# The Evolution of Racism in the United States Post-Slavery as Looked at Through the Lens of Poverty and Mass Incarceration

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Watkinson School March 4, 2019 Throughout American history, race has played a large role in determining one's life, value, and outcome. From the earliest years of this country, life in America has certainly favored the white race over all others. This truth is most apparent through the example of slavery but has continued to hold true in the years beyond it. Slavery came to an end over 150 years ago and African-American slaves were officially declared free, but its legacy has continued to affect the lives of all minorities in this country. Race is still a large determinant in one's outcome in America today, and unfortunately, it does not serve nearly as well for people of color. Though African-American people and other minorities are legally and constitutionally equal to their whites counterparts, society has dictated for many years that that is not the case. Whether it be through mass incarceration or poverty, it is clear that racism has not faded from society, but rather adjusted to fit the times and standards of today's America.

# **Background**

Slavery was a business that amassed a plethora of economic benefits for many countries in the 16th and 17th century. European countries including Spain, Portugal, England, and France all participated in the owning and selling of slaves, at a point amounting to about 12 million Africans forced westward. These countries were as involved in the slave trade as the United States but were able to build different futures for themselves in which race did not play a major role. For one, European countries including the ones mentioned above abolished slavery before the United States did so in 1865, starting as early as 1811. While some of these countries including England were slow to enforce these laws and allowed for the continuation of slaves in their territories, their earlier interference clearly made a difference in future race relations. But, the most significant divergence came directly post-slavery, after the induction of racist laws in America. While attitudes towards Africans and other people of color largely remained negative throughout the 19th century in Europe, there were no institutionalized laws that legally allowed for the discrimination against them. In the U.S., however, almost immediately laws were set in place to return African Americans and other people of color to inferior positions.

After African-Americans had begun to gain more opportunities in the late 1860s during reconstruction, President Andrew Johnson allowed states to have greater authority over themselves. This led to southern states creating Black Codes that directly discriminated against African-Americans. Under the passing of the Fourteenth amendment in 1868 and the Fifteenth amendment in 1870, Black Codes began to become nullified, but this victory was short lived. After congress was taken over by Democrats in the Compromise of 1877, Jim Crow laws were instituted nationally and would prove to last until 1965.

## Poverty

# Housing

One of the results of Black Codes and Jim Crow laws was a cycle of poverty inflicted upon a large percentage of the African American community. African-Americans were subject to a lower quality of life, not limited to education, work, and housing, the ramifications of which continue to afflict them today. In 2016, 22% of blacks lived in poverty in comparison to 8.8% percent of whites, 19.4% of hispanics and 12.7% of the total U.S. population <sup>1</sup>. The reasoning behind this statistic varies, but is partly due to the discrepancy in home-ownership and housing locations. Starting in the 1930s, the Federal

https://www.census.gov/content/dam/Census/library/publications/2017/demo/P60-259.pdf

<sup>&</sup>lt;sup>1</sup> Semega, Jessica et. al. "Income and Poverty in the United States." *United States Census Bureau*, Sep. 2017

Housing Administration graded neighborhoods in 239 cities, color-coding them green for "best," blue for "still desirable," yellow for "definitely declining" and red for "hazardous. Redlined areas were known as credit risks and were made up mostly of African-Americans, Jewish people, and immigrants from Southern Europe and Asia <sup>2</sup>. The good housing was built for whites only and even if blacks could be allowed to live there, they could not afford it. So, large populations of black and brown people were sentenced to living in poor housing conditions. This disinclined business owners from opening businesses in minority-populated neighborhoods, so "when existing businesses collapsed, new ones were not allowed to replace them often leaving entire blocks empty and crumbling" <sup>3</sup>. This created a cause and effect that led to limited employment, healthcare, banking, and grocery access. By the time the Fair Housing Act passed in 1968, homes that were purchased by whites families were sold for twice the national median income and became unaffordable for a large percentage of black families who would have been able to purchase them initially.

Because of the original system of redlining, many families are still impoverished today, having been unable to escape the chain of debt and hardship. Macon, GA was the most red lined area in the 30s, with 64.99% red. 91% of these red lined areas are still largely populated by minorities, 73% remain low to moderate income, and 35% of African Americans in Macon live in poverty in comparison with less than 13% of whites <sup>4</sup>. This happens because the more segregated and marginalized a group of people are, the less opportunity they have to exceed their current position or circumstance. So, when a systematically targeted group is largely cut off from people of other races or statuses, their chances of gaining status decrease significantly. The most extreme poverty in the United States occurs on Native American reservations and in the urban centers of major cities<sup>5</sup> directly because they are extremely segregated. This leads to many problems, one of which is a continuing reluctance or unwillingness from institutions to invest in those areas. A study done in 2015 shows that banks in Baltimore lend mortgage loans more than twice as much to neighborhoods with large whites populations than African-American populations. This demonstrates how companies and employers continue to prioritize their sales and developments in areas with large whites populations, directly perpetuating the poverty gap.

## **Employment**

Race-based poverty extends beyond housing, however, spreading into areas like employment and education. African Americans, Latino Americans, and Native Americans are about three times as likely to live in poverty as are whites. In 1967 median household income for African-Americans was 55% of that

<sup>&</sup>lt;sup>2</sup> Jan, Tracy. "Redlining Was Banned 50 Years Ago. It's Still Hurting Minorities Today." *The Washington Post*, WP Company, 28 Mar. 2018,

www.washingtonpost.com/news/wonk/wp/2018/03/28/redlining-was-banned-50-years-ago-its-still-hurting-minorities-today/?utm\_term=.ea407d4daec1.

<sup>&</sup>lt;sup>3</sup> Gaspaire, Brent. "The Black Past: Remembered and Reclaimed". *Black Past*, *blackpast.org/aah/redlining-1937*.

<sup>&</sup>lt;sup>4</sup> Jan, Tracy. "Redlining Was Banned 50 Years Ago... The Washington Post, 28 Mar. 2018,

<sup>&</sup>lt;sup>5</sup> Catholic Charities USA. "Poverty and Racism: Overlapping Threats to the Common good", *Catholic Charities USA*, 2008

https://www.catholiccharitiesusa.org/wp-content/uploads/2018/04/Policy-Paper-Poverty-and-Racism-1.pdf <sup>6</sup> "Home Mortgage and Small Business Lending in Baltimore and Surrounding Areas", *NCRC*, 6 Nov. 2015

https://ncrc.org/home-mortgage-and-small-business-lending-in-baltimore-and-surrounding-areas/

of whites and in 2016 it grew to be 61% <sup>7</sup>. These employment and pay gaps began after slavery and continued through the era of Jim Crow. There were multiple legal obstacles put in place by the government that were directly aimed at lowering the chances of employment for African-Americans and other people of color. The Wagner Act was enacted in 1935, and allowed unions to exclude African-Americans from membership as well as granted legal protections to labor unions that were not previously enjoyed. This gave many working class whites access to higher wages and benefits while also making sure that whites laborers had no legal competition in the job market<sup>8</sup>. The Social Security Act of 1935 helped to enforce this wage gap by instituting public policy that established a basic level of economic security for all of the country's workers apart from domestic and agricultural workers. This act effectively denied Social Security pensions and benefits to 75 percent of black workers. <sup>9</sup>

While these laws were created years ago, they allowed whites families to gain advantages economically and socially that they were able to pass down to future generations. This created for them a cycle of opportunity and cemented for some African-American families a cycle of poverty. Because of policies and attitudes like those, it is now harder for African Americans to find a job even if they are equally as qualified. A 2016 study where researchers created resumes for black and asian applicants and sent them out to 1,600 entry-level jobs posted on job search websites in 16 metropolitan areas of the United States, revealed that 25% of black candidates received callbacks when they did not identify their race and add other "racial clues" while only 10% got calls when they did <sup>10</sup>.

Even when African-Americans are able to get good starting jobs, it is often harder to advance their position. White males hold more than 70% percent of corporate senior management positions while African Americans hold less than 8% <sup>11</sup>. This demonstrates the workplace and employment discrimination that many minorities still face today. Unfortunately, this discrimination spreads to impact the lives and opportunities of their children as well.

## Education

Because it is more difficult for parents from non-whites backgrounds to find employment or good housing, they are often unable to give their child access to a more advanced education. They may not have nearly as much money to invest in private schooling and are usually left with the option of public school, many times in neighborhoods that are low-income and have poor public education. In half of the largest 100 cities, African Americans are more likely to attend high-poverty public schools where more than 75% of the students are eligible for free or reduced-price lunch<sup>12</sup>. Moreover, 33% of Native

<sup>&</sup>lt;sup>7</sup> Gee, Michael. "Why Aren't Black Employees Getting More whites-Collar Jobs?" *Harvard Business Review*, 5 Dec. 2018,

hbr.org/2018/02/why-arent-black-employees-getting-more-whites-collar-jobs.

<sup>&</sup>lt;sup>8</sup> Catholic Charities USA. "Poverty and Racism: Overlapping Threats to the Common good", 2008 <sup>9</sup> Ibid...

<sup>&</sup>lt;sup>10</sup> Knowledge, HBS Working. "Minorities Who 'whiten' Resumes Get More Job Interviews." *Forbes*, Forbes Magazine, 18 May 2017,

www.forbes.com/sites/hbsworkingknowledge/2017/05/17/minorities-who-whitesn-resumes-get-more-job-interviews/#24f2cc9f7b74.

<sup>&</sup>lt;sup>11</sup> Gee, Michael. *Harvard Business Review*, 5 Dec. 2018

hbr.org/2018/02/why-arent-black-employees-getting-more-whites-collar-jobs.

<sup>&</sup>lt;sup>12</sup> Janie Boschma, Ronald Brownstein. "Students of Color Are Much More Likely to Attend Schools Where Most of Their Peers Are Poor." *The Atlantic*, Atlantic Media Company, 29 Feb. 2016, www.theatlantic.com/education/archive/2016/02/concentration-poverty-american-schools/471414/.

American and 33% of African-American children are living in poverty in comparison with 11% of whites.

Because of the communities in which these children grow up and their amount of family income, these children have fewer and fewer options for improvement. And sadly, many end up with low paying jobs and in the same neighborhood they grew up in. Obviously, this is not the case for all African-American and minority children or all people living in these neighborhoods. Many other factors contribute to the outcome of one's future, but the point is that because of the historical struggles African-Americans and other people of color faced in the 20th century and before, they have been and remain at a systematic disadvantage. And while many people are able to overcome it and have prosperous lives, many people are not. This has nothing to do with people of color being incapable of creating success, but rather has too much to do with the society that continues to plant economic and social barriers in their lives.

#### **Mass Incarceration**

## **Introduction / History**

With all that being said, poverty is not the only way in which people of color are institutionally targeted in this country. That is also done through the law enforcement and criminal justice system. The United States is notorious for having the highest prison population in the world, but that was not always the case. In the mid-20th century the prison population was to scale with other large nations. But due to the changing climate of politics, the prison population rose and has continued to rise significantly, surpassing all other countries. The politics behind this stem from "tough on crime" ideologies held by a series of politicians that led to the overcriminalization of the American people, but specifically people of color. The policies birthed from those attitudes and beliefs led to the incarceration of hundreds of thousands of minorities and led to an era where the relationship between communities of color and law enforcement is one of fear and distrust. African-Americans in particular have consistently been depicted as criminals by politicians, law enforcement, and the media. But, this stereotype did not just appear; It was created hundreds of years ago after slavery was abolished.

After slavery came to an end, the Southern economy faced an economic decline. Slavery, generated billions of dollars in today's money for the U.S. economy. This was the most true for the South as that was the section of America that valued slavery the most. So, when it was abolished and plantations no longer had free and unconditional labor forces, they looked for a way to supplement this loss. Thus, the system of convict leasing was created. Convict leasing, lasting from 1846 to 1928, was a type of labor provided by prisoners to private parties, i.e plantations and other corporations in Southern states. Renters were responsible for feeding, clothing, and housing the prisoners, but were not nearly as financially invested in their well being as they were during slavery because technically they were not their property. So, the prisoners were treated inhumanely as this system managed to create immense profits for the states. When public sympathy grew for the prisoners and revenue began to decline, many states replaced this type of private convict leasing with public chain gangs. Chain gangs were a group of prisoners who were chained together and forced to work on public projects including building railroads or ditch digging. This

<sup>&</sup>lt;sup>13</sup> "Children in Poverty by Race and Ethnicity | KIDS COUNT Data Center." *KIDS COUNT Data Center: A Project of the Annie E. Casey Foundation*, datacenter.kidscount.org/data/tables/44-children-in-poverty-by-race-and-ethnicity#detailed/1/any/false/.

type of labor was painful and limiting in the fact that these prisoners had no sense of freedom or control, but it still proved to do much good for the places in which they worked<sup>14</sup>. This type of prisoner exploitation was the loophole in the Thirteenth Amendment that said that slavery was illegal, except in the case of prisoners. So, because Southern states could not legally enforce the traditional type of slavery, they opted to first criminalize blacks, then control them through means such as convict leasing or chain gangs.

This idea was enforced with the film *Birth of a Nation* (1915), the first major motion picture in the U.S. It depicted African-Americans as uncontrollable animals who preyed on white women. This film regressed African-American progress and set the tone for the the rest of the century. Even the president at the time, Woodrow Wilson corroborated this portrayal, saying "It's like writing history with lightning. And my only regret is that it is all terribly true" <sup>15</sup>. Throughout the rest of the Jim Crow Era, African-Americans were repeatedly targeted for engaging in "criminal activity" and continued to face jail time, harassment and even lynchings because of it. Civil Rights leaders tried to take back the idea of being a criminal by allowing themselves to get arrested for participating in nonviolent protests. But, even though it did further their quest for Civil Rights, it consequently perpetuated the stereotype. So, by the time Civil Rights were won and the country was moving towards a better future, the association of blacks with crime was already ingrained in American society.

### The War on Drugs

At the start of the 1970s the prison population was still relatively low. African Americans continued to experience racism in daily life, but incarceration appeared to be a practice in decline. But, with the election of Richard Nixon, everything changed. He built his entire campaign around being "tough on crime" which was meant to appeal to poor, white Southerners and subsequently, made African Americans the main target. It was much easier to condemn African Americans and other minority populations because of the historical factors that led to large impoverished communities and an association with crime. So, when the War on Drugs officially started, people of color were incarcerated at extremely disproportionate rates. Nixon did this by specifically targeting drug offenses because he saw it as a way to single out African Americans and other groups he deemed harmful. John Ehrlichman, one of Nixon's aides said in 1994:

"The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I'm saying. We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their

<sup>&</sup>lt;sup>14</sup> "Chain Gangs." *PBS*, Public Broadcasting Service, www.pbs.org/tpt/slavery-by-another-name/themes/chain-gangs/.

<sup>&</sup>lt;sup>15</sup> Hartsock, Peter. "The Unfortunate Effects of 'The Birth of a Nation'." *The Washington Post*, WP Company, 22 July 2017,

www.washingtonpost.com/opnions/the-unfortunate-effects-of-the-birth-of-a-nation/2017/0 7/21/b6fc5920-6c1e-11e7-abbc-a53480672286 story.html?utm term=.f7795212c711.

homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did" 16.

This mentality didn't only belong to Nixon, however. It was carried out for decades after by Ronald Reagan, George H.W. Bush, and Bill Clinton who all had similar "Tough on Crime" ideals throughout their presidencies. Reagan instituted mandatory minimum sentencing that stated that each crime had a minimum sentence that everyone convicted must serve, regardless of circumstance. This law was widely used in drug cases leading to numerous low level drug offenders, many of whom were people of color, serving lengthy sentences.

When Bush was elected, the criminal justice and policing system only served to sustain the explicit discrimination generated by his predecessors. During Bush's campaign for presidency in 1988, he televised a controversial commercial in which he stated opponent Michael Dukakis allowed black rapist and murderer Willie Horton "weekend passes" from prison<sup>17</sup>. This ad was viewed significantly by the general public and showed just a mugshot of Horton. This type of widespread imagery implanted in the general public the idea that African Americans are more criminal by nature and generated more fear towards them. That fear turned into gratitude when they were imprisoned in large numbers because the public now had a "thank god for prisons or else they would be walking the streets" attitude. This public criminalization of an African American gained Bush a lot of support and aided in him winning the election after previously losing by double digits. After Bush was elected, his actions only further disrupted and vilified poor, African American communities. By the end of his term, almost 40,000 paramilitary style swat raids were carried out a year, usually for nonviolent drug offenses<sup>18</sup>.

Clinton followed this up by introducing the Three Strikes Law which created a 100:1 sentencing disparity between crack and cocaine. This exploited the fact that crack was less expensive and used mostly by people of color whereas cocaine was higher end and used mostly by white people. All of these tactics and policies unfairly locked up thousands of African Americans over decades, growing the federal drug sentence for blacks from 11% higher than whites in 1986 to 49% higher in 1991. By the time the official War on Drugs ended in 2001, the prison population had risen from 198,061 in 1970 to 1.4 million <sup>19</sup>.

## **Ramifications of Mass Incarceration**

The consequences of these actions are far reaching. Because of the era of mass incarceration and the incredible discrepancy between races in sentencing, many people of color have lost families, rights, and faced a much tougher life after being released. It is much more difficult to find work after being incarcerated, especially for African Americans. Black previously incarcerated men are significantly less likely to receive a call back for a job than whites. Making it even more difficult, one could even be unable to obtain specialty licenses for taxi driving, accounting, becoming a nail technician or hair stylist. But,

<sup>&</sup>lt;sup>16</sup> LoBianco, Tom. "Report: Nixon's War on Drugs Targeted Black People." *CNN*, Cable News Network, 24 Mar. 2016,

www.cnn.com/2016/03/23/politics/john-ehrlichman-richard-nixon-drug-war-blacks-hippie/index.html.

<sup>&</sup>lt;sup>17</sup> DuVernay, Anna. "13th". *Kandoo Films, Forward Movement*, 2016.

<sup>&</sup>lt;sup>18</sup> "A Brief History of the Drug War." *Drug Policy Alliance*, www.drugpolicy.org/issues/brief-history-drug-war.

<sup>&</sup>lt;sup>19</sup> Harrison, Paige, and Allen Beck. "Prisoners in 2001." *Bureau of Justice Statistics*, U.S. Department of Justice, July 2002, www.bjs.gov/content/pub/pdf/p01.pdf.

even though it is harder to find employment, people convicted of felony drug charges still cannot receive welfare in 38 states or food stamps in 9 states. These types of laws increase the risk of recidivism because the formerly incarcerated can feel that they have no other means of supporting themselves and their families other than through returning to criminal activity.

Incarceration also makes it harder to gain a greater education as it can make someone ineligible from receiving federal college loans and grants. The most fundamental right, however, that is taken away after incarceration is the right to vote. Historically, so many different groups of people fought for the right to vote and today, it can be taken almost as easily. So, when a system incarcerates African Americans at a rate significantly greater than any other race, large populations of black people are once again disenfranchised and unable to participate in a constitutional right that was denied from them for so long.

In 2017 in Kentucky, over ¼ of African American citizens were unable to vote due to a lifetime ban on voting after incarceration. The national rate is 1/13 for African Americans, four times that of any other race <sup>20</sup>. Because of felon disenfranchisement, the era of mass incarceration has been more effective in eliminating black voters than the era of Jim Crow <sup>21</sup>.

#### Conclusion

When looking at all of the facts stated above, it is clear that there is a system in play in the United States that has targeted African Americans and other minority populations for hundreds of years. In the eras of slavery and Jim Crow this discrimination was louder and clearer because that is what the time allowed. Today, however, this discrimination has shifted to become quieter than that of the past. Where African Americans were once enslaved and lynched they are now imprisoned and victims of police brutality. Where black children were once unable to learn how to read or write, many are now succommed to poor schooling and unable to go on to higher education. Where African Americans were once left to live in poor, segregated housing systems, many are now stuck in the projects of inner cities. These problems were never really solved, they were merely lessened and ignored. Once Civil Rights were won, African Americans were supposed to be grateful and have equal opportunities. But, the discrimination still continued because the attitude and perspectives never changed. There is still institutional racism because the institution never changed; It adapted. And at this point, the institution is so corrupt that it leaves little hope of problems actually being solved. So, in order to move this country towards becoming truly equitable, we have to build an entirely new system.

One essential property of this new system has to be an enlightened view on incarceration as a whole. The prison population in America is so high because this society believes in isolation and punishment rather than rehabilitation and resocialization. When someone is convicted of a crime, the criminal justice system and the people who run it are so quick to assume guilt and enact punishment that no one stops to consider if there is a better option. The consequences of this are detrimental as seen above and affects people of color at extremely inordinate rates. Countries like the Netherlands and Germany, however, have implemented progressive criminal programs that are encompassed around reforming criminals and helping their reentry into society. In both countries, prisons are more humane and used less often. Fines are preferred over incarceration, and sentences in general are significantly shorter than those

<sup>&</sup>lt;sup>20</sup> Schroeder, Karina. "How Systemic Racism Keeps Millions of Black People from Voting." *Vera*, 16 Feb. 2018, www.vera.org/blog/how-systemic-racism-keeps-millions-of-black-people-from-voting.

<sup>&</sup>lt;sup>21</sup> Birchett, Colleen, et al. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness, by Michelle Alexander.* Samuel DeWitt Proctor Conference, Inc., 2011.

in the United States. Solitary confinement is not nearly as widespread, with laws in both countries limiting the use of it per individual prisoner to no more than 2-4 weeks a year. These types of policies and laws is exactly why only six percent of German offenders are imprisoned and ninety two percent of sentences last no longer than two years. Because of their focus on reforming criminals, their prison population is almost 90% lower than that of the U.S., and they are not facing the problem of mass incarceration and discrimination that the U.S. is <sup>22</sup>.

This tactic will cut down a large percentage of jury trials and convictions, but there also needs to be changes in the courtroom for when defendants are facing prison sentences. One reason why black people, men in particular, are given harsher sentences is because they are not tried by a jury of their peers. Like in the era of Jim Crow, too often black defenders are standing before an entirely or majority white jury. They are not heard by people who may relate to them or understand their circumstance, but rather tried and convicted by people who often assume guilt and believe that they deserve what they are getting. So, in order to partly solve mass incarceration, there needs to be more representation on juries. White, middle class people can not possibly understand the implicit difficulties of being a person of color or a person of low socioeconomic status in this country and thus can not be left alone to determine the guilt or innocence of someone from that background. When this change is made, more people of color may finally have faith in this country's criminal justice system.

Decreased incarceration alone opens the door to many more opportunities for people of color. Automatically, thousands of African Americans would have a better chance of raising their children, finding employment, and voting. Children and teens from minority and lower socioeconomic populations would have a lower chance of being put into the system at a young age, thus reducing their probability of jail time and committing a crime later in life. This also raises the chances of them graduating from both standard and higher education, especially when coupled with notably more funding to poor, minority populated schools. From there, people of color will have more opportunity when it comes to employment, especially once hiring is done completely independent of race, ethnicity, religion, and origin. When black people and other people of color are not only hired at the same rates as whites but given real chances of promotion, more change can be made because there will be more representation in higher, decision-making positions. Through increased employment and promotions, African Americans will have access to greater wealth that can be distributed to the purchasing of a home, better healthcare, and better education for their children and families.

These are just a few tactics that will help in solving the problems of racism and discrimination in this country, but it also must be done on a personal level. While the system is what targets people of color, it is people who make up the system. People have biases that disincline them from making all the changes listed above and make it extremely difficult for progress to actually be made. People are the ones who pull over African Americans 30% more than whites, reject funding to low income schools, convict African Americans at higher rates, enact gentrification, deny African Americans from employment, choose not to expand business in low income, minority populated neighborhoods etc. Even when laws are created or policies are instituted that are supposed to make this country more equitable, they are overturned or suspended by the next person who gets to make the decisions. So, in order to truly cure this country of

<sup>&</sup>lt;sup>22</sup> Riggs, Mike, et al. "Why America Has a Mass Incarceration Problem, and Why Germany and the Netherlands Don't." *CityLab*, 13 Nov. 2013, www.citylab.com/equity/2013/11/why-america-has-mass-incarceration-problem-while-germany-and-nethe rlands-dont/7553/.

racism, work must be done on both a systematic and personal level. That is the only way to create lasting change.

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