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Is the U.S. Prison System Unjust?

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Abstract:

The U.S prison system is corrupt beyond measure, and correlates with neither the morals nor the leadership material the country is expected to exemplify. This paper analyzes the key flaws circulating the U.S prison system, responds to common counter-arguments concerning the controversy, and produces potential solutions for the problem as well. This federal organization that has gradually developed in the U.S revolves around slavery, segregation, and private investing; thus, the entire prison system needs to be recycled and purified, for it will heal the ethical, equality, and moral sides of the system.

- I. Cruel durations of sentencing
 - A. Lengths of sentences against petty theft
 - B. Lengths of sentences against ethically serious crimes
 1. Comparing and contrasting to a petty, honorable crime
- II. Segregation and slavery behind-the-scenes
 - A. 13th amendment
 - B. Prison system post-civil war
 - C. Segregation against blacks
 1. Statistical data
 2. Innocent framed for crimes
- III. Private investors
 - A. Revenue accumulated by corporations
 - B. Wages for incarcerates
 - C. Incentives for large incarceration population
 1. Statistical data
 2. Distinguishable prison rates between U.S and other countries.

Prisons were created for the explicit intention of isolating the criminals from the civilians as well as to punish them for the wrongful acts committed. In the 21st century, one would expect there to be no problem with a prison system in a 1st world country; nevertheless, that is not the case. The U.S has an inoperable, unjust system that needs to be recycled, as it's destroying millions of lives along with a great magnitude of families. The only people benefiting from this system are private investors; incarcerates fall prey to these corporate entities. The U.S prison system is flawed in many ways, but the most prominent aspects that make the U.S prison system unjust are: Cruel durations of sentencing, the segregation and slavery behind-the-scenes, and the big profiteering generated from private investors.

The disparity in the duration of time each inmate receives in prison should be made appropriately. Misdemeanors should receive short sentences, and felonies should receive long sentences. But then when it comes down to this, it's imperative for one to understand which crimes threaten the safety of the civilians, and which crimes don't. The ones that don't shouldn't require massive sentencing, but rather little to no sentencing, rehabilitation, or even counseling. If one commits a miniscule crime, say petty theft, should the people's tax dollars go towards a long sentencing period for the thief? Take, for example, a 9-year-old-boy who was arrested, and sent to juvie on 2015 for stealing a pack of chewing gum. "Crime Feed" journalist Michelle Sigona stated that the, "police arrested a 9-year-old boy after an arrest warrant was issued by local prosecutor's — and it's all over a pack of chewing gum. The reason for the warrant, according to reports, is because the child did not appear in court two times to face the theft charge that was issued last summer." The apparent reasons for the child's absence in court over 'a pack of chewing gum,' was because his parents couldn't take him, and he clearly couldn't drive there. Is this how the use of law should be exercised? The child makes the mistake of stealing a pack of chewing gum, which is most likely no more than \$2, and now faces charges that will go on his criminal record, effectively damaging his chances of getting a job ten years from now.

If that isn't enough, there's also a man who received 30 years-to-life in prison for stealing a €50 doughnut. Scott Masters was charged with a felony second-degree robbery for stealing a €50 doughnut in 2007. The worst part about it is, is "for Masters' part, he did not even get to enjoy his ill-gotten gains. He said he threw the doughnut away as he fled,"-CBSNEWS on October 7, 2007. As a counter-

argument, one could say that these are rare cases, and that courts would generally sentence petty crimes to an ethical limit, not a feasible limit. It would be understandable if these were rare law enforcement errors and omissions; however, that's not the case, as there are thousands in prison serving life without parole for petty crimes (Harkinson's "23 Petty Crimes That Have Landed People in Prison for Life without Parole").

It's not enough to analyze the sentencing for petty crimes, but to compare and contrast them to the serious crimes which are actually dangerous to civilians. This, in turn, will also reinforce the rebuttal towards the counter-argument that the courts generally sentence crimes ethically. So, what do manslaughter, knowingly spreading AIDS, and successfully assaulting a Supreme Court Justice (resulting in injuries) all have in common? They're all federal crimes that carry a maximum sentence of 10 years. Not a minimum sentence, but a maximum one. If a guy stealing a C\$50 doughnut gets a longer sentence than a murderer committing manslaughter, it's reasonable to say that the U.S prison system is unjust and practically broken.

It's acceptable for one to point out that the examples inserted don't fully represent all arrests which have happened in the U.S. As a matter of fact, it isn't common for a man to get 30 years-to-life in prison for stealing a C\$50 doughnut. That man who got incarcerated for that period of time received that sentence-length because of the 3-strike rule that was implemented. But even that requires tuning; however, it makes for a good example to demonstrate that the sentencing process should be fixed. The real factual (not rare) evidence is revealed through mandatory minimum standards for non-violent drug-related crimes:

DRUG	5-YEAR MANDATORY MINIMUM WITHOUT PAROLE	10-YEAR MANDATORY MINIMUM WITHOUT PAROLE
LSD	1 GRAM	10 GRAMS
MARIJUANA	100 PLANTS OR 100 KILOS	1000 PLANTS OR 1000 KILOS
CRACK COCAINE	28 GRAMS	280 GRAMS
POWDER COCAINE	500 GRAMS	5 KILOS
HEROIN	100 GRAMS	1 KILO
METHAMPHETAMINE	5 GRAMS (PURE)/50 GRAMS (MIXTURE)	50 GRAMS (PURE)/500 GRAMS (MIXTURE)
PCP	10 GRAMS (PURE)/100 GRAMS (MIXTURE)	100 GRAMS (PURE)/1 KILO (MIXTURE)
	<p>FOR ALL DRUG TYPES: DOUBLES TO 10 YEARS WITH 1 PRIOR FELONY DRUG OFFENSE</p>	<p>FOR ALL DRUG TYPES: DOUBLES TO 20 YEARS WITH 1 PRIOR FELONY DRUG OFFENSE</p>
	<p>MANDATORY 20 YEARS FOR FIRST OFFENSE, IF DEATH RESULTS*</p>	<p>MANDATORY 20 YEARS FOR FIRST OFFENSE, IF DEATH RESULTS*</p>
	<p>MANDATORY LIFE SENTENCE IF DEATH RESULTS <u>AND</u> OFFENDER HAS 1 PRIOR FELONY DRUG OFFENSE*</p>	<p>MANDATORY LIFE SENTENCE IF DEATH RESULTS <u>AND</u> OFFENDER HAS 1 PRIOR FELONY DRUG OFFENSE*</p>
		<p>MANDATORY LIFE SENTENCE IF OFFENDER HAS 2 OR MORE PRIOR FELONY DRUG OFFENSES</p>

Figure 1

Although drugs aren't good for people, is having 1 gram of LSD really worth at least 5 years in prison? It's a non-violent crime; it doesn't harm the civilians. This is simply possession of an illegal substance that only hurts the one who takes it. Drugs are addictions, and by making mandated minimums for them, politicians must've known that this would've raised incarceration rates nationally—bringing a field day for corporations investing on prisons. For reiteration, as stated previously, the primary purpose of prisons is to isolate the criminals from the civilians, as criminals would potentially hurt or negatively affect the civilians and their lifestyle. Possessing 1 gram of LSD or a couple grams of methamphetamine shouldn't yield at least 5 years in prison for someone. Those 5 years could destroy a man or woman's life, for even when they get released, they probably couldn't find a job, nor could they find anything to do except for go back to prison. These sentencing standards are disappointing, and only solidify the claim that the prison system is unjust.

Alternet author Ian Millhiser goes out to talk about the indictment of an information activist who committed suicide after facing charges for 50 years or more in federal prison for, "logging into JSTOR, a database of scholarly articles, and rapidly downloading those articles with the intent to make them public." He compares the sentencing of the activists' crime, which was an honorable attempt to give to the people, to sentencing of manslaughter, aids to help develop nuclear weapons, and even people who sell sex slaves. The activist received over twice the sentencing than any of those actual crimes' maximum sentences.

Patrick McCormick best states it in his article on Christian morals and U.S imprisonment that, "instead of rendering individuals, communities, and society more safe and peaceful, the incarceration of over 2.3 million people at a cost of over \$50 billion a year has promoted criminality, undermined the well-being of communities, and deepened societal divisions." A significant portion of those 2.3 million incarcerates are likely there for petty crimes; crimes which the tax payers need not pay. However, many of them are staying in

prison longer than actual criminals, making for an unjust system. By expelling things such as the 3-strike rule and mandatory minimums, the U.S prison systems may return to compromising a much more civil organization. To better elaborate on this solution, getting congress to repeal the 3-strike law as well as mandatory minimums through petitions and protests should eliminate involuntary- unethical decisions in the court and government when determining the longevity of someone's sentence. That way, judges will be able to properly sentence someone based on a crime they commit (e.g. a man stealing a C50 doughnut would probably get a few days in jail, rather than 30 years-to-life). But for now, until that happens, these prisons will be synonymous to an injustice.

Now, it is quite common for one to believe that the 13th amendment fully abolished slavery, yet slavery still persists in the U.S. The 13th amendment in the U.S Constitution doesn't fully cover protection of slavery, for the Constitution provides that, "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,"-13th amendment of U.S Constitution (1865). Hence, slavery is still present in the U.S, just in other forms. Vicky Pelaez gives a brief history of prison labor in the U.S on "Global Research," a research center for globalization. He gives a synopsis on how prisoners were used to continue the slavery tradition after the Civil War. She goes on with statistics, stating that, "from 1870 until 1910 in the state of Georgia, 88% of hired-out convicts were Black. In Alabama, 93% of "hired-out" miners were Black." A clear indication that there was racial segregation involved in the prison labor. Of course, these statistics are quite obsolete now, but the new federal statistics don't look so promising in progressing the suppression of racial disparity.

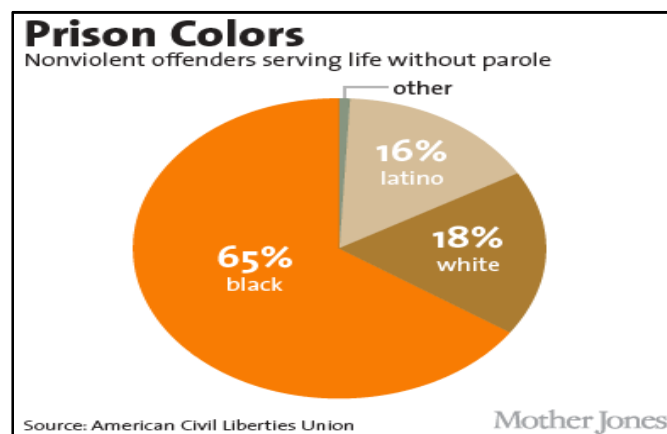


Figure 2

Take it that blacks represent a minority in America, these numbers may point out to some sinister discrimination behind-the-scenes. Apartheid is still prominent in the U.S. According to the NAACP Criminal Justice Fact Sheet, "African Americans are incarcerated at nearly six times the rate of whites." Of course, one could use the counter-argument that the rate of detained and incarcerated blacks is higher than whites because blacks may simply be more violent than whites. Statistics do back this up; the Bureau of Justice Statistics conducted a homicide trend statistical research for 2009-2010 numbers, and found that there are nearly 8 times as many black offenders than there are white offenders. And these numbers are reinforced even more when taking a look at the fact that the majority of African Americans are living in poverty in the U.S, and generally speaking, it's more likely for one in poverty to commit a crime (there's less to lose). However, there are several key factors not being taken into account.

Firstly, the statistics may be rendered obsolete, as the actual numbers may have fluctuated over time. Secondly, it's known that blacks have been framed for crimes many times, putting innocent lives in prison, and successfully manipulating the data. This would give a warped view of the data, yielding misrepresentation in the statistical facts. Global Research states that, "it is believed that more than half of the 623,000 inmates in municipal or county jails are innocent of the crimes they are accused of." If true, then by factoring out the number of innocent black men and women in prison being used as statistical data, it's clear that the number of actual offenders would be significantly lower than claimed. In addition, any officer with an anti-black bias could easily go to a black man/woman's home, plant a couple ounces of marijuana or crack cocaine on their home, then make an arrest for a possession of an illegal substance, giving that African American a mandated sentence of about ten years or so. This hinders the suppression of apartheid and continues the legacy of the slave labor work.

Segregation is still alive today in America, and the U.S prison system is apparently still holding on to their traditional slave labor, just in a different manner. That manner is through the current U.S prison system. By amending the 13th amendment to prevent slavery from happening behind bars, and keeping a diverse workforce that do not carry a constructive bias towards others, America's prison system can be rejuvenated, rather than corrupted. If enough people show their senators and representatives that they want to eliminate slavery in prisons, congress as well as the president might act; after all, this is supposed to be a democracy. And, if law enforcement agencies have a diverse workforce that meets the qualifications to work in law enforcement [educational requirements and not prejudice against other ethnicities], then law enforcement as a whole won't be misconstrued as racist or discriminatory, and officers will not go after people they don't like, but people who violate the law. After all, police officers are expected to be people from your local neighborhood who just want to help protect the innocent.

2 words: Private Investors. This is the heart of the problem in the U.S prison industry. They have converted an honest and just system into an abomination. They effectively degraded it to an industry surrounded by greed. Hopefully it's clear to all Americans that corporations like to save money. For example: Most-to-all large companies have factories in China and India set to manufacture their products at a miniscule pay (much less than the federal minimum wage in the U.S). But when dealing with prison labor, the average incarcerate earns even less than what the workers in Chinese sweatshops make, for rights are taken when one's convicted as a criminal.

Private investors use this to save a great deal of money. One precedent would include "GEO," and, "Corrections Corporation of America." According to 'The Washington Post,' who is citing the Justice Policy Institute on April 28, 2015, they ranked a combined \$3.3 billion in annual revenue, and the private federal prison populous multiplied itself two-fold within a decade after spending \$25 million through lobbying efforts (2000-2010). Now, how much does an inmate make in a U.S prison? Well, they can make a couple nickels an hour (a couple dimes if they're lucky). Author Terrell Jermaine Starr, Altnet journalist, states that government-owned corporations employ inmates at a rate as low as €23/hr. That's approximately 3.2% of the federal minimum wage. These government-owned corporations received astronomical gross revenues in doing so. That's why the U.S has the largest prison population in the world.

The larger the prison population in the U.S, the more federal funding to maintain the prisons is required. That federal money goes to the prison industry, where the big bucks come in for the corporations/private investors. "Elsie Scott, president of the Black Congressional Caucus, said at a press conference in D.C. earlier this year that the bill for housing prisoners was astronomical - at nearly 68 dollars a day per person,"-Global Information Network on August 24, 2011. This is a heavy burden on the tax-payers, but paradise for the private investors; destroying lives at their expense.

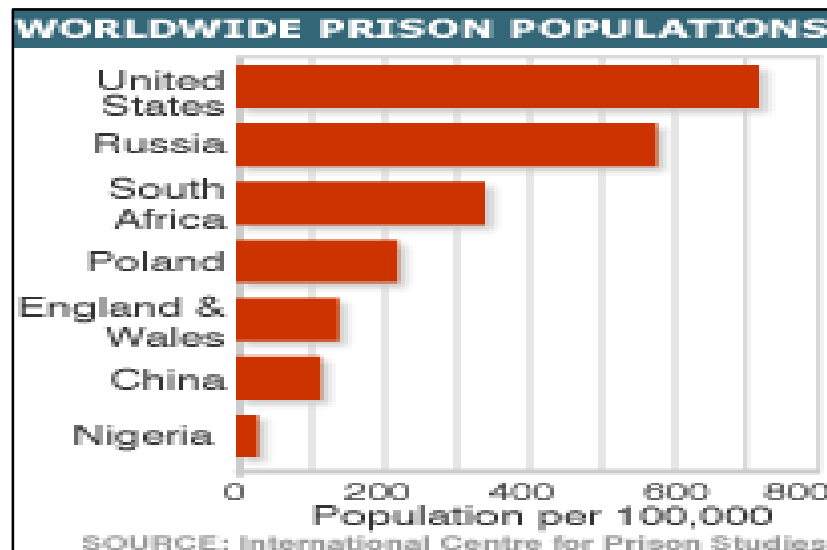


Figure 3

It's all about the financial incentives associated with the massive incarceration in the U.S. According to Wendy McElroy's, "Cage Complex: Why is America's prison population soaring?" the likelihood of being arrested in America is higher than any other country globally. That includes Russia and China (which has a population of over 1.3 billion). Furthermore, she states that the likelihood will rise even more if the financial incentives to imprison people rise as well.

Now, some people could counter-argue and say that there's too much sympathy being given for the inmates. That the inmates don't deserve to be paid the same as innocent citizens (€23/hr is reasonable), and corporations are actually helping to take care of the prison system so that the U.S government can invest their time and energy on other important matters. Turning to the rebuttal, those people who believe that are missing the point. Corporations are using the prison system for their own benefit. As stated previously, the purpose of a prison system isn't to help out CEOs or the already-rich private investors get richer—it's to make sure that inmates are hopefully rehabilitated and/or isolated from hurting civilians. If inmates want to work, they can work for the government (the people) doing things such as community service or fixing infrastructure, not helping an LLC save money. And when the prison systems' fate gets in the hands of corporations who are only seeking to secure their own interests, there's a problem. Tax-dollars continue to be given to these corporations to continue profiting with this prison-industrial complex. If the government hands over their prisons to corporations, there's no telling what actions these corporations are even taking against inmates. At least if the prison system is secured in the hands of the government, the 8th amendment [no cruel or unusual punishments] will be at play.

That being said, by eliminating the economic interests private investors have with raising the incarceration rates in the U.S, the U.S government will not forfeit the tax-payers' money to private investors, and corporations/business entities won't use inmates for their personal benefit. This can be accomplished by withholding government funding towards these private investors, and instead, make sure that the government operates the prisons—not the corporations. If this solution is taken, then the prison system won't be exploited

as some form of 'prison stock-exchange' for private investors, and the government will be able to ensure a more just prison system. But until that happens, private investors will squeeze every penny they can make out of the prison industry. It's now clear that the cruel durations of sentencing, the segregation and slavery behind-the-scenes, and the big profiteering generated from private investors are all key aspects that make the U.S prison system unjust. By repealing the 3-strike law as well as mandated minimum sentences, the U.S courts will be able to make ethical sentencing lengths. This will heal the ethical side of the prison system. By amending the 13th amendment to prevent slavery within prisons, and creating a more diverse workforce without an ethnic-bias, the U.S will become more democratic, and may possibly eliminate racial-bias which results in incarceration [Discrimination will be suppressed at a logarithmic rate]. This will heal the equality/fairness side of the prison system. By keeping prisons in the hands of the U.S government, and not federally funding corporations to benefit off of inmates, the prison-industrial complex will evaporate, and the entire system will be restored to its natural purpose. This will heal the moral side of the prison system. This corrupt system, as a collective whole, must be recycled, or the term, "democracy" shouldn't be used when describing the United States of America. America is better than this, and if members of congress, and/or board members continue to bend down to the will of the lobbyists, the morals and values, the foundation of the U.S as a whole, will collapse, bringing down the entire country along with it.

References

- i. BBC. "BBC NEWS | In Depth." BBC News. BBC, 20 June 2005. Web. 29 Apr. 2016.
- ii. CBSNEWS. "Man Faces 30 Years For Doughnut Theft." CBS News. CBS Interactive, 7 Oct. 2007. Web. 13 May 2016.
- iii. Cohen, Michael. "How For-profit Prisons Have Become the Biggest Lobby No One Is Talking about." Washington Post. The Washington Post, 28 Aug. 2015. Web. 29 Apr. 2016.
- iv. Cooper, Alexia, and Erica Smith. "Bureau of Justice Statistics (BJS) - Homicide Trends in the United States, 1980-2008." Bureau of Justice Statistics (BJS) - Homicide Trends in the United States, 1980-2008. Bureau of Justice Statistics, 16 Nov. 2011. Web. 12 May 2016.
- v. D'Almeida, Kanya. "U.S.: PRIVATE PRISON INDUSTRIAL COMPLEX 'PROFITING FROM MISERY'." Global Information Network Aug 24 2011. Pro Quest. Web. 29 Apr. 2016.
- vi. Harkinson, Josh. "23 Petty Crimes That Have Landed People in Prison for Life." Mother Jones. Mother Jones, 13 Nov. 2013. Web. 29 Apr. 2016.
- vii. McCormick, Patrick T. "GOOD PUNISHMENT?: CHRISTIAN MORAL PRACTICE AND U.S. IMPRISONMENT." Theological Studies 70.2 (2009): 494-6. ProQuest. Web. 29 Apr. 2016.
- viii. McElroy, Wendy. "Cage Complex: Why is America's Prison Population Soaring?" Freeman 03 2014: 14-6. Pro Quest. Web. 12 May 2016 .
- ix. Millhiser, Ian. "10 Awful Crimes That Get You Less Prison Time Than What Aaron Swartz Faced." Alternet. Alternet, 14 Jan. 2013. Web. 29 Apr. 2016.
- x. NAACP. "Criminal Justice Fact Sheet." Criminal Justice Fact Sheet. NAACP, 2016. Web. 29 Apr. 2016.
- xi. Pelaez, Vicky. "The Prison Industry in the United States: Big Business or a New Form of Slavery?" [Http://www.globalresearch.ca/the-prison-industry-in-the-united-states-big-business-or-a-new-form-of-slavery/8289](http://www.globalresearch.ca/the-prison-industry-in-the-united-states-big-business-or-a-new-form-of-slavery/8289). El Diario-La Prensa, 31 Mar. 2014. Web. 29 Apr. 2016.
- xii. Sigona, Michelle. "9-Year-Old Boy Arrested, Sent To Juvie For Stealing A Pack Of Gum - Crime Feed." Crime Feed. Michelle Sigona, 13 Jan. 2015. Web. 13 May 2016.
- xiii. Starr, Terrell Jermaine. "23 Cents an Hour: The Perfectly Legal Slavery Happening in Modern-day America." Saloncom RSS. Salon, 7 July 2015. Web. 29 Apr. 2016.
- xiv. 13th Amendment to the U.S. Constitution: Abolition of Slavery (1865)." Our Documents -. Our Documents.gov, n.d. Web. 29 Apr. 2016.