

**Fear of the Other Race:
Decades of Institutional Racism, Unfair Legislation, and Hatred
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Introduction: Origins of Discrimination

In 1619, in the British colony of Jamestown, Virginia, slavery was introduced to the British North American colonies. It would soon then become familiarized into many of the colonies that were in favor of “cheap labor”. While 1619 seems like many centuries ago, the lasting effects of slavery are still very much alive. The majority of slaves were African Americans who were bought and sold by white slave owners. Throughout the period of 1619-1865, African Americans were treated as second class citizens; calling them citizens might be too generous of a phrase. In the eyes of slave owners, they were seen as objects.

After the ratification of United States Constitution in 1788, struggles continued between federalists and anti-federalists, thus the Bill of Rights, which guaranteed freedom and rights to the States was ratified in 1791. It was not until the 1860’s when African Americans were considered to be protected by the United States Constitution. It took approximately seventy-seven years to officially recognize African Americans as an “equal”. The United States did so by ratifying the 13th Amendment in 1865, which abolished slavery, and the 14th Amendment in 1868, guaranteeing equal protect under the laws for citizens in the United States (*Fourteenth Amendment*, n.d.). Unfortunately for African Americans and other minorities, once they became recognized under our Constitution, matters only got worse.

Prior to the Civil War (1861-1865), four million slaves arrived upon U.S. soil. The slave owner possessed all rights over the slave; enshrined in law: “The master may sell him, dispose of his person, his industry, and his labor; [the slave] can do nothing, possess nothing, or acquire anything but what must belong to his master” (Costly, n.d.). The law allowed the slave owner to dictate the working hours of the slave and the beatings they would receive if they were not pleased with the work. The law explicitly recognized the dehumanization of slaves in early America. Slaves worked from sun up to sun down in agricultural fields that mainly produced sugar, rice, corn, and cotton. In 1793, when the cotton gin was invented, cotton was the heart of the market and so, more cotton fields were harvested. As a result, more slaves were needed for the labor. Slaves as young as six were introduced into the brutal working conditions. Failure to comply would result in punishment.

Before, during, and after “work”, slaves were treated unfairly in many regards. For starters, when slaves were bought or sold and put onto a ship, they were put into very condensed spaces; spaces so tight, that they could barely breathe. They had shackles around their neck, hands, and sometimes ankles. These brutal conditions would often result in slaves dying before they even arrived. When slaves failed to comply with an order given by the master, they were punished. The type of punishment they received depended on the mood of the slave owner as he had many different options on how he could punish. There was branding, whipping, rubbing pepper or salt onto wounds, sexual assault, mutilation, and execution (*8 Most*, 2018).

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Masters often stalked and raped female slaves. Masters forced them into sexual acts; failure to do so would result in brutal beatings. The master-slave relationships caused tension between the mistress and slave. While the slave was forced into sex with the master, the mistress was only allowed to take her frustration out on the slave leading to further beatings for the slave. Also, children born from rape by the master resulted in those children being sold into slavery because they were to be considered African American. Many families were broken up by this. When slaves were not working in the home of their master or in the fields, they were living in the “quarters”. The quarters were small cabins filled with slaves and were cold during the winter and warm during the summer. The lack of care given to slaves led to sickness: “Sickness was common and the infant death rate doubled that of white babies” (Costly, n.d.).

The white master created customs and rules by which the slaves would live; these became the “slave codes”. The slave codes entailed all things that were not acceptable for a slave to do. For instance, slaves were forbidden to learn how to read and write. Later on, during the Jim Crow era, this played a very important role as slaves were banned from voting because they are illiterate. Slaves were unable to own or sell items unless they had a permit (which was never granted to them), were unable to travel without a permit, and they were subject to a curfew every night (Costly, n.d.).

The severe brutality that slaves had to endure during slavery allowed southerners to use that to their advantage when the 13th Amendment abolished slavery. While they fought for their freedom in the Civil War and ended up triumphant, the Jim Crow era followed. Between the 1870s-1950s, African Americans living in the South suffered under Jim Crow laws. Jim Crow segregated black people in the United States. The reasoning behind Jim Crow was that the African American was inferior, the ideology remaining from many years of slavery.

The enactment of Jim Crow in the South was another attempt of the white male being in control of the African American male. This is illustrated through the many laws that were passed during the Jim Crow Era. One of them pertained to voting rights for African Americans. In 1870, the 15th Amendment was ratified: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.” The voting laws that were passed in response to these included literacy tests, poll tax, and the grandfather clause. For example, in Mississippi, applicants were required to, “transcribe and interpret a section of the state constitution and write an essay on the responsibilities on citizenship” (*Literacy Tests*, 2018). Also included on the exam were questions that were decided by registration officials, which had no definitive answer; reason being is because the officials also interpreted the answers. In other words, they were the ones who decided which individuals passed the exam and which individuals failed. Keep in mind, that throughout slavery, it was forbidden for a slave to learn how to read and write. The poll tax was a \$1.50-\$1.75 tax that was too be paid in order to register to vote. During this time, this was considered a large amount of money and was not affordable by many poor people in the country.

Jim Crow was successful in its attempt to segregate the whites from the blacks and increase the hatred for the African American male. The privileged position of the white male was enhanced during the eighty years of Jim Crow by putting laws into place that separated the blacks from the whites. Schools, jobs, bus rides, etc. all had “whites only” and “blacks only” signs. While the idea of exclusion was challenged many times, the law

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of segregation held supreme. This idea can be illustrated through the case of *Plessy v. Ferguson*, 163 US 537 (1896). The famous ruling of “separate but equal” came from this case in which Plessy bought a train ticket where whites were only allowed to sit and Plessy was one-eighth black. He was arrested and, in court, his lawyers argued on behalf of the 14th Amendment. The Supreme Court ruled in favor of the state claiming that as long as the railroad was in state boundaries, they were allowed to segregate (*Plessy*, 1896). Once again, the underlying issue was the law recognized segregation and allowed it although it was in contradiction with the Constitution. This alludes to the ideology of the black man being inferior to the white male. Essentially setting up a norm that would become customary in the many years to follow the Jim Crow era, which established that discrimination and stereotyping was allowed and in fact, encouraged.

One way in which it was encouraged occurred through the actions of the Ku Klux Klan. The Ku Klux Klan was a hate group that would terrorize African American communities. Black schools were vandalized and destroyed and black citizens were attacked at night (History.com Editors, 2018). The Ku Klux Klan wanted to strike fear in African Americans. They would often put a cross on their front yard and light it on fire. Their members would dress in all white signifying the power of the white people. When they captured African Americans, they would brutally torture them. They used one of the methods that was present in slavery, which was mutilation. Prior to lynching, they were mutilated. The Ku Klux Klan barely faced any repercussions for their actions. During the Jim Crow era, the primary method of display that whites used in order to emphasize their power was through lynchings. The whites used lynching as a fear tactic in response to the freed slaves taking away jobs from the whites:

From 1882-1968, 4,743 lynchings occurred in the United States. Of these people that were lynched, 3,446 were black. The blacks lynched account for 72.7% of the people lynched. These numbers seem large, but it is known that not all of the lynchings were ever recorded. Out of the 4,743 people lynched only 1,297 white people were lynched. That is only 27.3%. Many of the whites lynched were lynched for helping the black or being anti lynching and even for domestic crimes (*History of Lynchings*, 2020).

Often times, there were lynching parties where people would gather and celebrate the lynching of another human being. Looking back at these cruel and harsh techniques that were deployed in order to remain as the dominant race, Southerners were willing to do whatever it took to strike fear into the African Americans.

The sad truth behind the thousands of lynchings as well as the disenfranchisement laws were ruled out of fear. The whites feared the African Americans; they feared that once the African Americans became free, they would take over the world. They would replace them in their jobs and start to build a world of their own. When the tiniest glimpse of that fear became a reality, their fear then turned into anger. That anger then turned into the suffering of thousands of African Americans at the hands of the Southern States. Jim Crow taught us that it is always darkest before dawn; essentially meaning, that before something can get better, it has to become worse than it originally was. African Americans have endured many evil decades within the United States of America and the beginnings can all be traced back to slavery and Jim Crow where the African American male was stigmatized and categorized into a dangerous individual.

The reality of the situation is that when African Americans entered this country on a ship in shackles, their first steps were not even their own. The many whippings and lynchings they had to endure only enhanced their strength. The hatred they dealt with when the Civil War was over only enhanced their resiliency. African Americans have showed an enormous amount of courage in tough times and yet are seen as a threat to the American public. It is all because of fear; fear conquers the weak and anger corrupts the mind. When you put those two things together, you set up a formula for hatred that is still present in the United States. The fear of the African American is still prevalent in today's America. It is present in our criminal justice system through the many injustices that have been served to African American communities. It is present in our prison systems, where the majority of the percentage of the African American population is rotting in a prison cell that the state is benefitting off of. The ideology of the dangerous black male has made this country millions of dollars and has been used as a sale pitch to convince the American public that certain policies such as the War on Drugs and Stop and Frisk are necessary.

Throughout this paper, I will highlight and illustrate the inequalities that have plagued the African American communities for centuries. I will also make the argument that Jim Crow still exists today in the United States; its presence just appears in a less obvious manner. The main focus of this paper will be racial inequalities, specifically in the criminal justice system. I plan on using Critical Race Theory and the Black Lives Matter Movement as a foundation to help show the prejudices that exist in our institutions. Critical Race Theory provides a basis for understanding that violence against black people stems from a larger narrative. This ideology of white supremacy has spread through all aspects of human institutions. Penetration of white supremacy throughout institutions has prevented African Americans from realizing their full equal rights (Aymer, 2016, p. 369). Black Lives Matter will help illustrate how within the criminal justice system, there are extreme differences in how white on black crime is treated, specifically when police officers are involved. Since 2005, among thousands of police shootings that have taken place, only fifty-four officers have been charged (Kindy & Kelly, 2015).

According to the NAACP, "though African Americans and Hispanics make up approximately 32% of the US population, they comprised 56% of all incarcerated people in 2015." The War on Drugs had its initiative of being tough on crime, which resulted in stricter punishments for those who committed drug offenses. While all races have a similar drug usage rate, it was African Americans who have suffered the most arrests. In 2016, of the 81,900 prisoners that got sentenced to a prison sentence for a drug offense, 31,000 of those prisoners were African Americans. In comparison, 17,700 of those prisoners were white. In 2016, of the 63,900 African Americans who got sentenced to prison, 48.5% were those of a drug offense. In comparison, of the 47,300 whites who received a prison sentence, 37.5% were those of a drug offense (Carson, n.d.).

Dr. Martin Luther King Jr. once said, "injustice anywhere is a threat to justice everywhere". Prior to my attendance at Ramapo College of New Jersey, I had no knowledge of the friction that existed between police departments and African American communities. That was partially due to the fact that in high school, we did not focus on prevalent issues, such as Black Lives Matter. As Dr. King eludes to in his quote of injustices being a threat to everybody, I came to the realization that what happened in Ferguson, Missouri was not a one-time occurrence, it was in fact becoming a norm around the United States and I was completely clueless about it. In a case study done by the Washington Post, in which they reviewed 54 cases of police officers who used deadly force,

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of the 54 officers, 43 were white and 33 of the victims were African American (Kindy & Kelly, 2015). I came to the realization that the injustices that occurred throughout the United States had an impact on me. The deeper meaning of Dr. King's quote is that we are all interconnected. Regardless of our race, religion, or ethnicity, we are all humans and all want peace. It is my obligation as an American to stand up for what I believe in. Due to the interconnectedness that we all have with one another, it is time we come together and put an end to the misfortunates that minority communities have had to endure. It is time we put an end to the unfairness that exists in our criminal justice system.

I: War on Drugs: Legislative Influence & the Creation of the Prison Business

On June 17, 1971, President Nixon declared drug abuse as, "public enemy number one." He added, "in order to fight and defeat this enemy, it is necessary to wage a new, all-out offensive" (Barber, 2016) war. Thus, the war on drugs was declared and the United States was entering another area of racial discrimination that was empowered by the President of the United States. While drugs were becoming an epidemic to the American public, the assumption and myths about drug abuse was actually declining at the time of the "war". While Jim Crow disappeared in the 1950's, the systematic racism that it set up was only enhanced thereafter.

"American prison and jail populations tripled between 1980 and 1993, primarily due to increased numbers of drug convictions and longer sentences for drug offenders" (Tonry, 1994, p. 25). President Nixon pitched the idea of a war on drugs to the American public and they were sold primarily out of fear. Fear has been something that has dictated the motives of the American public for centuries. Fear of another race or fear of uncertainty; the war on drugs was an empowering message and conveyed a stronger message to families as they did not want their children to die from drug overdose. Nixon appealed to his audience by putting drugs on a pedestal and making it his mission to prevent people from using and dying from drugs. But, an argument can be made that this implementation of the war on drugs had a different directive behind it. While there is no argument against drugs being a problem for the public, the initiative of this war could have been to harm the minority communities. One might ask why in a world where we have a Constitution that guarantees all these freedoms and rights, why would someone want to target a particular group unfairly? Well, looking at the track record of America at that current point of time, which was in the 1980's, all they knew how to do was disenfranchise particular groups.

WAR ON DRUGS

The War on Drugs objective was to reduce drug use and trafficking. Our government went through great extremities in order to reach this objective: "the doubling of arrests in the 1980s, combined with harsher penalties, more than doubled the police, jail, prosecution, and court case flows and costs associated with drugs" (Tonry, 1994, p. 26). While it makes sense that our law enforcement needed to get bigger and our courts needed to prepare for more drug cases, it was all for nothing because the war on drugs ultimately had no positive effect on society. In reality, prior to the war even starting, drug use, particularly, cocaine, was on the decline. You may ask, what was the result of this war? The answer is quite simple, increased prison populations:

Decades of stable incarceration ended suddenly in the mid-1970's, as the U.S. prison population soared from about 300,000 to 1.6 million inmates, and the incarceration rate from 100 per 100,000 to over 500 per 100,000. The incarceration boom is unprecedented in American history, and unseen anywhere else in the world (Pfaff, 2015, p. 173).

Looking at it more in-depth, between 1980 and 1992, the increase in prisoners for drug offenses alone took a major spike as well:

Drug offenders constituted 22 percent of admissions in 1980, 39 percent in 1988, and 42 percent in 1990. In 1980, 25 percent (4,912) federal prisoners were drug offenders; by 1991, 56 percent (30,754) were drug offenders; and by 1992, 59 percent were offenders. Guarding, housing, feeding, and caring for all these prisoners costs a great deal. Typical estimates of the average annual cost of holding on prisoner range from \$20,000 to \$30,000 (Tonry, 1994, p. 26).

When looking at the dramatic increase as well as the cost per inmate, the naked eye can see that our government was dedicating a lot of money towards imprisonment due to the war on drugs.

President Nixon declared the war, and President Regan and Bush put forth their efforts in continuing the war. The racial group that was mostly impacted by this war was the same racial group that had to deal with the evilness of slavery and the unfairness behind Jim Crow: African Americans. When Jim Crow ended, African Americans throughout the United States were hopeful for a brighter future. For all the tough times they had to endure, they were expecting some help in return from the government in an effort to make their America a better America. Unfortunately, the War on Drugs only hindered their efforts; the War on Drugs resulted in more discrimination against African Americans. They were considered the ones who were using coke and introduced crack. In the eyes of the American public, they were "public enemy number one." The evidence to back this up, the drugs that were mainly targeted were the ones that were most commonly found in minority communities: "the drugs primarily targeted by the War – cocaine and more recently crack – are notoriously used and distributed in the inner cities" (Tonry, 1994, p. 52). The money that was being poured into the police department to develop larger narcotic forces was so that they could infiltrate the urban neighborhoods.

Urban neighborhoods made the police look better because they would typically make more arrests there than they would in a white-collar neighborhood. That is the main reason as to why they were always lurking around the poorer areas; so, their statistics would look better: "A primary reason, therefore, for the relatively higher rate of drug arrests in disorganized minority communities than elsewhere is that they are easier to make" (Tonry, 1994, p. 53). The sad reality of the situation is that the image painted of an African American as a drug addict was not quite true. In fact, white people used more drugs than African Americans. The only difference is that whites were not targeted or observed nearly as closely as blacks were. In terms of who drank the most alcohol and used the most drugs based on race, the whites led in nearly every category. For example, in terms of alcohol usage, 85.2% whites claimed they did compared to only 76.6% of blacks. In terms of cocaine usage, 11.7% whites claimed they did compared to only 10.0%

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of blacks (Tonry, 1994, p. 57). Again, this discrepancy makes it seem odder as to the African American prison population was dramatically increasing. As a matter of fact, it validates the argument even further that African Americans were the primary targets during the war on drugs: “between 1985 and 1989 the number of black arrests more than doubled, from 210,298 to 452,574. The number of white arrests grew by only 27 percent” (Tonry, 1994, pp. 54-55).

Another important element about the War on Drugs is recidivism. The term recidivism means, the tendency of a convicted criminal to reoffend. Between the years of 2000-2012, there were many repeat offenders for drugs. For example, for two-time offenders, out of the 265,587 admitted to prison, 49,449 were for repeat drug offenses. For three-time offenders, out of the 129,354 admitted to prison, 22,202 were for repeat drug offenses. The total amount of admissions between the years of 2000-2012 was 2,755,790 and 513,505 were repeat drug offenders (Pfaff, 2015, p. 193). This data signifies two important elements. First, repeat drug offenders cycle through our prison systems; in the data found, there were as many as five-time repeat drug offenders. This could potentially lend to a drug issue that we have in the United States. But, it actually trends toward a different direction, which is now known as the “new” Jim Crow. Essentially, recidivism rates are higher or seem higher for repeat drug offenders because of their environments when they are released from prison. The NAACP reports, “a criminal record can reduce the likelihood of a callback or job offer by nearly 50 percent. The negative impact of a criminal record is twice as large for African American applicants.” Keep in mind, a minor drug offense, such as possession of marijuana can result in someone receiving a criminal record. The second important implication given to us from the War on Drugs is that drugs are not the primary issue in America. As the data stated above shows, for the total admissions of 2,755,790, more than half of the prisoners were in jail for offenses besides drugs. This tells us that the War on Drugs was not successful, but yet proposes the question as to why do we still spend so much on prisons? The NAACP reports, “Spending on prisons and jails has increased at triple the rate of spending on Pre-K-12 public education in the last thirty years.”

PRIVATE PRISONS

The answer is simple: economics. Our prison systems are run by private companies; not all, but most are. “Private companies run prisons for both the federal government and 29 states” (Trilling, 2018). Due to the substantial increase of prisoners dating back to the 1980s, the prison business was seen as entity to earn money. The U.S. Department of Justice provide statistics that show in 2016, the prison population included 1,506,757 people. 189,192 people were held in Federal prisons and the other 1,317,565 were held in State prisons. As mentioned earlier, with private companies running these prisons, they are able to benefit off the crimes committed by other people. In fact, they provide incentives to arrest and incarcerate.

In an American Civil Liberties Union article, David Shapiro maps out the “tough on crime” stance that was introduced during the War on Drugs era and how certain sentencing structures kept people in prison for a longer time. Three laws that he discusses are: mandatory minimum sentencing laws, truth in sentencing laws, and three strike laws:

Mandatory minimum sentencing laws: Such laws impose long sentences and prevent judges from exercising discretion to impose more lenient punishments, where appropriate, based on the circumstances of the crime and the defendant's individual characteristics.

Truth in sentencing laws: Such laws sharply curtail probation and parole eligibility, requiring inmates to remain in prison long after they have been rehabilitated.

Three-Strike laws: such laws subject defendants convicted of three crimes to extremely long sentences. In one case heard by the U.S. Supreme Court, a man charged with stealing golf clubs received a sentence of 25 years to life under a three strike law.

As discussed, it is visible that the promotion of longer sentences has contributed to social policies being implemented that do so with private facilities feeding off it. A direct correlation can be made between the two based off data provided by the American Civil Liberties Union. In 1990, the average amount of prisoners in private facilities was 7,771. In 2009, the average amount of prisoners in private facilities was 129,336, which equates to a 1664% increase between the years of 1990-2009 (Shapiro, 2011, p. 12).

Private prisons make millions of dollars based off how many people they imprison. Money dictates all; our prison systems have turned into competition. Private prisons now compete with State facilities in an attempt to imprison more people. Private prisons need to get a contract from the government in order to launch their facility within that State and if profits seem to be involved, the state is on board. It is important to note that by obtaining these contracts with the government, they are receiving taxpayers' dollars which result in large amounts of revenues for the private companies. In 2010, the two most dominant private companies, Corrections Corporation of America and GEO Group had revenues of nearly \$3 billion dollars (Shapiro, 2011, p. 13). As citizens of the United States, when we think of our three branches of government, we think of checks and balances. We hope that one keeps the other in check so that we can avoid conflict of interest or a potential abuse of power. Our legislatures are being pressured into passing tougher laws and have complied with these requests from privation companies so that our prison systems fill up and the private companies receive their revenue. That is not what the law is about. Our legislatures are supposed to serve the American people and provide a fair chance for them to succeed in life; not hinder their chances at opportunity. The one racial group that has had to deal with consequences of these unfair laws have been African Americans. African Americans have the largest percentage of their population in prison compared to the percentage of other racial groups. The question is then why? Why African Americans? Well, they have been treated unfairly ever since they stepped off the ship that brought them here.

Our government feels no sympathy towards them. In fact, our government makes matters worse by implementing legislation that directly targets these groups. The laws that were mentioned earlier (mandatory minimum sentencing, truth in sentencing and three strike laws) all came from private sectors that work with the private prisons. David Shapiro explains:

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ALEC has pushed legislation that benefits private prison companies by promoting policies that result in mass incarceration. In the 1990s, ALEC championed – and according to one report by an advocacy group, succeeded in enacting in 27 states – ‘truth in sentencing’ and ‘three strikes’ legislation. Such laws were certain to increase prison populations and the amount of taxpayer money funneled into prisons (Shapiro, 2011, p. 15).

Lo and behold, when the policies were implemented the prison populations dramatically increased and the private prisons got their money. The laws that were introduced laid the foundation for what was to be expanded upon in the years to come. Three Strike laws go against our constitution, but yet our government implemented this policy into effect because of the monetary gains that were to come from it. What is fairness if all our government cares about is money? What about the living conditions of urban areas, and school systems within urban areas? Why not dedicate more money to the institutions that actually need it? On the receiving end of all of this are African Americans who have been systemically targeted. After slavery was abolished, the African American male was painted as a dangerous figure and our government used that to their advantage in putting together policies that were approved out of fear in order to disenfranchise that particular racial group. It started with Jim Crow in the south and then spread into the Northern states when the War on Drugs was declared by President Nixon. The privatization of prisons has certainly not helped as they have only enhanced the incentives of raiding urban neighborhoods for drugs.

Private prisons become popular in local communities as they promise to invest back into the community with the profit they make. Their sales pitch is filled with false hope that societies buy. The two dominant private companies that are involved in the private prison industry have promised communities that they will help build up economic development in the community, help business enterprises, create more revenue for the town, and create more jobs for the “hardworking” citizens. Research shows the contrary: “empirical study...found that although new prisons create jobs, these benefits do not aid the host county to any substantial degree since local residents are not necessarily in a position to be hired for these jobs” (Shapiro, 2011, p. 21).

The public is sold on false hope; the reality of the situation is that the private companies are the ones who gain the most monetary gains. Private prisons receive money per prisoner on a daily basis; that is why it makes sense it for them to work on promoting policies that enable stricter penalties and harsher sentences. “For the past two decades, a CCA executive has been a member of the council’s (task force that) produced more than 85 model bills and resolutions that required tougher criminal sentencing...and promoted prison privatization” (Shapiro, 2011, p. 15). The prison systems are set up in a way to provide incentives for everyone. For the community, it will create revenue and jobs. It will also diminish crime rates as they are willing to impose legislation that is tough on crime. For the private prison, they take criminals off the street and earn their own revenue. In the end, the only people who actually benefit are the private prisons. Jobs are not always created, revenue is not always dispersed back into the communities and policies that are implemented unfairly target the disadvantaged.

THREE STRIKE LAWS & STOP AND FRISK

The disadvantaged have to deal with the rippling effects of these unfair policies that have been implemented. Incentives to arrest have been strictly due to the increase of the privatization of prisons. The monetary gains outweigh the fairness that we are supposed to have in our criminal justice system. This can further be illustrated through other policies that have been introduced such as Stop and Frisk, Three Strike laws, which all fall back to the War on Drugs.

In 1968, we are introduced to Stop and Frisk when the case of *Terry v. Ohio*, 392 U.S. 1 (1968), was brought to the Supreme Court. Detective McFadden conducted a pat down on three men one night in Cleveland, Ohio when he suspected that they were going to rob a store. Detective McFadden observed the men as they would walk past the store 24 times and each time would be followed up by a meeting of the three men; Detective McFadden grew suspicious of the three men and ordered them inside the store. He then conducted a pat down and found a pistol on one of the men (*Terry*, 1968). The case was brought to Supreme Court on the grounds that Detective McFadden had violated the Fourth Amendment while conducting his search, and thus, the weapons shall not be admitted into evidence. The Fourth Amendment states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized (Fourth Amendment, 2017).

Ultimately, in the major opinion written by Justice Warren, he states that the police officer acted appropriately in conducting his search even though he did not have a search warrant.

The landmark case of *Terry v. Ohio*, 392 U.S. 1 (1968), provided police officers with crucial information in how they would be able to conduct stop and frisk when not being granted a warrant. The foundation of stop and frisk is based upon speculation and the two words, “probable cause,” and according to Justice Warren, police officers are allowed to conduct stop and frisk pat downs without a warrant under the following conditions:

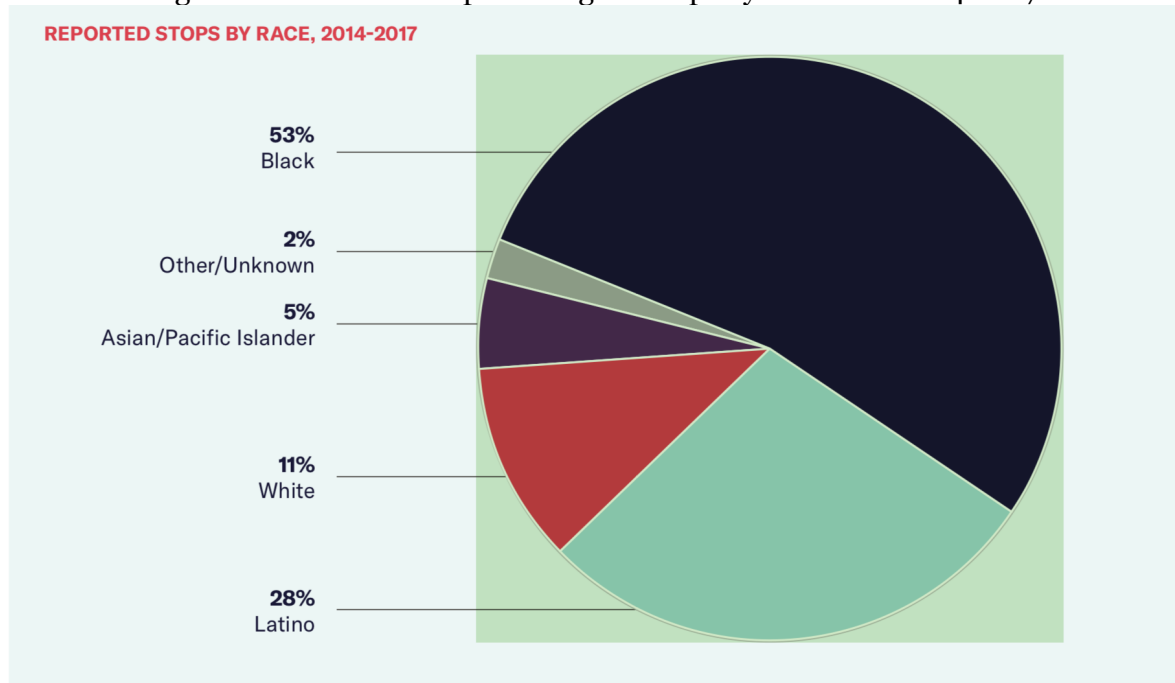
Where a reasonably prudent officer is warranted in the circumstances of a given case in believing that his safety or that of others is endangered, he may make a reasonable search for weapons of the person believed by him to be armed and dangerous regardless of whether he has probable cause to arrest that individual for crime or the absolute certainty that the individual is armed (*Terry*, 1968, pp. 20-27).

An issue that often comes up in discussing stop and frisk in relation to the Fourth Amendment is when and how can an officer determine whether or not he or she may conduct a pat down without a warrant. This lends into areas of making assumptions based off race, location, etc. which then lends to racial profiling, which is a whole another issue. Justice Warren states that the circumstances must be based off the exigencies of the situation. In other words, it all depends on how urgent the situation is; if the officer truly

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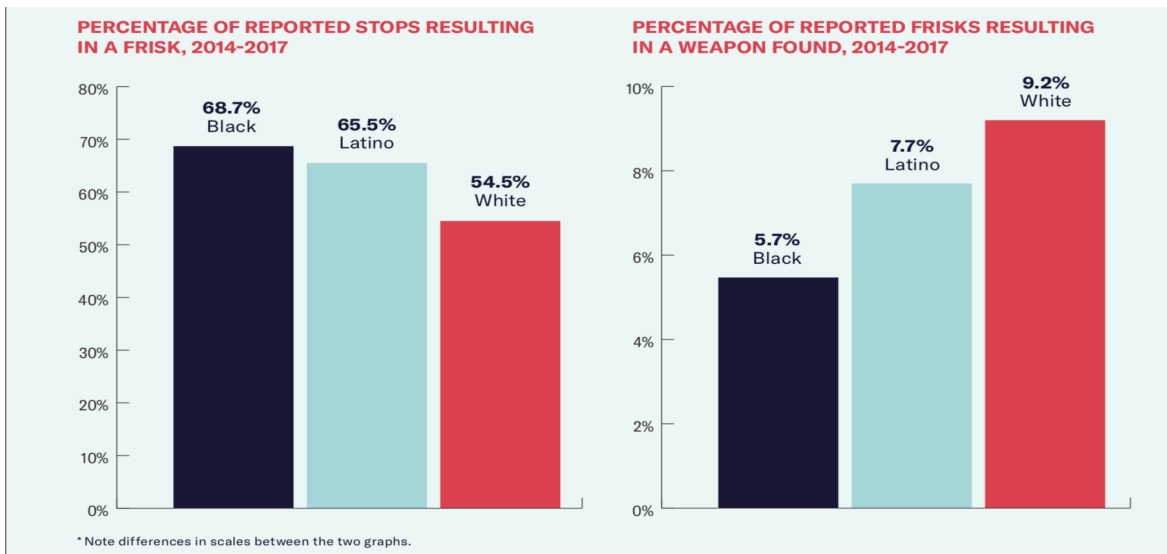
feels there is a threat and does not have time to maintain a court mandated warrant, then he or she may take reasonable action against that individual.

Data shows that in 2017, in New York City, police officers had quotas where they had to search a specific number of black people, hence, racially profiling them. In 2017, 11,629 people were stop and frisked by the police. Of those 11,629 people, 7,833 (67%) people were innocent, 6,595 (57%) people were black, 3,567 were Latino (31%), and 977 (8%) people were white (Dunn et al., 2019). As the data shows, 67% of people who were frisked were in fact innocent. An inference from the data can be made that police officers were racially profiling African Americans during their stop and frisk. The data backs it up. The following chart illustrates the percentage of stops by race from 2014-2017:



Source: New York Civil Liberties Union

As shown, more than half the people targeted were African Americans. The second largest category was another minority: Latino. The following chart illustrates how many people were stopped versus how many people were found guilty:

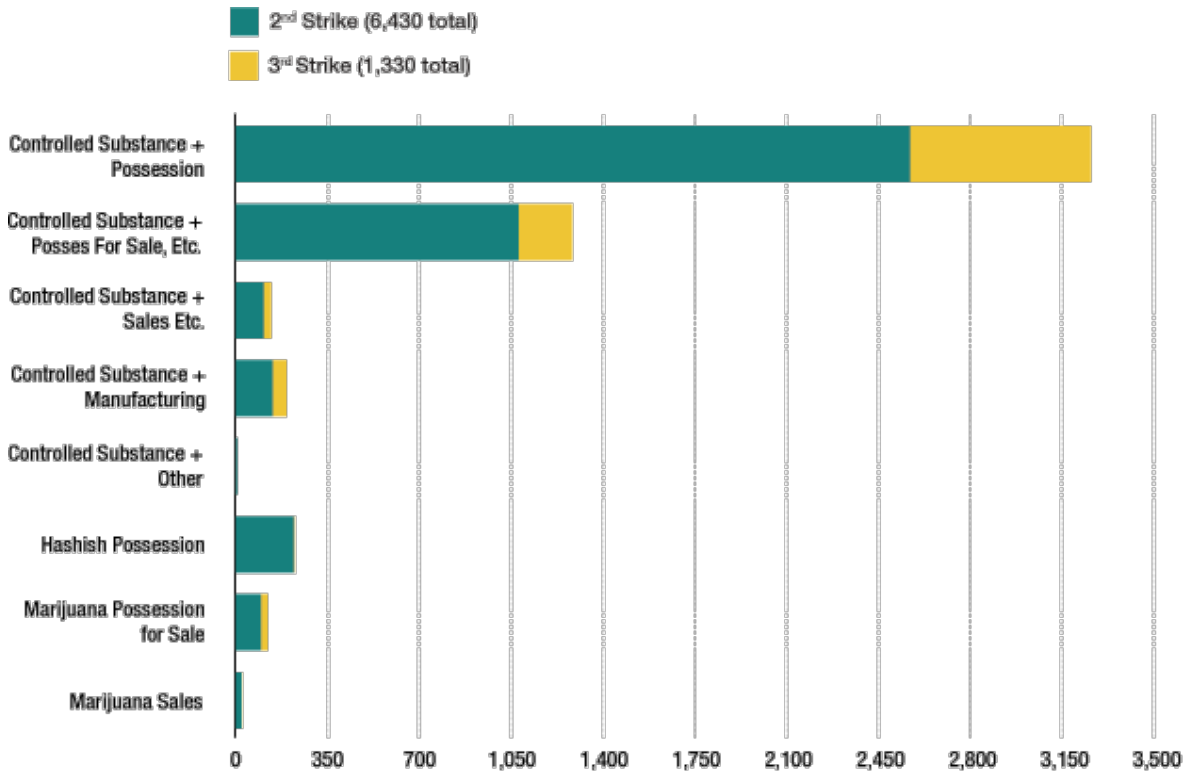


Source: New York Civil Liberties Union

As illustrated in the *Terry v. Ohio* case, police officers are given specific instructions on how and when it is allowed to conduct Stop and Frisk. In New York City, Stop and Frisk policies were implemented which allowed officers to decide at their own discretion and it resulted in them raiding urban neighborhoods and conducting a large number of searches on people in an attempt to find drugs and weapons. This idea of raiding urban neighborhoods and conducting searches on the disadvantaged trying to find drugs sounds familiar doesn't it? Well, that's because of the War on Drugs and the ripple effects it has had on our criminal justice system and our biased opinions towards the correlation between drug usage and urban neighborhoods.

Three Strike Laws have also caused many people to spend life in prison for minor criminal offenses, many of who for using drugs. In an attempt to deter crime, three strike laws, which are laws that impose a life sentence for almost any criminal offense, if the defendant had two prior convictions for crimes defined as serious or violent (*Three Strikes*, n.d.). The correlation of so-called drug usage in urban neighborhoods along with high policing in those areas have caused many people to spend life in prison for minor drug offenses. Not all states have three strike laws, but the ones that do are as follows: Arizona, Arkansas, California, Connecticut, Colorado, Florida, Georgia, Indiana, Kansas, Maryland, Missouri, Montana, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin. Over 20 states carry these laws that can be viewed as unconstitutional. The following chart displays how many people in the State of California are spending in prison in relation to drugs on three strike laws in 2009:

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Source: State of California, Department of Corrections and Rehabilitation

While drug offenses are serious crimes, people should not spend life in prison as a result of being convicted for a third time. To even think that possession of marijuana can result in life imprisonment is beyond absurd.

On a larger scale, drug convictions account for a majority of the prison population. The following table displays how many offenders for the use of drugs as well as other crimes are in prison:

Offenses	Totals	Number			Percent for Category		
		White	Black	Hispanic	White	Black	Hispanic
All	1,362,028	468,529	518,763	289,429	34.4%	38.1%	21.2%
Violent	725,000	231,800	286,400	164,200	32.0%	39.5%	22.7%
Property	249,500	110,800	76,300	41,900	44.4%	30.6%	16.8%
Drug	237,000	69,500	105,600	47,800	29.3%	44.6%	20.2%
Other	150,400	56,400	50,500	35,600	37.5%	33.6%	23.7%

Source: NPS

As displayed through the data, African Americans have largest percentage of prisoners for drugs. A part of this is because of the laws that have been implemented into our legal system; three strike laws being one of them.

The truth is that three strike laws actually do not deter crime whether it is something minor as drugs or something as serious as violent crimes. The reason people engage in illegal activity is partly due to the fact that they think they can get away with it. Statistics show that this in fact true: According to the American Bar Association, “out of the approximately 34 million serious crimes committed each year in the U.S., only 3 million result in arrests” (*10 Reasons*, n.d.). Three Strike Laws also increase the burden on taxpayers: the cost of imprisoning a young offender costs about \$20,000 per year, that total nearly triples as it costs nearly \$60,000 per year to imprison an older offender (*10 Reasons*, n.d.). Again, this lends into the fact of how serious are the crimes being committed? If it is drugs, it really a reasonable response to increase taxes just to send a drug user to prison for life? We could be dedicating that money towards other institutions, such as public education that will in fact, keep children off the streets. Lastly, three strike laws go against constitutional principles, such as let the punishment fit the crime. Our Eight Amendment states, “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted” (*10 Reasons*, n.d.). Does sending someone to life in prison for possession of marijuana seem congruent with one another? Absolutely not.

II.) The New Jim Crow

Al Sharpton once stated, “We have defeated Jim Crow, but now we have to deal with his son, James Crow Jr., esquire.” When he refers to “we”, he is referring to African Americans. During the 1870’s-1950’s, African Americans living in the South were introduced to Jim Crow laws, which essentially was the practice of segregating blacks from whites. This was done as a direct result of slavery and the ideologies that stemmed along with it. The most important one being, that blacks were seen as inferiors to white, and since the Civil War had ended and slavery was abolished, state officials had to do their best from preventing blacks from reaching their potential. In essence, not allowing them to have a say in the community by “legally” disenfranchising them from voting or by allowing discrimination in schooling and in the workplace, that would ultimately keep the white male superior. When Jim Crow was finally abolished, the hope was that we were heading towards equality. Equality in community, equality in school, equality in the workplace, etc. But, the cycle of disenfranchising African Americans continued and landed on a new turn: The War on Drugs.

When slavery was abolished, we were introduced to Jim Crow. When Jim Crow laws were abolished, we were introduced to the War on Drugs. The commonality between Jim Crow and the War on Drugs was that they were socially accepted out of fear. When slavery was abolished, whites feared blacks would take their positions in power and so, they separated and treated them unfairly. The same applies in the War on Drugs; it just took a different form. The tactic behind the War on Drugs was not to publicly display hatred towards African Americans as the Jim Crow campaign did. In fact, President Nixon was targeting “drugs” because he knew that would appeal to the emotions of the American public. But, everyone knew that “public enemy number one” was African Americans as they have always been public enemy number one from the moment they stepped off the ship where they were shackled to each other and brought to the mining fields of the powerful white slave owner. The impact that that the War on Drugs has had on African American communities is very similar to the one that Jim Crow did. The old Jim Crow

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legally discriminated against and separated African Americans from the white community. The New Jim Crow essentially does the same, and it does so with the help of mass incarceration. In this chapter, we will examine Modern America and Modern Jim Crow and make correlations between the old and the new. That includes discussing drug usage, social policy, and mass incarceration to highlight how African Americans are once again being “legally” discriminated against and disenfranchised from mainstream society.

Police Power

As discussed in one of the earlier chapters, Stop & Frisk granted many powers to the police. While we have the fourth amendment that protects citizens from unreasonable searches and seizures, we were also introduced in *Terry v. Ohio*, 392 U.S. 1 (1968), a ruling that granted police more powers. As Michelle Alexander, discusses in her book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, the ruling that came from the Terry case granted police more powers in the “game.” In relation to the War on Drugs, Alexander discusses the “Rules of the Game,” in which little legal restrictions were put on police. This, of course led to many police officers racially profiling citizens who they “believed” had drugs on them. Again, the primary target was African Americans and by having little legal restricts, they were able to draw “suspicion” based off skin color, which I should note, is completely unconstitutional. Justice Stevens in his dissenting opinion in the case of *California v. Acevedo*, 500 US 565 (1991), discusses a trend he notices in the “warrantless” cases that deal with narcotics:

In the year [from 1982 to 1991], the Court has heard argument in 30 Fourth Amendment cases involving narcotics. In all but one, the government was the petitioner. All save two involved a search or seizure without a warrant or with a defective warrant. And, in all except three, the Court upheld the constitutionality of the search or seizure. In the meantime, the flow or narcotics cases through the courts has steadily and dramatically increased. No impartial observer could criticize this Court for hindering the progress of the war on drugs. On the contrary, decisions like the one the Court makes today will support the conclusion that this Court has become a loyal soldier in the Executive’s fight against crime (Alexander, 2012, p. 62).

As a result of the War on Drugs, all constitutionally protected civil liberties have been undermined. The element of fear that was used by Nixon caught the public’s attention and used it in an attempt to work around the law to disenfranchise blacks.

Another example of this can be seen in the Terrance Bostick case. A common tactic that police would engage in would be to sweep buses in the interstate or intrastate travel. They would enter the buses and ask people for identification as well as asking them if they could search their bag. In the case of Terrance Bostick, he was a 28-year-old African American who had been sleeping in the back of a Greyhound bus when the police entered. When the officers entered the bus, they noticed Bostick, asked him for his identification and asked if they could search his bag. Bostick, knowing that he had cocaine in his bag, complied with the police because he did not think he had the right not to. As a result, he was arrested (Alexander, 2012, p. 64). This was one of the first cases where the Florida Supreme Court would not allow the Fourth Amendment to interfere with the War on Drugs and how searches were done:

The evidence in this case has evoked images of other days, under other flags, when no man traveled his nation's roads or railways without fear of unwarranted interruption, by individuals who had temporary power in Government...This is not Hitler's Berlin, nor Stalin's Moscow, nor is it white supremacist South Africa. Yet, in Broward County, Florida, these police officers approach every person on board buses and trains and check identification, tickets, ask to search luggage – all in the name of voluntary cooperation with law enforcement (Alexander, 2012, p. 65).

The Florida Supreme Court reversed the decision ultimately claiming that the police illegally obtained the cocaine from Bostick. But, the United States Supreme Court reversed the decision. Once again, we are brought into a situation where the highest power of our judicial system is granting police additional powers that are in fact, unconstitutional, and it is all due to the War on Drugs. They came to the ruling that Bostick's encounter with the police was voluntary and he granted consent to the police to search his bag and so, his bag was not seized. But, the U.S. Supreme Court did not mention that the police did not tell Bostick that he could leave at any time or refuse any questions if he wanted. The raiding of the buses reminds me of Stop and Frisk in the sense that they are both supposedly meant to confiscate more drugs and make the public safer. But, in reality, they both racially profiled and ended up illegally searching innocent people. "One officer was able to search over three thousand bags in a nine-month period employing these techniques...in one case, a sweep of one hundred buses resulted in only seven arrests" (Alexander, 2012, p. 64).

The War on Drugs went from community policing to military policing and it all began when President Nixon convinced Congress to pass the Military Cooperation with Law Enforcement Act, which encouraged the military to give local state, and federal police access to military bases, intelligence, research, weaponry, etc. (Alexander, 2012, p. 77). This legislation that was put into place was considered a "huge exception" to the Posse Comitatus Act, which was a Civil War law prohibiting the military from civilian policing. When Nixon declared the War on Drugs, local governments were being provided money to improve their police departments. For the most part, the money that was given was put into Special Weapons and Tactics, or SWAT Teams. Based off the sound of it, special weapons and tactics does not sound pleasant. In fact, when SWAT teams would raid neighborhoods, they would often cause trauma to many of the civilians living in that particular area. For example, take the case of Alberta Spruill, who was a 57-year-old woman who lived in Harlem. Based on a tip, there was a drug dealer who lived in her building and the SWAT team was planning on raiding the apartment. Little did they know, the actual drug dealer was arrested four days prior to the raid they engaged in on Spruill's apartment. When the SWAT team entered her apartment, it caused her to go into cardiac arrest, which resulted in her death two hours later (Alexander, 2012, p. 76).

The use of SWAT teams was becoming very popular during the War on Drugs, as they were meant to clean the streets and get rid of the drug dealers:

By the early 1980s, there were three thousand annual SWAT deployments, by 1996 there were thirty thousand, and by 2001 there were forty thousand. The escalation of military force was quite dramatic in cities throughout the

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United States. In the city of Minneapolis, Minnesota, for example, its SWAT team was deployed on no-knock warrants thirty-five times in 1986, but in 1996 that same team was deployed for drug raids more than seven hundred times (Alexander, 2012, p. 75).

The majority of the sweeps that took place were of course in the urban neighborhoods because it was believed that majority of the drug dealers resided there. Also, police departments were given incentives to arrest people for drugs: “Each arrest, in theory, would net a given city or county about \$153 in state and federal funding” (Alexander, 2012, p. 78). This sounds often familiar to the private prison business industry, where there are monetary gains for each prisoner obtained. Isn’t it ironic that it becomes popular during the mass incarceration era?

While, there is no argument against that the fact that drug dealers were living in those areas, an argument can be made that there were an equal or more amount of drug dealers living in the wealthier areas. The most common area for a drug raid is in the lower income areas because those are the primary targets in this so-called war. The racial aspect of all this is masked due to the fact that they were actually arresting people. But, it cannot be ignored that there is a correlation between disenfranchisement and the war on drugs, specifically, due to the fact that police were mainly targeting African Americans. For example, in 2002, there were 19.5 million people who illicitly used drugs, in which 1.5 million people got arrested and 175,000 people were admitted to prison for a drug offense (Alexander, 2012, p. 104). The disparity that then becomes visible based off those 2002 numbers is that police are using their discretion only in lower income areas. The reality is, all races have a similar drug usage rate, it’s just the “black man” is actually frisked while the white man is not. Former executive director of the National Center for Institutions and Alternatives, Jerome Miller, explains:

There are certain code words that allow you never to have to say race, but everybody knows that’s what you mean and crime is one of those...So when we talk about locking up more and more people, what we’re really talking about is locking up more and more black men (Alexander, 2012, p. 105).

This, in essence directly connects to the old Jim Crow because during that era, it was legal to separate and discriminate against. In the modern era, and during the war on Drugs, our own Supreme court was legally granting police more power in how they go about determining who they are going to search and where they are going to raid. To restate Justice Stevens, “that this Court has become a loyal soldier in the Executive’s fight against crime.”

Modern America

“Today a criminal freed from prison has scarcely more rights, and arguably less respect, than a freed slave or a black person living free in Mississippi at the height of Jim Crow” (Alexander, 2012, p. 141). The era of mass incarceration has stigmatized black men similarly to how slavery and Jim Crow did. The rhetoric used in the War on Drugs convinced the public that the crack users were public enemy number one. The politicians believed that most crack users and dealers were black and they made it their top priority to sweep the streets. This was done by declaring a war on drugs and considering drug

usage as well as distribution a threat to national security. This in turn, led to many policies being implemented into law that allowed for harsher punishment for drug offenses as well as welcoming racial profiling in drug raids or basic street frisks. The lasting effect it has had on minority communities, particularly black males is now what I refer to as Modern America, the era of mass incarceration. As discussed earlier, prison businesses incentivized the arrest of many people and the War on Drugs encouraged stricter treatment of drug offenses. The two go hand in hand and grant our government financial benefits as well as disenfranchising blacks; something we have become quite good at.

During slavery, what it meant to be black was to feel as though you were an object and did not have ownership of any possessions or even of your own self. During Jim Crow, what it meant to be black was to fear that your life could be taken away at any given point in time and know that no repercussions would be given to the white male who engaged in those actions. In modern America, what it means to be black is to be imprisoned. Today, the consequences of being a prisoner are harsher than those that African Americans had to endure during both slavery and Jim Crow. During slavery and Jim Crow, blacks were seen as inferior subjects; they did not have a voice nor any rights to fall upon if they were to be discriminated against. Today, we have a Constitution that protects all U.S. citizens regardless of their race and yet, we still find ourselves in a similar situation where blacks are being discriminated against.

In America today, instead of using racial slurs to describe African Americans, we instead use another term. That term is derived from the unfair legislation that has been passed from the war on drugs; law that targeted a specific group, which results in imprisonment. That term is criminal. The term criminal when referring to African American criminals has a negative connotation:

When we say someone was treated like a criminal, what we mean to say is that he or she was treated as less human, like a shameful creature. Hundreds of years ago, our nation put those considered less than human in shackles; less than one hundred years ago, we relegated them to the other side of town; today we put them in cages. Once released, they find that a heavy and cruel hand has been laid upon them (Alexander, 2012, p. 141).

What it means to be a black man today is to walk around your own neighborhood and fear that the police are going to stop you because of the color of your skin. Our criminal justice system came up with the notion, “innocent until proven guilty”, but, in the case of black males who walk around their own house, they are already seen as guilty.

When found guilty of a minor drug offense, they enter the cycle in which they are forced into committing another crime that results in them going back to their “cage”, where many people feel that belong. Punishment can have many different meanings to it depending on who is defining it, but our prison systems do not serve as punishment or rehabilitation; they serve as place holders for a particular race. When someone is released from prison, it is nearly impossible for them to fit back into mainstream society because of the fact that they have been convicted of a crime. As Michelle Alexander refers to it, they are “boxed” in. Alexander is referring to the box on an application that asks whether you have been convicted of a crime. When checking the box labeled as “yes”, it results in many people not receiving a job interview or a loan. “Nearly every state allows private employers to discriminate on the basis of past criminal convictions” (Alexander, 2012, p.

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149). The ones who are most affected by this racially, are black people: “Black men convicted of felonies are least likely to receive job offers of any demographic group, and suburban employers are the most unwilling to hire them” (Alexander, 2012, p. 151). It only results in them being forced back into a society where they are not accepted, but still have to provide for themselves and their families.

It becomes very challenging for them to provide for themselves or even take a step in the right direction in trying to redeem themselves in mainstream society because of how our law is structured. Most black males who are being released from prison who have a child they need to take care of, struggle greatly in trying to provide for them due to the Temporary Assistance for Needy Family Program (TANF), which permanently bars individuals with drug-related felony convictions from receiving federally funded public assistance. It also has a five-year lifetime limit on benefits and requires welfare recipients, including those who have young children and lack child, to work in order to receive benefits (Alexander, 2012, p. 157). It is systemically set up to disenfranchise blacks and then force them back into prison when they are freed. Breaking down the TANF, the key words in the permanent ban on receiving federally funded public assistance is “drug-related felony convictions”. When the War on Drugs was declared, politicians overemphasized how dangerous drugs were becoming and so, it led to massive consequences for those who used and distributed. To think that even a minor drug offense such as possession of 10 grams of marijuana could potentially result in this is absolutely absurd. Secondly, the five-year lifetime limit is set up where it leads to failure. As mentioned in the paragraph above, finding a job after release from prison is very difficult and when there is pressure to secure a job so that you do not lose benefits, it results in people doing whatever it takes to provide an income for their family.

Parallels between Old Jim Crow & New Jim Crow

“More black men are imprisoned today than at any other moment in our nation’s history. More are disenfranchised today than in 1870, the year the Fifteenth Amendment was ratified prohibiting the laws that explicitly deny the right to vote on the basis of race” (Alexander, 2012, p. 180). The new Jim Crow is similar to the old in the sense that the disenfranchisement of the black man is done so legally. During the old Jim Crow, it was written in law that it was legal to segregate and hate upon the other race. Today, while we have a constitution that guarantees the rights to every citizen in this country, disenfranchisement still occurs through law, otherwise known as criminal records. A criminal record today is more powerful than hatred in the South during Jim Crow in the sense that it is masked behind law rather than being done so out of hatred. Our law and our society believe that those who commit crimes and are a threat to society should be imprisoned for a long time that is proportional the crime that has been committed. If that were the case, then why have three strike laws that clearly violate the principle of the punishment must fit the crime committed? Most importantly, why is it that in the new social policies that are being implemented or ones that have been implemented already, are having a negative impact mainly on African Americans? Well, slavery and Jim Crow set the precedent, and today, the New Jim Crow is appearing in a different shape and form, but closely resembles the one that haunted many African Americans living in the South during the 1870’s-1950’s.

In discussing the numerous social policies that were implemented as a direct result of the War on Drugs, many blacks were introduced into the criminal justice system. As

Alexander refers to it, this is known as the “roundup stage” and is the first of three stages that black encounter during the New Jim Crow. The second stage, known as “formal control” resembles the old Jim Crow in the sense that this is where the government uses their power to keep blacks confined. In the old Jim Crow, it was segregating them in schools, buses, jobs, housing, etc. Today, they are thrown in cages serving lengthy sentences for a minor offense:

Once convicted, due to the drug war’s harsh sentencing laws, drug offenders in the United States spend more time under the criminal justice system’s formal control – in jail or prison, on probation or parole – than drug offenders anywhere else in the world. While under formal control, virtually every aspect of one’s life is regulated and monitored by the system, and any form of resistance or disobedience is subject to swift sanction (Alexander, 2012, p. 186).

This allows the state to keep track of inmates when they are out on probation and gives them the ability to sanction them for minor violations. For those who are released from prison and are deemed, “free”, they then encounter “invisible punishment”, which is the third stage. The crucial element in the new Jim Crow is the criminal record and the lasting impacts it has on an individual. Our society believes that when spending time in prison, the offender will learn about their mistake and if and when they are released back into society, they will be a contributor to our capitalistic society. But, the truth is, mainstream society only accepts certain races who have criminal records. Of course, whites who have minor offenses on their criminal record are deemed as the “exception” and will be granted a second chance at life. Blacks, on the other hand who have minor drug violations are seen “serious threats” to society and should be treated in such a manner. Prior to prison, not only do they have to deal with racial obstacles in terms of being frisked by the police or finding a job, but after prison, those obstacles become daunting as they are now legally allowed to be discriminated against.

The invisible punishment stage is one that most closely resembles the old Jim Crow in the sense that it allows legal discrimination. Legal discrimination is not done so on racial bounds, but rather based off the box that was talked about earlier in this chapter. If one has a criminal record, then most private employers are allowed to discriminate against. Evidently, it is blacks who find themselves having a harder time than whites who have criminal records. Nonetheless, a criminal record for a minor drug offense has detrimental effects on an individual. Particularly, one who is living off federal funding and needs to maintain a job in order to consistently receive that funding. Alexander explains:

These sanctions are imposed by operation of law rather than decisions of a sentencing judge, yet they often have a greater on one’s life course than the months or years one actually spends behind bars. These laws operate collectively to ensure that the vast majority of convicted offenders will never integrate into mainstream, white society (Alexander, 2012. p. 186).

“White society” is welcoming of whites who have criminal records and who have committed heinous offenses. Due to the ideologies employed during slavery, blacks have been casted as “threats.”

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During the Jim Crow era, the appeal of segregating whites from blacks was for the poor and working-class whites; it was a successful political attempt that promised whites with blacks out of the picture, the economy will be more stable in terms of maintaining jobs. The vulnerable white population did not know any better and so they pushed for Jim Crow, which was really the white elite using their power to exploit blacks. Exploiting blacks by segregating and discriminating against; doing so in a way that never guaranteed them freedom in the South. Fast forward to a century later and a similar political attempt is being made by President Nixon when declaring the War on Drugs. The appeal was once again to the poor and working-class whites and it was done through fear. Not only the fear of drugs and the issues that creates for the American public, but fear that was present during Jim Crow; they simply wanted to disenfranchise blacks again because they feared they would take their place in mainstream society. Alexander explains the commonality between the two:

In the early years of Jim Crow, conservative white elites competed with each other by passing ever more stringent and oppressive Jim Crow legislation. A century later, politicians in the early years of the drug war competed with each other to prove who could be tougher on crime by passing ever harsher drug laws (Alexander, 2012, p. 191).

Both resulted in whites believing that if blacks can be “put back in their place,” there will be economic restructure because it is the blacks who are causing the problems. Rather than addressing the real problems of the economy and our political leaders, the blame was put on a group that was a vulnerable target.

The most obvious parallel between the old and new is legalized discrimination; a topic that has been heavily discussed throughout this chapter. Racial discrimination is present in today’s society as it was during Jim Crow. In the era of mass incarceration, without discrimination, our prisons would be nearly empty. But, it is because of Jim Crow that our prisoners are filled with blacks. While we do have a constitution that protects the liberties of United States citizens, we also have a history that is dovetailed with hatred and discrimination towards blacks. That hatred has nearly infiltrated every critical aspect of society. Most importantly, politicians who essentially help run the United States. Our politicians, along with our legislators help decide what gets imported to law and they felt it was necessary to punish those who use drugs. The War on Drugs has resulted in legalized discrimination, similarly to how Jim Crow resulted in segregation and not allowing blacks to attend white schools, or get on white trains. Today, the felons are discriminated against similarly to how blacks were during Jim Crow:

During Jim Crow, it was legal to deny housing on the basis of race, through restrictive covenants and other exclusionary practices. Today, discrimination against felons, criminal suspects, and their families is routine among public and private landlords alike. Rather than racially restrictive covenants, we have restrictive lease agreements, barring the new undesirables (Alexander, 2012, p. 144).

On the surface, it seems reasonable that a landlord would not have a criminal living in his or her building. But, it is not reasonable to evict someone out of their apartment because

they were caught with 5 grams of marijuana. Nor is it reasonable to decline someone a job interview because of their criminal record that is mainly filled with minor drug offenses. Most employers do not even know what is entailed on the criminal record, once they see that the yes box is checked, they have the right to discriminate against. By doing so, they are keeping blacks out of mainstream society.

Another parallel that is worthy of noting is political disenfranchisement. Our 15th Amendment states, “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.” But yet, during Jim Crow, legislation passed numerous laws into action that was directly aimed towards blacks. Laws such as polling taxes, literacy tests, grandfather clauses, and felon disenfranchisement laws. These laws were seen as “race-neutral” and so they did not violate the 15th Amendment at the time (Alexander, 2012, p. 192). But, it was blacks who were poor and who could not pay the tax to vote. It was blacks who were illiterate because it was illegal to teach them how to read and write during slavery. It was blacks whose ancestors were slaves, which prevented them from voting due to the grandfather clause. It was clear that people did not want blacks to have a voice. Fast forward to today and we see a similar situation in that felons are not allowed to vote. “Forty-eight states and the District of Columbia prohibit inmates from voting while incarcerated for a felony offense. Only two states – Maine and Vermont – permit inmates to vote. The vast majority of states continue to withhold the right to vote when prisoners are released on parole” (Alexander, 2012, p. 158). When we ask ourselves who are felons in this country that are targeted due to unfair legislation? What a surprise, it is blacks. “Slavery defined what it meant to be black [a slave], and Jim Crow defined what it meant to be black [a second-class citizen]. Today mass incarceration defines the meaning of blackness in America: black people, especially black men, are criminals. That is what it means to be “black” (Alexander, 2012, p. 197).

III.) Black Lives Matter

A demand for justice has been called upon by Alicia Garza, Opal Tometi, and Patrisse Cullors and thousands of other Americans around the country. Those three women are the creators of the campaign that has become known as the Black Lives Matter movement. “Black Lives Matter is an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise” (*Herstory*, n.d.). Over the past three years, African American communities have had to sit and watch their people be victims of police brutality. As a result, a large amount of distrust has escalated between law enforcement and African American communities. Since 2005, among the thousands of police shootings that have taken place, only 54 officers have been charged (Kindy & Kelly, 2015). Our criminal justice system has deprived African Americans of their basic human rights and dignity by not treating them fairly. The Black Lives Matter movement is a movement that is trying to end this unfair treatment and it starts with serving justice. After the killing of the Trayvon Martin, the African American community put their foot down and turned a hashtag into a momentous movement. Black Lives Matter is a movement that represents the injustice that has been served to African Americans. The movement is about how black people are intentionally left powerless at the hands of the state; how black lives are deprived of their basic human rights and dignity

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(*About Us*, n.d.). This movement acknowledges and represents numerous things, but the one message that has been consistent throughout the campaign is restorative justice.

The underlying issue of distrust has stemmed from the police killings in which the suspect was unarmed. We have come to know of these actions as police brutality and they seem to be aimed directly at African American communities. African Americans are unsure of when to trust the police because of the fear that has been instilled in them. The fear has arisen within the African American communities because of the use of excessive force that has been acted on against people of color. More importantly, they are crying out for justice because it is rare that an officer is held accountable for their actions. Things that should be taken into consideration when discussing the justification of excessive force is how the person was handling the arrest. In other words, were they resisting and attempting to escape? Also, the severity of the crime; did they just commit murder or were they just minding their own business as an innocent bystander? The question at stake with police brutality is that was the police officer justifiably in using deadly force? Courts feel as if they were because they feel the victim posed a threat merely based off the fact that he/she is black. This ideology is represented in the cases of Travon Martin, Michael Brown, Eric Garner and Stephon Clark.

Travon Martin

On February 26, 2012, George Zimmerman would engage in a violent act that would end up dividing the whole country apart along the lines of race. Zimmerman is a white male of Hispanic decent and was a neighborhood watch captain in the gated community located in Sanford, Florida. Trayvon Martin was 17 years old and was wearing a hood while walking to his father's house. Zimmerman, who was located in his SUV as always while patrolling the neighborhood, noticed Martin and decided to call 911 to report that he saw a suspicious person. After being instructed by the 911 operator not to confront Martin, Zimmerman got out of the SUV and did so anyway. This eventually led to a scuffle breaking out amongst the two, which resulted in Zimmerman shooting and killing Martin (Brown, 2013). In the next coming days after this night, the majority of the talks surrounding this case evolved around the question of what makes a person dangerous. Does a young black teenager wearing a hood constitute and give validation to Zimmerman's actions? The larger question that divided the country was, was the judgement made solely based on the fact that he was black?

Brown (2013), "On July 13, 2013, a jury consisting of six women acquitted Zimmerman of the charge of second degree murder or the lesser charge of manslaughter." While Zimmerman was satisfied with the ruling, the family and friends of Trayvon Martin were heart-broken. Not only did they just lose a son and a friend, but they felt as if his life was not taken into consideration within a court of law. Martin was engaging in an innocent act when wrongly confronted by Zimmerman. Brown (2013), "I think George Zimmerman is a man whose heart was in the right place." It is fair to say that the juror who said this would have felt differently if it were her son who was killed in this exchange. The one contributing factor that set George Zimmerman free was the race of Trayvon Martin. The key element that played a role in the jury's decision was that it was a young black teenager who was lurking around a gated community with a hood on. So, based off this case, is it safe to say that all young black teenagers who are in gated communities with hoods on are threats? Could there just be the slightest possibility that they have family in this neighborhood? More importantly, if Trayvon Martin were a white boy with a hood

on, would Zimmerman have even called 911? The significance of this case was the impact it left on the African American communities. It outraged them because the criminal justice system practically deemed their lives meaningless when Zimmerman was acquitted, Brown (2013), “the Zimmerman verdict is the latest in a long line of reminders that far too many whites believe that blacks, in general, and black males, in particular, are dangerous, thus constituting the faces of crime in contemporary America.”

After the acquittal of George Zimmerman, protesters took their feelings to the streets. Protest took place in more than 100 cities across the United States. For the most part, the protests were kept peaceful except in Los Angeles and San Francisco, where protesters were arrested for being violent (Williams, 2013). One of the cities that held a march was New York City and due to the significance of the case, Jay Z and Beyoncé engaged in the protest which brought more attention to the issue. The protests were so rapid and happened all over the country that President Obama addressed the protesters urging them to remain calm as he felt that the United States was a “post-racial society” (Williams, 2013). One of the major successes of this protest was the fact that it was emotion based. While it is very unfortunate that a life had to be lost in order for this issue to gain national attention, it must be seen as a blessing as well. Both of Trayvon’s parents took place in the march. His mother, Sybrina Fulton spoke in New York City and his father, Tracy Martin organized the march in Miami. In very emotional based speeches, both of Martins parents won over the crowd of thousands and thousands of U.S. citizens.

Michael Brown

The Trayvon Martin case was the ice breaker for African American communities to truly express how they feel. They now had validation behind their claims against the police. With the national attention that was brought to the Martin case and the protest that followed thereafter, the U.S. people were becoming more aware of this epidemic. The ideology that African Americans felt which was that they are seen as a threat by law enforcement no matter what the circumstances are were evident in the Martin case and in the case of Michael Brown. Michael Brown was 18 years old when shot and killed by police officer Darren Wilson. Brown was with his friend Dorian Johnson when going to a liquor store. Surveillance shows Brown stealing something and as a result, a call to the police was made. While officer Darren Wilson was driving, he saw two young black men walking along the sidewalk, one of them (Brown, 2013), fit the description the dispatcher had given and so, officer Wilson told them to step along to the sidewalk. While talking to both young men, an altercation occurred between officer Wilson and Brown. There have been two sides to this story, where police say Brown was reaching for the officer’s gun and vice versa. Dorian Johnson was a witness to the whole situation and gave us insight on what really happened, “the officer grabbed Brown and warned him, ‘I’ll shoot you’, before doing so. After Brown ran away injured (we have reason to believe he was shot in the thumb), he ‘was giving up in the sense of raising his arms and being subdued’” (Jonsson, 2014). Typically, when someone puts their hands up in the sky, it is an indicator that they are surrendering. But, the officer did not see it that way, instead, officer Wilson pointed his gun at him and shot him multiple times in the chest and then, “stood over him and shot after the victim had fell on the ground” (Jonsson, 2014). The issue at stake once again is, was the officer justifiable in using deadly force?

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African American communities disagreed as their movement for justice grew larger. One of the reasons why it expanded vastly around the United States was because of the attention that was brought to this particular case. Debates were sparked about whether or not Brown actually had put his hands up in the air signifying that he was surrendering. Certain people felt that Officer Wilson was justifiable in using his force, while others felt that he was too excessive. The debates that occurred were very emotional based, which led to violent protests in Ferguson, Missouri where the incident took place. Jonsson (2014), "The appearance of injustice, however, sparked two days of protests, rallies, riots, and looting, including the burning of a QuikTrip convenience store." Immediately following this protest, people started to call the protesters "thugs," which created further divide between the Black Lives Matter movement and people who disagreed with this movement, typically whites (Jonsson, 2014). While Gandhi and Dr. King would disapprove of these violent methods, it worked in the sense that it brought more attention to it. While it was receiving negative attention on the new stations, it was getting praised on social media outlets, specifically, Twitter.

The Black Lives Matter movement expanded as people from Florida and St. Louis were connecting through social media when tweeting #BlackLivesMatter. Debby (2016), "before Michael Brown's shooting in early August 2014, it was only used a total of 48 times a day across Twitter...Come August, though the hashtag was used more than 52,000 times." On November 25, the day Darren Wilson was acquitted, within the first twenty hours of that day, the hashtag was used about 10,000 times. Later in the day, it was used 92,784 times (Debby, 2016). It is imperative that in a campaign of this magnitude when a group is trying to bring about change, that not only do they gain the attention of the state they are protesting in but gain national attention and regardless of how Black Lives Matter went about in their protesting mechanisms, they did an excellent job in gaining the attention they needed in order for this movement to grow. Unfortunately, one of the reasons their movement kept growing was because of the fact that African Americans kept getting killed by police officers in different states. Another marquee name that Black Lives Matter protested was the killing of Eric Garner.

Eric Garner

Eric Garner was a 43-year-old man who engaged in illegal activity by selling untaxed cigarettes. When being confronted by two police officers and fully cooperating, a video was released which showed NYPD officer Daniel Pantaleo put Garner in a chokehold that brought him to the ground and resulted in him losing his life. The chokehold that was performed on Mr. Garner was banned by the NYPD. As officer Pantaleo had Garner in the chokehold, it is shown in the video that multiple times, Eric Garner repeatedly said that he could not breathe. Although there was material evidence of Garner stating that he cannot breathe and Officer Pantaleo using an illegal chokehold and not letting up, he still managed to avoid prison time. Apuzzo et al. (2016), "Officer Pantaleo's testimony helped persuade a state grand jury on Staten Island not to bring charges in December 2014". Once again, the theme of the Black Lives Matter came to life when the court diminished another African American life by acquitting Officer Pantaleo. Apuzzo et al. (2016), "Officer Pantaleo was stripped of his badge and gun two days after Mr. Garner's death, and has remained on desk duty". That example along with the others illustrates that no officers are being reprimanded for their wrongful acts.

This sparked more nationwide protests, resulting in the Black Lives Matter movement to gain more people supporting their message. The largest one was held in New York City. They called it the “Millions March NYC”, where between 25,000-30,000 people took part in the march. Organizers of the march said that nearly 50,000 people took place in the march (Fuller & Phillips, 2013). This was one of the most successful protests that the Black Lives Matter movement engaged in. Not only did no one get arrested because they were peaceful, but it such a large crowd that at one point, they had to shut down the Brooklyn Bridge. The march went on for 4 hours while people chanted the three infamous words that were Garner’s last words, “I can’t breathe” (Fuller & Philips, 2013). Also, for the first time in a long time, we started to see professional athletes protest the issue as well. Professional basketball players Kyrie Irving, LeBron James, Derrick Rose, Kobe Bryant, along with plenty of others all wore black shirts with white lettering that read, “I can’t breathe” during their pregame warmups and also on the bench when they were not in the game. This brought even more national attention to the issue because sports fans who were unaware of the Garner case became aware of what happened when they saw the athletes wearing these shirts.

Stephon Clark

The death of 22-year-old Stephon Clark also caused major outcry in the national basketball association. On a Sunday March 18, 2018 in Sacramento, California, the police were called with a possible report of a robbery. Police stated that the description of the individual was a 6-foot-1, thin wearing a black hoodie and pants. When they saw Clark, they felt as if he fit the description. Also, police said that the helicopter which was observing everyone from higher ground saw the suspect pick up a toolbar and break a window into a home. After he did that, the helicopter observed the man running and looking into other cars. Finally, the police on the ground were able to locate him (Levenson & Park, 2018). Camera’s observed the suspect cutting through backyards and jumping over fences in order to escape the police, but when the police arrived on the front yard at Clark’s grandmothers’ house, they gave the suspect commands to stop and show his hands (Levenson & Park, 2018).

According to the police, “the man turned and advanced toward the officers while holding an object” (Levenson & Park, 2018). As a result, this caused the officers to open fire on Clark; firing 20 shots, with most hitting Clark. After shooting at him 20 times, the officers then arrested him and began lifesaving efforts. The two officers who engaged in using deadly force have been placed on paid administrative leave. One officer was with the Sacramento police for two years, while the other was with them for four years. Prior to the Sacramento police department, they were a part of another agency for four years (Levenson & Park, 2018). After the shooting, police canvassed the scene and found three vehicles with damage done to them and a glass door shattered, which deputies in the helicopter say they saw Clark break. But, the only thing they found near Clark was a cell phone (Levenson & Park, 2018). It was mentioned that he had a toolbar and possibly had a gun, but it turned that out he was only carrying a cell phone. The saddest part of it all is that his grandmother heard the gunshots in her backyard that ended up killing her grandson.

In the case of Stephon Clark, the officers who were on foot and chasing him had body cams on, but their encounter with Clark only lasted a minute. But, it is very difficult to see what is actually happening due to the fact that this took place after 9 p.m. All that

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can be heard are the police officers directing Clark to put his hands up and then one of the officer's screams, "Gun, gun, gun", which led to them opening fire (Levenson & Park, 2018). The protests that ensued after the death of Clark were one of the first that led to a private organization stepping in and helping spread the message of police brutality. This was partly done in fact because the protesters were protesting outside of the Golden 1 Center in Sacramento, California which is where the Sacramento Kings play. The Kings are a professional team in the National Basketball Association and protesters were preventing fans from entering the arena without having heard about Clark. The Kings stepped in and partnered with Black Lives Matter in an attempt to open up a fund that will help younger children in the area.

Code of Blue

The severity of this issue between our criminal justice system and African American communities will not take a day to fix. Perhaps, it will never be fixed. The relationship between the two will only resolve over time if there is change. One way to promote change and to change social policy is by protesting and the African American communities have done a good job so far as the Black Lives Matter movement has grown significantly over the past five years. An important aspect to keep in mind throughout all of this is the "code of blue." The code of blue is basically a code that is instilled within police departments where officers always have each other's back. This is a very interesting aspect of this issue because even if an officer is wrong, he or she will feel they were right in their actions and their partners will agree with them. Going along with that, if an officer does stand up and squeal on an officer who was excessive in using force, that officer will most likely lose their job. One step in the right direction in stopping this divide between the African American communities and the police is justice. As Dr. King once said, "An injustice anywhere is a threat to justice everywhere". As we have seen throughout the cases mentioned in this paper, the common theme is that each police officer was deemed justifiable in using deadly force, even though the facts say otherwise.

One reason as to why this common theme of cops "getting off the hook" is well described by Georgia Ferrell, who is a police officer and whose son was shot and killed by a police officer: "Society has put it into our heads that the officer is always right" (Kindy & Kelly, 2015). In a court of law, when a police officer is testifying it is going to be hard for the jurors to believe that he/she is lying because we are trained to think of police as always right; after all, they are here to protect and serve their communities. But, as shown throughout this chapter, the jury can be blind to the other facts of the case because they always believe the officers. While there are police who do engage in using deadly force and are justifiable in doing so, when comparing that to the police who wrongfully use deadly force, the number of police who are wrong outweigh the ones who are right.

Opposing Perspectives

Which leads into the issue of people assuming that Black Lives Matter is a protest against all police officers. Throughout the debates, it sparked a new hashtag, "BlueLivesMatter. Also, whites who were protesting against the Black Lives Matter movement created the hashtag, #WhiteLivesMatter. Similarly, to other major campaigns that took place in the United States, discourse occurs becoming of the opposing perspectives. Taylor (1998), "Professor Delgado points out an important distinction between the viewpoints of blacks and whites...Whites don't see their viewpoints as a

matter of perspective. They see it as the truth” (p. 122). One of the things that Dr. Martin Luther King Jr discussed when he was in charge of the Civil Rights Movement, was education. He wanted people who were going to join the movement to be educated on the subject so that they really knew what they were fighting for. In the case of Black Lives Matter, when rallies take place in a major city, the leaders of the marches know what they are protesting against. For example, in the case of Trayvon Martin, protesters taped Skittle bags over their mouths. One reason as to why they did that was because Martin had bought a pack of Skittles from 7/11 before his confrontation with Zimmerman. There are two sides to every story; BLM feels strongly about police brutality and excessive force, while white moderates and political leaders feel as if they are protesting against all police officers.

“To love and desire freedom and justice for ourselves is a prerequisite for wanting the same for others” (*Guiding Principles*, n.d.). This quote sums up the purpose of this movement. The whole reason as to why this campaign was started was because African Americans wanted equal treatment. More specifically, equal treatment when it comes to the law. Just as Dr. Martin Luther King Jr sought out equal treatment in terms of rights for African Americans during the Civil Rights Movement. So many questions arise in the African American communities when someone is killed. In the case of Trayvon Martin, why did Zimmerman even see him as a threat? Zimmerman never even saw his face. All he saw was an African American wearing a hoodie in a gated community. In the case of Michael Brown, why did Officer Wilson decide to pull the trigger after Brown raised his arms in the air? On top of that, why did he continue to shoot him when he fell to the ground? In the case of Eric Garner, why did the officer use an illegal chokehold? Was it because that Garner was a large man and there was no other way to get him down? Did he even have to put him in the chokehold? Lastly, in the case of Stephon Clark, why did they shoot a young man who has two children 20 times and then arrest him afterwards? Point being is that while we can have discussion and debate on what actually occurred, the facts are the facts and they can not be denied. Former Los Angeles Police Department officer Greg Mayer asked the question that many African Americans want an answer to: “What tactics are the officers engaging in before they go in and use force on someone?” In the cases mentioned throughout this chapter, it is evident that the indicator for the police is the color of someone’s skin. To be fair while analyzing these cases, it is only right that we put ourselves in the shoes of the police officer. But, as mentioned above, in the cases mentioned throughout this chapter, it seems the amount of force being used is excessive.

A possible solution to this epidemic would be to engage in new police training. But, even if that is done, the larger issue is not erased: the stereotypes of African Americans. Professor Ciccariello-Maker of Drexel gave a statement about the police and how they view young black people, “They’re people we’re all trained to see as mortal threats already, always potentially guilty”. This stems to the larger narrative of the culture that is present in police departments. Based off the actions of officers from all over the United States, it would not be wrong to say that there is a cultural phenomenon that is causing this issue of targeting African Americans. How do we eliminate this culture? One way to do it would be clean house in all police departments where these killings take place, but we know that is unrealistic. A simpler and more effective way, would be the law. Law is supposed to be a deterrent; you see one person commit a crime, they do the time and you fear doing the time so you stay away from breaking the law. In the case of police brutality, when an officer is rarely getting punished for the crimes they have committed, what’s going to

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prevent it from happening again? Hypothetically (and we have to say hypothetically because not enough officers get convicted when they go on trial), if more and more officers were to get convicted, it would lead to a decline in the amount of times police brutality occurs.

In America, the land of the free and the home of the brave, the African American people are not free at all. They are trapped in a category that has stigmatized them dating all the way back to slavery. In turn, its persuaded legal scholars that the police should see them as threats. After all, our pledge of allegiance states, "I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all" (*The Pledge*, n.d.), so why not give liberty and justice to all? Black Lives Matter is just the beginning of change in America; their relentless efforts in trying to spread awareness may not be successful to this current day, but over time, their voices will be heard and justice will begin to be served on a consistent basis. America is not about living in the past, nor present. America is about moving forward and making a better future for everyone.

IV.) Conclusion: Paving the Way Forward

While we cannot erase the past, we can make a better future for everyone. Bryan Stevenson discusses our history as a country and our stubbornness in not accepting responsibility for slavery or the consequences that blacks had to suffer afterwards. He goes on to say that our inability to accept responsibility and apologize to those who have suffered at the hands of radical elite whites is what causes these harsh penalties for minor drug offenses and other policies that have been implemented that result in targeting minority communities. It is common for someone to make a mistake, but to also learn from that mistake as well. Our historical trajectory as a country would indicate that we have not learned from any of our mistakes. Rather, we have made worse and worse ones as times have gone by. In a world where many people think societies are becoming more accepting and racial tension is dwindling, the reality of the situation is that the ghosts from slavery and Jim Crow are still lingering around our criminal justice system. Dr. Martin Luther King Jr was brave enough to take a stand against the inequalities he lived through and it cost him his life. But, he did promote change and got certain policies implemented that brought more equality towards minorities. Today, the Black Live Matters movement is promoting change and is demanding justice for the innocent lives that have been taken away at the hands of armed police officers. We need more courageous people to take a stand and have their voice heard.

One way in which we can promote more social change in America is through our education systems. By devoting more resources towards inner city schools, we will be able to increase the level of education, which will increase the amount of interest these children have in their school. Time after time, we see situations where inner-city schools have high dropout rates due to inadequate teaching. Also, by investing more money into educational systems, we will keep more children in school and out of the streets. Take New York for example, they spend the most money per student in the country. But, those dollars are not distributed in proportional amounts. "Needy" schools deserve more funding due to the simple fact that they are lagging behind other schools. 2018 statistics show that in New York elementary and middle schools, the lowest need schools receive \$15,204 while

the highest need schools receive \$15,740. There is a \$536 difference between the two, which means 4% more of the money goes to higher needed schools. For high schools, lowest need schools receive \$17,410 while the highest need schools receive \$18,732. There is a \$1,322 difference between the two, which means 8% more of the money goes to higher needed schools (Zimmerman, 2018). While there is no arguing that higher needed schools are receiving more money, an argument can be made that they should be receiving more money. Although it is undecided on how much more money should be dedicated to the higher needed schools, it is worthy to note that at least some discussions of more financial resources being devoted to those schools should be talked about in the government.

In 2018, professional basketball player, LeBron James, opened up his own school in Akron, Ohio. Being that LeBron James grew up in the city of Akron, he understands the struggle that certain kids endure. He understands that he is very rare in the sense that he “made it” in America. LeBron, who is one of the wealthiest athletes in America, decided to give back to his community so he can provide more opportunities for little kids to become successful in America. The school is currently open for third and fourth graders who are at risk and James hopes to expand the range all the way up until eighth grade. Students who attend the schools receive the following: free tuition, free uniforms, free breakfast, lunch and snacks, free transportation within two miles, a free bicycle and helmet, access to a food pantry for their family, and guaranteed tuition for all graduates to the University of Akron (Perano & Muaddi, 2018). Also, parents of the students who attend this receive benefits: “parents of students will receive access to job placement services and help acquiring their GED’s” (Perano & Muaddi, 2018). By creating this school and giving back to his community, James shows that greed will not conquer his soul. He is someone who understands the struggle of what it is like to grow up in an inner city where the schools are poor and crime rates are high. According to James, he wants to build a school where kids can feel comfortable going to and have a place where kids can feel that someone cares about them and their future.

Lending into opening schools as well as investing more money into schools, after the death of Stephon Clark, a private organization got involved in partnering with Black Lives Matter in an attempt to keep children safer. On a Tuesday night, in which the Kings were set to face off against the Dallas Mavericks at the Golden 1 Center (where the Kings play), protesters arrived outside and blocked the entrance into the arena. They shouted things like, “You ain’t seeing no game tonight...join us or go home!” (Boren, 2018). The protesters were determined to make a statement and bring awareness to this situation. Because of their protest on that night, not too many fans showed up; in a 17,608 seated arena, a couple hundred protesters prevented over 12,000 people from entering (Boren, 2018). This was not the first time the protesters caused a lockdown. The week before, when the Hawks were set to play the Kings, protesters caused a lockdown which prevented the game from starting on time. It caused a lot of confusion but the Sacramento Kings reported that it was a peaceful protest, but they locked the doors to assure the safety of their fans just in case things turned violent (Boren, 2018). Lastly, on a Saturday, when the Celtics and Kings showed off, during the warm ups both team wore shirts that stated, “Accountability. We Are One” on the front and “#StephonClark” on the back (Boren, 2018). As a direct result of these protests, the Sacramento Kings organization partnered with Black Lives Matter and another Sacramento-based collation called Build Black. “Build Black is aimed at investing in and broadening educational opportunities for black young men and underserved members of the community” (Cacciola, 2018). The Black

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Lives Matter movement is starting to take a step in the right direction as we see more teams partnering with them and building up funds.

Similar to opening schools or providing more money towards school, I also feel that it is important to provide some funding for out of school activities. Growing up, whenever I was not in school and was not at home, I was at a park shooting hoops with friends or hanging out at the local community center. By building a park or potentially opening up a community center that has basketball courts and other areas for children to hang out, it provides an outlet from the streets. In inner city neighborhoods, after school hours for most kids is them hanging around in areas where crime rates are high. If we were to provide them with a playground, we will be keeping them out of trouble and putting them on a path towards success. As displayed throughout this paper, our laws are not kind to drug offenders, no matter how minor the offense is. Our system needs to protect those who we have discriminated against. In reality, our system is set up to fail these innocent children.

The harsh sentencing structures of our current laws against drug can use some adjusting. It is critical that we reform some of our drug policies. Just examining some of the laws that are included in this paper, if we were to reform some of those policies and finally move on from the war on drugs, we would condense our prison populations and keep more people in mainstream society. For example, three strike laws sentence people to life in prison for committing three felonies. Keep in mind that drug offenses are considered to be felonies. In California, the Three Strikes Project represents individual who are in a position of potentially facing life in prison due to the three strike laws. As we know, the social policies that were supposed to be “tough on crime” specifically targeted minority communities: “Over 45 percent of inmates serving life sentences under the Three Strike laws are African American” (*Three Strikes*, n.d.). Those who fought against the three strike laws in California were successful in that it led to some reform. In 2012, voters supported the Three Strike Reform Act, which eliminated life sentences for non-serious, non-violent crimes and allowed those who received a third strike for something minor to petition in court for a reduced sentence. In the eight months of enactment, over 1,000 prisoners were released (*Three Strikes*, n.d.).

It is also important to focus on how our criminal justice system views African American suspects as well as victims. The Black Lives Matter Movement has exposed a truth about American courtrooms and how African Americans are viewed. We have come to believe that someone’s skin color can simply offer a justifiable reason for a police officer to be suspicious. In the cases discussed in this paper, all the officers/neighborhood watch captains suffered minor consequences. Some, even suffered none. Those who engage in killing unarmed black men should serve the consequences. They should be put in prison and not back into the streets. The Black Lives Matter Movement also exposed a harsh truth about cultures that are present within police departments. Embedded in the culture is the ideology of what a black man represents and how an officer should respond to a situation where they are dealing with a black man. It has become clear that there needs to be better police training. It has become very clear in the past couple years that officers need to become friendly within their communities. They need to represent themselves as people who are here to help and not hurt. Officers need to engage in friendly policing and not aggressive policing. Weapons do not need to be drawn because someone is black. Rather than escalating the situation, we need to focus on training that deescalates situations because that will lead to less death.

We live in a country where people believe they have freedoms and liberties that cannot be infringed upon. But, we find ourselves living in a country that is haunted by its past. We find ourselves living in a country that has not learned from its mistakes. Arrogance leads to blindness, and blindness leads to colorblindness. We do not want to live in a world where we are colorblind. Rather, we want to live in a world that embraces each other for the color of our skins and recognizes that although we may look different, that does not mean we are inherently differently; that does not mean one skin color needs to be superior to others. It simply means that we must all be accepting of others and respect each other regardless of our differences. We are living in a world that is constantly changing, all we can do is hope that things will get better, because without hope, life is meaningless. As Martin Luther King Jr. once said, “we must accept finite disappointment, but never lose infinite hope.”

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