

**Remarks, Opening Ceremony, UNF Black History Month
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“If you wanted to reduce crime, you could—if that were your sole purpose—you could abort every black baby in this country, and your crime rate would go down. That would be an impossible, ridiculous and morally reprehensible thing to do, but your crime rate would go down.”

--William Bennett (September 28, 2005)
Former US Secretary of Education
Former Director, Office of National Drug Control
Policy

As astonishing as these comments may be, offered by someone who was once chief steward of both educational and crime control policy in the United States, they prompt the opportunity to consider other realities that characterize modern race relations in the United States. For example:

Imagine what the results would be if the impact of mass imprisonment on whites was comparable to its effects on blacks. If nearly 10 percent of all white people were placed under correctional control tomorrow, would there be a national outcry? Of course there would.

-Alex Lichtenstein,
The Private and the Public in Penal History

As the Justice Policy Institute recently pointed out, there are far more young black men in prison today in the United States than

¹ Much of the text of this message is derived from *Private Prisons in America: A Critical Race Perspective* (Chicago: University of Illinois Press). <http://www.press.uillinois.edu/f05/hallett.html>

there are enrolled in American colleges or universities (2002). The theme of this year's Black History Month at UNF, celebrating the 100th Anniversary of the founding of the Alpha Phi Alpha Fraternity (at Cornell University) in December of 1906, is of special importance at this time in the life of our country. Members of Alpha Phi Alpha have included Dr. Martin Luther King, Jr, W.E.B. DuBois, Supreme Court Justice Thurgood Marshall, and civil rights activist and Mayor of Atlanta Andrew Young—all men who faced discrimination and exclusion, but who overcame it to achieve greatness; greatness because they all worked to expand options for people.

The charter documents of Alpha Phi Alpha express the desire to promote close association and mutual support and to provide literary, study and support group structures for African American students. My favorite statement in the charter though is the objective [and I quote] “to aid downtrodden humanity in its efforts to achieve higher social, economic, and intellectual status” (www.alphaphialpha.net/alpha/today/). It reminds me of the inscription at the base of the Statue of Liberty:

*Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!*

So African American history is American history to be sure—to be celebrated and studied all year—and the history of African Americans exemplifies the best unrealized ideals of America: a struggle for freedom from oppression, a quest for individual rights, celebration of the rule of law and a focus on human dignity.

At the time of Alpha Phi Alpha's founding in 1906, the practice of convict-leasing was still in place in the United States, enshrined

ironically by the Thirteenth Amendment to the US Constitution—famously known for “freeing the slaves.”

“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.”

During the operation of the “Convict Lease system” from 1865 to the 1920s, the 13th Amendment simultaneously enabled the continuation of racialized forced labor during what was supposed to be the start of freedom for African-American slaves.

Upon release from their former owners’ captivity, “emancipated” slaves often had nowhere to go—and found themselves designated “trespassers,” “disturbers of the peace,” “vagrants,” or “loiterers” on their former owners’ plantations (Shelden, 2001, p 170). The abolition of slavery destroyed the relations of production necessary for Southern economic survival. After the Civil War, former slaves were no longer legally subject to forced servitude—unless convicted of a crime, by virtue of the 13th Amendment.

“Before the Civil War, virtually all the prisoners had been white”...after the Civil War “about nine out of ten were black” (Ayers 1984, p 197). “During slavery the prisoners in Alabama’s penitentiary were 99 percent white. But after emancipation the vast majority of prisoners were black” (Curtin, 1996, p.6). By 1890, “in the entire state of Alabama, whites comprised less than 4 percent of all prisoners” (Curtin 2000, p2).

After the Civil War, the Convict Lease system again re-inscribed racialized forced labor as a viable source of economic production. As WEB DuBois argued in 1901: “The convict-lease system is the slavery in private hands of persons convicted of crimes and misdemeanors in the courts ...The whites were determined after

the war, therefore, to restore slavery in everything but name” (DuBois, 2002[1901]). Once imprisoned for petty crimes, former slaves, now inmates, were leased in large numbers to private businessmen as a source of forced labor, to become the foundation of lucrative, profit-driven, white-owned businesses (Lichtenstein, 1996; Curtin 2000; Mancini 1996).

So, you have to understand that convict-leasing accomplished many things for Southern society other than “crime control.” Even though they said it was about “crime control,” it was actually about other things. What other things? First, convict leasing maintained the slavery-era tradition of white control over large numbers of black laborers. Second, the convict leasing system was *adaptable* to both the land-driven interests of the agrarian planter class, as well as the industrial and capital-driven businesses of the “New South” (e.g. coal mining and especially, railroad construction) (see Lichtenstein 1996, pps 1-16). Third, convict leasing kept alive a distinctive *social* hierarchy that made it subjectively more difficult to challenge from below. In other words, it kept white supremacy alive and had its own sort of legal and social utility: convict laborers would not consider themselves potential political equals to their overseers. “A most illuminating question is not why the convict leasing system and chain gangs predominated in the South, but why these forms of punishment did not develop in the North” (Colvin 1997, p. 264).

Fast Forward

In more recent years, President Clinton liked to brag about how strong the economy was while he was in office. He would repeatedly explain that, according to many indexes, the American economy was at its “strongest ever” near the close of the 20th century—with the lowest rates of unemployment and inflation in a generation and a tight labor market pushing wages higher.

Another, less widely-cited index, however, clouded this picture: the American incarceration rate was at an all-time high. Clinton, of course, forgot to mention this. Expanded dramatically by the implementation of policies associated with the “war on drugs,” incarceration rates skyrocketed faster under President Clinton than either Reagan or Bush I. Even a progressive, engaged President did not stand in the way of the incarceration juggernaut.

High rates of incarceration and simultaneously low rates of official unemployment are suspicious indeed. These figures raise the possibility that incarceration began to *replace* social welfare as a primary means of coping with joblessness during the 1980s and 1990s at precisely the time popular support for “welfare reform” reached its zenith. “Reduced welfare expenditures are not indicative of a shift toward reduced government intervention in social life, but rather a shift toward a more exclusionary and punitive approach to the regulation of social marginality” (Western & Beckett 1999, pps 46-47). The incarceration of young African-American men in the US today, “has escalated to heights experienced by no other group in history, even under repressive authoritarian regimes and in Soviet-style societies” (Wacquant, 2001:105). Do we really want to keep building prisons while cutting funding for education? Is what we are doing today really about crime control? I think that’s a fair, democracy-related question.

In the midst of today’s *second* era of mass incarceration of African-American men, produced as a result of the recent “war on drugs,” the renewed *private, for-profit commodification of disproportionately large numbers of black prisoners* becomes all the more problematic. While today the private prison industry has reemerged because of contemporary agendas in the American criminal justice system—namely, the “war on drugs”—it is interesting and important to note that this drug war has focused on only a very narrow spectrum of drug use in the American

population, specifically those used by African American men, namely “crack” cocaine. Penalties for use of powder cocaine (used largely by whites) are profoundly lower.

Sourcebook of Criminal Justice Statistics 2003, page 393

Table 4.41

Characteristics of persons arrested by the Drug Enforcement Administration

By type of drug, United States, fiscal year 2001

Arrestee characteristics	Total arrested		Type of drug				
	Number	Percent	Cocaine powder	Crack cocaine	Marijuana	Methamphetamine	Opioids
All arrestees ^a	32,925	100%	7,534	5,278	6,351	7,220	3,142
<u>Sex</u>							
Male	27,381	83.4	6,563	4,555	5,360	5,669	2,511
Female	5,452	16.6	948	714	973	1,528	581
<u>Race</u>							
White	22,490	69.5	4,734	1,217	4,807	6,792	2,148
Black	9,319	28.8	2,582	3,981	1,348	109	801
Native American	108	0.3	21	16	30	30	10
Asian/Pacific Islander	452	1.4	32	22	45	172	10
<u>Ethnicity</u>							
Hispanic	12,183	38.1	3,848	802	2,906	2,269	1,711
Non-Hispanic	19,772	61.9	3,526	4,271	3,267	4,762	1,281

As the drug war got fully underway through the late 1980s and early 1990s, prisons became overcrowded with predominantly African-American men. The disparity first appeared greatest in the South and the private prisons industry capitalized on a classic supply & demand shortfall in prison cells: high demand for punishment with a low supply of prison space. Today, there are over 98,000 human beings in the United States in for-profit prisons. The most striking thing about the re-emergence of for-profit imprisonment in America, however, is not simply that it has re-emerged, but that its reemergence should once again involve the disproportionate captivity of black men.

The apartheid-level incarceration rates of young black men in America today constitute rates over 9 times higher than that of whites and over 6 times higher than that of Hispanics. 68% of state prisoners in the United States have less than a high school education, while 2/3 are functionally illiterate (US DOJ, 2003). Do we really want to keep building prisons while taking money away from schools? Do we really want to again have prisons operating for private profit in the United States?

How do we respond to this? We hold true to the larger stated goal; create a society all men are created equal. Create a society where everyone has a *chance* to succeed. Not a guarantee, but at least a chance. As one of my definite heroes Dr. Cornel West says, we must “hold dear the sacred tradition of democracy” as demonstrated quite clearly in African American history and quite clearly in the founding documents of Alpha Phi Alpha fraternity.

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