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### **The Mass Incarceration of African Americans in the Land of the Free**

In the “Land of the Free,” we are home to the largest prison system in the modern history of the world. The Constitution preserves our freedoms in this nation, which many others are not so fortunate to have. If you were not aware, the United States has the obligation to--in accordance with international law, pursue the release and retrieval of all its citizens who are detained or unable to return to the country due to complications which may occur during international travel.

As the US Bureau of Consular Affairs states in regards to the arrest or detainment of a US citizen abroad, “The Department of State is committed to ensuring fair and humane treatment for U.S. citizens imprisoned overseas.” When you acknowledge this fact, you may feel a sense of pride to be part of such an empowered nation. You may even awaken yourself to the reality of unjust incarceration which occurs in other parts of the world where our Constitution does not hold jurisdiction.

The irony, however, is that the free people of the United States account for 5% of the world’s population and yet constitute 25% of the world’s prison population. So as we take this into account, let us also wonder, might the United States itself be a global landmark for immoral incarceration?

The current system of mass incarceration adopted by the US accrues high social and financial costs each year. As the general public, we are all affected by the financial aspects of this institution. However we must not forget, as we often do in a capitalist society, that the social impacts of our operations should weigh more in our hearts than the dollars in our pockets.

The impact on the lives which are more directly affected by this system cannot be measured holistically during the fiscal year. The anecdotes of these families, communities and individuals are not statistics. As we process the economic incentives which play part in mass incarceration, we must also remain mindful of the synchronous sins of our nation's past and present which continuously devastate our minority communities in the same effort.

While we bear this in mind, we are on track to understand that the importance of an economic assessment is that it can intertwine the values of both man and money. The economic dependency which our nation has developed on the unjust and disproportionate detainment of our African American community, is certainly an issue which concerns both. This is the beauty behind economics and the reason why it is considered both a soft and a hard science amongst the academic community. In its nature, it is a field of empirical, scientific methods while it simultaneously investigates political, social and historical contexts.

To understand how mass incarceration is, we must go back to this nation's historic enslavement of African Americans. Slavery was implemented under white supremacist ideals to aid the needed labor for all the new lands and resources acquired by early US settlers. This system began in 1619 and although the Emancipation Proclamation abolished slavery in 1863, it took nearly two years for the law to be spread and enacted. So it was not until the last of the slaves were freed on June 19, 1865 that slavery came to an end. As a result, the holiday

“Juneteenth” would come to creation one year from this date to celebrate the freedom granted to the entirety of the African American community.

After the abolition of slavery in the US in 1865, the country needed to make corrections to the Constitution to officially dictate the end of this economic system. The 13th Amendment was a product of this turning point and states the following, “Neither slavery nor involuntary servitude, except as a punishment for crime...shall exist within the United States, or any place subject to their jurisdiction.” (US Constitution) This premise is where we can begin to see an outline for mass incarceration.

After 12 years passed since its abolishment, African Americans roamed the land as free citizens which created discontent amongst the White public. Therefore, a new era of oppression known as Jim Crow was initiated. Jim Crow legislation, which lasted nearly 90 years ensured that African Americans would be treated as lower class citizens and symbolically and physically divided from White Americans. It would take decades of abuse and empathetic allyship from Non-Black communities to manifest and empower the Civil Rights movement to effectively bring an end to this era.

However, as we have come to understand the abolition of slavery to be the end of an era, we also witnessed it breed a new era, with a similar initiative. Just as Jim Crow was introduced within years of abolition, history repeated itself when mass incarceration became the new means for suppressing the Black community in 1970, only five years afterwards.

In context of the statistics which reflect on the realities of our prison system, they are often difficult to gather given the complex structure of incarceration. There are many layers and

subsets which make its systemic design and financial operations difficult to dissect. Although it is quite simple to derive the situation at hand--it is one of the country's underground economies, as some refer to it, under the pretense that we are tough on crime. The moral demands inspired by the Civil Rights Movement made it necessary for crime to be intellectually redefined in order to be a majoritarily accepted form of moral exclusion: with financial incentives as a bonus.

In 2015, the cost of incarceration in state prisons to US taxpayers was \$43 billion, followed by another \$5.8 billion for federal prisons, but the financials do not stop here. With other factors included, the estimated annual cost to the government and taxpayers to operate the prison industry is \$182 billion. This is a substantial amount which certainly holds massive economic influence. It is shockingly disturbing when you examine how the prison industries profits rely upon the culture of systemic racism. As its byproduct, this culture of excessive imprisonment stimulates harm to the Black and Hispanic residents of this nation.

Although we may not realize it at times, we graciously consume the permitted fruits which come at the expense of the burden of another man. Collectively we stimulate the growth of these oppressive economic structures which capitalize off of the extortion of individuals and their liberties. As a nation we have adopted systems which turn our incarcerated citizens into a source of revenue and, in doing so, have created economic dependency on mass incarceration. So to dive into the deep sea of these truths and explore their depths, we must recognize that we are floating above on a boat of blissful ignorance.

At the moment, funding our prisons is the second fastest growing category for state budgets. It seems as if the more prisoners we have, the more money there is to be made from their imprisonment. In the land of supply and demand, we have learned from our profitable

industries that to increase revenues and grow, one must increase their output in the situations where their products are scarce and desired. Similarly, we can see how the prison system also applies the laws of supply and demand, considering the revenue that it accumulates. Although in this situation, its capital and assets are not food or clothes, but rather human lives. Over recent years, our prison industry is growing with more prisons and more inmates. Between 1980 and 2015, the number of people incarcerated increased from roughly 500,000 to 2.2 million. In the present, nearly 3% of adults in the US are under correctional supervision, which equates to one out of every 37 adults.

In order to understand one of the main motives which drives the expansion of US imprisonment is revealed by the money trail of this \$182 billion. With this caliber of finances, there are many stakeholders and therefore politically influential parties. Half of this budget goes directly to covering the costs of inmates and staff employed in the detainment of citizens. Just to name a few, this accounts for 2.3 million inmates, 7,147 detention facilities, 450,000 correctional officers and nearly 690,000 police officers.

On the other half of this \$182,000 annual budget, third party contractors of the prison industrial complex receive their compensation. As they would be in a regular business operation, these third party contractors are stakeholders whose profit is directly dependent upon the size of the prison population. Some of these contractors and the money they generate annually are; prison health care (\$12.3 billion), construction companies (\$3.3 billion) and private prisons (\$3.9 billion).

To understand that this discriminatory system is also an economic stimulator, it must also be known that an abundance of prisons are built with borrowed money. Consequently, this means

that the government pays interest to investors who have bonds that also rely on the prison industrial complex. It is estimated that the government pays up \$1.7 million dollars in interest payments to these investors each year, and between 1998 to 2011, this has generated \$47.4 billion dollars for the stakeholders. In addition to this, there are prison stocks publicly traded on the New York Stock Exchange. Two of the biggest include; Corrections Corporation of America with a market cap of \$4.05 billion and GEO Group with a market cap of \$2.76 billion.

An example of some of the investors who own shares in the prison industry are financial institutions such as banks. A few notable ones are Wells Fargo, Chase and Bank of America. In corporate America, there is much room for social justice to be swept into the corner and onto a dustpan when the floors of Capitalism need to be polished. Not only do many corporations own stock in prisons, but there are also those that utilize prison labor. In order to maximize company profits as CEOs and executives are tasked to do, minimizing costs is a fundamental practice. Therefore, prison labor is a quite viable option considering that the average prison wage is \$0.69 an hour (UNICOR).

Some major companies who actively utilize prison labor are McDonald's, Verizon and American Airlines. Capitalism demands that if there is a demand, there must be a supply. Sometimes this breaks legal barriers, but most often shatters moral ones. Amidst this COVID-19 pandemic, the instant spike in demand for facemasks has left producers needing laborers to produce their products. Items such as these facemasks and hand sanitizers which sell tremendously in the nature of this time in society, are currently being mass produced and need the help of prison labor. As these California wildfires devastate the land, the state government has requested the assistance of inmates to help fight the fires for \$1 per hour. Although some

inmates may be joyous to be of help, and potentially aspire to become firefighters upon their release, current legislation prohibits them from being allowed to.

The billions of dollars which we continue to allocate to the incarceration industry perpetuate and even promote the structural racism that it is so dependent upon. Over half of all those incarcerated are Black or Hispanic. As of now, African Americans make up approximately 40% of the prison population despite only being 13% of the US population. The Hispanic prison population is 30%. Meanwhile they make up 18% of the general population. “If African Americans and Hispanics were incarcerated at the same rates as whites, prison and jail populations would decline by almost 40%.”(NAACP) This statistic makes it quite visible to see how this system disproportionately incarcerated Black and Hispanic populations. These communities represent 56% of the US prison population, but they only represent 32% of the US population.

In 2016, the Bureau of Justice Statistics reported that African Americans are incarcerated in state prison at a rate more than five times that of Whites. Moreover, they comprised 38% of those incarcerated in state prisons, as compared to 21% who were Hispanic and 35% who were White. It is important that we acknowledge that the rate of incarceration is the most accurate numerical analysis of how race plays a factor in incarceration. Although there is a similar percentage of Black and White inmates, the rate considers the fact that the African American community is much smaller in the general US population than the White community.

The study of economics is often considered a soft science, although it does calculate statistics and trends: however it also weighs social factors into its formulas. It intertwines people and statistics to paint elaborate pictures of trends which tell a story of our reality. Similar to this

style of analysis, we must examine how the financial costs in addition to the social costs come to bankrupt our civil moralities.

When this nation “abolished” slavery in 1865, we granted a sliver of humanity to African Americans, but crumbled its economic backbone. The state of Mississippi cited in their declaration of secession that, “Our position is thoroughly identified with the institution of slavery--the greatest material interest of the world. Its labor supplies the product which constitutes by far the largest and most important portions of commerce of the earth...These products become necessities of the world, and a blow at slavery is a blow at commerce and civilization.” It remains prominent, that we as a nation today, continue this thematic incivility of valuing commerce more than the community.

The first African slaves, unwillingly, arrived on the White Lion slave ship, to the shores of Georgetown in 1619. Since their arrival, America's Black population has become a part of this country's community. Over time it has earned its place in the moral community and the political community, but surely the mission is not complete here. For there must exist a community which is not satisfied by the achievements of moral and political right because although these have been attained, the fight for equality and justice remains.

Since a person could no longer hold a slave, African Americans became part of the moral community after the Emancipation Proclamation. This would come to include them in the statement that “all men are created equal” however, continue to undermine their equality through the implications addressed in the 13th Amendment. With this premise, we have given man the continued ability to construct systems which aim to manipulate a person's liberty and humanity to stimulate oppressive agendas. With this premise, legislators can craft loopholes which

resonate with the legal system to incarcerate free men and tie them up as simply as a child learns to tie their shoe.

Through the civil rights era, our nation witnessed how the vile and corrupt systems which satisfied White supremacist agendas created massive movements for desired change. African Americans and their allies had to rally to try and claim the same freedoms that the US Constitution granted to their White counterparts. After centuries, they prevailed victorious as they were gradually accepted into the political community and given voting rights, marriage rights and brought an end to visual segregation.

I use the term “visual” because there is a difference between visual and non-visual threats, and sometimes the things you cannot see pose a greater threat. For example, when a house is on fire, a family may be awakened by the bright flames and loud crackling which alerts them to a response. Once the flames are visible to the rest of the neighborhood, a trusty neighbor may make a phone call to the fire department to come extinguish the roaring flames. On the other hand, carbon monoxide poisoning is another form of hazardous destruction of a household. The attributes of this gas is not only that it is deadly if ingested, but it is also colorless and odorless. Essentially, it is invisible to the family and cannot be easily noticed to trigger an alertness to them or their neighbors.

My point with this, is that although major civil rights laws were passed, the odorless and potent fragrance of systemic racism did not disappear after the Jim Crow era. Those marches, rallies and boycotts may have changed legislation, but no such efforts can bring the unified change to the hearts of all people. Surely, many have evolved their ideologies to become more

inclusive and humane, but today in these systems of incarceration we are not seeing residue from these previous systems, but calculated continuation of them.

The disproportionate incarceration of African Americans and the Latinx community begins with how we define crime. As reported by the Federal Bureau of Prisons (BOP), the primary offense, for which 68,985 current inmates are sentenced for, is drug offenses. To allow the numbers to voice an impartial verdict, the percentage of inmates held in prison for drug charges is 46.1%. The Urban Institute published an article to discuss potential ways the federal prison population could be reduced. In the article they state “Cutting lengths of stay 50 percent for drug trafficking offenses would reduce the federal prison population 18 percent by 2023, compared with the baseline projection.” Essentially, the way in which our society has chosen to combat drug offenses continues to flood inmates into our prisons.

The War on Drugs helped to enable the US government to revamp efforts to legally oppress poor African-American and other poor communities of color. In the book, “How to be Antiracist” by Ibram X Kendi (2020), Ibram discusses how President Lyndon B. Johnson launched his “intellectual” war on crime to enable his true goal--war on poverty. Blatant racism in legal structures became taboo and fuel for righteous protests so it learned to conceal itself. Politicians could no longer impose segregating and discriminatory legislation to serve the agenda of White supremacy but what they could do was layer these initiatives with rhetoric, legal and economic dialogues to indirectly combat the development of racial justice.

President Nixon furthered this initiative with legislation to target “Black antiwar activists”(Kendi) and in the end, launched the War on Drugs to destroy communities of color.-- Interviews with members of the Nixon administration revealed that they were fully aware

combating drugs was not the primary intent of the legislation they introduced. Through the use of their political power, they learned to cripple impoverished communities of color by using rhetoric which fueled hate against what they labeled as criminals for their involvement in the use and sale of illegal narcotics.

US politicians, legislators and other people in power were, and still have been, using legislation to legally administer racially oppressive agendas. This historical hindsight reveals some transparent realities which are that the Constitution does not ensure everyone's equality, politicians are corrupt and racism is perpetuated by the highest offices of our nation. As a direct result of Nixon's War on Drugs, 46.1% of all inmates incarcerated today are there due to drug offenses.

According to the U.S Bureau of Prisons, the average annual cost of incarceration per inmate is \$36,299.25. In January of 2000, Tyrone L. Taylor was sentenced to life behind bars for selling \$20 worth of cocaine to an undercover officer. If the financial impact of the committed crime was \$20 for which this man is serving life, and we are spending civilian tax money to lock him away for \$36,299.25 per year. The streets may have lost a man who sold drugs, but does that social cost outweigh the loss of a man's freedom? How have we served justice? If we did, then who is on the receiving end of it? The reason why this case resulted in this extreme sentencing is because of the "Three Strikes and You're Out"(Stanford) law which varies state by state. It begins to seem as if we want to see the continued trials, sentences and imprisonments which result in judges being, state-appointed attorneys and police officers being paid.

While we accrue an actual cost to fund these public services, we also forfeit potential economic benefits due to mass incarceration. In February of 2020, The North Texas Daily cites in an online article that:

“The more individuals that are being incarcerated the higher the unemployment rate is. Consequently, the U.S. economy loses in between \$57 billion and \$65 billion in output annually, according to a report by The Center for Economy and Policy. For ex-prisoners, it is very difficult to re-enter the workforce. This leads to higher state and federal government assistance payouts, loss of income tax revenue and drains the amount of monetary investment that can go into essential welfare programs.”

As we can see, our labor force is severely harmed due to the overcriminalization of individuals this system produces. These costs that we incur do not serve justice. The amount of people we have incarcerated who do not pose a violent threat to public safety, such as drug offenses, suggests that there is a motive to grow the prison population to fuel the prison machine. The intersectional identity of African American men makes them susceptible to excessive punishment and vicious pursuits to detain them. The narratives which label them as strong, violent and unintelligible, victimize them and construct psychological barriers which trap them in an ambiguous transcendence. At the same time, these stereotypes also restrict the accumulation of support from outside identities who also struggle to view them as otherwise, and even to be acceptive of them when they do fit these traits due to the stigma around them.

Our culture of conviction is supposed to be built around the concept of innocent until proven guilty. For some however, it insists that it is guilty until proven innocent. So let us try to give benefit of the doubt when considering the situations which forced the hand of those behind

bars. If you carefully follow the logic, it is safe to assume that everyone is mindful of the punishment for the crimes which they commit. But for some reason, people--and oftentimes the same people, continue to break these laws. Ask yourselves, why would someone take that risk?

To reverse the damage done by our system of incarceration, we must fully absorb the roots of the issue which are there to see for one to see if one searches for them. For one, the use of a white supremacist lens has constituted the incarceration of many. So one initiative we must consider is redefining crime. First, we need to differentiate violent from non-violent crimes. When doing this, we could better assess the damage one does to society and ensure that citizens are kept safe. At the same time, we could reapproach the punishment for crimes that might need rehabilitation instead. In doing this, we would have to reflect on our end goal which we seek to achieve through the judicial system. In the case of poverty crimes, which one commits in times of despair, it would require civil decision making to understand the intent of the crime. This would be more considerate of the socioeconomic backgrounds that define a citizens reality in this nation and make the system of incarceration more just.

Recidivism is a major issue which we fail to properly address, and allow to inflate our prison population. When we witness repeated drug offenses, which often tell a similar story of impoverishment and mental health, we allow people to make the same mistakes to entrap them in a cycle of incarceration. This way in which we deal with drug offenses is a reactive response which does not aim to improve the wellbeing of our society. In response to these trends, the proactive response should be to acknowledge why people are often forced into committing these crimes and implementing strategies to reduce the number of these infractions.

One potential way to decriminalize nonviolent drug offenses and slow the growth of the prison industry is to implement drug courts at the federal level. Oftentimes the offenders of these crimes are also the victim--in which case, they need support and compassion rather than severe punishments. As we come to understand the concept of recidivism and poverty crimes, we must call upon our empathy to depict for us how systemic oppression drives people into this corner. We must decide what our true goal is as the public who permits this system to persecute people the way that it does.

Another critical reform which should be examined, is an attempt to create a universal prison system. This may first appear to be contrary to the discussions in this paper, however it could be the ideal reconstruction that this system needs in order to be a true civil asset. I believe this to be a viable solution because it would help the industry reduce harmful variability of punishment and become more efficiently monitored. By eliminating the financial incentives such as stocks and bonds, we would remove the motive for the major stakeholders to contest progressive reforms. The ability to revoke one's freedom is a power which has been greatly undermined by our society. Although some may argue that the Constitution grants the states sovereign rights, the variation in how states and local governments define and punish crime leads to greater disproportionate harm to minorities. This could clearly face public backlash due to the feasible argument on both ends, but it is surely a matter which should reach the Supreme Courts.

Some questions we may want to ask are; Who was hurt by this? Why was this crime committed? What message are we sending? Does this person need to hurt or to heal? To answer these questions. We need to touch base with our shared humanity, which is that we are all here to make a way for ourselves and learn lessons which transcend our physical existence.

If we can truly investigate, reflect and advocate for these issues, a more civil and just system of incarceration is possible. We can start this by amending the 13th Amendment which was deemed progressive in the age of slavery, but has remained oppressive to our society today. When this is done, it should be widely broadcasted and portray a message to the nation that even a criminal has a story, and should be investigated as a human being rather than a financial asset or racial minority. If this work is complete, we can then look at the flag of our esteemed nation and be more confident that the stars are accessible to all, including those in the stripes of a prison jumpsuit.

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