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# The Racial Oppression in America's Mass Incarceration

## **Abstract**

This paper seeks to expose the racial oppression embedded within the United States' practice of mass incarceration and will provide recommendations to ameliorate this discriminatory practice that harshly and inequitably impacts people of color. Many minority communities are stuck in a continuous cycle of poverty and incarceration, in part because they are targeted and oppressed by the criminal justice system more frequently than middle class white communities. Consequently, incarcerated people of color exhibit high rates of recidivism because of being stripped of resources and being sent back to impoverished, drug-ridden neighborhoods. The War on Drugs in the 1980s and the continuance of poor relations between law enforcement and minority communities are significant contributing factors that have led to the mass incarceration of racial minority groups. The economic, political, and societal oppression of minority communities that unquestionably contributes to mass incarceration will be highlighted throughout this paper. Creating policies that involve transforming the U.S. legal system and providing communal support will be crucial in eradicating this systemic racial oppression.

## **Keywords**

mass incarceration, racial oppression, prison, recidivism

## The Racial Oppression in America's Mass Incarceration

*Marcella Sorrentino*

### **Abstract**

This paper seeks to expose the racial oppression embedded within the United States' practice of mass incarceration and will provide recommendations to ameliorate this discriminatory practice that harshly and inequitably impacts people of color. Many minority communities are stuck in a continuous cycle of poverty and incarceration, in part because they are targeted and oppressed by the criminal justice system more frequently than middle class white communities. Consequently, incarcerated people of color exhibit high rates of recidivism because of being stripped of resources and being sent back to impoverished, drug-ridden neighborhoods. The War on Drugs in the 1980s and the continuance of poor relations between law enforcement and minority communities are significant contributing factors that have led to the mass incarceration of racial minority groups. The economic, political, and societal oppression of minority communities that unquestionably contributes to mass incarceration will be highlighted throughout this paper. Creating policies that involve transforming the U.S. legal system and providing communal support will be crucial in eradicating this systemic racial oppression.

### **The Racial Oppression in America's Mass Incarceration**

In America, law enforcement and minority groups are notorious for having a tenuous and challenging relationship. Presently, this strained relationship suffers immensely from a host of negative impacts of mass incarceration and racial oppression—two prominent issues that plague minority communities as they collide and fester into more sinister, complex problems. For instance, the United States makes up less than 5% of the world's population, but it contains 25% of the world's prisoners (Abu-Jamal & Fernandez, 2014). Additionally, incarceration is more prevalent within poor minority communities where Blacks and Hispanics make up an alarming two-thirds of state prison populations (Western & Wildeman, 2009). Not surprisingly, the incarceration gap between whites and Blacks is even greater; the Black-white ratio of the incarceration rate is eight to one. Thus, if white men were imprisoned at the same rate as Black men, there would be 6 million inmates in prisons and jails, including more than 5% of working-age men (Western & Wildeman, 2009). Clearly, low economic status and lack of educational opportunities within minority communities contribute to criminal activity and high arrest rates, but the rapid growth of mass incarceration serves to perpetuate, not reduce, the never-ending cycle of minority crime and persecution. Hence, this paper's research seeks to expose the detrimental effects that mass incarceration has on American communities of color.

#### **Literature Review**

In order to expose the many levels of minority oppression that are aggravated by the U.S. penal system, the history of mass incarceration and its connection to racial

inequality must be acknowledged. For instance, state prisons were initially created to protect the general population from violent criminals, but in the 1960s, the standard for admitting offenders was minimized and the length of sentences for non-violent crimes was increased. In fact, during the same timeframe as the Civil Rights Movement, Blacks were being excessively incarcerated and stripped of the freedoms that were given to them by the same government that was locking them away (Abu-Jamal & Fernandez, 2014). Western & Wildeman (2009) state that the Republican campaign of 1964 connected growing levels of crime to the new levels of freedom given to Blacks in the Civil Rights Movement. Throughout the campaign, this resulted in an unwarranted fear being instilled in whites and it subsequently allowed them to make crime control a national issue. Urban riots and the escalation of violent crimes in the next decade only fueled the fire for harsher punishments of law violations (Western & Wildeman, 2009). Although government action held a significant part in exacerbating the push for mass incarceration, additional factors such as the War on Drugs in the 1980s and the economic downturn of the 1970s and 1980s allowed incarceration rates to rise to its current unprecedented level.

### **Factors Leading to Racial Inequality in Mass Incarceration War on Drugs**

President Ronald Reagan declared a war on drugs in 1982 when a deindustrialization of the labor market had already taken its toll on unskilled and uneducated men in impoverished communities (Graff, 2015). Since there was even less work available for inner city working-class men, they turned to selling drugs. Naturally, the War on Drugs targeted minority groups, making them more susceptible to

incarceration. While other countries such as Portugal decided to decriminalize drug abuse by providing prevention programs and treatment, the United States built more prisons, created more punishments for non-violent crimes, and passed policies that would further criminalize drug offenses (Graff, 2015). Drug-related offenses and drug abuse decreased in Portugal while American prison populations grew and the cocaine epidemic flourished (Graff, 2015). The targeting of Black and Hispanic communities was clearly exposed by the implementation of draconian punishments merely based on the type of drug involved. For example, the penalty for selling crack-cocaine, mainly found in the inner city, was much harsher than the penalty for the selling of powder cocaine, which is mainly found in white communities (Abu-Jamal & Fernandez, 2014). Another study found that over 80% of Blacks were arrested under the Anti-Drug Abuse Act of 1986, which gave the same penalty for selling 5 grams of crack-cocaine—synonymous with Black communities—and 500 grams of powder cocaine—synonymous with white communities (Crutchfield & Weeks, 2015; Graff, 2015). Moreover, Crutchfield and Weeks (2015) claim that racial inequality is relatively unassuming in relation to violent crime, but racial inequality is much more noticeable as the seriousness of the crime decreases. Crutchfield and Weeks (2015) findings show that 13% of drug users are Black, 17% are Hispanic, and 65% are white, but more than 50% of those imprisoned for drug related offenses are people of color. Abu-Jamal and Fernandez (2014) state that while Blacks make up 15% of drug users and are frequently petty dealers, they make up 75% of those in prison for drug related crimes. The overwhelming takeaway from these similar studies confirm

that differing racial environments create altering levels of arrest requirements, leading to poor communities of color being at a disadvantage.

### **Law Enforcement and Minority Community Relationships**

A primary factor in determining which racial groups are more vulnerable to arrest and incarceration is the relationship between police officers and impoverished minority communities. Stop-and-frisk arrests, crackdowns on minor offenses, and increased media coverage of police brutality are all contributing factors to the negative perceptions of law enforcement (Tibbs, 2015). The Black Lives Matter movement is a result of the tense feelings that most people of color have towards police officers. Soss and Weaver (2017) are adamant that the “broken windows” practice of police officers being strict on misdemeanor crimes such as jaywalking and public intoxication is one way that law enforcement criminalizes entire disordered communities instead of protecting them. An interesting point of this study is that police have shifted their focus from individual crimes to race and social disparity (Soss & Weaver, 2017). The use of stop-and-frisk practices have been deemed as a necessary form of policing by law enforcement, but nevertheless, such practices result in an inequitable amount of Black and Hispanic citizens being subjected to woefully expected and sometimes unwarranted public searches (Wright, 2016). From 2005 to 2012, the NYPD conducted four million stops, with 87% of the searched individuals being Black or Hispanic, which resulted in 90% clearance and not a single arrest made (Wright, 2016). Although this study focuses on New York City, many other major U.S. cities have adopted this search practice. There is no doubt that racial profiling exists within

law enforcement, but the real problem occurs when racial profiling becomes the sole standard for arrests. Inherently, this leads to more people of color being arrested and possibly incarcerated—meanwhile, white people do not have the same eminent fear of search and arrest when engaging in everyday public activities. Unfortunately, police officers tend to be the physical representation of systemic racial issues within the law, which ultimately leads to a negative stereotype of officers, regardless of whether or not they are racially biased against people of color.

The overall result of racial inequality in mass incarceration is the acceptance and sustainment of social stratification between whites and racial minority groups. The obvious negative effects on minority neighborhoods are the continued economic, political, and social deprivation with no hope of having the same opportunities as the rest of society. This research will first focus on the economic state that offenders of poor communities are in when they enter and leave prison. It is common for criminals with low-economic statuses that have virtually nothing to lose when going to prison to be in a worse state once they are released back into the same impoverished neighborhood (Crutchfield & Weeks, 2015). Additionally, the neighborhood does not have the resources or stability to recover from mass amounts of incarceration and ex-convicts being brought back to the same environments with low economic opportunities (Crutchfield & Weeks, 2015).

### **Effects of Social Stratification Due to Mass Incarceration Economic Oppression**

One major economic consequence of incarceration for minority neighborhoods is the government's decision to take



away certain privileges from ex-convicts, such as welfare benefits, public housing, college funds, and the ability to live or work in certain areas (Crutchfield & Weeks, 2015). The Clinton Administration brought about a ban on welfare or food stamps for those with felony drug charges—including marijuana—and made it more difficult for them to receive public housing (Graff, 2015). In addition to losing these freedoms, ex-convicts leave prison with a low chance of obtaining another job due to the employment gap and their felony record (Wakefield & Uggen, 2010). There is a significant difference in employers' perception of whites versus Blacks and Hispanics with criminal records. Studies comparing employer callback rates between white ex-convicts and Black ex-convicts show that 17% of white ex-convict applicants receive callbacks while Black ex-convicts receive callbacks only 5% of the time (Burkhardt, 2009; Wakefield & Uggen, 2010). In terms of wage loss, there is a lifetime earning loss of 1% for white men, 2.1% for Hispanic men, and 4% for Black men (Wakefield & Uggen, 2010).

These punishments greatly reduce an ex-prisoners' chances of living a conventional lifestyle that enables them to obtain an education or employment that would allow them to recover from their previous life of crime. Instead, ex-convicts who are thrust back into the same state of poverty from which they came have virtually no chance of rehabilitation and will most likely return to a life of crime in order to sustain themselves (Burkhardt, 2009). Subsequently, this criminal lifestyle does not positively contribute to the community; it only increases the likelihood of recidivism. Additionally, negative impacts are also felt by the dependent family members of ex-convicts or the incarcerated since past or

present imprisonment prevents them from maintaining economic stability in their households. Essentially, incarcerated men and ex-convicts who are denied job opportunities are unable to provide a source of income for dependent family members and many times, their wives are left to care for their children and the household without the support a domestic partner. Consequently, evidence shows that paternal criminal records in conjunction with the criminal records of their offspring can lower the chances of future generations from securing employment (Burkhardt, 2009). Hence, the economic problems created by mass incarceration not only have direct effects on the ex-convicts and their immediate families, but it also creates a societal crisis that propagates itself onto future generations, dragging at-risk minority communities of color into deeper financial despair.

### **Political Oppression**

Social stratification for communities of color results in a lack of political representation. For instance, when minority men and women serve time in prison and are released, their right to vote can be permanently taken away. An obvious setback of this punishment is the underrepresentation of these neighborhoods' economic, educational, and racial demographics within the realm of politics. Similar to the homeless not being represented in politics and therefore having no policies designated for them, colored neighborhoods are not sufficiently recognized in politics and are essentially denied the opportunity to overcome their state of oppression. Accordingly, about 5.4 million American adults are ineligible to vote due to felony convictions, even if they have served their time in prison (Wakefield & Uggen, 2010). In certain states, one in four Black adults convicted of a felony are not allowed to vote (Wakefield & Uggen, 2010). This number of

disenfranchised citizens has resulted in changes of election results, such as the 2000 presidential election and the Black community's interaction with the judicial system. In general, Blacks are less likely to be called in for jury duty and are less likely to be judged by a jury of their peers (Wakefield & Uggen, 2010). There is an overabundance of minority communities that make up a substantial percentage of the American population are not being adequately represented by politics. This injustice of adequate political representation irrevocably harms communities of color and all others who interact with them.

### **Societal Oppression**

The increased imprisonment of racial minority groups is an overarching issue that worsens the social disorganization of these communities (Rios, Carney, & Kelekay, 2017). When large groups of men are taken out of a society, the work force, their families' lives, and their youth suffer, all due to the lack of a solid support system and the role model parents they needed when growing up (Burkhardt, 2009). The increase of crimes committed by young children in Black and Hispanic neighborhoods is due to the lack of formal social control and positive role models in their lives (Western & Wildeman, 2009). The negative interactions of police officers with youth in minority communities also contributes to the validation that individuals in gangs receive when they bond over a hatred for law enforcement. The youth in these areas are significantly affected by the increase of police presence in schools and the incarceration rather than the rehabilitation of juveniles (Rosario Moore & Rosario-Moore, 2017). Family structure is completely altered when the head of the house is imprisoned and not able to provide for the family, the spouse is left to take care of the children and look for work, and the children lack positive role

models and have negative interactions with the police. The societal effects of mass incarceration do not balance out the effects of crime in impoverished areas but instead instigate crime and disorder.

### **Policy Implications**

#### **Transformation of Our Legal System**

##### **Reduction of plea bargains.**

There are many policies still in place that intentionally or unintentionally target racial minority groups in relation to incarceration—the three strikes law, mandatory sentencing, and the general increase in sentencing periods are all factors that contribute to mass incarceration and targeting of marginalized communities. However, it is not usually recognized that these policies give power to the prosecution rather than the judge in court trials (Rakoff, 2017; Roiphe, 2017). The overuse of the plea bargain gives increasing authority to the prosecutors by pressuring the defendants to plead guilty for a lesser crime to have a shorter sentence, even if they are innocent (Rakoff, 2017). A policy needs to be passed by Congress that gives power back to the judge by making plea bargains only available in high profile court trials, such as first-degree murder and white-collar crime. This policy targets prosecutors in federal court cases and limits their one-sided perspective from driving the entire case. The success of this policy would be measured by observing the reduction in sentences of less serious crimes.

The government would receive political support and funding because of this policy's emphasis punishment for serious

crimes rather than long prison sentences for minor offenses (Karp & Frank, 2016).

### **Policy on state spending.**

The concept of “million-dollar blocks” refers to the single blocks in major cities that require the state to spend over a million dollars annually to incarcerate the inhabitants of these blocks (Story, 2016). It is proven that investing in the incarceration of these neighborhoods is hurting rather than helping, so the millions of dollars being spent by states need to be used differently (Story, 2016). A policy that requires states to invest these large sums of money towards creating schools, jobs, and community centers in their inner-city areas instead of their prisons will propel these impoverished communities into changing their economic conditions. This policy must be enacted at a federal level so that the government will give specific grants to states with major cities (Los Angeles, New York City, Chicago) that are used to fund education, jobs, and community/family life. The funding of these cities should continue for five years and then compared to historical rates of imprisonment in these areas. If lower rates of incarceration are seen in these major cities, then the policy should be extended for an additional five to eight years. It only makes sense to fund cities to prevent disorganization and crime rather than supporting the continuous cycle of mass incarceration.

### **Recommendations**

#### **Prevention Programs in School**

Many public schools in impoverished and unorganized cities are resorting to using law enforcement to punish children for small offenses on school property, such as picking a fight or disobeying a teacher. This school-to-prison pipeline system is labeling children as criminals and jailing

them for causing disturbances in the classroom. An attitude of avoidance is portrayed in these schools, rather than an attitude of concern. Therefore, it is important for K-12 schools to have counselors on campus rather than police officers to prevent future crime and not encourage crime and incarceration. Mandatory counseling programs in poor communities need to target trained individuals who have served time in jail or prison to counsel at-risk students. This program would be implemented for five years within each low-income school district and renewed for another three years, if there is positive feedback from teachers, parents, school administrators, and students. Each counseling program would be funded by the state. The incentive for society to use their taxes to fund school counseling programs is that they will be paying less than they would be if they were paying for potential criminals in prison. The success of this program would be measured by tracking the arrest rates of the students who have been counseled in school to see if this reduces crime or not.

### **Reducing Employment Bias**

The findings in this research have shown that ex-convicts, especially people of color, are frequently denied of job opportunities because of employer bias against felony charges and Black or Hispanic men. To prevent this initial bias, an employment policy in each state should allow job application papers to be void of sections where applicants must state their race and history of felony charges. If this policy is used in a majority of the country, ex-convicts of color will have a chance to represent themselves in an interview before their criminal history and race represent them. Of course, the employer would be able to view a criminal history during a background check, but not until after the applicant has had a chance to demonstrate

their abilities and work ethic in an interview. Major corporations and chain businesses must be targeted and persuaded by financial incentives from the state, which increase when each company implements this employment policy in more of their business locations around the country. The policy would last for three years and its success will be measured by observing the rise in employment of ex-convicts and Blacks/Hispanics along with the rates of these individuals staying with the company or being fired. It will be funded by the state with convincing evidence that this policy would benefit all communities by giving more job opportunities to every ethnic background and basing employment on qualifications rather than race or criminal history.

### **Recovery Programs in Prison**

Most inmates return to a lifestyle of poverty and crime, which results in high recidivism rates throughout the country. To prevent this cycle of crime, prisons must implement a variety of mandatory recovery programs that allow prisoners to acquire the motivation and means to start a new life out of prison. Instead of prisons being funded by the state for housing a certain number of prisoners, the state should fund them for the number of programs that are offered to the inmates. Prisoners will be required to choose from different activities such as recycling, cooking lessons, dog training, and learning how to counsel at-risk youth. Although participation in at least one program is required, the ability to choose a specific task should be offered to the inmates. Each activity will benefit society as well as give the convicts a desire and chance to bring their new skills to their communities. The adoption of the school counseling policy

stated previously would give counseling positions to trained ex-convicts in poor school districts.

The addition of these programs should last for five years and be renewed after an accumulation of yearly success rates are studied. The success of implementing these mandatory programs should be measured by tracking the recidivism rates of felons who had been prisons with these programs versus the recidivism rates of prisons without the programs. When most of our society understands that these prison programs are put in place to prevent future incarceration and benefit society, citizens will be encouraged to use their taxes towards prisons for this purpose—rather than solely housing increasing amounts of prisoners.

### **Conclusion**

For decades, mass incarceration has been an increasing problem in the United States, creating a multitude of racially oppressed victims instead of protecting its communities from crime. When the U.S. acknowledges that minority individuals are most often victims of racial oppression before they ever become perpetrators of criminal acts, changes can begin to be made. Such changes can start with the federal government extending programs that will benefit various minority communities, as opposed to systematically oppressing them through incarceration. Once society can move on from promoting mass incarceration that unjustly targets racial minorities, America's focus can shift from merely arresting and incarcerating marginalized populations to implementing just and rehabilitative changes that will positively impact minority populations.



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