
Aaron Roussell, Portland State University

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LAW AND SOCIETY: A GUIDE TO RACE FOR PSU STUDENTS
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LAW AND SOCIETY DO NOT EXIST AS SEPARATE ENTITIES

Inequality in Portland and in the US, exist as a result of hegemonic structures enforced through the legitimization of institutions such as school, church, and the law.

How do we see ourselves in the eyes of the law? If we are all equal in the eyes of the law, then why do we experience it so differently based on race, citizenship, socioeconomic status, or other indicators of class?

We must use a sociological imagination to break out of a false consciousness to understand how we interact with structural organizations and institutions. This understanding directs to solutions on a structural level, rather than looking for resolution on an individual by individual basis.

Today’s guide to law and society is simply the beginning of an examination of law in society. It is difficult to summarize what we have learned in one term of a sociology class, let alone four years of sociology at PSU. There are many questions to answer: WHAT IS LAW, HOW WAS LAW CREATED IN THE US, WHO CREATED THE LAWS WE FOLLOW TODAY, WHY ARE PARTICULAR LAWS ENFORCED WHILE OTHERS ARE IGNORED, AND WHAT WILL THE LAW LOOK LIKE IN THE FUTURE?

These are some of the questions we asked ourselves and hope to provide clarity and resources for all students in this document.

If law shapes how we live, it also shapes how we talk, and how we think. At the most basic level, law creates conceptual categories and determines their contents and boundaries. Or do these conceptual categories determine law’s contents and boundaries? Which came first, law or society?

Lastly, we all play a part in legitimizing law and how that connects us to social issues outside our daily interactions with the law.

We must understand how society has historically interacted with laws and the U.S. legal system to maintain power. Foucault described power not as an entity imposed top-down, but an emergent relation emanating from local and social practices and the discourses that permeate them. Race is one of those discourses. To better understand race and its relationship to the law we must understand how the law was used to codify race. We hope this guide will serve as a starting point.
KEYWORDS IN LAW & SOCIETY

The following terminology guide will help you understand the concepts in our guide and social issues surrounding race and American laws. We've identified scholars or theorists associated with each concept and/or term. For more resources, see the section in our appendix for recommended books and films.

ALT-RIGHT:

Make America Great Again. Build the wall.

These are phrases you hear from Alt-Righters. What was so great about America before? America has a dark history of slavery and institutionalized racism that was legally recognized by law and society. Alternative-Righters (known as Alt-Right) seek to return to this time period. They follow a far-right ideology; these groups and individuals core belief is that “white identity” is under attack by multicultural forces using “political correctness” and “social justice” to undermine white people and “their” civilization. Characterized by heavy use of social media and online memes, Alt-Righters eschew “establishment” conservatism, skew young, and embrace white ethno-nationalism as a fundamental value.

COLORBLINDNESS:

Eduardo Bonilla-Silva

Today many Americans do not outwardly carry sentiments of racism, and view colorblindness as helpful to people of color by asserting that race does not matter. However, scholars point out that humans carry implicit bias subconsciously, making it necessary for us to update our language on racism to reflect this bias.

Robert D. Reason and Nancy J. Evans

"The notion of color blindness serves to paper over continuing inequalities and to foreclose color-conscious policy approaches that are needed in order to act against racial hierarchy. Thus, the seeming normative consensus around color blindness hides a more messy terrain of struggle over how to interpret its meaning"

Critics of color-blindness argue that color-blindness operates under the assumption that we are living in a world that is "post-race," where race no longer matters, when in fact it is still a prevalent issue.”

"THE FIRST THING WE MUST STOP DOING IS MAKING RACISM A PERSONAL THING AND UNDERSTAND THAT IT IS A SYSTEM OF ADVANTAGE BASED ON RACE" Doreen E. Loury, director of the Pan African Studies program at Arcadia University
CRIMINALBLACKMAN:  
*Kathyn Russell*  

“Racial bias in the drug war was inevitable, once a public consensus was constructed by political and media elites that drug crime is black and brown. Once blackness and crime, especially drug crime, became conflated in the public consciousness, the “criminalblackman”... would inevitably become the primary target of law enforcement.”

DISCOURSE  
*Michel Foucault*  

Not only written and spoken conversation, but the thinking behind it. When someone says to “read between the lines” they’re talking about discourse analysis.

DOUBLE-CONSCIOUSNESS:  
*W.E.B. Du Bois*  

“American blacks have lived in a society that has historically repressed and devalued them that it has become difficult for them to unify their black identity with their American identity (Edles and Appelrouth 351-352). Double consciousness forces blacks to not only few themselves from their own unique perspective, but to also view themselves as they might be perceived by the outside (read: white) world. This is what Du Bois spoke of in the above passage when he talked about “the sense of looking at one’s self through the eyes of others”

FREE SPEECH:  

Free speech does not mean anybody can say anything. We must balance views with the obligation to ensure that other members of a given community can participate in discourse as fully recognized members of that community. Movements such as Alt-Right try to argue for the right to free speech, when in reality their speech is detrimental to the values of society.

HEGEMONY:  
*Antonio Gramsci*  

“A concept referring to a particular form of dominance in which a ruling class legitimates its position and secures the acceptance if not outright support of those below it... For dominance to be stable, the ruling class must create and sustain widely accepted ways of thinking about the world that define their dominance as reasonable, fair, and in the best interests of society, as a whole”

“People don’t think it be like it be, but it do.”  
*T-Pain*
**IMPLICIT BIAS:**

*Harvard Implicit Association Test* (take online: [implicit.harvard.edu](http://implicit.harvard.edu))

Refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.

See criminalblackman.

**INTERSECTIONALITY:**

*Kimberle Crenshaw*

"the experience of women of color are frequently the product of intersecting patterns of racism and sexism" referring to the "various ways in which race and gender interact to shape the multiple dimensions of Black women's experiences"

*Patricia Hill Collins*

“Systems of race, social class, gender, sexuality, ethnicity, nation, and age form mutually constructing features of social organization, which shape Black women’s experiences and, in turn, are shaped by Black women”

**MISCEGENATION:**

“Marriage or cohabitation between two people from different racial groups, especially, in the U.S., between a black person and a white person:

In 1968 the Supreme Court ruled unanimously that state laws prohibiting miscegenation were unconstitutional.”

**RECIDIVISM**

“Recidivism is one of the most fundamental concepts in criminal justice. It refers to a person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime. Recidivism is measured by criminal acts that resulted in re-arrest, reconviction or return to prison with or without a new sentence during a three-year period following the prisoner's release.”

**SECOND-CLASS CITIZEN:**

Systemically discrimination against individuals in society within a state or other political jurisdiction. Second-class citizens are often powerless and do not have access to the law or other institutions in the same way as those in “first-class” positions.

**SOCILOGICAL IMAGINATION:**

*C. Wright Mills*

"The awareness of the relationship between personal experience and the wider society"
SOCIOLOGY: Using the analogy from Calavita: “a man was once sitting by a stream and suddenly noticed a body floating down the river, barely alive. Instantly, he rushed into the water to save the person, dragging her onto the shores to safety. As soon as he had saved her, another body appeared, gasping for air. He spent all morning doing this, saving many but unable to rescue everyone, until it dawned on him to go upstream to see who was throwing all the people into the river... Sociologists study the social structures and processes that systematically propel people over the side of the bridge...”

STRUCTURAL VIOLENCE: Johan Galtung

"Systematic ways in which social structures harm or otherwise disadvantage individuals" through subtle and typically invisible methods, so that we cannot assign blame or culpability. Examples include state acts of violence such as police committing violent acts.

SYMBOLIC VIOLENCE: Pierre Bourdieu

“The exercise of violence and oppression that is not recognized as such... ‘Symbolic power is that invisible power which can be exercised only with the complicity of those who do not want to know that they are subject to it or even that they themselves exercise it’"

WHITE PRIVILEGE: W. E. B. Du Bois

Theodore William Allen

"White privilege is the condition of having a collection of benefits based on belonging to a group perceived to be white, when the same or similar benefits are denied to members of other groups, not because of one's individual accomplishments or actions. White privilege is about concrete benefits to resources, social rewards, and the power to shape the norms of society."
LEGAL PROPERTY AND THE LEGITIMIZATION OF RACE

SLAVERY

“WHITE IDENTITY AND WHITENESS WERE SOURCES OF PRIVILEGE AND PROTECTION; THEIR ABSENCE MEANT BEING THE OBJECT OF PROPERTY” (HARRIS, 1721).

In the interest of obtaining a controllable, easily replenished, and thus stable labor force for plantations in the south, white property holders created a system of slavery based on race that all but replaced indentured servitude (Foner, 2012).

- Racial hierarchies are based on the legal objectification of black people as a property. This idea was first reified in the slave codes written between 1680-1682, in which civil liberties, protections, and basic human rights were officially restricted for black people, relegating them and their labor to the legal property of whites.
  - Spires vs Wilson of 1808 and Ramsey vs Lee of 1784 are two cases that exemplify the degree to which black people were legally relegated to property. Both cases set legal parameters by which slaves could be gifted between whites.
  - Black people and black labor as legal property is also exemplified in laws deeming that the race and status of a child be determined by that of the mother, allowing slave holders to use black woman as a means of reproduce more property in the form of black children (Harris, 1720). One such law is the Hereditary Slavery Law Virginia 1662-ACT XII

- Native Americans were not only deemed racially inferior, but culturally incompatible with white practices and ideals about private property and land ownership, justifying the appropriation of their land by whites to use.

- Solidifying legal racial hierarchies was not simply about restricting the rights of black people and native Americans, it was also a matter of legally recognizing whiteness as a possession; a legal condition by which a person’s rights, privileges, and citizenship were determined.

“SPECIFICALLY, THE LAW HAD ACCORDED HOLDERS OF WHITENESS THE SAME PRIVILEGES AND BENEFITS ACCORDED HOLDERS OF OTHER TYPES OF PROPERTY. THE LIBERAL VIEW OF PROPERTY IS THAT IT INCLUDES THE EXCLUSIVE RIGHTS OF POSSESSION, USE, AND DISPOSITION. ITS ATTRIBUTES ARE THE RIGHT TO TRANSFER OR ALIENABILITY, THE RIGHT TO USE AND ENJOYMENT, AND THE RIGHT TO EXCLUDE OTHERS” CHERYL HARRIS
“THUS, A WHITE PERSON “USED AND ENJOYED” WHITENESS WHENEVER SHE TOOK ADVANTAGE OF THE PRIVILEGES ACCORDED TO WHITE PEOPLE SIMPLY BY THEIR WHITENESS-WHEN SHE EXCESSIVE ANY NUMBER OF RIGHTS RESERVED FOR THE HOLDERS OF WHITENESS” CHERYL HARRIS

RECONSTRUCTION, BACKLASH, AND THE BLACK CODES

The United States Constitutional amendment XIII outlawed both slavery and involuntary servitude while amendment XIV granted citizenship, equal protection, and equal rights to the PURSUIT OF PROPERTY. These enactments meant that whites were not only left without a free, replenishable, and controllable labor source, but without a legally legitimate racial hierarchy (Foner, 2012). What did whiteness as property mean if citizenship, legal protection, and privileges were not exclusive to owners of a white identity?

- In the wake of the eradication of slavery, congress attempted to further solidify the meaning of citizenship and the idea of equality through laws, including granting black men voting rights
- Through enacting these laws and granting equal rights and protections to black people as citizens, the government established itself as an entity more powerful than the states, who could overrule state and local infraction on the rights of all citizens
- This intervening of state and local discrimination began to be seen as a direct affront to whiteness and an attack on the rights of white people. Whites began to lose faith in the federal government and in law to protect their interests, often resulting in violence to maintain racial domination through terror. Andrew Jackson, after vetoing the Civil Rights Act of 1866, explained that this bill was “made to operate in favor of the colored over the white race”
- The loss of the legal distinctions of the meaning and privileges of whiteness at the hands of the federal government also meant that more whites sought to re-establish control and status over black people through state courts. Consequently, supreme courts, under the pressure of panicked whites, began to challenge many rights established during reconstruction
- The abandonment of reconstruction in 1877 meant that states regained the power to make legal, racial distinctions. The laws enacted by states on this subject served the function of reestablishing whiteness as a basis for privilege and blackness as a basis for domination, control, and second-class citizenry

“AFTER THE FALL OF SLAVERY, WHITE ELITES TURNED TO THE COURTS FOR HELP IN CONTROLLING BLACK LABOR, HOPING TO SUBSTITUTE LAW FOR LASH” (CHRISTOPHER WALDREP, 1996)

- These laws and restrictions on black life and citizenry included, outlawing miscegenation, preventing black people from testifying against whites, baring rights to arms, and establishing vagrancy laws which required proof of employment. If this requirement was not met, black men were imprisoned and their labor leased to the highest bidder. Additionally the children of vagrants could be court ordered to labor for free under white employers as apprentices until they came of age, essentially re-establishing a system of slave labor. (See http://www.crf-usa.org/brown-v-board-50th-anniversary/southern-black-codes.html)
- By 1868, congress was largely comprised of members who were critical of the black codes of the south, going so far as to vote to impeach President Johnson in part because he did not support
reconstruction. Many southern states began repealing black codes in this same year and a few black citizens were even elected to public office.

- By 1877 economic issues had compounded racial tensions, causing the rise in popularity of the Democratic Party, who was unsupportive of Reconstruction. Southern states began repealing the voting rights of black people and restricting their access to public spaces as well as segregating public services and facilities.

**JIM CROW - SEPARATE BUT “EQUAL”**

“The term "Jim Crow" originally referred to a black character in an old song, and was the name of a popular dance in the 1820s. Around 1828, Thomas "Daddy" Rice developed a routine in which he blacked his face, dressed in old clothes, and sang and danced in imitation of an old and decrepit black man. Rice published the words to the song, "Jump, Jim Crow," in 1830” U-S-HISTORY.COM (WWW.U-S-HISTORY.COM/PAGES/H1559.HTML)

- Justified by the myth of “separate but equal”, a term coined in the case Plessy vs Ferguson, Jim Crow laws sought to re-establish racial meaning and boundaries. Many of the legal restrictions enacted in the Jim Crow era were similar to the black codes. For example, while in some cases it was possible for black people to register to vote, they were subject to unreasonable requirements such as proof of literacy, the legal status of their grandparent as free, and/or requiring property ownership. This meant that many black people were ineligible to vote. Where outright legal bans could not be placed, legal barriers were enacted to maintain citizenry as an exclusive white privilege.

- In addition to restricting rights, Jim Crow era law sought to separate the lives and experiences of white communities and communities of color. Segregating public facilities and services, private businesses, and public education often meant what was available to black citizens was subpar in comparison to what whites enjoyed. This was particularly true for public education, which was a catalyst for civil rights action that targeted the notion of separate but equal (for example, Brown vs Board of Education)

- The difference between the laws and policies of the Black Codes and those of Jim Crow was the emphasis placed on separation. Jim Crow laws reified whiteness as property by tying it to many of the same privileges, power, treatment, and enjoyment based on exclusivity and restriction. This is evident in the phenomena known as “passing”, in which people of color could be recognized as white by white people. This enabled people of color who passed to receive the benefits and privileges of whiteness. To pass for white meant to transgress legal racial boundaries, it is “not merely passing, but trespassing” (Harris 1993: 1711)

“BECOMING WHITE INCREASED THE POSSIBILITY OF CONTROLLING CRITICAL ASPECTS OF ONE’S LIFE RATHER THAN BEING THE OBJECT OF OTHERS’ DOMINATION” CHERYL HARRIS
CONSTITUTIONAL AMENDMENTS
(13TH – 15TH) & SUPREME COURT CASES

CONSTITUTIONAL AMENDMENT XIII (RATIFIED 1865)

ABOLITION OF SLAVERY

SECTION 1
Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2
Congress shall have power to enforce this article by appropriate legislation.

WHAT DOES THIS MEAN & WHY DOES IT MATTER?
The most immediate impact of the Thirteenth Amendment was to end chattel slavery as it was practiced in the southern United States. However, the Amendment also bars “involuntary servitude,” which covers a broader range of labor arrangements where a person is forced to work by the use or threatened use of physical or legal coercion. For example, the Thirteenth Amendment bans peonage, which occurs when a person is compelled to work to pay off a debt. Originally a Spanish practice, peonage was practiced in the New Mexico Territory and spread across the Southern United States after the Civil War. Former slaves and other poor citizens became indebted to merchants and plantation owners for living and working expenses. Unable to repay their debts, they became trapped in a cycle of work-without-pay. The Supreme Court held this practice unconstitutional in 1911. Bailey v. Alabama (1911).

Notably, the Amendment does allow a person convicted of a crime to be forced to work. Thus, prison labor practices, from chain gangs to prison laundries, do not run afoul of the Thirteenth Amendment. The Thirteenth Amendment has also been interpreted to permit the government to require certain forms of public service, presumably extending to military service and jury duty.

Section Two of the Thirteenth Amendment has broader applicability as well. The Supreme Court has long held that this provision also allows Congress to pass laws to eradicate the “badges and incidents of slavery.” The Supreme Court has never defined the full scope of what the badges and incidents of slavery are, and instead has left it to Congress to flesh out a definition. In The Civil Rights Cases (1883), the Court held that racial discrimination in private inns, theaters, and public transportation did not qualify as a badge or incident of slavery. In a series of cases in the 1960s and 1970s, however, the Court held that racial discrimination by private housing developers and private schools is among the badges and incidents of slavery that Congress may outlaw under Section Two of the Thirteenth Amendment. Most recently, Congress has determined that Section Two provides a basis for a portion of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 (which criminalizes race-based hate crimes) and the Trafficking Victims Protection Act (which penalizes human trafficking and protects its survivors). The Supreme Court has yet to evaluate these laws.
CONSTITUTIONAL AMENDMENT XIV (RATIFIED 1868)

CITIZENSHIP RIGHTS, EQUAL PROTECTION, APPORTIONMENT, CIVIL WAR DEBT

SECTION 1

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

SECTION 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

WHAT DOES THIS MEAN & WHY DOES IT MATTER?

The 14th Amendment is one of the post-Civil War amendments, also known as the Reconstruction Amendments that was first intended to secure rights for former slaves. It includes the Due Process and
Equal Protection Clauses among others. It is perhaps the most significant structural change to the Constitution since the passage of the Bill of Rights.

This Amendment provides a broad definition of national citizenship, and overturned the Dred Scott case, which excluded Black people from citizenship. It requires the states to provide equal protection under the law to all persons, not just to citizens, within their jurisdictions and was used in the mid-20th century to dismantle legal segregation. The Due Process Clause has driven important and controversial cases regarding privacy rights, abortion, the right to marry, and other issues.

In the decades following the enactment of the 14th Amendment, the Supreme Court overturned laws barring Black people from juries in *Str au dre v. West Virginia*, or discriminating against Chinese-Americans in the regulation of laundry businesses in *Yick Wo v. Hopkins*, under the aegis of the Equal Protection Clause. In *Plessy v. Ferguson*, the Supreme Court held that the states could impose segregation so long as they provided equivalent facilities. This was the genesis of the "separate but equal" doctrine. The Supreme Court held to the "separate but equal" doctrine for more than 50 years, despite numerous cases in which the Court itself had found that the segregated facilities provided by the states were almost never equal. This held until the case, *Brown v. Board of Education of Topeka* reached the U.S. Supreme Court.

The popular understanding of what was encompassed under "civil rights" was much more restricted during the time of the 14th Amendment’s ratification than the present understanding it involved such things as equal treatment in criminal and civil court, in sentencing and in availability of civil services if they apply. On this scheme, political rights were first guaranteed not with the 14th Amendment, but with the 15th Amendment and its giving everyone the right to vote.

**CONSTITUTIONAL AMENDMENT XV (RATIFIED 1870)**

**RIGHT TO VOTE NOT DENIED BY RACE**

**SECTION 1**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

**SECTION 2**

The Congress shall have the power to enforce this article by appropriate legislation.

**WHAT DOES THIS MEAN & WHY DOES IT MATTER?**

Added to the Constitution in 1870, the Fifteenth Amendment was the final of the three constitutional amendments enacted during Reconstruction in the aftermath of the Civil War. The Fifteenth Amendment established that the right to vote could not be denied on the basis of race. Though its express terms prohibit all racial discrimination in voting qualifications, the Amendment was aimed at ensuring the enfranchisement of African-Americans. Section 2 of this short but momentous Amendment also gave Congress the power to enact legislation to enforce the right against race-based denials of the vote. The constitutional meaning of the Civil War was reflected in these three amendments; when the Fifteenth Amendment was passed, it represented the principle that African-American citizens—many of them former slaves—were now entitled to political equality.
THE MOST SIGNIFICANT FACT ABOUT THE FIFTEENTH AMENDMENT IN AMERICAN HISTORY IS THAT IT WAS ESSENTIALLY IGNORED AND CIRCUMVENTED FOR NEARLY A CENTURY.

For the first twenty to thirty years after the Amendment was adopted, black adult men (women were generally not permitted to vote at this time) were indeed permitted to vote—and did so in large numbers. Nearly 2,000 African-Americans were elected to public offices during this period. But starting in 1890, Southern states adopted an array of laws that made it extremely difficult for African-Americans (and many poor whites) to vote. This was the start of what is known as the era of disenfranchisement, and it lasted all the way up until 1965. These laws required people to demonstrate literacy, or prove their good character, or pay certain voting taxes, or overcome other hurdles, before they were permitted to vote. As a result of these laws, African-American voting in the South was kept at extremely low levels from 1890 to 1965, despite the Fifteenth Amendment.

The situation only began to change dramatically in 1965, when Congress used its power to enforce the Fifteenth (and Fourteenth) Amendment by enacting the Voting Rights Act of 1965 (the VRA). The VRA provided a variety of means for the federal government and the federal courts to ensure that the right to vote was not denied on the basis of race. The Fourteenth Amendment protects the right to vote as a general matter, while the Fifteenth Amendment is more limited to protecting against only race-based denials of the right to vote its most important role might be the power it gives Congress to enact national legislation that protects against race-based denials or abridgments of the right to vote.

DRED SCOTT V. SANDFORD (1857)

The case had been in the court system for more than a decade. Scott had been born into slavery in 1795. In subsequent years, he lived in two parts of the United States that didn’t allow slavery, Illinois and Wisconsin, along with his master. When his current master died in 1846, Scott filed suit on behalf of himself and his wife, also a slave, to gain their freedom. The case was heard by three other courts as it made its way to Washington.

In March of 1857, the United States Supreme Court ruled 7-2 against Scott, led by Chief Justice Roger B. Taney, declared that all black people -- slaves as well as free -- were not and could never become citizens of the United States. At the time, the Supreme Court’s majority came from pro-slavery states or had connections to pro-slavery presidents. The court also declared the 1820 Missouri Compromise unconstitutional, thus permitting slavery in all of the country's territories.

Taney -- a staunch supporter of slavery and intent on protecting southerners from northern aggression - wrote in the Court's majority opinion that, because Scott was black, he was not a citizen and therefore had no right to sue. The framers of the Constitution, he wrote, believed that black people "had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold and treated as an ordinary article of merchandise and traffic, whenever profit could be made by it."

Referring to the language in the Declaration of Independence that includes the phrase, "all men are created equal," Taney reasoned that "it is too clear for dispute, that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration..."

The Dred Scott case had a direct impact on the coming of the Civil War and Abraham Lincoln's presidency four years later.. After the Civil War, the 13th Amendment and 14th Amendment effectively overturned the Dred Scott decision.
On June 7, 1892, 30-year-old Homer Plessy was jailed for sitting in the "White" car of the East Louisiana Railroad. Plessy could easily pass for white but under Louisiana law, he was considered black despite his light complexion and therefore required to sit in the "Colored" car. He was a Creole of Color, a term used to refer to black persons in New Orleans who traced some of their ancestors to the French, Spanish, and Caribbean settlers of Louisiana before it became part of the United States. When Louisiana passed the Separate Car Act, legally segregating common carriers in 1892, a black civil rights organization decided to challenge the law in the courts. Plessy deliberately sat in the white section and identified himself as black. He was arrested and the case went all the way to the United States Supreme Court. Plessy's lawyer argued that the Separate Car Act violated the Thirteenth and Fourteenth Amendments to the Constitution. In 1896, the Supreme Court of the United States heard the case and held the Louisiana segregation statute constitutional.

Speaking for a seven-man majority, Justice Henry Brown wrote:

"A STATUTE WHICH IMPLIES MERELY A LEGAL DISTINCTION BETWEEN THE WHITE AND COLORED RACES -- HAS NO TENDENCY TO DESTROY THE LEGAL EQUALITY OF THE TWO RACES. ... THE OBJECT OF THE FOURTEENTH AMENDMENT WAS UNDOUBTEDLY TO ENFORCE THE ABSOLUTE EQUALITY OF THE TWO RACES BEFORE THE LAW, BUT IN THE NATURE OF THINGS IT COULD NOT HAVE BEEN INTENDED TO ABOLISH DISTINCTIONS BASED UPON COLOR, OR TO ENFORCE SOCIAL, AS DISTINGUISHED FROM POLITICAL EQUALITY, OR A COMMINGLING OF THE TWO RACES UPON TERMS UNSATISFACTORY TO EITHER."

Justice John Harlan, the lone dissenter, saw the horrific consequences of the decision:

"OUR CONSTITUTION IS COLOR-BLIND, AND NEITHER KNOWS NOR TOLERATES CLASSES AMONG CITIZENS. IN RESPECT OF CIVIL RIGHTS, ALL CITIZENS ARE EQUAL BEFORE THE LAW. ... THE PRESENT DECISION, IT MAY WELL BE APPREHENDED, WILL NOT ONLY STIMULATE AGGRESSIONS, MORE OR LESS BRUTAL AND IRRITATING, UPON THE ADMITTED RIGHTS OF COLORED CITIZENS, BUT WILL ENCOURAGE THE BELIEF THAT IT IS POSSIBLE, BY MEANS OF STATE ENACTMENTS, TO DEFEAT THE BENEFICENT PURPOSES WHICH THE PEOPLE OF THE UNITED STATES HAD IN VIEW WHEN THEY ADOPTED THE RECENT AMENDMENTS OF THE CONSTITUTION."

The Plessy decision set the precedent that "separate" facilities for black and white people were constitutional as long as they were "equal." The "separate but equal" doctrine was quickly extended to cover many areas of public life, such as restaurants, theaters, restrooms, and public schools. The "separate but equal doctrine" recognized in Plessy v. Ferguson allowed Southern states to continue their legal enforcement of racial segregation for more than a half-century.
Brown v. Board received its name from the lawsuit brought by the parents of eight-year-old Linda Brown, who had to travel a great distance to attend grade school while white children went to a school a few blocks away. The NAACP brought suit on behalf of her parents to admit her to her neighborhood school. The Brown case was one of a total of five cases charging that segregation in education was a violation of the equal protection of the Fourteenth Amendment. They included Briggs v. Elliot at al. (South Carolina) Davis at al. V. County School Board of Prince Edward County (Virginia); Gebhart et al. V. Benton (Delaware), and Bolling v. Sharpe (District of Columbia). Four of the cases were brought by the National Association For the Advancement of Colored People (NAACP).

On May 17, 1954, the U.S. Supreme Court ruled unanimously that racial segregation in public schools violated the Fourteenth Amendment to the Constitution, which says that no state may deny equal protection of the laws to any person within its jurisdiction. The 1954 decision declared that separate educational facilities were inherently unequal. Following a series of Supreme Court cases argued between 1938 and 1950 that chipped away at legalized segregation, Brown v. Board of Education of Topeka reversed an earlier Supreme Court ruling (Plessy v. Ferguson, 1896) that permitted "separate but equal" public facilities. The 1954 decision was limited to the public schools, but it was believed to imply that segregation was not permissible in other public facilities.

Although the 1954 decision strictly applied only to public schools, it implied that segregation was not permissible in other public facilities. While the law changed to view the doctrine of “separate but equal” as unconstitutional, the implementation of desegregating schools and other public spaces would take decades.
The key phrase in the ruling delivered by Chief Justice Earl Warren was as follows:

"SEGREGATION OF WHITE AND COLORED CHILDREN IN PUBLIC SCHOOLS HAS A DETRIMENTAL EFFECT UPON THE COLORED CHILDREN. THE IMPACT IS GREATER WHEN IT HAS THE SANCTION OF THE LAW, FOR THE POLICY OF SEPARATING THE RACES IS USUALLY INTERPRETED AS DENOTING THE INFERIORITY OF THE NEGRO GROUP. A SENSE OF INFERIORITY AFFECTS THE MOTIVATION OF A CHILD TO LEARN. SEGREGATION WITH THE SANCTION OF LAW, THEREFORE, HAS A TENDENCY TO [RETARD] THE EDUCATIONAL AND MENTAL DEVELOPMENT OF NEGRO CHILDREN AND TO DEPRIVE THEM OF SOME OF THE BENEFITS THEY WOULD RECEIVE IN A RacialLY INTEGRATED SCHOOL SYSTEM. ... WE CONCLUDE THAT, IN THE FIELD OF PUBLIC EDUCATION, THE DOCTRINE OF "SEPARATE BUT EQUAL" HAS NO PLACE. SEPARATE EDUCATIONAL FACILITIES ARE INHERENTLY UNEQUAL."
MASS INCARCERATION

WHAT’S GOING ON?

Over the past 30 years, the U.S. has put in place radical, unprecedented policies and practices that attempted to address crime through prioritizing harsh and disproportionate punishment, rather than prevention or rehabilitation. By 2010, 7.25 million Americans were under some form of correctional control — either in prison or jail, or on probation or parole — up from 1.84 million in 1980.

The term “mass incarceration” refers to the unique way the U.S. has locked up a vast population in federal and state prisons, as well as local jails. But this academic sounding term doesn’t capture the insanity of the situation.

These prisoners are disproportionately black and Latino — against whom the system is biased at every level. Despite similar rates of drug use, black people are nearly four times as likely to be arrested for marijuana use, and black males are often given longer sentences for crimes than their white peers.

Many of the people locked up should be receiving treatment in the community. A 2006 Bureau of Justice Statistics Study found that more than half of all inmates have mental health problems.

HOW DID THIS HAPPEN?

The “tough on crime” punishment philosophy of the 1980’s and 90’s, combined with a heinous “War on Drugs,” led to legislation under Republican and Democratic administrations that used a jail cell as a first, rather than last, resort for people who broke the law.
This uncompromising posture, which often exploited racial fear, became an essential part of running a political campaign. For years, elected officials competed with one another on how brutally they would be willing to punish people who broke the law, especially regarding drug-code violations. Legislators enacted policies that led to more people being locked away for increasingly smaller offenses, and combined them with further policies that kept people locked up longer.

The prison population skyrocketed.

It somehow became understood as acceptable to put people in prison for non-violent crimes. But there is nothing normal about the way the U.S. locks away its citizens.

**IN FACT, IT’S UNPARALLELED ANYWHERE ELSE IN THE WORLD, EVEN COMPARED TO THE MOST REPRESSIVE REGIMES.**
Over the course of three decades, the U.S. built a gargantuan system of state punishment that destroys lives and communities, in a racially discriminatory way, at great financial cost. More ridiculous still, there is no solid evidence that tougher punishment even deters crime initially, and inmates in state prisons are likely to be arrested and locked up again after their release.

WHAT IS BEING DONE?

Within the last few years, both Democrats and Republicans seem to be acknowledging the need for reform. It’s as if they’ve woken up from a decades-long stupor.
There are so many associated issues that need attention as well—the racial bias at every level of the criminal justice system, the use of solitary confinement, unemployment and recidivism, the way we deprive felons of their rights as citizens—the list goes on and on.

Source: http://dannot.com/category/political-cartoons

**THE NEW JIM CROW**

“WHAT HAS CHANGED SINCE THE COLLAPSE OF JIM CROW HAS LESS TO DO WITH THE BASIC STRUCTURE OF OUR SOCIETY THAN WITH THE LANGUAGE WE USE TO JUSTIFY IT. IN THE ERA OF COLORBLINDNESS, IT IS NO LONGER SOCIALLY PERMISSIBLE TO USE RACE, EXPLICITLY, AS A justIFICATION FOR DISCRIMINATION, EXCLUSION, AND SOCIAL CONTEMPT. SO WE DON’T. RATHER THAN RELY ON RACE, WE USE OUR CRIMINAL JUSTICE SYSTEM TO LABEL PEOPLE OF COLOR “CRIMINALS” AND THEN ENGAGE IN ALL THE PRACTICES WE SUPPOSEDLY LEFT BEHIND. TODAY IT IS PERFECTLY LEGAL TO DISCRIMINATE AGAINST CRIMINALS IN NEARLY ALL THE WAYS THAT IT WAS ONCE LEGAL TO DISCRIMINATE AGAINST AFRICAN AMERICANS. ONCE YOU’RE LABELED A FELON, THE OLD FORMS OF DISCRIMINATION—EMPLOYMENT DISCRIMINATION, HOUSING DISCRIMINATION, DENIAL OF THE RIGHT TO VOTE, DENIAL OF EDUCATIONAL OPPORTUNITY, DENIAL OF FOOD STAMPS AND OTHER PUBLIC BENEFITS, AND EXCLUSION FROM JURY SERVICE—ARE SUDDENLY LEGAL. AS A CRIMINAL, YOU HAVE SCARCELY MORE RIGHTS, AND ARGUABLY LESS RESPECT, THAN A BLACK MAN LIVING IN ALABAMA AT THE HEIGHT OF JIM CROW. WE HAVE NOT ENDED RACIAL CASTE IN AMERICA; WE HAVE MERELY REDESIGNED IT.” - MICHELLE ALEXANDER,
Across the street from the Multnomah County Courthouse in downtown Portland is the Justice Center. This building houses many of the county’s inmates and is where those who have been arrested are taken for intake. Here, the decision is made on whether the person detained will be charged, released on their own recognizance, or housed in the county’s jail system. On the Southwest corner of the Justice Center, you will find the quote, etched into its walls, “Injustice anywhere is a threat to justice everywhere—Martin Luther King Jr.” At first glance, it does not seem out of place. In fact, it is an ideal held by most Americans. However, when we consider the structure of the system that has taken on the form of mass incarceration, these powerful words of the great Civil Rights leader seem poorly misrepresented etched into walls of a building representing the United States Criminal Justice System.

To many citizens, the United States criminal justice system exists as an entity, separate from their daily lives. It is held up as the pinnacle of justice, a system of checks and balances that insures the safety of the American people. Unfortunately, this is not the case. Although the United States only holds 5% of the world’s population, it confines 25% of the world’s prison population. Combining the number of people in prison and jail with those under parole or probation supervision, 1 in every 31 adults, or 3.2 percent of the population is under some form of correctional control. These statistics alone are quite concerning, but when we go one step further and look at the racial makeup of those impacted by the criminal justice system, it becomes apparent that this system is used as a form of social control.

**Lifetime Likelihood of Imprisonment of U.S. Residents Born in 2001**

<table>
<thead>
<tr>
<th>Group</th>
<th>All Men</th>
<th>White Men</th>
<th>Black Men</th>
<th>Latino Men</th>
<th>All Women</th>
<th>White Women</th>
<th>Black Women</th>
<th>Latina Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Likelihood</td>
<td>1 in 9</td>
<td>1 in 17</td>
<td>1 in 3</td>
<td>1 in 6</td>
<td>1 in 56</td>
<td>1 in 111</td>
<td>1 in 18</td>
<td>1 in 45</td>
</tr>
</tbody>
</table>


Today, people of color make up 37% of the US population but 67% of the prison population (sentencingproject.org). The African American community is especially targeted by the policies and policing tactics. Although only making up 13.3% of the total US population, African Americans make up 37.8% of those being housed in federal institutions.
But how could this happen? How could the prison system be so overly misrepresented by African Americans and other people of color? The key is that the system magnifies the individual on the case-by-case basis. When one takes a step back and looks at the criminal justice system for the social structure that it is, they will begin to see the process that could produce such a racially bias system.

**AMERICAN SOCIETY: HOW IT REALLY WORKS**

“RACIAL DISCRIMINATION OF VARIOUS FORMS CAN PLAY AN IMPORTANT ROLE IN GENERATING THESE DISPARITIES AT EVERY STEP OF THE PROCESS: RACIAL BIASES AND RACIAL PROFILING BY POLICE COULD LEAD TO DISPROPORTIONATE SURVEILLANCE AND ARRESTS OF BLACKS, RACIAL BIASES DURING THE PROCESSING OF ARRESTS COULD LEAD TO MORE PROSECUTIONS OF BLACKS, RACIAL BIASES WITHIN COURT PROCEEDINGS COULD LEAD TO MORE CONVICTIONS, AND RACIAL BIASES IN SENTENCING COULD LEAD TO MORE INCARCERATION.” -SOCIOLOGIST ERIK OLIN WRIGHT

**RACIAL PROFILING**

**WHAT’S GOING ON?**

"RACIAL PROFILING" REFERS TO THE DISCRIMINATORY PRACTICE BY LAW ENFORCEMENT OFFICIALS OF TARGETING INDIVIDUALS FOR SUSPICION OF CRIME BASED ON THE INDIVIDUAL’S RACE, ETHNICITY, RELIGION OR NATIONAL ORIGIN. CRIMINAL PROFILING, GENERALLY, AS PRACTICED BY POLICE, IS THE RELIANCE ON A GROUP OF CHARACTERISTICS THEY BELIEVE TO BE ASSOCIATED WITH CRIME. EXAMPLES OF RACIAL PROFILING ARE THE USE OF RACE TO DETERMINE WHICH DRIVERS TO STOP FOR MINOR TRAFFIC VIOLATIONS (COMMONLY REFERRED TO AS “DRIVING WHILE BLACK OR BROWN”), OR THE USE OF RACE TO DETERMINE WHICH PEDESTRIANS TO SEARCH FOR ILLEGAL CONTRABAND.-- ACLU.ORG

“When a 1995 survey by the Journal of Alcohol and Drug Education asked the public to visualize a drug user 95% of respondents pictured a black drug user.”

Despite these statistics, real data shows that in 1995, the US black population made up 15% of drug users in the United States. Whites constituted the vast majority of drug users then (and now), but almost no one pictured a white person when asked to imagine what a drug user looked like. If
this unconscious racial bias exists within the US population, there is good reason to believe it also exists with prosecutors and law enforcement.

Law enforcement members are also members of society, which means they have been exposed to the same racially charged rhetoric and media imagery associated with the War on Drugs. Overwhelming evidence suggests that implicit biases (unconscious) are disassociated from explicit bias (conscious) measures. This means that the fact one may believe they are not biased against African Americans, and that they have many black friends and relatives, does not mean they don’t experience subconscious racial bias.

One study involving a video game that placed photographs of black and white people holding either a gun or a random object, had participants decide as quickly as possible whether to shoot the target or not. Participants were more likely to mistake a black person for being armed and more likely to mistake a white person as being unarmed. This pattern of discrimination reflects the unconscious thought process that can certainly be traced to the media that helped create this “criminalblackman.”

In 2007, the New York Police Department released statistics showing that officers had stopped 508,540 people—an average of 1,394 per day—who were walking down the street. The vast majority of those stopped and searched were racial minorities with more than half being African American. A study done following these alarming statistics and a few deaths due to police brutality revealed that African Americans were six times as likely to be stopped as whites—despite the evidence also showing that stops of African Americans were less likely to result in arrests than stops of whites. (The New Jim Crow p.135)

**VEHICLE PROFILING**

**WHAT’S GOING ON?**

**PRETEXT STOP: A TRAFFIC STOP NOT MOTIVATED BY A DESIRE TO ENFORCE TRAFFIC LAWS, BUT INSTEAD USED AS AN OPPORTUNITY TO SEARCH FOR OTHER POSSIBLE CRIMES THAT ARE BEING COMMITTED WITH NO EVIDENCE OF A CRIME occurring, ESPECIALLY FOR DRUGS.**
“IN A STUDY DONE IN NEW JERSEY, “THE DATA SHOWED THAT ONLY 15% OF ALL DRIVERS ON THE NEW JERSEY TURNPIKE WERE RACIAL MINORITIES, YET 42% OF ALL STOPS AND 73 PERCENT OF ALL ARRESTS WERE OF BLACK MOTORISTS--DESPITE THE FACT THAT BLACKS AND WHITES VIOLATED TRAFFIC LAWS AT ALMOST EXACTLY THE SAME RATE... A SUBSEQUENT STUDY CONDUCTED BY THE ATTORNEY GENERAL OF NEW JERSEY FOUND THAT SEARCHES ON THE TURNPIKE WERE EVEN MORE DISCRIMINATORY THAT THE INITIAL STOPS--77 PERCENT OF ALL CONSENT SEARCHES WERE MINORITIES.” - THE NEW JIM CROW

“IN VOLUSIA COUNTY FLORIDA, A REPORTER OBTAINED 148 HOURS OF VIDEO FOOTAGE DOCUMENTING MORE THAN 1,000 HIGHWAY STOPS CONDUCTED BY STATE TROOPERS. ONLY 5% OF THE DRIVERS ON THE ROAD WERE AFRICAN AMERICAN OR LATINO, BUT MORE THAN 80 PERCENT OF THE PEOPLE STOPPED AND SEARCHED WERE MINORITIES.” P. 134

THE “DRUG-COURIER PROFILES” UTILIZED BY THE DEA AND OTHER LAW ENFORCEMENT AGENCIES FOR DRUG SWEEPS ON HIGHWAYS, AS WELL AS IN AIRPORTS AND TRAIN STATIONS ARE NOTORIOUSLY UNRELIABLE... THE PROFILE CAN INCLUDE TRAVELING WITH LUGGAGE, TRAVELING WITHOUT LUGGAGE, DRIVING AN EXPENSIVE CAR, DRIVING A CAR THAT NEEDS REPAIRS, DRIVING WITH OUT-OF-STATE LICENSE PLATES, DRIVING A RENTAL CAR, DRIVING WITH “MISMATCHED OCCUPANTS,” ACTING TOO CALM, ACTING TOO NERVOUS, DRESSING CASUALLY, WEARING EXPENSIVE CLOTHING OR JEWELRY, BEING ONE OF THE FIRST TO DEPLAN, BEING ONE OF THE LAST TO DEPLAN, DEPLANING IN THE MIDDLE, PAYING FOR A TICKET IN CASH, USING LARGE-DENOMINATION CURRENCY, USING SMALL-DENOMINATION CURRENCY, TRAVELING WITH A COMPANION, AND SO ON. EVEN STRIVING TO OBEY THE LAW FITS THE PROFILE! -THE NEW JIM CROW
One of the drivers for this boom in incarceration rates is the implementation of mandatory minimum sentences. These laws have replaced judicial discretion across a wide range of offenses. Their aim is to keep those who violate certain laws in prison for longer periods of time. Instead what they have done is transferred a tremendous amount of power from the judge and given it to the prosecutor, who has the authority to choose what cases even make it to the judge.

In 1986, Congress passed The Anti-Drug Abuse Act, which established long mandatory minimum sentences for low level drug dealing and possession of crack cocaine. This create a system where they typical sentence for a first time drug offender in federal court was 5 to 10 years.

In fear of these large sentences, people began to take the plea bargains offered by the prosecutor, in fear of the long sentences if they took it to trial. The U.S. Sentencing Commission itself stated “the value of a mandatory minimum sentence lies not in its imposition, but in its value as a bargaining chip to be given away in return for the resources-saving plea from the defendant to a more leniently sanctioned charge.”

What this means is that often, due to the severity of the charge and the lack of economic resources to hire an attorney and defend themselves in trial, people take the plea even though they are innocent of the charges against them for fear that they may be found guilty and face the wrath of the law. 97% of criminal cases end with a plea. It is estimated 2-5% of prisoners are innocent. Seems like a small number, but then consider that 2.3 million are currently locked up in United States prisons.
SECOND-CLASS CITIZENSHIP

“THEY TREATED ME LIKE A CRIMINAL!!”

Have you ever used this statement when referring to the way someone has treated you? What is it we are implying? By saying we have been treated “criminal,” we are suggesting we have been treated less than human. Do we truly believe a person with a possession of marijuana charge is less than human?

Today, it is no longer legal to discriminate racially, but a new form of discrimination has taken its place. Once a person is labeled a felon, they lose many of the same rights taken from African Americans during Jim Crow—discrimination in employment, housing, education, public benefits, voting, and jury service are all perfectly legal once someone is branded a felon.

This means that the punishment for a crime does not end once someone has served their time but instead extends long past. With a system like this in place, the purpose does not seem to encourage rehabilitation but instead ensure high recidivism rates. Don’t believe the movies. Prisons do not provide training, education, and vocations for their inmates. The only work they do is modern slave labor, often earning around 20 cents an hour. With no skills acquired while serving their sentence and with the branding of felon, it makes it very difficult for these people reentering society to assimilate and live a decent life.

In fact, more than 700,000 people are released from jails and prisons each year. Of those, 67% are rearrested or have their supervision revoked within three years of being released.
RACE & POLITICS

RACISM & PRESIDENTIAL ELECTIONS 1964-2000 | TED GLICK

Racism within U.S. institutions, law and culture is deeply imbedded in the history and reality of the United States going back to the 17th century, but in the 20th century, the deliberate and overt use of racially-coded language and positions in Presidential campaigns was begun in 1968 by the Richard Nixon campaign. Even Barry Goldwater, conservative Republican that he was, made an agreement in 1964 with Lyndon Johnson to keep race out of the Presidential contest between them. “If we attacked each other,’ Goldwater explained, ‘the country would be divided into different camps and we could witness bloodshed.’ Sensitive to the charge hurled ‘again and again… that I was a racist,’ he stuck to his word even in the campaign’s last desperate days when fringe advisor F. Clifton White produced a documentary film intended to exacerbate white fears of black urban violence. Goldwater condemned the film and ordered it suppressed.” (O’Reilly, p. 251)

But by 1968, with the dramatic spread of the black freedom movement all over the country and uprisings in the cities, and with the emergence of George Wallace running a racist third party American Independent Party campaign, the Nixon crowd made a very conscious decision to completely abandon the Republican Party’s anti-slavery roots. (Abraham Lincoln won the Presidency in 1860 in a three way race as the candidate of the newly-formed, somewhat-anti-slavery Republican Party.) In the words of Manning Marable, “(Dwight D.) Eisenhower had received the support of 39 percent of the African-American electorate in his 1956 successful reelection campaign, and at the time the Republican Party had a strong liberal wing that was pressuring the White House to take bolder steps on racial policy.” (p. 118) Twelve years later, that historical legacy was deliberately jettisoned and, instead, “law and order,” getting “welfare bums” off welfare and opposition to busing became the major issues for Nixon, Vice-Presidential candidate Spiro Agnew and their ilk. “You can forget about the Vietnam war as an issue,’ an NBC pollster told a White House aide [to Lyndon Johnson], ‘Race is the dominant issue without any question.”” (O’Reilly, p. 274)

Nixon barely squeaked through with 43.4% of the popular vote in 1968, but by 1972 the "remarkable racial realignment within the national Democratic Party [via the influx of African American voters] Unfortunately created the context for the ideological and organizational transformation of the Republican Party as well. The stage for the triumph of racial conservatism in the Republican Party was set by Nixon, who

Successfully put together a center-right coalition, the so-called ‘Silent Majority,’ winning a little more than 60% of the popular vote against liberal Democratic presidential candidate George McGovern in 1972. The Watergate scandal slowed, but did not stop, the acceleration of the Republicans to the Far Right, especially on issues of race. The former Dixiecrats [of the Democratic Party] and supporters of George Wallace gravitated to the Republican Party and within a decade began to assume leadership positions in Congress.” (Marable, p. 72) The 1972 landslide victory of Nixon affected the Democrats. In 1976, Jimmy Carter, southern evangelical Christian, won the Presidential race over Gerald Ford. While more liberal than Ford, “Carter also sent mixed messages during the 1976 push for the White House. The most controversial were his remarks about busing and use of the phrase ‘ethnic purity’ to describe white-ethnic enclaves and neighborhood schools… Follow-up questions… led to additional warnings from the candidate about ‘alien groups’ and ‘black intrusion.’ Interjecting into [a community] a member of another race’ or ‘a diametrically opposite kind of family’ or a ‘different kind of person’ threatened what Carter called the admirable value of ‘ethnic purity.’” (O'Reilly, p. 339)

The Reagan/Bush Era

Carter’s statements, however, were easily overtaken by the Nixon-like approach used by Ronald Reagan in 1980. Reagan officially kicked off his campaign in Philadelphia, Mississippi, in Neshoba County, at a fairgrounds used as a meeting place by the KKK and other racist groups. This was also the part of the state where, in 1964, civil rights workers Andrew Goodman, Michael Schwerner and James Chaney were killed, about which Reagan said nothing. As sociologist Howard Winant astutely observed, the New Right’s approach to the public discourse of race was characterized by an ‘authoritarian version of color-blindness,’ an opposition to any government policies designed to redress black Americans grievances or to compensate them for either the
historical or contemporary effects of discrimination, and the subtle manipulation of white’s racial fears. The New Right discourse strove to protect white privilege and power by pretending that racial inequality no longer existed.” (p. 73)

All through the 80’s, with the dominance of the Reaganites and the emergence of the center-right Democratic Leadership Council within the Democratic Party, the powers-that-be within both parties followed similar scripts during Presidential campaigns. Michael Dukakis, the Democratic standard-bearer in 1988, followed Reagan’s example and went to Neshoba County, Ms. in early August, soon after the Democratic National Convention in Atlanta. Like Reagan, he did not mention Goodman, Schwerner and Chaney. He did this despite the strength of Jesse Jackson’s Presidential primary campaign and the existence of the National Rainbow Coalition. But it was George Bush’s campaign manager in 1988, Lee Atwater, who came up with probably the most infamous, modern use of racism during a Presidential campaign, the outrageous linkage of Dukakis to Willie Horton.

The Willie Horton Outrage
Ironically, it was DLC Democrat Al Gore, in April during Democratic Party primary debate, who first mentioned the Horton case. William J. Horton, Jr. was an African American man in prison for murder who, while on his ninth furlough from prison in Massachusetts, jumped furlough. He was eventually arrested in Maryland and charged with assault, kidnap and rape of two Maryland citizens. “Atwater called him ‘Willie’ (a name Horton never went by), hoping to get more racial mileage. . . Atwater made sure that Dukakis, as governor of Massachusetts, got the blame for Horton’s latest crimes. . . ‘Every woman in this country,’ a Bush strategist boasted to Elizabeth Drew, ‘will know what Willie Horton looks like before this election is over.’ Atwater repeated that boast over and over. . . ‘Willie Horton,’ he told a Republican Unity meeting, ‘will [soon] be a household name.’ A month later, on July 9, he alerted Republican leaders in Atlanta to a Jesse Jackson sighting ‘in the driveway of his [Dukakis’s] home’ and then offered this speculation: ‘Maybe he will put this Willie Horton on the ticket after all is said and done.’ That same day Atwater told the press about ‘a fellow named Willie Horton who for all I know may end up being Dukakis’ running mate.’ At the time, Bush was down eighteen points to the Massachusetts governor in the polls. . . ’By the time the regular Bush campaign ran [a] television spot featuring black and white cons heading to prison through a turnstile gate and then heading back toward middle-America’s living room, Willie Horton was already firmly established in the public mind. The official ad did not mention Horton. It merely emphasized ‘revolving door’ justice and implied (falsely) that Dukakis had sent 268 first-degree murderers out on ‘weekend passes’ to rape, kidnap and kill. “Dukakis remained oddly silent through most of this. He responded occasionally by citing dry statistics; more often not at all. . . Dukakis remained silent for the three months it took Lee Atwater to make Willie Horton his running mate for a variety of reasons. . . ‘Whites might be put off. . . if we ‘whine’ about racism’ [some advisers counseled]. In all probability, however, Dukakis remained silent because he wanted to dissociate his candidacy from his party’s [liberal] reputation. He remained silent for the same reason that he failed to mention Schwerner, Chaney and Goodman on August 4 when speaking at the Neshoba County Fair—a silence that Marian Wright Edelman called the campaign’s most disgraceful moment.” (O’Reilly, p. 381-388)

Bill Clinton and the DLC
When DLC’er Bill Clinton became the Democratic Party nominee against Bush in 1992 he soon demonstrated that he was a very different type of candidate than Michael Dukakis. “By late May 1992 Bill Clinton had all but sown up his party’s presidential nomination, but in national polls he was running a poor third in the projected general election that was only months away, behind the incumbent president, George Bush, and independent candidate H. Ross Perot. What Clinton needed was an event to distinguish himself as a ‘different kind of Democrat.’ Following Reagan’s model, he decided to manipulate the politics of race. . . Clinton had been scheduled to speak before the national convention of the Rainbow Coalition and, without informing Jackson in advance, decided to distance himself from the black community. Although the speech was designed to focus on issues such as urban enterprise zones and the earned income tax credit, Clinton unexpectedly attacked the Rainbow Coalition’s invitation to rap artist Sister Souljah to speak the previous evening. ‘You had a rap singer here last night named Sister Souljah,’ Clinton stated. ‘Her comments before and after [the] Los Angeles [civil disturbances following the not guilty Rodney King verdicts] were filled with a kind of hatred that you do not honor today and tonight’ . . . Clinton’s rhetorical maneuver paralleled Ronald Reagan’s attack against ‘welfare queens’ and George Bush’s ‘Willie Horton’ advertisements. It was a strategically planned stunt, and it worked. Clinton followed it up with national interviews, explaining that ‘if you want to be president, you’ve got to stand up for what you think is right.’” (Marable, pps. 79-80)

But this wasn’t the only instance of racial pandering. In January Clinton left New Hampshire prior to the primary vote to return to Arkansas to preside over
the execution of Rickey Ray Rector, a black man who had killed a police officer 11 years earlier but who had shot himself in the head afterwards, leaving him with the mental capacity of a child. In March he posed with fellow DLC-er and Georgia Senator Sam Nunn for pictures in front of forty mostly black prisoners in their prison uniforms. “Jesse Jackson called it a moderately more civilized ‘version of the Willie Horton situation.’ Two weeks later, on the day after the Illinois and Michigan primaries, Clinton again showed he was a different type of Democrat by golfing nine holes, accompanied by a television camera crew, at a segregated Little Rock country club.” (O'Reilly, p. 410) “Bill Clinton calculated that he could not win in 1992 unless he used Sister Souljah to bait Jesse Jackson, put a black chain gang in a crime control ad, golfed at a segregated club with a TV camera crew in tow, and allowed that search for a serviceable vein in Rickey Ray Rector’s arm.” (O'Reilly, p. 420)

Clinton had a much easier opponent in 1996, Bob Dole, but he wasn’t going to take any chances, so he "decided to use the issue of welfare as the vehicle to shore up his support among white male voters. Only days before the 1996 Democratic National Convention, Clinton signed the ‘Personal Responsibility and Work Opportunity Act,’ with the stated goal of ‘ending welfare as we know it.’ . . . Clinton repeatedly criticized the lack of ‘personal responsibility’ of those on public assistance.” (Marable, p. 82)

**Gush and Bore**

2000 brought us Bush and Gore, or as some called it, Gush and Bore. The most memorable thing about their three Presidential debates and their campaigns in general was how similar they were on the issues, how little Democrat Gore tried to draw out major areas of disagreement with Republican Bush. “The greatest tragedy of the 2000 presidential race, from the vantage point of the African-American electorate, was that the black vote would have been substantially larger if the criminal-justice policies put in place by the Clinton-Gore administration had been different . . . more than 4.2 million Americans were prohibited from voting in the 2000 presidential election because they were in prison or had in the past been convicted of a felony . . . In effect, it was the repressive policies of the Clinton-Gore administration that helped to give the White House to the Republicans.” (Marable, pps. 88-89)

Of course, the U.S. Supreme Court had much to do with the Bush victory, building upon the deliberate removal from the voter roles of literally tens of thousands of eligible black voters by Jeb Bush and Katherine Harris in Florida. And, over three years later, the Democratic Party has done virtually nothing to challenge that disenfranchisement or even to make it an issue during this 2004 election year. “Neither the Republican nor the Democratic Party, as a political organization, is interested in transforming the public discourse on race, though for different reasons. The Republicans deliberately use racial fears and white opposition to civil rights-related issues like affirmative action to mobilize their conservative base. The national Democratic Party mobilizes its black voter base, in order to win elections, but in a way that limits the emergence of progressive and Left leadership and independent actions by grassroots constituencies . . .” What we need is to revive the vision of what the Rainbow Coalition campaigns of 1984 and 1988 could have become. A multiracial, multiclass political movement with strong participation and leadership from racial minorities, labor, women’s organization and other left-of-center groups could effectively articulate important interests and concerns of the most marginalized and oppressed sectors of society. It would certainly push the boundaries of political discourse to the left . . .” (Marable, pps. 89-91)

The brief overview above is largely drawn from two books, The Great Wells of Democracy, by Manning Marable, and Nixon’s Piano: Presidents and Racial Politics from Washington to Clinton, by Kenneth O’Reilly. This is a modified version of a presentation I made at a January 31st meeting in Atlanta, Ga. which developed plans for a 2004 Racism Watch. For more information contact George Friday or Ted Glick at 973-338-5398, racismwatch@earthlinknet or c/o P.O. Box 1041, Bloomfield, N.J. 07003. Ted Glick is the National Coordinator of the Independent Progressive Politics Network (www.ippn.org), although these ideas are solely his own. He can be reached at futurehopeTG@aol.com or P.O. Box 1132, Bloomfield, N.J. 07003.
Barack Obama’s watershed 2008 election and the presidency that followed profoundly altered the aesthetics of American democracy, transforming the Founding Fathers’ narrow vision of politics and citizenship into something more expansive and more elegant. The American presidency suddenly looked very different, and for a moment America felt different, too.

The Obama victory helped fulfill one of the great ambitions of the civil rights struggle by showcasing the ability of extraordinarily talented black Americans to lead and excel in all facets of American life. First lady Michelle Obama, and daughters Sasha and Malia, extended this reimagining of black American life by providing a conspicuous vision of a healthy, loving and thriving African American family that defies still-prevalent racist stereotypes.

But some interpreted Obama’s triumph as much more.

The victory was heralded as the arrival of a “post-racial” America, one in which the nation’s original sin of racial slavery and post-Reconstruction Jim Crow discrimination had finally been absolved by the election of a black man as commander in chief. For a while, the nation basked in a racially harmonious afterglow.

A black president would influence generations of young children to embrace a new vision of American citizenship. The “Obama Coalition” of African American, white, Latino, Asian American and Native American voters had helped usher in an era in which institutional racism and pervasive inequality would fade as Americans embraced the nation’s multicultural promise.

Seven years later, such profound optimism seems misplaced. Almost immediately, the Obama presidency unleashed racial furies that have only multiplied over time. From the tea party’s racially tinged attacks on the president’s policy agenda to the “birther” movement’s more overtly racist fantasies asserting that Obama was not even an American citizen, the national racial climate grew more, and not less, fraught.

If racial conflict, in the form of birthers, tea partyers and gnawing resentments, implicitly shadowed Obama’s first term, it erupted into open warfare during much of his second. The Supreme Court’s 2013 decision in the Shelby v. Holder case gutted Voting Rights Act enforcement, throwing into question the signal achievement of the civil rights movement’s heroic period.

Beginning with the 2012 shooting death of black teenager Trayvon Martin in Florida, the nation reopened an intense debate on the continued horror of institutional racism evidenced by a string of high-profile deaths of black men, women, boys and girls at the hands of law enforcement.

The organized demonstrations, protests and outrage of a new generation of civil rights activists turned the hashtag #BlackLivesMatter into the clarion call for a new social justice movement. Black Lives Matter activists have forcefully argued that the U.S. criminal justice system represents a gateway to racial oppression, one marked by a drug war that disproportionately targets, punishes and warehouses young men and women of color. In her bestselling book “The New Jim Crow,” legal scholar Michelle Alexander argued that mass incarceration represents a racial caste system that echoes the pervasive, structural inequality of a system of racial apartheid that persists.

Others find that assessment harsh, noting that Obama’s most impressive policy achievements have received scant promotion from the White House or acknowledgment in the mainstream media.

History will decide the full measure of the importance, success, failures and shortcomings
of the Obama presidency. With regard to race, Obama’s historical significance is ensured; only his impact and legacy are up for debate. In retrospect, the burden of transforming America’s tortured racial history in two four-year presidential terms proved impossible, even as its promise helped to catapult Obama to the nation’s highest office.

Obama’s presidency elides important aspects of the civil rights struggle, especially the teachings of the Rev. Martin Luther King Jr. King, for a time, served as the racial justice consciousness for two presidents — John F. Kennedy and Lyndon B. Johnson. Many who hoped Obama might be able to serve both roles — as president and racial justice advocate — have been disappointed. Yet there is a revelatory clarity in that disappointment, proving that Obama is not King or Frederick Douglass, but Abraham Lincoln, Kennedy and Johnson. Even a black president, perhaps especially a black president, could not untangle racism’s Gordian knot on the body politic. Yet in acknowledging the limitations of Obama’s presidency on healing racial divisions and the shortcomings of his policies in uplifting black America, we may reach a newfound political maturity that recognizes that no one person — no matter how powerful — can single-handedly rectify structures of inequality constructed over centuries.

Peniel Joseph is professor of history and director of the Center for the Study of Race and Democracy and the LBJ School of Public Affairs at the University of Texas.
TODAY’S POLITICAL CLIMATE & SOCIAL MOVEMENTS

PROTESTING TRUMP: IMMIGRATION

FROM POLITICO: “PRESIDENT DONALD TRUMP HAS SYSTEMATICALLY ENGINEERED A MAJOR CRACKDOWN ON IMMIGRATION DURING HIS FIRST 100 DAYS IN OFFICE — EVEN AS COURTS REJECT HIS EXECUTIVE ORDERS AND CONGRESS NEARS A SPENDING DEAL THAT WILL DENY HIM FUNDING FOR A WALL ALONG THE SOUTHERN BORDER.

THE NUMBER OF ARRESTS ON THE U.S.-MEXICO BORDER PLUMMETED IN MARCH TO THE LOWEST LEVEL IN 17 YEARS — A STRONG SUGGESTION THAT TRUMP’S ANTI-IMMIGRATION RHETORIC IS SCARING AWAY FOREIGNERS WHO MIGHT OTHERWISE TRY TO ENTER THE UNITED STATES ILLEGALLY. IN ADDITION, PART OF A LESSER-KNOWN EXECUTIVE ORDER THAT TRUMP SIGNED IN JANUARY GAVE FEDERAL IMMIGRATION AGENTS BROAD LEEWAY TO ARREST VIRTUALLY ANY UNDOCUMENTED IMMIGRANT THEY ENCOUNTER.”


“DONALD TRUMP CONSISTENTLY SMEARS THE CHARACTER OF MUSLIMS. HE DISRESPECTS OTHER MINORITIES, WOMEN, JUDGES, AND EVEN HIS OWN PARTY LEADERSHIP. DONALD TRUMP LOVES TO BUILD WALLS AND BAN US FROM THIS COUNTRY.”
Khizr Khan, father of Army Capt. Humayun S.M. Khan, who was killed in action in Iraq by an advancing vehicle loaded with hundreds of pounds of explosives. The 27-year-old soldier, who was born in the UAE, ordered his unit to halt while he walked toward the vehicle, saving the lives of his fellow soldiers. Trump initially

“HE’S A MEXICAN... WE’RE BUILDING A WALL BETWEEN HERE AND MEXICO. THE ANSWER IS, HE IS GIVING US VERY UNFAIR RULINGS — RULINGS THAT PEOPLE CAN’T EVEN BELIEVE.”
Trump’s implication that Gonzalo Curiel, the federal judge presiding over a class action against the for-profit Trump University, could not fairly hear the case because of his Mexican heritage.

“FROM THE START, DONALD TRUMP HAS BUILT HIS CAMPAIGN ON PREJUDICE AND PARANOIA... HE’S TAKING HATE GROUPS MAINSTREAM AND HELPING A RADICAL FRINGE TAKE OVER THE REPUBLICAN PARTY. HIS DISREGARD FOR THE VALUES THAT MAKE OUR COUNTRY GREAT IS PROFOUNDLY DANGEROUS.” – HILLARY CLINTON, 2016

Throughout his campaign, Trump refused to renounce white nationalist endorsements. Until finally post-election, he disavowed the group but left room at the table for them: “IT’S NOT A GROUP I WANT TO ENERGIZE, AND IF THEY ARE ENERGIZED, I WANT TO LOOK INTO IT AND FIND OUT WHY.”

In the state of Oregon and other West Coast cities, these protests and assemblies, police have taken a militarized approach against the demonstrators in response to vandalism and disruption. Many of the groups protesting represent historically marginalized communities, but Trump has not made the same offer to these groups as he did to his alt-right fan base.

Following the 2016 presidential election of Donald Trump, people took the streets to demonstrate to the world that we would not stop opposing the harmful, destructive beliefs and behaviors embodied by President Trump and Vice President Pence, and his Alt-Right supporters.

IN RESPONSE TO POLICE AGGRESSION, ACLU OREGON WROTE TO PORTLAND MAYOR TED WHEELER:

THESE INDISCRIMINATE, VIOLENT TACTICS ARE EXACTLY WHAT OUR ORGANIZATIONS HOPE TO CURB WITH THE NEW CROWD CONTROL DIRECTIVE. PROTESTS ARE NOT GOING AWAY ANYTIME IN THE NEAR FUTURE. AS A POLICY MATTER, WE ARE CONCERNED THAT AGGRESSIVE TACTICS CURTAIL CIVIL RIGHTS AND DISCOURAGE PEACEFUL PROTESTERS FROM ATTENDING DEMONSTRATIONS, WHILE INTENSIFYING THE DISTRUST AND ANGER TOWARDS THE POLICE BY OTHERS.
Initially, many Republicans were hopeful that Trump would press forward with repealing the Affordable Care Act, pushing legislation to build a wall, and enacting border restrictions to limit entry from countries in the Middle East.

However, as time moves on we’re seeing that it’s not just constituents taking a stance. Politicians on both sides have spoken out against Trump’s rhetoric.

None of Trump’s campaign “promises” have been truly fulfilled. Perhaps, the failed healthcare reform, Mexico’s response to paying for a wall, and the recent federal court ruling against Trump’s Executive Order travel ban, are just some of the recent examples of how the law can still uphold American values.
Recognizing that “we are distracted from the social conditions that throw whole categories of people overboard,” the following organizations are often seen in the fight against racism. It is important to remain educated on the political stances of groups, rather than remaining unaware and complicit. This isn’t a complete list of resources; we encourage you to use it as a starting point for understanding the anti-establishment grassroots political movements in the U.S.

**ANTI-FA**

**ROSECITYANTIFA.ORG**

To understand the anti-fascist (referred to as “Antifa”) movement, we must educate ourselves on what fascism means; but it is difficult to nail down one definition. Rose City Anti-Fa use the following definition:

“Fascism is an ultra-nationalist ideology that mobilizes around and glorifies a national identity defined in exclusive racial, cultural, and/or historical terms, valuing this identity above all other interests (i.e.: gender or class). Fascism is marked by its hostility towards Enlightenment values and rationalism. The core national identity in Fascism is contrasted and enforced by the dehumanization and scapegoating of marginalized or oppressed groups, and the creation of a vilified “other.””

Anti-fa groups such as Rose City Anti-fa believe that “taking a stand against fascists is an essential step toward discrediting the structures and values at the root of institutionalized racism.”

**BLACK LIVES MATTER**

**BLACKLIVESMATTER.COM**

From their website:

“#BlackLivesMatter was created in 2012 after Trayvon Martin’s murderer, George Zimmerman, was acquitted for his crime, and dead 17-year old Trayvon was posthumously placed on trial for his own murder. Rooted in the experiences of Black people in this country who actively resist our dehumanization, #BlackLivesMatter is a call to action and a response to the virulent anti-Black racism that permeates our society.

What Does #BlackLivesMatter Mean?

When we say Black Lives Matter, we are broadening the conversation around state violence to include all of the ways in which Black people are intentionally left powerless at the hands of the state. We are talking about the ways in which Black lives are deprived of our basic human rights and dignity.”

**DIRECT ACTION ALLIANCE**

**DIRECTACTIONALLIANCE.ORG**
From their website:
“DAA organized in response to the rise of fascism in America. We are an alliance of the minority to form the majority. You are not alone, not now, not ever.

This site is a clearinghouse of events hosted by Direct Action groups that are making things happen on the streets of Portland, and across the country.”

DON’T SHOOT PORTLAND
DONTSHOOTPORTLAND.COM
Don’t Shoot Portland is a social justice organization that unites activists, communities, advocates, and organizations to engage in meaningful conversations about the racial tension between police and the black community.

PORTLAND RESISTANCE
PDXRESISTANCE.ORG
About PDX Resistance: “On November 8th, Donald Trump was elected president. That night we took the streets. We will continue to take the streets. We are the resistance.”

Attend weekly Central Committee meetings to learn more about the work that the Portland's Resistance team is involved in and taking the opportunity to join the community and ORGANIZE!
## PSU RESOURCES

**PSU STUDENT LEGAL SERVICES:** [https://www.pdx.edu/sls/](https://www.pdx.edu/sls/)

### WHO WE CAN HELP:

All Portland State University students who are paying student fees and currently enrolled for 4 or more undergraduate credits or 3 or more graduate credits at P.S.U. are eligible.

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WHAT NOW?

Our focus on race and the law is an example of how law has evolved as society has developed. The law doesn’t force changes; it plays a role in exposing tension and gaps in law and society. Critical race theory scholars argue that law has historically been a central protagonist in defining racial categories and that the boundaries of these categories have shifted over time to accommodate political realities and conventional wisdoms.

While this guide is by no means an exhaustive examination of race and the law, it begins to show how the law was used to define race, exclude by race, legislate based on race, oppress along racial lines, and how race was used socially for political aims. Law and society argues that society and law worked together to create, maintain, dismantle, and reorient race in the U.S.

The goal of this guide was to provide the knowledge needed to dismantle the power structures that trap us in false consciousness. Future law and society students should examine other discourses within law and society such as capitalism, neo-liberalism, whiteness codified, gender, privacy, free-speech, contracts, environmental, and civil rights to continue this project.

ADDITIONAL MATERIALS

INVITATION TO LAW & SOCIETY- KITTY CALAVITA

Kitty Calavita’s Invitation to Law and Society brilliantly brings to life the ways in which law shapes and manifests itself in the institutions and interactions of human society, while inviting the reader into conversations that introduce the field’s dominant themes and most lively disagreements.

Deftly interweaving scholarship with familiar personal examples, Calavita shows how scholars in the discipline are collectively engaged in a subversive exposé of law’s public mythology. While surveying prominent issues and distinctive approaches to the use of the law in everyday life, as well as its potential as a tool for social change, this volume provides a view of law that is more real but just as compelling as its mythic counterpart. In a field of inquiry that has long lacked a sophisticated yet accessible introduction to its ways of thinking, Invitation to Law and Society will serve as an engaging and indispensable guide. This was the foundational text for this class. We all appreciated Calavita’s ability to make this field of study accessible with her writing and examples.
As the United States celebrates its “triumph over race” with the election of Barack Obama, the majority of black men in major urban areas are under correctional control or saddled with criminal records for life. Jim Crow laws were wiped off the books decades ago, but today an extraordinary percentage of the African American community is warehoused in prisons or trapped in a parallel social universe, denied basic civil and human rights—including the right to vote; the right to serve on juries; and the right to be free of legal discrimination in employment, housing, access to education and public benefits. Today, it is no longer socially permissible to use race explicitly as a justification for discrimination, exclusion, and social contempt. Yet as civil-rights-lawyer-turned-legal-scholar Michelle Alexander demonstrates, it is perfectly legal to discriminate against convicted criminals in nearly all the ways in which it was once legal to discriminate against African Americans. Once labeled a felon, even for a minor drug crime, the old forms of discrimination are suddenly legal again. In her words, “we have not ended racial caste in America; we have merely redesigned it.”

In his seminal study of convict leasing in the post-Civil War South, Matthew J. Mancini chronicles one of the harshest, most exploitative labor systems in American history. Devastated by war, bewildered by peace, and unprepared to confront the problems of prison management, Southern states sought to alleviate the need for cheap labor, a perceived rise in criminal behavior, and the bankruptcy of their state treasuries. Mancini describes the policy of leasing prisoners to individuals and corporations as one that, in addition to reducing prison populations and generating revenues, offered a means of racial subordination and labor discipline. He identifies commonalities that, despite the seemingly uneven enforcement of convict leasing across state lines, bound the South together for more than half a century in reliance on an institution of almost unrelieved brutality.

He describes the prisoners’ daily existence, profiles the individuals who leased convicts, and reveals both the inhumanity of the leasing laws and the centrality of race relations in the establishment and perpetuation of convict leasing.

In considering the longevity of the practice, Mancini takes issue with the widespread notion that convict leasing was an aberration in a generally progressive history of criminal justice. In explaining its dramatic demise, Mancini contends that moral opposition was a distinctly minor force in the abolition of the practice and that only a combination of rising lease prices and years of economic decline forced an end to convict leasing in the South.

John Hagan argues that the recent history of American criminal justice can be divided into two eras—the age of Roosevelt (roughly 1933 to 1973) and the age of Reagan (1974 to 2008). A focus on rehabilitation, corporate regulation, and the social roots of crime in the earlier period was dramatically reversed in the later era. In the age of Reagan, the focus shifted to the harsh treatment of street crimes, especially drug
offenses, which disproportionately affected minorities and the poor and resulted in wholesale imprisonment. At the same time, a massive deregulation of business provided new opportunities, incentives, and even rationalizations for white-collar crime—and helped cause the 2008 financial crisis and subsequent recession.

**13TH - AVA DUVERNAY**

DuVernay's documentary opens with an audio clip of former President Barack Obama stating that the US has five percent of the world's population but twenty-five percent of the world's prisoners. She demonstrates that slavery has been perpetuated in practices since the end of the American Civil War through such actions as criminalizing behavior and enabling police to arrest poor freedmen and force them to work for the state under convict leasing; suppression of African Americans by disenfranchisement, lynchings and Jim Crow; conservative Republicans declaring a war on drugs that weigh more heavily on minority communities and, by the late 20th century, mass incarceration of people of color in the United States. She examines the prison-industrial complex and the emerging detention-industrial complex, demonstrating how much money is being made by corporations from such incarcerations. Currently available on Netflix.

**THE AGE OF ACQUIESCENCE: THE LIFE AND DEATH OF AMERICAN RESISTANCE TO ORGANIZED WEALTH AND POWER BY STEVE FRASER**

From the American Revolution through the Civil Rights movement, Americans have long mobilized against political, social, and economic privilege. Hierarchies based on inheritance, wealth, and political preferment were treated as obnoxious and a threat to democracy. Mass movements envisioned a new world supplanting dog-eat-dog capitalism. But over the last half-century that political will and cultural imagination have vanished. Why?

*The Age of Acquiescence* seeks to solve that mystery. Steve Fraser's account of national transformation brilliantly examines the rise of American capitalism, the visionary attempts to protect the democratic commonwealth, and the great surrender to today's delusional fables of freedom and the politics of fear.

**THE PRUITT-IGOE MYTH DOCUMENTARY**

Destroyed in a dramatic and highly-publicized implosion, the Pruitt-Igoe public housing complex has become a widespread symbol of failure amongst architects, politicians and policy makers. The Pruitt-Igoe Myth explores the social, economic and legislative issues that led to the decline of conventional public housing in America, and the city centers in which they resided, while tracing the personal and poignant narratives of several of the project's residents. In the post-War years, the American city changed in ways that made it unrecognizable from a generation earlier, privileging some and leaving others in its wake. The next time the city changes, remember Pruitt-Igoe.

**EYES ON THE PRIZE DOCUMENTARY**

A total of 14 episodes of *Eyes on the Prize* were produced in two separate parts. The first part, *Eyes on the Prize: America's Civil Rights Years 1954–1965*, chronicles the time period between the United States