

Slavery to Mass Incarceration: *The Evolution of a Racial Caste System*

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“How many have we lost? How many of us have been killed by whiteness? How many dead thrown into the sea or buried on plantations, hanged or burned alive, raped or jailed? How many millions upon millions? Can those lives be redeemed? Here in America? Around us is a nation taught to see us first as semi-animals, now criminals; it's a vision produced from social conflict where the very idea of crime is a political tool the elites use to hammer the poor.”¹

I. Introduction

Known as the “Land of the Free”, the United States of America has the highest incarceration rate in the world. There are approximately 2.2 million people behind bars and an additional 4.5 million under community supervision.² With the prison population having increased 700% in a 40 year period, despite crime rates barely fluctuating, one must wonder why our country relies so heavily on incarceration.³ Black individuals, especially Black men, are disproportionately represented in the prisons and jails across America as they are five times more likely to be incarcerated than their white male counterparts.⁴ Our country’s correctional facilities are used as a warehouse to cage these people and prevent them from participating in society.

For a lot of people, especially those who are not harmed by the system, prisons seem like an inherent aspect of society needed to keep people safe. The prison system has not been

¹ Schenwar, Maya, et al. *Who Do You Serve, Who Do You Protect?: Police Violence and Resistance in the United States*. Haymarket Books, 2016.

² Initiative, Prison Policy. “Correctional Control 2018: Incarceration and Supervision by State.” *Correctional Control 2018: Incarceration and Supervision by State | Prison Policy Initiative*, www.prisonpolicy.org/reports/correctionalcontrol2018.html.

³ Ghandnoosh, Nazgol, and Nicole D. Porter. “U.S. Prison Population Trends: Massive Buildup and Modest Decline.” *The Sentencing Project*, 17 Sept. 2019, www.sentencingproject.org/publications/u-s-prison-population-trends-massive-buildup-and-modest-decline/.

⁴ Mauer, Marc. “Addressing Racial Disparities in Incarceration.” https://www.researchgate.net/Profile/Marc_Mauer/Publication/258194313_Addresssing_Racial_Disparities_in_Incarceration/Links/56b9fbed08ae39ea99073d8b/Addresssing-Racial-Disparities-in-Incarceration.pdf.

statistically proven to deter crime, reduce inmate populations, or rehabilitate people; in fact, it has been proven to do quite the opposite. So why do we continue to believe this narrative? Mass incarceration has allowed for a population of the United States to remain at the bottom of society, locked in cages and hidden away from plain sight. It is often believed that those who are incarcerated deserve their punishment, but the system was constructed with the intention of targeting certain groups of people and protecting others. Minorities are disproportionately affected and unfairly treated by the system. There needs to be a group of people disenfranchised in order for capitalism to operate and the elite class wants to keep them there. People under correctional control are silenced and stripped of their rights as a citizen and as a human being all in the name of justice.

An analysis of the role that race and social class play within mass incarceration reveals there is a drastic overrepresentation of poor Black individuals stuck in the revolving door that is our criminal justice system. One in three Black men will be incarcerated in their lifetime and that chance is even greater for a low-income Black man.⁵ Mass incarceration has become a destructive force to communities of color, while simultaneously benefiting wealthy white Americans. The prison system is a billion dollar industry that profits from locking people in cages, tearing them away from their families and exploiting them for their labor. As an economic system profiting from the inhumane treatment of Black individuals, mass incarceration is an evolution of a racial caste system that began with slavery. This paper aims to elucidate the connections between slavery and mass incarceration, while highlighting the implications it has had for the Black community. This paper will provide background on the history of mass

⁵ “Criminal Justice Fact Sheet.” *NAACP*, www.naacp.org/criminal-justice-fact-sheet/.

incarceration, analyze racial discrimination and violence within the criminal justice system, and show the economic value that the prison system has had for the elite class in America. Finally, this paper will make a case for the abolition of prisons.

II. Historical Background: Police and Prisons

Police forces and prisons are often thought to be inevitable parts of our world, necessary for safety and order. Our society idolizes police officers as heroes protecting the community, but that is not what police forces were ever created to do. Policing began in the 17th century and white men could sign up to be a watchman at night, looking for prostitution or gambling. Night watchers were generally unliked and it was an unpopular position. When cities expanded due to urbanization, both the North and South expanded the police system to protect their growing economies. Police began informally in the South as a way to track down runaway slaves and prevent slave revolts. In 1704, the first official “slave patrol” was established in the Carolina colonies. After the war and during Reconstruction, almost all of the police forces acted primarily the same as slave patrols, maintaining segregation and depriving freed slaves of any rights.⁶

Towards the late 19th century, police forces became more popular in cities as wealthy businessmen had connections to politicians. Businessmen wanted to prevent unions from forming and encouraged the police to “maintain law and order” so that no one would disrupt their workplace. As immigrants from multiple European countries started arriving in the U.S., the police were then used to disenfranchise them as well. Politicians and police worked in tandem to push each other’s agendas. Politicians often used police to intimidate voters and would

⁶ Kappeler, Victor. “A Brief History of Slavery and the Origins of American Policing.” *A Brief History of Slavery and the Origins of American Policing* | *Police Studies Online*, plsonline.eku.edu/insidelook/brief-history-slavery-and-origins-american-policing.

pay police to allow them to gamble and drink. It was not until 1929 that President Hoover intervened and appointed the Wickersham Commission to investigate corruption between police officers and politicians.⁷ In today's world, a lot of people view the police as necessary for the protection of our society, however, they were never intended to promote safety. The police have often played a role in assisting those who are powerful, while masking their actions in a false narrative of protecting the common good.

The prison system in America was also not created for the well-being of society, as it has its historical roots in slavery. Following the end of The Civil War and the so-called emancipation of slaves, the South needed to revive their economy. The war had destroyed a lot of the South's infrastructure, and they needed a cheap way to rebuild. Kim Gilmore writes, "The end of enslavement posed an existential crisis for white supremacy, because an open labor market means blacks competing with whites for jobs and resources... Postbellum Alabama solved this problem by manufacturing criminals."⁸ Utilizing a loophole in the 13th Amendment that states, "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", an era of convict labor was born.⁹ Free labor was legal if the labor came from convicts. With a subjective view of crime and punishment, a new form of legalized slavery had begun. The white majority barred Black people from entering the political sphere and increased the ramifications of certain crimes named the "Black Codes". These were a series of laws passed

⁷ Potter, Gary. "The History of Policing in the United States, Part 1." *The History Of Policing In The United States, Part 1 | Police Studies Online | Eastern Kentucky University*, plsonline.eku.edu/insidelook/history-policing-united-states-part-1.

⁸ Gilmore, Kim. "Slavery and Prison -- Understanding the Connections." *Social Justice, Crime and Social Justice Associates*, 22 Sept. 2000, www.questia.com/library/journal/1G1-73040938/slavery-and-prison-understanding-the-connections.

⁹ U. S. Const. amend. XIII.

the same year as the 13th Amendment that targeted Black people. At the time, it was close to impossible for Black men to find work, but in Mississippi, being unemployed was a crime.¹⁰ The Black Codes worked to keep racial minorities, especially Black people, at the mercy of the white elite.

After the Civil Rights movement and the abolishment of Jim Crow laws, a new system was needed to keep the social hierarchy intact. It was no longer legal to be explicit about racial segregation so elites needed to use coded language and policies. Mass incarceration began in the 1970s, during a political era where politicians pledged to be tougher on crime, resulting in the “War on Drugs”. From 1973-2009, the prison population went from 200,000 to 1.5 million.¹¹ The prison population exploded because of a series of crime related policies and propaganda.

The war on drugs came at a time when only 2% of the American population named drugs to be their main concern for the country.¹² Reagan drastically expanded the budgets of the FBI and DEA, as the FBI anti-drug department funding increased from \$8 million to \$95 million in four years and DEA anti-drug funding increased from \$86 million to \$1 billion in a period of ten years.¹³ In 1994, Bill Clinton signed a \$30 billion bill that introduced mandatory minimum sentences, a one strike and you are out stance for public housing and allocated more than \$16 billion to state prisons and police forces. More than half of the states adopted the policy of mandatory minimums, meaning that certain harsh sentences were mandatory if the defendant was a repeat offender.¹⁴ Public housing departments were allowed to evict people after their first

¹⁰ Messner, William F. *The Mississippi Black Code Of 1865*. 1968.

¹¹ Travis, Jeremy, et al. “The Growth of Incarceration in the United States.” <https://Johnjay.jjay.cuny.edu/>.

¹² Alexander, Michelle. *The New Jim Crow*. New Press, 2012.

¹³ *ibid.*

¹⁴ Alexander, Michelle. *The New Jim Crow*. New Press, 2012.

drug related offense, leaving many people homeless. With the expansion of drug force agencies and installation of new crime related policies, an era of mass incarceration was born.

III. Racial Discrimination within the American Criminal Justice System

As American society evolved, overt racism became less acceptable by the general public. Evolving with public opinion, the racial caste system disguised itself as mass incarceration, hidden behind its claim of being a colorblind system. Since the entire Black population in America is not imprisoned and because the system also imprisons the white population, people insist that it is not a racist system. Overt racism may not be acceptable, but coded language and implicit racial bias is. The drastic number of Black people and their families disenfranchised because of the justice system emulates the slavery system. Despite comprising 12% of the total United States population, Black people comprised 33% of the prison population. White people total 64% of the general population, yet only 30% of the incarcerated population.¹⁵ It is no coincidence that Black people are disproportionately represented within prisons and jails across America. Every aspect of the criminal justice system has historically targeted the Black community; whether it be policing, arrests, or sentencing.

Over-policing in Black neighborhoods has terrorized communities and led to a militant style of control over the Black population in America. Despite similar criminal activity to white individuals, Black individuals across the country are more likely to be stopped, searched, and subjected to violence by police.¹⁶ One study conducted in Oakland, California, found that Black residents comprised 28% of the population, but 60% of the traffic stops, and they were four times

¹⁵ *Pew Research Center*, Pew Research Center, 30 Dec. 2019, www.pewresearch.org

¹⁶ "The Stanford Open Policing Project." *Openpolicing.stanford.edu*, openpolicing.stanford.edu/findings/.

more likely to be searched by police than white residents.¹⁷ Policies such as stop and frisk give police free reign over who they search. In Philadelphia, since 2011, more than 90% of the 200,000 people stopped and frisked were young men of color.¹⁸ The increased police presence in Black communities leads to a greater risk of incarceration.

The cash bail system forces people to pay for their freedom. The cash bail system is used to ensure a defendant will appear in court, but if a defendant cannot afford to pay, they must remain in jail until their case is settled or until trial. Currently, around 60% of people in the overcrowded jails in our country have yet to be found guilty of any crime.¹⁹ Bail in America has made being poor a crime. Courts fees were used after slavery to trap Black defendants into convict labor because judges charged them fees they could not afford. Pretrial detention has detrimental effects on a person's life as they have significantly less time to consult with their counsel regarding their case, and they may lose their jobs as a result of being jailed. Studies have shown that Black defendants are more likely to be assigned a bail than white defendants, and they are assigned a higher bail amount as well.²⁰ Racial bias in bail decisions combined with generations of economic inequality have resulted in innocent Black individuals being held against their will in jails across the country.

Another way in which the system targets poor defendants is through the public defender office. If someone cannot afford an attorney, a public defender is given to them. Public defender offices across the country are understaffed and underfunded, leaving them with overwhelming caseloads. With indignant defense, people often feel pleading guilty is their best option. Guilty or

¹⁷“SPARQ Scientists Release Oakland Police Findings.” *SPARQ*, 15 June 2016, sparq.stanford.edu/opd-reports.

¹⁸ Schenwar, Maya, et al. *Who Do You Serve, Who Do You Protect?: Police Violence and Resistance in the United States*. Haymarket Books, 2016.

¹⁹ Justice Policy Institute. *Bail Fail: Why the U.S. Should End the Practice of Using Money for Bail*.

²⁰ *ibid*.

not, defendants accept a plea deal in order to avoid a longer sentence if they lose their trial.

Unlike in television shows, cases rarely go to trial. Cases are settled by plea deal in 95% of federal convictions and 97% of state convictions.²¹ America is a country where it has been said it is easier to be guilty and rich than innocent and poor.

Black individuals receive lengthier sentences for the same crimes as their white counterparts. Powder and crack cocaine, although being the exact same drug, resulted in different sentences because of the race associated with each. It takes 500 grams of powder cocaine to be given the same mandatory sentence as 5 grams of crack cocaine.²² In 1995, people challenged Georgia's "two strikes and you're out" sentencing which can give a life sentence for those facing a second drug charge if the prosecutor asks for it. For reference, before 1988, the longest possible sentence for drug possession was a year.²³ It was found that Georgia prosecutors asked for life sentences for only 1% of white defendants, but 16% of Black defendants, making 98.4% of those serving life sentences for a second drug charge Black.²⁴ The criminal justice system cannot be considered fair if the outcomes are left to the discretion of prosecutors and judges who have been proven to racially discriminate.

The justice system is not there to protect the public. Over policing and disproportionate arrests have been ways to control Black individuals and instill fear in the community, not to keep it safe. The justice system, including police and prisons, have been constructed with white supremacist values. Racial discrimination is infused into every aspect since the system's

²¹ "The Plea. Frontline." *PBS*, Public Broadcasting Service, www.pbs.org/wgbh/pages/frontline/shows/plea/faqs/.

²² Alexander, Michelle. *The New Jim Crow*. New Press, 2012.

²³ *ibid.*

²⁴ *ibid.*

inception. It is evident that Black individuals are more likely to be harmed by the system, because the system intended to do that. Richard Nixon's advisor said this of the war on drugs,

“The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and Black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.”²⁵

The war on drugs and other criminal justice policies were a political tool used to control groups that threatened the power of the elites. It was never about reducing drug use and sales in America. In fact, the DEA estimates that although spending \$50 billion annually, they only stop about 10% of the illicit drugs in this country.²⁶ Clearly, the drug war is not working to decrease drug use, but it is working the way it was intended; to criminalize and lock up poor Black men in order to maintain white supremacy. In 2014, more than 700,000 of the 1.5 million drug-related arrests involved marijuana.²⁷ Now, as marijuana is becoming legalized, wealthy whites are capitalizing on the same drug dealing business that poor Black individuals got locked up for.

²⁵ “Top Adviser to Richard Nixon Admitted That 'War on Drugs' Was Policy Tool to Go After Anti-War Protesters and 'Black People'.” *Drug Policy Alliance*, www.drugpolicy.org/press-release/2016/03/top-adviser-richard-nixon-admitted-war-drugs-was-policy-tool-go-after-anti.

²⁶ Alexander, Michelle. *The New Jim Crow*. New Press, 2012.

²⁷ “Four Decades and Counting: The Continued Failure of the War on Drugs.” *Cato Institute*, 15 Apr. 2020, www.cato.org/publications/policy-analysis/four-decades-counting-continued-failure-war-drugs.

IV. An Economic System: The Prison Industrial Complex

According to Critical Resistance, the prison industrial complex is a term used to describe the overlapping interests of the government and the industries that use policing and imprisonment as a way to solve economic, social, and political issues.²⁸ As a multi-billion dollar industry, the intersection between economics and the prison system has many consequences because it creates stakeholders who profit from the system. There are millions of people with direct and indirect involvement that have an interest in both maintaining and expanding the prison system. There are also economic costs associated with being involved in the criminal justice system and if you are poor, you pay the price. Similar to the role that slavery played in our country's economy, the prison system benefits the wealthy by disenfranchising people who have been labeled criminals.

The prison system has become a solution to economic and social problems facing this country. As Angela Davis says, "Prisons do not disappear social problems, they disappear human beings. Homelessness, unemployment, drug addiction, mental illness, and illiteracy are only a few of the problems that disappear from public view when the human beings contending with them are relegated to cages".²⁹ Shipping people off to prison helps to solve economic and social problems because it takes away any responsibility to help them. More people in prison would also lower the number of people looking for work in communities of color, while that prison produces jobs for white communities.

²⁸ Oakland. "Critical Resistance." *Critical Resistance*, criticalresistance.org/.

²⁹ Davis, Angela Y. *Are Prisons Obsolete?: an Open Media Book*. Seven Stories Press, 2010.

In stagnant rural towns that have been negatively affected by America's deindustrialization, the establishment of prisons have been a solution to the slump in their economy. The country has had a sharp decline in manufacturing jobs as globalization and the increase of technology has limited options. Companies have outsourced their labor to other countries where they can pay far lower wages. The construction of prisons has become a way to solve the issue of unemployment in poor communities. The prison will need construction workers to build it and correctional officers to run the prison. As towns begin to rely on the prisons for their economic well-being, the number of people in favor of the prison system increases. Marc Mauer says, "The more than 700,000 prison and jail guards, administrators, service workers, and other personnel represent a potentially powerful political opposition to any scaling-down of the system".³⁰ Furthermore, the justice system employed 3 million people in 2016.³¹ There are now millions of people and their families who have a vested interest in maintaining our current system because their economic well-being depends on it.

Aside from individuals, there are many companies that benefit from the use of prisons and jails; private prisons being the most obvious example. Private prisons are a business that profits from people being sent to prison. The private companies that control the prison are in contract with the state and must fill their beds in order to be profitable. Private prisons incarcerated 121,718 people in 2017 and between 2000 and 2016 the population in private prisons increased 47%.³² This number is growing 5 times faster than the regular prison population, because it is profitable. The two largest private prison corporations are CoreCivic

³⁰ Mauer, Marc. "Addressing Racial Disparities in Incarceration." www.researchgate.net/profile/Marc_Mauer/publication/258194313_Addresssing_Racial_Disparities_in_Incarceration/links/56b9fbed08ae39ea99073d8b/Addresssing-Racial-Disparities-in-Incarceration.pdf.

³¹ "Enforcement." *Bureau of Justice Statistics (BJS)*, www.bjs.gov/content/dcf/enforce.cfm.

³² Rovner, Josh, et al. "The Sentencing Project." *The Sentencing Project*, 4 May 2020, www.sentencingproject.org/.

and GEO. In 2015, their combined revenues were \$3.5 billion.³³ Corporations such as construction companies, health care, food and uniform providers make millions in revenues from American prisons. The construction of prisons brought in an average of \$2.8 billion dollars annually and the prison phone business is a \$1.2 billion industry.³⁴ Lines are blurred between the state and the private sector that have an interest in keeping these prisons open.

As powerful as corporations' interests are, what makes it even more challenging to dismantle the prison system is the intersection of politics. There are legislative lobbyist groups that are supported by conservative individuals, private prison companies, and other businesses that make money from deals with prisons across the U.S. The American Legislative Exchange Council (ALEC) is a political lobbyist group that lobbies for various political issues, including criminal justice and public safety. At least 125 members of ALEC are directly involved with the private correctional industry and many other members benefit from prisons because their companies do business with prisons. ALEC spent over \$22 million lobbying Congress and millions supporting the political campaigns of those who will enforce stricter punishments for crime.³⁵

Perhaps the most glaring economic connection between mass incarceration and slavery is prison labor. Prisons claim that work is provided with the purpose of rehabilitation, but officials cannot deny the profit associated with prison labor and its ties to slavery. Cheap prison labor brings in approximately \$2 billion in revenues.³⁶ Inmates are a constant and readily available

³³ CoreCivic. www.corecivic.com/.

³⁴ Thompson, Heather Ann. "The Prison Industrial Complex." *New Labor Forum* (Sage Publications Inc.), vol. 21, no. 3, 2012.

³⁵ Cooper, Rebecca, et al. "Hidden Corporate Profits in the U.S. Prison System: The Unorthodox Policy-Making of the American Legislative Exchange Council." *Contemporary Justice Review*, vol. 19, no. 3, 2016.

³⁶ Leung, Katherine E. "Prison Labor As a Lawful Form of Race Discrimination." *Harvard Civil Rights-Civil Liberties Law Review*, vol. 53, no. 2, 2018.

labor source for prisons. The Prison Industries Act, which passed in 1995, allowed prisons to take out estimated costs of living from the wages they were paying incarcerated workers, providing a loophole around paying them the minimum wage. On average, inmates earn between \$0.14 and \$0.63 per hour. Not only are inmates paid lower than minimum wage, they are being paid less than they were twenty years ago. The maximum wage an inmate can make in a day is \$3.45.³⁷ The Prison Industries Act also allows prisons to contract with private firms for the use of prison labor.³⁸ Again, the intersection of the private sector and public sector is highlighted here as elites join together to profit off of those locked up.

The commodification of Black bodies has long been a tool of white supremacy. By declaring them to be less than human and valuing them solely for their labor, systems of white supremacy have exploited and dehumanized the Black individual since slavery. White people have continuously assigned a monetary value to the Black body and that has unfortunately continued with mass incarceration. The system relies on bodies to go through the system and to fill the beds in prisons, as that is what pays the salary of hundreds of thousands of people. The CEO's of private prisons and wardens of state prisons are essentially slave masters with thousands of slaves locked up in their facility.

V. The Family Unit

Systems of white supremacy in America have extended their attacks on the Black individual to include the Black family unit as well. Slavery often separated families as they were sold to different plantations, just as mass incarceration has destroyed families and separated

³⁷ Leung, Katherine E. "Prison Labor As a Lawful Form of Race Discrimination." *Harvard Civil Rights-Civil Liberties Law Review*, vol. 53, no. 2, 2018.

³⁸ *ibid.*

millions of parents from their children. During slave auctions, white people determine where enslaved people will be sent to, and they were often separated from their family. This exact situation is played out today, in courtrooms, with white judges, prosecutors and juries deciding the fate of Black individuals. In 2014, 95% of elected prosecutors were white and 80% of federal judges were white.³⁹ White juries, prosecutors, and judges, with no understanding of the complexity of being Black in America, decide the fate of Black individuals and separate them from their families. Historically, white supremacy has manipulated the Black family unit for their own benefit and this attack on the Black family has not only evolved, but worsened with the prison system.

Patterns of the exploitation of Black families for economic gain are seen while drawing out the connections between slavery and mass incarceration. Even if families are kept together, it is with the intent of maximizing profit. Certain slave owners tried to keep families together on their plantations as, “Marriage, they reasoned, would make slaves content and therefore docile.”⁴⁰ Plantation owners saw the economic benefit to keeping enslaved people connected with their loved ones, and the prison system does as well. For incarcerated individuals, keeping in contact with loved ones is difficult, as many prisons are a far, inconvenient drive, even if one even has a mode of transportation to get there. If families do not have access to a car or cannot afford to take time off from work to visit their loved one, they resort to calling them on the phone. The prison phone business, a billion dollar industry, exploits the need of those incarcerated to be connected with their family. Phone companies understand the importance of maintaining contact

³⁹ Root, Danielle, et al. “Building a More Inclusive Federal Judiciary.” *Center for American Progress*, www.americanprogress.org/issues/courts/reports/2019/10/03/475359/building-inclusive-federal-judiciary/.

⁴⁰ “Slavery and the Making of America . The Slave Experience: The Family: PBS.” *Slavery and the Making of America . The Slave Experience: The Family* | PBS, www.thirteen.org/wnet/slavery/experience/family/history.html.

with a loved one, therefore, they increase the prices of phone calls immensely. Their business is not about helping the Black family unit, but rather, exploiting it.

The economic burden of having a loved one incarcerated often affects women who have to support themselves and their family on the outside as well. The incarceration of a woman's partner economically imprisons them as well. Almost half of Black women in America have a family member incarcerated.⁴¹ Both wealth and poverty are generational, meaning the economic situation of a parent is handed down to their children. When a parent is incarcerated, not only are they out of work and unable to contribute to their family economically, they become an added economic burden. The economic hardship that a child grows up in affects their prospects as an adult. Across America, more than 5.7 million children have experienced parental incarceration in their lifetime.⁴² 1.8% of white children have an incarcerated parent, while that number is 11.4% for Black children.⁴³ Having a parent behind bars leaves economic and emotional tolls. Separating parents from their children is a cruel, inhumane practice that debilitates children's social and economic development.

Slavery made no exceptions when it came to children, as they were met with the same violence and work obligations as the adults were. Our juvenile incarceration rate is the highest in the world and five times higher than the second highest rate.⁴⁴ The United States has not stopped its attack on Black children, once labeling them a slave and now a criminal. When white kids act out, they are given a therapist, but when children of color exhibit the same behaviors,

⁴¹ Lee, Hedwig, et al. "Racial Inequalities in Connectedness to Imprisoned Individuals in The United States: Du Bois Review: Social Science Research on Race." *Cambridge Core*, Cambridge University Press, 20 May 2015,

⁴²"CAMI Health." *Public Health Institute*, www.phi.org/our-work/programs/cami-health/.

⁴³ *The National Resource Center on Children and Families of the Incarcerated*, nrccfi.camden.rutgers.edu/.

⁴⁴Loevy, Debra. "How Does US Justice Stack Up? An International Comparison." *Loevy & Loevy*, 21 Dec. 2015, loevy.com/blog/how-does-us-justice-stack-up-an-international-comparison/.

they are thrown in jail. Black male youth have been sensationalized in the media as dangerous criminals. The media has led to a false public perception and fear of Black individuals.

Over-policing in communities of color targets young Black men as they are searched, arrested, terrorized and killed at astronomically high rates. The juvenile justice system does not work; plain and simple. It does not rehabilitate youth because that was not why the system was put in place. The juvenile justice system is rooted in establishing a pipeline for children to enter the prison system and to remain stuck in a revolving door for the rest of their adult years.

VI. Violence, Torture, and Dehumanization

Perhaps the most blatant form of oppression from the criminal justice system lies in violence. Violence and torture were mechanisms of slavery in order to dehumanize those who were enslaved and these practices have evolved with mass incarceration. Joshua M. Price calls slavery and mass incarceration systems of social death. They are meant to murder one's spirit, rather than one's body, leaving the oppressor with the person to further exploit in other ways.⁴⁵

Violence and humiliation have been institutionalized throughout prisons and jails through the practices of strip searching, handcuffs, assaults, and the issuing of numbers for identification.

Prisoners have long compared prison to death in their writings. Henry Hawser, while serving a life-sentence at the Eastern State Penitentiary, wrote that he was, "fated to a living tomb".⁴⁶

Instruments of torture and violence have evolved with the systems from slavery to incarceration. History classes across America teach about the horrors of whippings, beatings and imprisonment of slaves who defied the authority of masters. Far from being considered history, prisons today

⁴⁵ Joshua M. Price. "Prison and Social Death" 1 July 2015,

⁴⁶ Smith, Caleb. *The Prison and the American Imagination*. Yale University Press, 2011.

use strict sanctions and tortuous methods of punishment for incarcerated individuals who do not follow orders.

Sexual violence was a cruel aspect of slavery that the oppressor utilized to instill dominance and fear in those who were enslaved. Slave masters brutally raped, assaulted, and tortured females on the plantation. Unfortunately, this practice of sexual violence has evolved with the prison system. According to a 1996 Human Rights Watch report on the sexual abuse of women in U.S. prisons found that,

“...being a woman prisoner in U.S. state prisons can be a terrifying experience. If you are sexually abused, you cannot escape from your abuser. Grievance or investigatory procedures, where they exist, are often ineffective, and correctional employees continue to engage in abuse because they believe they will rarely be held accountable, administratively or criminally. Few people outside the prison walls know what is going on or care if they do know. Fewer still do anything to address the problem.”⁴⁷

A violating and humiliating practice, the strip search is an invasion of one’s body cavities. Correctional officers have people strip completely naked and stand helpless as they are searched for any concealed items. For women, it is particularly invasive as guards stick their hands inside their body cavities. If this practice were anywhere else besides prison it would be illegal. Amanda George explains that, “without the uniform, without the power of the state, [the strip search] would be sexual assault.”⁴⁸ Women are forced into giving consent to this search because they are threatened with solitary confinement if they do not comply. In California female state prisons, there were 337 reports of staff on inmate sexual misconduct. Of those, only 3 were

⁴⁷ UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners*.

⁴⁸ Amanda George. *Strip Search*. Simmering Video and Coalition Against Police Violence.

sustained.⁴⁹ These reports, however, are only a small sample of what is actually occurring in correctional facilities across America.

Individuals who are viewed as particularly defiant or a threat to the order of the prison are sent to solitary confinement, isolated from the general population. The United States has an estimated 80,000 people in solitary confinement.⁵⁰ A report on the prison system in Louisiana found that in 2017, 17% of their male inmate population was currently in solitary confinement. Of those in solitary confinement, over 77% had been in isolation for over a year and 30% had been in isolation for more than five years.⁵¹ Those in isolation reported effects such as, “anxiety, panic attacks, depression, hopelessness, sensitivity to light and sound, auditory hallucinations, rage, paranoia, and difficulty interacting with others”, and 25% of them reported hurting themselves.⁵² Solitary confinement is a psychological form of punishment deemed inhumane by the United Nations and it is known to cause both psychological and physiological damage. The negative toll that solitary confinement has on people is an intense form of violence and dehumanization.

Slave masters, like prison officials today, wanted their slaves to be obedient and follow orders. They wanted to minimize the threat of a slave rebellion. Masters used various forms of violence in order to make slaves obey, but I am sure if there had been an easier way to make their slaves docile they would do it. Prisons have found a way to sedate those that they need to be obedient. Psychotropic drugs, intended for serious mental illnesses, have been reported to be misused on people in an effort by prisons and jails control them. Floyd writes,

⁴⁹ “Prison Law Office.” *Prison Law Office*, 7 Apr. 2020, prisonlaw.com/.

⁵⁰ “How Many People Are in Solitary Confinement Today?” *Solitary Watch*, 4 Jan. 2019, solitarywatch.org/2019/01/04/how-many-people-are-in-solitary-today/.

⁵¹ “Southern Poverty Law Center.” www.splcenter.org/.

⁵² *ibid.*

“The line between the treatment of mental illness and the chemical control of behavior is a fine one and the temptation to use psychotropic drugs improperly in prison is great: drugs are more efficient than physical restraints and require less commitment of staff and time. Furthermore, prisons are closed institutions to which the public and the media have limited access, such that abuses can go unnoticed”⁵³

Prison and jail officials have admitted they utilize medicine as a form of control and safety. It is ironic that correctional facilities give psychotropic drugs to those who have been criminalized for drug charges.

On August 9, 2014 at 12:01 pm, Michael Brown was walking with a friend and was approached by a police officer. By 12:04pm, he had been murdered, shot at least six times, including twice in the head. In the span of three minutes, a Black unarmed teenager was murdered by a police officer who would later be acquitted of the charge. The murder of Michael Brown mirrored that of Emmett Till, a young boy who was brutally murdered after supposedly whistling at a white woman in 1955. The outrage following both these cases as the murderers were acquitted sparked protests in the Black community. It is abhorrent that Black children can still be murdered sixty years later without holding anyone accountable. Lynching was used by the white community to terrorize and instil fear in the Black community. Lynching has been replaced with police burtality and murder. Black boys are still being lynched today and the criminal justice system deems it acceptable.

Not only has mass incarceration evolved from a system that is violent towards Black individuals, it has evolved from a system that kills them. When slavery was no longer legal,

⁵³ Reutter, David. “California Overmedicates Prisoners with Psychotropic Drugs: Prison Legal News.” *California Overmedicates Prisoners with Psychotropic Drugs | Prison Legal News*,

lynching replaced it. Now lynching has been replaced with the death sentence and police murder. The country does not keep an official record of the number of those who have been murdered by police officers, but independent sources have begun to keep track. 1,099 people were killed by the police in 2019 and there were only 27 days where the police did not kill someone. Black people are three times more likely to be killed by police than white people. Becoming a police officer has essentially granted you the permission to kill as 99% of these murders between 2013 and 2019 resulted in no charges.⁵⁴ When a Black person is killed by a police officer, not only will no one be held responsible, the victim will be vilified in the media. The media looks for any detail to make that person responsible for their own death.

In addition to murders by police officers, the state murders people through the death penalty and life without parole sentences. People will die in chains labeled a prisoner, the same way they died in chains labeled a slave. Black defendants are more than four times more likely to receive the death sentence than white defendants. Also, in death sentence cases, 82% of the victims were white.⁵⁵ A study was done in Georgia to study the intersection of race and death sentences and found that prosecutors sought the death penalty in 70% of cases with a white victim killed by a Black person, compared to only 19% of cases with a Black victim killed by a white person.⁵⁶ The prison system values Black bodies less than white bodies and it proves this over and over again.

⁵⁴“Mapping Police Violence.” *Mapping Police Violence*, mappingpoliceviolence.org/.

⁵⁵ “*Race and the Death Penalty*.” Prison Policy Initiative.

⁵⁶ “Baldus Study (Capital Punishment).” *Civil Liberties and Civil Rights in the United States*, usciviliberties.org/themes/3159-baldus-study.html.

VII. Disenfranchisement

Throughout history, America's racial caste systems have always attempted to prevent Black individuals from fully participating in society. During the time of slavery, slaves did not have any rights according to the law. Not only were they considered sub-human, they were considered to be property. It was not until the Constitutional Convention in 1787 that the South would argue that slaves should be considered human. Congress representation was to be based on population, therefore, the South would greatly benefit from the inclusion of slaves in their population totals.⁵⁷ The compromise was the Three-Fifths Clause, counting slaves as three-fifths of a person.⁵⁸ Slaves were not allowed any rights as a human being but were considered people only when it benefited the wealthy elite. The same practice is emulated in prison gerrymandering. States include the prison population within the town that the prison is located in. This grants the prison communities more representation, while it disenfranchises poor communities of color that have high incarceration rates through political exploitation.⁵⁹

During the Jim Crow era, Black individuals were denied rights and segregation in all public places was also enforced. The Civil Rights Act, enacted in 1964, banned segregation and racial discrimination in terms of employment. In the coming years, voting and housing discrimination would also be banned. What was a victory for African-Americans, was a threat to the white elites in the country. Shortly after, America launched its war on drugs and it would soon disenfranchise millions of Black Americans. Racially based discrimination may be illegal

⁵⁷ "Slavery in the United States: Persons or Property." Paul Finkelman. scholarship.law.duke.edu/faculty_scholarship/2709/.

⁵⁸ *ibid.*

⁵⁹ Skocpol, Michael. "The Emerging Constitutional Law of Prison Gerrymandering." *Stanford Law Review*, vol. 69, no. 5, 2017.

and frowned upon by the public, but discriminating against those labeled criminals is perfectly legal and acceptable. Federal law allows landlords to deny someone housing because of a drug related conviction. Direct employment discrimination against those with a felony record is still legal in 18 states.⁶⁰ Even in states where asking about a felony conviction on the job application is illegal, conducting a background check and subsequently firing that person is legal.

America has a long history of excluding Black individuals from serving on juries and denying them the right to vote. People serving time for felony convictions are barred from jury duty until their sentence is complete including probation and parole. An additional twenty-eight states bar people with felony convictions from serving on a jury for their whole life.⁶¹ People serving a sentence for a felony conviction are denied the right to vote in forty-eight states and Washington D.C. Laws from state to state vary, however at any given time, there are around 6.1 million people who cannot vote because of a felony conviction.⁶² Considering that one in three Black men have a felony conviction, that is a disenfranchisement of great magnitude.⁶³

VIII. Prison Abolition: Why Reform is not Enough

Mass incarceration is a racial caste system, and like slavery, it must be abolished. White supremacy has been at the center of each of these systems, blending into whatever legal form of oppression is acceptable at the time. The abolition of slavery and the Civil Rights Act have been victories for Black people in America, but the elite have found a new way to enforce legal discriminatory practices. I want a dismantling of the entire system and the white supremacist

⁶⁰ “Equal Justice Initiative.” *Equal Justice Initiative*, eji.org/.

⁶¹ “State Felon Voting Laws - Felon Voting - ProCon.org.” *Felon Voting*, felonvoting.procon.org/state-felon-voting-laws/.

⁶². “The Sentencing Project.” www.sentencingproject.org/.

⁶³ *ibid.*

ideologies and practices that have gone into it. Prison abolition may seem unrealistic, it may even seem naive, but at one point in history, the abolition of slavery seemed unrealistic too. Uprooting the criminal justice system would mean the loss of millions of jobs and the loss of a sector of the economy, the same kind of necessary loss endured because of the abolition of slavery.

Prison abolition does not call for the immediate opening of all prisons. It is a movement suggesting we look somewhere else beside prisons and policing to solve social and economic problems. It calls for society to move away from violence and punishment and find new solutions to society's issues. Instead of criminalizing poverty, we need to look at ways to solve it. We need all people to be given a fair chance in life. We need to move away from a society filled with prisons and start to repair the communities of color that have been destroyed by white supremacy. Instead of imprisoning people with substance use or mental health issues, they deserve to be met with love and understanding and they need to be given treatment. Poor communities deserve to have better education systems and more economic opportunities. Instead of punishment, why are we not focused on treatment? Instead of investing in prisons, why are we not investing in people?

We must question every aspect of the prison system, down to the concept of what it means to be a criminal. Michelle Alexander writes,

“The genius of the current caste system, and what most distinguishes it from its predecessors, is that it appears voluntary. People choose to commit crimes, and that's why they are locked up or locked out, we are told. This feature makes the politics of responsibility particularly tempting, as it appears the system can be avoided with good

behavior. But herein lies the trap. All people make mistakes. All of us are sinners. All of us are criminals. All of us violate the law at some point in our lives. In fact, if the worst thing you have ever done is speed ten miles over the speed limit on the freeway, you have put yourself and others at more risk of harm than someone smoking marijuana in the privacy of his or her living room. Yet there are people in the United States serving life sentences for first-time drug offenses, something virtually unheard of anywhere else in the world.”⁶⁴

Has everybody not broken the law at one point in their lives? What is it that makes them free from the label of a criminal; is it the color on their skin, or is it the money in their pockets?

After decades of prison and law enforcement expansion, the public is realizing that mass incarceration is both ineffective and costly. Politicians are discussing reforms to lower the incarceration rate, but we cannot work within the system. As Audre Lorde says, “For the master’s tools will never dismantle the master’s house. They may allow us to temporarily beat him at his own game, but they will never enable us to bring about genuine change.”⁶⁵ Simple reforms suggested for slavery would not have made sense. We would not suggest that slave masters take racial bias training, so why are we suggesting that for police officers? The issue is at the very root of the system and all of it needs to be uprooted. The prison system must be torn down and we must be ready to stop its evolution into a new system.

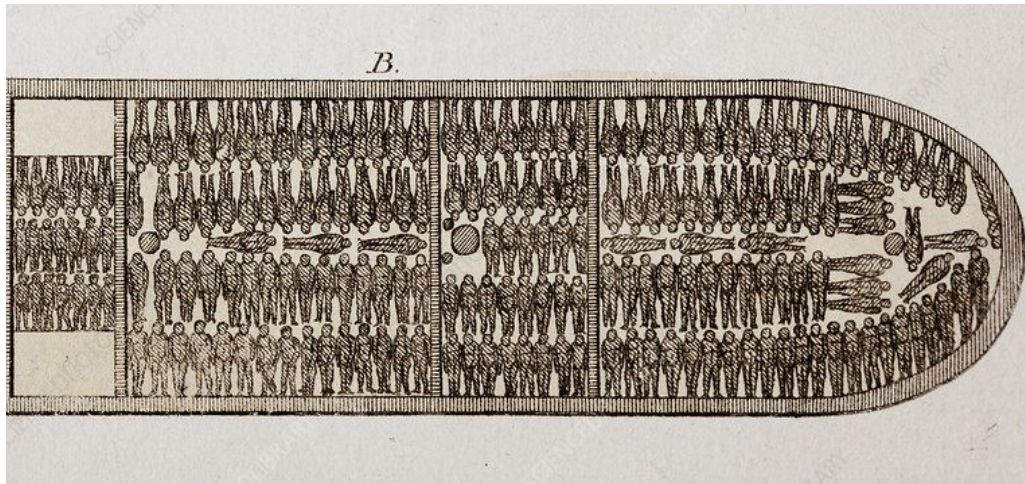
While we take up the fight against the prison system, we simultaneously need to support our brothers and sisters who are within the system now. Every night we go to bed, there are 2.2 million individuals away from their families, sleeping in cages. The system is not rehabilitating

⁶⁴Alexander, Michelle. *The New Jim Crow*. New Press, 2012.

⁶⁵ “The Master’s Tools Will Never Dismantle the Master’s House”. Audre Lorde.

people, it is simply warehousing them. Prisons are an inhumane part of our society and humans are not made to be caged like animals. The most important thing prison abolition can do for our society is that it can bring back its humanity. We must free our world from cages and rid itself of the violence caused by white supremacy.

Section IV. Slavery and Mass Incarceration: Visual Connections



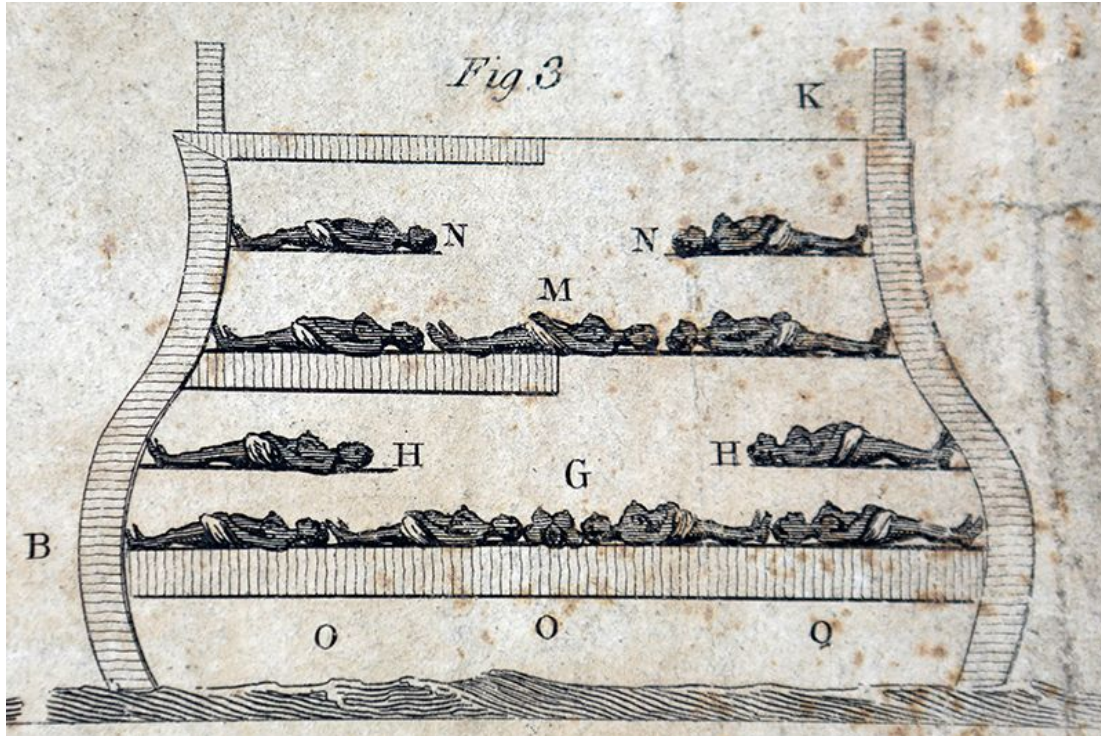
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⁶⁶“Slave Ship Diagram, 19th Century - Stock Image - C028/9551.” *Science Photo Library*, www.sciencephoto.com/media/720170/view/slave-ship-diagram-19th-century.

⁶⁷ California Department of Corrections



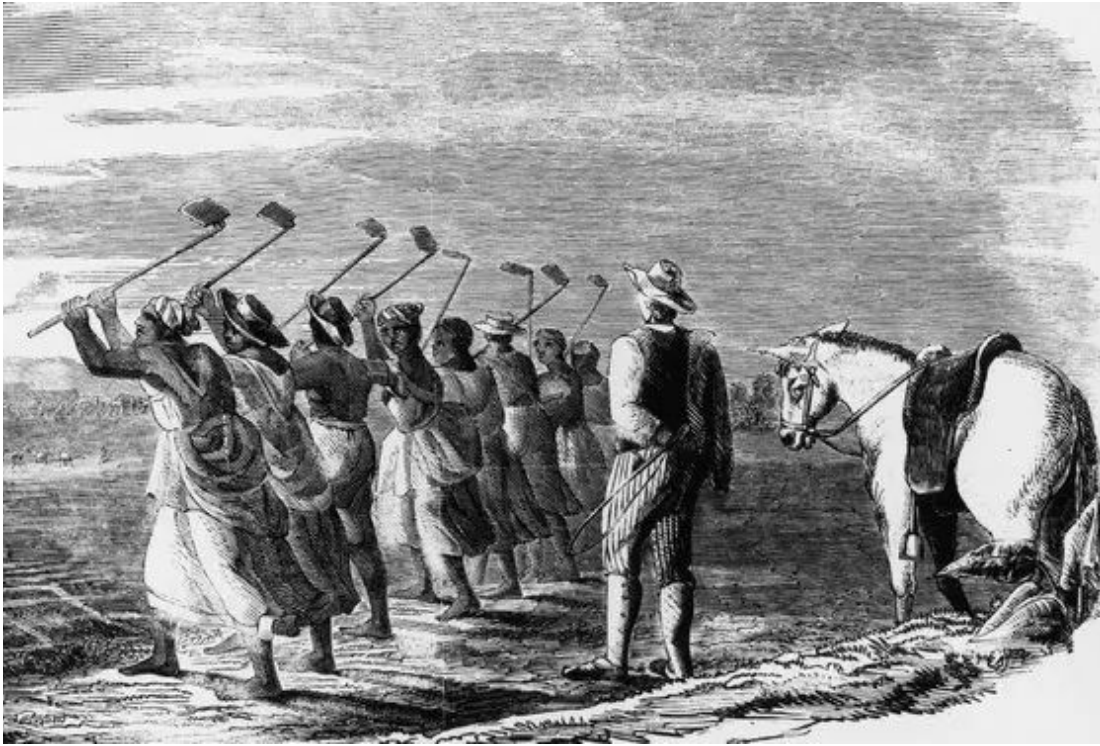
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⁶⁸ "A Terrible Passage from Africa." *Reuters*, Thomson Reuters, graphics.reuters.com/AFRICA-SLAVERY-SHIPS/0100B0CV0SB/index.html.

⁶⁹ California Department of Corrections



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⁷⁰ Caribbean connection: West Indian plantations profited New England merchants.
Hulton Archive/Getty Images

⁷¹ Incarcerated men return from working in the fields, Louisiana State Penitentiary, 2011. (AP Photo/Gerald Herbert).



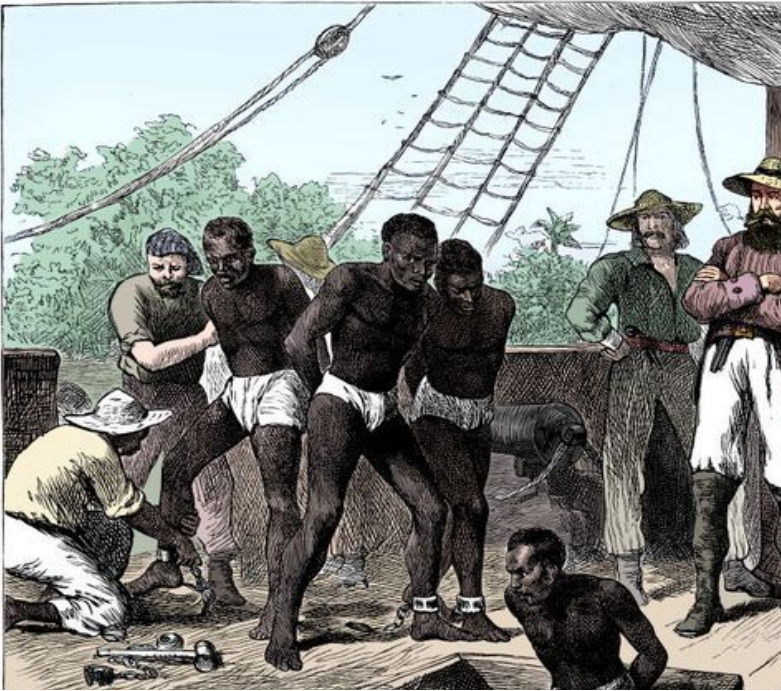
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⁷²“Artifacts and Tools Used during Slavery in the 18th/19th Century.” *Smithsonian Learning Lab*, learninglab.si.edu/collections/artifacts-and-tools-used-during-slavery-in-the-18th-19th-century/3o6X1p3TULwJc1fn.

⁷³“UZI Double Lock Stainless-Steel Chain Handcuffs.” *Big 5 Sporting Goods*, www.big5sportinggoods.com/store/details/Double+Lock+Stainless-Steel+Chain+Handcuffs/0330134190001/_/A-4000295.



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⁷⁴ An illustration shows slaves being shackled on board a slave ship. Rischgitz/Hulton Archive/Getty Images.

⁷⁵ A retired officer accused NYPD commanders of encouraging cops to arrest only people of color. (Sam Fuller. New York Daily News.



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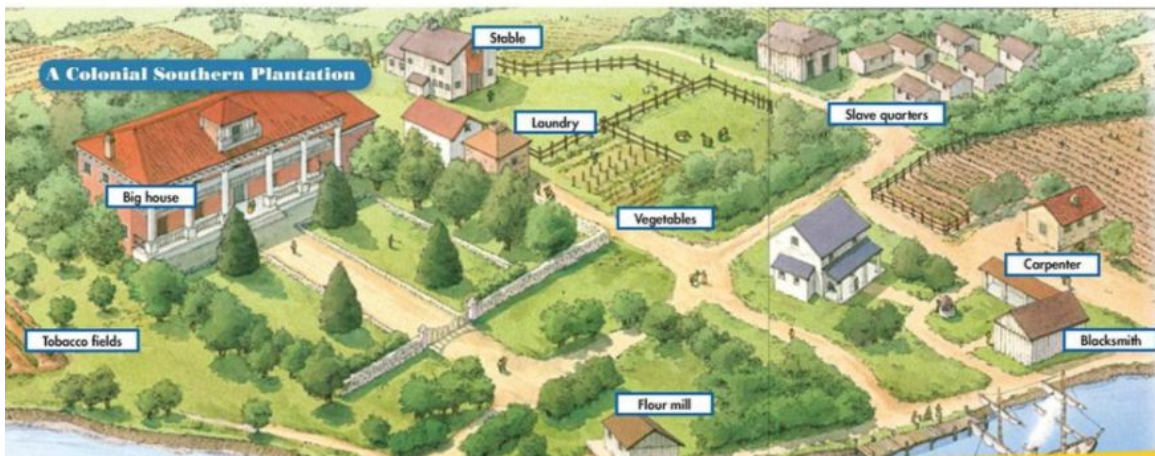
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⁷⁶“Flogging: Holes Dug in Ground to Protect Unborn Children of Pregnant Slaves.” *Black Then*, 12 Mar. 2020, blackthen.com/flogging-holes-dug-in-ground-to-protect-unborn-children-of-pregnant-slaves/.

⁷⁷ Getty Images.



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⁷⁸ Angola State Penitentiary.

⁷⁹ ThingLink. "Southern Colonial Plantation by Caralee Evans." *ThingLink*, www.thinglink.com/scene/1005215475015090177.