

Why didn't it happen like that? Modern Day Jim Crow

A Student Minquiry

First,

President Lincoln issues the *Emancipation Proclamation* freeing slaves in the South. Following the Civil War, Congress ratifies the 13th, 14th and 15th Amendments to the Constitution. The 13th Amendment outlawed slavery, the 14th granted citizenship to former slaves and the 15th guaranteed the right to vote to all male citizens regardless of race or color.

In addition,

African-American politician Hiram Revels makes history as the first African-American elected to the United States Senate in 1870. After initially being denied the opportunity, African-American boxer Jack Johnson wins the heavyweight boxing championship in 1910. African-American leader Booker T. Washington is invited to dine with President Roosevelt at the White House.

And then,

In 1954, the landmark Supreme Court decision, *Brown v Board of Education*, decides unanimously that school segregation is unconstitutional which begins a process of dismantling Jim Crow Laws (enforced segregation) throughout the South. Furthermore, the Civil Rights Act of 1964 ended segregation in public places and banned employment discrimination by ensuring that employees are treated fairly during employment, without regard to their race, creed, color, or national origin. The goal of all of this legislation was to create a fair and equitable society.

SO THEN...

THE ASSUMPTION MIGHT BE: African-Americans have the same rights and freedoms as white Americans in the 21st-century U.S.

THE REALITY WAS/IS: African-Americans are treated as unfairly today as during the Jim Crow era, with mass incarceration from the War on Drugs as the main reason.

Why might this be?

What supporting questions could help you research to better understand why the result did not align to the historical trend?

STEPS TO CONSIDER WITH IN PLANNING YOUR MININQUIRY

1. How could you categorize your supporting questions: Political, Economic, Social, Geographic, Minority v. Majority, Legal, Etc. Or by a different means?
2. What are some key search terms that will help you find better answers to the question with Google?
3. Are there some trusted sources and/or databases that could guide you to better answers?
4. How many facts will each person need to bring back to the group? Time limit? How much source information? How will we capture our facts and sources to share with the group?

COMMUNICATING CONCLUSIONS

1. Share out the evidence each person found to help answer the question. Some ways to start this discussion might be: “The most interesting thing I found was...” followed by similar or supporting evidence that others found. In this way, you will begin to “chunk” together like evidence.
2. Once the evidence has been shared, get rid of evidence you found that does not come from a trusted source. Discuss how you will make this decision.
3. Rank the remaining evidence chunks according to what you find most insightful and most intriguing.
4. Collaboratively create a slide to share with the class about your findings. Make sure you are answering the original question and a supporting question(s).

WHAT DID I LEARN FROM OTHER GROUP’S MINIQUIRIES?

WHAT NEW QUESTIONS DO I HAVE?

MININQUIRY REFLECTIONS

What is the most interesting new fact/idea you learned while researching this topic with the class? How does that idea/fact align with something (specific) we've already learned? Explain in a paragraph using evidence from this inquiry as well as from our past learning.

What would you change about the group process for your next mininquiry? Why?

What is one goal you have for yourself in future inquiry, research, and communicating conclusions?

What score out of / would you provide yourself? Your group? Why?

Teacher Back Ground Information: The War on Drugs and the Mass Incarceration of Minority Groups

Excerpt adapted from p.185-6 of *The New Jim Crow* by Michelle Alexander

“The War on Drugs is a vehicle through which extraordinary numbers of black men are forced into the cage [prison]. The entrapment occurs in three phases...The first phase is the *roundup*. Vast numbers of people are swept into the criminal justice system by the police, who conduct drug operations primarily in poor communities of color. They are rewarded in cash – through **drug forfeiture laws** and federal grant [Byrne program] programs – for rounding up as many people as possible, and they operate unconstrained by constitutional rules of procedure... Police can stop, interrogate, and search anyone they choose for drug investigations, provided they get “**consent**.” Because there is no meaningful check on the exercise of police discretion, racial biases are not prevented. In fact, police are allowed to rely on race as a factor in selecting whom to stop and search (even though people of color are no more likely to be guilty of drug crimes than whites) – effectively guaranteeing that those who are swept into the system are primarily black and brown.

The conviction marks the beginning of the second phase: the *period of formal control*. Once arrested, defendants are generally denied meaningful legal representation and pressured to plead guilty whether they are or not. Prosecutors are free to “load up” defendants with extra charges, and their decisions cannot be challenged for racial bias. 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 penalty. This period of control may last a lifetime, even for those convicted of extremely minor, nonviolent offenses, but the vast majority of those swept into the system are eventually released. They are transferred from their prison cells to a much larger, invisible cage.

The final phase has been labeled by some as the *period of invisible punishment*...These punishments are imposed by operations of law rather than decisions of a sentencing judge, yet they often have a greater impact 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 the mainstream, white society. They will be discriminated against, legally, for the rest of their lives – denied employment, housing, education, and public benefits. Unable to surmount these obstacles, most will eventually return to prison and then be released again, caught in an eternal merry-go-round.

Statistics & Data:

In 1959 Georgia, the sentence for a white man committing rape against a black woman was 2-5 years; for a black man committing rape against a white woman, the sentence was execution.

Drug offense imprisonment change: 1980 – 41,100; 2010 – approximately 500,000. More people in prison in 2010 for drug offenses than entire prison population in 1980.

Edward Byrne Memorial State and Local Law Enforcement Assistance Program (cash grants)

The Anti-Drug Abuse Act (1986): established extremely long mandatory minimum prison terms for low-level drug dealing and possession of crack cocaine.

Harmelin v Michigan: court upheld a life sentence for a man with no prior convictions trying to sell 23 ounces of crack.

From 1983 to 2000: 26-fold increase in drug-offense imprisonment for African-Americans; 22-fold increase for Latinos; 8-fold increase for whites. Additionally, the National Household Survey on Drug Abuse reported in 2000 that white youth aged 12-17 are more than 1/3 more likely to have sold illegal drugs than African-American youth.

