

The WOOZY
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This report has one section

Angola

*The Transition from Slavery to
the Modern Prison Industrial
Complex*

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About The WOOZY:

The Woozy is a grass roots community based policy institute centered in West Oakland, California. The purview of The Woozy is everything that has anything to do with how life is organized and lived in the inner city ghettos of America.

The website is: <http://www.thewoozy.com>

A note from The WOOZY:

The beginnings of the modern prison system began almost the morning after The official end of the civil war and the beginning of Jim Crowe. Prior to emancipation, there was no financial motivation for the wide-scale imprisonment of Blacks, for they had no rights, were slaves, non-citizens and in the North, mostly had no power politically or otherwise. The Black codes enforced a new form of slavery and with a liberal and literally use of the loophole created by the 13th Amendment that allowed slavery and involuntary servitude only under one specific condition:

“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.”

Southern states, armed with Jim Crowe and the constitutional power of the 13th Amendment began a flurry of incarceration never before seen in the modern age.

Black incarceration is a practice that has its roots in slavery, and yet it’s branches and flowers continue to bloom to this very day. There is an unbroken legacy of institutionalized disenfranchisement that has resulted in, and continues to support the modern prison industrial complex currently in place. In effect it serves the same function as slavery, with a shared implicit philosophical basis as slavery, racism, oppression and control.

One of the blockages to instilling real change is the fact that to overhaul the social system would have permanent social, political and economic consequences. In order to make any headway in this direction would require the U.S. to become deadly serious about addressing the effect of racism on virtually every facet of society.

The purpose of this paper is to explore and illuminate the condition of racism and discrimination that is present today, despite it’s masking and rebranding under more acceptable terms such as “criminal justice”, “the war on drugs”, “special education”, “standardized testing” and “reverse discrimination”.

The United States will know that it no longer is entrenched in it’s previous 236 year racist orientation when percentages of black over-representation and under-representation becomes more balanced in several key social realms such as: employment, arrests, convictions, incarceration, higher education, income, welfare, foster care, and academic performance.

Sincerely,

The **WOOZY**

*Black males are incarcerated at a rate of 3,452 per 100,000. White males are incarcerated at a rate of 571 per 100,000. The overall U.S. rate of incarceration is 743 per 100,000. Black males between the ages of 25-19 are incarcerated at a rate of 25,603 per 100,000 citizens.

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Angola:

The Transition from Slavery to the Modern Prison Industrial Complex

Introduction

The similarity of the Angola slave plantation to Angola the penal institution is in many ways indistinguishable.

The Slave system had capture, the middle passage, dehumanization, auction and slavery. For Angola, the state prison, In place of the trading company, there is the Louisiana State government. The kidnappers and slave traders are faithfully represented by the criminal justice system and executed by law enforcement agencies. The abduction is substituted by the arrest. The slave ship journey through the middle passage is represented by county jails. In place of the slave auction, the modern system has in its place plea-bargaining and trial. Finally, for the slave system, there is the work on the plantation, whereas for Angola, in the beginning up to the middle of the 20th century, there was convict leasing. In many ways, the convict leasing system was more brutal, inhumane and inescapable than the slavery system.

Facilities of incarceration also share a physical approximation with the confines of the middle passage space for slaves. As Dr. Dennis Child's states "The slave ship and the constricted space of the prison cell-underlines a direct spatial correlation between two putatively distinct systems of captivity. The area allotted to one black man aboard the slave ship Brookes -six feet by one foot four inches-directly resembles the specifications of today's jail cells." In reality, all comparisons pale in respect to one major similarity. The overwhelming number of convicts at Angola are black (80%).

For the first 100 years of the Angola State Prison the brutality exceeded that of the former plantation. In the early years the prisoners were used in any way those in power saw fit.

The death rate of prisoners leased to railroad companies between 1877 and 1879 was 16 percent in Mississippi, 25 percent in Arkansas, and 45 percent in South Carolina. And this type of brutal work was reserved for Black inmates almost exclusively. In 1878 1,239 Georgian inmates were leased out. Only 115 of them were not Black. Inmates not leased simply worked the plantation at Angola. The brutality of the convict leasing practice was to a point that in 1952, a coalition of white prisoner desensitized by years of brutality, together with 31 Angolan inmates who cut their Achilles' tendon were finally able to end the practice. Everywhere else in the nation, convict leasing had ended in the 30's.

Prisoners were also taken advantage of, used unethically and dehumanized. Joan Spillman, the daughter of John Spillman, a second-generation captain of Angola Prison recounts the treatment of a prisoner/house-servant they re-named, "Dummy".

"Dummy was an old black man who had been at Angola ever since he was a young boy... and while he was there they had beat him to the point where he couldn't talk; he was deaf and dumb. We had quite a few of the inmates working for us. Dummy was sort of a handyman for my father, and he would meet me at the end of the road to the house when I got off the school bus. He was always there, and I had a little dog-named napoleon, and they were constant companions. My father was very protective of dummy, but he loved to play tricks on him. Daddy would get these exploding cigars, and Dummy loved cigars. Daddy would say, "here Dummy, you've done a good job today, here's a cigar." and he'd put the cigar in his mouth and start smoking, and that thing'd blow up. He couldn't say anything, but poor thing, you could tell he was aggravated."

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The tale also recounts how Joan's mother would sadistically beat Dummy and the other inmates for small infractions. Later, Dummy plunged a knife into Ms. Spillman's back and repeated the action several times until she was dead. He then hid her body under the couch, put on her dress and make-up (he had performed in drag at the prison sponsored minstrel show) and escaped shortly before being recaptured.

Further degradations pervaded the slave-master mentality of those in charge at Angola. For instance, the Minstrel show mentioned above "...where inmates at the all black barrack were given the privilege of traveling around the area immediate to the prison grounds if they donned burnt cork and performed " And not to be forgotten is the ongoing yearly "rodeo", where inmates are regularly maimed and seriously injured as they jump into a gladiator type ring before a paying public for prize money that typically does not exceed \$50, which represents almost 8 months wages at the current 4 cents per hour.

Despite the similarity to chattel slavery as exemplified through the similarities and degradations mentioned above, the larger point is that chattel slavery and the idea of the inferiority of blacks within the southern plantation economy served as the model for the modern penal institution in the United States. It took but a few minor nuanced transmutations for the culture of slavery to be codified into a new system that remanded blacks into their previous condition of servitude. Armed with this new tool prisons became the de facto symbol of a new geographic apartheid, a tangible symbol of black disenfranchisement and a high tech form of institutional racism.

History shows that prior to emancipation, there was no formalized "prison system" in the United States. Although Auburn prison was built in 1817 and the Western Prison "panopticon" in Pennsylvania was constructed in 1826 (and it's first inmate a Black man), it took the end of the Civil war for the Current prison system in the United States to become fully implemented. Before the Civil War, the great majority of Louisiana's convicts were white. When the Civil War freed the slaves and granted them the rights of citizenship, overnight, in Louisiana and the other Southern prisons, the prison population became predominantly black. In Louisiana and in the other states that established large prison farming operations, "convict," "slave," "Negro," and "farm work" became synonymous terms in the public and political mind.

Angola Prison or, "The Farm" sits in Louisiana, on 18,000 acres bordering the Mississippi river, a geography that lends itself to the habitation of alligators, snakes and impassable miles of swamp such that it was the only high security prison in the nation with no walls. Originally, a slave plantation, in 1880 it was christened anew as the new Louisiana State Prison when Major James purchased an 8,000-acre plantation in West Feliciana Parish called "Angola", named for the area in Africa where most of the slaves in that region came from. Prisoners worked its fields, and lived in the former slave quarters and most of the "hard labor" was done in the form of levee construction throughout the state.

The prisoners, having been leased to Major James and his family, were used and rented out in any way Major James saw fit to profit from the fruit of the inmates labors to pay for the prison and to turn a profit if possible with little regard for the perilous nature of the work or body count. In 1901 the State of Louisiana resumed control of the inmates, ending 55 years of the lease system. At this time the Louisiana Board of Control purchased the land from Major James. Under the new state system the death rate among inmates was reduced by 72%. The Annual Report of the Louisiana State Penitentiary, from 1901, shows that the last seven years of the lease to Major James, (from 1894 to 1900), 732 convicts, averaging over 100 a year, died. Convicts lives were virtually worthless. In slavery, the plantation owner had an investment. In incarceration, the lives are "free" and there were always replacements.

Briefly, in 1903 and 1912 floods ruined the crops and put Angola in economic chaos much to the consternation of the cash strapped Louisiana State government. By 1916 the inmates were once again leased out due to financial considerations. Mr. Henry L. Fuqua was named general manager of the penitentiary. One of Mr. Fuqua's first moves was to fire almost all of the security officers at Angola and replace them with inmate trusty guards. In a series of eight purchases in a year and a half, Henry Fuqua purchased 10,000 acres of land, removed the remaining free sharecroppers, which brought Angola to its present size of 18,000 acres.

As late as 1961, The Louisiana Corrections' budget was drastically reduced and a period of decline began and

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Angola became known as "The Bloodiest Prison in the South". Up until the 1950's any sentence longer than 3 years was considered a death sentence, seeing as it was the rare exception that an inmate survived more than 3 years. The use of trustee's (who were virtually all white) rather than guards and the expectation of a high death rate were all factors in Angola being generally regarded as the "worst" and the "bloodiest" prison in the United States. It wasn't until 1994 that the American Correctional Association (ACA) accredited Angola, which is a certification that the institution is "stable, safe and constitutional"

Angola also has some other traits that link it directly to the legacy of slavery. Its convicts have always done farm work and over 99% of inmates that are certified as being physically able to work do so. Currently these inmates grow over 4,000,000 pounds of soybeans, corn, squash and potatoes to feed all of Louisiana's prisoners. Angola is also extremely isolated and located in a remote part of the state making it hard to visit and it's expanse is such that questionable prison practices are easy to keep out of the eyes of visitors and advocates. Angola has always had a "master-servant" relationship scheme with guards in the fields mounted on horseback with shotguns.

Life without Parole (LWOP)

Life sentences were initially developed for individuals who were thought to be beyond the reach of re-socialization and/or lacked the requisite level of humanity and respect for life and property to be allowed to mingle with the public. In the modern age, life without parole is thought to be an alternative to the death penalty.

Of the 900 men sent to Angola in 1997, half were given life sentences and nearly 80% were black. Of the 1,200 Angola prisoners not sentenced to natural life, these individuals will most likely be eligible for parole after having served anywhere from 25-50 years of their sentence, however, Louisiana's parole board can only grant parole by a unanimous decision and it is the rare exception that they grant parole, thus, it is expected that Of the 5,000 inmates 95% are expected to die at Angola. The average length of sentence for an Angola inmate (with life calculated at 99 years) is 88 years.

True Life without parole or LWOP was ruled constitutional in 1974, however Louisiana had version of LWOP, which could not be challenged, which was called, "natural life". Prior to this ruling, most states did not have this sentence, even for it's worse offenders. Even murderers were eligible for parole after a certain period of time, as early as 7 years in some cases. 150 of Louisiana's 3,800 natural lifers were sentenced due to heroin sales despite the fact that the justification for LWOP is as an option to the death penalty, or due to the fact that the inmate is deemed "un-rehabilitatable" and beyond the reach of being fit for life among law abiding citizens. To extend such a sentence to drug users, Such a flies in the face of all the notion of substance abuse as a disease, or modern trends that divert substance users and abusers out of the criminal justice system and into alternate forms of treatment conditions. Non-violent offenders and those with sentences of less than 50 years, constitute the majority of inmates that do not die in prison, however, they are released to a new form of unrelenting Black Codes known as felony disenfranchisement.

Felony Disenfranchisement

Between the racial disparities, economic disparities and the use of felony disenfranchisement, (which is more harsh and severe in the United States than any western nation in the world), the U.S. has created a virtual caste system between blacks and all other races. The list of blockages and programs that convicted felons are ineligible for is long. If the charge is one of drug sales or possession, then the list of services that the felon is ineligible for is even longer (those convicted of drug possession, manufacture or trafficking).

Voting Rights: In most States convicted felons cannot vote. Only two States, Maine and Vermont, have no restrictions, even permitting inmates to vote. Three States, Florida, Kentucky and Virginia, have lifetime bans on voting by felons. Nine States bar selected groups of offenders for life. New York like the 32 remaining States, do not allow current inmates or parolees to vote.

Federal Programs: Individual states have the right to decide if they will allow convicted felons to be

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eligible for TANF (Temporary aid to needy families) and the federal Food Stamp program.

Military Service: Convicted felons and those convicted of specific misdemeanors are not eligible for military service, and subsequently the host of benefits available to veterans.

Education: Pell Grants; Federal Grants; Student Loans; Carl D. Perkins Act; Hope Scholarship Tax Credits; and the Workforce Investment Act (WIA):

Many felons are not eligible for federal student loans (17,000 loans were denied in 2001-2002. 20,000 denied in 2003-2004) and are denied Pell grants and an additional 29,000 to 41,000 felons lost out on student loans due to drug convictions. Not taken into account are the untold number of convicted felons who failed to apply for loans due to the knowledge that they were ineligible.

Carl D. Perkins Act (workforce development grants) total over \$1.194 Billion per year.

Community College job training grants total over \$250 million per year and

Over 2,000,000 community college students depend on Pell grants to pay for books, tuition, equipment and living expenses.

Federally Assisted Housing: Convicted felons, especially those with drug convictions are permanently banned from Federal housing and federally assisted housing (Section 8) whether they or someone else is the leaseholder. If a person is convicted of a drug offense in the home of a section 8 resident, then the entire family may be evicted and banned from future section 8 eligibility.

Federal Licenses: Many professions, including Physicians, Pharmacist, Dentists, Social Workers, and Psychologist are prohibited from gaining licenses if they are felons.

Procurement Contracts: No government contract may be awarded to a convicted felon, or to companies run by a convicted felon.

Background Checks: Any job requiring a background check, such as security guard, certain government contractors, law enforcement and military support, from janitors to administration, a convicted felon will not be eligible for.

Weapons: Federal law prohibits convicted felons or parolees from owning or possessing any type of firearm of "deadly" weapon or personal protection device (mace, pepper spray, etc).

Law enforcements unequal effect upon Blacks

All of the above forfeited rights and denial of access are classed as "race neutral" because they do not specifically apply to, nor in their language, are they applicable to any specific race, however, in the *effect* of these policies, they are anything but race neutral. Consider the following:

Disparity in arrests, prosecutions, convictions and sentencing: Although Black's comprise a mere 12% of the population and 13% of drug users, in the year 2001, they comprised 38% of those arrested for drug offenses, 44% of those prosecuted, 59% of those convicted, and their sentences were 49% longer than whites convicted of the same offenses.

500% rise in incarcerations, 41% are Black: The U.S. rate of incarceration has grown 500% over the last 30 years. From a total incarcerated population of 330,000 in 1972, the current population is now 2.2 million and 900,000 or 41% are Black.

Black rate of incarceration more than 6 times that of whites: In the United States, the rate of incarceration is 699 per 100,000, the 2nd highest in the world. But the rate of Black incarceration is 2,531 per 100,000; however, when you compute the statistics for black males only, the rate jumps to 4919 per 100,000, and when you look at the rate of incarceration for Black males between the age of 25-29, the rate is 12,603 per 100,000. How does this compare to the world? The U.S. recently supplanted Russia as the world incarceration leader. Russia, the previous leader, due to a series of prison reforms is now third at 644. In comparison to

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other

G-8 nations the U.K. has an incarceration rate of 125 per 100,000, Canada has 110, and Japan comes in at the lowest with 40 inmates per 100,000 citizens. Even in comparison to the rate of black incarceration under the system of South African apartheid ('93) the U.S. rate is 3 times that rate. (South Africa had a rate of 851 per 100,000 for blacks).

1 in 3 Black males destined for prison: 1/6 Blacks in 2001 were incarcerated. If the current trend continues, 1 in 3 Black men can expect to spend time in prison during his lifetime while 1 in 3 Black males are currently in prison, in jail, or on probation or parole. (Jail and probation are for misdemeanors, and those standing trial. felony convictions are sent to prison).

Black youth receive life without parole at a rate ten times that of White youth: Racial disparities are marked. Nationwide, the estimated rate at which black youth receive life without parole sentences (6.6 per 10,000) is ten times greater than the rate for white youth (0.6 per 10,000).

Disparity within the disparity: Whites are much more likely to be in jail (44%) than prison (35%) whereas for Blacks the rate is higher in prison (44%) than in jail (40%) meaning that at any given time, the average white inmate is cycling back into the community much quicker than blacks. The average length of stay in jail is just over 30 days, whereas the average length of stay in prison is 6.23 years.

Disparity in Crack (urban, people of color) and Powder Cocaine sentencing: Defendants convicted with just 5 grams of crack cocaine, the weight of 5 sugar packets, are subject to a five-year mandatory minimum sentence. To receive the same penalty for powder cocaine, defendants must be convicted of 500 grams.

Strategic targeting of crack use to ensnare blacks: Although crack was the least used of all illicit drugs in the U.S., and although more whites used illicit drugs than blacks, the "war on drugs" has been targeted most notoriously at the possession and sale of crack cocaine by blacks. Crack cocaine in black neighborhoods became a lightning rod for a complicated and deep-rooted set of racial, class, and political, social, and moral dynamics.

Disparity in Drug Arrests: Throughout the 1970s, for example, blacks were approximately twice as likely as whites to be arrested for drug-related offenses. By 1988, however, with national anti-drug efforts in full force, blacks were arrested on drug charges at five times the rate of whites.

Tactical considerations and race: Police departments point to the number of arrests as a measure of effectiveness. In poor black neighborhoods, drug transactions are more likely to be conducted on the streets, in public, and between strangers, whereas in white neighborhoods -- working class through upper class -- drugs are more likely to be sold indoors, in bars, clubs, and private homes.

Whites use more drugs than Blacks: In 1998 there were an estimated 9.9 million whites (72 percent of all users) and 2.0 million blacks (15 percent) who were current illicit drug users in 1998 There were almost five times as many current white marijuana users as black and four times as many white cocaine users. Almost three times as many whites had ever used crack as blacks.

Disparity in individual states: Human Rights Watch's analysis of drug arrests by race in the state of Georgia for the years 1990-1995 revealed that, relative to their share of the population, blacks were arrested for cocaine offenses at seventeen times the rate of whites. In Minnesota, drug arrests of blacks grew 500 percent during the 1980s, compared with 22 percent for whites. In North Carolina, between 1984 and 1989, minority arrests for drugs increased 183 percent compared to a 36 percent increase in white drug arrests.

Racial profiling: The police practice of stopping, questioning, and searching potential criminal suspects in vehicles or on the street based solely on their racial appearance -- has also contributed to racially

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disproportionate drug arrests. In many locales, black drivers are disproportionately stopped for minor traffic offenses and then searched. Similarly, blacks and other minorities have been disproportionately targeted in "stop and frisk" operations. Police officers made far more stop and frisks in minority neighborhoods; even within neighborhoods with primarily white populations, the majority of the people stopped were black or Hispanic.

Slavery, Assumed Superiority and Blockages

In 1528 a man by the name of Estevancio, a member of a Spanish expedition, almost lost his life in a shipwreck ship off the coast of Florida. As he struggled to make his way to shore with three other survivors, he could have hardly guessed that he would become the first of 2,000,000 African slaves to set foot on America soil. Equally inconceivable would have been the realization that each of these slaves who survived the middle passage would live an existence no less strange, perilous or fantastic than his own.

Official chattel slavery began in the new world in 1619 when John Rolfe landed in Jamestown with 20 African slaves. In the next year, 1620, 11 black slaves of African and mixed ethnicity were introduced in New Amsterdam. Working side by side with white indentured servants, these men labored to lay the foundations of New York. At this time, there were no laws defining limitations placed on slaves. Slaves could bring suits to court, earn wages and legally marry. Soon this all changed as the agricultural economy grew and the profits of the planters and the economics of the burgeoning plantation system called for more laborers. How this need transformed itself into the descent into slavery occurred over several stages, over several years from both economic expedience provided the impetus for legalizing racial oppression.

In the 1640s the English definition of who can be enslaved begins to shift from non-Christian to non-white. By 1661, a Virginia court legalizes slavery and decides that children born will be free or slave "according to the condition of the mother". In 1691 landowners pass a law stating that it is illegal to free a black slave. And in 1750 Virginia passes laws relegating all slaves to the status of property.

After the Stono Rebellion on 1739 the "Negro Act" is passed which takes away African's freedom of movement, assembly and outlaws their right to earn money or to read. This act becomes the model for slaves throughout the colonies. This is the first act that not only codifies and seals slavery as a legacy in this country, but this series of acts from 1640 to 1739 sets a legal precedent that is enforced today as the current legalized system of incarceration of blacks, denying them opportunities for economic advancement (home loans, business and farm loans, credit, etc) and denies them access to educational opportunities.

From the construction of Wall Street, to the tending of the fields to the comfort offered to the White masters through the raping of the Black womb as well as the profits made from the children of such unions the economic gains of enslaving Africans is the most important factor in the making of America as a superpower.

There has always been a dual purpose to slavery, to enrich land-owning, well-off individuals of European descent and to serve as an example of well off individuals having natural dominion over the world. The principle, through time, justified by various substituted and legally justified means is that blacks are inferior and to be exploited, segregated, manipulated and excluded at every turn. When slavery was outlawed in 1865, the entire United States, lead by the former confederate states frantically worked to re-engineer itself in spatial, legal, political and economic terms so as to codify the new calculus of institutionalized racism. And yet, throughout this monumental effort, those who are in power have continually professed that the black is inferior and that it is through no action of their own that blacks have found themselves in their current state. Such lies are manufactured and supported ironically to maintain the integrity of the principles of America as a land of freedom and opportunity. In the final analysis, the investment of energy and power in the black race as being inferior, and the maintenance of the attendant racial hierarchy, is dependent on the continuing propaganda war of blacks inferiority.

Today, such arguments remain as well understood, accepted and unspoken truths just below the surface of all analysis, discussion and awareness of black oppression; for if black are not being discriminated against and they are not being unfairly targeted, and institutionalized racism and codified practices are not to explain for the vast disparities, what is left for the individual of average intelligence to conclude? Can it not be a consideration that perhaps blacks are inferior and that this is the underlying, all encompassing explanation?

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It was not long ago that such ideas were not whispered but understood as a non-politically correct unavoidable conclusion, rather debated, professed, and "proven" in scientific theories by the foremost, and most highly respected intellectual minds of the day.

“It may be quite true that some negroes are better than some white men; but no rational man, cognisant of the facts, believes that the average negro is the equal, still less the superior, of the average white man. And, if this be true, it is simply incredible that, when all his disabilities are removed, and our prognathous relative has a fair field and no favour, as well as no oppressor, he will be able to compete successfully with his bigger-brained and smaller-jawed rival, in a contest, which is to be carried on by thoughts and not by bites. The highest places in the hierarchy of civilisation will assuredly not be within the reach of our dusky cousins, though it is by no means necessary that they should be restricted to the lowest. But whatever the position of stable equilibrium into which the laws of social gravitation may bring the Negro, all responsibility for the result will henceforward lie between nature and him. The white man may wash his hands of it, and the Caucasian conscience be void of reproach for evermore. And this, if we look to the bottom of the matter, is the real justification for the abolition policy. The doctrine of equal natural rights may be an illogical delusion; emancipation may convert the slave from a well-fed animal into a pauperised man; mankind may even have to do without cotton-shirts; but all these evils must be faced if the moral law, that no human being can arbitrarily dominate over another without grievous damage to his own nature, be, as many think, as readily demonstrable by experiment as any physical truth. If this be true, no slavery can be abolished without a double emancipation, and the master will benefit by freedom more than the freed-man.”

-Thomas Henry Huxley, 1865
 President of the British Royal Society
 President of the British Geological Society
 President of the British Association at Liverpool
 Fellow of The Royal Society
 Awarded The Royal Medal 1852
 The Copley Medal in 1888
 The Darwin Medal in 1894
 The Wollaston Medal in 1876
 The Linnean Medal in 1890

And so, despite the innumerable blockages to freedom and access placed before blacks, the feelings of whites in post-antebellum America, Great Britain and in other parts of the "civilized world" was that the only thing standing in the way of the American Black was their own inferiority.

Between the blockages and mutually supporting systems of oppression, both systems enforce the same goal such that as one door closes (advancement and self-actualization) another door opens (incarceration and slavery) and in the process, life, liberty and the pursuit of happiness are rendered inaccessible. And so the mind, spirit and body withers as it is held within the all-seeing panopticon of prison.

Slavery has been understood by those in power as having a pre-defined course that must at some point end. The forefathers had toyed with its demise in the gathering of ideas to form The Constitution (banning the importation of slaves) to being included in several drafts of Jefferson's Declaration of Independence (which contained a tirade against King George and his support of the slave trade as a symptom of British immorality). For those in power and with the prescience of mind to know that slavery had to end, the question had always been, "when to end slavery?" The final stumbling block has always been contained within the power of economics to influence politics with complicity from an inherently white racist predilection to continually stay the hand of freedom. As the ongoing fight for freedom from oppression has gone on, it serves as a poignant example of what Langston Hughes refers to as, "A Dream Deferred"

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Profit of Slavery

The profits generated by slaves as well as inmates cannot be underestimated, economically, or politically. At the height of the cotton boom Natchez Mississippi was home to over 500 millionaires. Situated on the Mississippi river, 50 miles north of Angola prison as the crow flies, this town contained more millionaires than any city in the nation other than New York. The reason was that this small stretch of land, was situated in an area where the conditions for cotton cultivation were perfect.

The invention of the cotton gin, in 1794, allowed the potential of Natchez and the surrounding region to fully blossom and created a new age in slavery that led to a complete upheaval of the previous system. In a single day, one man and a horse could clean as much cotton as 50 slaves. The yield of cotton went from 1.6 million pounds in 1790 to over 167 million pounds in 1820 to almost 2 billion pounds in 1860. Cotton represented 2/3rds of the nations exports and 75% of the nations 2.5 million slaves were involved in its cultivation. This increase in production, productivity and international trade fueled multiple concerns along the continuum. Cotton production, manufacturing, mass labor, transport and textile finishing provided the raw capital that formalized the creation of wall streets businesses, merchants, commodities traders, bankers and manufacturers.

It has been said that Cotton was responsible for 70% of Britain's industrial revolution. Cotton was a gold rush. In 1858, Senator James Hammond from South Carolina stated, "What would happen if no cotton was furnished for three years? England would topple headlong and carry the whole civilized world with her. No, you dare not make war on cotton! No power on earth dares make war upon it. Cotton is King."

Instead of reducing the need for slaves, the productivity of the cotton gin increased demand for slaves. Cotton was dubbed "King" and King cotton commanded more subjects than before. From 1800-1820 over 1,000,000 slaves were either sold, displaced or moved to cotton producing regions from Maryland, Virginia and the Carolina's. In 1790 there were six slave states; in 1860 there were 15 such that by 1860 the population of the "lower south" states (Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina and Texas) stood at 2.6 million "free" and 2.3

million "slaves". In political terms, the nationwide total of 3.9 million slaves, counted as 2.4 million additional citizens using the agreed upon U.S. Constitution's 3/5ths equation for determining congressional representation, -a representation whose main political agenda, ironically, was the sovereignty of the south's right to hold slaves.

Institutional racism functioning under full governmental sanctioning under first English and then Independent rule, presented numerous intransigent, crippling challenges to the very notion of liberty in post-antebellum America. During the period of "reconstruction" the legal and judicial system would change and adapt in strange, unknown and unanticipated ways over the next several decades in response to what has been dubbed "The Negro Question." some political answers only concede the end of slavery, but an allegiance to the basis social order of the inferiority of Blacks. Other answers, articulated by abolitionist forces were carefully fashioned as attempts as a concession to 2nd class citizenship, but intended to maintain forward momentum while not angering White enemies and allies. In the confusion of Northern patronage and Southern malice, White ethnocentrism and outright racism quickly congealed into the needed end product, virtual black slavery.

Many of the complex problems attendant to institutionalizing racism had already been worked out as a matter of legal precedent. The Constitution, which comprises the primary legal document and final law in the United States, served as the legal basis for hundreds of legal opinions involving either directly or indirectly, Blacks, Slavery and the rights, or lack thereof of those of African descent.

"They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations, and so far unfit that they had no rights which the white man was bound to respect."

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-U.S. Supreme Court Chief Justice Roger B. Taney, 1856

10 of the first 12 U.S. Presidents and 13 of the first 18 U.S. Presidents owned slaves (Washington, Jefferson, Madison, Monroe, Jackson, Van Buren, Harrison, Tyler, Polk, Taylor, Buchanan, Johnson, Grant)

U.S. Legal Precedent of Slavery

Section 2 of Article I: "Representatives and direct taxes shall be apportioned...determined by adding to the whole number of free persons...and...three fifths of all other Persons. (3/5ths rule for slaves)

Section 9 of Article I: "The migration or importation of such persons (slaves) shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight (The international slave trade will continue unchallenged until 1808)

Section 2 of Article IV: No person held to service or labor in one state...escaping into another, shall...be discharged from such service or labor, but shall be delivered up on claim. (Fugitive slave clause, all slaves must be returned to their masters, any white man may accuse any black of having been his slave and that black person would immediately lose all constitutional rights, including due process and habeas corpus).

The Bill of Rights 1791: The Fifth Amendment guaranteed that no person could "be deprived of life, liberty, or property, without due process of law." (This did not apply to slaves, who were considered property and not persons).

Declaration of Independence: The rhetoric in the Declaration of Independence about "Freedom" "all men are created equal" "life, liberty and the pursuit of happiness" (The DOI was never considered to be applicable to blacks).

Voting Rights act of 1875 overturned: In 1883, the strength of legal precedent denying rights to blacks combined with the malevolent intent of the racist Supreme Court resulted in the overturning of the voting rights act of 1875 the majority opinion read in part,

"The XIVth Amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress for enforcing it is not direct legislation on the matters respecting which the States are prohibited from making or enforcing certain laws, or doing certain acts."

And

"The XIIIth Amendment relates to slavery and involuntary servitude (which it abolishes); ... yet such legislative power extends only to the subject of slavery and its incidents; and the denial of equal accommodations in inns, public conveyances and places of public amusement...imposes no badge of slavery."

Such canonized legal precedent based upon 100 years of the institution of slavery necessitated the need for the 8th, 13th, 14th, 15th and 24th amendments to re-affirm the rights of Blacks. Also opinions rendered in cases such as Dred Scott and Plessy v. Ferguson stood in stark contrast to the flowery prose of the emancipation proclamation. and in fact paved the way for the legality of new law of The Black Codes, for although Blacks were made "free" They were I truth in a no man's land of purgatory citizenship, where those rights of freedom, had been invalidated for hundreds of years through years of canonized legal doctrine.

In the new world order of Black Codes, the wholesale incarceration of blacks was enabled by a new series of laws to replace plantation rules. Blacks were sentenced to hard labor throughout the south for not being employed, loitering, for not honoring a labor contract, of not working hard enough, of being out at night, traveling for no good reason, or being accused by a white person. Also, any Black could be "arrested" by any White at any time for any offense. It constituted a simple and efficient way to garner workers for the new

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slavery of prison labor through convict leasing for those that did not submit themselves to the virtual slavery of sharecropping, or attempted escape to the north.

At its core, the nagging question persists, what are the reasons for the 500% increase in incarcerations? What purpose is being served by this increase? Why did it start in the 70's? Why was incarceration seen as a solution to social problems that were surfacing in the mid 70's? What forces have sustained and continued this trend?

Historical propaganda of black inferiority

Blacks are the most disempowered political and racial group. A condition that came about due to the multi-generational effect of law, racism, oppression and impoverishment. As such there is little resistance to blacks being targeted unfairly. for 400 years, the image of blacks as prone to violence, shiftlessness and immoral has represented a social investment of racist and business interest as a means to support the institution of slavery. To be able to point to the wholesale incarceration of black males is a tangible offering to the community that fits in with their pre-disposed ideals of criminality and serves to justify the claims of a greater level of safety and that more police are justified. Politician's on every level have beat the horse of black incarceration to death on the campaign stump, and with the success that such shows have garnered there is no signs of this trend fading.

Targeting blacks as a firewall against counter-culture gains

The counter-culture movement flew in the face of the status quo. In combination with the civil rights movement, the proletariat underground within the United States was on the verge of making real change in terms of recognizing the potential of Blacks, the rewards of freedom and gaining support both politically, academically and socially for a pro-empowerment agenda. Lead by this surge of hopefulness, blacks were looking for real opportunities, as groups such as the Black Panthers, the Deacons of Defense, SNCC, CORE, NAACP and liberal and radical white allies came together with University professors and previously disaffected white college students that now found themselves being sent off to war.

On the other side was Nixon and his "silent majority", Cointelpro lead by J. Edgar Hoover and domestic counter-surveillance, which teamed with local law enforcement agencies and snitches to provide the motive for wholesale destruction. Cointelpro, successfully stifled Black, Native-American and radical white leadership through the planting of evidence, assassination, illegal wiretaps, propaganda, false confessions, infiltration and character assassination. The U.S. government expanded and systematized the legal strategies learned through such operations and domesticated it into the current state of repression. White allies backed down, as they witnessed the unchallenged strength of the government and their realization that they would be allowed to flee while black bodies were battered and slaughtered.

Law enforcement strategy: Targeting of blacks, ignoring whites

A traditional fear and paranoia of Blacks by white oppressors has been the hallmark of the ongoing propaganda war. Just as in the invasion of Iraq, all manner of illegal killings, wars, human rights abuses, etc, are justified through the portrayal of "the other" as an imminent threat to the U.S., our philosophy, our safety or our way of life. yet, there is no threat or blow to counter. So the pre-emptive strike is necessarily pre-emptive. Evidence is manufactured, coalitions of conservative whites and upper crust minorities move together while manufactured consent is obtained to target innocent parties with illegal acts based on the philosophy of "self-defense".

As an example, contrast the treatment of groups such as MOVE and The Black Panthers with white groups like the Weathermen and the citizen's commission to investigate the FBI. The Weathermen attempted to stage a well-publicized riot through the streets of Chicago, destroying property as hundreds of Chicago police

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officers watching. There were few arrests and no serious sentences handed out. The Weathermen were responsible for two bombings, one of a police statue and a Greenwich Village apartment where three weathermen were killed. Years later, Jimmy Carter offered 'amnesty' to draft dodgers and despite the bombings and threats, most of the weathermen were pardoned and allowed to assume their previous positions in society with a few receiving probation.

The citizen's commission to investigate the FBI broke into an FBI office and stole over 1,000 classified documents. No one was every caught or charged. Meanwhile, the Black Panthers who were called, "the greatest threat to internal security of the country" by J. Edgar Hoover were slaughtered, (Bobby Hutton, Fred Hampton) and dozens were jailed, framed or run out of the country. According to Angela Davis, "Police, assisted by federal agents, had killed or assassinated over twenty black revolutionaries in the Black Panther Party."

Blacks scape-goated in the importation of cocaine

The disparity in cocaine sentencing laws is an efficient means to imprisoning blacks as a way of demonstrating effectiveness of drug enforcement. Meanwhile high level drug dealers, such as Manuel Noriega, who was a CIA informant, and leader of a country that allowed millions of tons of cocaine to be trafficked into the U.S. served only 20 years of a 40 year sentence. The United States Attorney negotiated deals with 26 different drug felons, who were given leniency, cash payments, and allowed to keep their drug earnings in return for testimony against Noriega. Contrast this with Louisiana state law that doles out a sentence of 10-30 years for cocaine "manufacture" (any amount). Cocaine laws are a farce, the only purpose they serve is to incarcerate Blacks and to give the perception of law enforcement effectiveness. Once again, the primary factor is race, the ability to purchase a defense, and the perception of law enforcement effectiveness against a system of drug trafficking that the highest levels of the government is complicit in.

Reported Gary Webb of *The San Jose Mercury News*. The three-part series, "Dark Alliance," asserted that members of the CIA's army in Nicaragua helped spark a crack cocaine explosion in urban America in the 1980s. The report said two Nicaraguans, sold tons of cocaine to a well-known Los Angeles drug dealer, with the knowledge of the U.S. government. The articles said these two Nicaraguans funneled millions of dollars in profits to CIA-backed rebels fighting the leftist Sandinista government in Nicaragua with the CIA's knowledge, logistical support and protection.

Removal of Blacks from competition

The fact that 1/4 blacks are either on parole, probation, in jail or in prison removes several million individuals from competition for jobs, educational opportunities, housing, social programs and most importantly, from addressing these social ills through political means by way of felony disenfranchisement. As of 1999, 1,367,100 black men have been denied the right to vote, and that number is growing (also from Shalom, 2000). This group is one of many whose disenfranchisement won George W. Bush the 2000 election. Incarceration is but part of the overall equation. Allowing/facilitating large quantities of drugs and weapons to filter into the community provides a convenient means of demonstrating criminal justice effectiveness when law enforcement "stings" take place after the body count has reached a high enough level.

Dilapidated social programs, that lead to poor health care, nutrition, and educational opportunities and the effect of broken families, torn apart by the influx of cheap drugs, weapons, lack of opportunity and the educational opportunities needed to garner employment and living wages. for every Black man incarcerated, there are one to several children growing up without a father and a mother struggling to provide for them.

Another side of the formula is the self-fulfilling prophecy, of the inability of Black students to compete or pay for college and higher educational opportunities due to poor schools, disrupted families and proven racist admissions criteria such as standardized test scores, extra weight given to suburban and rural schools, enriched facilities, higher income levels and extra points for advanced placement classes.

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Crack Epidemic

At the height of the crack epidemic, it seemed to be an unstoppable force. Anecdotal urban legends began filtering down of individuals giving up their cars, the kids and the clothes off of their back for a single hit of crack cocaine. At Martin Luther King, Jr. Hospital in Los Angeles up to 60 crack babies were being born a month. The harshness of crack laws was a response to stem the tide of this new drug and to prevent it from seeping into the better parts of town. In effect the strategy was to create a “firewall” in the ghetto where you essentially swamped the community with law enforcement and handed out harsh sentences to low level dealers to serve as an example, to take advantage of the crack epidemic to jail black males and to attempt to remove suspicion from white neighborhoods.

As in the Marijuana, Cocaine, alcohol and heroin panics, one of the most effective propaganda strategies in drumming up public support has always been to directly link Blacks with drug use and sexual relations between black men and white women. In this scenario, innocent white women were being drugged and seduced by black men through the use of illicit drugs. This type of propaganda has been very effective seeing as the public perception of the crack addict is of the black ghetto inhabitant, when in reality, whites use crack cocaine at a rate roughly equal to blacks in relation to the general population.

War on Drugs

In the case of America's prison industrial complex the "tough on crime" war rhetoric and implementation comes at the cost of social investments such as drug treatment, school investment and community services as increasing sums of money are diverted to law enforcement and incarceration.

underemployment, and poverty in communities of color make them ripe targets for mass incarceration. The Bayview-Hunters Point section of San Francisco as well as West and East Oakland, have a near 50% unemployment rate. Due to the mass displacement caused by targeted policing, gentrification has been allowed to infest the community.

Anti-gang affiliation laws, curfews, laws against police contact for felons, round-ups, crack downs, deployment of the highway patrol and enforcement of minor and traffic offenses as a pretext for harassing and arresting parolees are all legal and advocated strategies in the war on crime and form a new, modern form of “Black Codes”

With the advent of the Reagan-Bush years came the contemporary "war on drugs" and mounting drug frenzy. In 1986, the U.S. Congress for the first time established minimum mandatory sentences for federal cocaine offenses. While initially the legislation applied to trafficking, it was extended to simple possession in 1988. The critical element was a distinction between crack and powder cocaine. 5 grams of crack (less than 1/5th of an ounce) requires a 5 years mandatory sentence, whereas it takes 500 grams of powder cocaine (almost 18 ounces) to receive the same sentence. It's what is known as the 100:1 ratio.

Stephen Shalom In 1996, a Superior Court judge in New Jersey found that black drivers were 5 times as likely as white drivers to be pulled over by police. In April 1998 two NJ state troopers fired 11 shots into a van with 4 unarmed black and brown males on their way to a basketball clinic. They claimed the van was trying to run them down and that they'd pulled the van over for speeding, detected by a radar gun. The troopers had no radar and witnesses claimed the van was moving too slowly to be a threat.

Blacks and Latinos were 77.2% of those searched by police on the NJ turnpike.

In a 2000 commentary, Shalom describes the behavior of the Street Crimes Unit of the New York City Police Department. This SCU stops and frisks people. The New York State Attorney General data shows 175,000 such stops from January 1998-April 1999—and officers say they fill out reports in only 1 in 5 or 1 in 10 cases. The SCU accounts for 10% of all these stops, and 62% of their stops were black, 27% Hispanic, in a city about 25% black, 25% Hispanic. Even after correcting for differing crime rates, blacks were stopped

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23% more often than whites and Hispanics 39% more often than whites. For every nine stops, one resulted in an arrest—breaking it down by race, for the SCU, 1 in 16 black stops yielded enough evidence for an arrest, 1 in 10 white stops. The Attorney General found that 25% of the reported stops did not provide evidence amounting even to reasonable suspicion.

Arrests. Black people are arrested at rates disproportionate to their commission of crimes. Victimization reports, for example, show 35% of women reported raped said their assailant was black, and black rape suspects are 43% of those arrested. In Florida in 1993, police rounded up black males between 15 and 21 in Jefferson County to look for a murder suspect. In 1992, all black men at Oneona College in New York were questioned as suspects in a crime because of their race—college officials provided names and locations of all black male students to police when asked.

In a New Jersey poll, 26% of judges said prosecutors were more likely to insist on more serious charges against minority defendants than whites and 20% said sentences for minorities were more severe.

Translation of law enforcement newspeak

"Tough on crime" = Increase arrests, convictions, incarceration and sentences for poor, urban populations

"Three strikes you're out" = Disregard the constitution and circumvent habeas corpus

"More money for law enforcement" = less money for community services

"Un-rehabilitatable" = poor, urban, uneducated, person of color

Creating Incarceration efficiencies in two parts: 1; Ghetto Creation

A major force in the creation of the modern ghetto was in the 1930's in a conspiracy involving the U.S. Government and private banks engaged in a practice called, "Redlining". It is far easier for law enforcement agencies to harass and target a community, (which has led to the current rate of racial disparity) if they are first geographically segregated. The United States set about the tough work of segregating black communities through a racist conspiracy in league with U.S. private banks, with the use of U.S. tax revenues, which not only created the modern ghetto, but also played a major role in the increased net worth of whites and the decreased net worth of blacks. This net worth is also the predominant factor in higher educational disparities between whites and blacks.

Many ghetto's and poor areas were re-zoned as industrial areas, which prohibited not only new residential construction, but also effectively curtailed the repair of standing residential structures. Due to FHA opportunities, other, non-Black poor people could re-locate to other areas, while Blacks were forced to stay in increasingly industrialized and polluted areas of the city.

Redlining, as explained by Craig Steven Wilder, PhD, Dartmouth University:

“Black ghetto and slum creation begins in the 3rd decade of the 20th century. It begins with new deal policy in the 1930's when the federal government and state government colluding with banks and insurance companies to solve new deal problems by an unprecedented program of building and construction.

Housing is being built on the periphery of major American cities at an incredible pace, and in order to create a market for this housing, the government and to force white middle class families to move into this housing, they have to make it irrational for them to stay in the cities.

During the early years of the new deal the federal government establishes the homeowners loan corporation. For example, in Brooklyn they mapped out the borough in 66 neighborhoods going block by block finding every black, Jewish, Italian and police, etc, people. According to it's racial and ethnic make up. Then distributed these

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maps to banks and held them to a standard when loaning money for homes and rental.

The consequences of having your ratings going down is that the value of the property goes down. So many white families found that their home values went down for no other reason than the banks, in collusion with the government would not allow anyone to move into a certain area, unless they were black. After the homeowners loan corporation begins segregating on the federal level, and working with local banks in Brooklyn, Manhattan and the Bronx, the state gets involved in redlining, they also map out Brooklyn, and this time they only look for black and Latino persons and a single black person living on a block is enough to redline a block. The effect will be in fact to do extraordinary damage to black communities throughout New York.

All of the sudden, black communities, which had long traditions in various areas of New York, were being physically segregated and rooted up. When the homeowner's loan corporation finishes their work in the 1940's they had dramatically altered the make up of Brooklyn. In 1930, when the depression hit, black Brooklynites were the least segregated group physically in the borough, by 1960, they were the most segregated group, in mostly the Bedford-Stuyvesant area, and that will become the largest black ghetto in the u.s. in the 1960's.

In the 1930's Harlem went from being an ethnic community with quite a bit of opportunity and mobility to a racial slum with little opportunity and little hope. The federal government had armed the banks, insurance companies and real estate dealers with the public authority to keep black people inside that physical space and to force new black migrants into that physical space. So as Harlem and Bedford-Stuyvesant expands in the 40's 50's, black communities no longer control their own destinies. They are being forced and quarantined inside the city, at a time when white Americans are peculiarly mobile.

Why is there a black ghetto in every American city? The answer is, public policy. The way we re-map cities racially in order to solve economic crises. Despite the creation of ghettos on an unprecedented level since the holocaust, these neighborhoods, due to their cohesiveness were still largely viable due to the nature of the intact social organization."

Creating Incarceration efficiencies in two parts: 2; Community Devastation

Communities like Flint Michigan and East Orange, New Jersey, though the tandem blows of incarceration and factory closings (unemployment) have strangely provided employment opportunities. The new slave system of incarceration has been a boon to prison laborers. In California there are over 70 factories in 33 prisons.

Prisoners are employed in textiles, shoes, detergent, dental lab work, recycling, dairies, slaughterhouses, metal production and farms.

The American Prison is now the U.S.'s version of Free Enterprise Zones and are a reflection of a Third World/second class caste citizenry within our own borders. Prisoners (conveniently) are not protected by minimum wage laws, overtime or workers comp. Retirement, health insurance, and more to the point are explicitly barred from the right to organize and collectively bargain.

If the thesis of this paper is that Racism is a national trend, and not a peculiarity of the South's affinity for Black slavery, this idea is supported by an analysis of racially disproportionate prison populations in 1989. By using incarceration census data from 1870-1980, it was found that Blacks (relative to their representation in the general population) had higher arrest rates in Northern States than in Southern states.

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Disparities are such that in Ohio two researchers (criminologist James Lynch and William Sabol) found that in Ohio, 3% of a single county census block (composed almost entirely of Blacks) comprised 20% of the Ohio prison population.

"High levels of incarceration concentrated in impoverished communities has a destabilizing effect on community life, so that the most basic underpinnings of informal social control are damaged. This, in turn, reproduces the very dynamics that sustain crime."

-Todd Clear, City University of New York, 2003.

Incarceration rates are affected primarily by police policy and prosecution priorities. Nationwide, there is an emphasis on large-scale drug arrests, policing communities of color, sacrificing drug treatment and diversion plans and the abandonment of the efficacy of investing in prevention and treatment.

Daily, casual prejudice creates and maintains the ghetto. While most blacks say they would live in a 50% black neighborhood if they could, most whites (73%) say they would not move to a neighborhood if it was 1/3 black, and 41% say they would try to leave. This is the basic mechanism that maintains the ghetto. Once a certain number of blacks enter a neighborhood, whites begin to leave, until the place becomes known as a 'black' neighborhood, at which point whites start to leave quickly, resulting in a ghetto.

80% of whites live in virtually all-white neighborhoods and nearly 9 in 10 suburban whites live in communities less than 1% black.

Ghetto's are marginalized within the cities, and education in the ghetto and in poor, black neighborhoods are mostly neglected. The physical state of inner-city schools, equipment, supplies and level of instruction, class size, are markedly inferior when compared to their non-ghetto counterparts. Not to mention the inappropriate tracking of intelligent Black students into low performing or special educational tracks as well as lack of gifted or advanced placement opportunities.

Healthcare, or the lack thereof in the ghetto is also a huge factor in poverty "creation". In 1999 43 million Americans did not have health insurance. Less than 1/3rd of people living in poverty are eligible for Medicaid. Therefore, those who are poor and with no insurance spend a significant amount of money, or go into debt due to emergency, non-preventive interventions. Government health policy results in millions of Americans having no access to continuing care, preventive care or continuity of care in providers. In addition, there is no provision for follow up care, such as specialty tests, lab work, x-rays or other needed services. From low birth weight, poor nutrition, high infant mortality, preventable hospitalizations, poor management of illnesses and diseases such as DM, Hun, or early detection of organ failure, cancers or treatable illnesses, as well as lack of access to cheap but much needed medications are not only a complication of poverty, but also among its causes. Other issues are endemic to the ghetto such as asthma, lead poisoning, anemia, malnutrition, ear infections, strep throat, etc.

Education

It is difficult to engage in an analysis of the plight of blacks for educational opportunities in the United States without a discussion of the U.S. Supreme Courts role in safeguarding the established a social order that defined whites as superior and designated legal precedent to support the racial hierarchy of black subservience. The court in minute detail explained and endorsed this racial hierarchy in the 1857 decision in Dred Scott v. Sanford, truly one of the darkest days in this nations history that at once denied black humanity, but also created an unavoidable collision course towards the civil war.

In cases where the court was unable to establish legal precedent for the subservience of blacks, it would then defer on making a decision by articulating that such matters were to be decided on the state and local levels.

Up until the Brown v. Board of Education decision, in 1954, which overturned the legal precedent established in Plessy v. Ferguson, the courts had evading issuing decisions on the illegality of segregation and horrendous

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disparity. When backed into a corner, the court finally issued the decision that reversed decades of state laws that established separate public schools for black and white children, but it was not without a great deal of spiritual torment that the courts members were finally able to resolve their legal duty with their fear of the effect their decision would have upon the social structure of the nation.

Even with the Brown v. Board of Education decision, it was still legal for segregation to take place in “non-public” places such as hotels, restaurants and it took “Brown II” to establish the plan for desegregation. All in all, as in the transition from slavery to the prison industrial complex, the overturning of years of disparity from legalized segregation to integration, there have been many false steps, loopholes and insincere efforts, which established a new legacy of educational disparity that exists to this day.

The crushing blow upon the black community created by mass incarceration on one hand and the denial of opportunity to self-betterment and education on the other is self-supporting, coordinated in excruciating complexity and mutually reinforcing of a system of oppression that is more deeply rooted today, than when it was first established through the system of the international slave trade

"In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education"
 -U.S. Supreme Court Justice Earl Warren, 1954

Many Schools today, following in the footsteps of law enforcement have enacted “zero tolerance” policies, which result in automatic suspension and expulsion. Fear and panic in schools have resulted in many pupils with difficulties being dismissed from school without the benefit of counseling as part of the overall white paranoid response to the perception of growing violence within inner city communities.

Nationwide 35% of black students in grades 7-12 had been suspended or expelled compared to 15% of whites even though nationwide the rate of black and white school rule infractions are equal. Black males are four times more likely to be suspended and 2.5 times more likely to be expelled when compared to their White peers. Whites are just as likely to bring weapons to school but blacks are half of all student suspended or expelled for weapons violations.

Mark Yudof has referred to the propensity to expel and suspend student for minor infractions as “academic capital punishment”. And it follows the lead of law enforcement and judicial trends, where counseling and rehabilitation must take back to a hardliner punishment approach which is meted out unevenly and with racial prejudice. Such a perspective is dismissive of the enormous challenges posed to inner city youth who dwell in circumstances where the community and many of the family systems have been disrupted. Such approaches are not responsive to the underlying problems that student come to school with such as drugs, violence, health, crowding, single parent homes, unemployment and incarceration. For every black child suspended or expelled, there is a black child that is punished for showing the ill effects of their day-to-day experience.

Research by several prominent organizations including Yale University showed that black students who show potential equal to or above that of whites, are 40% less likely to be placed in advanced or accelerated classes and 2.5 times more likely to be placed in remedial or low-track classes.

For those few blacks that do advance to higher education, they pay a hefty spiritual and cultural price for that advancement. Students of color, if they are not going to a Historically Black College or University (HBC's), they must dwell in virtual cultural isolation on modern American campuses. In every class they must either sit silent while they are taught a whitewashing of cultural influences if not facing outright racism. Their learning styles and contributions are seen as important, as they engage in critical debate and are relied upon to “teach” the class a cultural curriculum from their own anecdotal experience, yet such truths do not officially fit in to the overall academic experience.

The modern university is a breeding ground for white ethnocentrism. Black students who come from a black perspective are faced with the reality that their only chance at academic advancement is to slough off their blackness in thought, manner, word and deed, so as to achieve a racially “cleansed” presentation that is palatable to the white hierarchies. Black students must also engage in the performance of language and

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vocabulary and conceptions of whiteness to negotiate grades, garner positive test scores and to network and advance within the academic and employment sphere. For if their academic goals don't fit into the pre-determined priorities of the white academic administration and/or they are not able to answer the admissions "test" in such a way as to indicate that you are in allegiance with the schools perspective and that they are not going to "rock the boat". Then admission is nothing more than a dream.

Historically Black Colleges and Universities (HBC's) , were created following emancipation, by abolitionist groups and white slave owners who had children with slaves and wished for their illegitimate offspring to be able to garner some form of education and to educate black teachers to go into the field in the manner of W.E.B. DuBois. HBC's have been a refuge where black students can attend classes without the oppression usually found in traditional or "white" universities. Although formed and intended for blacks, the low cost and high level of education has attracted many whites to enroll in HBC's.

Bluefield State College of West Virginia, a traditional HBC founded in 1895, and not integrated until 1954 currently boast a 91% white enrollment and 96% white professorship. West Virginia State College founded in 1901 is currently 87% white, and Lincoln University founded by the 62nd United States Colored Infantry in 1966, is currently 67% white. White enrollment at HBC's represents 10% of the HBC student population.

While the 105 historically black colleges make up only 2.5% of 4,155 colleges and universities in the United States, they award 28 percent of the bachelor's degrees earned by black students and 40% of all doctorate level black students nationwide. Less than 1,000 of the roughly 1,800 Doctorate degrees awarded to blacks every year come from the remaining 4,050 non-HBC universities, or stated another way, non-HBC universities graduate 1 black doctorate for every 4 institutions.

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Summary

The modern prison industrial complex is a simple extension of the legacy of slavery in this country. Through enforced policies that guarantee disparity to unfairly targeting black neighborhoods, racial profiling and disparities in drug sentencing, blacks are incarcerated at a rate 8.2 times the rate of whites nationwide. In sentencing, blacks receive poorer defense, longer sentences and are less likely to be awarded parole. Through felony disenfranchisement, a disproportionate amount of black males have lost the right to vote as well as eligibility to a host of enrichment and self-improvement opportunities such as housing, job training, educational grants and loans as well as any job that requires a background check.

Black communities have been devastated through neglect and the destruction of the black household and an emphasis on law enforcement that has robbed the community of Black men as well as needed services and social programs. Black schools have less experienced teachers, less enrichment opportunities, poorer facilities and materials. Black students are more likely to be expelled, suspended and placed in remedial classes while being denied advanced placement opportunities that are given to members of other races with equal or lower ability. In higher educational opportunities, disparities exist in recruitment and the provision of scholarships and grants, which are largely based on standardized tests that show no correlation to academic performance and are most highly correlated with income of the family of origin. In addition, with the spiraling cost of tuition, blacks are at a disadvantage, as many non-blacks are able to tap into home equity to pay for college, blacks, through the systemized enforcement of redlining and collusion with banks and lending organizations, have been denied the opportunity to partake in the greatest form of wealth creation in this nations history – home ownership.

Many of the laws and strategies are thinly and often times undisguised continuations of policies developed through the course of this nation's 450 years of legalized slavery. When slavery ended there was the black codes and Jim crow, today, through felony rights losses, drug and law enforcement "strategies", curfews in certain neighborhoods, probation and parole, felony disenfranchisement, and the effects of all of these issues, virtually all blacks are today living under a system of modernized, thinly veiled "black codes".

In order to address these disparities and inequities will require a wholesale overhaul of not only the criminal justice system, but also the laws, prosecution priorities, law enforcement strategies, and access to enrichment, health, welfare and higher educational opportunities. Such changes will be very hard seeing as this nation has codified and created a system that relies as heavily on cultural and economic exclusion today, as it did racial exclusion in the past. Such changes will require that all individuals, all Americans demand equity and are willing to exchange the advantages of privilege for equality and no longer silently comply with these systems.

In the final analysis, conditions for black Americans today are as dire as they have ever been in a nation that professes to be "free", and where all may pursue and enjoy the fruits of life, liberty and the pursuit of happiness.

Sincerely,

The **WOOZY**