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FROM SLAVERY TO PRISONS: A HISTORICAL DELINEATION OF THE CRIMINALIZATION OF AFRICAN AMERICANS

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ABSTRACT

This article examines the history of the enslavement and criminalization of African Americans. Focusing on each phase of American history as it relates to the status of Blacks in this country. It begins with a historical look at the justifications and legalization of slavery and moves through the period of Reconstruction and the re-enslavement of African Americans under the convict leasing system. It continues to evaluate the impact of Plessy v. Ferguson and the political, economic, education, and violations of basic civil and human rights that resulted from that piece of legislation. Finally, the article discusses post segregation and its continued impact on the African American community as it relates to mass incarceration and the War on Drugs. It describes the result of mass incarceration as: the continued denial of political, economic, educational, and civil rights and describes the impact of denial of basic rights on the future of the black community. It concludes with brief recommendations for change.

Keywords: Race, Incarceration, Prison, Economics, Education.

INTRODUCTION

"The slave went free; stood a brief moment in the sun; then moved back again toward slavery." - W. E. B. Du Bois, Black Reconstruction in America

This article is designed to trace the criminalization of African Americans from slavery through 2010 and the War on Drugs. It appears from historical documentation that from 1619 until present African Americans have been more vulnerable to criminalization than Whites. The criminalization process has impacted Black progress. Making the process of criminalization cyclical and reaffirming for many who ascribe to the belief that Blacks are inherently more prone to criminality than Whites. The impact of criminalization on community resources and job opportunities has left many African American males and females incarcerated, executed, or both and their family members poor and without positive role models. When Barack Obama was asked where did all the Black fathers go; why aren't they accountable to their children? He should have responded that they are in prison (Alexander, 2010). Something is wrong with a Justice system that locks people up based on skin color. Although Blacks still make up only about 30% of arrests, and have since crime statistics began to be documented by the Bureau of Justice Statistics, they currently make up

over half the prison population, and between; Black and other non-White prisoners make up over 70% of those incarcerated for non-violent drug offenses (Clear & Cole, 2009).

Slavery (1619-1863) In the period before slavery, Europeans were scrambling to establish criteria to justify the eligibility of Native Americans and Africans as slaves in the new colonies. Those in positions of power over the new colonies decided to construct a biblical explanation for their alleged superiority by spreading propaganda that Natives and Africans were cursed people. "Thus, Europeans used the Bible to enslave people based on race and/or ethnicity and found support in the revival and revision of the Hamitic myth" (McIntyre, 1992:7). The ideals of racial differences based on skin color emerged along with the Native Americans' standing in the way of the Whites' growing need for progress, which included the need for land. Identifying the natives as savages because of their non-Christian status made it easier to justify their extermination. As natives were kicked off their land, exterminated, or both, plantation farming expanded and the need for African slaves emerged. Enslaving Blacks also had to be legitimized by viewing African Americans as less than human. The concept of White supremacy was born before the idea of democracy (Alexander, 2010).

Because of the propaganda that was being spread at the time regarding the inhumane status of Blacks, slavery was an "air tight system of social control" (Allen, 1975:1). White indentured servants were well aware that their status was a rank above Blacks and Native Americans. White servants were rewarded for capturing or reporting Black fugitives. This was an effective method of keeping the indentured servant and slave class separate. This, according to McIntyre (1992) and Allen (1975), was an important mechanism of social control established immediately following the Bacon Rebellion. The Bacon Rebellion organized all indentured servants across racial lines and the quick implementation of a hieratical ranking of the servant class based on race was an important part of the success of the landowning class' defeat of this rebellion (Alexander, 2010).

By the end of the Bacon Rebellion, "the majority of the poor whites would side with the slaveholders in any confrontation between black labor and the plantation bourgeoisie" (Allen, 1975:1), officially setting the landscape for the legitimization of a racial caste system. The American caste system had been rigidly bifurcated into white and black, good and evil (Harris, 1993).

By the late 1600s, the degraded status of Blacks as slaves was firmly recognized through the enforcement of new legal codes. The first slave codes appeared between 1680 and 1682. According to these codes, Blacks were to be excluded from ownership of property. They were also not allowed to assemble publicly, be educated, or own weapons. "Through Slavery, race and economic domination were fused" (Harris, 1993:1718). In addition, through slavery and Black Codes a criminal classification for Blacks emerged (McIntyre, 1992). Laws provided a naturalized hierarchy of rights, privilege, power and domination to the point that no further justification was needed for the criminalization and enslavement of African Americans or the conquest of Native Americans (Harris, 1993).

SLAVERY AND THE POLITICAL ECONOMY

As mentioned earlier, a substantial number of Blacks were free until the late 1600s. Many Blacks enjoyed the same rights and privileges as their White servant-class inhabitants. However, unlike

White servants, most Blacks did not have indentured contracts, which made them vulnerable to enslavement (Leiman, 1993). In the case of John Punch in the 1640s, it became legally established that “black servants” were to remain such for life (Catterall, 1926). Blacks became property, and ownership of property became a right that encompassed more than land. During slavery, the identity of Whiteness as a legal status (being able to own Blacks as property) moved being White from status of privilege to one of vested interest (Harris, 1993). It was essential that the recognition of racial identity, subordinating Blacks, exist prior to slavery so that dehumanization and exploitation of Blacks could exist into slavery, because this dehumanization was part of the character of a nation that embraces slavery. “The state’s official recognition of racial identity that subordinated Blacks and of privileged rights in property based on race elevated Whiteness from a passive attribute to an object of law and a resource deployable at the social, political, and institutional level to maintain control” (Harris, 1993:1734). Once the racial hierarchy was firmly established, legally and socially, the slave became an important contributor to plantation economy.

Direct Slavery is the pivot of bourgeois industry...without slavery you have no cotton; without cotton you cannot have modern industry. It is slavery which has given colonies their values; it is the colonies which have created world trade, and it is world trade that is the precondition of large scale industry. Thus slavery is an economic category of the highest importance

(Marx, 1913:121).

Mills (1997) speaks to the economic dimension of the racial contract by referring to it as a carefully drafted concept ensuring the economic exploitation of people of color globally. It designates Europeans, no matter what continent they inhabited or conquered, as the privileged race. Mills (1997) goes on to say that the whole point of establishing the racial hierarchy was to legitimize the exploitation and criminalization of non-Whites and to establish people of color as subhuman. Without slavery, the cotton industry would not have flourished, and given the White colonists their wealth and power, but neither would mining, manufacturing, the construction of railroads, or lumbering (Leiman, 1993). However, Eli Whitney’s invention of the cotton gin made slavery that much more important as an institution, making it that much more important to ensure that the status of Blacks remained immoral and inhuman. The continued denial of human rights including rights to political involvement, education, and meaningful work ensured their secondary status.

SLAVERY AND DENIAL OF EDUCATION FOR BLACKS

According to Carter Godwin Woodson (1919), even though many of the first American settlers believed in the education of the Blacks under the belief in the brotherhood of man, many others during the revolutionary era objected to the education of Blacks. The wealthy plantation owners thought it unwise to educate the slave class because they believed that an educated Black would not be a productive worker. The “rich planters not only thought it unwise to educate men thus destined to live on a plane with beasts, but considered it more profitable to work a slave to death during seven years and buy another in his stead than to teach and humanize him with the view to increasing his efficiency” (Woodson, 1919:5). Laws prohibiting the education of Blacks were quickly put into place, beginning with the 1740 act of South Carolina. Under this new legislation, Blacks were not allowed to assemble for religious, social, or educational purposes and Master’s who had Black slaves that could read and do bookkeeping were commanded by law to stop using these

slaves to fill those positions. Also, “private and public teachers were prohibited from assisting Negroes to acquire knowledge in any manner whatsoever” (Woodson, 1919:5).

Northern states followed suit, in hopes that denying education to Blacks would keep them from migrating to areas in the North and overtaking communities, filling them with undesirables. Those who volunteered to teach the African Americans were driven from their communities, and the schoolhouses were burnt to the ground. There were many schools for Blacks in the North, but Black students were segregated from Whites until after the Civil War (Woodson, 1919).

However, at the same time, a number of leaders began to discuss education and freedom being a right of man (White or Black). So oppressive and violent was the nature of slavery that fair-minded men across the country not only began to see slavery, but also the denial of education and freedom, as a denial of human rights. They felt that Blacks should not only be enlightened to increase economic efficiency, but because they are human. Isaac Tatem and Anthony Benezet felt it imperative to enlighten their Black brethren so that they could become productive members of society, making reference to the fact that Blacks, even while enslaved, had become poets, philosophers, and teachers and that legislation to deny Black education would be impossible to enforce. During the enlightenment period, access to education was viewed as a natural right and played an important part in freedom (Woodson, 1919).

In spite of the radical reformers arguments, Georgia passed legislation in 1770 imposing a penalty on anyone caught teaching a Black person to read or write. The justification for this piece of legislation fell back on the Black inferiority argument (Woodson, 1919). Of course, many Blacks would remain inferior intellectually because of denial of education. Ignorance was not inherited; it was the result of an inhumane violation of basic human rights. Denial of education played an important part in the legalized status of Blacks as inferior and immoral. This belief that Blacks are intellectually inferior continued into the period of Reconstruction.

SLAVERY AND BLACK CRIMINALIZATION

As a way to control free Blacks, as well as Black slaves, colonial legislation was enacted entitled the *Slave Codes*. *Slave Codes* firmly established the color of crime. Sanctions for Black criminals were much harsher than those of Whites. The assumption was that the Black criminal needed to be punished more harshly or they would not learn to be obedient (Meier & Rudwick, 1976). These codes denied people of color the right to vote, go to school, own property, travel, testify in a court of law, marry outside their race, own a firearm, buy alcohol, own animals, work at a print shop, etc (McIntyre, 1992; Sellin, 1976). They could also be punished for being unemployed. Penalties included whippings, enslavement or re-enslavement, lynching, and mutilation (McIntyre, 1992).

During this time there were also special “Negro Courts;” punishment in these courts was passed down swiftly and without the projections of justice utilized in the White courtroom. The decisions made on guilt or innocence in these courtrooms was passed down by county justices in combination with slave owners, making it difficult for a person of color to be protected under the law (Alexander & Gyamerah, 1997).

RECONSTRUCTION

Reconstruction and the Political Economy (1865-1877)

During Reconstruction, many Blacks entered into positions of power within the economy and politics. By 1870, over 600 Blacks served in state legislatures and 16 Blacks served in Congress. By 1867, nearly 15 percent of all elected politicians in the south were Black (Alexander, 2010). But the basic civil rights awarded to Blacks through the 13th, 14th and 15th amendments quickly eroded. In 1865, the *Black Codes* were passed by every southern state, quickly restricting any political or economic progress made during the first few years of Reconstruction. These new laws left the door open for states to impose poll taxes and literacy test to keep Blacks from voting. Also, the Ku Klux Klan led terrorist efforts through bombings, lynching's , and other forms of violence to ensure the hierarchical racial order would remain, with Whites on top (Alexander, 2010).

Although great strides were made toward political and economic freedom for Blacks following the Civil War, the progress made was quickly squashed by political movements and rhetoric, which implied that Blacks could not handle their newly -found freedom and that the White working class was threatened by Blacks who were trying to take their jobs, their property, and their government away from them. The White working class was easily convinced that the freedom of Blacks would mean that they would end up at the bottom of the economic and political hierarchy (Litwack, 1998; Leiman, 1993). This was primarily accomplished through labor union efforts to replace White labor union employees with Black workers for a much cheaper labor cost. Also, the Ku Klux Klan's use of intimidation and violence against Blacks trying to get jobs made the racial integration effort nearly impossible (Leiman, 1993).

In 1883, the Supreme Court declared the Civil Rights Laws of 1875 unconstitutional, and the political power Blacks had gained, especially in the South where 90% of Blacks lived, was completely undone. Black voter participation dropped from 96% to 26% in South Carolina in just 12 years (1876-1888); in those same 12 years, voter participation of Blacks dropped from 53% to 18% in Georgia. "The electoral failures in the years following Reconstruction, economic instability, and the erosion of civil and political rights led many African Americans to shun electoral politics altogether and focus instead on their own local communities" (Ali, 2010:1). The final blow to Black progress made during Reconstruction was the 1896 Supreme Court ruling on *Plessey v. Ferguson* legalizing segregation.

Reconstruction and Denial of Education for Blacks

Because of the history of slavery, skin color carried rank. To be White meant that you had rights and privileges that people of color didn't have, even after the abolition of slavery. During Reconstruction, Blacks were subjected to poor-quality schools. White schools had between 2 to 10 times the per-capita spending as Black schools (Harris, 1993). Not only were they not provided decent places to learn, but in the South, Blacks who wanted to learn and those who wanted to teach them were terrorized by Klansman and local residents. People trying to teach Black children (whether the teachers were White or Black) were ostracized from the community and subjected to violence. Black children were afraid to carry books for fear of being victimized by Whites (Litwack, 1998).

Black education during Reconstruction was to be specific to teaching Blacks how to be subservient and good service or agriculture workers (Woodson, 1933). Schools that tried to teach Blacks more than basic skills to be good workers and citizens were denied funding by White supporters. For example, "Tuskegee taught young blacks to curb their ambitions and aspirations, to adapt themselves to the limitations placed on them" (Litwack, 1988:79). The Tuskegee model spread through the South and had great support financially from White philanthropists.

At the Slater Industrial and State Normal School in Salem, South Carolina Black male students helped build the buildings and the Black female students were responsible for cleaning and laundry detail. It was the belief of administrators and financial supporters of higher education for Blacks that if you taught them to work in the homes and fields of Whites they could go out and make an honest living. The Mississippi State Legislature, in 1878, made perfectly clear its expectations of higher education among Blacks when it changed the name of Alcorn University to Alcorn Agricultural and Mechanical College (Litwack, 1998:84).

On the other hand, Atlanta University was viewed with suspicion and was not heavily funded by the White wealthy. Its principal was to teach Blacks critical thinking and logic, so as to emancipate them from dependency on the White owning class (Litwack, 1988).

Blacks who wanted to learn had to overcome resistance by Whites, which was often deadly. In many southern states, and even some areas in the North, Black children had to hide their books when walking to and from school. Many Whites burnt down schools where Blacks went to learn and teachers of Black children were exposed to violence and death (Litwack, 1998). To teach Blacks or to try and learn as a Black adult or child meant a good possibility of dying as a martyr. To keep Blacks uneducated meant Whites could boast of their superior intellect; this had been in the arsenal of Whites for hundreds of years prior to Reconstruction and continues to be used over 130 years after Reconstruction. Denial of education for Blacks existed through Reconstruction as a form of White racism and a justification for their inferior political and economic status; it has continued throughout American history.

Reconstruction and Black Criminalization

Many scholars following the Revolution argued that the Constitution was a proslavery document. "William Lloyd Garrison attacked the Constitution as a proslavery document on the grounds that it guaranteed that Congress could not interfere with the African slave trade until 1808; failed to recognize blacks as citizens; provided for the return of fugitive slaves; and counted slaves as three-fifths of white persons in apportioning representation and taxation; and therefore augmented southern strength in the House of Representatives" (Davis & Mintz, 1998:244).

The ratification of the Thirteenth Amendment in 1865 officially abolished slavery in the United States. The Constitution stated that "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" (U.S. Constitution). Many Blacks were found guilty of crimes by their White prosecutors and returned back to the plantations as laborers working off their criminal conviction.

State sponsored violence against Blacks and vigilante justice seriously deterred any progress Blacks could have made given the new 13th Amendment legislation. Blacks who violated *Black Codes* imposing restrictions against Blacks for vagrancy, unemployment, owning certain types of property or owning property in specific areas, voting, etc., were exposed to harsh punishment (McIntyre, 1992). The freed Black man, for many Whites, was nothing but a lazy, troublesome, dangerous animal and deserved to end up in the convict leasing system. Those Blacks who were convicted of committing more serious crimes like rape or murder were subjected to being burned alive, lynching, or whippings (Litwack, 1980).

Mancini (1996) answers the question how does convict leasing differ from slavery. The slave and the convict were dehumanized and dishonored and if a Black person ends up working on a plantation, in a mine, on the railroad for the rest of his/her life, whether it was because of slavery or the violation of a legal code, seems to be of little significance to the exploited party. "Douglas Blackmon, in *Slavery by Another Name*, describes how tens of thousands of African Americans were arbitrarily arrested during this period, many of them hit with court costs and fines, which had to be worked off in order to secure their release" (Alexander, 2010:31).

During and following Reconstruction, the convict leasing system quadrupled in many of the southern states. Louisiana's convict leasing population grew from 350 to 574 from 1869 to 1870. "North Carolina's convict population was 121 in 1870 and 1,302 in 1890. Florida, with 125 prisoners in 1881, had 1,071 by 1904" (Mancini, 1996:31). Between 1871 and 1879 Mississippi's convict population jumped from 234 to 997 and Alabama's convict population shot from 374 in 1869 to 1,878 by 1903 and 2, 453 by 1919 (Mancini, 1996; Sheldon, 2005).

Prison labor was hard physical labor on farms, railroads, construction projects, mines, etc. Black women were subjected to hard physical labor as a form of punishment just like their male counterparts. The conditions of the labor and the punishment attached to failure to follow orders were severe. Many of those who were subjected to convict leasing didn't survive. According to Blackmon (2001), the mortality rate for those convicts sent to the mines was anywhere between 3% and 25%. He estimated some 40,000 convicts were leased out to mines in Alabama alone in the years up to 1918. The total number sent into mines was around 100,000.

Mancini (1996) claimed that convict leasing was worse than slavery because the cost of a convict was much less than a slave, and there was an endless supply of convicts to be purchased if one of them died from disease or exposure to brutality. Slaves were property and were treated as such. This is not to devalue the importance of understanding the violence against slaves, but we also need to understand the convict-leasing era if we are to truly understand our past and its relationship to the way we punish people of color today. During slavery, the loss of a slave was seen as considerable, but during the convict-leasing era, the loss of a prisoner was seen as minor. This led to the mass mistreatment and brutality against the prisoners who were leased out to farms, mines, railroads, steel plants, etc.

JIM CROW

Jim Crow and the Political Economy (1876-1965)

“The backlash against the gains of African Americans in the Reconstruction Era was swift and severe. As African Americans obtained political power and began the long march toward greater social and economic equality, Whites reacted with panic and outrage” (Alexander, 2010:30). The Ku Klux Klan fought hard against the Reconstruction government progress with increased terrorist activities such as bombings, lynching’s, and other methods of physical violence. The movement was toward segregation and criminalization of the relatively newly freed Black citizens. The racial caste system was reinforced through the construction of Jim Crow laws which were designed to ensure that political and economic progress would remain at a minimum and assure the majority of freed Black men/women would remain a part of the underclass (Keen & Jacobs, 2009).

During the Jim Crow era, labor unions for industrial and farm workers discriminated against Black membership, especially as the depression hit in the late 1880s and 1890s. The interracial alliances that may have existed prior to that time period were severely stressed entering the end of the 19th century. It ended with the use of violence and intimidation from capitalists and ultimately the government. “The reactionary view of Black racial inferiority dominated from the redneck regions of the South to the groves of academe. Blacks were effectively disenfranchised in every southern and border state by 1900-1910” (Leiman, 1993:61). The Supreme Court’s decision to pass *Plessy v. Ferguson* in 1896 was a message to Blacks in the South that if they tried to challenge their inferior status they would be criminalized and punished, often with brutal tactics.

W.E.B. Dubois urged Blacks to take action against political and economic discrimination. In 1905 a small, yet organized, group of mostly young Black males and females established the NAACP in 1909 which was a group devoted to eroding the Jim Crow laws established in the South and challenging their constitutionality. Also, following WWII with the return of over 400,000 Black soldiers, Blacks organized to demand first class citizenship (Ali, 2010). If they were allowed to fight to protect human rights’ violations overseas, weren’t they entitled to human rights at home?

Jim Crow and Denial of Education for Blacks

“The thought of the inferiority of the Negro is drilled into him in almost every class he enters and in almost every book he studies. If he happens to leave school after he masters the fundamentals, before he finishes high school or reaches college, he will naturally escape some of this bias and may recover in time to be of service to his people” (Woodson, 1933:7).

According to Woodson, Black students, whether in the North or South, were taught through curriculums of history, philosophy, biology, and English that they were an inferior race. Teaching Black children that they are inferior and cursed in school is worse than lynching, because it kills the child’s spirit and aspirations. In schools in the South during Jim Crow, Blacks were taught less than Whites; they had incompetent teachers, and were taught with inferior equipment in one-room, rented hovels. Most were not educated past the eighth grade. Those who went to further their education in schools of theology were taught the biblical version that justified segregation. Those Blacks who attended business schools were taught how to be successful at selling peanuts and

bananas, and running ice for their own people, while Blacks who attended journalism schools were taught to be good editors for newspapers like the New York Times and the Chicago Tribune, but could not get jobs at these newspapers, because these same newspapers had a history of hardly hiring a Black as a janitor (Woodson, 1933).

Jim Crow and Black Criminalization

On April 23, 1899, a special excursion train left Atlanta to bring some eager citizens to the small Georgia town of Newman. There, joining about 2,000 other excited white men and women, they watched as Sam Hose, a black man, was stripped naked, chained to a tree, and surrounded with kerosene soaked wood. They had been informed that Hose had brained the planter Alfred Cranford with an ax and then raped Mrs. Cranford. Given the alleged crime, his executioners were not content to merely set the torch to the pyre and watch his oiled covered body burn. They first cut off his ears, fingers and genitals, and skinned his face. Some spectators joined the action, plunging knives into his body. Then, after the torch had been set, the searing heat of the flames forced his eyes to bulge out of their sockets and his veins to burst. When Hose's agonized contortions loosened his bonds, the flames were doused so he could rebound. With the blaze raging once more, Hose's cry, 'Oh, my God! Oh, Jesus,' mingled with the sound of sizzling blood. Once dead and lying on the ground, eager souvenir hunters dissected his still warm body, taking slices of his heart and liver. Not all of the vultures were greedy. One of the butchers reportedly left to deliver a slice of Hose's heart to the governor, as if this act of generosity would confirm the state's approval of lynch law as a bulwark of white 'civilization.'

(Goldberg, 1999:1)

Approximately 5,000 Blacks died as the result of lynch mobs from 1880 –1968 (Litwack, 1998). The above quote is just one example of the horrific treatment of Blacks who were accused of a crime during this period.

Our current views of the Black criminal stem from this period. It was at this point in American history that the image of the Black male as criminal was formed. Rooted in the fears of White males, the freed Black man became the target of criminalization. This was the White man's inhumane solution as to what to do with the freed Black man. The fear was that the angry Black man would rise up and rape White women. Also, the stereotype held by Whites that a Black man would not work unless they were forced into labor made way for the adoption of Black codes. Blacks who could not show proof of employment were cited for vagrancy, a law that was applied primarily to Blacks. Once criminalized, Blacks were forced into the convict leasing system. "Tens of thousands of African Americans were arbitrarily arrested during this period, many of them hit with court cost and fines, which had to be worked off in order to secure their release" (Alexander, 2010:1). Indebted prisoners were sold to plantation owners, lumber camps, mines, brickyards, railroads and corporations. Many of them did not survive the length of their punishment because of maltreatment and whippings. The death rate among convict laborers was shockingly high (Alexander, 2010). Slavery remained an appropriate punishment for the convicted, thanks to the provision in the Thirteenth Amendment excluding the convict from protection against enslavement.

POST SEGREGATION

Post Segregation and the Political Economy (1954 to Present)

Black family average income reached a high of 61 cents on the dollar of their White counterparts by the first half of the 1960s and remained relatively stable until the late 1970s. Income for Blacks fell dramatically in comparison to Whites in the 1980s and had fallen to 55 cents on the dollar by 1982 and held steady at 59 cents on the dollar throughout the second half of the 1980s (Leiman, 1993). Today Black median income is back at its early 1960s rate of 61 cents on the dollar of its White counterpart and has decreased by almost 4% since it reached its highest point of 65% of White median income in 2000 (Patterson, 2010). What is even more problematic is the increase in Black and White disparities in wealth. In 2007, the average household wealth of a Black family was \$5,000 and the average wealth for a White family stood at \$100,000, 20 times that of Black wealth (Patterson, 2010).

While there is a Black President in office, significant representation of Black ownership of corporations, Black military elites, academic elites, and several Black billionaires, Blacks are still as much on the margins of the political, economic, and social world as they were during the height of Jim Crow. This political, educational and social segregation is behind the continued economic and political inequalities. America is as segregated today as it was prior to the 1960s. "Some 40% of black and Latino schoolchildren attend schools that are almost entirely composed of blacks or Latinos. Religious institutions are as segregated today as in the '60s when Martin Luther King, Jr. famously observed that 11 o'clock Sunday morning is America's most segregated hour" (Patterson, 2010:2). This segregation of Blacks excludes them from cultural capital and plays an important role in the continued inequality by race. Segregated public schools, neighborhoods, continued racism, and the reversal of anti-discrimination laws has contributed to the massive downward mobility of the Black community. "A 2007 Pew Foundation/Brookings Institution study found that a majority of black middle-class children earned less than their parents and, even more alarming, that almost half of downwardly mobile offspring had fallen to the bottom of the income distribution" (Patterson, 2010:1).

White political leaders felt threatened by the newly awarded political and economic power guaranteed to Blacks under the new amendments to the U.S. Constitution. The ending of longtime legal segregation and discrimination meant that White politicians, business leaders, and admission officers at Universities would have to open their doors and minds to allow Blacks and women equal opportunities to compete in business, politics, and education. Many White males saw this as a threat to their firmly established, White male networking that allowed them to progress economically and politically with little competition from women and people of color; this threat led to a reevaluation of the situation at hand and the question, where do we go from here. The solution to maintaining economic and political control by the White dominant class would be a war on drugs. The War on Drugs had worked effectively during the Great Depression to marginalize and criminalize Blacks, and so it would work again (Burris-Kitchen, 2010). This topic will be addressed later under the section titled "Post segregation and Black criminalization."

Post Segregation and Denial of Education for Blacks (1954 to Present)

Ten years after *Brown v. the Board of Education*, the Jim Crow era in the South was over. However, by 1974, many Black leaders were worried that true equality would never come to Blacks. During the 1960s, much like the Reconstruction era (Burrell, 2010), many Blacks shared a vision that education was the answer to Black progress. Many Blacks found out rather quickly that they were not accepted into newly integrated schools and that integration didn't necessarily equal access to education. Many Black students who were bused to White schools felt they were not wanted and several teachers, administrators, and White students still believed Blacks to be inferior. The blatant discrimination led to Black self-hatred and doubt. Also, history, science, math, geography, etc. were all taught from a Eurocentric perspective reinforcing the stereotypes that Blacks were inferior. Integration did not improve the situation for many Black students forced into an all-White environment. For example, a young girl reported in Patterson's book, "Bland bitterly recalled a White boy who regularly spat on her. When she complained to the principal, he did nothing about it" (Patterson, 2001:165).

Professors Dr. Karl Johnson and Dr. David Lewis-Colman gave a history of institutionalized racism in learning institutions.

Until 1960, for example, most U.S. historians taught that southern states had been forced to adopt Jim Crow in response to African American corruption and incompetence during Reconstruction. For the first three decades of the 20th century, scientific racism defined much of social science and natural science scholarship. Many prominent biologists, sociologists, psychologists, and anthropologists dedicated their scholarly lives to proving the moral and intellectual inferiority of Africans and their descendents to justify the racism endemic in U.S. institutions (as cited in Burrell, 2010:173).

Fifty-six years following the decision of *Brown v. the Board of Education*, millions of African American youth are still being deprived of a quality education because of underfunding in predominantly Black school districts. Good teachers, administrators, and middle class Black students are abandoning Black school districts and moving to White suburbia. Wealthier Blacks are sending their children to private schools. At the same time, low-income schools are losing funding under the new performance-based funding criteria adopted by most states, and loss of revenue from state and local income taxes have forced low-income teachers and administrators to teach with less resources and fewer faculty. "The bottom line is that, in America, we only choose to educate a select few of our children, and the selection is based on economics" (Burris-Kitchen, 2001:84-85); race usually predicts economics. Lower-income schools are not about the business of educating children, but about maintaining discipline and control. The quality of educating students in communities of color is not much different than the quality of education prior to *Brown v. Board of Education*.

Jonathan Kozol, by the end of the 1980s, had lost all hope that the educational system would ever improve for low income Blacks. "Many of the schools I visited during this period seemed every bit as grim as those I'd seen in Boston in the 1960s, sometimes a good deal worse" (Kozol, 2006:7).

In Jonathan Kozol's book, *Savage Inequalities*, he makes comparisons between the education children receive in predominantly White middle-class and upper-class schools vs. schools predominantly of color in lower-income communities. The disparities illustrate the blatant disregard and even hatred this country has for children of color. What kind of country treats its children this way based on economics and skin color? "Looking around some of these inner-city schools, where filth and disrepair were worse than anything I'd seen in 1964, I often wondered why we would let our children go to school in places where no politician or business CEO would dream of working" (Kozol, 1991:5). Not only were these schools located in the worst neighborhoods with lack of affordable housing, high rates of violent crime, low incomes, high rates of infant mortality, and a high percentage of single-parent mothers, which usually equals poverty, but they also lacked basic resources necessary for a student to learn. The schools in low-income neighborhoods that Kozol visited were lacking books, labs, blackboards and even teachers (Kozol, 1991).

Providing education in low-income communities is certainly not a priority. However, crime control is. As scholars, we are not sure how other religious and social scientists can continue to blame the victim. It seems clear that the reason why crime rates are higher in low-income communities is because we are not teaching the children in these areas any skills that may provide them with alternatives to street crime or drug dealing. The better question might be: How do so many youth from these low-income communities escape a life of crime and acquire the knowledge necessary to obtain a college education and become successful, economic contributing members of society?

Post Segregation and Black Criminalization

As mentioned earlier in this article, waging a war against drugs and targeting minorities and poor people as the enemies in this war is nothing new. The criminalization of people of color is the direct result of the European colonial belief that these drugs affect people of color differently than Whites. This takes the White man's fear of darkness to a whole new level of rationalization, made manifest in the enslavement of, and violence against, the Black man/woman. At this point in history, media portrayal, politicians, and legislation made it appear that incarceration and isolation were necessary evils to protect the rest of society from falling victim to Black male innate rage, which was often believed to be exacerbated by drug use (McIntyre, 1984; Burris-Kitchen, 2010).

THE WAR ON DRUGS AS A TOOL OF OPPRESSION BY THE STATE

This War on Drugs continues to target poor and minority communities; especially those filled with Blacks and Hispanics; but this War on Drugs reached epidemic proportions when Nixon stepped into office as President of the United States. It is ironic that only a few years after the signing and implementation of Civil Rights legislation, a document allegedly promising rights and freedoms denied African Americans for over 400 years in this country, the greatest violations against our constitutional democracy took place; at least the greatest violation of democracy against Blacks since slavery (Burris-Kitchen, 2010). Nixon's War on Drugs was an all-out attempt to completely destroy and incarcerate the entire Black race. Nixon linked crime and drugs to the corrosive nature of rebellion in urban centers. According to Nixon, "crime meant urban, urban meant Black, and the war on crime meant a bulwark built against the increasingly political and vocal racial other by the predominantly white race" (Parenti, 2000:7). Nixon created the Office of Drug Abuse and Law Enforcement (ODALE), which was an organization that was ordered to wage a street-level attack

on dealers in low-income Black neighborhoods where riots had recently occurred following the assassination of Martin Luther King, Jr. He played on the fears of White Americans that Blacks were taking over, and that recently introduced social programs were handouts to lazy Blacks who just didn't want to get jobs. At the same time, he encouraged the Federal Bureau of Investigation's war against the Black Panthers and encouraged the Internal Revenue Service to audit the Urban Black League (Parenti, 2000).

Reagan continued the War on the poor and Blacks with the same vengeance as Nixon, but his mass destruction came in economic form. This economic crunch brought on by Reaganomics led to more drug use, high unemployment, and a greater need for the informal economy. William Julius Wilson noted that urban poverty is an age-old problem, but massive joblessness is not. Joblessness leads to Blacks falling victim to social control efforts by the predominately White criminal justice system; in short, joblessness leads to criminalization (Parenti, 2000; Wilson, 1997). By 1987, more than two million Americans were homeless. Reagan created a whole new population of poor and desperate Americans. His corporate welfare and his mass cutting of social welfare programs devastated both rural and urban populations (Eitzen & Baca Zinn, 2003).

Of course, with mass economic destruction there is a need to increase law enforcement efforts to control those populations of people left desperate, hungry, and homeless. The *1984 Crime Bill* was just what was needed for local and state police to wage an all-out war against street vendors. This Bill established minimum sentencing, allowed for federal judges to deny bail, eliminated federal parole, and tightened up sentencing policy for federal felonies committed with a firearm. This new crime bill also allowed for the forfeiture of assets, which made it very profitable for local police departments to bust drug dealers. "Nationwide the gross receipts of all seizures shot from about \$100 million in 1981 to over \$1 billion by fiscal year 1987" (Parenti, 2000:51).

The *1986 Crime Control Bill* was probably the most damaging to Black offenders. This called for a mandatory minimum sentence of five years for crimes involving 100 grams of heroin, 500 grams of cocaine, or just 5 grams of crack. Blacks make up about 12% of the U.S. population, and in 1980 they made up 23% of the prison population; by the late 1980s, they made up 40% of the prison population and over 60% of those people in prison charged with possession of narcotics. The war was not just fought against dealers, but users as well. By the end of the 1980s, the budget for narcotics spending was over \$8 billion dollars, and over one million people were in our prisons and jails. And still, the War on Drugs continues (Lusane, 1991; Parenti, 2000).

The abuses of civil rights continued through the 1990s with the Clinton administration. He passed the *1994 Crime Control Bill* that put 100,000 more police officers on our city streets, and helped mayors across the country wage an all out "ass-kicking " war against our poor and our drug users. Police from New York to Los Angeles were busting down doors to apartments, raiding apartments without warrants, beating innocent people to death, and shooting innocent people who got in the way. The .36 caliber gun was replaced by assault rifles, grenades, and military style fatigues. The urban streets truly looked like a military occupied zone. Blacks and Hispanics paid, and are still paying, the highest price for this war. It was, and continues to be, communities of color who lost funding for social welfare programs, education, and health care, so that more could be spent on the War on Drugs; it was and is, people of color who are getting arrested at higher rates for drug-

related crimes than their White counterpart, regardless of the fact that Whites reported higher drug use; and it was, and is, people of color who ended up dead on the streets, displaced from their apartments, and having their assets seized (Parenti, 2000). By the end of the 1990s, more than 2.4 million Americans were locked up, and over 70% of those locked up for drug offenses were people of color (Clear & Cole, 2009).

CONCLUSION

Throughout American history, Blacks have been demonized and criminalized, and this history has led us to where we are today. Until we can change the perceptions of Blacks through the media, political and economic arenas they will continue to pay the price for an inherently racist political, economic, educational, and criminal justice system. Those who are concerned about human rights violations and those impacted by institutionalized racism must lead in the effort to change the perceptions of the Black male as criminal. Blacks are no more criminal than Whites, nor have they ever been. This has been a myth that has tainted the fight for equality and justice throughout over 400 years of history.

Another effort must be made to expose the criminal justice system and the war on drugs for what it truly is: a social control mechanism and an assault on people of color. Our criminal justice system has never been colorblind and it is a mistake to assume it is colorblind today. The arrest rates and prison statistics by race should be an obvious indicator that the system is still operating under the previously held assumptions that Blacks are more prone to criminality and less deserving of basic civil and human rights than their White counterparts.

A solution to the mass incarceration of African Americans for nonviolent drug offenses may be as simple as the decriminalization of certain drugs, for example, hashish and marijuana. Decriminalization would make the use of drugs a medical issue as opposed to a problem that is addressed by the use of law enforcement and incarceration.

Until perceptions of race change and we are truly a colorblind society, we will continue to make the mistakes of our past which means the continued destruction of Black communities and families, segregation of schools, communities and employment opportunities, and racial disparities in incarceration.

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