Latino/a Mass Incarceration in Wisconsin in relation to the “War on Drugs”

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Abstract

Michelle Alexander, in The New Jim Crow, argues that the American legal system is a racial caste system maintained by unequal drug laws, what she terms, “The New Jim Crow” laws. This essay explores the limits of her thesis in relation to Latino/a population in the United States. Specific attention is paid to the Latino/a population in Wisconsin where racial disparities in the penal system are the greatest in America. Analysis of government data suggests that Alexander’s research reproduces the tendency of the American legal system to define race in binary terms: black and white. In effect this leaves Latino/a Americans without accurate representation within the American legal system.

The “War on Drugs”

Historically, the “whiteness” of a drug has been shown to have a very strong correlation with its legality. For example:

- Anti-drug laws for opium, at the time considered an oriental drug, were enacted around the 1870s and targeted for Chinese American immigrants.
- When marijuana was first introduced into the United States it was considered a Mexican drug and therefore around the 1910s and 20s anti-marijuana laws were put in place in the Midwest and the South.
- Crack cocaine, the most addictive form of cocaine that is smokable, was considered to be an African American drug and anti-cocaine laws in the 1990s clearly had harsher convictions for crack cocaine than pure powder cocaine.

Why Wisconsin?

It is important though that we take into consideration why we will be focusing on the state level as opposed to the federal level. First off, drug abuse and control has always been the responsibility of the State and the federal government only just recently intervened with the policies that accompanied the “War on Drugs.” As Figure 2 shows, different states have vastly different racial disparities which demonstrate, contrary to Alexander’s view, that drug control is still largely in the hands of the state authorities. Secondly, if in fact mass incarceration is “The New Jim Crow” then it is even more important to remember that a reason that the Jim Crow laws were so difficult to abolish is because they operated largely at the state level. This is why even though federal policies to remove Jim Crow were enacted it took so long to fully rid the nation of the segregationist laws.

The Government Data for Latino/a proves Inconclusive

Although all the research about Wisconsin’s racial disparities did seem to be conclusive the research seemed to, much like Alexander, only focus on one minority group: African Americans. Is it very accurate for a national newspaper like the New York Times to report a racial gap in drug arrests, yet only include data for African Americans when the United States Census has reported that Latino Americans are the largest growing minority? With this in mind, I consulted the five major databases from the Bureau of Justice Statistics (BJS), the United States Census Bureau, the Wisconsin State Department of Corrections (D.O.C.), the State Legislative Fiscal Bureau, and lastly the Source Book of Federal Sentencing for evidence for Latino incarceration statistics with special attention to drug arrests.

Conclusions

When research for Latino Americans and drug abuse was attempted to be gathered there was a huge absence of data. This lack of data has a deeper significance within legal context. It exposes how America only recognizes race as a white and black binary leaving other minorities lost in between without accurate representation. Latino/a Americans are particularly affected by this paradigm because they can legally identify themselves as “white” or “black.”

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For further information

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