

The State of Our Communities: Understanding Mass Incarceration and Migrant Detention

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Today a crisis of incarceration and detention exists. Everyday, in the United States, millions of people are filtered throughout various institutions of the criminal legal system. Although the U.S. is only 5% of the global population it holds nearly 25% of world's imprisoned population. This pandemic of mass incarceration currently claims 2.3 million lives, which is quadruple what it was in 1980. The racial dimensions of this are even more alarming. Black people now constitute nearly 1 million of the total 2.3 million incarcerated populations.

Structural Racism & Mass Criminalization

Over the past few decades, a new consciously crafted system of social control has been institutionalized by federal, state and local governments and law enforcement agencies. The “War on Drugs”, which began in the late 1980s, has disproportionately targeted African American and Latino communities. It is demonizing, criminalizing and imprisoning millions of young men and women, relegating them to the margins of society as disenfranchised, unemployable pariahs. And despite the widely known fact that blacks and whites use drugs at the same rate, Blacks are arrested for drug activities at a number that is 150 percent more than their numbers in the population. Consequently, Black people in the United States are increasingly being locked out of the formal economy, while immigrants of color are locked into highly exploitative labor arrangements.

Due to historical and structural factors that perpetuate racism, the U.S. criminal justice system disproportionately impacts Blacks. Currently, 40% of people in prison are Black, yet they are only 13% of the total U.S. population. Today, there are more blacks under correctional control — in prison or jail, on probation or parole — than were enslaved in 1850.

This widespread and intentionally orchestrated phenomenon is largely the result of structural racism that is imbedded in every facet of the “criminal justice system”. Some define structural racism as, “the systemic and historically rooted inequality between racial groups that permeates society’s history, culture and institutions and that is reproduced through economic, social, political and cultural institutions and practices.”

From the hyper-policing of Black neighborhoods, to the anti-black racism inherent in charging and sentencing, to the disproportionate death penalty sentences of African Americans and more, Black people are targets in every phase of the criminal justice system. These realities are intensified by an atmosphere that condones the extrajudicial killing of Blacks. The Malcolm X Grassroots Movement has found that the an extra-judicial killing happens in the Black community every 28 hours.



Additional Impact on Families, Women and Youth

The legacy of enslavement of peoples of African descent, Jim Crow segregation and present day manifestation of racism explain why millions of families are struggling under the weight of mass incarceration. In the U.S. today, 1 in 15 African American children and 1 in 42 Latino children have a parent in prison, compared to 1 in 111 white child. This injustice has left many families fragmented and ravaged by financial ruin. Women with spouses who are incarcerated, detained or deported become the primary caretaker and provider for their children. Kinship ties are ultimately destroyed and the family unit is fundamentally undermined.

Black women comprise half of the female prison population, although they are only 12 percent of the female population. Many women are being incarcerated for petty reasons including nonviolent drug offenses and minor fraud crimes. Women in prison and detention face sexual harassment and abuse. In addition, it has been well documented that many women who are incarcerated are survivors of sexual and physical abuse that began during their childhood. To add to the injustice, both imprisoned and detained pregnant women are being shackled during childbirth, forced into premature labor, and made to deliver by caesarian section.

Black and Latino students represent more than 70 percent of those involved in school-related arrests or referrals to law enforcement. African American youth comprise of two-fifths of the confined youth population today. An estimated 200,000 youth are tried, sentenced or incarcerated as adults every year across the United States.

Neoliberalism Incarcerates

Mass incarceration is a key component of neoliberalism. Neoliberalism is a societal project that began 40 years ago when regressive forces in government and corporate America sought to roll back the gains made by social movements during the 1960s and 1970s. Some of the primary features of neoliberalism—the privatization of public services, union busting, and the slashing of social spending which are aimed at ensuring the maximum corporate profit. At the same time, there was a reduction of government support for historically oppressed people and a massive increase in spending for government-run prisons.

Incarceration is geared toward social containment and social control, while supplementing a parallel program of wealth redistribution upward to the rich and super-rich. Neoliberalism channels capital away from economically, geographically, and politically disempowered and displaced communities. Resources are redirected away from stabilizing social services, toward unstable and speculative market-driven agendas.

Economic destabilization by the government in

coordination with the private sector drives working class black and brown people and other dispossessed people into unemployment, underemployment and low-wage, union-less employment, where worker rights and workplace power is diminished. Conversely, government at all levels, at the behest of corporate interests, has increasingly implemented tax and fiscal policies that favor the rich.

This combination of factors has created a period in which there is an enormous and growing economic gap between rich and poor. This process situates people of color in hyper-exploitative and highly controlled social arrangements. And far too many low-income black and brown people have been channeled into the ever-growing mass incarceration system to protect this oppressive social order.

Mass Incarceration Agenda Enshrined in Law

The two-fold process of disempowered work and mass criminalization was epitomized in several policies, which came into being under Democratic President Bill Clinton. In 1994, Bill Clinton, in partnership with Republican lawmakers, passed the Violent Crime Control and Law Enforcement Act. This act escalated mass incarceration with provisions such as three strikes laws, federal grants for cities to hire more police, funding to build more federal prisons, death penalty expansion, enhanced penalties for “smuggling” undocumented immigrants and for reentry after deportation, and the creation of the office of Police Corps and Law Enforcement Education. The law eliminated access to Pell grants for people who had been incarcerated, thus excluding millions from opportunities in higher education among other things.

In 1996, Bill Clinton, Democrats and Republicans passed the Personal Responsibility and Work Opportunity Act. “Welfare Reform,” as the act came to be known, was laced with harsh mechanisms such as time period limitations for support, lifetime bans on receiving help after five years, and limitations on funds to single parents. These provisions weakened Black and Brown people’s ability to resist hyper-exploitive wage labor while they

were simultaneously criminalized and imprisoned.

To make matters worse, the trend toward mass incarceration was further enshrined in draconian changes to immigration law. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) did away with due process for immigrants and codified the criminalization of migrant communities. IIRAIRA coupled with the 1996 Antiterrorism and Effective Death Penalty Act (AEDEPA), which severely restricted the appeals process for people on death row, made things such as judicial review nearly impossible for immigrants facing deportation and made it easier for governments to execute people.

These laws formed in 1996 created mandatory detention prior to deportation, made punishment retroactive, and broadened the types of crimes that could result in a deportation. In short, it became easier for the government to detain and deport people and made it harder for immigrants to prove that they have a moral and legal right to remain. Furthermore, IIRAIRA increased spending on immigration enforcement and has turned the Department of Homeland Security (which handles immigration enforcement) into the third largest federal agency, spending an estimated \$60 billion in 2014.

For immigrants, the 1996 laws that transformed the immigration system were the precursor to the “War on Terror”. Those laws made the rampant mass profiling that has occurred since 9/11 legally possible. Immigrants of color, especially Black, Brown, Arab and Muslim immigrants have been subjected to racial and religious profiling, mass detention and mass deportation due to the so-called, “War on Terror”. Immigrants have been branded as a threat to national security, national cohesion and national economic prosperity. Record number of undocumented immigrants have been detained and deported in the 21st century. About half of all immigrants held in detention have no criminal record. The rest may have committed some crime in their past, but they have already faced their punishment and now are detained for immigration purposes.

The mass detention and deportation of undocumented immigrants goes back to Ronald Reagan's first term as president. In 1983, the Immigration and Naturalization Service helped corporate interests gain a foothold in the business of warehousing immigrants when it contracted with Corrections Corporation of America (CCA) to operate the first private prison. Since then, companies like CCA have been in the business of making money from misery. The revenue generated from privatized prisons continues to grow, as over 80% of detained immigrants are housed in private prisons.



Undocumented immigrants of African descent are racially profiled by local police, turned over to Immigration and Customs Enforcement (ICE) and deported at a rate that is five times their representation in the undocumented population -- mirroring the gross overrepresentation of African Americans in the criminal justice system. Furthermore, in recent years, due to Immigrations and Customs Enforcement programs, such as Secure Communities coupled with the anti-immigrant state-level agenda, racial profiling of Latinos has been on the rise. In fact, in 2013 Latinos (both Afro and non-Afrolatinos) made up 96.7 percent of all deportations.

Conclusion

The War on Drugs and the War on Immigrants have demonized and criminalized black and brown people. Punishment is primarily a tool of social control not behavior modification or deterrent. Building a social movement that attacks the twin pillars of social control—mass incarceration and mass detention—is a pressing responsibility of progressive social movements. To tackle such a daunting task requires a thoroughgoing critique of the prevailing social, political and economic order and a laser-like focus on the root causes of the mass misery that is the result. A policy agenda that targets structural racism and corporate globalization while uniting affected communities in a common struggle for justice is the social imperative of the 21st century.

Further Reading and Selected Sources:

Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*
Philip Kretsedemas, *The Immigration Crucible: Transforming Race, Nation and the Limits of the Law*
Tamara Nopper, *Why Black Immigrants Matter: Re-focusing the Discussion on Racism and Immigration Enforcement*
Loic Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity*
Alfonso Gonzales, *Reform Without Justice: Latino Migrant Politics and the Homeland Security State*



The Black Alliance for Just Immigration (BAJI) is a racial justice and migrant rights organization which engages in education, advocacy, and cross-cultural alliance-building in order to end racism, criminalization, and economic disenfranchisement of African American and Black Immigrant communities.

BAJI's headquarters are in Brooklyn, NY with additional offices in Oakland, CA, Atlanta, GA, and Phoenix, AZ. BAJI is the coordinating body of the Black Immigration Network (BIN), a national kinship of nearly 30 Black-led organizations that are connecting, training, and building towards policy and cultural shifts for a racial justice and migrant rights agenda.

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