

---

America's New Apartheid

13/06/2014



Many people associate the mass imprisonment of a population with authoritarian regimes. Consequently, many Americans are surprised when they learn that the country that incarcerates more of its own citizens than any other is the United States. With 2.3 million prisoners, the “land of the free” has more people in prison than China, which has a population four times the size of the United States. A hugely disproportionate percentage of those incarcerated are African-Americans as Washington’s war on drugs constitutes the latest incarnation of racist policies that have existed since the country’s founding.

The United States has a long and ongoing history of implementing policies ensuring that Blacks are segregated from whites, both physically and in terms of experiencing different rights. While still a British colony, the white settlers, having exterminated much of the indigenous population, imported Black slaves from Africa to work the plantations and to serve as domestic servants. Upon achieving independence from Britain, the new “democracy” with its “Bill of Rights” immediately made evident its hypocrisy to the benefit of privileged white males by continuing the practice of slavery and only allowing white male property owners to vote. In short, there was no “independence” for Blacks.

Our history classes celebrate that white hero Abraham Lincoln’s freeing of the slaves while ignoring the fact that most nations in the Americas had abolished slavery almost half a century before the United States. In fact, only two countries—Brazil and the Spanish colony of Cuba—maintained slavery longer than the “land of the free.” That celebrated champion of freedom, Thomas Jefferson, only freed his slaves upon his death, when he no longer had a need to exploit them. In fact, slavery wasn’t abolished until almost one hundred years after independence. And when slavery was finally abolished in the United States in 1865, blacks still remained second-class citizens under a system of apartheid in which a series of Jim Crow laws kept African-Americans segregated from whites.

It wasn’t until the mid-1960s, one hundred years after the abolition of slavery and almost two hundred years after independence, that officially-sanctioned segregation eventually ended and all Blacks in the United States finally obtained the right to vote and to equal access to public schools and other public spaces. But the US government soon found another tool for implementing social control over Blacks in order to segregate them from the general white population: the war on drugs. In 1971, President Richard Nixon declared illegal drugs to be “public enemy number one.” During the next two years, drug

arrests and incarceration rates increased significantly, with a disproportionate number of those targeted being African-Americans.

In 1986, President Ronald Reagan intensified the war on drugs by declaring that illegal drugs constituted a threat to national security. That same year, Congress passed the Anti-Drug Abuse Act with very little debate, establishing harsher and mandatory prison sentences for crack and powder cocaine. But the mandatory sentences for crack were much harsher than those for powder cocaine. Consequently, a conviction for selling 500 grams of powder cocaine resulted in a five-year mandatory sentence, whereas only five grams of crack cocaine would trigger the same five-year sentence. In other words, a conviction for possession of crack resulted in a prison sentence 100 times longer than a conviction for the equivalent amount of powder cocaine. Essentially, Congress imposed disparate sentencing laws for basically the same drug, since both crack and powder cocaine are derived from the coca plant. Furthermore, crack became the only drug that carried a mandatory sentence for first offenders.

A quarter of America's 2.3 million prisoners are in jail for non-violent drug offenses—more than the total number of prisoners in the European Union. In 1980, there were 41,000 imprisoned drug offenders but that number had skyrocketed to more than half a million by 2011, according to The Sentencing Project, a non-profit organization that analyzes the US criminal system. The race and class bias of the 1986 sentencing laws soon became apparent as the ratio of Blacks who were imprisoned compared to whites increased dramatically. Because crack was much cheaper than powder cocaine it became popular in poor urban neighborhoods, many of which were Black. In contrast, most of the principal users of powder cocaine were middle- and upper-class whites living in relatively wealthy suburban neighborhoods. Black neighborhoods have also endured the militaristic presence of heavily-armed police narcotics squads carrying out “zero tolerance” drug policies. And so, while record numbers of low-level urban drug dealers and users are being sent to prison, most middle and upper class white suburban dealers and users remain free to indulge their habits with little police harassment.

By the late 1990s, despite constituting only 13 percent of the nation's drug users, Blacks represented 58 percent of imprisoned drug offenders. Furthermore, the majority of these offenders were low-level dealers or users; in fact, statistics released by the United States Sentencing Commission showed that only 11 percent of federal drug offenders were high-level dealers. This rate of incarceration contributed to a social breakdown in many poor inner-city neighborhoods. The number of Black children growing up fatherless skyrocketed, with 70 percent living in single-parent homes without their biological father at the beginning of the 21st century compared to only 14 percent twenty years earlier.

In 2010, Congress finally addressed the 100:1 sentencing disparity between crack and powder cocaine by reducing it to an 18:1 ratio and eliminating mandatory prison terms for crack possession. While an improvement, the new sentencing laws still disproportionately impact Blacks and, because they are not retroactive, thousands of drug offenders convicted under the old laws remain incarcerated.

While the mass imprisonment of African-Americans has created a social crisis, particularly in poor urban neighborhoods, it has proven to be an economic boon for corporations and rural communities. Under neoliberalism, the prison system has been largely privatized, thereby turning it into a for-profit industry. And it is not only the corporations that operate the prisons that profit, but also companies that use prisoners as cheap labor to handle their customer service operations. Prisoners are paid as little as fifty cents an hour to work in prison call centers performing the customer service and marketing operations of some of America's largest and richest corporations. As Microsoft stated in a marketing document, such a set-up “can reduce the burden on corporate marketing.”

Also, in the neoliberal era, rural communities have struggled to survive economically and one solution has been to host prisons. With an average of 35 jobs created for every 100 inmates, local elected officials began viewing prisons as an economic development tool. In the first two decades following Reagan's intensification of the war on drugs, 213 prisons were opened in rural areas, housing prisoners from distant cities and even other states. Furthermore, many of these prisons were operated by private corporations.

This process has had devastating consequences on poor minority communities in cities. First, it has made it even more difficult for children to maintain a relationship with their imprisoned fathers because of the expense and time required to visit distant prisons. Second, it has undermined the democratic system by shifting federal dollars and elected representation away from urban neighborhoods to rural communities.

One of the incentives to entice rural communities to build these prisons in their backyards has been to allow them to include the prison population in their census count, which translates into more federal funding for the local community. *The Wall Street Journal* illustrated how this process works in the small Arizona town of Florence, which, according to the US Census Bureau's 2000 census, had an “official” population of 17,054. However, 11,830 of the town's residents were prisoners, whose

presence translated into about \$4 million annually in federal funds for the small community. The town received this funding based on its total population, despite the fact that it bore no responsibility for the cost of housing the prisoners.

The flip side of this coin occurs in communities where prisoners are from, primarily poor inner-city neighborhoods. With increasing numbers of Blacks being sent to distant prisons as a result of mandatory drug sentencing, the census count shows a smaller population, resulting in less federal funding. Given that the census only occurs every ten years, many prisoners return home to live in under-funded urban neighborhoods while rural communities continue reaping the financial benefits from their incarceration.

The disproportionate incarceration of Blacks also has implications for democracy. All but two US states prohibit prisoners from voting while incarcerated and twelve states disenfranchise convicted felons for a specific period of time following their release or for life. As of 2010, disenfranchisement laws meant that six million Americans were prohibited from voting in elections with Blacks constituting a hugely disproportionate percentage of the disenfranchised. In fact, one out of every thirteen African-Americans are banned from voting.

The mandatory sentencing and disenfranchisement laws are not the only forms of legislation that have disproportionately affected minorities and lower economic classes. The Welfare Reform Act of 1996 contains a provision stating that anyone with a felony conviction for using or selling drugs is subject to a lifetime ban on receiving government financial assistance and food stamps. This provision only applies to drug offenders, not to violent felons. Consequently, someone who has served a sentence for murder or rape remains eligible for welfare benefits upon their release.

By 2002, according to The Sentencing Project, there were more than 92,000 women, and by extension 135,000 children, affected by the lifetime ban on receiving welfare and food stamps. While Black and Hispanic women constitute approximately 23 percent of the US female population, they represent 48 percent of women affected by the ban. By 2011, the number of women affected had doubled to more than 180,000. While in recent years some states have opted out of the ban on felons being eligible for food stamps and welfare, more than half still retain the lifetime ban or a modified version of it.

In 1998, Congress enacted a similar ban preventing drug offenders from receiving government grants or financial aid for college education. Tens of thousands of college-bound students have been denied federal aid because of prior drug convictions, often for past misdemeanors such as marijuana possession. As is the case with the lifetime welfare ban, the college aid ban only applies to drug offenders, while convicted murderers and rapists remain eligible for government grants and student loans. As a result of the war on drugs, Black males are almost seven times more likely to go to prison than whites, resulting in a disproportionate number of young Black men being declared ineligible for federal college aid.

Ultimately, US drug-war policies that have utilized mandatory sentencing laws, disenfranchisement and lifetime bans on receiving welfare benefits and student financial aid have disproportionately affected minorities and the lower classes. A Black teenager convicted for a first offense of possessing five grams of crack cocaine could be sentenced to five years in prison, lose his or her right to vote for life, become ineligible to receive welfare benefits and food stamps, and not qualify for student financial aid should he or she want to get an education in order to obtain a decent job.

This dead-end approach generates almost unsurpassable barriers for individuals and families attempting to change their lives, thereby continuing the cycle of marginalization experienced by many Blacks from generation to generation. Furthermore, it could be argued, given that a hugely disproportionate percentage of prisoners are Black, that the exploitation of their labor in prison call centres constitutes modern-day slavery while disenfranchisement undermines the hard-won gains of the civil rights movement. Ultimately, millions of Blacks continue to be segregated through imprisonment and the denial of their basic rights. Though the mechanisms of oppression have changed over time from segregation through slavery to segregation under Jim Crow laws to segregation by incarceration, many Blacks in the United States continue to be treated as second-class citizens in the 21st century.

---