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## Disproportional makeup of American prisons

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**Date Submitted:** December 12, 2014

### Kirmser Award

Kirmser Undergraduate Research Award – Individual Freshman category, grand prize

### How to cite this manuscript

If you make reference to this paper, use the citation:

Paz, J. (2014). Disproportional makeup of American prisons. Retrieved from <http://krex.ksu.edu>

### Abstract & Keywords

An examination of the racial makeup of American prisons, this project is a four page paper written in memo format. In an attempt to explain why African Americans make up such a large percentage of federal prisoners, "Disproportional Makeup of American Prisons" examines likely causes for the shocking statistics revolving around race and the United States Prison system. In this paper, I look at how race effects sentencing in regards to the number of African Americans brought to court, the number of African Americans convicted, and the difficulty African Americans face in escaping the cyclical prison system that cripples their potential to succeed in the same society that locked them away in the first place.

**Keywords:** Race, African Americans, United States prison systems, inequality, prejudice

### Course Information

**School:** Kansas State University  
**Course Title:** Expository Writing I  
**Instructor:** Corrina Honeycutt

**Semester:** Fall 2014  
**Course Number:** ENGL 100

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To: District Attorney for Shawnee County

CC: Chad Taylor

From: Joseph Paz

Date: December 12, 2014

Subject: Disproportional Makeup of American Prisons

### **Introduction**

When looking at demographic composition of prisons in the United States, an alarming trend can be seen; African Americans make up a disproportionate amount of the inmates residing in American prisons. Having moved past the backwater idea of racial superiority, a logical mind realizes that this trend must be due to a problem somehow affecting the criminal justice system. This trend is a result of three things: the “doing” of race by law enforcement, the “doing” of race by the judicial system itself, and the difficulties many African Americans face trying to recover from a prison sentence.

As the District Attorney for Shawnee County, you play an important role in the criminal justice system. The information on this trend is important to you because it will give you some information regarding the individuals you will be prosecuting, and will hopefully raise your awareness on the “doing” of race that is affecting the system you actively participate in. This understanding will hopefully help you see the prosecution of African Americans in a different light.

### **“Doing” Race**

“Doing” race is applying a system of preconceived notions to isolate a particular group of people based on their physical features (Brown). This “doing” is not always done on a conscious level; “doing” race is done all of the time in the subconscious of the human mind, affecting the way we make decisions on a daily basis. “Doing” of race can result in negative consequences; often causing inconsistency in the treatment of individuals based on the color of their skin. The results of “doing” race can easily be seen in the U.S. Federal Prison System.

### **Prison Composition**

There is no doubt that there is a disparity in the prison system. African Americans make up forty-nine percent of prisoners in federal prisons. This statistic is alarming when realizing that African Americans only account for about thirteen percent of the American public (Katz). These numbers show that African Americans are being convicted and sentenced to prison at much higher rates than their peers that fit into other ethnic categories, making up half of all prisoners while accounting for less than a fifth of the general public.

### **African Americans Arrested at a Higher Rate**

A California study done in 1993 shows that ninety two percent of African American men brought in on drug charges were released for a lack of evidence (Miller). This statistic shows us that African Americans are detained at very high rate; but in this case, only eight percent of these men were actually guilty. The same study states that sixty four percent of white men detained were released for lack of evidence. About the same amount of men were actually charged in both groups, but the gap in the percentages of men released leads us to this conclusion; a higher percentage of African American men were found not guilty because a higher number of African American men were detained in the first place. The study Miller cites proves that African Americans are being arrested at a higher rate than any other ethnic group.

African Americans make up such a large percentage of the prison populations because they arrested more than their Caucasian counterparts. One might think that this would be due to a higher percentage of African Americans participating in drug activity; a logical thought process, seeing as more African Americans are arrested for drug activity than Caucasians. Surprisingly, a study done by the National Institute of Drug Abuse in 2000 states differently. According to this study, Caucasian teenagers between the age of twelve and seventeen are seven times more likely to use hard drugs than African Americans of the same age group. The same study continued to state that Caucasian teenagers are thirty three percent more likely to have sold drugs than their African American peers (Thompson). This study points out an unfair reality; While Caucasians may be more likely to engage in drug activity, they are not arrested at the same rate as African Americans. This contributes to the disproportionate makeup of federal prisons.

### **African Americans Convicted at a Higher Rate**

Not only are African Americans unfairly arrested at a higher rate than other ethnicities, they also find themselves frequently playing the part of the victim in court. African Americans are convicted at higher rates than Caucasians (Katz). Joseph Gastwirth proves this with statistical evidence in his study “Statistical aspects of cases concerning racial discrimination in drug sentencing: Stephens v. State and U.S. v. Armstrong”. Taking the numbers of Caucasian men prosecuted in federal court relative to the number of Caucasian men arrested for drug activity, Gastwirth found that seventy one percent of white men eligible for prosecution were taken to court. Crunching the same numbers for African Americans in the same system, Gastwirth found eighty five percent of African American men eligible for prosecution were taken to court (601).

The larger percentage of African Americans sent to court contributes to the higher amount of African Americans convicted. Seeing that African Americans are convicted more than their Caucasian counterparts, it is imperative to ask oneself the simple question: Why? One could speculate that perhaps the members of the judicial system are also guilty of “doing” race; the judges, attorneys, and juries that send these men to prison after they are sent to court have a hand in the disproportionate makeup of the federal prison populations. This is not to say the entire criminal justice system is infested with racists working to keep African Americans down, but rather to explain the way the judicial system “does” race.

This “doing” of race is not malicious, and the criminal justice system is not purposefully racist as a whole, rather, this trend is a result of a “doing” of race that takes the form of a favor. Judges are more likely to convict African Americans than Caucasians not because they wish them harm,

but because they believe that the prison system will do better to reform these men than the community would if they were simply put on probation (Brown).

### **African Americans at Risk to Return to Prison**

Once sentenced, African Americans have a hard time staying out of jail. Already introduced to the system, the laws that exist make it much easier to be convicted again. Rules such as limited parole, three-strike laws, and truth-in-sentencing laws are all utilized to keep prisoners in prison and off the streets (Loury). Laws such as three-strike laws, for example, make it possible for men with no violent crimes on their record to receive life sentences. All inmates are subject to this cycle, but African Americans are affected more harshly because they are already in the prison system at higher rates than other ethnic groups.

After leaving prison, the average wage of an African American male in the workforce drops ten percent (Loury). Ex-prisoners have a harder time finding a job, because virtually all employers inquire about felonies on their applications. In a study done in 2004, social scientists found that only three percent of African American men who claimed to be felons on applications to entry level jobs received a call back from the employer (Smith). This struggle to find employment contributes to an excess of destitute African American felons, who have very little hope of socio-economic improvement.

Convicts have difficulties continuing their education to progress in social class as well. With little funds and little help from the government, fresh from months to years of unemployment, convicts leaving prison have almost no hope of paying for a university or technical school. The federal government does not make this any easier for felons; in 1994 congress passed a law stopping convicts from receiving Pell Grants to forward their education (Katz). Many of these men come from low levels of education already; according to Loury, sixty percent of African American high school dropouts have served time in a federal prison for a felony by the age of 35. This trend is leading to not only an excess of African Americans in the prison system, but an excess of unemployable African Americans with little skills or education.

Unable to make enough money to support themselves or their families, many of these men become a burden on an already overburdened welfare system in an attempt to get back on their feet (Smith). These men often resort to criminal acts to supplement their income, putting them at risk of more severe sentencing.

### **Conclusion**

African Americans make up a large number of American inmates not because of their race, but because of the way that society reacts to their race. Because law enforcement officers “do” race, African Americans find themselves detained more often than other ethnicities. Because district attorneys “do” race, African Americans find themselves prosecuted more often than other ethnicities. Because the court system “does” race, African Americans find themselves imprisoned more than other ethnicities. Finally, because society itself “does” race, African Americans find themselves in a cycle, often finding themselves at the beginning of the system again, with a heftier punishment.

This cycle, although not intentional, contributes to the shocking numbers of African Americans in the federal prison system today. As a district attorney, this information is useful to you, because it is important that this cycle is acknowledged. By realizing the way that African Americans are disproportionately sent through the system, you can more accurately assess your role in the criminal justice system.

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## Kirmser Reflective Essay

Deciding my topic for the essay that I submitted was a little bit of an ordeal. I was writing the essay for the informative report for my Comp 100 class, and so I had a few criteria I had to follow. My essay was to be informative and about the issue of race in America. I was originally going to write about the statistics about drug use by minorities as compared to the majority group. I had heard a statistic about the number of Caucasian users compared to the number of African American users, and the statistic is not what I expected. While researching this topic, I read a few articles about the numbers of prisoners in the prison systems that were minorities. These numbers shocked me, and spurred me to dig a bit deeper into the issue of race and the prison system. As I continued to read more and more about this issue, I started to make connections between the numbers and what caused the numbers. This piqued my curiosity, and helped me to refine my topic into what it became.

My research strategy revolved around a set of points that I attempted to back with what I found while researching. If I couldn't find sufficient evidence to back my points, then I either amended my search terms, or amended my points. This strategy allowed me to learn more about the subject I was researching, and flush out my ideas. The tool I used the most when researching for this topic was the ProQuest Library search database. This database, provided by K-State libraries, allowed me to quickly refine my searches and easily cite what I found. The convenience of this database allowed me to focus on processing the information and make connections, while worrying about the formalities later. Often, when I found an article that I liked, I would look at the sources that the article cited. I found that many of the articles I eventually ended up using in the paper cited similar sources, which I could then look up and evaluate. I tried to only use articles from sources that were credible enough to sway me personally; if an article could not convince me of its validity, then I didn't want to report its contents as valid. I thought this standard would make it hard to find what I needed to support my points, but conveniently, what I was trying to prove seemed to be pretty baseline. I tended to stick to hard statistics rather than testimonials, because I found that the issue of race is fairly divisive, and most of the testimonials I found were very biased.

I did have a hard time finding evidence that proved that the prison system was a cycle using hard numbers. Many of the articles that I found supported this claim indirectly, but I had difficulty finding professional testimony that stated this concept. In the end, I had to connect the dots myself, and just provide statistics that supported the claim that I myself made. In an attempt to find this elusive connection, I found many articles that contributed to my overall thesis, and these are what I used to prove the point in my paper. I tried many different keywords and phrases, and while they did not find me what I wanted directly, this overturning of stones led to finding indirect proof in the form of supporting statistics. Keyword combinations like "cycle", "federal prison", and "education" would turn up articles that would help me form my final conclusion in ways that I never expected.

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