

Modern Slavery: The Criminal Justice System

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Abstract

From 1980 to 2008, roughly three decades, the United States of America has seen its population of incarcerated individuals quadruple from 500,000 to 2.3 million inmates. (NAACP, "Criminal Justice Fact Sheet") Between the years of 1525 and 1866 the Trans-Atlantic Slave Trade Database has recorded that 12.5 million Africans were shipped to The New World, out of the 12 million only 388,000 Africans were shipped to North America. (Gates, PBS) In plain sight, the amount of incarcerated individuals in this country has more than quadrupled than the amount of actual slaves centuries ago. It seems to be that every decade there is a flood of inmates rushing through jail doors. It makes one think how these numbers rise, and why they are affecting a certain race more than others. In this essay, I will examine the criminal justice system in America and magnify public issues that have supplemented the incarceration rate. Laws such as the Rockefeller Drug Laws, that significantly inflated arrests for crimes big and small, will be reviewed in depth and connected to the subject matter. Issues that connect directly to rates, such as poverty and racism will also be a focus in this essay. Through my research I will connect the criminal justice system to the mass bondage of a single race that occurred centuries ago and find that our system has transformed into another form of slavery.

Defining Slavery

Defining the subject matter brings a clarification of where research will lead. In this case, while defining the term 'slavery', I found an interesting connection to the word

Modern Slavery: The Criminal Justice System

incarceration, where both terms shared common synonyms such as “captivity” and “restraint”. In speaking about slavery it is apparent that the African- American community will be of main focus in this essay. For obvious reasons, racial segregation and the rate of imprisonment go far back into centuries of enslavement. In viewing of criminal justice system as another form of slavery we have to take into account the percentage and demographics of the ethnicity of prisoners, mostly because one group stands out the most. According to the NAACP, “African Americans now constitute nearly 1 million of 2.3 million incarceration population” (NAACP, “Criminal Justice Fact Sheet”) that’s almost half of the prison population. While reviewing statistics for the past decades, we begin to see a true form of “slavery” one that means more than just “captivity” and “restraint” but links directly to the same injustice of a group as many centuries ago.

The Drug Ordeal

Although it is recorded that 14 million Whites as opposed to 2.6 million African Americans use drugs, African Americans are arrested at 10 times the rate of White Americans (NAACP). In 1973 the Rockefeller Drug Laws were passed as a way to combat the fear of heroin use and property crime. This law implicated a strict sentence of anyone in possession of drugs to prison of about 3 to 12 years. During this era, a low-level drug dealer would be serving more time than an individual convicted of assault. In New York alone, over 200,000 individuals have been sent to prison for drug offenses. Glenn C. Loury an African American scholar noted that the War on Drugs is a “monstrous social machine that is grinding poor black communities to dust” (NYCLU,

Modern Slavery: The Criminal Justice System

2009). It is no surprise that African Americans and Hispanics make up 58% of the prison population in 2008 (NAACP, "Criminal Justice Fact Sheet"). Statistics prove that although Whites use drugs 5 times as much as African Americans, it is the black community that is sentenced at a higher rate (NAACP). Rockefeller's law was a strict way to bring a halt to crime, however in the long haul it was causing more damage than it was alleviating the heroine addiction in New York streets. One of the biggest issues of this law was that it not only targeted poverty stricken neighborhoods, but also caused more poverty through its repercussions.

Poverty

According to The Atlantic, by 2001 one in every six black men had been incarcerated. (Thompson, 2014) As opposed to the U.S homicide rate in 1965, which was 5.5 per 100,000 residents, by 1995 the number sky-rocketed to 684.6. During this time, mass-incarceration was shipping thousands to jail and creating violence through its consequences. Communities that were economically affected shattered into poverty when the effects of imprisoned individuals begin to surface. Those with a criminal record made it impossible for these individuals to find any form of employment or way to make income. The effect of children being left without problems was a psychological trauma that creates more violence in areas prone to have individuals arrested. Communities such as these are broken and neglected from the rest of any healthy society.

These cycles of violence mimic a form of slavery that metaphorically runs deeper than just imprisonment to the law. Poverty stricken communities are enslaved into the lives they are born in; low-income, violence, drugs and minimal chance of federal

Modern Slavery: The Criminal Justice System

assistance. The chances of incarceration are explosive when living conditions and habits are dangerous and one must adapt by doing as those around them do. In circumstance of impoverishment, many of these individuals who feel little hope in their lives delve into drugs, or sell them in order to compensate for their poor lifestyles. Poor communities do not offer jobs that assist the community in exceling, but keep them in a state of labor and “just being able to get by”. Mass incarceration deepens the wound by pumping out individuals with less of a chance in rehabilitating their lives, therefor creating more violence and continuing the vicious cycle that seems unstoppable.

After the Civil War, “landowners acted to control the labor force through a system similar to the ones that had existed during slavery.” (BlackCodes) At this time the Black Codes were created, and if examined very closely, have a distinct tint to the incarceration rates of today. In 1865, Mississippi required blacks “to have written evidence of employment for coming year of January; if they left before the end of the contract, they would be forced to forfeit earlier wages or were subject to arrest” (Black Codes). In other states blacks were only allowed to hold low-income positions such as farmers and servants, any occupation that very little or was taxed greatly. Incredibly, these horrific and unfair laws, although not as blunt, begin to fit into the numbers being unraveled in today’s society.

Individuals who leave jail and are able to find a job do not receive the same opportunities as others do. Communities of fragile economic standing are more at risk to this form of modern slavery. Researchers agree that those who are poor “lack not only material assets and health but also capabilities, such as social belonging, cultural identity,

Modern Slavery: The Criminal Justice System

respect and dignity, information and education” (Engle, Black). These lack of fundamental assets strip communities of the opportunities to excel into a different level of living, and create a wheel around their present living conditions.

A crucial asset that seems to have been neglected in poverty stricken neighborhoods and communities is Education. According to Tampa Bay Times that “children who do not read on grade level are more likely to dropout, use drugs or end up in prison. (Sanders, 2013) However in 2012 U.S Secretary of Education Arne Duncan warned about emerging budget cuts to the education system. Budget cuts would “cut by \$1.1 billion, cutting off funding to more than 4000 schools serving an estimated 1.8 **disadvantaged** students.” (Press, 2012) Information such as this rings similar bells to the factors that create and move the whole system, which breed individuals who end up in jail. When more is taken from those who are already disadvantaged, survival becomes a natural instinct. Imagine these cuts affecting communities who are already suffering with poverty and poor education, it is only natural that the outcome of such a community will not be positive.

The importance of education is relevant to slavery and to the criminal justice system. Centuries ago, when slaves were forced to work in plantations, their masters would prohibit them from learning how to read. It was individuals like Frederick Douglass, and Oludah Equiano that seized the opportunity to learn how to read that made an impact on their people and their communities. In regards to today’s criminal justice system, one can connect it directly to the slave owners from centuries ago. To take a persons education, or lower the standard and opportunity for one to learn, gives a great

Modern Slavery: The Criminal Justice System

power to those who are educated. Budget cuts such as these make it more difficult for impoverished students to have enough teachers for personalized classrooms, receive fun and interesting classes taken from them thus making it harder for students to even want to go to school and remove a form of expression in art, a program that has been heavily targeted for budget cuts. It is a supposed myth that states, “use third-grade reading scores to project future prison beds needs.” (Sanders, 2013) Whether or not this is a myth stories such as Malcolm X’s, a young civil rights movement leader who spent years in jail, spoke volumes of the importance of education. During Malcolm’s stay in jail, he taught himself to read, write and ultimately became one of the most renowned black leaders during the 1960’s.

Factors such as these take away from the essence of growth and exhibit the form of slavery that boils not only in the criminal justice system, but in the streets as well. With over one million African Americans in jail the question of equality arises, and a faded image of slavery impose themselves through each piece of information conceived through our history and modern laws. Referring back to Rockefeller’s Drug Law the NYCLU states that a law with such strict measures cause “damage to the minds and bodies of the incarcerated, to their chances for life success, to their families, and to New York’s most vulnerable communities, from which a disproportionate number of people are sent to prison for drug offences.” (NYCLU, 2009) A study done by the Sentencing Project recorded that States with a higher incarceration rate does not necessarily decrease the crime rate. According to data examined “States with higher incarceration rates tend to have higher rates of drug use.” (NYCLU, 2009) Information such as this shows a hazy

Modern Slavery: The Criminal Justice System

correlation between the rate of crime and the rate of incarceration. Although the crime rate has roughly stayed the same for the past few years, it seems to be something else that is driving the inflated rates of imprisonment.

Prison Labor

So if lower crime rates do not affect the incarceration rates, I began to question myself, what does? Why has the number of incarcerated individuals quadrupled in the last three decades? Why are billions of dollars in tax money being used to spend on a criminal who is spending far too much time in prison for a minor crime, while prisoners of stronger offenses are spending just about the same amount of time. An essay written by Angel Davis entitled *Masked Racism* shed light on this perplexing question.

Davis notes “prison privatization is the most obvious instance of capital’s current movement toward prison industry.” (Davis, 1998). The answer leads back to, money. Yes, America uses millions perhaps billions of dollars to fund prison systems, however taxes are being paid by the citizens. According to Davis “Government contracts to build prisons have bolstered the construction industry.” (Davis, 1998) Construction, companies that develop technology for law enforcement and punishment and architectural communities have reaped tremendously from prison systems.

Moreover, companies such as “IBM, Motorola, Compaq, Texas Instruments, Honeywell, Microsoft and Boeing” (Davis, 1998) use prison labor for their products. No employment money, health care, unions, or strikes at all. This is literally the term slavery, however used in loopholes we called the justice systems. Prisoners “do data entry for Chevron, make telephone reservations for TWA, raise hogs... all at a fraction of the cost

Modern Slavery: The Criminal Justice System

of ‘free labor’” (Davis, 1998). It is to no surprise that the amount of prisons have multiplied. Private company and monopolies reap the most from systems like this. In a nutshell, the more prisoners are brought into the system the more workers are created for labor as cheap as this one. Although “workers may be displaced, wages must be set, inmates' incomes must be distributed, and contracts must be assigned” (Biddle, 1989). Who is in charge of filling out those wages, whether these wages are fair or far below the minimum and whose in charge of the rights of the prisoners? Businesses that obtain prison labor have more competitive advantage over businesses that do not, in a sense it is a new form of Third-World labor, one where many of our companies are seen as taking advantage of.

Davis examines the different angles of this predicament and brings to light fascinating points. The penal system for one, “devours” social wealth, where instead of using our tax money to construct productive facilities for drug programs, or healthcare systems, even job placement organizations, this money instead is used to fund prison system that is leaving communities that need these programs the most in worse states of communities. “In 1996-97, higher education received only 8.7% of the State’s General Fund while corrections received 9.6%” (DAVIS, 1998). It leads back to the lack of educational funds, the lack of programs that may be more of assistance to lowering crime rate than sending more people to jail. The numbers do not lie; there is a reason why “five times as many black men are presently in prison as in four-year colleges and universities” (Davis, 1998).

Modern Slavery: The Criminal Justice System

From Rockefeller's New Drug Law to poverty stricken neighborhoods to prison labor, my research opened up a riveting spotlight to the way the criminal system works. Personal experience and observations also add to the absurdity of the way these systems make very little sense when it comes to working on problems such as gun violence, drugs, lack of education and so forth. The connections stem from centuries ago, when slaves were working in plantations for free, imprisoned under the arms of a power who was more educated, has more wealth and obtained more power. Of course, the system is not only targeting people of color. However, the reason I pinpointed people of color through this essay is because my research and the numbers I received was proof of the imbalance in numbers. Statistics show that it is mostly people of color who are Stopped and Frisked, arrested, convicted, suffer from lack of education, are homeless, live in poverty and have more of a chance to lose their freedom to this system. It seems inescapable for many who live in those conditions.

Instead of opportunities being made where core factors of these issues can be addressed in different and more creative ways, funding seems almost nonexistent to these opportunities. Instead of finding different ways to break the vicious cycle of violence, which starts at a young age, our system is pumping out more "criminals" and throwing them into cages where they do nothing but become more into "criminals" and work for wages below the minimum, then are released with little to no chance of a better life. The penal system calls prison a "correction" facility, however it does more dismantling than correcting. It has become a system that seems to be moving backwards and working at a perspective that is not beneficial to the supposed goals given off to its name. Rockefeller

Modern Slavery: The Criminal Justice System

proposed that the New Drug Law was to wipe out addicts and dealers from the streets, however the law does not seem to be lowering any rates at all. In a sense this system is aiming for the tail when it should be aiming for the head.

In every sense my research certainly found a correlation to slavery in today's Justice System. Every bit of information found, led to a deeper understanding and consideration of the way the system works to create more slaves, than to correct crime. Punishment alone is not a form of correcting, mostly if it is done to an unfavorable group and done by immense numbers. In realistic terms, our days of inequality are but a few decades away. The system is still conducting the same amount of mistreatment with a stronger mask. The question now is how would we combat this slavery, if the nation believes slavery has already been abolished.

Citation

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Modern Slavery: The Criminal Justice System

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