

On The Legacy of Slavery in The Prison System

The Enduring Legacy of Slavery In American Prison Systems

Slavery in the United States lasted for 246 years. Slavery, in the US, was abolished in 1865. However, its legacy still lasts in the 21st century, impacting healthcare, the economy, prison systems, and other essential parts of US citizen lives. Within the prison systems, slavery has affected the creation of laws, the racial bias within court, and the treatment of prisoners of color.

The 13th amendment abolished slavery in the US. The only exception applies to those who are imprisoned. The 13th amendment states, "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." While this amendment ended the era of chattel slavery, the Exceptions Clause allowed for new methods to deny full freedom and personhood to descendants of the enslaved. Bryan Stevenson, the founder of the equal justice initiative, says, "After emancipation, black people, once seen as less than fully human 'slaves,' were seen as less than fully human 'criminals.'" To target the African American population, white policy makers strategically invented laws that are only enforced when the suspect is black. Some examples of this are loitering, vagrancy, seeking employment without a note from a former enslaver, or even being in a group out after dark. Those that are convicted of these crimes could be "leased" to businesses and farms. At these locations they are required to labor under inhumane conditions. Brutal work sometimes includes prisoners doing public work projects while wearing chains weighing as much as 20 pounds. Even though the 13th amendment had, in most ways, abolished slavery in the US, its exception to imprisonment allowed for new forms of slavery to emerge.

The legacy of slavery is evident in the long lasting racial bias within the criminal justice system. "New language has emerged for the noncrimes that have replaced the Black Codes: driving while black, sleeping while black, sitting in a coffee shop while black. All reflect incidents in which African-Americans were mistreated" Another powerful quote by Bryan Stevenson. Statistics can tell us just how much race influences the criminal justice system. Just one notable example, you're 11 time more likely to get the death penalty if the victim is white. You are 22 times more likely to get the death penalty if the victim is white and the defendant is black. Another example, due to the racial bias in the nation's criminal justice system, 1 in 3 black men, between the ages of 18 and 30, will experience jail time or probation at some point in his life. Bryan Stevenson in his TEDTalk, We need to talk about an injustice, states, "We have a justice system in this country that treats you better if you're rich and guilty than if you're poor and innocent." All of these factors result in the disadvantage of the African American population of the US.

Mass incarceration in the United States has become a large and important issue to address. Kica Matos and Jamila Hodge, from the Vera Insitue of Injustice, say, "Mass incarceration has picked up where slavery left off, separating families and dehumanizing and traumatizing the descendants of enslaved people." The US has the highest incarceration rate in the world. In 1972, 300,000 people were in jail. Now, 2.3 million people in the US are imprisoned. This means that for every 100,000 people, there are about 655 inmates. How does this affect the black population? One main and crucial impact on the black community that mass incarceration has in the US is the felon voting disenfranchisement. With the exception of Maine, Massachusetts and Vermont, the US excludes felons from the voter rolls. This amounts to 5.3 million people who are denied the right to vote. There is no one better to ask about being denied the right to vote than those in prison. Tony Lewis Sr is a

resident of Washington, DC who is facing prison time. His voting rights were restored in 2020. As he talks about the experience inside prison he states, "A lot of Black people have been beaten and killed for this right to vote." When asked how it felt being able to vote again, he said, "Still being a citizen of our community Washington, DC, and to know that I have a say, that's just going to be such an amazing feeling...something that I never expected to see or experience while being incarcerated." Considering the large amount of racial bias within the criminal justice system, you can begin to imagine how felon voting disenfranchisement would lead to a lack of representation among the black community. African Americans make up a total of 13% of the US population and yet African Americans make up 39% of people disenfranchised in the nation." By restricting the franchise, states deny fundamental democratic rights and representation that are otherwise guaranteed to all citizens." A quote from *Expanding Voting Rights to All Citizens in the Era of Mass Incarceration*, an article by The Sentencing Project.

In conclusion, the lasting legacy of slavery has influenced the modern prison systems greatly. This started when the 13th amendment was created, excluding prisoners from the pledge to abolish slavery in the nation. Then, black codes and strategies used to imprison African Americans were established. The legacy of slavery has resulted in racial bias in the criminal justice systems that we have today. All of this injustice within the 21st century prison systems, leads to the disenfranchisement and dehumanization of the black communities in the United States.

Works Cited

Audiovisual

Stevenson, Bryan, producer. *We Need to Talk about an Injustice*. TED. TED, www.ted.com/talks/bryan_stevenson_we_need_to_talk_about_an_injustice?language=en. Accessed 14 Dec. 2021.

Web sites, e-sources

Kica Matos, and Jamila Hodge. "The Chains of Slavery Still Exist in Mass Incarceration." Vera Institute of Injustice, 17 June 2021, www.vera.org/blog/the-chains-of-slavery-still-exist-in-mass-incarceration. Accessed 10 Dec. 2021.

Mauer, Marc. "Felon Voting Disenfranchisement." HeinOnline, Apr. 2000, heinonline.org/HOL/LandingPage?handle=hein.journals/fedsen12&div=74&id=&page=. Accessed 14 Dec. 2021.

Muhitch, Kevin, and Nazgol Ghandnoosh. "Expanding Voting Rights to All Citizens in the Era of Mass Incarceration." The Sentencing Project, Mar. 2021, www.sentencingproject.org/wp-content/uploads/2021/03/Expanding-Voting-Rights-to-All-Citizens-in-the-Era-of-Mass-Incarceration.pdf. Accessed 14 Dec. 2021.

Stevenson, Bryan. "Slavery gave America a fear of black people and a taste for violent punishment. Both still define our criminal-justice system." *The New York Times*, 14 Aug. 2019, www.nytimes.com/interactive/2019/08/14/magazine/prison-industrial-complex-slavery-racism.html. Accessed 10 Dec. 2021.