle seats. We see again the fear of any interracial interaction. Parks refused to give up her seat during Jim Crow era Alabama. She refused to give her seat to a white man, after being told to stand up by the

driver. The bus driver called the police and Parks was subsequently arrested. Its horrifying to think that people could get arrested simply for seating on the bus. These are privileges that people today take for granted.

It was not that long ago that Jim Crow was revoked. That however, does not mean that systematic racism no longer exists. There are other methods to disenfranchise communities of color. In the following sections mass incarceration and police brutality which are methods of disenfranchisement will be discussed. It was not only about the “separate but equal” alternative fact but it was also about the lack of equal opportunity not afforded to people of color. The thoughts that ran through the minds of those that choose to stand and fight are enlightening.

Rosa Parks during her stance against injustice remembered her grandmother and Emmett Till. As stated in *The Rebellious Life of Mrs. Rosa Parks* by Jeanne Theoharis, Rosa Parks “Pushed as far as she could be pushed,” she decided to refuse. “I felt that if I did stand up, it meant that I approved of the way I was being treated, and I did not approve.” She was speaking of not standing up when the bus driver told her to. Parks touches on the topic of approval. The act of giving permission was not granted to people of color. For centuries people of color, were dictated what they could and could not do. They were treated like an assembly line, everything moving in the same direction, performing the same function. There was no divergence.

How is it that on paper it states that slavery is abolished but the treatment remains the same? The criminalization of communities of color began to form. The simple fact of being black became a crime. Blacks were not allowed to form large groups, in public. They were consistently targeted by the police. Those who could get an education were discriminated against. This occurred more so when “separate but equal” was deemed unconstitutional. The integration of the educational system was viewed as a step forward.

However, it was not an easy transition. There were protests in front of the schools. Racists would be chanting “2,4,6,8, we don’t wanna integrate”. Others would shout racist comments towards the Black students. Parents would pull their kids out of school because they did not want their children mingling with Black classmates. Once again Blacks are being viewed as tainted and soiled. Therefore, integration was viewed as an aberration.

This control over the movement of black bodies and constant harassment towards the Black community sparked mass protests across the country. These tactics were successful in mobilizing a larger mass of protesters. For example, the protests offered young men and women the opportunity to chip in to the cause, regardless of their level of education.

Student-organized sit-ins like the February 1960 protest at Woolworth's lunch counter in Greensboro, North Carolina, offered young men and women with no special skills or resources an opportunity to display their discontent and raise white awareness. Protestors were encouraged to dress up, sit quietly, and occupy every other stool so potential white sympathizers could join in. The success of the Greensboro sit-in led to a rash of student campaigns all across the South. (The Strategy)

There were organizations such as the NAACP, Urban League, and the United Negro College Fund, that worked together to assist in career planning, affirmative action, political participation, child care, pay equity and other issues affecting the black community. Although the protests were effective in showcasing racial inequality and the need for ending legal discrimination, it was clear that the Black community needed to unite and have social solidarity.

Black philanthropy offered resources for the less fortunate within the Black community. This was not only used to provide social relief but also to sustain social protests throughout various cities. Arthur Evans Jr. "Black Middle Classes: The Outlook of a New Generation", narrates the rise of the Black middle class and its role within the journey for equality. Evans discusses the role that the black middle class played within the Civil Rights Movement. Evans (1992):

It would not be much of an overstatement, if at all, to suggest that the civil rights movement was perhaps the greatest mobilization of charitable activity of any group to be witnessed to date in America. Between 1957-1968, the various civil rights organizations assembled thousands of individuals into a national protest movement that raised money, collected and disbursed food, and recruited volunteers to participate in boycotts, sit-ins, and marches across the country.

(Evans 217)

The protests gained the attention of those who sympathized with the protestors as well as those who did not. There is power in numbers and it was and is important that not only those affected by racism participate in the protests but also those that are not. It is not only important to have marginalized groups, become a united force against oppression but likewise have support from the white majority. It seems that when protests are solely conducted by those directly affected by the social ill these protests are not necessarily given mass attention. And if they are the core reason why the protests are done are whitewashed and made to seem illegitimate.

Although there were political tactics in place to hinder the advancement of people of color, the 1960's did open the door for the creation of the black middle class. Evans (1992):

The migration and urbanization of blacks following World War I resulted in black communities which were capable of supporting a growing black middle class.

Unlike their white counterparts, black middle class people were subjected to *de jure and de facto* segregation, which forced them to turn to the black community for occupational sustenance (Evans 213).

This concentration of Black workers in primarily Black communities is seen today as well. Although there is a rise in black owned businesses, these businesses are mainly concentrated in one area. This shows the hesitation to diversify the business market. The Black middle class grew due to the economic boost in the 60's, however that small window of opportunity was overshadowed by the hesitation to hire Black workers.

In summary, the fact that the amendments were not enough to curb the discrimination that plagued the Black community is telling. It demonstrates how embedded in the fabric of the United States the anti-Black sentiment was. The Voting Rights Act came nearly 100 years after the 15th amendment was passed. This act did not come without a trail of carnage behind it. When the 15th amendment was passed for the first time, various methods were used to ensure that Blacks did not enjoy this privilege. One of the methods used were violence and intimidation. Many Blacks were beaten while in pursuit of executing their given right.

The amendments and subsequent acts implemented worked hand in hand to ensure the equal treatment of all citizens. But, this did not come until after countless tragedies such as Emmett Till or courageous acts like that of Rosa Parks. These tragedies along with the rise in

the Black middle class, provided economic and social provisions to the movements throughout the 60's. Legal discrimination in the form of the Jim Crow laws were deemed unconstitutional and equal opportunities granted to people of color in employment, education, and housing, paved the path of redemption for people of color. It was a time where they were now seen as citizens and any form of discrimination was unconstitutional. The status of "less than" was being peeled away like a scab and left to become a distant memory. The full integration of people of color within the larger society was underway but, white supremacy was still king. This path to redemption was cut short by policies and the hyper-surveillance of communities of color.

Mass Incarceration and Its Impact

Shortly after the Civil Rights Act of 1965 a new challenge presented itself. It was the new form of enslavement, masked as safety for all. The rise of mass incarceration began during the Jim Crow era. This mainly targeted men of color.

There is an overrepresentation of people of color in our prison system in comparison to their overall population in the country. There is a hyper-surveillance of communities of color. There have been policies put in place such as “stop and frisk” and the “War on Drugs” that disproportionately targeted men of color. Although some policies have been revoked, the fact that police officers did come forward and state that they were told to target young men of color to reach their quota is disturbing. The social consequences that mass incarceration of people of color has had over the years have been profound. In this section I will discuss the role that the legal system has had in the further dismantling of the relationship between communities of color and law enforcement. I will also discuss the effects of mass incarceration on communities of color.

David Oshinsky’s *“Worse than Slavery”: Parchman Farm and the Ordeal of Jim Crow Justice* discusses the immediate effect that the 13th amendment had in parts of the south. The Parchman Farm was an extension of the slave plantation. During this period the state legislature purchased thousands of acres specifically for the construction of prison farms in Mississippi. It provided the state a labor force for their cotton empire. This was justified by the ideology that blacks were inferior and needed to be trained and disciplined. Similar to that mentioned in Morgan’s work. Blacks were viewed as tainted and less deserving.

The term “Prison Farm” is an interesting one. Typically, on farms things are grown and animals are raised. Could it be possible that this was foreshadowing of what the prisoners would

experience at these farms? These farms were positioned in the Yazoo-Mississippi Delta. The land itself was drained and cleared. As stated “Cotton was planted on several thousand acres, along with crops to feed the convicts, the mules, the hogs, and a dairy herd” (Oshinsky 109). This for all intents and purposes was a plantation, where the commodity was cotton and black convicts. “By the early 1900’s, the great bulk of Mississippi’s convicted felons had been delivered to Parchman Farm. According to the state penitentiary report of 1917, blacks comprised about 90 percent of the prison population” (Oshinsky 137). This is remindful of the slave ships that constantly brought in new slaves for the plantations. This was a continuation of the exploitation of black bodies that had occurred for hundreds of years.

Even with the amendments that were in theory supposed to guarantee equal treatment, there were some that fought to keep things the way they were before. The illusion that the abolition of slavery meant equality, was not a fact. Instead there were politicians that worked to prevent any civil rights being accorded to communities of color. In 1904, Governor James K. Vardaman was one of those politicians

Oshinsky discusses the governor’s perceptions of blacks in general. "Vardaman would spend a lifetime fighting to deny blacks political rights and social equality. Yet he also believed that Negroes who accepted their lowly place in the human order should be protected from abuse" (Oshinsky 100). The human order mentioned was the racial caste system, this caste that began with slavery and was cemented by Jim Crow. This racial caste made it so that replacements for plantation labor were available. Vardaman’s comments about prisons and blacks, left very clear that the Parchman Farm was not just another prison. Oshinsky (1997):

To Vardaman’s thinking, a good prison, like an efficient slave plantation, could serve to “socialize” young blacks within the limits of their God-given abilities. It

would not raise their intelligence or their morality, but it could teach them proper discipline, strong work habits, and respect for white authority. “You cannot create something when there is nothing to build on,” he surmised “but they can be well trained, and that is the best that can be done with the genuine negro (Oshinsky 110).

These statements echoed the ones stated during slavery. These prison plantations were to the governor the only response to “Negro crime”. The Parchman Farm would become the staple for imprisoning Blacks “who have lost their way”. The 13th amendment made it so that slavery could be used as a means of punishment. This left the door open for the use of slavery to continue to be the dominant ideology.

The topic of morality that Vardaman mentioned, is the same perception of the heathenistic nature of Blacks. This heathenistic nature is passed down from generation to generation, just like their skin tone. If Blacks were black, they were to be treated as inferior and viewed as uneducated or even savages. Blacks needed to be trained and disciplined because they were brutes. They needed to respect “white” authority and stop being lazy. All the social ills of society were projected onto Blacks.

The same occurs today. Former mayor Giuliani of NYC stated in an interview Face the Nation on CBS when discussing communities of color and police tactics;

If you want to deal with this on the black side, you’ve got to teach your children to be respectful to the police, and you’ve got to teach your children that the real danger to them is not the police, the real danger to them 99 out of 100 times ... are other black kids who are going to kill them. That’s the way they’re going to die. (Face the Nation)

This is what a prominent political figure stated in 2016. The black side, where children are raised to be criminals and to live off welfare. This is the perception the many have of the Black community. The same Black community that has been punished since the arrival of the first slave ship.

Blacks were at the bottom of the barrel. Their legal rights were not guaranteed to them. They could be killed without any consequence. For example, on page 114 of Oshinsky's work, Mary Hamilton who lived in the area, described an incident not uncommon. When she was healing, a white man's wound a black finger fell out of his pocket. Where did this finger come from? Well per him, a black man was accused of raping a white woman. The consequence of this was the lynching and subsequent dismemberment of the Black man for souvenirs.

This reminded me of Emmett Till and the circumstances surrounding his killing. How many black men were falsely accused of any crime to then be lynched? One must wonder as well how many black women were raped by white men and did not receive any justice. During slavery, female slaves were vulnerable to rape from slave masters. There was no authority available to defend these women and Black men could not do anything to protect their women. There has been a long history of feeling helpless and constantly being exposed to abuse.

The anti-blackness did not end with the 13th amendment. Slave labor was replaced by convict labor, who in majority were performed by Blacks. Everything on the plantation was controlled; the wages, education, medical care etc. The planters defended the treatment of Blacks (tenants) because in their minds they were doing them a favor. According to these planters, blacks would spend all their money on whiskey, gambling and sex. Once again, the morality of blacks was questioned. Black men could not engage in the same activities that white men did such as drink whiskey, gamble and have sex. These was viewed and labelled as savage

behavior. And since, blacks could not control their savage behavior they needed guidance and the Parchman Farm was that guide.

Another aspect of the Parchman Farm that mirrored slavery was the “condition of peonage” and corporal punishment. In order to explain this condition Oshinsky described an incidence that was not uncommon. As stated Oshinsky (1997);

In 1907, an investigator claimed that at least one-third of the large planters in the cotton belt were holding their negro workers to a “condition of peonage.” That same year, journalist Ray Stannard Baker described a not uncommon episode in which a Mississippi tenant deeply in debt, had been “sold” by one planter to another, along with his entire family. When the tenant balked, he was whipped and beaten to a pulp. “[His] children removed him to his home,” Baker reported, “but the white men returned the next day, produced a rope and threatened to hang him unless he consented to go to the purchaser of the debt. (Oshinsky 120)

The governor of Mississippi Earl Brewer in 1915 wrote to the sheriff to complain about the mistreatment of Blacks by the planters. The sheriff was not much help, since neither the planters or residents were cooperating with the investigation. The evidence of the abuse inflicted on the Black tenants was on public display. As stated in a letter written by Brewer “You will find tremendous number of negroes down in Jackson that bear upon their bodies the physical evidence of having been whipped and beaten up” (Oshinsky 121). For many years, it was normal to see blacks with scars all over their bodies. There was no respect towards them. The same way that the condition of servitude was passed down generationally, so did the anti-blackness from the state.

The use of corporal punishment was still occurring 50 years after slavery was abolished. However, it seemed that time had paused and remained in 1865. The similarities between the plantation and the prisons and subsequent tenant system were undeniable. As stated:

In design, it resembled an antebellum plantation with the convicts in place of slaves. Both systems used captive labor to grow the same crops in identical ways. Both relied on a small staff of rural, lower-class whites to supervise the black labor gangs. And both staffs mixed physical punishment with paternalistic rewards in order to motivate their workers. What this meant in simple terms, was the ability “to drive and handle niggers” (Oshinsky 139).

With the 1965 Civil Rights Act, this system was dismantled because it could no longer exist without violating the civil rights of those under the boot of plantation life. Today, it is now known as the Mississippi State Penitentiary the only max security prison for men in Mississippi.

Aside from Jim Crow and the Parchman Farm, the War on Drugs in the 1970’s, incarcerated large numbers of Black males into concrete cages. The War on Drugs was an incentive started by the Nixon presidency. It unequally targeted communities of color. This action further criminalized black and brown communities. The impact of this incentive is depicted in the video Jay Z: “The War on Drugs Is an Epic Fail”. This video was an opinion piece for the New York Times. The drugs and drug dealers were the only ones blamed for the social ills that plagued the inner city. As narrated:

Drugs were bad, fried your brain, and drug dealers were monsters. The sole reason neighborhoods in major cities were failing. Nobody wanted to talk about

“Reaganomics’ and the ending of social safety nets. The defunding of schools and the loss of jobs in cities across America. Young men like me who hustled became the sole villain and drug addicts lacked moral fortitude.

When the “War on Drugs” began in 1971 the prison population was 200,000, today it is 2 million. This war began six years after the Civil Rights Act was enacted.

It seemed that the need for having black and brown communities under surveillance had found its ally. Communities of color were targeted constantly by drug raids, the prison population exploded. These communities were being destroyed by “tough on crime laws”. These laws and practices seemed to conveniently ignore the fact that white people sold and used drugs more than Black people. As stated in the video “Crack is still discussed as a black problem”. This assertion that drugs are a Black problem goes back to the “heathenistic” behavior that the Englishmen asserted African’s had.

Blacks were discussed as being tainted and inferior. The “War on Drugs” was a way to ignore and place blame on victims of public policy. The education system failed inner city students. Jobs were being moved out of the country, leaving those within the community to not have a secure source of income. To top that off there were mandatory life sentences issued for simple possession and low level drug sells. A lot of children were growing up without fathers. A lot of black and brown teens had a target on their backs simply because they lived in a neighborhood that had high levels of drug activity. The shackles that former slaves wore were now changed to orange jump suits.

To look at a more specific case study, the Rockefeller Drug Laws in New York will be discussed. In the article “Rockefeller Drug Laws Information Sheet” prepared by

Aaron D. Wilson in 2000, the effects of these series of laws is discussed. This all began in 1973. Gov. Nelson Rockefeller put in place a series of anti-drug laws. As stated in the article “It was thought that rehabilitative efforts had failed; that the epidemic of drug abuse could be quelled only by the threat of inflexible, and therefore certain, exceptionally severe punishment” (Wilson). These laws were put in place to deter anyone from using or selling drugs. The severe punishment was passed down to the users and low level drug sellers. However, much of these drugs were coming in from other countries. So, since they could not catch the drug lords so they went after petty criminals.

The Rockefeller Drug Laws affected the prison population, financial costs, racial disparities and women. The prison population in New York tripled between 1980 and 1992, it went from 20,000 to about 62,000 (Wilson). The mandatory minimum sentences for drug charges “increased the percentage of convicted drug offenders who receive prison sentences. As a consequence, the NYS prison population has changed from one in which 9% were serving time for drug felonies (1980) to 32.2% (1997)” (Wilson). This means more people in prisons, which leads to overcrowded prisons and not enough supervision. The effects of having a felony make finding a job difficult. These people cannot vote they will always have a target on their back. It is more than just a sentence, and it is more than just doing time.

The financial consequences of mass incarceration were significant; they more than doubled the share of the State General Fund spending that goes towards prison systems from 10% to 25%.

As of December 31, 1997, there were 8,880 drug offenders in NYS prisons under the Rockefeller Drug Laws. According to the Correctional Association of New York, it costs an estimated \$265 million dollars to pay for these prisoners to be incarcerated. There were an additional 12,102 drug offenders in NYS prisons under the Second Felony Offender Law, costing an estimated \$360 million per year. There were a total of 22,670 drug offenders in the NYS prison system, representing 33% of the total prison population. In 1980 drug offenses represented only 9% of prison commitments. (Wilson)

A large chunk of the state budget goes to prisons. Due to the increment of drug offenders being sentenced to mandatory minimums, the prisons have to expand to house the new inmates. Meanwhile the public-school system is being defunded. If 25% of the state budget were going towards education how much better prepared will our children be for college? It seems that prisons are a solution for addressing social ills but, in reality the laws enacted are the social ills.

The racial disparities involved are undeniable. Most those in prison are Black or Latino. There was and still is an overrepresentation of people of color in the prison system. As discussed in the article:

In 1997, whites constituted 5.3 percent of the total population of drug felons currently in prison in New York; blacks and Latinos constituted 94.2 percent [...]
As of 1996, Blacks and Latinos made up 23% of the state's general population, but constituted over 85% of the people indicted for drug felonies, and 85% of its overall prison population. (Wilson)

To say that these drug laws targeted all drug offenders equally is a lie. The fact that in 1996 Blacks and Latinos together made up 23% of the state population and nearly 90% of the prison population, indicates a hyper-surveillance of black and brown communities. It seems that the need to control Black bodies continues well into the 21st century.

Finally, the consequences that this has on women, are unfortunately not spoken of enough. Women, specifically women of color, continue to be the silent victims of this hyper carceral system. The Rockefeller Drug Laws hit the nail on the head when it came to finding a way to incarcerate women.

Black and Latina women, are particularly affected by the Rockefeller Drug Laws.

Incarcerated women in New York are more likely than men to be drug offenders.

In New York in 1990, 61.2% of all female prisoners were committed for a drug offense, compared to 32.2% of men. (Wilson)

Women were more likely to be incarcerated for drug offenses than men. And given the hyper-surveillance of black and brown communities it makes sense that black women and Latinas are incarcerated at higher rates. It is important to note that this did not just occur in New York, the same is seen in almost all prisons.

The Jim Crow Era was replaced by Mass Incarceration. The prison industrial complex plagued communities of color. The consequence of having a felony or even a criminal record hinder many across all racial lines. Unfortunately, many times public defenders tell defendants to plead guilty to get less time or probation. The consequence of this decision is never explained to the defendants who in their majority are first time offenders. Criminal courts are so saturated that having a defendant state his or her innocence will just further back up the courts more than they already are. However, the

exposure to knowledge of legal rights is limited. The legacy of slavery and Jim Crow have intertwined and mutated into mass incarceration.

Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* discusses the consequences of mass incarceration on communities of color. Those who have been formerly incarcerated are marginalized groups. They are subjected to legalized discrimination when it comes to employment, housing, education, public benefits, and jury service. They are viewed as second class citizens. Upon release from prison they face legalized discrimination and permanent social exclusion. There is no upward mobility for African Americans and Latinos who have criminal records in the current system we live in. They are viewed as lacking moral fortitude. This practice of Blacks needing to be disciplined continues. The practice of people of color being punished more harshly for committing the same crimes as whites continues.

The War on Drugs has unequally affected Latinos and African Americans when compared to their white counterparts. Compared to the 1983 prison admissions for African Americans, in 2000 the level was more than twenty-six times higher. As for Latinos, the prison admissions rate was twenty-two times higher. Compared to Latinos and African Americans, the number of whites admitted into the prison system for drugs is relatively low; it is eight times higher than the 1983 admissions. As stated in the reading "Although the majority of illegal drug users and dealers nationwide are white, three-fourths of all people imprisoned for drug offenses have been black or Latino" (Alexander 98).

The data shows that white youth are more likely to use drugs compared to African Americans. The National Institute on Drug Abuse as discussed in the text found that white

students are seven times more likely to use cocaine, eight times more likely to use crack cocaine, and seven times more likely to use heroin when compared to African American students. It is important to note that there is a harsher penalty for powder cocaine compared to crack cocaine, even though they are the same thing. This is important because powder cocaine has been found to be used more so in communities of color. Even within the law itself Blacks and Latinos are more harshly targeted.

The media has shaped the ideology that drug use is prominent within minority groups in urban areas, however the data shows that "white youth have about three times the number of drug-related emergency room visits as their African American counterparts" (Alexander 99). This indicates that heavier drug use and higher drug availability can be found in white neighborhoods. But, those are not the communities that are being heavily surveyed. Given the fact that most those being incarcerated for drug charges were people of color many felt that the War on Drugs was really a war on poor communities of color.

This harnesses distrust and discontent. Racial discrimination is masked by those in power and displayed as a method for securing communities. The disparities in the incarceration for drug charges compared to their consumption are discriminatory. No one should be afraid of an institution that is meant to protect and serve. However, that is not the case. For decades' prisons, have been overcrowded in its majority by people of color. This heightened level of incarceration has severed any ties between communities of color and local authorities. If the situation is severed on a local level than the entire justice system can be viewed as the enemy. Furthermore, the consequences of mass incarceration on a societal level have created a perception of constant prosecution among communities of color.

The prison rules continue to be applied even after release. As stated in the reading there are more men under the prison system today compared to during slavery. According to the Prison Policy Initiative whites are underrepresented in the prison population whereas blacks are over represented. Many view this procedure as unjust and that the cops are just out to get them. This can be interpreted to have control over the movements of men of color. On top of that there are disparities as it pertains to who gets arrested for what offence. The socio-economic compositions of the person weigh in during sentencing and what the punishment should be.

Crime rates and the rates of incarceration do not match and expose the disparities within the criminal justice system; "As numerous researchers have shown, violent crime rates have fluctuated over the years and bear little relationship to incarceration rates" (Alexander 101). Regardless of whether the violent crime rate increases or decreases, the incarceration rates are soaring. Most those under the correctional control are not actually in prison. Only 1.6 million of the nearly 7.3 million people under the correctional control are in prison. This means that there are millions of people whose lives are being hindered because they need to report to their parole officer. They are no longer in jail or prison but they live caged. The condition of being on parole can lead possible employers to view them as unreliable and have a reason or excuse to not hire them. Unfortunately, formerly incarcerated individuals continue to be viewed as a menace even after paying their dues.

The racial caste system described earlier in the paper goes beyond the prison walls. Those who are on probation or parole are branded as criminals or felons and are placed in the permanent second-class status. This status prevents them from attaining simple human necessities such as housing, employment, schooling etc. As stated above those affected by this are mainly Latino and African-American men. Just as Jim Crow maintained minorities under

control, mass incarceration is doing the same just in a more implicit way. It is difficult to prove intentional discrimination in the age of colorblindness. That is because it is hard to prove that the racial disparities are a result of intentional racial discrimination in the criminal justice system; there isn't an official, prosecutor, or judge that wants to be labelled as a bigot. However, there is a hyper-surveillance of communities of color that make them a target for arrest.

This hyper-surveillance does not foster trust instead, it leads some to view the system as a barricade forged against them. The criminal justice system along with unequally prosecuting minorities also rarely informed the accused of the vital democratic rights they stand to lose if they do in fact plead guilty. There are collateral consequences that are rarely addressed by the criminal justice system. Ex-offenders are no longer able to drive, get a job, find housing or even qualify for public benefits, this can lead them to lose their children, and their dignity and eventually their freedom. This is judging by the rate of recidivism.

It is a vicious cycle. When it comes to applying for a job, on the job application it will ask them if they had been convicted of a crime and by simply checking that box they know that the probabilities of them getting the job has decreased significantly. Again, these formerly incarcerated individuals are known as lacking moral fortitude. Employers feel that they cannot be trusted. Ex-convicts are looked down upon for their societal deviant behavior. By checking that box it is a way to keep ex-offenders boxed in the system.

After checking the box indicating that they had been incarcerated many do not even have the opportunity of being interviewed by potential employers. *The New Jim Crow*, stated that 90% of employers said they're willing to consider filling most of their vacant jobs with a welfare recipient but only 40% of the 90% were willing to consider doing so if it were an ex offender. Those with misdemeanors in a 2002 survey of 122 California employers had higher chances of

being employed compared to those convicted with felonies. It seems that even after paying the price for committing the crime these men and women are still treated as if they are guilty. Even those on probation, have difficulties adjusting to life outside of jail. Many times, their probation officer demands that they be employed and since they have a criminal record it is difficult for them to get employment. This puts them in a difficult position of having to possibly go back to jail for not complying with the rules. This again is a vicious cycle. The system is quick to incarcerate but slow to rehabilitate.

The prison label has now replaced the race label. It is no longer acceptable to discriminate based on race; however, using a person's criminal record has now become the norm for implicit discrimination. The overwhelming majority of those that use and deal drugs are white but the overwhelming majority of those that end up going to prison on drug related charges are Latino and African American. The criminal justice system has never had an amicable relationship with minorities. Most those in urban areas feel looked down upon by officers and by the criminal justice system. When they do see a police officer it is typically because they have done something “wrong” or are being stopped because they are dressed a certain way or made a certain gesture. This just continues to add fuel to the fire. A fire that continues to burn vibrantly.

Amnesty International considers mass incarceration to be a problem as well. It considers this to a violation of citizen’s rights. As stated on their website;

The United States accounts for only 5% of the world’s population, but is responsible for nearly 22% of the world’s prison population. More than 2 million people are incarcerated in U.S. prisons as well as local and county jails. 1 in 3 black men in the United States will go to prison or jail if current trends continue. An average of 5 million people are

under state or federal supervision in the form of probation or parole. (Amnesty International)

The exaggeration with which punishment is administered in United States has caught the attention of the U.N. Human Rights Committee. This committee monitors the compliance of states' with their obligations to comply under the International Covenant on Civil and Political Rights. This committee has expressed concern about racial disparities at different stages in the U.S. criminal justice system. These disparities include sentencing disparities and the overrepresentation of individuals belonging to racial and ethnic minorities in prisons and jails.

In summary, punishment does not deter crime completely. Most of the offenses are non-violent offenses such as property theft, drug charges, etc. It has been engrained in society that imprisonment is the only way to keep society safe. However, crime continues to be committed, meanwhile black and brown men are incarcerated at larger rates when compared to white men. The transition from slavery, to the Jim Crow era, and now mass incarceration, leaves a trail of disillusion and a subculture. Communities of color have had to create their own world because they were not welcomed by white dominant society. From the Parchman Prison Farms to the industrial prison complex, the need for control is a priority. The social ills are locked up and ignored. Those lacking moral fortitude are demonized and used as scapegoats. When the issue at hand is greater than a simple drug charge. The racist and discriminatory laws continue to hover over communities of color. Any interaction between communities of color and law enforcement given the laws in place can lead to prison time or even death.

At first there was the abolition movement, then the civil rights movement, and now we are in the social media era. Social media provides a platform that was not obtainable during

slavery or the Jim Crow era. One of the movements that has mobilized enormous protests across the country is the Black Lives Matter Movement.

The Rise of #BlackLivesMatter and Institutional Brutality

In recent history, the cases of Eric Garner, Kalief Browder, and Ramarley Graham among others have further fueled the discontent and feeling of persecution that communities of color experience. Each case stated above captured national attention. However, not much has changed. There has been little change even with video evidence of police brutality all over social media and YouTube. Even with police officers admitting to targeting men of color to fill quotas, there has been little movement to address this problem in Capitol Hill.

The rate at which men of color are either killed or arrested leads those in communities of color to interpret these insurances as racist and creates a wall of distrust. They perceive that those who are in theory supposed to protect and serve are the root of their discontent. Being that they cannot direct their anger towards policies such as the Rockefeller Drug laws or Stop and Frisk, the local law enforcement become their target. An example are the names of individual officers being spread all over social media. Although these policies in a sense are not tangible their effects are real. And they are felt by millions, not just those behind bars but also their friends and family. The hyper-surveillance of communities of color leads young men and women of color to constantly look over their shoulder. People are supposed to trust law enforcement but unfortunately many fear police. The perception is that law enforcement is an extension of the justice system, since the justice system has failed people of color for centuries, then the thought process is that they cannot be trusted.

This level of distrust between marginalized groups and law enforcement has gone on for centuries. Starting with slavery, to the Jim Crow Era, and the War on Drugs; each of these chapters of American history worked to instill fear and social control. Being arrested with drugs carries with it a felony charge. Prisons are overcrowded, plagued with gangs and are

understaffed. Prisons have become a place to get rid of the social ills of our time. In the Parchman Farms blacks were sent there as convicts, however it was a prison plantation. It served as a reminder that they would never be equal. The amendments passed were not equally enforced throughout the states. This led to individuals spreading bigoted ideologies through Jim Crow laws or prison plantations.

The government agencies were not on the same page. The societal effects of mass incarceration were not taken into consideration. The emphasis was on cleaning up society and incarcerating. Any effort for rehabilitation was set up for failure. Criminal offenders were viewed as deviant. The macro-circumstances surrounding their criminal act are many times ignored. How can people trust a system that cannot monitor itself? There have been various incidents where police brutality has led to the death of a person of color.

One could go as far back as Rodney King in 1991. King was a black man who was beaten by various police officers on the freeway in Los Angeles. Before this incident, the tension between the LAPD and communities of color was scorching and ready to explode. This arrest and beating was caught on tape. There was a sense of relief that many felt because the beating was captured on tape, they finally had what they felt was concrete proof that the LAPD was abusive. However, instead of relief there was an eruption of frustration when the four officers charged with the beating were acquitted. In the video the four officers are seen tag team beating King. The other officers are just standing around watching the beating. King was not a threat he was already on the ground but, they continued to beat him anyways. Another black body received corporal punishment and those that inflicted it were free.

Fast-forward a couple years in New York in the late 90's early 00's, the cases of Amadou Diallo and Sean Bell caused tension, due to the excessive force that was used. Amadou Diallo

was in front of his home when he was shot 41 times because the police thought he had a gun. Again, the four officers involved were acquitted. Sean Bell was leaving his bachelor party when he and his friends were shot at over 50 times by police. Bell died, three of the five officers charged were found not guilty. It seemed that police could operate with impunity and were held above the law. The topic of excessive force and fatal encounters were discussed, but once the cases died down, no more was said. That silence is complicit. Those outside of the community that is being affected by this cover their eyes, ears, and mouths. But enough is enough.

In 2011, after the fatal encounter that led to the death of Trayvon Martin, at the hands of George Zimmerman who was the neighborhood watch coordinator of a gated community in Sanford, Florida, an organization that was administered by the local police department; Zimmerman was acquitted of the charges of second degree murder and manslaughter. Shortly after the verdict the hashtag, #BlackLivesMatter began to circulate on social media and with it the rage of thousands of people that could not fathom how Zimmerman could be acquitted. Clearer was the anger that many felt that black and brown men are constant targets of law enforcement. The fact that a young man appears to be a suspect simply because of the color of his skin is outrageous.

Many perceived this to be racial profiling, something that many have experienced too often. Being black or brown places you in another category. You cannot simply be walking with a group of friends, there must be drugs involved or gang affiliations. Young boys of color are treated like adults, they do not have the benefit of being innocent. This was the topic of Martin's case. If he would have been white, would he had been followed? Who knows. But what is a fact is that Martin, like many others targeted for no reason other than the fact that he was a black teen walking in a neighborhood that he was too black to live in.

After the verdict was released there were marches and demonstrations rejecting the decision and at the same time wanting the rest of the nation to acknowledge that this was an issue that communities of color have experienced too often. This is not something that communities of color are inventing, black and brown men experience larger rates of interaction with law enforcement compared to the rest of the population. This has created an underlying tension, an “Us vs. Them” kind of mentality. With the verdict in the Zimmerman case came a sentiment of, “are black lives valued in America?” and as a response, in a form of a social avalanche, came Black Lives Matter.

The organization Black Lives Matter was founded in 2012 by Patrisse Cullors, Opal Tometi, and Alicia Garza. As stated on the official website, “#BlackLivesMatter is working for a world where black lives are no longer systematically and intentionally targeted for demise”. Social media has played a huge role in mobilizing thousands of people across the country for protests, sit ins, and networking with other organizations. After each fatality, the hashtag #BlackLivesMatter, #ICantBreathe, #HandsUp, #Amerikkka among others, were trending topics. In response to this, the hashtag #BlueLivesMatter began to circulate. Although it did not gain as much momentum it displayed the tension between communities of color and law enforcement.

One could depict it as a shouting match; neither side is listening to the other. On the one hand, there is a generalization of law enforcement as racist, abusive etc., and a push back by law enforcement saying “No, we’re not racist”. There were smaller protests defending police officers that some viewed as problematic. For example, in Ferguson a small group of protestors gathered about 12 miles away from where Michael Brown was fatally shot by police. They were gathered to defend Daren Wilson, the officer involved in the shooting. Clearly neither side is

listening to the other nor does it seem that they even want to. Each side takes up for their own. Lastly, this lack of communication when it is boiled down leaves many voices unheard on both sides. However, Black Lives Matter along with social media has opened the door for discussion on a national level once again.

Eric Garner was another case that captured national attention. The case in many ways mirrored the Rodney King case in the early 90's. Both Incidents were caught on tape, and in both situations the officers involved were acquitted. There was a sense of relief associated with the video because this was visual evidence that the chokehold was used and that there was excessive force. However, that was not the case. The case did not even go to trial. This caused an eruption of protests and demonstrations across the nation. The hashtag #ICantBreathe as well as #BlackLivesMatter became a trending topic and protestors even wore the sayings on their shirts. It was a slap in the face for marginalized groups, because they felt that it was an open and shut case but that was not what happened. Many questioned whether black lives were valued in America and further, if justice existed for them. The slogan, "No justice, No peace", became one of the anthems of the demonstrations.

A case that displays the failure of the justice system is Kalief Browder. Browder's story is told in the Time documentary, The Kalief Browder Story. Kalief was arrested when he was 16. Two weeks prior to his arrest, a man reported a robbery of a backpack. According to the police Browder fit the description of the robber. While Kalief was in custody he was questioned about the robbery, in which he denied being involved and maintained his innocence. Now this should have been the end of the discussion, being that the police did not have much evidence. But that was not the case.

Kalief was sent to Riker's Island, where he would spend the next three years. Kalief spent three years in prison without being charged with the crime. He maintained his innocence, even under immense pressure to do otherwise. Kalief spent two of those three years in solitary confinement. In solitary confinement Kalief was starved and beaten by officers. He was psychologically, emotionally, and physically scarred while being there. Now one has to wonder, how could a minor be held in prison without having been charged with a crime? Well this is the result of a flawed and corrupt system.

Kalief's mother attempted to pay the bail, but since he was on probation, the bail was denied. With the bail denied, what else could they do? The only option left was to have him await trial. But that never happened. The prosecution continually pushed back the court date because they were not ready for trial. Now this is over a stolen backpack, not murder or armed robbery. The witness had already left the country so what was the prosecution using as evidence? The victim could not identify the robber and the witness was nowhere to be found. All the while Kalief is rotting away in prison.

One can ask where Kalief's lawyer was during this entire situation. Well, the lawyer assigned to Kalief, like all other public defenders was over worked. All his lawyer could advise was to plead guilty. But Kalief stood his ground and said, NO! To demonstrate how oblivious Kalief's lawyer was, he was still sending court date letters addressed to Kalief to his mother's home. Was he not aware that his client was in prison, and in solitary confinement?

The time he spent in Rikers ate him alive. While at Rikers, Browder attempted suicide in various occasions. In the documentary, one of those instances is shown. Kalief had attempted to hang himself, when the guards passed by his cell and saw him; they did nothing but stand there for a few seconds. Kalief stated that the officers said to him that they would get him down but

that he was going to feel pain first. Eventually they did get him down, by beating him down, without showering any misery. The security camera shows Kalief running out of the cell screaming for help. A psychiatrist in the documentary stated that Kalief had been driven into psychosis. During slavery, black males were lynched and cornered like animals and taunted. The same was done to Kalief during his time at Rikers.

Eventually, Kalief was released from prison, after three years. Kalief during those years refused every plea deal the prosecution offered, because he refused to pay for a crime he did not commit. Kalief spent three years in Rikers without being formerly convicted of a crime. Once he was released Kalief wanted the world to know his story, because it was not rare occurrence. Once released from Rikers, Kalief enrolled at Bronx Community College, where he excelled in his courses. However, he suffered from paranoia, he even accused counselors of working for the FBI, he did not trust anyone. He went on to do many interviews explaining what he experienced at Rikers, as well as enacting a lawsuit against the city of New York.

Unfortunately, Kalief Browder's story ended tragically. In 2015, Kalief Browder committed suicide at 21 years old. The post-traumatic stress that Kalief suffered was too much and plagued his mind and hindered his interactions with the outside world. Browder would recreate his experience in solitary confinement by locking himself in his room for hours. He was uncomfortable around large crowds. All this trauma and destruction over a stolen backpack. Meanwhile, someone like Brock Turner a white male who was caught in the act of raping a girl who was intoxicated, in Connecticut, was only sentenced to six months in prison. Why was the law harsher on Kalief when there was no evidence against him but, lenient on a rapist caught in the act? That is called white privilege and it continues to plague our justice system, the same way that the legacy of slavery does.

The fact that the system failed on all levels, demonstrates how backwards everything is. There are people accused of murder, that are home awaiting trial. But a minor is accused of stealing a backpack, and he gets sent to prison and housed with the adults. The correction officers did not care about the abuses that occurred in the prison, because they were also abusing the inmates. How could this happen, here in the United States of America. There are more innocent people awaiting trial at Riker's than there are guilty people serving time. All because they could not make bail or the prosecution kept pushing back their trial date.

The tactics used by some police departments are yet another source of discontent among communities of color. As discussed on the Huffington Post;

The aggressive tactics with which various law enforcement agencies greeted protesters in the St. Louis region last August following the death of Michael Brown in Ferguson, Missouri, were deeply flawed and oppressive of citizens exercising their constitutional rights, according to a forthcoming report commissioned by the Justice Department. Not only are they more likely to have a fatal encounter with law enforcement, and not have the officers held accountable. They are also blocked from exercising their constitutional right to protest. Many perceived it as if the intention was to drown out the protestors and their claims. This can be interpreted as a method of social control. Do marginalized groups view the law as a form of social control?

The law in theory is supposed to protect citizens. But with all the black and brown men and women incarcerated, what exactly are we being protected from? Is it from their lack of moral fortitude or their blackness? Because this hyper-surveillance does not make sense. The broad societal factors plaguing urban areas go beyond drug use. It is the infrastructure; the public housing buildings look like prisons. Decades of disinvestment in poor communities: no

jobs, terrible schools, bad infrastructure like the poisoned water in Flint, Michigan. It is decades of being told implicitly and explicitly that your life does not matter. The fact that your body could be violated repeatedly affects your overall interaction with police.

The policy of Stop and Frisk further cemented the sentiment of persecution that many communities of color felt. This further increased the level of mistrust along with the lack of respect for the civil rights of those that are stopped. This was not just something that was felt on the ground level; former NYPD Commissioner Ray Kelly noticed the change in the sentiment among New Yorkers;

NYPD Commissioner Ray Kelly in 2000: “[A] large reservoir of good will was under construction when I left the Police Department in 1994. It was called community policing. But it was quickly abandoned for tough-sounding rhetoric and dubious stop-and-frisk tactics that sowed new seeds of community mistrust. (NYCLU)

Stop and Frisk began as a tactic to make the streets of NYC safer due to a spike in crime. However, the intention of this policy soon disintegrated. This tactic became an explicitly discriminatory policing method that targeted in its majority people of color. This violates their rights and breeds mistrust between NYPD and communities of color.

According to the New York Civil Liberties Union (NYCLU) “The police are stopping hundreds of thousands of law abiding New Yorkers every year, and the vast majority are black and Latino”. According to the NYPD’s own report 9 out of 10 stopped and frisked New Yorkers have been completely innocent. In order for a police officer to search someone there has to be reasonable suspicion. The fourth amendment requires that the police have a reasonable suspicion that a crime has been, is being, or is about to be committed before stopping a suspect. The

concept of reasonable suspicion can vary in different situations, between officers, and racial lines. This makes it problematic.

Another aspect of Stop and Frisk that made it troublesome were the “quotas” that police officers had to fulfill. According to CNN, NYPD officers stated that they were mandated to fulfill quotas that forced them to make unnecessary stops. For example, Bronx Police Officer Pedro Serrano recorded discussions with supervisors during the daily roll call starting in 2010. During one of the discussions the supervisor stated; "The problem was what? Male blacks. And I told you that at roll call, and I have no problem telling you this: male blacks 14 to 20." This proves that officers are informed before patrolling what to look for. Whether these males were committing a crime or going to commit a crime is beside the point. Many police officers were given explicit instructions to go after young black males. This places the reasonable suspicion question at odds, if the mandate states that there must be “X” amount of arrests, anything can be labeled as reasonable suspicion. That further fosters the sense of persecution that many men of color experience.

The plaintiff attorney Jonathan Moore stated "We need somebody to look over the shoulder of the police department, not in an overly aggressive way, but in a limited way to make sure that this practice is being done in a constitutional fashion,”. This is something that many agree with, however why is it that the NYPD needs to be closely watched. With the amount of taxes that citizens pay, you would assume that the police would know how to do their job without being prejudiced or needing incentives. Aside from that many of the claims made about stop and frisk on the side of the law have been found to be exaggerated.

Many of the so-called facts about the “successes” of stop and frisk ended up being myths. The four myths laid out by the NYCLU are Stop-and-Frisk reduces crime and keeps

people safer, Mayor Bloomberg's stop-and-frisk policies cut the number of murders in half, Stop-and-Frisk gets guns off the street and, therefore, prevents murders, and Stop-and-Frisk is not discriminatory. The union states "No research has ever proven the effectiveness of New York City's stop-and-frisk regime, and the small number of arrests, summonses, and guns recovered demonstrates that the practice is ineffective". In fact, other large cities such as LA, New Orleans, and Dallas saw larger declines of violent crime without the use of stop and frisk.

The NYCLU stated "stop-and-frisk has not reduced the number of people who fall victim to shootings. In 2002, there were 1,892 victims of gunfire and 97,296 stops. In 2011, there were still 1,821 victims of gunfire but a record 685,724 stops". Percentage wise the report shows that "Guns are found in less than 0.2 percent of stops", so to say that stop and frisk tactics are getting guns off the streets is inaccurate. The NYPD spokesperson Paul Browne stated "[B]lacks made up 53 percent of the stop subjects and were 66 percent of the violent crime suspects in 2011... For Hispanics, 34 percent were stop subjects and 26 percent were violent crime suspects." Comparing police stops to violent crime suspects is not an accurate way of depicting whether the tactic is effective only 11 percent of stops in 2011 were based on a description of a violent crime suspect:

From 2002 to 2011, black and Latino residents made up close to 90 percent of people stopped, and about 88 percent of stops. Even in neighborhoods that are predominantly white, black and Latino New Yorkers face the disproportionate brunt. For example, in 2011, Black and Latino New Yorkers made up 24 percent of the population in Park Slope, but 79 percent of stops. This, on its face, is discriminatory.

The reports are misleading. The community policing that former NYPD Commissioner Ray Kelly stated was occurring in the early 2000's is nonexistent. Lastly, stop and frisk has been

proven to be discriminatory, there are quotas associated with it as well an insane number of stops. The policing tactics used under stop and frisk mirror the levels of mass incarceration.

Furthermore, is dialogue possible? With the high levels of stops being conducted in which most those stopped and frisked are black or brown, along with the fact that in prisons Black and Latino men are over represented when compared to their general population. There is a sense of persecution that runs through communities of color that transcend generations. Although stop and frisk was deemed as unconstitutional, the recent case of Kalief Browder showed that there continues to be a hyper surveillance in communities of color.

There are rare situations displayed in the media in which there is a positive interaction between youth of color and law enforcement. There are people that are convinced that the justice system is corrupt. They do not differentiate between the different levels present in the justice system. Nor do they differentiate between the good and bad cops. In some cases, some even say that the United States has no right to shame other countries for their lack of equality, with everything going on its own land. This tension and lack of trust displayed leads one to wonder, could there be some sort of dialogue out of this chaos?

Many people come to America fleeing from persecution, looking for religious freedom, etc. But how could it be that a large part of the population feels persecuted in this nation that many uphold it as a standard in equality? One could say that racial profiling plays a role in the situation as well as racism. However, the system allows there to be a constant targeting of men and women of color. Many black and brown youth fear the police not because they are a form of authority but because they do not want to end up like Trayvon Martin or Michael Brown. In interviews following the verdict in the Zimmerman trial, some adults mentioned that they have to speak to their children about how to interact with law enforcement. About how not to look

suspicious and what to say if stopped. That fosters a sense of inferiority. This leads many to ask, “Am I not a U.S citizen? Do I not have rights?” Even when it comes to speaking with police officers about a community concern many are hesitant.

Nowadays there are applications that can be downloaded to any smartphone to ease the interaction between communities and law enforcement. Apps such as crime watch and crime report allow citizens to communicate with law enforcement and report crime without having to interact face to face with law enforcement. The effectiveness of these apps continues to be looked over. However, they serve as an alternative. But one must wonder, how damaged is the relationship between communities of color and law enforcement that face to face contact is becoming something that does not seem to be on anyone’s priority list.

Marginalized groups in general interpret the actions of law enforcement as restricting and abusive. But this is only part of the larger problem. As stated above many do not differentiate between the various parts of the justice system. Instead they group everyone together and assume that if one aspect of the justice system is “corrupt” then the entire system is “corrupt”. The accountability problem and the fact that many police officers do not face jail time, leads many to feel that police officers can get away with murder. Unfortunately, with the recent events that sentiment is only cementing itself even more, along with the overrepresentation of black and brown men in the prison system.

The social movements such as Black Lives Matter have opened to door for dialogue as well as made a safe space for black and brown youth to be able to vent their frustrations and organize in a productive manner. The path to being able to have some sort of reconciliation between marginalized groups and law enforcement is not something that is impossible. However, it is something that will take time and many changes must be done for marginalized

groups to trust that the law enforcement that is present in their communities is there to protect and serve not persecute them. There must be nationwide innovative to have more rehabilitative alternatives other than incarceration.

Slavery set the tone for how “blackness” was and is discussed in America. Oppression and segregation continue to exist throughout the country. In any sector of life racism and discrimination can be found. For some, slavery is a topic of the past but, its legacy continues to affect millions. People of color may no longer be chained or shackled but, their likeness to their ancestors continue to plague them today.

Conclusion

In the first section, the attitudes and ideologies that contributed to the multinational business of enslavement was discussed. The works of James C. Morgan and Winthrop Jordan were used to lay out the multiple levels that contributed to the expansion and normalcy of slavery. As discussed, the theme of heathenism and inferiority were recurring and viewed as justifications for the blatant denial of equal rights for people of color. The history of slavery was intertwined with economic, political, and social control. For a large part of the history of the United States, a portion of the population were either enslaved or denied full citizen rights. The ideology that people of color were inferior continued strong years after the abolition of slavery.

In the second section, the 13th, 14th, and 15th amendments are used as a focal point. These amendments were set in place essentially, to guarantee and secure equal rights for former slaves. However, there were laws put in place by several states that blatantly ignored these amendments. The Jim Crow laws were the standard for legal discrimination and subjugation. These laws were used as a method to maintain former slaves and their descendants in a constant state of inferiority. Although, decades after the Jim Crow laws were implemented, there were large movements such as the Civil Rights Movement and the subsequent act that formed out of it, due to the mobilization of a large part of the population.

There was also the formation of the black middle class that assisted through social solidarity, the less fortunate within the Black community. These organizations, formed in their majority by the Black elites, created a haven for the less affluent with communities of color that would have otherwise not have received any assistance within the states that they resided. These movements were working towards the dismantling of the white supremacist ideologies that

hindered the advancement of people of color. Needless to say, the 1960's were a turning point for race relations in America.

In the third section, the hyper incarceration and surveillance of communities of color were discussed. The War on Drugs which began in the 1970's has had an explosive effect on incarceration rates especially among Blacks and Latinos. There is an overrepresentation of people of color under carceral control. It is not a coincidence that shortly after the Civil Rights Act was approved, that there was a massive incarceration movement. It was no longer legal to segregate or discriminate people of color. However, mass incarceration made it so that a large portion of the community of color were isolated from the rest of society. The label of convict has replaced the race label.

The length of the sentences given for drug possession are exaggerated, and many times are categorized as felonies. So, not only are Blacks and Latinos overrepresented in jails and prisons but, the fact that they have a felony places them in a restricted condition. Having a felony eliminates many citizenship rights, sabotages job opportunities, and places restrictions on financial aid for school among other things. Legal segregation and explicit discrimination was deemed unconstitutional however, this section showcases the continuation of the demonization of people of color.

In the fourth section, Black Lives Matter and police brutality were spoken of. The role of law enforcement is vital to the overall perception of the justice system. If one aspect is perceived as corrupt then the entire institution is judged as the same. The lack of arrests in situations involving fatal encounters between police and supposed law breakers has elevated. There is a hyper surveillance of communities of color. That was proven by the rates of stop & frisk performed on blacks and Latinos, as well as from the very mouths of police officers. The use of

social media has allowed for the rapid propagation of instances of police brutality. It has also allowed for mass demonstrations to be planned and executed rapidly as well. Finally, the story mentioned of Kalief Browder repeats itself every day. The need to reform the prison system is urgent. It has failed in its attempt to decrease crime and only succeeded in ruining lives.

In closing, the legacy of slavery and the ideologies that kept it alive continue to plague communities of color. It is naïve and erroneous to believe that equality has been achieved. It is important to look at the trajectory that we as a nation have passed, starting from slavery, so that the same mistakes are not committed. As a Latina, who will eventually have children, I fear for their future due to the aggressive way in which these institutions operate. What kind of future is in store for inner city children when a large portion of the budget is used to create and maintain prisons. The public education system is in shambles. Our schools today are more segregated than they were in the 1960's. So, how far have we really come when it comes to guaranteeing equal rights and treatment for all? As they say, it is always darkest before dawn. But, how long will it take for the hyper-surveillance of Blacks and Latinos to end? Will it ever? Why are so many inside the justice system and Congress so quiet in the face of blatant abuse and discrimination towards citizens. There are so many by standers and not many doers. As Martin Luther King Jr., stated:

It may well be that we will have to repent in this generation. Not merely for the vitriolic words and the violent actions of the bad people, but for the appalling silence and indifference of the good people who sit around and say, "Wait on time.

How much longer will we repent before we rise?

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