

Lecture 15: Mass Incarceration

Ta-Nehisi Coates – “The Black Family in the Age of Mass Incarceration”



Agenda

1. Ta-Nehisi Coates
2. Why Should We Punish People?
3. Theories of Punishment
4. Mass Incarceration, Visualized
5. Do Harsher Punishments Solve Crime?
6. The Myth of Black Criminality
7. The War on Crime
8. What's the Root of the Problem?
9. Further Questions

Ta-Nehisi Coates

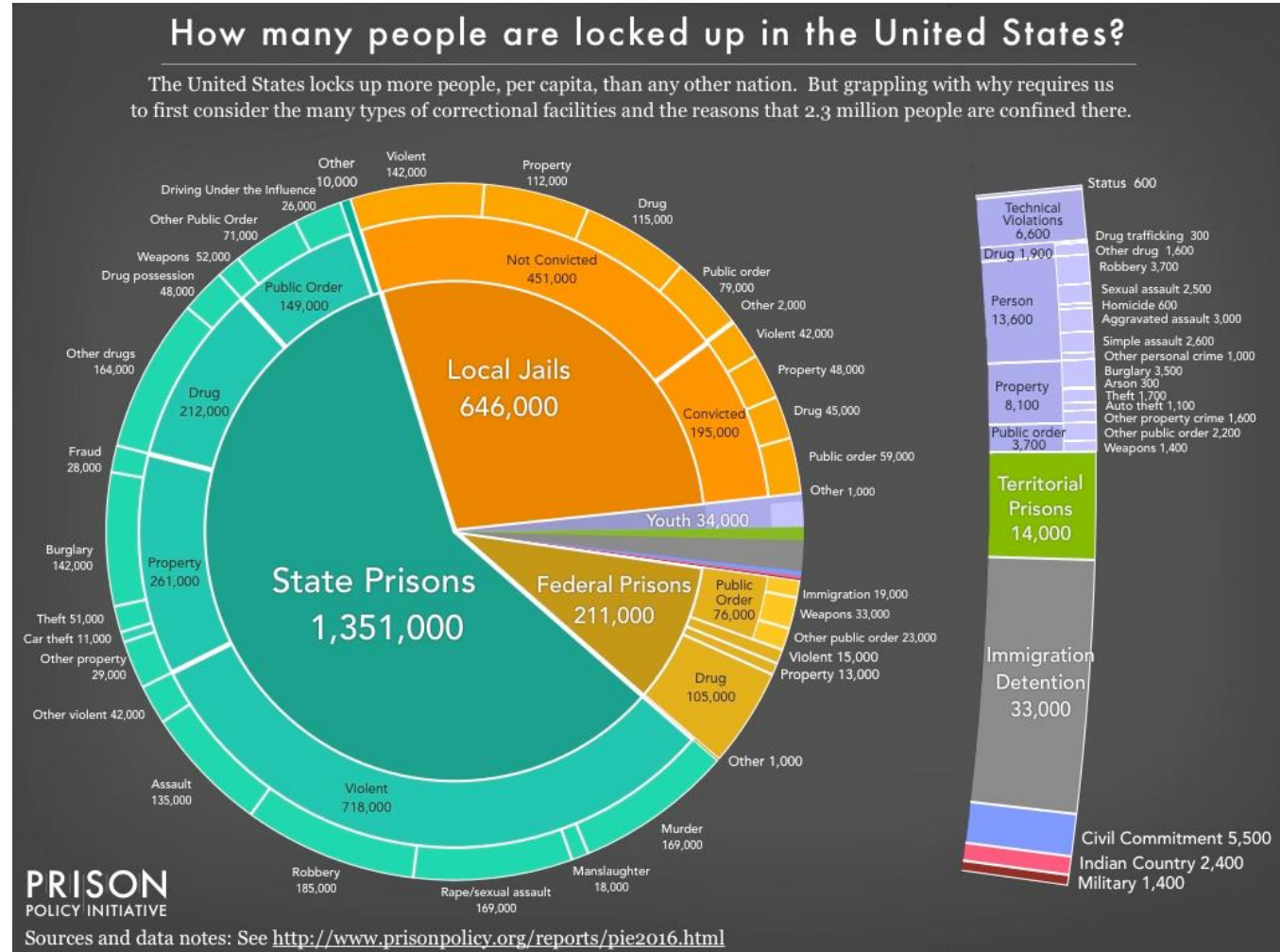
- National correspondent at *The Atlantic*, where he writes about culture, politics, and social issues.
- Has worked for *The Village Voice*, *Washington City Paper*, and *Time*.
- Author of *The Beautiful Struggle* and *Between the World and Me*, which won the 2015 National Book Award for Nonfiction.
- Recipient of a “Genius Grant” from the MacArthur Foundation in 2015.



Why Should We Punish People?

Guiding Questions:

1. Why should we punish people?
2. How much should we punish people?
3. What makes a just criminal justice system?
4. What is wrong about a racist legal or criminal justice system?

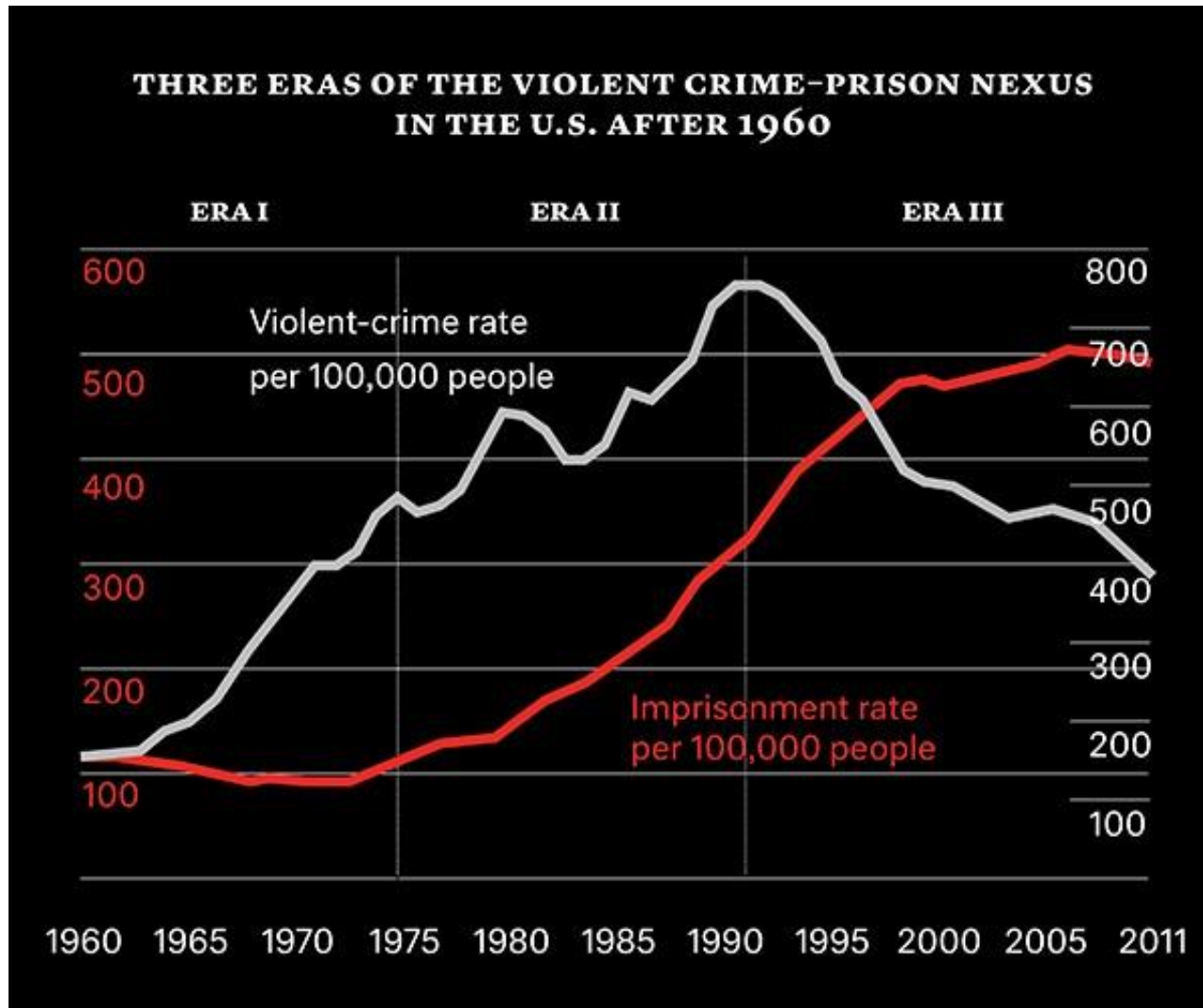


Theories of Punishment

Two kinds of theories of punishment:

1. **Retributive Theories**: punish people as retribution for their crimes. Punish people because they deserve to be punished. “An eye for an eye.” The punishment should be proportional to the crime.
 - This theory is deontological in nature because it emphasizes autonomy, and making people take responsibility for their choices.
 - A Kantian argument for retribution is that punishment respect criminals as persons. Criminals *will* some harm by committing their crime and harming them in return respects that will by making it into a universal law for them.
2. **Deterrence Theories**: punish people to deter future crimes (whether committed by them or others). Proportionality is not necessarily emphasized because harsher penalties theoretically may deter more effectively.
 - This theory is utilitarian in nature because it emphasizes the good consequences that result from punishment.

Mass Incarceration, Visualized



IS THIS 'JUSTICE'?

7 shocking facts about America's prison system

- The US accounts for 5% of global population but houses 25% of the world's prisoners.
- 1 in 15 black men is behind bars.
- One in 13 African Americans is unable to vote due to laws that deny the right to vote to ex-felons.
- There are more African Americans in prison or jail, on parole or on probation today than there were slaves in 1850.
- Arrests of black adults on drug charges are 2.8 to 5.5 times higher than of white adults, despite similar use rates.
- It costs nearly four times as much to keep an inmate in jail for a year as it costs to send a child to school.
- THE BILL: US taxpayers pay \$69bn - each year - to maintain the prison system.

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Do Harsher Punishments Solve Crime?

- Bruce Western, a sociologist at Harvard and one of the leading academic experts on American incarceration, looked at the growth in state prisons in recent years and concluded that a **66 percent increase in the state prison population between 1993 and 2001 had reduced the rate of serious crime by a modest 2 to 5 percent—at a cost to taxpayers of \$53 billion.**
- This bloating of the prison population may not have reduced crime much, but it increased misery among the group that so concerned Moynihan. Among all black males born since the late 1970s, one in four went to prison by their mid-'30s; among those who dropped out of high school, seven in 10 did. "Prison is no longer a rare or extreme event among our nation's most marginalized groups," Devah Pager, a sociologist at Harvard, has written. "Rather it has now become a normal and anticipated marker in the transition to adulthood."



The Myth of Black Criminality

- In Douglass’s time, to stand up for black rights was to condone black criminality. The same was true in King’s time. The same is true today. Appearing on *Meet the Press* to discuss the death of Michael Brown in Ferguson, Missouri, the former New York City mayor Rudy Giuliani—in the fashion of many others—responded to black critics of law enforcement exactly as his forebears would have: “How about you reduce crime? ... The white police officers wouldn’t be there if you weren’t killing each other 70 to 75 percent of the time.”
- [The Myth of Black Criminality](#)

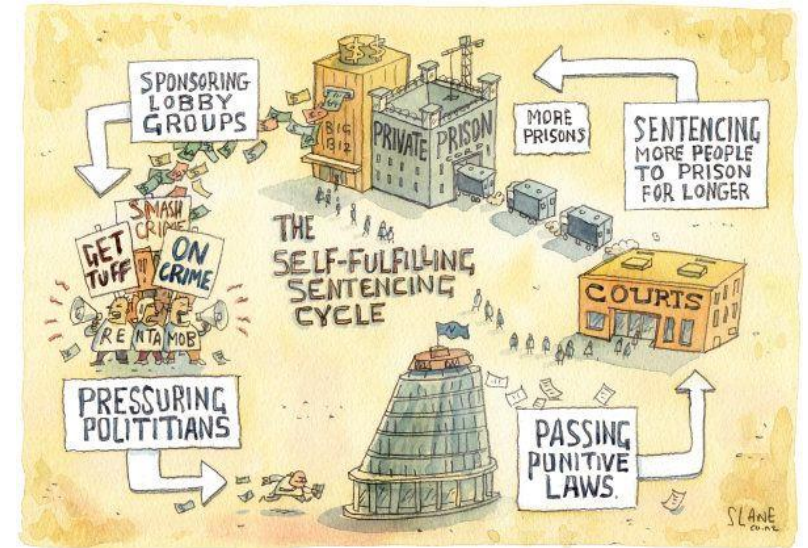


Stop-and-Frisk

But even in Giuliani's hometown, the relationship between crime and policing is not as clear as the mayor would present it. After Giuliani became mayor, in 1994, his police commissioner William Bratton prioritized a strategy of "order maintenance" in city policing. As executed by Bratton, this strategy relied on a policy of **stop-and-frisk**, whereby police officers could stop pedestrians on vague premises such as "furtive movements" and then question them and search them for guns and drugs. **Jeffrey Fagan, a Columbia University law professor, found that blacks and Hispanics were stopped significantly more often than whites** even "after adjusting stop rates for the precinct crime rates" and "other social and economic factors predictive of police activity." Despite Giuliani's claim that aggressive policing is justified because blacks are "killing each other," Fagan found that between 2004 and 2009, officers recovered weapons in less than 1 percent of all stops—and recovered them more frequently from whites than from blacks. Yet blacks were 14 percent more likely to be subjected to force. In 2013 the policy, as carried out under Giuliani's successor, Michael Bloomberg, was ruled unconstitutional.

The War on Crime

- Describing the Nixon campaign's strategy for assembling enough votes to win the 1972 election, Nixon's aide John Ehrlichman later wrote, "We'll go after the racists ... That subliminal appeal to the antiblack voter was always in Nixon's statements and speeches on schools and housing." According to H. R. Haldeman, another Nixon aide, the president believed that when it came to welfare, the "whole problem [was] really the blacks." Of course, the civil-rights movement had made it unacceptable to say this directly. "The key is to devise a system that recognizes this while not appearing to," Haldeman wrote in his diary.
- In 1968, while campaigning for president, Nixon was taped rehearsing a campaign ad. "The heart of the problem is law and order in our schools," he said. "Discipline in the classroom is essential if our children are to learn." Then, perhaps talking to himself, he added, "Yep, this hits it right on the nose, the thing about this whole teacher—it's all about law and order and the damn Negro–Puerto Rican groups out there."



Tough on Crime

By the mid-'90s, **both political parties had come to endorse arrest and incarceration as a primary tool of crime-fighting.**

This conclusion was reached not warily, but lustily. As a presidential candidate, Bill Clinton flew home to Arkansas to preside over the execution of Ricky Ray Rector, a mentally disabled, partially lobotomized black man who had murdered two people in 1981. “No one can say I’m soft on crime,” Clinton would say later. Joe Biden, then the junior senator from Delaware, quickly became the point man for showing that Democrats would not go soft on criminals. “One of my objectives, quite frankly,” he said, “is to lock Willie Horton up in jail.” Biden cast Democrats as the true party without mercy. “Let me define the liberal wing of the Democratic Party,” he said in 1994. “The liberal wing of the Democratic Party is now for 60 new death penalties ... The liberal wing of the Democratic Party has 70 enhanced penalties ... The liberal wing of the Democratic Party is for 100,000 cops. The liberal wing of the Democratic Party is for 125,000 new state prison cells.”



What's the Root of the Problem?

- The lesson of Minnesota is that the chasm in incarceration rates is deeply tied to the socioeconomic chasm between black and white America. The two are self-reinforcing—impoverished black people are more likely to end up in prison, and that experience breeds impoverishment.
- Mass incarceration is, ultimately, a problem of troublesome entanglements. To war seriously against the disparity in unfreedom requires a war against a disparity in resources. And to war against a disparity in resources is to confront a history in which both the plunder and the mass incarceration of blacks are accepted commonplaces. Our current debate over criminal-justice reform pretends that it is possible to disentangle ourselves without significantly disturbing the other aspects of our lives, that one can extract the thread of mass incarceration from the larger tapestry of racist American policy.



Further Questions

1. Why do people commit crimes?
2. What makes something a criminal justice problem rather than a social (justice) problem?
3. What should be done to change the criminal justice system?

